PLANNING COMMISSION
WORK SESSION AGENDA
MARCH 1, 2016 - 3:00 PM
Fourth Floor Exhibit Hall
Rouss City Hall

1. Review agenda for March 15th regular meeting
2. Discussion regarding the March 12th retreat
3. Committee reports
4. Status of projects pending Council approval
5. Announcements

PLANNING COMMISSION
AGENDA
MARCH 15, 2016 - 3:00 PM
Council Chambers - Rouss City Hall

1. POINTS OF ORDER

A. Roll Call
B. Approval of Minutes- February 16th meeting
C. Correspondence
D. Citizen Comments
E. Report of Frederick Co. Planning Commission Liaison

2. PUBLIC HEARINGS – New Business

A. **TA-16-65** 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 (PUD). The amendment will change the allowable density in a PUD district from 18 residential units per gross acre to 14 units per gross acre absent any density bonuses. The amendment incorporates incentive density bonuses for residential density which will allow developments to have a maximum density of up to 28 units per gross acre. (**Mr. Grisdale)**

3. PUBLIC HEARINGS – Continued

4. NEW BUSINESS

5. OLD BUSINESS

6. OTHER BUSINESS

A. **Site Plan Administrative Approvals:**
1) **SP-15-751** 634-645 E Cork St - Minor Revision
2) **SP-16-102** 112 N. Loudoun St. – Minor Revision- Bells Clothing Apts.

7. ADJOURN

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, February 16, 2016, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER:

PRESENT:	Chairman Slaughter, Vice Chairman Loring, Commissioner Wolfe, Commissioner Fieo, Commissioner Tagnesi, Commissioner Eaton
ABSENT:	Commissioner Smith
EX OFFICIO:	City Manager Freeman
FREDERICK CO. LIAISON:	Commissioner Kenney
STAFF:	Tim Youmans, Aaron Grisdale, Josh Crump, Carolyn Barrett
VISITORS:	Mark Campbell

APPROVAL OF MINUTES:

Chairman Slaughter called for corrections or additions to the minutes of January 19, 2016. Hearing none, he called for a motion. Commissioner Fieo moved to approve the minutes as submitted. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 6-0.

CORRESPONDENCE:

Mr. Youmans noted the updated agenda. Under Item 4 in New Business, the 2015 Annual Report will be presented by Mr. Crump. Also, under Item 6a, two site plan approvals. There is an updated staff report for the Conditional Use public hearing. There is also information for the proposed text amendment.

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

No meeting on January 20, 2016. One public hearing for Crossroads Development at the end of Route 37 for boundary line and proffer adjustments. They were passed and moved forward to the Board and approved. There was one public hearing on February 3, 2016 for a Conditional Use permit for a shooting range at the Isaac Walton League Park.

PUBLIC HEARINGS:

NEW BUSINESS:

CUP-15-746 Request of Stacie Smith Brown for a Conditional Use Permit for Extended Stay Lodging at 574 North Loudoun Street (Map Number 153-01-G-1) zoned Commercial Industrial (CM-1) District.

The applicant was not present. Mr. Youmans reviewed the updated staff report and the motions included in it. The Comprehensive Plan calls for redevelopment of the area. There are some adjoining residential uses and across from them are some industrial uses such as Winchester Cold Storage. There

is virtually no green space and very little parking on the property. The property lost its grandfathered rights because it was vacant for more than two years. Commissioner Fieo asked if there was any approved use at this point and was it the same owner as two years ago. Mr. Youmans said no, there was no use at this time and the owner is different. The applicant has made an application to the Board of Zoning Appeals. Commissioner Tagnesi asked if the BZA considers the Comprehensive Plan or do they just look at variances. Mr. Grisdale said the BZA has a very narrow lens that the BZA has to evaluate requests. It is a strict application of the ordinance and whether it unreasonably restricts use of the property. In this case, there was a legally established use on the property that expired. Commissioner Fieo asked if the property fell under the Comprehensive Plan and Mr. Youmans said it did.

