



MEMORANDUM

TO: David Durham, Planning Commission Chairman, and Planning Commissioners
FROM: Chuck Johnston, Director, Community Planning & Building Department
Mike Craig, Principal Planner
DATE: June 8, 2023 (for the June 14 regular session)
RE: Initiating amendments to the Unified Development Ordinance sections addressing Residential use and development standards, and definitions

ISSUE

Should the Planning Commission recommend to the City Council approval of the following amendments to the Unified Development Ordinance?

- Section 72-41.1, Use Standards for Residential, to provide design flexibility by allowing more than one single-family dwelling on a lot in planned development districts;
- Section 72-51.1, Development Standards for Residential:
 - Add the 100-foot Chesapeake Bay Resource Protection buffer to the list of constrained areas (floodplains, steep slopes, excavation areas, unbuildable soils) for which 50% of allowed density is applied.
 - In addition, three technical changes are proposed:
 - include the entire property for which 75% of allowed density is applied (currently density limits are not applied when 15% to 25% of a property is affected);
 - change the term: 'one-hundred-year frequency floodplain' to '*one percent annual chance*' floodplain; and
 - identify the Building Official as the party that determines if soils are unbuildable.
 - Provide a density credit for small dwelling units, calculating:
 - efficiency apartments (defined as less than 600 sq ft) as 1/2 of a multi-family dwelling.
 - one-bed room apartments (defined as 600 to 899 sq ft) as 2/3 of a multi-family dwelling, and
 - two-bedroom townhouses (defined as less than 1200 sq ft) as 3/4 single-family attached dwelling.
- Section 72-51.3, Development Standards for Lots, to provide design flexibility by not requiring conformance to lot frontage, size, area, depth, etc. criteria in planned development districts;
- Section 72-41.1 Use Standards for Residential, and Section 72-84, Definitions, to include provisions for 'two-over-two' vertically stacked townhouses in residential use regulations and in the definition of 'Single-family Attached Dwelling'.

RECOMMENDATION

Recommend approval to City Council of the proposed amendments to the UDO regarding residential use and development standards and definitions.

PLANNING COMMISSION CONSIDERATION

City Council initiated these proposed amendments on May 9 with an effective date of June 13, The amendments have been advertised for Planning Commission public hearing on June 14. Per Virginia Code, the Planning Commission has 100 days from the June 13 meeting to make a recommendation to City Council (September 13 Commission meeting).

BACKGROUND

The amendments are intended to allow consideration of projects with design and unit-type variety, while lessening residential density than may be shifted off environmentally sensitive property. The amendment descriptions below are grouped by topic: Environmental Protection, Single-Family Attached (townhouse) Design and Unit flexibility and choice, and Multi-family and Single-Family Attached Unit fractional density.

Environmental Protection

- *Section 72-51.1, Development Standards for Residential:*
 - *Add the 100-foot Chesapeake Bay Resource Protection buffer to the list of constrained areas (floodplains, steep slopes, excavation areas, unbuildable soils) where not more than 50% of the allowed density may be shifted to the balance of the site.*
 - *In addition, three technical changes are proposed:*
 - *include the entire property for which 75% of allowed density may be shifted to the balance of the site (currently 75% of density is not shifted when less than 15% of a property is affected);*
 - *change the term: ‘one-hundred-year frequency floodplain’ to ‘one percent annual chance’ floodplain; and*
 - *identify the Building Official as the party that determines if soils are unbuildable.*

Currently, the UDO allows only a portion of the density allowed on the portion of parcels limited for development because of environmental features. Because such land has intrinsic limitations on building, current regulations do not allow transfer of the full density potential of these areas to buildable areas. The UDO identifies four types of unbuildable land shown below with estimated acreage and percent of the City:

- | | | |
|--|-----------|-------|
| ▪ property in the 100-year frequency floodplains, (now identified by FEMA as property with a 1% chance of flooding), | 377 acres | 5.6% |
| ▪ steep slopes with grade in excess of 25%, | 767 acres | 11.4% |
| ▪ quarries/landfills, abandoned mines, or excavation areas, and | 10 acres | 0.2% |
| ▪ soils determined to be unbuildable. | TBD | |

