

MONTGOMERY COUNTY PLANNING COMMISSION
June 8, 2011 @ 7:00 P.M.
Board Room, Government Center

AGENDA

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC ADDRESS:

PUBLIC HEARING:

1. Request by **Randall W. Slusser and Virginia D. Slusser** for a Special Use Permit on 5.023 acres in an Agriculture (A-1) zoning district to allow for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision. The property is located at 4840 Natures Way Road and is identified as Tax Parcel No. 19-3-12 (Acct # 016766) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.
 - a. Staff Presentation (Jamie MacLean)
 - b. Applicant Presentation
 - c. Public Comment
 - d. Discussion/Action

2. An Ordinance Amending Chapter 10, Entitled Zoning, Sections 10-25, 10-26, 10-27, 10-33, 10-35 and 10-36 of the Code of the County of Montgomery, Virginia by Adding Land Located in the Urban Development Areas to the List of Qualifying Lands in the Residential R-2, R-3, RM-1 Districts, in the Planned Industrial (PIN), Planned Unit Development (PUD) and the Planned Mobile Home Residential Park (PMR) Districts and Section 10-61 of the Code of the County of Montgomery, Virginia, By Adding and/or Modifying the Definitions of the Following Terms: Alley, Financial Services, Green, Natural Area/Preserve, Park and Square/Plaza.
 - a. Staff Presentation (Jamie MacLean)
 - b. Public Comment
 - c. Discussion/Action

OLD BUSINESS:

- An ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property.
 - a. Staff Presentation (Dari Jenkins)
 - b. Discussion/Action

NEW BUSINESS:

- Walnut Creek "The Preserve Phase III Major Preliminary and Final Subdivision Approval (Jamie MacLean)
 - a. Staff Presentation (Jamie MacLean)
 - b. Applicant Presentation
 - c. Discussion/Action

WORKSESSION:

- Lafayette Area Plan (Steve Sandy & Vlad Gavrilovic)

LIAISON REPORTS:

- Board of Supervisors- John Muffo
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – Frank Lau
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- John Tuttle
- Public Service Authority – Malvin Wells
- Parks & Recreation- Walt Haynes
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells
- Planning Director's Report- Steven Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | |
|---------------|--|
| June 15, 2011 | Planning Commission Regular Meeting CANCELLED |
| July 13, 2011 | Planning Commission Regular Meeting |
| July 20, 2011 | Planning Commission Public Hearing (7:00 pm) |

**MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
June 8, 2011**

A. APPROVAL OF MINUTES

- April 13, 2011

ISSUE/PURPOSE:

The above listed minutes are before the Planning Commission for approval.

B. SCHEDULE THE FOLLOWING ITEM FOR PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION ON JULY 13, 2011 AND BOARD OF SUPERVISORS ON JULY 25, 2011

A request by **Billy D. & Ruth G. Massie** to rezone acres from Agriculture (A-1) to Planned Mobile Home Residential Park (PMR), with possible proffered conditions, and a Special Use Permit to allow expansion of the existing Massie's Mobile Home Park. The properties are located at 232 Coal Hollow Road and 2720 Peppers Ferry Road and are identified as Tax Parcel Nos. 64-A-173 & 64-A-185C (Parcel ID #'s 001934, 033492) in the Riner Magisterial District (District A). The property currently lies in an area designated as Village Expansion and further designated as High Density Residential in the 2025 Comprehensive Plan.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 13, 2011 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
Ryan Thum, Secretary
Joel Donahue, Member
William Seitz, Member
Frank Lau, Member
Malvin Wells, Member
Robert Miller, Member (late arrival)
John Tuttle, Member
Mary Biggs, Board of Supervisors Liaison Alternate
Marty McMahon, County Attorney
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Jamie MacLean, Development Planner
Brea Hopkins, Planning & Zoning Technician

Absent: Walt Haynes, Vice Chair
John Muffo, Board of Supervisors Liaison

APPROVAL OF AGENDA:

On a motion by Mr. Thum, seconded by Mr. Tuttle unanimously carried the agenda was approved as amended by placing new business prior to the work session on the agenda.

PUBLIC ADDRESS:

Mr. Rice opened public address.

Mr. Danny Young, Totem Lane, noted his concerns regarding roads and the additional traffic that would be generated by the Huckleberry Ridge development.

Mr. Sam Linkous, 960 Hightop Rd, stated he was concerned regarding the proposed Huckleberry Ridge development due to insufficient access to the property and the additional traffic that would be in the area.

Ms. Thelma Maltoney, 1231 Totem Lane, stated she was opposed to the Huckleberry Ridge request due to an increase in traffic and safety hazards with the entrance. There is not sufficient sight distance at either proposed entrance. She stated that all residents in Merrimac oppose the request. 121 people have signed a petition in opposition to the request. The development is too large for the area.

Mr. Junior Linkous, 549 Merrimac Rd, stated the highway is not planning to upgrade the roads and the current traffic is an issue.

Mr. Steve Spradlin, 1553 Oilwell Road, presented a copy of his comments. He discussed the comprehensive plan sections that do not support the development, including PLU 1.8. This development would not be a seamless transition. The proposal includes "left over" lands which should not be used as open space. The developer has admitted their design would only allow for 37 lots based on the topography of the property.

Mr. Joe Meredith, Corporate Research Center, stated he supported the development of Huckleberry Ridge. The Corporate Research Center is dedicated to recruiting high-tech companies and is currently under expansion. The completion of the next phase will increase the employment. Having high-quality housing near the center will benefit the entire area. He noted he also serves on the Board of the Montgomery Regional Hospital, and doctors would also be attracted to this type of development.

Ms. Ruth Dowdy, Hightop Road, stated she had met with the developers but they did not tell the entire community everything regarding the proposed development. They spoke to all the fine qualities of the development; however, they did not address the safety issues of the residents. Road upgrades are necessary. The proposal has too many units and will cause too much additional traffic in the community.

Ms. Abby Linkous, Council Lane, stated the people that support this request do not travel the roads every day. There are safety concerns.

Ms. Stevens, 848 Martin Drive, noted her concerns regarding the traffic and school overcrowding issue. Kipps Elementary currently uses trailers.

There being no further speakers; the public address session was closed.

PUBLIC HEARINGS:

A request by Chad and Lisa Vaught (Agent: Rich Rosenfeld) for a Special Use Permit on approximately 17.193 acre parcel in an Agriculture A-1 zoning district to allow a 100 ft. telecommunications tower. The property is located at 3153 Pandapas Pond Road, known as the Fountain Mobile Home Park, approximately 2300 feet west of the intersection of Pandapas Pond Rd. (Route 460) and Brush Mountain Rd. (Route 777), and is identified as Tax Parcel No. 29-A-49 (Acct #020041) in the Prices Fork Magisterial District (District F). The property currently lies in an area designated as Residential Transition in the 2025 Comprehensive Plan.

Mr. Rice introduced the request.

Mrs. MacLean reviewed the location of the proposed tower and the related maps. The property lies within an area designated as residential transition within the comprehensive plan. The site lies within an existing mobile home park. Traffic will be limited to the site and VDOT has indicated no entrance upgrades will be required. The FAA report and NEPA report indicate the tower will not pose a hazard or have adverse environmental impacts. There are no historical properties in the area that would be detrimentally affected. The tower is proposed to be a monopole structure with flush-mounted antennas, painted in a neutral color, and will not be lighted unless required by FAA. A rubberized coated fencing and tree plantings are proposed; however, a wooden fence may be considered. The tower is proposed to be 100 ft. in height. A view shed analysis has been conducted. She presented photo simulations of the proposed tower. The applicant has stated that collocation opportunities will be provided and Emergency services will have a location opportunity. The request does present a need to balance aesthetic desires of citizens with the need for adequate cellular telephone coverage in the County. If the need for a new tower in this area is determined, the Planning Commission and Board of Supervisors must try to mitigate negative impacts for the newly constructed tower to comply with the County's policy on communications towers. Since the proposed lease area is located less than 100 ft. from the closest mobile home unit a fall radius should be considered. Some property owners in the area have expressed concerns and opposition regarding the request.

Bob Miller arrived at 7:30 pm.

Mr. Rice stated the chain link would better prevent vandalism.

Mrs. MacLean stated both fences would be approximately 9 ft. high. The wooden fence would provide additional aesthetic value.

Mr. Mike Pace, attorney for AT&T, stated that he was aware that there are some concerned residents that have submitted letters of opposition. AT&T presently has 29 sites in Montgomery County and of those, 22 are co-location sites. AT&T provides a service in the county and has consistently tried to comply with the county's comprehensive plan policies. A tower request was submitted previously to locate a tower within Brush Mountain Estates for NTELOS. NTELOS relocated to another site in close proximity; however, could not provide co-location for AT&T. He discussed the propagation maps. This site will not provide service to Giles County. It does connect a gap in service between two sites located in the county. It is a piece of an ultimate goal to connect service from Blacksburg to Princeton; however, this site will serve Montgomery County. Due to topography, it is not feasible to serve Giles from this site. NEPA and the FAA stated the tower is not a hazard. Other sites that have been explored lie within a 2 mile radius including the 45' water tank which is too low, power poles lie within a conservation easement, the forest service tower is too high and too far away. The impact to view shed is the only issue with the proposed tower. A 100' monopole which is barely above the trees is as good as it gets. The tower still provides coverage but protects the view shed. This is a

challenging portion of Route 460 to cover. The fence type is flexible. The request complies well enough with comprehensive plan and meets all ordinance requirements; therefore should be approved.

Mr. Seitz noted that there was little coverage added with the new tower. Is the issue providing coverage or capacity?

Mr. Pace stated that topography has prevented coverage in the area. The goal is to provide coverage within a 2 mile radius.

Mr. Rosenfield, AT&T, stated the site is for coverage and capacity. Calls are frequently dropped and there is a lot of call volume in the area. The tower allows for calls to not be dropped and to carry excessive volumes.

Mr. Rice opened the public hearing.

Ms. Renee Boyer, stated she was strongly opposed to the request and submitted petition of 55 signatures. More neighbors were opposed but did not have sufficient time to react. Very few residences received notices. She noted her concerns regarding property values, and views. No new towers have been built within a residential neighborhood since the comprehensive plan policy development. This site is surrounded by three (3) neighborhoods. The request does not comply with the Montgomery County or Town of Blacksburg comprehensive plan. She stated that she is a current AT&T customer and has not had issues with service. AT&T gains very minimal coverage with the addition of this site.

Mr. Randall Hancock, representing Brush Mountain Estates, noted his concerns regarding the proximity of the tower to a future subdivision. If constructed, the tower would be located less than 25-50 feet from the lots. Property values will be affected and lots will not be desirable. The owners are requesting the site because they get a profit. Given the previously denied request, it is only fair they not be able to capitalize on this request.

Ms. Julie Falon, Gordon Drive, stated aesthetics are a huge issue and she strongly opposed the request. This type of development is not for Brush Mountain, Preston Forest, or Coal Bank Ridge.

Ms. Ann Price, Brush Mountain Estates, stated she was not opposed to towers; however, this is not the appropriate location. AT&T customers have adequate coverage in the area. The applicant has not clearly identified or documented the need for the tower. The transient population are the primary benefactors. Other sites are available. The Harding Road location was abandoned and this site was chosen in its place. The tower is inconsistent with the county comprehensive plan and the regional approach to telecommunication towers. This is the least preferred siting in the comprehensive plan. Blacksburg opposes the location. The Agricultural (A1) zoning district supports conservation.

Ms. Erin Daugherty, Gordon Drive, stated she opposed the tower due to visual impacts and potential radiation issues.

Ms. Nancy Corvin, Brush Mountain West, stated the site is clearly visible from the Town of Blacksburg. Tree loss is an issue and as it continues to occur the tower would be more visible. People pay attention to the location of towers and it will devalue the property.

Mr. Brian Leeson, Bel Air Drive, stated he was opposed to the request and the photo simulation does not accurately reflect the views based on the balloon test today.

Mr. Randall Price, Bel Air Drive, noted he was opposed to the SUP request and had opposed the tower requested five (5) years ago. Cell towers are visually intrusive. They cannot be hidden regardless of the paint color.

Ms. Margaret Love, 258 Brush Mountain Road, stated she was opposed because the tower will be visible from her property. The tower will cause property values to decrease and other safety issues.

Mr. Seitz asked about the size of the cut area and how many collocations could be provided on the tower.

Mr. Pace stated the cut area is 20 feet by 50 feet. The 50 feet is parallel to the road. There will be at least one collocation either for EMS or another carrier. Planning commission makes recommendations in regards to policy. There is only one issue which is view shed. This is a balance approach between policy and view shed. Route 460 is an important route through the county and needs cell phone coverage.

Mr. Rice closed the public hearing.

Mr. Thum noted that under federal law the commission was not allowed to consider radiation or health issues that may or may not come from cell towers.

Mr. Wells stated one tower has already been denied in the area and this one is adamantly opposed.

Mr. Seitz stated this is the first time that someone is requesting to put a cell tower in a mobile home park less than 100 ft. away from the nearest unit, surrounded by subdivisions and valuable land. He noted he did feel comfortable with supporting the request and was not persuaded that the site is necessary.

Mr. Thum stated his concern that only one collocation is provided. A tower was denied that could have provided coverage to both towers. Nobody likes towers, but they are necessary evils in the growing technological world. Mountains hinder service so more towers are needed.

Mr. Donahue asked if EMS will be interested in locating on this site.

Mrs. MacLean stated EMS has indicated that this site and the proposed Harding Road site will not be crucial to their network; however, they would re-evaluate it at a later date if necessary.

Mr. Donahue stated cell towers are like any infrastructure. They need to expand services as additional traffic and technology are developed. They take a long time to accomplish, so they have to be proactive not reactive. AT&T has to support all of its customer base not just Montgomery County residents. He noted he had driven through all neighborhoods in the area and had trouble seeing the balloon in most locations. They have made an effort to keep the height minimal. It is an important part of infrastructure and need to be considered.

Mr. Tuttle stated cell towers are the necessary evil and the site provides coverage that is necessary to the AT&T network. At this point there is no reason to deny.

Mr. Lau stated there is a need for towers and the mountain prevents communication. He noted he was surprised the tower height was only 100 feet, since many trees are 60-70 feet tall. AT&T is looking specifically at what they need to provide adequate service. People will not notice this tower once they get over the initial appearance.

Mr. Rice noted the monopole design minimizes the visual impact. He noted that there were concerns that the tower is proposed in an undesirable location; however, the applicant has proposed a minimal height to mitigate the impact.

Mr. Miller noted AEP towers were located on his family farm. The view was not desirable, but having power was. Life in a beautiful county comes with inconveniences and spoilers for the scenery; yet everyone has cell phones and expects coverage.

On a motion by Mr. Thum, seconded by Mr. Donahue and carried by a 6-2 roll call vote the planning commission recommended approval of a request by Chad and Lisa Vaught (Agent: Rich Rosenfeld) for a Special Use Permit on approximately 17.193 acre parcel in an Agriculture A-1 zoning district to allow a 100 ft. telecommunications tower with the following conditions:

1. Tower shall not exceed a total overall height of 100 feet inclusive of the proposed lightening rod. Tower shall not have lighting unless required by the FAA.
2. Site development shall be in substantial conformance with the plans entitled, "Site Name: US 460 and SR778, Site No: R0500G" prepared by BC Architects & Engineers revised March 3, 2011. Additionally, the tower shall be setback to comply with section 10-22(6)(b) of the Montgomery County Code, which requires a minimum setback of 100 feet from all property lines. The landscaping at the base of the tower shall comply with page L-1 of the concept plans and shall comply with section 10-43 of the Montgomery County Code, and be completed within 60 days of the issuance of the zoning permit.
3. AT&T shall access the site using the existing entrance off of Pandapas Pond Rd (Route 460) through the existing mobile home park. Any change in access to the site shall require further review by VDOT.
4. Tower shall be of a "monopole stealth design" and all antennae shall be flush mounted (distance between face of tower and outer face of antennas not to exceed 12 inches) on the structure. Tower, antennas, and all associated ground equipment shall be painted brown (Umbra). All wiring and cables shall be located inside the tower structure.
5. All trees on the property (within 50 feet of the proposed lease area) shall be maintained and not removed except for damaged or diseased trees.
6. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
7. No platforms or dishes shall be permitted on the structure above the tree line.
8. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.

9. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
10. Owner/agent shall provide police, fire and rescue services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate.
11. The second highest space on the tower shall be made available to the County. In the event that Montgomery County has not used this space and another cellular carrier wishes to co-locate on the same tower, the tower owner shall give the Montgomery County Administrator fourteen (14) days notice by Certified Mail of their intent to occupy this location.
12. The proposed 20' x 50' (1000 sq. ft.) lease area shall be surrounded with a nine foot (9) high chain link fence with rubberized coating and landscaping, as shown on page L-1 of the concept plans to screen the base of the tower and ground equipment.
13. The Tower shall be engineered to have a fall radius ("fall zone") not to exceed 45 feet. The fall zone shall be shown on the final site plan. Prior to the Board of Supervisors making their decision, the applicant shall provide to Planning Staff a letter from the applicant's engineer stating the Tower will be engineered to have a fall radius ("fall zone") not to exceed 45 feet.