Mr. Youmans spoke about the parking area and what was typical for extended stay lodging for temporary business use. The applicant is required to submit a site plan and a floor plan. The building was previously used as two apartments. Mr. Youmans described both units and noted they were not the usual extended stay accommodations. He referred back to the staff report, the constraints listed and the definition of extend stay lodging. The current zoning does not allow for any residential use. The Comprehensive Plan calls for the smaller properties to be gathered together to create a larger redevelopment opportunity. The owner has to be provided with some kind of use for the property. This is the best use identified by staff as an interim use.

Chairman Slaughter asked how the house became a non-conforming use. Mr. Grisdale reviewed the history of the property. Commissioner Tagnesi asked what the options were for the owner if the commission turned it down. Mr. Youmans and Mr. Grisdale said there were other zoning options, variance requests and text amendments. Commissioner Fieo asked if the Board of Zoning Appeals denied the request then the next step would be court. Mr. Grisdale said it would be circuit court.

Commissioner Eaton about the definition of extended stay lodging. Mr. Youmans read what was in the city code. She also asked who currently owned the property now. Mr. Youmans said it was two separate owners. Commissioner Loring asked what the condition of the building was and what else was around the property. Mr. Grisdale said staff had not been in the building and that several other residential buildings were legally non-conforming residences. Commissioner Loring noted that it would be a very long process to redevelop the whole block.

Chairman Slaughter opened the public hearing

Mark Campbell, of 552 North Loudoun Street, said he had received a letter from the applicant. He had been living in the area for about 10 years. North Loudoun Street is not the quietest neighborhood. There have been incidents of theft and a death on the street. His concern about having an extended stay living facility on the street will draw transient use. The ordinance defines a transient as anyone living in a place less than 30 days. He is not afraid to call the police concerning issues about people not from the area. Secondly, he can't see extended stay as a use. He has worked in areas out of town and cannot see living across the street from a packing plant. He could not do it and could not understand why someone else would do it unless it was extraordinarily cheap rent. His next point was that if the rent was very cheap, what kind of person would that attract? The area is for commercial use and he has seen special exceptions fly through at a whim with disregard to the intended zoning ordinances. He lives in the residential area and there is an entertainment establishment 24 feet away from a residential building. The ordinance requires 200 feet but it is there because of a special exception. He does not want to deny someone the use of their property but it needs to make sense for the area. If the building

was intended for rent originally then until the city can make good use of the building then it should be for longer term use. Extended use, 30 days or 2 months is not really acceptable.

Commissioner Slaughter chose to leave the public hearing open and asked for discussion. Commissioner Tagnesi asked if the request was disapproved and the owner decided to make it into a commercial property, would the she have to go with the variances or a meeting with the BZA. Mr. Youmans said the BZA would consider the conditions associated with the granting of any one of the variances needed. They could have a motion contingent upon a certain use. This would be a conditional use in the CM-1 District. The applicant has not applied to the BZA to ask for relief for any of the by-right uses like an office or service establishment that would be more conforming with the zoning ordinance. If the applicant is denied the conditional use, they can first try to exhaust options that are less consistent with the zoning and still seek dimensional variances. The BZA cannot consider use variances. They can only consider relief of dimensional requirements such as yards and setbacks. They can condition their approval of those variances to a particular proposal. Commissioner Tagnesi asked if the Commission disapproves the request, can a suggestion be made to the owner to ask for a commercial use from the BZA. Mr. Grisdale said they can discuss additional options at the property.

Commissioner Fieo said there are too many problems with the application. The use is not what the Commission intends. Establishing a conditional use may not be in the best interest of the neighborhood. He had a concern about the floor plan and fire safety. The parking is questionable because of the existing easement. The applicant needed to solve the zoning issues before coming back with suggestions for commercially approved use.