The amendment adds the Chesapeake Bay Resource Project Area (RPA) to this group of unbuildable land types for the purpose of density calculation. UDO Section 72-34.5 is the City’s

Chesapeake Bay Preservation Overlay District, which establishes Resource Protection Areas. The purpose and intent of this overlay district is to:

- (1) Protecting sensitive environmental lands within the City;*
- (2) Safeguard of state water quality, including the Chesapeake Bay and Rappahannock River;*
- (3) Reducing existing pollution of state waters; and*
- (4) Promoting water resource conservation for the health, safety, and welfare of all present and future citizens of the City.*

This 100-foot buffer from any water feature (typically streams and the river) is established by the Chesapeake Bay Act to protect and improve Bay water quality by limiting disturbance near water bodies. Approximately 173 acres or about 2.6% of the City is in the RPA.

The current ordinance specifically says only 50% of allowed density may be shifted when 25% or more of a site is encumbered by the unbuildable land types. 75% of allowed density may be shifted when 15% to 24% of a site is so encumbered. However, an additional aspect of the amendment would extend the application of 75% of allowed density to an entire parcel (even when less than 15% is encumbered). Both of these changes more appropriately apply density of land that should not be used for development purposes.

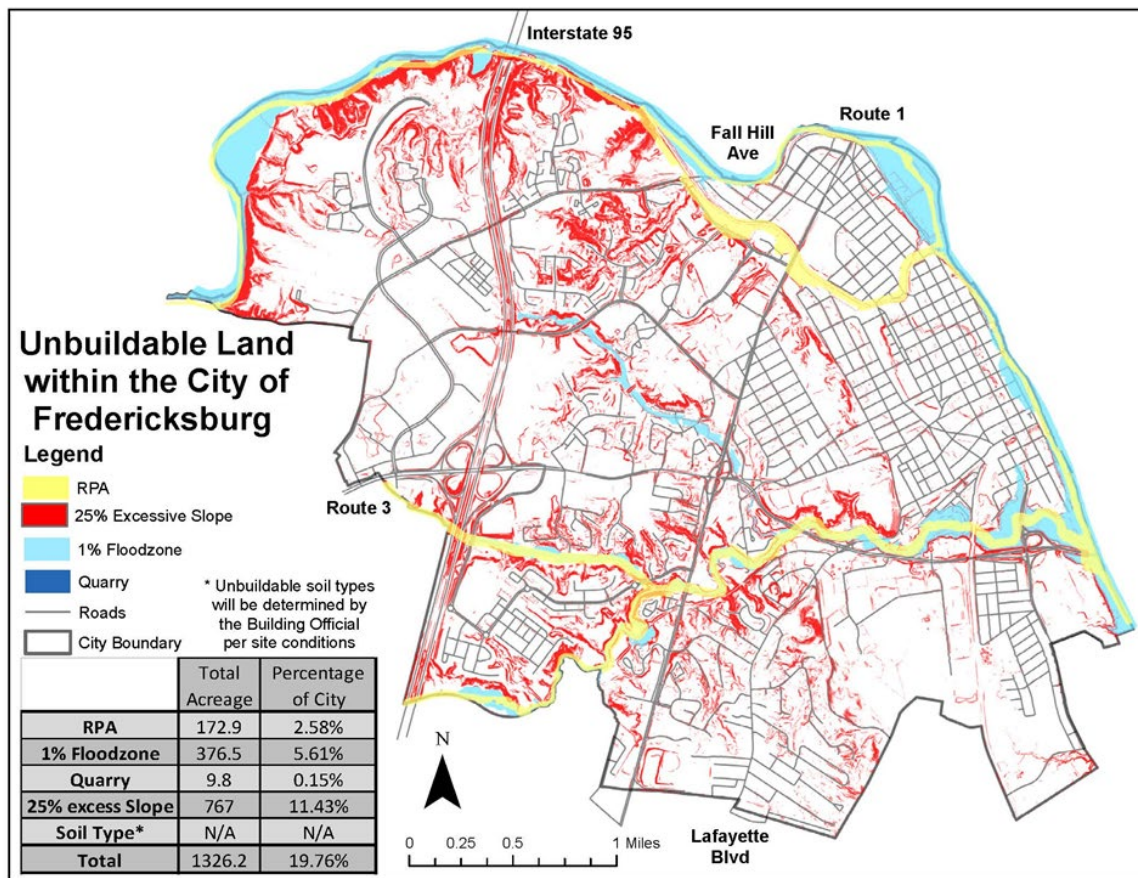
By administrative interpretation, the Building Official makes the unbuildable soil determination. One aspect of the amendment would specifically identify this position as the determining party. Depending on the cost, the typical response to the identification of unbuildable soil is to replace such soil with buildable soil, making the limitation somewhat mute. Nevertheless, it is useful to make the property owner aware early on about concentrations of shrink/swell soils, for example, so as ensure the cost of remediation is included in development costs and processes.

