

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
November 16th, 2011
7:00 p.m.**

MEMBERS PRESENT: John Y. Gooch, Chairman
Shaun V. Kenney, Vice-Chairman
Donald W. Weaver
Mozell H. Booker
Joe Chesser
Chris Fairchild

ALSO PRESENT: Fred Payne, County Attorney
Darren Coffey, Planning Director
Steven Tugwell, Planner
Andrew Pompei, Planner
Renee Hoover, Finance Director
Pat Groot, Grants Administrator
Mary Weaver, Clerk, Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Gooch called the meeting of November 16th, 2011, to order at 7:00 p.m., in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia; and the Pledge of Allegiance was recited; after which, Chairman Gooch called for a moment of silence.

REPORTS

Chairman Gooch reported on the following topics:

- Basics of Composting – Saturday, November 19, 3-5pm in the Terrace room at the Lake Monticello Club House.
- Economic Development Director – Received 10 applications to date and placing ad in Richmond Times Dispatch.
- John May is donating some farm equipment.
- County Swimming Pool – Some residents have shown interest in raising funds for the pool.
- Social Services Move – Facilities did a great job getting them moved in.
- Fluvanna County SPCA – Facilities is working on bringing the building up to state standards.
- Earthquake Relief – Possibility to receive relief from FEMA.
- Economic Development – Need to decide in what direction the County would like to go.

PUBLIC COMMENTS #1

Chairman Gooch opened the floor for the first round of public comments.

- Minor Eager, Palmyra District – addressed the Board in reference to funds taken from the reserve account for the CIP.
- Sam Patterson, Palmyra District – addressed the Board in reference to funds taken from the reserve account for the CIP, along with the expenses of Board members during the VACO conference.

With no one else wishing to speak, Chairman Gooch closed the first round of public comments.

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

Mr. Weaver moved to approve the consent agenda, which consisted of:

- Minutes of October 19th, 2011.
- Budget Transfer for County Attorney Services.

Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None

ACCOUNTS PAYABLE

None

PUBLIC HEARING

ZMP 11:02, Southern Land Holdings, LLC/ B-C with amended proffers

An ordinance to amend the proffers associated with ZMP 01:01 of the Fluvanna County Zoning Map, with respect to 1.43 acres of Tax Map 18B, Section 5, Parcel 1, to allow commercial greenhouses the uses permitted by-right within the B-C, Business, Convenience District. The affected properties are located on the north side of Route 618 (Lake Monticello Road) approximately 1000 feet west of its intersection with Route 600 (South Boston Road). This property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

Mr. Steven Tugwell, Planner, addressed the Board regarding this item.

Chairman Gooch opened the public hearing.

- Stuart Guskind, applicant of the request – apologized to the Board for the misunderstanding of the proffer, intent was to allow strictly for greenhouses.
- John Danna, Palmyra District - addressed the Board in regards to the hours of operation.
- Tom Morache, owner of business next door – addressed the Board in support of this request.

With no one else wishing to speak, Chairman Gooch closed the public hearing.

Board discussed time limits for this request. Mr. Fred Payne, County Attorney reminded the Board this is proffer-based, not allowed to require conditions. Chairman Gooch suggested this request to later in the meeting to allow Mr. Coffey and Mr. Payne time to research the Zoning Ordinance in reference to time restrictions.

CPA 11:01, Fluvanna County – Comprehensive Plan Text Amendment

A request to amend the Comprehensive Plan, by adding text and illustrations, to strengthen the County's Urban Development Area (UDA) section, which is required by Virginia Code 15.2-2223.1. The Comprehensive Plan discusses UDAs, as required by the Code; but these provisions will provide more detail and clarity as to the County's vision for its UDA. In addition to UDA amendments to the Land Use and Transportation chapters, the County is also incorporating Telecommunications Master Plan text into the Infrastructure chapter to reflect more accurately the County's policies with regard to this critical infrastructure. This amendment to the Comprehensive Plan is necessary in order for the County to properly describe its current policies, and to enable the UDA vision and Telecommunications Master Plan more effectively. This proposed amendment to the plan not only furthers the vision and goals set forth previously, but is consistent with the other chapters of the plan.

Mr. Andrew Pompei, Planner, addressed the Board regarding this item.

Chairman Gooch opened the public hearing.

With no one wishing to speak, Chairman Gooch closed the public hearing.

