

SHEPHERDSTOWN PLANNING COMMISSION AGENDA
REGULAR MEETING AND PUBLIC HEARING

Monday, April 20, 2026
6:00 p.m.
TOWN HALL
104 NORTH KING STREET, SHEPHERDSTOWN

Zoom Information:

<https://us06web.zoom.us/j/86067120451?pwd=fWNLscmYpiOmof8Pknlig4oZKNXa8i.1>

1. Call to Order:

2. Approval of Previous Months' Minutes:

- a. March 16, 2026, Meeting

3. Visitors:

4. Conflicts of Interest:

5. Applications:

- a. 26-09 200 E. High Street Blue Moon Cafe
Installation of temporary/seasonal pergola covered outdoor seating area
located in a portion of the existing parking area.

6. Continuing Business:

- a. Update on permitting procedures
- b. Recruiting new commission members
- c. Town Council update
- d. PUD ordinance revision update – discussion and potential vote on
recommendation to Town Council

7. New Business:

- a. None

8. Discuss Executive Summary

9. Adjournment:

SHEPHERDSTOWN PLANNING COMMISSION EXECUTIVE SUMMARY

REGULAR MEETING AND PUBLIC HEARING

Monday, March 16, 2026

6:00 p.m.

TOWN HALL

104 NORTH KING STREET, SHEPHERDSTOWN

Approved Applications

26-04 106 West German Street: Sign Permit Application – Eclectic, in the space formerly occupied by Evolve.

26-05 106 East Washington Street: Project Permit Application – Fire escape addition to commercial building.

26-06 84 Sage Place: Project Permit Application – deck and fence addition to rear and side yards of residential property.

Continuing Business

The Commission received an update on joint planning efforts with the Town Council regarding Title 9 revisions, budget planning, and building a path from Shepherdstown Middle School to Morgans Grove Park.

New Business

None.

SHEPHERDSTOWN PLANNING COMMISSION MINUTES

REGULAR MEETING AND PUBLIC HEARING

Monday, March 16, 2026

6:00 p.m.

TOWN HALL

104 NORTH KING STREET, SHEPHERDSTOWN

DRAFT

1. Call to Order:

Time: 6:07 pm

Commissioners Present: L. Bicker, L. Chapalee, J. Gatz, E. Helmick, M. Morningstar

Commissioners Absent: R. Parmesano

Staff: K. Musser, G. Sisco

2. Approval of Previous Months' Minutes:

a. February 16, 2026, Meeting

Motion to approve: L. Chapalee, 2nd L. Bicker, all ayes

3. Visitors:

K. Alexander, J. Auxer, M. Bell, A. Chapalee, P. Chapalee, J. Thacker, C. Fletcher of Urban Design Ventures

4. Conflicts of Interest:

None

5. Applications:

a. 26-04 106 West German Street

Sign Permit Application – Eclectic, in the space formerly occupied by Evolve.

Application meets guidelines.

Motion to approve: E. Helmick, 2nd L. Bicker, all ayes

b. 26-05 106 East Washington Street

Project Permit Application – Fire escape addition to commercial building.

Discussion: Fire escape will provide a means of egress for tenants; windows are too small for egress.

Application meets guidelines.

Motion to approve: L. Chapalee, 2nd E. Helmick, all ayes

c. 26-06 84 Sage Place

Project Permit Application – deck and fence addition to rear and side yards of residential property.

Discussion: Revised application includes only fence and deck (no door or window). Sage Place PUD calls for a 5 foot setback, which the HOA can waive. The HOA secretary clarified that the project borders common space owned by the HOA, not a neighboring house, and that the HOA supports the application. Additionally, the application will not detract from having enough open space to meet the PUD's requirement.

Application meets guidelines.

Motion to approve: L. Bicker, 2nd L. Chapalee, all ayes

6. Continuing Business:

Application Process: K. Musser will share a revised draft of the application process outline in advance of the next meeting.

Town Council Update:

- Briefing scheduled for the Planning Commission and Town Council together regarding Title 9 revisions.
- The Town Council is currently working on the budget, including funding for consultants. E. Helmick recommended funding for membership in relevant professional organizations to provide Planning Commission training and resources.
- There is work underway to build a path from Shepherdstown Middle School to Morgans Grove Park. Research is also ongoing for extending the sidewalk on E. German St.

7. New Business:

None

8. Discuss Executive Summary

9. Adjournment:

Motion to adjourn: J. Gatz

Time: 6:42 pm

SHEPHERDSTOWN HISTORIC LANDMARKS COMMISSION

Monday, April 7, 2026

6:00 p.m.,

TOWN HALL

104 NORTH KING STREET

In attendance: Commissioner Chair Keith Alexander (KA), Tom Mayes (TM), Ashley Reynolds (AR), Rebecca Bicker (RB), Cheryl Brown (CB), Jim King (JK)

In absentia: None noted.

In audience: Karl Musser (KM), Bruce Massey (BM), Jerry Bock (JB), Jim Auxer (JA), Joseph Dolan (JD), Tabitha Dolan (TD).

1. **Call to Order:** KA called the meeting to order at 6:00 p.m., made introductions of commissioners and support staff, and explained Roberts Rules Simplified.
2. **Approval of Minutes:** No changes noted, minutes approved as submitted.
4. **Visitors:** Bruce Massey (BM), Jerry Bock (JB), Jim Auxer (JA), Joseph Dolan (JD), Tabitha Dolan (TD).
5. **Conflicts of Interest:** None noted.
5. **Applications**

26-07-101 N. Browns Alley

Installation of wooden storage shed on a pre-existing concrete pad.

- Homeowner not present. Discussion tabled.

26-08-314 W. German Street

Replacement of porch railing and the addition of stairs to side yard.

- Homeowner not present. Discussion tabled.

26-09-200 E. High Street Blue Moon Café

Installation of temporary/seasonal pergola covered outdoor seating area located in a portion of the existing parking area. Blue Moon representatives, JD and TD, discussed plan.

- KA asked if planned pergolas are temporary and wood. JD confirmed. TM asked if the pergola would be just as shown in provided photograph, and if it would be made of cedar. JD confirmed. TM asked for exact location of pergola. JD said that it would be beside glass room, toward parking lot. KA described spot as in between the projecting bay and the garden entrance. JD confirmed this. KA noted that planned pergola is consistent

with existing pergola and surroundings. KA asked if there is planned fencing. JD confirmed, saying they planned to use 6x6 wooden planks, 4 or 5 feet tall, attached to sides of pergola to add stability. AR asked if the height would be close to the roof line. JD said the planned height was level with or just under eaves. KA said the HLC would prefer that neither fencing nor pergola was attached to building. JD agreed. RB asked if this would interfere with existing. TM noted that the HLC does not have purview over parking. KA agreed. TM moved to approve the application in accordance with Guidelines on PG 67 “Yard Features,” Section C, with the recommendation that the applicant goes before the Planning Commission for further approval. AR seconded. All in favor. None opposed. Passed.

6. **Workshop Sessions:** None.

7. **Ongoing Business**

- **Update on Mills Group materials:** KA updated commission on final stages of Mills Group materials and the incorporation of commission feedback, said that the next step was for the Town to purchase QR codes to insert in brochures. KA noted that Clare Tryon/SHPO needed to review and approve these materials. Said that upon SHPO approval, not before, should the Town pay the invoice.
- **Historical Markers Program:** JB from Historic Shepherdstown reviewed previous discussions for a historic markers program, changes to expected timelines, applications, costs/funding, Entler museum collections, and potential business and university collaborations for marker designs. JB asked if the HLC would help verify accuracy of marker information. AR added that Jennifer Yablonsky, art professor, was the potential Shepherd University resource. CB asked if historic properties outside of Shepherdstown boundaries would be eligible for the program. JB said he would like for that to be the case, but to start with properties inside the boundaries of the historic district. JA supported the idea of allowing outside properties to apply, to encourage individual protection of properties. KA said that Mayor Gatz invited him to the Town Council meeting the coming Wednesday, to present on HLC-related projects, including the CLG recertification, market house, and historic markers program. KA asked if JB or BM could join that meeting or provide a summary of the plan—noted that Mayor Gatz said the Town Council should have final authorization of the markers program. JB agreed. CB asked if the plaques would have standard information, such as “Historic Home,” rather than individualized information on each home. JB said that they were considering that approach, with the option of reaching out to Historic Shepherdstown for more detailed information.

8. **New Business**

- Substitute siding materials: AR reviewed relevant points from *Preservation Brief #16*, on inability to source contractors willing to work with certain materials. Expressed that old growth cedar was not widely available and that new growth cedar was not compatible. Proposed that the commission consider an alternate material to approve for future applications. TM noted that most buildings in town are pine, not cedar, but that the same concerns apply. JK asked if the concern was replacing cedar with cedar. AR said that contractors discouraged working with HLC preferred woods, rather than newer composite material. JA asked if Shepherdstown's Guidelines discusses this issue. KA said it did not, outside of Hardie Board for the PG 37 "Exterior Walls," and 56, "New Construction of Outbuildings," which do not reflect evolving SHPO and HLC attitudes on Hardie Board or similar alternatives. TM added that the changes to buildings over time, including visible repairs, add to the historic character of the town. JK added that commissioners and residents should take advantage of architectural salvage, as much as possible. KA asked the commission to consider how to proceed. CB asked if AR would research costs for pine replacement and repair, as the dominant wood in the historic district. AR agreed.

9. **Adjournment:** TM moved to adjourn at 6:45 p.m. All in favor. None opposed. Passed.

Corporation of Shepherdstown

Staff Input Form

For the Historic Landmarks and Planning Commissions

1. Applicant Name and Number: 26-09
2. Project Address: 200 East High Street Blue Moon Café
3. Project Description: Installation of temporary/seasonal pergola (wood, cedar) covered 392 sq. ft. outdoor seating area in a portion of the existing parking area. It would include a low (3 ft) fence to define the area. Pergola and fencing would be removable.
4. Issues Identified: Removal of parking spaces
5. Recommended Action: Staff recommends denial based on the reduction of parking in the applicant's proposal.
6. HLC Decision: Tom Mayes noted that the HLC does not have purview over parking. Tom Mayes moved to approve the application in accordance with Guidelines on PG 67 "Yard Features," Section C, with the recommendation that the applicant goes before the Planning Commission for further approval. All in favor. None opposed. Passed.
7. Staff Analysis: Property is a commercial use within the R-1 Residential zone and is located within the historic district. The proposed pergola would cover a temporary outdoor seating area taking up 2 of the existing parking spaces in front of the cafe. The blocking of parking spaces appears to violate Section 9-207 which requires commercial uses to provide the following off-street parking: "one (1) space for each three hundred (300) square feet of floor area and one (1) space for each two (2) employees." Currently there are 8 parking spaces provided, of which 6 would remain while the pergola was in place. Section 09-207 also provides that "Existing buildings not complying with off-street parking requirements may be remodeled, repaired or structurally altered, but any enlargement must provide the required parking spaces for said enlargement." That Section would require the proposed expansion of the customer area to provide an additional parking space, not remove any. The proposed structure meets the same setbacks as the existing building. The structure would add 392 sq. ft. to the existing 2,615 sq ft. of structures on the parcel, and since the proposed location is already paved it would not impact the percentage of the parcel that is green space, meeting Section 9-508 setback and green space requirements. The fencing is below 4 ft., meeting Section 9-803 fence requirements.

7. To Be Reviewed By Historic Landmarks Commission

Planning Commission

Completed By: Karl Musser

Date: 4/15/2026

Approved By: _____

Date: _____



Application Number 26-09

Application for Certificate of Appropriateness & Project Permit

Corporation of Shepherdstown, West Virginia

104 N. King St. P.O. Box 248 (for mailing)
Shepherdstown, WV 25443

This application combines the Certificate of Appropriateness and Project Permit applications and is required for projects within the corporate limits of Shepherdstown and the Shepherdstown Historic District ([map](#)), that involve modifications to structural square footage. Examples include decks, porches, driveways, carports, accessory structures, and new construction of and/or additions. A review of the application shall be approved or rejected by the Historic Landmarks Commission (HLC) (Reference Title 9, Section-309) and once a Certificate of Appropriateness is approved it will be forwarded to the Planning Commission for their review for the issuance of a Project Permit (Reference Title 9, Section-902). If approved, the Project Permit is valid for one year from the date of issuance.

PLEASE PRINT OR TYPE CLEARLY

Applicant's Name: Gregory King
(Must be Property Owner)

Mailing Address: PO Box 135
Shepherdstown, WV 25443

Day Time Telephone Number: 304-876-1920 or 304-676-9658 (Gm) (Tabitha) (Don)

E-Mail Address: bluemooncafe@citlink.net

Street Address of Proposed Work: 200 E. High St Shepherdstown, WV 25443

Lot Number/Legal Description: Blue moon Cafe
(If no address exists)

Current Zoning: _____ Current Land Use: _____
Note: See [zoning map](#) for correct zoning classification

Description of Work: Installing 2 pergolas to have outdoor seating, also having curbing around pergola structures along with plants + flowers. Everything is temporary not in permanent structure.

Please reference [Title 9](#) of Town Ordinance for specifics.
Please contact Karl Musser, Planning & Zoning, with any questions.
(304) 702-2305 • kmusser@shepherdstown.us



Application Number 20-09

Category IV Demolitions or Relocation of a Structure

- Historic designation of structures to be demolished (documents available in Town Hall)
- Complete description of structure(s) or part(s) of structure(s) to be demolished.
- At least one (1) structural report by a certified structural engineer. Applies to demolition requests for structures fifty (50) years or older.
- For relocations, sidewalk and handicap access

Remedies and penalties

The owner or agent of a building or premises in or upon which a violation of any provision of the Planning and Zoning Title has been committed or shall exist, or the leasee or tenant of an entire building or entire premise in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (100) dollars. Each and every day that such violation continues may constitute a separate offense. (Reference Title 9, Section-905)

Please read the following paragraph carefully and sign.

