



City of Harrisonburg, Virginia

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Building Inspections

Engineering

Planning & Zoning

June 3, 2019

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Richard Blackwell to amend the Zoning Ordinance by adding a new zoning district titled R-8 Small Lot Residential District, to amend the Off-Street Parking Regulations for Dwelling Units, and to add a definition to the Zoning Ordinance to define a building “Story.”

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: May 8, 2019

Chair Way read the request and asked staff to review.

Ms. Dang said that in early 2017, the applicant, Richard Blackwell, discussed with staff ideas to amend the Zoning Ordinance (ZO) to allow for the development of single-family detached neighborhoods that would allow for higher density development on smaller lot sizes than what the ZO currently allows. On May 16, 2017, the applicant requested for staff to review conceptual amendments to the ZO that would have added single-family detached and duplex dwellings as a by right use in the R-5, High Density Residential District. On July 7, 2017 an application was formally submitted to make such amendments. However, given the complexity of the proposed amendments, the applicant accepted staff’s suggestion to present the proposed amendments to Planning Commission (PC) for feedback on August 9, 2017 under Other Matters rather than moving forward with an official advertised request to amend the ZO. An extract of minutes from that meeting are enclosed within the packet.

On November 8, 2017, staff presented to PC information to better understand how the ZO’s existing districts control dwelling unit density. An extract of minutes from that meeting are also enclosed within the packet.

Since that time, the applicant worked closely with staff to create the ZO amendment that is presented herein, which proposes a new zoning district titled R-8 Small Lot Residential District. A great deal of discussion revolved around concerns the Fire Department had about how close dwellings could be located to one another and how we could work together to help prevent creating fire and life safety issues that evolve over time and that are permitted to occur by zoning and building codes.

The City’s zoning structure has eleven zoning classifications that allow residential uses (R-1, R-2, R-3 (Multiple), R-3 (Medium), R-4, R-5, R-6, R-7, MX-U, U-R, and B-1). Included at the end of this report is a “Summary of Area and Dimensional Regulations for All Zoning Districts” which, among other things, summarizes residential zoning density per dwelling unit. It is important to note zoning density refers to the intensity of residential land use. For example, if a 10-acre subdivision contains 40 single-family detached houses, the zoning density is expressed as four dwelling units per acre. This is different from population density, which is expressed as the number of people per acre or people per square mile.

It should also be noted that the R-6 (Low Density Mixed Residential Planned Community), R-7 (Medium Density Mixed Residential Planned Community), and MX-U (Mixed Use Planned Community) districts are different from the other districts in the City because applicants who request a rezoning to one of those districts must develop a regulatory master plan for their development and must have certain acreages of property to even apply for those districts. Properties that are part of the master plan essentially have their own zoning regulations based on the master plan that is approved by City Council as part of the rezoning request.

The applicant, Richard Blackwell, states in his letter that “[i]n an effort to provide an affordable dwelling to a greater range of owner occupied and first-time homebuyers,” he is proposing to amend the Zoning Ordinance (ZO) to add a new zoning district titled R-8 Small Lot Residential District.

Given the significance of a proposed new zoning district, this report is separated into the following sections addressing the proposed R-8 district regulations and then the other proposed ZO amendments accompanying the larger amendment:

- Uses Permitted By Right and Uses Permitted by Special Use Permit,
- Residential Occupancy Regulations,
- By Right Minimum Lot Size and Minimum Lot Dimensions,
- By Right Minimum Setbacks,
- Special Use Permit to Allow Reduced Required Side Yard Setbacks to Zero,
- Amendments to Section 10-3-110(f) Which Allows Reduced Side Yard Setbacks for Lots of Record Less than 60-feet,
- Off-Street Vehicular Parking Regulations,
- Other Regulations,
- Street Intersection Spacing/Block Lengths, and
- Additional Considerations.

Uses Permitted By Right and Uses Permitted by Special Use Permit:

As described in the proposed Section 10-3-59.2 – Purpose of district, the R-8 district “is intended for medium- to high-density residential together with certain governmental, educational, religious, recreational, and utility uses subject to the restrictions and requirements necessary to ensure compatibility with residential surroundings.”

