



City of Fredericksburg, Virginia

City Council

AGENDA

Council Chambers

715 Princess Anne Street

Fredericksburg, Virginia 22401

Tuesday, December 6, 2016

7:00 p.m.

Suite, Room 218

Hon. Mary Katherine Greenlaw, Mayor
Hon. William C. Withers, Jr., Vice-Mayor, Ward Two
Hon. Kerry P. Devine, At-Large
Hon. Matthew J. Kelly, At-Large
Hon. Bradford C. Ellis, Ward One
Hon. Timothy P. Duffy, Ph.D., Ward Three
Hon. Charlie L. Frye, Jr., Ward Four

1. Call To Order

2. Topics

A. Comprehensive Plan And Unified Development Ordinance Amendment Regarding Proffers

Documents:

[WS 1.PDF](#)

B. Articles 1 & 2 Of The Unified Development Ordinance Amendment

Documents:

[WS 2.PDF](#)

3. Adjournment



TO: Timothy J. Baroody, City Manager
FROM: Charles Johnston, Director, Community Planning & Building Department
Erik F. Nelson, Senior Planner/Deputy Director, CPBD
DATE: November 29 for December 6, 2016 meeting
RE: Comprehensive Plan and Unified Development Ordinance Amendments

ISSUE

Shall the City of Fredericksburg amend its Comprehensive Plan and Unified Development Ordinance to address new legislation from the Virginia General Assembly related to conditional rezoning proffers? The City Council initiated this process on July 12th of 2016, through Resolution 16-65, and voted on September 13th to forward this matter to the Planning Commission.

RECOMMENDATION

Approval of amendments to:

- a. the 2015 Comprehensive Plan:
 - 1. to establish Land Use Areas 1 through 8 and 10 as Small Area Comprehensive Plans that are designated for revitalization, are served by mass transit, include mixed use development, and permit a density of 3.0 floor area ratio in a portion thereof; and
 - 2. to establish policies requiring adequate public facilities and services; and
- b. the Unified Development Ordinance of the City Code to permit nonresidential development with a 3.0 Floor Area Ratio as a Special Use in the Commercial-Shopping Center, Commercial Highway, Planned Development-Commercial, and Planned Development-Medical Center Zoning Districts.

CITY COUNCIL MEETING – November 8

After a public hearing, at which no one spoke, the Council voted to postpone consideration of these amendments for further discussion at a work session on December 6. One of the concerns expressed was the proximity of high density commercial uses, allowed by the proposed UDO text amendments as a Special Use, to residential development. An enhanced map is attached showing these common boundaries. The special use permit process provides review criteria and public hearings before both the Planning Commission and Council in an effort to prevent negative impacts. At the suggestion of the City Attorney, the text of the proposed Comprehensive Plan amendments and the Revitalization text of the staff report have been expanded to further support the need for revitalization of the various small planning areas.

PLANNING COMMISSION MEETING – October 12

The Planning Commission held a public hearing on the proposed amendments on October 12. No member of the public offered comment. Draft Commission meeting minutes are attached. The Commission voted unanimously (one member absent) to recommend approval of the proposed Comprehensive Plan and UDO amendments

BACKGROUND

1. Comprehensive Plan Amendment re: Small Area Comprehensive Plans

During its 2016 session, the General Assembly passed a bill (SB 549) that created a new Virginia Code Section: 15.2-2303.4. This new section addresses proffers associated with conditional residential zoning applications. This proffer reform legislation restricts local authority with respect to proffers or proffer amendments for a new residential development or a new residential use. The effect of the proposed Comprehensive Plan amendments will be to create 'small area comprehensive plans' meeting four criteria, as areas where these restrictions shall not apply, in compliance the provisions of the legislation. The new legislation did not change the rules related to commercial rezonings, or for special use permits, special exceptions, variances, or previously approved rezonings.

For residential development or residential uses proposed under the new law, proffers must address an impact specifically attributable to the proposed development/use. The identified impacts can be within the boundaries of a property as well as outside those boundaries if they affect directly related facilities. An applicant for a residential development/use, for instance, can offer proffers for facilities outside the property boundaries only if the development will specifically impact public transportation facilities, public safety facilities, public school facilities, or public parks and only when capacity for these facilities have already been exceeded.

However, the new law does not apply to land encompassed by an approved 'small area comprehensive plan'. The small area comprehensive plan must be designated a revitalization area, encompass mass transit, include mixed use development, and allow a commercial density of at least 3.0 Floor Area Ratio in identified areas. The phrase 'small area comprehensive plan' was created in the new law and does not occur in Code of Virginia Section 15.2-2223, which is the enabling legislation for comprehensive plans. As a consequence, such designations were not part of the City's recently adopted comprehensive plan.

To address the new legislation, the City Council proposes to amend the overall comprehensive plan to identify several small area comprehensive plans. To this end, the ten planning areas identified in the current comprehensive plan have been evaluated and all, except Area 9, Braehead/National Park, have been determined to meet the criteria stated in Section 15.2-2303.4.E and appropriate for designation as small area comprehensive plans.

Revitalization

The new Virginia Code section 15.2-2303.4.E says it: "shall not apply to residential development ... [in] ... an approved small area comprehensive plan in which the delineated area is designated as a revitalization area." The revitalization designation is to occur in the process of preparing small area comprehensive plans. The measures used to evaluate a revitalization designation are: area devoted to surface parking, the age of structures, and a low percentage of vacant parcels.

- A. Areas with substantial portions of commercial land devoted to surface parking have revitalization opportunities for the evolution of a suburban pattern of development into a more urban, mixed-use pattern. Broad expanses of surface parking result in fragmented and inefficient development patterns that should be revitalized so as to create complete communities that are livable and robust.

"Sprawl is a pattern of growth characterized by an abundance of congested highways, strip shopping center, big boxes, office parks, and gated cul-de-sac subdivisions – all separated from each other in isolated single-use nodes. This land use pattern is typically found in suburban areas, but also affect our cities, and is central to our wasteful use of water, energy, land, and time spent in traffic. Sprawl has been linked to increased air and water pollution, greenhouse gas emissions, loss of open space and natural habitat, and the exponential increase in new infrastructure costs.

Social problems related to the lack of diversity have been attributed to sprawl, and health problems such as obesity to its auto-dependence.

In contrast, complete communities have a mix of uses and are walkable, with many of a person’s daily needs – shops, office, transit, civic and recreational places – within a short distance of home. They are compact, so they consume less open space and enable multiple modes of transportation including bicycles, cars, and mass transit. A wide variety of building types provides options to residents and businesses, encouraging diversity in population. This mix of uses, public space, transportation, and population makes complete communities, economically, socially, an environmentally sustainable.”¹ Revitalization of the small planning areas of the city will be key to achieving the goal of complete communities.

- B. Age of structures indicates that revitalization is necessary with structural improvement or replacement. A property may be well maintained in terms of cleanliness and security, however the physical elements of buildings (including, roofs, windows, doors, heating/ventilation/air conditioning facilities) have a functional life span and require periodic replacement.
- C. Several of the planning areas have a low percentage of vacant residential parcels, showing that most residential development will be in the form of redevelopment/revitalization. Outside of area 1, there are few vacant commercial parcels. Commercial areas that are vacant are typically adjacent to existing commercial projects and have a low-intensity suburban character. This would also indicate the potential for revitalization.

	Planning Areas	Commercial Land Area in Surface Parking	Structure Age: pre-1980		Vacant Residential Parcels
			Residential	Commercial	
1	Celebrate Va / Central Park	85%	N/A		N/A
2	Fall Hill		81%		N/A
3	Plank / Rt 3	80%	10% (concentrated)		<1%
4	Hospital/Cowan	47%	4% (concentrated)		N/A
5	University / Rt 1	65%	86%		5%
6	Princess Anne / Rt 1	43%	90%	75%	1%
7	Downtown	19%	89%	85%	4%
8	Dixon / Mayfield	-	81%		19%
9	Braehead / National Park	-	-	-	-
10	Lafayette / Rt 1	75%	66%		3%

An analysis of these statistics is included in the Land Use Potential section for each planning area, as appropriate.

In addition, a study titled the *Market Analysis for the City of Fredericksburg* (October 2016) has been prepared in conjunction with more detailed planning for Areas 3 and 6. It states that the office, hotel, and retail markets for the City are generally overbuilt, except for specialized uses. It states that lower quality offerings in each of these use categories are appropriate for revitalization, either with upgraded more competitive uses of the same type or converted to different uses, such as residential.

¹ *Sprawl Repair Manual*, Galina Tachieva, (Island Press, 2010) 1. (for quotation and concepts in previous sentence)

Mass Transit

The new code section says the small area comprehensive plans are to encompass mass transit, with a specific reference to the definition in Virginia Code Section 33.2-100:

“ ‘Public transportation’ or ‘mass transit’ means passenger transportation by rubber-tired, rail, or other surface conveyance that provides shared ride services open to the general public on a regular and continuing basis. ‘Public transportation’ or ‘mass transit’ does not include school buses, charter or sight-seeing services, vehicular ferry service that serves as a link in the highway network, or human service agency or other client-restricted transportation.”

Fred Transit meets this definition. The attached map of Fred routes in the city in relation to the current Land Use Planning Areas shows all planning areas being served.

Mixed Use Development

The third criterion in the new code section is that the delineated area of each small area comprehensive plan “includes mixed use development”. The text of the 2015 Comprehensive Plan for all of the 10 planning areas shows these areas as appropriate for mixed use either by current zoning which allows mixed use or by future land use policies that provide for mixed use.

3.0 Floor Area Ratio for Commercial Development

The final criterion in the new code section is that the small area comprehensive plans “allow a density of at least 3.0 floor area ration in a portion thereof;”. The current and proposed density for commercial development is shown below:

Current Commercial Density Limits expressed as a Floor Area Ratio		Mixed Use	Only Commercial Use	Allowed as SU	Proposed as SU
Commercial/Office-Transition	CT	0.7	0.5		
Commercial-Downtown	CD	3.0	2.5		
Commercial-Shopping Center	C-SC		0.5		3.0
Commercial-Highway	C-H		0.7		3.0
Planned Development-Commercial	PD-C		1.0		3.0
Planned Development-Mixed Use	PD-MU		2.0	3.0	
Planned Development-Medical Center	PD-MC		1.5		3.0

The proposed amendments to the Unified Development Ordinance would allow a 3.0 Floor Area Ratio as a Special Use in the Commercial Shopping Center, Highway Commercial, PD-Commercial, and PD-Medical Center zoning districts.

All the Planning Areas, except for Planning Area 9, are recommended for Small Area Comprehensive Plan status. Area 9 was not included because it is primarily planned and used for industrial purposes, not residential purposes. Only residential rezonings are the focus of the new code section.

2. Comprehensive Plan amendments to ensure Adequate Public Facilities.

The second area of comprehensive plan amendment addresses how certain public services are defined in the plan and clarifies their levels of service. This step will help to ensure that the City’s public facilities and services are adequately maintained when new development occurs.

The amendments focus on the insertion of the phrases ‘Adequate Public Facilities’ and ‘Levels of Service’. Adequate Public Facilities is a goal first formally enunciated in the late 1960s in communities experiencing rapid growth that believed they had insufficient public facilities and

services for new residents. Levels of Service are a quantitative means to measure Adequate Public Facilities. This concept has long been used in evaluating transportation facilities by applying grades 'A' through 'F' to intersection capacity and efficiency. The term is also used to describe appropriate levels of school service in several documents by the Virginia Department of Education and in the Virginia Outdoors Plan for public recreation services. It can be used to evaluate public safety services by either state or federal agencies or by independent rating entities. These sources have been referenced in the amendments.

