

**MEMORANDIUM**

**TO:** Planning Commission

**FROM:** Paul Patterson, Zoning Administrator 

**RE:** Update to ZOA #39/Ordinance No. 1884 and ZOA #40/Ordinance No. 1883

**DATE:** December 14, 2018

---

At the November 20, 2018, work session the Planning Commission directed several modifications to Zoning Ordinance Amendments #39 - changes to the General Commercial district, and to ZOA #40 - changes for single family in the R-4 Low Density Residential district. In working on the wording changes for ZOA #40, staff found issues with the relationship of the desired ordinance wording to the existing building code wording that needed to be resolved. Staff also identified a change needed to ZOA #39 regarding mixed use in the General Commercial district. These changes are discussed below.

**ZOA #40/Changes to the Development Standards in the R-4 Residential Zoning District**

In adding the changes requested by the Planning Commission to clarify habitable space in the modification to the definitions of Attic and Basement in the Zoning Ordinance, staff found that a direct reliance on the wording in the Building Code for these terms had unintended consequences. For a "habitable basement", the building code excludes hallways, closets and bathrooms. This would mean such areas would not be calculated in Floor Area Ratio (FAR) which would be contrary to the intent of the zoning amendment. Those areas should count in the Floor Area Ratio as they contribute to the mass of the building and are usable areas.

Staff has modified the definitions to capture the idea of the calculable space being usable square footage in that it is space for which building permits could be obtained to finish the space and make it usable to occupants. For example, the space could be conditioned (heated) and meet standards for minimum area, height, etc. Staff is recommending the term "usable occupiable space" as part of the definition of "Attic, Habitable" and "Basement, Habitable" to be clear that from a zoning perspective these are usable spaces and do count in the FAR.

Staff has also included the changes recommended by the Planning Commission to specify that enclosed porches must be heated to be included in the calculation of FAR.

- 1) Modifications to Section 2103 definitions as follows:
  - a. Adding a definition of Habitable Attic;
  - b. Adding a definition of Habitable Basement; and
  - c. Adding habitable basement and heated porch to the definition of Gross Floor Area.

Language in the proposed ordinance:

**ATTIC, HABITABLE – finished or unfinished area, not considered a story, that complies with all of the requirements of the Virginia Uniform Statewide Building Code including, but not limited to, height, size and conditioning of space, in order for the area to be considered usable occupiable space.**

**BASEMENT, HABITABLE - A finished or unfinished area, not considered a story, that complies with all of the requirements of the Virginia Uniform Statewide Building Code including, but not limited to, height, size and conditioning of space, in order for the area to be considered usable occupiable space.**

FLOOR AREA, GROSS—The sum of the horizontal areas of the several stories of a building, as measured from the exterior faces of exterior walls, or as measured from the face of the sheathing of the exterior wall, and ~~or~~ in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall ~~exclude~~ include **habitable** basements, ~~and~~ habitable attics, and heated porches with a roof and walls (whether solid or screened). The surface area of tennis courts, swimming pools, driveways, surface parking spaces, decks, patios, and non-enclosed porches, is not included in the total gross floor area.

### **ZOA #39/Changes to the General Commercial Zoning District**

The Planning Commission recommended the Use and Design Standard of Hotel/Motel in Section 4528.2(2) state that a majority of the square footage of the entire building be motel/hotel use to allow for more flexibility in a building's overall design and still meet the intent of the standard.

Language in the proposed ordinance:

**A hotel/motel cannot consist of a single ground floor of hotel/motel use with all other floors used for multi-family development. At least 50% of the building's total square footage must be a hotel/motel use.**

Staff also found that more clarity was needed in the wording for parking under buildings in the proposed amendment regarding mixed-use developments in the General Commercial district with a residential component. The wording does not specify that if the ground level parking is serving adjacent ground level commercial uses that multiple stories of housing can occur above.

This would again allow large amounts of residential uses with very limited commercial uses in the mixed-use development using the space above the commercial parking. That is not appropriate in the General commercial zoning district and is not the concept of clarifying mixed-use proportionality of uses as discussed by the Zoning Ordinance Review Committee or the Planning Commission.

To address this issue staff recommends removing the term “residential” from the Residential support facilities parking wording. Staff would note that the language change proposed is limited to parking as it relates to Residential support facilities, so it will not affect a project that is wholly commercial or office in nature. Staff also further discussed the amount of leasing office on the ground floor and found that additional guidance was needed to indicate that the leasing office is an allowed use, but cannot occupy more than an accessory use of the ground floor area.

Language in the proposed ordinance:

Residential support facilities

i. All support facilities associated with residential uses shall be located on upper floors of multi-story buildings or in basements including, but not limited to, clubhouses, meeting rooms, study areas, tanning salon and fitness center. A leasing office may be located on the ground floor but must be scaled to the size of the residential project component and be accessory to other ground floor uses.

ii. Parking located on the ground floor within the building envelope serving residential uses above shall not be allowed unless the following criteria are met:

a) For a lot size of one acre or greater, residential parking spaces within the building envelope shall comprise less than 30% of the square footage of the ground floor and the remaining 70% is comprised of non-residential uses;

b) For a lot size of less than one acre, residential parking spaces within the building envelope can comprise up to 50% of the square footage of the ground floor and the remaining 50% is comprised of non-residential uses;

c) Lots must be existing as of February 12, 2019 and may not be subdivided for the purpose of creating multiple lots of less than 1 acre; and

d) Residential Parking spaces must be screened from view from the public street or screened from a driveway that functions as a private street.

- iii Parking spaces that are entirely below grade, located underneath the main ground floor of the building, are allowed.