The by right residential uses include single-family detached dwellings and duplex dwellings. Attached townhouses of not more than eight units would be allowed with an approved special use permit. Home occupations would be allowed by right as an accessory use to residential uses, and major family day homes and short-term rentals could be allowed with an approved special use permit.

The by right non-residential uses would include churches and other places of worship, public schools or private schools having a function substantially the same as a public school, public uses, parks, and small cell facilities. Additional non-residential uses that could be allowed with an approved special use permit include community buildings, child day care, adult day care, concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells, and public uses deviating from the requirements of the ZO.

Similar to other existing zoning districts, the proposed R-8 district would allow by approved special use permit walls and fences greater than 6-feet in height and to allow for the reduction of required parking spaces under the same parameters as specified in the existing districts.

Residential Occupancy Regulations

Modeled after the R-1 and R-2 district regulations, the R-8 district proposes the following occupancy regulations:

- Owner-occupied single-family dwellings, which may include rental of space for occupancy by not more than two (2) persons, providing such rental space does not include new kitchen facilities.
- Nonowner-occupied single-family dwellings, which may include rental of space for occupancy by not more than one (1) person, providing such rental space does not include new kitchen facilities.

In other words, if the dwelling is owner occupied an individual or family owning and living on the property may rent space to two additional boarders (i.e. two individual tenants). If the dwelling is nonowner occupied, then the dwelling may be rented to a family (or individual) plus one unrelated boarder.

Staff supports the proposed occupancy regulations since it places a limit on the number of unrelated individuals that a dwelling could be rented to and makes it less desirable for a property investor to buy dwellings in the R-8 district to rent to non-families or to more than two unrelated individuals.

To compare occupancy restrictions within the different districts in the City, a “Summary of Occupancy Regulations for all Zoning Districts” is included within the packet.

By Right Minimum Lot Size and Minimum Lot Dimensions:

The R-8 district proposes to allow single-family detached dwellings on lots that are a minimum of 2,800 square feet, which is equivalent to a zoning density of 15 dwelling units per acre. For duplexes, each unit of a duplex structure could be constructed on lots that are a minimum of 1,800 square feet, which is equivalent to a zoning density of 24 dwelling units per acre. With an approved special use permit, townhomes may be constructed on the same size lots as a duplex.

Staff believes that the R-8 district will help provide alternatives to the types of housing that can be constructed in areas where higher density is possible rather than meeting that demand with townhomes and multi-family (apartment) dwellings. The R-8 district could also be one tool to hopefully produce more affordable or lower cost housing stock.

By Right Minimum Setbacks:

The R-8 district would allow a 10-foot minimum front yard setback for all allowed uses and would require a minimum rear yard setback of 15-foot for single-family detached and duplex dwellings, 20-feet for townhomes, and 25-feet for other uses. There was consideration by the applicant to allow the front yard setback to be reduced to 5-feet, but staff recommended that the applicant make the front yard setback a minimum of 10-feet because the City’s Subdivision Ordinance requires a 10-foot public utility easement be dedicated along the frontage of all newly subdivided lots and because buildings cannot be located overtop the easement. To compare R-8’s setbacks with other zoning districts, refer to the “Summary of Area and Dimensional Regulations for All Zoning Districts” document included in the packet.

With regard to side yard setbacks, the R-8 district would have a different approach than all other zoning districts. The by right side yard setbacks would differ depending on whether the structure is a one- and two-story building or a three-story building.

The applicant originally proposed a 5-foot minimum side yard setback. However, staff was concerned about radiant heat and fire spread along with the angle of ladder placement for fire and rescue personnel between buildings. In most zoning districts, buildings are separated from each other by 20 feet because there is a 10 foot side yard setback required for both dwellings. If the side yard setback was 5 feet rather than 10, the distance between buildings would have been 10 feet, which not only increases the risk of fire spreading between buildings, but it also reduces the working area for the Fire Department to protect exposures of a building in the event of a fire.

