

ORDINANCE NUMBER 23-O-047

AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE, ARTICLE 4, ZONING, SECTION 31-407 DIMENSIONAL AND DENSITY REGULATIONS, OF THE CODE OF THE CITY OF SUFFOLK; OTA2023-001

WHEREAS, the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31, Unified Development Ordinance, due to a change in circumstances; and,

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and,

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A"; and,

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

- Section 1. That Exhibit "B," "Amendments to Chapter 31, Unified Development Ordinance (UDO), Article 4, Zoning, Section, 31-407 Dimensional and Density Regulations of the Code of the City of Suffolk, Virginia" which is attached hereto, is hereby incorporated as part of this ordinance.
- Section 2. That Chapter 31, Unified Development Ordinance (UDO), Article 4, Zoning, Section 31-407 Dimensional and Density Regulations, of the Code of the City of Suffolk, Virginia, is hereby amended to read as referenced in Exhibit "B," attached.
- Section 3. All phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the Code not amended hereby remain in full force and effect.

This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: APRIL 19, 2023

TESTE: *Erika S. Dawley*
Erika S. Dawley, MMC, City Clerk

A TRUE COPY

Tracey L. Sanford
Deputy City Clerk

“Exhibit B”

“Amendments to Chapter 31, Unified Development Ordinance, Article 4, Zoning, Section 31-407, Dimensional and Density Regulations of the Code of the City of Suffolk, Virginia”

CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO
OTA2023-001
AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE
(UDO), ARTICLE 4, SUPPLEMENTAL USE REGULATIONS, SECTION 31-407,
DIMENSIONAL AND DENSITY REGULATIONS, OF THE CODE OF THE CITY OF
SUFFOLK, VIRGINIA

WHEREAS, the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31 of the Unified Development Ordinance due to a change in circumstances; and

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposed ordinance amendments are reasonable and warranted.

Section 2. Recommendation to City Council.

The Planning Commission recommends to the City Council of the City of Suffolk, Virginia that the proposed amendments be;

- a. Adopted as submitted without modification.
- b. Denied, and that Council not pass the proposed ordinance.
- c. Adopted with the modifications set forth on the attached listing of specific recommendations, and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: 3/21/23

TESTE: 

...

SEC. 31-407. DIMENSIONAL AND DENSITY REGULATIONS.

(a) **PURPOSE.** This Section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings pursuant to Code of Virginia, § 15.2-2280.

(b) **DENSITY AND INTENSITY STANDARDS.**

(1) **TOTAL PERMITTED DWELLING UNITS.** For conventional option developments, the Ordinance does not establish a maximum or minimum number total permitted dwelling units, because total number of dwelling units will be governed by minimum lot size. For cluster, hamlet or TND option developments, no minimum lot size is required (except as may be provided in Section 31-411 of this Ordinance), but total permitted dwelling units shall not exceed the amount established in this Subsection. (Additional dwelling units for conventional, cluster, hamlet or TND option developments may be permitted pursuant to Section 31-409 of this Ordinance). For purposes of this Subsection, "gross acres" or "gross acreage" refers to the total area (in acres) within the outer property boundaries of the parcel subject to an application for development approval (see "A" in the formula below). "Net acres" or "net acreage" refers to the gross acreage (in acres) exclusive of critical areas and road or street rights of way, as defined by the equation "A - C - R" in the formula below. "Gross density" refers to the number of dwelling units per gross acre. "Net density" means the number of dwelling units permitted per net acre. Unless otherwise stated, all references to density in this Ordinance refer to gross density. Total permitted dwelling units shall be calculated as follows:

TOTAL DWELLING UNIT CALCULATION:

$$D = P \times (A - C - R)$$

D = Total permitted dwelling units

P = Permitted Density (see Table 407-1, Column (C), below)

A = Total Site Area (Acres)

C = Critical Areas.

R = Road and street rights-of-way (collector or arterial roads which are mapped in Thoroughfare Plan)

(2) **MEASUREMENT OF FLOOR AREA RATIO.** Unless otherwise stated, all references to non-residential intensity refer to the ratio of enclosed floor area to the gross area of the lot.

(3) **RESIDENTIAL AND NONRESIDENTIAL DENSITY AND INTENSITY.** No application for development approval shall be approved unless the minimum lot area, density, intensity, floor area ratio, impervious surface ratio and dimensional requirements conform to the minimum and maximum requirements as set forth in Table 407-1 below. Rules for interpretation of Table 407-1 are provided in the "Notes" which follow the table.

(c) **DIMENSIONAL STANDARDS.** **TABLE 407-1** lists the dimensional standards that apply within zoning districts. These are required standards, not guarantees that stated minimums or maximums can be achieved on every site. Other regulations of this Ordinance or site-specific conditions may further limit development on a site. The standards apply to all uses unless otherwise expressly provided in this Ordinance. Article 6 of this Ordinance provides additional or supplemental standards for alternative lot patterns. In Table 407-1, the following figures are expressed in feet: The minimum setback for the CBD and VC districts apply only to the first twenty (20) feet of building height in order to assure the provision of adequate sidewalk and planting strips.

