

**MONTGOMERY COUNTY PLANNING COMMISSION**  
**February 9, 2011 @ 7:00 P.M.**  
**County Administration Conference Room, Government Center**

**AGENDA**

**CALL TO ORDER:**

**DETERMINATION OF A QUORUM:**

**APPROVAL OF AGENDA:**

**PUBLIC ADDRESS:**

**PUBLIC HEARING:**

- None

**OLD BUSINESS:**

- Subdivision Ordinance Amendments Update (Jamie MacLean)
- Regional Hazard Mitigation Plan Discussion (Steven Sandy)

**NEW BUSINESS:**

- None

**WORKSESSION:**

- Urban Development Areas (UDA) Updates with County Consultant (Renaissance Planning)
  - o Recommendations for Comprehensive Plan Amendments
  - o Recommendations for Zoning Ordinance Amendments
  - o Route 177 Gateway Area Plan

**MEETING ADJOURNED:**

**UPCOMING MEETINGS:**

- |                   |   |
|-------------------|---|
| February 16, 2011 | Planning Commission Site Visit (To Be Determined) |
|                   | Planning Commission Regular Meeting (7:00 pm)     |
| March 9, 2011     | Planning Commission Public Hearing (7:00 pm)      |
| March 16, 2011    | Planning Commission Site Visit (To Be Determined) |
|                   | Planning Commission Regular Meeting (7:00 pm)     |



## MONTGOMERY COUNTY PLANNING & GIS SERVICES

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

### MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Jamie Rogers MacLean, CZO, CFM *JRM*  
Development Planner

DATE: February 3, 2011

SUBJ: Proposed Subdivision Ordinance Amendment(s)

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Based on the guidance provided by the planning commission, surveying professionals, and the county attorney, staff has been working on amendment(s) to the Chapter 8 of the Montgomery County Code, specifically sections 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, and 8-201.

The proposed amendments will modify the requirements of the existing ordinance and result in the following changes.

- Amend the definition(s) of the following terms: remainder, family subdivision, and major subdivision
- Adding the definition of "flood prone area".
- Require fees associated with the existing county street naming policy
- Require planning commission and board of supervisors approval of exterior line changes that could result in the creation of additional lots
- Decrease the amount of surety bonding subdivision improvements
- Require VDOT review and approval of any plat showing a private access easement serving more than two lots
- Set forth requirements for where private on-site sewage disposal systems in family and minor subdivisions may be located
- Amend the circumstances that dictate when a subdivision does not require a survey and what information is required on the sketch which is provided in lieu of the survey
- Increase the number of copies of a preliminary plat of a major subdivision to be submitted and by additional information to be noted on preliminary and final plats
- Increase the time period a preliminary plat is valid
- Require submission of a digital copy of the final plat
- Incorporate the county street naming policy into the subdivision ordinance

Copies of the most recent version of the proposed amendment(s), in ordinance form, were sent to a listing of approximately forty-five surveying and engineering professionals who frequently work in Montgomery County. At the time this report was issued staff had not received any additional comments on the proposed amendments.

Copies of the proposed amendment(s), in ordinance form, are enclosed for review.  
Enclosure(s): Proposed Amendments

AN ORDINANCE AMENDING CHAPTER 8 ENTITLED PLANNING AND DEVELOPMENT ARTICLE IV ENTITLED SUBDIVISIONS SECTIONS 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, 8-173, 8-174 RESPECTIVELY AND ARTICLE V, ENTITLED STREET NAMES; NUMBERS FOR HOUSES AND LOTS SECTION 8-201, OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,

BY AMENDING THE DEFINITION OF REMAINDER, FAMILY SUBDIVISION AND SUBDIVISION MAJOR; **BY ADDING THE DEFINITION OF FLOOD PRONE AREA;**  
BY REQUIRING ADDITIONAL FEES FOR THE

REVIEW OF PLATS; BY REQUIRING PLANNING COMMISSION AND BOARD OF SUPERVISOR APPROVAL OF EXTERIOR BOUNDARY LINE CHANGES THAT COULD RESULT IN ADDITIONAL LOTS; BY DECREASING THE AMOUNT OF SURETY FOR BONDING SUBDIVISION IMPROVEMENTS; BY REQUIRING VDOT REVIEW AND APPROVAL OF ANY PLAT SHOWING A PRIVATE ACCESS EASEMENT SERVING MORE THAN TWO LOTS; BY REQUIRING WHERE PRIVATE ON-SITE SEWAGE DISPOSAL SYSTEMS IN FAMILY AND MINOR SUBDIVISION MAY BE LOCATED; BY AMENDING WHEN A SUBDIVISION DOES NOT REQUIRE A SURVEY AND WHAT INFORMATION IS REQUIRED ON THE SKETCH WHICH IS PROVIDED IN LIEU OF THE SURVEY; BY INCREASING THE NUMBER OF COPIES OF A PRELIMINARY PLAT TO BE SUBMITTED AND BY ADDING ADDITIONAL INFORMATION TO BE NOTED ON PRELIMINARY AND FINAL PLATS; BY INCREASING THE TIME PERIOD A PRELIMINARY PLAT IS VALID; BY REQUIRING THE SUBMISSION OF A DIGITAL COPY OF THE FINAL PLAT; AND BY INCORPORATING THE COUNTY STREET NAMING POLICY INTO THE SUBDIVISION ORDINANCE

BE IT ORDAINED, by the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 8, entitled Planning and Development, Article IV, entitled Subdivisions, Sections 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, 8-173, 8-174 respectively, and Article V entitled Street Names; Numbers For Houses and Lots, Section 8-201 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

#### ARTICLE IV. SUBDIVISIONS

##### Sec. 8-111. Definitions.

For the purposes of this article certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this article includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane:

*Agent* means the representative of the board of supervisors who has been appointed to serve as the agent or coagent of the board in approving the subdivision plats.

*Board or board of supervisors* means the Montgomery County board of supervisors.

*Bond* means an undertaking by an insurance company (bonding company) licensed to do business in the state guaranteeing that a subdivider will perform certain acts as regards the construction and maintenance of required improvements.

*Building setback* means the minimum distance that a building must be set back from a lot line.

*Commission or planning commission* means the Montgomery County Planning Commission.

*Construction plan* means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this article as a condition of the approval of the plat.

*Cul-de-sac* means a street with only one (1) outlet and having an appropriate turnaround area for a safe and convenient reverse traffic movement.

*Easement.* The definition of "easement" shall be deemed that recognized by law.

*Engineer* shall mean a professional engineer licensed for practice under Chapter 4, Title 54.1 Code of Virginia.

*Escrow account* means a deposit of cash or a certified check with the local government in lieu of actual construction and maintenance of required improvements as specified in this article.

**Flood prone area means any land area susceptible to being inundated by water from any source.**

*Improvement* means any street, street sign, drainage ditch, water line, sewer line, park or other facility.

*Jurisdiction* means the area or territory subject to the legislative control of a local government.

*Letter of credit* means an irrevocable guarantee of payment sufficient to cover the cost of constructing and maintaining required improvements, if the subdivider fails to do so.

*Local government attorney* means an attorney designated by the board of supervisors.

*Lot* means any parcel of land created by subdivision, including any parcels to be retained by the current owner.

*Plat* means and includes the terms "map," "plan," "plot," "replat," or "replot." A map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

*Public service authority* means the county public service authority.

*Public sewer system* or *public water system* means those public sewer systems or public water systems provided for public use.

*Remainder* means a **one** lot of a subdivided property that is not to be offered for immediate sale and that is ~~twenty (20)~~ **thirty five (35)** acres or larger.

*Right-of-way.* The definition of right-of-way shall be deemed that recognized by law.

*Street* means a highway, street, avenue, boulevard, road, lane, alley or any way which provides ingress and egress.

*Street, private* means any street that is unmaintained or is maintained by a private organization or individuals.

*Street, public* means a street that provides unrestricted ingress and egress by the public, and which is maintained by the Virginia Department of Transportation or by a municipality.

*Subdivider* means any person, corporation, partnership, or other entity owning any tract, lot or parcel of land to be subdivided.

*Subdivision* means the division of a parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or building development.

*Subdivision, family,* means a single division of a lot or parcel for the purpose of a sale or gift to a member of the immediate family. **For the purpose of this subsection, a member of the immediate family is defined as any person who is naturally or legally defined as offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent,** ~~(as defined by the Code of Virginia)~~ of the property owner.

*Subdivision, major* means any subdivision that:

- (1) Creates eleven (11) or more lots or tracts;
- (2) Requires construction of a new street; or
- (3) Requires a **new** private access easement, serving a total of four (4) or more lots or tracts.

*Subdivision, minor* means any subdivision consisting of ten (10) or fewer lots or tracts and which does not require construction of a new street and which does not require a private access easement serving a total of four (4) or more lots or tracts.

*Surveyor* means a land surveyor licensed for practice under Chapter 4, Title 54.1 Code of Virginia.

*Traffic impact statement* means a statement that assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. The traffic impact statement shall (1) identify any traffic issues associated with access from the site to the existing transportation network; (2) outline solutions to potential problems; (3) address the sufficiency of the future transportation networks and (4) present improvements to be incorporated into the proposed development. The traffic impact statement shall comply with the requirements contained in the Virginia Department of Transportation Traffic Impact Analysis Regulations, Chapter 155, 24 VAC 30-155-60. If a traffic impact statement is required, data collection shall be by the developer or owner and the developer or owner shall prepare the traffic impact statement. The developer or owner shall be responsible for paying all the applicable fees charged by VDOT.

*Zoning ordinance* means the zoning ordinance of the county.

Sec. 8-136. Platting fees.

There shall be a charge for the examination and approval or disapproval of every plat reviewed.

**For plats requiring street naming and signage additional fees shall be charged, in accordance with Section 8-201 of the Montgomery County Code, in the amount set by ordinance of the board of supervisors.** At the time of filing the preliminary plat, the subdivider shall ~~deposit with the agent checks payable~~ **pay the required fees** to the treasurer of the county in the amount set from time to time by ~~resolution~~ **ordinance** of the board of supervisors.

Sec. 8-137. Vacation or relocation of boundary lines.

The agent may approve the relocation or vacation of boundary lines of any lot or parcel of land in a properly recorded plat of subdivision or resubdivision, provided such action does not involve the relocation or alteration of streets, alley, easements for public passage or other public areas, and provided further that no easement or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein, **or in cases where a revision is proposed to the exterior boundary lines of an approved and recorded major subdivision which could result in the creation of additional lots.**

The agent shall not use this provision to increase the total number of lots in the subdivision or resubdivision above the number originally approved under the regulations and standards of this article.

**The Planning Commission shall review any subdivision plat resulting in a revision to the exterior boundary lines of an approved and recorded major subdivision, where the revision could result in the creation of additional lots. The board of supervisors shall approve with**

**modifications or disprove such plans after a recommendation has been provided by the planning commission.**

Sec. 8-150. Generally.

(a) All improvements required by the provisions of this article for a subdivision as platted shall be installed thereon and therein at the expense of the subdivider, his successors and assigns, and pending such installation thereof and acceptance thereof for the purpose of maintenance by a governmental entity, the subdivider, his successors and assigns shall furnish, prior to approval of the final plat, an irrevocable and continuing bond, escrow account or letter of credit in an amount approved by the agent, equal to one hundred ~~twenty-five (125)~~ **ten (110)** percent of the estimated costs of such improvements calculated pursuant to all applicable standards, with corporate surety with a company authorized to do business in the state or other equivalent security acceptable to the agent guaranteeing that the required improvements will be properly completed and maintained as required by this article. This amount is intended to cover the estimated cost of construction and administrative costs to the county. In lieu of posting a bond, escrow account or letter of credit to cover construction costs, the subdivider may construct required improvements prior to approval of the final plat. A bond for maintenance costs may still be required.

(b) The subdivider shall provide an estimate of the total costs of necessary improvements, certified by a licensed engineer. If the subdivider's bond, escrow account or letter of credit is to be renewed for an additional period of time, the agent may require a new estimate certified by a licensed engineer.

(c) In cases where specifications have been established by local ordinances and codes, such specifications shall be followed. The subdivider's bond, escrow account or letter of credit shall not be released until construction has been inspected and approved by the agent and/or the county engineer. Any improvements intended for ownership and maintenance by an agency or public utility must have been approved and accepted by the appropriate agency or public utility prior to the release. A partial release may be granted as provided for under section 8-188.

Sec. 8-152. New streets.

(a) *Public streets.* New public streets are permitted in all subdivisions. Public streets shall be designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the surface pavement layer shall be asphalt concrete. All site related improvements required by VDOT or the county for vehicular ingress and egress, including but not limited to traffic signalization and control shall also be designed and constructed in accordance with the minimum standards of Virginia Department of Transportation. Street construction plans must be approved by the Virginia Department of Transportation prior to approval of the final plat.

(b) *Private streets.* In order to promote efficient utilization of land, or to reduce the number of access points to public streets, the board of supervisors may permit construction of private streets so long as such streets are not likely to inhibit future development of adjacent land. Private streets may be permitted in the following types of developments:

(1) *Commercial or industrial developments.* Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.

(2) *Townhouse developments.* Streets shall be surfaced with bituminous concrete. Approval will be based upon review of an access plan that shall include construction and pavement specifications, as well as a maintenance plan or agreement.

(3) *Single-family housing developments.* Private streets may be permitted only if the subdivision has a median lot size of three (3) acres or greater, and a length of street per lot ratio of one hundred fifty (150) feet per lot or greater. Such streets shall have a maximum grade of eighteen (18) percent and a minimum width of all-weather surface or pavement of eighteen (18) feet. Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.

(bb) *Private access easements.* Private access easements at least forty (40) [feet] in width providing ingress and egress to a dedicated recorded public street may be permitted in the Agricultural A-1 zoning district and private access easements at least twenty (20) feet in width providing ingress and egress to a dedicated recorded public street may be permitted to serve a family subdivision subject to the following:

(1) Any private access easements serving a total of three (3) or less lots or tracts shall be constructed with an all-weather surface **and named for E-911 purposes.**

(2) Any private access easements serving a total of four (4) or more lots or tracts shall be reviewed and constructed in accordance with the provisions of this article for private streets in single-family housing developments.

**(3) Any plat showing a private access easements serving three (3) or more lots or tracts shall be reviewed and signed, by the Virginia Department of Transportation prior to the approval of the final plat.**

(bbb) *[Ingress and egress.]* Any and all streets and private access easements providing ingress and egress that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and shall not be eligible for acceptance into the system of state highways unless improved to current department of transportation standards with funds other than those appropriated by the general assembly and allocated by the commonwealth transportation board. A note shall be placed on all plats and deeds of subdivisions when a subdivision is served by a private street and/or a private access easement advising that the streets and access easements are not eligible for maintenance or improvements with funds allocated by either the General Assembly of Virginia or the commonwealth transportation board as required by section 8-173 and 8-174.

(c) *Cul-de-sac.* Dead-end streets shall have cul-de-sac-type turnarounds at their ends, with radius equal to the right-of-way width. Dead-end streets shall serve no more than thirty-five (35) dwelling units, unless the board of supervisors determines that terrain or other factors dictate otherwise.

(d) *Access.* New subdivisions shall have access to a street dedicated to the public or to a street shown upon a plat approved by the agent and recorded in the office of the clerk of the appropriate court.

(e) *Street identification signs.* Street identification signs of a design approved by the agent shall be installed at all intersections by the subdivider.

(f) *Reserve strips.* There shall be no reserve strips controlling access to streets.

(g) *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangements must be such as to cause no unnecessary hardship to owners of adjoining property when they plat and seek to provide for convenient access to their own land. Where, in the opinion of the board of supervisors, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the

boundary of land proposed for subdivision are not to be permitted. Streets shall be related appropriately to the topography. Whenever possible, streets should intersect at right angles.

(h) *Traffic Impact Statement.* The subdivider shall submit with its request for a subdivision a traffic impact statement when the proposed development substantially affects transportation on state-controlled highways as defined by the Virginia Department of Transportation Traffic Impact Analysis Regulations Chapter 155, 24 VAC 30-155, et seq. The data and analysis contained in the traffic impact statement shall be acceptable to VDOT and comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-60 and this article. The subdivider shall submit to the agent three (3) copies of the traffic impact statement and a check made payable to VDOT to cover the review fees charged by VDOT to review the traffic impact statement. The agent shall forward the traffic impact statement along with the review fees provided by the subdivider to VDOT within ten (10) business days of receipt of a complete subdivision proposal.

Sec. 8-153. Water and sewage facilities.

(a) If the boundary of the subdivision lies within two hundred (200) feet of a public water or public sewer system, the subdivider shall make the necessary improvements to connect all lots to such systems; provided that any necessary easements can be secured either by the subdivider or the utility, and that the public utility has the capacity needed to serve the subdivision. The board of supervisors may permit an exception to this requirement if connection to a public system can only be achieved by crossing a highway, railway, or stream or by connection to a force main sewer line. If the subdivider intends to provide a private water system or private sewer system, the subdivider shall submit construction plans and specifications therefore, and such shall be subject to the bond and other security provisions guaranteeing construction and maintenance provided elsewhere in this article. All construction plans must be approved by the appropriate agency prior to the approval of the final plat.