As noted above, staff was also concerned that a 5-foot minimum side yard setback would not be adequate for the Fire Department to place ladders to reach a third story window if there were fences on the property line or other obstructions such as HVAC units or shrubs in the side yard. Where a ladder angle of 70-degrees is ideal, an average 3-story building would require the base of the ladder to be placed at a distance of about 9-feet from the building. After many months of discussion and research by the applicant and staff, the proposed R-8 district includes an approach that allows single-family detached and duplex dwellings by right to have a minimum side yard setback of 7-feet for one- and two-story buildings, and a minimum 10-foot side yard setback for three-story buildings. While a ladder is usually not necessary to reach a window located on the first floor of a building, the 7-foot minimum side yard setback takes into consideration that Section 10-3-110(a) of the ZO allows for architectural treatments and functional elements, including, but not limited to chimneys, moldings, rain gutters, downspouts, roof eaves, buttresses and bay windows to project 2-feet 8-inches into the required yard setback, which could increase the potential for fire spread between buildings.

The proposed side yard setback approach regarding the number of stories for buildings created the need to add a new definition to Section 10-3-24 of the ZO. While the term “story” is used in multiple places within the ZO, there exists no definition. Staff believed it was necessary to define a story and has worked with the applicant to propose the following:

Story: Excluding basements, a portion of a building for living between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

This definition will help address concerns the Fire Department had about the potential for future conversions of attic space that was originally designed to be used as storage areas but then was converted into living spaces. For example, if a home within the R-8 district was approved by the City to be constructed as a two-story single-family detached building and there was an attic designed only for storage above the second story, and then the building was constructed at the minimum 7-foot side yard setback, if homeowners desired to convert the attic into a third story to add additional living space, the building permit to modify the third story would not be approved because a three-story single-family detached building would require a 10-foot minimum side yard setback. To allow the homeowner’s wishes, however, the R-8 district would include a special use permit provision to allow reduced required side yard setbacks, which is described in more detail in the next section.

Special Use Permit to Allow Reduced Required Side Yard Setbacks to Zero:

As mentioned in the previous section, the applicant originally proposed a 5-foot minimum side yard setback. It should be understood that the 2012 Virginia Residential Code applies to single-family detached, duplex, and townhome construction, where in Section R302 Fire-Resistant Construction it states that when there is no sprinkler system and no fire-resistance rated walls, buildings may be constructed 5-feet from the property line. However, as previously discussed, this distance concerned staff due to the increased risk of fire spread between buildings and due to ladder angles.

In response to the desire to have smaller side yard setbacks while also respecting the concerns of fire and rescue personnel, the R-8 district will have a special use permit option to allow setbacks to be up to zero feet under the parameters outlined below:

- Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached or duplex dwellings when National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings or exterior wall(s) adjacent to reduced side yard setback is constructed without openings and has a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code.

This would allow property owners and developers to request approval of a special use permit to allow reduced side yard setbacks up to zero feet by agreeing to install sprinkler systems within each dwelling, or to install 1-hour fire resistance rated exterior walls with no openings (including, but not limited to windows) adjacent to the side yard setback that is less than the by right minimum requirements.

Included within the packet is a document titled “Proposed Amendments to City Code Title 7 – Water and Sewer related to fire suppression systems.” This is included for informational purposes and does not require action by Planning Commission. The proposed amendments to Section 7-4-22 (10) and (11) addresses the cost to the applicant to install water meters solely for the purpose of fire sprinkler systems (also referred to as fire suppression systems). If applicants chose to install fire sprinkler systems in single-family detached, duplex, or townhouse dwellings, then two water meters would be required; one water meter for domestic water service and a second water meter for the fire sprinkler system. The proposed amendments to Title 7 will be presented to City Council on the same date the proposed R-8 district is presented.

Amendments to Section 10-3-110(f) Which Allows Reduced Side Yard Setbacks for Lots of Record Less than 60-feet in Width:

Section 10-3-110(f) of the ZO currently allows reduced side yard setbacks for lots of record that are less than 60 feet in width. To prevent inconsistencies in applying the ZO, the following amendment is necessary:

- (f) Except in the R-8 Small Lot Residential District, ~~W~~where a lot of record is less than sixty (60) feet in width as measured at the point of required front setback, each required side setback for internal lot lines may be reduced to not less than five (5) feet unless otherwise superseded by building regulations.

A lot of record is defined by Section 10-3-24 of the ZO as:

Lot of Record: A lot which has been recorded in the office of the clerk of the circuit court.

