

Issue Analysis Form

Date: January 25, 2021

Item: Ordinance Amendment OA-21-01 –
R-TH Residential-Townhouse Zoning District

Lead Department: Community Development

Contact Person: Tim Graves, Planner



Description and Current Status

An applicant (a property owner) requested that the County Zoning Ordinance be amended to allow townhouses on individually-owned lots in preparation for a pending Rezoning request.

Staff has drafted an ordinance amendment which would create a new zoning district specifically for townhouse developments and defines development standards for this type of development.

The Planning Commission recommends Approval of the proposed ordinance.

Staff has attached a draft ordinance for consideration and is requesting a motion to Approve the ordinance.

Sample Motion:

"I move that the Board approve Ordinance Amendment OA-21-01 to establish the R-TH Residential-Townhouse zoning district, which permits townhouse developments in accordance with the defined standards and an approved rezoning."

Government Path

Does this require IDA action?

Yes No

Does this require BZA action?

Yes No

Does this require Planning Commission action?

Yes

Recommended
Approval by 6-0 vote
on December 16, 2021
Public Hearing on
January 25, 2021

Does this require Board of Supervisors action?

Yes

Does this require a Public Hearing?

Yes No

If so, before what date?

N/A

Fiscal Impact Statement

Townhouse developments would be possible, with each townhouse unit being a separately owned and taxable property. All new townhouse developments would be subject to the cash proffer policy at the time of rezoning, which can generate funding for public services.

County Impact

Townhouses are an in-demand housing type which typically are developed with a higher density than single-family and with less density than most multi-family developments such as apartment building communities.

Notes

Attached: Draft Ordinance; Staff report; Application and attachments; Proof of newspaper ad; Powerpoint Presentation

County of Prince George, Virginia

DRAFT Ordinance

Present:

Marlene J. Waymack, Chair
Donald R. Hunter, Vice-Chair
Floyd M. Brown, Jr.
Alan R. Carmichael
T. J. Webb

Vote:

On a motion of _____, seconded by _____, which carried a vote of _____, the following Ordinance was adopted in order to further public necessity, convenience, general welfare and good zoning practice:

Ordinance Amendment OA-21-01: Ordinance to amend The Code of the County of Prince George, Virginia, by amending §§ 90-1, 90-3, 90-201, 90-241, 90-291 and Chapter 90, Article XIII to define the term "Townhouse", to establish a zoning district known as "R-TH Residential Townhouse" where townhouses are permitted, to distinguish the intent of the new district from that of the existing residential zoning districts (R-1, R-2, R-3), and to define the intent and requirements for the new R-TH zoning district. The purpose of the proposed amendment is to permit attached townhouses with each unit on its own lot, subject to appropriate development standards and reviews by the Planning Commission and the Board of Supervisors.

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) That §90-1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-1. - Definitions.

Townhouse means an attached single-family dwelling unit located on an individual lot with an individual entry, constructed in a group of attached units. Individual units shall be separated from other units by party walls extending from basement to roof, without doors, windows or other provisions for human passage or visibility.

(2) *That §90-3 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-3. - County divided into districts.

For the purpose of this chapter, the unincorporated areas of the county are hereby divided into the following districts:

A-1	General agricultural
R-A	Residential agricultural
R-E	Residential estate
R-1	Limited residential
R-2	Limited residential
R-3	General residential
MHR	Mobile home residential
B-1	General business
M-1	Limited industrial
M-2	General industrial
M-3	Heavy industrial
RPA	Resource protection area
RMA	Resource management area
R-TH	Residential townhouse

(3) That §90-201 of *The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-201. - General description; intent.

The R-1 limited residential district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration, and permitted uses are limited ~~basically~~ **primarily** to single-~~unit~~ **family** dwellings providing homes for ~~the~~ residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district.

(4) That §90-241 of *The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-241. General description; intent.

The R-2 limited residential district is composed of certain quiet, low-density **and medium-density** residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to **generally** prohibit ~~all~~ activities of a commercial nature. To these ends, development is limited to relatively low concentration, and permitted uses are limited ~~basically~~ **primarily** to single-~~unit~~ **family** dwellings providing homes for ~~the~~ residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. Multiple-~~unit~~ **family** dwellings are permitted in accordance with a ~~conditional use permit~~ **special exception**.

(5) That §90-291 of *The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:*

Sec. 90-291. General description; intent.

The R-3 general residential district is composed of certain quiet, low-density, **medium-density, and high density** residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to **generally** prohibit ~~all~~ activities of a commercial nature. To these ends, development is limited to relatively low concentration, and permitted uses are limited to ~~basically~~ **primarily** single-family dwellings plus ~~attendant~~ **accessory** uses and **certain multiple-family dwelling uses**. This district is not completely residential as it includes public and semipublic, institutional and other related uses.

(6) That Chapter 90, Article XIII of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

ARTICLE XIII. - ~~RESERVED~~ R-TH RESIDENTIAL TOWNHOUSE DISTRICT

~~Secs. 90-591 - 90-640. Reserved.~~

Sec. 90-591. General description; intent.

The R-TH residential townhouse district is composed of primarily townhouses uses, with a generally lower density in comparison to multiple-family dwelling developments on the same acreage. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to generally prohibit activities of a commercial nature. To these ends, development is limited to primarily townhouses and accessory uses, with appropriate design standards and common areas set aside for recreational or other public use. This district is not completely residential as it includes public and semipublic, institutional and other related uses. Townhouse districts may be appropriately located near or intermingled with other compatible types of housing.

Sec. 90-592. Permitted uses.

In the R-TH district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Townhouses.
- (2) Schools.
- (3) Churches.
- (4) Rest homes.
- (5) Parks, playgrounds and other community or public (non-commercial) recreational uses and structures.
- (6) Home occupations:
 - a. Office.
 - b. Home occupation child care.
- (7) Offstreet parking as required by this chapter.
- (8) Public utilities such as poles, lines, distribution, transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewer facilities, in accordance with a conditional use permit and with other provisions contained in this chapter.

Sec. 90-593. Uses and structures permitted by special exception.

The following uses and structures are permitted by special exception in the R-TH district:

- (1) General hospitals.
- (2) Family day care home (large).
- (3) Home professional and trade offices.
- (4) Home occupation in an accessory building.

Sec. 90-594. Minimum lot areas in the R-TH district.

- (a) For lots containing or intended to contain a townhouse use, the minimum lot area shall be 1,500 square feet for an internal lot and 2,250 square feet for an end lot in a row of townhouse units.**
- (b) For all other lots other than common areas, the minimum lot area shall be 10,000 square feet.**

Sec. 90-595. Setbacks and Yards in the R-TH district.

