

**Proposed Changes to Planned Development Section of Zoning Ordinance and
Neighborhood Model Section of Zoning Ordinance**
September 30, 2009

Section #	Existing Text	Proposed Text	Impact/Reason for Change
Section 3.1 Definitions	<i>Application plan:</i> The graphic depiction of a proposed development containing the information required by section 8.5.1(d)	<i>Application plan:</i> The graphic depiction of a proposed development containing the information required by section 8.5.1(d) <u>and, within the neighborhood model district, section 20A.4. A plan designated and approved as a general development plan for a neighborhood model district between March 19, 2003 and [insert effective date] is an application plan for the purposes of this chapter.</u>	Cleanup
	<i>Block:</i> An area shown on an application plan or a general development plan that is typically surrounded by streets and within which land use activities occur. Although blocks usually imply a grid street system, where steep topography exists blocks may exist in non-rectilinear shapes	<i>Block:</i> An area shown on an application plan that is typically surrounded by streets and within which land use activities occur. Although blocks usually imply a grid street system, where steep topography exists blocks may exist in non-rectilinear shapes	Deletes term “general development plan”. (see below)
	<i>General development plan:</i> An application plan for a proposed development within the neighborhood model district, containing the information required by sections 8.5.1(d) and 20A.4.	Definition deleted.	General Development Plan is now just, “application plan” to eliminate confusion.
Section 8.2	<p>8.2 Relation of planned development regulations to other zoning regulations</p> <p>The regulations in section 8 shall apply to the establishment and regulation of all planned development districts. An applicant may request that any requirement of sections 4, 5 and 32, or the planned development district regulations be waived or modified if it is found to be inconsistent with planned development design principles and that the waiver or modification is consistent with the intent and purposes of the planned development district under the particular circumstances. If the applicant requests such a waiver or modification as part of the application plan, the applicant shall submit its request in writing as part of the application, and shall demonstrate that the waiver or modification would not adversely affect the public health, safety or general welfare and, in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification. Notwithstanding any regulation in sections 4, 5, or 32 establishing a procedure for considering a waiver or</p>	<p>Sec. 8.2 <u>Applicable regulations; waivers and modifications</u></p> <p><u>Planned developments shall be subject to the following regulations in this chapter:</u></p> <p>a. <u>Sections applicable. Unless expressly superseded by a regulation of the applicable planned development district, the regulations of this chapter, other than those pertaining to conventional development districts stated in sections 10 through 18, 20B, 22, 23, 24, 27 and 28, shall apply to each planned development district unless the subject matter is expressly addressed in the code of development under section 20A.5, or the regulation is waived or modified as provided in subsection (b).</u></p> <p>b. <u>Waivers and modifications.</u> An applicant may request that any requirement of sections 4, 5, 21, 26 and 32, or the applicable planned development district regulations be waived or modified by the board of supervisors as follows:</p> <p>1. <u>Submittal of request for waiver or modification.</u></p> <p>If the applicant requests such a waiver or modification as part of the application plan, the applicant shall submit its request in writing as part of the application <u>plan</u>, and shall demonstrate <u>how</u></p>	Changes section title for easier reference, clarifies which sections are available for waivers and modifications, organizes section, and makes clear that waivers must be expressly granted by the Board.

	<p>modification, any request for such a waiver or modification shall be reviewed and considered as part of the application plan. Nothing in this section prohibits an owner within a planned development from requesting a waiver or modification of any requirement of sections 4, 5 and 32 at any time, under the procedures and requirements established therefore. In addition to making the findings required for the granting of a waiver or modification in sections 4, 5 and 32, such a waiver or modification may be granted only if it is also found to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8.</p>	<p><u>the findings required by subsection 8.2(b)(3) would be satisfied.</u></p> <p><u>2. Timing of request.</u> Notwithstanding any regulation in sections 4, 5, <u>21, 26</u> or 32 establishing a Procedure for considering a waiver or modification, any request for such a waiver or modification shall be reviewed and considered as part of the application plan; <u>provided that</u> an owner within a planned development may request a waiver or modification of any requirement of sections 4, 5, <u>21, 26 or 32</u> at any time, under the procedures and requirements established therefore.</p> <p><u>3. Findings.</u> In addition to making the findings required for the granting of a waiver or modification in sections 4, 5, <u>21, 26 or 32</u>, a waiver or modification may be granted only if it is also found <u>(i) to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8; (ii) to be consistent with planned development design principles; (iii) that the waiver or modification would not adversely affect the public health, safety, or general welfare; and (iv) in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.</u></p> <p><u>4. Express waiver or modification.</u> Each waiver and modification must be expressly granted and no waiver or modification shall be deemed to have been granted by implication.</p>	
<p>Section 8.3 PD defined</p>	<p>8.3 PLANNED DEVELOPMENT DEFINED</p> <p>Planned development is a development that meets all of the following criteria: (1) the land is under unified control and will be planned and developed as a whole; (2) the development is in general accord with one or more approved application plans; and (3) in all planned development districts other than a planned historic district, the development will provide, operate and maintain common areas, facilities and improvements for some or all occupants of the development where these features are appropriate.</p>	<p>A planned development is a development that meets all of the following criteria <u>at the time it is established or amended</u>: (1) the <u>area proposed to be rezoned or the area within the planned development district</u> is under unified control and will be planned and developed as a whole; (2) the development <u>conforms</u> with one or more approved application plans; and (3) in all planned development districts other than a planned historic district, the development will provide, operate and maintain common areas, facilities and improvements for some or all occupants of the development where these features are appropriate.</p>	<p>Acknowledges that PDs can be amended; uses word, “conforms” to make distinctions between conventional districts and planned districts.</p>
<p>8.5.1 Application and documents to be submitted</p>	<p>Each application for a planned development district shall be submitted as provided for other zoning map amendments. The documents required by subsections (a) through (e) below shall be submitted with the application. After the application is submitted, the director of planning and community development may request additional plans, maps, studies and reports such as, but not limited to, traffic impact analyses, identification of specimen trees, and</p>	<p>Each application for a planned development district shall be submitted as provided for other zoning map amendments. The documents required by subsections (a) through (e) below shall be submitted with the application. After the application is submitted, <u>director of planning</u> may request additional plans, maps, studies and reports such as, but not limited to, traffic impact analyses, identification of specimen trees, and reports identifying potential non-tidal wetlands which are deemed</p>	<p>Cleanup</p>