(b) If there are no plans to extend public sewer or approved private sewer to the subdivision, the agent or the board of supervisors shall not approve the final plat until the subdivider provides a written statement from the health department certifying the suitability of the subdivision for private on-site sewage disposal systems. Such certification shall state that soil evaluations have been performed and that each lot to be served by a private on-site sewage disposal system meets health department requirements for such a system. The following types of lots are exempt from this requirement:

(1) Remainders, as defined in this article;

(2) Lots intended to contain only an existing structure with an existing approved septic system; and

(3) Lots that are to be used only for special purposes that do not require human presence, such as power substations, radio towers, pump stations, etc. A note shall be included on the plat to specify the use of such a lot and to state that it is not approved for construction of any occupied structure.

~~(bb)~~(c) When private on-site sewage disposal systems are used in major subdivisions, each private system shall be located either within the lot it intends to serve or within green space set aside under compact development option of the zoning ordinance.

**(cc) When private on-site sewage disposal systems are used in family or minor subdivisions, each system shall be located within the lot it intends to serve, within green space set aside under compact development option of the zoning ordinance, or shall have deeded access for the purpose of maintaining the sewage disposal system. Easement for access and**

**maintenance should be delineated on the face of the plat and should extend from the drainfield which it serves to the property line separating the two properties.**

(e) **(d)** Within flood prone areas all public water systems and public sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 8-171. Generally.

(a) All preliminary and final plats shall be approved or disapproved by the agent, the planning commission, or the board of supervisors in accordance with the provisions of § 15.2-2258 **and 2259** of the Code of Virginia. In the event that approval of a feature or features of a plat by a state agency is necessary, the agent shall forward the subdivision submission within ten (10) business days of receipt of a completed submission and applicable VDOT fees to the appropriate state agency or agencies for review. Requirements for review including time limitations shall be in accordance with the provisions of § 15.2-2222.1 and § 15.2-2260 of the Code of Virginia, as applicable. Upon approval of a final plat, the agent or the chairman of the board of supervisors and the chairman of the planning commission shall sign the plat before it is recorded.

(b) All plats and surveys shall conform to the standards and procedures for land boundary surveying, as adopted by the board for architects, professional engineers, land surveyors and landscape architects, pursuant to the Code of Virginia.

(c) A survey of the land to be subdivided, showing the number, area, and dimensions of all lots, is required for all subdivisions except that in subdivisions where one (1) lot of **thirty five (35)** ~~twenty-(20)~~ acres or larger is not to be immediately conveyed, that one (1) tract shall be considered a "remainder" and need not be included in the survey. However, a sketch map showing the approximate boundaries of the entire property, including the remainder, shall be recorded with the required plat. The sketch map shall have sufficient detail to show ~~that the remainder meets minimum road frontage requirements and shall also give the approximate acreage of the remainder~~ **the following:**

1. **That the remainder meets the minimum road frontage requirements for the zoning district.**
2. **The approximate acreage of the remainder parcel.**
3. **The delineation of any known existing and proposed easements and rights-of-way.**
4. **The location of known existing septic drainfields and reserve areas and private well locations, located by a licensed surveyor.**
5. **The location of existing buildings within 50 feet of any new boundary line.**

Sec. 8-173. Preliminary plat, major subdivisions.

(a) The subdivider shall submit **fifteen (15)** ~~three-(3)~~ copies of a preliminary plat to the agent. Preliminary plats must be drawn to scale and shall contain the following items:

(1) When the parcel to be subdivided is located within a previously platted subdivision, the name of such subdivision. When the property is not located within a previously platted subdivision, either the proposed name of the subdivision or the locally known name of the property.

(2) The name and address of the legal owner, date of purchase, previous owner and, if the deed is recorded, deed book and page number and plat book and page number. If the subdivider is

other than the owner, the name and address of the subdivider shall also be given. When the legal owner or the subdivider is a corporation, then the name and address of the chief officer of the corporation shall also be given.

(3) The name and address of any surveyor, engineer or other professional involved in the plat design and preparation.

(4) Delineation of any existing and proposed easements and rights-of-way affecting the use of the property.

(5) The location of the proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile, showing adjoining roads, their names and numbers, towns, subdivisions, true north arrow and other landmarks.

(6) Location of the property by tax parcel map number, parcel ID number, zoning district, magisterial district, north arrow, with source of meridian, date of drawing, number of sheets and graphic scale.

(7) Location and dimensions of property lines, location of building setback lines, total acreage, acreage of subdivided area, acreage of dedicated right-of-ways, number and approximate area and frontage of all lots, existing buildings within the boundaries of the tract and names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

(8) All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements; public areas; culverts, drains and watercourses and their names; and other pertinent data.

(9) All parcels of land to be dedicated for public use and the conditions of such dedication.

(10) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.

(11) Provisions for collection and discharging surface drainage.

(12) Location of any lot to be designated as a remainder, as defined in this article.

(13) Any additional data deemed necessary by the agent, such as topography.

(14) Table listing acreage and frontage for each lot.

(15) Table of assignment of lots under sliding scale, if applicable.

(16) Location of lands within the one hundred-year floodplain and base flood elevations when required.

(17) Location of any grave, object or structure marking a place of burial.

**(18) Street names and addresses of lots assigned by the County.**

**(19) Whenever a lot or tract involved in a subdivision is within an agricultural and forestal district a note shall be placed on the plat and on the deeds of subdivision stating "The property depicted hereon lies within an agricultural and forestal district and shall abide by the requirements set forth in section 2-41 of the Montgomery County Code. This property is not eligible for subdivision until (district renewal date), and shall only be eligible for division if the lot or tract is removed in accordance with Montgomery County Code."**

**(20) Whenever a lot or tract involved in a subdivision is within a conservation easement, a notation shall be placed on the plat identifying the lots or tracts affected.**

**(21) Whenever a lot or tract involved in a subdivision is within the dam inundation zone, a notation shall be placed on the plat identifying the lots or tracts affected.**

**(22) Location of all known drainage easements, utility easements, sewer lines, water lines, gas lines, power lines, manholes, or fire hydrants.**

**(23) Whenever a lot or tract involved in a subdivision has a Special Use Permit, Rezoning, or Variance associated a notation shall be placed on the plat identifying the lots or tracts affected. The notation shall provide the date of approval for the Special Use Permit, Rezoning, or Variance with any applicable proffers or conditions listed on the plat.**

~~(18)~~ (24) Whenever a subdivision is to be served by private streets or private access easements a note shall be placed on the plat and on the deeds of subdivision stating "The streets and/or private access easements in this subdivision do not meet the standards necessary for inclusion in the system of state highways and shall not be maintained by the department of transportation or the County of Montgomery and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the commonwealth transportation board".

(b) The agent shall make a recommendation to the planning commission concerning approval or disapproval of the preliminary plat. The commission shall then approve or disapprove the preliminary plat.

(c) The commission shall advise the subdivider in writing of approval or disapproval of the preliminary plat. In the case of disapproval, the commission shall state the reasons for disapproval and notify the subdivider of all changes needed to make the plat acceptable. Approval by the commission of the preliminary plat does not constitute a guarantee of approval of the final plat.

(d) The subdivider shall submit a final plat within ~~one (1)~~ **five (5)** years of the approval of a preliminary plat. Failure to do so shall make the preliminary plat null and void. The commission may, on written request from the subdivider, grant an extension of this time limit.

**(e) The approval of a preliminary plat is valid for five (5) years provided a final subdivision plat for all or a portion of the property is submitted and diligently pursued. The five year period shall be based upon the date of the last recorded plat.**

Sec. 8-174. Final plat, minor subdivisions and family subdivisions.

(a) The subdivider shall submit two (2) copies of a final plat to the agent **along with a digital copy in a GIS or CAD format approved by the Agent.**

Each plat shall contain the following items:

(1) All certifications required by section 8-134;

(2) A note identifying the plat as either a minor subdivision or a family subdivision;

(3) Location of all existing easements and any new easements required under the provisions of this article;

(4) Location of approved septic drainfields and reserve areas **and private wells, located by a licensed surveyor.** Location of existing dwellings and their septic drainfields and reserve areas;

(5) Any additional data deemed necessary by the agent, such as topography;

(6) A space for the agent to sign the plat.

(7) Table of assignment of lots under sliding scale, if applicable.

(8) Location of lands within the one hundred-year floodplain.

(9) Location of any grave, object or structure marking a place of burial.

**(10) Street names and addresses of lots assigned by the County.**

**(11) Whenever a lot or tract involved in a subdivision is within an agricultural and forestal district a note shall be placed on the plat and on the deeds of subdivision stating "The**

**property depicted hereon lies within an agricultural and forestal district and shall abide by the requirements set forth the Montgomery County Code. This property is not eligible for subdivision until (district renewal date), and shall only be eligible for division if the lot or tract is removed in accordance with Montgomery County Code."**

**(12) Whenever a lot or tract involved in a subdivision is within a conservation easement, a notation shall be placed on the plat identifying the lots or tracts affected.**

**(13) Whenever a lot or tract involved in a subdivision is within the dam inundation zone, a notation shall be placed on the plat identifying the lots or tracts affected.**

**(14) Location of all drainage easements, utility easements, sewer lines, water lines, gas lines, power lines, manholes, or fire hydrants.**

**(15) Whenever a lot or tract involved in a subdivision has a Special Use Permit, Rezoning, or Variance associated a notation shall be placed on the plat identifying the lots or tracts affected. The notation shall provide the date of approval for the Special Use Permit, Rezoning, or Variance with any applicable proffers or conditions listed on the plat.**

(10) (16) Whenever a subdivision is to be served by private streets or private access easements a note shall be placed on the plat and on the deeds of subdivision stating "The streets and/or private access easements in this subdivision do not meet the standards necessary for inclusion in the system of state highways and shall not be maintained by the department of transportation or the County of Montgomery and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the commonwealth transportation board".

(aa) If a proposed subdivision is using the family exemption provision, in addition to the above requirements, the following must also be included:

(1) A note stating "Approval of this subdivision is subject to the condition that the parcel subdivided can only be conveyed to a member of the immediate family as set forth in Montgomery County's Subdivision Ordinance, as amended, and the Code of Virginia, as amended. Conveyance to any other person or entity not an immediate family member voids approval. This restriction does not apply to subsequent reconveyance".

(2) Signed affidavits that are available in the county planning department stating that the family subdivision is for the passing of real property interest from one family member to another, rather than for the purpose of short-term investment.

(3) A copy of the proposed deed(s) conveying the property from one family member to the other.

(4) A description of the family relationship in the consent statement or the following shown and notarized on the plat: "I \_\_\_\_\_, do hereby verify that \_\_\_\_\_ is my legal \_\_\_\_\_. New tract \_\_\_\_\_ is being conveyed to \_\_\_\_\_."

(b) When all requirements of this article have been met, the agent shall sign the plat to indicate that it is approved for recordation.

(c) It shall be the responsibility of the subdivider to file the approved final plat with the office of the clerk of the appropriate court within six (6) months after final approval; otherwise, the agent shall mark such plat "void" and notify the office of the clerk of the appropriate court. At the same time of filing of the final plat, the subdivider shall record the agreement of dedication and such other legal documents as the local government attorney requires to be recorded.

#### **Sec. 8-201. Street names.**

(a) All street names within the unincorporated areas of the county shall be approved by the board of supervisors. Proposed streets, which are obviously a continuation of other existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing names, irrespective of the use of the suffix "street," "avenue," "boulevard," "driveway," "place," "lane" or "court." Street names shall be indicated on all plats of survey. Names of existing streets shall not be changed except by approval by the board of supervisors.

(b) The names of the streets as shown on the official map of Montgomery County, as adopted by the board of supervisors, shall be the true names of the streets within the county.

**(c) County initiated street names:**

**When the county becomes aware (through building permits or other information) that an unnamed street has three or more active residences or businesses on it, then the county shall advise the residences/businesses in writing that they may petition the board of supervisors to name their street. If the residences/businesses do not initiate a petition at this time, then the county may elect to wait until six or more residences are on the unnamed street. When the county becomes aware that an unnamed street has six or more residences on it, the the board of supervisors shall approve a street name and advise residents/businesses of their new address. Under county initiated street names, the cost of the streets signs and mapping changes shall be borne by the county.**

**(d) Citizen initiated street names:**

**Persons wishing to change an existing street name or persons wishing to name a street with less than three residences/businesses on it must provide the following to the county:**

- 1. Petition signed by all residences/businesses on the street or if there are no residences/businesses on the street, then a petition signed by all abutting property owners.**
- 2. Payment in the amount set by resolution of the board of supervisors.**

**The board of supervisors shall then consider and act on such petitions provided the name requested does not conflict with county policy.**

**Under citizen initiated street names, the cost of the street signs and mapping changes shall be borne by the persons requesting the change.**

**(e) New subdivisions:**

**New street names in subdivisions shall be approved by the board of supervisors as part of the final plat approval process. Prior to signing the final plat, the subdivider shall pay the county an amount set by the board of supervisors per intersection where a street sign will be erected.**

**With new subdivisions, the cost of the street signs and mapping changes shall be borne by the subdivider.**

**(f) Reserved street names**

**Where a street has not been named because it has less than three residences/businesses on it, but it is anticipated that it will have more residences/businesses in the near future, then a petition may be presented to the county signed by all residences/businesses on the street, then the petition shall be signed by all abutting property owners requesting that a particular name be reserved.**

**If the requested street does not conflict with county policy, then the name may be reserved by the board of supervisors for a period of up to one year. Extension of the street name reservation beyond the initial time period shall require a new board action.**



MONTGOMERY COUNTY DEPARTMENT OF  
PLANNING & GIS SERVICES

PLANNING  
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

**MEMORANDUM**

TO: Montgomery County Board of Supervisors and Planning Commission

FROM: Jamie Rogers MacLean, CZO, CFM *JRM*  
Development Planner

DATE: February 3, 2011

SUBJ: New River Valley Hazard Mitigation Plan Update 2010

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In April 2005, the Montgomery County Board of Supervisors adopted the region's first Hazard Mitigation Plan. During 2009 and 2010, representatives from the region's localities and the area's experts in emergency management and hazard risks have worked to update the existing plan. The plan has been revised to identify additional known hazards, assess potential risks, and develop mitigation strategies to protect lives and property and to prepare the region for disasters that may strike.

The completion and subsequent re-adoption of the revised plan by participating localities will maintain the region's eligibility for FEMA's disaster mitigation program funds. Five public meetings were held by PDC staff during the month of September to solicit citizen comments.

A completed draft of the 2010 plan is available at the following URL:

<http://www.nrvpdc.org/HazardMitigation/HazardMitigationPlanning.html>

Comments regarding the plan can be submitted to Montgomery County Planning Staff or online at the following URL until **February 14, 2011**:

<http://www.nrvpdc.org/HazardMitigation/publicinput.html>

After the comment period has concluded, appropriate revisions will be made to the plan. The final draft will be submitted to FEMA. After FEMA has approved the draft, each of the region's participating localities must re-adopt the plan approved by FEMA to qualify for funding mitigation projects. Staff will advertise the proposed plan adoption in accordance with Code of Virginia and Section 10-52(3) of the Montgomery County Code for public hearings in Spring 2011.

Please apprise staff of any questions or concerns about this request.



RENAISSANCE PLANNING GROU

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**DRAFT  
TECHNICAL MEMORANDUM**

**UDA Boundary Alternatives/Recommendations  
and Draft Comprehensive Plan Amendments**

**for Montgomery, County Virginia**

**Prepared By:**

Renaissance Planning Group and Herd Planning & Design

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**WORKING DRAFT February 1, 2011**

## **PURPOSE**

The purpose of this technical memorandum is to summarize all technical analysis to date in support of the Urban Development Area (UDA) designation for Montgomery County and to propose draft language for a Comprehensive Plan amendment to address the UDA legislation. The memo describes the basis, alternatives and recommendations for defining UDA boundaries and offers initial recommendations for Montgomery County's Comprehensive Plan amendments (text and graphics) to meet the requirements of the UDA legislation.

The memo is organized into the following sections:

- Part 1 Overview of Legislation and Grant Requirements
- Part 2 UDA Boundary Alternatives/Recommendations
- Part 3 Potential UDA Boundary Maps
- Part 4 Draft Comprehensive Amendments

This is a draft work product. Once staff has reviewed this information, refinements will be made and a final memo issued.

## **PART 1. OVERVIEW OF LEGISLATION AND GRANT REQUIREMENTS**

In 2007, the General Assembly added Section 15.2-2223.1 to the Code of Virginia requiring high growth localities to designate Urban Development Areas in their comprehensive plans by July 1, 2011 (counties) and July 1, 2012 (cities and towns). Designated Urban Development Areas ("UDA") are to be areas of reasonably compact development that can accommodate 10 to 20 years of projected growth. In 2010, the legislation was amended to establish density and design criteria for UDAs and to improve the coordination between transportation and land use.

The UDA legislation defines high growth localities as having either a population of at least 20,000 and a 5% growth rate, or a growth rate of 15% or more, between the most recent decennial censuses (§15.2-2223.1 B). According to data currently available from the U.S. Census Bureau, Montgomery County grew from 73,913 people in 1990 to approximately 83,639 in 2000, representing a growth rate of 13.15%. Based on the growth rates and population thresholds outlined in the legislation, Montgomery County is therefore required to amend their Comprehensive Plan to incorporate at least one Urban Development Area that will allow for development at a density of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per developable acre, and a floor area ratio of at least 0.4 per acre for commercial development, or any proportional combination thereof.

