

- CODE OF THE COUNTY
Chapter 25 - ZONING
ARTICLE III. - DISTRICT REGULATIONS
DIVISION 12. PLANNED COMMERCIAL DEVELOPMENT DISTRICT (PCD)

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Sec. 25-390. Purpose.

- (a) The purpose of this district is to promote the efficient use of commercial land by allowing a wide range of land uses of various densities and flexible application of development controls. The district encourages achievement of these goals while also protecting surrounding property, natural features and scenic beauty.
- (b) The PCD district recognizes that many commercial, office and residential establishments seek to develop within unified areas, usually under single ownership or control. Because these concentrations of retail, service and office establishments are generally stable and offer unified internal arrangement and development, potentially detrimental design effects can be recognized and addressed during the review of the development. For these reasons, the PCD district allows flexibility through the adjustment of certain lot, setback and use restrictions. Districts should be proposed and planned for areas that provide for adequate development and expansion space, controlled access points, landscaped parking areas and public utilities. Development of a PCD district will take place in accord with an approved concept plan, which may allow for clustering of uses and densities in various areas of the site.
- (c) [The] PCD district should be a visual asset to the community. Building within the district is to be architecturally similar in style and the relationship among individual establishments should be harmonious. The site should be well landscaped and parking and loading areas are to be screened.

(Res. No. 29-10-99, 10-19-99)

Sec. 25-391. Permitted uses.

Within the PCD district the following uses shall be permitted by right. However, no use shall be permitted except in conformity with the concept plan approved by the board of supervisors:

- All uses permitted in section 25-335, Permitted Uses of the B-2, General Business District.
- Boat docks.
- Community docks.
- Roads, streets, rights-of-way, easements, except private roads or streets, which require a special use permit (see 25-392 below).
- Short-term tourist rental of dwelling.

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- Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).
 - Solar Generation Facility, Small, (see section 25-148).

(Res. No. 29-10-99, 10-19-99; Amd. of 6-20-00; Res. No. 13-03-2004, 3-18-03(2); Ord. No. 16-12-2019 , 1-8-20; Ord. No. 20-07-2022, 7-21-22)

Sec. 25-392. Special use permits.

The following uses shall be permitted only when shown on the concept plan for the project and when approved by special use permit by the board of supervisors:

- All those uses listed in section 25-336, Uses Permitted by Special Use Permit in the B-2, General Business District.
- Dwellings, single-family detached.
- Dwellings, attached.
- Multi-family dwellings.
- Private street or road (see section 25-396).
- Solar Generation Facility, Large, (see section 25-147).
- Townhouses.
- Warehouses and distribution centers.

(Res. No. 29-10-99, 10-19-99; Res. No. 13-03-2004, 3-18-03(2); Ord. No. 20-07-2022 , 7-21-22)

Sec. 25-393. Area regulations.

(a) *Minimum lot size:*

- (1) To be considered as a planned commercial development, a project's area must include five (5) or more contiguous acres, none of which can be under water or within a flowage easement.
- (2) The minimum permitted size of any PCD district or of any lot, parcel or tract within the district shall be subject to approval by the local health department.
- (3) The procedure for addition to a PCD district shall be the same as if an original application were filed.

(b) *Maximum density:*

- (1) In commercial areas, there are no minimum lot area/size, minimum lot width, or floor area requirements except as provided herein under special circumstances and/or as may be required by the board of supervisors as a part of the approval of the concept plan for the project.

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- (2) In commercial areas, maximum lot coverage shall be determined through the concept plan approval process but shall not exceed seventy-five (75) percent unless specifically approved by the board of supervisors as a deviation to these regulations.
 - (3) Areas devoted to residential use shall follow the area, width and lot coverage regulations of section 25-282, Residential Multi-family District, unless a deviation to those regulations is specifically approved by the board of supervisors as provided for in section 25-402 of these regulations.

(Res. No. 29-10-99, 10-19-99)

Sec. 25-394. Maximum height of buildings.