Finally, recent changes to flood plain mapping by the Federal Emergency Management Agency clarified that the area subject to flooding formerly known as the 100-year flood plain should be known as the 1% flood plain. The intent of the description change is to make clear that a given area is not just expected to flood once every 100 years, but that in any year there is a 1% chance of a flood.

This amendment is consistent with the City's Comprehensive Plan, Environmental Protection Goals

Goal 1, Resource Protection:

Ensure that growth and development does not compromise the function of natural ecosystems, by establishing and updating land use policies that identify and manage the cumulative impacts of individual development projects.



Single-Family Attached (townhouse) Design and Unit Flexibility and Choice

- *Section 72-41.1, Use Standards for Residential, to provide design flexibility by allowing more than one single-family dwelling on a lot in planned development districts.*
- *Section 72-51.3, Development Standards for Lots, to provide design flexibility by not requiring strict conformance to lot frontage, size, area, depth, etc. standards in planned development districts.*
- *Section 72-84, Definitions, to include in the definition of the term ‘Single-family Attached Dwelling’ the vertical stacking of two units, a dwelling type known as ‘two over two’ townhouses.*

These three amendments implement the purpose and intent statement for the Planned Development-Residential (PD-R) District states, in part, the district “is established to encourage innovative and creative design, to facilitate use of the most advantageous construction techniques, and to protect watercourses, stream valleys, forest cover in watersheds, and areas with scenic vistas. The district is designed to permit a greater degree of flexibility in terms of layout, design and construction of planned development than is found in conventional zoning classifications.” The theory behind planned development districts is to provide flexibility for development and use arrangement. Further, these changes make specific provision for vertical stacks of two townhouse units (two over twos) on the same lot or within a row or stick of attached

dwellings in order to foster diversity in unit types.

The amendments are in accord with the City's Comprehensive Plan, Residential Neighborhoods and Housing Goals:

Goal 2, Neighborhood Quality:

Enhance the quality of the City's residential areas, to promote livability and a sense of community. Livability is defined as safe and walkable, with a variety of housing choices and ready access (walking, biking, transit, automobile) to work, shopping, and services.

Goal 3, Distinct and Attractive Neighborhoods:

Ensure the residential areas of the City continue to comprise a collection of distinct and attractive neighborhoods, each possessing a sense of place, history, and shared identity.

Goal 8, Variety of Housing:

Provide a variety of housing opportunities throughout the City that respect the character of the community.



Two Units Stacked



Multi-family and Single-Family Attached Unit Fractional Density Credit

- *Section 72-82.5, Rules of Measurement for Bulk, to establish density credit for efficiency units (less than 600 sq ft) to 1/2 of a dwelling unit, for one-bedroom units (600 to 899 sq ft) to 2/3 of a dwelling unit, and to reduce the single-family attached (townhouse) density for two-bedroom units (less than 1200 sq ft) to 3/4 unit.*

This amendment recognizes that smaller dwelling units generally provide housing for fewer people on average than larger units. It proposes a fractional count for efficiency and one-bedroom units (determined based on square footage), counted as 1/2 and 2/3 unit respectively. It also proposes a 3/4 unit count for two-bedroom townhouses (also based on square footage). Such units are expected to have fewer people per unit, less proportional numbers of vehicle trips, and lower utility usage as well as lower rent/sales costs compared to mid-sized units. This credit would encourage housing diversity. It would be available only in Planned Development Districts, the Commercial Downtown District, Creative Maker Districts, and where form based code rules are applied. These districts currently also have reduced parking requirements. The following chart show the application of the density credit to recent residential projects.