	reports identifying potential non-tidal wetlands which are deemed reasonably necessary to analyze the application:	reasonably necessary to analyze the application:	
	b. An accurate boundary survey of the tract or plan limit showing the location and type of boundary evidence;	b. An accurate boundary survey of the tract <u>or area to be rezoned</u> showing the location and type of boundary evidence <u>and the source of the survey;</u>	Cleanup
	c. A map showing:	c. A map <u>at a scale of not less than one (1) inch equal to one hundred (100) feet, provided that another interval and/or scale may be required or permitted by the director of planning where the size of the area proposed to be rezoned or topographic considerations warrant, showing:</u>	Clarification/clean up and consistency with other required documents
	1. The following existing physical conditions: streams, wooded areas, potential non-tidal wetlands, slopes in excess of twenty-five (25) percent, historic structures and sites included in the records of the Virginia Department of Historic Resources, floodplain, and any identified features in the open space element of the comprehensive plan;	1. The following existing physical conditions: streams, wooded areas, potential non-tidal wetlands, slopes in excess of twenty-five (25) percent, historic structures and sites included in the records of the Virginia Department of Historic Resources, <u>cemeteries</u> , floodplain, and any identified features in the open space element of the comprehensive plan;	Cleanup
	c.2. Existing topography accurately shown with a maximum of five (5) foot contour intervals at a scale of not less than one (1) inch equal to one hundred (100) feet; other interval and/or scale may be required or permitted by the director of planning and community development where topographic considerations warrant;	2. Existing topography accurately shown <u>using the county's geographic information system or better topographical information, and the source of the topographical information;</u>	Cleanup
	4. The existing owners and zoning district; and	4. <u>The name of the proposed development; the names of all owners; the name of the developer, if different from the owner; the name of the person who prepared the plan; all tax map and parcel numbers in fourteen (14) digit format; the zoning district and all overlay zoning districts; the magisterial district; the north point; the scale; one datum reference for elevation; if any part of the area proposed to be rezoned is within the flood hazard overlay district (section 30.3), United States Geological Survey vertical datum shall be shown and/or correlated to plan topography; sheet numbers on each sheet and the total number of sheets; the date of the drawing; and the date and description of the last revision;</u>	Clarification and consistency with other required documents.
	5. The present use of adjoining tracts and the location of structures on adjoining parcels, if any; and	5. The present use of <u>abutting parcels</u> ; the location of structures on <u>abutting parcels</u> , if any; <u>and departing lot lines</u> ; and	Clarification and cleanup
	from Section d.6.: Trip generation figures;	d. <u>A traffic impact statement meeting the requirements of state law including, but not limited to, 24 VAC 30-155-10 et seq.;</u>	Cleanup to conform with state requirements
	d. An application plan based on a minimum of two (2) data references for elevations to be used on plans and profiles showing:	e. An application plan <u>at a scale of not less than one (1) inch equal to one hundred (100) feet, provided that another interval and/or scale may be required or permitted by the director</u>	Clarification and consistency with other required

