

CITY OF WINCHESTER, VIRGINIA

CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: October 13, 2015

RESOLUTION ___ ORDINANCE DESCRIPTION/PRESENTATION ___

ITEM TITLE: AN ORDINANCE AMENDING SECTION 13-1-5 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (Amendment Will Establish Additional Density Bonuses and Allow for PUD Projects to be Considered for Up to 27 Units Per Acre.)

PUBLIC HEARING DATE:

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

Review:

Aaron Grisdale	Completed	09/17/2015 10:16 AM
Anthony Williams	Completed	09/17/2015 1:54 PM
Eden Freeman	Completed	09/17/2015 4:34 PM

Approved as to form:

Aaron Grisdale

Aaron Grisdale, Zoning and Building Inspections Director

9/17/2015

By: _____

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office of the
city attorney
Virginia

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Eden Freeman
Eden Freeman, City Manager

9/17/2015

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Zoning and Building Inspections Director
Date: October 13, 2015
Re: AN ORDINANCE AMENDING SECTION 13-1-5 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (Amendment Will Establish Additional Density Bonuses and Allow for PUD Projects to be Considered for Up to 27 Units Per Acre.)

THE ISSUE:

Modify existing Planned Unit Development density provisions to allow for developers to apply obtaining density bonuses with a rezoning through Council for up to 27 units per acre.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2 - Promote and accelerate revitalization of targeted areas throughout the city.

BACKGROUND:

Council conducted a work session, first reading, and second reading/public hearing on this amendment in July and August 2015. At the August 25 meeting, Council tabled this issue until the September 22 Work Session to allow the applicant to gather up additional information about ordinances in other jurisdictions and any additional changes to the amendment. The only materials that staff received from the applicant by the deadline included portions of zoning ordinances from Fredericksburg, Charlottesville, and Winchester (B-1 district). (See attached full staff report)

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Adopt the text amendment
- Adopt the text amendment with modifications
- Decline to adopt the text amendment

RECOMMENDATIONS:

The Planning Commission recommended denial on a 5-1 vote.

AN ORDINANCE AMENDING SECTION 13-1-5 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (AMENDMENT WILL ESTABLISH ADDITIONAL DENSITY BONUSES AND ALLOW FOR PUD PROJECTS TO BE CONSIDERED FOR UP TO 27 UNITS PER ACRE.)

AN ORDINANCE AMENDING SECTION 13-1-5 PUD OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS.

TA 15-323

Draft 2 - (07/20/15)

Ed. Note: The following text represents excerpts of the Zoning Ordinance that are subject to change. Words with strikethrough are proposed for repeal. Words that are boldfaced and underlined are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

ARTICLE 13

PLANNED UNIT DEVELOPMENT

SECTION 13-1 PLANNED UNIT DEVELOPMENT DISTRICT - PUD

13-1-5 DENSITY. The density for a Planned Unit Development may be approved for up to eighteen (18) dwelling units per gross acre, except as provided for in Sections 13-1-5.1 through 13-1-5.7 below. In determining the density to be allowed, the following shall be considered: anticipated population density; amount and type of open space provided; impact of the proposed density on surrounding residential areas; and the adequacy of the public streets providing access to the proposed development. **Density bonuses may be granted by Council as part of the establishment of a PUD district when such bonuses are incorporated within a development agreement.** (3/11/09, Case TA-08-12, Ord. No. 2009-10; 5/10/11, Case TA-11-66, Ord. No. 2011-10)

13-1-5.1 DENSITY ADJUSTMENT BASED UPON LEED® OR OTHER RECOGNIZED GREEN BUILDING PROGRAMS, INCLUDING, BUT NOT LIMITED TO, EARTHCRAFT FOR HOMES CERTIFICATION.

~~Where dwelling units are certified by the standards outlined in the United~~

States Green Building Council LEED® for Homes program meet the classification of an energy-efficient building, as provided in Section 58.1-3221.2(B) or (C) of the Code of Virginia; and, with each dwelling unit having no more than two (2) bedrooms, the following Density Adjustment may be applied: (3/11/09, Case TA-08-12, Ord. No. 2009-10)

<u>Level of Certification</u>	<u>Bonus Factor</u>
Certified	<u>Up to .15</u> .20
Silver	<u>Up to .25</u> .30
Gold	<u>Up to .35</u> .40
Platinum	<u>Up to .45</u> .50

13-1-5.2 DENSITY ADJUSTMENT BASED UPON ECONOMIC IMPACT.

The PUD district benefits from a vibrant and economically stable mix of retail, office, and residential uses. In order to achieve this, the following Density Adjustment may be applied:

<u>% of total floor area of site subject to the PUD district in nonresidential use</u>	<u>Bonus Factor</u>
<u>25%</u>	<u>Up to .15</u>
<u>50%</u>	<u>Up to .25</u>

13-1-5.3 DENSITY ADJUSTMENT BASED UPON RESIDENTIAL AMENITIES.

Where at least 5% of the resulting residential floor area in a multifamily project is committed to common amenities, as determined by the Planning Director, a Bonus Factor of up to .15 may be applied. Tenant storage space shall not constitute greater than 40% of the required 5% necessary to take advantage of the amenity bonus.

13-1-5.4 DENSITY ADJUSTMENT BASED UPON AVAILABILITY OF OFF-STREET PARKING.