Attach documents specified in the checklist of this application. I hereby certify that all information herein provided is true and accurate. I hereby authorize the inspection of the above premises by authorized agents of the Shepherdstown Planning Commission at any reasonable time in order to determine compliance with the Commission's approval. **I understand that my presence at the assigned application review meeting is required. Application must be signed by owner or his/her agent.**

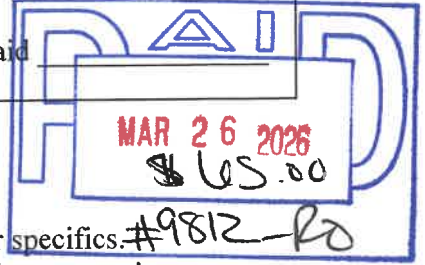
Date: MARCH 26 2026

Owner's Signature: Gregory J. King

Print Name: GREGORY J. KING

Zoning Officer Comments:

Fee Paid _____
Date Paid _____



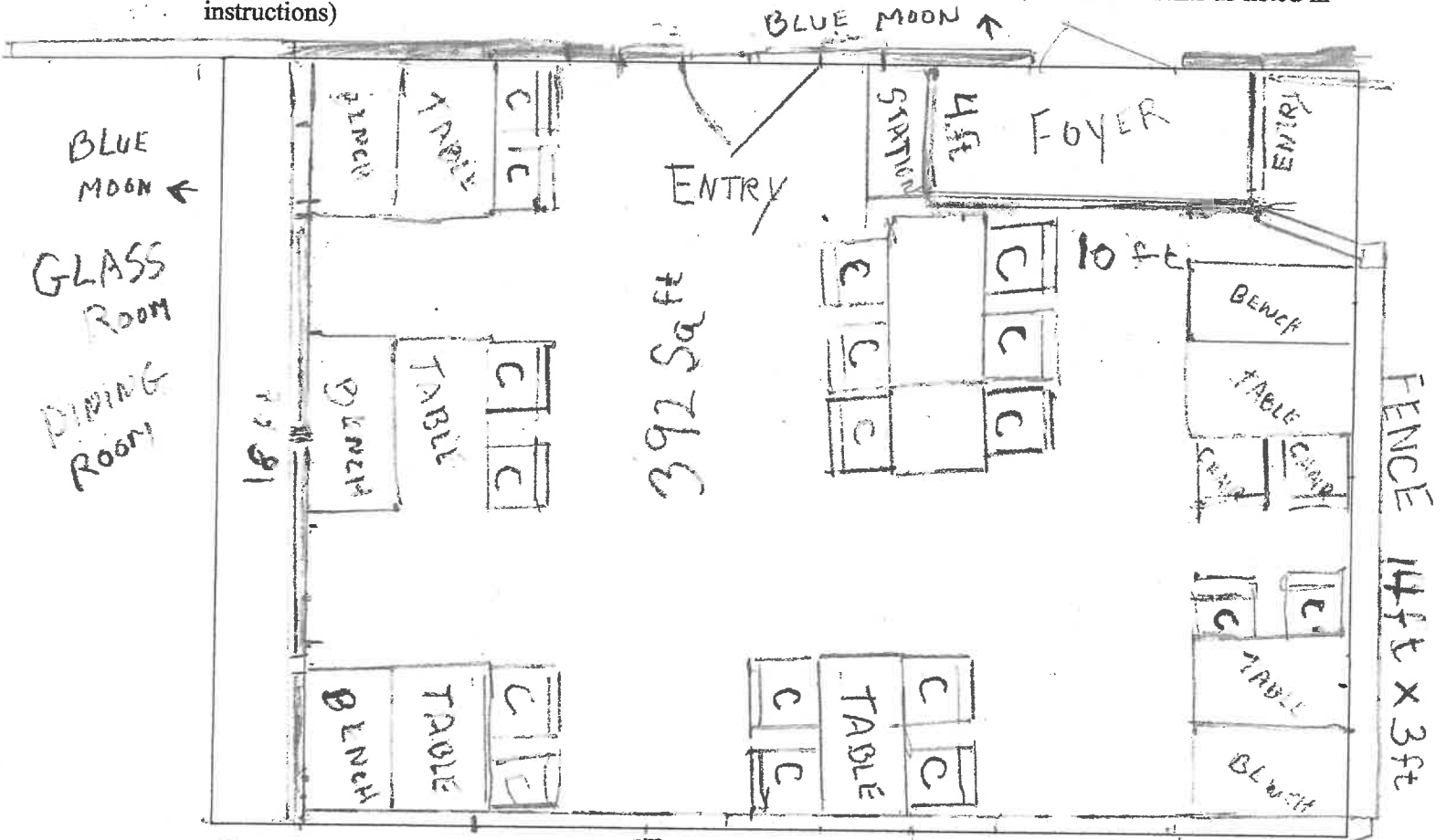
Please reference [Title 9](#) of Town Ordinance for specifics. #9812-PO
Please contact Karl Musser, Planning & Zoning, with any questions.
(304) 702-2305 • kmusser@shepherdstown.us

- (5) Provide a menu or description of the freshly prepared food items to be served in the outdoor dining or street dining area. Please include the menu in paper format.
- (6) Provide proof of authorization from municipal government or county commission. Please attach this documentation with this form for approval. Must list the beginning and ending dates.

Must illustrate the exact area and measurements of the dining area for the "Private Outdoor dining/Private Outdoor street dining" in relation to the currently licensed establishment. The area must be in "close proximity" (within 300 feet) and a bound area, such as a parking lot or other outdoor area, which shall, for the temporary period, encompass the licensee's licensed premises. Licensee must have a clear line of sight from the licensed premises to any outdoor dining or outdoor street dining area.

Keep one copy at the licensed premises.
(instructions)

(Provide Dimensions and all Measurements as listed in instructions)



Gregory King (print) have received and read the requirements and attest to the fact that all preceding information is true and accurate and that all individuals and/or controlling members listed on the license are aware of the submission of an Outdoor Dining Area/Outdoor Street Dining area license application.

Licensee's Signature: Gregory J. King
Title: owner

Date: March 26, 2026

Current picture





Shepherdstown Permit Process 4/16/2026 Drafts

- Public Facing Process (directed at potential applicants)
- Internal Process (directed at staff and commissioners)
- HLC Process Flow Chart Flyer in development

Corporation of Shepherdstown Permit Application Process

The Corporation of Shepherdstown requires permits for most construction, alterations, and certain property uses. The process generally includes identifying which permits you need, preparing required documentation, and submitting your application to Town Hall for review.

1. Before You Apply

- Town Staff are available to assist applicants throughout the process. Contact Karl Musser, Planning and Zoning, at kmusser@shepherdstown.us or 304-702-2305.
- For properties in the Historic District [\[link map\]](#), the Historic Landmarks Commission (HLC) offers free workshops to help applicants meet historic guidelines [\[link guidelines\]](#). Contact Karl Musser to schedule a session.
- Many projects do not require permits, examples include interior work, landscaping, painting, or regular maintenance that does not change the materials or design of a feature.

2. Determine the Type of Permit Needed

Typical permits include:

- Project Permit [\[link application\]](#) from the Planning Commission (PC) – for new construction that changes the square footage of a building. Examples include decks, porches, additions, sheds, garages, or other accessory structures.
- Certificate of Appropriateness [\[link application\]](#) from the Historic Landmarks Commission (HLC) – required if the property is within the Historic District for any exterior change in materials, design, or removal of architectural elements or for new construction. In addition to work that requires a Project Permit, examples include awnings, railings, windows, roofing, and siding replacement.

There is a combined form [\[link application\]](#) available for projects that need both a Project Permit and a Certificate of Appropriateness.

- Fence Permit [\[link application\]](#) or Sign Permit [\[link application\]](#) from the Planning Commission - for fences and signs respectively, HLC also reviews these if in the Historic District.
- Change of Zoning [\[link application\]](#) from the Town Council – for changes in land use or zoning such as residential to commercial conversions. This includes Planned Unit Development (PUD) plans. PC also reviews these and gives a recommendation to the Council.
- Board of Appeals requests [\[link application\]](#) – for variances or exceptions to the planning and zoning ordinance or for appealing Planning Commission decisions.

3. Complete the Required Application Form

Each application typically requests:

- Applicant and property owner information
- Description and estimated cost of the work
- Contractor information and proof of a valid Shepherdstown business license (required before work begins)

4. Prepare Required Supporting Documents

Depending on the project category, applicants must submit materials such as:

For Minor Projects (Category I):

- Photos or elevation drawings of proposed changes
- Materials and color samples

For Driveways, Decks, Exterior Replacement (Category II)

- Documentation detailing the scope of work.

For New Construction or Major Additions (Category III):

- Site plan with boundaries, setbacks, lighting, topography
- Existing and proposed structures
- Elevation drawings

For Demolition or Relocation (Category IV):

- Detailed site plans, zoning info, and justification

For residential to commercial Change of Zoning:

- Floor plan of commercial space
- Parking plan

5. Submission & Staff Review

Submit the application packet, including all required fees, to Town Hall:

104 North King St., Shepherdstown, WV 25443 or by e-mail to kmusser@shepherdstown.us.

Staff will review the application for completeness and contact the applicant if additional information is required.

6. Committee Review and Meetings

Applications will be placed on a meeting agenda for review by:

- Historic Landmarks Commission for all projects in the Historic District for consistency with historic guidelines. If historical review is required, the HLC must approve the project before a Project Permit can be issued.
- Planning Commission for Project Permits, Fence Permits, Sign Permits for consistency with planning and zoning ordinances. PC also reviews and gives recommendations for Changes of Zoning.
- Town Council for Changes of Zoning.
- Board of Zoning Appeals for requesting variances or appealing decisions

Staff ensures all checklist items are complete before scheduling hearings, informs applicants when they've been placed on a meeting agenda, and prepares a staff report for the reviewing commission(s). Applicants or their representatives must make themselves available for any meetings which have their project on the agenda. Attendance can be virtual.

7. Permit Issuance

Once approved by all relevant bodies:

- Permits are issued to the applicant
- Work may commence only after permits are granted
- Work started without required permits or business licenses may result in a stop-work order or fines

8. Expiration & Extensions

Project permits typically expire after one year if work is not completed.

Applicants may file for an Extension of Project Permit if needed.

Applicants should let Staff know when the project is complete.

Internal Permitting Procedures

1. At any point applicants can consult with Staff (Karl Musser) to help guide them through the process. Staff will also assist with scheduling a HLC workshop session if requested.
2. Permit application forms can be picked up in-person from Town Hall or downloaded or printed from the Town website.
3. Permit applications can be submitted by:
 - a. Email to either Town Hall or Karl Musser.
 - b. Dropped off in-person to the front desk.
4. After the permit application is submitted the permit fee is determined by assessing the permit type, Certificate of Appropriateness (COA) or Project Permit (including fences and signs), and the scope of the work proposed.
 - a. We will choose the correct category for the project from category 1 to category 4 on the application form,
 - b. Receptionist will reach out to the applicant and accept payment for the permit application,
 - c. Staff will start a file containing all documentation related to the project.
5. HLC and PC meetings,
 - a. Once the permit application is submitted and paid for it, Staff will place the project on the next Historic Landmarks Commission (HLC) and/or Planning Commission (PC) meeting that does not already have its agenda set. If the next meeting agenda is already set it will be scheduled for the following month's meeting. Agendas are typically set one week before each meeting.
 - b. Staff will inform applicants when their project is on a meeting agenda and let them know they must be available.
 - c. Staff provides input forms to the reviewing commission(s) that provide staff research on the ordinances that are applicable and whether the projects meet the ordinances.
 - d. Applications that require both HLC and PC approval will first be reviewed by the HLC and then if approved be placed on the following PC meeting agenda. PC will be informed of the HLC decision and the HLC minutes will be included in the PC meeting packets.
6. After HLC and PC review,
 - a. After HLC and PC determine their ruling staff will either,
 - i. If approved, provide a COA and/or Project Permit to the applicant,

- ii. If denied, issue a Notice of Decision informing the applicant that they have the right to request Board of Zoning Appeals (BZA) review of any rejection.
- 7. Board of Zoning Appeals (BZA),
 - a. If the applicant chooses to appeal they must submit a BZA hearing request,
 - i. Staff will schedule the request for the next BZA meeting,
 - ii. Staff will document all materials related to the request for the BZA members to review,
 - iii. If BZA grants the appeal, then return to step 3 for PC to confirm the decision and then issue permit.
- 8. Completion,
 - a. Staff will request that the applicant inform staff when their project is complete,
 - i. Staff will inspect work to ensure it matches the approved permit,
 - ii. Staff will issue a Certificate of Completion to the applicant.
 - iii. Staff will maintain a file containing documentation of all requests.

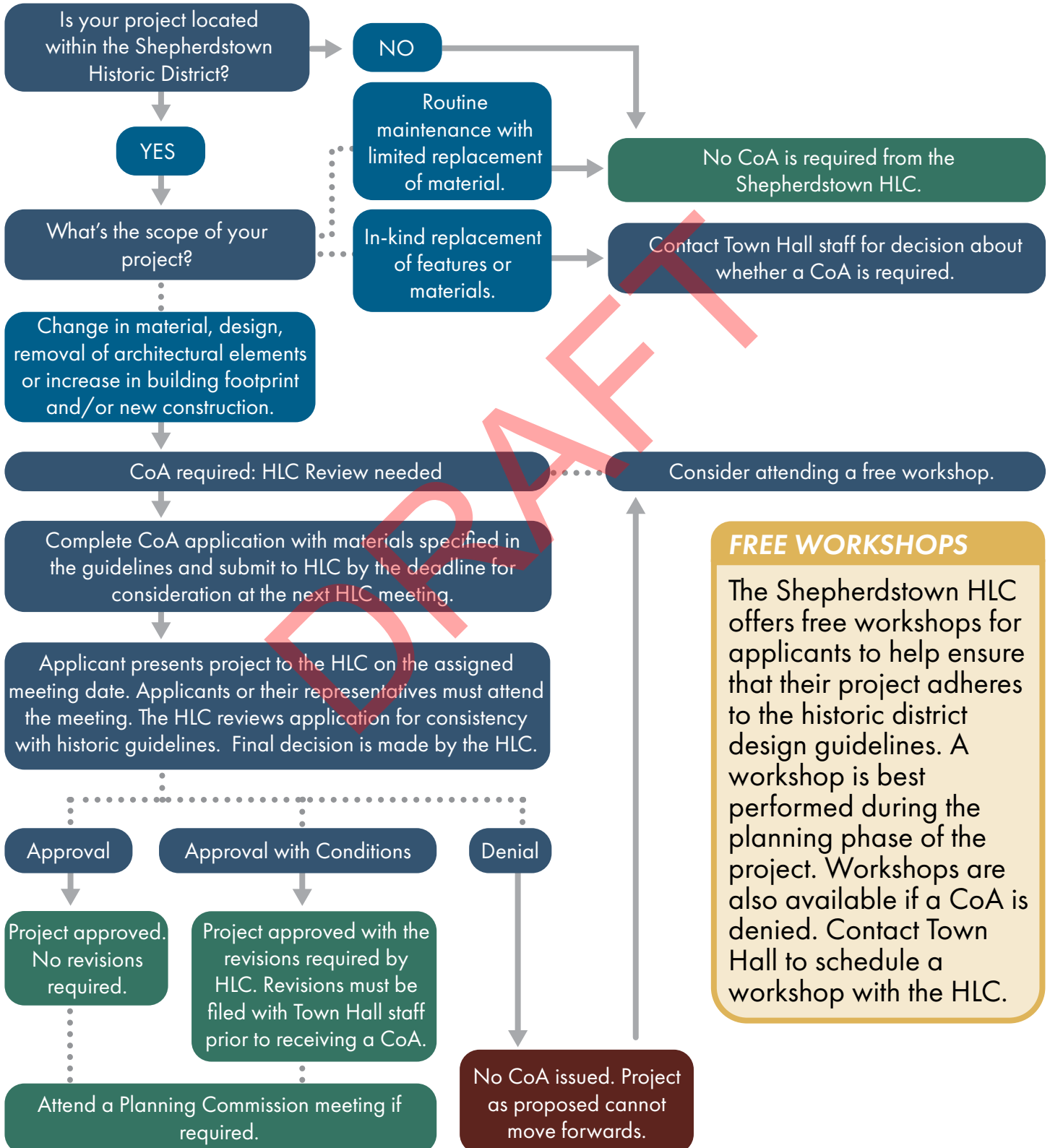
DRAFT



Shepherdstown WEST VIRGINIA

HISTORIC LANDMARKS COMMISSION (HLC)

Process to Obtain a Certificate of Appropriateness (CoA)



▪ Project permits are valid for one year from the date of issuance.

Proposed Ordinance Revision

Chapter 7A

Planned Unit Development

- DRAFT Repeal and Replace
“Clean” Version 4/9/2026
- DRAFT Redline Version tracking
all edits 4/9/2026

1 **CHAPTER 7A PLANNED UNIT DEVELOPMENT (PUD)**

2 **Section 9-7A02 Purpose and Intent**

3 A. The purpose of these Planned Unit Development (PUD) regulations is to:

- 4 1. Encourage innovative and flexible land development that promotes efficient use
5 of land and infrastructure;
- 6 2. Facilitate high-quality design, coordinated development, and mixed-use
7 opportunities;
- 8 3. Preserve natural, scenic, historic, and environmental resources;
- 9 4. Promote compatible land uses and improved site planning;
- 10 5. Allow flexibility from conventional zoning standards in exchange for superior
11 design, public amenities, and community benefits; and
- 12 6. Ensure developments are consistent with the Comprehensive Plan and adopted
13 Town policies.