In other words, these are lots that were previously created by an approved subdivision and already exist. Section 10-3-110(f) provides a relief mechanism for lots of record that are less than 60-feet within those districts, allowing them to have a minimum 5-foot side yard setback instead of the required 10-foot creating more buildable area. The amendment to Section 10-3-110(f) is to clarify that properties zoned R-8 are not afforded the reduced setback flexibility provided to other zoning districts.

Off-Street Vehicular Parking Regulations

Minimum off-street parking requirements are intended to protect adjacent properties and neighborhoods from spillover problems (drivers parking where they should not). However, minimum off-street parking requirements that are too high can harm communities for reasons including, but not limited to, undermining the community’s goals to reduce car dependence and increasing walking, biking, and public transit (because people are encouraged to drive), wasting developable land, reducing the potential for other uses or amenities to be included with the development, and increasing the cost of new housing.

While working with the applicant on the proposed regulations, staff saw an opportunity to amend Section 10-3-25(7) of the ZO so that property owners in zoning districts where occupancy is restricted to less than four unrelated people in a dwelling are not required to provide the same number of parking spaces as those in a zoning district where occupancy regulations allow four unrelated people in a dwelling. To achieve this, the following changes are proposed:

- Amending the minimum off-street parking spaces for townhomes and multifamily units constructed within the R-6, R-7, R-8, and MX-U districts by eliminating the approach that requires parking spaces based upon the number of bedrooms and replacing the regulation so that

townhomes and multi-family units are required to provide a minimum of one parking space for each dwelling unit. These districts have higher restrictions on occupancy.

- Clarifying that townhouse and multifamily units within the R-3, R-4, and R-5 districts would maintain the current approach, which is based upon the number of bedrooms.
- Allowing townhouses and multi-family units within R-3, R-4, and R-5 districts, where occupancy has been restricted on a conditionally zoned property to only provide one space for each dwelling unit or as may be conditioned by the property owner at the time of rezoning.

Additionally, staff proposes to change regulations for duplexes in all zoning districts from requiring two off-street parking spaces per duplex unit to requiring only one off-street parking space for each duplex dwelling unit. (Note: Each duplex structure is made up of two dwelling units.) This would require duplex dwelling units to provide the same number of off-street parking spaces as single-family detached homes.

The proposed amendment would have the following impacts to each zoning district with residential uses:

R-1	No impact.
R-2	Reduces the parking requirements for new and existing duplex units. Any existing duplex that is nonconforming to off-street parking requirements could become conforming to such regulation.
R-3s	No impact.
R-4	No impact.
R-5	No impact.
R-6	No impact. Amendments to the R-6 off-street parking requirements, approved in December 2019, created the ability for individual master plans to regulate off-street parking, which could be more or less restrictive than required by the Zoning Ordinance.
R-7	Reduces the parking requirements for new and existing duplex units. There should be no duplex units that are nonconforming to minimum off-street parking requirements in the R-7 district. Amendments to the R-6 off-street parking requirements, approved in December 2019, created the ability for individual master plans to regulate off-street parking, which could be more or less restrictive than required by the Zoning Ordinance.
MX-U	No impact since no properties are zoned this district.
U-R	Reduces the parking requirements for new and existing duplex units. Any existing duplex that is non-conforming to off-street parking requirements could become conforming to such regulation.
B-1	No impact.

Other Regulations:

There are miscellaneous regulations that would be included in the R-8 district under the Other Regulations section, which would be associated with attached and detached private radio and television antennas, referencing that uses must comply with the off-street parking requirements of Article G, and matters associated with private refuse collection and screening requirements. All of these matters are consistent with subsections found in the Other Regulations sections of a few other districts.

The other miscellaneous regulation in this section would require that all dwelling units must be located on an individual parcel. In other words, duplex units would only be allowed to be side by side units—no duplex structure could exist with an upstairs unit and a downstairs unit because both units would be on the

same parcel. The intent of this regulation is to increase the potential opportunity for home ownership by individuals and families within the City.

