

Vinton Zoning & Subdivision Code Assessment



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Introduction

Background

The purpose of this assessment is to compare the town's zoning code with traditional neighborhood design and smart growth planning principles. An Urban Development Areas technical assistance grant from Virginia's Office of Intermodal Planning and Investment supported this assessment.

The town is planning to update its zoning code and has expressed several general goals it wants to achieve through that effort:

- Preserve small-town charm while supporting compatible new development.
- Foster predictable results and high-quality public places.
- Make the code more user-friendly.
- Support smart growth principles.
- Support economic development.

The consulting team providing UDA technical assistance reviewed the town's zoning code in March and April 2018. This memo includes observations and recommendations for helping the town meet its goals. The assessment represents a fresh look at the town's code by professional planners with experience assessing and developing zoning and subdivision codes. It was conducted independently from proposals to update that code that have been developed or considered by the town, but not yet adopted. Those proposals may be considered in the development of new code text that will follow this assessment.

Existing Ordinance Structure

An outline of the existing ordinance structure is provided below. It lists each of the 10 articles, and select divisions and sections to show where certain key provisions are included.

- 1. Article 1 – Title, Authority, Purpose**
- 2. Article 2 – Districts and Zoning Map**
- 3. Article 3 – General Provisions**
 - Uses and structures permitted by right
 - Lot area and lot width requirements
 - Yard requirements (front, side, and rear setbacks)
 - Height limit
 - Screening (for M-1 & M-2 districts)
 - General development standards (for PD & MUD districts)
 - Procedures (for PD & MUD districts)
 - Street design, block size and sidewalks (for MUD district)
 - Parking (for MUD district)
 - Pedestrian scale lighting (for MUD district)
 - Utilities (for MUD district)
 - Property owners' association (for MUD district)
- 4. Article 4 – District Provisions**
- 5. Article 5 – Supplementary Regulations**
 - Buildings and lots
 - Supplementary yard and height regulations

- Includes screening requirements for transitional yards
- Includes a zero-lot line option
- Accessory dwellings and temporary buildings
- Miscellaneous provisions
 - Townhouse development standards
 - Manufactured home park standards
 - Stormwater management regulations
 - Outdoor lighting
- Off-street parking requirements
 - Number of spaces required
 - Location of required parking spaces
 - Screening of certain parking areas
- Sign regulations
 - Sign regulations by district
- Adult uses
- Telecommunication facilities

6. Article 6 - Nonconforming Uses, Features, Structures and Lots

7. Article 7 - Administration and Enforcement

- Permits
- Site plan review
- Special uses

8. Article 8 - Amendments

- Generally
 - Rezoning
- Conditional zoning

9. Article 9 - Board of Zoning Appeals

10. Article 10 - Definitions

Diagnosis

Theme 1 – Make User Friendly

1. Recommendation: Make the structure and format more logical and intuitive
 - a. **Sample Suggestion:** Put all development standards into a separate Article (e.g. Parking, Loading, Landscaping, screening, etc.)
 - b. **Sample Suggestion:** Consider naming the residential districts according the density allowed (such as R-8 rather than R-3 since it allows for about 8 units per acre).
2. Recommendation: Add graphics, illustrations, flowcharts, and tables
 - a. **Sample Suggestion:** Provide illustration for Zero Lot Line provisions
 - b. **Sample Suggestion:** Illustrate transitional yard screening requirements
 - c. **Sample Suggestion:** Consider for each use district using a simple table to convey the intensity and dimensional regulations, such as height, setbacks, lot size, and lot coverage. Figure 1 provides an example from Norfolk.

B. INTENSITY AND DIMENSIONAL STANDARDS		
Standard	All Character Districts	
	Single Family	All Other Uses
Lot Area, min. (sf.)	4,000-5,000, based on the predominant pattern [1] [4]	5,000 [1] [4]
Lot Width, min. (ft.)	40-50, based on the predominant pattern [2] [4]	50 [2] [4]
Front Yard Setback (ft.)	Within 3 ft. of the average on the block face or 18-25 if no pattern exists	Within 3 ft. of the average on the block face or 18-25 if no pattern exists
Side Yard Setback, min. (ft.)	3, with a total of both sides of 10 [3]	10
Corner Side Yard Setback, min. (ft.)	10 [3]	10
Rear Yard Setback, min. (ft.)	25	25
Building Height, max. (ft.)	35	35
Maximum Impervious Cover (% lot area)	60	60

Notes: sf. = square feet; ft. = feet

[1] Where there is no predominant pattern, lot area shall not be less than 5,000 sf.
 [2] Where there is no predominant pattern, lot width shall not be less than 50 ft.
 [3] Side and corner side yard setbacks shall be 3 ft. for lots of 40 ft. and less in width.
 [4] Existing lots, of no less than 40 feet in width, within 10% of the minimum lot area or width are deemed conforming per Section 6.4.2.D.