- (a) Minimum front yard setbacks for all structures:**
 - (1) On arterial roads: 35 feet from the edge of any street right-of-way which is 50 feet or greater in width or 60 feet from the centerline of any street right-of-way less than 50 feet in width. This shall be known as the setback line.**
 - (2) On collector roads: 25 feet from the edge of any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of any street right-of-way less than 50 feet in width. This shall be known as the setback line.**
 - (3) On local roads: 15 feet from the edge of any street right-of-way which is 50 feet or greater in width or 40 feet from the centerline of any street right-of-way less than 50 feet in width. This shall be known as the setback line.**
- (b) Minimum corner side yard setbacks for all structures:**
 - (1) On arterial and collector roads: 25 feet.**
 - (2) On local roads: 15 feet.**
- (c) Minimum side yard setbacks for main structures except interior townhouse units: 10 feet, with 25 feet for the total width of the two required side yards.**
- (d) Rear yards:**
 - (1) Minimum rear yard setback of 25 feet for main structures.**
 - (2) Alleys within common areas maintained by the home owners' association may be provided in place of the minimum rear yard setback. The standards of Section 70-766 shall apply.**
- (e) No common parking area shall be permitted within the minimum required front yard setback area.**
- (f) The minimum separation between any building containing a group of five (5) or more townhouse units and any other townhouse building shall be 30 feet.**
- (g) Only one yard, either the front yard or the rear yard, or in the case of an end unit, the side yard, may be improved with a driveway or other impermeable surface intended for parking or for access to a garage or other parking areas.**
- (h) Signs advertising the sale or rental of property may be erected up to the property line.**

Sec. 90-596. Frontage and Lot Width

- (a) Minimum frontage for a townhouse lot: 20 feet.**
- (b) Minimum lot width at the setback line:**
 - (1) For an internal townhouse lot: 20 feet.**
 - (2) For an end lot in a row of townhouse lots: 30 feet.**
 - (3) For all other permitted uses other than common areas: 75 feet, with at least 10 feet of additional lot width at the setback line for each additional permitted use.**
- (c) Common areas shall be at least 5 feet in width, with reasonable exceptions allowed by the subdivision agent.**

Sec. 90-597. – General standards for townhouse developments.

The following standards apply to all townhouses developments:

- (a) A Site Plan is required.**
- (b) Developments shall be served by public water and sewer.**
- (c) A homeowners' association shall be created to own and operate the common elements of the development.**
- (d) Minimum total acreage of development zoned R-TH including lots for principal uses and common areas: 10 acres.**
- (e) Developments shall consist of at least 24 townhouse units.**
- (f) Townhouses shall be constructed in a group of at least three (3) and no more than 8 attached units.**
- (g) Townhouses in a group shall have varied front setbacks so that no more than three (3) abutting townhouses have the same front yard setback.**
- (h) Townhouse lots shall front on public rights-of-way dedicated for public use.**
- (i) Provisions shall be made for vehicular access and turn around for emergency vehicles and regularly scheduled public service vehicles such as trash collection.**
- (j) A common area shall be provided, equivalent to at least 30% of subdivision acreage. Common areas shall not include private roads, alleys, parking areas, and public rights-of-way, except that pedestrian travelways such as sidewalks inside or outside of public rights-of-way may be counted toward required acreage for common areas.**
- (k) Within required common areas, a minimum of 10% of the subdivision acreage, but in no case less than 1.5 acres, shall be provided for recreational facilities, including active recreation, passive recreation, and community buildings, as deemed appropriate during plan review. Unless a phasing plan is approved through preliminary plat review, construction of common areas shall be completed according to the approved plan prior to issuance of building permits for individual townhouse units. An approved phasing plan may include limitations on the issuance of building permits for individual townhouse units.**

Sec. 90-598. Building heights.

Buildings in a R-TH district may be erected up to 35 feet in height from grade, except that:

- (1) The height limit for a group of townhouses may be increased up to a limit of 45 feet and three stories, provided that there are two side yards for each townhouse structure, with one foot or more of additional side yard added to each side yard for each additional foot of building height over 35 feet.**
- (2) A public or semipublic building such as a school, church, library or hospital may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.**
- (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.**
- (4) All accessory buildings shall be less than the main building on the lot in height.**
- (5) Accessory buildings on townhouse lots shall not exceed 15 feet in height.**

Sec. 90-599. – Reserved.

Sec. 90-600. - Accessory uses and structures permitted.

Accessory uses and structures are permitted as defined, provided that:

- (a) No accessory structure may be closer than five feet to any property line, and shall not be located within a front setback or corner side setback area established for a main structure.**
- (b) Accessory structures on townhouse lots shall be permitted only in rear yard areas and shall be no larger than 10 feet by 10 feet in area.**
- (c) Accessory buildings attached to a main building shall be considered part of the main building.**
- (d) Roof- or ground-mounted small solar energy facilities are considered accessory uses, provided that the solar facility only generates energy for that structure.**

Secs. 90-601—90-640. - Reserved.

Adopted on _____, 2022 and becoming effective immediately.



BOARD OF SUPERVISORS STAFF REPORT

Public Hearing January 25, 2022

OA-21-01 – Townhouses Ordinance Amendment

Applicant: Dino Lunsford

Case Manager: Tim Graves - (804)722-8678

I. Request Summary

The applicant, a property owner in the County, has requested to amend the zoning ordinance with a primary goal of enabling townhouses to be constructed and sold on individually owned lots.

Following several revisions and working with the applicant team, Staff has prepared a draft ordinance amendment which would create a new zoning district dedicated to townhouse development, thereby enabling the land use requested by the applicant, with setbacks and other development standards specific to that zoning district.

Staff recommends approval of the ordinance amendment as proposed.

II. Meeting Information

Planning Commission Public Hearing: September 23, 2021 (Meeting cancelled)

Planning Commission Public Hearing: October 28, 2021 (Withdrawn from agenda by Applicant)

Planning Commission Public Hearing: December 16, 2021 (Recommended Approval 6-0)

Board of Supervisors Public Hearing: January 25, 2022

III. Background

The applicant is working with D.R. Horton, the largest U.S. homebuilder, to develop approximately 51 townhouses on a property located on Prince George Drive. Staff and the development team held a pre-application meeting on July 22, 2021, during which Staff informed the applicant that the intended development plan of attached townhouses on lots under individual (fee-simple) ownership is not currently addressed by the zoning ordinance, and therefore not permitted.

Staff informed the applicant that they could either revise their plans so that the development consists of multiple-family structures under single ownership, or they could request a zoning ordinance amendment to permit townhouses on individual lots as they had envisioned. The applicant elected to request a zoning ordinance amendment, with the intent to bring forward a rezoning and special exception case if and when the use is added to the zoning ordinance.

With their initial application, the applicant provided draft language for an amendment which would have defined the term “townhouse”, added the new land use under the special exception uses in the R-2 zoning district, and provided new setbacks and area requirements for townhouse lots. Staff reviewed the draft to confirm if it would be compatible with the zoning ordinance and found several details which would need to be addressed. Staff then prepared an updated draft to bring forward for public hearing, however Staff and the applicant could not reach full agreement on the appropriate setback requirements. This topic would have been discussed at the September 23, 2021 meeting; however, the meeting was cancelled due to a water main break affecting the administration building.