AYES: Rice, Thum, Donahue, Lau, Miller, Tuttle

NAYES: Seitz, Wells

ABSTAIN: None

ABSENT: Haynes

An ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property.

Mr. Rice introduced the request.

Ms. Jenkins stated the Code of VA does not require posting of placards; therefore, staff has been considering an ordinance amendment to eliminate the requirement of posting placards. The County Attorney has confirmed the amendment would not be in conflict with state codes. The placards are posted by the applicant and the weather continuously damages the placards requiring them to be reposted. When the applicant is not local it is difficult to ensure the placard remains on the property. Placards cost approx. \$5 each. Advertisements in paper and adjoining owner notices will continue to be sent.

Mr. Rice stated he was concerned that citizens may feel as though we are acting without their knowledge.

Mr. Sandy stated there are also legal issues to be considered. It would be very easy for an individual to say the site wasn't properly posted and negate any action by the board. Staff cannot justify it was posted and remained posted for the entire time period. The County Attorney has stated that he has concerns as well. If we are keeping the requirement of posting a placard the burden will be on staff to install, maintain, and verify it is posted daily. The proposal is not to eliminate public views of the request; however, to reduce legal issues that could occur. It may be possible to revise the language in such a way that it is a courtesy not a requirement.

Mr. Rice stated it would be good to have the placard but just require it to be posted once.

Mr. Seitz stated if you do away with the physical posting then the written notice becomes more important and it may be necessary to send the written notice to more owners in the area of the request.

Mr. Sandy noted staff is required to notify adjoining property owners but can and do go above the minimum.

Mr. Miller expressed concerns of staff expending their limited time to monitor signs, but noted he does like to see them posted on the property.

Mr. Thum stated maybe an amendment to the ordinance could be proposed to include a stated policy regarding the posting of placards; however, not make it a legal requirement.

Mr. Rice opened the public hearing.

Mr. Steve Spradlin, Oilwell Road, stated that letting citizens know what is going on in government is important. There is a need to keep the posting requirement; however, the responsibility for posting should be placed on the applicant. An affidavit could be used to guarantee maintenance. The website is a great asset but not everyone uses it and not everyone reads the paper.

Mr. Sean Beliveau, 111 Cohee Road, stated he has posted numerous placards and the weather makes it difficult to maintain them. It is not practical to maintain the placards 24 hours a day for 2 weeks.

Ms. Jeannie Stosser, Blacksburg, stated in other localities developers are responsible for posting, maintaining, and proving they are there. She supported the suggestion that it's posted 2 weeks before and it's up to the applicant to keep them posted.

Mr. Danny Young noted the only reason he knew about the current meeting is because of the placard notice; however, it should be the applicant's responsibility to post and maintain the placard.

There being no further comments the public hearing was closed.

Mr. Wells noted the Old Elliston Fire Station had to be posted several times due to weather. He stated he would support initially posting the placard and then placing the burden on the applicant to maintain the notice.

Mr. Thum noted action taken on a request would be invalidated if the placard posting requirement is not followed and for that reason should not delegate the responsibility to the applicant.

On a motion by Mr. Miller, seconded by Mr. Seitz and carried by a 8-0 roll call vote the planning commission tabled the ordinance amendment to allow staff additional time to research options for placard posting.

AYES: Rice, Thum, Donahue, Lau, Miller, Tutle, Seitz, Wells

NAYES: None

ABSTAIN: None

ABSENT: Haynes

OLD BUSINESS:

A request by Huckleberry Ridge, LLC (Agent: Bluestone Land, LLC) for rezoning of approximately 48 acres from Agriculture (A1) to Residential Multi-family (RM-1) to allow 388 multi-family residential dwellings and approximately 15 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow 40 lots for single/two-family residential dwelling units. The property is located south east of the intersection of Merrimac Road (Rte.657) and Hightop Road (Rte. 808) and is identified as Tax Parcel Nos. 66-A-91, 92, 67-A-229, & 067-A-42 (Acct # 010584, 010585, 035616, & 010583) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan with a gross density of four (4) dwelling units per acre.

On a motion by Mr. Wells, seconded by Mr. Miller and unanimously carried the planning commission removed the Huckleberry Ridge rezoning request from the table for discussion.

Mr. Sandy stated the request was tabled to allow the applicant additional time to address concerns. The development is for 388 multifamily dwellings and 40 single family lots. He reviewed the revised conceptual plan. There are two (2) proposed Merrimac Road entrances and no entrance proposed onto Hightop Road. VDOT comments on the revised TIA were received and indicated no improvements were recommended at the four (4) reviewed existing intersections; however, a right turn table lane is warranted at the Merrimac and Hightop Road intersection. Due to the bridge configuration and trail crossing the engineer is not recommending those improvements. A taper lane is recommended at the proposed entrance and that has been proffered by the applicant. Phase III will contain public roads. The developer has added an emergency access during phase one and two. Staff discussed the need to provide safer crossings of Huckleberry Trail on Merrimac and Hightop Road due to increased traffic. A proffer was added to address concerns with those crossings. The PSA Director has indicated water capacity is available for 325 residential units and the sewer available for 310 units; however, additional capacity could be purchased from Town of

Christiansburg. The applicant understands that water service may not be available during construction. They have proffered that if additional capacity is needed all costs for obtaining service will be paid by the developer. The proposal is in an area designated as urban expansion and lies within the proposed urban development area. It should be noted the development is not a true TND development due to lack of mixed use components. There is no commercial aspect of this development. It does attempt to provide some of the TND aspects. A code of development has been proffered but does not apply to the multi-family portion of development. The open space along the trail and creek will be maintained in its current state. Limited vehicular connectivity is provided between uses and no connections to adjoining properties have been proposed. There are topographic challenges which limit options for connectivity. Mr. Sandy reviewed the proffers that had been submitted.

Mr. Rice asked if the development met the open space requirements.

Mr. Sandy stated the requirement is 15% open space and the developer has proffered 25% open space.

Mr. Miller noted school capacity could be an issue; however, there will be a redistricting by the school system and this development may be served by the new Prices Fork Elementary. A temporary cul-de-sac should be provided at the emergency access to allow school buses to maneuver.

Mr. Sandy stated the school has indicated that with both schools they will be able to accommodate the additional students.

Mr. Wells asked who is responsible for the maintenance of the emergency access during inclement weather, etc.

Mr. William Park, Bluestone Land, stated the plan had been revised to address concerns of residents and staff. This area is designated as Urban Expansion in the comprehensive plan and is designated to accommodate 11,000 plus units. This parcel also lies within an area that will be designated as an UDA in the future. This area also corresponds with the Blacksburg urban development area. He discussed the revised plan, increased connectivity, sidewalk additions, building relocation, additional landscaping, and the proposed emergency access. The developer will be responsible for snow removal, maintenance, etc until the road is taken over by VDOT. The water capacity issue has not been resolved; however, the proffer should address the problem. He noted that a neighborhood and community meeting had been held. A cul-de-sac was not considered because the loop at the community building could be utilized by school buses. The building is a central location and provides a safer place for children to gather. The code of development could not be applied to the mixed use housing because each dwelling cannot look the same. Mr. Park stated the development is below the maximum units allowed per acre in the zoning ordinance and UDA. He discussed the fiscal impacts of the development.

On a motion by Mr. Thum, seconded by Mr. Miller and unanimously carried the meeting was extended until 10:30 pm.

Mr. John Neel, Gay & Neel Inc., discussed improvements to the Huckleberry Trail. Striping and signage will be installed, clearing and grading will be done to improve sight distance. Connectivity to the adjoining property would have to be negotiated if ever desired since the property would be privately owned.

Mr. Seitz stated the main objections tend to be related to the roads in the area.

Mr. Rice stated the TIA was developed by a reputable firm and VDOT has not expressed issues with the proposed development.

Mr. Lau noted there are blind curves, major elevation changes, and in some cases, water running across the road. This road should not handle more traffic until it has improvements.

Mr. Rice noted that VDOT does not improve roads in order to allow development. If the development is denied then the roads will never be improved.

Mr. Thum stated this area is going to expand. The developer should be commended for its efforts. Public transportation will be developed, and the trail crossing will be improved. Developments cannot be stopped until VDOT addresses the existing problems.

Mr. Wells noted that the amount of funding for secondary roads has been decreased from \$3 million to \$100,000 over the years.

Mr. Muffo stated the County has contributed some money toward roads; however, it is nowhere near enough to provide funds for all maintenance and improvements.

Mr. Seitz stated the developer and staff have done a good job to bring the project forward.

On a motion by Mr. Thum, seconded by Mr. Seitz and carried by a 7-0 roll call vote the planning commission recommended approval of request by Huckleberry Ridge, LLC (Agent: Bluestone Land, LLC) for rezoning of approximately 48 acres from Agriculture (A1) to Residential Multi-family (RM-1) to allow 388 multi-family residential dwellings and approximately 15 acres from Agriculture (A1) to Residential (R3) to allow 40 lots for single/two-family residential dwelling units with the following proffered conditions provided; (1) the Code of Development is amended to allow composite materials and (2) # of units allowed is tied to available water capacity:

1. Code of Development and Conceptual Master Plan

The Property will be developed substantially in accordance with the Code of Development prepared for Bluestone Land, L.L.C., dated 4/7/2011 and the Conceptual Master Plan prepared by Gay & Neel, dated 4/1/2011(the "Conceptual Master Plan").

2. Number of Units

No more than 388 multi-family dwellings (apartment/condominiums) shall be constructed in the RM-1 District. No more than 40 single-family detached dwelling units, or 80 two-family attached dwelling units, or any combination of single-family and two-family dwellings shall be constructed in the R-3 District. The exteriors of the apartment buildings constructed in Phase I of the RM-1 District shall be generally in conformance with the elevations demonstrated in the rendering entitled "Huckleberry Ridge Rendering" dated 4/1/2011 and submitted with this proffer statement as Attachment A.

3. Phasing

The Property will be developed in three Phases. Phase I will consist of 248 multi-family dwelling units, and includes a community building and pool (RM-1). Construction on Phase I is anticipated to begin Spring 2012. Phases II and III shall be constructed according to market conditions.

4. Roads

Public streets will be designed and constructed to VDOT's Subdivision Street Standards, latest edition. The proposed entrances will be constructed in accordance with the Recommendations in the Traffic Impact Analysis by Anderson & Associates, Inc. dated 1/26/11, revised 3/14/11 to allow for future widening of the existing road. Private streets and parking areas will be constructed of 8" of 21A base stone and 2" of SM2A asphalt and maintained by the Owner. Secondary gated emergency access to Phase I shall be provided via construction of that portion of Road "A" as depicted on the Conceptual Master Plan by Gay and Neel dated 4/1/11. All improvements shall be at the sole expense of the developer.

5. Storm water

Stormwater management practices will be designed to detain the post development peak flow rate to the predevelopment peak flow rates for the 10 year and 2 year storm events as required by state Erosion and Sediment Control Law. Stormwater quality will be in accordance with the regulations in effect at the time of rezoning and the developer will obtain a VSMP permit for construction.

6. Open Space and Amenities

A minimum of 25(twenty-five) percent, 15.75 acres+-, of the total gross area of the Property shall be reserved as common open space and/or recreational areas as shown on the Conceptual Master Plan. Furthermore, each individual phase shall meet the minimum open space requirements of the zoning district. Active recreation amenities may include, but not limited to walking/hiking trails, benches, picnic tables, community building w/ pool, common recreation pavilion(s)/gazebo(s), playground(s), and retention pond(s).

7. Trails

The Property will include a walking/nature trail system traversing portions of the dedicated open space as shown on the Conceptual Master Plan. The trail system will connect to the Huckleberry Trail. The foot trails within the open space will be constructed in conjunction with the phase that is the most geographically adjacent to the proposed trail. Trails will be six (6) feet wide, constructed with a minimum 1 1/2" asphalt on top of 4" base stone.

Prior to the issuance of the first certificate of occupancy, the developer shall install additional signage at the Huckleberry Trail's crossing with Hightop Road and Merrimac Road per the attached figure from the AASHTO Guide for the development of bicycle facilities. The signage will be in accordance with the MUTCD standards, Millennium Edition.

Prior to the issuance of the first certificate of occupancy, the developer shall perform clearing in the areas indicated on the attached sketches in order to increase the sight distance for Huckleberry Trail users crossing Merrimac and Hightop Roads and submitted with this proffer statement as Attachments B1-B6 dated 4/13/2011.

Signage and clearing of vegetation on the Huckleberry Trail will be performed in consultation with VDOT, Montgomery County Parks and Recreation, and Friends of the Huckleberry.

8. Homeowner's Association

A homeowner's association or associations will be formed for R-3 district. The association or associations' documents will at a minimum address: maintenance of open areas, alleys, buffers, trails, active recreation spaces, and stormwater management facilities; enforcement of maintenance and all regulations set forth in the association documents, including architectural guidelines and the Code of Development.

9. Water and Sanitary Sewer Service

Huckleberry Ridge, LLC shall construct all water and sanitary sewer mains and appurtenances and will connect these mains to publicly owned mains. All mains and appurtenances will be dedicated to public use. The site shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available. There is a limited amount of water and sewer capacity available for development in the area before infrastructure improvements are needed to increase capacity. The applicant may be responsible for bearing the cost of any necessary utility infrastructure improvements needed by the PSA both on site and off site to accommodate the requested capacity based on the proposed use for the Property.

10. Landscaping

Huckleberry Ridge, LLC will preserve existing vegetation to the greatest extent possible. Extensive landscaping such as buffers and street trees will be provided as part of proposed development. A Type 2 Landscape Buffer shall be provided between Merrimac Road and the proposed multi-family dwelling area. Existing vegetation can be credited towards the buffer requirements. Buffer shall not impede sight distance at the proposed entrance.

AYES: Rice, Thum, Donahue, Lau, Miller, Tutle, Seitz

NAYES: None

ABSTAIN: Wells

ABSENT: Haynes

WORKSESSION:

Due to time constraints it was the consensus of the Planning Commission to discuss worksession items at their next meeting.

Sign Ordinance Amendments (Brea Hopkins)

Prices Fork Elementary Safe Route To Schools Radford University Project (Brea Hopkins)

There being no further business, the meeting was adjourned at 10:35 pm.



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

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

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff *JPM*

DATE: June 1, 2011

RE: **Staff Analysis (SU-2011-08767)**

A request by **Randall W. Slusser and Virginia D. Slusser** for a Special Use Permit on 5.023 acres in an Agriculture (A-1) zoning district to allow for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision. The property is located at 4840 Natures Way Road (Rt. 734) and is identified as Tax Parcel No. 19-3-12 (Acct # 016766) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

I. NATURE OF REQUEST

The applicants, Randall W. Slusser and Virginia D. Slusser, are requesting a Special Use Permit on approximately five (5) acres in an Agriculture (A-1) zoning district, with possible conditions, to allow for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision. The property is located at 4840 Natures Way Road (Rt. 734) and is identified as Tax Parcel No. 19-3-12 (Acct # 016766) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

II. BACKGROUND

In 2003, the applicant's divided a 23.1938 acre parcel into two smaller tracts, one being approximately 18.17 acres in size and the other being approximately 5.0230 acres. The aforementioned minor subdivision plat, recorded in plat book 24, page 196, is attached for review.

Prior to the division the 23.1938 acre parcel was considered a "parent parcel". Section 10-61 of the Montgomery County Code defines a "parent parcel" as *any lot of record existing on December 13, 1999, which has subsequently been subdivided into one (1) or more additional lots of record.*

Per section 10-21(5) all lots in Agricultural (A-1) zoning districts are subject to the requirements of the sliding scale of permissible density, in addition to other pertinent regulations. According to the sliding scale the 23.1238 acre parent parcel had a total of four (4) lot assignments available at the time of division.

In 2003, when the 5.0230 and 18.1707 acre parcels were divided from the 23.1938 acre parcel, lot assignments were divided among the two tracts. The 18.1707 acre tract was allotted three (3) assignments while the 5.0230 acre parcel was allotted one (1) assignment. Lots which have been created from a parent parcel cannot be further subdivided unless more than one (1) lot assignment was given to the parcel during the initial subdivision of the property.

Section 10-21(5)(c) allows clustering of permitted lots between parent parcels. A landowner with several contiguous parent parcels may cluster the number of permitted lots from any one parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line. The possibility of clustering lot assignments and reallocating them between the two aforementioned parcels was discussed with the applicant. However, due to family matters, this option is not currently feasible.