		<u>of planning where the size of the area proposed to be rezoned or topographic considerations warrant, showing</u>	documents.
	d.2. The proposed grading/topography with a maximum of five (5) foot contour intervals;	2. <u>Conceptual grading/topography using the county's geographic information system or better topographical information, and the source of the topographical information, supplemented where necessary by spot elevations and areas of the site where existing slopes are twenty-five (25) percent or greater;</u>	Clarification and consistency with other required documents.
	d.10. The general lot lay-out; and	9. <u>A conceptual lot lay-out; and</u>	Clarification
	Standards for development including proposed yards, building heights, open space characteristics, and any landscape or architectural characteristics related to scale, proportions, and massing at the edge of the district.	10. <u>Standards of development including proposed yards, building heights, open space characteristics, and any landscape or architectural characteristics related to scale, proportions, and massing at the edge of the district.</u>	Cleanup
8.5.2 Preapplication Conferences	Each applicant for a planned development shall attend a joint meeting with the planning, engineering, and zoning staff as well as other qualified officials from outside agencies such as the Virginia Department of Health, the Virginia Department of Transportation, and the Albemarle County Service Authority to review the application plan and the proposed development before the application is submitted.	Each applicant for a planned development shall attend a joint meeting with the staff <u>of the department of community development</u> as well as other qualified officials from outside agencies such as the Virginia Department of Health, the Virginia Department of Transportation, and the Albemarle County Service Authority to review the application plan and the proposed development before the application is submitted. Each applicant is encouraged to use the <u>guidance provided in the</u> preapplication conference process to develop an application for a planned development that, when submitted with its supporting documents, will be as complete and comprehensive as possible.	Cleanup
8.5.3 Review and Recommendation by the Planning Commission	Each application for a planned development shall be reviewed by the planning commission as follows:	Each application <u>to establish or amend</u> a planned development <u>district</u> shall be reviewed <u>and acted on</u> by the planning commission as follows:	Clarification
	b. In making its recommendation on the application to the board of supervisors, the commission shall make findings about the following:	<u>b. In addition to any other factors relevant to the consideration of a zoning map amendment, the commission shall consider the following:</u>	Cleanup
		<u>1. Whether the proposed planned development or amendment thereto satisfies the purpose and intent of the planned development district.</u>	Clarification
	1. The suitability of the tract for the proposed planned development in terms of its relation to all applicable provisions of the comprehensive plan, physical characteristics of the land and its relation to the surrounding area;	<u>2. Whether the area proposed to be rezoned is appropriate for a planned development under the comprehensive plan; the physical characteristics of the area proposed to be rezoned; and the relation of the area proposed to be rezoned to the surrounding area; and</u>	Cleanup
	3. Each requested waiver or modification, including whether the requirements of section 8.2 are satisfied.	deleted	Moved to the section on waivers.

	c. Depending on the findings it makes, the commission shall either recommend approval of the application, as proposed, approval of the application with changes to be made prior to action on the application by the board of supervisors, or disapproval.	c. <u>The commission shall either recommend approval of the application, as proposed, approval of the application with changes to be made prior to action on the application by the board of supervisors, or disapproval. The commission shall also make recommendations on all requested waivers and modifications.</u>	Cleanup and clarification
Sec. 8.5.4 Review and action by the board of supervisors	Sec. 8.5.4 Review and action by the board of supervisors	Sec. 8.5.4 Review and action by the board of supervisors; effect of approval <u>Each application to establish or amend a planned development district shall be reviewed and acted on by the board of supervisors, and approval of the application shall have effect, as follows:</u>	Cleanup
	The board of supervisors shall consider and act on each application for a planned development district as it does for other zoning map amendments. If the board approves the application, the approving action shall constitute approval of the application plan, and all standards for development submitted by the applicant. The board's action shall also identify which proffers it has accepted and which waivers or modifications it has granted.	a. <u>Review and action.</u> The board of supervisors shall consider and act on each application for a planned development district as it does for other zoning map amendments. If the board approves the application, the approving action shall constitute approval of the application plan, all standards of development submitted by the applicant, and the code of development, as applicable. The board's action shall also identify which proffers it has accepted and which waivers or modifications it has granted.	Clarification
	Once an application is approved the application plan, all submitted standards of development and all accepted proffers shall be included as part of the zoning regulations applicable to the planned development.	b. <u>Effect of approval.</u> Upon approval of an application, the application plan, all standards of development submitted by the applicant, the code of development, as applicable, all accepted proffers, and all approved waivers and modifications shall be included as part of the zoning regulations applicable to the planned development.	Cleanup and clarification
8.5.5.1.Contents of site plans and subdivision plats	a. <i>Generally.</i> Each site plan for a planned development shall comply with section 32 of this chapter, subject to the waiver or modification of any such regulation pursuant to section 8.5.3(b)(3). Each subdivision plat for a planned development shall comply with Chapter 14 of the Code of Albemarle, subject to the waiver, variation or substitution of any such regulation pursuant to section 14-237.	a. <i>Generally.</i> Each site plan for a planned development shall comply with section 32 of this chapter, subject to the waiver or modification of any such regulation pursuant to section 8.2(b). Each subdivision plat for a planned development shall comply with chapter 14, subject to the waiver, variation or substitution of any such regulation pursuant to section 14-237.	Cleanup
	b. <i>Within the neighborhood model zoning district.</i> In addition to the requirements of paragraph (a), each site plan or subdivision plat for a planned development within the neighborhood model zoning district shall pertain to a minimum area of one block and shall include a phasing plan, and each site plan shall include building elevations for all new or modified structures.	b. <i>Within the neighborhood model zoning district.</i> In addition to the requirements of <u>subsection (a)</u> , each site plan or subdivision plat for a planned development within the neighborhood model zoning district shall pertain to a minimum area of one block and shall include a phasing plan, and each site plan shall include building elevations for all new or modified structures.	Cleanup
8.5.5.2 Review of site plans and	Each preliminary and final site plan or subdivision plat for a planned development shall be reviewed for compliance with	<u>Each preliminary and final site plan and subdivision plat for a planned development shall be reviewed for compliance with the</u>	As requested by the Planning