Where at least 70% of provided off-street parking is offered in the form of an above ground or below ground structure, a Bonus Factor of up to .15 may be applied. Where at least 80% of provided off-street parking is offered in the form of an above or below ground structure, a Bonus Factor of up to .25 may be applied. Where at least 90% of provided off-street parking is offered in the form of an above ground or below ground structure, a Bonus Factor of up to .35 may

be applied. Where 100% of provided off-street parking in the form of an above ground or below ground structure, a Bonus Factor of up to .45 may be applied.

13-1-5.5 DENSITY ADJUSTMENT BASED UPON ACCESSIBILITY.

Where all of the upper story dwelling units in a multifamily project are accessible by passenger elevator, a Bonus Factor of up to .15 may be applied.

13-1-5.6 DENSITY BASED UPON NEW URBANISM DESIGN PRINCIPLES WHICH IS NEAR AND/OR IS ORIENTED TOWARDS COLLEGE/UNIVERSITY/MEDICAL CAMPUSES.

Where a multifamily project is located within the distances provided in Section 18-6-3.1a of a HE-1 or MC zoned, a Bonus Factor of up to .20 may be applied.

13-1-5.7 DENSITY BASED UPON TRANSIT ORIENTED DEVELOPMENT.

Where a multifamily project is developed in a location that is within 300 feet of a City transit stop, within 300 feet of the Green Circle Trail, or within 300 feet of an extension provided within a MPO adopted plan a Bonus Factor of .20 may be applied.

13-1-5.8 Density Bonuses may be cumulative, however, notwithstanding what is stated in Sections 13-1-5.1 through 13-1-5.7 above, the maximum Bonus Factor which can be applied shall not exceed one hundred fifty percent (150%) of the base density allowed with a PUD overlay zoning.

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October 6, 2015

Aaron M. Grisdale, CZA, Director of Zoning and Inspections
City of Winchester
Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Re: JDC Winchester LLC -
Ordinance Amendment Application
Our File No. 835.001

VIA E-MAIL

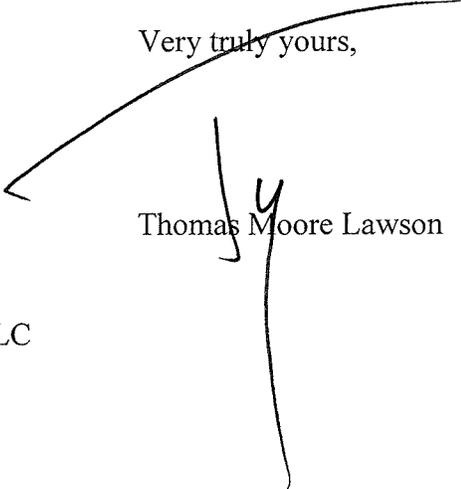
Dear Aaron:

This is to confirm that JDC Winchester LLC agrees to formally withdraw its Ordinance Amendment Application amending §13-1-5 of the Winchester Zoning Ordinance to allow the City of Winchester to pursue an amendment to this section sponsored by Staff to allow for density bonuses in PUD districts.

Please also let me know if JDC is entitled to a refund of the application fee in the amount of \$600.00 for withdrawing its Ordinance Amendment Application in this manner.

Thank you for your assistance and cooperation. I look forward to working with Staff as the new draft ordinance progresses.

Very truly yours,


Thomas Moore Lawson

TML:jk
cc: JDC Winchester LLC

TA-15-323 AN ORDINANCE AMENDING SECTION 13-1-5 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (*Amendment will establish additional density bonuses and allow for PUD projects to be considered for up to 27 units per acre.*)

REQUEST DESCRIPTION

This is a privately sponsored zoning ordinance text amendment to amend the Planned Unit Development provisions in Article 13 and include density bonuses if projects meet certain desired development criteria. The provisions are fashioned similar to the density bonus provisions available for multifamily development in the B-1 (Central Business) district, mainly situated in Old Town.

The amendment would allow for a developer when requesting a rezoning for Planned Unit Development Overlay to include within their proposal a request for the density bonuses. Only the highest quality and most desirable projects that are consistent with the bonus standards should be considered for density bonuses. Council would retain discretion of whether such bonuses should be granted during the rezoning process as part of the project's evaluation of potential traffic and fiscal impacts, consideration of the Comprehensive Plan, etc.

The proposal includes bonuses that could potential increase the density up to 150% of the maximum density of the PUD district. The existing ordinance language allows for a maximum of up to eighteen (18) dwelling units per acre, and this proposal would allow for certain projects to go up to twenty-seven (27) dwelling units per acre. The PUD density standards were amended in 2011 to change the maximum density from 10 units up to 18 units per acre and to allow up to 55% nonresidential use where it was previously capped at 5% of the development.

In the application materials, the applicant contends that these opportunities to earn additional density bonuses in the PUD district for multifamily projects will lead to an increase in student and young professionals housing for the various areas of Winchester, specifically including around Shenandoah University.

The current proposal, dated July 20, 2015, is the result of many discussions back and forth between the applicant and staff. There are several additional charts and tables at the end of this staff report to help illustrate the proposal.

