

CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Other Matters - Residential Unit Densities and Types of Dwellings Allowed in Zoning Districts

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 8, 2017

Chair Way said Ms. Dang will now have a presentation on residential unit densities and the types of dwellings allowed in the different zoning districts.

Ms. Dang said I have a PowerPoint presentation that I would like to walk you all through. In August of this year, Mr. Blackwell presented a proposal to the Planning Commission under other matters to amend the R-5 district to add single-family detached and duplex dwelling units. The purpose that was presented was to allow higher dwelling unit density by allowing smaller lot area and dimensional requirements. The opportunity would be to also provide more affordable housing, because you could put more dwellings on that particular piece of land.

After that presentation and some good discussion, Planning Commission directed staff to continue working with Mr. Blackwell, which we have done. After speaking with a few of you about this particular proposal, and some other things related to small lots, we thought it would be a good opportunity to share some information with Planning Commission before we bring back the actual ordinance amendment for public hearing. This is an overview of the Zoning Ordinance and some examples of previous rezonings that might give you a frame of reference for this proposal.

I have left in front of your seats some handouts. What you see here is the number of dwelling units allowed per acre in the first column. In the rows are all the zoning districts, and then you see single-family detached, duplex, townhomes, and multi-family and the type of dwellings permitted in each zoning district. As you move down the list you will see that the unit density increases and that is a distinction I want to highlight. As we talk about density within zoning, we are talking about dwelling unit density, not number of people, and not the type of dwelling units. The other thing I would like to point out is that with R-6, R-7, and MX-U, they require master plans and homeowner associations; a lot of upfront planning that the other districts do not require.

Our office administratively handles a lot of subdivision reviews, building permit and site plans; and we look at various sections of our Zoning Ordinance that you all may not consider, or have to consider. In Article T of the Zoning Ordinance, there is a section called Modifications and Adjustments. It includes exceptions and special conditions that in some cases provides additional regulations or relief mechanisms, depending on the particular section.

One of the phrases used is “lot of record.” This is in the definitions section of the Zoning Ordinance. A “lot of record” is a lot which has been recorded in the offices of the Clerk of the Circuit Court; basically, something that has been platted and then recorded at the court house. The reason I bring this up is because one section of Article T, Section 10-3-110 (f) states when we have a “lot of record” that is less than 60 feet in width, we allow that property owner to reduce their building setback to five feet on the sides. In your handouts, I provided the area and dimensional requirements of different zoning districts and you will notice for example with R-1 it requires a 10-foot side yard setback.

I am going to give you an example here of an R-1 property. This happens to be on Sunrise Avenue but it could be anywhere. In this case the lot is 50 feet wide, about 200 feet long, and about 10,000 square feet in area. In R-1, the Zoning Ordinance requires 10,000 square feet of lot size, and 80 feet of lot width; in this case the lot of record is 50 feet, that is less than the required 80 feet width. A side yard setback, typically, would require 10 feet; but because this lot is less than 60 feet, that section within Modifications and Adjustments allows this particular lot to have five-foot side yard setbacks. I present this just as an example of a relief mechanism that is available for similar lots of record.

Another example on Virginia Avenue, at 50 feet wide and about 125 feet long, this lot is a little more than 6,000 square feet. The property is zoned R-2 and even though this lot size is smaller than the dimensional requirements that we require in the R-2 district, that relief mechanism is still available. In this case, even though the side yard setback in our regulations in the R-2 zoning district says 10 feet, this property would be allowed to have a five-foot setback when constructing a building on that particular lot.

Another subsection of Modifications and Adjustments has to do with the front setback. Section 10-3-122 of the Zoning Ordinance is used when an existing, developed neighborhood does not meet the current Zoning Ordinance's front setbacks. I will walk you through two examples where they can take the average setback of all the buildings along that street between one intersection and the other intersection on the same side of the street; or they can take the average setback of their two neighbors and then they can build to that average setback.

Back on Sunrise Avenue, the properties are zoned R-1; therefore, the required front yard setback is 30 feet. In this scenario one neighbor has an established 25-foot front yard setback and the other one is 30-feet; so if you take the average of the two, this house could have 27.5 foot front setback. Ms. Dang provided several other examples of using this relief mechanism for reduced front setbacks. Article T allows homes that are developing on vacant lots that are sprinkled throughout the City in existing neighborhoods to be able to match the adjacent lots as opposed to being required to have that 30-foot setback where their neighbors might only be five feet away from the property line.

Chair Way asked what is the intent of the U-R District if Article T exists.

Mr. Fletcher said the U-R district was created back in 2001 when the Old Town neighborhood came in as entire neighborhood and rezoned themselves from R-2 to the newly created Urban Residential District. The neighborhood specifically defined options, opportunities, and characteristics of their neighborhood. They recognized that they had different setbacks already than many of the other neighborhoods. They were essentially creating opportunities, not only to bring themselves into conformance, but to create other relief mechanisms for new units to be constructed.

