



**CITY OF  
BUENA VISTA**  
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## **City of Buena Vista Zoning Code Mixed Use Corridor**

### **§619**

Adopted 8/15/2019

619.01 Intent. The Mixed Use Corridor (MUC) zone is designed for a range of commercial and residential uses appropriate to a major arterial corridor. It also encourages mixed-use planned developments that create walkable neighborhoods and expand the urban development pattern of the City.

#### 619.02 Permitted Uses

##### 619.02-1 Residential Uses

619.02-1.01 Assisted living and nursing home facilities

619.02-1.02 Bed and breakfast homestays and inns

619.02-1.03 Dormitories

619.02-1.04 Family care homes, foster homes or group homes serving the mentally retarded, developmentally disabled or others, rest homes, homes for adults or nursing homes, provided that licensing requirements are met.

619.02-1.05 Hotels and motels

619.02-1.06 Multifamily dwellings, including efficiency apartments

##### 619.02-2 Civic, Institutional, and Recreational Uses

619.02-2.01 Athletic playing fields, golf courses, driving ranges, and similar uses

619.02-2.02 Cemeteries and mausoleums

619.02-2.03 Child care centers and family day care homes

619.02-2.04 Civic clubs or community centers

619.02-2.05 Clubs and lodges, fraternities, and meeting places of other organizations

619.02-2.06 Educational institutions, including public and private preschool, primary, secondary, post-secondary, and technical schools

619.02-2.07 Laboratories and research facilities

619.02-2.08 Libraries or museums

619.02-2.09 Government offices

619.02-2.10 Indoor athletic facilities, to include gyms, indoor pools, dance studios, and similar uses

619.02-2.11 Indoor firing ranges

- 619.02-2.12 Places of religious assembly
- 619.02-2.13 Post offices
- 619.02-2.14 Public and private parks, playgrounds, and open space
- 619.02-2.15 Public safety facilities
- 619.02-2.16 Riding academy or boarding stable
- 619.02-2.17 Theaters, auditoriums, and assembly halls

#### 619.02-3 Commercial Uses

- 619.02-3.01 Art studio or gallery
- 619.02-3.02 Automobile service station
- 619.02-3.03 Banks or financial institutions
- 619.02-3.04 Bars and nightclubs
- 619.02-3.05 Body art studios
- 619.02-3.06 Bowling alleys
- 619.02-3.07 Business support services
- 619.02-3.08 Food service establishments
- 619.02-3.09 Greenhouse or nursery with retail sales
- 619.02-3.10 Headstone, monument or vault sales
- 619.02-3.11 Hospitals, including special care hospitals
- 619.02-3.12 Medical or dental clinics, including veterinary
- 619.02-3.13 Mortuaries or funeral homes
- 619.02-3.14 Pool halls and similar indoor amusements
- 619.02-3.15 Prefabricated building sales and demonstration
- 619.02-3.16 Professional offices
- 619.03-3.17 Retail stores and shops, with all goods and services within a permanent enclosed structure
- 619.03-3.18 Vehicle sales, rental, or leasing facilities

#### 619.02-4 Industrial Uses

- 619.02-4.01 Agriculture, to include growth and harvesting of plant materials, but to exclude the keeping of livestock or other animals at a commercial scale; and to exclude industrial greenhouse operations of which on-site retail sales is not a substantial component
- 619.02-4.02 Electric substations
- 619.02-4.04 Public utilities limited to public service structures such as power plants or substations, water lines or pumping stations, or such similar operations

publicly or privately owned furnishing electricity, gas, rail transport, communications or related services to the general public.

619.03 Conditional uses. When after review of an application and hearing hereon, in accordance with article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:

619.03-1 Arenas or stadiums

619.03-2 Commercial or industrial warehouses

619.03-3 Commercial radio, television and communication towers along with related buildings and equipment provided the requirements of Article 13 are met.

619.03-4 Kennels

619.03-6 Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items, provided the manufacturing operation does not generate noise, odors, byproducts, or delivery traffic that constitutes a nuisance

619.03-7 Open-air market such as flea market, farmers market

619.03-8 Private and public parking lots and garages

619.03-9 Radio or television studio

619.03-9 Retail stores and shops, with significant inventory stored outside a permanent enclosed structure

619.03-10 Self-storage facilities and commercial or retail warehouses

619.03-11 Telecommunications towers and facilities

619.04 Accessory uses. Where a lot or building is devoted to a permitted principal use, accessory uses and structures are permitted.