- 1) Chart "A" included in your packet illustrates the standards that were originally proposed at the time of submittal compared to the standards and bonuses that are in Draft 2 for your consideration today.
- 2) Chart "B" analyzes the current updated proposal and includes staff recommendations for the standards and bonuses.
- 3) Table "C" provides an example calculation of how a developer may attempt to achieve maximum residential density.
- 4) Diagram "D" is the existing illustration in the Zoning Ordinance pertaining to off-street parking, that is referenced in the proximity threshold for developments in proximity to the HE-1 and MC zoning districts (Section 13-1-5.6)

STAFF COMMENTS

After several discussions and revisions to the proposal, the applicant has modified the bonuses from the original proposal to reflect qualities of a development that are desirable from the New Urbanism design perspective and qualities mentioned in the Comprehensive Plan. The bonuses are cumulative; however, they are capped at a maximum of 150% (.50 bonus factor) of the density of the PUD district, which amounts to a maximum of 27 dwelling units per acre.

The proposed bonuses include, green building construction (such as LEED and EarthCraft), economic impact, dedication of residential amenities, availability of off-street parking, accessibility, proximity to college/medical campus, and transit oriented development.

Overall, staff believes the ordinance amendment has come a long way from the original submittal to be in a form that is more appropriate for consideration, compared to the original submittal. If this amendment is to be adopted, the goal should be for only the highest quality and most desirable projects should be eligible for the maximum density. To achieve this any qualifying project should need to utilize at least 3-4 of the bonus factor areas in order to reach the maximum possible density. This will help incentivize developers to utilize several facets of construction and design that the City has determined as desirable, both in the Zoning Ordinance and the Comprehensive Plan.

With the latest draft of the ordinance amendment, dated July 20, 2015, there are still a few areas where staff has concerns. Most of the concerns are with the bonus factor levels being proposed; staff believes they are too high. Additionally, two of the standards themselves, we believe should be modified. The staff recommended alterations to the ordinance are included in Chart "B."

If this ordinance amendment is adopted, there will not be an immediate impact on the already approved PUD rezonings and development plans approved by Council, specifically pertaining to their allowable density on site. In order for existing projects to qualify for the proposed density bonuses, City Council would need to approve a revision to the development plan and zoning overlay and evaluate the proposal on the specific merits and evaluate potential impacts of the proposal and consistency with the Comprehensive Plan.

RECOMMENDATION

Staff does not recommend favorable action on the ordinance amendment as currently proposed. Some of the bonus category standards should be revised for additional clarity and numerous bonus factors should be lowered to better reflect the intent of this ordinance. However, if Council is comfortable with the recommendations provided by staff, we believe a revised version of this ordinance that incorporates staff's recommendations is consistent with good planning practice and the Comprehensive Plan and should be adopted.

During their discussion at the public hearing on June 21st, the Planning Commission had mixed opinions about the proposed amendment. Some members felt that it was beneficial to have specific outlined goals and standards included in the ordinance for qualifying project to aim for when attempting to achieve higher density. However, a majority of the members were not supportive of the amendment, as proposed, due to a couple factors: the proposed density bonuses were too high and should be more in line with staff's recommendations, and a couple members felt that the proposed bonuses were already implied within the ordinance and this proposal would provide additional bonuses for redundant considerations.

At their June 21st meeting, the Planning Commission forwarded **TA-15-323** on a 5-1 vote recommending denial because the amendment as proposed provides for additional residential densities that are not consistent with good planning practice, and is inconsistent with the Comprehensive Plan.

September 22, 2015 Update:

At their August 25th regular meeting, the applicant asked City Council to table the amendment until the September 22nd work session to provide for an opportunity for the applicant to provide additional background and information on ordinances for other comparable localities in Virginia. The only additional information received from the applicant are ordinances for the City of Fredericksburg, City of Charlottesville, and portion of Winchester's Zoning Ordinance (B-1 – Central Business) district. These additional materials are included in your agenda packet.

CHART A – Comparison of Original Proposed Standards/Bonuses vs. Current Proposed Standards/Bonuses

<u>Category</u>	<u>Original Standard</u>	<u>Original Bonus</u>	<u>Current Proposed Standard</u>	<u>Current Proposed Bonus</u>
LEED, EarthCraft, and other Green Building certifications as provided in the Code of Virginia.	Tiered LEED certification bonus	Certified .20 Silver .30 Gold .40 Platinum .50	Tiered bonuses based upon certification level of green building program.	Certified .15 Silver .25 Gold .35 Platinum .45
Economic Impact	25% total floor area is nonresidential	.25 bonus	25% of total floor area is nonresidential	.15 bonus
	50% of total floor area is nonresidential	.50 bonus	50% of total floor area is nonresidential	.25 bonus
	75% of total floor area is nonresidential	.75 bonus		
Residential Amenities	At least 5% of resulting residential floor area in multifamily project is committed to common amenities	.20 bonus	At least 5% of resulting residential floor area in multifamily project is committed to common amenities	.15 bonus
Off-Street Parking Structure	Where off-street parking is offered for multifamily project.	___ bonus	Where off-street parking is offered in the form of an above ground or below ground structure.	70% in structure .15 80% in structure .25 90% in structure .35 100% in structure .45
	If off-street parking is provided in above ground or below ground structure.	___ bonus	Tiered system of bonuses depending on % of off-street parking provided in structure.	
Accessibility	Where at least 70% of the upper story dwelling units are accessible by passenger elevator.	.20 bonus	Where all of the upper story dwelling units in a multifamily project are accessible by passenger elevator.	.15 bonus