	Permitted Density		Built Density			With Fractional Density Credit ²	
	Zoning District	Units Per Acre	Built Units calculated under current regulations	Average Size (sq ft)	Units per Acre	Built Units with proposed fractional density credit	Units per Acre
Hanover House (Apartments) 100 Hanover St.	Commercial Downtown - Mixed Use w/in Historic District	36 on .45 ac.	Total: 22 Eff: 3 One-bed: 13 Two-bed: 6	459 738 1,038	50 ¹	Total: 16.5 Eff: net 1.5 One-bed: net 9.0 Two-bed: 6.0	37
Cobblestone (Apartments) 627 Cobblestone Cir.	Commercial Downtown – Multifamily	24 on 19.61 ac.	Total: 314 Eff: 0 One-bed: 118 Two-bed: 172 Three-bed: 24	N/A 628 1,023	16	Total 269 Eff: 0 One-bed: 78 Two-bed: 167 Three-bed: 24	14
Winchester Place (Apartments) 606 Amelia St.	Commercial Downtown - Multifamily	24 on 1.42 ac.	Total: 34 Eff: 4 One-bed: 8 Large 1-bed: 14 Two-bed: 8	546 861 933 1,176	24	Total 29 Eff: 2 One-bed: 5 Large 1-bed: 14 Two-bed: 8	20
Silver Collection (Apartments) 1201 Ashford Cir.	Planned Development - Commercial	24 on 15.6 ac.	Total: 369 Eff: 0 One-bed: 189 Two-bed: 162 Three-bed: 18	N/A 784 1,109 1,526	24	Total 338 Eff: 0 One-bed ³ : 158 Two-bed: 162 Three-bed: 18	22
Highlander Park (Townhomes) 251 Willis St.	Commercial Downtown – Single-Family Attached	12 on 8 ac.	Total: 90	2,244	11	Total: 90 * No units under 1,200 sq. ft.	11
Fredericksburg Park (Townhomes) 1203 Rampart Dr.	Planned Development – Mixed Use	16 on 13.8 ac.	Total: 204	1,758	15	Total: 204 * No units under 1,200 sq. ft.	15

1 - Special Exception granted in 2018 for 50 units per acre, with mandate for 4 units reserved for households earning 50% AMI and rented at the HUD HOME Low Rent Limit.

2 – Proposal for Multifamily dwelling under 600 sq. ft. to be counted as 1/2 dwelling unit, multi-family dwellings between 600 and 899 sq. ft. to be counted as 2/3 dwelling unit, and a single-family attached dwelling under 1,200 sq. ft. to be as ¾ dwelling unit in Planned Development, Commercial Downtown, Creative Maker Districts, or where form-based code standards are applied.

3 – In Planned Development Districts, no more than 25% of the total units will be granted fractional status in each of the fractional categories. The Silver Collection project has 41% one-bed units, thus only a partial amount are granted fractional status.

A maximum percentage of these unit types (25% each) and maximum unit credit increase (50%) is proposed in Planned Development Districts so that none of these unit types are dominant in a project and that unit diversity is encouraged. The smaller parcel character found in Downtown and Maker Districts will inherently result in more modest impacts.

The amendments are in accord with the City's Comprehensive Plan, Residential Neighborhoods and Housing Goals:

Goal 2, Neighborhood Quality:

Enhance the quality of the City's residential areas, to promote livability and a sense of community. Livability is defined as safe and walkable, with a variety of housing choices and ready access (walking, biking, transit, automobile) to work, shopping, and services.

Goal 3: Distinct and Attractive Neighborhoods:

Ensure the residential areas of the City continue to comprise a collection of distinct and attractive neighborhoods, each possessing a sense of place, history, and shared identity.

Goal 8: Variety of Housing:

Provide a variety of housing opportunities throughout the City that respect the character of the community.

CONCLUSION

The attached ordinance is comprised of UDO Text Amendments for several residential regulation sections to foster creative project design and encourage unit-type flexibility. The Planning Commission should recommend approval to City Council.

ATTACHMENTS

1. Resolution initiating the public hearing process for the UDOTA
2. Draft ordinance amending the residential regulations