619.04-1 Drive-through facilities

619.04-2 Manufacture of goods to be sold on site through a permitted retail operation, provided the manufacturing operation does not generate noise, odors, byproducts, or delivery traffic that constitutes a nuisance to other uses within the same building or other proximate uses

619.04-3 Private and public parking lots and garages

619.04-4 Signs

619.04-5 Temporary buildings incidental to construction work, which shall be removed upon completion or abandonment of construction activity

619.04-5 Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy.

619.05 Dimensional regulations

619.05-1 Lot size. The minimum lot size is 6,250 square feet.

619.05-2 Lot coverage. Buildings may occupy no more than 80% of the lot area.

619.05-3 Setbacks

619.05-3.01 Front setback 30 feet

619.05-3.02 Side setback 10 feet on each side

619.05-3.03 Rear setback 20 feet

619.05-4 Height. Buildings may be no more than three (3) stories tall, unless a conditional use permit is obtained. The maximum distance between the floor and finished ceiling of any story of any building shall be 20 feet.

619.05-5 Residential area buffer. Any building which contains non-residential uses must be setback at least 50 feet away from the zoning boundary line of land that is zoned R1, R2, R3, R4, R5, or R6. Such buffer area may include sidewalks, other pedestrian walkways, and related outdoor recreation facilities; but may not include parking spaces or permanent structures. Such buffer must be landscaped and vegetated to provide adequate screening from residential uses.

619.05-6 Arterial road buffer. All buildings and parking lots must be separated from the public right-of-way boundary of South Magnolia Avenue, also known as Route 501, by a landscaped buffer of at least 20 feet. Such buffer may include sidewalks, other pedestrian walkways, and parking lot driveways; but may not include parking spaces or permanent structures.

619.05-7 Residential density. The maximum gross density of residential units is 15 units per acre.

619.06 Design guidelines

619.06-1 Land uses, buildings, and structures shall follow the Buena Vista Design Guidelines found in Appendices A through F of the Land Development Regulations.

619.06-2 Land uses, buildings, and structures required to receive a conditional use permit in the Mixed Use Corridor zone may deviate from the Buena Vista Design Guidelines at the discretion of the Planning Commission and City Council by means of the conditional use permit process, provided that the intent of the Guidelines is maintained.

619.07 Planned Developments

619.07-1 Intent. Comprehensive planned developments incorporating multiple buildings and uses are encouraged in the Mixed Use Corridor zone. Planned developments can allow more flexibility in providing access, light, open space, and development amenities; more choice in providing a mix of land uses in the same development, including a mix of housing types, lot sizes, and densities; and more ability to take advantage of special site characteristics and thereby promote quality development and environmentally sensitive development.

This district is intended to provide opportunities for the development of planned mixed use communities offering an integrated and compatible mix of residential, commercial and employment uses and open spaces, together with certain governmental, educational,

religious, recreational and support uses. Innovative building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed and redeveloped in accordance with a master development plan adopted at the time of rezoning or a subsequent approved amendment thereof. In order to carry out the intent of this article, planned communities developed under these district regulations and the approved master development plan shall achieve the following design objectives:

619.07-1.01 A mix of uses is provided so that residents can live, work, shop, and carry out many of life's other activities within the neighborhood.

619.07-1.02 Uses are well-integrated rather than widely separated and buffered. Compatibility between different uses is achieved through effective site planning and orientation of site and building access and entry, compatible architectural design, and landscaping and screening of parking lots, utilities, mechanical/electrical/telecommunications equipment and service/refuse functions.

619.07-1.03 The open space system is designed to offer usable parks, connected green spaces, and village greens and civic spaces visible from roadways and spatially defined by abutting building facades and/or landscape elements.

619.07-1.04 Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and/or trails so as to provide choices with regard to mode and route, and this system is connected and integrated to the greatest extent possible with the City's existing transportation network.

619.07-1.05 Principal buildings address the street, presenting front facades on the publicly visible side of the building.

619.07-1.06 The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design, including parking areas located to the rear of buildings, using architectural design elements such as massing, form, materials and fenestration to make garages visually compatible with inhabited buildings, and parking areas screened with landscape elements.

619.07-2 Definition. Except as otherwise noted:

619.07-2.01 The term "planned unit development" or "planned development" shall mean a tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses and is processed under the planned unit development provisions of this ordinance. Also, a parcel of land planned as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards, setbacks, and height limitations) or land-use restrictions (such as prohibitions against mixing land uses within a development).

619.07-2.02 The term "master plan of development" or "plan of development" shall mean the site plan and related documents submitted and approved by City

Council in accordance with the provisions of this ordinance which governs the construction and use of a planned unit development.

619.07-3 Residential planned developments. Planned developments permitted within the R6 Residential Planned Unit Development zone are also permitted within the MUC zone, in compliance with the development standards and approval requirements promulgated in the R6 Residential Planned Unit Development zone regulations.