The hearing was rescheduled for the October 28, 2021 Planning Commission meeting; however, prior the meeting, Staff discussed the possibility of creating a new zoning district for townhouse developments, which

would allow the setbacks desired by the applicant without affecting the established standards for existing residential zoning districts. The applicant supported this idea and subsequently requested to withdraw the item from the agenda to allow Staff time to produce a new draft ordinance.

At this time Staff is bringing forward the proposed draft ordinance amendment for the Planning Commission to consider. If the amendment is approved, the applicant's rezoning request for the planned development will follow. It is scheduled for public hearing with the Planning Commission on January 27, 2021.

IV. Exhibits

Exhibit A – Example depiction of townhouse structure with front entrances for each unit

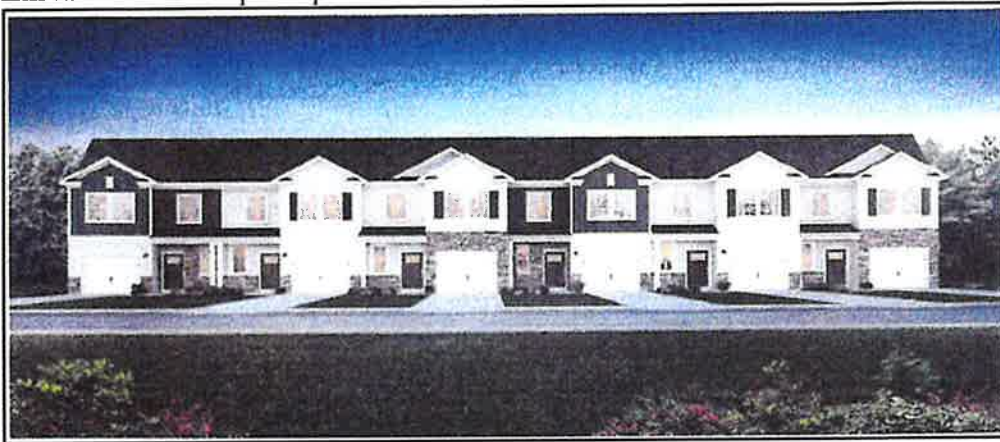


Exhibit B – Example site layout of townhouse structures with individual attached units on individual lots