14 B. The intent of these Planned Unit Development (PUD) regulations is to offer one or more
15 of the following advantages:

- 16 1. Apply the design principles of new urbanism, neo-traditionalism, and other
17 emerging smart growth principles, village-scale urban form and development
18 patterns, and best management practices to ensure a healthier, more sustainable,
19 and economically vibrant community, using Shepherdstown as a physical model;
- 20 2. Promote development patterns that maximize compatibility of differing adjacent
21 land uses to avoid the necessity of extensive buffering;
- 22 3. Enhance the appearance of neighborhoods by conserving areas of open space,
23 special natural beauty, historic resources, steep slopes, ecological importance,
24 flood prone areas, and natural green spaces where appropriate, while
25 understanding that land within Shepherdstown is best suited for densities and
26 development patterns compatible with small town urbanism;
- 27 4. Encourage good village-scale contextual design and mitigate congestion on
28 streets;

- 1 5. Promote architecture that is compatible with the Shepherdstown’s community
2 vernacular, and/or the surroundings;
- 3 6. Promote compatible land uses that protect property values and minimize negative
4 impacts;
- 5 7. Promote appropriate small town densities that encourage economical and socially
6 feasible multimodal transportation, including walking, bicycling, and transit
7 beyond private vehicles; and
- 8 8. Promote and protect the environmental integrity of the site and its surroundings
9 by providing suitable design responses to the specific environmental constraints
10 of the site and surrounding area.

11 **Section 9-7A03 Definitions**

12 The following terms are defined for the purpose of interpreting, administering, and enforcing
13 Title 9, Chapter 7A Planned Unit Development (PUD).

- 14 A. Applicant, PUD: The legal or equitable owner(s) or authorized agent proposed for PUD
15 designation.
- 16 B. Tract of Land: A single parcel or two or more contiguous parcels of land assembled for the
17 purpose of development as a Planned Unit Development (PUD) and under single or
18 unified ownership or control at the time of application.
- 19 C. Planned Unit Development (PUD): A zoning classification enacted by Ordinance for an
20 area under single or unified ownership or control for which land use and development
21 are advanced as a single entity according to approved PUD planning documents that
22 allows flexibility from standard zoning requirements. The PUD regulatory instruments
23 include the approved Outline Plan and the Development Plan that generally consist of:
 - 24 1. A map showing the development area and all proposed improvements to the
25 development area;
 - 26 2. Text that sets forth the permitted uses and development standards to be met;
27 and,
 - 28 3. Exhibits setting forth any aspects of the Outline Plan and Development Plan not
29 fully described in the map and text.

30 The map, text, and exhibits constitute the PUD planning documents and identify the

1 development, uses, standards, and regulations for the Planned Unit Development area in
2 lieu of the regulations for the underlying district.

3 D. Outline Plan: A generalized plan illustrating the overall design, layout, development
4 standards, land uses, density, circulation, and open space.

5 E. Development Plan: A detailed plan specifying exact development, phasing, and
6 improvements.

7 F. Permanent Improved Open Space: Functional and accessible open space usable for
8 passive and/or active recreation such as, but not limited to parks, playgrounds, swimming
9 pools, ball fields, plazas, courtyards, landscaped green spaces, trails and greenways, and
10 other areas that are created or modified human activity. Such open space shall not include
11 schools, community centers, or other similar areas.

12 G. Permanent Natural Open Space: Meaningful areas of natural vegetation, water bodies,
13 or other landforms that are left undisturbed.

14 H. Development Standards: Regulations that govern the physical design, layout, intensity,
15 and performance of development on a site, including but not limited to lot size, setbacks,
16 building height, lot coverage, density, open space, landscaping, parking, access, signage,
17 buffering, and other dimensional or design requirements applicable within the PUD.

18 I. Underlying District: The zoning classification for property prior to the establishment of
19 Planned Unit Development (PUD) District for same.

20 J. Undisturbed Land: Land within a proposed PUD area that is in its natural state and has
21 not been subject to grading, excavation, filling, clearing, compaction, construction
22 activity, or other human alteration, except for minimal selective clearing or utility
23 installation. Examples of undisturbed land include, but are not limited to undisturbed
24 woodlands, wetlands, floodplains, stream buffers; areas of intact native vegetation not
25 previously altered by development.

26 K. Historic Resources:

27 1. Identified as property, building, structure, and/or object that is individually
28 designated as a local historic landmark;

29 2. Located within a Town adopted historic district or historic district listed in the
30 National Register of Historic Places;

- 1 3. Listed on or eligible for listing on the National Register of Historic Places; or,
- 2 4. Identified as a property, building, structure, and/or object contributing to a Town
- 3 adopted historic district or historic district listed in the National Register of
- 4 Historic Places.

5 **Section 9-7A04 Applicability**

6 A. The Planned Unit Development (PUD) process shall be voluntary and initiated by the

7 property owner(s) or authorized applicant.

8 B. This Planned Unit Development (PUD) Ordinance may apply to:

9 1. Lands already within the municipal boundaries of the Corporation of

10 Shepherdstown, unless expressly prohibited by the Planning and Zoning

11 Ordinance; and, processed

12 2. Lands newly annexed into the Corporation of Shepherdstown.

13 C. For newly annexed lands:

14 1. Property may be classified as a Planned Unit Development (PUD) District

15 concurrent with or subsequent to annexation approval.

16 2. No property may be classified as a Planned Unit Development (PUD) District

17 concurrent with annexation approval unless an Outline Plan has been approved.

18 3. Property classified as PUD District after annexation approval shall follow the

19 procedures set forth herein for lands already within the municipal boundaries of

20 the Corporation of Shepherdstown

21 4. Approval of a PUD for annexed lands shall constitute the establishment of zoning

22 for the property following annexation and shall supersede any interim zoning

23 classification.

24 5. The underlying zoning district of a Planned Unit Development (PUD) District shall

25 be the R-1 District unless otherwise classified in the approved Outline Plan.

26 D. Land use and development within a Planned Unit Development (PUD) District may be

27 permitted only through and pursuant to the approved PUD Outline Plan and PUD

28 Development Plan.

1 **Section 9-7A05 Requirements for Planned Unit Development**

2 A. The area designated in the Planned Unit Development map must be a tract of land at least
3 two (2) acres in size and under single ownership or control. Single control of property
4 under multiple ownership may be accomplished through the use of enforceable
5 covenants, development agreements, and/or commitments which run concurrent with
6 the Planned Unit Development.

7 B. The Outline Plan shall indicate the permitted land uses, development standards, locations
8 of improvements, and other applicable specifications of the Planning and Zoning
9 Ordinance which shall govern the Planned Unit Development. If the Outline Plan is silent
10 on a particular land use development standard or other specification of the Planning and
11 Zoning Ordinance, the standard of the underlying district or the applicable regulations
12 shall apply.

13 C. The location of Planned Unit Developments shall be designated on the Official Zoning Map
14 and adopted pursuant to rules and regulations governing amendments of the Planning
15 and Zoning Ordinance.

16 D. The Planned Unit Development must comply with all required improvements,
17 construction standards, design standards, and all other engineering standards adopted
18 and enforced by the Corporation of Shepherdstown, and any other pertinent regulations,
19 except where specifically varied through the provisions of the Planning and Zoning
20 Ordinance.

21 E. Designation and Conveyance or Ownership of Permanent Open Space.

22 1. Designation.

23 (a) Within all Planned Unit Developments, a minimum of thirty percent
24 (30%) of the proposed PUD area shall be designated as permanent open
25 space.

26 (b) At least twenty-five percent (25%) of the total permanent open space
27 shall be of the Improved Open Space type.

28 (c) To the greatest extent practicable, permanent open space within a PUD
29 shall be preserved as natural open space consisting of existing
30 environmental features such as woodlands, wetlands, floodplains, steep
31 slopes, riparian corridors, native vegetation, and other undisturbed
32 lands. The applicant shall demonstrate during PUD Outline Plan review

1 that site design, lot layout, building placement, and infrastructure
2 locations have been arranged to prioritize the preservation of contiguous
3 undisturbed natural areas before the designation of improved open
4 space. Where natural features are limited or preservation is constrained
5 by site conditions, the applicant shall provide justification acceptable to
6 the Town.

7 (d) Creation of a graded and surfaced walking trails through areas of Natural
8 Open Space shall constitute disturbance of the area and calculated as
9 Improved Open Space in the amount of the length of the walking trail
10 multiplied by its width.

11 (e) PUDs adjoining existing or planned parks or trails shall provide direct
12 pedestrian and bicycle connections.

13 (f) Schools, community centers, club houses, museums, etc. shall not be
14 calculated as permanent open space.

15 (g) Stormwater detention areas shall not be calculated as permanent open
16 space unless designed as an amenity such as, but not limited to rain
17 gardens, ponds with trails, etc.

18 2. Proximity. In the case of mixed-use Planned Unit Developments, permanent open
19 space shall be allocated to the property in proportion to the uses assigned to the
20 Planned Unit Development and shall be located in reasonable proximity to those
21 uses. Provided, however, the permanent open space need not be located in
22 proximity to the use in the case of preservation of existing features.

23 3. Proportion. If the Outline Plan provides for the Planned Unit Development to be
24 constructed in phases, open space must be provided for each phase of the Planned
25 Unit Development in proportion to that phase.

26 4. Conveyance. Permanent open space shall be conveyed in or owned by one of the
27 following forms:

28 (a) To a municipal or public corporation; or

29 (b) To a nonprofit corporation or entity established for the purpose of
30 benefiting the owners and tenants of the Planned Unit Development or,
31 where appropriate and where approved by the Town Council, adjacent
32 property owners, or both. All conveyances hereunder shall be structured

1 to ensure that the grantee has the obligation and the right to effect
2 maintenance and improvement of the common open space; and that
3 such duty of maintenance and improvement is enforced by the owners
4 and tenants of the Planned Unit Development and, where applicable, by
5 adjacent property owners; or

6 (c) To owners other than those specified in Subsections (a) and (b) above,
7 and subject to restrictive covenants describing and guaranteeing the
8 open space and its maintenance and improvement, running with the
9 land for the benefit of residents of the Planned Unit Development or
10 adjacent property owners, or both.

11 F. Uses permitted in a Planned Unit Development may be any use that is found in the
12 Planning and Zoning Ordinance in any district, subject to the PUD Outline Plan's schedule
13 of permitted uses approved by the Town Council.

14 G. For purposes of determining overall project size, two or more parcels of land owned by
15 the applicant that are wholly or partially separated by a public street or other right of way
16 may be considered contiguous and thus may be counted in fulfilling the minimum acreage
17 requirement, provided that the use and development of the property is incorporated into,
18 and is an integral part of the project plans; and provided that there is no other property
19 not owned by the applicant separating the parcels in question. Where there is uncertainty
20 in determining a parcel's qualification to be included in the PUD, the Planning Commission
21 shall resolve the issue and make a determination as to the project boundaries, after
22 considering the advice of the Mayor and/or Zoning Officer and the request by the
23 applicant.

24 **Section 9-7A06 Procedure for Approval of Planned Unit Development**

25 A. Introduction. Applications shall be accompanied by all plans and documents required by
26 Sections 9-7A05. A three-step application process shall be used. The steps in the process
27 are:

- 28 1. Pre-application Conference;
- 29 2. Outline Plan Approval; and
- 30 3. Development Plan Approval.

31 B. Pre-application Conference. Prior to filing a formal application for approval of a Planned
32 Unit Development, the applicant shall schedule a pre-application conference with the

1 Mayor and/or Zoning Officer. The purposes of the pre-application conference shall be to:

- 2 1. Allow the applicant to present a general concept and to discuss characteristics of
3 the development concept in relation to adopted Town plans and policies.
- 4 2. Allow the Mayor and/or Zoning Officer to inform the applicant of pertinent
5 policies, standards, ordinance requirements, materials, and procedures for the
6 Planned Unit Development as well as identify and discuss potential site and off-
7 site constraints.
- 8 3. The pre-application conference is intended only for the above purposes. Any
9 discussion, comment, guidance, recommendation, interpretation, or indication of
10 support expressed by Town officials, staff, consultants, or representatives during
11 a PUD pre-application meeting shall be advisory only and shall not be binding upon
12 the Corporation of Shepherdstown or the applicant. No statement made at such
13 meeting shall constitute a formal decision, approval, or commitment regarding
14 the PUD application. All determinations shall be made only upon formal
15 submission, review, and action in accordance with the PUD procedures and
16 standards set forth herein.

17 C. Procedure for PUD Outline Plan Approval. Based upon the pre-application conference,
18 the applicant must then develop and submit an Outline Plan for the proposed Planned
19 Unit Development.

- 20 1. The Outline Plan and application for the Planned Unit Development shall be filed
21 with the Mayor and/or Zoning Officer.
- 22 2. Within fifteen (15) calendar days of submission, the Mayor and/or Zoning Officer
23 shall determine in writing whether the PUD Outline Plan and Application are
24 complete.
 - 25 (a) If the PUD Outline Plan and Application are incomplete, the applicant
26 shall be notified in writing of deficiencies.
 - 27 (b) The official administrative review period shall not commence until the
28 PUD Outline Plan and Application are determined to be complete.
- 29 3. The period of official administrative review by the Mayor and/or Zoning Officer
30 shall not exceed thirty (30) calendar days; provided the applicant may consent in
31 writing to an extension of the review period.

- 1 4. Where during official administrative review the Mayor and/or Zoning Officer
2 determines that a PUD Outline Plan and Application include, may include, or may
3 affect historic resources, the applicant shall be advised in writing that the PUD
4 Development Plan and Application shall be referred to the Historic Landmarks
5 Commission for review and, if applicable, certificate of appropriateness approval.

- 6 5. The Outline Plan and PUD application and the results of the official administrative
7 review shall then be forwarded to the Planning Commission for its consideration,
8 public hearing and recommendations, together with the Mayor and/or Zoning
9 Officer 's report, such other documents as may be pertinent to the Planned Unit
10 Development.

- 11 6. The Planning Commission shall hold a public hearing. A notice of time and place
12 of such public hearing shall be published in a paper of general circulation in the
13 area at least once, at least fifteen (15) calendar days prior to the date set for the
14 hearing. Such notice shall contain the address or location of the property for which
15 the Planned Unit Development is being sought

- 16 7. Where there are environmentally sensitive features on the site or the PUD
17 Development Plan is expected to be complex, or there are other important
18 planning implications involved, the Planning Commission may reserve the
19 authority to review and approve the PUD Development Plan. And, where the
20 Planning Commission recommends denial of a PUD Outline Plan and the Town
21 Council approves the PUD Outline Plan, the Planning Commission shall review the
22 PUD Development Plan.

- 23 8. The Planning Commission shall complete its review and render a decision on the
24 PUD Outline Plan and Application within forty-five (45) calendar days of its public
25 hearing, unless an extension of time is granted by the applicant.

- 26 9. Upon completion of its review, the Planning Commission shall forward the Outline
27 Plan and PUD Application to the Town Council with 1) a favorable
28 recommendation, or 2) an unfavorable recommendation.

- 29 10. The Town Council shall vote on the ordinance enacting Outline Plan and PUD
30 designation within forty-five (45) calendar days after Planning Commission action,
31 unless an extension of time is granted by the applicant. The Town Council may
32 enact or reject the PUD ordinance.

- 33 11. Outline Plan Revisions During Review. The Mayor and/or Zoning Officer; the

1 Planning Commission; or the Town Council may permit submission of revised plans
 2 during their respective reviews. Acceptance of revised materials may restart the
 3 respective review periods upon written consent of the applicant.

4 12. Estimated Cumulative PUD Outline Plan Review Timeline. Figure 9-7A06-1
 5 illustrates the estimated cumulative timeline for PUD Outline Plan review and
 6 decision points. Review timelines provided herein are dependent upon the
 7 reasonable scheduling of public meetings and shall be adjusted to reflect regularly
 8 scheduled Planning Commission and Town Council meetings, requisite public
 9 notice, and changes in meeting dates.

PUD Outline Plan Phase	Duration	Estimated Cumulative Timeline	Description
Outline Plan Submission			
Phase 1 – Initiation	15 days	Days 1–15	Application completeness review and determination.
Phase 2 – Administrative Review	30 days	Days 16–45	Official administrative review.
Phase 3 – Public Hearing Notice	15 days	Days 46–60	Planning Commission Public Hearing advance notice.
Phase 4 – Planning Commission	45 days	Days 61–105	Planning Commission decision.
Phase 5 – Town Council	45 days	Days 106–150	Town Council decision on PUD Ordinance.