MOTION:

Mr. Chesser moved to approve CPA 11:01, a request to amend the Land Use, Transportation, and Infrastructure chapters of the Comprehensive Plan (and associated changes) to further the vision and goals of the Comprehensive Plan. Mrs. Booker seconded. The motion carried with a vote of 5-1. AYES: Gooch, Weaver, Booker, Fairchild and Chesser. NAYS: Kenney. ABSENT: None

Chairman Gooch returned to the ZMP 11:02, Southern Land Holdings, LLC/ B-C with amended proffers request. Mr. Payne stated that the ordinance; Chapter 5.1 of the County Code, doesn't address commercial hours of operation it only addresses time restrictions of noise levels. After some further discussion the applicant chose to withdraw this request.

ZTA 11:03, Fluvanna County –Planned Unit Development (PUD) Ordinance

An ordinance to amend and reenact Article 14 of Chapter 22 of the Fluvanna County Code with respect to the regulation of Planned Unit Development (PUD) districts. The purpose of the proposed amendments is to ensure compliance with the State UDA legislation. These amendments are necessary to strengthen and improve the regulations already set forth in the Zoning Ordinance, and to promote higher quality and appropriately scaled PUD developments.

Mr. Andrew Pompei, Planner, addressed the Board regarding this item.

Mr. Weaver questioned the maximum height change for single-family housing and the definition of a minor change to the ordinance. Mr. Todd Gordon (The Cox Company), Mr. Darren Coffey (Planning Director) and Mr. Fred Payne (County Attorney) addressed these questions. Chairman Gooch opened the public hearing.

- Dennis Holder, Kents Store – addressed the Board in regards to minor discretions in relation to VDOT and TIA requirements, also would like the Board to revisit the density requirement.

With no one else wishing to speak, Chairman Gooch closed the public hearing. After Board discussion, the following motion was offered:

MOTION:

Mrs. Booker moved to approve the attached ordinance for ZTA 11:03, a request to amend Article 14 of the Fluvanna County Zoning Ordinance to update and strengthen regulations regarding Planned Unit Development (PUD) districts. Mr. Chesser seconded. The motion carried with a vote of 4-2. AYES: Gooch, Booker, Fairchild and Chesser. NAYS: Kenney and Weaver. ABSENT: None

PRESENTATIONS

None

ACTION MATTERS

Budget Appropriation to Carry-Over the School FY 11 Local Appropriation – Ms. Renee Hoover, Finance Director, addressed the Board regarding this item.

After Board discussion, this request was deferred to the December 7, 2011, meeting to allow staff to clarify the motion with the total school budget amount. Mrs. Booker was not in favor of deferring this request.

EST 07:02 Barber, Demolition of a Dwelling – Mr. Darren Coffey, Planning Director, addressed the Board regarding this item. The property is currently for sale and; a prospective purchaser has expressed interest in demolishing the existing house and replacing it with a new house in the same location. This house has been renovated several times and does not meet requirements for an historic dwelling.

Mrs. Lynn Barber addressed the Board with regards to their plans for the property.

MOTION:

Mr. Kenney moved that the Board of Supervisors approve the request to demolish the primary single-family dwelling of Conservation Easement 07:02 (Tax Map 43-A-7); and to construct a new single-family dwelling of a size, character, and design, consistent with the provisions of the Conservation Easement Program and the existing conservation easement, in accordance with the property restrictions associated with the Deed of Easement. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Gooch, Booker, Kenney, Fairchild, Weaver and Chesser. NAYS: None. ABSENT: None

EPA Grant Signatory Authority – Mrs. Pat Groot, Grants Administrator, addressed the Board regarding this item.

MOTION:

Mr. Chesser moved that the Board of Supervisors approve the attached resolution granting authority to John Gooch, Chairman of the Board of Supervisors; Renee Hoover, Finance Director; and Patricia Groot, Grants Administrator to sign documents related to any grants or federal assistance provided by or through the U.S. Environmental Protection Agency (EPA), as detailed by the resolution. Mrs. Booker seconded. The motion carried with a vote of 6-0: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None

UNFINISHED BUSINESS

The following items were discussed:

- EMS billing
- Self Insurance Healthcare
- Sign Ordinance – Addressed concerns about Mr. Jim Tom's sign issue. Board directed Planning Commission to revisit the sign ordinance.
- Landseadel Shooting Range – Still receiving complaints. Mr. Coffey stated no violation can be substantiated.

Mr. Fairchild expressed his concerns about holding businesses accountable for statements they make when requesting approval.

NEW BUSINESS

Chairman Gooch requested it be understood by the Board that if staff is asked to supply information to one Board member, it will be delivered to all Board members. The Board agreed.

PUBLIC COMMENTS #2

Chairman Gooch opened the floor for the second round of public comments.