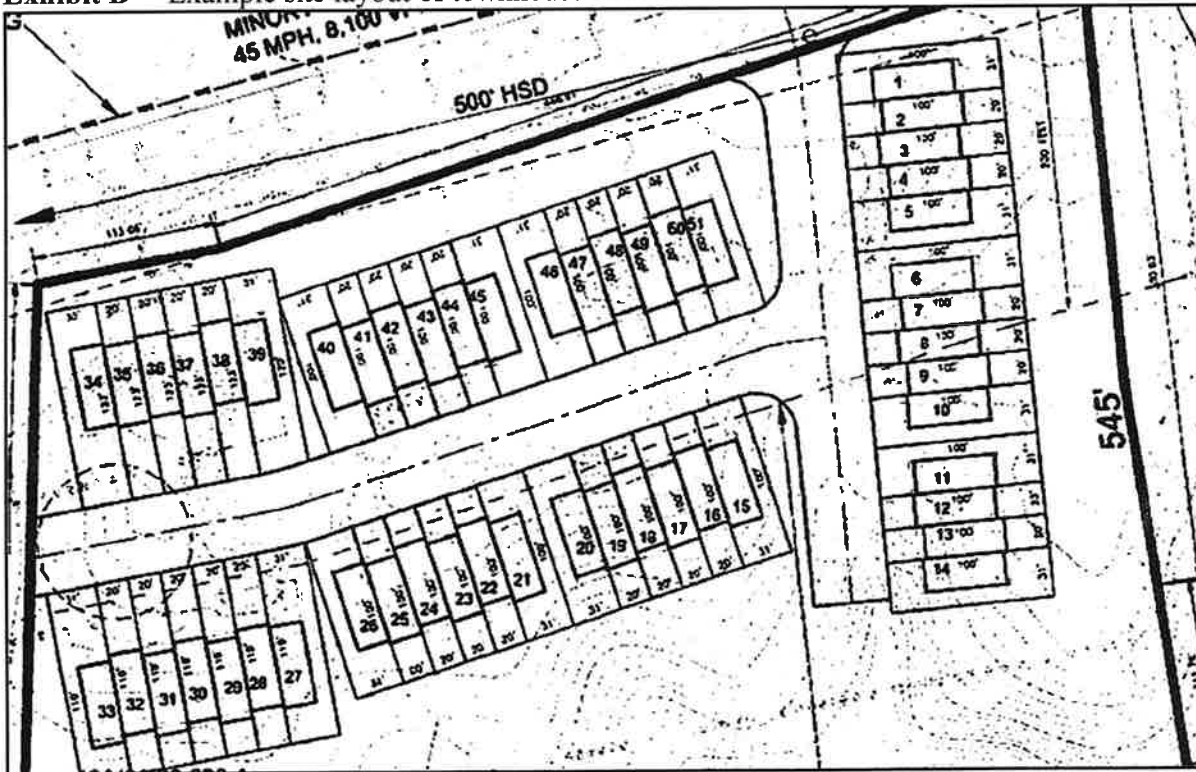


Exhibit C – Example floorplan for a townhouse unit

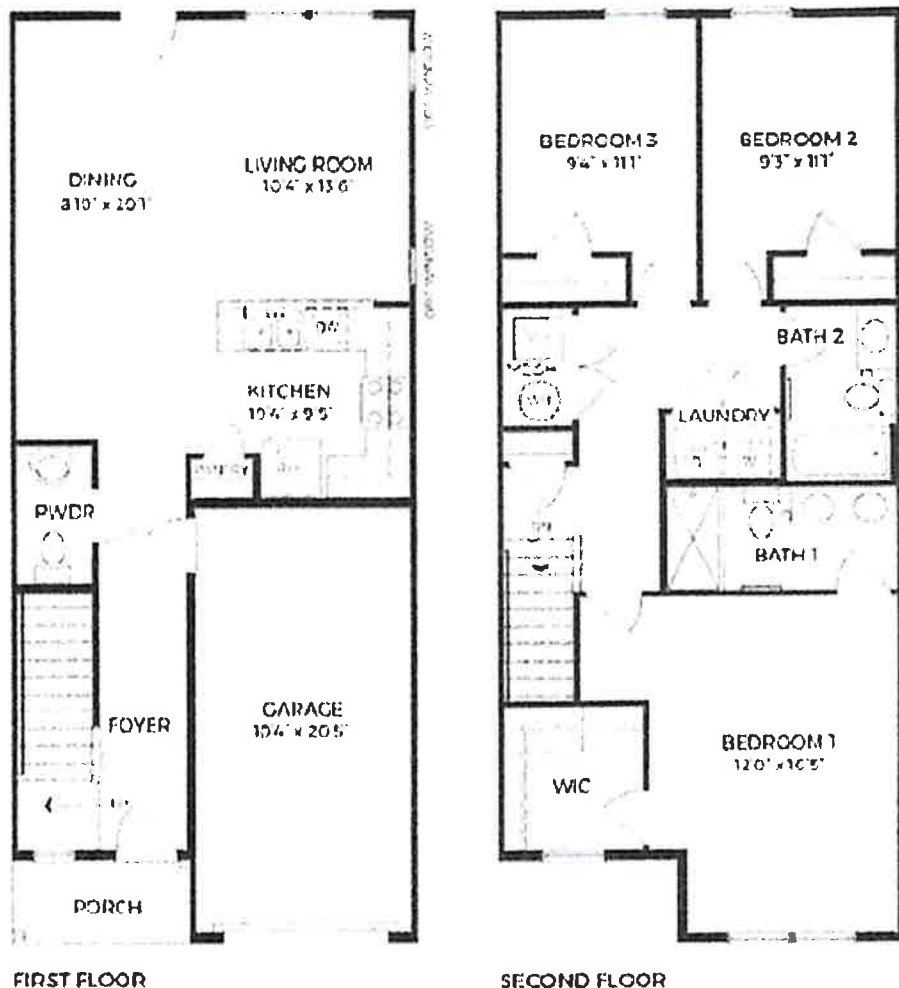
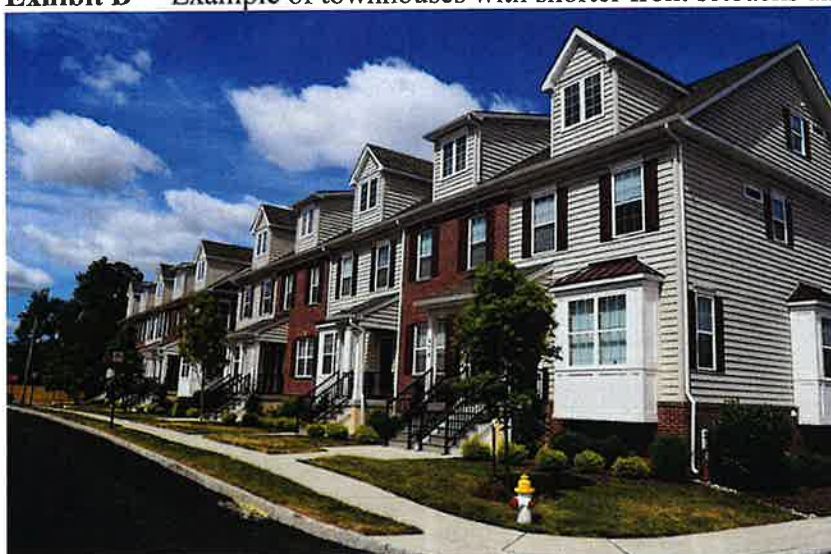


Exhibit D – Example of townhouses with shorter front setbacks and without a front garage



V. Planning and Zoning Review Comments

Comments on the proposed land use(s):

1. Staff considered other similar permitted uses in the zoning ordinance, and other possible paths forward for the applicants:
 - a. Existing land uses permitted in R-2 or R-3 zoning districts:
 - i. “Two-family dwelling”: Permitted by-right in R-2 and R-3 and limited to two units in one structure on one lot. This option does not match applicant’s goals.
 - ii. “Multiple-family dwelling”: Permitted by special exception in R-2 with public utilities and minimum 24 units. Permitted by-right in R-3. Can exist with apartments and/or condominium units. Condominium units are individually-owned, but exist within a structure containing other units, with the underlying lot under separate ownership. This option does not match the applicant’s goals.
 - iii. Attached dwellings: Permitted by special exception only within an age-restricted community in the R-3 zoning district, and with additional requirements. This option does not match the applicant’s goals. For the ordinance amendment, Staff considered adding the word “townhouse” to the “attached dwelling” definition, but decided to keep the terms separate, primarily to ensure the term aligns with the building code term, is easily recognizable and searchable, and so as to not modify the existing requirements for attached dwellings in age-restricted communities.
 - b. Planned Unit Development (PUD) zoning district: A townhouse development could also be part of a Planned Unit Development (rezoning) on a minimum of 25 acres. A PUD rezoning would allow for the most flexibility of setbacks, lot dimensions, and land uses. This option was not available on the applicant’s 15-acre parcel planned for development and would not be the most appropriate solution since the development plan does not include mixed land uses.
 - c. Adding townhouses as a special exception use in the R-2 and R-3 zoning district:
 - i. This option would not have allowed for the type of townhouse developments that are most typically on the market because the setbacks in these districts are designed for primarily single-family houses and apartment/condo buildings. Staff felt that any changes to setbacks for all structures could change the built form and densities of the districts and any changes to setbacks just for townhouses could favor that type of housing over others.
 - ii. The cash proffer policy would only apply to new townhouse developments if they first required rezoning.
 - d. Adding a new zoning district specifically for townhouse developments:
 - i. This option offers the greatest flexibility for both the County and the applicant since new standards are created specifically to accommodate townhouse developments.
 - ii. This option ensures all townhouse developments will be subject to the cash proffer policy, which is appropriate since townhouse developments will in most cases represent an increase in residential density over what is allowed by right. Cash proffers allow the developer to offset the impacts of the development, i.e. increased demand on public resources such as schools, public safety, etc.
 - iii. This is the option used for the ordinance amendment as proposed.
2. This ordinance amendment has been prepared to allow townhouses with market-driven designs and layouts, after rezoning. If desired, additional provisions could be considered and added in future ordinance amendments.
3. Proposed development standards are based on a review of several similar ordinances, including:
 - a. Prince George County’s 2007 Zoning Ordinance included townhouses as a use permitted by Special Exception in R-2 and by-right in the R-3 district.
 - b. Chesterfield County: Residential-Townhouse zoning district
 - c. New Kent County: Defined in the ordinance but permitted only in Planned Unit Developments.
 - d. Hanover County: Permitted as a type of attached housing in certain zoning districts. Development standards may apply.

- e. Henrico County: Several townhouse zoning districts exist, with development standards.
- 4. The draft amendment defines development standards for townhouse developments, including:
 - a. Lower setback requirements than other zoning districts in order to enable a more compact neighborhood feel consistent with townhouse communities on the market
 - b. Served by public water and sewer
 - c. A homeowners association shall own and operate all of the common elements of the development
 - d. Minimum development size of 10 acres and 24 units
 - e. Requirements for common areas and recreation space or facilities
 - f. Lots shall front on public rights-of-way
- 5. Private roads are allowed within townhouse developments to serve as access to parking areas, per Section 70-724(d)(2).
- 6. Additional development standards may be established during individual zoning cases.
- 7. This type of development would have similar residential density and demands on community resources as multi-family structures. Multi-family structures are permitted by-right in R-3 zoning districts and by Special Exception in R-2 zoning districts.
- 8. Staff has included requirements for a minimum total acreage size (10 acres) and a minimum area provided for common areas (30% of subdivision acreage) in order to limit the maximum density of townhouse developments.
- 9. Any cash proffers should be proportional to the proposed increase in density in comparison to the density allowable by-right prior to rezoning.
- 10. In addition to rezoning, townhouse developments will require subdivision plat review and Site Plan review. This will generally occur as part of the Engineering Plan before a Final Plat may be approved.

