



City of Buena Vista Planning Commission

Agenda for July 9th 2019

**CITY OF
BUENA VISTA**
Planning and Zoning
2039 Sycamore Avenue
Buena Vista VA 24416

Public Hearing

- 1) Zoning Text Amendment to change the name of the Seminary Hill Historic District to the Seminary Hill District
- 2) Zoning Text Amendment to create new zoning district entitled Mixed Use Transitional to establish flexible regulations that foster livable neighborhoods and economic vitality;
- 3) Zoning Text Amendment to update portions of the Buena Vista Design Guidelines (Land Development Regulations Appendices) to clarify and streamline text; to provide flexibility on certain building design requirements; and to update street and sidewalk standards;
- 4) Zoning Text Amendment to update Residential Planned Unit Development R6 PUD regulations to suit contemporary development needs and best practices
- 5) Zoning Map Amendment to rezone portions of the Savernake tract, located on the east side of the 100-200 block of South Magnolia Avenue and primarily comprising Tax Map numbers 56-A---3 and 56-A---4, from Residential Planned Unit Development R6 PUD and Planned Business B2 to Mixed Use Transitional MUT and Residential R2;

Regular Meeting

Call to Order by Chairman

Roll Call

Public Comment

Review and Adoption of Minutes

Minutes of June 11th meeting, Minutes of June 25th meeting

Report of Secretary

Report of Standing Committees

Report of Special Committees

New Business

- 1) Zoning Text Amendment to change the name of the Seminary Hill Historic District to the Seminary Hill District
- 2) Zoning Text Amendment to create new zoning district entitled Mixed Use Transitional
- 3) Zoning Text Amendment to update portions of the Buena Vista Design Guidelines
- 4) Zoning Text Amendment to update Residential Planned Unit Development R6 PUD
- 5) Zoning Map Amendment to rezone portions of the Savernake tract

Old Business

Adjournment

Members and Term Expirations:

Dennis Hawes, Chairman, *7/31/2020*
Mike Ohleger, Vice-Chairman, *6/30/2022*
Sandy Burke, *8/31/2021*
Marolyn Cash, *6/30/2020*
Lucy Ferrebee, *9/30/2019*

Melvin Henson, City Council
Representative, *9/30/2019*
Preston Manuel, *12/31/2020*
Jay Scudder, Ex Officio member
Bradyn Tuttle, *12/31/2020*

Staff:

Tom Roberts, Director of Planning & Community Development, Secretary

Meetings:

Members of the Buena Vista Planning Commission meet in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on the 2nd Tuesday of each month, unless otherwise announced. Meetings may be held and business conducted without a quorum, but no votes may be taken unless a quorum is present. A majority of members constitutes a quorum. A motion passes with a majority vote; a tie constitutes defeat of the motion.

Please go to our website www.bvcity.org for more information on this and other issues and information about the City of Buena Vista including the Comprehensive Plan and Land Use Regulations. The Department of Planning & Community Development is open Monday through Friday, 9:00 AM to 5:00 PM and Tom Roberts can be reached at (540) 261-8607 or troberts@bvcity.org. Please call ahead to ensure availability.

Public Comments Or Suggestions

Name, Address, and Signature:



CITY OF BUENA VISTA
Planning & Community Development
2039 Sycamore Avenue
Buena Vista VA 24416

STAFF REPORT

DATE: 5 July 2019
TYPE: Zoning Text Amendment
SUBJ: Rename Seminary Hill Historic District

Synopsis

Rename the Seminary Hill Historic District to the Seminary Hill District.

Analysis

The Planning Commission and City Council have discussed concern that the name “Seminary Hill Historic District” may be a discouragement to real estate investors or developers because the term “historic district” connotes bureaucratic red tape and arduous architectural reviews. While properties in the Seminary Hill Historic District (SHHD) do require a Certificate of Appropriateness to demolish or construct new buildings, Buena Vista’s review process and standards are not as strict as some localities.

The name “Seminary Hill District” is intended to have a more neutral sound and lower perceived barriers to investment and redevelopment.

No other changes to the district regulations are proposed.

Recommendation

Staff recommend approval of the name change from Seminary Hill Historic District to Seminary Hill District.



CITY OF BUENA VISTA
Planning & Community Development
2039 Sycamore Avenue
Buena Vista VA 24416

STAFF REPORT

DATE: 5 July 2019
TYPE: Zoning Text Amendment
SUBJ: Creation of new Mixed Use Corridor zone

Synopsis

Create new zone for commercial and multifamily residential uses, called Mixed Use Corridor for application to the Savernake tract

Summary of key features:

- Replaces B2 Planned Business zone on Savernake tract
- Aligns with 2006 visioning and 2013 Comprehensive Plan
- Multifamily residential, civic/institutional, and various commercial uses by right
- Very limited industrial uses, allowed by conditional use permit
- Dimensional regulations fostering a suburban development pattern
- Required forested buffer zone between non-residential buildings and residential zones (i.e. homes on South Woodland Ave)
- Required buffer zone between development and Route 501
- Planned Unit Development option built in—zone allows traditional one-off development or more comprehensive PUD

Background

The 1985 zoning ordinance zoned the majority of the undeveloped Savernake tract to R6 Residential Planned Unit Development—which encouraged residential subdivisions—but it recognized that commercial uses should be permitted along the Route 501 frontage. A strip about 200 feet deep from Route 501 was designated as B2 Planned Business, which allowed the same uses as the B1 General Business zone. B1 is a traditional business zone that allows for retail, office, and other commercial uses, but not any residential at all, and very few industrial uses.

In 2006, around the same time as the Mead Westvaco proposal for the industrial park, and shortly after the master planning for the Hill Top-Glen Maury areas across the river (including the golf course), two successive community visioning sessions were held for the “501 South Corridor.” These were intended to gather community input on the best future land uses for the south end of the City on both east and west sides of Route 501. The 2006 process envisioned a mix of residential, professional, retail, and light industrial in this area, with strong emphasis on mitigating potential negative impacts of traffic including trucks, noise or pollution, and intensity of use; especially for nearby existing residential uses. There was much discussion of the

Savernake tract as an office park or “technology park.” There was emphasis on comprehensive planned development and a mix of uses.

When the City’s Comprehensive Plan was updated in 2011-2013, the future land use of the whole Savernake tract east of Rt 501 was designated as Mixed-Use Planned Development. This land use is defined thus:

Mixed Use Planned Development. Applicable areas are located primarily in the Hill Top District, the undeveloped property at the southern portion of the City, and the undeveloped property at the northern portion of the City. The areas are intended for a mixture of land uses, housing types, and densities within a comprehensive site design concept. The area could possibly include single-family residential with attached commercial and multifamily with neighborhood-oriented retail commercial or intermixed office commercial.

The Dickinson family is seeking to update the zoning of this tract of land to make it more marketable, in particular with an eye toward recognizing the challenges of the landscape and topography and realistically assessing what could be built. It is appropriate that new zoning should conform to the Comprehensive Plan.

Analysis

The MUC zone is designed to replace the B2 Planned Business zone on the Savernake tract and allow more flexibility in development options. The location and boundaries of the MUC zone are discussed more in the accompanying staff report for the Zoning Map Amendment.

B2 Planned Business is essentially a lightweight, unsophisticated Planned Unit Development zone. The intent is to facilitate larger, multi-building commercial developments, such as an office park or shopping mall. All uses are conditional uses; a developer must present a plan of development that includes site layout, vehicular circulation, etc. It differs from a traditional residential PUD in that the goal is not more efficient and environmentally sensitive use of land, but rather the goal is applying additional discretionary review to larger commercial developments. However, I call B2 Planned Business unsophisticated because it lacks a clear intent statement; a detailed application and approval process; or development standards.

Overview

Zoning this tract of land is somewhat challenging because it is somewhat speculative. There is no proposed development at this time. While certain patterns of development and uses are more desirable than others, it is also unwise to be too prescriptive about what should be built in case another option comes along. The MUC zone takes a two-pronged approach. It is similar to the other mixed use zones in the City (Mixed Use on the Magnolia corridor, Mixed Business on the 29th Street corridor) in its range of permitted uses; however, it also incorporates a Planned Unit Development option should a developer desire the additional flexibility of a PUD. This is not a unique approach; some zoning codes use PUD overlay zones to achieve the same result. I will discuss the PUD element more later.