To assist communities in revising their planning and policy frameworks to comply with the legislation, the Virginia Department of Transportation ("VDOT") created the Urban Development Area Local Government Assistance Program, providing consultant assistance to qualifying Virginia localities required to comply with the legislation. Montgomery County was awarded a Tier II grant within this program. As a participant in the program, the County is expected to revise their comprehensive plan to incorporate at least one urban development area and revise their zoning and subdivision ordinances to incorporate the principles of new urbanism and traditional neighborhood design. In addition, the County is expected to analyze the transportation impacts or improvements that can be expected as UDA requirements are implemented.

## **PART 2. UDA BOUNDARY ALTERNATIVES/RECOMMENDATIONS**

### **Establishing the UDA Boundary**

As previously mentioned, the legislation requires that the designated urban development area “shall be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years” and specifies that “future residential and commercial growth shall be based on official estimates of the Weldon Cooper Center for Public Service of the University of Virginia or official projections of the Virginia Employment Commission or the United States Bureau of the Census.” The legislation further encourages consultation and cooperation with adjacent localities to establish the appropriate size and location of urban development areas to promote orderly and efficient development of their region and states that “if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town’s projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.”

Because the County’s population figures include the Town of Blacksburg and the Town of Christiansburg, each was analyzed separately to determine compliance with the legislation (see Table 1 - Note: at the time this analysis was performed, 2010 census figures were not available.) Based on 1990-2000 census data, the Town of Christiansburg does not qualify for UDAs, but the Town of Blacksburg does. For the purposes of establishing the 10-20 year projected growth, the Town of Blacksburg population estimates were removed from the calculations. (Note: none of the official estimate sources cited in the legislation project population growth for towns. As a result, population projections presented in Table 1 are based on applying VEC growth rates as defined in Montgomery County’s Comprehensive Plan.) The 10-20 year projected growth includes only the projected population for the unincorporated areas of Montgomery County and the Town of Christiansburg (see Table 2). When the 2010 Census figures become available, it is likely that the both the assumptions for calculating future growth and the results of this analysis will change.

The tables on the following pages describe the calculations used to establish the required UDA area for Montgomery County, as required by the legislation:

- Table 1 summarizes the VEC population estimates from the County’s current Comprehensive Plan.
- Table 2 summarizes the population projections for the unincorporated areas of the county and the Town of Christiansburg, which are considered for UDA designation.
- Table 3 translates the housing and commercial square footages into total acreage requirements based on Unincorporated and Town of Christiansburg population estimates.
- Table 4 describes the underlying assumptions for the calculations. And finally,
- Table 5 presents the total acreage requirements for UDA designation.

**Table 1. Population Estimates and Forecasts**

Table 1 - Population Projections *							Growth Rate
Locality	1990	2000	2010	2020	2025**	2030	1990-2000
Montgomery County Total	73,913	83,629	90,800	97,900	101,450	105,000	13.15%
Blacksburg	34,922	39,573	43,000*	46,300	48,000	49,700	13.32%
Christiansburg	15,402	16,947	18,400	19,900	20,600	21,300	10.03%
Unincorporated	23,589	27,109	29,400	31,700	32,850	34,000	14.92%

\* Applies VEC growth rates from Montgomery County Comprehensive Plan, 2004 (see page 25)  
 \* Note: Blacksburg's 2010 population was revised to reflect Town Staff estimates.  
 \*\* Calculated for County using median of 2020 and 2030 projections

**Table 2. Calculation Factors**

Locality	1990	2000	2010	2020	2030
Unincorporated Areas + Christiansburg	38,991	44,056	47,800	51,600	55,300

**Table 3. Development Forecasts**

Locality	New Population		New Housing Units		Commercial Sq Feet Needed @ 60 per capita	
	10 Years	20 Years	10 Years	20 Years	10 years	20 Years
Unincorporated Areas + Christiansburg	3800	7500	1,652	3,261	228,000	450,000

Locality	Residential Acres needed @ 4 DUA		Employment Acreage Needed @ 0.4 FAR		Total Acreage Needed (Housing at 4 DUA; Commercial at 0.4 FAR)	
	10 years	20 Years	10 years	20 Years	10 years	20 Years
Unincorporated Areas + Christiansburg	413	815	13	26	426	841

**Table 4. Underlying Assumptions for Calculations**

Commercial SF per capita	60	(Regional Avg.)
Household Size	2.3	(County Avg.)
Dwelling Unit / acre	4	
FAR	0.4	
Sq Ft/Acre @ .4 FAR	17,424	

**Table 5. Summary of Acreage Approach to meeting UDA legislative requirements**

Identify sufficient acreage to meet 10 year but not exceed 20 year requirements (see Table 4 using 4 DUA).		
<b>426 acres</b>	<b>10 Year</b>	
<b>841 acres</b>	<b>20 Year</b>	

**Village Core Analysis**

In the technical memo dated September 10, 2010, the consultants evaluated Montgomery County’s Village Core areas to determine suitability for the 20-year acreage requirements of the Urban Development Areas legislation. (Note that the calculations for this memo were based on population projections for the County’s unincorporated areas only, and did not include the Town of Christiansburg or the Town of Blacksburg. At the time, it was believed that Christiansburg would qualify for UDAs. However, based on 1990-2000 census data, the Town does not qualify. The Town of Blacksburg does qualify for UDAs. The acreage requirements were subsequently revised as shown in the tables in the previous section and described below.)

Based on our revised population analysis, the UDA capacity requirement for Montgomery County is 426 acres for the 10-year horizon and 841 acres for the 20-year horizon. Note that this calculation was done based on the County’s unincorporated areas, and including the Town of Christiansburg, which does not qualify for UDAs but excluding the Town of Blacksburg.

Using GIS, the parcel data for the Village Core areas were examined against the developable acres definition of the UDA legislation. Any parcels in right-of-way, public utilities, public lands, parks and schools were identified. In addition, the tax assessment data in the parcels were used to determine how much land is currently developed in the Village Core areas. The UDA legislation does not require that existing development be excluded from developable acres, but this step is performed to give a perspective on how much redevelopment will be required for these chosen UDA areas. Land with little or no improvement value was determined as fully vacant/underutilized. Land where improvement values were equal to or greater than the land value was considered to have some level of development, and therefore would require redevelopment. Table 1 below summarizes the development potential of the Village Core areas (see Figure 1 for graphics and definitions):

<b>Table 1: Village Core Areas</b>	<b>Acres</b>	<b>Percent</b>	<b>Development Potential</b>
Vacant/Underutilized	154	24%	Developable
Developed - Commercial	81	13%	Redevelopable
Developed - Residential	344	54%	Redevelopable
Gov, public, school, park, row	63	10%	Undevelopable
<b>Total</b>	<b>641</b>	<b>100%</b>	

• <sup>1</sup> “Developable acreage,” solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities (definition per, § 15.2-2223.1).

**Conclusions**

1. The total acreage within the Village Cores that is considered developable/redevelopable is 579 acres, which fits within the legislative requirement for the 10 to 20-year envelope.
2. The Village Cores-as-UDA will require that at least 64% of the developable acres have some degree of redevelopment. This is a high, and perhaps difficult, redevelopment threshold to achieve. More vacant/underutilized acres should be considered for inclusion in the UDA.

**Urban Expansion Area Analysis**

Subsequent to that memo, the team and staff held a conference call to discuss findings. That discussion yielded the conclusion that the most suitable approach is to focus on the Urban Expansion Areas (instead of the Village Areas) as the basis for designating UDAs, with particular emphasis on analyzing capacity within the 177 corridor and Mid-County Urban Expansion Areas shown on the comprehensive plan policy area. This would allow the UDAs to fit neatly and logically into the framework of the County’s existing policy areas without compromising the rural character, lower densities and smaller scale envisioned for the Village areas.

Based on our revised population analysis, the UDA capacity requirement for Montgomery County is 426 acres for the 10-year horizon and 841 acres for the 20-year horizon. Note that this calculation was done based on the County’s unincorporated areas, and including the Town of Christiansburg, which does not qualify for UDAs but excluding the Town of Blacksburg.

Using County GIS data, the acreages for the Mid-County Urban Expansion Area and the 177 Corridor were examined based on the developable acres definition<sup>2</sup> of the UDA legislation. Acreages of rights-of-way, public utilities, public lands, parks and schools were excluded. In addition, the tax assessment data in the parcels were used to approximate how much land is currently developed. The UDA legislation does not specifically require that existing development be excluded from developable acres, but this would require that assumptions about redevelopment be clearly spelled out. Land with little or no improvement value was determined as fully vacant/underutilized. Land where improvement values were equal to or greater than the land value was considered to have some level of development, and therefore would allow potential redevelopment. Table 1 below summarizes the development potential of these areas (see Figure 1 for graphics and definitions):

**Table 1 - Development Potential**

<b>Development Potential</b>	<b>Urban Expansion Acres</b>	<b>177 Corridor Acres *</b>	<b>Total Acres</b>	<b>Development Potential</b>
Vacant/Underutilized	546	387	933	developable
Developed - Commercial	102	136	238	redevelopable
Developed - Residential	425	76	500	redevelopable
Govt, public, school, park, ROW	32	5	38	undevelopable
<b>Total</b>	<b>1,105</b>	<b>605</b>	<b>1,710</b>	

\* This acreage is a subsection of the 177 Study area, concentrating around the I-81 Interchange area.

• <sup>2</sup> “Developable acreage,” solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities (definition per, § 15.2-2223.1). Steep slopes, floodplain and other environmental features which may prohibit development have NOT been excluded. Therefore, not all acreage shown may be “developable”

## Conclusions

1. The total vacant land area for the Mid-County Urban Expansion Area is 546 acres. This fits within the 10-20 year UDA "envelope" required for the county of 426 to 841 acres.
2. If all the 546 acres of vacant land in the Mid County Urban Expansion area are used for the UDA capacity, then there are 295 additional acres that can be accommodated within the 177 corridor area before reaching the maximum UDA capacity for the 20-year horizon.
3. Since these acreages seem to fit within the county's initial intent for designating UDA areas, it is not necessary to do further calculations of redevelopment potential. It is recommended that the 295 acres of UDA potentially available within the 177 corridor area be confirmed at the time of the 177 Area Plan task.

## PART 3. POTENTIAL UDA BOUNDARY MAPS

The following two maps show an approach to designating UDAs based upon the preceding conclusions. These potential areas are consistent with the previously established policy areas envisioned for future development as outlined in the 2004 Comprehensive Plan. The first map proposes to designate all areas within the Mid-County Urban Expansion Area as UDA, highlighting those areas with existing

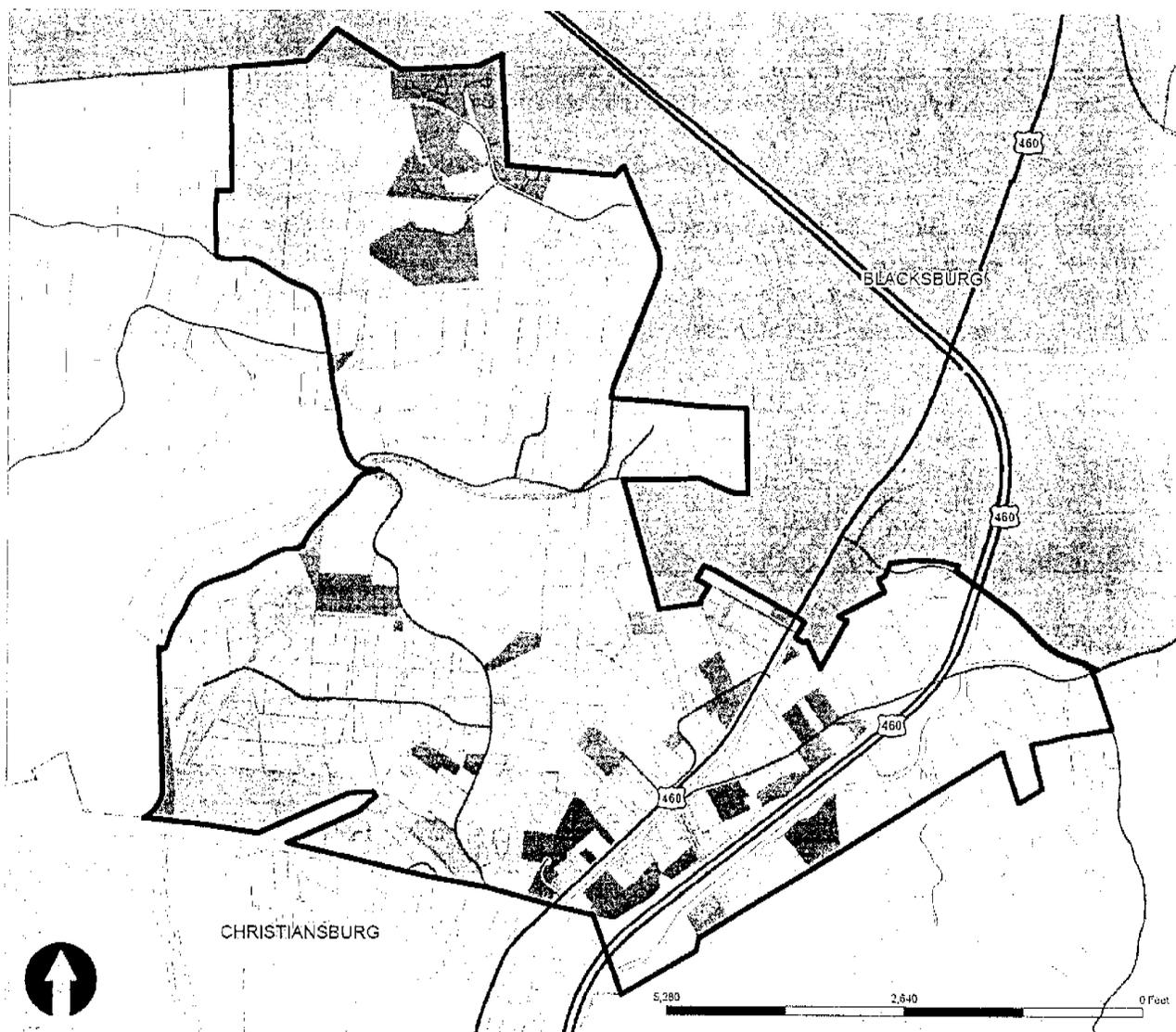


Figure 1. Potential UDA within Mid-County Urban Expansion Area

development and those areas that could develop/redevelop in the future. This designation encompasses all 546 acres of vacant/underutilized land that was identified in the previous analysis. The second map proposes to designate 387 potentially available acres within the 177 corridor as a UDA. It is anticipated that the boundaries of this UDA will be refined during the small area plan task to fit within the maximum total UDA acreage which should not exceed 841 acres.