CHART A – Comparison of Original Proposed Standards/Bonuses vs. Current Proposed Standards/Bonuses

<u>Category</u>	<u>Original Standard</u>	<u>Original Bonus</u>	<u>Current Proposed Standard</u>	<u>Current Proposed Bonus</u>
Use of New Urbanism and proximity to college/university/medical campus	Where a multifamily project is developed using quality design principles of New Urbanism in higher density housing areas, is oriented to students and possibly includes some mixed uses.	.50 bonus	Where a multifamily project is located within the distances provided in Section 18-6-3.1a of HE-1 or MC zoned parcel.	.20 bonus
Transit Oriented Development	<i>Not included</i>	<i>Not included</i>	Where a multifamily project is developed in a location that is within 300 feet of a City transit stop, within 300 feet of the Green Circle Trail, or within 300 feet of an extension provided within a MPO adopted plan.	.20 bonus

CHART B – Comparison of Current Proposed Standards/Bonuses vs. Staff’s Recommended Standards/Bonuses

Category	Standard (Applicant)	Standard - Staff Recommendation	Proposed Bonus (Applicant)	Bonus - Staff Recommendation
LEED, EarthCraft, and other Green Building certifications as provided in the Code of Virginia.	Tiered bonuses based upon certification level of green building program.	Add a catchall provision that allows certifications without tiered levels to have a set bonus factor.	Certified .15 Silver .25 Gold .35 Platinum .45	Certified .10 Silver .15 Gold .20 Platinum .25 Others .15
Economic Impact	25% of total floor area is nonresidential	Staff agrees with proposal.	.15 bonus	.15 bonus
	50% of total floor area is nonresidential		.25 bonus	.25 bonus
Residential Amenities	At least 5% of resulting residential floor area in multifamily project is committed to common amenities	Staff agrees with proposal.	.15 bonus	.15 bonus
Off-Street Parking Structure	Where off-street parking is offered in the form of an above ground or below ground structure. Tiered system of bonuses depending on % of off-street parking provided in structure.	Staff agrees with proposal.	70% in structure .15 80% in structure .25 90% in structure .35 100% in structure .45	70% in structure .10 80% in structure .15 90% in structure .20 100% in structure .25
Accessibility	Where all of the upper story dwelling units in a multifamily project are accessible by passenger elevator.	Where all of the upper story dwelling units in a multifamily project are accessible by passenger elevator. Where 100% of ground floor dwelling units incorporate universal design.	.15 bonus	.05 bonus .05 bonus

CHART B – Comparison of Current Proposed Standards/Bonuses vs. Staff’s Recommended Standards/Bonuses

<u>Category</u>	<u>Standard (Applicant)</u>	<u>Standard - Staff Recommendation</u>	<u>Proposed Bonus (Applicant)</u>	<u>Bonus - Staff Recommendation</u>
Use of New Urbanism and proximity to college/university/medical campus	Where a multifamily project is located within the distances provided in Section 18-6-3.1a of HE-1 or MC zoned parcel.	Staff agrees with proposal.	.20 bonus	.15 bonus
Transit Oriented Development	Where a multifamily project is developed in a location that is within 300 feet of a City transit stop, within 300 feet of the Green Circle Trail, or within 300 feet of an extension provided within a MPO adopted plan.	Staff agrees with proposal.	.20 bonus	.15 bonus
<p align="center">** Both the applicant and staff agree that proposed bonuses should be <u>up to</u> the provided level. **</p> <p align="center">** Highlighted areas indicate recommended additions/changes by staff **</p>				

Table C – Maximum Density Calculation Examples

<u>Using Applicant Proposed Bonuses</u>		<u>Using Staff’s Recommended Bonuses</u>	
Example: 5 acres of land (PUD minimum)		Example: 5 acres of land (PUD minimum)	
5 acres x 18 (max base units / acre) = 90 residential units		5 acres x 18 (max base units / acre) = 90 residential units	
<ul style="list-style-type: none"> • <i>Use of EarthCraft Construction (Certified Level)</i> • <i>90% of parking provided in parking structure</i> 	.15 bonus .35 bonus	<ul style="list-style-type: none"> • <i>Use of EarthCraft Construction (Certified Level)</i> • <i>90% of parking provided in parking structure</i> • <i>25% of total floor area is nonresidential</i> • <i>100% of upper units accessible by elevator</i> 	.10 bonus .20 bonus .15 bonus .05 bonus
<ul style="list-style-type: none"> • <i>Cumulative bonus</i> 	.50 (.50 maximum bonus)	<ul style="list-style-type: none"> • <i>Cumulative bonus</i> 	.50 (.50 maximum bonus)
Bonus density = 90 units x .50 bonus = 45 bonus units		Bonus density = 90 units x .50 bonus = 45 bonus units	
Total density = base density + bonus density		Total density = base density + bonus density	
Total density = 90 units (base) + 45 units (bonus) = 135 total units (27 per acre)		Total density = 90 units (base) + 45 units (bonus) = 135 total units (27 per acre)	

This table illustrates staff’s recommendation that the ordinance, if approved, should be designed to incentivize the utilization of 3-4 bonus categories. By incorporating a higher number of the bonus areas, the developer can demonstrate intent to bring forward a project that is of the highest quality design and desirability and meets goals specified in the Comprehensive Plan.