- (a) When adjoining an agricultural or residential zoning district, the maximum height of any commercial or residential building shall be forty (40) feet. The maximum height may be increased to a maximum of seventy (70) feet, provided each required yard adjoining a residential district is increased two (2) feet for each foot in height over forty (40) feet. When a property fronts on Smith Mountain Lake and adjoins a residential zone across a channel or cove, the distance across the water shall be included in the calculation of required yard available to satisfy the setback requirement of this section.
- (b) When adjoining commercial or industrial zoning districts, the height of commercial or residential structures is seventy (70) feet, provided that all heights in excess of forty (40) feet are shown on the approved concept plan.
- (c) Belfries, cupolas, chimneys, flues, flagpoles, television antennas, radio aerials, silos and water tanks are exempted.
- (d) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provision of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Res. No. 29-10-99, 10-19-99)

Sec. 25-395. Minimum dimensions.

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of the right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of the right-of-way, whichever is greater, for property adjacent to all other roads.
- (b) *Side setback.* No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than twenty-five (25) feet from any type of residential use or residential district boundary.

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- (c) *Rear setback.* No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than twenty-five (25) feet from any type of residential use or residential district boundary.

(Res. No. 29-10-99, 10-19-99)

Sec. 25-396. Streets.

- (a) Public streets in the PCD district shall be built in accordance with VDOT standards for inclusion in the state highway system for maintenance.
- (b) The requirements of sections 19-109 and 19-115 of the Subdivision Ordinance notwithstanding, private streets may be permitted by special use permit in the PCD district. However, unless specifically approved by the board of supervisors as a special use permit the arrangement, character, extent, width, grade, and location of all streets shall be designed and constructed in accordance with specifications acceptable to the Virginia Department of Transportation for inclusion in the state highway system for maintenance. When private streets are proposed as a special use permit, the standards, specifications and a proposed maintenance agreement shall be submitted with the special use permit application and shall also be included on the concept plan for the proposed PCD rezoning request.
- (c) The applicant must demonstrate adequate provision for maintenance of any private streets. If in the future private streets are to be dedicated for public use, then, prior to such dedication for public use, the developer, property owners association or other party who has been responsible for the general upkeep and maintenance of the private roads shall improve said private roads to equal the construction standards for inclusion by VDOT into the state highway system for maintenance.

(Res. No. 29-10-99, 10-19-99; Res. No. 13-03-2004, 3-18-03(2))

Sec. 25-397. Minimum off-street parking spaces.

The regulations for minimum off-street parking spaces in sections 25-80 through 25-82 shall apply. However, as a part of the concept plan approval process, the applicant may propose a reduction to the number of parking spaces required by this division for each use type, if justified. This proposal will be reviewed with consideration given to potential future uses of the site, parking demand and expansion potential.

(Res. No. 29-10-99, 10-19-99)

Sec. 25-398. Utilities.

Within a PCD district all newly installed utilities, including television cable and electrical system, shall be installed underground. Appurtenances to these systems, which require aboveground installations, shall be screened.

(Res. No. 29-10-99, 10-19-99)

Sec. 25-399. Design guidelines.

- (a) The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the PCD, in addition to achieving the development standards set forth in this section, shall be accomplished in accordance with an approved concept plan. This concept plan shall assure compatibility with the existing and future land use in the vicinity.
- (b) Areas designed for future expansion or not intended for immediate improvement or development shall be specified as reserved areas on the concept plan. The future use and the limitations on the future use of such area shall be specified; or else such areas shall not be included as a part of the PCD application. Reserved areas included in the PCD shall be landscaped or otherwise maintained in a neat and orderly manner.
- (c) In order to promote safe ingress and egress for the development, minimum separation distance between entrances to the public right-of-way of three hundred (300) feet is strongly encouraged. Such distances shall be subject to final review and approval by VDOT. Additional access between adjoining lots, such as frontage roads and shared parking lots are strongly encouraged.
- (d) The placement of fire hydrants or other fire prevention systems shall be reviewed by the local fire marshal to insure compliance with the standards set forth by the National Fire Protection Association (NFPA).
- (e) To promote the visual quality and enhance the prospects for economic success of the project, the planning commission shall consider the following factors in reviewing a PCD application:
 - (1) The principal entrance into the PCD district should be sufficiently landscaped to comply with the purpose of the district. In addition, the first one hundred (100) linear feet of the street within and leading through this principal entrance into the PCD should have a landscaped median of sufficient width and planting density to meet the purposes of this district.
 - (2) Parking within the PCD should be located to the side or rear of the principal structures on the lot, wherever feasible. During review, consideration will be given to topographical constraints, innovative site design, buffering and landscaping plans.