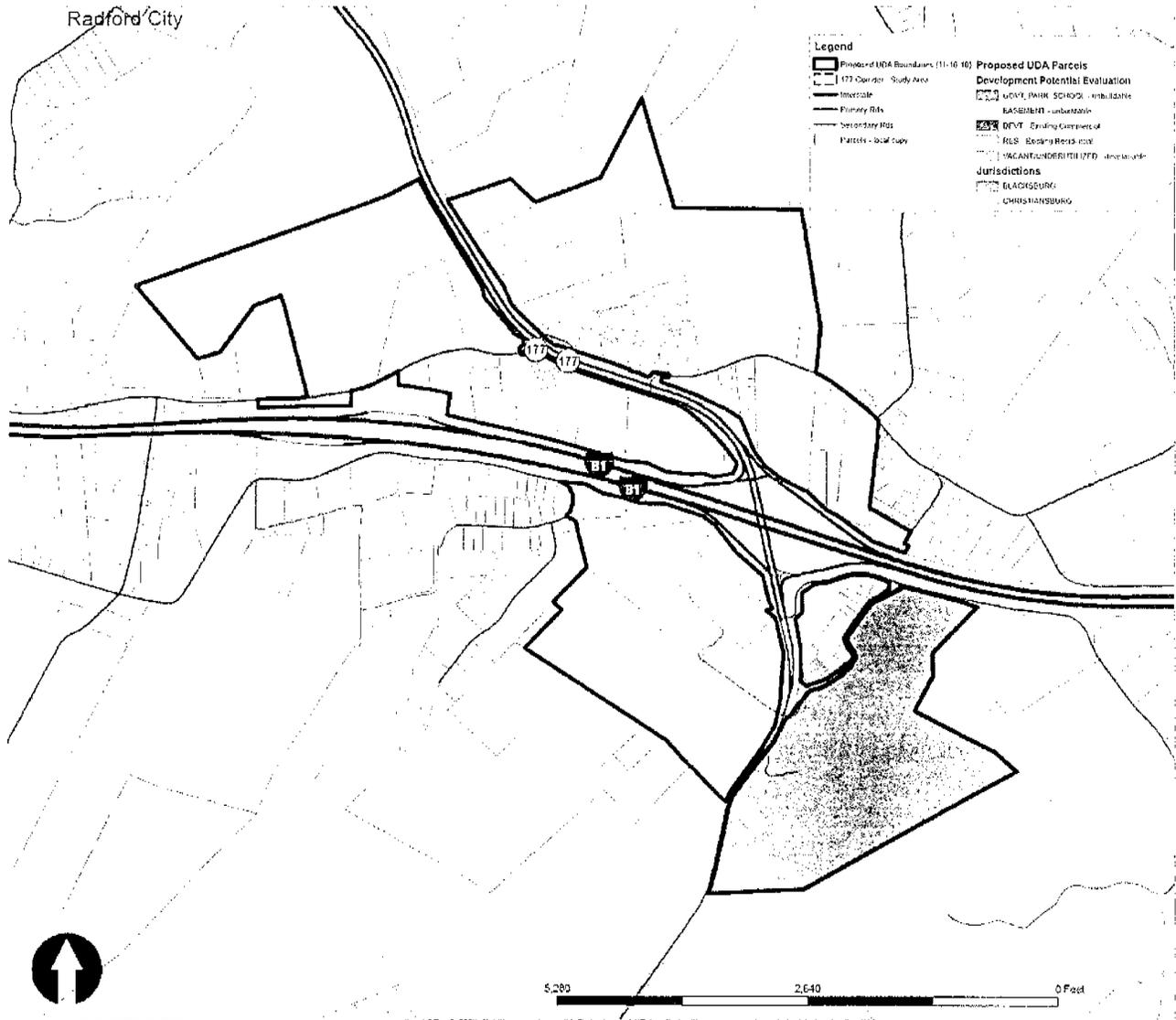


Figure 2. Potential UDA within 177 Urban Expansion Area

<b>Summary</b>	
<b>Total Vacant/Underutilized within Proposed UDA</b>	<b>933</b>
<b>UDA Acreage Requirements: 10 Year (No less than)</b>	<b>426</b>
<b>20 Year (No more than)</b>	<b>841</b>

**PART 4. DRAFT COMPREHENSIVE AMENDMENTS**

The Comprehensive Plan of Montgomery County was last updated in its entirety in October 2004, though there have been several map amendments, including the adoption of 6 Village Plans. A number of goals and associated policies that are articulated in the Comprehensive Plan meet the intent of the Urban Development Area legislation. While the current Comprehensive Plan is quite thorough and comprehensive in scope, it is in need of minor modifications to more specifically address the requirements of the UDA legislation. The following pages offer initial recommendations for potential amendments to the Comprehensive Plan to meet the UDA legislation.

UDA Legislative Requirement:	Proposed Resolution:
<p>1. <i>High growth localities are required to adopt Urban Development Areas. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall be shown on future land use maps contained in such comprehensive plan.</i></p>	<p><b>Action:</b>                      Include explanation/policy standard in the section describing current and historic planning conditions (pg 21) in Planning and Land Use Chapter.</p> <p>Update Planning Policy Area Map to include Urban Development Areas. These areas may be shown as a separate map layer similar to the map products in this memo, or could be shown as a notation on the planning policy area map. Updated maps will be drafted in accord with the final decision on draft boundary.</p>
<p>2. <i>UDAs shall be sufficient to meet projected residential and commercial growth for at least 10 but not more than 20 years.</i></p>	<p><b>Action:</b> Revise existing population estimates to show analysis and projections presented in this memo in Planning and Land Use Chapter (pgs 23-28).</p> <p><i>[Draft language shown on following page]</i></p>
<p>3. <i>Provide for densities of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per gross acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, or any proportional combination thereof.</i></p>	<p><b>Action:</b>                      Modify PLU 1.8.4(a) to comply with UDA regulations (pg 46).</p> <p>Consider adding a new policy PLU 1.9 with descriptive language, tracking the legislative language, to Planning and Land Use Chapter (pg. 47) or adding policies under the Urban Expansion Area Policy.</p> <p><i>[Draft language shown on following page]</i></p>
<p>4. <i>The comprehensive plan shall incorporate principles of traditional neighborhood design in the urban development area.</i></p>	<p><b>Action:</b> Consider adding a new policy LU 1.9 with descriptive language, tracking the legislative language, to Planning and Land Use Chapter (pg. 47) or adding policies under the Urban Expansion Area Policy.</p> <p><i>[Draft language shown on following page as new policy LU 1.9, but can be revised to be included in Urban Expansion Area Policies]</i></p> <p>Consider revising or eliminating PLU 3.0 since most of the ideas are addressed in the new ordinance.</p>

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<p>5. <i>The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.</i></p>	<p><b>Action:</b> Consider adding a new policy LU 1.9 with descriptive language, tracking the legislative language, to Planning and Land Use Chapter. or adding policies under the Urban Expansion Area Policy.</p> <p><i>[Draft language shown on following page as new policy LU 1.9, but can be revised to be included in Urban Expansion Area Policies ]</i></p>
<p>6. <i>Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas.</i></p>	<p><b>Action:</b> Add language to PLU 1.8.6 Municipal Coordination/Cooperation regarding on-going coordination with Town of Blacksburg and Christiansburg.</p>

<p><b>Draft Language for Comprehensive Plan:</b></p>
<p><b>Legislative Requirement 1 &amp; 3.</b>  <b><i>Insert description of Urban Development Areas in CURRENT AND HISTORIC TRENDS AND CONDITIONS (pg 21)</i></b></p> <p><b>Urban Development Areas</b>          In 2007, the General Assembly added Section 15.2-2223.1 to the Code of Virginia requiring high growth localities to designate Urban Development Areas in their comprehensive plans by July 1, 2011 (counties) and July 1, 2012 (cities and towns). Designated Urban Development Areas (“UDA”) are to be areas of reasonably compact development that can accommodate 10 to 20 years of projected growth. In 2010, the legislation was amended to establish density and design criteria for UDAs and to improve the coordination between transportation and land use.</p> <p>The UDA legislation defines high growth localities as having either a population of at least 20,000 and a 5% growth rate, or a growth rate of 15% or more, between the most recent decennial censuses (§15.2-2223.1 B). At the time of this update, 2010 census data was not available. According to data currently available from the U.S. Census Bureau, Montgomery County grew from 73,913 people in 1990 to approximately 83,639 in 2000, representing a growth rate of 13.15%. Based on the growth rates and population thresholds outlined in the legislation, Montgomery County is therefore required to amend their Comprehensive Plan to incorporate at least one Urban Development Area that will allow for development at a density of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per developable acre, and a floor area ratio of at least 0.4 per acre for commercial development, or any proportional combination thereof.</p>
<p><b>Legislative Requirement 2.</b></p> <p><b><i>Insert description of projected future residential and commercial growth and associated calculations in POPULATION, LAND USE, AND THE FUTURE POLICY MAP (pg 23-27)</i></b></p> <p><i>The state code requires that the UDAs be able to accommodate the projected residential and commercial growth for the next 10 to 20 years. The County is expected to add 7,100 people during the next 10 years, and 14,200 people during the next 20 years. This growth will require an estimated 3,087 to 6,174 housing units and 426,000 to 852,000 square feet of commercial space (retail and office) countywide. For the purposes of the UDA designation, these estimates were further broken down to reflect the needs of the unincorporated areas and the Town of Christiansburg, as shown in table XXX.</i></p>

(Include population projection calculations included in this memo)

**Legislative Requirement 3, 4 & 5.**

**Insert description of Urban Development Areas as policy category on Pg 29**

**Urban Development Areas**

Montgomery County's vision for the Urban Development Areas is one of connected, self-sustaining communities that offer a mix of residential, commercial, and employment uses; a full complement of public services and facilities; amenities that support a high quality of life; and design that complements the County's surrounding rural area, incorporating cluster development, conservation design and Traditional Neighborhood Design. The County, in collaboration with other governmental agencies and the private sector, is committed to ensuring that all public spaces in residential and commercial areas within the Urban Development Areas become increasingly pedestrian friendly through a variety of measures. These measures may include the construction, improvement, and maintenance of public squares, parks and pedestrian connections, and the attention to street design details such as landscaping, lighting, and provision of attractive street furniture. Residential, office, civic and commercial areas in the Urban Development Area should have convenient access by foot, bicycle, and transit.

Growth will be directed toward the Urban Development Areas through a variety of incentives. Such incentives may include but not be limited to density bonuses, reduced application fees, fast track permitting and plan review. Targeted public investments in amenities such as street lighting, landscaping, street furniture, sidewalks and trails may be focused in UDA areas to attract and augment private investment and to support community design in keeping with the traditional design principles outlined in the UDA legislation. Additionally, public investment in utilities and capital facilities may be focused in UDA areas as appropriate to promote compact development and to encourage, attract and leverage private investments. Offering such incentives only or primarily within Urban Development Areas, increases the likelihood that these areas will be the focal point for future growth and help the County to meet established goals of reducing public costs and improving service delivery while accommodating population growth in a planned manner.

**Legislative Requirement 3,4 & 5.**

**Pg. 47 - Create new PLU 1.9 Urban Development Areas following the same structure as other policies.**

**PLU 1.9 Urban Development Areas:** Urban Development Areas are designated areas within the Mid-County and 177 Urban Expansion Areas adjacent to the Town of Blacksburg, the Town of Christiansburg and the City of Radford that are planned for compact, mixed use development at urban development densities and intensities. They are intended to serve as a focal point for growth over the next 10-20 years. Development within the UDA must be compact, using Traditional Neighborhood Design principles, and designed to accommodate pedestrian and vehicular traffic with a full complement of services and amenities. Development in the UDA should also provide for transit facilities or stops. Urban Development Areas are served by or planned for central sewer and water service, and transportation infrastructure.

**PLU 1.9.1 Urban Development Area Land Use:**

- a. Development within the UDA should function as a mixed use activity center with medium scale office, retail, service and civic uses, with higher density housing in the core. Development within the UDA should consist of 2-3 story buildings with minimal views of parking areas from the street.
- b. Overall densities in the UDA should be village-like in terms of scale and intensity, with a mixture of high density and intensity ranging from 8.0-12.0 du/ac and 0.4 FAR at the core of the development, and 4.0-8.0 du/ac and 0.25 FAR at the edges. The sought-after effect being one of a transition away from the taller, denser core area to compact, predominantly residential areas. The built form should be compatible with surrounding lower density development at the edges.
- c. Development within the Urban Development Area is intended to be efficient, compact, mixed-use and pedestrian-oriented with a range of residential densities that support transit. It should further

provide active, passive, and natural open space that is fully integrated into the County's rural areas through a network of connected trails and walkways.

- d. The Urban Development Area will provide for a mix of land uses including dwellings, commercial and office uses, personal and household service establishments, institutional uses, public facilities, parks, playgrounds and other similar uses meeting the needs of the adjoining neighborhoods.

**PLU 1.9.2 Urban Development Area Community Design:**

- a. Areas designated as UDAs are expected to accommodate a range of development densities and intensities including: 4 single-family residences, 6 townhouses, or 12 apartments, condominium units, or cooperative units per developable acre, and a floor area ratio of 0.40 per developable acre for commercial development or any proportional combination thereof
- b. The County will encourage traditional neighborhood design in Urban Development Areas. The County shall evaluate development proposals in Urban Development Areas to ensure that proposed development is compatible with existing communities and uses and is designed to minimize any negative impact on these existing neighborhoods. Such new development should be designed to provide a "seamless" transition from the existing development to the new.
- c. The County will encourage development of planned, mixed use, pedestrian and transit friendly communities in Urban Development Areas that would combine office, commercial, residential, recreational uses into a single development, with strong connections between all sites and all uses, especially pedestrian access along the public street network.
- d. The County will encourage the use of development options (cluster, compact, mixed-use, etc.) that make better use of the land concentrating development away from on-site scenic, natural, historic or open space resources. In particular, the County will encourage residential development designs that provide neighborhood scale open space. Such open space elements should not be "left over" areas, but rather should be key, central focal points of the neighborhood, designed as true community spaces that are well defined by the street network and adjacent buildings.
- e. Development in Urban Development Areas will be compatible with and complimentary to development within corporate limits.
- f. Development in Urban Development Areas should be phased to ensure that an acceptable levels of transportation service is maintained using all available transportation modes. New development projects in UDAs should be required to submit an overall concept plan so that the interrelationship of proposed uses (residential, commercial, office, civic, public open space, and transportation network) can be evaluated.

**PLU 1.9.3 Urban Development Area Utilities and Public Facilities:**

- a. Urban Development Areas are or will be served by public sewer and water service provided by the County or by the towns and the City, by mutual agreement.
- b. Urban Development Areas will be the primary focus for public facility investments occurring outside the towns, the City, or the Villages. Urban Development Areas will be the preferred location for new community facilities that cannot be located in towns, the City, or the Villages.
- c. Transportation improvements within the Urban Development Area will be designed to tie into the existing street network serving the City and the towns.

**PLU 1.9.4 Urban Development Area Incentives:** Various incentives are available in the Urban Development Areas to encourage and facilitate compact, mixed use development.

- a. Development applications that employ TND concepts will be eligible for expedited review.
- b. The zoning code will be revised to provide flexibility and encourage innovative mixed-use developments.
- c. Increased density, height allowances, narrower streets, limited parking and smaller setbacks.

**Legislative Requirement 6.**

***Add language to PLU 1.8.6 Municipal Coordination/Cooperation regarding on-going coordination with Town of Blacksburg and Christiansburg.***

The County will coordinate with the Town of Blacksburg, the Town of Christiansburg and the NRVPCD on establishing Urban Development Areas (UDAs) and identifying opportunities for regional cooperation on infrastructure improvements, transit and transportation improvements to support development in UDAs as focal points for regional growth.

**Next Steps**

- Staff review of draft Proposed Ordinance Amendments and Comprehensive Plan Recommendations

- “Stakeholders Work Shop #1” to kickoff 177 Area Plan

*Currently scheduled for February 9, at 5:00 pm.*

- Work session with Planning Commission to review draft Proposed Comp Plan/Ordinance Amendments?

*Currently scheduled for February 9, at 5:00 pm.*



RENAISSANCE PLANNING GROUP

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**DRAFT  
TECHNICAL MEMORANDUM**

**DRAFT Zoning Ordinance Amendments**

**for Montgomery, County Virginia**

**Prepared By:**

Renaissance Planning Group and Herd Planning & Design

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**WORKING DRAFT February 2, 2011**

## **PURPOSE**

The purpose of this technical memorandum is to document the issues, options and recommendations for Zoning and Subdivision Ordinance amendments to fulfill the VDOT Grant requirements and to implement the intent of the UDA legislation in concert with the County's Comprehensive Plan. Although the UDA section of the Virginia Code does not require local ordinance amendments, the scope of work for the VDOT Local Assistance grant calls for ordinance provisions that will accommodate the UDA provisions.

The memo is organized into the following sections:

Part 1 Summary of Work Process to Date

Part 2 Summary of Recommended Updates to Zoning and Subdivision Ordinances

Attachment: DRAFT PUD-TND Ordinance with Submission Requirements and DRAFT TND-Infill Ordinance

### **Part 1. Summary of Work Process to Date**

In the technical memo dated October 4, 2010, the consultants provided information and recommendations to assist Montgomery County in developing a strategic approach to aligning key land use policies and regulations with the recently adopted Urban Development Area (UDA) legislation. As part of VDOT's Local Assistance for Urban Development Areas Grant Program, Renaissance Planning Group reviewed the County's Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, and materials from other localities, to provide recommendations for amendments that comply with the intent of the UDA legislation and respond to the unique needs and conditions within the County.

Subsequently, the team and staff discussed these and related issues in a conference call. Following the memo and conference call, it was agreed that a completely new TND-PUD Ordinance would be developed to accommodate parcels over 40 acres in size, intended for use in the County's Urban Development Areas, Urban Expansion areas, and Village/Village Expansion Areas. In addition, a TND-Infill District would be created for parcels as small as 2 acres and as large as 10 acres areas to promote TND on smaller lots within the Village Areas. Additional meetings and conference calls have been conducted with staff to discuss various issues and refinements. An updated draft of both ordinances is provided as an attachment to this memo. In addition, the team also identified the need to revise to the Compact Option within the R-2 and R-3 districts to more fully address the design intent of TND. Revisions to these districts are currently in process.

### **Part 2. Summary of Recommended Updates to Zoning and Subdivision Ordinances**

As previously mentioned, although the UDA section of the Virginia Code does not require local ordinance amendments, the scope of work for the VDOT Local Assistance grant calls for ordinance provisions that will accommodate the UDA legislation. Montgomery County's 2004 Comprehensive Plan provides clear direction on the desire to adopt a zoning ordinance that provides for Traditional Neighborhood Design concepts consistent with the UDA legislation. Based on the strategic assessment of existing policies and ordinances, the team proposes that a new TND-PUD ordinance and a new TND-Infill ordinance would best achieve the both the goals of the Comprehensive Plan and the UDA legislation in Montgomery County. The team also proposes revisions to the Compact Option within the R-2 and R-3 districts to more fully address the design intent of TND. In addition to the two new districts, a number of sections within the zoning ordinance will need to be revised to accommodate the provisions of the TND-PUD and TND-Infill districts.