Commissioner Wolfe said that if they have them switch to commercial use, they will still be surrounded by homes. To her, it makes less sense to put a commercial use next to homes that are still non-conforming and there is no option for apartments. Mr. Grisdale said there are no residential uses allowed either by-right or with a conditional use permit in the CM-1 District. The only thing close enough is the extended stay use. The other homes are grandfathered in and those uses will fade away over time. There are other by-right options. Mr. Youmans said they had to allow the owner to have some use of the property. Chairman Slaughter stated that to his mind, it was not appropriate from a zoning perspective.

*Commissioner Fieo made a motion that the Commission forward **CU-15-746** to Council recommending denial per Sections 10-2-12 of the Zoning Ordinance because the proposal, as submitted, does not conform to the Comprehensive Plan, specifically elements of Chapter 11 of the Plan which calls for a more comprehensive economic redevelopment effort and an action statement that reads: "Compile a list of property owners for the numerous small parcels in the area bound by North Loudoun Street, North Cameron Street, and Gibbens Street that should be consolidated to create major redevelopment opportunities." Commissioner Tagnesi seconded the motion. Roll call vote was taken – ayes-4, nays-2, the motion passed.*

Chairman Slaughter asked for a motion to close the public hearing. Commissioner Tagnesi made the motion. Vice Chairman Loring seconded the motion.

Chairman Slaughter closed the public hearing

DRAFT

TA-16-065 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.

Mr. Grisdale reviewed the background for the basis of the staff drafted ordinance. The City Council would be able to award bonuses when a project is identified as a redevelopment site within the comprehensive plan and the strategic plan. It would be narrowly tailored to those targeted sites and the residential density bonuses intended for highest quality projects. Mr. Grisdale reviewed the chart for bonus factors available.

Commissioner Fieo asked what the percentage of development with green space and parking space. Mr. Youmans explained the differences. Commissioner Fieo asked what the height limit was outside of B-1. Mr. Youmans said generally 35 feet and as high as 55 feet in some circumstances. Commissioner Tagnesi asked what the maximum units per acre were. Mr. Grisdale said 14 units per acre. Commissioner Wolfe asked how the number of 28 units was arrived at. Mr. Grisdale explained the process. Commissioner Eaton asked if the minimum acreage was five acres for a PUD. She also asked about the density bonuses. Mr. Grisdale spoke about what was listed in the zoning ordinance. Each project that came up would have to be evaluated. Chairman Slaughter asked if the base 14 units and what is expected with them could be discussed. Mr. Grisdale said that it was codified in Section 13-1-5.3. Chairman Slaughter asked if a higher quality development could be described because what the City considers high quality can be different from a developer's idea.

Commissioner Tagnesi made a motion to initiate the Text Amendment. Vice Chairman Loring seconded the motion. Voice vote was taken and the motion passed 6-0.

2015 Annual Report

Mr. Crump reviewed the annual report. Most of the development applications were similar in numbers to the previous year. He highlighted the Conditional Use and Corridor Enhancement applications. A large number of CE applications were along Valley Avenue. There was discussion about the positive impact the CE District was having.

OLD BUSINESS:

None

OTHER BUSINESS:

Admin approvals – Site plans

SP-16-39 135 Featherbed Lane – Minor revision and waiver request. Commissioner Tagnesi moved to approve. Vice Chairman Loring seconded. Voice vote was taken and the motion passed 6-0.

SP-15-751 634-645 East Cork Street – Minor revision (Table until March 15, 2016 meeting)
Vice Chairman Loring moved to table. Commissioner Wolfe seconded. Voice vote was taken and the motion passed 6-0.

ADJOURN
With no further business before the Commission, the meeting adjourned at 4:30pm.

DRAFT

TA-16-65 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 (PUD). The amendment will change the allowable density in a PUD district from 18 residential units per gross acre to 14 units per gross acre absent any density bonuses. The amendment incorporates incentive density bonuses for residential density which will allow developments to have a maximum density of up to 28 units per gross acre.