Alignment with Comprehensive Plan

The proposed text permits precisely the sort of mix of uses and option for comprehensively planned developments as the Comprehensive Plan recommends.

Uses

Permitted and conditional uses were carefully tailored to allow a range of commercial, civic/institutional, and multifamily residential uses, while limiting industrial uses. Commercial uses are focused on retail operations open to the general public with pedestrian or vehicular traffic. Single- or two-family dwellings are not permitted in order to encourage more intense land use. Multifamily is permitted, in the hopes of encouraging standalone apartment buildings or second-floor apartments above commercial uses. Manufacturing and warehousing that is not associated with a retail storefront requires a conditional use permit to ensure that any operations will not adversely affect neighbors.

Dimensional regulations

The lot size minimums and setbacks for by-right development generally foster a medium-density suburban feel. Front setbacks for buildings are 30 feet, and there are side and rear setbacks as well. Parking areas, driveways, and landscaping may be located within the setback area, but buildings may not, so there will be space between the sidewalk and buildings similar to existing residential neighborhoods in Buena Vista (the front setback in R3 Residential Limited is 30 feet).

Lot coverage by buildings may be up to 80%, the same as the existing MB Mixed Business zone.

Height is limited in number of stories, not feet as in most other zones in the City; however, each story is limited to 20 feet tall. This way, builders will not try to force stories into a building that have ceilings too low just to fit under an arbitrary limit. Also, with the topography and landscape of this part of the City, heights taller than in downtown may be appropriate.

Residential buffer zone

There are existing single-family residences bordering the MUC zone on South Woodland Drive (the platted and built portion of Savernake). They purchased with the understanding that the area would be developed primarily as residential. Just as importantly, residential buffering and protection from nuisances was a recurring theme of the 2006 501 South visioning exercise. For these reasons, the proposed text includes a required 100-foot forested buffer between any non-residential buildings and the property line with any residentially-zoned land.

Arterial Road buffer zone

Route 501 is a two-lane highway with a 66 foot right-of-way and a speed limit here of 45 MPH. A buffer zone between development and Route 501, which overlaps with and is stricter than the setback, will ensure safe development that allows proper sight distances and vehicular entrances as well as providing space for future widening of the road.

PUD option

Planned Unit Developments can provide benefits to developers because they can give greater flexibility to design a development specific to the site and the uses, unconstrained by across-the-board lot, setback, density, and similar rules. Given the large size of the Savernake tract, it represents a prime opportunity for a comprehensive, planned, commercial or mixed-use development. The 2006 visioning and the Comprehensive Plan recognize this. The MUC zone includes across-the-board dimensional regulations to ensure by-right construction functions well in the larger context of the neighborhood and City, but it also allows master planned development to leave open the option of the PUD we desire.

The PUD section of the MUC zone is the same text as the R6 zone with some key differences:

1. The intent statement and design objectives are geared toward mixed-use developments, rather than purely residential developments. These mixed-use PUDs could even create a “town center” with urban mixed-use buildings on a new public street grid, or they could be designed as a more traditional office park or campus, or something in between.
2. Residential PUDs following the R6 Residential PUD development standards and process are permitted. Essentially, if you want to do a housing subdivision in the MUC, you can but only with a PUD.
3. Additional uses permitted. As one incentive to use a PUD in MUC, additional uses are permitted within a PUD that aren’t in the rest of MUC. These are single- and two-family residential and townhomes. However, these lower-density residential forms are only permitted if they are in a group of ten or more—in other words, a neighborhood. Thus, you could have a PUD that included a cul de sac of single-family homes on one side and a couple professional office buildings on the other side.
4. Relaxed site development and dimensional regulations. Within PUDs, the housing density can be up to 30 units per acre gross, there are no setbacks, no lot size minimums, no height limit, no lot coverage maximums, etc. However, there is a 30% open space requirement, so density must be clustered in certain areas of a development. All site design aspects are reviewed as part of the PUD approval.
5. The Design Guidelines, which apply to by right development in MUC, are not binding to PUDs.

Sec. 609.00. - Planned Business District B-2.

609.01 *Intent of the Planned Business District B-2.* The B-2 Planned Business Zone is intended to permit the developments of neighborhood business areas; under one ownership or control in those areas of the city where there are areas of sufficient size in heavily populated sections and where sanitary sewers, street access, and public water supply are adequately provided. Within this district the location of buildings, design of buildings, parking areas and other open spaces shall be controlled in such a manner that it will not be a detriment to the adjoining residential property or to the neighborhood in general.

609.02 *Permitted uses.* Within the Planned Business Zone, no buildings structure, or premises shall be used and no building or structure shall be erected or altered until and unless the same has been approved by the planning commission and by city council in accordance with the provisions contained in article 8, section 802.00 and until and unless the following conditions have been complied with:

(A) Uses permitted will be the same as those permitted in the B-1 Zone.

(B) There shall have been filed with the planning commission a written application for approval of a contemplated use within said district, which application shall be accompanied with the following information:

- a. A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping, screening, and other necessary uses;
- b. Preliminary architectural plans for the proposed building or buildings;
- c. A description of the business operations proposed in sufficient detail to indicate the effects of those operations in producing excessive auto or traffic congestion or problems of noise, glare, odor, fire, or safety hazards, or other factors detrimental to the health, safety, and welfare of the area;
- d. Engineering or architectural plans for the handling of any of the problems of the type outlined in-Item C above, including the handling of stormwater and sewers and necessary plans for the controlling of smoke or other nuisances such as those enumerated under Item C above;
- e. Any other information the planning commission or city council may need to adequately consider the effect that the proposed uses may have upon the area, and/or the cost of providing municipal services to the area.

609.03 *Area regulations.* In this district the area regulations, maximum lot coverage, height regulations, and off-street parking shall comply with the requirements of the B-1 District.

609.03-1 There shall be a twenty five (25) foot setback from all streets and all adjoining residential property. This setback shall act as a buffer between the business and residential uses. It shall be fully landscaped and maintained with grass and with trees or shrubbery of sufficient height and density to serve as a screen between the business

zone and the residential zone. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone shall be considered as part of the lot area but shall not be used for any business purpose such as buildings, parking lots, signs, or any accessory use. The buffer zone, upon completion of development of the project shall be at or near the same grade or plane which existed prior to the development of the planned business district property, unless otherwise expressly reviewed and approved by the planning commission and by City Council;

609.03-2 These restrictions shall not apply to that portion of the lot fronting on the major business thoroughfare or thoroughfares. Entrances to the property will be allowed from the arterial streets only.

609.04 *Signs.*

609.04-1 For each shopping center, one ground sign having a maximum area of 100 square feet, maximum overall height of 30 feet, minimum distance from street line of ten feet indicating the name of the shopping center. In lieu of the shopping center name, the one sign may designate a business use or a combination of business uses within the center;

609.04-2 For each individual business; signage attached to the building having a maximum area of one square foot for each linear foot of building frontage occupied by a single permitted use;

609.04-3 For each individual business: if the setback of the business is greater than 300 feet, the maximum area may be increased by 0.5 square feet per linear foot of building frontage; (added 10-1997)

609.04-4 All other regulations of article 7, section 706.00 shall apply.



**CITY OF
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Planning and Zoning
troberts@bvcity.org
(540) 261-8607

Mixed Use Corridor (MUC) DRAFT Text 7/5/2019

619.01 Intent. The Mixed Use Corridor (MUC) zone is designed for a range of commercial and residential uses appropriate to a major arterial corridor. It also encourages mixed-use planned developments that create walkable neighborhoods and expand the urban development pattern of the City.

619.02 Permitted Uses

619.02-1 Residential Uses

619.02-1.01 Assisted living and nursing home facilities

619.02-1.02 Bed and breakfast homestays and inns

619.02-1.03 Dormitories

619.02-1.04 Family care homes, foster homes or group homes serving the mentally retarded, developmentally disabled or others, rest homes, homes for adults or nursing homes, provided that licensing requirements are met.