<p>Subdivisions</p>	<p>the applicable regulations: (1) in effect at the time the lands were zoned to a planned development district; or, (2) at the option of the applicant, currently in effect. In addition, each preliminary and final site plan or subdivision plat for a planned development shall be reviewed for compliance with the following:</p> <p>a. The approved application plan, the approved standards for development, the accepted proffers, and the authorized waivers or modifications and any conditions imposed therewith, if any;</p> <p>b. The permitted uses within the planned development zoning district, including all proffers, as determined by the zoning administrator after consultation with the director of planning and community development; in making this determination, the zoning administrator shall be guided by section 22.2.1 of this chapter;</p> <p>c. In addition to the foregoing, conformity with the application plan and the standards of development. Within each neighborhood model zoning district, the general development plan and the code of development, as determined by the director of planning and community development after consultation with the zoning administrator.</p>	<p><u>applicable regulations, as follows:</u></p> <p><u>a. <i>Planned development districts established on or before December 10, 1980. Each preliminary and final site plan and subdivision plat within a planned development district established on or before December 10, 1980 shall be reviewed for compliance with the applicable regulations in effect when the site plan or subdivision plat is under county review; provided that, at the option of the developer or subdivider, each preliminary and final site plan and subdivision plat may be reviewed for compliance with the applicable regulations when the planned development was approved if the developer or subdivider establishes a vested right as provided in Virginia Code § 15.2-2297 or § 15.2-2307 to develop under the previously approved planned development district.</i></u></p> <p><u>b. <i>Planned development districts established after December 10, 1980. Each preliminary and final site plan and subdivision plat within a planned development district established after December 10, 1980 shall be reviewed for compliance with the applicable regulations in effect when the planned development district was established or, at the option of the developer or subdivider, in effect when the site plan or subdivision plat is under county review; subject to the following:</i></u></p> <p><u>1. <i>Election to comply with regulations in effect when district established; exception for certain current subjects of regulation unless vested rights established. If the developer or subdivider elects to have its site plan or subdivision plat reviewed for compliance with the applicable regulations in effect when the planned development district was established, all of the following subjects of regulation in effect when the site plan or subdivision plat is under county review shall apply unless vested rights are established under Virginia Code §§ 15.2-2297, 15.2-2298, 15.2-2303 or 15.2-2307: (i) entrance corridor overlay district (section 30.6); (ii) flood hazard overlay district (section 30.3); (iii) landscaping and screening (section 32.7.9); (iv) outdoor lighting (section 4.17); (v) parking (section 4.12); and (vi) signs (section 4.15). If rights are determined to have vested, the regulations for these six subjects in effect when rights vested shall apply. For the purposes of this section 8.5.5.2(b), an application plan approved on and after March 19, 2003 that complies with the requirements of an application plan under section 8.5.1(e) or section 20A.4, or a prior version thereof in effect on and after March, 19, 2003, is a significant</i></u></p>	<p>Commission, this section sets thresholds for conformity with current zoning regulations, where properties were rezoned before the current regulations went into place. None of the proposed changes affects rights established under vesting provisions of the State Code.</p> <p>It further clarifies the roles of the Zoning Administrator, Planning Director, and County Engineer in determinations of conformity for PDs.</p>
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<p>8.5.5.3. Variations from approved plans, codes, and standards of developments</p>	<p>The director of planning and community development may allow a site plan or subdivision plat for a planned development to vary from an approved application plan, standard of development and, also, in the case of a neighborhood model district, a general development plan or code of development, as provided herein:</p> <p>a. The director of planning and community development is authorized to grant a variation from the</p>	<p>The <u>director of planning</u> may allow a site plan or subdivision plat for a planned development to vary from an approved application plan, standard of development and, also, in the case of a neighborhood model district, a code of development, as provided herein:</p> <p>a. The <u>director of planning</u> is authorized to grant a variation from the following provisions of an approved plan, code or</p>	<p>Cleanup</p>

	following provisions of an approved plan, code or standard: 1. Minor variations to yard requirements, maximum structure heights and minimum lot sizes;	standard: 1. Minor <u>changes</u> to yard requirements, <u>build-to lines or ranges</u> , maximum structure heights and minimum lot sizes;	
	5. Minor variations to street design, and	5. Minor <u>changes</u> to street design <u>and street location, subject to a recommendation for approval by the county engineer; and</u>	Cleanup
	Not currently listed as a variation	6. <u>Minor changes to the design and location of stormwater management facilities, land disturbance including disturbance within conservation areas, and mitigation, subject to a recommendation for approval by the county engineer.</u>	Clarification and cleanup.
	b. The applicant shall submit a written request for a variation to the director; the request shall specify the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation; the director may reject a request that fails to include the required information. c. The director is authorized to grant a variation upon a determination that the variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application.	b. The applicant shall submit a written request for a variation to the director of <u>planning</u> . The request shall specify the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation. The director may reject a request that fails to include the required information. c. The director of <u>planning</u> is authorized to grant a variation upon a determination that the variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application.	Clarification
	Not in the ordinance	d. <u>The Director of Planning may require that the applicant provide an updated application plan and, in the case of changes to a Code of Development, an updated Code of Development reflecting the approved variation and the date of the variation. If the Director requires the updated plan or code, it shall be provided within 30 days of approval of the variation.</u>	Cleanup
	Any variation not expressly provided for herein may be accomplished by rezoning.	e. Any variation not expressly provided for herein may be accomplished by <u>zoning map amendment</u>	New requirement needed to keep track of approved variations within a planned development.
Section 8.5.5.4 Building permits and erosion and sediment control permits	Section 8.5.5.4 Building permits and erosion and sediment control permits	Sec. 8.5.5.4 Building permits and <u>grading</u> permits	Cleanup
	Building permits and erosion and sediment control permits may be issued as provided herein:	Building permits and <u>grading</u> permits may be issued as provided herein:	Cleanup