- Charlene Harkrader, Kents Store – Addressed the Board in regards to getting the word out of possible earthquake relief for Fluvanna County residents from FEMA.
- Dennis Holder – Addressed the Board in regards to the cavalier way the Board makes decisions for the County.

With no one else wishing to speak, Chairman Gooch closed the second segment of public comments.

Mr. Fred Payne, County Attorney, requested to add two more items to the closed meeting discussion;

- Consideration of Acquisition of Real Property for a public purpose
- Consultation with legal counsel regarding pending litigation.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 9:30 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel, Property and Legal Council. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION:

At 10:39 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

MOTION:

At 10:40 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, November 16, 2011, on motion of Mr. Weaver, seconded by Mr. Kenney and carried by the following vote: AYES: Gooch, Kenney, Booker, Chesser, Fairchild and Weaver. NAYS: None. ABSENT: None.

“BE IT RESOLVED to the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.”

MOTION:

Mr. Kenney moved to appoint Darren Coffey as Interim County Administrator, in addition to his duties as Director of Planning, at a rate of pay for both positions equal to the pay rate of the last County Administrator. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Weaver and Fairchild. NAYS: None. ABSENT: None

ADJOURN

There being no further business, Chairman Gooch adjourned the Board of Supervisors meeting of November 16th, 2011 at 10:41p.m.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

John Y. Gooch, Chairman

APPROVED

Article 14. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Sec. 22-14-1. Statement of Intent

Planned unit developments (PUDs) are intended to promote the efficient use of land by allowing flexibility in design standards and variety in densities and land uses to preserve the rural areas of the county. Development of such districts shall be in accordance with an approved PUD Application Package which should provide a variety and range of uses and densities in designated areas of the site.

Planned unit developments should be located within the designated growth areas of the county as set forth in the comprehensive plan, and should implement the goals of each Community Planning Area. Planned unit developments should provide unified development that incorporates new urbanism and traditional neighborhood development principles, which includes a mix of residential and commercial uses, an interconnected system of internal roads, pedestrian sidewalks and walkways and well planned access points along existing roadways. In addition to a mix of residential and commercial uses, planned developments should also provide a mix and variety of housing types.

The PUD District is intended to be applied to privately initiated zoning map amendments for land located within the County's Community Planning Areas (CPAs) and the designated Zion Crossroads Urban Development Area (UDA). The Zion Crossroad UDA is located internal to the Zion Crossroads Community Planning Area, as depicted on the Future Land Use Map, as amended. The County's designated CPAs and UDA include:

- a. Zion Crossroads Community Planning Area
- b. Zion Crossroads Urban Development Area
- c. Rivanna Community Planning Area
- d. Palmyra Community Planning Area
- e. Fork Union Community Planning Area
- f. Columbia Community Planning Area
- g. Scottsville Community Planning Area

Sec. 22-14-2. Procedure for Rezoning

- (1) Prior to submitting an official rezoning application for a PUD, the applicant shall schedule a pre-application meeting with the Planning Director for an introductory work session to discuss the key elements and impacts of the proposed project. The Planning Director and other County agency representatives may provide specific guidance on (a) application requirements, (b) timeframe for processing of the zoning map amendment application, (c) Comprehensive Plan compliance considerations, (d) identification issues related to public infrastructure and facilities, and (e) other matters as may be uniquely related to the applicant's property. At this meeting, the applicant shall present a preliminary sketch plan and other exhibits that depict the following: (a) general boundary and location of property subject to the PUD rezoning application, (b) land area to be contained within the PUD District, (c) graphic representation of the arrangement of interior sub-areas, (d) planned mix of land uses and densities, and (e) general approach to addressing transportation, infrastructure and community facilities.
- (2) After the pre-application meeting with staff, the applicant shall submit an application for rezoning with the Fluvanna County Planning Department. The PUD Application Package shall consist of the following primary sections: a narrative, an existing conditions map, a PUD Application Plan, a transportation plan, street design guidelines, lot development criteria, community design guidelines, and a traffic impact analysis.
 - (i) PUD Application Package Narrative
 - a. A general statement of objectives to be achieved by the PUD district including a description of the character of the proposed development and the market for which the development is oriented;
 - b. A list of all adjacent property owners;
 - c. Site and lot development standards, including but not limited to mix of land uses, density for individual residential land uses, floor area ratios for non-residential

uses, building setbacks and yard regulations, maximum heights, maximum project density, and lot coverage;

- d. Proposed utilities and implementation plan; including documentation of adequate public facilities.
- e. Phased implementation plan;
- f. Comprehensive signage plan;
- g. Descriptions of any architectural and community design guidelines including but not limited to a code of development, building designs, orientations, styles, lighting, etc.;
- h. Specific proffers and conditions (if proposed).