619.02-1.05 Hotels and motels

619.02-1.06 Multifamily dwellings, including efficiency apartments

619.02-2 Civic, Institutional, and Recreational Uses

619.02-2.01 Athletic playing fields, golf courses, driving ranges, and similar uses

619.02-2.02 Cemeteries and mausoleums

619.02-2.03 Child care centers and family day care homes

619.02-2.04 Civic clubs or community centers

619.02-2.05 Clubs and lodges, fraternities, and meeting places of other organizations

619.02-2.06 Educational institutions, including public and private preschool, primary, secondary, post-secondary, and technical schools

619.02-2.07 Laboratories and research facilities

619.02-2.08 Libraries or museums

619.02-2.09 Government offices

619.02-2.10 Indoor athletic facilities, to include gyms, indoor pools, dance studios, and similar uses

619.02-2.11 Indoor firing ranges

- 619.02-2.12 Places of religious assembly
- 619.02-2.13 Post offices
- 619.02-2.14 Public and private parks, playgrounds, and open space
- 619.02-2.15 Public safety facilities
- 619.02-2.16 Riding academy or boarding stable
- 619.02-2.17 Theaters, auditoriums, and assembly halls

619.02-3 Commercial Uses

- 619.02-3.01 Art studio or gallery
- 619.02-3.02 Automobile service station
- 619.02-3.03 Banks or financial institutions
- 619.02-3.04 Bars and nightclubs
- 619.02-3.05 Body art studios
- 619.02-3.06 Bowling alleys
- 619.02-3.07 Business support services
- 619.02-3.08 Food service establishments
- 619.02-3.09 Greenhouse or nursery with retail sales
- 619.02-3.10 Headstone, monument or vault sales
- 619.02-3.11 Hospitals, including special care hospitals
- 619.02-3.12 Medical or dental clinics, including veterinary
- 619.02-3.13 Mortuaries or funeral homes
- 619.02-3.14 Pool halls and similar indoor amusements
- 619.02-3.15 Prefabricated building sales and demonstration
- 619.02-3.16 Professional offices
- 619.03-3.17 Retail stores and shops, with all goods and services within a permanent enclosed structure
- 619.03-3.18 Vehicle sales, rental, or leasing facilities

619.02-4 Industrial Uses

- 619.02-4.01 Agriculture, to include growth and harvesting of plant materials, but to exclude the keeping of livestock or other animals at a commercial scale; and to exclude industrial greenhouse operations of which on-site retail sales is not a substantial component
- 619.02-4.02 Electric substations
- 619.02-4.03 Private and public parking lots and garages

619.02-4.04 Public utilities limited to public service structures such as power plants or substations, water lines or pumping stations, or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications or related services to the general public.

619.03 Conditional uses. When after review of an application and hearing hereon, in accordance with article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:

619.03-1 Arenas or stadiums

619.03-2 Commercial or industrial warehouses

619.03-3 Commercial radio, television and communication towers along with related buildings and equipment provided the requirements of Article 13 are met.

619.03-4 Kennels

619.03-5 Livestock or other operations keeping animals at a commercial scale

619.03-6 Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items

619.03-7 Open-air market such as flea market, farmers market

619.03-8 Radio or television studio

619.03-9 Retail stores and shops, with significant inventory stored outside a permanent enclosed structure

619.03-10 Self-storage facilities and commercial or retail warehouses

619.03-11 Telecommunications towers and facilities

619.04 Accessory uses. Where a lot or building is devoted to a permitted principal use, accessory uses and structures are permitted.

619.04-1 Drive-through facilities

619.04-2 Manufacture of goods to be sold on site through a permitted retail operation, provided the manufacturing operation does not generate noise, odors, byproducts, or delivery traffic that constitutes a nuisance to other uses within the same building or other proximate uses.

619.04-3 Temporary buildings incidental to construction work, which shall be removed upon completion or abandonment of construction activity

619.04-4 Signs

619.04-5 Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy.

619.05 Dimensional regulations

619.05-1 Lot size. The minimum lot size is 6,250 square feet.

619.05-2 Lot coverage. Buildings may occupy no more than 80% of the lot area.

619.05-3 Setbacks

619.05-3.01 Front setback 30 feet

619.05-3.02 Side setback 10 feet on each side

619.05-3.03 Rear setback 20 feet

619.05-4 Height. Buildings may be no more than three (3) stories tall, unless a conditional use permit is obtained. The maximum distance between the floor and finished ceiling of any story of any building shall be 20 feet.

619.05-5 Residential area buffer. Any building which contains non-residential uses must be setback at least 100 feet away from the property line of land that is zoned R1, R2, R3, or R6. Such buffer may include sidewalks, other pedestrian walkways, and related outdoor recreation facilities; but may not include parking spaces or permanent structures. Such buffer must be forested to the greatest extent possible.

619.05-6 Arterial road buffer. All buildings and parking lots must be separated from the public right-of-way boundary of South Magnolia Avenue, also known as Route 501, by a landscaped buffer of at least 20 feet. Such buffer may include sidewalks, other pedestrian walkways, and parking lot driveways; but may not include parking spaces or permanent structures.

619.05-7 Residential density. The maximum gross density of residential units is 15 units per acre.

619.06 Design guidelines

619.06-1 Land uses, buildings, and structures shall follow the Buena Vista Design Guidelines found in Appendices A through F of the Land Development Regulations.

619.06-2 Land uses, buildings, and structures required to receive a conditional use permit in the Mixed Use Corridor zone may deviate from the Buena Vista Design Guidelines at the discretion of the Planning Commission and City Council by means of the conditional use permit process, provided that the intent of the Guidelines is maintained.

619.07 Planned Developments

619.07-1 Intent. Comprehensive planned developments incorporating multiple buildings and uses are encouraged in the Mixed Use Corridor zone. Planned developments can allow more flexibility in providing access, light, open space, and development amenities; more choice in providing a mix of land uses in the same development, including a mix of housing types, lot sizes, and densities; and more ability to take advantage of special site characteristics and thereby promote quality development and environmentally sensitive development.

. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed and redeveloped in accordance with a master development plan adopted at the time of

rezoning or a subsequent approved amendment thereof. In order to carry out the intent of this article, planned communities developed under these district regulations and the approved master development plan shall achieve the following design objectives:

607.01-1 A mix of residential lot and dwelling unit sizes and configurations is provided so as to offer a variety of housing opportunities, yet create a cohesive neighborhood that enhances social interaction.

607.01-2 Housing is clustered to preserve valuable environmental resources and provide usable recreational open space.

607.01-3 The open space system is designed to offer usable parks, connected green spaces, and village greens and civic spaces visible from roadways and spatially defined by abutting building facades and/or landscape elements.

607.01-4 Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and/or trails so as to provide choices with regard to mode and route, and this system is connected and integrated to the greatest extent possible with the City's existing transportation network.

607.01-1 Principal buildings address the street, presenting front facades on the publicly visible side of the building.

607.01-1 The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design, including parking areas located to the rear of buildings, using architectural design elements such as massing, form, materials and fenestration to make garages visually compatible with inhabited buildings, and parking areas screened with landscape elements.

607.01-1 Neighborhood support uses, such as neighborhood commercial areas, daycare facilities, community centers, churches and schools, are designed so as to be visually compatible with the residential character of the neighborhood and accessible by all transportation modes.

619.07-2 Definition. . Except as otherwise noted:

The term "planned unit development" or "planned development" shall mean a tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses and is processed under the planned unit development provisions of this ordinance. Also, a parcel of land planned as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards, setbacks, and height limitations) or land-use restrictions (such as prohibitions against mixing land uses within a development).

The term "master plan of development" or "plan of development" shall mean the site plan and related documents submitted and approved by City Council in accordance with the provisions of this ordinance which governs the construction and use of a planned unit development.

619.07-3 Residential planned developments. Planned developments permitted within the R6 Residential Planned Unit Development zone are also permitted within the MUC zone, in compliance with the development standards and approval requirements promulgated in the R6 Residential Planned Unit Development zone regulations.

619.07-4 Procedure

619.07-4.01 Plan required. A master plan of development is required for any use within the zone, excluding legal pre-existing non-conforming uses and structures pursuant to Section 708.