By explicitly establishing in its Comprehensive Plan the goal of adequate public facilities measured by appropriate levels of service, the City makes clear that the health, welfare, and safety of current and future residents and visitors is paramount.

3. UDO amendments: Allow a 3.0 Floor Area Ratio Density for Commercial Uses as a Special Use.

As shown above, amendments to four commercial zoning districts are proposed so as to allow a 3.0 floor area ratio for commercial activities as a special use. Provision for such density is one of the requirements for areas where the legislation states residential proffer restrictions shall not apply. This will allow the City to be able to accept a full range of proffers for residential development.

In addition, the Virginia Code (15.2-2283.vii), states one of the purposes of zoning ordinances is: "to encourage economic development activities that provide desirable employment and enlarge the tax base;". This provision would allow the potential for more intense commercial development, thereby expanding the City's tax base. It would also allow more intensive use of the primary medical care facility in the City, allowing for expansion of health care services.

The additional density would be allowed after the issuance of a special use permit. The UDO provides nine minimum criteria for Council to use when evaluating Special Use requests:

- (a) Traffic or parking congestion;
- (b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
- (c) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
- (d) Undue density of population or intensity of use in relation to the community facilities existing or available;
- (e) Reduction in the availability of affordable housing in the neighborhood;
- (f) Impact on school population and facilities;
- (g) Destruction of or encroachment upon conservation or historic districts;
- (h) Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and
- (i) Massing and scale of the project.

In addition, the UDO states six minimum conditions that may be imposed:

- (a) Appropriate screening, buffer planting and landscaping.
- (b) Enhanced utility, drainage, parking, sidewalk, loading and other onsite facility design requirements.
- (c) Sign standards of a stricter nature than those which apply to the district in which the proposed use is located.
- (d) Open space requirements of a stricter nature than those which apply to the district in which the proposed use is located.

- (e) Participation in off-site pro rata improvements for reasonable and necessary sewerage and drainage facilities as provided for in this section.
- (f) Other reasonable standards and criteria, as deemed necessary in the public interest to secure compliance with this chapter and the Comprehensive Plan by the City Council.

These criteria and conditions should be sufficient to ensure any development proposing a floor area ratio of up 3.0 will not unduly impact adjoining properties or public facilities.

For comparison purposes, the following Floor Area Ratios are provided:

715 Princess Anne Street	City Hall	1.09
701 Princess Anne Street	City Courthouse	3.75
601 Caroline Street	Executive Plaza (not including parking deck property)	3.32
215 William Street	Formerly retail and offices for Museum	3.89
810-812 Caroline Street	Shops at 810	3.49
622 Caroline Street	Marriott Hotel	3.29
1001 Sam Perry Blvd	Mary Washington Hospital	0.31

Conclusion

The Virginia Code amendments creating 15.2-2303.4, which restrict local authority with respect to proffers or proffer amendments for residential rezoning applications, provide for an exemption from these restrictions in areas that meet specific criteria. With the proposed Comprehensive Plan amendments (coupled with the UDO amendments to the C-SC, C-H, PD-C, and PD-MC districts allowing commercial activities with a 3.0 Floor Area Ratio as a Special Use), 9 of the 10 Land Use Planning Areas in the 2015 Comprehensive Plan will meet these specific criteria. They will serve as “approved small area comprehensive plan[s] in which the delineated area is designated as a revitalization area, encompasses mass transit ... , includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof.” The effect of all the proposed amendments will be to establish the areas where residential proffer restrictions do not apply. The proposed amendments do not include Land Use Area 9, which is primarily comprised of land shown for industrial uses on the Future Land Use Map. Residential rezonings are not anticipated in this area.

The new Virginia Code section limits the discussion and acceptance of proffers to a narrow range of issues. By establishing areas where residential proffer restrictions do not apply, the City and rezoning applicants can develop creative solutions to the potential impacts of the development of a property. It allows the City to create and protect public service capacity for vested unbuilt development, without it being absorbed by new rezoning applications. Finally, it allows for the acceptance of facilities beyond what is necessary to meet minimum standards.

Virginia Code (15.2-2200) states the intent of having land use regulations. The final item is: *“that the growth of the community be consonant with the efficient and economical use of public funds.”* Adoption of these amendments will allow the City to ensure the growth will occur in a manner consistent the efficient and economic use of public funds and facilities.

Attachments:

- Master list of proposed Comprehensive Plan amendments
- Unified Development Ordinance Text Amendments
- Maps of Planning Areas shown revitalization factors
- Map of FRED transit routes and planning areas
- Floor Area Ratio Examples
- Planning Commission Minutes, October 12, 2016 (excerpt)

COMPREHENSIVE PLAN AMENDMENTS

December 6, 2016

Underlined black text shows the amendments as reviewed by the Planning Commission.

Underlined red text shows expanded amendments.

Page 4, Plan Implementation	<p><i>Insert following last paragraph:</i></p> <p><u>The built environment in an established and growing community experiences an ongoing process of development and redevelopment, which is commonly understood as revitalization. These terms are interchangeable within this Comprehensive Plan, to describe efforts to improve an area, to make it better, and to pursue an evolving density of uses that occurs in a growing community like Fredericksburg.</u></p>
Page 8, Goal 1	<p>Provide <u>adequate public facilities and services</u>, in an efficient and effective manner, to all City residents.</p>
Page 27, Background	<p><i>Amend the second to last sentence as follows:</i></p> <p>The overall transportation system includes a coordinated hierarchy of interstate highways, regional arterial roads, local collector roads, and neighborhood streets, but the City seeks to ensure the community is accessible to all persons, by emphasizing pedestrian sidewalks and trails, bicycle facilities, and fully accessible transit, <u>all provided at safe levels of service.</u></p>
Page 36, Transit	<p><i>Amend the first sentence as follows:</i></p> <p>The City of Fredericksburg operates the FREDericksburg Regional Transit (FRED), a local bus system that <u>meets the State definition of mass transit and serves the greater Fredericksburg area.</u></p>
Page 50, Fire and Rescue	<p><i>Insert the following last paragraph:</i></p> <p><u>The Insurance Services Office (ISO) is an independent company that analyzes data about communities nationwide and assigns a Public Protection Classification (PPC) number related to risk. Class 1 represents an exemplary fire suppression program while Class 10 indicates an area does not meet even minimal standards. The City's PPC rating is Class 3, which indicates the City Fire Department meets high standards in communications, department function, available water supply, and risk reduction efforts as defined through prevention, education, and investigation.</u></p>
Page 57, Goal 1	<p>Provide <u>adequate public facilities and services</u>, in an efficient and effective manner, to all City residents.</p>
Page 58, Policy 5	<p><i>Remove existing Policy #5 and replace with the following:</i></p> <p><u>Work with private developers, as appropriate, to ensure that the levels of service provided by the following public facilities are maintained in accordance with standards established by the Commonwealth and the City, when new development occurs:</u></p> <ul style="list-style-type: none"> a) <u>Transportation: As noted in Chapter 3.</u> b) <u>Public safety: Maintain ISO rating of 3 Citywide</u>

	<p>c) <u>Schools: As specified in criteria developed by the Fredericksburg School Board and the Virginia Department of Education.</u></p> <p>d) <u>Parks: As noted in Chapter 4.</u></p>
Page 115, first column	<p><i>Remove heading: <u>The Land Use Plan.</u></i></p> <p><i>Insert heading from top of second column, as follows: <u>Land Use Categories and Classifications.</u></i></p>
Page 115, Commercial-General, brought forward to bottom of second column	<p><i>Add the following to last sentence of paragraph: <u>, which will include a 3.0 Floor Area Ratio.</u></i></p>
Page 116, Commercial-Downtown	<p><i>Insert the following sentence at end of paragraph: <u>A 3.0 Floor Area Ratio is allowed in this category.</u></i></p>
Page 116, Planned Development-Commercial	<p><i>Insert the following sentence at end of paragraph: <u>A 3.0 Floor Area Ratio should be allowed in this category.</u></i></p>
Page 116, Planned Development – Mixed Use	<p><i>Insert the following sentence at end of paragraph: <u>A 3.0 Floor Area Ratio should be allowed in this category.</u></i></p>
Page 116, Institutional	<p><i>Insert the following sentence at end of paragraph: <u>This category should allow a 3.0 Floor Area Ratio for these uses.</u></i></p>
Page 116, Planned Development – Medical Center	<p><i>Insert the following sentence at end of paragraph: <u>This category should allow a 3.0 Floor Area Ratio for these uses.</u></i></p>
Page 116, Land Use Planning Areas	<p><i>Amend paragraph as follows:</i></p> <p><u>This Comprehensive Plan designates 10 areas for Small Area Comprehensive Planning Areas, to more effectively evaluate specific conditions and to make clear recommendations for land use within the City of Fredericksburg. In this manner, the general land use principles described in this Plan can be translated into clear policies. These areas are designated as revitalization areas that encompass mass transit, include mixed use development as an allowed land use, and are planned to allow for a commercial density of at least 3.0 Floor Area Ratio. For the purposes of this Comprehensive Plan, a revitalization area is understood as having:</u></p> <p><u>A. large surface parking areas on commercial land having revitalization opportunities for the evolution of a suburban pattern of development into a more urban, mixed-use pattern. Broad expanses of surface parking result in fragmented and inefficient development patterns that should be revitalized so as to create complete communities that are livable and robust.</u></p> <p><u>B. significant structure age, which indicates that revitalization is necessary with structural improvement or replacement. A property may be well maintained in terms of cleanliness and security, however the physical elements of buildings (including, roofs, windows, doors, heating/ ventilation/air conditioning facilities) have a functional life span and require periodic replacement.</u></p> <p><u>C. A low percentage of vacant residential parcels, showing that most residential development will be in the form of redevelopment/ revitalization. Outside of area 1, there are few vacant commercial</u></p>

	<p><u>parcels. Commercial areas that are vacant are typically adjacent to existing commercial projects and have a low-intensity suburban character. This would also indicate the potential for revitalization.</u></p>
<p><u>Small Area Plan 1</u> <u>Page 118, Opportunities</u></p> <p><u>Page 120, Existing Land Use</u></p> <p><u>Page 121, Land Use Potential</u></p>	<p><i>Insert the following as new second and third bullets:</i></p> <ul style="list-style-type: none"> - <u>Good planning practice encourages the retrofit of these suburban spaces, including adaptive reuse of existing structures, the replacement of structures, redevelopment of large parking lots, and the revitalization of natural systems on previously developed land.¹ Central Park is a prime candidate for retrofitting as a mixed use, commercial, office and high density residential development.</u> - <u>Ensure that an extended Gordon W. Shelton Boulevard, between Fall Hill Avenue and Cowan Boulevard, is included in all development plans for affected properties, since this facility will be providing a critical north-south connection.</u> <p><i>Insert the following as new second and third paragraphs:</i></p> <p><u>The predominant zoning designation within this Land Use Area is Planned Development-Commercial, which permits residential development on 10% of the area of each district. The dominant existing development is in Central Park, a regional retail center developed in the 1990s. Central Park consists of major retail, service, and office uses, but it contains no residential uses at this time. The development form of Central Park is suburban in nature, characterized by buildings that are set back from the landscape they dominate; the commercial buildings are the dominant spatial figures in the development, as opposed to public roadways or public parks or spaces. The buildings tend to be dedicated to a single use – retail sales; and the development is almost entirely auto-dependent, involving large surface parking lots surrounding the buildings. Land bays are connected by driveways or roads.</u></p> <p><u>Central Park businesses are now subject to intense competition from newer regional retail centers at Massaponnax in Spotsylvania, and Garrison Road in Stafford County. This new competition, in combination with the internet economy, has resulted in the loss of Central Park anchor retail tenants, the backfilling of retail space with less-dominant retail uses, and some vacant retail spaces.</u></p> <p><i>Insert the following sentences to the end of the paragraph:</i></p> <p><u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Central Park constitutes the majority of the developed commercial area in Area 1. Central Park has 85% of its area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern.</u></p>