What they also did was create, in the U-R district, the most restrictive occupancy for the number of people per unit in the City. Most people think that R-1 has the most restrictive occupancy limits but it is the U-R district because it requires either a single-family or two persons. It is none of that owner occupied or non-owner occupied language that we have in other zoning districts. It did not have anything to do with the things that Ms. Dang is talking about, it is simply its own zoning district and it was all about occupancy and being able to have different tools to prevent people from converting single-family homes into multi-family structures.

Chair Way said that makes sense.

Ms. Dang asked are there any other questions about how we deal with existing lots of record that might be smaller than what the Zoning Ordinance requires for new lots.

Mr. Fletcher said the other thing I would add is with the lot of record is if you have an existing vacant lot you have a use for that property and it is essentially the lowest density use that is available in the district. Ms. Dang's examples are good ones, especially that first one on Sunrise Avenue it just happens to be a 10,000 square foot R-1 zoned lot, but it could have been a 6,000 square foot R-1 zoned lot and would still have the ability to build a single-family home. If people were concerned about these undeveloped tracts internal to neighborhoods not being able to build to the density as permitted they can, as they can build to the density that is permitted, essentially it is the lowest density, which may or may not be the surrounding neighborhood density.

Mr. Colman said another question or point of explanation on that is, where do you measure the 60 foot width. Is it at the front property line or is it at the setback; where is that measured?

Ms. Dang said it is measured at the setback.

Mr. Fletcher said we have had these conversations and then you really have to dig into what is the definition of lot width, where is the 30-foot setback and is it parallel to the public street. We get into a lot discussions, interesting, theoretical geometric discussions and then we bring in the City Surveyor because it really gets complicated.

Ms. Dang said now we are going to change gears just a little bit and walk through some examples of rezonings. I had the sense from talking with Planning Commissioners and from the public, that sometimes when we hear R-3 zoning we immediately think multi-family apartments. But, as you can see in this slide R-3 can also include single-family, duplex, and townhomes as well.

Woodland Estates is off Reservoir Street and they are zoned R-3, surrounded predominately by other R-3 properties. When you drive down Woodland Drive what you see are single-family detached and duplex dwellings. That is just an example of not building apartments in an R-3 district.

Skyview Estates was a rezoning in 2003 from R-1 to R-3C. This particular subdivision consists of single-family detached dwellings. If the subdivision was zoned R-1 it would require 10,000 square foot lots, but it was approved with R-3C, where they have proffered 6,000-square foot lots. It allowed them to build single-family homes on smaller lots. They also have proffered, in this case, that their uses would be limited only to single-family dwellings, religious, governmental and public uses. Basically, all the other R-3 uses that we see in the Zoning Ordinance they cannot do that on these properties.

Mr. Baugh said that is one where it is a special situation where there is County property behind it; so it is also part of trying to get all that to match up in a way that it made some sense.

Ms. Dang said Westfield and Wellington Subdivisions are off of West Market Street. This has three different rezonings but I will not get into the specifics of all of them. One rezoning was in 1996, another in 1998. and the last one in 2003. They are all R-3C and what we have is a mixture of single-family detached and townhouse dwellings. The townhouses front on West Market Street and the single-family detached dwellings in the back.

Given the three different rezonings that occurred, there are varying proffers for different lot sizes, but essentially, they range from the 4,300 to the 6,000 square foot lots, which are smaller than what R-1 would require. Their proffers also vary, one of the phases said they could build townhomes and single-family detached homes, another phase proffered that they would only be single-family detached homes. They removed again all the other uses that are allowed by right in the R-3 zoning district.

The last example I have is The Crossings; this is an R-1 to R-2C rezoning. There were two different rezonings that occurred in 2005 and 2007, but essentially what we have here is single-family detached dwellings approved for R-2C with 7,000 square foot lots. Basically, they proffered that their use would be the same as the R-1 uses and that they would only be using the area and dimensional requirements of the R-2C zoning district. Those are some examples of things that others have done with R-2 and R-3.

The proposal that Mr. Blackwell brought to us proposed to bring single-family detached dwellings and duplex dwellings to R-5. Some people, when they look at this, see all these uses that are permitted in R-5, but like the other examples I provided, when somebody is going to request rezoning to R-5, depending on the context, the environment, what their product is and what they are planning to do, they may be encouraged, or they may choose to volunteer proffers that would remove some of those intensive uses. If apartments are a concern they can remove that as a by right use. Just to remind you all, those other items like the mixed uses and retail are only allowed by special use permits.

What is being proposed is to allow single-family detached and duplex dwellings in the R-5; not just the uses, but to also allow smaller lot area and dimensional requirements in R-5. What you would end up with is for single-family detached homes at 14 units per acre and duplex units at 21 units per acre.

That was a quick overview of the history of things that have occurred before. Do you have any questions either about what I have presented or thinking ahead of what you all expect to see at the next meeting?

Mr. Colman asked does R-5 also require a master plan.

Ms. Dang said no it does not.