REQUEST DESCRIPTION

This is a publicly initiated zoning ordinance text amendment to amend the density provisions for developments in the Planned Unit Development overlay. The current maximum density in the PUD district is 18 units per gross acre. This amendment will reduce that maximum to 14 units per gross acre without any density bonuses. Qualified developments that are approved for density bonuses will be able to obtain density up to a maximum of 28 units per gross acre.

STAFF COMMENTS

This proposal is a follow up to the privately initiated zoning ordinance text amendment on the same subject considered by the Planning Commission and Council in 2015. Following the withdrawal of the privately sponsored application, staff conducted research and internal discussions and came up with a recommendation for alterations to the density provisions in the PUD district and the establishment of several density bonus categories to allow for high quality developments to be eligible for enhanced densities in certain areas in the City identified by Council. The amendment was initiated by the Planning Commission in February.

The proposal will adjust the maximum density of multifamily developments with PUD overlay zoning without density bonuses from 18 gross units per acre to 14 gross units per acre. For many years the highest allowable density in the PUD district was 10 units per acre. This was increased in 2011 when the maximum density was increased to 18 units per gross acre. Additionally, various incentive bonuses are included that would allow for a developer to gain additional residential density for incorporating design elements that demonstrate high quality and consistency with New Urbanism design principles identified in the Comprehensive Plan. The maximum bonus factor a request could incorporate is a 1.0x bonus factor resulting in a doubling of the maximum density (28 units per gross acre).

Eligible properties should be identified as a catalyst site or redevelopment site within the Comprehensive Plan or as a site for redevelopment within Council's adopted Strategic Plan. This reinforces that the highest densities are not intended to be provided for City-wide, but rather in targeted areas Council has identified for development. The idea is that the highest quality developments will need to utilize several different bonus factors in order to achieve the highest density, rather than the bonus factors being structured in a way that only one or two bonuses will allow for a developer to achieve maximum density.

Density Bonus Factor Areas Include:

- Economic impact (mixed use)
- Inclusion of residential amenities
- Inclusion of structured off-street parking

- Incorporation of accessibility for all upper floor units
- Siting a project in close proximity to a college/university/medical campus
- Inclusion of transit oriented development
- Construction of community amenities
- Inclusion of energy efficiency and alternative energy
- Inclusion of affordable housing

There is an attached bonus chart which details the proposed types of bonuses along with the associated bonus factor. Most of the factors are in tiered levels so that the more a developer is committed toward an incentive the greater the density bonus factor can be awarded.

Example Density Bonus Scenario

5 acre site = 70 dwelling units (14 units x 5 acres)

Proposed development plan incorporates:

30% commercial floor area	(.15 bonus)
60% of parking in above ground structure	(.20 bonus)
Within 300 feet of a transit stop	(.15 bonus)
Design includes green roof	(.05 bonus)
Design includes solar polar arrays	(.05 bonus)

Total bonus factor of .60 (.60 factor x 70 units = 42 bonus units)

Total site density = 112 dwelling units (70 base + 42 bonus)

RECOMMENDATION
Staff recommends approval of the proposed text amendment.

A POSSIBLE FAVORABLE MOTION COULD READ:

MOVE, the Planning Commission forward **TA-16-65** to City Council recommending approval because the amendment as proposed provides for good planning practice and adheres to the housing objectives of the Comprehensive Plan, specifically Objective 2: "Provide opportunities for new mixed-income and mixed dwelling-type residential use in higher density setting that incorporate the quality design principles of New Urbanism."

If the commission believes that additional revisions are needed on the amendment before forwarding to City Council, a **MOTION TO TABLE COULD READ:**

MOVE, the Planning Commission table **TA-16-65** until the April meeting.