10 *Figure 9-7A06-1 – PUD Outline Plan Estimated Cumulative Time*

11 **D. Effect of PUD Outline Plan Approval:**

- 12 1. When an Outline Plan and PUD Ordinance has been enacted by the Town Council,
 13 the Outline Plan shall become effective and the Zoning Map shall be amended to
 14 designate the site as a Planned Unit Development (PUD).
- 15 2. Upon such amendment of the Zoning Map, the use and development of the site
 16 shall be governed by the PUD Outline Plan, subject to approval of the PUD
 17 Development Plan.
- 18 3. No permit of any kind within the PUD area shall be issued until the PUD
 19 Development Plan has been approved.

20 **E. Procedure for PUD Development Plan Approval.**

- 1 2. Purpose of PUD Development Plan. The purpose of the Development Plan is to
2 designate the controls for development of the Planned Unit Development. The
3 PUD Development Plan shall show the exact location of each building and
4 improvement to be constructed and a designation of the specific internal use or
5 range of uses for each building.

- 6 2. Time Limit for Submission of PUD Development Plan. The PUD Development Plan
7 shall be submitted to the Mayor and/or Zoning Officer not more than eighteen
8 (18) months following Town Council approval of the Outline Plan and PUD
9 ordinance; or, in the case of property classified as a Planned Unit Development
10 (PUD) District concurrent with annexation, eighteen (18) months following the
11 annexation effective date.

- 12 3. The PUD Outline and Development Plans may be submitted as a single plan if all
13 requirements of Section 9-7A05 are satisfied. The PUD Development Plan may be
14 submitted and approved in phases, with each phase representing a portion of the
15 PUD Outline Plan, at the discretion of the Planning Commission. The time limit for
16 submitting each phase for approval may be set forth in the PUD Outline Plan, in
17 which case that schedule shall control the timing of development, rather than the
18 time period contained in this paragraph. The Planning Commission may extend
19 the time for application for approval of the PUD Development Plan and/or phases
20 of the PUD Development Plan for good cause, consistent with the purposes of the
21 Planning and Zoning Ordinance.

- 22 4. Expiration of Time Limit to Submit PUD Development Plan. The original PUD
23 applicant(s) or current developer of the Planned Unit Development may request
24 a time extension by submitting a written request to the Mayor and/or Zoning
25 Officer at least sixty (60) days before the PUD Development Plan submission
26 deadline. The Planning Commission shall have the authority to approve or deny
27 the request for good cause. If the deadline expires without an approved
28 extension, the Planning Commission shall initiate action to amend the Zoning Map
29 to rescind the PUD District designation. The Mayor and/or Zoning Officer shall
30 notify the applicant(s) or developer in writing at least thirty (30) days prior to the
31 Planning Commission's public hearing.

- 32 5. Relationship of PUD Development and PUD Outline Plan. The PUD Development
33 Plan shall conform to the PUD Outline Plan as approved.

- 34 6. The applicant must have the PUD Development Plan or phase plan approved prior
35 to issuance of any project permit within the PUD District or related phase.

1 7. PUD Development Plan Submission. The Development Plan or phase plan and
2 supporting data shall be filed with the Mayor and/or Zoning Officer.

3 (a) Within fifteen (15) calendar days of submission, the Mayor and/or
4 Zoning Officer shall determine in writing whether the PUD Development
5 Plan or phase plan is complete.

6 (1) If the PUD Development Plan or phase plan is incomplete, the
7 applicant shall be notified in writing of deficiencies.

8 8. The official administrative review period, whether completed by the Mayor
9 and/or Zoning Officer or by the Planning Commission, shall not commence until
10 the PUD Development Plan or phase plan is determined to be complete. Official
11 Administrative Review by Mayor and/or Zoning Officer.

12 (a) It shall be the responsibility and authority of the Mayor and/or Zoning
13 Officer to review and render a decision on PUD Development Plans or
14 phases, and Planning Commission consideration or action shall not be
15 required when such review and decision authority has been delegated;
16 unless the PUD Outline Plan and the PUD Development Plan are
17 submitted and approved as a single plan or the Planning Commission
18 retains PUD Development Plan review and decision authority at the time
19 the Planning Commission rendered a decision on the PUD Outline Plan;
20 or Town Council approves an Outline Plan for which the Planning
21 Commission recommended denial.

22 (b) Within fifteen (15) calendar days of submission, the Mayor and/or
23 Zoning Officer shall determine in writing whether the PUD Development
24 Plan and Application are complete.

25 (1) If the PUD Development Plan and Application are incomplete, the
26 applicant shall be notified in writing of deficiencies.

27 (2) The official administrative review period shall not commence until
28 the PUD Development Plan and Application are determined to be
29 complete.

30 (c) The period of official administrative review by the Mayor and/or Zoning
31 Officer shall not exceed forty-five (45) calendar days; provided the
32 applicant may consent in writing to an extension of the review period.

1 (d) Where, at the time of official administrative review of the PUD Outline
2 Plan the Mayor and/or Zoning Officer determined that the PUD or any
3 phase thereof includes, may include, or may affect historic resources, the
4 PUD Development Plan or phase plan and application shall be referred
5 to the Historic Landmarks Commission for review and, where required,
6 for issuance of a Certificate of Appropriateness pursuant to § 9-309. Any
7 denial of a Certificate of Appropriateness, or conditions imposed as part
8 of an approved Certificate of Appropriateness by the Historic Landmarks
9 Commission, shall be binding upon the Mayor and/or Zoning Officer.

10 (1) Review by the Historic Landmarks Commission and the Mayor
11 and/or Zoning Officer shall occur concurrently following
12 determination of completeness. Each reviewing authority shall
13 render its decisions within the time period applicable to that
14 authority, and such periods need not be of equal duration.

15 (2) Provided, the review of the Mayor and/or Zoning Officer shall not
16 be completed, approval granted, or a project permit issued prior to
17 the certificate of appropriateness approval by the Historic
18 Landmarks Commission.

19 (3) In the event the Historic Landmarks Commission review extends
20 beyond the period of official administrative review by the Mayor
21 and/or Zoning Officer, the latter official administrative review
22 period shall be completed within fifteen (15) calendar days
23 following the Historic Landmarks Commission certificate of
24 appropriateness approval.

25 (e) The Mayor and/or Zoning Officer shall review the Development Plan or
26 phase plan to include site plan review, in accordance with the
27 requirements of the Planning and Zoning Ordinance and the approved
28 PUD Outline Plan.

29 9. Official Administrative Review by Planning Commission. When the Planning
30 Commission retained PUD Development Plan review and decision authority at the
31 time the Planning Commission rendered a decision on the PUD Outline Plan or
32 Town Council approved an Outline Plan for which the Planning Commission
33 recommended denial, the Planning Commission shall have the responsibility and
34 authority to review and render a decision on PUD Development Plans or phases.

1 (a) Within fifteen (15) calendar days of submission, the Mayor and/or
2 Zoning Officer shall determine in writing whether the PUD Development
3 Plan and Application are complete.

4 (1) If the PUD Development Plan and Application are incomplete, the
5 applicant shall be notified in writing of deficiencies.

6 (2) The official administrative review period shall not commence until
7 the PUD Development Plan and Application are determined to be
8 complete.

9 (b) The period of official administrative review by the Planning Commission
10 shall not exceed forty-five (45) calendar days; provided the applicant
11 may consent in writing to an extension of the review period.

12 (c) The Planning Commission shall:

13 (1) Review the PUD Development Plan or phase plan to include site
14 plan review, in accordance with the requirements of the Planning
15 and Zoning Ordinance and the approved PUD Outline Plan.

16 (2) Hold a public hearing in accordance with §9-7A06.C.3.

17 (3) Either approve, deny, or approve with modifications to the PUD
18 Development Plan or phase plan.

19 (4) Complete its review and render a decision on the PUD
20 Development Plan or phase plan within forty-five (45) calendar
21 days of its public hearing, unless an extension of time is granted by
22 the applicant.

23 (5) Where, at the time of official administrative review of the PUD
24 Outline Plan the Mayor and/or Zoning Officer determined that the
25 PUD or any phase thereof includes, may include, or may affect
26 historic resources, the PUD Development Plan or phase plan and
27 application shall be referred to the Historic Landmarks Commission
28 for review and, where required, for issuance of a Certificate of
29 Appropriateness pursuant to § 9-309. Any denial of a Certificate of
30 Appropriateness, or conditions imposed as part of an approved
31 Certificate of Appropriateness by the Historic Landmarks
32 Commission, shall be binding upon the Planning Commission.

(a) Review by the Historic Landmarks Commission and the Planning Commission shall occur concurrently following determination of completeness. Each reviewing authority shall render its decisions within the time period applicable to that authority, and such periods need not be of equal duration.

(b) Provided, the review of the Planning Commission shall not be completed, approval granted, or a project permit issued prior to the certificate of appropriateness approval by the Historic Landmarks Commission.

(c) In the event the Historic Landmarks Commission review extends beyond the period of official administrative review by the Planning Commission, the latter official administrative review period shall be completed within fifteen (15) calendar days following the Historic Landmarks Commission certificate of appropriateness approval.

10. Estimated Cumulative PUD Development Plan Review Timeline. Figure 9-7A06-2 illustrates the estimated cumulative timeline for PUD Development Plan review and decision points. Review timelines provided herein are dependent upon the reasonable scheduling of public meetings and shall be adjusted, as applicable, to reflect regularly scheduled Planning Commission and Historic Landmark Commission meetings, requisite public notice, and changes in meeting dates.

PUD Development Plan Phase Track 1 – Mayor/Zoning Officer Track 2 – Planning Commission	Duration	Estimated Cumulative Timeline	Description
Development Plan Submission			
Tracks 1 & 2 – Phase 1 Initiation	15 days	Days 1–15	Application completeness review and determination.
Track 1 – Phase 2a Administrative Review	60 days	Days 16-75	Official administrative review by Mayor and/or Zoning Officer.
Track 1 – Phase 2b (if applicable) Historic Landmarks Commission	60 days	Days 16-75	Historic Landmarks Commission review and certificate of appropriateness (if applicable)
Track 2 – Phase 2 Public Hearing Notice	15 days	Days 1-15	Planning Commission Public Hearing advance notice.

PUD Development Plan Phase Track 1 – Mayor/Zoning Officer Track 2 – Planning Commission	Duration	Estimated Cumulative Timeline	Description
Track 2 – Phase 3a Administrative Review	45 days	Days 16-60	Official administrative review by Planning Commission.
Track 2 – Phase 3b (if applicable) Historic Landmarks Commission	45 days	Days 16-60	Historic Landmarks Commission review and certificate of appropriateness (if applicable)

Figure 9-7A06-2 – PUD Development Plan Estimated Cumulative Time

11. Expiration of Approved PUD Development Plan. The PUD Development Plan shall expire two (2) years after approval, unless project permits have been obtained and are still current and valid on that date. This rule shall also apply to each phase of a PUD Development Plan approved in phases. The applicant may request, in writing and not less than sixty (60) days prior to the expiration deadline, an extension of time, and the approving authority may extend the time limit for good cause. Such extension may be considered at the time of PUD Development Plan or phase approval.

12. Effect of Approval of PUD Development Plan. No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved PUD Development Plan, and after acceptance by the Corporation of Shepherdstown of all required guarantees for improvement.

Section 9-7A07 Specific Content of Plans

Planned Unit Development plans and supporting data shall include all documentation listed in this Section of Chapter 7A of Title 9 unless certain documentation is deemed superfluous by the Mayor and/or Zoning Officer due to the specific circumstances of the particular request.

A. Pre-application Conference Requirements

1. A written letter of intent from the applicant describing the applicant’s purposes and objectives for developing the area proposed for Planned Unit Development (PUD) designation.
2. A scaled drawing of the contemplated PUD area, in simple sketch form, showing the proposed location and extent of the land uses, major streets, and the approximate location of any existing easements, natural features, and topographic or geologic constraints.

1 B. PUD Outline Plan Requirements

2 1. A drawing of the proposed Planned Unit Development shall be prepared at scale
3 not less than 1" = 50' and shall show in concept major circulation; generalized
4 location and dimensions of building structures and parking areas; open space
5 areas, recreation facilities, and other details to indicate the character of the
6 proposed development. The submission shall include:

7 (a) A site location map.

8 (b) Map data such as north point, scale and date of preparation.

9 (c) The name of the proposed development, with the words "Outline Plan"
10 in the title block.

11 (d) Boundary lines and acreage of each land use component.

12 (e) Existing easements, including location, width and purpose.

13 (f) Existing land use on abutting and adjacent properties.

14 (g) Other conditions on adjoining land: topography (at no less than 2-foot
15 contour intervals) including any embankments or retaining walls; use
16 and location of major buildings, railroads, power lines, towers and other
17 influences; name of any adjoining subdivision plat.

18 (h) Existing streets on and adjacent to the tract, including street name, right-
19 of-way width, walks, curbs, gutters, culverts and drainageways.

20 (i) Proposed public improvements: streets and other major improvements
21 planned by the public for future construction on or adjacent to the tract.

22 (j) Existing utilities on the tract.

23 (k) Any land within the proposed PUD area designated by FEMA as a Special
24 Flood Hazard Area (SFHA) with a 1-Percent Annual-Chance of flooding
25 (100-year flood) and the floodway.

26 (l) Other conditions on the tract, including water courses, wetlands,
27 sinkholes, wooded areas, isolated trees six (6) inches or more in diameter
28 at 4.5 feet above ground, existing structures, and other significant
29 features.

1 (m) Existing vegetation to be preserved and the locations, nature, and
2 purpose of proposed landscaping.

3 (n) The geographic Area of Potential Effect (APE) within which the PUD may
4 directly or indirectly cause alterations in the character or use of above
5 ground historic properties, including historic buildings, districts,
6 structures, and/or objects, should they exist.

7 2. Miscellaneous. The Mayor and/or Zoning Officer shall inform the applicant of any
8 additional documents or data requirements after the Pre-application Conference.
9 The developer must submit 10 copies of any page of any portion of the plan that
10 exceeds 11 inches by 17 inches in size. If fewer copies than required are submitted,
11 the Mayor and/or Zoning Officer shall deem the application to be incomplete and
12 shall not schedule hearing dates until the situation is resolved.

13 3. Written Statement of Character of the Planned Unit Development. An explanation
14 of the character of the Planned Unit Development and the reasons why it has been
15 planned to take advantage of the flexibility of these PUD regulations. The written
16 statement shall include:

17 (a) Objectives. A specific explanation of how the proposed Planned Unit
18 Development meets the objectives of all adopted land use policies which
19 affect the land in question.

20 (b) Ownership. A statement of present and proposed ownership of all land
21 within the project including the beneficial owners of a land trust.

22 (c) Scheduling. Timing of proposed development indicating:

23 (1) Phases in which the project will be built, including the area, density,
24 use, public facilities, and open space to be developed with each
25 phase. Each phase shall be described and mapped; and

26 (2) Projected dates for beginning and completion of each phase of land
27 development.

28 (d) Proposed Uses. A schedule of proposed permitted land uses, both by-
29 right and conditional uses, along with the following details:

30 (1) Residential Uses: dwelling unit types, gross area, architectural
31 concepts (narrative, sketch, or representative imagery), number of

1 units, bedroom breakdown, proposed occupancy limits for each
2 residential component, and building heights.

3 (2) Nonresidential Uses: specific nonresidential uses to be permitted,
4 including gross floor areas (GFA), architectural concepts (narrative,
5 sketch, or representative imagery), and building heights.

6 (e) Facilities Plan. Preliminary concepts and feasibility reports for:

7 (1) Streets, roadways and bikeways

8 (2) Sidewalks and pedestrian pathways

9 (3) Water supply system

10 (4) Sanitary sewers

11 (5) Stormwater management

12 (6) Public utilities

13 (7) Streetscaping, furniture and lighting

14 (f) Traffic Impact Analysis. If requested by the Mayor and/or Zoning Officer
15 or by the Planning Commission, a study of the traffic impact caused by
16 the proposed Planned Unit Development and/or any measures proposed
17 to mitigate that impact. Such study shall be conducted by a traffic or
18 transportation engineer licensed in the State of West Virginia.

19 C. PUD Development Plan Requirements. The application for PUD Development Plan
20 approval shall include, but not be limited to, the following documents:

21 1. Such additional information as may have been required by the PUD Outline Plan
22 approval.