#### 619.07-4 Procedure

619.07-4.01 Plan required. A master plan of development is required for any use within the zone, excluding legal pre-existing non-conforming uses and structures pursuant to Section 708.

619.07-4.01 Conditional zoning. Approval of a master plan of development constitutes conditional zoning under Code of Virginia Section 15.2-2296. As such, this approval process is governed by Section 802.03 *Application procedures for conditional uses* of the City of Buena Vista Land Development Regulations. Should provisions of Section 802.03 conflict with provisions of this article, this article shall prevail.

619.07-4.01 Coordination with subdivision approval. It is the intent of this section that review and approval of a master plan of development under the provisions of this section shall be coordinated with preliminary subdivision review and approval pursuant to Article 9 *Subdivision Regulations* of the Buena Vista Land Development Regulations. Approval of a master plan of development does not constitute preliminary or final subdivision plat approval. A master plan of development must be approved prior to approval and recordation of a final subdivision plat. Provisions within the subdivision regulations pertaining to site design, lot and block configuration, development standards to include streets and roads, reservation of land for public purposes, utility requirements, and similar development requirements do not apply to planned unit developments to the extent that those facets of development are addressed in the approved master plan of development.

619.07-4.01 Contents of application. Applications shall consist of an application form provided by the City; scale-appropriate site plans, surveys, and maps prepared by a registered design professional; and written documents to provide the following:

619.07-4.01-1 Project narrative which accomplishes the following items:

619.07-4.01-1.02 Addresses the objectives outlined in Section 619.07-1

619.07-4.01-1.02 Provides a basis for evaluation of project design

619.07-4.01-1.03 States intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.

619.07-4.01-1.04 Proposes phases of development

619.07-4.01-2 Legal plat providing project boundaries, subdivision lot lines, utility rights-of-way and easements

619.07-4.01-3 General layout and location of buildings, roads, open space, parks, pedestrian and bicycle trails.

619.07-4.01-4 Description of building types, lot configurations to be used with lot areas, minimum widths and depths, minimum yards defined, and other dimensional regulations.

619.07-4.01-5 A comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. These design guidelines shall address site and building design and shall further the overall objectives found in the intent statement of this ordinance. Such guidelines shall govern ultimate buildout of the project, and shall be adopted in conjunction with and as part of the approval of a master plan of development.

619.07-4.01-6 Environmentally sensitive areas: slopes exceeding fifteen (15) percent, streams and 100-year floodplains.

619.07-4.01-7 Land uses

619.07-4.01-8 Common space and open space, to include active recreation areas and recreation facilities.

619.07-4.01-9 General landscape plan (landscape areas, plant materials and general specifications).

619.07-4.01-10 Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;

619.07-4.01-11 Additional information as deemed necessary by the Zoning Administrator in order to facilitate a thorough review of the potential impacts of the proposed PUD that is the subject of the application. If any application fails to demonstrate within their application materials that a proposed PUD meets the requirements specified in this ordinance, the application may be rejected as incomplete.

619.07-4.02 Application. Application meeting the requirements of this ordinance shall be filed with the zoning administrator. The zoning administrator shall forward the application and data to the planning commission for their review and recommendation.

619.07-4.03 Processing fee. At the time of filing the preliminary plan application, the applicant shall be responsible for payment of a fee as listed on the current Planning and Zoning Fee Schedule.

619.07-4.04 Approval. Approval of the rezoning application establishes the maximum density/intensity, height and other dimensional requirements, the general location of each use and locations for streets and utilities shown on the

development plan. Together with any approved proffers, the approved development plan shall establish the zoning requirements applicable to the PUD. Approval of a master plan of development does not relieve the applicant from its obligation to comply with all local, state, and federal laws and regulations.

619.07-4.04-1 Following approval of a PUD development plan, preliminary and final subdivision and site plan approvals shall be required. All such plans shall conform to the approved PUD development plan. No building or structure shall be erected, no building permit(s) issued, and no final subdivision plat(s) recorded, unless:

619.07-4.04-1.01 Any required dedications, reservations or required improvements have been made in accordance with the final site plan and PUD phasing schedule; and,

619.07-4.04-1.02 Sufficient financial guarantees for completion of required improvements have been received by the city.

619.07-4.04-1.03 Where phased development has been approved, applications for subdivision and site plan approvals may, at the developer's option, be submitted for each individual phase.