(ii) Existing Conditions Map

- a. Topography, including the identification of steep slopes (>20%), to be prepared with minimum 2' contour elevations and 100' horizontal scale, and current boundary survey of the property subject to the PUD district;
- b. Water features, including existing stream buffers and stormwater or erosion control measures;
- c. Roadways;
- d. Structures;
- e. Tree lines;
- f. Major utilities;
- g. Significant environmental features, including unsuitable soils for land development purposes, wetlands, and FEMA designated 100-year floodplains;
- h. Existing and proposed ownership of the site along with all adjacent property owners;
- i. Zoning of the site and adjacent properties.
- j. Locations of public improvements and facilities, including rights of way and easements, as may be recognized by the Comprehensive Plan, the Future Land Use Map, the Official Transportation Map, or State transportation plans, as may be applicable.

(iii) PUD Application Package

The PUD Application Package shall include a PUD Application Plan (master plan) to be prepared to a horizontal scale of 1"=100' or as otherwise may be approved by the Planning Director to be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed planned unit development (PUD) district. At a minimum, the PUD Application Plan shall include the following:

- a. Proposed PUD master plan layout and supporting land use documentation (tables, charts, etc.) for all proposed land uses within the PUD district, including the general location of uses, types of uses, mix of uses, lot types, density range of uses, and floor area ratio ranges;
- b. Methods of access from existing state maintained roads to proposed areas of development;
- c. General street alignments and parking areas, including proposed street sections and standards;
- d. General alignments of sidewalks, bicycle and pedestrian facilities;
- e. Schematic utility plans, indicating the infrastructure and facilities to serve the development, including but not limited to: water, sewer and storm drainage improvements, pump stations, treatment facilities, offsite improvements as needed, electrical substations, etc.;
- f. A general plan showing the location and acreage of the active and passive recreation spaces, parks, civic areas, and other public open areas;

- g. A general overall landscaping layout that includes methods of screening and buffering from adjacent properties and existing public right-of-ways, as well as stream buffers;
- h. A general stormwater management and best management practices master plan that includes how negative impacts to nearby streams, wetlands, surface water, and groundwater resources as a result of development would be avoided and mitigated;
- i. Phased development areas. Subsequent subdivision plats and site plans should be closely correlated with master plan phases.
- j. A schematic grading plan for the area of the PUD property proposed for development, with finished grades to be prepared at a 5' contour interval.
- k. Documentation and plan demonstrating general compliance with VDOT State Secondary Street Acceptance requirements and other requirements for public streets and intersections.



Planned Unit Development Master Plan

(iv) Traffic Impact Analysis

- a. The Planning Director shall determine whether or not the subject PUD District project shall require a traffic impact statement to be prepared consistent with VDOT 527 regulations.
- b. If a 527 traffic impact analysis is required, the Applicant shall prepare and submit a Pre-Scope of Work Meeting Form to the County on or before the date of formal submission of the zoning district amendment application. The Pre-Scope form shall be processed, reviewed by and between the County, VDOT and the Applicant in accord with adopted regulations and procedures.
- c. If a 527 Traffic Impact Analysis is not required, the Applicant shall meet with the Planning Director to determine the required scope for a traffic analysis for the PUD project. The Planning Director shall approve the elements to be addressed in the study scope. The traffic analysis shall be submitted with the zoning amendment application. Minimum requirements may include the following:
 - (1) Existing traffic counts (AM and PM peak hour) at intersections to be identified by the County.
 - (2) Trip generation estimates for the planned land uses within the proposed

development, employing Institute of Transportation Engineers (ITE) methodologies.