The table below summarizes how the new zoning districts and recommended revisions to existing zoning and subdivision ordinances would accomplish the requirements of VDOT's Grant Program and the intent of the UDA legislation. The full text of the **DRAFT** TND-PUD District and TND-Infill District is provided as an attachment at the end of this memo. It is anticipated that work on revisions to individual ordinance sections outlined below will take place once the planning commission has reviewed the draft ordinance and provided comments.

UDA Grant Requirement:	Summary of Revision:
<ol style="list-style-type: none"> <li>1. <i>Revise zoning ordinance to create a classification that allows for the implementation of new urbanism/traditional neighborhood design.</i></li> <li>2. <i>Revise subdivision ordinance to include regulations that will accommodate the special characteristics of this design.</i></li> </ol>	<ul style="list-style-type: none"> <li>• Create two new districts within the zoning ordinance to implement new urbanism/traditional neighborhood design. The PUD-TND District is intended to provide opportunities for the development of new neighborhoods consistent with TND principles for large parcels over 40 acres. The TND-Infill District is intended to enhance and complement existing communities and villages by integrating TND into the existing community fabric on parcels ranging between 2-10 acres.</li> <li>• Revise R-2 and R-3 Compact Option to more fully address the design intent of TND.</li> <li>• Recommended revisions to subdivision ordinance are discussed below.</li> </ul>
UDA Legislative Requirement:	Summary of Ordinance Revisions:
<ol style="list-style-type: none"> <li>1. <i>Provide for densities of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per gross acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, or any proportional combination thereof.</i></li> </ol>	<ul style="list-style-type: none"> <li>• Establish development densities in the PUD-TND and TND-Infill to conform to density guidelines established in the Comprehensive Plan.</li> </ul>
<ol style="list-style-type: none"> <li>2. <i>The comprehensive plan shall incorporate principles of traditional neighborhood design in the urban development area. TND may include but need not be limited to...</i></li> </ol>	
<ol style="list-style-type: none"> <li>(i) <i>pedestrian-friendly road design,</i></li> </ol>	<ul style="list-style-type: none"> <li>• Establish standards that address street design, alleys, sidewalks, street trees, street furnishings and utilities in draft PUD-TND and TND-Infill Districts.</li> <li>• Establish site and building design standards that create a pedestrian-friendly streetscape within the TND-Infill District.</li> <li>• Revise R-2 and R-3 Compact Option to address pedestrian-friendly road design.</li> <li>• Sec. 10-41 (17) Private street standards requiring design be in accordance with VDOT subdivision standards will</li> </ul>

	<p>need to be evaluated if alleys ways are a feature of the TND districts.</p>
<p><i>ii) interconnection of new local streets with existing local streets and roads,</i></p>	<ul style="list-style-type: none"> <li>• Establish standards for a network of interconnected streets within the draft PUD-TND and TND-Infill Districts. This includes provisions for a network of gridded streets and standards for block sizes.</li> <li>• Add private street requirements within R-2 and R-3 Compact Option to promote connectivity.</li> </ul>
<p><i>(iii) connectivity of road and pedestrian networks,</i></p>	<ul style="list-style-type: none"> <li>• Establish standards for a network of interconnected streets within the draft PUD-TND and TND-Infill Districts. This includes provisions for a network of gridded streets and standards for block sizes.</li> <li>• Establish site design standards that promote pedestrian and vehicular connectivity within the TND-Infill District.</li> <li>• Add lot access standards within R-2 and R-3 Compact Option to promote connectivity.</li> </ul>
<p><i>(iv) preservation of natural areas,</i></p>	<ul style="list-style-type: none"> <li>• Establish standards for open space requirements in PUD-TND District.</li> <li>• Review minimum required green space requirements within R-2 and R-3 districts.</li> </ul>
<p><i>(v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of "future residential growth,</i></p>	<ul style="list-style-type: none"> <li>• Establish Neighborhood Center, Residential Neighborhood and Open Space subarea standards and use requirements within the PUD-TND.</li> <li>• Establish permitted uses within the TND-Infill that allow for vertical and horizontal mixed use buildings.</li> <li>• Review permitted use list within R-2 and R-3 districts to allow for a mix of uses within the compact option.</li> <li>• Sec. 10-41 (1) Supplemental district regulations which include limitations on accessory dwellings would need to be revised to allow for the use of accessory structures as dwelling units in the TND. This should include the number, size (600-800 SF)-of accessory dwelling units, as well as standards for whom or how many may occupy such units.</li> <li>• Sec. 10-41 (9) Number of dwelling units per parcel should be reviewed to ensure there is no conflict with final TND district standards that allow for new unit types and accessory dwelling units.</li> </ul>
<p><i>(vi) reduction of front and side yard building setbacks, and</i></p>	<ul style="list-style-type: none"> <li>• Establish lot and building requirements within the PUD-TND and TND Infill.</li> <li>• Review lot requirements within R-2 and R-3 districts to allow for reduced setbacks.</li> <li>• Sections 10-3 and Sec. 10-5 will need to be reviewed as the TND districts are developed to determine if there are</li> </ul>

	any conflicts with the way setbacks and yards are measured or established and/or the lot use regulation provisions are structured.
<i>(vii) reduction of subdivision street widths and turning radii at subdivision street intersections.</i>	<ul style="list-style-type: none"> <li>• Sec 8-152 will need to be reviewed to ensure it aligns with private street standards. Private streets for SFD lots now limited to those over 3 acres in size. May additionally need new private street TND standards.</li> </ul>
<b>Barriers and Other Considerations not addressed in UDA Legislation:</b>	<b>Summary of Ordinance Revisions:</b>
<i>Parking</i>	<ul style="list-style-type: none"> <li>• Sec. 10-44. Off-street parking and loading standards will need to be revised to address reduced parking standards in TND, parking calculations, use of off-site parking to meet requirements, shared parking provisions, and provisions for mixed use buildings.</li> </ul>
<i>Landscaping</i>	<ul style="list-style-type: none"> <li>• Sec. 10-43. Landscaping and buffering may need to be revised to include provisions for, or be superseded by, the TND district; the current standards don't address mixed use development or structures in a way that is conducive to TND design.</li> </ul>
<i>Signage</i>	<ul style="list-style-type: none"> <li>• Sec. 10-45. Sign regulations will need to include TND districts.</li> </ul>
<i>Procedural</i>	<ul style="list-style-type: none"> <li>• Provisions in-Sec. 10-47 relating to non-conformities may need to be revised if the County pursues redevelopment waivers to promote mixed use.</li> <li>• Section 10-54 will need to be revised to include submission requirements for TND-PUD.</li> <li>• The definitions section of the Zoning Ordinance will need to be updated to reflect TND terminology.</li> </ul>

## **ATTACHMENT #1**

### **DRAFT PUD-TND DISTRICT for Zoning Ordinance with Submission Requirements**

**\*\* Please note: Select illustrations are included within this draft ordinance as examples for Planning Commission and Staff consideration. Please note that these are not intended to be representative of a fully illustrated ordinance but are only select examples of how different portions of the ordinance could be illustrated for ease of understanding. A more comprehensive set of illustrations can also be incorporated throughout the document pending review feedback.**

#### **Addition to Article III – Proposed as new section in Division 1. Special Districts**

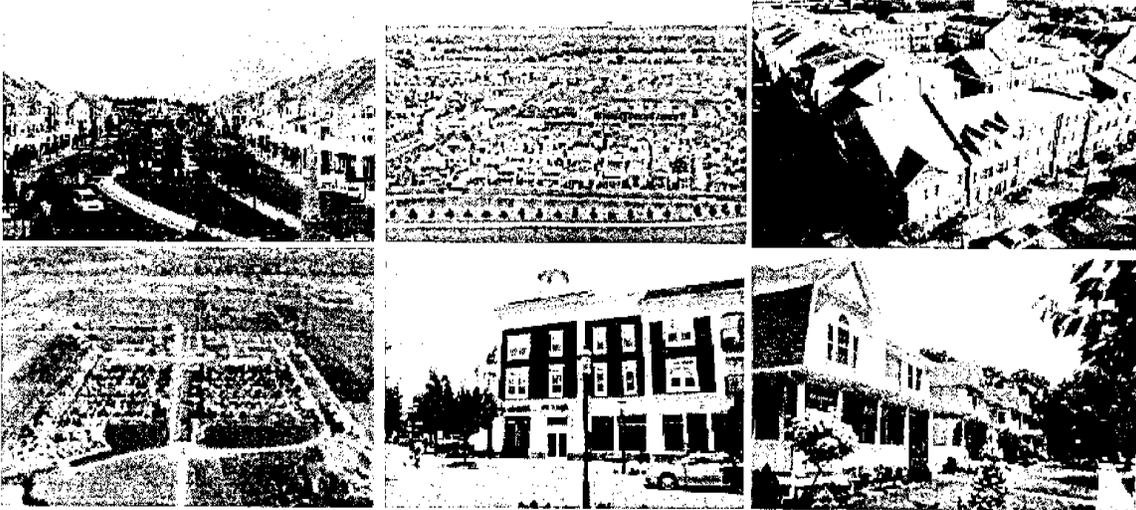
##### **Sec. 10-37. PUD-TND Planned Unit Development-Traditional Neighborhood Development District**

*(1) Purpose.* The purpose of the Planned Unit Development - Traditional Neighborhood Development District (PUD-TND) is to provide opportunities for the development of new neighborhoods that feature a mix of land uses and building types that are closely linked by a network of streets, sidewalks, formal and informal open spaces and trails that create an environment that is both pedestrian and transit friendly, and similar to historic small towns and neighborhoods established in Virginia and Montgomery County. The objective of the PUD-TND is to promote:

- a. Compact development with defined edges and a distinct neighborhood center;
- b. Human scale buildings and streets that are pedestrian oriented;
- c. A mix of uses, including residential, commercial, civic, and open space uses in located close to one another within the neighborhood to reduce traffic congestion, reduce travel demand and dependence on automobiles;
- d. A mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- e. A system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connection of those streets to existing and future developments;
- f. Public transit as a viable alternative to the automobile by organizing appropriate building densities
- g. Preservation and adaptive use of existing buildings with historical significance or architectural features that enhance the traditional visual character of the community;
- h. Preservation of significant environmental features and incorporation of such features into the design of new neighborhoods;

- i. Design and development consistent with the County's comprehensive plan.

The illustrations below are advisory only and are intended to show general intent of this District. Refer to the Code standards below for the specific standards for this section.



(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be limited to tracts within areas mapped as Urban Development Areas, Urban Expansion Areas, Villages and Village Expansion Areas as designated in the Comprehensive Plan and that are served by, or planned for, public sewer and water service. Additionally, the applicant must demonstrate to the satisfaction of the Board of Supervisors that there is sufficient available sewer and water capacity to accommodate the proposed development at full build out and/or provide a plan demonstrating that such improvements will be phased to accommodate projected development as it occurs (see also rezoning and submission requirements Sec 10-54).

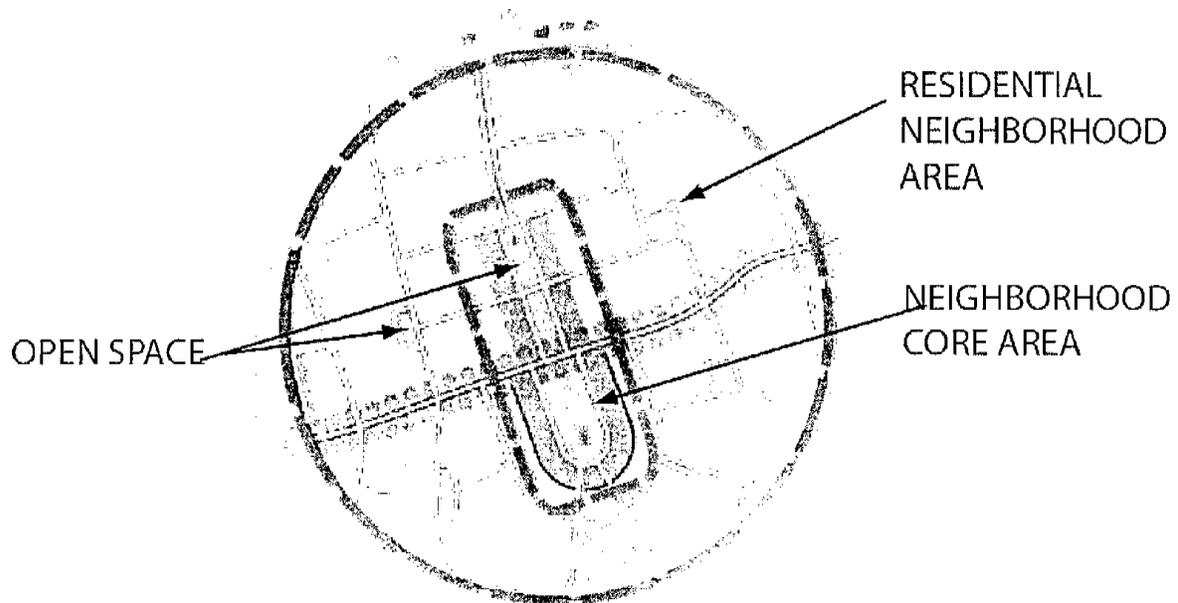
(3) *Area Requirements.* The minimum area required to qualify for a traditional neighborhood development shall be forty (40) contiguous acres of land (this is an area encompassed within  $\frac{1}{4}$  mile and approximately the distance at which studies have shown that a significant percentage of people will leave their cars parked and walk between destinations. The tract of land to be developed shall be under single ownership, or shall be the subject of an application filed jointly in accordance with an approved plan. Parcels over 200 acres shall be developed as multiple neighborhoods each with an individual neighborhood center subject to all the provisions of this subsection.

(4) *Mix of Uses.* A mix of land uses is required to achieve the proximity of activities necessary to create a walkable neighborhood. A PUD-TND shall consist of a mix of residential uses and unit types, a neighborhood center and open space subject to compliance with an approved development plan that shall identify the following required subareas:

- a. Neighborhood Center
- b. Residential Neighborhood

c. Open Space (which may be located in either Neighborhood Centers or Residential Neighborhoods)

The illustration below is advisory only and is intended to show the intent of the subareas of this District. Refer to the Code standards for the specific standards in this section.



(5) *TND Subarea Standards and Uses.*

(5) (i) *Neighborhood Center:* Each PUD-TND neighborhood shall have a core made up primarily of commercial, residential, civic or institutional, and open space uses.

(a) *Neighborhood Center Requirements*

1. The neighborhood center shall be no less than 10% and no more than 30% of the total PUD-TND district area and shall include the four different categories of land uses set forth in (b) below: Residential, Commercial, Civic or Institutional and Open Space.
2. A minimum of five percent (5%) and a maximum of thirty percent (30%) of the net development area of the Neighborhood Center shall be designated for a combination of office, commercial and/or service uses. Individual buildings shall not exceed 20,000 square feet in total size, or 10,000 square feet per floor without approval of a special use permit (see Section \_\_\_\_). Clear pedestrian pathways shall be provided between buildings on the same lot and

between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the center;

3. Crosswalks shall be incorporated within the project, at intersections where new streets are proposed, within parking lots, or other needed pedestrian connections subject to VDOT approval. Crosswalks shall be designed to be an amenity the development, e.g. heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use, including bulb-outs and other pedestrian designs to shorten walking distances across open pavement. Medians may be used in appropriate areas to encourage walking and to act as a refuge for crossing pedestrians;
4. The timing of construction of the non-residential portions of the Neighborhood Center shall be left to the discretion of the applicant(s) as long as the approved concept plan reserves an area for such uses and provided not more than seventy five (75) percent of the total approved residential units (for the entire PUD-TND) may be built prior to construction of at least fifty (50) percent of the approved non-residential floor area of the Neighborhood Center.

*(b). Permitted Neighborhood Center Uses by Category:*

*1. Commercial uses.*

- a. Retail Sales and Services including, convenience stores and general stores without fuel sales
- b. Restaurants
- c. Financial Institutions
- d. Hotels and Motels
- e. Office, administrative, business or professional.
- f. Medical Care Facility
- g. Day Care Center
- h. Funeral Home
- i. Conference or training center
- j. Public or private parking structures, areas, and lots that are accessory to any permitted or permissible commercial, residential, civic, institutional or open space use.
- k. Outdoor seating associated with Restaurants provided that all outdoor dining areas maintain at least 5 feet of unobstructed sidewalk width between the limits of the outdoor seating area and the roadway edge of the sidewalk.

*2. Residential uses.*

- a. Single-family attached dwellings, including duplexes, townhouses, row houses;
- b. Multifamily dwellings, including senior housing;

- c. Residential units located on upper floors above commercial uses;  
Live/work units that combine a residence and the resident's workplace;
- e. Nursing Home, Congregate Care Facility, and assisted living facilities.

3. *Civic or institutional uses.*

- a. Municipal offices, fire stations, libraries, museums, community meeting facilities, community centers, and post offices;
- b. Transit shelters;
- c. Church;
- d. School
- e. Civic club
- f. Museum

4. *Open Space Uses*

- a. Square
- b. Plaza
- c. Park
- d. Green
- e. Ballfields and playgrounds

*(b) Neighborhood Center Uses permitted by special use permit.* Any of the following uses may be allowed in conjunction with a permitted commercial use subject to approval of a special use permit filed as part of the initial development plan at the time of rezoning; however, the board of supervisors may impose conditions on such uses even if approved as part of the initial development plan.