Therefore the applicant has chosen to request one (1) additional assignment based on section 10-21(5)(b) which states the Board of Supervisors may authorize the issuance of a special use permit for more lots than the total permitted by the sliding scale in situations where a family subdivision conflicts with the sliding scale. The applicant is requesting a Special Use Permit to allow a family subdivision consisting of one (1) lot which he has indicated will be deeded to his son.

III. IMPACTS

The impacts associated with the proposed special use permit are discussed below. The proposed Special Use Permit, if granted, is to allow the creation of one new lot for a family subdivision.

TRANSPORTATION

According to the information submitted, the applicant will utilize an existing access easement to access the proposed new parcel from Nature's Waye Road (Rt. 734). The use proposed for this site does not generate enough vehicle trips per hour to require a review under the Virginia Department of Transportation (VDOT) Chapter 527 Regulation.

In an email dated May 9, 2011, John Jones, VDOT Land Development Engineer, stated that they found the request to be acceptable and no upgrading of the road would be required (email attached).

INFRASTRUCTURE

According to a letter written by the PSA Director, on May 31, 2011, public water and sanitary sewer are not available for this property. It is suggested that the applicants use on-lot well and septic for the proposed division (letter attached).

The property is proposed to be served by private on-site water and sewer services. If the applicant is granted the requested additional lot assignment, a written statement from the health department certifying the suitability of the subdivision for private on-site sewage disposal systems will be required as part of the subdivision review process. Additionally, the required certification must state that the 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 proposed subdivision plat must also be signed by the health department prior to the County signing the plat.

IV. COMPREHENSIVE PLAN

The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. The designation of Resource Stewardship Areas delineates rural areas with "high resource value based on soil types, environmental sensitivity, or other unique land characteristics. These areas also include land that is preserved from future development through public or private conservation efforts."

The land use policies governing Resource Stewardship (PLU 1.2.1, page 35) are as follows:

- a. The preferred land uses for Resource Stewardship Areas include agriculture, forest uses, outdoor recreational uses; other natural resources based uses and accessory uses directly related to the support of the preferred land uses.
- b. Low density residential development will be permitted, but not encouraged, as a secondary use in Resource Stewardship Areas.
- c. Private and public conservation efforts and farmland retention programs, such as agricultural and forestall districts, should be focused in Resource Stewardship Areas.
- d. Non-residential uses, except those incidental to and supportive of agriculture, forest, outdoor recreational or other preferred land uses, will be discouraged in Resource Stewardship Areas.

- e. Rezoning to allow higher intensity in Resource Stewardship Areas will be discouraged.
- f. The County may permit new non-agriculturally related institutional uses by special use permit provided the use is comparable in scale and intensity with agricultural and rural uses, poses no threat to public health, safety, welfare, and if the use helps preserve farmland, open space or historic, scenic or natural resources.

COMPREHENSIVE PLAN SUMMARY

The intent of the proposal appears consistent with the Montgomery County 2025 Comprehensive Plan. As proposed, this development meets the goals and objectives of the future land use for this area and does qualify for consideration of allowing one additional lot assignment for the purposes of a family subdivision. However, there are many aspects and details of the proposed development that need to be considered fully comply with the guidelines and goals of the Comprehensive Plan.

V. ANALYSIS

This request presents a challenge to balance the requirements set forth in the zoning and subdivision ordinances with the request of the applicant.

This property is eligible for consideration for an additional lot assignment for the purposes of allowing a family subdivision per section 10-21(5)(b) of the Montgomery County Code.

The most recent request of this nature was reviewed in 2003. A special use permit was requested to allow one (1) additional family subdivision of property in excess of the four (4) divisions allowed by sliding scale. The request was approved with two (2) conditions, and the resolution is enclosed for review.

The County has not experienced many requests for additional lot assignments since the adoption of the sliding scale in December 1999; however as time goes on and parcels expend all available lot assignments we may experience an increase in requests for additional assignments. Therefore, if the request is approved, the Planning Commission and Board of Supervisors must try to mitigate possible negative impacts associated with the proposed request to comply with the county's policies and regulations.

All adjoining property owners were notified in compliance with the Code of Virginia and Section 10-52(3) of the Montgomery County Code. At the time this report was issued the Planning Department had not received any comments on this request. Adjacent property owners and/or other interested parties may also be present at the public hearing to present their views on this request.

VI. STAFF RECOMMENDATION

Staff preliminarily recommends approval of the request submitted by Randall W. Slusser and Virginia D. Slusser for a Special Use Permit on 5.023 acres in an Agriculture (A-1) zoning district to allow for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision subject to the following conditions:

1. This Special Use Permit allows for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision. The additional lot assignment shall only be used for the creation of a family subdivision lot.
2. The proposed new parcel, being approximately 1.050 acres in size, shall be owned by a member of the immediate family, as defined by 8-111 of the Montgomery County Code, for a period of not less than five (5) years. A notation shall be provided on the survey plat which states that the newly created parcel shall not be conveyed to a non-family member for a period of not less than five (5) years, after the date of recordation.
3. In addition to the requirements outlined in section Sec. 8-174, a copy of the recorded plat and deed shall be provided to the County within sixty (60) days of the recordation of the proposed family subdivision.

Enclosures: Maps
Application materials
Preliminary Plat, dated April 25, 2011
Plat of Minor Subdivision, dated January 1, 2003 (Plat Book 24, Page 196)
Letter from Bob Fronk, dated May 31, 2011
VDOT email, dated May 9, 2011
BOS Resolution, dated August 13, 2003



Randall W. Slusser Request For Special Use Permit

Parcel ID: 016766

- Legend**
- State Roads
 - Interstate Highway
 - Private Roads (Unimproved)
 - Paved Highway
 - Railroad
 - Hydrology
 - Subject Property (Randall W Slusser)
 - Six Feet
 - Zoning Class**
 - A1 - Agriculture
 - AFD

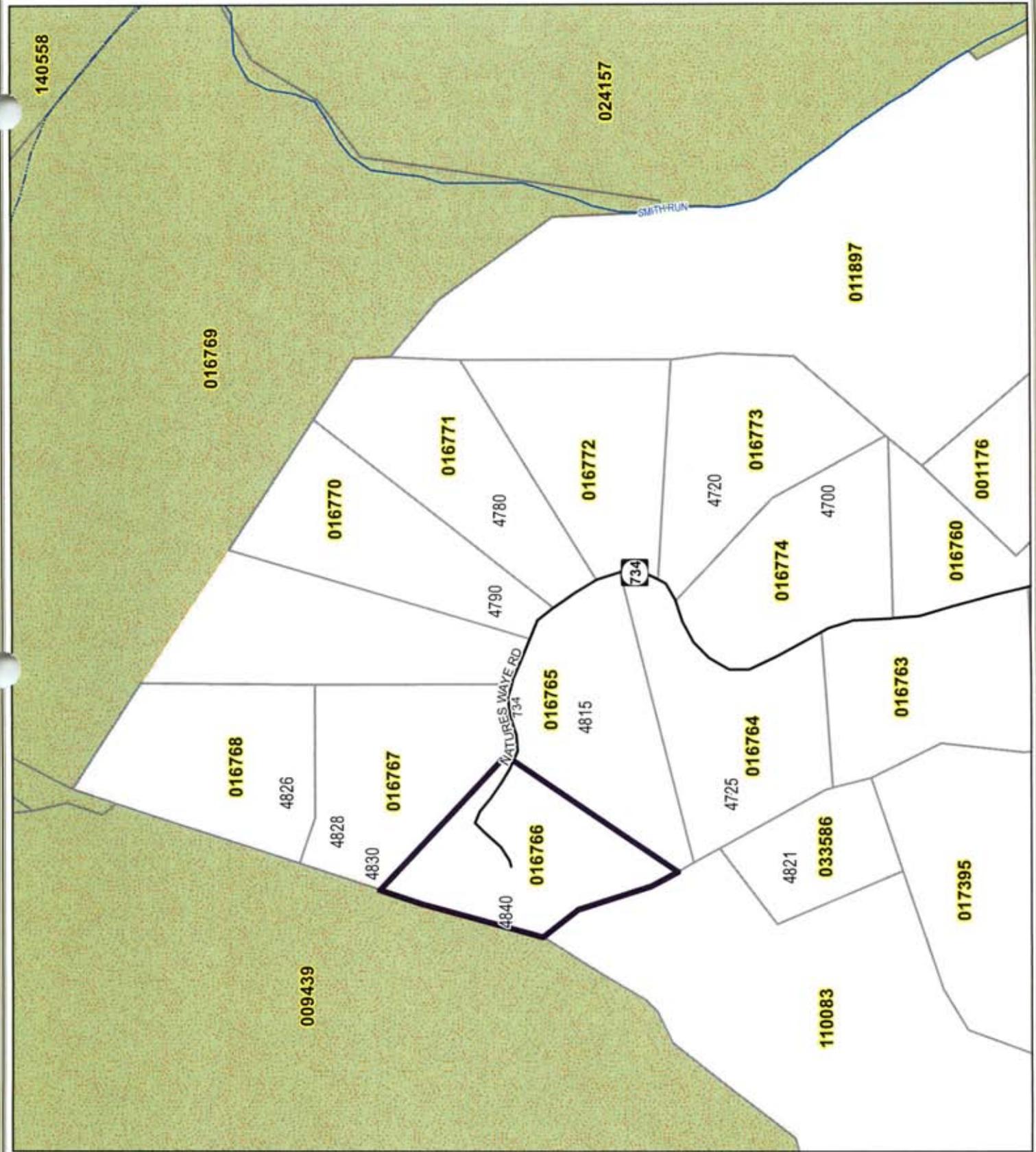


Montgomery County, Virginia
 INFORMATION PROVIDED IS AS IS AND
 FOR REFERENCE PURPOSES ONLY. THE
 USER SHALL BE RESPONSIBLE FOR
 VERIFYING THE ACCURACY OF THE
 INFORMATION FOR ANY PURPOSES FOR
 WHICH IT IS USED. THE USER SHALL
 BE RESPONSIBLE FOR OBTAINING ALL
 NECESSARY PERMITS AND APPROVALS
 FROM THE APPROPRIATE AGENCIES
 BEFORE ANY CONSTRUCTION OR
 DEVELOPMENT OF ANY KIND IS
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 BEFORE ANY CONSTRUCTION OR
 DEVELOPMENT OF ANY KIND IS
 UNDERTAKEN.



Prepared by Montgomery County, Va
 Planning & GIS Services, 8/12/2011





Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)	
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Rezoning & Special Use Permit
<input checked="" type="checkbox"/> Special Use Permit	
Owner/Applicant Information: (Use current mailing/contact information for all property owners. An additional sheet may be attached for multiple owners.)	
Property Owner: <u>Randall W. & Virginia D. Slusser</u>	Agent: _____
Address: <u>4840 Natures waye Rd</u>	Address: _____
<u>Blacksburg, VA 24060</u>	_____
Phone 1: <u>540-552-2300</u>	Phone 1: _____
Phone 2: <u>540-315 0225 cell</u>	Phone 2: _____
Email: _____	Email: _____
Location of Property/ Site Address: <u>4840 Natures waye Rd Blacksburg, VA 24060</u>	
Legal Record of Property: Total Area: <u>5.023</u> Acres Magisterial District <u>MT. Tabor</u>	
Parcel ID: <u>016766</u>	Tax Parcel Number(s): <u>19-3-12</u>
Rezoning Details: Current Zoning District: _____ Requested Zoning District: _____	
Desired Use(s): _____	
Special Use Permit: Current Zoning District <u>A-1</u> Total Area/Acres: <u>5.023</u>	
Desired Use(s): <u>Family Subdivision (Additional Lot Assignment)</u>	
Comprehensive Plan Designation: <u>Resource Stewardship</u>	
Traffic Impact Analysis Required: <input type="checkbox"/> Yes (payment enclosed) <input checked="" type="checkbox"/> No	
<i>I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.</i>	
<u>Randall W. Slusser</u>	_____
<u>Virginia D. Slusser</u>	_____
Property Owner(s) Signature	Agent's Signature
<u>04/27/11</u>	Date
Date	

FOR OFFICE USE ONLY

Date Received: _____

Application Number: _____

Traffic Impact Analysis and Payment Received: Yes No

Date Submitted to VDOT: _____

Additional Special Use Permit Requirements

The applicant for special use permit shall provide a statement of justification to address the following items in the application materials to demonstrate what impact the proposed request will have on the County's resources and how the request complies with Montgomery County's comprehensive plan.

Section 10-54(3)(g), Montgomery County Zoning Ordinance

Issues for Consideration. In considering a Special Use Permit application, the following factors shall be given reasonable consideration. The application shall address all the following in its statement of justification or Special Use Permit plat unless not applicable, in addition to any other standards imposed by this Ordinance:

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan (Addressed under "3. Comprehensive Plan Justification").
2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.
3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.
4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.
5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.
6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.
7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.
9. The timing and phasing of the proposed development and the duration of the proposed use.
10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.
12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.
13. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of Montgomery County.
14. Whether the proposed Special Use Permit will be served adequately by essential public facilities and services.
15. The effect of the proposed Special Use Permit on groundwater supply.
16. The effect of the proposed Special Use Permit on the structural capacity of the soils.
17. Whether the proposed use will facilitate orderly and safe road development and transportation.
18. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.
19. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
20. Whether the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth.

21. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County.
22. The location, character, and size of any outdoor storage.
23. The proposed use of open space.
24. The location of any major floodplain and steep slopes.
25. The location and use of any existing non-conforming uses and structures.
26. The location and type of any fuel and fuel storage.
27. The location and use of any anticipated accessory uses and structures.
28. The area of each use; if appropriate.
29. The proposed days/hours of operation.
30. The location and screening of parking and loading spaces and/or areas.
31. The location and nature of any proposed security features and provisions.
32. The number of employees.
33. The location of any existing and/or proposed adequate on and off-site infrastructure.
34. Any anticipated odors, which may be generated by the uses on site.
35. Whether the proposed Special Use Permit uses have sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

21. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County.
22. The location, character, and size of any outdoor storage.
23. The proposed use of open space.
24. The location of any major floodplain and steep slopes.
25. The location and use of any existing non-conforming uses and structures.
26. The location and type of any fuel and fuel storage.
27. The location and use of any anticipated accessory uses and structures.
28. The area of each use; if appropriate.
29. The proposed days/hours of operation.
30. The location and screening of parking and loading spaces and/or areas.
31. The location and nature of any proposed security features and provisions.
32. The number of employees.
33. The location of any existing and/or proposed adequate on and off-site infrastructure.
34. Any anticipated odors, which may be generated by the uses on site.
35. Whether the proposed Special Use Permit uses have sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

1. Yes, creating one lot (low density Res. Development)
2. Yes, 1 single family Res. (norm five control)
3. No impact (consistence with Res. Area)
4. None, (porch light)
5. None (no signs) Res. Use
6. Compatible with area
7. Yes, Plat showing Lot
8. Normal Res. Landscaping
9. Unsure of development time line
10. Clearing for house site
11. Provide for family
12. Average household traffic
13. No conversion of building
14. Well, septic, Aep access from Nature's Waye
15. No effect (well drilling)
16. No effect (building house)
17. Access from Nature's Waye Road Vdot approval reg
18. No effect
19. Does not apply, family subdivision (taxes on home and land)
20. Does not apply
21. Does not apply
22. Existing buildings (no add ional buildings)
23. None proposed
24. No flood plain or steep slopes
25. No nonconforming structures
26. None
27. None
28. Shown on sight plan
29. Does not apply
30. Does not apply
31. Does not apply
32. Does not apply
33. None, approved septic and wall
34. None
35. Minimal impact



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

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

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Jamie Rogers MacLean, CZO, CFM
Development Planner

DATE: June 1, 2011

SUBJ: Proposed Ordinance Amendment(s)

During the discussion of Urban Development Areas and Traditional Neighborhood Districts, staff discovered some needed amendments to the zoning ordinance. In an effort to maintain consistency between the zoning ordinance and comprehensive plan, staff has proposed amendment(s) and modifications to Chapter 10 of the Montgomery County Code, specifically sections 10-25, 10-26, 10-27, 10-33, 10-35, 10-36, and 10-61.

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

1. Amend section 10-61 entitled, Definitions, of the Code of the County of Montgomery, to add or modify the definition of the following terms: alley, accessory dwelling, financial services, green, natural area/preserve, open space, park, and retail sales and service.
2. Add the term Urban Development Area to the "qualifying lands" section for the following existing zoning districts: 10-25 Residential (R-2), 10-26 Residential (R-3), 10-27 Residential Multi-Family (RM-1), 10-33 Planned Industrial (PIN), 10-35 Planned Unit Development (PUD), and 10-36 Planned Mobile Home Residential Park (PMR).