- (3) Trip distribution and assignments to the existing road network of traffic projected for the development at full-buildout.
 - (4) Estimates of background traffic growth on impacted streets and highways.
 - (5) Analysis of future conditions, to include Highway Capacity Manual (HCM) level-of-service calculations for impacted intersections.
 - (6) Signal warrants analysis.
 - (7) Statement of recommended transportation improvements to provide adequate levels of service for the traffic generated by the proposed project.
- (3) The PUD application package shall not be scheduled for consideration by the Planning Commission until the Planning Director has determined that the package is complete. Except as the Planning Director may determine otherwise in a particular case, for reasons beyond the control of the applicant, any application package which is not complete within 30 days after its submission shall be deemed to have been withdrawn and shall not be further processed. Once the Planning Director has determined the application package to be complete, the following process shall commence:
- (i) The Planning Commission shall receive a public presentation on the proposed development at a regularly scheduled meeting, prior to advertising for a public hearing;
 - (ii) The Planning Commission may schedule one or more work sessions to discuss the proposed development;
 - (iii) Once a public hearing has been conducted by the Planning Commission, a recommendation shall be forwarded to the Board of Supervisors for their consideration;
 - (iv) The Board of Supervisors may schedule one or more work sessions to discuss the proposed development and the Planning Commission recommendation, prior to conducting their public hearing;
 - (v) The plan approved by the Board of Supervisors shall constitute the final master plan for the PUD district.
- (4) All conditions and elements of the plan as submitted, including amendments and revisions thereto, shall be deemed to be proffers once the Board of Supervisors has approved the final master plan. All such conditions and elements shall be enforceable by the County pursuant to Section 22-17-9 of this Code.
- (5) The approved final master plan shall serve as the sketch plans for the subdivision and site plan process.
- (6) Prior to development of the site, a final site development plan pursuant to Article 22-23 of the zoning ordinance, shall be submitted for administrative review and approval for any business, limited industrial, or multi-family development.
- (7) Additionally, if any land within the district is to be subdivided, preliminary and final subdivision plats pursuant to the subdivision regulations of Chapter 19 of the Fluvanna County Code shall be submitted for administrative review and approval prior to development of the site. Staff will determine if the submitted preliminary plats are in accordance with the approved final master plan.
- (8) If staff determines that the preliminary or final subdivision plats or final site plan are not in accord with the approved final master plan, such plans will be sent to the Planning Commission for review. If the Planning Commission determines that such plans are not in accord with approved final master plan, the applicant shall then submit sketch plans for review and approval by the Planning Commission. The sketch plans shall either be in accord with the approved final master plan, or a master plan amendment shall be applied for, in which case the amendment procedure set out in the zoning ordinance shall be followed.

Sec. 22-14-3. Character of Development

The goal of the PUD district is to allow for and encourage development that incorporates new urbanism principles which includes:

- (1) Pedestrian orientation;
- (2) Neighborhood friendly streets and paths;
- (3) Interconnected streets and transportation networks;
- (4) Parks, recreation improvements, and open space as amenities;
- (5) Neighborhood centers and civic space;



Planned Unit Development

- (6) Buildings and spaces of appropriate scale;
- (7) Relegated parking;
- (8) Mixture of uses and use types;
- (9) Mixture of housing types and affordability;
- (10) Clear boundaries with any surrounding rural areas;
- (11) Environmentally sensitive design (i.e., sustainability and energy efficiency).
- (12) Adequate public facilities and infrastructure to serve the community.

An application is not necessarily required to possess every characteristic of the PUD district as delineated above in order to be approved. The size of the proposed district, its integration with surrounding districts, or other similar factors may prevent the application from possessing every characteristic.

Sec. 22-14-4. Uses Permitted By-Right

In the PUD district, all uses permitted by-right in the residential (R-1, R-2, R-3 and R-4), business (B-1 and B-C) and limited industrial (I-1) zoning districts may be permitted as enumerated in the final PUD application package. Uses not specified within the PUD application package shall not be permitted. (See Planning Staff for matrix for use by applicant to designate proposed by-right land uses to be included in the PUD district. The applicant's completed table shall be established as a condition of approval of the PUD Application Package.)

Sec. 22-14-5. Uses Permitted by Special Use Permit

One or more of the uses permitted by special use permit in the residential and business zoning districts may be permitted in the PUD district, as enumerated in the final PUD application package, upon issuance of a special use permit by the Board of Supervisors. Uses not specified within the PUD application package shall not be permitted. (See Planning Staff for a matrix for use by applicant to designate proposed special use permit uses to be included in the PUD district.

The applicant's completed table, including special conditions imposed during the zoning application process, shall become an element of the PUD application package.)

Sec. 22-14-6. Minimum Area Required for a Planned Unit Development

- (1) PUD districts shall be located on a single parcel of land or separate but contiguous parcels which are, or proposed to be, under common ownership, subject to approval of the rezoning application. The minimum area required for a PUD district shall be as follows:
 - (i) Zion Crossroads Community Planning Area: 20 acres
 - (ii) Zion Crossroads Urban Development Area (applicable to a PUD district application on designated UDA land located within the Zion Crossroads CPA): no minimum area required.
 - (iii) Rivanna Community Planning Area: 10 acres
 - (iv) Palmyra Community Planning Area: 5 acres
 - (v) Fork Union Community Planning Area: 5 acres
 - (vi) Columbia Community Planning Area: 5 acres
 - (vii) Scottsville Community Planning Area: 5 acres
- (2) Additional land area may be added to an established PUD district if it is adjacent to and forms a logical addition to the approved development. The procedure for an addition shall be the same as if an original PUD zoning amendment application was filed, and the requirements of this article shall apply, except the minimum acreage requirement.