619.07-4.01 Conditional zoning. Approval of a master plan of development constitutes conditional zoning under Code of Virginia Section 15.2-2296. As such, this approval process is governed by Section 802.03 *Application procedures for conditional uses* of the City of Buena Vista Land Development Regulations. Should provisions of Section 802.03 conflict with provisions of this article, this article shall prevail.

619.07-4.01 Coordination with subdivision approval. It is the intent of this section that review and approval of a master plan of development under the provisions of this section shall be coordinated with preliminary subdivision review and approval pursuant to Article 9 *Subdivision Regulations* of the Buena Vista Land Development Regulations. Approval of a master plan of development does not constitute preliminary or final subdivision plat approval. A master plan of development must be approved prior to approval and recordation of a final subdivision plat. Provisions within the subdivision regulations pertaining to site design, lot and block configuration, development standards to include streets and roads, reservation of land for public purposes, utility requirements, and similar development requirements do not apply to planned unit developments to the extent that those facets of development are addressed in the approved master plan of development.

619.07-4.01 Contents of application. Applications shall consist of an application form provided by the City; scale-appropriate site plans, surveys, and maps prepared by a registered design professional; and written documents to provide the following:

619.07-4.01-1 Project narrative which accomplishes the following items:

619.07-4.01-1.02 Addresses the objectives outlined in Section 607.01

619.07-4.01-1.02 Provides a basis for evaluation of project design

619.07-4.01-1.03 States intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.

619.07-4.01-1.04 Proposes phases of development

619.07-4.01-2 Legal plat providing project boundaries, subdivision lot lines, utility rights-of-way and easements

619.07-4.01-3 General layout and location of buildings, roads, open space, parks, pedestrian and bicycle trails.

619.07-4.01-4 Description of building types, lot configurations to be used with lot areas, minimum widths and depths, minimum yards defined, and other dimensional regulations.

619.07-4.01-5 A comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. These design guidelines shall address site and building design and shall further the overall objectives found in the intent statement of this ordinance. Such guidelines shall govern ultimate buildout of the project, and shall be adopted in conjunction with and as part of the approval of a master plan of development.

619.07-4.01-6 Environmentally sensitive areas: slopes exceeding fifteen (15) percent, streams and 100-year floodplains.

619.07-4.01-7 Land uses

619.07-4.01-8 Common space and open space, to include active recreation areas and recreation facilities.

619.07-4.01-9 General landscape plan (landscape areas, plant materials and general specifications).

619.07-4.01-10 Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;

619.07-4.01-11 Additional information as deemed necessary by the Zoning Administrator in order to facilitate a thorough review of the potential impacts of the proposed PUD that is the subject of the application. If any application fails to demonstrate within their application materials that a proposed PUD meets the requirements specified in this ordinance, the application may be rejected as incomplete.

619.07-4.02 Application. Application meeting the requirements of this ordinance shall be filed with the zoning administrator. The zoning administrator shall forward the application and data to the planning commission for their review and recommendation.

619.07-4.03 Processing fee. At the time of filing the preliminary plan application, the applicant shall be responsible for payment of a fee as listed on the current Planning and Zoning Fee Schedule.

619.07-4.04 Approval. Approval of the rezoning application establishes the maximum density/intensity, height and other dimensional requirements, the general location of each use and locations for streets and utilities shown on the development plan. Together with any approved proffers, the approved development plan shall establish the zoning requirements applicable to the PUD.

Approval of a master plan of development does not relieve the applicant from its obligation to comply with all local, state, and federal laws and regulations.

619.07-4.04-1 Following approval of a PUD development plan, preliminary and final subdivision and site plan approvals shall be required. All such plans shall conform to the approved PUD development plan. No building or structure shall be erected, no building permit(s) issued, and no final subdivision plat(s) recorded, unless:

619.07-4.04-1.01 Any required dedications, reservations or required improvements have been made in accordance with the final site plan and PUD phasing schedule; and,

619.07-4.04-1.02 Sufficient financial guarantees for completion of required improvements have been received by the city.

619.07-4.04-1.03 Where phased development has been approved, applications for subdivision and site plan approvals may, at the developer's option, be submitted for each individual phase.

619.07-4.05 Amendment. Following approval of a plan of development for a planned unit development, the owner of the development may amend the plan of development only as follows:

619.07-4.05-1 The owner of a PUD may submit a written request for a proposed minor change to the approved plan of development to the Zoning Administrator. The request shall be supported by graphic, statistical and other information necessary in order for the Zoning Administrator to evaluate the request. The Zoning Administrator may approve the request upon a determination that it involves only a minor deviation from the layout or design contemplated within the approved plan of development. For the purpose of this section the terms "minor change" and "minor deviation" mean and refer to changes of location and design of buildings, structures, streets, parking, recreational facilities, open space, landscaping, utilities, or similar details which do not materially alter the character or concept of the approved plan of development and which do not increase or decrease the cubic volume of any building or structure by more than ten percent.

619.07-4.05-2 All other changes in use and rearrangement of lots, blocks, and buildings tracts, any changes in the provisions of common open spaces, and all other changes in the approved master plan by the developer or any succeeding owner, or agent must be made under the amendment procedure authorized by this ordinance.

619.07-4.06 Failure to begin development and expiration of plan. If no construction has begun or no use established in the planned development within two years from the approval of the final development plan, the final development plan shall expire and be of no further effect. In its discretion, and for good cause, the planning commission may, upon receipt of written application, extend for one

additional year the period for the beginning of construction or the establishment of a use.

619.07-5 Use regulations for planned unit developments. Planned developments may incorporate any permitted, conditional, or accessory use within the MUC zone. The following uses not otherwise permitted within the MUC zone are permitted only as part of a planned development.

619.07-5.1 Single-family detached dwellings, when ten (10) or more single-family dwellings are part of the planned development;

619.07-5.2 Two-family dwellings, when ten (10) or more dwelling units configured as single-family detached, two-family, or townhouse are part of the planned development;

619.07-5.3 Townhouse, when ten (10) or more townhouses are part of the planned development;

619.07-6 Site Design and Development Requirements. The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space. The following provisions apply:

607.07-6.01 Minimum district size: Two (2) contiguous acres, which may include properties located directly across public or private street or alley rights-of-way from one another.

607.07-6.02 **Minimum common open space or park:** Thirty (30) percent of gross project area.

607.07-6.03 Lot area, lot width, lot depth and yards for all uses shall be set forth by the approved master development plan.

607.07-6.04 Maximum building height: City Council shall review the proposed height of any structure for its compatibility with surrounding structures and uses and its impact on viewsheds. The maximum distance between the floor and finished ceiling of any story of any building shall be 20 feet.

607.07-6.05 Residential density. The maximum gross density of residential units is 30 units per acre.

607.07-6.06 Street design. Developers are encouraged, but not required, to consult or incorporate street design standards found in Appendix C of the Buena Vista Design Guidelines. The street system within the project area shall be designed:

607.07-6.06-1 According to functional street purposes and projected traffic flow;

607.07-6.06-2 To assure safe and convenient sight distances;

607.07-6.06-3 To complement the natural topography;

607.07-6.06-4 To provide maximum connectivity to existing and proposed streets

607.07-6.06-5 To be dust proof and passable year round. Gravel and similar unconsolidated surfaces are not permitted; roads must be paved.

607.07-6.06-6 To provide for safe use of bicycles within and through the development

607.07-6.06- 7 In conformance with street geometric design standards and construction techniques found in the latest edition of either the Virginia Department of Transportation's *Road Design Manual* or the American Association of State Highway and Transportation Officials (AASHTO)'s *A Policy on Geometric Design of Highways and Streets*. Applicants must provide engineering justification for the choice of street design, addressing volume, speed, multimodal capacity, and other relevant factors.

607.07-6.07 Street names and signs. The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections.

607.07-6.08 Pedestrian circulation. Sidewalks or other pedestrian pathways are required. Residents, visitors, and patrons must be able to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems.

607.07-6.09 Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by landscaping and tree planting. The minimum off-street parking requirements found in Section 703 of this ordinance are a guide but are not binding on a master planned development.

607.07-6.10 Water and sewer. All Planned Residential Districts shall be served by collective water and sewer systems as follows:

607.07-6.10-1 Wherever feasible the project area water and sewer lines shall be connected to existing public systems.