A UNFAVORABLE MOTION COULD READ:

MOVE, the Planning Commission forward **TA-16-65** to City Council recommending disapproval because: (list reasons for disapproval)

Bonus Factor Chart

ECONOMIC IMPACT

% of total building floor area on site subject to the PUD district in commercial use	Bonus Factor
20%	.10
30%	.15
40%	.20
50%	.25

RESIDENTIAL AMENITIES

% of residential floor area committed to common residential amenities	Bonus Factor
2.5% (At least 1,000 sq. ft.)	.10
5%	.20

Tenant storage space shall not constitute greater than 40% of the required floor area necessary to take advantage of the amenity bonus.

AVAILABILITY OF OFF-STREET PARKING

% of provided parking located within an above or below ground parking structure	Bonus Factor
40%	.15
60%	.20
80%	.25
100%	.30

ACCESSIBILITY

	Bonus Factor
All of the upper story dwelling units in a multifamily project are accessible by passenger elevator	.05

SITE BEING NEAR AND/OR IS ORIENTED TOWARDS COLLEGE/UNIVERSITY/MEDICAL CAMPUSES

	Bonus Factor
Where a multifamily project is located within the distances provided in Section 18-6-3.1a of a HE-1 or MC zoned parcel	.15

TRANSIT ORIENTED DEVELOPMENT

	Bonus Factor
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	.15

CONSTRUCTION OF COMMUNITY AMENITIES

Community Amenity Constructed	Bonus Factor
Green Circle Trail	.05
City Transit Stop	.05
Bike Share Station (minimum 5 bicycles)	.05
Vehicle Charging Station (minimum 3 stations)	.05

ENERGY EFFICIENCY AND ALTERNATIVE ENERGY

Design Element Incorporated in Design	Bonus Factor
Green Roof (50% roof coverage minimum)	.05
Renewable Energy System incorporated in project	.05
Sustainable Wastewater Management	.05
Use of Permeable Pavers on Driving/Parking Surfaces	.05

AFFORDABLE HOUSING

	Bonus Factor
Where a multifamily project includes a minimum of 5% of the total dwelling units utilized as an affordable housing dwelling unit	.05

A dwelling unit shall be considered an affordable dwelling unit if the monthly rent charged does not exceed 30% of the tenant's gross income levels at 80% of the Winchester Metropolitan Statistical Area's median income, as determined by the United States Department of Housing and Urban Development.

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 (PUD). The amendment will change the allowable density in a PUD district from 18 residential units per gross acre to 14 units per gross acre absent any density bonuses. The amendment incorporates incentive density bonuses for residential density which will allow developments to have a maximum density of up to 28 units per gross acre.

TA 16-065

Draft 1 – (01/29/16)

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 **maximum** density for a Planned Unit Development ~~may be approved for up to eighteen (18)~~ **is fourteen (14)** dwelling units per gross acre, except as provided for in Section**s** 13-1-5.1 **through 13-1-5.11** 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. (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® 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 Adjustment shall be applied: (3/11/09, Case TA-08-12, Ord. No. 2009-10)~~

~~Level of Certification~~	~~Bonus Factor~~
~~Certified~~	~~.20~~
~~Silver~~	~~.30~~
~~Gold~~	~~.40~~
~~Platinum~~	~~.50~~

13-1-5.1 DENSITY BONUS INTENT:

Residential density bonuses provided in Sections 13-1-5.3 through 13-1-5.11 below may be granted by City Council above the maximum of fourteen (14) units per gross acre when such bonuses are incorporated within a development agreement. As part of a rezoning of a parcel or modification of a Development Plan, City Council may award any of the below bonuses when a project is identified as a catalyst site or redevelopment site within the Comprehensive Plan or is identified as a targeted site for redevelopment with the City's adopted Strategic Plan.

Residential density bonuses are intended to be reserved for those highest quality projects which incorporate the elements of New Urbanism specified within the Comprehensive Plan and incorporated in Sections 13-1-5.1 through 13-1-5.11, including, but not limited to mixed-use development, walkability, pedestrian scale development, sustainable development, and energy efficient building design. In addition to adherence to the principles of the Comprehensive Plan, projects shall be evaluated upon their consistency with the current Strategic Plan and Economic Master Plan which Council has adopted.