Sec. 22-14-7. Open Space, Recreation, Parks and Civic Areas

- (1) In the Community Planning Areas, not less than 30% of the gross area of a PUD district shall be preserved as open space, provided that supplemental regulations for application to the Zion Crossroads UDA apply as indicated herein below. The required 30% open space may include private common and public open areas; perimeter open space; buffers between various uses, densities and adjacent properties; recreational space, neighborhood parks, civic areas; easements; water bodies and any undisturbed land not occupied by building lots, structures, streets, and parking lots. By way of this section, yards of individual residences shall not be considered open space.
- (2) Land designated for future facilities (i.e. schools, fire and rescue stations, places of worship, daycare centers, etc.) shall not be included toward the open space.
- (3) Not less than 15% of the total open space shall be provided for active and/or passive recreational activities.
- (4) Private common open areas shall be owned, maintained and operated by a property owner's association. A property owner's association document shall be prepared declaring and specifying the care and maintenance of the common areas. This document shall be reviewed and approved by the Fluvanna County Attorney prior to final approval.
- (5) Upon request of the Applicant, the Planning Commission, at its sole discretion, (a) may decrease or eliminate certain requirements for open space and recreation land and improvements in a PUD District project, provided that the revised regulations shall be established and conditioned by the PUD Application Package.
- (6) For PUD projects in the Zion Crossroads UDA that are less than fifteen (15) acres in gross area, the Applicant may contribute to a pro-rata share fund lieu of provision for all or a portion of the required open space. The County shall reserve and employ these funds for the purpose of community open space, park, recreation, or civic space development within the Zion Crossroads Community Planning Area.
- (7) For PUD projects in the Zion Crossroads UDA with a gross area of fifteen (15) acres or greater, the quantity, location, mix, type, quality and phasing of open space, civic space, parks, recreation areas, buffer areas, and protected natural areas shall be consistent with the policies of the Comprehensive Plan or other criteria for traditional neighborhood



Open Space

development as may be established by the County. These areas shall be delineated on the PUD Application Plan and may include greens, squares, plazas, community centers, club houses, swimming facilities, outdoor recreational fields, trails, pocket parks, or community gardens.

Sec. 22-14-8. Density

- (1) The maximum residential base density permitted for individual land uses to be located in the PUD districts shall be as follows in Table 1 below.
- (2) The allowable density for individual uses within the PUD District shall be calculated based on the Net Acreage of the land subject to the PUD zoning amendment application. The calculation of minimum and maximum yield for individual uses shall be based on the application of the minimum and maximum density for each use (see Table 1) to an adjusted Net Acreage. The Net Acreage reduces the gross area of the PUD land by the total of the non-qualifying land components within property. The Net Acreage = Gross Acreage - Non-Qualifying Area (acreage of the sum of the Non-Qualifying land components.) The components that comprise the Non-Qualifying areas include:
 - area of existing dedicated public rights of way and easements
 - areas depicted on an adopted Official Transportation Map for future public improvements,
 - area of existing land uses and structures, including platted lots, that are intended to remain as a part of the PUD project,
 - areas deemed unbuildable due to geological, soils, or other environmental deficiencies,
 - areas of wetlands and floodplains (as defined by FEMA 100-year floodplain or engineering study),
 - area of existing ponds, stormwater management facilities, and water features that are not defined as wetlands or floodplains, and
 - area of terrain with slopes in excess of thirty percent (30%).

PUD District Density Regulations								
Community Planning Area	Minimum & Maximum Density							
	Dwelling Units per acre for Residential – Floor Area Ratio for Commercial							
	Single Family		Townhouses		Multifamily		Commercial	
	min.	max.	min.	max.	min.	max.	min.	max.
Zion Crossroads Community Planning Area		6		9		16		
Zion Crossroads Urban Development Area	4	6	6	9	12	16	0.4	
Rivanna Community Planning Area		4		6		12		
Palmyra Community Planning Area		4		6		12		
Fork Union Community Planning Area		4		6		12		
Columbia Community Planning Area		4		6		12		
Scottsville Community Planning Area		4		6		12		

Table 1: PUD Density Regulations

- (3) An increase in the maximum residential density for a PUD district may be permitted in the following instances:

Open Space:

If 50% or more of the gross area of a PUD is preserved as open space, then a 20% increase in density may be permitted. If 75% or more of the gross area of a PUD is preserved as open space, then a 30% increase in density may be permitted.