Street Intersection Spacing/Block Lengths:

As seen in Table 2 of the document titled “Summary of Area and Dimensional Regulations for All Zoning Districts” except for the B-1 district and districts that require a master plan, the minimum required lot depth for all other zoning districts is 100-feet. Generally, when two lots are oriented back-to-back and each faces parallel streets, depending on the specific lot dimensions, this creates about 200-feet of distance between the two streets where they intersect with a perpendicular street. The R-8 district proposes to allow single-family detached and duplex dwelling units the ability to have minimum lot depths of 60-feet and for townhomes to have lot depths of 80-feet. During review of the proposed ZO amendments, staff raised concerns about street intersection spacing and block lengths. While intersection spacing of 120-feet on a local residential street could function, staff has concerns related to traffic safety and operations if 120-foot distances between intersections on higher volume and higher speed collector or arterial streets were allowed.

The Department of Public Works is in the process of developing access management standards that will be applicable to all development proposals to address intersection spacing, safety, and operational concerns. Until the access management standards are adopted into the City’s Design and Construction Standards Manual, staff is comfortable with reviewing rezoning requests on a case by case basis to the R-8 district and providing feedback on any traffic safety and operational concerns observed in the absence of standards.

Additional Considerations:

A publication of the American Planning Association titled *Quicknotes: Small-Lot Subdivision Design* states:

“In communities where detached-single-family homes on large lots are the predominate form of residential development, allowing for small-lot development provides an alternative to this form of development that serves several purposes. Small-lot development increases overall housing density and promotes context-sensitive infill development or redevelopment in areas where land is underutilized. This can help increase overall housing production, which is a component of addressing housing affordability concerns. Additionally, small-lot development provides additional diversity in housing stock, which creates options for home buyers and may be particularly attractive to first-time home owners or seniors looking for less space or lower price points.”

Given more flexibility with lot sizes, the R-8 district could also provide developers with the opportunity to mix dwelling types and to provide a variety of housing sizes and lot sizes within the same neighborhood, which could create opportunities for housing people in varying ranges of income levels in the same neighborhood.

Staff believes that the proposed R-8 district regulations is supported by the Comprehensive Plan’s Goal 4, Objective 4.2, 4.3, Goal 5, Objective 5.2, Goal 6, and Objective 6.2. While strategies are meant to describe only *possible* approaches and methods for attaining objectives, they are listed below as additional support:

Goal 4. To improve the quality of land use and development patterns.

Objective 4.2 To encourage areas with a mix of uses (residential and nonresidential) and areas with different housing types and lot sizes in locations identified in the Land Use Guide.

Strategy 4.2.2 To develop a zoning approach to provide incentives for the development of residential neighborhoods with a mix of housing types and lot sizes as identified in the Land Use Guide. Amendments of the Zoning Ordinance could encourage innovative residential building types and allow creative subdivision design solutions that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and protection of historic and environmental resources.

Objective 4.3 To adopt to new trends and demands while ensuring that new development and redevelopment of residential, commercial, and industrial properties will be compatible with adjacent existing uses and with planned land uses of surrounding parcels.

Strategy 4.3.4 To review and amend the Zoning Ordinance to permit small lot and innovative forms of single-family detached and duplex residential development as appropriate.

Goal 5. To strengthen existing neighborhoods and promote the development of new neighborhoods that are quiet, safe, beautiful, walkable, enhance social interaction, and offer a balanced range of housing choices.

Objective 5.2 To develop approaches to increase the percentage of single-family detached and duplex housing units

Strategy 5.2.1 To review and amend the Zoning Ordinance to increase opportunities for single-family detached and duplex residential development that are affordable to households in a range of incomes.

Strategy 5.2.2 To review and amend the Zoning Ordinance to permit small lot and innovative forms of single-family detached and duplex residential development as appropriate. Repeated in Chapter 6, Land Use and Development Quality as Strategy 4.3.3.

Goal 6. To meet the current and future needs of residents for affordable housing.

Objective 6.1 To promote affordable housing options, including affordable rental properties and affordable homes for ownership.

Strategy 6.1.5 To encourage the development and construction of a variety of housing types provided at a range of densities, types (single-family detached, duplex, townhome, and multi-family), and costs.

Staff believes also the associated amendments to the off-street parking regulations are supported by:

Objective 4.4. To provide off-street parking to adequately meet demand and provide access to key destinations, businesses, and services, without creating oversupply that increases the costs for development, and impacts the community character, natural environment, and economic vitality.