	<p>b. An erosion and sediment control permit may be issued for site preparation grading associated with an approved planned development if an erosion and sediment control plan satisfactory to the director of engineering and public works has been submitted and reviewed in conjunction with the application plan, and the director of planning and community development determines the proposed grading is consistent with the approved application plan.</p> <p>c. In cases where the director finds that there is not enough detail on the approved application plan to assure consistency no erosion and sediment control permit shall be issued until the final site plan is approved, or the final plat is tentatively approved.</p> <p>d. Within each neighborhood model district, the department of planning and community development shall review each building permit application or modification to determine whether the proposed structure conforms with the architectural and landscape standards in the approved code of development.</p>	<p>b. A <u>grading</u> permit may be issued for site preparation grading associated with an approved planned development if <u>the erosion and sediment control plan <u>measures, disturbed area and grading are in conformity with the concept grading and measures shown on the application plan as determined by the county engineer, after consultation with the director of planning.</u></u></p> <p>c. <u>If, after consultation with the director of planning, the county engineer finds that there is not enough detail on the approved application plan to assure consistency that the proposed grading and other measures are consistent with the application plan, a grading permit shall not be issued until the final site plan is approved, or the final <u>subdivision</u> plat is tentatively approved.</u></p> <p>d. Within each neighborhood model district, the department of community development shall review each building permit application or modification to determine whether the proposed structure conforms with the architectural and landscape standards in the approved code of development.</p>	
<p>Sec. 8.5.5.5</p>	<p>Site plan and subdivision plat requirements for planned development zoning districts established without an application or application plan</p> <p>If a planned development zoning district was established without an approved application plan as required by section 8 then neither a site plan nor a subdivision plat shall be approved for any lands within the district unless and until an application plan and all other documents required by section 8.5 are submitted by the owner and are approved as provided therein.</p> <p>If such a district was previously established in conjunction with an approved site plan the approved site plan shall be deemed to be the application plan, and the district shall be deemed to have complied with the requirements of section 8. In such a case, if the site plan or subdivision plat has expired, a new site plan or subdivision plat must be approved prior to any development activity.</p>	<p><u>Site plan and subdivision plat requirements where there is no application plan</u></p> <p><u>Site plans and subdivision plats within a planned development district for which an application plan was not approved shall be subject to the following:</u></p> <p>a. <u>No valid site plan or subdivision plat at time district established.</u> If a planned development district was established before an application plan was required by section 8 to be approved as part of the zoning map amendment and neither a final site plan or subdivision plat pertaining to the entirety of the planned development district was valid at the time of the zoning map amendment nor was approved in conjunction with the approval of the zoning map amendment, then neither a site plan nor a subdivision plat shall be approved for any lands within the district unless and until an application plan and all other documents required by section 8.5 are submitted by the owner and are approved as provided therein.</p> <p>b. <u>Valid site plan or subdivision plat at time district established.</u> If a planned development district was established before an application plan was required by section 8 to be approved as part of the zoning map amendment but a final site plan or subdivision plat pertaining to the entirety of the planned</p>	<p>Cleanup and clarification</p>