Affordable Housing (as defined in the Comprehensive Plan):

If between 10% and 15% of the total number of dwelling units within a PUD are reserved for affordable housing, then a 20% increase in density may be permitted. If more than 15% of the total number of dwelling units within a PUD are reserved for affordable housing, then a 30% increase in density may be permitted.

Open Space and Affordable Housing:

Density bonuses may also be permitted with a combination of both open space and affordable housing. The increase in density that may be permitted shall be based on the following combinations of open space and affordable housing:

Open Space Provided	Affordable Housing Provided	Density Bonus Permitted
50%	10-15%	35%
50%	+15%	45%
75%	10-15%	40%
75%	+15%	50%

Transfer/Purchase of Development Rights:

(Reserved for future Transfer of Development Rights/Purchase of Development Rights density bonuses)

Sec. 22-14-9. Setbacks

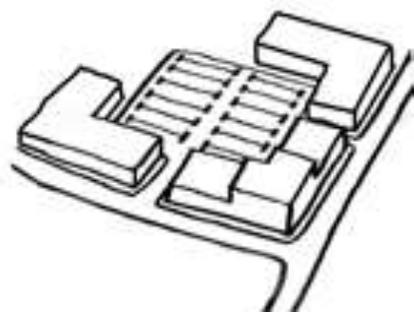
- (1) Minimum setbacks and yard regulations for each planned land use within the PUD district shall be specifically enumerated in a table to be included in the PUD Application Package.
- (2) Lots at the perimeter of the PUD district shall conform to the setback requirements of the adjoining district, or to the setback requirements of the planned district, whichever is greater.
- (3) Refer to the Comprehensive Plan for illustrative examples of residential lot types for traditional neighborhood development projects.

Sec. 22-14-10. Streets

- (1) Streets within the PUD district may be either public or private, but shall conform to VDOT road design standards. Private subdivision streets shall be permitted in accordance with the provisions of Sec. 19-18-1(c) of this Code.
- (2) Alleys may be allowed within the PUD district provided they conform to either VDOT design standards or as otherwise prescribed in the master plan.
- (3) Sidewalks shall generally be provided on both sides of any streets, public or private, within the PUD district. Sidewalks shall conform to VDOT standards.
- (4) Traffic access and circulation within the PUD district shall be designed to provide safe accommodation of all users of the transportation network including pedestrians and bicyclists. Sidewalks, bicycle lanes and multi-use trails shall be provided where appropriate. Mixed-use areas of the development shall be designed to give priority to pedestrian and bicycling traffic.
- (5) Internal streets within the PUD district shall be permitted to intersect with existing public streets to the extent necessary. Such intersections shall provide reasonable access and service to uses contained within the development and shall be developed using VDOT principles of access management.
- (6) Refer to the Comprehensive Plan for illustrative examples of residential streets for traditional neighborhood development projects.

Sec. 22-14-11. Parking

- (1) Off-street parking facilities in mixed-use, business, industrial, and multi-family residential areas shall generally be relegated behind the front building line.
- (2) On-street parking shall be permitted, where appropriate.
- (3) In addition to the regulations included herein, all off-street parking shall be provided in accordance with the off-street parking and loading requirements of Article 22-26 of the zoning ordinance.
- (4) The provisions of Article 22-26 for the application of individual parking standards for projects located within the Zion Crossroads UDA may be modified at the discretion of the Planning Commission, provided that the Applicant submits a parking impact study that fully justifies the modification to the standards based on the mix of uses, the phasing of development, and other factors, including relationship of parking location to individual land uses within the project.



Relegated Parking

Sec. 22-14-12. Height of Buildings

The height regulations for the PUD district shall be as follows:

PUD Maximum Heights						
Building Types	Community Planning Areas					
	Zion Crossroads	Rivanna	Palmyra	Fork Union	Columbia	Scottsville
Single-Family	45 Feet	45 Feet	45 Feet	45 Feet	45 Feet	45 Feet
Multi-Family	55 Feet	45 Feet	45 Feet	45 Feet	45 Feet	35 Feet
Business, Industrial and Non-Residential	75 Feet	55 Feet	45 Feet	45 Feet	55 Feet	35 Feet

- (1) For purposes of this section, height shall be the vertical distance of a structure measured from the highest finished grade to the highest point of the structure.
- (2) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials: 60 feet from grade, unless otherwise enumerated in the master plan.
- (3) Roof-mounted mechanical equipment (i.e. air conditioners, condensers, ductwork, etc.) shall not be visible at any point from ground-level. Parapet walls shall not extend more than four (4) feet above the maximum height permitted for buildings within the PUD district.
- (4) Buildings with a mixture of business and residential uses are subject to the height regulations of business, industrial and non-residential buildings.