- 1. Drive-through windows serving or associated with permitted uses provided such facilities are located at the rear of the principal structure and do not conflict with pedestrian travel ways. In no case shall the drive through lane or window abut or face a public street.
- 2. Outdoor storage, display and/or sales serving or associated with a by-right permitted use, if any portion of the use would be visible from a travelway.
- 3. Individual buildings over 20,000 total square feet in size, or greater than 10,000 square feet floorplate.
- 4. Fuel sales with pumps located at the rear of the associated retail structure and which do not conflict with pedestrian travel ways or interrupt street frontage. In no case shall the gas pump canopy abut a public street.

*(c) Additional Provisions for Neighborhood Center Uses:*

- (a) Ground floor residential is not permitted in Mixed Use Buildings.

(b) Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty (40) percent of ground floor building area, must be located in side or rear yards adjacent to the principal building, and must be screened from view of adjacent streets or adjacent land.

(c) Outdoor seating areas must have a minimum sidewalk width of 5 ft. between the limits of the outdoor seating area and the roadway edge of the sidewalk

(5) (ii) *Residential Neighborhood*: The primary Subarea of the PUD-TND shall be a neighborhood or series of neighborhoods that provide a mix of housing types with the majority of such housing units located within walking distance of the Neighborhood Core and public open space.

*(a) Residential Neighborhood Requirements*

1. No more than 90% of the net development area of a PUD-TND shall be residential (inclusive of any residential portion of the Neighborhood Center).
2. Each PUD-TND Residential Neighborhood shall include a minimum of two different housing types and no more than 70% of the total number of units in a neighborhood shall be any one type (sfd, multi family, townhouses, etc)—see page 6(b).
3. Multi-family and single family attached housing shall generally be located closest to the core of the community and within one-quarter (1/4) mile of the Neighborhood Center, and may be permitted farther from the Neighborhood Center if necessary to provide a transition between the neighborhood and abutting off-site high density housing areas, non-residential areas, or major transportation corridors.

*(b.) Permitted Residential Neighborhood Uses:*

1. Single-family detached dwellings;
2. Single-family attached dwellings, including duplexes, townhouses, row houses;
3. Multifamily dwellings
4. Accessory dwelling units associated with single family dwellings;
5. Home occupation
6. Open Space
7. Accessory parking structures, lots or areas associated with permitted multifamily or open space uses

*(c) Residential Neighborhood Uses permitted by special use permit.* Any of the following uses may be allowed in conjunction with a permitted Residential

Neighborhood use subject to approval of a special use permit filed as part of the initial development plan at the time of rezoning; however, the board of supervisors may impose conditions on such uses even if approved as part of the initial development plan:

1. Home business

*(5)(iii) Open Space:* Open space is one of the central organizing features within a PUD-TND and shall be distributed throughout the development and accessible to all residents. Open space shall include formal squares, plazas, and greens and less formal parks, recreation areas, greenbelts, and natural areas. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.

*(a) Open Space Requirements*

1. A minimum of thirty (30) percent of the gross site area of the PUD-TND shall be common open space uses, and a minimum of 15% shall be usable open space. Usable open space shall be of usable size, shape, location, and topography for formal parks, plazas, greens or squares; or for active recreational use. This open space requirement may be met by open space areas designated within the Neighborhood Center and Residential Neighborhood subareas.

2. Each Neighborhood Center Subarea shall have a minimum of 2% of the area of the Neighborhood Center in common open space, provided that the total amount of such area shall be no smaller than one (1) acre total. All of the open space area located within the Neighborhood Center must be used for parks, squares, or greens.

3. A minimum of fifty (50) percent of the common open space located in the Residential Neighborhood area must be suitable for active recreational usage such as playgrounds, ballfields, bike paths, and trails. Suitable active open space must be of usable size, shape, location, and topography.

4. A square, green or plaza shall not be less than eight thousand (8,000) square feet in size and should not exceed 1 acre.

5. Common open space shall not include existing and/or proposed street rights-of-way, parking areas as required or established under a county ordinance, or driveways.

6. Common open space shall be designed to allow all residential areas within the PUD-TND development pedestrian access to the open space, and no residential dwelling unit in the PUD-TND shall be located more than eight hundred (800) linear feet from accessible common open space. This requirement may be waived during the site plan approval process in instances of unusual parcel shapes, the provision of ample private open space, or other mitigating factors.

*(b) Permitted Open Space Uses:*

1. Natural areas including environmental corridors, greenways, protected natural areas and reserves
2. Parks, squares, greens and plazas
3. Streams, ponds, and other water bodies;
4. Stormwater detention/retention facilities.
5. Accessory parking areas or lots located within public parks or publicly accessible natural areas
6. Recreational facilities, such as ballfields, playgrounds

*(c) Ownership and Maintenance*

1. Membership in a Property Owners Association (POA) established by the Master Developer shall be mandatory for all property owners within the TND, and shall be required as a covenant in all deeds to property in the TND granted after Concept Plan approval. A TND may have a residential Association and a commercial Association.
2. Initially, the Developer shall maintain control of the Association until such time as two-thirds (2/3) of the lots in the TND have been sold, or as otherwise set forth in its Articles or Bylaws.
3. Common elements including, but not limited to, open space, recreation, plazas, roads, parking, sewer, water, and stormwater management facilities which will not be publicly owned, shall be subject to a form of ownership established in private agreements acceptable to the County, upon recommendation of the County's attorney.
4. The Master Developer shall prepare documents which provide at a minimum that the POA shall accept title to any open space or Civic Lots which may be deeded to them, and shall provide for the maintenance of any common area improvements, private streets or sidewalks, rights-of-way, Civic Buildings, utilities, open space or Civic Lots or other property owned by the owners association. The documents shall establish voting and use rights and shall provide for the collection of dues, levies or assessments to cover expenses including, but not limited to, tax liabilities, maintenance, insurance, and municipal or state assessments. The property owner's association shall have the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due.
5. The County shall be authorized to maintain the common elements and assess the private ownership accordingly if private ownership fails to function as required in any private agreements.

*(6) Development Density:* The permitted maximum and minimum development densities in the PUD-TND shall conform to density guidelines established in the Comprehensive Plan as follows:

*(a) Residential Densities:*

1. In areas designated in the Comprehensive Plan as Urban Expansion, village or village expansion areas, gross residential densities shall not exceed three (3) dwelling units per acre.
2. In areas designated in the Comprehensive Plan as Urban Development Areas or urban expansion areas, gross residential densities shall not exceed six (6) dwelling units per acre.
3. Notwithstanding 1 and 2 above, residential densities by housing type shall not exceed four single-family detached dwellings, eight townhouses (duplexes and row houses included), or 15 multi-family units per net residential acre.

*(b) Non-Residential Densities:*

1. In areas designated in the Comprehensive Plan as village or village expansion areas, non-residential gross floor area ratios shall not exceed 0.25 F.A.R
2. In areas designated in the Comprehensive Plan as Urban Development Areas or Urban Expansion Areas, non-residential gross floor area ratios shall not exceed 0.40 F.A.R

*(c) Calculating Density for Mixed Use Buildings:*

The residential component of mixed use buildings shall not be counted toward the maximum non-residential floor area permitted, but shall be included in overall density totals as residential units. Multi-family residential uses up to 20 units per net acre maximum shall be permitted if included on the upper floors of a building with ground floor commercial use.

*(7) Lot and Building Requirements*

*(7) (i) Residential lot and building standards*

*(a) Minimum lot area for residential uses.*

Single-family detached dwellings: Five thousand (5,000) square feet.

Duplex dwellings: Three thousand (3,000) square feet;

Single-family attached dwellings:

Fifteen hundred (1,500) square feet; Maximum of eight (8.0) single-family attached dwelling units connected together in one (1) group of units.

Multi-family structures:

Eight thousand five hundred (8,500) square feet;

(d) *Minimum lot width for residential uses.*

Single-family detached dwellings: Fifty (50) feet.

Duplex dwellings: Forty five (45) feet.

Single-family attached dwellings: Eighteen (18) feet.

Multi-family structures: Ninety (90) feet

(e) *Maximum lot coverage.* Seventy (70) percent.

(f) *Required yards for residential uses.*

1. Front.

Single-family detached and duplex dwellings:  
Minimum: six (6) feet in the Neighborhood Center; ten (10) feet in Residential Neighborhoods

Maximum: Fifteen (15) in the Neighborhood Center; twenty-five (25) feet in Residential Neighborhoods, except no maximum setback for any residential lot of twenty thousand (20,000) square feet or greater.

Single-family attached and multi-family dwellings:  
Minimum: six (6) feet in Neighborhood Center; ten (10) feet in the Neighborhood Residential area.  
Maximum: Fifteen (15) feet.

2. Side.

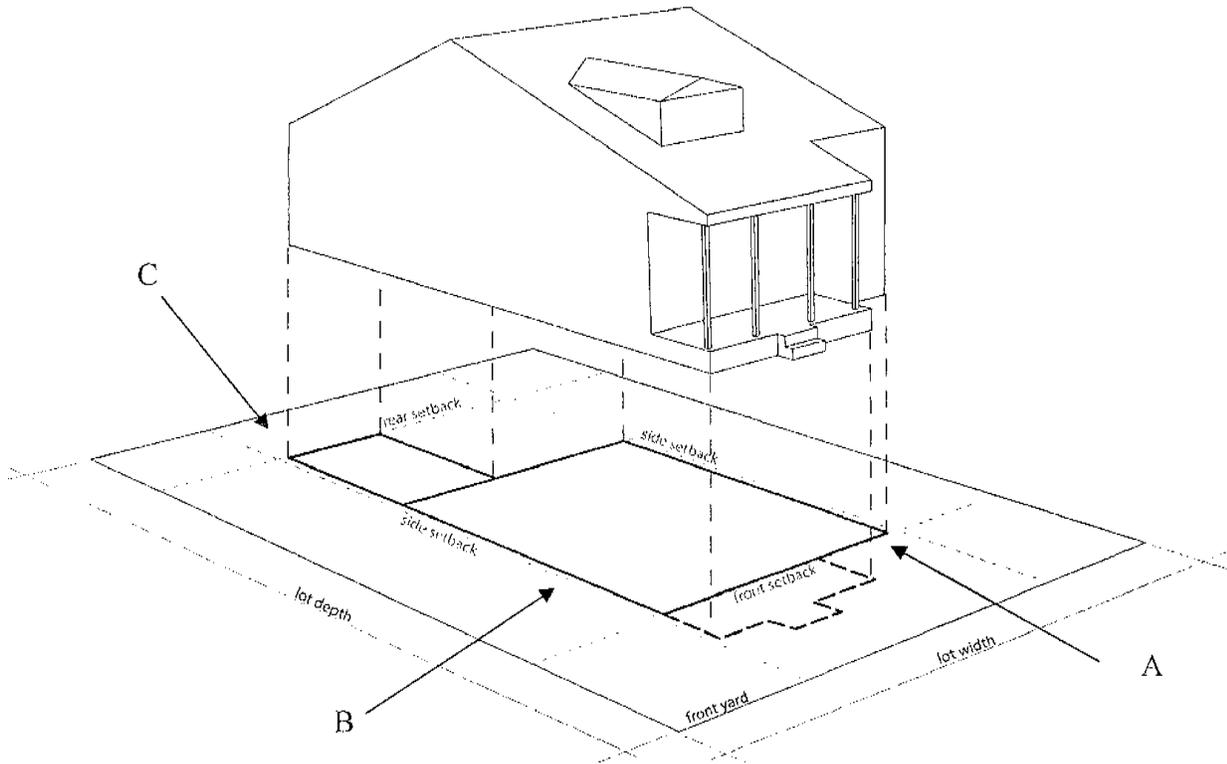
Single-family detached and duplex dwellings:  
Minimum: Ten (10)  
Maximum: None.

Single-family attached and multi-family dwellings:  
Minimum: Five (5) feet and not less than fifteen (15) feet for both sides combined.  
Maximum: None.

3. Rear.

Single-family detached and duplex dwellings:  
Minimum: Twenty-five (25) feet.  
Maximum: None.

Single-family attached and multi-family dwellings:  
Minimum: Twenty-five (25) feet.  
Maximum: None.



**Required Yards for Single Family Detached/Duplex**

A	Front	6' min. - 15' max. Neighborhood Core Areas
		10' min - 25' max Residential Neighborhood Areas*
		No max setback for residential lot 20,000 SF or greater
B	Side	10' min.
C	Rear	25' min.

**Figure 1. Illustration for Single Family Detached/Duplex**

4. *Accessory buildings and garages.*

Not closer than five (5) feet to a side or rear lot line; not permitted in front yards. Garages serving single-family detached dwellings and accessed from an alley at the rear of a lot shall be set back a minimum of nine (9) feet from the rear lot line. Garages servicing single-family dwellings and accessed from a street frontage shall be set back a minimum of eighteen (18) feet from the front lot line of the dwelling. The zoning administrator may permit a reduction in the required setbacks due to shallowness or steepness of a lot.

(g) *Separation of structures.* Groups of single-family attached dwellings and multi-family structures shall be separated from each other by a minimum of fifteen (15) feet.

(7) (ii) *Non-residential and mixed use lot and building standards*

(a) *Minimum lot area for commercial uses:* Eight thousand five hundred (8,500) square feet.

(b) *Minimum lot width for commercial uses.* Forty (40) feet at the minimum front setback line.

(c) *Maximum lot coverage for commercial uses.* Seventy (70) percent. The areas of contiguous lots may be combined for the purpose of calculating impervious surface requirements.

(d) *Required yards for commercial uses.*

1. *Front.*

*Minimum:* None. A sidewalk of at least eight (8) feet shall be provided along all lot frontages in which the setback is less than fifteen (15) feet.

*Maximum:* None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

2. *Side.*

*Minimum:* None.

*Maximum:* None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

3. *Rear.*

*Minimum:* Thirty-five (35) feet when served by a rear alley; no rear setback required when the rear of the lot also functions as a primary access point for pedestrian traffic.

*Maximum:* None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

4. *Accessory buildings.* Not closer than ten (10) feet to a side or rear lot line; not permitted in front yards.

## 8. *Building Height*

(a) *Maximum building height.* New structures within a PUD-TND shall be no more than 35 feet [3 stories] for single-family residential or duplex uses, or 50 feet [4 stories] for non-residential, multifamily residential, or mixed used structures.

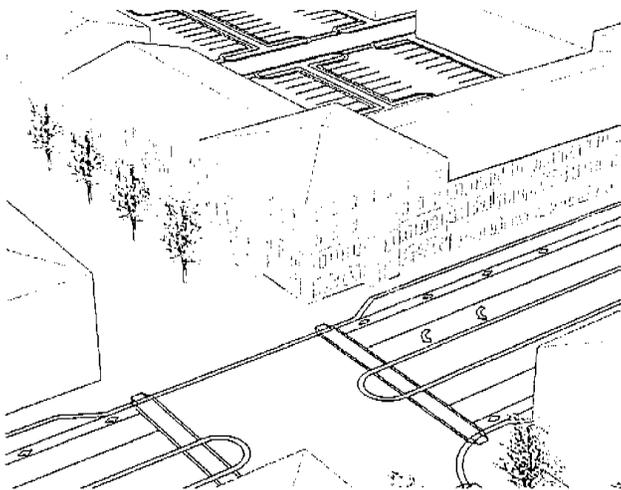
(b) *Minimum Building Heights.* New Structures located in the PUD-TND Neighborhood Center subarea shall not be less than 2 stories in height unless a waiver is granted by the Board of Supervisors at the time of Rezoning approval.

## 9. *Building Design/Orientation*

The illustrations provided in this section are advisory only. Refer to the Code standards for the specific prescriptions of this section.

(a) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.