607.07-6.10-2 Where connections to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems.

607.07-6.11 Fire hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;

607.07-6.12 Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies.

607.07-6.01 The Buena Vista Design Guidelines found in Appendices A through E of the Land Development Regulations are not binding on Planned Unit Developments.



CITY OF BUENA VISTA
Planning & Community Development
2039 Sycamore Avenue
Buena Vista VA 24416

STAFF REPORT

DATE: 5 July 2019
TYPE: Zoning Text Amendment
SUBJ: Revision of R6 Residential Planned Unit Development

Synopsis

Revise R6 Residential Planned Unit Development zoning district regulations to align with best practices and clarify and streamline procedures.

Summary of proposed changes:

- Expanded intent statement to include planning objectives that PUDs must accomplish
- Clarified and revised relationship of PUD approval to subdivision approval. PUD may be reviewed at same time as preliminary subdivision, and PUD must be approved prior to final subdivision plat approval.
- Exempted PUDs from development requirements in subdivision ordinance, which would have defeated the purpose of the PUD
- Revised permitted uses. Non-residential uses are still permitted but approach to review is different (conditional uses versus accessory uses).
- Updated street design standards to reference other design standard documents

Background

In the 1985 zoning map and ordinance, the large undeveloped tracts of land (which the City had only recently annexed) at the north, south, and west edges of the City were zoned R6 Residential Planned Use Development (PUD). This type of zone, common across localities, is designed to give developers to flexibility to cluster house and vary housing types in a large, comprehensive development, as opposed to being locked into a certain minimum lot size, density, and housing type in the way traditional Euclidean zoning does. The PUD concept is most commonly applied to residential uses, but can be applied to mixed-use or industrial comprehensive master planned developments as well.

In other localities, typically land is only zoned to a PUD zone when a specific development is proposed. For example, a large tract would remain zoned agricultural until it was purchased by a developer, and his proposal and master plan review would rezone it to PUD. Buena Vista differs in that we have zoned these tracts to PUD, and no uses are permitted until a master plan is submitted and approved.

The text of the R6 PUD zone has remained unchanged since 1985. While the concept and application of PUDs has not changed dramatically in the last 35 years, the developments standards and approval process the text promulgates need updating and streamlining.

Savernake Tract

In the mid-1990s, the Dickinson family conceived of the Savernake residential development. Nearly all of the 300 acres were planned for development, with a conceptual road network tying together houses, townhomes, and commercial uses. This type of development fit well within the R6 Residential PUD framework. However, only a small portion of the lots were platted and sold—the 100 and 200 blocks of South Woodland Avenue.

Today, the family seeks to sell the whole tract of land, potentially broken into smaller tracts. Their impetus for requesting rezoning is that while the end product of a PUD is desirable, and PUDs offer valuable flexibility to developers, they require a single developer to make considerable investment in a single development large enough in size to achieve economies of scale. This type of investment is seen as particularly challenging in twenty-first century Buena Vista.

Analysis

The issues with the R6 zone dealt with primarily procedure, rather than the uses or development guidelines. However, revision was also an opportunity to introduce best practices from other localities. Below is an overview of the important changes.

Expanded intent statement to include planning objectives that PUDs must accomplish

The intent statement of a zoning ordinance states the vision for the zone and provides a rationale for the regulations within that zone. It is the standard by which the requirements of the zone should be judged. The new intent statement—adapted from the intent statement of Harrisonburg’s residential PUD zone—includes a list of design objectives that PUDs should achieve. These objectives can be a lens for Planning Commission and City Council to view applications.

Clarified relationship of PUD approval to subdivision approval

The current text promulgates a PUD approval process that confusingly overlaps the subdivision approval process. It appears that the intent was that PUD approval was a substitute for preliminary subdivision approval, because various submission requirements are included that are more relevant to subdivision approval and PUD approval. Later, the R6 PUD zone includes specific submittal instructions for final subdivision plat submissions. These provisions duplicate provisions in the subdivision ordinance, and may conflict in some cases. Additionally, the PUD and the subdivision are conflated in how the developer is bound to them and their expiration.

The proposed text explicitly explains the relationship of PUD approval to subdivision approval. It states that PUD approval is a separate process, but may take place at the same time as preliminary subdivision approval. Zoning is zoning, and subdivision is subdivision. Once the PUD is approved, the applicant may submit a final subdivision plat.

The current subdivision text (Article 9) includes a list of layout and development requirements that address lot configuration, streets, etc. Currently these requirements appear to apply to PUDs as well, but this would defeat the purpose of PUDs to allow flexibility in site planning. PUDs are subject to discretionary review so the City’s interests in lot configuration, street design, etc. will

presumably be satisfied and detailed requirements are not needed. Therefore, PUDs are exempted from these requirements.

Lastly, note that the subdivision ordinance is scheduled to be revised this fall with the assistance of graduate planning students. At that time the Commission will have a chance to revisit that process in more detail.

Permitted Uses

The current text lists single-, two-, and multifamily residences as permitted uses, and then allows any other non-residential use as an “accessory use” with some qualifications on the location, percentage of project area, sequence of construction, and target market. While the intent is clearly that non-residential uses be subordinate to residential uses, this is a misunderstanding of the term “accessory use” as defined in the ordinance; accessory uses must be on the same lot as a primary permitted lot. In many cases, non-residential uses such as a corner store, community center, office etc. would not share a lot with a residential use.

Instead, the proposed text lists residential uses and two non-residential uses (community buildings such as clubhouses, and parking lots/garages) as Permitted Uses; and lists a short range of non-residential uses as Conditional Uses. Although the entire master plan of development is like a huge conditional use, this distinction emphasizes that Planning Commission and City Council could and should review the appropriateness of these non-residential uses and buildings in the context of the planned neighborhoods.

Accessory uses are confined to true, customary accessory uses that may occur on the same lot as a primary use.

Street design standards

One of the major concerns with development on this tract of land is its topography. There are steep slopes that make traditional rows of houses difficult and clustered housing much more cost-effective. The slopes, and the clustering, also make road construction expensive. However, Article 9’s subdivision development standards include detailed street construction requirements including minimum pavement width and continuous concrete curb and gutter. This is another reason the explicit exemption of PUDs from Article 9’s development standards is important.

The proposed text requires that streets conform to an appropriate road design standard from VDOT’s road design manual or the American Association of State Highway and Transportation Officials (AASHTO)’s *A Policy on Geometric Design of Highways and Streets*, and that applicants must provide engineering justification for the choice of street design, addressing volume, speed, multimodal capacity, and other relevant factors. Also, there is a flat prohibition on gravel or other similar unconsolidated road surfaces—roads must be paved.

Sec. 607.00. - Planned Unit Development District R-6.

- 607.01 Intent of Planned Development District R-6. The intent of the Planned Development District R-6 is to provide for larger scaled development and clustering of single-family residential dwelling units through design innovation to provide for a neighborhood with a variety of housing types and densities, neighborhood shopping facilities, schools, parks, playgrounds, off-street parking and, where necessary, land reserved to provide local employment opportunities.
- 607.02 *Permitted uses.* Within Planned Development District R-6 the following uses are permitted:
- 607.02-1 Single-family dwellings;
 - 607.02-2 Two-family dwellings;
 - 607.02-3 Multifamily dwellings, apartments, townhouses (as regulated in section 709 of this ordinance) and condominiums.
- 607.03 *Accessory uses.* In addition to the principal uses, other commercial or noncommercial service uses may be permitted provided that:
- (a) Such uses are intended primarily to serve the needs of the project area residents;
 - (b) Such uses are designed and located for the convenience of project area residents and to protect the character of the district;
 - (c) All subsequent changes in use shall be approved by the planning commission or its agent;
 - (d) All commercial uses shall not total more than ten percent of the total project area; and
 - (e) Construction of commercial facilities shall not begin until twenty-five (25) percent of the residential units or 250 dwelling units, whichever is less, of the total planned development has been completed.
- 607.04 *Uses permitted by approval.* The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space.
- 607.05 *Qualifying requirements.* A tract or parcel of land may be considered for R-6 Planned Residential District Zoning only if it meets the following conditions:
- 607.05-1 *Ownership requirements.* The project area must be in one ownership or the application filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land; however, each and every project area in a Planned Residential District must be in single or common ownership before the final development plan is approved;
 - 607.05-2 *Availability of public utilities.* The project area must be located where public water and

sewer systems are available or where a community water and sewer system can be developed as part of the project;

607.05-3 *Land suitability.* Rezoning land to R-6 Planned Residential District may be denied if from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, excessive distance to employment area, nonconformity to city development plans, or other public health, welfare or safety objectives.