23 2. An accurate map exhibit of the entire phase for which PUD Development Plan
24 approval is being requested, showing the following:

25 (a) Tabulation on each separate subdivided use area, including land area,
26 number of buildings, number of dwelling units per acre, type of dwelling
27 units, bedroom breakdown, and limits on occupancy.

- 1 (b) Precise location of all buildings to be constructed, setbacks, and a
2 designation of the specific use or range of uses for each building. Single-
3 family residential development on individual lots need not show precise
4 locations of buildings on each lot, but plans shall show minimum and/or
5 maximum building setback lines and other design constraints.
- 6 (c) Design and precise location of all streets, drives, and parking areas,
7 including construction details, centerline elevations, pavement type,
8 curbs, gutters, and culverts details.
- 9 (d) Location of all public utility lines and easements.
- 10 (e) A final detailed landscape plan. A detailed final landscape shall be drawn
11 to scale and depict existing and proposed site conditions, including
12 buildings, parking, circulation, utilities, easements, and areas of
13 disturbance. It shall identify all existing vegetation to be preserved or
14 removed and all proposed landscaping, including trees, shrubs,
15 groundcover, turf, buffers, and screening. The plan shall include plant
16 quantities, species (botanical and common names), sizes, spacing,
17 installation details, and landscape schedules. Required buffers, open
18 space areas, screening, and any stormwater or environmental
19 landscaping features shall be clearly shown. Where applicable, the plan
20 shall include irrigation, phasing, and a maintenance and replacement
21 program identifying the responsible party. The final landscape plan shall
22 demonstrate compliance with the approved PUD Outline Plan and all
23 applicable zoning and development standards.
- 24 (f) A detailed Permanent Open Space Plan showing the location and acreage
25 of Improved Open Space, Natural Open Space and total Permanent Open
26 Space; how it will be owned and maintained; and all proposed
27 improvements.
- 28 3. If lands to be subdivided are included in the Planned Unit Development, a
29 subdivision plat meeting the requirements of a preliminary plat, as modified by
30 the PUD Outline Plan approval, is required where platting is to be proposed
31 concurrent with the PUD Development Plan review and approval process.
- 32 4. Projected construction schedule.
- 33 5. Agreements and covenants which govern the use, maintenance, and continued

1 protection of the Planned Unit Development and its common spaces, shared
2 facilities, and private roads.

3 6. Guarantee of Performance for Completion of Improvements. A bond or other
4 guarantee acceptable to the Corporation of Shepherdstown shall be provided for
5 all proposed public improvements and shall be executed at time of project permit
6 application or platting, whichever comes first. Improvements that must be
7 guaranteed include facilities that shall become public, and may include other
8 facilities or improvements as may be specified in the PUD Outline or PUD
9 Development Plan approval. If the project is to be built in phases, the guarantee
10 shall be posted prior to the commencement of work on each phase. The guarantee
11 shall specify the time for completion of improvements, and shall be in an amount
12 of one hundred twenty-five percent (125%) of the estimated cost of the
13 improvements, as determined by the project contractor or engineer, and as
14 approved by the Planning Commission.

15 **Section 9-7A08 Review Criteria**

16 In consideration of a Planned Unit Development Outline Plan, the Mayor and/or Zoning
17 Officer in his/her report to the Planning Commission, the Planning Commission in their
18 recommendation to Town Council, and the Town Council in its decision, shall consider as many
19 of the following principles as may be relevant to the specific proposal:

- 20 A. The extent to which the Planned Unit Development meets the purposes of the Planning
21 and Zoning Ordinance, the Comprehensive Plan, and any other adopted planning
22 objectives of the Corporation of Shepherdstown.
- 23 B. The extent to which the proposed plan meets the requirements, standards, and stated
24 purpose of the Planned Unit Development regulations.
- 25 C. The extent to which the proposed plan departs from the Planning and Zoning Ordinance
26 otherwise applicable to the subject property, including but not limited to, the density,
27 dimension, bulk, use, required improvements, and construction and design standards and
28 the reasons, which such departures are or are not deemed to be in the public interest.
- 29 D. The proposed PUD will not be injurious to the public health, safety, and general welfare.
- 30 E. The physical design of the Planned Unit Development and the extent to which it makes
31 adequate provision for public services, provides adequate control over vehicular traffic
32 and promotes alternative forms of transportation, provides for and protects designated

1 permanent open space, and furthers the amenities of Shepherdstown’s small-town
2 ambience, light and air, recreation, and visual enjoyment.

3 F. The extent to which the PUD directly or indirectly alters the character or use of above
4 ground historic properties, including historic buildings, districts, structures, and/or
5 objects, should they exist, within the Area of Potential Effect (APE).

6 G. The extent to which the PUD meaningfully advances the Town’s affordable housing
7 objectives through the provision of income-restricted units, integration of affordable
8 units throughout the site, long-term enforceability of affordability restrictions, and
9 proportionality between requested regulatory flexibility and public benefit.

10 H. The relationship, compatibility, and buffering of the proposed plan to the adjacent
11 properties and neighborhood, and whether the proposed plan would substantially
12 interfere with the use or diminish the value of adjacent properties and neighborhoods.

13 I. The desirability of the proposed plan to the Corporation of Shepherdstown’s physical
14 development, tax base, and economic well-being. Special consideration in the form of
15 increased development flexibility may be given to projects that are intended to
16 rehabilitate or replace dilapidated areas, brownfields, or other areas of general visual or
17 economic blight. Such special consideration shall not be granted to projects intended for
18 construction on lands that consist of 60 percent or more previously undisturbed lands.

19 J. The proposal will not cause undue traffic congestion, and can be adequately served by
20 existing or programmed public facilities and services.

21 K. The proposal preserves significant ecological, natural, historical, and architectural
22 resources to the extent possible.

23 L. The proposal will enhance the appearance, image, function, and economic sustainability
24 of the community at large.

25 M. Projects which are designed to a more human scale, support multi-modal transportation
26 options, preserve useful open space, provide significant amenities to residents, and
27 incorporate architectural detailing, massing and scale that is consistent with
28 Shepherdstown’s historical community character and norms shall have a significant
29 advantage in the review process over those that merely seek to maximize inappropriate
30 forms of density, circumvent customary development standards, or promote a pattern of
31 development that can be generally recognized as “sprawl,” as defined in the definitions
32 contained in Chapter 13 of Title 9 of the Town Code. Human-scaled design objectives

1 generally include, but are not limited to:

- 2 1. Building setbacks designed to reinforce a human-scaled environment that
3 prioritizes pedestrian-oriented streetscapes, frames the street, encourages social
4 interaction, and supports an attractive and walkable community character.
5 Examples might include, but are not limited to 5 to 15-foot front setbacks for
6 single-family residential uses; 0 to 10-foot front setbacks for townhouses, mixed-
7 use, and commercial buildings; minimum and maximum front setbacks that create
8 a continuous street wall; non-residential uses with a public entrance facing the
9 street; parking placed at the rear of buildings; etc.
- 10 2. Pedestrian infrastructure and design elements that prioritize walkability, enhance
11 safety and accessibility, and create an inviting, human-scaled public realm.
12 Examples might include, but are not limited to sidewalks on both sides of the
13 street (i.e., 6-foot width for residential spaces and 10-foot width for mixed-use
14 and commercial spaces); crosswalks at all intersections, mid-block crossings for
15 blocks exceeding 300 feet, raised crosswalks and/or curb extensions in high-
16 pedestrian areas; dedicated bicycle lanes or multi-use paths along arterial streets
17 connecting to town-wide trails; larger PUDs (i.e., over 10 acres) that include a mile
18 or more of internal pedestrian and bike paths; etc.
- 19 3. Mixed-use and active storefront development patterns that create vibrant and
20 walkable environments by integrating public street building orientation, compact
21 and dynamic commercial, office, and civic uses on ground-floor frontage,
22 transparent facades, and pedestrian-scaled design thereby strengthening
23 economic vitality, enhancing the public realm, and supporting safe, attractive, and
24 dynamic community centers.

25 **Section 9-7A09 Changes in the Approved Planned Unit Development**

26 A. Changes Requiring PUD Outline Plan Approval. Material changes that alter the approved
27 concept or intent of the Planned Unit Development shall require PUD Outline Plan
28 Approval following the procedures under Section 9-7A06(C). Material changes include
29 but are not limited to:

- 30 1. Significant changes in density;
- 31 2. Significant changes in the proportion or allocation of land uses;
- 32 3. Change in the list of approved uses;

- 1 4. Changes in the locations of uses;
- 2 5. Changes in functional uses of open space, where such change constitutes an
- 3 intensification of use of the open space; and/or
- 4 6. Changes in the final governing agreements where such changes conflict with the
- 5 approved Outline Plan.

6 B. Changes Requiring PUD Development Plan Approval. Material, site-specific changes that
7 alter the development’s approved functional, physical, or performance impacts shall
8 require PUD Development Plan Approval following the procedures under Section 9-
9 7A06(E). Material, site-specific changes include but are not limited to:

- 10 1. Revisions to lot arrangement, or addition of buildable lots that alter the approved
11 development density;
- 12 2. Modifications to approved site design standards, include but not limited to
13 required landscaping, signage, building height, architectural character, building
14 massing, or footprint;
- 15 3. Alterations to the internal street network or off-street parking configuration;
- 16 4. Changes to the design, location, or function of drainage or stormwater
17 management facilities;
- 18 5. Amendments to the approved Permanent Open Space Plan;
- 19 6. Changes in site access that result in an intensification of traffic on roadways
20 classified above local streets; and/or
- 21 7. All other changes not expressly addressed under Section 9-7A09A shall require
22 approval of a new or amended PUD Development Plan.

23

1 **CHAPTER 7A PLANNED UNIT DEVELOPMENT (PUD)**

2 **Section 9-7A02 Purpose and Intent**

3 ~~The purpose of the planned unit development is to encourage flexibility in the development of~~
4 ~~land in order to promote its most appropriate use; to improve the design, character and quality~~
5 ~~of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate~~
6 ~~the adequate and economic provision of streets, utilities and city services; to preserve critical~~
7 ~~natural environmental and scenic features of the site; to encourage and provide a mechanism for~~
8 ~~arranging improvements and sites so as to preserve desirable features; and to mitigate the~~
9 ~~problems which may be presented by specific site conditions. It is anticipated that Planned Unit~~
10 ~~Developments will offer one or more of the following advantages:~~

11 A. The purpose of these Planned Unit Development (PUD) regulations is to:

- 12 1. Encourage innovative and flexible land development that promotes efficient use
13 of land and infrastructure;
- 14 2. Facilitate high-quality design, coordinated development, and mixed-use
15 opportunities;
- 16 3. Preserve natural, scenic, historic, and environmental resources;
- 17 4. Promote compatible land uses and improved site planning;
- 18 5. Allow flexibility from conventional zoning standards in exchange for superior
19 design, public amenities, and community benefits; and
- 20 6. Ensure developments are consistent with the Comprehensive Plan and adopted
21 Town policies.

22 B. The intent of these Planned Unit Development (PUD) regulations is to offer one or more
23 of the following advantages:

24 ~~Serve to implement the goals, objectives, and strategies of The Shepherdstown~~
25 ~~Comprehensive Plan specific to the district or neighborhood in which the PUD is~~
26 ~~to be located;~~

- 27 1. Apply the design principles of new urbanism, neo-traditionalism, and other
28 emerging smart growth principles, ~~urban~~ village-scale urban form and
29 development patterns, and best management practices to ensure a healthier,

Commented [CF1]: Reworked in bullet form to improve clarity, organization, usability, and severability. Eliminated subjective, vague, and legally vulnerable terms (i.e., harmonious, desirable, etc.).

Commented [CF2]: Adjusted terminology to "village," "small town," etc. to better convey built environment context and align scale and infrastructure. Reinforces Shepherdstown's identity and market position and enhances legal defensibility.

1 more sustainable, and economically vibrant community, using Shepherdstown as
2 a physical model;

3 2. Promote development patterns that maximize compatibility of differing adjacent
4 land uses to avoid the necessity of extensive buffering;

5 3. Enhance the appearance of neighborhoods by conserving areas of open space,
6 special natural beauty, historic resources, steep slopes, ecological importance,
7 flood prone areas, and natural green spaces where appropriate, while
8 understanding that land within urban areasShepherdstown is best suited for
9 urban densities and development patterns compatible with small town urbanism;

10 4. Encourage good urban-village-scale contextual design and mitigate congestion on
11 streets;

12 5. Promote architecture that is compatible with the Shepherdstown's community
13 vernacular, and/or the surroundings;

14 6. ~~Promote compatible land uses that protect property values and minimize negative~~
15 ~~impactsPromote design principles that allow differing types of land uses to coexist~~
16 ~~while preserving property values and minimizing potential negative~~
17 ~~consequences;~~

18 7. Promote appropriate urban-small town densities that ~~will help make alternative~~
19 ~~forms of transportationencourage economical and socially feasible multimodal~~
20 ~~transportation, including walking, bicycling, and transit beyond private vehicles~~
21 ~~economically and socially feasible;~~ and

22 8. Promote and protect the environmental integrity of the site and its surroundings
23 by providing suitable design responses to the specific environmental constraints
24 of the site and surrounding area.

25 **Section 9-7A03 Definitions**

26 ~~A Planned Unit Development is an area under single ownership or control to be developed in~~
27 ~~conformance with an approved development plan, consisting of 1) a map showing the~~
28 ~~development area and all proposed improvements to the development area, 2) a text which sets~~
29 ~~forth the uses and the development standards to be met, and 3) exhibits setting forth any aspects~~
30 ~~of the development land not fully described in the map and text. The map exhibits and text~~
31 ~~constitute the use and development regulations for the Planned Unit Development site in lieu of~~
32 ~~the regulations for the underlying district.~~The following terms are defined for the purpose of

Commented [CF3]: Reworked and added critical terms in bullet form to improve clarity, organization, usability, and severability.

1 interpreting, administering, and enforcing Title 9, Chapter 7A Planned Unit Development (PUD).

2 A. Applicant, PUD: The legal or equitable owner(s) or authorized agent proposed for PUD
3 designation.

4 B. Tract of Land: A single parcel or two or more contiguous parcels of land assembled for the
5 purpose of development as a Planned Unit Development (PUD) and under single or
6 unified ownership or control at the time of application.

7 C. Planned Unit Development (PUD): A zoning classification enacted by Ordinance for an
8 area under single or unified ownership or control for which land use and development
9 are advanced as a single entity according to approved PUD planning documents that
10 allows flexibility from standard zoning requirements. The PUD regulatory instruments
11 include the approved Outline Plan and the Development Plan that generally consist of:

12 1. A map showing the development area and all proposed improvements to the
13 development area;

14 2. Text that sets forth the permitted uses and development standards to be met;
15 and,

16 3. Exhibits setting forth any aspects of the Outline Plan and Development Plan not
17 fully described in the map and text.

18 The map, text, and exhibits constitute the PUD planning documents and identify the
19 development, uses, standards, and regulations for the Planned Unit Development area in
20 lieu of the regulations for the underlying district.

21 D. Outline Plan: A generalized plan illustrating the overall design, layout, development
22 standards, land uses, density, circulation, and open space.

23 E. Development Plan: A detailed plan specifying exact development, phasing, and
24 improvements.

25 F. Permanent Improved Open Space: Functional and accessible open space usable for
26 passive and/or active recreation such as, but not limited to parks, playgrounds, swimming
27 pools, ball fields, plazas, courtyards, landscaped green spaces, trails and greenways, and
28 other areas that are created or modified human activity. Such open space shall not include
29 schools, community centers, or other similar areas.

30 G. Permanent Natural Open Space: Meaningful areas of natural vegetation, water bodies,

1 or other landforms that are left undisturbed.

2 H. **Development Standards:** Regulations that govern the physical design, layout, intensity,
3 and performance of development on a site, including but not limited to lot size, setbacks,
4 building height, lot coverage, density, open space, landscaping, parking, access, signage,
5 buffering, and other dimensional or design requirements applicable within the PUD.