		<p><u>development district was valid at the time of the zoning map amendment, the valid or approved site plan or subdivision plat shall be deemed to be the application plan, and the <u>site plan or subdivision plat shall be reviewed as provided in section 8.5.5.</u></u></p>	
<p>Sec. 8.6 Amendments to planned development districts</p>	<p>Each amendment to a planned development district shall be submitted and reviewed as provided in section 8. In addition, with each application to amend the area of the planned development district, or to amend the proffers, the application plan, the general development plan, or the code of development within an area that is less than the entire district, the applicant shall submit a map showing the entire existing planned development district and identifying any area to be added to or deleted from the district, or identifying the area to which the amended proffers, application plan, general development plan, or code of development will apply.</p>	<p><u>A planned development district may be amended after it is established, either by the addition or removal of land, or by an amendment to the application plan, code of development, proffers or any waiver or modification, in accordance with the procedures and requirements of section 8 and those applicable to zoning map amendments generally, and subject to the following additional requirements:</u></p> <p><u>a. <i>Eligible applicant.</i> Any owner, contract purchaser with the owner’s consent, or any authorized agent of the owner, of one or more parcels within a planned development district may apply to amend the existing planned development district as it pertains to the owner’s parcel(s). The owner of each parcel to which the proposed amendment would result in or require a physical change to the parcel, a change in use, density or intensity on that parcel, a change to any proffer or regulation in a code of development that would apply to the parcel, a change to an owner’s express obligation under a proffer or regulation in a code of development even if the proffer or regulation is not expressly changed, or a change to the application plan that would apply to the parcel, shall be an applicant.</u></p> <p><u>b. <i>Amendment affecting less area than the entire district; map.</i> If the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing planned development district and identifying any area to be added to or deleted from the district, or identifying the area to which the amended application plan, code of development, proffers or any waiver or modification would apply.</u></p> <p><u>c. <i>Individual notice.</i> In addition to any notice required by Virginia Code § 15.2-2204 and sections 33.4 and 33.8 of this chapter, written notice of the proposed amendment shall be provided to the owner of each parcel within the planned development district. The substance of the notice shall be as required by Virginia Code § 15.2-2204(B), paragraph 1, regardless of the number of parcels affected.</u></p> <p><u>d. <i>Factors to consider during review of proposed amendment.</i> In addition to any other applicable factors to be considered in the review of a zoning map amendment, the following shall also be considered:</u></p> <p><u>1. Whether the proposed amendment reduces,</u></p>	<p>Clarification as to who can request an amendment to a PD, responding to Board of Supervisors’ request</p>

		<u>maintains or enhances the elements of a planned development set forth in section 8.3.</u> <u>2. The extent to which the proposed amendment impacts the other parcels within the planned development district.</u>	
20.A.3 Neighborhood Model Application requirements; required documents and information	The following documents and information shall be submitted in addition to any other documents required to be submitted under section 8.5 of this chapter:	<u>Except where the option is exercised as provided in subsection 20A.3(b), below, the following documents and information shall be submitted in addition to any other documents required to be submitted under section 8.5 of this chapter:</u>	Cleanup
Parking study	b. A parking and loading needs study that demonstrates parking needs and requirements and includes strategies for dealing with these needs and requirements, including phasing plans, parking alternatives as provided in section 4.12.8 of this chapter, and transportation demand management strategies as provided in section 4.12.12 of this chapter;	A parking and loading needs study that demonstrates parking needs and requirements and includes strategies for dealing with these needs and requirements, including phasing plans, parking alternatives as provided in section 4.12.8 of this chapter, and transportation demand management strategies as provided in section 4.12.12 of this chapter; <u>provided that the applicant may submit the parking and loading needs study in conjunction with the preliminary site plan for the development if it determines that the uses that may occupy the buildings are not sufficiently known at the time of the zoning map amendment.</u>	Amend to allow a parking study at the time of rezoning or at the time of site plan approval.
	d. A general development plan, as provided in section 20A.4, including all information required by sections 8 or 20A to support any element of the plan.	d. <u>An application</u> plan, as provided in section 20A.4, including all information required by sections 8 or 20A to support any element of the plan.	Cleanup
20A.4	General development plans The requirements for an application plan for the NMD area as follows: In addition to the application plan requirements of section 8.5.1(d), the following are required elements of the general development plan:	<u>Application plans</u> In addition to the application plan requirements of section 8.5.1(d), the following are required elements of <u>an application plan in the NMD</u> :	Cleanup to clarify that all PD plans are called “application plans”
	b. The general allocation of uses to each block in terms of residential, commercial, industrial, institutional, amenities, parks, recreational facilities open to the public, and any other use category proposed by the applicant and which complies with the requirements of section 20A.8.	Deleted	Information is duplicated elsewhere
	c. The location of proposed green spaces, amenities, conservation areas or preservation areas, as provided in section 20A.9.	Moved	Cleanup
	d. Building footprints or graphic representations of central features or major elements that are essential to the design of the development, shown at the block level.	Moved	Cleanup

	Plan contents from Section 8 reiterated, except where requirements are in excess of Section 8.	<p>a. <u>The general location of proposed streets, alleys, sidewalks, and pedestrian paths;</u></p> <p>b. <u>The location of proposed green spaces, amenities, conservation areas or preservation areas, as provided in section 20A.9;</u></p> <p>c. <u>A conceptual lot lay-out;</u></p> <p>d. <u>Conceptual grading/topography using the county geographic information system or better topographic information supplemented where necessary by spot elevations and areas of the site where existing slopes are twenty-five (25) percent or greater;</u></p> <p>e. <u>Typical street cross-sections to show proportions, scale, and streetscape, which, alternatively, may be provided in the code of development;</u></p> <p>f. <u>Any proposed connections to existing and proposed streets, as well as proposed thoroughfares shown on the comprehensive plan;</u></p> <p>g. <u>The general lay-out for the water and sewer systems, conceptual stormwater management, and a conceptual mitigation plan; and</u></p> <p>h. <u>The location of central features or major elements within the development essential to the design of the development, such as building envelopes, major employment areas, parking areas and structures, civic areas, parks, open space, green spaces, amenities and recreation areas.</u></p>	Clarification/clean up
20A.5. Codes of Development	A code of development shall establish the unifying design guidelines, the specific regulations for the district, and the use characteristics of each block; provide for certainty in the location of and appearance of central features, and the permitted uses in the district; and provide a flexible range of a mix of uses and densities. To satisfy these requirements, each code of development shall establish:	A code of development shall establish the unifying design guidelines, the specific regulations for the district, and the use characteristics of each block; provide for certainty in the location of and appearance of central features, and the permitted uses in the district; and provide a flexible range of a mix of uses and densities. <u>Any substantive or procedural requirement of this chapter shall apply to an NMD unless the subject matter is expressly addressed in the code of development. Each code of development shall be in a form required or otherwise approved by the director of planning.</u> To satisfy these requirements, each code of development shall establish:	Establish standard format for ease of review and administration
	b. The amount of developed square footage proposed, delineated for the entire NMD and by block by use, amenity, streets and lot coverage. The developed square footage may be expressed as a proposed range of square footage.	b. The amount of developed square footage proposed, delineated for the entire NMD and by block by use, <u>and</u> amenity. The developed square footage may be expressed as a proposed range of square footage.	Cleanup
	c. The maximum residential densities, as provided in section 20A.7, and the maximum number of residential units	c. The maximum <u>number of residential dwelling units, dwelling units by type, and</u> delineating at least two (2) housing	Removal of extraneous