Comments on the request’s compatibility with the Comprehensive Plan:

- 1. Housing Goal #1 - Objective #1 – Strategy #1 states ”Amend the zoning ordinance to allow a full range of housing choice options in the County including multifamily, townhouses and condominiums.” – This supports the requested the zoning ordinance amendment.
- 2. The Future Land Use Map contains several future land use categories in which townhouses would be an appropriate housing type:
 - o Residential-Multi-Family: This category identifies “town homes” as suitable in these areas.
 - o Residential: These are areas where small lot residential development is encouraged. Staff could support townhouse developments in these areas if a townhouse development’s overall density is compatible with the surrounding area and infrastructure.
 - o Village Center: These areas are designated for a mix of residential and commercial uses, which could include townhouses.

VI. Supplemental Staff Review Comments

The departments below reviewed the proposed ordinance amendment and had no comments.

- Utilities Department** - *Frank Haltom, Director of Engineering and Utilities*
- Building Inspections Division** – *Charles Harrison, Interim Building Official*
- Virginia Department of Transportation (VDOT)** - *Paul Hinson, Area Land Use Engineer*
- Virginia Department of Health** - *Alice Weathers, Environmental Health Specialist*
- Economic Development** – *Stacey English, Economic Development Specialist*
- Real Estate Assessor** – *Donna Prince, Real Estate Assessor*
- Fire & EMS Department** – *Shawn Jones*
- Environmental Division** - *Angela Blount, Environmental Program Coordinator*
- Police Department / Sheriff’s Department** - *Chris Douglas*

VII. Applicant Review

Staff from Prince George County and Balzer & Associates (part of the applicant team) have worked together over time and come to general agreement on the proposed draft ordinance. The ordinance as proposed would allow the applicant's development to proceed generally as envisioned (if the rezoning is approved), and would enable future developers to have the same opportunities.

VIII. Public Notice and Community Feedback

- Staff ran legal ads for this request in the *Progress-Index* prior to both public hearings.
- No comments from the community were received prior to finalizing this report.
- The applicant team reviewed a copy of this report prior to each Planning Commission date.

IX. Staff Recommendation

Staff recommends **Approval** of the ordinance amendment as proposed, based on the following reasoning:

- It was prepared by Staff with the applicant team's input and agreement.
- It will permit a housing type which is popular in the current housing market.
- The housing type is supported by the comprehensive plan.

X. Planning Commission Recommendation

The Planning Commission recommends **Approval 6-0** of the ordinance amendment as proposed.

OA-21-0001



ZONING ORDINANCE AMENDMENT APPLICATION

Department of Community Development and Code Compliance
Planning & Zoning Division
6602 Courts Drive, Prince George, VA 23875
(804) 722-8678 | www.princegeorgecountyva.gov

OFFICE USE ONLY

APPLICATION #:

OA-21-01

RECEIVED
DATE SUBMITTED
AUG 05 2021

BY: TWG

APPLICANT FILL-IN ALL BLANKS BELOW

IS THIS REQUEST RELATED TO A CURRENT ZONING APPLICATION? (If so, specify Application #): Yes/ ~~PSE 21-07~~ SE-T6D

TYPE OF ZONING ORDINANCE AMENDMENT REQUESTED: (Check One)

New Use in Districts (per Sec. 90-4) Other (Attach details)

REQUEST: (attach additional document(s) if more space is needed)

To amend Article VI, R-2 Limited Residential District
(Proposed revisions attached as Exhibit A and outlined in red)

WHY SHOULD THE REQUEST BE CONSIDERED? (attach additional document(s) if more space is needed)

To allow in the R-2 (Limited Residential District) multiple-family dwellings and single-family attached townhouses with a special exception or conditional use permit provided the development consists of at least 24 dwelling units and public water and sewer service are available.

Townhouses are defined as individually owned, multi-floor, single-family dwelling units that share one to two walls with adjacent properties each having its own entrance.

CODE SECTION(S) REQUESTED TO BE CHANGED: (or indicate "N/A" if unknown)

90-243; 90-244; 90-245; 90-246; 90-247; 90-248; 90-249

REQUEST PROPERTY INFORMATION (If the request is for a new permitted use)

TAX MAP PIN(S): 13A(01)00-026-A

LEGAL OWNER NAME(S): Dino F. Lunsford

OWNER MAILING ADDRESS (Incl. City, State, Zip)
4017 Birchett Place, Prince George, VA 23875

E-MAIL: dino@dfunsford.com PHONE: (804)731-5709
(804)203-5216

APPLICANT CONTACT INFORMATION (If different from legal property owner)

APPLICANT NAME(S): Lewis Wyche

RELATION TO OWNER:

MAILING ADDRESS: (Incl. City, State, Zip)

E-MAIL: PHONE:

OWNER AFFIDAVIT (If the request is for a new permitted use on a property in the County)

The undersigned Property Owner(s) or duly authorized Agent or Representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME: Dino F. Lunsford

NAME: _____

SIGNED: [Signature]

SIGNED: _____

DATE: 8/5/21

DATE: _____

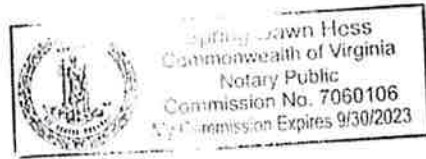
NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF: Prince George

Subscribed and sworn before me this 5th day of August, 2021.

Spring Dawn Hess
Notary Public



My Commission expires: Sept. 30, 2023

AFFIDAVIT

OFFICE USE ONLY

PRE-APPLICATION MEETING REQUIRED? (CIRCLE ONE)

Y / N / TBD / Held: ✓

COMMUNITY MEETING REQUIRED? (CIRCLE ONE)

Y / N / TBD / Held: _____

COMMENTS:

* check's check

PAYMENT	FEE DUE: ZONING ORDINANCE CHANGE: \$700	FEE PAID: \$700.00	PAYMENT TYPE: <u>CHECK</u> / CASH / CREDIT / DEBIT
	CHECK # / TRANSACTION #: 1667	DATE RECEIVED: 8/5 / processed 8/9	RECEIVED BY: Tim

INV: 00000274

COUNTY OF PRINCE GEORGE
COMM DEV & CODE COMPLIANCE
PO BOX 156
6602 COURTS DR
PRINCE GEORGE, VA 23875-0156
(804) 722-8750
Welcome

19995722-0004 Missy G.08/09/2021 01:23PM

EG INVOICE

Lunsford, Dino
2021 Item: INV-00000274
Amend Comprehensive
Plan 700.00

700.00

Subtotal 700.00
Total 700.00

CHECK 700.00
Check Number 01667

Change due 0.00

Paid by: Lunsford, Dino

Thank you for your payment

CUSTOMER COPY

PAID
10/15/21

Dino F. Lunsford
4017 Birchett Place
Prince George, VA 23875
dino@dfhlunsford.com/ 804-731-5709

August 5, 2021

Community Development and Code Compliance
6602 Courts Drive
Prince George, Virginia 23875
Attn: Julie C. Walton, Director and Staff

RE: Zoning Ordinance Amendment Application
R-2 Limited Residential District
Prince George County Tax Map # 13A(01)00-026-A

I am the owner of 15.483 acres, Tax Map # 13A(01)00-026-A, in Bland Magisterial District, Prince George County, Virginia, fronting on the west boundary of Rt. 156. (Prince George Drive). I am a lifelong resident of the County and I have been in the construction business for 35 years.