Commented [CF4]: Added to provide clarity for term used across PUD section.

6 I. **Underlying District:** The zoning classification for property prior to the establishment of
7 Planned Unit Development (PUD) District for same.

Commented [CF5]: Clarifies 9-7A05(B).

8 J. **Undisturbed Land:** Land within a proposed PUD area that is in its natural state and has
9 not been subject to grading, excavation, filling, clearing, compaction, construction
10 activity, or other human alteration, except for minimal selective clearing or utility
11 installation. Examples of undisturbed land include, but are not limited to undisturbed
12 woodlands, wetlands, floodplains, stream buffers; areas of intact native vegetation not
13 previously altered by development.

Commented [CF6]: Clarifies 9-7A05(E)(1).

14 K. **Historic Resources:**

15 1. Identified as property, building, structure, and/or object that is individually
16 designated as a local historic landmark;

17 2. Located within a Town adopted historic district or historic district listed in the
18 National Register of Historic Places;

19 3. Listed on or eligible for listing on the National Register of Historic Places; or,

20 4. Identified as a property, building, structure, and/or object contributing to a Town
21 adopted historic district or historic district listed in the National Register of
22 Historic Places.

23 **Section 9-7A04 Applicability**

24 A. The Planned Unit Development (PUD) process shall be voluntary and initiated by the
25 property owner(s) or authorized applicant.

Commented [CF7]: Added to clarify property right.

26 B. This Planned Unit Development (PUD) Ordinance may apply to:

27 1. Lands already within the municipal boundaries of the Corporation of
28 Shepherdstown, unless expressly prohibited by the Planning and Zoning
29 Ordinance; and, processed

Commented [CF8]: Added in the event a prohibition is enacted in the future.

1 2. Lands newly annexed into the Corporation of Shepherdstown.

2 C. For newly annexed lands:

3 1. Property may be classified as a Planned Unit Development (PUD) District
4 concurrent with or subsequent to annexation approval.

5 2. No property may be classified as a Planned Unit Development (PUD) District
6 concurrent with annexation approval unless an Outline Plan has been approved.

7 3. Property classified as PUD District after annexation approval shall follow the
8 procedures set forth herein for lands already within the municipal boundaries of
9 the Corporation of Shepherdstown

10 4. Approval of a PUD for annexed lands shall constitute the establishment of zoning
11 for the property following annexation and shall supersede any interim zoning
12 classification.

13 5. The underlying zoning district of a Planned Unit Development (PUD) District shall
14 be the R-1 District unless otherwise classified in the approved Outline Plan.

15 D. Land use and development within a Planned Unit Development (PUD) District may be
16 permitted only through and pursuant to the approved PUD Outline Plan and PUD
17 Development Plan.

18 **Section 9-~~7A04~~-7A05 Requirements for Planned Unit Development**

19 A. The area designated in the Planned Unit Development map must be a tract of land at least
20 two (2) acres in size and under single ownership or control. Single control of property
21 under multiple ownership may be accomplished through the use of enforceable
22 covenants, development agreements, and/or commitments which run concurrent with
23 the Planned Unit Development.

24 B. The Outline Plan shall indicate the permitted land uses, development standards, locations
25 of improvements, and other applicable specifications of the Planning and Zoning
26 Ordinance which shall govern the Planned Unit Development. If the Outline Plan is silent
27 on a particular land use development standard or other specification of the Planning and
28 Zoning Ordinance, the standard of the underlying district or the applicable regulations
29 shall apply.

30 ~~C. The Planned Unit Development map shall show the location of all improvements.~~The

Commented [CF9]: Added to clarify if and how concurrent annexation and PUD ordinances are managed.

1 location of Planned Unit Developments shall be designated on the Official Zoning Map
2 and adopted pursuant to rules and regulations governing amendments of the Planning
3 and Zoning Ordinance.

4 D. The Planned Unit Development must comply with all required improvements,
5 construction standards, design standards, and all other engineering standards adopted
6 and enforced by the Corporation of Shepherdstown, and any other pertinent regulations,
7 except where specifically varied through the provisions of ~~this Chapter~~ the Planning and
8 Zoning Ordinance.

9 E. Designation and Conveyance or Ownership of Permanent Open Space.

10 1. Designation.

11 (a) Within all Planned Unit Developments, a minimum of 30 thirty percent
12 (30%) of the proposed Planned unit Development PUD area shall be
13 designated as permanent open space. ~~No plan for a single- or multi-~~
14 family residential Planned Unit Development shall be approved unless
15 such plan provides for permanent landscaped or natural open space.

16 (b) At least twenty-five percent (25%) of the total permanent open space
17 shall be of the Improved Open Space type.

18 (c) To the greatest extent practicable, permanent open space within a PUD
19 shall be preserved as natural open space consisting of existing
20 environmental features such as woodlands, wetlands, floodplains, steep
21 slopes, riparian corridors, native vegetation, and other undisturbed
22 lands. The applicant shall demonstrate during PUD Outline Plan review
23 that site design, lot layout, building placement, and infrastructure
24 locations have been arranged to prioritize the preservation of contiguous
25 undisturbed natural areas before the designation of improved open
26 space. Where natural features are limited or preservation is constrained
27 by site conditions, the applicant shall provide justification acceptable to
28 the Town.

29 (d) Creation of a graded and surfaced walking trails through areas of Natural
30 Open Space shall constitute disturbance of the area and calculated as
31 Improved Open Space in the amount of the length of the walking trail
32 multiplied by its width.

Commented [CF10]: Returned to 30% as requested at 16 MAR 2026 PC workshop.

Commented [CF11]: Suggest removing as it conflicts with the preceding sentence's "shall" statement. This sentence leaves room for no permanent open space required or less open space required for a non-single- or multi-family residential PUD.

Commented [CF12]: This provision replaces the current minimum 50% mandate to provide greater design creativity and flexibility. Any minimum natural open space, particularly a high standard, assumes all PUDs will in fact contain natural undisturbed areas. This provision also recognizes PUDs intended to redevelopment functionally obsolete, vacant, and/or dilapidated development where not undisturbed area is included.

1 (e) PUDs adjoining existing or planned parks or trails shall provide direct
2 pedestrian and bicycle connections.

Commented [CF13]: Incorporated from Councilor Bicker's contemplated revisions.

3 (f) Schools, community centers, club houses, museums, etc. shall not be
4 calculated as permanent open space.

5 ~~(a)(g)~~ Stormwater detention areas shall not be calculated as permanent
6 open space unless designed as an amenity such as, but not limited to rain
7 gardens, ponds with trails, etc.

Commented [CF14]: Incorporated from Councilor Bicker's contemplated revisions.

8 ~~2. Definition. Permanent open space shall be categorized as one of two types:~~

Commented [CF15]: Relocated to PUD Definitions section.

9 ~~(a) Improved Open Space is defined as parks, playgrounds, swimming pools,
10 ball fields, plazas, landscaped green spaces, and other areas that are
11 created or modified by man.~~

12 ~~(b) At least 15 percent of the total permanent open space in any given
13 Planned Unit Development shall be of the Improved Open Space type.~~

14 ~~(c) Natural Open Space is defined as areas of natural vegetation, water
15 bodies, or other landforms that are to be left undisturbed. Creation of a
16 graded and surfaced walking trail through areas of Natural Open Space
17 shall constitute disturbance of the area in the amount of the length of
18 the walking trail multiplied by its width. Neither definition of open space
19 shall include schools, community centers or other similar areas in public
20 ownership.~~

21 ~~(d) At least 50 percent of the total permanent open space in any given
22 Planned Unit Development shall be of the Natural Open Space type.~~

23 ~~3. Designation. Within all Planned Unit Developments, a minimum of 10 percent of
24 the proposed Planned Unit Development area shall be designated as permanent
25 open space. No plan for a single or multi-family residential Planned Unit
26 Development shall be approved unless such plan provides for permanent
27 landscaped or natural open space.~~

Commented [CF16]: Contradicts the original 9-7A05(E)(1) [now 9-7A05(E)(1)(a)].

28 ~~4.2.~~ Proximity. In the case of mixed-use Planned Unit Developments,
29 permanent open space shall be allocated to the property in proportion to the uses
30 assigned to the Planned Unit Development and shall be located in reasonable
31 proximity to those uses. Provided, however, the permanent open space need not
32 be located in proximity to the use in the case of preservation of existing features.

1 5.3. Proportion. If the Outline Plan provides for the Planned Unit Development
2 to be constructed in stagephases, open space must be provided for each
3 stagephase of the Planned Unit Development in proportion to that stagephase.

Commented [CF17]: Revised to ensure consistent use of term included elsewhere in PUD regulations.

4 6.4. Conveyance. Permanent open space shall be conveyed in or owned by one
5 of the following forms:

6 (a) To a municipal or public corporation; or

7 (b) To a nonprofit corporation or entity established for the purpose of
8 benefiting the owners and tenants of the Planned Unit Development or,
9 where appropriate and where approved by the Planning Commission and
10 the Town Council, adjoining-adjacent property owners, or both. All
11 conveyances hereunder shall be structured to insureensure that the
12 grantee has the obligation and the right to affect-effect maintenance and
13 improvement of the common open space; and that such duty of
14 maintenance and improvement is enforced by the owners and tenants
15 of the Planned Unit Development and, where applicable, by adjoining
16 adjacent property owners; or

Commented [CF18]: Town Council has the authority to affect this through covenants, contracts, etc.

17 (c) To owners other than those specified in Subsections (a) and (b) above,
18 and subject to restrictive covenants describing and guaranteeing the
19 open space and its maintenance and improvement, running with the
20 land for the benefit of residents of the Planned Unit Development or
21 adjoining-adjacent property owners, or both, or.

22 F. Uses permitted in a Planned Unit Development may be any use that is found in the
23 Planning and Zoning Ordinance in any district, subject to the PUD Outline Plan's schedule
24 of permitted uses approved by the approval of the Planning Commission and Town
25 Council.

Commented [CF19]: This provision should not be located under Permanent Open Space provisions.

26 G. For purposes of determining overall project size, two or more parcels of land owned by
27 the applicant that are wholly or partially separated by a public street or other right of way
28 may be considered contiguous and thus may be counted in fulfilling the minimum two-
29 acreaacreage requirement, provided that the use and development of the property is
30 incorporated into, and is an integral part of the project plans; and provided that there is
31 no other property not owned by the applicant separating the parcels in question. Where
32 there is uncertainty in determining a parcel's qualification to be included in the PUD, the
33 Planning Commission shall resolve the issue and make a determination as to the project
34 boundaries, after considering the advice of the Planning and Zoning Director Mayor.

Commented [CF20]: The minimum standard should only be stated once to avoid potential future revision conflicts.

Commented [CF21]: Position does not exist. Revision recognizes Class IV municipal organization - Mayor-Council.

1 and/or Zoning Officer and the request by the applicant.

2 **Section 9-~~7A05-7A06~~ Procedure for Approval of Planned Unit Development**

3 A. Introduction. Applications shall be accompanied by all plans and documents required by
4 Sections ~~9-7A02 and 9-7A03~~7A05. A three-step application process shall be used. The
5 steps in the process are:

- 6 1. Pre-application Conference;
- 7 2. Outline Plan Approval; and
- 8 3. Development Plan Approval.

9 B. Pre-application Conference. Prior to filing a formal application for approval of a Planned
10 Unit Development, the applicant shall schedule a pre-application conference with the
11 ~~Planning and Zoning Director~~Mayor and/or Zoning Officer. The purposes of the pre-
12 application conference shall be to:

- 13 1. Allow the applicant to present a general concept and to discuss characteristics of
14 the development concept in relation to adopted ~~municipal-Town~~ plans and
15 policies.
- 16 2. Allow the ~~Mayor and/or Zoning Officer~~Planning and Zoning Director to inform the
17 applicant of pertinent policies, standards, ordinance requirements, materials, and
18 procedures for the Planned Unit Development as well as identify and discuss
19 potential site and off-site constraints.
- 20 3. The pre-application conference is intended only for the above purposes; ~~neither~~
21 ~~the developer nor the jurisdiction is bound by any decision made during a pre-~~
22 ~~application conference. Any discussion, comment, guidance, recommendation,~~
23 ~~interpretation, or indication of support expressed by Town officials, staff,~~
24 ~~consultants, or representatives during a PUD pre-application meeting shall be~~
25 ~~advisory only and shall not be binding upon the Corporation of Shepherdstown or~~
26 ~~the applicant. No statement made at such meeting shall constitute a formal~~
27 ~~decision, approval, or commitment regarding the PUD application. All~~
28 ~~determinations shall be made only upon formal submission, review, and action in~~
29 ~~accordance with the PUD procedures and standards set forth herein.~~

30 C. Procedure for PUD Outline Plan Approval. Based upon the pre-application conference,
31 the applicant ~~shall~~must then develop and submit an Outline Plan for the proposed

Commented [CF22]: Non-binding statement strengthened.

1 Planned Unit Development.

2 1. The Outline Plan and application for the Planned Unit Development shall be
3 ~~submitted to filed with~~ the Mayor and/or Zoning Officer ~~Planning and Zoning~~
4 ~~Director who, after certifying the application package to be complete, shall initiate~~
5 ~~a review of the proposed development.~~

6 2. Within fifteen (15) calendar days of submission, the Mayor and/or Zoning Officer
7 shall determine in writing whether the PUD Outline Plan and Application are
8 complete.

9 (a) If the PUD Outline Plan and Application are incomplete, the applicant
10 shall be notified in writing of deficiencies.

11 (b) The official administrative review period shall not commence until the
12 PUD Outline Plan and Application are determined to be complete.

13 3. The period of official administrative review by the Mayor and/or Zoning
14 Officer shall not exceed thirty (30) calendar days; provided the applicant may
15 consent in writing to an extension of the review period.

16 4. Where during official administrative review the Mayor and/or Zoning Officer
17 determines that a PUD Outline Plan and Application include, may include, or may
18 affect historic resources, the applicant shall be advised in writing that the PUD
19 Development Plan and Application shall be referred to the Historic Landmarks
20 Commission for review and, if applicable, certificate of appropriateness approval.

21 2-5. The Outline Plan and PUD application and the results of the official
22 administrative review shall then be forwarded to the Planning Commission for its
23 consideration, public hearing and recommendations, together with the Mayor
24 and/or Zoning Officer ~~Planning Department's~~ report ~~and~~ such other documents
25 as may be pertinent to the Planned Unit Development.

26 3-6. The Planning Commission shall hold a public hearing. A notice of time and
27 place of such public hearing shall be published in a paper of general circulation in
28 the area at least once, at least ~~thirty (30)~~ fifteen (15) calendar days prior to the
29 date set for the hearing. Such notice shall contain the address or location of the
30 property for which the Planned Unit Development is being sought

31 4-7. Where there are environmentally sensitive features on the site or the PUD
32 Development Plan is expected to be complex, or there are other important

1 planning implications involved, the Planning Commission may reserve the ~~right~~
 2 authority to review and approve the PUD Development Plan. And, where the
 3 Planning Commission recommends denial of ~~an a~~ PUD Outline Plan and the Town
 4 Council approves the ~~plan~~ PUD Outline Plan, the Planning Commission shall review
 5 the PUD Development Plan.

6 8. The Planning Commission shall complete its review and render a decision on the
 7 PUD Outline Plan and Application within forty-five (45) calendar days of its public
 8 hearing, unless an extension of time is granted by the applicant.

9 5-9. Upon completion of its review, the Planning Commission shall forward the
 10 Outline Plan and PUD Application to the Town Council with 1) a favorable
 11 recommendation, or 2) an unfavorable recommendation.

12 10. The Town Council shall vote on the ordinance enacting Outline Plan and PUD
 13 designation proposal within ~~90~~ forty-five (45) calendar days after the Planning
 14 Commission ~~acts on the proposal~~ action, unless an extension of time is granted by
 15 the applicant. The Town Council may ~~adopt enact~~ or reject the ~~proposal~~ PUD
 16 ordinance.

17 11. Outline Plan Revisions During Review. The Mayor and/or Zoning Officer; the
 18 Planning Commission; or the Town Council may permit submission of revised plans
 19 during their respective reviews. Acceptance of revised materials may restart the
 20 respective review periods upon written consent of the applicant.