<p><u>Page 122, Sub Planning Area 1G</u></p>	<p><i>Replace current text:</i> <u>This small commercial area defined by an I-95 off-ramp and neighboring Spotsylvania Towne Center, is also a prime candidate for revitalization. This area enjoys good visibility from I-95, but poor access from the Interstate or Route 3. The former hotel parcel has sat vacant for many years. The Burger King fast food restaurant was rehabilitated within the last 5 years. The theory of retrofitting suburban spaces applies equally to this under-developed gateway to nearby commercial areas, and residential developments west on Route 3.</u></p> <p>¹<u>Retrofitting Suburbia, Ellen Dunham-Jones and June Williamson, (John Wiley & Sons, 2011).</u></p>
<p><u>Small Area Plan 2</u> <u>Page 126, Setting</u></p> <p><u>Page 126, Opportunities</u></p> <p><u>Page 128, new section: Existing Land Use</u></p> <p><u>Page 129, Land Use Potential</u></p>	<p><i>Insert the following additional paragraph:</i> <u>The landscape of the Fall Hill Avenue corridor is experiencing a significant change with the reconstruction of the Avenue into a four lane divided thoroughfare with controlled access/limited left turn movements accompanied by a bikeway and a sidewalk. In the future, the planned extension of Gateway Boulevard from the south to the intersection of Fall Hill Avenue and Wicklow Drive will significantly improve access and visibility in this area and will create new opportunities for revitalization.</u></p> <p><i>Revise the beginning of the introductory paragraph and add:</i> <u>The goals for the area relate to recent and planned significant road improvements and to protecting the integrity of the natural areas when public recreation amenities are developed and maintained.</u></p> <p><i>Insert the following as new section, Existing Land Use:</i> <u>The area has many residential projects. Several of them are of an age requiring significant reinvestment. The 264 Central Park (Bragg Hill) townhouses have not been substantially renovated since they were constructed 40 years ago. 92% of the units are the responsibility of non-resident property owners. The City sponsored a major neighborhood clean-up in the Spring of 2015 to address on-going issues of trash accumulation. The 200 units at Heritage Park on the south side of Fall Hill Avenue adjacent to I-95 were constructed 45 years ago. While reasonably well maintained, they have the facility issues associated with structures this age. The livability and character of the area would be greatly improved with the revitalization of these projects.</u></p> <p><i>Insert the following sentences to the end of the paragraph:</i> <u>With limited opportunity for greenfield development, new activity in the area will focus on revitalization. This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. 81% of Area 2's residential structures were built before 1980. This includes apartment buildings with multiple dwelling units. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator</u></p>

	<p><u>of the need for revitalization. In addition, the reconstruction of Fall Hill Avenue includes realigning of the road to the south in front of the existing 1.29 acres of Highway Commercial Zoning, which is occupied by structures dating from the 1970s. The shift will create an additional .84 acres that could be added to the current commercial property and foster redevelopment of the entire two acres.</u></p>
<p><u>Small Area Plan 3</u> <u>Page 132, Opportunities</u></p> <p><u>Page 134, new section:</u> <u>Existing Land Use</u></p>	<p><i>Insert the following as new second and third bullets:</i></p> <ul style="list-style-type: none"> - <u>Enhance this western gateway to the City, which is highly visible to travelers in the Interstate 95 corridor, to provide a distinctive and appealing sense of arrival.</u> - <u>Good planning practice encourages the retrofit of this suburban strip, including adaptive reuse of existing structures, the replacement of structures, redevelopment of large parking lots, and the revitalization of natural systems on previously developed land.² The Plank Road commercial strip is a prime candidate for retrofitting with up-graded commercial, office, and high density residential development.</u> <p><i>Insert the following as new section, Existing Land Use:</i></p> <p><u>The zoning designation within this Land Use Area along Plank Road is Highway Commercial, which also permits residential development at a density of 12 units per acre. The dominant existing development along Plank Road is a series of strip shopping centers and free-standing businesses developed in the 1970 and 1980s. The strip centers include retail, service, motel and office uses, but contain no residential use. To the south is a neighborhood developed in the 1970s and a newer community developed in the 2000s. To the north are apartments from the 1970s and single family homes built in the 2000s. Additional single family homes, townhouses, and apartments built in 1980s are found along Route 1. The development form of Plank Road is suburban in nature, characterized by buildings that are set back from the landscape they dominate; the commercial buildings are the dominant spatial figures in the development, as opposed to public roadways or public parks or spaces. The buildings tend to be dedicated to a single use with development that is almost entirely auto-dependent, involving large surface parking lots surrounding the buildings. Land bays are connected by driveways or roads.</u></p> <p><u>This commercial strip has been subject to intense competition from Central Park on the west side of I-95 and strip commercial development on Plank Road further west in Spotsylvania County. This competition, in combination with the internet economy, has resulted in the loss of anchor retail tenants, the backfilling of retail space with less-dominant retail uses, and vacant retail spaces.</u></p> <p><u>A 27-acre vacant property for a future elementary school is located south of the Plank Road corridor off of Gateway Boulevard. Adjacent to the school is the city-owned site of the historic Downman (Idlewild) House with potential as a community amenity.</u></p>

<p>Page 135, Land Use Potential</p>	<p><i>Insert the following sentences to the end of the paragraph:</i> <u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 3 has 80% of its commercial area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern. Only 10% of the Area 3's residential structures were built before 1980, however, these older dwellings are concentrated in a 100 unit single family and a 187 unit apartment neighborhoods. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization. Further, less than 1% of lots in the residential portion of this area are vacant. While there is vacant land zoned for residential uses in the area, it is generally planned for more intensive development. Revitalization of neighborhoods will be focused on existing units.</u></p>
<p><u>Small Area Plan 4</u> <u>Page 138, Opportunities</u></p> <p><u>Page 140, Existing Land Use</u></p>	<p><i>Insert the following as a new second bullet:</i></p> <ul style="list-style-type: none"> - <u>Good planning practice encourages the retrofit of the suburban-style medical office park, centered on Mary Washington Hospital, with development of its large parking lots and the revitalization of natural systems on previously developed land. This area is a prime candidate for retrofitting as with multiple uses to augment its medical core with commercial, office, and high density residential development. Age-restricted residential development would be particularly appropriate with the proximity of medical services.</u> <p><i>Insert the following as new second and third paragraphs:</i> <u>The core zoning designation within this Land Use Area is Planned Development-Medical Center. This district permits residential development for the elderly and disabled on 15% of the area of the district, housing for medical staff on 10% of the district, and townhouses on 10% of the district. The medical office parks surrounding the hospital are zoned Commercial-Transitional/Office. CT also permits townhouse development. The dominant existing development is Mary Washington Hospital, a regional medical center developed in the 1990s. The area consists of the Hospital and surrounding medical offices uses, but it contains no residential uses at this time. The development form of the medical center and medical offices areas is a suburban office park in nature, characterized by buildings that are set back from the landscape they dominate; the commercial buildings are the dominant spatial figures in the development, as opposed to public roadways or public parks or spaces. The buildings tend to be dedicated to a single use – medical services and the development is almost entirely auto-dependent, involving large surface parking lots surrounding the buildings. Land bays are connected by driveways or roads.</u></p>

<p>Page 141, Land Use Potential</p>	<p><u>Mary Washington Hospital is subject to increasing competition from the new Spotsylvania Regional Medical Center as well as medical services at Virginia Commonwealth University in Richmond, the University of Virginia in Charlottesville, and multiple institutions in Northern Virginia. This new competition has resulted in challenges for the local medical industry to attract quality medical staff and keep patients from choosing to go elsewhere for services.</u></p> <p><u>Most of the residential development in the area is relatively new, however two apartment complexes with a total of almost 400 units are approximately 45 years old (one dating from 1969 and the other from 1973) and are in need of revitalization.</u></p> <p><u>Hugh Mercer Elementary School is located adjacent to these apartment complexes. Originally built in 1969, improvements to the school have been recently completed.</u></p> <p><i>Insert the following sentences to the end of the paragraph:</i></p> <p><u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 4 has 47% of its commercial area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern with diverse medical services as the key defining feature. Only 4% of the Area 4's residential structures were built before 1980, however, these older dwellings are concentrated in two apartment projects with 396 units. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u></p>
<p><u>Small Area Plan 5</u> <u>Page 144, Opportunities</u></p> <p>Page 146, Existing Land Use</p>	<p><i>Insert the following as new first and second bullets:</i></p> <ul style="list-style-type: none"> - <u>Enhance this front door to the University of Mary Washington, one of the key elements to the City's character and economy, to provide a distinctive and appealing sense of arrival.</u> - <u>Good planning practice encourages the retrofit of the Route 1 suburban strip, including adaptive reuse of existing structures, the replacement of structures, redevelopment of large parking lots, and the revitalization of natural systems on previously developed land. The Route 1 commercial strip is a prime candidate for retrofitting with up-graded commercial, office, and high density residential development.</u> <p><i>Insert the following as additional paragraphs to Existing Land Use:</i></p> <p><u>The zoning designation within this Land Use Area along Route 1 is a mixture of Highway Commercial, which permits residential development at a density of 12 units per acre, and Commercial/Office-Transitional which permits residential development at a density of 8 units per acre (12 units per acre, if mixed use). Planned Development – Mixed Use has been applied one of the shopping centers along the street. An apartment complex in an R12 zoning district (12 units per acres) is also located in the corridor.</u></p>

<p>Page 147, Land Use Potential</p>	<p><u>The dominant existing development along Route 1 is a series of strip shopping centers and free-standing businesses developed in the 1960 and 1970s. A portion of the largest of these shopping areas has been successfully redeveloped as mixed use with university student apartments, commercial, office, hotel, structured parking, and with upgrades to the adjoining retail strip. The strip centers include retail, service, and office uses. The apartment complex constituting the residential use in the corridor is 50 years old. To the east is an established single-family neighborhood, primarily developed between the 1930s and 1960s. West of Route 1 and to the north and south of William Streets are two single family neighborhoods that were mostly built between the 1950s and 1970s. East of Route 1 and south of William Street is an apartment project built in the 1970s. The development form of Route 1 is suburban in nature, characterized by buildings that are set back from the landscape they dominate; the commercial buildings are the dominant spatial figures in the development, as opposed to public roadways or public parks or spaces. The buildings tend to be dedicated to a single use with development that is almost entirely auto-dependent, involving large surface parking lots surrounding the buildings. Land bays are connected by driveways or roads.</u></p> <p><u>This commercial strip has been subject to intense competition from strip commercial development elsewhere on Route 1, on Plank Road, as well as from Central Park on the west side of I-95. This competition, in combination with the internet economy, has resulted in the loss of anchor retail tenants, the backfilling of retail space with less-dominant retail uses, and vacant retail spaces.</u></p> <p><i>Insert the following sentences to the end of the paragraph:</i></p> <p><u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 5 has 65% of its commercial area devoted to surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern. 86% of the Area 5's residential structures were built before 1980. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization. Further, only approximately 5% of lots in the residential portion of this area are vacant. With limited other vacant residential land in the area, most new development in the neighborhoods will be in the revitalization of existing units.</u></p>
<p><u>Small Area Plan 6</u> Page 150, Opportunities</p>	<p><i>Insert the following as new first and second bullets:</i></p> <ul style="list-style-type: none"> - <u>Enhance this northern gateway to the City, which is highly visible to travelers on the Route 1 corridor, to provide a distinctive and appealing sense of arrival.</u>

Page 152, Existing Land Use

- Good planning practice encourages the retrofit of this suburban strip, including adaptive reuse of existing structures, the replacement of structures, development of large parking lots, and the revitalization of natural systems on previously developed land.³ The Route 1 commercial strip is a prime candidate for retrofitting with up-graded commercial, office, and high density residential development.