13-1-5.2 DENSITY BONUS CALCULATION:

In computing the density bonuses in Sections 13-1-5.3 through 13-1-5.11 below awarded by City Council, the Base Density shall be computed before applying the bonuses. Simple rounding shall be used in eliminating fractions. 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 Bonus) that may be added to the Base Density when determining the maximum number of units permitted. Density Bonuses may be cumulative, however the maximum Bonus Factor which can be applied shall not exceed 1.0 bonus factor.

13-1-5.3 DENSITY BONUS 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 Bonus may be applied:

% of total building floor area on site subject to the PUD district in commercial use	Bonus Factor
20%	.10
30%	.15
40%	.20
50%	.25

13-1-5.4 DENSITY BONUS BASED UPON RESIDENTIAL AMENITIES.

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

% of residential floor area committed to common residential amenities	Bonus Factor
2.5% (At least 1,000 sq. ft.)	.10
5%	.20

13-1-5.5 DENSITY BONUS BASED UPON AVAILABILITY OF OFF-STREET PARKING.

Where one of the below percentages of provided off-street parking is provided in the form of an above ground or below ground parking structure, a residential density bonus may be applied:

% of provided parking located within an above or below ground parking structure	Bonus Factor
40%	.15
60%	.20
80%	.25
100%	.30

13-1-5.6 DENSITY BONUS BASED UPON ACCESSIBILITY.

Where all of the upper story dwelling units in a multifamily project are accessible by passenger elevator, a Bonus Factor of .05 may be applied.

13-1-5.7 DENSITY BONUS BASED UPON THE SITE BEING 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 parcel, a Bonus Factor of .15 may be applied.

13-1-5.8 DENSITY BONUS 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 .15 may be applied.

13-1-5.9 DENSITY BONUS BASED UPON CONSTRUCTION OF COMMUNITY AMENITIES

Where the project incorporates construction of the below community amenities, the respective density Bonus Factor may be applied:

Community Amenity Constructed	Bonus Factor
Green Circle Trail	.05
City Transit Stop	.05
Bike Share Station (minimum 5 bicycles)	.05
Vehicle Charging Station (minimum 3 stations)	.05

13-1-5.10 DENSITY BONUS BASED UPON ENERGY EFFICIENCY AND ALTERNATIVE ENERGY

Where a multifamily project is developed incorporating design elements improving energy efficiency, environmental sustainability, and/or alternative energy, the following residential Bonus Factors may be applied:

Design Element Incorporated in Design	Bonus Factor
Green Roof (50% roof coverage minimum)	.05
Renewable Energy System incorporated in project	.05
Sustainable Wastewater Management	.05
Use of Permeable Pavers on Driving/Parking Surfaces	.05

13-1-5.11 DENSITY BONUS BASED UPON AFFORDABLE HOUSING

Where a multifamily project includes a minimum of 5% of the total dwelling units utilized as an affordable housing dwelling unit, a Bonus Factor of .05 may be applied.

For the purposes of this section, a dwelling unit shall be considered an affordable dwelling unit if the monthly rent charged does not exceed 30% of the tenant's gross income levels at 80% of the Winchester Metropolitan Statistical Area's median income, as determined by the United States Department of Housing and Urban Development.

13-1-12 Deviations from Development Standards

13-1-12.1 Consistent with the intent provisions in Section 13-1-1 for cluster-type development with the greatest amount of open space and preservation of natural features, Council may approve a proposal which deviates from the underlying zoning district development standards, specifically including main building setbacks, lot width, lot area, and building height.

13-1-12.1 **In permitting such deviations, Council must find that the deviation from the established standard is necessary or desirable to provide for uniform development, enhance conformance with New Urbanism design, and/or allow for consistency with the established surrounding neighborhood design.**