

ORDINANCE NUMBER 10-O-081

AN ORDINANCE TO AMEND CHAPTER 31, SECTION 31-202, SECTION 31-508, SECTION 31-606, AND, SECTION 31-706 OF THE UNIFIED DEVELOPMENT ORDINANCE - OA6-10

WHEREAS, the Planning Commission of the City of Suffolk, Virginia has initiated amendments to Chapter 31, Section 31-202, Section 31-508, Section 31-606 and Section 31-706 to the Unified Development Ordinance; and

WHEREAS, the specific request is Chapter 31, Article 2, Section 31-202, Board of Zoning Appeals, (d) Lot Dimension Waivers; Article 5, Section 31-508, Preliminary Plat, (c) Preliminary Plat Procedure, and (f) (2), Approval and Filing of a Preliminary Plat; Article 6, Section 31-606, Parking and Loading Standards, (c) Parking and/or Storage of Certain Vehicles Prohibited in Specific Districts, and; Article 7, Section 31-706, Group Homes, (a) and (b), to the Unified Development Ordinance be amended; and

WHEREAS, the procedural requirements for the consideration of this request by the City Council have been met.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Suffolk, Virginia, that:

- Section 1. Chapter 31, Article 2, Section 31-202, Board of Zoning Appeals, (d) Lot Dimension Waivers; Article 5, Section 31-508, Preliminary Plat, (c) Preliminary Plat Procedure, and (f) (2), Approval and Filing of a Preliminary Plat; Article 6, Section 31-606, Parking and Loading Standards, (c) Parking and/or Storage of Certain Vehicles Prohibited in Specific Districts, and; Article 7, Section 31-706, Group Homes, (a) and (b) of the Unified Development Ordinance of the City of Suffolk, Virginia be, and is hereby amended to read as referenced in Exhibit 'A', attached.
- Section 2. All phrases, clauses, sentences, paragraphs, subsections, section and chapters of the Code not amended or repealed hereby remain in full force and effect.
- Section 3. This resolution shall be effective upon adoption and shall not be published or codified.

READ AND PASSED: DECEMBER 15, 2010

TESTE: _____
Erika S. Dawley, City Clerk

Exhibit 'A'

SEC. 31-508. PRELIMINARY PLAT.

(a) **PURPOSE.** This document, through the use of plats and/or written materials, serves as a guide to the density, intensity, land uses, pedestrian and bicycle ways, trails, parks, open space, and future lot, street and drainage patterns established for a site in the platting process. It is the intent of the Preliminary Plat requirement to insure that a landowner investigates the broad effects development of property will have not only on the site itself, but also on adjacent properties and public infrastructure systems. Approval of a Preliminary Plat shall constitute acceptance of the land use mix, development intensity, general street patterns, general drainage patterns, lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails, provided that these may be modified in conjunction with subsequent approvals if additional information reveals development constraints that are not evident during Preliminary Plat review.

(b) **WHEN A PRELIMINARY PLAT IS REQUIRED.** Approval of a preliminary plat shall be required for any site where the eventual platting of the property involves a major subdivision. No Final Plat shall be approved until a preliminary plat for the property has been approved.

(c) **PRELIMINARY PLAT PROCEDURE.** All Preliminary Plats shall be processed through a ministerial review procedure as provided in Section 31-302(b) of this Ordinance. If approved by the Planning Commission, the subdivider shall be advised in writing of such action. Approval of the Preliminary Plat shall not constitute approval of the Final Plat. The Preliminary Plat shall serve as a guide in the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this Section. Such approval of the Preliminary Plat shall be valid for a period of five years, except as otherwise provided in Code of Virginia, § 15.2-2241.5 and § 15.2-2260 provided that the Final Plat for all or a portion of the property is submitted within a one year period, or within such extended period as may be allowed and the subdivider diligently pursues approval of the final subdivision plat. Otherwise, the preliminary plat approval shall be void. Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon ninety days' written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

(d) **SUBMISSION CRITERIA.** Appendix B establishes the information that is to be submitted with an application for approval of a Preliminary Plat.