Insert the following as additional paragraphs:

The primary zoning designation within this Land Use Area along Route 1 and Princess Anne Street is Highway Commercial, with Shopping Center Commercial also along Route 1 south of Fall Hill Avenue. These districts also permit residential development at a density of 12 units per acre. The dominant existing development along Route 1 is a series of strip shopping centers and free-standing businesses developed in the 1960, 70s, and 80s. Along Princess Anne Street, the businesses are predominantly free-standing and date from the 1920s though to 1970s. The strip centers and free-standing businesses include retail, service, motel and office uses, but contain no residential use. To the south is a single-family neighborhood developed in the 1930s, 40s and 50s. To the north are single family homes built in the 1950s and 60s.

The commercial development form of Route 1 is suburban in nature, characterized by buildings that are set back from the landscape they dominate; the commercial buildings are the dominant spatial figures in the development, as opposed to public roadways or public parks or spaces. The free standing businesses on Princess Anne street have a somewhat more urban character with some structures closer to the street. But, buildings in both corridors tend to be dedicated to a single use with development that is almost entirely auto-dependent, involving large surface parking lots surrounding the buildings. Land bays are infrequently connected by driveways or roads.

These commercial strips have been subject to intense competition from commercial strip development further south on Route 1, on Plank Road, as well as Central Park on the west side of I-95. This competition, in combination with the Internet economy, has resulted in a limited range of anchor retail tenants, the backfilling of retail space with less-dominant retail uses, and vacant retail spaces.

The previous Mary Washington Hospital (1949-1994) and associated large areas of surface parking lots are located east of Route 1 on Fall Hill Avenue. Currently, it remains in use for medical offices. Adjacent to the previous hospital is James Monroe High School, which was completed 10 years ago.

Page 153, Land Use Potential

Insert the following sentences to the end of the paragraph:

This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 6 has 43% of its commercial area devoted surface

	<p>parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern. 90% of the area's residential structures and 75% of its commercial structures were built before 1980. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization. Further, only approximately 1% of lots in the residential portion of this area are vacant. With limited other vacant residential land in the area, any new development will be in the revitalization of existing units.</p>
<p>Small Area Plan 7 Page 162, Land Use Potential</p>	<p><i>Insert the following sentences to the end of the paragraph:</i> <u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. 89% of the Area 7's residential structures and 85% of its commercial structures were built before 1980. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization. Further, approximately 4% of lots in the residential portion of this area are vacant. With limited other vacant residential land in the area, virtually all new development will be through the revitalization of existing units.</u></p>
<p>Small Area Plan 8 Page 164, Existing Land Use</p> <p>Page 166, Land Use Potential</p>	<p><i>Insert the following paragraphs after the first paragraph:</i> <u>The main land use in this area is more than 400 single family homes in the R4 zoning district (200 acres), which allow 4 dwellings per acre. While, 25% of this sub area is also in either the Light or General Industrial zoning district (95 of 380 acres), with another 17 acres in strip Highway Commercial zoning. This predominance of industrial uses in a low density residential area is unique in the City. In addition, the main north-south CSX rail line forms the area's western boundary. The negative environmental and quality of life impacts of such industrial activities on these residential areas are significant and hold down residential property values. These circumstances have resulted in the US Environmental Protection Agency determining that the area meets the criteria of an 'Environmental Justice' community. The area contains Dixon Park, a 40 acre city facility with ball field and swimming pool facilities. It also contains the 30 acre site for the Fredericksburg Agricultural Fair. Started in 1738, it is the oldest fair in the United States.</u></p> <p><i>Insert the following sentences to the end of the paragraph:</i> <u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. 81% of the Area 8's residential structures were built before 1980. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u></p>

	<p><u>Further, approximately 19% of lots in the residential portion of this area are vacant meaning much new development will be through the revitalization of existing units. Lastly, the current industrial uses should be revitalized and repurposed into activities more compatible with the residential neighborhoods.</u></p>
<p><u>Small Area Plan 10</u> <u>Page 150, Opportunities</u></p> <p><u>Page 172, Existing Land Use</u></p>	<p><u><i>Insert the following as new first and second bullets:</i></u></p> <ul style="list-style-type: none"> - <u>Enhance the two southern gateways to the City on Route 1 and Lafayette Boulevard, which should be highly visible to travelers on both corridors, to provide a distinctive and appealing sense of arrival.</u> - <u>Good planning practice encourages the retrofit of the Route 1 suburban strip, as well as the suburban strip portions of Lafayette Boulevard. Such work should include enhancing existing structures, the replacement of structures, development of the large parking lots, and the revitalization of natural systems on previously developed land. The Route 1 commercial strip and Lafayette commercial centers are prime candidates for retrofitting with up-graded specialized commercial, office, and the selective addition of high density residential development.</u> <p><u><i>Insert the following as additional paragraphs:</i></u></p> <p><u>Along Route 1, the zoning designation within this Land Use Area is Highway Commercial, which permits residential development at a density of 12 units per acre, and Commercial/Office-Transitional, north of Townsend Boulevard, which permits residential development at a density of 8 units per acre (12 units per acre, if mixed use). The strip commercial development along Route 1 is a mixture of new and used vehicle dealerships, associated vehicle related businesses, as well some office and free-standing businesses developed since the 1970s. The strip centers and free-standing businesses include retail, service, motel and office uses. An apartment complex was developed west of the Route 1 strip and north of Townsend Boulevard in the 1990s. Townhouses were recently completed west of the Route 1 commercial strip south of Townsend Boulevard. To the east between Route 1 and Lafayette Boulevard is an established single-family neighborhood developed in the 1940s, 50s, and 60s.</u></p> <p><u>Along Lafayette Boulevard (Business Route 1), there is a strip center zoning Highway Commercial that was built in the late 1960s and early 1970s. There are spots of Commercial/Office-Transitional zoning along this street with development dating from the same era. Also along Lafayette is a 1970s apartment complex. East of Lafayette Boulevard is another single-family neighborhood mostly developed from the 1940s to the 1970s.</u></p> <p><u>The commercial development form of Route 1 is suburban in nature, characterized by buildings that are set back from the landscape they dominate; the commercial buildings are the dominant spatial figures in the development, as opposed to public roadways or public parks or spaces. But, the buildings on both the Route 1 and Lafayette corridors</u></p>

Page 174, Land Use Potential

tend to be dedicated to a single use with development that is almost entirely auto-dependent, involving large surface parking lots surrounding the buildings. Land bays are infrequently connected by driveways or roads.

These commercial strips have been subject to intense competition from commercial strip development further south on Route 1 in Spotsylvania County as well as throughout the region. This area has always been a secondary area for retail. This competition, in combination with the - Internet economy, has resulted in a limited range of anchor retail tenants, the backfilling of retail space with less-dominant retail uses, and vacant retail spaces.

On the east side of Route 1, at the south end of the area, are Lafayette Upper Elementary School and Walker-Grant Middle School constructed in the 1980s.

Insert the following sentences to the end of the paragraph:

This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 10 has 75% of its commercial area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern. 66% of the Area 10's residential structures were built before 1980. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization. Further, approximately 3% of lots in the residential portion of this area are vacant. With limited other vacant residential land in the area, virtually all new development will be through the revitalization of existing units.



November 8, 2016
Regular Meeting
Ordinance No. 16-__

MOTION:

SECOND:

RE: AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO ADAPT TO PROFFER REFORM LEGISLATION ADOPTED BY THE 2016 VIRGINIA GENERAL ASSEMBLY

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code _____, " _____," is amended as follows.

I. Introduction.

The City Council adopted Resolution 16-65, to initiate this text amendment, at its meeting on July 12, 2016. The Planning Commission held its public hearing on the amendment on _____, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

The purpose of this amendment is to adapt the City's zoning district regulations to proffer reform legislation adopted by the 2016 Virginia General Assembly, Acts of the Assembly Ch. 322. The new legislation exempts applications for new residential development or new residential use occurring in an area within an approved small area comprehensive plan in which the delineated area is designated as a revitalization area, encompasses mass transit, includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof. Given the City's pattern of development, and the suitability of land within certain commercial and planned zoning districts for intense commercial use, the City has identified Land Use Planning Areas and zoning districts which can meet these statutory criteria.

In making these amendments, the City Council has considered the factors in Code of Virginia 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the amendment.

II. City Code Amendment.

The City Code, Chapter 72, "Unified Development Ordinance," Article 3, "Zoning Districts," is amended as follows:

1. City Code §72-33.3, "Commercial-Shopping Center District," subsection (B), "Dimensional standards," is amended as follows:

Standard	Residential	Nonresidential
Nonresidential FAR, Maximum		0.50, <i>or</i> 3.0 by special use permit

The remaining provisions in this subsection are not amended.

- City Code §72-32.4, “Commercial-Highway District,” subsection (B), “Dimensional standards,” is amended as follows:

Standard	Residential	Nonresidential
Nonresidential FAR, Maximum		0.70, <i>or</i> 3.0 by special use permit

The remaining provisions in this subsection are not amended.

- City Code §72-33.2, “Planned Development-Commercial,” subsection (D), “Bulk regulations,” is amended as follows:

Sec. 72-33.2(D) Bulk regulations.

[Subsections 1 and 2 are not amended.]

- Maximum floor area ratio. The maximum floor area ratio shall be 1.00, *or* 3.0 with a special use permit.

[The remaining subsections are not amended.]

- City Code §72-33.4, “Planned Development-Medical Center,” subsection (D), “Bulk regulations,” is amended as follows:

[Subsections 1 – 4 are not amended.]

- Floor area ratio. The maximum floor area ratio shall be 1.50, *or* 3.0 with a special use permit, provided that the total project area (i.e. area prescribed to total building project boundary or development phase) for each building containing or intended to contain one or more permitted or special uses shall be at least 20,000 square feet; except that additional density regulations shall be applied as follows: [Subsections a, b, and c are not amended.]