Copies of the proposed amendment(s), in ordinance form, are enclosed for review. At the time this report was issued staff had not received any additional comments on the proposed amendments.

Enclosure(s): Proposed Amendments

PROPOSED ORDINANCE AMENDMENTS: QUALIFYING LANDS**Sec. 10-25. R-2 Residential District.**

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-2 zoning district shall be R-2 residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, urban development area, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.

Sec. 10-26. R-3 Residential District.

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-3 zoning district shall be R-3 Residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, urban development area, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be two (2) acres of total contiguous land.

Sec. 10-27. RM-1 Multiple-Family Residential District.

(2) *Qualifying lands.* Lands qualifying for inclusion in the RM-1 zoning district shall be RM-1 Residential on the date of adoption of this chapter and other lands within areas mapped as urban expansion, village, ~~or~~ village expansion, or urban development area in the comprehensive plan. The minimum area required to create a district is one (1) acre of total contiguous land.

Sec. 10-33. PIN Planned Industrial.

(2) *Qualifying lands.* Lands qualifying for inclusion in the PIN zoning district shall be PIN on the date of passage of this chapter, or other lands within areas mapped as urban expansion, urban development area, or village expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

Sec. 10-35. PUD-RES Planned Unit Development-Residential district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be PUD-RES on the date of passage of this chapter, or other lands within areas mapped as village, village expansion, urban development area, or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be ten (10) net acres of total contiguous land in the urban expansion area and five (5) net acres in the village or village expansion area.

Sec. 10-36. PMR Planned Mobile Home Residential Park.

(2) *Qualifying lands.* Land qualifying for inclusion in the district shall be PMR on the date of passage of this chapter, or other lands mapped as residential transition, village expansion, urban development area, or urban expansion in the comprehensive plan which are served by or planned for connection to public water and sewer service. New PMRs shall be serviced by connections to public sewer and water. Expanded PMRs shall have: (1) water and sewer as for new PMR, or (2) have water and sewer service meeting current VDH and DEQ standards

encompassing both established and expansion portions of the PMR. The minimum area required to create a district shall be six (6) acres of total contiguous land.

PROPOSED ORDINANCE AMENDMENTS: DEFINITIONS

Sec. 10-61. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. Any word, term or phrase used in this ordinance not defined below shall have the meaning ascribed to the word in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the zoning administrator, established customs or practices of the County of Montgomery, Virginia, justify a different or additional meaning. Further, for the purpose of this chapter, certain words and terms are to be interpreted as follows:

- (1) Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.
- (2) The word "shall" is mandatory.
- (3) Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
- (4) Unless otherwise specified, the term "day" shall mean working day (Monday through Friday).
- (5) The word "lot" includes the word plot; the word "used" includes the terms designed, intended, arranged or to be used.
- (6) The terms "land use" and "use of land" shall include the use of buildings and structures.

Abutting: Contiguous, adjoining; having property or district lines in common; or being separated by a right-of-way, alley or easement.

Access: A means of approaching or entering a property; includes ingress and egress.

Accessory apartment: See "Apartment, accessory."

Accessory building: See "Building, accessory."

Accessory dwelling: See "Dwelling, accessory."

Accessory structure: See "Structure, accessory."

Accessory use: See "Use, accessory."

Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Activity: The natural or normal function of an act, that which is performed or the proper or characteristic action of anything.

Addition: Any construction which increases the bulk or gross floor area of a building or structure.

Adjacent: Lying near, but not necessarily contiguous.

Administrator: The county's zoning administrator, or authorized agent thereof, who is charged with the responsibility of interpreting and administering this zoning ordinance.

Agriculture: The use of land for purposes of raising plants and animals useful to humans, including field crops, pasture, fruits, vegetables, floral and greenhouse products, sod, viticulture, silviculture, aquaculture, apiculture, poultry and other fowl, horses and other livestock, including owning, breeding, leasing, training and recreational usage of livestock, and

the necessary accessory uses for packing, storing and treating produce, equipment and materials, including primary processing and storage of agricultural goods produced on the premises for distribution to final processing plants and markets; provided, however, that the necessary accessory uses shall be secondary to that of the main agricultural activities. The term does not include processing plants, livestock markets and slaughter houses.

Agriculture, intensive: The raising, breeding and keeping of animals in concentrated, confined conditions, which may include such operations as swine, veal, sheep; houses and pens for poultry or other fowl; feed lots for beef, dairy cattle, swine, sheep and other animals; livestock markets and pet farms.

Agriculture, intensive, facility (also livestock facility): Any enclosed field, range, pen or building where three hundred (300) or more total animal units are confined or housed for more than forty-five (45) total days in any part of any twelve-month period, and crops, vegetation, forage growth or post-harvest residues are not sustained over any significant portion of such field, range, pen, or building; any poultry operation containing ten (10) or more animal units in a single enclosed field, range, pen or building, or twenty (20) or more animal units on a single tract, shall constitute intensive agriculture.

Equivalent of 300 animal units:

- 300 slaughter or feeder cattle
- 750 swine
- 150 horses
- 3,000 sheep or lambs
- 200 mature dairy cattle
- 16,500 turkeys
- 30,000 laying hens or broilers

Agriculture, small scale: The production of plants and animals useful to humans as defined under general agriculture above, of no greater than three (3) animal units per acre and no more than ten (10) animal units total on the tract.

Alley: A private right-of-way, not less than eighteen (18) feet wide 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.

Alteration: Any change in the total floor area, use, adaptability or external form or appearance of an existing structure, except for superficial, nonstructural changes such as paint color.

Amendment: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a zoning district; or any repeal, change, addition or abolition of any part of the zoning map.

Amusement hall: See "Recreation establishment, indoor."

Animal hospital: A facility for the provision of surgical or other medical treatment to animals. Such animals may be kept in the facility during the recovery period or while under medical treatment only.

Animal unit: The equivalent of one (1) head of beef cattle. For the purposes of this chapter, the following equal one (1) animal unit: one (1) head of beef cattle; one (1) dairy cow; two (2) calves of less than one-year old; one (1) buffalo; one (1) llama; one (1) horse; one (1) mule; five (5) sheep; five (5) goats; two (2) swine; two (2) deer; one hundred (100) chickens; fifty (50) turkeys; three (3) ostriches; or one hundred (100) rabbits.

Apartment, accessory: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal dwelling and shall conform with all use, set-back and other requirements of this ordinance.

Apartment house: See "Dwelling, multifamily."

Attic: The part of structure which is immediately below and wholly or partly within the roof framing; where there are dormers greater than fifty (50) percent of the length of the roof, then this area is not an attic.

Automobile graveyard: Any lot or place which is exposed to the weather and upon which more than five (5) inoperative vehicles are placed, located or found. An automobile graveyard is considered to be a junkyard.

Automobile: A car, light truck or van of not more than one and one-half (1 1/2) tons are classified as automobiles for the purposes of this ordinance. Motor vehicles of larger size or weight are classified as trucks for purposes of this ordinance.

Automotive service establishment: See "Repair shop."

Automotive sales establishment: A commercial establishment of which the principal use is sales of automobiles, light trucks and/or vans, with repair and maintenance services as an accessory use. No fuel sales shall be part of such an establishment.

Banner means cloth, paper, balloons or material of any kind intended to attract attention. Governmental flags or symbolic flags of religious, charitable, public or nonprofit organizations shall not be considered to be banners.

Base district: A type of zoning district established in this ordinance that requires a generally uniform group of land uses and lot requirements and does not require a concept development plan in advance of zoning approval, in contrast to the special and overlay districts.

Basement: A story with at least half of its height below grade (below ground level) on all sides. A basement shall not be counted as a story for the purpose of height regulations, but shall be counted as usable floor area in calculating floor area ratios.

Bed and breakfast homestay: An owner-occupied single-family dwelling, or portion thereof, where short-term lodging is provided, with or without meals, for compensation, to transient guests only. Meals may be provided to guests only. Up to five (5) guest rooms may be provided (also see "Bed and breakfast inn" and "Country inn").

Bed and breakfast inn: A single-family dwelling, or portion thereof, where short-term lodging is provided for compensation to transient guests only. The operator may or may not live on the premises. Meals may be provided to guests only. Up to fifteen (15) guest rooms may be provided (also see "Bed and breakfast homestay" and "Country inn").

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise and generally enhance views of parking areas, storage areas or required yards, particularly from public streets and adjacent properties.

Boarding house: A dwelling, or part thereof, with three (3) or more rooms that are rented individually or collectively by long-term residents (at least month-by-month tenants) as opposed to overnight or weekly guest. A boarding house may make provisions for serving meals. See "Family."

Billboard: See "Sign, general advertising," in Article IV, section 10-45.

Bufferyard (also buffer area): A yard improved with screening and/or landscaping materials required between abutting uses or districts of differing intensities for the purpose of decreasing the adverse impacts of one differing use on another.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of any person, animal, activity or property of any kind.

Building, accessory: A subordinate building customarily incidental to and located upon the same lot occupied by the main structure or building. Garages or other accessory buildings such as carports, porches and stoops attached to the main building shall be considered part of the main building.

Building Code: The Virginia Uniform Statewide Building Code.

Building, principal: The principal or main structure or one of the principal buildings on a lot or the building or one of the principal buildings containing the principal use on the lot. The terms main and principal have the same meaning in this ordinance when referring to structures, buildings and uses.

Campground: A lot, or tract of land operated either as a commercial or non-commercial enterprise in which seasonal facilities are provided for all or any of the following: camping in tents, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing, but not including golf, golf driving ranges, miniature golf, mechanical amusement devices or permanent housing facilities for guests. Campground does not mean "recreational vehicle park" nor "mobile home park" as defined herein.

Camp, boarding: As for campground, except that uses and structures shall be permitted for the lodging of guests engaged in outdoor recreation activities. Boarding camp does not mean "mobile home park" as defined herein.

Carnival: A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

Cellar: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

Cemetery: Property used for the interring of the dead, in which columbariums and mausoleums may be used.

Chipmill: See "Sawmill."

Church: A place of worship, an institution that people regularly attend to participate in or hold religious services, meetings and other related activities. The term "church" shall not carry a secular connotation and shall include any building used for religious services by any denomination.

Circus: A traveling or transportable show or exhibition consisting of performances by persons and/or animals under one tent or similar structure, with or without other sideshows.

Civic club or lodge: A facility used by a nonprofit organization or group of people organized for a common purpose to pursue civic-oriented goals, interests and activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. These clubs and organizations may engage in activities consistent with their nonprofit status.

Clinic: See "Medical care facility."

College: An institute of higher education authorized or accredited to award advanced degrees, which may include on-site student, faculty and/or employee housing facilities.

Compact development (also cluster development): A residential subdivision or a tract where, instead of subdividing the entire tract into house lots with conventional dimensions, a

similar number of housing units may be clustered on smaller lots, thereby increasing green space on other areas of the site.

Commercial-retail establishments: Places of business (1) for the display and sale of merchandise at retail to the public such as foods, drugs, clothing, hardware, household appliances, furniture, optical goods, music and entertainment goods, and (2) for the rendering of personal services to the public such as barber and beauty establishments, optician, seamstress and tailor services.

Commission: The planning commission of the county.

Common open space: See "Green space."

Communications tower: See "Telecommunications tower."

Community center: A place, structure, area or facility used for civic, cultural, educational, recreational and/or social activities which is open to the public and intended to serve the local community.

Comprehensive plan: The current comprehensive plan of the county, as amended, and adopted by the board of supervisors in accord with Code of Virginia, § 15.2-2226.

Concept development plan: A general graphic depiction of the layout and/or design of a land development project, which shall include written and quantitative information as required by the county, also may be referred to as "site development plan," but to be distinguished from a "site plan," as defined herein.

Conference or training center: Facilities for conducting meetings and conferences of business groups, civic groups or other large gatherings for purposes of sharing information. Such centers may have on-site lodging and eating facilities for the participants.

Congregate care facility: A structure other than a single family dwelling where more than eight (8) unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis.

Congregate living facility: See "Senior living facilities."

Conservation easement: An easement granting a right or interest in real property that retains land or water areas predominately in their natural, scenic, open, or wooded condition, preserving such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

Contiguous: See "Abutting."

Contractor's service establishment: Any establishment from which services are provided for building construction, building repair or building equipment installation or repair, such as, but not limited to flooring, heating and plumbing.

Contractor's storage yard: An area used for the storage of equipment and/or materials used for providing construction-related contracting services, including but not limited to flooring, heating, plumbing, roofing, landscaping and excavation.

Convenience store: Any retail establishment offering for sale a relatively limited selection of prepackaged food products, household items, and other related goods, not including gasoline or fuel sales, characterized by a rapid turnover of customers and high traffic generation. Includes "general store," as defined herein.

Copy service: A retail establishment providing convenient services for printing copies of flyers, brochures and the like, for small scale users (also see "Printing service").

Country club: A land area and buildings containing recreational facilities, club house and normal accessory uses, primarily open to members and their guests for a membership fee, and which may include but are not limited to swimming pools, tennis courts, golf courses, stables and riding facilities, equestrian events but not racetracks; overnight accommodations for

members and guests up to fifteen (15) guest rooms; and dining facilities up to a maximum of sixty (60) seats which may be for use by members, guests and the general public.

Country inn: A business which offers accommodations and dining in a rural area. Overnight lodging of up to thirty (30) rooms is available and a full-service restaurant may provide meals to guests and the general public (also see "Bed and breakfast inn").

Craft industry: The creation of original arts and crafts products such as pottery, baskets, wood sculpture and quilts, using traditional methods and materials.

Crematorium: A building containing a furnace for reducing dead bodies, either animal or human, to ashes by burning.

Dairy: A commercial establishment for the manufacture and sale of dairy products and does not include feed lots or other facilities for keeping livestock.

Day care center (child or adult): A licensed establishment operated as a commercial enterprise or public facility which is operated only during a part of any twenty-four-hour day for the purpose of providing care, protection and supervision for compensation to more than nine (9) children or more than four (4) aged, infirm, or disabled adults who mainly reside elsewhere.

Density, gross: The ratio of the total number of lots or dwellings on a tract to the total number of acres within the tract.

Density, net: The ratio of the total number of lots or dwellings on a tract to the total number of acres of the tract not within the defined 100-year floodplain (also see "Lot, net area").

Development: Any manmade change to improved or unimproved real estate including, but not limited to, construction or alteration of buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

District: Zoning districts as referred to in the Code of Virginia, §§ 15.2-2280 and 15.2-2281 et seq.

Disposal facility: See "Landfill."

Domestic animals: See "Pet, household" and "Pet, farm."

Dormitory: A building used as a group living quarters for a student body, fraternal organization or religious order as an accessory use for a college, boarding school, orphanage, convent or similar institution; group kitchen facilities only are permitted.

Duplex: See "Dwelling, two-family."

Dwelling: A building or portion thereof used for residential purposes, including one-family, two-family and multifamily dwellings, and bed and breakfast establishments, but not including hotels, motels, boardinghouses, dormitories, fraternity/sorority houses, tourist cabins, or automobile trailers (also see "Dwelling unit").

Dwelling, accessory: A subordinate dwelling located on the same lot as the principal dwelling, and which may be within the same structure as the principal dwelling, or which may be a detached structure, but which shall not include duplex or two-family dwellings. **See section 10-41(2) for additional information.**

Dwelling, multifamily (multiple-family): A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including apartment buildings, but not including group, row or town houses (also see "Apartment").

Dwelling, single-family: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit, with the exclusion of mobile or manufactured homes and trailers, except as otherwise provided in this chapter.

Dwelling, single-family attached: One (1) of two (2) or more residential buildings, each having separate ground floor access, and having a common or party wall separating the dwelling units, such party walls having no openings. For purposes of this definition, living space on the ground floor may include a garage or porch. Includes duplex, triplex, quadraplex and townhouse units (also see "Townhouse").

Dwelling, single-family detached: A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.

Dwelling, two-family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units. A duplex unit.

Dwelling unit: One (1) or more rooms in a dwelling designed for independent living and sleeping purposes by one (1) family and having at least one (1) separate kitchen. A dwelling unit shall not be occupied by more than four (4) individuals unrelated by blood or marriage except that no more than eight (8) mentally ill, mentally retarded, or developmentally disabled persons, as defined by the Code of Virginia, may occupy a single dwelling unit, together with resident counselors or other staff persons.

Easement: A grant of one (1) or more property rights by the owner to, or for the use by another specified party or parties, such as the public, a corporation, or another person or entity, including easements appurtenant and easements in gross (also see "Conservation easement").

Exploratory activity: Includes, but is not limited to, drilling, the excavation of pits, shafts, adits, or other openings in the ground and the removal of materials therefrom; the conduct of any seismic surveys requiring the drilling of holes and/or detonation of explosives; the conducting of any other surveys or investigations that change the ground surface.