(e) **CRITERIA FOR APPROVAL OF A PRELIMINARY PLAT.** In approving a preliminary plat, the Planning Commission shall make each of the following findings:

Exhibit 'A'

(1) The proposed land uses are in accord with the adopted Comprehensive Plan; and the Official Zoning Map, or that the means for reconciling any differences have been addressed. A Preliminary Plat may be processed concurrently with a rezoning or plan amendment request.

(2) The proposed development, including its lot sizes, density, access and circulation, are compatible with the existing and/or permissible future use of adjacent property.

(3) Required public facilities are adequate to serve the project under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this Ordinance. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any adjacent street.

(4) The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices.

(5) The lot, block, and street layout is consistent with the subdivision design standards contained in Section 31-605 of this Ordinance.

(f) APPROVAL AND FILING OF A PRELIMINARY PLAT. Upon final approval, a Preliminary Plat shall be made a matter of record as follows:

(1) The reasons for approval, disapproval, or approval with conditions by the Planning Commission shall be noted in writing.

(2) If a developer records a Final Plat which may be a section of a subdivision as shown on an approved Preliminary Plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the City consistent with Section 31-512 of this Article, the commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the Preliminary Plat for a period of five years from the recordation date of the first section, or for such longer period as the Planning Commission may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this Ordinance and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. *Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to § 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from*

Exhibit 'A'

the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

(3) Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed and (ii) thereafter diligently pursues approval of the final subdivision plat. Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon ninety days' written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivider plat.

(g) PRELIMINARY PLAT AMENDMENT. Amendments to Preliminary Plats may be initiated by the owner of property within the Preliminary Plat area and approved, conditionally approved or denied by the Director subject to the following provisions:

(1) AMENDMENTS. Minor amendments may be approved by the Director pursuant to the ministerial review procedure established in Section 31-302(a) of this Ordinance. Minor amendments shall include the following changes:

- A. Changes in the internal alignment of roads that do not affect external properties;
- B. Changes in internal parcel boundaries that do not abut external property lines;
- C. Changes in setbacks along internal property lines;
- D. Changes in the routing of trails and pedestrian ways;~~or~~.

(2) PROHIBITED AMENDMENTS. No minor change authorized by this Section may cause any of the following:

- A. Change in the permitted uses;
- B. Increased intensity of use as measured by the number of dwelling units or square feet of non-residential building area;
- C. Increased trip generation or demand for public utilities; or
- D. Decreased public or private open space area;
- E. Increased volume or velocity of storm water runoff from the development.

Exhibit 'A'

(3) MAJOR AMENDMENTS. Major amendments shall be treated as a new Preliminary Plat.

Exhibit 'A'

SEC. 31-606. PARKING AND LOADING STANDARDS.

(c) PARKING AND/OR STORAGE OF CERTAIN VEHICLES PROHIBITED IN SPECIFIC DISTRICTS.

(1) No major recreational equipment *as defined in this Ordinance* shall be parked or stored ~~on any lot~~ in a residential or B-1 (neighborhood commercial) district except in a carport or enclosed building or behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any other location not approved for such use. If compliance with this Section is impossible by virtue of physical conditions existing on the date of adoption of the Ordinance from which this chapter is derived, application for a special exception may be made to the Board of Zoning Appeals. *Other "recreational equipment" as defined in this Ordinance shall comply with the provisions of Section 31-701(b)(8).*

(2) A commercial trailer or semi-trailer shall not be parked or stored in any residential or B-1 commercial district except in an enclosed building. This Section shall not be interpreted to prohibit commercial trailers *or semi-trailers* from loading and unloading *for not more than 24 hours* in any such district.