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

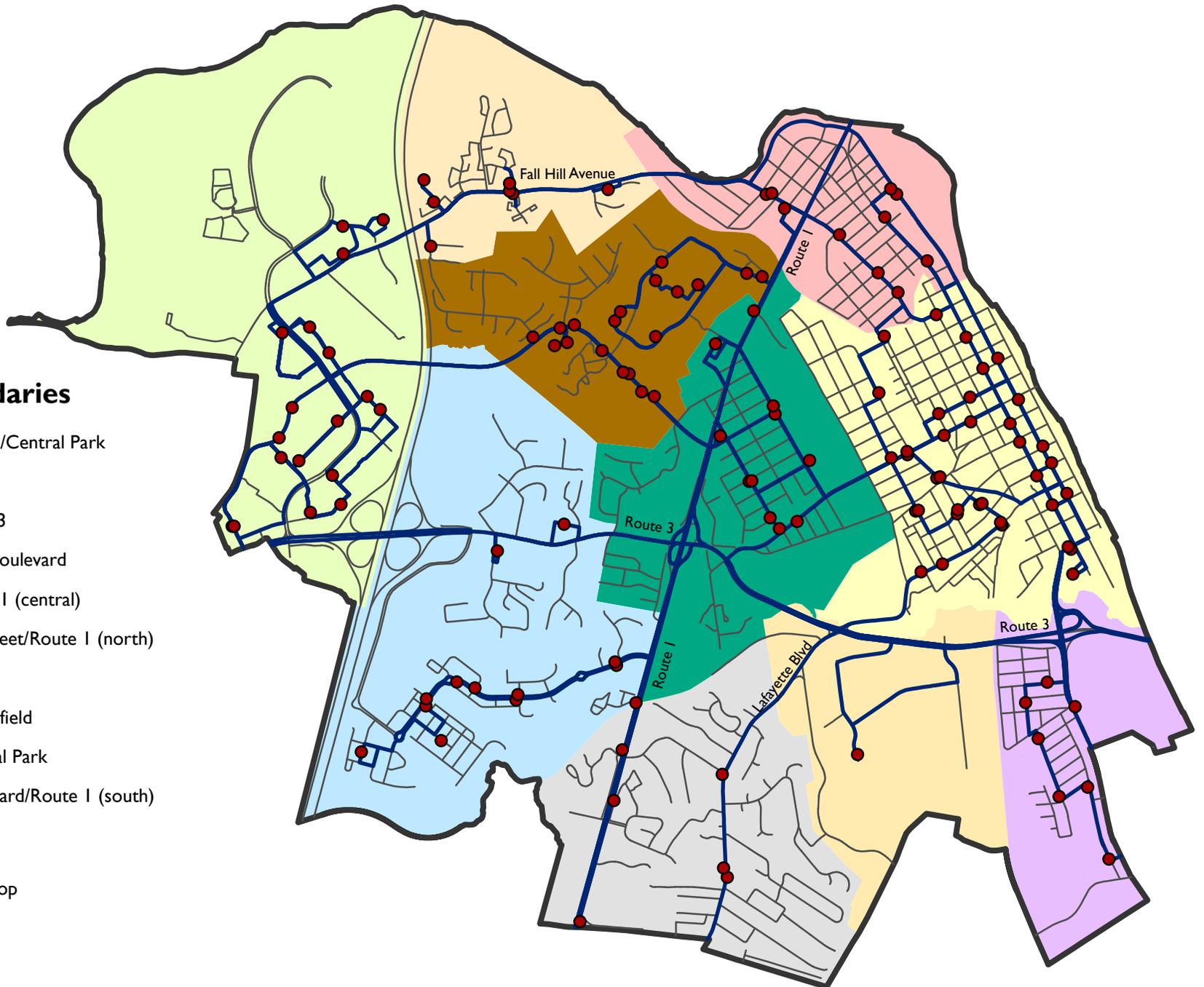
Tonya B. Lacey, CMC
Clerk of Council

Area Plan Boundaries

-  1. Celebrate Virginia/Central Park
-  2. Fall Hill
-  3. Plank Road/Route 3
-  4. Hospital/Cowan Boulevard
-  5. University/Route 1 (central)
-  6. Princess Anne Street/Route 1 (north)
-  7. Downtown
-  8. Dixon Street/Mayfield
-  9. Breahead/National Park
-  10. Lafayette Boulevard/Route 1 (south)

Transit

-  City Fred Transit Stop
-  City Fred Routes



FLOOR AREA RATIO EXAMPLES

1. 715 Princess Anne Street – Zoned Commercial-Downtown
 - a. City Hall
 - b. 29,140 +/- building square feet
 - c. 26,837 +/- lot square feet
 - d. 1.09 FAR



2. 701 Princess Anne Street – Zoned Commercial-Downtown
 - a. Courthouse
 - b. 77,000 +/- building square feet
 - c. 20,580 +/- lot square feet
 - d. 3.75 FAR



3. 601 Caroline Street – Zoned Commercial-Downtown
 - a. Office
 - b. 44,000 +/- building square feet
 - c. 13,250 +/- lot square feet
 - d. 3.32 FAR



4. 215 William Street – Zoned Commercial-Downtown
 - a. Retail / Office
 - b. 10,500 +/- building square feet
 - c. 2,700 +/- lot square feet
 - d. 3.89 FAR



5. 810-812 Caroline Street – Zoned Commercial-Downtown

- a. Retail / Office
- b. 23,625 +/- building square feet
- c. 6,780 +/- lot square feet
- d. 3.49 FAR



6. 622 Caroline Street – Zoned Commercial-Downtown

- a. Marriott Hotel
- b. 63,683 square feet
- c. 19,331 square feet
- d. 3.29 FAR

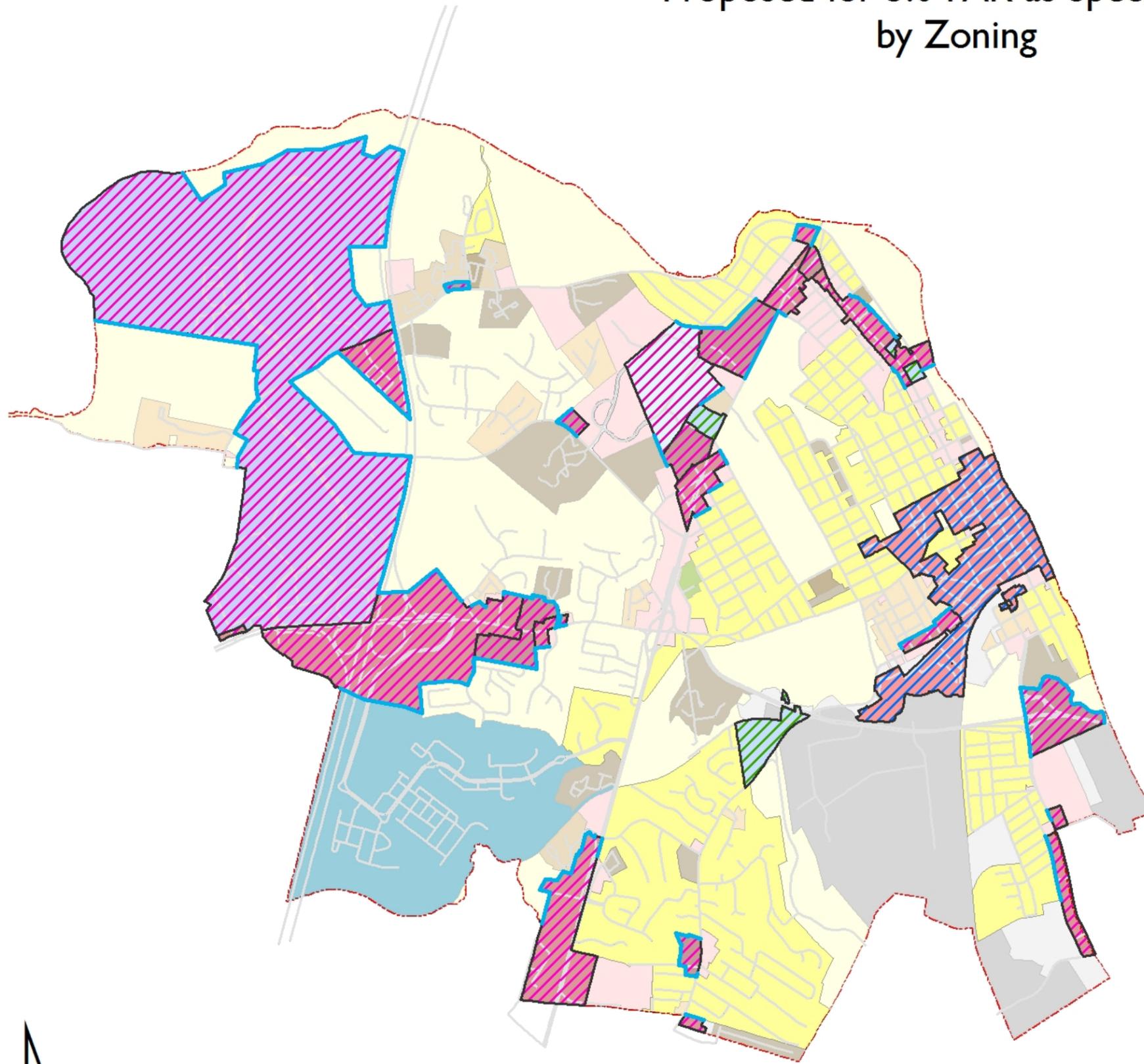


7. 1001 Sam Perry Blvd – Zoned Planned Development-Medical Campus

- a. Mary Washington Hospital
- b. 595,500 +/- building square feet
- c. 1,925,352 +/- lot square feet
- d. 0.31 FAR



Proposed for 3.0 FAR as Special Use by Zoning

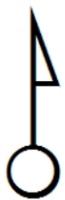


LEGEND

-  New 3.0 FAR Abutting Residential Zoning
-  Proposed 3.0 FAR as SUP
-  Current allowed 3.0 FAR with SUP
-  Current allowed 3.0 FAR permitted use