I propose to develop 7.96± acres of the above referenced parcel, which has been in my family for almost 40 years.

I attach a "Conceptual Site Plan" for Lakewood Townhomes, prepared by Balzer and Associates, Planners, Architects, Engineers, and Surveyors showing the proposed layout of the lots on the subject 7.96 acres of Tax Map # 13A(01)00-026-A, marked Exhibit B.

The project will be fifty± (50) pad ready townhouse sites which, when completed, D.R. Horton, "America's Builder" has contracted to purchase. D. R. Horton will construct on each site, a high quality townhouse unit for sale to individual, private owners. Each proposed townhouse unit will be an individually owned, multi-floor, single family dwelling unit that shares one to two walls with adjacent properties, each having its own entrance.

I also attach a D. R. Horton rendering of single family attached dwelling units and floor plans similar units to be constructed on the proposed project sites, marked Exhibit C.

Attached to my Zoning Ordinance Amendment Application is a redlined version of proposed changes to the current R-2 Limited Residential District, marked Exhibit A.

I enclose my check in the amount of \$700.00 payable to Treasurer, County of Prince George, in payment of the fee for the attached application.

Yours very truly,



Dino F. Lunsford

Exhibit A

- CODE OF ORDINANCES
Chapter 90 - ZONING
ARTICLE VI. R-2 LIMITED RESIDENTIAL DISTRICT
Revised August 3, 2021

ARTICLE VI. R-2 LIMITED RESIDENTIAL DISTRICT

Sec. 90-241. General description; intent.

The R-2 limited residential district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. Multiple-unit dwellings are permitted in accordance with a conditional use permit.

(Code 1988, § 17-106; Ord. No. O-13-01 (01-14-2014), § 1, 1-14-2014; Ord. No. O-13-04, § 1, 1-14-2014; Ord. No. O-13-04, § 1, 1-14-2014)

Sec. 90-242. Permitted uses.

In the R-2 limited residential district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Schools.
- (4) Churches.
- (5) Parks and playgrounds.
- (6) Offstreet parking as required by this chapter.
- (7) Public utilities such as poles, lines, distribution transformers, pipes, meters, or other facilities necessary for the provision and maintenance, including water and sewer facilities.
- (8) Business signs only to advertise the sale or rent of the premises upon which erected.
- (9) Church bulletin boards and identification signs.
- (10) Nonbusiness directional signs.
- (11) Home occupations:
 - a. Office.
 - b. Home occupation child care.
- (12) Maintaining horses, mules, donkeys and ponies as defined in 90-1035.
- (13) Maintaining poultry and bees as defined in 90-1035.1.

(Code 1988, § 17-107; Ord. No. O-02-012, 10-22-2002; Ord. No. O-17-04, § 1, 4-25-2017; Ord. No. O-13-01 (01-14-2014), § 1, 1-14-2014; Ord. No. O-13-04, § 1, 1-14-2014)

Sec. 90-243. Uses and structures permitted by special exception.

The following uses and structures are permitted by special exception in the R-2 limited residential district:

- (1) Removal of topsoil, in accordance with the requirements of section 54-6.
- (2) Multiple-family dwellings and single-family attached townhouses with a special exception or conditional use permit provided the development consists of at least 24 dwelling units and public water and sewer service are available.

Townhouses are defined as individually owned, multi-floor, single-family dwelling units that share one to two walls with adjacent properties each having its own entrance.
- (3) Tree stump landfills. Stumps and other natural vegetation may be buried in designated areas, provided:
 - a. A surveyed plat of the landfilling site so designated is recorded in the clerk of the circuit court's office;
 - b. All county erosion control and reclamation ordinances are adhered to; and
 - c. Such other conditions as required by the board that are deemed appropriate.
- (4) Family day care home (large).
- (5) Home professional and trade offices.
- (6) Home occupation in an accessory building.

(Code 1988, § 17-108; Ord. No. O-02-012, 10-22-2002)

Sec. 90-243.1. Uses and structures permitted by special exception granted by the board of zoning appeals.

- (1) Animal boarding place, private.

(Ord. No. O-12-37, § 1, 11-27-2012)

Sec. 90-244. Minimum lot areas.

- (a) For lots in an R-2 limited residential district containing or intended to contain a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be 12,000 square feet.

For a lot intended to contain a townhouse use served by public water and sewage disposal systems, the minimum lot area shall be 1,800 square feet for an internal lot and 2,700 square feet for an end lot in a row of townhouse units.
- (b) For lots containing or intended to contain a single permitted use served by either public water or sewage disposal systems but not by both, the minimum lot area shall be 15,000 square feet.
- (c) For lots containing or intended to contain a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be 20,000 square feet.
- (d) For lots containing or intended to contain more than a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be:
 - (1) For two units, 15,000 square feet or more;

(Supp. No. 18)

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-
- (2) For three units, 17,500 square feet or more; and
 - (3) For each additional unit above three, 1,000 square feet.
- (e) For lots containing or intended to contain more than a single permitted use served by either public water or public sewage disposal systems, but not both, the minimum lot area shall be:
- (1) For two units, 18,000 square feet or more;
 - (2) For three units, 20,000 square feet or more; and
 - (3) For each additional unit above three, 1,000 square feet.
- (f) For lots containing or intended to contain more than a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be:
- (1) For two units, 24,000 square feet or more; and
 - (2) For each additional unit above three, 1,000 square feet.
- (g) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require greater area if considered necessary by the health officer.

(Code 1988, § 17-109)

Sec. 90-245. Setbacks.

Structures in an R-2 limited residential district shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the centerline of any street right-of-way less than 50 feet in width. A townhouse structure shall be located 25 feet or more from any street right-of-way which is 50 feet or greater in width or 50 feet or more from the centerline of any street right-of-way less than 50 feet in width. This shall be known as the setback line.

(Code 1988, § 17-110)

Sec. 90-246. Frontage.