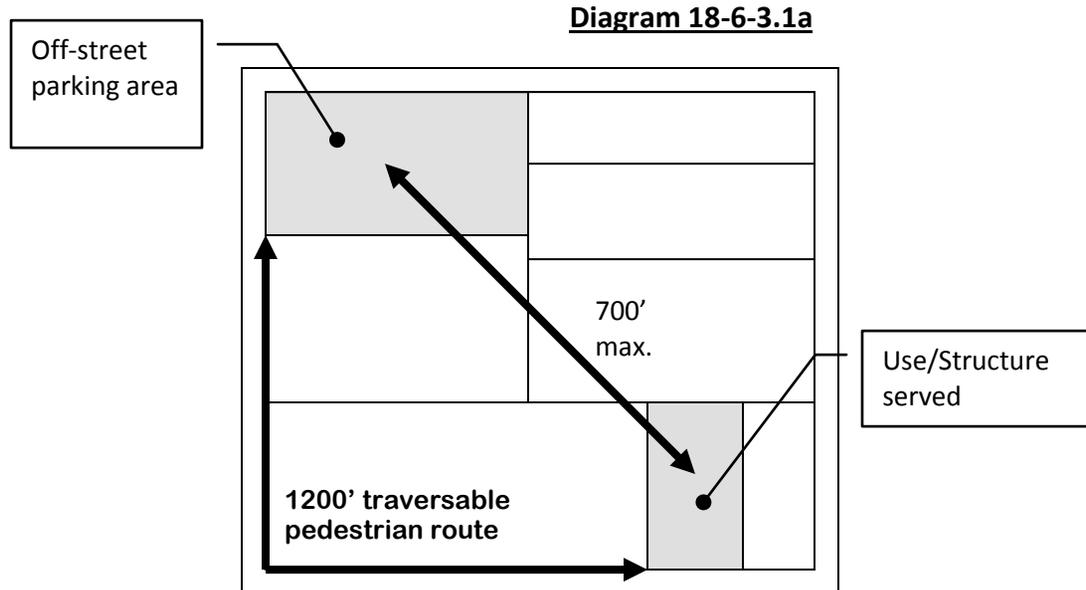
As noted in the left table, under the current proposed ordinance, it is possible to get to the maximum density bonus (.50) using only 2 categories. Staff recommendations, as illustrated in the rightmost table, would require that 3-4 categories be utilized to be eligible for the maximum density bonus.

Diagram D – Reference to Section 18-6-3.1a of the Zoning Ordinance

18-6-3.1

Location of Off-Street Parking Areas. The off-street parking areas required by this Article shall be located on the same lot or parcel of land that they are intended to serve, except as follows: (1/12/93, Case TA-92-03, Ord. No. 001-93; 10/13/09, Case TA-09-89, Ord. No. 2009-27)

- a. Off-site spaces shall be within 700 feet of the use or structure served. For the purpose of this requirement, distance from parking spaces to the use or structure served shall be measured in a straight line from the nearest parking space to the use served. However, no space shall be more than 1,200 feet away from the use or structure served as measured along a traversable pedestrian route. **See diagram 18-6-3.1a.**



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July 20, 2015

Timothy Youmans, Planning Director
Aaron M. Gridale, CZA, Director of Zoning and Inspections
Josh Crump, Planner
City of Winchester
Rouss City Hall
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Winchester, VA 22601

Re: JDC Winchester LLC -
Ordinance Amendment Application
Our File No. 835.001

VIA E-MAIL

Dear Gentlemen:

This is a follow-up to my telephone conversation of last week with Aaron regarding the text revisions that you sent to me on July 10th.

First, my general comment is that reducing the density bonuses generally is not problematic if an applicant is still able to request, giving the Council the opportunity, if they so choose to grant, a density bonus that is 150% of the existing 18 units per acre. Also in keeping in the category of general comments, however, I do think that revising the text to allow for enhanced density bonuses within the various categories is a good idea. As one Planning Commissioner put it so well, I believe that it is a good idea to incentivize a developer to give more in order for the City Council to consider, and if they so choose to grant, more in terms of density bonuses. With these general comments I provide you comments to the specific sections.

Paragraph 13-1-5.1: I believe that there ought to be enhanced bonus factors as an applicant demonstrates that it moves up (gives more) the level of certification for green building programs. It is interesting to me that both LEED and Earthcraft both use the same certification levels. If there is concern about using certain terms in this ordinance where another energy efficient group may use different terms I would simply add language to the text that confirms that the intent of this ordinance is to grant density bonuses as an applicant demonstrates that it has delivered more energy efficient improvements (certifications) to its development.

Paragraph 13-1-5.4: I would revise this section again on a graduated level to incentivize a

Timothy Youmans, Planning Director, et al.

July 20, 2015

Page 2

developer. This is to say that there ought to be an increase in density bonuses for every 10% increase up to a maximum of 100% of offstreet parking provided. I would suggest that a table be added to this section so that if there is 70% offstreet parking then Council could award a 0.15 density bonus. If there is an 80%, 90%, 100% offstreet parking provided then the density bonus should also be increased by a graduated amount. By way of suggestion, 0.20, 0.25 and 0.30 should be considered.