~~(3) The parking of a commercial self-propelled vehicle in any residential district is prohibited, except that one commercial vehicle with a manufacturer's rating of not more than three-quarters ton may be parked on any lot on which there is located in a main building and is used by a resident of the premises. The parking of a one commercial self-propelled vehicle with a manufacturer's rating of not more than 1 1/2 tons may be allowed in any residential district, if all of the following conditions below are met: provided it is parked or stored in a carport or enclosed building or behind the nearest portion of a building to a street.~~

- A. The vehicle is on a lot where there is a main building and is used by a resident of the premises.*
- B. The vehicle is parked or stored on a designated improved driveway.*
- C. The vehicle shall not have another vehicle in tow at any time except as provided herein.*
- D. A vehicle with an attached trailer or semi-trailer is subject to the locational requirements of Section 31-606(c)(2) above.*
- E. If the vehicle is used in conjunction with a home occupation, it must meet the requirements of Section 31-707 of this Ordinance*

This Section shall not be interpreted to prohibit commercial vehicles from loading and unloading in any residential district.

(4) The parking and/or storage of a vehicle with dealer's license plates in any residential or agricultural district is prohibited, except that two vehicles with dealers' license plates

Exhibit 'A'

may be parked on any lot on which there is located an occupied residential building. Under no circumstances shall a vehicle with dealers' license plates be sold in a residential or agricultural district.

(5) No vehicle shall be parked or stored in front *or beside* of the nearest portion of a building to the street, except on a designated improved driveway in all residential districts; and in any other district, except the A district, where residential structures or uses exist. No vehicle shall be parked in the public right-of-way, except where on-street parking is permitted in designated areas.

Exhibit 'A'

SEC. 31-706. GROUP HOMES.

(a) A residential facility in which no more than eight (8) *persons with mentally ill mental illness, mentally retarded or developmentally disabled persons intellectual disability, or developmental disabilities reside*, with one (1) or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401, as amended.

(b) A "residential facility" shall be deemed to be any licensed group home or other residential facility for which the Department of Mental Health, ~~Mental Retardation~~ *Intellectual Disability* and Substance Abuse Services, is the licensing authority pursuant to state law.

Exhibit 'B'

RESOLUTION NO. 10-11-5

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND
RECOMMENDATION TO CITY COUNCIL RELATING
TO AN ORDINANCE TO AMEND CHAPTER 31, SECTION 31-202, SECTION
31-508, SECTION 31-606, AND, SECTION 31-706 OF THE UNIFIED
DEVELOPMENT ORDINANCE**

OA-6-10

WHEREAS, the Planning Commission of the City of Suffolk, Virginia initiated amendments to Chapter 31, Section 31-202, Section 31-508, Section 31-606 and Section 31-706 to the Unified Development Ordinance; and

WHEREAS, the specific request is that Chapter 31, Article 2, Section 31-202, Board of Zoning Appeals,(d) Lot Dimension Waivers; Article 5, Section 31-508, Preliminary Plat, (c) Preliminary Plat Procedure, and (f) (2), Approval and Filing of a Preliminary Plat; Article 6, Section 31-606, Parking and Loading Standards, (c) Parking and/or Storage of Certain Vehicles Prohibited in Specific Districts, and; Article 7, Section 31-706, Group Homes, (a) and (b), be amended; and

WHEREAS, the specified amendments to Chapter 31, Article 2, Section 31-202(d), Article 5, Section 31-508(c) and (f)(2), Article 6, Section 31-606(c) and Article 7, Section 31-706(a) and (b), to the Unified Development Ordinance are in compliance with the Comprehensive Plan for 2026, as amended; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposed ordinance amendments are reasonable and warranted.

Section 2. Recommendation to City Council.

The Planning Commission recommends to the City Council of the City of Suffolk, Virginia that the proposed amendments be;

Exhibit 'B'

- a. Adopted as submitted without modification.
- b. Denied, and that Council not adopt the proposed ordinance.
- c. Adopted with the modifications set forth on the attached listing of specific recommendations, and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: November 16, 2010

TESTE: Scott Mills