21 6-12. Estimated Cumulative PUD Outline Plan Review Timeline. Figure 9-7A06-
 22 1 illustrates the estimated cumulative timeline for PUD Outline Plan review and
 23 decision points. Review timelines provided herein are dependent upon the
 24 reasonable scheduling of public meetings and shall be adjusted to reflect regularly
 25 scheduled Planning Commission and Town Council meetings, requisite public
 26 notice, and changes in meeting dates.

<u>PUD Outline Plan Phase</u>	<u>Duration</u>	<u>Estimated Cumulative Timeline</u>	<u>Description</u>
Outline Plan Submission			
Phase 1 – Initiation	15 days	Days 1–15	Application completeness review and determination.
Phase 2 – Administrative Review	30 days	Days 16–45	Official administrative review.

Commented [CF23]: Illustrative timeline include to assist with interpretation.

PUD Outline Plan Phase	Duration	Estimated Cumulative Timeline	Description
Phase 3 – Public Hearing Notice	15 days	Days 46–60	Planning Commission Public Hearing advance notice.
Phase 4 – Planning Commission	45 days	Days 61–105	Planning Commission decision.
Phase 5 – Town Council	45 days	Days 106–150	Town Council decision on PUD Ordinance.

Commented [CF23]: Illustrative timeline include to assist with interpretation.

Figure 9-7A06-1 – PUD Outline Plan Estimated Cumulative Time

D. Effect of Approval of PUD Outline Plan Approval:

1. When an Outline Plan ~~for a Planned Unit Development and PUD Ordinance~~ has been ~~approved-enacted~~ by the Town Council, the Outline Plan shall become effective and ~~its location shall be shown on the Zoning Map. The~~ Zoning Map shall be amended to designate the site as a Planned Unit Development (PUD).
2. Upon such amendment of the Zoning Map, the use and development of the site shall be governed by the ~~Planned Unit Development~~ PUD Outline Plan, subject to approval of ~~a~~ the PUD Development Plan.
3. No permit of any kind within the PUD area shall be issued until the PUD Development Plan has been approved.

E. Procedure for PUD Development Plan Approval:

1. Purpose of PUD Development Plan. The purpose of the Development Plan is to designate the controls for development of the Planned Unit Development. The PUD Development Plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses for each building.
2. Time Limit for ~~Approval-Submission~~ of PUD Development Plan. The PUD Development Plan shall be submitted to the ~~Planning Department~~ Mayor and/or Zoning Officer not more than eighteen (18) months following Town Council approval of the Outline Plan and PUD ordinance; or, in the case of property classified as a Planned Unit Development (PUD) District concurrent with annexation, eighteen (18) months following the annexation effective date.
3. The PUD Outline and Development Plans may be submitted as a single plan if all requirements of Section 9-~~7A02-7A05~~ are satisfied. The PUD Development Plan

1 may be submitted and approved in stagephases, with each stagephase
2 representing a portion of the PUD Outline Plan, at the discretion of the Planning
3 Commission. The time limit for submitting each stagephase for approval may be
4 set forth in the PUD Outline Plan, in which case that schedule shall control the
5 timing of development, rather ~~than~~ the time period contained in this
6 paragraph. The Planning Commission may extend the time for application for
7 approval of the PUD Development Plan and/or phases of the PUD Development
8 Plan for good cause, consistent with the purposes of the Planning and Zoning
9 Ordinance.

10 4. ~~Expiration of Time Limit to Submit PUD Development Plan. Periodically, the~~
11 ~~Planning and Zoning Director shall report to the Planning Commission on Planned~~
12 ~~Unit Developments with time limits that have expired. The original applicants or~~
13 ~~current developers of the Planned Unit Development shall be notified by the~~
14 ~~Planning and Zoning Director. The Planning Commission shall determine whether~~
15 ~~to consider extending the time or to initiate action to amend the Zoning Map so~~
16 ~~as to rescind the Planned Unit Development designation. The original PUD~~
17 ~~applicant(s) or current developer of the Planned Unit Development may request~~
18 ~~a time extension by submitting a written request to the Mayor and/or Zoning~~
19 ~~Officer at least sixty (60) days before the PUD Development Plan submission~~
20 ~~deadline. The Planning Commission shall have the authority to approve or deny~~
21 ~~the request for good cause. If the deadline expires without an approved~~
22 ~~extension, the Planning Commission shall initiate action to amend the Zoning Map~~
23 ~~to rescind the PUD District designation. The Mayor and/or Zoning Officer shall~~
24 ~~notify the applicant(s) or developer in writing at least thirty (30) days prior to the~~
25 ~~Planning Commission's public hearing.~~

26 5. Relationship of PUD Development and PUD Outline Plan. The PUD Development
27 Plan shall conform to the PUD Outline Plan as approved.

28 6. ~~Procedure for Approval of a Development Plan:~~The applicant must have the PUD
29 Development Plan or phase plan approved prior to issuance of any building project
30 permit within the PUD District or related phase.

31 7. PUD Development Plan Submission. The Development Plan or phase plan and
32 supporting data shall be filed with the ~~planning staff~~ Mayor and/or Zoning Officer.

33 (a) Within fifteen (15) calendar days of submission, the Mayor and/or
34 Zoning Officer shall determine in writing whether the PUD Development
35 Plan or phase plan is complete.

Commented [CF24]: The Town has not adopted the State Building Code to issue building permits.

1 (1) If the PUD Development Plan or phase plan is incomplete, the
2 applicant shall be notified in writing of deficiencies.

3 ~~(1) The official administrative review period, whether completed by~~
4 ~~the Mayor and/or Zoning Officer or by the Planning Commission,~~
5 ~~shall not commence until the PUD Development Plan or phase plan~~
6 ~~is determined to be complete.~~

7 8. Official Administrative Review by Mayor and/or Zoning Officer.

8 (a) It shall be the responsibility and authority of the Mayor and/or Zoning
9 Officer to review and render a decision on PUD Development Plans or
10 phases, and Planning Commission consideration or action shall not be
11 required when such review and decision authority has been delegated;
12 unless the PUD Outline Plan and the PUD Development Plan are
13 submitted and approved as a single plan or the Planning Commission
14 retains PUD Development Plan review and decision authority at the time
15 the Planning Commission rendered a decision on the PUD Outline Plan;
16 or Town Council approves an Outline Plan for which the Planning
17 Commission recommended denial.

18 (b) Within fifteen (15) calendar days of submission, the Mayor and/or
19 Zoning Officer shall determine in writing whether the PUD Development
20 Plan and Application are complete.

21 (1) If the PUD Development Plan and Application are incomplete, the
22 applicant shall be notified in writing of deficiencies.

23 (2) The official administrative review period shall not commence until
24 the PUD Development Plan and Application are determined to be
25 complete.

26 (c) The period of official administrative review by the Mayor and/or Zoning
27 Officer shall not exceed forty-five (45) calendar days; provided the
28 applicant may consent in writing to an extension of the review period.

29 (d) Where, at the time of official administrative review of the PUD Outline
30 Plan the Mayor and/or Zoning Officer determined that the PUD or any
31 phase thereof includes, may include, or may affect historic resources, the
32 PUD Development Plan or phase plan and application shall be referred

1 to the Historic Landmarks Commission for review and, where required,
2 for issuance of a Certificate of Appropriateness pursuant to § 9-309. Any
3 denial of a Certificate of Appropriateness, or conditions imposed as part
4 of an approved Certificate of Appropriateness by the Historic Landmarks
5 Commission, shall be binding upon the Mayor and/or Zoning Officer.

6 (1) Review by the Historic Landmarks Commission and the Mayor
7 and/or Zoning Officer shall occur concurrently following
8 determination of completeness. Each reviewing authority shall
9 render its decisions within the time period applicable to that
10 authority, and such periods need not be of equal duration.

11 (2) Provided, the review of the Mayor and/or Zoning Officer shall not
12 be completed, approval granted, or a project permit issued prior to
13 the certificate of appropriateness approval by the Historic
14 Landmarks Commission.

15 (3) In the event the Historic Landmarks Commission review extends
16 beyond the period of official administrative review by the Mayor
17 and/or Zoning Officer, the latter official administrative review
18 period shall be completed within fifteen (15) calendar days
19 following the Historic Landmarks Commission certificate of
20 appropriateness approval.

21 (e) The ~~Planning and Zoning Director~~ Mayor and/or Zoning Officer shall
22 review the Development Plan ~~or phase plan~~ to include site plan review,
23 in accordance with the requirements of the Planning and Zoning
24 Ordinance ~~and the approved PUD Outline Plan.~~

25 ~~(2) Staff Approval. It shall generally be the responsibility of staff to~~
26 ~~review Development Plans unless the Planning Commission~~
27 ~~reviews the Development Plans, or where no Development Plan is~~
28 ~~required.~~

29 9. ~~Official Administrative Review by Planning Commission~~ ~~Review.~~ ~~If~~ ~~When~~ ~~the~~
30 Planning Commission ~~has~~ retained PUD Development Plan ~~review and approval~~
31 ~~decision authority at the time the Planning Commission rendered a decision on~~
32 ~~the PUD Outline Plan or Town Council approved an Outline Plan for which the~~
33 ~~Planning Commission recommended denial, the Planning Commission shall have~~
34 ~~he responsibility and authority to review and render a decision on PUD~~

1 Development Plans or phases.

2 (a) Within fifteen (15) calendar days of submission, the Mayor and/or
3 Zoning Officer shall determine in writing whether the PUD Development
4 Plan and Application are complete.

5 (1) If the PUD Development Plan and Application are incomplete, the
6 applicant shall be notified in writing of deficiencies.

7 (2) The official administrative review period shall not commence until
8 the PUD Development Plan and Application are determined to be
9 complete.

10 (b) The period of official administrative review by the Planning Commission
11 shall not exceed forty-five (45) calendar days; provided the applicant
12 may consent in writing to an extension of the review period.

13 (c) The Planning Commission shall:

14 (1) Review the PUD Development Plan or phase plan to include site
15 plan review, in accordance with the requirements of the Planning
16 and Zoning Ordinance and the approved PUD Outline Plan.

17 (2) ~~hold~~ Hold a public hearing in accordance with §9-7A04-7A06.C.3C
18 3.

19 (3) ~~The Commission may 1) approve, 2) deny or 3) approve with~~
20 modifications Either approve, deny, or approve with modifications
21 to the PUD Development Plan or phase plan.

22 (4) Complete its review and render a decision on the PUD
23 Development Plan or phase plan within forty-five (45) calendar
24 days of its public hearing, unless an extension of time is granted by
25 the applicant.

26 (5) Where, at the time of official administrative review of the PUD
27 Outline Plan the Mayor and/or Zoning Officer determined that the
28 PUD or any phase thereof includes, may include, or may affect
29 historic resources, the PUD Development Plan or phase plan and
30 application shall be referred to the Historic Landmarks Commission
31 for review and, where required, for issuance of a Certificate of

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1 Appropriateness pursuant to § 9-309. Any denial of a Certificate of
 2 Appropriateness, or conditions imposed as part of an approved
 3 Certificate of Appropriateness by the Historic Landmarks
 4 Commission, shall be binding upon the Planning Commission.

5 (a) Review by the Historic Landmarks Commission and the
 6 Planning Commission shall occur concurrently following
 7 determination of completeness. Each reviewing authority
 8 shall render its decisions within the time period applicable
 9 to that authority, and such periods need not be of equal
 10 duration.

11 (b) Provided, the review of the Planning Commission shall not
 12 be completed, approval granted, or a project permit issued
 13 prior to the certificate of appropriateness approval by the
 14 Historic Landmarks Commission.

15 (c) In the event the Historic Landmarks Commission
 16 review extends beyond the period of official administrative
 17 review by the Planning Commission, the latter official
 18 administrative review period shall be completed within
 19 fifteen (15) calendar days following the Historic Landmarks
 20 Commission certificate of appropriateness approval.

21 7-10. Estimated Cumulative PUD Development Plan Review Timeline. Figure 9-
 22 7A06-2 illustrates the estimated cumulative timeline for PUD Development Plan
 23 review and decision points. Review timelines provided herein are dependent
 24 upon the reasonable scheduling of public meetings and shall be adjusted, as
 25 applicable, to reflect regularly scheduled Planning Commission and Historic
 26 Landmark Commission meetings, requisite public notice, and changes in meeting
 27 dates.

PUD Development Plan Phase Track 1 – Mayor/Zoning Officer Track 2 – Planning Commission	Duration	Estimated Cumulative Timeline	Description
Development Plan Submission			
Tracks 1 & 2 – Phase 1 Initiation	15 days	Days 1–15	Application completeness review and determination.
Track 1 – Phase 2a Administrative Review	60 days	Days 16-75	Official administrative review by Mayor and/or Zoning Officer.

Commented [CF25]: Illustrative timeline include to assist with interpretation.

PUD Development Plan Phase Track 1 – Mayor/Zoning Officer Track 2 – Planning Commission	Duration	Estimated Cumulative Timeline	Description
Track 1 – Phase 2b (if applicable) Historic Landmarks Commission	60 days	Days 16-75	Historic Landmarks Commission review and certificate of appropriateness (if applicable)
Track 2 – Phase 2 Public Hearing Notice	15 days	Days 1-15	Planning Commission Public Hearing advance notice.
Track 2 – Phase 3a Administrative Review	45 days	Days 16-60	Official administrative review by Planning Commission.
Track 2 – Phase 3b (if applicable) Historic Landmarks Commission	45 days	Days 16-60	Historic Landmarks Commission review and certificate of appropriateness (if applicable)

Commented [CF25]: Illustrative timeline include to assist with interpretation.

Figure 9-7A06-2 – PUD Development Plan Estimated Cumulative Time

8-11. Expiration of Approved PUD Development Plan. The PUD Development Plan shall expire two (2) years after approval, unless grading and/or building project permits have been obtained and are still current and valid on that date. This rule shall also apply to each stage phase of a PUD Development Plan approved in stage phases. The applicant may request, in writing and not less than sixty (60) days prior to the expiration deadline, an extension of time, and the approving authority may extend the time limit where deemed appropriate for good cause. Such extension may be considered at the time of PUD Development Plan or phase approval.

Commented [CF26]: “Grading” and “building” permits removed as the Town does not currently issue same.

9-12. Effect of Approval of PUD Development Plan. No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved PUD Development Plan, and after acceptance by the Corporation of Shepherdstown of all required guarantees for improvement.

Section 9-7A06-7A07 Specific Content of Plans

Planned Unit Development plans and supporting data shall include all documentation listed in this Section of Chapter 7A of Title 9 unless certain documentation is deemed superfluous by the Planning and Zoning Director Mayor and/or Zoning Officer due to the specific circumstances of the particular request.

A. Pre-application Conference Requirements

1. A written letter of intent from the applicant describing the applicant’s intention purposes and objectives for developing the site area proposed for Planned Unit

1 Development (PUD) designation.

- 2 2. A scaled drawing of the site contemplated PUD area, in simple sketch form,
3 showing the proposed location and extent of the land uses, major streets, and the
4 approximate location of any existing easements, natural features, and
5 topographic or geologic constraints.

6 B. PUD Outline Plan Requirements

- 7 1. A drawing of the proposed Planned Unit Development shall be prepared at scale
8 not less than 1" = 50', ~~or as considered appropriate by the Planning and Zoning~~
9 ~~Director,~~ and shall show in concept major circulation; generalized location and
10 dimensions of building structures and parking areas; open space areas, recreation
11 facilities, and other details to indicate the character of the proposed development.
12 The submission shall include:

- 13 (a) A site location map.
- 14 (b) Map data such as north point, scale and date of preparation.
- 15 (c) The name of the proposed development, with the words "Outline Plan"
16 in the title block.
- 17 (d) Boundary lines and acreage of each land use component.
- 18 (e) Existing easements, including location, width and purpose.
- 19 (f) Existing land use on abutting and adjacent properties.
- 20 (g) Other conditions on adjoining land: topography (at no less than 2-foot
21 contour intervals) including any embankments or retaining walls; use
22 and location of major buildings, railroads, power lines, towers and other
23 influences; name of any adjoining subdivision plat.
- 24 (h) Existing streets on and adjacent to the tract, including street name, right-
25 of-way width, walks, curbs, gutters, culverts and drainageways.
- 26 (i) Proposed public improvements: streets and other major improvements
27 planned by the public for future construction on or adjacent to the tract.
- 28 (j) Existing utilities on the tract.