607.06 *Site design requirements.* The following are the site design requirements for the R-6 Residential District:

607.06-1 *Maximum density.* The gross residential density shall not exceed 10.5 dwelling units per acre;

607.06-2 *Common open space.* Minimum open space shall be not less than 30 percent of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios and other similar improvements but inclusive of swimming pools and other active and passive recreational areas;

607.06-3 *Functional relationships.* The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping, etc.;

607.06-4 *Lot design.* The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and provide convenient and safe access;

607.06-5 *Street design.* The street system within the project area shall be designed:

- (a) According to functional street purposes and projected traffic flow;
- (b) To discourage through traffic;
- (c) To assure safe and convenient sight distances;
- (d) To complement the natural topography;
- (e) In coordination with existing and planned streets; and
- (f) To be dust proof and passable year round.

607.06-6 *Street names and signs.* The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections;

607.06-7 *Street lighting.* Street lighting shall be provided on all streets in the development;

607.06-8 *Pedestrian circulation.* Provision shall be made for sidewalks and pedestrian walkways,

which will enable residents, visitors, and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems;

- 607.06-9 *Parking.* Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit;
- 607.06-10 *Water and sewer.* All Planned Residential Districts shall be served by collective water and sewer systems as follows:
- (a) Wherever feasible the project area water and sewer lines shall be connected to existing public systems.
 - (b) Where connections to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems.
- 607.06-11 *Community facilities.* Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the city development plan;
- 607.06-12 *Fire hydrants.* Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;
- 607.06-13 *Drainage.* The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required, or where an existing waterway or drainage way traverses the project area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the watershed;
- 607.06-14 *Floodways.* Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open space or other uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;
- 607.06-15 *Easements.* Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies;
- 607.06-16 *Grading.* The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety;
- 607.06-17 *Natural amenities.* The developer shall make every reasonable effort to protect and

preserve the natural amenities of the site such as tree cover, waterways, scenic overlooks, etc. The site development plan shall be designed to maximize the use and enjoyment of natural amenities by project residents;

607.06-18 *Landscaping and screening.* Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.

607.07 *Data to accompany application.* With the Planned Unit District there shall be submitted tentative, overall development plan which shall include:

607.07-1 *[Plan contents.]* Scale accurate proposed development plan mapping of the project to include:

- (a) Proposed land uses including residential types, commercial types, recreation and any other proposed use;
- (b) Proposed street system including public and private right-of-way;
- (c) Proposed parking areas and parking space delineations;
- (d) Proposed plat showing subdivision lot lines;
- (e) Proposed utility rights-of-way or easements including water, sewer, gas, power, and telephone;
- (f) Proposed drainage plan;
- (g) Proposed location of buildings, structures, and improvements;
- (h) Property lines of proposed common property;
- (i) Proposed pedestrian circulation system;
- (j) Proposed landscaping plan;
- (k) Proposed treatment of the project perimeter such as screening or landscaping;
- (l) Relationships and tie-ins to adjacent property.

607.07-2 *[Supporting documentation.]* Supporting documentation to include the following minimum data:

- (a) A legal description of the project boundaries;
- (b) A statement of existing and proposed property owners;
- (c) Names and addresses of all adjacent property owners;
- (d) A statement of project development objectives and character to be achieved;
- (e) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;
- (f) A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.;
- (g) Quantitative data including the number and type of dwelling units; parcel sizes, gross and net residential densities, total amount and percentage of open space,

residential, commercial, and other land use types;

- (h) Proposed building types including architectural style, height, and floor area;
- (i) Approvals from the Virginia Department of Highways and the county health officer;
- (j) Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;
- (k) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken;

607.07-3 *Application.* Application for zoning meeting the foregoing requirements shall be filed with the zoning administrator. Ten copies of the original application are required to be filed with it. The zoning administrator shall forward the application and data to the planning commission for their review and recommendation. The planning commission shall consider the general plan for the community, the location, arrangement and size of lots, parks, school sites and other reservations of open space; the location, width and grade of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the area; and such other features as will contribute to the orderly and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses;

607.07-4 *Processing fee.* At the time of filing the preliminary plan application, the applicant shall deposit with the zoning administrator a check payable to the treasurer in the amount of \$100.00 plus \$1.00 for each dwelling unit proposed on the development plan;

607.07-5 *Appearance of developer.* The planning commission and/or the city council may require the developer to appear to discuss the planned development;

607.07-6 *Preliminary plan approval.*

- (a) Within 60 days after the, filing of the preliminary development plan, the planning commission shall report to city council one of the following:
 - (1) Recommend approval of the plan as presented;
 - (2) Recommend approval of the plan as revised by concurrence of the planning commission and the developer; or
 - (3) Recommend disapproval;
- (b) The city council shall give notice under Code of Virginia, § 15.2-2204 of a public hearing to be held not more than 30 days after the receipt of the planning commission's report. After the hearing, the city council disapproves or approves the preliminary development plan, or approves the preliminary development plan with modifications;

- (c) If the preliminary development plan is approved, or approved with modifications by the city council, the zoning map shall be amended to show the R-6 Planned Unit Development. If the preliminary development plan is approved with modifications, the city council shall not amend the zoning map until the applicant has filed with the zoning administrator written consent to the plan as modified.

607.07 *Status of approval.* No building permits shall be issued within the project area until the final development plan has been approved by the city under the procedures in the following sections.

607.08 *Final plan application.* Within six months following the approval of the preliminary development plan, the applicant shall file with the zoning administrator ten copies of a final development plan containing in final form, the information required in the preliminary plan, including but not limited to, the final maps and documents specified above. In its discretion and for good cause, the planning commission may, upon receipt of a written application, extend for six months the period for filing of the final development plan;

607.08-1 *Phasing plan.* If the project area is to be developed in stages, a phasing plan shall be submitted with the final development plan. The phasing plan shall delineate the areas to be developed in each phase and the approximate development schedule of each phase;

607.08-2 *Compliance with preliminary plan.* The final development plan shall be in substantial compliance with the preliminary development plan. The final development plan shall be deemed in substantial compliance providing modification does not involve any of the following and provided further that such modification does not exceed the limitations of this district's regulations:

- (a) Variation of the proposed residential density or intensity of use by more than ten percent;
- (b) Reduction of more than ten percent of the area reserved for common open space;
- (c) Increase of the floor area proposed for nonresidential use by more than ten percent; and
- (d) Increase of the total ground area covered by buildings by more than five percent.

607.08-3 *Final plan approval.* The planning commission shall review the final development plan, and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The clerk of the court in whose office deeds are conveyed will record the final development plan in the manner provided for recording plats or subdivisions.

607.09 *Subdivision plat requirements.* Final subdivision plats shall be submitted and recorded before the granting of building permits or before the sale of any lots. Subdivision plats may be submitted for portions of the project area in accordance with the phasing plan.

Subdivision plats shall be drawn according to the following specifications:

- (a) Subdivision plats shall be clearly and legibly drawn in ink upon Mylar at a suitable scale. A blank oblong space three inches by five inches shall be reserved on the cover sheet and a one-inch by five-inch space shall be reserved on subsequent sheets for use of the approving authority;
- (b) Subdivision plats shall show the accurate location and dimensions by bearing said distances with all curve data on all lots and street lines and centerlines of streets; boundaries of all proposed or existing easements, parks, school sites or other public areas; the number and area of all buildings sites; all existing public and private streets, their names, numbers and widths; existing and proposed easements for water, sewer, gas, power, telephone and other utilities; watercourses and their names; names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries;
- (c) Distances and bearings must balance and close with an accuracy of not less than one in ten thousand;
- (d) The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.