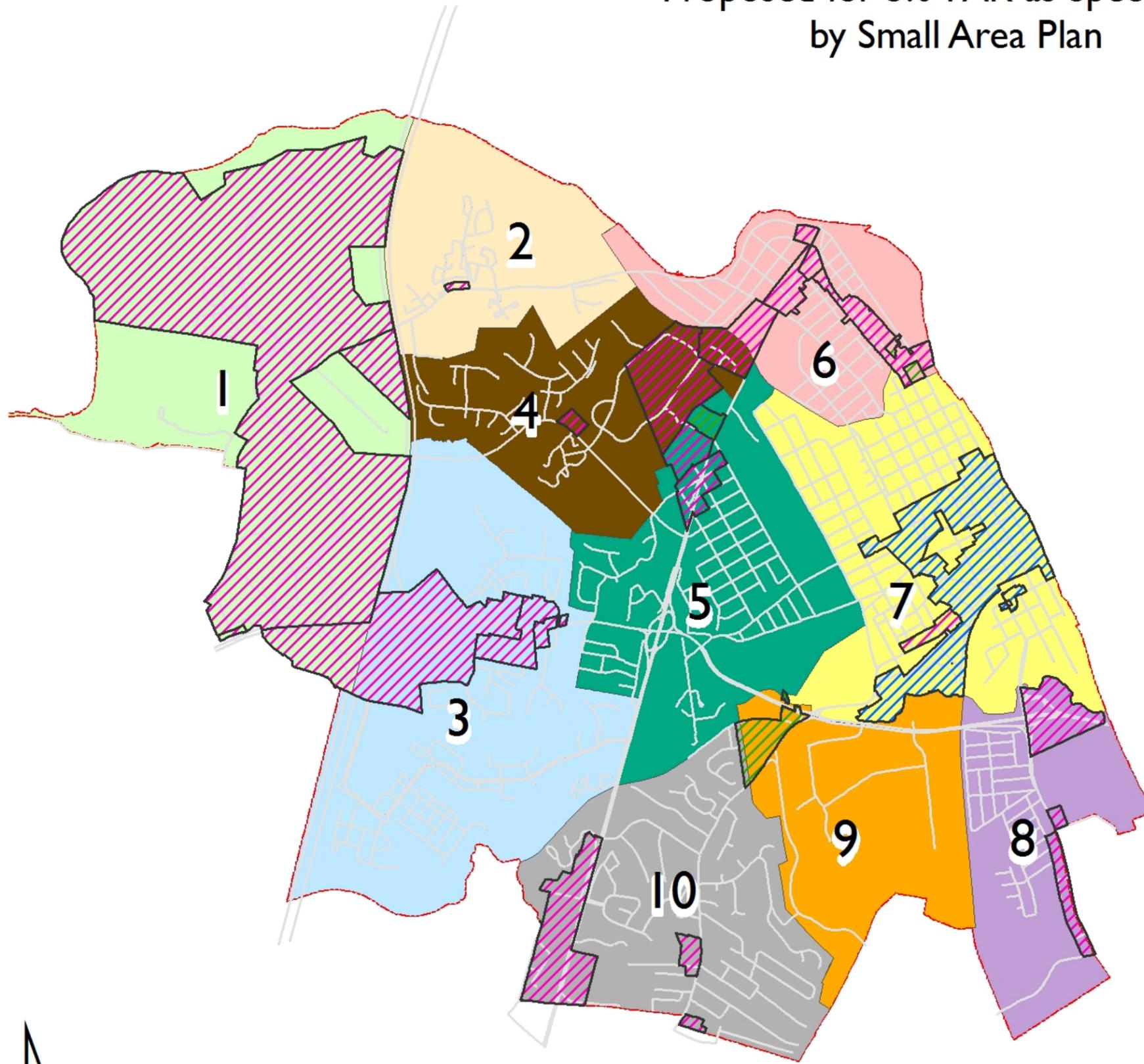
ZONING

-  R-2 - RESIDENTIAL
-  R-4 - RESIDENTIAL
-  R-8 - RESIDENTIAL
-  R-12 - RESIDENTIAL
-  R-16 - RESIDENTIAL
-  R-30 - RESIDENTIAL
-  R-MH - RESIDENTIAL MOBILE HOME
-  C-T - COMMERCIAL / TRANSITIONAL OFFICE
-  C-D - DOWNTOWN BUSINESS
-  C-SC - COMMERCIAL SHOPPING CENTER
-  C-H - COMMERCIAL HIGHWAY
-  I-1 - INDUSTRIAL - LIGHT
-  I-2 - INDUSTRIAL - GENERAL
-  PD-R - PLANNED DEVELOPMENT - RESIDENTIAL
-  PD-C - PLANNED DEVELOPMENT - COMMERCIAL
-  PD-MU - PLANNED DEVELOPMENT - MIXED USE
-  PD-MC - PLANNED DEVELOPMENT - MEDICAL CENTER



0 0.25 0.5 0.75 1 Miles

Proposed for 3.0 FAR as Special Use by Small Area Plan

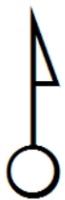


LEGEND

-  Proposed 3.0 FAR as SUP
-  Current allowed 3.0 FAR with SUP
-  Current allowed 3.0 FAR permitted use

Small Area Plans

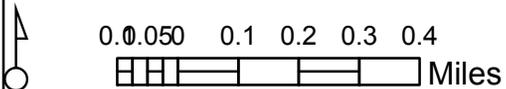
-  1. Celebrate Va. / Central Park
-  2. Fall Hill
-  3. Route 3
-  4. Hospital / Cowan
-  5. University / Central Route 1
-  6. Princess Anne / N. Route 1
-  7. Downtown
-  8. South Dixon
-  9. Braehead
-  10. Lafayette / S. Route 1



0 0.25 0.5 0.75 1 Miles

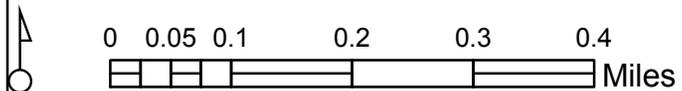
Small Area Plan - Celebrate Virginia/Central Park Revitalization Analysis Area I

-  Area I Revitalization Target (central park)
-  Commercial Zoning
-  Commercial Surface Parking - 85% of available zoned commercial land in target area



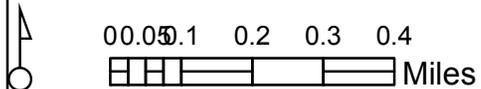
Small Area Plan - Fall Hill Avenue Revitalization Analysis Area 2

-  Residential Pre 1980 - 81% of existing residential
-  Residential Post 1980 - 19% of existing residential
-  Commercial

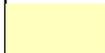


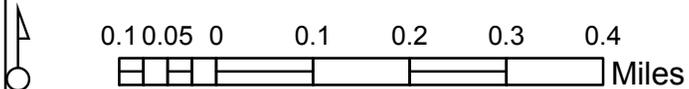
Small Area Plan - Plank Rd/Route 3 Revitalization Analysis Area 3

-  Residential Pre 1980 - 10% of existing residential structures (concentrated)
-  Residential Post 1980 - 90% of existing residential structures
-  Commercial Zoning
-  Commercial Surface Parking - 80% of available zoned commercial land



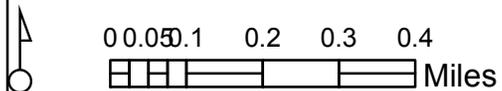
Small Area Plan - Hospital/Cowan Blvd Revitalization Analysis Area 4

-  Residential Pre 1980 - 4% of existing structures (multi family)
-  Residential Post 1980 - 96% of existing structures
-  Commercial Zoning
-  Commercial Surface Parking - 47% of available zoned commercial land



Small Area Plan - University/Route 1 (central) Revitalization Analysis Area 5

-  Residential Pre 1980 - 86% of existing structures
-  Residential Post 1980 - 14% of existing structures
-  Vacant Parcels - 5% of residential parcels
-  Commercial Zoning
-  Commercial Surface Parking - 65% of available zoned commercial parcels



Small Area Plan - Princess Anne/Route 1 (north) Revitalization Analysis Area 6



Small Area Plan - Downtown Revitalization Analysis Area 7

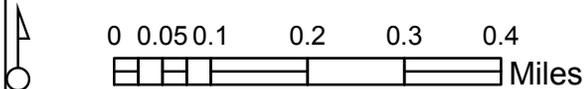
-  Commercial Pre 1980 - 85% of existing structures
-  Commercial Post 1980 - 15% of existing structures
-  Residential Pre 1980 - 89% of existing structures
-  Residential Post 1980 - 11% of existing structures
-  Vacant Parcels - 4% of residential parcels



0 0.05 0.1 0.2 0.3 0.4
Miles

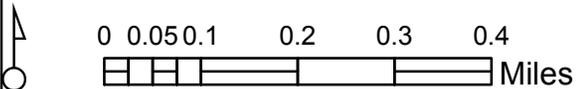
Small Area Plan - Dixon St./Mayfield Revitalization Analysis Area 8

-  Vacant Parcels - 27% of residential parcels
-  Residential Pre 1980 - 81% of existing structures
-  Residential Post 1980 - 19% of existing structures



Small Area Plan - Lafayette Blvd/Route I (south) Revitalization Analysis Area 10

- Commercial Surface Parking - 75% of available zoned commercial land
- Commercial Zoning
- Vacant Parcels - 3% of residential parcels
- Residential Pre 1980 - 66% of existing structures
- Residential Post 1980 - 34% of existing structures





MEMORANDUM

TO: City Council

FROM: Kathleen Dooley, City Attorney *Kathleen Dooley*

DATE: December 1, 2016

RE: UDO Article 1 and 2 amendments

Introduction:

This memo introduces proposed revisions to Articles 1 and 2 of the City's Unified Development Ordinance, Chapter 72 of the City Code. City Council adopted the Unified Development Ordinance in October, 2013. The new ordinance combined the former zoning and subdivision ordinances into one unified City Code chapter that governed most aspects of land development. The consolidation of development regulations advanced the City's interests in presenting the public with a single, coherent set of land development regulations in a well-organized format.

UDO Article 1 contains the general provisions, such as applicability and jurisdiction. Article 2 contains the procedural regulations for all of the types of land development permits covered in the UDO – everything from planned development rezoning to fence permits, from certificates of appropriateness to subdivision plat and site plan approval procedures.

Having implemented Articles 1 and 2 for about three years, City staff is ready to recommend certain revisions and refinements of these regulations to the City Council. The review of Articles 1 and 2 has taken place as the beginning of a comprehensive, orderly review of the UDO. When the revisions of Articles 1 and 2 are complete, the City staff, Planning Commission, City Council, and any other interested board, commission, or group, will continue with the remaining UDO articles.

The Planning staff spent innumerable hours reviewing and commenting on these proposed changes; they are to be commended for their diligence. The proposed amendments are complex; the staff may identify some additional edits, but the basic ordinance is in shape.

Only one revision to Article 1 is proposed. The revision would clearly state that the land development regulations do not apply to public utility facilities such as power poles. This question arose in the context of the Extenet applications to install distributed wireless services facilities on power poles. It is appropriate to review these facilities through the City's tools for managing the public rights of way, and activities within the public rights of way, not through zoning regulations.

Three themes, or goals, characterize the recommended changes to Article 2:

1. Clarify the duties and authority of the zoning administrator and development administrator.
2. Clarify the public notice requirements.
3. Update the ordinance to reflect changes in the Code of Virginia, or make slight revisions to conform to the Code of Virginia or applicable case law.

These themes are discussed below.

Theme A Clarify the duties and authority of the zoning administrator and development administrator.

The combination of zoning and subdivision regulations in the UDO meant that the duties of the two administrators – the zoning administrator and the subdivision agent (development administrator) -- were combined in Article 2. While zoning and subdivision ordinances are addressed separately in the Code of Virginia, the duties of these two administrators are closely related and overlap from time to time. Article 2 of the UDO reflects this close relationship.

Still, the distinction between zoning duties and subdivision duties remains an important one, because it determines the applicable time frame for decision-making, exception or waiver authority, avenue of appeal, and deadlines. For example, administrative zoning decisions are subject to a 90 day deadline, but subdivision and site plan approvals are subject to a 60 day

deadline. Most zoning appeals go to the board of zoning appeals, but subdivision and site plan appeals go to Circuit court.

As a practical matter, there may be a single person acting in both roles, but the legal authority the individual is exercising is still either zoning authority or subdivision/site plan authority. Therefore, the first important theme of the 2016 revisions to Article 2 is to clarify this distinction.

Theme B Consolidate public notice standards for public hearings and administrative actions.

Many of the actions of entities administering the Comprehensive Plan, zoning ordinance and subdivision ordinance require public hearings. Some administrative decisions, likewise, are made only after public notice and an opportunity to comment. The Theme B revisions regularize and consolidate the public notice rules for public hearings. The public hearing notice provisions are all now collected in a stand-alone section (72-21.8), and deleted from their previous locations throughout Article 2.

Notice for administrative decisions is likewise consolidated in a new section 72-21.9.

Theme C Update the ordinance to reflect changes in the Code of Virginia, or make slight revisions to conform to the Code of Virginia or applicable case law.

Throughout Article 2, changes are proposed to reflect changes in the Code of Virginia, or to make slight revisions to make the ordinance better. For example, the 2015 General Assembly made changes to the definition of a “variance” and to the BZA procedures in hearing variances and appeals. These changes are reflected with appropriate cross references to the updated Code of Virginia statutes.

Another major topic under this theme is the approval process for conditional zoning map revisions. The current ordinance requires a signed proffer statement to be submitted with the zoning map amendment application. However, the proffer statement is typically revised through the review process, which requires the applicant to return to landowners for their signatures on the revised proffer statements. The proposal is to permit the applicant to submit a proposed proffer statement with the application, but to delay the owners’ signature until prior to the City Council public hearing. This change is consistent with state law.

The proposed changes also simplify the process when revised proffers at the City Council level materially change the application.

Staff also proposes to delete the current twelve month deadline for City Council action on a zoning application. Some complex applications require more time, and state law permits cities to take additional time if needed.

The revision to review criteria for special use permits also falls within this theme. The current City Code examines the impact of the proposed special use on “adjacent” properties, but Virginia Supreme Court decisions permit the Council to consider the impact on “neighboring properties or the public,” a broader field.

The changes also encompass the Comprehensive Plan review process for public facilities, incorporating state law provisions for administrators to “deem” public streets and public utility extensions as features already shown on the Comprehensive Plan, and incorporating state law provisions requiring the vacation of streets to go to the Planning Commission for review for Comprehensive Plan compliance.