Figure 1 - Table example from new Norfolk Zoning Code for their SF-10 district (single family 10)

3. Recommendation: Make language clearer and more precise

- a. **Sample Suggestion:** Rework the visibility triangle provisions or provide an illustration:
*“A triangular shaped area on the ground bounded on two sides by the street lines abutting the lot, and bounded on the third side by a line joining points on said street lines 20 feet from the point of their intersection. *A triangular shaped area on the ground bounded on two sides by the street lines abutting the lot, and bounded on the third side by a line joining points on said street lines 20 feet from the point of their intersection.*”*
- b. **Sample Suggestion:** Express the allowable density as dwelling units per acre for all the residential districts to be consistent with how density is conveyed in the town’s comprehensive plan.

4. Recommendation: Ensure internal consistency (cross references)

- a. **Sample Suggestion:** provide a cross reference R-2, R-3, and R-B districts to townhome development standards.

5. Recommendation: Modernize, refine, and update definitions

- a. **Sample Suggestion:** Current definition of a Setback is *“The distance a building, structure, feature or activity is separate from a lot line. Depending on the context, the term “setback” may refer to a front yard, side yard or rear yard.”* Suggested new definition: *“The distance by which any building or structure is separated from a property line. The setback may be expressed as a minimum, a maximum, or a range encompassing both a minimum and a maximum.”*

6. Recommendation: Streamline review procedures where appropriate

- a. Overview of current review procedures and structure, and problems with current procedures

- b. Recommendations
 - i. Consolidate procedures into one article
 - ii. Establish set of standard procedures (under this, discuss additions/changes to types of standard procedures (e.g., neighborhood meetings, pre-application conference, application completeness determination, etc.)
 - iii. Include other recommendations for procedural streamlining (e.g., treatment of special exceptions, planned development, expansion of flexibility options, site plan review, etc.)

Theme 2 – Incorporate Principles of Traditional Neighborhood Design

1. Off-Street Parking and Loading, and Bicycle Standards

Section	Issue	Recommendation	Rationale
Section 5-30	Multi-family and townhomes require 2 spaces per each 1 to 2 bedrooms dwelling unit, 3 per each 3 or more bedrooms dwelling unit.	Reduce and simplify the minimum off-street parking requirement to 2 spaces per unit or 1.75 spaces per unit.	Parking increases the cost of development, harming economic development, and providing too much parking increases impervious surfaces.
Section 5-31 (D)	“When a building or premises is devoted to more than one use, the total number of spaces required shall be the sum of the spaces required for each use.”	Encourage shared-parking that allows developers to reduce required parking. For example, apply the shared parking provision in the MXD district to the GB and CB districts	Uses that have peak demand at different time periods should be allowed to share parking.
Section 5-32	All such parking spaces shall be located within 500 feet by normal pedestrian route of a principal entrance to the building they serve.	Consider allowing administrative relief in cases where other objectives are being met.	Parking standards can be an obstacle to infill development in downtown areas where people may be more willing to park once and walk further distances.
Section 5-30	The section only pertains to vehicle parking; there are no requirements for bicycle parking.	Consider requiring bicycle parking spaces in higher density districts, such as the CB District, or allowing a reduction from the minimum parking standards where bicycle parking is provided.	Providing bicycle parking encourages people to ride a bicycle rather than drive for shorter trips.

2. Landscaping

Section	Issue	Recommendation	Rationale
Section 5-12	Landscaping is only required as Transitional Yard Requirements	Consider adding a separate section with requirements for landscaping and screening – not just for zoning district transitions but as part of any commercial or multifamily development	Landscape standards can do more than any other development standard to upgrade and enhance the “view from the street” particularly for commercial and large developments.
Appendix A and B	Street trees are not addressed in the development code.	Consider requiring street trees, at least in Section 4-83 where street design is addressed for MUD District developments, and other districts as appropriate.	Street trees contribute to walkability by providing shade and a buffer between traffic and pedestrians. They also contribute to screening of parking areas.

3. Open Space Set-Asides¹

Section	Issue	Recommendation	Rationale
Article IV.	The general district standards don't have any requirements for minimum open space or impervious surface	Consider adding maximum lot coverage or minimum open space set aside provisions for most districts	For storm water absorption and general green space, it is important to have minimum standards for open space that go beyond just setback standards.

4. Building Form and Design Standards

Section	Issue	Recommendation	Rationale
Section 4-88	The mixed-use development district requires “minimum yards, setbacks and spaces between buildings shall be as required in the R-3 residential district, unless different minimum requirements are specifically	This would require 25-foot front setbacks. Recommend this be reduced to a minimum of 10 feet and a maximum of 20 feet.	Setbacks in this district should be more shallow than conventional development in order to create visual activity at the street and a sense of enclosure that enhances the pedestrian environment.

¹ Will also consider additional landscaping and dark sky standards.