	for individual residential land use categories and mixed-use categories, delineating at least two (2) housing types, as provided in section 20A.8.	types, as provided in section 20A.8.	information.
	d. The amount of land area devoted to green space and amenities, as provided in section 20A.9.	d. The amount of land area <u>and percentage of gross acreage</u> devoted to green space and amenities, as provided in section 20A.9.	Clarification
	e. All requirements and restrictions associated with each use delineated in paragraph (a).	e. All requirements and restrictions associated with each use delineated in <u>subsection 20A.5(a)</u> .	Cleanup
	g. Architectural and landscape standards that will apply in the NMD, which shall address the following:	g. Architectural standards that will apply in the NMD, which shall address the following:	Cleanup to separate landscape requirements from architectural standards.
	<ol style="list-style-type: none"> 1. The form, massing, and proportions of structures; 2. Architectural styles; 3. Materials, colors, and textures; 4. Roof form and pitch; 5. Architectural ornamentation 6. Façade treatments, including window and door openings; 7. Landscape treatments; and 8. The preservation of historic structures, sites, and archeological sites identified by the Virginia Department of Historic Resources. 	<ol style="list-style-type: none"> 1. The form, massing, and proportions of structures <u>which may be provided through illustrations</u>; 2. Façade treatments; 3. The preservation of historic structures, sites, and archeological sites identified by the Virginia Department of Historic Resources; <u>and</u> 4. <u>Architectural styles, materials, colors and textures if these elements are determined to be necessary in order for a proposed development to be compatible with its contiguous developed surroundings.</u> <u>The provisions in a code of development adopted prior to [effective date of ordinance] pertaining to subsections 20A.5(g)(1) through (4) shall be the only architectural standards in the code of development that apply to the planned development.</u> 	Deleted items do not relate specifically to the goals of the Neighborhood Model.
	d. 7. Landscape treatments;	h. Landscape treatments <u>where landscaping in addition to that required in Section 32 is proposed. The provisions in a code of development adopted prior to [effective date of ordinance] pertaining to landscape treatments as required under former subsection 20A.5(g)(7) shall apply to the planned development.</u>	Clarification
	h. Preliminary lot lay-out.	Remove	Information is duplicated elsewhere
	<ol style="list-style-type: none"> i. For each block: <ol style="list-style-type: none"> 1. The range of uses permitted on the block by right and by special use permit; 2. All requirements and restrictions associated with each use delineated in paragraph (i)(1); 	<ol style="list-style-type: none"> i. For each block: <ol style="list-style-type: none"> 1. The range of uses permitted on the block by right and by special use permit; 2. Build-to lines <u>or ranges</u>, which are the required distance from 	Clarification/clean up