619.07-4.05 Amendment. Following approval of a plan of development for a planned unit development, the owner of the development may amend the plan of development only as follows:

619.07-4.05-1 The owner of a PUD may submit a written request for a proposed minor change to the approved plan of development to the Zoning Administrator. The request shall be supported by graphic, statistical and other information necessary in order for the Zoning Administrator to evaluate the request. The Zoning Administrator may approve the request upon a determination that it involves only a minor deviation from the layout or design contemplated within the approved plan of development. For the purpose of this section the terms "minor change" and "minor deviation" mean and refer to changes of location and design of buildings, structures, streets, parking, recreational facilities, open space, landscaping, utilities, or similar details which do not materially alter the character or concept of the approved plan of development and which do not increase or decrease the cubic volume of any building or structure by more than ten percent.

619.07-4.05-2 All other changes in use and rearrangement of lots, blocks, and buildings tracts, any changes in the provisions of common open spaces, and all other changes in the approved master plan by the developer or any succeeding owner, or agent must be made under the amendment procedure authorized by this ordinance.

619.07-4.06 Failure to begin development and expiration of plan. If no construction has begun or no use established in the planned development within two years from the approval of the final development plan, the final development plan shall expire and be of no further effect. In its discretion, and for good cause,



the planning commission may, upon receipt of written application, extend for one additional year the period for the beginning of construction or the establishment of a use.

619.07-5 Use regulations for planned unit developments. Planned developments may incorporate any permitted, conditional, or accessory use within the MUC zone. The following uses not otherwise permitted within the MUC zone are permitted only as part of a planned development.

619.07-5.1 Single-family detached dwellings, when ten (10) or more single-family dwellings are part of the planned development;

619.07-5.2 Two-family dwellings, when ten (10) or more dwelling units configured as single-family detached, two-family, or townhouse are part of the planned development;

619.07-5.3 Townhouse, when ten (10) or more townhouses are part of the planned development;

619.07-6 Site Design and Development Requirements. The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space. The following provisions apply:

607.07-6.01 Minimum district size: Two (2) contiguous acres, which may include properties located directly across public or private street or alley rights-of-way from one another.

607.07-6.02 Minimum common open space or park: Thirty (30) percent of gross project area. Common open space is land within a private development set aside, dedicated and designed to protect natural environmental resources, to serve as a visual amenity, and/or to provide recreational opportunities that is owned by a property owners association and is designed and intended for the common use or enjoyment of the residents of the development. Such land shall be primarily naturally vegetated or landscaped, but may include limited paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not include streets, street rights-of-way, driveways, parking areas, structures, above ground public utilities, including stormwater management facilities, or other improvements, except as may be approved for recreational or historic preservation purposes in a development plan or site plan.

607.07-6.03 Lot area, lot width, lot depth and yards for all uses shall be set forth by the approved master development plan.

607.07-6.04 Maximum building height: City Council shall review the proposed height of any structure for its compatibility with surrounding structures and uses and its impact on viewsheds. The maximum distance between the floor and finished ceiling of any story of any building shall be 20 feet.

607.07-6.05 Residential density. The maximum gross density of residential units is 30 units per acre.

607.07-6.06 Street design. Developers are encouraged, but not required, to consult or incorporate street design standards found in Appendix C of the Buena Vista Design Guidelines. The street system within the project area shall be designed:

607.07-6.06-1 According to functional street purposes and projected traffic flow;

607.07-6.06-2 To assure safe and convenient sight distances;

607.07-6.06-3 To complement the natural topography;

607.07-6.06-4 To provide maximum connectivity to existing and proposed streets

607.07-6.06-5 To be dust proof and passable year round. Gravel and similar unconsolidated surfaces are not permitted; roads must be paved.

607.07-6.06-6 To provide for safe use of bicycles within and through the development

607.07-6.06- 7 In conformance with street geometric design standards and construction techniques found in the latest edition of either the Virginia Department of Transportation's *Road Design Manual* or the American Association of State Highway and Transportation Officials (AASHTO)'s *A Policy on Geometric Design of Highways and Streets*. Applicants must provide engineering justification for the choice of street design, addressing volume, speed, multimodal capacity, and other relevant factors.

607.07-6.07 Street names and signs. The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections.

607.07-6.08 Pedestrian circulation. Sidewalks or other pedestrian pathways are required. Residents, visitors, and patrons must be able to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems.

607.07-6.09 Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by landscaping and tree planting. The minimum off-street parking requirements found in Section 703 of this ordinance are a guide but are not binding on a master planned development.

607.07-6.10 Water and sewer. All Planned Residential Districts shall be served by collective water and sewer systems as follows:

607.07-6.10-1 Wherever feasible the project area water and sewer lines shall be connected to existing public systems.

607.07-6.10-2 Where connections to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems.

607.07-6.11 Fire hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;

607.07-6.12 Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies.

607.07-6.01 The Buena Vista Design Guidelines found in Appendices A through E of the Land Development Regulations are not binding on Planned Unit Developments.