Mr. Fletcher said there are only five locations now zoned R-5. Four locations are; Stone Suites, Harmon Property, 865 Port Republic Road, and Campus View and these were all rezoned to R-5 with proffers. There is a fifth parcel that had no proffers on it; that was the second R-5 zoning we ever had. It was at the end of Hunters Road and we recently learned that JMU bought it. Now, there are no R-5 properties that are privately owned that do not have proffers. I am not saying that we will never have or never entertain an application that is straight out R-5; but I think you would end up with a lot of voluntary proffers.

Ms. Dang's presentation was really all about bringing you to understand that even though we have not had these kinds of rezonings in the recent past, we were hitting these types of rezonings month in and month out where somebody was requesting a higher zoning classification simply to get the reduced lot width of the higher density category. This is just the next phase, or the next level up or down, in the list that is just the high density category. We hope that if somebody comes in and they have an idea where they want to have single-family detached homes and we want to promote more ownership to single-family detached homes, it gives them an opportunity

to increase the density and have more detached homes on smaller lots. We are not just talking about tiny homes, we are talking about lots that could be anywhere between 3,000 and 6,000 square feet; just because 3,000 is the minimum it does not mean you are going to end up with a 3,000 square foot lot.

Chair Way asked in terms of the connection between zoning and the Land Use Guide, what classification in the Land Use Guide does this most closely line up with and does inserting this in the R-5 district undermine any of those kinds of aspirations.

Mr. Fletcher said I would say three different ones. I am going to be thinking more of the existing Comprehensive Plan, and in my view, when I think of the existing Comprehensive Plan, Medium Density Residential is 14 units an acre; High Density Residential is 24 units an acre; and Mixed Use is another category where it can fit too, because in the R-5 category you have nonresidential uses that are permitted. It really depends on the type of units that they are proposing to build, where they are proposing to build them, and what are the adjacent land uses. You have to consider what people are going to hear is R-5 High Density Residential District, that does not mean High Density Residential Land Use Guide. It could mean Medium Density Residential in the Land Use Guide. They may not be talking 24 units an acre, they might be talking 14 units an acre.

Mr. Colman said it also depends on the type of structure you are building. If you are doing a multi-family structure, quadplex, or townhouses then it really resembles more high density than if you are going to have R-5 with single-family dwellings; that is more a lower density in terms of structures.

Mr. Fletcher said there are lots of single-family homes in the City of Harrisonburg and if you go out and talk to the general residents of Harrisonburg and they say I live in a single-family home neighborhood. If they live on Diamond Court, Pearl Lane, many places in Parkview, Harmony Heights, and Woodland those were all by-right R-3, no rezoning, built single-family detached home neighborhoods. People are going to think “I live in an R-1 single-family home neighborhood,” but you do not, you live in a R-3 Medium Density Residential District.

Mr. Baugh said this is a minor point and I know we talked about it a little before, but I think this is an issue. If you are going to have a zoning category that is high density, but then the Land Use Guide says that some things we call medium density actually fit the high density classification, I can hear the arguments. Sure one response is always going to be just read the definitions carefully and you will see that is okay. I am just wondering if there is something we can do that might deflect some of that stuff. Again, I do not have the answer for it, and I could probably be convinced that it is not worth spending two hours debating.

Chair Way said I hear it pretty frequently through this whole process that people are confusing the Land Use Guide with the Zoning Ordinance because they are called similar things.

Mr. Baugh said it would be nice to dove-tail them somehow.

Chair Way said that is actually a good point. I am thinking like “compact development,” those kinds of words. If you could just slightly change the meaning of similar things.

Mrs. Fitzgerald said to decrease confusion and get rid of the baggage that some of these expressions come with.

Chair Way said everyone can understand how the planning process works, about how, as well as the actual intent of the process. I think this is important.

Mrs. Fitzgerald said that way, the first impression when somebody reads the name is more in line with the correct impression of what it actually is, instead of having to go through a five-minute explanation to get there.

Mr. Baugh said not everybody is going to give up at that. We will have people arguing to us even after it has clearly been explained to them.

Mr. Colman asked are we talking about redefining or relabeling it in the Comprehensive Plan or in the Zoning Ordinance; how do we go about that.

Mr. Fletcher said what I thought I heard Mr. Baugh say was he was interested in calling R-5 something not High Density Residential District.

Mr. Baugh said possibly.

Mr. Fletcher asked do you think we should change the High Density Land Use Guide designation as well.

Chair Way said I would have to look into it. I am just thinking as we look through the Comprehensive Plan, as we draft it, we think about the labeling.

Ms. Dang said what I was hearing was everything from low, medium, and high on both. I am open to suggestions.

Chair Way said just another thing I would like to throw out there for discussion, is a motion for form based coding and whether this classic kind of thing would help address where density means people versus the compactness of the development. This is an area where it could be helpful.

Chair Way asked are you looking for anything particular from us this evening on this presentation.

Ms. Dang said no, but if you have any questions between now and then, about anything we have discussed here, let me know. I will try to address it with the group next month.

Chair Way asked if there were any more questions or discussions at this point. Hearing none, he moved on to the discussion on the Comprehensive Plan update.