Extractive industry: An enterprise which is involved in the exploration, excavation or extraction of mineral, oil or gas resources for sale, exchange or commercial use.

Family: One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, tourist home or hotel. One (1) or more persons related by blood, marriage, adoption or guardianship, including servants, caregivers, and no more than two (2) roomers or boarders; or a group of not more than four (4) unrelated persons; or up to eight (8) mentally or developmentally disabled persons living in a residential group home facility. See "Boarding house" and "Group home."

Farm enterprise: An agricultural or silvicultural based process, activity or business use of a property that is subordinate to and conducted in conjunction with an ongoing bona fide agricultural, horticultural, aquaculture or silvicultural operation. Activities of a farm enterprise may include, but are not limited to, the following uses such as secondary processing and/or retail sale of agricultural, horticultural or silvicultural products, farm tours, petting, feeding and viewing of farm animals, hayrides, annual festivals, crop mazes, animal walks and horse and pony rides. This definition would not include land application of sludge, sawmills, meat processing plants, slaughterhouses, wood processing and similar uses that are regulated by Special Use Permit in the Agricultural (A-1) zoning district, nor does it include any uses that are specified and limited to zoning districts other than Agriculture (A-1).

Fence, boundary: Any man-made barrier, other than a building or a berm, of any material or combination of materials erected for the purpose of physically enclosing an area of land.

Fence, privacy: Any fence erected for the purpose of providing visual, audio, or other screening of buildings or areas of land.

Festival: Any fair, celebration, jamboree or similar temporary public gathering, held mainly outdoors, with or without admission fees, where patrons watch or participate in entertainment, including but not limited to music shows, concerts and revivals.

Financial Institutions ~~*Financial services*~~: Businesses activities in which customers frequent the site for purposes of buying and selling securities, obtaining loans, depositing and withdrawing money, and the like.

Flea market: A place where any person or group of vendors, whether professional or nonprofessional, offer for sale, trade or barter any goods regardless of whether they are new, used antique, or homemade; and regardless of whether they are offered for sale in open air buildings or temporary structures. The term "flea market" does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as "garage sales" or "yard sales," provided that such sales do not occur more frequently than once every sixty (60) days. The term "flea market" also shall not include any business or occupation, which has a valid business license or special use permit which pertains to the sale, trade or barter of goods.

Flex industrial: Light industrial activities that occur in buildings of no more than two (2) stories in height, with one (1) or more loading docks, and not more than half of the gross floor area used for offices.

Flood: A general and temporary inundation of normally dry land areas.

Floodplain: The land shown as being within the 100-year flood boundary on the applicable current flood insurance rate map issued under the National Flood Insurance Program. Such boundaries may be refined by site specific floodplain surveys conducted by a licensed engineer if such surveys are approved by the zoning administrator. The 100-year flood is a flood that, on average is likely to occur once every 100 years, i.e. that has a one percent chance of occurring each year, although may occur in any year.

Floodway: The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Floor area, gross: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "floor area" shall include basements, elevator shafts and stairwells at each story, floor space for mechanical equipment with headroom of seven (7) feet or more, attic space, interior balconies and mezzanines. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures and rooftop mechanical structures are excluded from gross floor area.

The gross floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be computed by counting each ten (10) feet of height or fraction thereof as being equal to one (1) floor.

Floor area, net: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two (2) or more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of vehicles, equipment and other products, but shall exclude areas designed for permanent uses such as toilets, utility closets, enclosed parking areas, mechanical equipment rooms, public and fire corridors, stairwells, elevators, escalators,

and areas under a sloping ceiling where headroom in at least half of such area is less than seven (7) feet.

Floor area ratio (FAR): A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the total lot area less the area within the 100-year floodplain (net lot area). The floor area ratio multiplied by the net lot area produces the maximum amount of gross floor area that may be constructed on a lot.

Fraternity house: See "Dormitory."

Frontage: The minimum width of a lot measured from one (1) side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line (front yard depth) as defined and required in this chapter.

Funeral home: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures, and storage of funeral-related supplies and vehicles, but does not include facilities for cremation.

Game preserve: An area of land upon which a fee is charged for public or private hunting or fishing and/or upon which game or fish are grown or stocked specifically for hunting or fishing thereon, or for transport to other sites for similar purposes.

Garage, private: Accessory building designed or used for the storage of not more than three (3) automobiles sport utility vehicles or similar small trucks per dwelling unit served, such vehicles being owned or leased and used by the occupants of the principal building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature. On a lot occupied by a multi-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1.5) times as many automobiles as there are dwelling units. Maximum height and area shall be eighteen (18) feet and twelve hundred (1,200) square feet respectively unless authorized by special use permit.

Garage, public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles as a business enterprise (also refer to "Repair shop" and "Parking deck").

Garbage dump: See "Junkyard."

Garden shop or garden center: An establishment for the retail sale of nursery stock, garden equipment, tools, seeds and supplies.

Gas or natural gas: All natural gas, whether hydrocarbon or nonhydrocarbon or any combination or mixture thereof, but does not refer to gasoline or diesel fuel for motor vehicles.

Gasoline station: See "Service station."

General store: A single store of not more than two thousand (2,000) square feet of gross floor area, which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Does not include sales of gasoline or other fuels.

Golf course: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses such as golf driving ranges, and buildings thereto.

Golf driving range: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Green (public or private): 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.

Green space: Land which remains undeveloped and is maintained for the benefit and enjoyment of residents of adjacent dwellings, or the public, in a residential development, in accord with the requirements of this chapter. Green space preserved to meet the purposes and requirements of this chapter may be held in either public or private ownership, unless otherwise specifically stated herein. Green space may or may not include the right of public access.

Gross leasable area: That area contained within a business or commercial enterprise located in a shopping center or commercial building, and includes the entire area leased or rented or intended to be leased or rented including storage, retail area, shipping and offices and all other areas for the sole use of that business or commercial enterprise.

Gross floor area: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls, including basements, elevator shafts and stairwells at each story, but not parking structures.

Group home: A dwelling shared by no more than eight (8) psychologically disordered, mentally or developmentally disabled persons, including resident staff, who live together as a single housekeeping unit, and shall for the purposes of this ordinance be considered a residential single family. Psychological disorders and developmentally challenged shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. See "Family" and "Boarding house."

Height, building: The vertical distance measured from the adjoining grade at the front entrance of the building to the top of the building. The top of the building shall be defined as the highest point for flat roofs, and the average height between eaves and the ridge for gable, hip, gambrel and other pitched roofs. For corner lots, the building height shall be the average of the front height defined above and the building side height adjacent to the street. The building side height shall be defined as the vertical distance measured from the lowest adjoining grade on the side adjacent to the street to the highest point of the building.

Height, structure: The distance between the highest point of any structure, and the lowest grade adjacent to the structure.

Home business: A business activity carried on by the resident(s) of a dwelling and up to two (2) nonresident employees, as a clearly incidental and subordinate use of the residential dwelling, in which the on-site business activity is conducted wholly within the dwelling or accessory structure, with no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

Home occupation: A business activity carried on solely by the resident(s) of a dwelling, as a clearly incidental and subordinate use of the residential dwelling or accessory structure, in which the on-site business activity generates no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

Homeless shelter: A facility providing temporary housing primarily to indigent, needy, homeless or transient persons and which may also provide ancillary services such as counseling and/or vocational training.

Homeowner's association: A formally constituted, private, nonprofit association or corporation of property owners for the purpose of owning, operating and maintaining various common properties and/or facilities.

Hospital: An institution providing general health services primarily for human in-patient medical or surgical care for the sick or injured, including related accessory facilities such as

laboratories, out-patient departments, training facilities and staff offices that are an integral and essential part of the institution's principal function.

Hotel: A building designed or occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged with or without meals, and in which provisions may or may not be made for cooking in individual rooms or suites. A hotel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms. A hotel contains a central entrance lobby and does not provide a motor vehicle parking space adjacent to each individual room as does a motel.

Hunting club: See "Game preserve."

Identification sign: A sign which indicates the identity of a piece of property such as a public or private institution, a private estate or home and other similar places. The sign must be located on the parcel of land it identifies.

Inoperative motor vehicle: Any motor vehicle which is not in operating condition or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. This definition shall not apply to vehicles exempted under the provisions of Code of Virginia, §§ 46.2-650 through 46.2-653, 46.2-663 through 46.2-680, 46.2-723 and 46.2-750. This definition shall also not apply to vehicles in a public landfill.

Junkyard: A lot on which junk material and/or inoperable vehicles are collected, stored, salvaged, exchanged or sold. The term shall include garbage dumps, nonsanitary landfills and automobile grave yards. The term shall not include facilities for the disposal or storage of fuel, chemicals or other hazardous wastes (also see "Automobile grave yard").

Kennel, commercial: An establishment for keeping, training, breeding, handling, selling, treating or boarding dogs, cats, or other household pets as a business. Does not include establishments in which the sole function is grooming.

Laboratory: A facility for scientific laboratory research in technology-intensive fields or a facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials.

Land area, gross: The total area of a tract of land as shown on a certified survey or on a concept development plan.

Land area, net: The total area of a tract of land as shown on a certified survey or on a concept development plan, less land in the 100-year floodplain and land with slopes in excess of twenty-five (25) percent.

Land bay: A distinct area of land clearly depicted on an approved concept development plan for the purpose of generally defining the boundaries of different types and densities of land uses. Boundaries of land bays may be centerlines of existing or planned streets, centerlines of streams or drainage ways, or other lines of convenience, accurate to within three (3) percent of the actual acreage of the land bay.

Landfill, sanitary also *landfill:* A landfill accepting nonhazardous debris, trash or waste, which is covered with clean fill after each day's operation, and which meets all standards of, and is licensed by, the Virginia State Department of Health (also see "Junkyard").

Length/width ratio: The ratio of the length of a lot to its width, calculated by dividing the lot depth as defined herein, by the lot width as defined herein.

Livestock: Domesticated animals commonly raised for the purpose of providing meat, wool, skin or fur for human use or consumption, such as cattle, bison, goats, swine, llamas and sheep (also see "Pet, farm").

Livestock market: A commercial establishment wherein livestock is collected for sale and auctioned off.

Loading space: A motor vehicle space on a lot situated for allowing the loading and unloading of trucks and other motor vehicles, with minimum dimensions of fourteen (14) feet in width, forty (40) feet in length and a vertical clearance of fifteen (15) feet.

Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this chapter, either shown on a plat or record or else considered as a unit of property and described by metes and bounds. The word "lot" includes the words "plot" and "parcel."

Lot, corner: A lot abutting on two (2) or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees. The front shall be deemed to be the shortest of the sides fronting on streets. For purposes of regulation, all corner lots shall be designated at the time of subdivision as fronting on a single street, and all yard and building requirements shall be based upon that designation.

Lot, coverage: The percentage of a lot area occupied by the ground floor area of principal and accessory buildings on such lot.

Lot, depth of: The average horizontal distance between the front and rear lot lines.

Lot, interior: Any lot other than a corner lot.

Lot, net area: That portion of a lot which has no land within the defined 100-year floodplain.

Lot, parent: See "Parent parcel."

Lot, through: An interior lot in which the front and rear yards each abut a street.

Lot, width: The distance between side lot lines, measured in one of the following ways, whichever is most applicable:

- (1) In the case of regular-shaped lots, the width shall be measured along the front lot line;
- (2) In the case of irregular-shaped lots, the width shall be the average distance between the side lot lines, with the average distance to be measured at ten-foot intervals beginning at the front lot line;
- (3) In the case of a pipestem lot, the pipestem portion shall not be considered as part of the lot in determining the lot's width;
- (4) In the case of a lot which has a curvilinear front lot line, the width shall be measured from a line tangent to the required minimum front yard line at its midpoint in the lot.

Lot of record: A lot which has been recorded in the clerk's office of the circuit court.

Manufacture and/or manufacturing: The processing or converting of raw, unfinished materials or products, or either of them, into articles or substances of a different character or for use for a different purpose.

Manufactured home, Class A: A multisectional manufactured home constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U.S. Department of Housing and Urban Development. Manufactured homes are also commonly referred to as "mobile homes" and differ from "modular homes" as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards.

Manufactured home, Class B: A traditional single section manufactured home constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U.S. Department of Housing and Urban Development. Manufactured homes are also commonly referred to as "mobile homes" and differ from

"modular homes" as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards.

Manufactured home, Class C: A manufactured home constructed before July 1, 1976, and consequently does not meet the criteria of a Class A or Class B manufactured home. Manufactured homes are also commonly referred to as "mobile homes" and differ from "modular homes" as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards.

Marquee means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Medical care facility: A building or portion of a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities; includes physician's and other medical offices, and may include emergency medical care facilities.

Minimum zoning district area: The minimum contiguous land area required to establish a given zoning district as defined herein. Such land area may be in separate parcels and/or separate ownership, and may be rezoned to the district at different times or through separate application and approval processes.

Mineral: Coal, clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substance of commercial value excavated in solid form from natural deposits on or in the earth and those minerals which occur naturally in liquid or gaseous form.

Mobile home: See "Manufactured home."

Mobile home, double-wide: See "Manufactured home, double-wide."

Editor's note: There is no definition for "manufactured home, double-wide."

Mobile home park: Any lot or tract of land designed to accommodate three (3) or more mobile homes (trailers).

Modular home: A residential dwelling unit for which the walls, floor and roof structure are built in a manufacturing plant and transported to the site for final assembly on a permanent foundation, and which meets the BOCA and Virginia Uniform Statewide Building Code standards.

Monument sign: A freestanding sign attached to a continuous structural base, which base is not less than half the width of the message portion of the sign and is permanently affixed to the ground. Monument signs do not include freestanding signs supported by poles.

Motel: A building, or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for motor vehicle travelers and having a parking space adjacent to each sleeping room. Includes motor lodge, tourist court, tourist cabin or motor court.

Motor vehicle fuel: Gasoline or diesel fuel.

Moving (animated signs) means signs which involve the use of motion, rotation, or the appearance of motion.

~~*Natural area:* An area retained in a largely natural state for the purpose of protecting natural resources such as air quality, water quality, wildlife and vegetation, and for providing opportunities for passive recreational activities such as hiking, camping and fishing, but not hunting (also see "Game preserve").~~

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.

Night club: A restaurant, coffee house or similar establishment where a dance floor or entertainment is provided.

Nonconforming activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either on April 15, 1969, or as a result of subsequent amendments to this chapter.

Nonconforming lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either on April 15, 1969, or as a result of subsequent amendments to this chapter.

Nonconforming structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either on April 15, 1969, or as a result of subsequent amendments to this chapter.

Nursing home, convalescent home, rest home: An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted persons, in which not less than three (3) persons live, or are kept, or are provided for on the premises for compensation, excluding clinics, hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured (also see "Senior living facilities).

Office: The facility in which the administrative activities, record-keeping, clerical work and other similar functions of a business, professional service, industry, or government are conducted, and in the case of professions such as dentists, lawyers or engineers, the facility where such professional services are rendered.

Office, professional: See "Office."

Off-street parking area: The space provided for vehicular parking outside the dedicated street right-of-way, and which has a distinct and separate access or driveway to the public street.

Oil: Natural crude or refined oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at a well in liquid form.

One hundred-year flood or 100-year flood: See "Floodplain."

Open space: See "Green space."

Open space easement: See "Conservation easement."

Outpatient mental health and substance abuse center: Establishments with medical staff providing outpatient services related to the diagnosis and treatment of mental health disorders, alcohol, and other substance abuse. These establishments may provide counseling and/or refer patients to more extensive treatment programs, if necessary. Included in this use type are outpatient alcohol treatment centers, outpatient detoxification centers, outpatient drug and substance abuse centers, and outpatient mental health centers.

Overlay district: A type of zoning district established in this chapter that may be mapped for a particular land area and functions as an additional set of zoning requirements in addition to the zoning requirements of the underlying base district that applies to the tract.

Parent parcel: Any lot of record existing on December 13, 1999, which has subsequently been subdivided into one (1) or more additional lots of record.

Parent tract: See "Parent parcel."

~~*Park:* Any public or private open land area available for recreational, educational, cultural or aesthetic use, of an active or passive nature (also see "Natural area"; also see "Playground").~~

***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 (also see "Playground").**

Park and ride lot: A public or private parking lot located, designed and used solely by commuters to park their automobiles, light trucks or light vans while they travel to and from their place of work using buses, car pools or other means. Such lot may be lighted for security purposes.

Parking lot: An off-street, ground level area, usually surfaced and improved, for temporary parking of motor vehicles.

Parking deck or garage: An off-grade structure used solely for the parking of motor vehicles (other than a carport or garage in a residential or agricultural district), but does not include repair, storage, sales or maintenance of vehicles.