- 607.09-1 *Surveyor's certificate.* Every subdivision plat shall be prepared by a surveyor duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such tract, within an insert block or by means of a dotted boundary line upon the plat;
- 607.09-2 *Owner's statement.* Every such plat, or the deed of dedication to which plat is attached, shall contain a statement to the effect that "the above and foregoing subdivision of (here insert the correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any," which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the office of the clerk of the appropriate court, and indexed under the names of the landowners signing such statement and under the name of the subdivision;
- 607.09-3 *Recording of plat.* The subdivider shall record the approved plat in the office of the clerk within 60 days after final approval; otherwise the agent shall mark the plat "void" and return the same to the subdivider. No lot shall be sold and the building permit shall not be issued until the plat has been approved and properly recorded.

- 607.10 *Required improvements.* All improvements shown on the final development plan shall be installed by the developer at his cost. In cases where specifications have been established by state departments or local ordinances, such specifications shall be followed. The developer's performance bond shall not be released until construction has been inspected and approved by the appropriate official.
- 607.10-1 *Monuments.* Monuments shall be provided to permanently identify lot and right-of-way lines. The monuments shall be installed as follows:
- (a) Concrete monuments four inches in diameter or square two feet long, with a flat top, shall be put at all street corners, at all points where the street lines intersect the exterior boundaries of the project area, and at right angle points, and points of a curve in each street. The top of the monument shall have an indented cross to identify property the location and shall be set flush with the finished grade;
 - (b) All other lot and parcel corners shall be marked with concrete monuments as above.
- 607.10-2 *Plans and specifications.* Two blue or black line prints of the plans and specifications of all required physical improvements installed shall be prepared by a licensed engineer as certified by the State of Virginia and shall be submitted to the agent for review. The agent shall approve or disapprove of the construction plans within forty-five (45) days of submission. If approved, one copy bearing certification of such approval shall be returned to the developer. If disapproved, all papers shall be returned to the developer with the reason for disapproval stated in writing;
- 607.10-3 *Maintenance of common property.* The developer shall create property owners as be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owner assessments and such assessments shall constitute a lien upon the individual properties;
- 607.10-4 *Advertising and sale.* The developer shall not advertise for sale or sell any tract or lot within the project area until an approved plat has been properly recorded. Prospective property owners shall be informed of the homeowner's responsibility, the entire project area development plan, and the amount of officially approved water available to each lot in terms of gallons per day;
- 607.10-5 *Changes in final development.* No changes may be made in the approved final plan during the construction of the planned development except upon application to the appropriate agency provided below:
- (a) Minor changes in the location, setting, and character of buildings and structures may be authorized by the planning commission if required by engineering or other circumstances not foreseen at the time the final plan was approved. No changes

authorized by this section may increase the cubic volume of any building or structure by more than ten percent;

- (b) All other changes in use and rearrangement of lots, blocks, and buildings tracts, any changes in the provisions of common open spaces, and all other changes in the approved final plan by the developer or any succeeding owner, or agent must be made under the procedure authorized by this ordinance. No amendments may be made in the approved final plans unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community.

607.10-6 *Development schedule and review.* The construction and provision of all facilities and improvements on common property, which are shown on the final development plan, must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan the zoning administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If he shall find that the rate at which facilities and improvements on common property have been constructed and provided, is not in accordance with the original development schedule, he shall forward this information to the building official who shall not issue any additional building permits until the scheduled facilities and improvements on common property have been provided;

607.10-7 *Failure to begin development.* If no construction has begun or no use established in the planned development within one year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion, and for good cause, the planning commission may, upon receipt of written application, extend for one additional year the period for the beginning of construction or the establishment of a use. If a final development plan lapses under the provisions of this section, the clerk shall file a notice of revocation with the recorded subdivision plat. The zoning regulations applicable before the final development plan was approved shall then be in effect.

607.11 *Effectual clauses.*

607.11-1 *Authority.* This ordinance has been enacted under the authority granted under chapter 22 of the Code of Virginia, as amended;

607.11-2 *Validity.* Should any article, section, subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional;

607.11-3 *Private covenants.* This ordinance bears no relation to any private easement, covenant, agreement, or, restriction, nor is the responsibility of enforcing such private easement,

covenant, agreement or restriction implied herein to any public official. When this ordinance calls for more restrictive standards than are required by private contract, the provisions of this ordinance shall control;

607.11-4 *Penalties.* Any developer who violates any provision of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$100.00 for each dwelling unit proposed in the final development plan.



**CITY OF
BUENA VISTA**
Planning and Zoning
troberts@bvcity.org
(540) 261-8607

R6 Residential Planned Unit Development DRAFT Text 7/5/2019

Sec. 607.00. – Residential Planned Unit Development District R-6.

607.01 Intent. The R6 Residential Planned Unit Development zone is intended to provide opportunities for the development of planned residential communities offering a mix of large and small-lot single-family detached and attached dwellings and open spaces, together with certain governmental, educational, religious, recreational and support uses. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed and redeveloped in accordance with a master development plan adopted at the time of rezoning or a subsequent approved amendment thereof. In order to carry out the intent of this article, planned communities developed under these district regulations and the approved master development plan shall achieve the following design objectives:

607.01-1 A mix of residential lot and dwelling unit sizes and configurations is provided so as to offer a variety of housing opportunities, yet create a cohesive neighborhood that enhances social interaction.

607.01-2 Housing is clustered to preserve valuable environmental resources and provide usable recreational open space.

607.01-3 The open space system is designed to offer usable parks, connected green spaces, and village greens and civic spaces visible from roadways and spatially defined by abutting building facades and/or landscape elements.

607.01-4 Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and/or trails so as to provide choices with regard to mode and route, and this system is connected and integrated to the greatest extent possible with the City's existing transportation network.

607.01-5 Principal buildings address the street, presenting front facades on the publicly visible side of the building.

607.01-6 The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design, including parking areas located to the rear of buildings, using architectural design elements such as massing, form, materials and fenestration to make garages visually compatible with inhabited buildings, and parking areas screened with landscape elements.

607.01-7 Neighborhood support uses, such as neighborhood commercial areas, daycare facilities, community centers, churches and schools, are designed so as to be visually

compatible with the residential character of the neighborhood and accessible by all transportation modes.

607.02 Terminology. Except as otherwise noted:

607.02-1 The term “planned unit development” or “planned development” shall mean a tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses and is processed under the planned unit development provisions of this ordinance. Also, a parcel of land planned as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards, setbacks, and height limitations) or land-use restrictions (such as prohibitions against mixing land uses within a development).

607.02-2 The term “master plan of development” or “plan of development” shall mean the site plan and related documents submitted and approved by City Council in accordance with the provisions of this ordinance which governs the construction and use of a planned unit development.

607.03 Procedure

607.03-1 Plan required. A master plan of development is required for any use within the zone, excluding legal pre-existing non-conforming uses and structures pursuant to Section 708.

607.03-2 Conditional zoning. Approval of a master plan of development constitutes conditional zoning under Code of Virginia Section 15.2-2296. As such, this approval process is governed by Section 802.03 *Application procedures for conditional uses* of the City of Buena Vista Land Development Regulations. Should provisions of Section 802.03 conflict with provisions of this article, this article shall prevail.

607.03-3 Coordination with subdivision approval. It is the intent of this section that review and approval of a master plan of development under the provisions of this section shall be coordinated with preliminary subdivision review and approval pursuant to Article 9 *Subdivision Regulations* of the Buena Vista Land Development Regulations. Approval of a master plan of development does not constitute preliminary or final subdivision plat approval. A master plan of development must be approved prior to approval and recordation of a final subdivision plat. Provisions within the subdivision regulations pertaining to site design, lot and block configuration, development standards to include streets and roads, reservation of land for public purposes, utility requirements, and similar development requirements do not apply to planned unit developments to the extent that those facets of development are addressed in the approved master plan of development.

607.03-4 Contents of application. Applications shall consist of an application form provided by the City; scale-appropriate site plans, surveys, and maps prepared by a registered design professional; and written documents to provide the following:

607.03-4.01 Project narrative which accomplishes the following items:

607.03-4.01-1 Addresses the objectives outlined in Section 607.01

607.03-4.01-2 Provides a basis for evaluation of project design

607.03-4.01-3 States intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.