	<ol style="list-style-type: none"> 3. Build-to lines, which are the required distance from the right-of-way to a structure; 4. Minimum and maximum lot and yard dimensions; 5. Maximum building heights; 6. Sidewalk and pedestrian path locations; 7. Green space and amenities; 8. Conservation areas and preservation areas, if applicable; 9. Parking areas; 10. Civic spaces, which are public areas for community or civic activities (e.g., libraries and their associated yards, schools and places of worship); 	<p>the right-of-way to a structure;</p> <ol style="list-style-type: none"> 3. Minimum and maximum lot dimensions; 4. <u>Minimum number of stories and maximum building heights;</u> 5. <u>Location of sidewalks and pedestrian paths;</u> 6. <u>Acreage devoted to and characteristics of green space, amenities, and recreational areas and facilities as required by section 4.16;</u> 7. <u>Location, acreage and characteristics of conservation areas and preservation areas as defined in section 3.1, if applicable;</u> 8. <u>Location of parking areas;</u> 9. <u>Location, acreage and characteristics of civic spaces, which are public areas for community or civic activities (e.g., libraries and their associated yards, schools and places of worship);</u> 	
<p>20A.6. Permitted Uses</p>	<p>The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved plan and code of development, and the accepted proffers:</p> <p>a. <i>By right uses.</i> The following uses are permitted by right:</p> <ol style="list-style-type: none"> 1. Each use allowed by right or by special use permit in any other zoning district, except for those uses allowed only by special use permit delineated in subsection (b) provided that the use is identified in the approved code of development. 	<p>The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved <u>application</u> plan and code of development, and the accepted proffers:</p> <p>a. <i>By right uses.</i> The following uses are permitted by right <u>if the use is expressly identified as a by right use in the code of development or if the use is permitted by a determination by the zoning administrator pursuant to section 8.5.5.2(c)(1):</u></p> <ol style="list-style-type: none"> 1. Each use allowed by right or by special use permit in any other zoning district, except for those uses allowed only by special use permit delineated in subsections (b)(2) and (b)(3); provided that the use is identified in the approved code of development. 	<p>Clarification about what is and isn't by-right in the Code of Development</p>
	<p><i>By special use permit.</i> The following uses are permitted by special use permit:</p>	<p>b. <i>By special use permit.</i> The following uses are permitted by special use permit if the use is expressly identified as use permitted by special use permit in the code of development:</p> <ol style="list-style-type: none"> 1. <u>Each use allowed by right or by special use permit in any other zoning district.</u> 	<p>Allowing a future use by special use permit allows for conditions to be applied in the future that may not be anticipated during the rezoning.</p>
<p>20 A.7 Residential Density</p>	<p>b. The gross residential density shall be measured in dwelling units per acre and calculated by taking the gross acreage of the district divided by the proposed number of dwelling units in the proposed district.</p>	<p>b. The gross residential density shall be measured in dwelling units per acre and calculated by <u>dividing the proposed number of dwelling units in the proposed district by the gross acreage of the district.</u></p>	<p>Corrects the error in the formula as currently stated.</p>
<p>Sec. 20A.9 Green spaces, amenities,</p>	<p>1. For areas shown in the land use element of the comprehensive plan as neighborhood density residential, urban density residential, transitional, neighborhood service,</p>	<p>1. For areas shown in the land use element of the comprehensive plan as neighborhood density residential, urban density residential, transitional, neighborhood service,</p>	<p>Cleanup and clarification</p>

conservation areas and preservation areas	<p>community service, or office service, the area devoted to green space shall be at least twenty percent (20%) of the gross acreage of the site.</p> <p>2. For areas shown in the land use element of the comprehensive plan as regional service, office regional or industrial service, the area devoted to green space shall be at least fifteen percent (15%) of the gross acreage of the site.</p> <p>3. For areas having a land use designation not addressed in paragraphs (a)(1) and (a)(2), the recommendations of the applicable provisions of the comprehensive plan shall be guidance on the minimum area devoted to green space.</p>	<p>community service, or office service, the area devoted to green space shall be at least twenty percent (20%) of the gross acreage of the <u>area proposed to be rezoned</u>.</p> <p>2. For areas shown in the land use element of the comprehensive plan as regional service, office regional or industrial service, the area devoted to green space shall be at least fifteen percent (15%) of the gross acreage of the <u>area proposed to be rezoned</u>.</p> <p>3. For areas having a land use designation not addressed in <u>subsections</u> (a)(1) and (a)(2), the recommendations of the applicable provisions of the comprehensive plan shall be guidance on the minimum area devoted to green space.</p>	
	<p>b. <i>Amenities</i>. The minimum area devoted to amenities is as follows:</p> <p>1. For areas shown in the land use element of the comprehensive plan as neighborhood density residential, urban density residential, neighborhood service, and community service, the area devoted to amenities shall be at least twenty percent (20%) of the gross acreage of the site.</p> <p>2. For areas shown in the land use element of the comprehensive plan as regional service, office service, office regional service or industrial service, the area devoted to amenities shall be at least ten percent (10%) of the gross acreage of the site.</p> <p>3. For areas having a land use designation not addressed in paragraphs (b)(1) and (b)(2), the recommendations of the applicable provisions of the comprehensive plan shall be guidance on the minimum area devoted to amenities.</p>	<p>b. <i>Amenities</i>. The minimum area devoted to amenities is as follows:</p> <p>1. For areas shown in the land use element of the comprehensive plan as neighborhood density residential, urban density residential, neighborhood service, and community service, the area devoted to amenities shall be at least twenty percent (20%) of the gross acreage of the <u>area proposed to be rezoned</u>.</p> <p>2. For areas shown in the land use element of the comprehensive plan as regional service, office service, office regional service or industrial service, the area devoted to amenities shall be at least ten percent (10%) of the gross acreage of the <u>area proposed to be rezoned</u>.</p> <p>3. For areas having a land use designation not addressed in <u>subsections 20A.9</u> (b)(1) and <u>20A.9</u>(b)(2), the recommendations of the applicable provisions of the comprehensive plan shall be guidance on the minimum area devoted to amenities.</p>	Cleanup and clarification
Sec. 20A.10 Streets	Each street within an NMD shall meet the street standards for a traditional neighborhood development established by the department of engineering and public works.	Each street within an NMD shall meet the street standards for a traditional neighborhood development established by the department <u>community development</u> .	Cleanup