TABLE 407-1: DIMENSIONAL STANDARDS

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)
Zoning District	Minimum Lot Size ⁽²⁾ Conventional	Maximum Density ⁽³⁾	Floor Area Ratio ⁺	Impervious Surface Ratio ^{(4)(M)}	Minimum Frontage ⁽⁵⁾	Minimum Lot Width ⁽⁶⁾	Maximum Lot Width ⁽⁶⁾	Maximum Building Height ⁽⁵⁾	Minimum Front Setback ⁽⁵⁾	Maximum Front Setback ⁽⁵⁾	Minimum Side Setback ⁽⁵⁾	Minimum Rear Setback ⁽⁵⁾	Open Space Conventional ⁽⁶⁾	Open Space Cluster/PD ⁽⁶⁾	Open Space Hamlet ⁽⁶⁾
C	10 acres	0.1	—	0.02	—	—	—	—	—	—	—	—	—	—	—
A	1 acre	1.0	—	0.16	150	150	—	45	50	—	20	30	3%	35%	20%
RR	1 acre	1.0	—	0.16	150	150	—	45	45	—	20	30	3%	35%	20%
RE	3 acres	0.3	—	0.16	150	200	—	45	45	—	20	30	3%	35%	20%
RL	30,000	1.5	—	0.3	80	100	—	45	35	—	15	30	5%	40%	35%
RLM	15,000	2.9	—	0.35	80	100	—	45	30	—	15	30	7%	45%	40%
RM	10,000	4.4	—	0.4	60	80	—	45	25	—	10	25	9%	45%	40%
RC	6,000	7.3	0.35	0.5	30	60	100	45	20	35	5	10	10%	50%	45%
RU	4,000	10.9	0.5	0.6	15	50	80	45	20	30	5	10	10%	50%	45%
RU-12	3,630	12	1	0.6	15	50	—	60	15	30	5	10	10%	—	—
RU-18	—	18	2	0.7	15	40	—	—	10	20	5	10	—	—	—
RU-24	—	24	6	0.8	15	30	—	—	—	20	5	10	—	—	—
MUC-40	—	40	6	—	—	—	—	—	—	20	—	—	—	—	—
B-1	5,000	—	0.5	0.7	50	50	—	50	10	—	10 ⁽⁷⁾	20	—	—	—
B-2	5,000	—	0.6	0.7	50	50	—	65	10	—	20 ⁽⁷⁾	30	—	—	—
CBD	—	40 ⁽⁸⁾	6	—	—	—	—	—	—	20	—	—	—	—	—

PRRD	As per <i>Fairgrounds Master Redevelopment and Revitalization Plan</i> , and to the extent practical the <i>Conceptual Master Development Plan</i> and <i>Conceptual Master Schematic Plan</i> , as amended														
VC	5,000	8	2	—	—	—	—	45	—	30	—	—	—	—	—
O-I	10,000	—	0.6	0.7	50	50	—	65	10	—	20 ⁽⁷⁾	30 ⁽⁷⁾	—	—	—
C-P	10,000	—	0.6	0.7	50	50	—	65	10	—	20 ⁽⁷⁾	30 ⁽⁷⁾	—	—	—
M-1	—	—	0.6	0.8	80	80	—	65	30	—	30 ⁽⁷⁾	30 ⁽⁷⁾	—	—	—
M-2	—	—	—	0.9	100	100	—	65	30	—	50 ⁽⁷⁾	50 ⁽⁷⁾	—	—	—

Notes:

- (1) The requirements for the parameters set forth in columns (B) through (P), above, relate to the zoning district specified in the row under column (A), above. A dash (—) indicates that the requirement does not apply within the particular zoning district.
- (2) Minimum lot size (column (B)) applies only to conventional option developments; minimum lot size requirements do not apply to cluster, hamlet and TND option developments except as may be provided in Section 31-411 of this Ordinance. The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation are set forth in Subsection (d) of this Section for minimum lot area.
- (3) The maximum density requirements (column (C)) are expressed in dwelling units per acre. Additional rules of interpretation are set forth in Subsection (b)(1) of this Section.
- (4) The floor area ratio and impervious surface ratio (columns (D) and (E)) are maximums and are expressed as a ratio (See Appendix A for definitions). Additional impervious surface restrictions might apply to portions of a site located within the Chesapeake Bay Preservation Overlay District, Section 31-415.
- (5) The dimensions specified in columns (F) through (M) are expressed in feet. Rules of interpretation for setback and height requirements are set forth in Subsections (e) and (f) of this Section.
- (6) The ratios in columns (N) through (P) are expressed as the ratio of open space to gross acreage. The percentage applicable to active open space and passive open space is specified in Section 31-607, Table 607-1. Multi-family developments open space design requirements are specified in section 31-602(c).
- (7) Applies only to the setback area measured from a lot line which abuts a residential use or residential zoning district. The side or rear setback may be reduced to 50% of the above-referenced requirements where the use does not abut a residential use or residential zoning district.

(8) Fractions shall be rounded up.

(9) Densities for reuse of existing buildings for residential uses may exceed the maximum through the approval of a conditional use permit.

10) The impervious surface ratio shall not apply to public parks and associated public recreational facilities.

(d) **LOT AREA.** No building permit or development approval shall be issued for a lot that does not meet the lot area requirements of Section 31-407 of this Ordinance except in the following instances:

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