1 (k) Any land ~~on the tract within FIRM Zone "A"; the 100-year floodplain, or~~
2 ~~floodway~~ within the proposed PUD area designated by FEMA as a Special
3 Flood Hazard Area (SFHA) with a 1-Percent Annual-Chance of flooding
4 ~~(100-year flood) and the floodway.~~

Commented [CF27]: Updated to reflect current floodplain nomenclature.

5 (l) Other conditions on the tract, including water courses, wetlands,
6 sinkholes, wooded areas, isolated trees six (6) inches or more in diameter
7 ~~at 4.5 feet above ground,~~ existing structures, and other significant
8 features.

Commented [CF28]: Guidance on how to measure the diameter of a mature tree.

9 (m) Existing vegetation to be preserved and the locations, nature, and
10 purpose of proposed landscaping.

11 ~~(m)(n)~~ ~~The geographic Area of Potential Effect (APE) within which the PUD~~
12 ~~may directly or indirectly cause alterations in the character or use of~~
13 ~~above ground historic properties, including historic buildings, districts,~~
14 ~~structures, and/or objects, should they exist.~~

Commented [CF29]: Suggest adding this to recognize the importance and relevance of Town's historic preservation objectives.

15 2. Miscellaneous. The ~~Planning and Zoning Director~~ Mayor and/or Zoning Officer
16 shall inform the applicant of any additional documents or data requirements after
17 the Pre-application Conference. The developer must submit ~~14-10~~ copies of any
18 page of any portion of the plan that exceeds 11 inches by 17 inches in size. If fewer
19 copies than required are submitted, the ~~Planning and Zoning Director~~ Mayor
20 and/or Zoning Officer shall deem the application to be incomplete and shall not
21 schedule hearing dates until the situation is resolved.

22 3. Written Statement of Character of the Planned Unit Development. An explanation
23 of the character of the Planned Unit Development and the reasons why it has been
24 planned to take advantage of the flexibility of these PUD regulations. The written
25 statement shall include:

26 (a) Objectives. A specific explanation of how the proposed Planned Unit
27 Development meets the objectives of all adopted land use policies which
28 affect the land in question.

29 (b) Ownership. A statement of present and proposed ownership of all land
30 within the project including the beneficial owners of a land trust.

31 (c) Scheduling. Timing of proposed development indicating:

32 (1) ~~Stage~~Phase in which the project will be built, including the area,

1 density, use, public facilities, and open space to be developed with
2 each stagephase. Each stagephase shall be described and mapped;
3 and

4 (2) Projected dates for beginning and completion of each stagephase
5 of land development.

6 (d) Proposed Uses. A schedule of proposed permitted land uses, both by-
7 right and conditional uses, along with the following details:

8 (1) Residential Uses: dwelling unit types, gross area, architectural
9 concepts (narrative, sketch, or representative photoimagery),
10 number of units, bedroom breakdown, ~~and~~ proposed occupancy
11 limits for each residential component, and building heights.

12 (2) Nonresidential Uses: specific nonresidential uses to be permitted,
13 including gross floor areas (GFA), architectural concepts (narrative,
14 sketch, or representative photoimagery), and building heights.

15 (e) Facilities Plan. Preliminary concepts and feasibility reports for:

16 (1) Streets, roadways and bikeways

17 (2) Sidewalks and pedestrian pathways

18 (3) Water supply system

19 (4) Sanitary sewers

20 (5) Stormwater management

21 (6) Public utilities

22 (7) Streetscaping, furniture and lighting

23 (f) Traffic Impact Analysis. If requested by the ~~Planning and Zoning~~
24 ~~Director~~ Mayor and/or Zoning Officer or by the Planning Commission, a
25 study of the traffic impact caused by the proposed Planned Unit
26 Development and/or any measures proposed to mitigate that impact.
27 Such study shall be conducted by a traffic or transportation engineer
28 licensed in the State of West Virginia.

1 C. PUD Development Plan Requirements. The application for PUD Development Plan
2 approval shall include, but not be limited to, the following documents:

- 3 1. Such additional information as may have been required by the PUD Outline Plan
4 approval.
- 5 2. An accurate map exhibit of the entire phase for which PUD Development Plan
6 approval is being requested, showing the following:

7 ~~(a)~~ (a) Tabulation on each separate subdivided use area, including land area,
8 number of buildings, number of dwelling units per acre, type of dwelling
9 units, bedroom breakdown, and limits on occupancy.

10 ~~(b)~~ (b) Precise location of all buildings to be constructed, setbacks, and a
11 designation of the specific use or range of uses for each building. Single-
12 family residential development on individual lots need not show precise
13 locations of buildings on each lot, but plans shall show minimum and/or
14 maximum building setback lines and other design constraints.

15 ~~(c)~~ (c) Design and precise location of all streets, drives, and parking areas,
16 including construction details, centerline elevations, pavement type,
17 curbs, gutters, and culverts details.

18 ~~(d)~~ (d) Location of all public utility lines and easements.

19 ~~(e)~~ (e) A final detailed landscape plan. A detailed final landscape shall be
20 drawn to scale and depict existing and proposed site conditions,
21 including buildings, parking, circulation, utilities, easements, and areas
22 of disturbance. It shall identify all existing vegetation to be preserved or
23 removed and all proposed landscaping, including trees, shrubs,
24 groundcover, turf, buffers, and screening. The plan shall include plant
25 quantities, species (botanical and common names), sizes, spacing,
26 installation details, and landscape schedules. Required buffers, open
27 space areas, screening, and any stormwater or environmental
28 landscaping features shall be clearly shown. Where applicable, the plan
29 shall include irrigation, phasing, and a maintenance and replacement
30 program identifying the responsible party. The final landscape plan shall
31 demonstrate compliance with the approved PUD Outline Plan and all
32 applicable zoning and development standards.~~Tabulation on each~~
33 ~~separate subdivided use area, including land area, number of buildings,~~

1 ~~number of dwelling units per acre, type of unit, bedroom breakdown,~~
2 ~~and limits on occupancy.~~

Commented [CF30]: Not sure why this follows landscape plan as this does not pertain to landscaping.

3 (e)(f) A detailed Permanent Open Space Plan showing the location and
4 acreage of Improved Open Space, Natural Open Space and total
5 Permanent Open Space; how it is-will be owned and maintained; and all
6 proposed improvements.

7 3. If lands to be subdivided are included in the Planned Unit Development, a
8 subdivision plat meeting the requirements of a preliminary plat, as modified by
9 the PUD Outline Plan approval, is required where platting is to be proposed
10 concurrent with the PUD Development Plan review and approval process.

11 4. Projected construction schedule.

12 5. Agreements and covenants which govern the use, maintenance, and continued
13 protection of the Planned Unit Development and its common spaces, shared
14 facilities, and private roads.

15 6. Guarantee of Performance for Completion of Improvements. A bond or other
16 guarantee acceptable to the Corporation of Shepherdstown shall be provided for
17 all proposed public improvements and shall be executed at time of project permit
18 application or platting, whichever comes first. Improvements that must be
19 guaranteed include facilities that shall become public, and may include other
20 facilities or improvements as may be specified in the PUD Outline or PUD
21 Development Plan approval. If the project is to be built in phases, the guarantee
22 shall be posted prior to the commencement of work on each phase. The guarantee
23 shall specify the time for completion of improvements, and shall be in an amount
24 of one hundred twenty-five percent (125%) of the estimated cost of the
25 improvements, as determined by the project contractor or engineer, and as
26 approved by the Planning Commission.

27 **Section 9-~~7A07-7A08~~ Review ~~Considerations~~Criteria**

28 In consideration of a Planned Unit Development Outline Plan, the Planning and Zoning
29 Director, Mayor and/or Zoning Officer in his/her report to the Planning Commission, the Planning
30 Commission in their recommendation to Town Council, and the Town Council in its decision, shall
31 consider as many of the following principles as may be relevant to the specific proposal:

32 A. The extent to which the Planned Unit Development meets the purposes of the Planning

1 and Zoning Ordinance, the Comprehensive Plan, and any other adopted planning
2 objectives of the Corporation of Shepherdstown.

3 B. The extent to which the proposed plan meets the requirements, standards, and stated
4 purpose of the Planned Unit Development regulations.

5 C. The extent to which the proposed plan departs from the ~~zoning and subdivision~~
6 ~~regulations~~ Planning and Zoning Ordinance otherwise applicable to the subject property,
7 including but not limited to, the density, dimension, bulk, use, required improvements,
8 and construction and design standards and the reasons, which such departures are or are
9 not deemed to be in the public interest.

10 D. The ~~proposal~~ proposed PUD will not be injurious to the public health, safety, and general
11 welfare.

12 E. The physical design of the Planned Unit Development and the extent to which it makes
13 adequate provision for public services, provides adequate control over vehicular traffic
14 and promotes alternative forms of transportation, provides for and protects designated
15 permanent open space, and furthers the amenities of ~~urban Shepherdstown's small-town~~
16 ambience, light and air, recreation, and visual enjoyment.

17 F. The extent to which the PUD directly or indirectly alters the character or use of above
18 ground historic properties, including historic buildings, districts, structures, and/or
19 objects, should they exist, within the Area of Potential Effect (APE).

20 E.G. The extent to which the PUD meaningfully advances the Town's affordable
21 housing objectives through the provision of income-restricted units, integration of
22 affordable units throughout the site, long-term enforceability of affordability restrictions,
23 and proportionality between requested regulatory flexibility and public benefit.

24 F.H. The relationship ~~and~~, compatibility, ~~and buffering~~ of the proposed plan to the
25 adjacent properties and neighborhood, and whether the proposed plan would
26 substantially interfere with the use or diminish the value of adjacent properties and
27 neighborhoods.

28 G.I. The desirability of the proposed plan to the Corporation of Shepherdstown's physical
29 development, tax base, and economic well-being. ~~At the discretion of the Planning~~
30 Commission and Town Council, special Special consideration in the form of increased
31 development flexibility may be given to projects that are intended to rehabilitate or
32 replace dilapidated areas, brownfields, or other areas of general visual or economic

Commented [CF31]: Suggest adding this provision to recognize the importance and relevance of Town's historic preservation objectives.

Commented [CF32]: Added to incorporate 2025 Comprehensive Plan Goal 1, Subcategory 1D, Strategy EC 12.

Commented [CF33]: Incorporated concept from Councilor Bicker's contemplated revisions.

1 blight. Such special consideration shall not be granted to projects intended for
2 construction on lands that consist of 60 percent or more previously ~~undeveloped~~
3 ~~undisturbed~~ lands.

4 ~~H.J.~~ The proposal will not cause undue traffic congestion, and can be adequately served by
5 existing or programmed public facilities and services.

6 ~~H.K.~~ The proposal preserves significant ecological, natural, historical, and architectural
7 resources to the extent possible.

8 ~~H.L.~~ The proposal will enhance the appearance, image, function, and economic sustainability
9 of the community at large.

10 ~~M.~~ Projects which are designed to a more human scale, support multi-modal transportation
11 options, preserve useful open space, provide significant amenities to residents, and
12 incorporate architectural detailing, massing and scale that is consistent with
13 Shepherdstown's historical community ~~character and~~ norms shall have a significant
14 advantage in the review process over those that merely seek to maximize inappropriate
15 forms of density, circumvent customary development standards, or promote a pattern of
16 development that can be generally recognized as "~~urban sprawl~~," as defined in the
17 definitions contained in Chapter 13 of Title 9 of the Town Code. ~~Human-scaled design~~
18 ~~objectives generally include, but are not limited to:~~

19 ~~1. Building setbacks designed to reinforce a human-scaled environment that~~
20 ~~prioritizes pedestrian-oriented streetscapes, frames the street, encourages social~~
21 ~~interaction, and supports an attractive and walkable community character.~~
22 ~~Examples might include, but are not limited to 5 to 15-foot front setbacks for~~
23 ~~single-family residential uses; 0 to 10-foot front setbacks for townhouses, mixed-~~
24 ~~use, and commercial buildings; minimum and maximum front setbacks that create~~
25 ~~a continuous street wall; non-residential uses with a public entrance facing the~~
26 ~~street; parking placed at the rear of buildings; etc.~~

27 ~~2. Pedestrian infrastructure and design elements that prioritize walkability, enhance~~
28 ~~safety and accessibility, and create an inviting, human-scaled public realm.~~
29 ~~Examples might include, but are not limited to sidewalks on both sides of the~~
30 ~~street (i.e., 6-foot width for residential spaces and 10-foot width for mixed-use~~
31 ~~and commercial spaces); crosswalks at all intersections, mid-block crossings for~~
32 ~~blocks exceeding 300 feet, raised crosswalks and/or curb extensions in high-~~
33 ~~pedestrian areas; dedicated bicycle lanes or multi-use paths along arterial streets~~
34 ~~connecting to town-wide trails; larger PUDs (i.e., over 10 acres) that include a mile~~

Commented [CF34]: The term "urban sprawl" is not defined in Title 9; however, a definition is provided for the term "spawl."

1 or more of internal pedestrian and bike paths; etc.

2 4.3. Mixed-use and active storefront development patterns that create vibrant
3 and walkable environments by integrating public street building orientation,
4 compact and dynamic commercial, office, and civic uses on ground-floor frontage,
5 transparent facades, and pedestrian-scaled design thereby strengthening
6 economic vitality, enhancing the public realm, and supporting safe, attractive, and
7 dynamic community centers.

8 **Section 9-~~7A08~~-7A09 Changes in the Approved Planned Unit Development**

9 A. Changes Requiring PUD Outline Plan Approval. ~~Changes which~~ Material changes that alter
10 the approved concept or intent of the Planned Unit Development shall require PUD
11 Outline Plan Approval following the procedures under Section 9-7A06(C), including
12 Material changes include but are not limited to:

- 13 1. Significant changes in density;
- 14 2. Significant changes in the proportion or allocation of land uses;
- 15 3. Change in the list of approved uses;
- 16 4. Changes in the locations of uses;
- 17 5. Changes in functional uses of open space, where such change constitutes an
18 intensification of use of the open space; and/or
- 19 6. Changes in the final governing agreements where such changes conflict with the
20 approved Outline Plan.

21 B. Changes Requiring PUD Development Plan Approval. ~~These changes shall include the~~
22 ~~following~~ Material, site-specific changes that alter the development's approved
23 functional, physical, or performance impacts shall require PUD Development Plan
24 Approval following the procedures under Section 9-7A06(E). Material, site-specific
25 changes include but are not limited to:

- 26 1. ~~Changes in~~ Revisions to lot arrangement, or addition of buildable lots that ~~change~~
27 ~~alter the approved development density of the development;~~
- 28 2. ~~Changes in site design requirements, such as location of required landscaping,~~
29 ~~signage, building height, architectural character, cube and/or footprint, or other~~
30 ~~such requirements of the Planning and Zoning Ordinance~~ Modifications to

- 1 approved site design standards, include but not limited to required landscaping,
- 2 signage, building height, architectural character, building massing, or footprint;
- 3 3. Changes-Alterations to the internal street system-network or off-street parking
- 4 areasconfiguration;
- 5 4. Changes in drainage management structuresto the design, location, or function of
- 6 drainage or stormwater management facilities;
- 7 5. Changes in the Open Space PlanAmendments to the approved Permanent Open
- 8 Space Plan;
- 9 6. Changes in access to the development site, where such change amounts to an
- 10 intensification in the traffic patterns of roadways of classification higher than
- 11 local; and/orsite access that result in an intensification of traffic on roadways
- 12 classified above local streets; and/or
- 13 7. All other changes not expressly addressed under Section 9-~~7A07A-7A09A~~ shall
- 14 require approval of a new or amended PUD Development Plan ~~approval~~.

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DRAFT