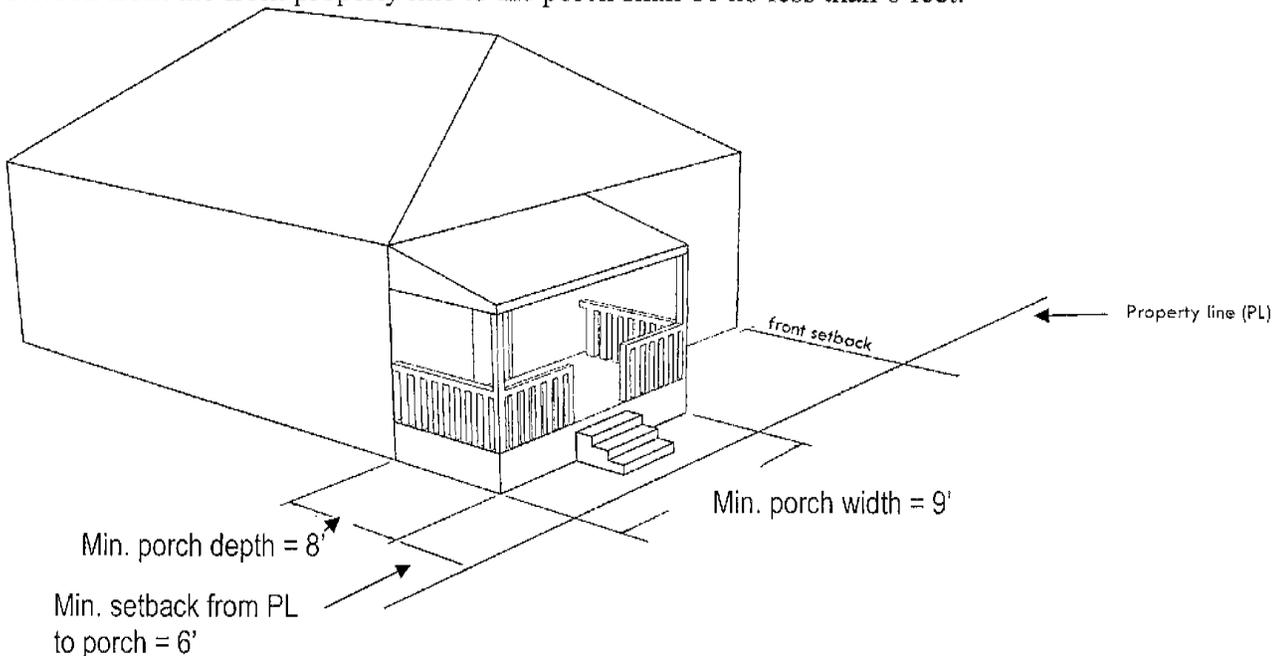
The illustration below is advisory only and is intended to show the intent of the continuation of articulation of a building facade. Refer to the Code standards for the specific standards in this section.



(b) The front facade of the principal building on any lot in a PUD-TND Traditional Neighborhood Development shall face onto a public or private street, plaza, square or green.

(c) Unless a waiver is granted by the Board of Supervisors at the time of rezoning, the front facade of any building shall not be oriented toward a parking lot.

(d) Porches, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences structures in the Residential Neighborhood subarea. Front or sideyard porches of at least eight (8) feet in depth and nine (9) feet in width shall be provided on not less than 50% of all single family dwelling units within the Residential Neighborhood subarea. Such features may intrude into required setback areas. Notwithstanding any other provisions (Sec. 10-41), the minimum setback from the front property line to the porch shall be no less than 6 feet.



(e) For non-residential buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the habitable interior space.

(f) New structures on opposite sides of the same street shall be of similar mass, scale and general architectural character. This provision shall not apply to buildings opposite civic uses.

#### 10. Streets, Alleys, Sidewalks, Street Trees, Street Furnishing and Utilities.

(a) *Grid network.* The transportation system in the PUD-TND districts shall be generally in the form of a grid of interconnected streets, alleys and paths, modified as necessary to accommodate

topography and parcel shape. Cul-de-sacs shall not exceed ten (10) percent of the total length of streets in the traditional neighborhood district. Alleys are exempt from this calculation.

(b) *Block size.* Street layouts must provide for rectilinear or curvilinear blocks that are in the range of 200-400 feet deep by 300-600 feet long, measured along the interior edge of the street right-of-way, except in locations where a street must cross areas of steep slopes in excess of ten (10) percent natural grade. In such cases, the Board of Supervisors may approve block perimeter that exceed one of these dimensions so as to reduce the number of streets constructed perpendicular to the steep slopes, and may be curved to follow the topography.

(c) *Street design.* Street sections in PUD-TND districts shall be designed to serve multiple purposes, including movement of motor vehicle traffic, public transit, pedestrian and bicycle movement, areas for public interaction, definition of public space and sense of place, and areas for placement of street trees, street furniture and landscaping. Streets shall be designed to balance the needs of all users and promote efficient and safe movement of all modes of transportation.

1. Sidewalks shall be provided on both sides of the street in Neighborhood Center and Residential Neighborhood Subareas and separated from the roadway by a planting strip and/or designated parallel parking. If a planting strip is provided, it shall be a minimum of 6 feet in width.
2. Pedestrian and/or bicycle routes, lanes, or paths shall be provided to connect all uses and reduce motor vehicle use. Street design shall provide for the safety of pedestrians and bicyclists.
3. Streetscape or pedestrian amenities, such as street trees, bulb-outs, benches, landscape elements, and public art shall be provided to contribute to the area's streetscape environment.

(d) *Lot Access.* All lots shall front on a public or private street or on a square or plaza. Alleys shall serve only the rear or sides of lots or uses.

(e) *Private Street/Alleys.* Privately owned and maintained streets or alleys may be permitted in a PUD-TND district. Such private streets and alleys are permitted to serve multiple lots and uses. Private streets and alleys shall be maintained by the property owners association. Privately owned and maintained streets may be approved provided:

- 1) All parking is off-street and designated areas of off-street parking are provided that are in excess of and complementary to private driveways;
- 2) A plan is submitted and approved for school bus pick up and drop off areas for property owners abutting the private street;
- 3) A plan is submitted and approved for emergency access, snow clearance and postal delivery for all property owners abutting the private street;

- 4) The private streets are developed to a pavement section equal to VDOT standard for the projected traffic volume and to a geometric standard meeting county requirements.
- 5) The minimum width of the streets is eighteen (18) feet or wider exclusive of any on-street parking based on the projected vehicle trips per day for the streets. Dead end alleys are not permitted unless approved by the Board of Supervisors through a waiver approved at the time of rezoning, but in no circumstances shall an alley have a dead end length of over 100'. Dead-end alleys shall have hammerhead turnarounds.
- 6) The right-of-way for all private streets shall be dedicated to the PUD-TND homeowners association; and
- 7) Deeds for property abutting the private street must state that the street is private and will not be maintained by the state or county. If the property owners association officially petitions to dedicate the necessary right-of-way to the state or county it must be at no cost to the state or county and the association shall pay the full cost to bring the street up to state standards.

*(f) Street Trees:* Canopy Street trees shall be planted on both sides of the street and shall be spaced according to species and to the standards established in the landscape section of this ordinance. No understory trees shall be used as street trees. A consistent variety and species of street tree shall be maintained by street, but adjacent streets shall diversify species as a precaution against blight. Street trees planted within the Neighborhood Center area and other areas subject to heavy foot traffic, shall be protected using design measures (such as tree grates) to protect the tree root system. Street trees shall be planted along all streets at a average center to center spacing based on the mature spread of the particular street tree.

*(g) Pedestrian scale lighting.* Pedestrian scale decorative street lights (10' to 15' in height) shall be installed with a maximum average spacing of 75 feet on center on each side of the street and travel lanes within all areas of the district.

1. In order to minimize light pollution, light shall be directed downward to the immediate area being lighted and away from any living quarters.
2. Street lights shall be dark sky compatible. Lighting shall be designed and installed to be fully shielded (full cutoff) and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting (or approximately 1,600 lumens). In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
3. Floodlights or directional lights (maximum 100-watt metal halide bulbs) may be used to illuminate alleys, parking garages and working (maintenance) areas, but must be shielded or aimed in such a way that they do not shine into other lots, the street, or direct light out of the TND.
4. Floodlighting shall not be used to illuminate building walls (i.e. lights should not be placed on the ground so that a beam of light is directed upward).
5. Site lighting shall be of a design and height and shall be located so as to illuminate only the lot.

6. No flashing, traveling, animated, or intermittent lighting shall be visible from the exterior of any building whether such lighting is of temporary or long-term duration.

(h) *Street furnishings* shall include but not be limited to decorative street signs, benches, trash receptacles, water fountain and other appropriate decorative pedestrian oriented features in the Neighborhood Center subarea

(i) *Utilities*. -Unless a waiver is granted by the Board of Supervisors at the time of rezoning, underground utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be located to the rear of properties in alley ROWs or the ROW of minor streets and not along the streetscape frontage.

11. *Parking*. Except as otherwise provided by this subsection, parking requirements for all uses shall be in accordance with the Parking Standards of this Ordinance.

(a) On street parking is required where a particular land use will generate regular guest or customer parking use. Occasional on-street parking (such as within a single family area) can be accommodated without additional pavement width or delineation.

(b) On-street parking shall be provided on streets abutting squares, small parks or other open spaces in the Neighborhood Center.

(c) Parking lots with over 24 spaces and parking garages shall be located to the rear of buildings and shall not abut any public street.

(d) Adjacent parking lots shall have vehicular connections from an alley or private street.

(e) Parking for retail and service uses in the Neighborhood Center shall not require on-site parking provided that: (1) the required parking, in accordance with the Parking Standards of this Ordinance, is available within a six-hundred-foot radius of the activity; (2) the total floor space for the individual uses does not exceed twenty-five hundred (2500) square feet of gross floor area; and (3) such uses are restricted to Retail and multi-family areas. On-street parking located within 600 feet may count toward any minimum parking requirements.

(f) Parking areas for shared or community use should be encouraged and shared parking reductions will be considered in accordance with section 10-44.

(g) Loading areas shall adjoin alleys or parking areas to the rear of the Principal Building unless otherwise approved on the TND plan.

12. *Landscaping and Buffering*. Except as otherwise provided by this subsection, landscaping requirements for all uses shall be in accordance with the Landscaping and Screening Standards of this Ordinance.

**Additional Definitions for possible inclusion either in this section or in the definitions section of the Ordinance:**

Definitions. For purposes of this section, the following special definitions are provided:

(1) Alley: A private right-of-way, not less than eighteen (18) feet nor that provides secondary and/or service access for vehicles to the side or rear of abutting properties having principal frontage on another street or on a plaza, square or green.

(2) Square: Square means open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and civic buildings. A Square is bordered by streets and may have Major Civic uses located on or adjacent to the Square. The Square is intended as a central place for the community and should accommodate a wide variety of formal and informal gatherings; it does not actually have to form a perfect square.

(3) Natural Area/Preserve: Preserve means open space that preserves or protects endangered species, a critical environmental feature, or, other natural feature. Access to a Preserve may be controlled to limit impacts on the environment. Development of the Preserve is generally limited to trails, educational signs, and similar improvements.

(4) Plaza: Plaza means open space usually at the intersection of important streets, set aside for civic purposes and commercial activity, including parking, its landscape consisting of durable pavement and formal tree plantings. A Plaza is usually bordered by civic or private buildings. Plazas may range from very active places with adjacent complimentary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings, and amenities such as fountains or public art.

(5) Park: Park means an open space, available for recreation, its landscape consisting of paved paths and trails, open lawn, trees, open shelters, or recreational facilities. Facilities may range from simple picnic tables, benches, or a playground in a small park, to a recreation center, swimming pool, or sport field in a larger park. Other facilities may include playgrounds, shelters, sport courts, drinking fountains, parking lots, or restrooms. Park grounds are usually grassy and maintained on a regular basis for recreational activity, but may include some natural, or formally landscaped areas.

(6) Green: Green means an open space available for unstructured recreation, its landscaping consisting of grassy areas and trees. A Green should be designed for passive and unstructured active recreation. Improvements to the green may consist of paths, benches, landscaping, and other improvements.

#### **Additional PUD-TND Submission Requirements - this would go in section 10-54**

#### **Additional Development Plan Information required for PUD-TND applications.**

The applicant shall submit a development plan of sufficient detail to demonstrate to the county that the proposal meets all size and dimensional requirements, which shall show:

- (a) The location and extent of and allocation of land to the following areas:
  - 1 The Neighborhood Center Subarea

2. Residential Neighborhood Subareas
3. Open Space Areas

(b) The general location of all streets, alleys and parking areas in each sub-area.

(c) The maximum gross and net densities, as defined herein, including dwelling unit types and lot sizes, of residential uses in each area of the development and for the entire development.

(d) The maximum gross square feet of non-residential uses in each area of the development and for the entire development along with an indication of the location of mixed use structures.

(e) The minimum area of civic uses, including parks, greens, squares and other public sites.

(f) The general design and layout of streets, utilities, and stormwater management facilities, including:

1. Drawings of typical street cross-sections
2. Schematic sections through the buildings that front the streets
3. Detailed concept plan at 1 inch = 200 feet showing the general configuration of building footprints (residential buildings can be shown with typical prototypes and lot configurations for each dwelling type and street condition)
4. Conceptual design for parking areas and streetscape features
5. Conceptual design of the stormwater management system
6. Conceptual layout of proposed lot pattern for subdivision
7. A survey of the overall project perimeter boundary.

(g) Natural and other open space areas.

(h) Design guidelines for typical lots, buildings and structures; including and indication of which residential structures will have porches.

(i) Adjacent land uses and adjacent zoning.

(j) Vicinity maps at no less than 1 inch = 2,000 feet scale.

(k) A conceptual phasing plan showing the location, sequence, and relative timing of development of land uses, streets and utilities, including:

1. Location, acreage, number, and unit type of residential dwellings for each phase
2. Location, number and type of non-residential acreage and building square feet for each phase
3. Location, amount and type of streets for each phase

4. Location, amount of sewer and water facilities for each phase
5. Location, size and type of stormwater management facilities for each phase
6. And, if the property is located in the for Expansion Area Overlay District (177 Corridor) Route 177 corridor, an assessment of Level of Service Standards and Adequate Publicfacilities as outlined in the Comprehensive Plan.

All of the above features may be adjusted by the applicant during the course of site plan and subdivision approvals, and construction, but must be in substantial conformance to the approved conceptual phasing plan, unless a zoning map amendment is requested and approved, subject to the procedures of section \_\_\_ of this chapter.

## **ATTACHMENT #2**

### **DRAFT TND-Infill District for Zoning Ordinance**

**\*\* Please note: Select illustrations were included within this draft ordinance as examples for Planning Commission and Staff consideration. Please note that these are not intended to be representative of a fully illustrated ordinance but are only select examples of how different portions of the ordinance could be illustrated for ease of understanding. A more comprehensive set of illustrations can also be incorporated throughout the document pending review feedback.**

#### **Addition to Article III**

##### **Sec. 10-38. Traditional Neighborhood Development Infill District**

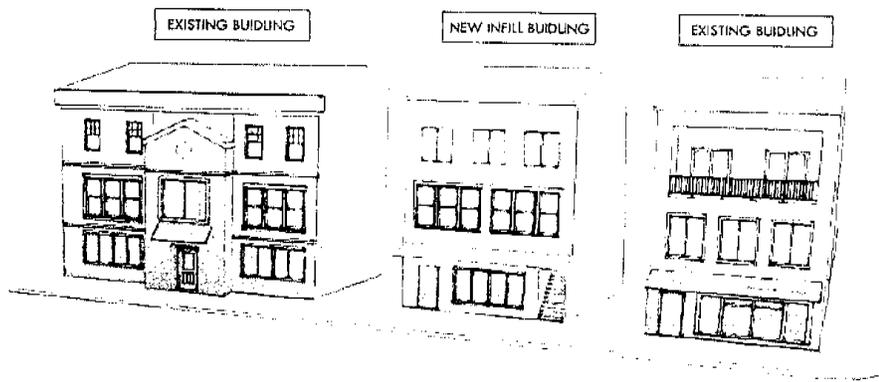
*Purpose:* The Traditional Neighborhood Development Infill (TND-I) district is intended to enhance and complement existing communities and villages by integrating new uses and structures into the existing community fabric, encouraging reuse and revitalization of existing structures, strengthening connections within communities to improve walkability and expand traditional, human scale, pedestrian oriented neighborhoods, and provide a strong orientation to transit service. This district provides flexible development standards for infill parcels so that properties can be developed in a way that is compatible with adjacent properties, to help create a "complete" walkable and transit-friendly community with housing, jobs, services, civic uses and open space and to implement specific comprehensive plan recommendations for the County's Villages, Village Expansion Areas and Urban Expansion Areas.

(1) The objectives of the TND-Infill District are to:

- a. Build upon the historic development patterns in existing village centers to create attractive, walkable neighborhoods;
- b. Encourage adaptive reuse of abandoned, vacant or underutilized buildings or structures where appropriate;
- c. Allow for a mix of new land uses that are appropriate to both the needs of the community and the scale of surrounding neighborhoods so that residents can walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school;

- d. Provide incentives to develop larger parcels at higher densities and to consolidate smaller parcels to encourage coordinated development and fewer access points on public roads.
- e. Make public transit a viable alternative to the automobile by organizing appropriate building densities
- f. Encourage a high level of design quality throughout the district
- g. Stimulate economic investment in older established communities.

The illustration below is advisory only and is intended to show the intent of infill development for this District. Refer to the Code standards for the specific standards in this section.



(2) *Qualifying lands.* Lands qualifying for inclusion in the TND-I district shall be tracts located in areas mapped as Urban Development Areas, Urban Expansion Areas, Villages and Village Expansion Areas in the Comprehensive Plan and that are generally served by, or planned for, public sewer and water service. Individual structures or existing structures may be served by private wells and on site individual septic facilities if such facilities are deemed sufficient and appropriate on a case by case basis at the time of rezoning. If the proposed development will require public sewer and water service, the applicant must demonstrate to the satisfaction of the Board of Supervisors that there is sufficient available sewer and water capacity to accommodate the proposed development at full build out and/or provide a plan demonstrating that such improvements will be phased to accommodate projected development as it occurs (see also rezoning and submission requirements Sec 10-54).