Section-by-section commentary:

§72-20.4 Zoning Administrator

Lines: 7 - 13

Theme: A

Purpose: This is a technical change to consolidate statements of the ZA’s inspection authority in this section. Additional details regarding the authority to make inspections and obtain administrative search warrants are included in UDO Article 7, “Enforcement.”

§72-20.5 Development Administrator

Lines: 17 - 24

Theme: A

Purpose: This change will assist the public and staff in recognizing the various “hats” that a single staff member may wear in implementing the UDO.

72-21.7 Development Review Structure – Table 72-21.7

Lines: 28 - 38

Theme: A

Purpose: The changes in this table reinforce the correct identification of the type of authority that is being exercised by any particular administrator when making administrative decisions.

Lines: NA

Theme: NA

Purpose: The ARB is removed as a “recommending” authority from the table. The ARB, like every City board and commission, may still serve as a resource to City Council when the Council is making legislative decisions, but there is no legal requirement to obtain an ARB recommendation on all applications.

§72-21.8 Notice of public hearings

Lines: 40 - 91

Theme: B

Purpose: Consolidate the public hearing notice requirements for the architectural review board, board of zoning appeals, planning commission, and city council. Add specific requirements for locations for posted notice.

72-21.8 Notice of certain administrative actions

Lines: 93 - 114

Theme: B

Purpose: Consolidate the public notice requirements for administrative decisions, including corridor design review, minor expansion of nonconforming uses, change of nonconforming use, and administrative modifications.

§72-22.1 General procedures

Lines: 120 - 136

Theme: B
Purpose: Consolidate the public hearing notice requirements in new §72-21.7.

Lines: 154 - 158

Theme: C

Purpose: Remove requirement for City Council to act on zoning map amendments within 12 months of the application. This requirement applies to Virginia counties, but not Virginia cities. The new language in subsection (H) simply adds special exception applications to the appeal provisions. The omission of these applications was an oversight.

§72-22.2. The Comprehensive Plan

Lines: 177 - 187

Theme: C

Purpose: Incorporate authority in the Code of Virginia for administrative staff to “deem” routine street and utility extensions, proposed in subdivision plat or site plan applications, as “already shown on” the Comprehensive Plan, and therefore exempt from Planning Commission review under §15.2-2232.

Lines: 203 - 204

Theme: NA

Purpose: State clearly City Council’s authority to review a Planning Commission §2232 determination on Council’s own motion.

§72-22.4. Official zoning map amendments/conditional zoning

Lines: 221

Theme: C

Purpose: Permit zoning applicants to delay obtaining all signatures on proffer statements until prior to the City Council public hearing. The current requirement is to obtain all signatures on proffer statements at the time of application. However, these original submissions are the subject of intense review and frequent amendment. The Code of Virginia permits the delay in formal signatures.

Va. Code: §15.2-2303.

Lines: 227 - 251

Theme: C

Purpose: Simplify the process for review of amendments to proffer statements during the City Council review process. Under the proposed amendment, proffer revisions during the Planning Commission review would not trigger a requirement for additional public hearings; material revisions to proffers during City Council review would trigger a requirement for an additional public hearing. Council may, at its option, refer the amended application to the Planning Commission. The Council would be guided by the dictionary definition of “material” in making these determinations.¹ In addition, any amendment that would zone the land to a more intensive use classification than included in the public hearing notice would require a new public hearing.

Va. Code: §15.2-2303(A); 15.2-2285(C)

§72-22.6 Special use permits

Lines: 263

Theme: C

Purpose: This revision broadens the scope of City Council review of special use permit applications, from the potential impacts of the special use on “adjacent land” to “neighboring properties or the public.” The latter phrase was used in the Virginia Supreme Court decision, *Board of Supervisors of Fairfax County v. The Southland Corporation*,² to define the appropriate scope of review of SUPs.

§72-22.8. Variances, administrative appeals and Zoning Map interpretations

Lines: 281

¹ Webster’s Third New International Dictionary: “material”- being of real importance or great consequence: substantial; essential; requiring serious consideration by reasons of having a certain or probable bearing on the proper determination of a law case or on the effect of an instrument or on some similar unsettled matter.

² 224 Va. 514, 521 (1982).

Theme: NA
Purpose: These are edits to correct Code citations. There is no substantive change.

Lines: 292 - 308
Theme: B
Purpose: Consolidate public hearing notice requirements in new §72-21.7.

Lines: 317 - 319
Theme: C
Purpose: The General Assembly frequently amends the criteria and burdens of proof for variances. The proposed amendment will simply cross-reference the applicable sections of the Code of Virginia, as amended from time to time.

§72-23.1 Historic district – certificates of appropriateness

Lines: 344 - 346
Theme: B
Purpose: Consolidate public hearing notice requirements in new §72-21.7. The effect of this change would be to add the posted notice requirement to ARB public hearings.

Va. Code: §15.2-2306

Lines: 367
Theme: NA
Purpose: Extend the time for ARB consideration of applications for a certificate of appropriateness from the current 60 days to a proposed 90 days. Codify the current by-laws requirement for an affirmative vote of a majority of the members appointed.

Va. Code: §15.2-2306

Lines: 378
Theme: NA
Purpose: Extend the time for appeals from the ARB to City Council, from the current 14 days to a proposed 30 days. The 30 day deadline is consistent with statutory deadlines for most land use decisions.

Va. Code: §15.2-2306

Lines: 395

Theme: C

Purpose: Conform to Code of Virginia – the Circuit Court may affirm the City Council’s decision. No substantive change.

Va. Code: §15.2-2306

Section 72-23.2 Corridor Design Review

Lines: 403 - 417

Theme: A

Purpose: Corridor design review is properly categorized as a zoning function, arising from statutory authority for zoning. The proposed amendment transfers formal approval authority from the development administrator to the zoning administrator. The department proposes no change in actual operations, but this change would make it possible to assign this task to any assistant or deputy zoning administrator.

Lines: 439

Theme: NA

Purpose: Conform the appeal period for corridor design review to the 30 day period for ARB appeals.

Va. Code: §15.2-2306

Section 72-24.1 Zoning permit.

Lines: 469 - 500

Theme: A

Purpose: Clarify that the Zoning Administrator is authorized to decide these applications. He or she may be assisted by other members of the staff who are duly authorized as deputy or assistant zoning administrators; but regardless of the person who performs the work, the nature of the decision-making authority is still zoning.

Lines: 469 - 500

Theme: A
Purpose: Consolidate the various provisions relating to action on all of the various types of zoning permit applications in one place. This is the reason following sections §72-24.5, 72-24.6, 72-24.7, and 72-25.1 are repealed. Their provisions have been consolidated here.
Va. Code: §15.2-2286(A)(4)

Section 72-24.2 Administrative modifications.

Lines: 504 - 547
Theme: A, B
Purpose: Consolidate notice provisions in new §72-21.8. Clarify appeal avenue.
Va. Code: §15.2-2286(A)(4)

Section 72-24.3 Minor expansions of nonconforming uses.

Lines: 556 - 574
Theme: B
Purpose: Consolidate notice provisions in new §72-21.8.
Va. Code: §15.2-2286(A)(4)

Section 72-25.1 Administration (Preliminary Subdivision Plats)

Lines: 641 - 644
Theme: C
Purpose: Va. Code requires a decision on subdivision plat applications within 60 days of their official submission. As a practical matter, it is not possible to hold two public hearings within this time frame. Council prefers to act on preliminary plat applications (required for subdivisions of 50 lots or more), as opposed to delegating this authority to the Planning Commission. Therefore, the proposed change is to eliminate the requirement for a Planning Commission public hearing, and to substitute a Planning Commission review process, like the existing process for final subdivision plats. The public notice for the City Council hearing is now consolidated in proposed §72-21.8.
Va. Code: §15.2-2260

Section 72-25.2 Improvements

Lines: 696 - 698
Theme: C
Purpose: Conform the requirements for dedication of public streets and rights of way to Constitutional protections of private property.

Section 72-26.1 Commercial development plans

Lines: 745 - 822
Theme: A, B
Purpose: This amendment recognizes that the City uses site plans for both commercial and residential developments, and consolidates both types of plans in this single name – instead of using “construction plan” for the same plan in the residential setting. The site plan is technically a zoning approval (but it is made subject to subdivision review processes by state law). The notice requirements for Technical Review Committee meetings are proposed to be consolidated in proposed §72-21.8 and §72-21.9.

Section 72-26.2 Residential lot grading plan

Lines: 827 - 854
Theme: A
Purpose: These plans arise under three governing ordinances – the zoning ordinance, the Erosion & Sediment Control ordinance³, and the Virginia Stormwater Management ordinance.⁴ With respect to the UDO, the Zoning Administrator reviews these plans for zoning compliance.

³ City Code Chapter 78, Article V. This article will be moved to Chapter 38, Environment.

⁴ City Code Chapter 38, Article IV.



MOTION:

SECOND:

[date]
Regular Meeting
Ordinance No. 16-__

RE: **AMENDING ARTICLE 1 OF THE UNIFIED DEVELOPMENT ORDINANCE TO EXEMPT CERTAIN COMMON PUBLIC AND UTILITY STRUCTURES FROM THE UDO, OR FROM THE MINIMUM YARD REQUIREMENTS**

ACTION: **APPROVED; Ayes:0; Nays: 0**

First read: _____ Second read: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code _____, "_____" is amended as follows.

I. Introduction.

The City Council adopted a resolution to initiate this text amendment at its meeting on _____. The Planning Commission held its public hearing on the amendment on _____, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

The purpose of this amendment is to _____. In making these amendments, the City Council has considered the factors in Code of Virginia 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the amendment.

II. City Code Amendment.

City Code Chapter 72, "Unified Development Ordinance," Article 1, "General Provisions," is amended as follows:

1. Section 72-13.1, "General Applicability," is amended as follows:

Sec. 72-13.1 General Applicability.

- A. This chapter applies to the use and development of all land within the City of Fredericksburg, Virginia, including new territory which comes within the City limits by annexation, boundary adjustment, or otherwise, unless expressly exempted by a specific section or subsection of this chapter.

B. Any territory coming into the territorial jurisdiction of the City, by annexation or otherwise shall be temporarily assigned a zoning district classification most like its previous zoning in terms of permitted uses, as determined by the Zoning Administrator, pending the orderly amendment of the Comprehensive Plan and Zoning Map by City Council.

C. *Unless otherwise provided for in this Chapter, the following structures and uses shall be exempt from the regulations of this ordinance: traffic signalization equipment and traffic signs; fire hydrants; poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar structures or equipment for the distribution to customers of telephone, cable television or other communications, electricity, gas or water or for the collection of sewage or surface water. Such structures and uses may be subject to other chapters of the City Code, and certain of these structures may further be subject to review under Code of Virginia §15.2-2232 regarding their conformity with the Comprehensive Plan.*

D. *The following structures shall be exempt from the minimum yard requirements set forth in this ordinance: telephone booths and pedestals, underground utility equipment, mailboxes, bus shelters, streetlights, public bus shelters or any similar structures or devices which are determined by the zoning administrator to similarly support normal public commerce, provided that the location of such structures does not present a safety risk, does not interfere with the normal flow of pedestrian and motor vehicle traffic and does not obscure the visibility of buildings, signs and other lawfully erected structures which are subject to the yard requirements of this Chapter.*

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC

Clerk of Council



MOTION:

[date]

SECOND:

Regular Meeting
Ordinance No. 16-__

RE: AMENDING ARTICLE 2, "ADMINISTRATION," OF THE UNIFIED DEVELOPMENT ORDINANCE TO CLARIFY THE AUTHORITY OF THE ZONING ADMINISTRATOR AND DEVELOPMENT ADMINISTRATOR, TO CONFORM PROCESSES TO THE CODE OF VIRGINIA AND APPLICABLE STATE LAW, AND TO MAKE TECHNICAL CHANGES THROUGHOUT

ACTION: APPROVED; Ayes:0; Nays: 0

First read: _____ **Second read:** _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code Chapter 72, "Unified Development Ordinance," Article 2, "Administration," is amended as follows.