At this time, there is no proposal for the City to proactively rezone parcels to R-8, although that could be considered during the comprehensive review and update of the Subdivision and Zoning Ordinances project that is expected to begin in late summer 2019. Property owners and developers wishing to take advantage of the R-8 district regulations will be required to apply for a rezoning. This is similar to how properties have become zoned R-5, R-6, and R-7. Unlike the R-6 and R-7 districts, the R-5 and the proposed R-8 district do not require master plans.

For the reasons stated above, staff recommends approval of the proposed amendments to the Zoning Ordinance.

Chair Way asked whether there were any questions for staff.

Chair Way asked whether there were any land use categories or land use guide that names suitable locations for R-8 zoning.

Ms. Dang said that it could be the medium and high-density areas.

Commissioner Finnegan asked if it would be the areas zoned R-2.

Chair Way said that he is talking about land use guides, for people making rezoning requests.

Mr. Fletcher said that in reference to the question if a lot those areas are zoned R-2. The answer is no. Most of those areas are designated neighborhood residential.

Ms. Dang said that this would be a new tool. If we needed to, we might consider looking at the land use guide to see if there are other places where something like this might be appropriate. In our low density mixed-residential, for example, the dwelling unit density is six or seven. Perhaps some of those areas could be higher density, but we have that recommended density at this time; but we did not specify the types of houses.

Commissioner Colman said that if we want to encourage in-fill areas, then we need to be careful, if we establish it on the land use map, not to spot zone areas. In some ways, I would like to see more of this, where we can use property more efficiently, in other areas such as R-1 and R-2 that have large lots. If we want to do something like this, would we be spot zoning compared to having another mechanism to have something similar on R-1 and R-2? You would be increasing density by changing the zoning. Would that be considered spot zoning?

Mr. Fletcher said that there is not anything in the state code that says that spot zoning is illegal. Is that correct?

Mr. Russ said that the term gets used in different ways. It depends on how you are using it.

Mr. Fletcher said that he does not know that the R-8 density would be an argument for spot zoning. Spot zoning is when you have a lot of land that is zoned one way, and there are many uses that are the same kinds of uses, but then you take a zoning in the middle that allows for a restaurant, for example. It is a very different use. That term gets thrown around. Mr. Russ is correct; the term gets used many different ways.

Ms. Dang asked if there was another element to spot zoning where special preferences are granted to a property owner's request that is not in line with other requests.

Commissioner Finks said that is how he has understood it.

Mr. Russ said that if you look at the zoning map, if you have one property in an R-3 neighborhood that rezoned to R-8, it might look like an island; but we cannot erase all the zoning and start over.

Commissioner Colman said that we have had that issue come up when we were hearing requests to rezone to R-3 off Virginia Avenue. We did not want to do that because it was more like a spot zoning. We did not want to increase the density there. I like the idea, but I would like to apply this on in field areas. Can we do this without spot zoning?

Mr. Fletcher said that if you look at the zoning map for R-6 and R-7 districts in the City. You can recognize them because they are in such a different color from the other residential categories. Someone might look at that and say that it is spot zoning, but it is not. It is still a residential use.

Commissioner Finnegan said that where it might make sense in an R-2 like the one I live in. The lot that I live on, which is non-conforming, is a corner lot. The lot behind it was subdivided off in the 60s and is a very small lot. I could see corner lots in an R-2 neighborhood zoned as R-8 because of the access. If all the other lots were R-8, the only access would be from the alley.

Chair Way said that he likes that this district does to facilitate more alleys, because you do not have to have so much depth to your lot. I am very skeptical about the notion of having to maintain long distances between streets. In fact, I would think that to maintain safety you would want to break up some blocks and have multiple intersections that force people to slow down. If all the streets become long arterial streets, then people speed up and move around. There are alternative theories to suggest that breaking up blocks is better for safety. Was this R-8 ever considered as a pilot for form-based coding at all?

Ms. Dang said that we did not talk about that.

Commissioner Colman said that he thinks it is a great proposal.

Commissioner Finks said that the minutes regarding the last discussion the Planning Commission had about the R-8 district showed that Commissioner Colman had a concern. You would have preferred to see us treat this as a SUP rather than zoning.