Pet, farm: Large domestic animals kept in small numbers in rural areas and used for recreational and sporting purposes such as horses, ponies, swine, goats, mules and donkeys.

Pet, household: Small, domestic animals that are customarily kept in the house or residential yard for the company or enjoyment of the owner, such as but not limited to dogs, cats, rabbits, birds, rodents, fish and other such animals that pose no threat, harm or disturbance to neighboring residents or properties.

Place of worship: See "Church."

Plant types: The following standards apply to the requirements of section 10-43(3)(c):

- (1) *Canopy tree:* A deciduous tree, usually single-trunked, with a definitely formed crown of foliage, which attains a mature height of at least thirty (30) feet.
- (2) *Understory tree:* A deciduous or evergreen tree which attains a mature height of no greater than thirty (30) feet. Understory trees often times prefer shade and grow naturally under a canopy of larger trees.
- (3) *Evergreen tree:* A nondeciduous tree used for the purposes of screening, weather barrier, or accent planting.
- (4) *Shrub:* An evergreen multi-trunked woody plant that usually attains a mature height of no greater than ten (10) feet.

Playground: Any public or private outdoor recreational area containing slides, swings or other recreational equipment.

Poultry: Domesticated fowl commonly raised for human consumption of eggs or meat, including chickens, turkeys, ducks, emus, and the like.

Printing service: A printing plant which produces large runs of printed materials, including books, reports and the like, mainly for businesses, organizations and large scale users (also see "Copy service").

Private club: See "Civic club."

Professional office: See "Office, professional."

Public use, public facility: Any use or facility for exclusively public purposes, without reference to the ownership of the building or structure or the realty upon which it is situated, by any department or branch of the federal, Commonwealth of Virginia, or Montgomery County governments.

Public open land: Land given to the county for parks, playgrounds or undeveloped open space with the intention of making it available for public use.

Public utility, other: A business or service and the facilities and appurtenances thereto, which is engaged in regularly supplying the public with electricity, gas, storm sewer, telephone or cable communications, and other similar public commodities or services. Does not include public water or sewer services or facilities, or telecommunications towers.

Public utility, water or sewer (public water or sewer system): A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the board of supervisors and properly licensed by the Commonwealth of Virginia and subject to special regulations as set forth in this chapter. Does not include private septic systems and wells serving individual lots.

Public utility plant, other: The central facility for the storage, generation, processing of a public utility commodity, service or product such as electricity, gas, storm sewer, telephone or cable communications, but not including treatment or storage of water or sewerage.

Public utility plant, water or sewer: The central facility for treatment and purification of water or wastewater, as part of a public water or sewer system.

Public utility lines, other (distribution and collection facilities): The lines, pipes, pumps and similar facilities, used for transmitting, collecting or distributing the service or commodity to customers. Does not include water or sewer systems.

Public utility lines, water or sewer (distribution and collection facilities): The lines, pipes, pumps, tanks and other appurtenant parts of the distribution/collection facilities of a public water or sewer system.

Public utility substation: An appurtenant structure for collecting, processing or distributing a public utility commodity, including electric substations but not including any part of a water or sewer system.

Public water or sewer system: See "Public utility, water or sewer."

Recreation club: A sports facility principally for the use of members and guests, may include indoor or outdoor facilities, and may be subject to the Virginia Health Spa Act; such facilities may include, but are not limited to, squash, racquetball, tennis, health spa or club, weight lifting, exercise and aerobics and may include locker rooms, sauna, and pro shop.

Recreation establishment: A commercial sports or amusement facility open to the general public for a fee, including but not limited to:

Indoor: Any facility containing such indoor amusement facilities such as billiard tables, pinball machines, bowling, video games, roller rinks, ice rink, swimming pools, bingo parlors, hard or soft courts, and the like, but not including amusement rides or regular live entertainment. Fewer than four (4) video games or pinball machines shall be deemed an accessory use to a retail commercial establishment or restaurant.

Outdoor: Any facility containing such outdoor amusement facilities such as golf driving range, miniature golf, batting and pitching cages, hard or soft courts, go-carts, pony rides, swimming pools, water slides, ice rink, and the like, but not including amusement rides or regular live entertainment.

Recreational vehicle: A unit primarily designed as temporary living quarters for leisure, recreation, camping or travel use which either has its own motive power or is mounted on or

drawn by another vehicle. A recreational vehicle placed on a site for more than one hundred eighty (180) days shall be considered a manufactured home for purposes of this chapter.

Recreational vehicle park: A plot of land upon which two (2) or more recreational vehicles are located, established or maintained, temporarily or otherwise, as temporary living quarters for recreation, leisure, camping or travel purposes (also see "Campground").

Recycling facilities: This broad category of facilities includes the following types:

Recycling center: An enclosed building in which used material such as newspapers, glassware and metal cans is separated and processed prior to shipment to another facility where the materials will be used to manufacture new products. Such a facility is not a junkyard.

Recycling collection point (transfer station): An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclable materials such as newspapers, glassware and metal cans, including the temporary storage of domestic waste materials. No processing of such items occurs at such facility.

Recycling plant: A facility that is not a junkyard and in which recyclable materials such as paper products, glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production and/or sale.

Repair shop: A building or portion thereof, other than a private garage, designed or used for servicing and repairing automobiles, light trucks and lawn equipment, as a business enterprise, and which may include auto body repair (also refer to "Garage, public").

Required open space: Any space required in any front, side or rear yard (also see "Green space").

Restaurant: A structure, or any part thereof, in which food or beverages are prepared and dispensed for consumption at the time of sale. May include one (1) or more of the following:

Restaurant, full-service: A restaurant with table service (order placement and delivery on-site) provided to patrons, also including cafeterias; carry-out service, if any, shall be a limited portion of the facility and activity.

Restaurant, limited-service: A restaurant without table service provided to patrons; walk-up counter and carryout trade is a primary portion of the facility; includes fast-food, food delivery, carryout, public snack bars and delicatessens, but not specialty food stores.

Restaurant, drive-in: A restaurant where the customers are either served in their vehicles or at a drive through or walk up window or service unit.

Retail floor space: That part of a commercial or retail structure wherein one (1) or more articles of merchandise or commerce are sold at retail, excluding that used exclusively for storage, shipping or offices for employees of the business, and other non-sales areas.

Retail sales and service: A business establishment that sells consumer merchandise or services to the general resident population and/or to tourists, including household goods, clothing, hair care, and other such items.

Road, arterial: A publicly owned and maintained road, designed to carry high volumes of motor vehicles at high speeds, usually requiring four (4) lanes for through traffic and generally planned for restricted or controlled access.

Road, collector: A publicly owned and maintained road generally serving an intra-county and in some cases, an inter-county function. Collector roads carry traffic from local streets to arterial roads. Collector roads may be four (4) lanes but are often two (2) lanes.

Road, local access: A public or privately owned and maintained road with a limited function for through traffic, predominantly providing access to individual lots, and in some cases linking neighborhoods, designed for moderate to low traffic volumes and speeds.

Roof line means the lowest portion of a roof for any building with a pitched roof and the highest point of building with a flat roof.

Rural resort: A private establishment consisting of a detached structure or structure located in a rural setting in which lodging of greater than thirty (30) rooms is available to transient guests for compensation as the principal use, and which may include conference and meeting facilities, restaurant and/or banquet facilities and/or recreational amenities of a rural nature.

Sanitary landfill: See "Landfill, sanitary."

Sawmill: A sawmill permanently located for the processing of timber from the property on which it is located, from adjoining property or from other properties removed from the sawmill.

Sawmill, temporary: A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous or adjacent thereto.

School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools, either public or private (also see "College").

School of business or trade: A facility that provides training for employment in business skills such as clerical, data processing and the like, or in trades such as construction skills, heavy equipment operation and the like.

School of special instruction: A facility for the private instruction of skills or activities not directly related to academic pursuits or employment, which may include, but not be limited to, dance studio, music studio, gymnastics, craft and/or art studios, exercise studio (not having locker or shower facilities and not required to comply with the Virginia Health Spa Act).

Self-service storage facility: See "Warehouse, mini."

Semi-detached dwelling: A dwelling unit attached to another dwelling unit with only part or common wall.

Senior living facilities: This broad category of housing accommodation includes the following types of facilities:

Senior housing facility: A residential facility for independent living, containing dwellings where the occupancy is restricted to persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-five (55) years of age or older. This does not include a development that contains convalescent or nursing facilities.

Square/Plaza: Square/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 Square/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.

Congregate living facility: A residential facility for semi-dependent living, containing two (2) or more dwelling units for four (4) or more persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-five (55) years of age or older, within which

are provided living and sleeping facilities, as well as various other services such as meal preparation, laundry services and the like.

Life care facility: A facility which may include a full range of living arrangements, for elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where semi-dependent residents share various common facilities and services, to a nursing home facility for dependent residents providing a full range of support services and nursing care (also see "Nursing home").

Service station: Buildings and premises, including but not more than three (3) interior service stalls, wherein the primary use is the supply and dispensation at retail of motor vehicle fuel, oil, batteries, tires and motor vehicle accessories, and where, in addition, the minor maintenance services may be rendered and sales made, such as lubrication, brake repair, muffler replacement, washing and polishing and the like; and sales of cold drinks, packaged foods and similar convenience items, but only when such sales are conducted inside the principal building as accessory and incidental to the primary use. Permissible uses do not include major mechanical and body work, painting, welding or other work involving noise, glare, fumes, smoke or other impacts to an extent greater than normally found at service stations.

Setback: The distance by which any building, structure or other defined object shall be separated from the front lot line or other lot line as may be specified (also refer to "Yard").

Shooting range: An establishment at which patrons may use firearms for target practice at fixed targets in a protected area, either indoors or outdoors.

Shopping center: A group of commercial enterprises offering a range of commercial goods and services and which is characterized by one (1) or more of the following:

- (1) It is designed as a single commercial group, whether on the same parcel or not;
- (2) It is under one (1) common ownership or management, or has one (1) common arrangement for the maintenance of the grounds;
- (3) It is connected by party walls, partitions, covered canopies or other structural members to form one (1) continuous structure;
- (4) It shares a common parking area; or
- (5) It otherwise presents the appearance of one (1) continuous commercial area.

Shrubs, medium: Woody plants usually three (3) to six (6) feet high and face (or have branches to the ground) down themselves. Large shrubs may or may not be known for flower, fruit production or branching pattern but usually have good, full foliage either all season long or at least in the deciduous growing season.

Shrubs, large: Woody plants usually six (6) to fifteen (15) feet high and face (or have branches to the ground) down themselves. Large shrubs may or may not be known for flower, fruit production or branching pattern but usually have good, full foliage either all season long or at least in the deciduous growing season.

Sign means any device or display of any letters, words, numerals, figures, emblems, pictures, trademark, symbol, flag, banner, pennant or any parts or combinations thereof, by any means whereby such are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area bearing only property numbers, postal box numbers, names of occupants of premises or other identification of premises not having commercial purpose is excluded from this definition. Detailed definitions of sign types and related terms are contained in detailed sign regulations herein below.

Sign background means the surface on which a sign is affixed, not meant to include the base, poles, pedestals, walls, or fences under three feet six inches (3' 6") in height; which background is determined by computing the entire area within a single geometric form that encloses the background.

Sign, billboard, means any sign where the product, business or thing so advertised or displayed is not located on the premises of the site or property on which said sign is erected or displayed.

Sign, business, means a sign which directs attention to a product, commodity or service available on the premises.

Sign, construction, means a temporary sign identifying those engaged in construction of any building site.

Sign, directional, means a sign indicating the direction to which attention is called giving the name and approximate location only of the business or service.

Sign, directory, means a sign on which the names and locations of occupants or the uses of a building or group of buildings is given.

Sign, farm identification, means a sign which identifies or otherwise describes the name, ownership and/or type of agricultural operation of the lot or parcel of land upon which it is situated.

Sign, freestanding, means any nonmovable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to nor printed on a building.

Sign, general advertising, means a sign which directs attention to a product, commodity or service not necessarily available on the premises and which is licensed by the state.

Sign, ground mounted, means any sign which is supported by structures or supports in or upon the ground and independent of any support from any building, not a pole sign.

Sign, home occupation, means a sign not exceeding four (4) square feet in area directing attention to a product, commodity or service available on the premises but which product, commodity or service is clearly a secondary use of the dwelling.

Sign, identification, means a sign which identifies or otherwise describes the name, ownership or location of a business, tenant or service.

Sign lighting:

1. *Direct*. A direct lighted sign shall mean a sign illuminated internally or on the surface of the sign itself.

2. *Indirect*. An indirect lighted sign shall mean a sign that is illuminated from a source separate from the sign.

Sign, marquee, means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

Sign, monument, means a type of ground mounted sign which is built on grade and which the sign and structure are an integral part of one another.

Sign, multifamily housing, means a sign which identifies the name of a multifamily housing development. The message content shall be limited to the name of the multifamily housing development.

Sign, nonshielded illumination of, means a light source of which the bulb or light source is visible to a motorist, pedestrian or first floor window on from off of the property on which the light is located.

Sign, on-premises, means any sign which directs attention to a business, commodity, activity, service or product conducted, sold, or offered upon the premises where the sign is located.

Sign, planned mobile home park, means a sign which identifies the name of a planned mobile home park. The message content shall be limited to the name of the planned mobile home park.

Sign, pole or pole-mounted, means a sign that is mounted on one (1) or more freestanding poles or similar columnar supports.

Sign, portable, means any sign not permanently affixed to the ground nor to a structure, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment. Any such vehicle shall, without limitation, be considered to be used for the express purpose of advertising if it fails to display current license plates, inspection sticker, municipal decal or if evidence of paid-to-date local taxes can not be made available. Portable signs may be used only as temporary signs, as defined in this section

Sign, projecting, means any sign, other than a wall, awning or marquee sign, which is affixed to a building.

Sign, roof, means any sign erected or constructed, in whole or part, above a roof line.

Sign structure means the supports, uprights, bracing and framework of any structure be it single-faced, double-faced, V-type or otherwise, exhibiting a sign. Sign structures shall be of sound construction and shall be maintained in a reasonably good state of repair.

Sign, residential, means a sign which identifies the name of a residential project. The message content shall be limited to the name of the subdivision.

Sign, temporary, means any sign not permanently attached to a structure nor permanently mounted in the ground, which can be transported to other locations. Such signs may include, but are not limited to, paper or poster signs, portable signs or other moveable signs, which may announce or advertise seasonal or other brief activity such as weekly specials, special services offered for a limited time by a business establishment, summer camps, fairs, auctions, sale of property or other similar temporary or nonrecurring offers or notices. A temporary sign shall not remain on the property for more than ninety (90) days in any one calendar year, with the exception of signs advertising the sale of the property on which the sign is placed.

Sign, wall, means any sign attached to a wall or painted on or against a surface of a structure that is designed and used for human occupancy, which sign displays only one (1) advertising surface and which extends not more than eighteen (18) inches from the wall.

Sign, window, means any sign attached to or applied directly onto the surface of a window or any sign visible from a public right-of-way through a window.

Sinkhole: An area of surface collapse resulting from an erosion of underlying bedrock by groundwater.

Site plan: A detailed, engineered drawing of the full proposed development of a site, including location, design and dimensions of grading, buildings, parking, streets, sidewalks, utilities, plantings, fences, etc.

Slaughterhouse: A place where livestock is slaughtered and may be cut, packaged and/or processed.

Solid waste collection point: A facility for the collection and temporary storage of residential trash or garbage for immediate transfer to a landfill or recycling facility.

Sorority house: See "Dormitory."

Special district: A type of zoning district established in this ordinance that generally provides for a broader mix of land uses than permitted in the base districts and for which an approved concept development plan in advance of zoning approval is required.

Specialty shop: A business of a local nature selling specialty items including, but not limited to, items such as crafts, sewing supplies, antiques, and souvenirs.

Stable, commercial: A structure and/or use of land where horses or ponies are kept, maintained and/or boarded for a fee, or in connection with which saddle horse or ponies are rented to the general public, made available to members of a private club, or boarded for the convenience of their absentee owners. Exercise rings and show rings shall be considered accessory uses to a stable.

Stone engraving and sales: An establishment used for the engraving, polishing and sales of pre-cut tombstones and other stone monuments.

Storage yard: A yard area in which materials, equipment and/or vehicles used for construction, excavating or building activities are stored, kept and/or maintained. Storage yards may be partially covered, enclosed or screened.

Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it, or the space between the floor and the ceiling next above it.

Story, half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

Street, private: Streets or roads that are privately owned and maintained for providing direct access to individual lots, including streets owned and/or maintained by a Homeowner's Association or other private entity.

Street, public: Streets or roads that meet the Virginia Department of Transportation standards for acceptance into the state system, and bonded as provided for in the county subdivision ordinance; also includes all other streets or roads owned and maintained by a local, state or federal government agency.