Paragraphs 13-1-5.5 and 13-1-5.6: I believe that the bonus for accessibility is for some reason low with a point 0.05. I do know that providing elevators to multi-family has been an important issue for Council, and I would therefore suggest that it ought to at least be provided with a density bonus of 0.15. Once again with Paragraph 13-1-5.6, I believe that this is for some reason very low. It would seem to me that locating multi-family within a certain acceptable distance of either a campus and/or mass transit or Green Circle is a very important factor for Council that ought to be properly incentivized. I would therefore suggest that that be at least a 0.20 density bonus.

Thank you for the opportunity to work together on this text amendment. I do believe that this revised ordinance is a valuable tool that will give future Councils the opportunity to incentivize certain desirable development. Of course, at the end of the day, all this text amendment does is provide an opportunity for Council. If they choose not to do it and not to grant the bonus then they would certainly be well within their rights. By granting this text amendment, there is no by right benefit being granted to any property owner.

I look forward to tomorrow afternoon's hearing for the Planning Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Moore Lawson', written over a horizontal line.

Thomas Moore Lawson

TML:jk

cc: JDC Winchester LLC

- [1] Single-family detached: up to 16 units per acre.
 - [2] Single-family attached: up to 16 units per acre.
 - [3] Multifamily: up to 30 units per acre.
 - [4] Student housing: up to 60 units per acre when no other residential units are proposed.
- (b) Any combination of mix of the residential unit types may be used to achieve the permitted density and as shown on the GDP. The unit mix in a phased development may vary due to the prevailing market conditions, provided that the total number of units developed shall not exceed the total number of units shown on the approved GDP.
 - (c) Notwithstanding any other provisions of this section the City Council may approve an increase in density levels upon finding such increase achieves the purpose and intent of the district.
- E. Open space. The minimum landscaped open space shall be 15% of the total gross area.
- F. Conflict. Where regulations within this district conflict with other provisions within this chapter, these district regulations shall govern.
- G. Additional regulations. A PD-MU District shall comply with the following standards:
- (1) Commercial uses.
 - (a) At least 40% and no more than 65% of the gross land area of the district shall be used to determine or compute the permitted floor area ratio in accordance with § 72-33.3, Maximum floor area ratio.
 - (b) In the case of vertically mixed use buildings, the commercial use on the ground floor shall be used to calculate this percentage.
 - (2) Vertical mix. At least 20% of the buildings containing commercial uses within the district shall contain uses from at least two of the following different use categories:
 - (a) Professional office;
 - (b) Retail; and
 - (c) Multifamily dwelling units above the first floor.
 - (3) Use mixing.
 - (a) The PD-MU District requires a mix of uses based on the number of residential units as set forth in § 72.33.3D(3) and commercial use expressed as a percentage as set forth in § 72-33.3G(1). The percentage shall mean the percentage of the total gross land area of the district subject to the rezoning application. The mix of uses shall be calculated in accordance with the following rules:
 - [1] The vertical stacking of residential uses in the same building as nonresidential uses is permitted.
 - [2] Phasing of the development may be approved at the time of rezoning. Each phase of development shall contain a tabulation of the site by use category, the accumulated total FAR, the total number of residential units, and the percentage of open space to demonstrate that the development is in conformance with the GDP. Individual phases of the development may have densities that exceed the maximum

City of Fredericksburg, VA
Monday, August 3, 2015

Article 72-5. Development Standards

SECTION 72-51. Density and Layout

72-51.1. Density requirements.

A. Density requirements.

(1) Unbuildable lands.

- (a) Fifty percent of the allowable maximum density shall be permitted and calculated for that area of a site containing any or all of the following features, when the sum of such features comprises 25% or more of such site:

[1] One-hundred-year frequency floodplains;

[2] Slopes in excess of 25%;

[3] Quarries or landfills, abandoned mines, or excavation areas; and

[4] Soils determined to be unbuildable for residential and street development.

- (b) Seventy-five percent of the allowable maximum density shall be permitted and calculated for that area of a site containing any or all of the features set forth in § 72-51.1A(1) above when the sum of such features comprises 15% to 24% of such site.

(2) Density credits.

- (a) Additional density credit, but not to exceed 10% of the maximum allowable density in a given district, may be granted by the City Council on a case-by-case basis, where special amenities or recreational improvements of high construction costs are provided in a given residential development. The phasing and design of such improvements shall be subject to final plan approval and shall be bonded with other site improvements.
- (b) Full density credit shall be permitted and calculated for areas needed by the City to be dedicated for a public park, public school site, public facility, or public transportation improvements as indicated on the adopted Comprehensive Plan, provided that such areas are deeded to and accepted by the City. Such dedicated park areas toward the open space requirements of the district in which located.
- (c) No density credit shall be given for those areas located within major utility easements or rights-of-way greater than 25 feet in width acquired after October 8, 2013.
- (d) In administering the provisions of this section, the Development Administrator shall have the authority to determine the qualifying characteristics of lands to be used for density credit and for open space or landscaped open space in a given district.

Sec. 34-367. - Bedrooms—Limitation of number in R-UMD and R-UHD Districts.