Section	Issue	Recommendation	Rationale
	authorized in the approved master development plan for the MUD district.”		
Section 5-18	Requires a minimum front yard of 25 feet for townhomes.	Reduce this standard for rear access townhomes, or establish a minimum/maximum front setback as noted above for the MXD district	Townhomes with rear garage access do not need to be set so far back from the street. Allowing the townhomes to be closer to the street supports the key TND principle of walkable streets.
Article IV	The future land use densities and zoning densities are not aligned for all uses.	Review density in the comprehensive plan and then in the zoning districts to ensure consistency.	The future land use plan calls for densities that are less than what is allowed in the zoning for some uses (for example, the zoning allows for up to 24 units per acre for multi-family while the comprehensive plan calls for up to 20 units per acre.
Section 4-54	The density of a PD district shall not exceed 10 dwelling units per gross acre, and areas devoted to commercial uses shall not be included when calculating density.	Review the density standard and consider increasing it to allow for the more compact development expected in UDAs.	10 dwelling units per acre may limit the ability to implement TND principles in a master planned development that include multi-family, townhomes, and mixed-use buildings.
Section 4-34	Drive-up facilities are allowed in the CB District as a special use.	Consider not allowing drive-up facilities in the CB District.	Drive up facilities are an auto-oriented facility more appropriate outside of the downtown area.
Section 4-38	The height limit in the CB District is 35 feet, which is less than the 60-foot limit in the GB District.	Consider raising the height limit so the town's tallest buildings are in the downtown area.	Increasing the height limit may make mixed-use buildings with residential above retail more economically viable; it's also typical for the tallest structures to be located in the downtown area.

5. Create Incentives and Remove Disincentives for TND

Section	Issue	Recommendation	Rationale
Section 5-9	The required depth of any front yard or street side yard along a public street having a	Consider reforming the way that front setbacks are	The requirement discourages traditional neighborhood design with narrow streets

Section	Issue	Recommendation	Rationale
	right-of-way of less than 50 feet in width shall be increased by 25 feet from that which is stated in this appendix and shall be measured from the centerline of the street right-of-way instead of from the street line.	calculated. Recommend setbacks from property line irrespective of street widths.	and moderate setbacks with features such as front porches that encourage interaction among neighbors. It also runs counter to Section 4-83, which calls for street sections to be built to the narrowest dimensions allowed by the town and VDOT.
Section 4-87	A property owners association is required for the mixed-use development district.	Eliminate this recommendation for small infill projects.	A property owners association is appropriate for large projects, yet the district also allows for smaller infill projects for which this requirement is a disincentive to using the district.

6. Land Use

Section	Issue	Recommendation	Rationale
Section 5-15	This section prohibits accessory dwelling units unless they are for the use of caretakers or domestic employees.	Consider allowing Accessory Dwelling Units as a way of adding density and flexibility for homeowners so they can rent out small units that have size and form restrictions.	Accessory dwelling units provide needed affordable housing and can help homeowners generate additional income to make their housing more affordable.
Article IV	Multifamily dwellings are only allowed in three districts (R-3, MUD, and PD) and only in the MUD and PD by right.	Consider allowing multifamily in additional districts, including CBD and R-B.	Multifamily housing can only be built under the code by special use permit or in a district that requires a master plan (PD and MUD).
Article IV	By right residential is not allowed in the commercial zones unless it is above “nondwelling uses.”	Consider allowing residential by right in the general business district and specifying what uses it should be located above in the central business district.	Stand-alone multifamily residential is not allowed by right in any of the base zoning districts. It is allowed in the PD and MUD, and as part of a mixed-use building in the GB and CBD districts. It may be appropriate as a by right use in the RB and GB districts.

7. Streets & Subdivision Standards

Section	Issue	Recommendation	Rationale
Appendix A, Section 3 (a) (4)	The subdivision code requires that blocks be between 300 and 1,000 feet. This requirement is referenced in Section 4-83 of the MUD district, which promotes compact and walkable development forms consistent with UDA standards.	Consider reducing the maximum block length or using a perimeter standard that gives the developer flexibility to adjust to the topography and establish a significantly shorter maximum block length in the MUD district.	Shorter blocks support walkability, which is a key principle of traditional neighborhood design. 1,000 feet is a long block length and discourages walking by creating longer and circuitous routes. A perimeter standard, such as 1,800 feet, can support short walkable blocks while allowing flexibility in areas like Vinton with substantial topography.
Appendix A, Section 13	The subdivision code does not require sidewalks among the improvements.	Consider requiring sidewalks in some or all zoning districts and referencing the requirement in the subdivision code.	Sidewalks are a critical element for creating walkable communities.
Appendix B, Section 4-83	The MUD district is the only zoning district to require sidewalks on both sides of the street	Consider extending this requirement to other districts and having a requirement for sidewalks on at least one side of the street in lower density residential districts.	Sidewalks are a critical element for creating walkable communities.
Appendix A, Section 3 (8)	The subdivision standards set a minimum radius for property lines at intersections.	While the minimum radius standards are reasonable, the lack of a maximum or language to encourage the shortest radius possible to provide for safe intersections for all users, may result in long radii at intersections.	Long turning radii at intersections encourages high speed turning movements by vehicles, which degrades walkability.