- (a) For a single permitted use in an R-2 limited residential district served by both public water and sewage disposal systems, the minimum lot width at the setback line shall be 80 feet, and for each additional permitted use there shall be at least ten feet additional lot width at the setback line.
- (b) For a single permitted use served by either or both individual water or sewage disposal systems, the minimum width at the setback line shall be 100 feet with ten additional feet of front width for each additional permitted use.
- (c) For a townhouse use in an R-2 limited residential district served by both public water and sewage disposal systems, the minimum lot width for an internal lot shall be 20 feet and the minimum lot width for an end lot shall be 30 feet in a row of townhouse units.

(Code 1988, § 17-111)

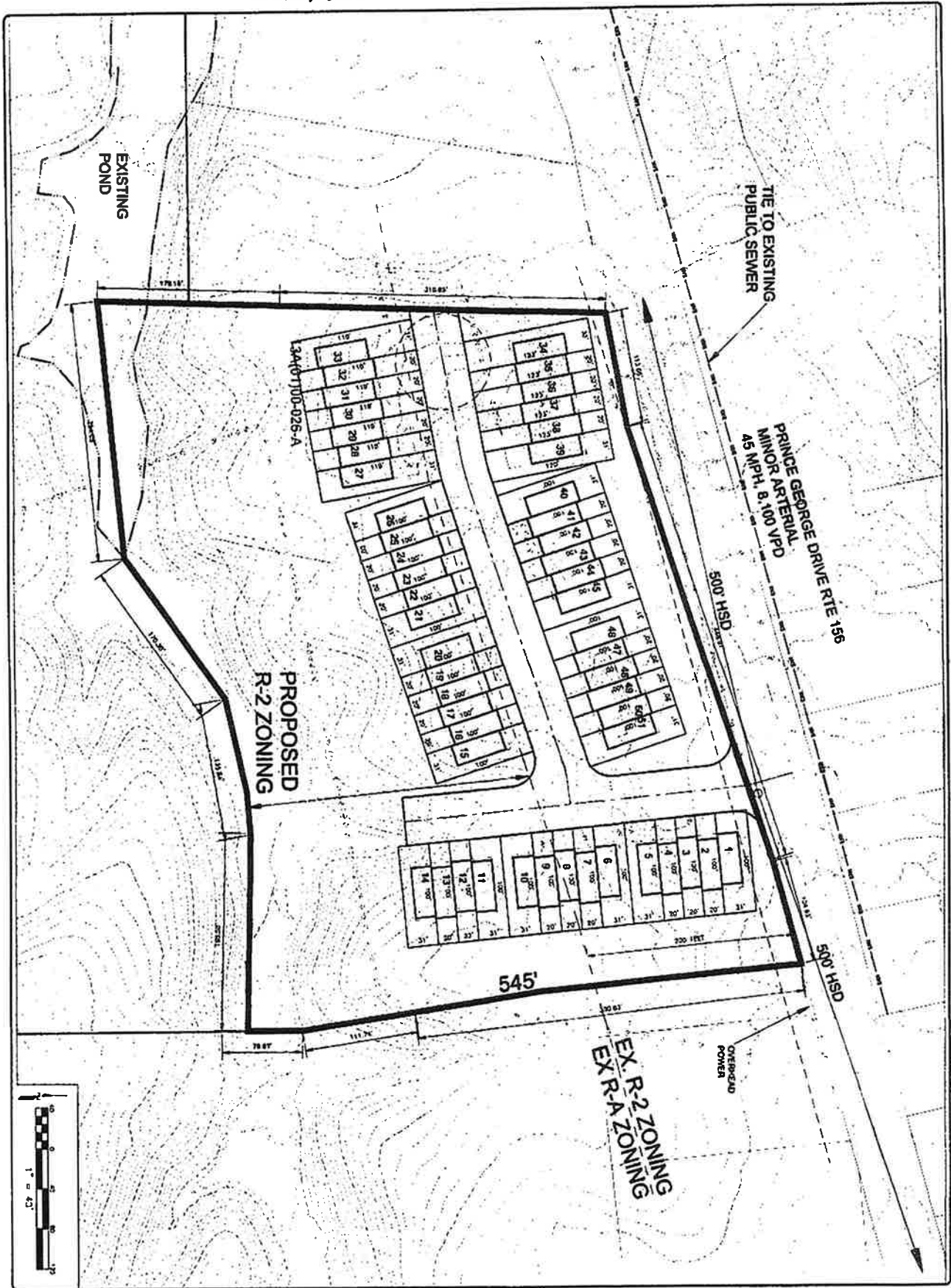
Sec. 90-247. Yards.

- (a) The minimum side yard in an R-2 limited residential district for each main structure shall be ten feet or more, and the total width of the two required side yards shall be 25 feet or more.

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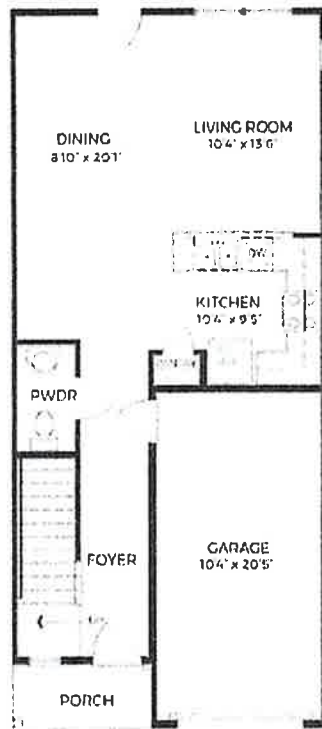
Exhibit B



LAKWOOD TOWNHOMES

CONCEPTUAL PLAN
 TAX ID PART OF 13A(01)00-026-A (7.98 AC)

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	11-10-01	BAI
2	REVISED	11-10-01	BAI
3	REVISED	11-10-01	BAI
4	REVISED	11-10-01	BAI
5	REVISED	11-10-01	BAI
6	REVISED	11-10-01	BAI
7	REVISED	11-10-01	BAI
8	REVISED	11-10-01	BAI
9	REVISED	11-10-01	BAI
10	REVISED	11-10-01	BAI
11	REVISED	11-10-01	BAI
12	REVISED	11-10-01	BAI
13	REVISED	11-10-01	BAI
14	REVISED	11-10-01	BAI
15	REVISED	11-10-01	BAI



FIRST FLOOR



SECOND FLOOR

DR. Horton is equal housing opportunity builder. With basement foundations, water heaters and HVAC systems will be relocated from the first or second floors, as specified per plan. All pricing, included features, terms, availability and amenities, are subject to change at any time without notice or obligation. Elevations and exterior materials may vary. Square footages, measurements and dimensions are approximate and will vary based on foundation type and options selected. Pictures, artist renderings, photographs, colors, features, and sizes are for illustration purposes only and will vary from the homes as built. Options and upgrades are available at an additional cost and are subject to availability and construction cut-off dates DT03-24/40-2343-082420

RECEIVED
JAN 14 2022
BY: TWG

Legal Notices

**PUBLIC NOTICE
COUNTY OF PRINCE
GEORGE**

Public Notice is hereby given to all interested persons regarding the following public meeting:

The Prince George County Board of Supervisors will hold public hearings on Tuesday, January 25, 2022 beginning at 7:30 p.m. concerning the following requests:

Ordinance Amendment OA-21-01: Ordinance to amend The Code of the County of Prince George, Virginia, by amending §§ 90-1, 90-3, 90-201, 90-241, 90-291 and Chapter 90, Article XIII to define the term "Townhouse", to establish a zoning district known as "R-TH Residential Townhouse" where townhouses are permitted, to distinguish the intent of the new district from that of the existing residential zoning districts (R-1, R-2, R-3), and to define the intent and requirements for the new R-TH zoning district. The purpose of the proposed amendment is to permit attached townhouses with each unit on its own lot, subject to appropriate development standards and reviews by the Planning Commission and the Board of Supervisors.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday-Friday. All interested persons are invited to participate in the public hearings in person or electronically by Zoom. A live video stream will be available via Swagit at https://www.princegeorge-countyva.gov/live_stream/. Public comments can be submitted prior to 5:00 p.m. on January 25, 2022. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Jeffrey D. Stoke
Interim County Administrator

ORDINANCE AMENDMENT OA-21-01:

Ordinance to amend The Code of the County of Prince George, Virginia, by amending §§ 90-1, 90-3, 90-201, 90-241, 90-291 and Chapter 90, Article XIII to define the term "Townhouse", to establish a zoning district known as "R-TH Residential Townhouse" where townhouses are permitted, to distinguish the intent of the new district from that of the existing residential zoning districts (R-1, R-2, R-3), and to define the intent and requirements for the new R-TH zoning district. The purpose of the proposed amendment is to permit attached townhouses with each unit on its own lot, subject to appropriate development standards and reviews by the Planning Commission and the Board of Supervisors.

Background Information

- Applicant working with D.R. Horton on a potential townhouse development
- Primary goal/request: *Townhouses on individually-owned lots*
- *Townhouses on individually-owned lots not permitted by Ordinance*
- Options to proceed included:
 - Revise plans to replace with multi-family structures (single ownership of entire building on one lot)
 - Planned Unit Development Rezoning (requires 25+ acres)
 - Request ordinance amendment
- Applicant requested an Ordinance Amendment and provided a draft ordinance which added townhouses as a Special Exception in the R-2 zoning district

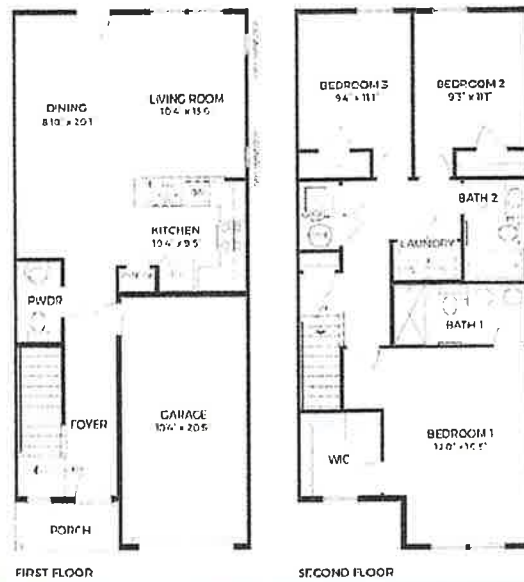
Background (continued)

- Staff modified the draft submitted by applicant and scheduled public hearing. Staff did not support lowering setbacks within existing zoning districts (from 35’).
- Planning Commission Public Hearing: September 23, 2021 (Meeting cancelled)
- Staff and the applicant discussed potential for a new zoning district for townhouses with shorter setbacks
- Planning Commission Public Hearing: October 28, 2021 (Item withdrawn from the agenda to allow Staff time to update draft)
- Staff updated draft ordinance and reviewed with applicant

Example of multi-family structures that look like townhouses (but are apartments)

Prince George Drive (near Hopewell)

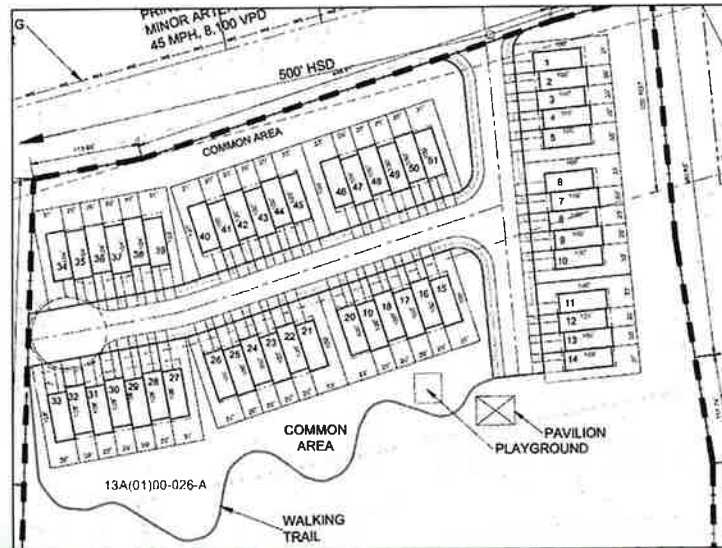




Example Site for Townhomes (owned by the Applicant)



Example Conceptual Plan for Townhouse development (Applicant's project)



Planning & Zoning Staff Review Comments

- Similar uses permitted by the current ordinance:
 - Two-family dwellings (doesn't match applicant goals)
 - Multiple-family dwellings (doesn't match applicant goals)
 - Attached dwellings (doesn't match applicant goals)
 - Planned Unit Development (requires 25+ acres)
- Staff reviewed townhouse requirements in other localities:
 - Chesterfield County – Dedicated zoning district for townhouses
 - Henrico County – Dedicated zoning districts for townhouses
 - New Kent County – permitted by PUD only
 - Hanover County – permitted as a type of “attached housing” in certain zoning districts

Planning & Zoning Staff Review Comments (continued)

- Prince George County's 2007 Zoning Ordinance permitted townhouses on individual lots (before the entire ordinance was repealed for unrelated reasons)
- Cash proffers are required for rezonings in order to off-set impacts on County resources
- Townhouse developments will require Subdivision Plat review and Site Plan review
- The request is compatible with the Comprehensive Plan:
 - Townhouses specified as a type of housing which should be included in the ordinance
 - Fits future land use map categories

**Planning & Zoning Staff Review Comments
(continued)**

- Development standards to include:
 - Lower setback requirements than other zoning districts (compact neighborhood feel)
 - Served by public water and sewer
 - Lots shall front on public rights-of-way
 - Minimum development size of 10 acres and 24 units
 - Requirements for common areas and recreation space or facilities
 - A homeowners association shall own and operate all of the common elements of the development

- Additional development standards may be established during individual zoning cases

Other Departments' Review Comments

- No comments on the ordinance as proposed

Planning Commission

The Planning Commission recommends Approval of the ordinance amendment as proposed.

Questions?

See Staff Report for Sample Motions



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