(3) *Area Requirements.* The minimum area required for a Traditional Neighborhood Infill TND-I district is two (2) acres and shall not be more than ten (10) acres since this district is targeted at undeveloped or underdeveloped lots in established communities rather than creating new communities. The tract of land to be developed shall be under single ownership, or shall be the subject of an application filed jointly and subject to a single concept plan.

(4) *Mix of Uses.* A mix of uses is encouraged in Villages, Village Expansion Areas, Urban Development Areas and Urban Expansion Areas. However, the land uses proposed for any individual tract subject to development under the provisions of the TND-I district shall be evaluated to ensure that the proposed use(s) are in substantial conformance with specific Comprehensive Plan policies and recommendations applicable to the site. Mixed Use Buildings that are integrated horizontally or vertically are permitted but only for a combination of neighborhood commercial uses and residential uses.

The illustration below is advisory only and is intended to show the intent of Vertical Mixed Uses in this District. Refer to the Code standards for the specific standards in this section.



**Figure 2. Example showing how uses can be mixed vertically.**

(5) *Development Density:* The permitted maximum and minimum development densities in the TND-I district shall conform to density guidelines established in the Comprehensive Plan as follows:

1. In areas designated in the Comprehensive Plan as Urban Development Areas, Village, or Village Expansion areas, gross residential densities shall not exceed three (3) dwelling units per acre. In areas designated in the Comprehensive Plan as Urban Expansion Areas, gross residential densities shall not exceed six (6) dwelling units per acre. Higher density residential development may be approved on a case by case basis if specifically approved by the board of supervisors and recommended in the Comprehensive Plan.
2. In areas designated in the Comprehensive Plan as Urban Development Areas, Village, or Village expansion areas, non-residential gross floor area ratios shall not exceed 0.25 F.A.R. In areas designated in the Comprehensive Plan as Urban Expansion Areas, non-residential gross floor area ratios shall not exceed 0.40 F.A.R. Higher density non-residential or mixed use development may be

approved on a case by case basis if specifically approved by the board of supervisors and recommended in the Comprehensive Plan.

3. Accessory dwelling units shall not be included in the calculation of residential density.

*(6) Permitted Traditional Neighborhood Infill District Uses by Category:*

*1. Commercial uses.*

- a. Retail Sales and Services, less than 20,000 square feet in size
- b. Convenience stores and general stores without fuel sales
- c. Restaurants
- d. Financial Institutions
- e. Office, administrative, business or professional, less than 20,000 square feet in size, and no more than 10,000 square feet per floorplate.
- f. Day Care Center
- g. Parking areas that are accessory to any permitted or permissible commercial, residential, civic, institutional or open space use.
- h. Funeral Home
- i. Medical Care Facility
- j. Mixed Use Buildings (integrated horizontally or vertically) which include residential and commercial uses.
- k. Outdoor seating associated with Restaurants subject to the provisions of Sec. 11.d, below.

*2. Residential uses.*

- a. Single-family detached and attached dwellings, including duplexes, townhouses, row houses;
- b. Accessory dwelling units associated with single family dwellings;
- d. Live/work units that combine a residence and the resident's workplace
- e. Home occupation

3. *Civic or institutional uses.*

- a. Municipal offices, fire stations, libraries, museums, community meeting facilities, community centers, and post offices;
- b. Transit shelters;
- c. Civic club
- d. Museum
- e. Open Space

*(7) Uses permitted by special use permit.* Any of the following uses permitted by special exception may be approved as part of the initial development plan at the time of rezoning; however, the board of supervisors may impose conditions on such uses even if approved as part of the initial development plan.

- a. Multifamily dwellings, including senior housing;
- b. Nursing Home, Congregate Care Facility, and assisted living facilities.
- c. Farm Market
- d. Hotels and Motels
- e. Conference or training center
- f. Home Business
- g. School
- h. Church
- k. Drive-through windows serving or associated with permitted uses provided such facilities are located at the rear or side of the structure and do not conflict with pedestrian travel ways. In no case shall the drive thru lane or window abut or face a public street.
- l. Mixed Use Buildings (integrated horizontally or vertically) which include residential and commercial uses.
- n. Transition House

*(8) Lot and Setback Standards:*

*(8)(i) Residential lot and building standards*

(a) *Lot standards for residential uses.*

Single-family detached dwellings: Minimum Five thousand (5,000) square feet, Maximum 10,000 feet.

Single-family attached dwellings:  
Minimum Fifteen hundred 1,500 square feet; Maximum of eight (8.0) single-family attached dwelling units connected together in one (1) group of units

Duplex dwellings: Minimum three thousand (3,000) square feet

Multi-family structures:  
Eight thousand five hundred (8,500) square feet;

(b) *Minimum lot width for residential uses.*

Single-family detached dwellings: Forty (40) feet.

Duplex dwellings: Eighty (80) feet.

Single-family attached dwellings: Eighteen (18) feet.

Multi-family structures: Eighty (80) feet

(c) *Maximum lot coverage.* Seventy (70) percent.

(d) *Required yards for residential uses.*

1. Front: The average of the existing front yard setbacks of the residential dwellings shall be calculated using the average front yard setbacks of the existing residential dwellings located on similar size lots (not more than twice the size of the lots being created), within 3 lots of either side of the proposed lot along the block face of the lot in question, or within 300 feet to either side of the proposed lot, whichever is greater, except that the front lot shall be no less than six (6) feet. Notwithstanding any other provisions (Sec 10-41), the minimum setback from the front property line to the porch shall be no less than 6 feet.

2. Side. The average of the existing side yard setbacks of the residential dwellings shall be calculated using the average side yard setbacks of the existing residential dwellings located on similar size lots (not more than twice the size of the lots being created), within 3 lots of either side of the proposed lot along the block face of the lot in question, or

within 300 feet to either side of the proposed lot, whichever is greater, except that the side yard shall be no less than five (5) feet.

3. Rear. Not less than 20% of lot depth, except that the rear yard shall be no less than fifteen (15) feet.

4. Required Setback for accessory buildings and garages. Not closer than five (5) feet to a side or rear lot line; not permitted in front yards.

8(ii). *Lot standards for Non-Residential Uses and Mixed Use Buildings.*

(a) *Lot standards for Non-residential Uses and Mixed Use Buildings.*

Minimum Lot Size: Five thousand hundred (5,000) square feet.

(b) *Minimum Lot Width for Non-residential Uses and Mixed Use Buildings:* (40) feet.

(c) *Maximum lot coverage.* Ninety (90) percent.

(d) *Required yards for commercial uses.*

1. *Front.*

*Minimum:* None. A minimum eight (8) foot wide sidewalk shall be provided along all lot frontages in which the setback is less than fifteen (15) feet.

*Maximum:* None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

2. *Side.*

*Minimum:* None, unless adjacent to a residential structure in which case a minimum setback of 10' shall be required.

*Maximum:* None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

3. *Rear.*

*Minimum:* None

*Maximum:* None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

4. *Accessory buildings.* Not closer than ten (10) feet to a side or rear lot line; not permitted in front yards.

8(iii). *Variation from lot size, lot width standards, setbacks, and yard requirements.* Minimum requirements for lot size, setbacks, yards and other lot standards as established in subsection 8 of the TND- I districts shall be specifically established during the review and approval of the concept development plan. The following guidelines shall be used in establishing any variation in lot size, lot width, setback and/or yard from requirements of subsection (8). Variations (approved by the Board of Supervisors at the time of concept plan approval) shall not:

1. Impair safety from the standpoint of fire and rescue access to properties;
2. Increase danger or probability of accidents involving vehicles and/or pedestrians;
3. Be done with the major purpose to decrease development costs;
4. Be done when the effect is to decrease privacy, adequacy of light and air, or buffering beyond base district regulations' effects; and
5. Abrogate the principal that sides of structures located on and backing up to the outer perimeter of the project shall conform to the setback and yard requirements of the adjoining district or the setbacks established in the project, whichever is greater.
6. Result in a modification greater than 20% the of stated requirement.

(9) *Lot Access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced private street designed by a professional engineer to meet current VDOT subdivision street requirements (Sec. 8-152 of the County Code).

(10) *Building Height*

(a) Maximum building Height. New single family and single family attached (including duplexes and townhouses) shall be no more than 35 feet [3 stories], or 45 feet [4 stories] for non-residential, multifamily residential, or mixed used structures.

(b) Minimum Building Heights. New Non-Residential, Multi-Family and Mixed Use Buildings shall not be less than 2 stories unless a waiver is granted by the Board of Supervisors at the time of Rezoning approval.

(11) *Additional Provisions for Non-Residential Uses:*

(a) Ground floor residential is not permitted in Mixed Use Buildings.

(b) The footprint of the ground floor of a non-residential building, mixed use or multi-family building shall not exceed 10,000 square feet.

(c) Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty (40) percent of building area, must be located in side or rear yards

adjacent to building, and must be screened from view of adjacent streets or adjacent land.

(d) Where outdoor seating areas are proposed, a minimum sidewalk width of 5 ft. must be maintained between the limits of the outdoor seating area and the roadway edge of the sidewalk.

*(12) Site and Building Design:*

(a) Architectural Standards

All new development (residential and non-residential) shall be of a compatible design with residences located on the same block and shall follow these design standards:

1. Building materials shall be of siding, brick, stone or other materials that are similar in color and otherwise in common with other buildings located on the same block face.
2. Buildings shall provide offsets, projections, and or recessed entries located at least every 30 feet along a facade facing a public street.
3. Building size, height, bulk, mass, scale shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to other structures in the area, and maintains the existing architectural rhythm.
4. Buildings shall use at least three of the following design elements along the facades facing public streets:
  - a) dormers
  - b) gables (pitch not less than 4:12)
  - c) recessed entries
  - d) covered porch entries
  - e) cupolas
  - f) pillars or posts
  - g) bay or bow window (minimum 12 - inch projection)
  - h) eaves (minimum 6 - inch projection)
  - i) off-sets in building face or roof (minimum 16-inches)

(b) Site Design – Non-Residential, Mixed Use and Multi-Family Units

- 1) Parking areas shall be located to the rear of non-residential, mixed use or multifamily buildings;
- 2) Street level frontage of commercial buildings shall be devoted to entrances, shop windows or other displays;
- 3) Clear pedestrian pathways shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the district;
- 4) Crosswalks shall be incorporated within the project, at intersections where new streets are proposed, within parking lots, or other needed pedestrian connections as approved by the County, VDOT or the County's designee. Crosswalks shall be designed to be an amenity to the development, e.g. heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use. Bulb-outs and other pedestrian designs may be used to shorten walking distances across open pavement. Medians may be used in appropriate areas to encourage walking and to act as a refuge for crossing pedestrians;
- 5) Where residential neighborhoods abut commercial, office or mixed use developments, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features;
- 6) Primary entrances to proposed and existing buildings are situated on pedestrian amenities (e.g., sidewalks, plazas or open space) with a minimum width of 10 feet;
- 7) Adequate access for loading and emergency vehicles is maintained on one side of the building; and
- 8) Adequate natural lighting and air circulation for businesses and residents is maintained.

(c) Parking Standards

- 1) Parking and loading spaces shall be provided as required in section 10-44 except that on-street as well as off-street parking spaces shall be counted toward satisfying the requirements.
- 2) On-street parking spaces assigned to a building or use shall be those spaces that abut the lot containing that building or use. All required handicapped parking spaces shall be provided off-street.
- 3) Parking requirements provided in section 10-44 may further be reduced upon approval by the zoning administrator of an acceptable mass

transportation or alternative transportation plan that adequately documents a reduced need for parking by demonstrating that potential visitors to the site, including residents, employees and customers will be using mass transportation or alternative transportation to visit the site.

- 4) Required off-street parking spaces may be provided cooperatively for two (2) or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the administrator. The amount of such combined space shall equal the sum of the amounts required for the separate uses, provided, however, that the administrator may reduce the total number of spaces if the administrator determines that some or all of the spaces may serve two (2) or more uses by reason of the daily hours of operation or seasonal activity of such uses. Shared parking shall be permitted upon approval by the zoning administrator of a shared parking plan prepared and submitted by the applicant. Upon approval, such a shared parking plan shall result in a reduction in the total amount of required parking, in an amount determined at the time of approval of the rezoning application or by the zoning administrator.
- 5) Off-street parking and loading spaces shall be located behind principal structures and may be served directly or indirectly by alleys.
- 6) Parking lots or garages must provide not less than one bicycle parking space for every [10] motor vehicle parking spaces.



MONTGOMERY COUNTY DEPARTMENT OF  
PLANNING & GIS SERVICES

PLANNING  
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

**MEMORANDUM**

TO: Board of Supervisors  
Planning Commission  
F. Craig Meadows, County Administrator

FROM: Steven M. Sandy, CZA, AICP *sm*  
Planning Director

DATE: February 3, 2011

SUBJ: Route 177 Gateway Area Plan Meeting

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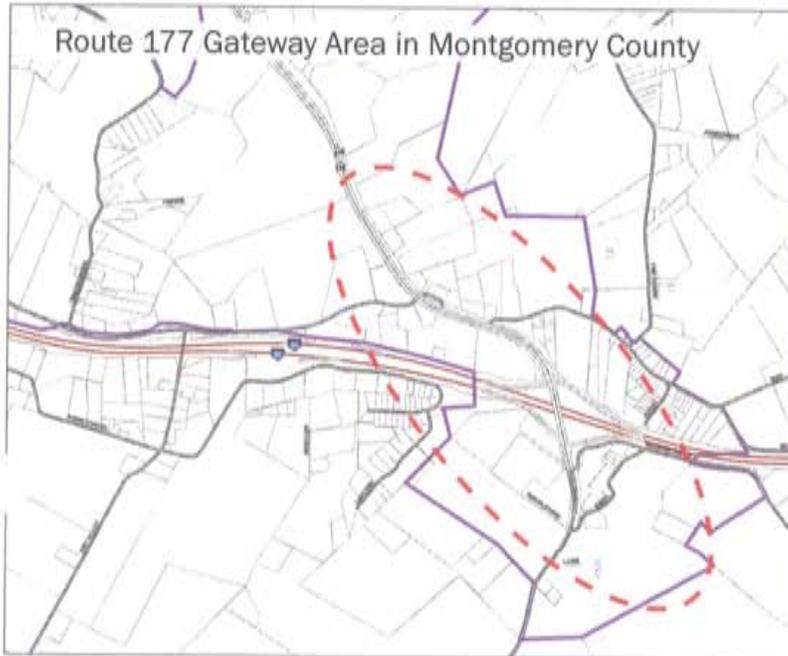
As previously discussed, Montgomery County has been awarded a grant from the Virginia Department of Transportation (VDOT) to work with planning consultants to designate Urban Development Areas (UDA) in the county and update our comprehensive plan, as well as zoning and subdivision ordinances. As part of this project, a portion of the route 177 corridor has been proposed as an Urban Development Area. To comply with the grant, a special area plan is also being prepared within the Route 177 Corridor Area. Planning Staff, in conjunction with our consulting team, will hold a property owner's workshop on February 9, 2011 to get their input regarding the future of the Route 177 Corridor.

Approximately forty property owners within the proposed UDA area have been invited to provide input on the proposed Route 177 gateway corridor. The results of this workshop will be used to shape the draft area plan that will be used to make future land use decisions within the Route 177 Corridor. For your information, a copy of the notice sent to the property owners is attached.

Please feel free to contact me or any of my staff if you should have any questions or comments regarding this area plan or the upcoming meeting.

# Route 177 Gateway Area Plan

## Property Owner's Work Session



### WHAT'S GOING ON?

Montgomery County is interested in getting YOUR input on the future of the Route 177 Gateway Area (Exit 109 off I-81). This is the area surrounding the Route 177 interchange with I-81 and is an important "gateway" into the 177 corridor and this portion of Montgomery County.

As a property owner in this area, your input is very important to this community-based planning effort, and will be used to help refine the vision for the future of the gateway within the 177 corridor. A professional team of planners, designers and engineers funded by a grant obtained by Montgomery County will lead a PROPERTY OWNER'S WORKSESSION to help develop ideas, concepts and visions for the gateway area along the Route 177 corridor. This workshop is the first step in the planning process.

The results of this workshop will be used by the county as input for creating an area plan that will guide future actions and decisions regarding the Route 177 Gateway - YOUR IDEAS CAN HELP SHAPE THE FUTURE!

### WHEN?

The workshop will be held in Multipurpose Room #1 at the Montgomery County Government Center in Christiansburg on February 9 from 3:00PM to 5:00PM. There will also be a presentation about future policy options to consider and potential land use and transportation options for the Route 177 Gateway Area.

**LOCATION: MONTGOMERY COUNTY GOVERNMENT CENTER, MULTIPURPOSE ROOM #1**

755 Roanoke Street, Christiansburg, VA

**WEDNESDAY, FEBRUARY 9 - 3:00 PM to 5:00 PM**

- |          |   |
|----------|---|
| 3:00 PM: | Welcome and Introductions   |
| 3:10 PM  | PRESENTATION  |
| 3:30 PM: | PUBLIC VISIONING DISCUSSION - Your Ideas for the future of the Route 177 Gateway Area |
| 5:00 PM  | Adjourn   |

for more information

Contact Steven Sandy, Montgomery County Planning Director  
(540) 394-2148 or email [sandysm@montgomerycountywa.gov](mailto:sandysm@montgomerycountywa.gov)