(Res. No. 29-10-99, 10-19-99)

Sec. 25-400. Concept plan requirements.

In addition to the requirements for a rezoning application, each request for a PCD district shall be accompanied by a concept plan, which shall be reviewed by the planning commission and approved by the board of supervisors.

(Res. No. 29-10-99, 10-19-99)

Sec. 25-401. Contents of a concept plan.

In addition to the requirements for a rezoning application, the concept plan shall contain all the following data:

- (a) Vicinity map at a scale of not less than one inch equals two thousand (2,000) feet.
- (b) Abutting streets with names and route numbers.
- (c) Owners and uses of each adjoining tract.
- (d) Topographic map with a minimum contour interval of ten (10) feet.
- (e) An attorney's certificate showing the owner or owners of the subject property and the place of record of the latest instrument in the chain of title for each parcel constituting the tract.
- (f) A general statement of planning objectives to be achieved by the PCD district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific human-made and natural characteristics located on the site.
- (g) A description and analysis of existing site conditions, including information on topography, historic resources, natural watercourses, floodplains, unique natural features, tree cover areas, and known archeological resources.
- (h) The location, dimensions and use of each structure within the proposed development.
- (i) A statement in tabular form of the floor area for each commercial structure, the total floor area for all commercial uses and the gross lot coverage of all commercial structures. For residential areas, the floor area, number of dwelling units, the residential density and the percentage of land in open space. For the entire tract, the percentage of the tract to be occupied by structures and the gross square footage for each use type proposed in the PCD.
- (j) The proposed size, location and use of other portions of the tract, including landscaping and parking.
- (k) A traffic circulation plan, including the location of access drives, parking and loading facilities, pedestrian walks and the relationship to existing and proposed external streets and traffic patterns. General information on the trip generation, ownership, maintenance and proposed construction standards for these facilities should be included. When required by the zoning administrator or planning commission, a traffic impact statement prepared by the developer showing the effects of traffic generated by the project on surrounding roads.
- (l) If a reduction to the number of parking spaces is requested, a justification for this request shall be submitted. Based on adequate justification, the commission may recommend and the board may approve a deviation to the adopted parking regulations.

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- (m) The proposed schedule of site development. At a minimum, the schedule should include an approximate commencement date for construction and a proposed build-out period.
 - (n) Generalized statements pertaining to architectural design principles and guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, signage plans, and landscaping.
 - (o) A plan to insure the perpetual and proper care and maintenance of any private roads, water systems and sewage disposal and/or sewage treatment facilities. Such plan shall be reviewed by the county and, as appropriate, the Virginia Department of Health.

(Res. No. 29-10-99, 10-19-99)

Sec. 25-402. Effect of approval of the concept plan.

- (a) The PCD district may provide flexibility through the adjustment of certain lot setbacks, design guidelines and use restrictions. Any such deviations to the lists of uses, or the regulations for area, height, setbacks, streets, off-street parking, utilities, or design guidelines of the PCD district shall be expressly shown on the concept plan and approved by the board of supervisors after a lawfully advertised public hearing with the planning commission and the board of supervisors. Such deviations shall be in keeping with the purpose of the PCD district, the intent of the Zoning Ordinance, the comprehensive plan and the design guidelines of the PCD district.
- (b) All terms, conditions, safeguards and stipulations made at the time of approval of the concept plan, with or without specific deviations, shall be binding upon the applicant and any successors in interest. Unapproved deviations from the plans or failures to comply with any requirement, condition, or safeguard shall constitute a violation of the Zoning Ordinance.

(Res. No. 29-10-99, 10-19-99)

Secs. 25-403—25-409. Reserved.