Street line: The dividing line between a street or road right-of-way and the contiguous property (also lot line; property line).

Structure: An assemblage of materials constructed or built for use, occupancy or ornamentation and installed on or above the surface of the land or water, including buildings, towers, tents, platforms, signs, bridges, railways, and the like, but not including paved surfaces such as roads, driveways and sidewalks, nor landscaping features such as berms, fences and retaining walls.

Structure, accessory: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to the principal structure; is subordinate in area, extent and purpose to the principal structure; is customarily provided or required for the principal structure.

Structure, principal: The principal or main structure or one (1) of the principal structures on a lot or the structure or one (1) of the principal structures containing the principal use on the lot. The terms main and principal have the same meaning in this chapter when referring to structures, buildings and uses.

Telecommunications facilities: Any land area, structure, and/or equipment affixed to land or structures (singly or in any combination), used in telephone, telegraph, radio, television, or other operations involving the transmitting, receiving or exchange of information over wires, cables, fibers, light beams or by electromagnetic energy through the atmosphere.

Telecommunications tower, attached: A telecommunications antenna which is placed on an existing building or other non-telecommunications structure, and increasing the height of the existing structure by not more than ten (10) feet.

Telecommunications tower, freestanding: An independent structure of skeletal framework or a pole, guyed or self supporting, used to support antennas. Guy wire, framework and other stabilizing devices are considered part of the structure of the tower.

Townhouse: A single-family dwelling forming one (1) of a group or series of three (3) or more attached single-family dwellings separated from one (1) another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof and having roofs which may extend from one (1) such dwelling unit to another (also see "Single-family attached").

Tract: One (1) or more contiguous lots.

Traffic impact statement: 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.

Transfer station: See "Recycling collection point" under "Recycling facilities."

Transition house: An establishment providing accommodations, rehabilitation, counseling, and supervision of up to six (6) persons suffering from alcohol or drug addiction or similar disorders, and/or to persons re-entering society after being released from a correctional facility or other institution, enabling them to live independent.

Travelway: That portion of a street or other roadway which is designed and constructed for motor vehicles to travel and/or park, whether a paved or unpaved surface.

Truck terminal: Any structure or land devoted principally to the servicing, fueling, repair, storage, sales and/or leasing of two (2) or more large trucks or similar heavy equipment such as tractor-trailers or tandem or tri-axle dump trucks or grading equipment; or any structure or land devoted principally to any activity involving a substantial and routine traffic consisting of trucks or passenger buses, such as a gasoline or fuel oil distributor, a freight or shipping business, a bus depot, a moving business, or similar activities, but not including other principal uses specified in a zoning district where a truck terminal is permitted.

Use, principal: The primary use, activity and purpose for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained. The terms main and principal have the same meaning in this chapter when referring to structures, buildings and uses. Only one (1) principal use is permitted per lot **with the exception of mixed uses in Traditional Neighborhood Design Districts.**

Use, accessory: A use that is clearly incidental and subordinate to and customarily found in connection with the principal use; and serves a principal structure or use; and is located on the same lot as the principal use; except as may be provided for under the provisions for off-street parking.

VDOT: Virginia Department of Transportation

Veterinary hospital: See "Animal hospital."

Warehouse, mini: A structure consisting of individual, enclosed, small, self-contained units that are leased or owned for the storage of business or household goods or contractor's supplies.

Warehouse, storage: A structure or part of a structure for storing goods, wares, and merchandise whether for the owner or others for hire.

Watershed area: See "Natural area."

Well: Any shaft or hole sunk, drilled, bored or dug into the earth or into the underground strata for the extraction, injection or placement of any gaseous or liquid substance, or any shaft or hole sunk or used in conjunction with such extraction, injection or placement. The term "well" does not include any shaft or hole sunk, drilled, bored or dug into the earth for the purpose of core drilling, pumping or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural or public use.

Wholesale sales or wholesale business: A business establishment that sells merchandise in bulk to large scale buyers, usually other businesses, for the purpose of later retail distribution to the resident population and/or to tourists.

Width: See "Lot width."

Yard: An open space in a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter:

Front: An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

Rear: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

Side: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot and extending from the front yard line to the rear yard line.

Zoning administrator: See "Administrator."

Zoning permit: An application form, used administratively, to designate the nature of the proposed use of a building or land and to provide additional pertinent information concerned with such development.



MONTGOMERY COUNTY DEPARTMENT
OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

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

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Dari Jenkins, CZA *DJ*
Planning & Zoning Administrator

DATE: June 01, 2011

SUBJ: An ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property.

During the May meeting, the Commission discussed the current regulations specified in Montgomery County Code, Section 10-52(3)(b) which affect the applicant seeking a hearing regarding a zoning matter before the Planning Commission, Board of Supervisors or Board of Zoning Appeals. We specifically focused on review of County requirements for the placard notice. Currently, County Code requires the applicant to post the placard at least 14 days and no more than 30 days prior to each public hearing.

As a result of your thoughts and suggestions, staff presented revisions to the zoning ordinance to the County Attorney for preparation in ordinance format. The enclosed document represents staff's understanding of the revisions discussed by the Commission. Revisions to Section 10-52(3)(a) provide for the following:

1. Posting of the required placard(s) by staff.
2. Posting to be completed no less than five (5) days prior to the first public hearing.
3. Staff documentation of the posted placard(s) by digital photograph.
4. Staff will attempt to reinstall the placard(s) if notified of a damaged or missing placard.
5. Staff to remove the placard(s) within 15 days following a decision regarding the application.

A public hearing was conducted on April 13, 2011 regarding this matter and a decision by the Commission will keep this amendment on schedule for adoption by the Board of Supervisors with several other amendments.

DJ

Enclosure(s): Proposed Revisions to Montgomery County Code, Section 10-52(3)(b)

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, SECTION 10-52 (3) (b)
BY REQUIRING COUNTY STAFF AND NOT THE APPLICANT APPLYING
FOR LAND USE APPROVAL TO POST A PLACARD NOTICE ON
THE PROPERTY NOTIFYING THE PUBLIC OF THE PLACE AND
TIME OF AN UPCOMING PUBLIC HEARING

BE IT ORDAINED, by the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, of the Code of the County of Montgomery, Virginia shall be amended and reordained by amending Section 10-52 as follows:

Sec. 10-52. Administration, enforcement and public hearings.

(1) *Administration.*

(a) *Zoning administrator.* It shall be the responsibility of the zoning administrator to administer, interpret and enforce the provisions of this chapter. The zoning administrator shall be guided in all of his actions pursuant to this chapter by the terms, purposes, intent and spirit of this chapter. The zoning administrator may be assisted in the enforcement of this chapter by the health officer, sheriff and all other officials of Montgomery County, Virginia, pursuant to their respective fields. Specifically, the duties and powers shall include:

1. To receive and/or review:
 - a. Applications for variances.
 - b. Notices of appeal to the BZA.
 - c. Applications for certificates of occupancy.
 - d. Applications for zoning permits.
 - e. Applications for commission permits.
 - f. All other applications, certifications, or materials required by this chapter to be submitted to the zoning administrator.
2. To issue zoning permits where the requirements of this chapter have been met.
3. To issue interpretations of this chapter upon proper application. Such interpretations shall be binding as to the applicant and as to the specific facts presented in the application for interpretation after the completion of the thirty-day appeal period. In administering this chapter and rendering determinations as to the uses permitted or allowed by special use permit in the various zoning districts, the zoning administrator shall have the power

and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special use permit, is so substantially similar in substance and effect to a permitted use or a use allowed by special use permit, that it should be allowed as if expressly permitted or allowed by special use permit. Such interpretations shall include notification of appeal procedures and timelines.

4. To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this chapter.
 5. To maintain accurate records of proffered conditions as required by section 10-54(1)(i) of this chapter.
 6. To enforce the provisions of this chapter, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, planning commission and board of supervisors were made.
 7. To perform such other duties and functions as may be required by this chapter and the board of supervisors.
 8. To maintain and make available for public inspection and copying the official zoning map, the zoning ordinance, and the minimum submission requirements adopted by board of supervisors resolution.
 9. To maintain a compilation of the interpretations and opinions of the zoning administrator for public review.
- (b) Fees. The county administrator shall recommend and the board of supervisors shall adopt a schedule of fees to be paid upon the filing of each application specified in this chapter. Application fees are hereby waived for the following:
1. Applications for requested amendment from any district to a C-1 district.
 2. Applications for amendment, special use permit, or commission permit sought by the following governmental agencies:
 - a. Montgomery County School Board.
 - b. Public Service Authority (PSA).
 - c. Fire and rescue companies serving Montgomery County.
 - d. Any agency, board or division acting in the name of the Board of Supervisors of Montgomery County.

- (c) Submission requirements. The board of supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application provided for in this chapter, which materials shall constitute the minimum submission requirements for such application and be consistent with the requirements of this chapter. Such submission requirements shall include a letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the zoning administrator, law enforcement agents, and county inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued. In addition to the materials requested by the board of supervisors by resolution the submission requirements shall include in the case of any application for a zoning map amendment, zoning concept development plan amendment, special use permit or site plan, a traffic impact statement when the proposed zoning map amendment, zoning concept development plan amendment, special use permit or site plan 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 Ordinance. The applicant shall submit three (3) copies of the traffic impact statement. The zoning administrator shall forward the traffic impact statement to VDOT within ten (10) business days of receipt of a complete application. Such submission requirements shall also include, in the case of any application for a zoning map amendment, zoning ordinance modification, zoning concept development plan amendment, special use permit, variance, site plan or zoning permit, the provision of satisfactory evidence from the treasurer's office that any real estate taxes due and owed to the county which have been properly assessed against the property have been paid and that the property shall be in compliance with all county ordinances upon submission of such application. Revisions to the list of those materials required necessitated by an amendment to this chapter shall be attached to such amendment for concurrent consideration and adoption by resolution of the board of supervisors. If the application is a reclassification to a non-planned unit development district, a rezoning plat shall be required.
- (d) Inactive applications. Any zoning map amendment application, zoning modification application, or concept development plan amendment application officially accepted by the county for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of twelve (12) months or any special use permit application officially accepted by the county for processing but which has had such processing suspended either by request of the

applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six (6) months shall be deemed inactive. An application may remain inactive for up to three (3) years at the end of which period it will be processed to a final decision. If an applicant wishes to reactivate their application prior to the end of this three-year period, the applicant must notify the county in writing of intent to proceed with the application, grant the county an appropriate timeline extension and pay a reactivation fee as established by the board of supervisors.

(2) *Enforcement and penalties.*

(a) *Zoning administrator.* The zoning administrator shall have the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this chapter.

(b) *General provisions.*

1. Any building or structure erected contrary to any of the provisions of this chapter and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this chapter or the provisions of any approval granted by the county under this chapter shall be a violation of this chapter and the same is hereby declared to be unlawful.
2. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this chapter, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this chapter or the provisions of any approval granted by the county under this chapter shall be subject to the enforcement provisions of this section.
3. In addition to the remedies provided in this section, the zoning administrator may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful building, structure or use.
4. Upon becoming aware of any violation, the zoning administrator shall serve notice of such violation on the person committing or permitting the same, and the land owner. The administrator shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The administrator may establish a reasonable time period for the correction of

the violation, however in no case shall such time period exceed thirty (30) days from the date of written notification, except that the administrator may allow a longer time period to correct the violation if the correction would require the structural alteration of a building or structure. If the violation is not corrected within the time period specified in the first notification, a second written notice shall be sent. The second notification shall request compliance with these provisions within a period not to exceed seven (7) days. If such violation has not ceased within such reasonable time as the zoning administrator has specified in such notice the zoning administrator shall institute such action as may be necessary to terminate the violation.

5. If the person responsible for the alleged violation denies that a violation person may appeal the decision of the zoning administrator pursuant to the provisions of section 10-55 of this article.
6. Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the zoning administrator. The zoning administrator shall record such complaint, investigate, and take action thereon as provided by this chapter.

(c) Criminal violations.

1. Any violation of the provisions of this chapter shall be deemed a Class 2 criminal misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each separate offense. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this ordinance, within a time period established by the court. Failure to remove or abate the zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) or more than one thousand dollars (\$1,000.00) and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00). Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation, including without limitation, pursuing injunctive relief. Each day during which the violation is found to have existed shall constitute a separate offense.

2. The designation of a particular violation of this chapter as a civil violation shall preclude criminal prosecution of sanctions, except when such violation results in injury to any person.

(d) Civil violations.

1. Any violation of the provisions shall be deemed a civil violation and, upon an admission of liability, shall be punishable by a fine of one hundred dollars (\$100.00) for each individual charge. The civil penalties set forth herein shall be in lieu of criminal penalties. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten-day period, and in no event shall a series of specified civil violations arising from the same operative set of facts result in civil penalties which exceed a total of three thousand dollars (\$3,000.00). Nothing in this subsection shall be construed as to prohibit the zoning administrator from initiating civil injunction procedures in cases of repeat offenses.
2. After having served a notice of violation on any person committing or permitting a violation of the zoning ordinance provisions and if such violation has not ceased within such reasonable time as is specified in such notice, the zoning administrator shall cause two (2) copies of a summons to be personally served upon such person. If a person complies in writing to a notice of violation, and agrees to cease said violation, no further fines shall be levied after the date of such agreement, provided such agreement is complied with.
3. The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the county treasurer's office at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.
4. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.

A finding of liability shall not be deemed a criminal conviction for any purpose.

5. Reserved.

(3) *Public hearings, notice required.* Each public hearing involving planning and zoning matters before the planning commission, the board of supervisors and the board of zoning appeals, requires notice as set forth in section 15.2-2204 of the Virginia Code and below.

(a) *Written notice.*

1. *Contents.* All required written notices shall contain:

- a. The time, date and place of hearing.
- b. A brief description of the matter being heard.
- c. Identification of the land subject of the application including the tax map number of the property and complete street address of the property.

2. *Second notice remailed if hearing continued.* If a public hearing is continued, or if a planning and zoning matter is deferred or tabled by the board of supervisors for a period more than ninety (90) days after the board's public hearing, then the second notice required in such case shall be remailed.

3. *Notice by county.* Notwithstanding any other provision of this section, whenever the notices required under this section are sent on behalf of an agency, department or division of the county, such notice shall be sent by the zoning administrator and may be sent by first class mail; however, the zoning administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

4. *Certification.* At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or persons, or their representative providing notice, shall be filed with the director of planning certifying that first and second notices have been sent and such affidavit shall include a list of names of those to whom notice was sent. A counterpart of such affidavit shall be presented at the beginning of the public hearing on the application.

5. *Failure to receive notice.* Failure to receive any notice of a hearing required by this section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.

6. *Condominium ownership.* In the case of a condominium, written notice may be sent to the unit owner's association instead of to each individual unit owner.

(b) *Placard notice.* Each application shall be posted by ~~the applicant~~ county staff, using a form of placard provided by the zoning administrator, ~~at least fourteen (14) and no more than thirty (30) calendar days prior to each~~ no less than five (5) days prior to the first public hearing. County staff shall document initial installation of the placard with a digital photograph. No further observation of the placard will be conducted until removal of the placard by staff no later than 15 calendar days following a decision regarding the application. Placard shall be reinstalled by County staff if notified of a damaged or missing placard. County-initiated amendments involving more than ten (10) parcels shall be exempt from placard requirements.

1. *Location of placards.* Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two (2) abutting properties and at the access points to said property.
2. *Maintenance and removal of placards.* County staff shall attempt to reinstall placards if notified of a damaged or missing placard ~~The applicant shall maintain all placards up to the time of the hearing and shall remove all posted placards no later than fifteen (15) calendar days after the public hearing has been closed~~ following a decision regarding the application. Public hearing(s) may proceed even if placards are missing, damaged or vandalized.
3. *Penalties.* It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in subsection (2)(c) of this section.

(c) *Newspaper notice.* The county shall give newspaper notice prior to each public hearing in accord with section 15.2-2204A of the Virginia Code.

1. *Contents of newspaper notice.* The notice shall contain:
 - a. The time, date and place of the hearing;
 - b. A brief description of the matter being heard;
 - c. If the matter is one for which an additional public hearing is necessary and has been scheduled before the BZA or board of supervisors, the time, date and place of the scheduled BZA or board of supervisors hearing; and
 - d. Identification of the land that is the subject of the application including the tax map number and complete address of the property.
 - e. In the case of a zoning map amendment, including an amendment to an approved concept development plan, or a modification of ordinance regulations, the general usage and density range of the proposed zoning amendment, and the general usage and density range, if any, set forth in the comprehensive plan shall be included within the notice.

(d) *Notice requirements for particular hearings.* The following particular hearings require the following form of notice:

1. *Appeals to board of supervisors.* Public hearings on appeals to the board of supervisors require that the county provide newspaper notice of the hearing.
2. *Appeals to board of zoning appeals.* Public hearings on appeals to the BZA require that the county provide newspaper notice of the hearing.