Within the R-UMD and R-UHD zoning districts, the number of bedrooms permitted within a multifamily development shall be restricted as follows:

(1) *Density of 3-21 DUA:*

R-UMD: Eighty-four (84) bedrooms per acre, maximum; not more than four (4) bedrooms per dwelling unit

R-UHD: Eighty-four (84) bedrooms per acre, maximum; not more than four (4) bedrooms per dwelling unit

(2) *Density of 22-64 DUA:*

R-UMD: One hundred fifty (150) bedrooms per acre, maximum; not more than:

Four (4) bedrooms per dwelling unit (units attributable to density of up to twenty-one (21) DUA), and

Three (3) bedrooms per dwelling unit (units attributable to density in excess of twenty-one (21) DUA)

R-UHD: Two hundred fifteen (215) bedrooms per acre, maximum; not more than:

Four(4) bedrooms per dwelling unit (units attributable to density of up to twenty-one (21) DUA), and

Three (3) bedrooms per dwelling unit (units attributable to the density in excess of twenty-one (21) DUA)

(3) For densities in excess of sixty-four (64) DUA approved by special use permit within the R-UHD district, the city council may establish reasonable conditions limiting the number of bedrooms per dwelling unit.

(9-15-03(3); 6-6-05(2))

Sec. 34-368. - Density bonus, R-UMD and R-UHD.

Within a multifamily development proposed within any R-UMD or R-UHD district, an additional five (5) units shall be allowed over and above the number of units permitted by the density limitations of the applicable zoning district, for each single-family detached dwelling owned by the developer and for which the developer records restrictive covenants requiring such dwelling, for so long as it remains a residential use, to be: (i) owner-occupied, and (ii) used and occupied by no more than two (2) persons unrelated by blood or marriage. To qualify for this bonus, the single-family detached dwelling must be located within an R-1(U) or R-2(U) zoning district within the city, and the restrictive covenants must be recorded prior to approval of the preliminary site plan for the multifamily development to which the bonus units will be applied.

(9-15-03(3))

Sec. 34-985. - Rules for computing required spaces.

(a) The number of required spaces shall be computed as follows:

- (1) "Floor area" shall mean gross floor area of the referenced use or structure, unless otherwise specified.
- (2) Where fractional spaces result, the parking spaces required shall be computed to the nearest whole number.
- (3) The parking space requirements for a use not specifically mentioned in this chapter shall be the same as required for the most similar use mentioned.
- (4) When any lot or building is used for two (2) or more purposes, or contains two (2) or more types of spaces for which separate parking requirements are specified (e.g., areas with tables versus areas without tables; areas with service facilities versus areas without service facilities, etc.), the number of parking spaces required shall be the sum of the requirements for the various individual uses or areas, computed separately in accordance with this division, except as provided in section 34-974 (cooperative parking arrangements).

(b) Certain reductions in the number of required parking spaces for a particular use shall be allowed, under the following circumstances:

- (1) When cooperative parking arrangements are shared by two (2) or more uses, as set forth within section 34-974 (cooperative parking arrangements).
- (2) Where a use is located within three hundred (300) feet of a bus stop on an existing city bus route, the number of parking spaces required for such use shall be reduced by: (i) four (4) spaces for uses located within the Downtown North, Downtown South, High Street, Central City, Neighborhood, and Cherry Avenue Corridor Mixed Use Districts, and within the McIntire/Fifth Street Residential Corridor District; or (ii) two (2) spaces for uses located within any other zoning districts. Where a use is located within three hundred one (301) to six hundred (600) feet of a bus stop on an existing city bus route, a similar reduction of spaces shall be granted, in an amount equal to one-half ($\frac{1}{2}$) of the number(s) specified in clauses (i) and (ii), above. Upon finding that a use is more than three hundred (300) feet away from a bus stop in an existing bus route, but that such use is located on the same block as the bus stop, the director of neighborhood development services may grant the reduction specified within clause (i), above.
- (3) Where bicycle lockers are provided on-site, the number of required off-street parking spaces shall be reduced by: (i) two (2) spaces for every five (5) lockers, for uses located within the Downtown North, Downtown South, High Street, Central City, Neighborhood, and Cherry Avenue Corridor Mixed-Use Districts, and within the McIntire/Fifth Street Residential Corridor District; or (ii) one (1) space for every five (5) lockers for uses located within any other zoning districts.
- (4) Where parking lots provide for clearly marked spaces for vans with three (3) or more occupants, such spaces shall count as three (3) parking spaces. These spaces shall be marked with a sign containing the conditions of the space use.
- (5) For non-residential uses, where on-site showers and locker rooms are available for use by employees, the number of required parking spaces may be reduced by four (4) spaces, for uses located within the Downtown North, Downtown South, High Street, Central City, Neighborhood, and Cherry Avenue Corridor Mixed-Use Districts, and within the McIntire/Fifth Street Residential Corridor Districts; or two (2) spaces for uses located within any other zoning districts.
- (6) The total number of required parking spaces may not be reduced as a result of any bonus(es) listed in paragraphs (1) through (5), above, by more than: (i) thirty-five (35) percent, for uses located within the Downtown North, Downtown South, High Street, Central City, and Neighborhood Commercial, Corridor Districts, and within the McIntire/Fifth Street Residential Corridor District; or (ii) twenty (20) percent, for uses located within any other zoning districts, provided that none of the bonuses listed in paragraphs (1) through (5) above may be applied to reduce the parking requirement specified within Article VI, Division 7, section 34-662(c) (reduced parking requirements for the Cherry Avenue Corridor District).

(9-15-03(3))

Sec. 34-660. - Bonuses, square footage.

(a) *Bonuses.* Following below is a list of bonuses that may be granted in return for certain amenities within a mixed-use development. The bonuses may be applied to increase the square footage of a use allowed within the Cherry Avenue Corridor district subject to size restrictions. Notwithstanding any contrary indication set forth within section 34-796 (use matrix), where a bonus allows for square footage greater than that allowed-by right for a particular use, no special permit shall be required.