Sec. 22-14-13. Utilities

- (1) All uses and structures within a PUD district shall be served by both central water and sewerage systems, whether publicly or privately provided.
- (2) No overhead utility lines shall be permitted within a PUD district. All utility lines, including but not limited to, electric, telephone, cable television lines, etc. shall be placed underground.
- (3) Telecommunications facilities are encouraged on the roofs of buildings within a PUD district to provide coverage to the district and surrounding area.

Sec. 22-14-14. Building Design and Architecture

- (1) Within the multi-family residential, business, industrial, and mixed-use areas of a PUD district, building design styles shall be compatible with each other and shall exhibit consistency in terms of their exterior materials, architectural style, size, shape, scale, and massing.
- (2) With the exception of detached single family dwellings, building facades shall maintain a consistent street edge. The street elevation of principal structures shall have at least one street-oriented entrance and contain the principal windows of the structure, with the exception of structures in a courtyard style.
- (3) Site plans shall include drawings, renderings, or perspectives of a professional quality which illustrate the scale, massing, roof shape, window size, shape and spacing, and exterior materials of the structure.

Sec. 22-14-15. Amendment

- (1) The Planning Director may approve a minor change to an approved PUD Application Package and Application Plan at the written request of the owner of the development. For purposes of this section, a “minor change” refers to changes of location and design of buildings, structures, streets, parking, recreational facilities, open space, landscaping, utilities, or similar details which do not significantly change the character of the approved PUD application package and PUD master plan.
- (2) If the Planning Director determines that the requested change constitutes a significant change, or something more than a minor change to the approved zoning application package, then the owner may seek an amendment to the PUD Application Package and Application Plan from the Board of Supervisors. The application procedure for such an amendment shall be the same as the application procedure for the original approval.

Sec. 22-14-16 Construction of Article

The provisions of this Article shall be construed in such manner as to be consistent with other provisions of this Code to the extent that such construction may be reasonably applied. To the extent that any provision of this Article shall be inconsistent with any other provision of this Code, the provisions of this Article shall be deemed to be controlling.

Note: The term “shall generally”, as used in the context of this section of the ordinance, indicates that the stated requirement is expected unless there are compelling, specific, and extenuating circumstances for why it cannot be met.

APPROVED



**BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia**

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, November 16th, 2011, in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
John Y. Gooch, Chairman	YEA
Shaun V. Kenney, Vice Chairman	YEA
Mozell H. Booker	YEA
Joseph Chesser	YEA
Chris S. Fairchild	YEA
Donald W. Weaver	YEA

On a motion by Mr. Chesser, seconded by Mrs. Booker, and carried by a vote of 6-0, the following resolution was adopted.

**A RESOLUTION OF THE
FLUVANNA COUNTY BOARD OF SUPERVISORS**

WHEREAS, the Environmental Protection agency requires grant recipients to designate representatives authorized to transact business associated with grants awarded, and

WHEREAS, such designation is required as part of the application to access special appropriation funds earmarked for Fluvanna County under the State and Territorial Assistance Grant Program;

NOW THEREFORE BE IT RESOLVED, that the Fluvanna County Board of Supervisors does hereby name and appoint John Gooch, Chairman Fluvanna County Board of Supervisors as their authorized representative to transact and sign any and all documents related to securing all current and future U.S. Environmental Protection Agency's Special Appropriation Act Project grants awarded Fluvanna County, and

BE IT FURTHER RESOLVED, that the Fluvanna County Board of Supervisors does hereby name and appoint Renee Hoover, Director of Finance as their authorized representative to transact and sign payment request, and

BE IT FURTHER RESOLVED, that the Fluvanna County Board of Supervisors does hereby name and appoint Patricia A. Groot, Grants Administrator as their authorized representative to transact and sign any and all grant administration documents.

ADOPTED this 16th day of November,

John Y. Gooch, Chairman of the Board of Supervisors

A COPY ATTEST:

Mary L. Weaver, Clerk to the Board