(e) *Additional notice required.*

1. *Deferral.* If an item is not heard at the time for which it was noticed but is deferred at that time to another date, all notice required by this section shall be given of the deferred public hearing.
2. *Recessed public hearings.* If a public hearing is begun but the agenda not completed, thereby requiring the meeting to be recessed, no additional notice is required as long as the dates for completion of the public hearing agenda is announced at the hearing which has been recessed.

(f) *Speakers at public hearings.* All witnesses and speakers presenting facts and evidence at any public hearing shall provide their name, address and affiliation, if any, for the record. At the discretion of the person presiding over the hearing, witnesses or speakers may be required to give oath or affirmation regarding the truth of their statements.



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

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

MEMORANDUM

TO: Planning Commission
FROM: Planning Department Staff *JRM*
DATE: June 1, 2011
RE: **Preliminary & Final Plat Approval for The Preserve at Walnut Creek Subdivision, Lots 36-48.**

Background

Walnut Creek Subdivision (Lots 36-48) is located off Houchins Road just outside the Town of Christiansburg Corporate Limits. It was rezoned to Planned Unit Residential (PUD-RES) in November 2005 with proffered conditions. Phase I consisting of 36 lots was platted in May 2006 and Phase II consisting of 21 lots was approved in July 2007, The Preserve at Walnut Creek Phase III consisted of 19 lots and was approved in October 2008. The Preserve at Walnut Creek Phase IV consisted of 15 lots and was approved in June 2010. This phase of the subdivision, The Preserve at Walnut Creek Phase V, will consist of 13 lots.

Staff has reviewed the preliminary plat and found it to be in compliance with the Master Plan and proffers approved in November 2005 by ordinance ORD-FY-06-10 (see attached master plan and ORD-FY-06-10). The proffers associated with ORD-FY-06-10 state that "no more than 325 residential dwelling units shall be constructed on the property of which no more than 157 dwellings shall be single-family detached units and not more than 168 dwelling units shall be single-family attached units (townhouses)". Therefore, the preliminary and final plat approval of this phase will bring the total single family detached lots to a total of 104 out of the allowable 157.

Lots 36-48, proposed with this phase, are to be served by public water from the Town of Christiansburg and public sewer from the Public Service Authority (PSA). Staff has received notification of approval from the Montgomery County PSA, but is still awaiting documentation from the Town of Christiansburg stating this phase will be served by public water. Virginia Department of Transportation has stated that the road design proposed with this phase is acceptable for lots 36-48. The County Attorney has also reviewed and approved the private covenants and storm water maintenance agreement. Additionally, the County Engineer has stated that all erosion and sediment control plans are satisfactory. The County GIS Analyst has reviewed the new street names and addresses shown on the plat.

Developer: Blue Ridge Development Group, Inc.
Consultant: Gay and Neel, Inc.

Draft Resolution – The Final Plat for Walnut Creek (The Preserve) Phase V (Lots 36-48) (Gay & Neel, Inc. Job No. 1803.5 dated April 19, 2011) is recommended for approval to the Board of Supervisors subject to the following conditions:

1. The remaining comments on the subdivision application report, dated June 1, 2011, shall be addressed prior to the County signing the plat.
2. The applicant shall provide documentation from the Town of Christiansburg's intent to serve lots 36-48 with public water.

Attachments: Plat dated April 19, 2011
Board of Supervisors ORD-FY-06-10
Subdivision Report, dated June 1, 2011

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 16th DAY OF NOVEMBER, 2005 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

ORD-FY-06-10
AN ORDINANCE AMENDING THE ZONING
CLASSIFICATION OF 108 ACRES
FROM AGRICULTURE (A-1) TO
PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-RES)
WALNUT CREEK DEVELOPMENT

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 108 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Planned Unit Development Residential (PUD-Res) with the following proffered conditions:

1. Zoning Regulations and Conceptual Layout.

The Property will be developed substantially in accordance with the "Recommended Regulations and Narrative Summary for Walnut Creek" and the Conceptual Layout prepared by Gay & Neel, dated September 20, 2005 (the "Conceptual Layout") as contained within the Regulations.

2. Number of Units.

No more than 325 residential dwelling units shall be constructed on the Property of which not more than 157 dwelling units shall be single-family detached units and not more than 168 dwelling units shall be single-family attached units (Townhouses).

3. Phasing.

To mitigate school population issues Applicant agrees as follows:

- (a) Not to sell more than 35 lots within one year from the date of final approval of its rezoning application;
- (b) Not to sell any of the Phase III (Townhomes) sites until two years after the date of final approval of its rezoning application; and

- (c) During the first six years of development of the Property, no more than 50 building permits shall be issued in any year (as defined below) for dwelling units to be constructed on the Property.
- (d) As used in this Proffer, each "year" commences with and includes the day of or the anniversary of the day that Applicant's rezoning application was finally approved and includes the following 364 days. For example, if the Applicant's rezoning application were finally approved on November 16, 2005, then the first year would commence November 16, 2005 and end November 15, 2006; the second year would commence on November 16, 2006 and end November 15, 2007; the third year would commence November 16, 2007 and end November 15, 2008; and so forth in the same manner.

4. Water Mains and Appurtenances.

The Property will be served by a public water system. Applicant will construct or cause to be constructed at no expense to the County or Town of Christiansburg (the "Town") all water mains and appurtenances on the Property and will connect these water mains to publicly owned water mains. All water mains will be constructed to the higher of the standards of the County or the Town and will comply with the regulations and standards of all other applicable regulatory authorities. All water mains and appurtenances will be dedicated to public use.

5. Sewer Facilities.

The Property will be served by a public sewer system. Applicant will construct or cause to be constructed at no expense to the County or Town all sewer facilities on the Property and will connect these sewer facilities to publicly owned sewer facilities. Sewer facilities to be provided by Applicant include a gravity sewer system within the development, a sewage pump station, and force main connection to the existing Town sewer system. All sewer facilities will be constructed to the higher of the standards of the County or the Town and will comply with the regulations and standards of all other applicable regulatory authorities. All sewer facilities will be dedicated to public use.

6. Access Road.

Houchins Road will be improved from Brammer Lane to the entrance to the Property, a total distance of approximately 2,250 feet, by construction of an asphaltic concrete paved surface of 24 feet in width. Applicant will contribute sufficient right-of-way contiguous to the Property to provide for a 50' right-of-way width. All improvements will be to Virginia Department of Transportation Secondary Road standards.

Construction of the improvements will take place in two phases. Phase one will provide for the widening of the roadway, placement of base stone, and application of tack coat for dust control. Phase one will be completed prior to the issuance of the first certificate of occupancy for a residence on the Property. Phase two will provide for the installation of a 2" SM9.5A, or equal, surface course on the previously widened roadbed. Phase two will be

completed prior to the issuance of the 20th certificate of occupancy for a residence on the Property.

7. Intersection Improvements.

While the Town has indicated that no intersection improvements are required, the intersection of Roanoke Street and Houchins Road will be improved by the creation of right and left turn lanes of approximately 400 linear feet each and according to VDOT standards before the tenth Certificate of Occupancy is issued during Phase I. The striping will consist of a center double line and a single line separating the left and right turn lanes as shown on an attachment to the Conceptual Layout.

The Town of Christiansburg will provide the striping per e-mail dated September 26, 2005 from Lance Terpenney, Town Manager.

8. Emergency Access.

Emergency access to the Property will be provided through the Christiansburg Industrial Park. The access will be for use by official emergency vehicles only and will be posted with signs stating "For Use By Emergency Vehicles Only". The Applicant will, at no cost to the Town, construct the emergency access prior to issuance of the first Certificate of Occupancy for Phase One. Applicant will grade and provide a 12 foot wide gravel access road for emergency access as shown on the conceptual layout or in another location mutually agreed upon between the Applicant and Town. The gravel road may be paved during road construction in the Phase Three development, while maintaining the emergency access route.

The emergency access point will be constructed with removable or collapsible bollards or other similar devices to prevent non-emergency use. The gravel road will be of sufficient thickness to allow for use by fire trucks and other heavy emergency equipment. The Applicant will provide CBR tests to confirm required base stone thickness. Access will be provided from Industrial Drive to Houchins Road.

9. Neighbor Fences.

Applicant will repair or cause to be repaired at its sole expense any damage caused to the fences of adjoining owners by Applicant, including the construction of a new fence to replace the existing fence along the private road adjacent to the Rake's property. The new fence will be constructed with the same type of gauge of wire as the existing fence, will use the same size posts, will be constructed with the same post spacing, and will include a gate at the approximate location of the cul-de-sac in Phase I as shown on the Conceptual Layout.

10. Stormwater.

Stormwater management practices will be designed to detain the post development peak flow rate to 60% of the pre-development peak flow rates for the 10 year, 2 year, and 1 year storm events. Furthermore, the post-development peak flow rate of the 25 year storm will be detained to the 10 year pre-development peak flow rate. All requirements of state Erosion and Sediment Control Law will be met. The common area will include a 50' wide riparian buffer to protect the existing stream as shown on the Conceptual Layout.

11. Open Space.

A minimum of 23.87 acres (22 percent) of the total gross area of the Property shall be reserved as common open space and/or recreational areas as shown on the Conceptual Layout. (Minimum required is 21.7 acres, or 20 percent)

A minimum of 9.57 acres (40.1 percent) of the common open space shall be suitable for active recreational usage, including both 20,000 square foot and 88,000 +/- square foot contiguous active recreational areas, all as shown on the Conceptual Layout. Additionally, a 10,300 +/- foot linear walking/nature trail corridor will offer 309,000 +/- square feet of active recreation. Total active recreation area will be 417,000 +/- square feet, or 9.57 acres. (Minimum required is 7.161 acres, or 30 percent)

Active recreation amenities will include the walking/nature trail (\$47,625), an asphalt basketball court (\$3,700), outdoor swing sets (\$8,592), benches and picnic tables (\$13,460) in both the 20,000 square foot and 88,000 +/- square foot contiguous active recreation areas and along the walking/nature trail, and appropriate landscaping (\$11,500). This figure represents expenditures of \$261.16 per unit (\$216.76 in 1997 dollars). Active recreation amenities will also be provided within Phase III of the development. There will be 8 amenities throughout Phase III that are maintained by the Homeowner's Association and will be available for use by all residents within the development.

12. Trails.

The Property will include an 8' wide hardwood mulch walking/nature trail system traversing portions of the dedicated open space as shown on the Conceptual Layout. The phased foot trail system will be constructed within each phase prior to the issuance of the 15th certificate of occupancy within each phase. The foot trails within the open space will be constructed in conjunction with the phase that is the most geographically adjacent to the proposed trail.

13. Use Restrictions.

Applicant will not construct any commercial or office buildings on the Property, except for use as a model home or temporary office.

14. Homeowner's Association.

A homeowner's association or associations will be formed for the development. The association or associations' documents will at a minimum address:

- Maintenance of open areas, buffers, trails, active recreation spaces, emergency access point and stormwater management facilities.
- Enforcement of maintenance and all regulations set forth in the association documents.

15. Design guidelines.

A design guidelines book will be completed and enforced by an appointed committee. This book will address architectural design and character of all structures.

16. Buffers.

The Townhouses (Phase III) will be buffered by a Type 4 Rear Landscape Buffer of 25 feet in width (consisting of natural and installed plant materials) as shown on the Conceptual Layout. A natural vegetative buffer of 50 feet in width will be maintained between the Property and the Christiansburg Industrial Park as shown on the Conceptual Layout. Additionally an existing vegetative buffer of 66 feet in width will remain undisturbed along the existing AFD-7 district, including the exception of the proposed 225' right-of-way along the AFD-7 district (as shown on the Conceptual Layout). This buffer may be on open space or proposed lots.

17. Access for Adjoining Owners.

Applicant will not deny or diminish adjoining owners existing access to their property.

This action was commenced upon the application of Walnut Creek Development (Agent: Gay & Keese, Inc.).

The property is located on the West side of Houchins Road approximately 1650 feet North of the Brammer Lane intersection and is identified as Tax Parcel Nos. 80-A-40,42,43 (Acct ID #'s 018438, 018439, 018440) in the Shawsville Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Gary D. Creed
Mary W. Biggs		
Annette S. Perkins		
James D. Politis		
Doug Marrs		
Steve L. Spradlin		

ATTEST:

B. Clayton Goodman, III

B. Clayton Goodman, III
County Administrator

Montgomery County, Virginia
SUBDIVISION APPLICATION REPORT

08/01/2011

Subdivision Application Number: MAJ-2011-00574

Applicant Name: RALPH O. CLEMENTS LS GAY AND NEEL INC

Applicant Address: 1260 RADFORD STREET ChristiansburgVA24073

Subdivision Name: THE PRESERVE AT WALNUT CREEK LOTS 36-48

Job ID: 1803.5

Parcel ID: 150451 **Tax Map Number:** 080- 9 C

We have reviewed your subdivision plat and find that the following corrections need to be made to satisfy the requirements of the Montgomery County Subdivision Ordinance.

Plat Features:

Checklist Item	Comments
Digital version provided meeting departmental guidelines	

Water:

Checklist Item	Comments
-----Town/PSA Subdivision Approval Letter (documentation)	Please provide documentation for the new phase of development (lots 36-48).

Plat Statements:

Checklist Item	Comments
Approving Statement to be signed by VDOT Resident Engineer	Please provide.

Additional Comments:

Please contact us at (540) 394-2148 if you have any questions.

Sincerely,

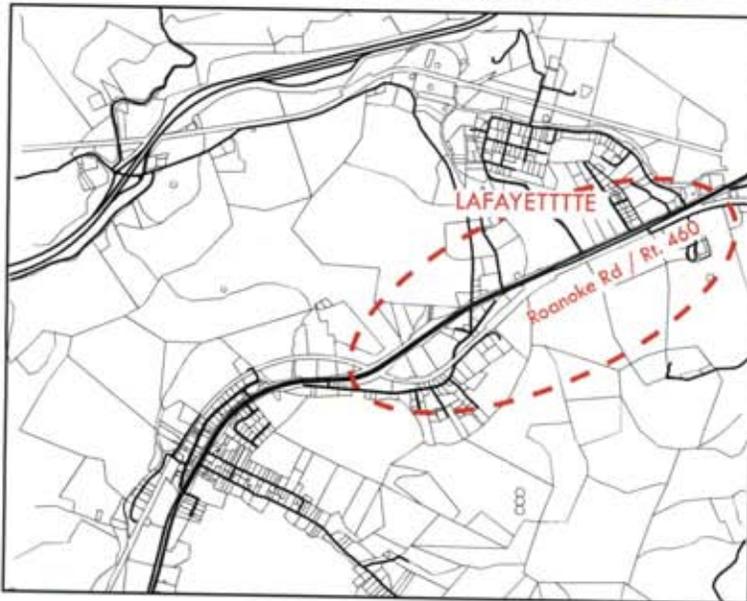


Jamie MacLean
Subdivision Agent

Lafayette/Route 460 Corridor Plan



Rt. 460 Corridor near Lafayette in Montgomery County



WHAT'S GOING ON?

Montgomery County is interested in getting YOUR input on the future of the Route 460 Corridor in the Lafayette area. This is the area of Roanoke Road (Route 460) that passes through the village of Lafayette and is an important gateway into Montgomery County. There are a number of planning projects and potentials for change in this area and the County is using a planning grant from the State to plan for this corridor and its future.

To provide an opportunity for property owners and residents in this area to give their input, a **public planning workshop will be held on June 8**. Funded by a grant program, a professional team of planners, designers and engineers will present initial findings from their study of this area and will take your input from this workshop to develop ideas and potential development options for the corridor. Your continued input in this process is important.

The corridor plan will be used by the County as a policy guide for the future of the Route 460 area in Lafayette - YOUR INPUT CAN HELP SHAPE THE FUTURE!

WHEN?

The public open house will be held at the Elliston Volunteer Fire Department building in Elliston on June 8, 2011, from 4:00PM to 6:00PM. There will also be a Planning Commission work session at 7:00PM, at the County Government Center in Christiansburg.

WEDNESDAY, JUNE 8, 2011

LOCATION: ELLISTON VOLUNTEER FIRE DEPARTMENT
5001 Enterprise Drive, Elliston, VA

4:00 PM - 6:00 PM **Public Open House & Planning Workshop**

ALSO - PLANNING COMMISSION WORK SESSION:

7:00 PM **PLANNING COMMISSION WORK SESSION**
(At the County Government Center - open to the public)

for more information

Contact Steven Sandy, Montgomery County Planning Director or Jamie MacLean, Development Planner - (540) 394-2148 or email sandysm@montgomerycountyva.gov or macleanjr@montgomerycountyva.gov