- (1) For every one (1) square foot of space used for child care, an additional two (2) square feet of space shall be granted.
- (2) For every one (1) square foot of landscaping above those required by sections 34-369 and 34-853, an additional twenty-five hundredths (0.25) square feet of space shall be granted.
- (3) For every one (1) square foot of space used for a training center whose facilities would not be limited exclusively to employees of a business, or to residents, within the mixed-use project, an additional two (2) square feet of space shall be granted.
- (4) For every one (1) square foot of space used for a courtyard, plaza, open space or porch, an additional two (2) square feet of area shall be granted.

(5-19-08(3))

WINCHESTER ZONING ORDINANCE

SECTION 9-4. LOT DENSITY REGULATIONS.

9-4-1 The density for uses in this district shall be as follows:
(9/14/04, Case TA-04-05, Ord. No. 039-2004)

Repealed. (9/14/04, Case TA-04-05, Ord. No. 039-2004; 8/12/08, Case TA-08-05, Ord. No. 2008-34)

Dwelling units --- except as adjusted per Subsection 9-4-1.1a through f of this Ordinance, if applicable: one (1) unit for each one thousand (1,000) square feet of Lot Area. (9/14/04, Case TA-04-05, Ord. No. 039-2004; 8-12-08, Case TA-08-05, Ord. No. 2008-34)

9-4-1.1 DENSITY ADJUSTMENT FOR MULTIFAMILY PROJECTS. In computing the density adjustments in Sections 9-4-1.1a through f below, the Base Density shall be computed before applying the adjustments. Simple rounding shall be used in eliminating fractions. (9/14/04, Case TA-04-05, Ord. No. 039-2004)

An Adjusted Base Density shall be computed by multiplying the Base Density by the Bonus Factor applicable to each bonus provision below. The product represents the number of dwelling units (Density Adjustment) that may be added to the Base Density when determining the maximum number of units permitted. (9/14/04, Case TA-04-05, Ord. No. 039-2004)

a. DENSITY ADJUSTMENT BASED UPON ECONOMIC IMPACT.
The B-1 district benefits from a vibrant and economically stable mix of retail, office, and residential uses. In order to achieve this, the following Density Adjustment shall be applied: (9/14/04, Case TA-04-05, Ord. No. 039-2004)

% of total floor area in nonresidential use	Bonus Factor
25%	.25
50%	.50
75%	.75

b. DENSITY ADJUSTMENT BASED UPON HISTORIC PRESERVATION IMPACT. Only properties situated in the Historic Winchester (HW) overlay District or a National Historic District shall be subject to this Section. Where the development consists of structures (excluding accessory structures) at least fifty (50) years old which are already, or as a part of the development plan are proposed to be, preserved in accordance with historic preservation guidelines established by the U.S. Department of the Interior, ("historically preserved") the following Density Adjustments shall be applied:
(9/14/04, Case TA-04-05, Ord. No. 039-2004; 8/12/08, Case TA-08-05, Ord. No. 2008-34)

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<u>% of existing floor area preserved</u>	<u>Bonus Factor</u>
60%	.30
70%	.35
80%	.40
90%	.45
100%	.50

- c. DENSITY ADJUSTMENT BASED UPON LEED® FOR HOMES CERTIFICATION. Where dwelling units are certified by the standards outlined in the United States Green Building Council LEED® for Homes program; and, with each dwelling unit having no more than two (2) bedrooms, the following Density Adjustments shall be applied: (8/12/08, Case TA-08-05, Ord. No. 2008-34; 3/11/09, Case TA-08-12, Ord. No. 2009-10)

<u>Level of Certification</u>	<u>Bonus Factor</u>
Certified	.20
Silver	.30
Gold	.40
Platinum	.50

- d. DENSITY ADJUSTMENT BASED UPON RESIDENTIAL AMENITIES. Where at least 5% of the resulting residential floor area is committed to common amenities, as determined by the Planning Director, a Bonus Factor of .20 shall be applied. Tenant storage space shall not constitute greater than 40% of the required 5% necessary to take advantage of the amenity bonus. (8/12/08, Case TA-08-05, Ord. No. 2008-34)
- e. DENSITY ADJUSTMENT BASED UPON ACCESSIBILITY. Where at least 70% of the upper story dwelling units are accessible by passenger elevator, a Bonus Factor of .20 shall be applied. (8/12/08, Case TA-08-05, Ord. No. 2008-34)
- f. DENSITY ADJUSTMENT BASED UPON PROPERTY LOCATION. Where dwelling units are located within the special taxation as per Section 25-1 of Winchester City Code, the following Density Adjustment shall be applied:

<u>Taxation District</u>	<u>Bonus Factor</u>
Secondary Downtown District	.10
Primary Downtown District	.20

- 9-4-2 Other Residential and lodging Accommodations listed under Sections 9-1 and 9-2 of this Ordinance one (1) bed per three hundred seventy five (375) square feet of lot area. (5/14/96, Case TA-96-01, Ord. No. 012-96; 1-9-01, Case TA-00-09, Ord. No. 002-2001)
- 9-4-3 Other uses - None. (5/14/96, Case TA-96-01, Ord. No. 012-96)