Commissioner Colman said that he would like to extend this as a SUP in other zones. That is what led to my question about spot zoning. If we can do it through the R-8 zone, then we do not have to use SUP for this purpose. Otherwise, we have to come up with other avenues, which could be a SUP. I am in favor of this proposal. If we can apply it throughout other residential zoning, then that satisfies my concerns.

Chair Way opened the public hearing and invited the applicant to speak to the request.

Dick Blackwell, 70 Peyton Randolph Court, came forward to speak to the request. I have been to many Planning Commission and City Council meetings throughout the last year. We have talked a lot about affordable housing. Affordable is relative. What is affordable to you now, was not affordable fifteen years ago. What can we do to help some people own their own homes, whether it is a townhome, duplex, or single-family detached? The regulations are not going away. When I started doing this 30 years ago, we did not have to make sidewalks on both sides of the street. We did not require base course, where there is stone, then a base course and then a surface mix. We did not have a base. We keep adding things that we think that we need. It increases the cost. The cost of the land has gone up. The cost of building materials has gone up. The cost of labor has gone up. Is there any way that we can control this, at least temporarily and help some people afford a house? The only way I can see to do it is to have more lots in an acre. This would do it. We talked about fifteen single-family lots, but then you need roads and stormwater facilities. It is still higher density with eleven single-family detached lots in an acre compared to three. A developer is not going to develop if he is going to lose money. They need to receive some income. This proposal is a way to bring down the cost of the lots. I am concerned with what you have been talking about, where someone has a five-acre property and they want to be zoned R-8, but they are surrounded by R-1. You will have 50 people coming in hear complaining. I do not know how you are going to handle that. There is no easy way to do it. We have talked about it for two years and this seems to be the best way. You do not find many single-family detached homes smaller than 22 feet wide. They will have to be longer to get the square footage. I have seen some very nice models that are 26 feet wide. With the compromise that the fire department has worked out with us, it should work. A 26-foot wide house with two seven-foot side setbacks is about a forty-one-foot-wide lot. That is nineteen feet less than we are currently allowed in the City. If we have a row of one hundred feet, you can build one or two more lots. Do you have any questions?

Commissioner Colman thanked Mr. Blackwell, staff and the Fire Department for their work on the proposal. I think that this is a great step for the City towards more affordable housing for low-income families or a starter home. This is a great opportunity.

Mr. Blackwell said that the ratio of non-owner-occupied properties to owner-occupied properties in the City is going in the wrong direction. This could help a little bit. The downside could be the perception, or the R-8 designation might scare people. If you think of R-1 as single-family, and R-2 and R-3 increase in density, then R-8 might sound like the biggest one we have. Once people realize that we are still talking about single-family detached homes in their neighborhood, they will understand. We should probably place an article in the newspaper explaining what it means.

Commissioner Whitten said that it will require some education.

Jeremy Litwiller, 1720 College Avenue, came forward in support of the zoning ordinance amendment. I sit through a lot of meetings as a real estate broker about affordable housing. We need more of it. We do not have enough of it. It is all a lot of talk. We do not have any answers. No one is coming up with proposals that fix it or try to fix it. I think this helps. It is interesting that the room is empty. Everybody is so concerned about affordable housing, but nobody is here to talk about it. I think it is crucial that you stayed put tonight to talk this through. I thank Mr. Blackwell, staff and the Fire Department who put the time in to do this. I am a big supporter of it as a local real estate agent and citizen.

Chair Way closed the public hearing and opened the matter for discussion.

Commissioner Finnegan said that he got together with Ritchie Vaughan and Ms. Dang and we talked about some of these issues. I initially started that conversation saying that the accessory dwelling unit was what I was most interested in. Ms. Vaughan pointed out that it would just increase the cost, the price of that property, whereas this breaks up the property and allows individual ownership. Hats off for working with the Fire Department. It is not easy. I am impressed with the way that went.

Commissioner Colman said that as someone concerned with affordable housing, as some of you know, I work with Habitat for Humanity trying to meet those needs. I see this as a great opportunity, a great ordinance for our City to have.

Commissioner Colman moved to recommend approval of the zoning ordinance amendment.

Commissioner Finnegan seconded the motion.

All members voted in favor of recommending approval of the zoning ordinance amendment.

Chair Way said that the recommendation for approval will move forward to City Council on June 11, 2019.

Respectfully Submitted,

Alison Banks

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Senior Planner