607.03-4.01-4 Proposes phases of development

607.03-4.02 Legal plat providing project boundaries, subdivision lot lines, utility rights-of-way and easements

607.03-4.03 General layout of roads, housing areas, open space, parks, pedestrian and bicycle trails.

607.03-4.04 General location and number of community building, school, day care, church and other public use sites proposed.

607.03-4.05 Description of building types, lot configurations to be used with lot areas, minimum widths and depths, minimum yards defined, and other dimensional regulations.

607.03-4.06 General location of housing types/lot configurations proposed

607.03-4.07 A comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. These design guidelines shall address site and building design and shall further the overall objectives found in the intent statement of this ordinance. Such guidelines shall govern ultimate buildout of the project, and shall be adopted in conjunction with and as part of the approval of a master plan of development.

607.03-4.08 Environmentally sensitive areas: slopes exceeding fifteen (15) percent, streams and 100-year floodplains.

607.03-4.09 Land uses

607.03-4.10 Common space and open space, to include active recreation areas and recreation facilities.

607.03-4.11 General landscape plan (landscape areas, plant materials and general specifications).

607.03-4.12 Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;

607.03-4.13 Additional information as deemed necessary by the Zoning Administrator in order to facilitate a thorough review of the potential impacts of the proposed PUD that is the subject of the application. If any application fails to demonstrate within their application materials that a proposed PUD meets the requirements specified in this ordinance, the application may be rejected as incomplete.

607.03-5 Application. Application meeting the requirements of this ordinance shall be filed with the zoning administrator. The zoning administrator shall forward the application and data to the planning commission for their review and recommendation. The planning commission shall consider the general plan for the community, the location,

arrangement and size of lots, parks, school sites and other reservations of open space; the location, width and grade of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the area; and such other features as will contribute to the orderly and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses;

607.03-6 Processing fee. At the time of filing the preliminary plan application, the applicant shall be responsible for payment of a fee as listed on the current Planning and Zoning Fee Schedule.

607.03-7 Approval. Approval of the rezoning application establishes the maximum density/intensity, height and other dimensional requirements, the general location of each use and locations for streets and utilities shown on the development plan. Together with any approved proffers, the approved development plan shall establish the zoning requirements applicable to the PUD. Approval of a master plan of development does not relieve the applicant from its obligation to comply with all local, state, and federal laws and regulations.

607.03-7.01 Following approval of a PUD development plan, preliminary and final subdivision and site plan approvals shall be required. All such plans shall conform to the approved PUD development plan. No building or structure shall be erected, no building permit(s) issued, and no final subdivision plat(s) recorded, unless:

607.03-7.01-1 Any required dedications, reservations or required improvements have been made in accordance with the final site plan and PUD phasing schedule; and,

607.03-7.01-2 Sufficient financial guarantees for completion of required improvements have been received by the city.

607.03-7.01-3 Where phased development has been approved, applications for subdivision and site plan approvals may, at the developer's option, be submitted for each individual phase.

607.03-8 Amendment. Following approval of a plan of development for a planned unit development, the owner of the development may amend the plan of development only as follows:

607.03-8.01 The owner of a PUD may submit a written request for a proposed minor change to the approved plan of development to the Zoning Administrator. The request shall be supported by graphic, statistical and other information necessary in order for the Zoning Administrator to evaluate the request. The Zoning Administrator may approve the request upon a determination that it involves only a minor deviation from the layout or design contemplated within the approved plan of development. For the purpose of this section the terms "minor change" and "minor deviation" mean and refer to changes of location and design of buildings, structures, streets, parking, recreational facilities, open space, landscaping, utilities, or similar details which do not materially alter the character

or concept of the approved plan of development and which do not increase or decrease the cubic volume of any building or structure by more than ten percent.

607.03-8.02 All other changes in use and rearrangement of lots, blocks, and buildings tracts, any changes in the provisions of common open spaces, and all other changes in the approved master plan by the developer or any succeeding owner, or agent must be made under the amendment procedure authorized by this ordinance.

607.03-9 Failure to begin development and expiration of plan. If no construction has begun or no use established in the planned development within two years from the approval of the final development plan, the final development plan shall expire and be of no further effect. In its discretion, and for good cause, the planning commission may, upon receipt of written application, extend for one additional year the period for the beginning of construction or the establishment of a use.

607.04 Permitted uses. Only those uses shown and described in an approved master development plan are permitted.

607.04-1 Bed and breakfast homestays

607.04-2 Community buildings such as clubhouses operated by a homeowners association

607.04-3 Multifamily dwellings

607.04-4 Parking lots and parking garages.

607.04-5 Parks and common open space

607.04-6 Single-family dwellings.

607.04-7 Townhouses

607.05 Conditional Uses. Only those uses shown and described in an approved master development plan are permitted. All non-residential uses shall be integrated into the residential community so as to not adversely affect local traffic patterns and levels and views from surrounding residential areas and public streets. Such integration shall be achieved through effective site planning, compatible architectural design, and landscaping and screening of parking lots, utilities, mechanical/electrical/telecommunications equipment and service/refuse functions. Buildings shall be residential in design and scale.

607.05-1 Bed and breakfast inns

607.05-2 Child care centers and family day care homes

607.05-3 Educational facilities including public and private preschool, primary, and secondary schools

607.05-4 Government offices

607.05-5 Places of religious assembly

607.05-6 Professional offices

607.05-7 Public utilities limited to public service structures such as power plants or substations, water lines or pumping stations, or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications or related services to the general public.

607.05-8 Retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities, unless permitted by special use permit), food and drug stores.

607.06 Accessory uses. Where a lot or building is devoted to a permitted principal use, accessory uses and structures are permitted.

607.06-1 Home occupations.

607.06-2 Temporary buildings incidental to construction work, which shall be removed upon completion or abandonment of construction activity

607.06-3 Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy.

607.07 Site Design and Development Requirements. The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space. The following provisions apply:

607.07-1 Minimum district size: Two (2) contiguous acres, which may include properties located directly across public or private street or alley rights-of-way from one another.

607.07-2 **Minimum common open space or park**: Thirty (30) percent of gross project area.

607.07-3 Lot area, lot width, lot depth and yards for all uses shall be set forth by the approved master development plan.

607.07-4 Maximum building height: 35 feet

607.07-5 Residential density. The maximum gross density of residential units is 10.5 units per acre.

607.07-6 Streets. Developers are encouraged, but not required, to consult or incorporate street design standards found in Appendix C of the Buena Vista Design Guidelines. The street system within the project area shall be designed and constructed:

607.07-6.01 According to functional street purposes and projected traffic flow;

607.07-6.02 To assure safe and convenient sight distances;

607.07-6.03 To complement the natural topography;

607.07-6.04 To provide maximum connectivity to existing and proposed streets

607.07-6.05 To be dust proof and passable year round. Gravel and similar unconsolidated surfaces are not permitted; all streets must be paved.

607.07-6.06 To provide for safe use of bicycles within and through the development

607.07-6.07 In conformance with street geometric design standards and construction techniques found in the latest edition of either the Virginia Department of Transportation's *Road Design Manual* or the American Association of State Highway and Transportation Officials (AASHTO)'s *A Policy on Geometric Design of Highways and Streets*. Applicants must provide engineering justification for the choice of street design, addressing volume, speed, multimodal capacity, and other relevant factors.

607.07-7 Street names and signs. The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections.

607.07-8 Pedestrian circulation. Sidewalks or other pedestrian pathways are required. Residents, visitors, and patrons must be able to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems.

607.07-9 Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by landscaping and tree planting. The minimum off-street parking requirements found in Section 703 of this ordinance are a guide but are not binding on a master planned development.

607.07-10 Water and sewer. All Planned Residential Districts shall be served by collective water and sewer systems as follows:

607.07-10.01 Wherever feasible the project area water and sewer lines shall be connected to existing public systems.

607.07-10.02 Where connections to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems.

607.07-11 Fire hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;

607.07-12 Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies;

607.07-13 The Buena Vista Design Guidelines found in Appendices A through E of the Land Development Regulations are not binding on Planned Unit Developments.