I. Introduction.

The City Council adopted a resolution to initiate this text amendment at its meeting on _____. The Planning Commission held its public hearing on the amendment on _____, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

The purpose of this amendment is to clarify the duties and authority of the Zoning Administrator and Development Administrator, clarify the public notice requirements, and update the ordinance to reflect changes in the Code of Virginia, or to make refinements to conform to the Code of Virginia or applicable case law. In making these amendments, the City Council has considered the factors in Code of Virginia §15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the amendment.

1 **II. City Code Amendment.**

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City Code Chapter 72, "Unified Development Ordinance," is amended as follows:

1. **Section 72-20.4, "Zoning Administrator," is amended:**

Sec. 72-20.4 Zoning Administrator.

[Subsections A and B are not amended.]

C. Inspection. The Zoning Administrator is authorized to inspect facilities required to be installed under this chapter. *The Zoning Administrator is also authorized to make inspections deemed necessary to properly administer and enforce this chapter.*

[Subsection D is not amended.]

2. **Section 72-20.5, "Development Administrator," is amended:**

[Subsection A is not amended.]

B. Authority. The Development Administrator shall perform the duties of the subdivision agent, and shall also be designated to serve as the City's agent for approval of site plans. *The Development Administrator may be appointed to serve as a deputy or assistant Zoning Administrator.*

[Subsections C and D are not amended.]

3. **Section 72-21.7, "Development Review Structure," Table 72-21.7 is amended:**

Table 72-21.7: Development Review Structure							
D = Decision R=Review/Recommendation A=Appeal <> = Public Hearing							
Specific Review Procedure	City Council	Planning Commission	BZA	ARB	Zoning Administrator or	Development Administrator	
Administrative Decisions - Zoning							
Administrative Modification			<A>		D		∅
Change of Nonconforming Use			<A>		D		
<i>Corridor Design Review – all other than ARB</i>	A				D		
<i>Enforce and administer</i>	A				D		

Table 72-21.7: Development Review Structure							
D = Decision R=Review/Recommendation A=Appeal <> = Public Hearing							
Specific Review Procedure	City Council	Planning Commission	BZA	ARB	Zoning Administrator	Development Administrator	
<i>conditional zoning</i>							
Fence permit			<A>		D	⊘	
Home Occupation Permit			<A>		D		
<i>Nonconforming use, change</i>			<A>		D		
<i>Nonconforming use, minor expansion</i>			<A>		D		
<i>Residential lot grading plans</i>					D		
Sign Permit			<A>		D	⊘	
Site Plan, Commercial or residential; site plan exceptions					D	⊘	
Temporary Use Permit			<A>		D		
<i>Zoning map interpretation [1]</i>			<AD>		⊘-R	⊘	
Zoning permit			<A>		D		
Zoning verification					D		
Other Procedures-Legislative and other decisions							
Certificate of appropriateness	A			<D>	R		
Certification of public facilities	<A> A	<D>			R	R	
Comprehensive Plan amendment	<D>	<R>			R		
Corridor overlay design review [2]	A			⊘	R	⊘	
Site plan, major and minor [3]					R	⊘	
Special exception	<D>	<R>		R	R		
Special use permit [4]	<D>	<R>		R	R		
Text amendment	<D>	<R>			R		
Zoning map	<D>	<R>		R	R		

Table 72-21.7: Development Review Structure							
D = Decision R=Review/Recommendation A=Appeal <> = Public Hearing							
Specific Review Procedure	City Council	Planning Commission	BZA	ARB	Zoning Administrator	Development Administrator	
amendment							
-Conditional zoning	<D>	<R>		R	R		
-Planned Development [4]	<D>	<R>		R	R		
Variance		R	<D>		R		
Subdivisions							
Administrative subdivision	A				R		D
Construction plan					R		D
Final plat for major subdivision					R		D
Final plat for minor subdivision with preliminary plat approval					R		D
Final plat for minor subdivision without preliminary plat	<D>	R			R		R
Preliminary plat for major subdivision	<D>	<R>			R		R
Residential lot grading plan					R		
Subdivision exception, administrative					R		D
Subdivision exception, major	D				R		R
Subdivision exception, minor	D				R		R

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NOTES:

- [1] ~~Aspects of this UDO related to subdivisions and site plans shall be interpreted by the Development Administrator. All other aspects of the UDO are interpreted by the Zoning Administrator.~~
- [2] ~~The Architectural Review Board shall render decisions for properties located within the HFD.~~
- [3] ~~Appeal of site plan decisions is directly to Circuit Court.~~

36 ~~[4] The Architectural Review Board may be requested to make a recommendation by the City~~
37 ~~Council or Planning Commission for applications associated with land in the HFD Overlay District.~~
38

39
40 **4. Section 72-21.8, "Notice of public hearings," is adopted:**

41
42 *Sec. 72-21.8. Notice of public hearings.*

43
44 *Notice of public hearings shall be provided as follows:*

45
46 *A. Published and mailed notice. Notice of a public hearing before the architectural review board,*
47 *board of zoning appeals, planning commission, or city council shall be provided as required by*
48 *Virginia Code §15.2-2204; for zoning map amendments, as also provided by Virginia Code §15.2-*
49 *2285(C).*

50
51 *B. Posted notice. Notice of a public hearing before the architectural review board, board of zoning*
52 *appeals, planning commission, or city council shall be posted for any application or transaction*
53 *affecting 25 parcels of land or fewer, as follows:*

54
55 *1. The sign shall be posted at least five days before the public hearing and shall remain*
56 *posted until after there is final action on the application or the application or the*
57 *application has been withdrawn.*

58
59 *2. The sign shall be erected within ten feet of each boundary line of the parcel(s) that abuts*
60 *a street and shall be so placed as to be clearly visible from the street. If more than one*
61 *street abuts the parcel(s) then either (i) a sign shall be erected in the same manner as*
62 *above for each abutting street; or (ii) if the area of the parcel(s) to be used if the*
63 *application was granted is confined to a particular portion of the parcel(s), a sign erected*
64 *in the same manner as above for the abutting street that is in closest proximity to, or*
65 *would be impacted by, the proposed use. A sign need not be posted along Interstate 95*
66 *or along any abutting street if the sign would not be visible from that street. If no street*
67 *abuts the parcel(s), then signs shall be erected in the same manner as above on at least*
68 *two boundaries of the parcel(s) abutting land not owned by the applicant in locations*
69 *that are most conspicuous to the public.*

70
71 *3. Each sign shall state that the parcel(s) is subject to a public hearing and explain how to*
72 *obtain additional information about the public hearing.*

73
74 *4. The applicant shall diligently protect each sign from vandalism and theft, maintain each*
75 *sign in an erect position in its posted location, and ensure that each sign remains legible.*
76 *The failure of an applicant to comply with these responsibilities may be cause for the*
77 *body to defer action on an application until there is reasonable compliance with this*
78 *subsection.*
79

80 5. *It shall be unlawful for any person to remove or tamper with any sign, except the*
81 *applicant performing maintenance required by this subsection or the Zoning*
82 *Administrator.*

83
84 6. *The body conducting the public hearing may defer taking action on the pending*
85 *transaction if it finds that the failure to comply with this subsection materially deprived*
86 *the public of reasonable notice of the public hearing.*

87 7. *No action shall be declared invalid solely because of the failure to post notice as required*
88 *by this subsection.*

89
90 C. *Website notice. The relevant administrative staff shall post each public hearing notice on the*
91 *City's official website at least five days prior to the public hearing.*

92
93 5. **Section 72-21.9, "Written notice of administrative actions," is added:**

94
95 *Sec. 72-21.9 Notice of certain administrative actions.*

96
97 A. *Written notice of administrative actions, when required by this article, shall be provided as*
98 *follows:*

99
100 1. *The administrator shall give, or require the applicant to give, all adjacent property*
101 *owners written notice of the application, and an opportunity to respond to the*
102 *application, within twenty-one days of the date of the notice.*

103
104 2. *Notice sent by certified mail to the last known address of such owner as shown on the*
105 *current real estate tax assessment books or current real estate tax assessment records*
106 *shall be deemed adequate compliance with this requirement.*

107
108 3. *Notice sent by the administrator may be sent by first class mail; however a*
109 *representative of the department shall make an affidavit that such mailings have been*
110 *made and file such affidavit with the record of the application.*

111
112 B. *When required by this article, the administrator shall post notice of the application on the City's*
113 *official website at least five days prior to any action on the application.*

114

115
116 **6. Section 72-22.1, "General Procedures," is amended:**
117

118 [Subsections A – C are not amended.]
119

120 ~~D. Public notice.~~
121

122 ~~(1) Published and written notice. A public hearing required by the Code of Virginia or by this~~
123 ~~chapter shall be held with notice given in accordance with Code of Virginia § 15.2-2204. Written notice~~
124 ~~of an application initiated by a property owner or contract purchaser shall be provided to adjacent~~
125 ~~property owners by certified return receipt mail by the applicant. Evidence of such notice shall be~~
126 ~~provided to the Zoning Administrator at the public hearing. In the case of a condominium or a~~
127 ~~cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees'~~
128 ~~association, respectively, in lieu of each individual unit owner.~~
129

130 ~~(2) Posted notice. The applicant shall post a sign provided by the Zoning Administrator on~~
131 ~~each parcel of land involved in an application for Zoning Map amendment (when 25 or fewer parcels are~~
132 ~~affected), special use, or special exception. Posted notice shall be erected at least five days prior to the~~
133 ~~date of the scheduled public hearing(s).~~
134

135 ~~(3) City website notice. Notice of the request shall be posted on the City of Fredericksburg website~~
136 ~~at least five days prior to any action.~~
137

138 [Subsection E is not amended.]
139

140 **F. City Council study and action.**
141

142 (1) Before acting on any application subject to the requirements of Code of Virginia § 15.2-
143 2285, the City Council shall advertise and hold at least one public hearing. The City Council
144 may hold a joint public hearing with the Planning Commission. After holding this hearing and
145 receiving the recommendation of the Planning Commission, the City Council may make
146 appropriate changes or corrections to the proposed amendment. However, no land may be
147 zoned to a more intensive use classification than was contained in the public notice without
148 an additional public hearing after notice as required by § 15.2-2285 and 15.2-2204.
149

150 (2) The Clerk of Council shall transmit official notice of any City Council action modifying this
151 chapter to the Zoning Administrator. The Zoning Administrator shall thereafter have the
152 responsibility to make any necessary and appropriate changes to the *Official Zoning Map*.
153

154 ~~(3) Failure by the City Council to take action shall be considered a denial of a request. All~~
155 ~~applications for amendments to the Zoning Map shall be heard and a decision made by the~~
156 ~~City Council within 12 months from the date of the Zoning Administrator's acceptance of a~~
157 ~~complete application unless the applicant and City Council agree to an extended period of~~
158 ~~time.~~

159
160 [Subsection G is not amended.]
161

162 H. Appeals. Every action ~~appealing~~ *contesting* a decision of the City Council adopting or failing to
163 adopt a proposed zoning ordinance or amendment thereto, or granting of failing to grant a
164 special use permit *or special exception* shall be filed within 30 days of the decision with the
165 Fredericksburg Circuit Court pursuant to Code of Virginia §15.2-2285(F).
166

167 [Subsection I is not amended.]
168

169 **7. Section 72-22.2, “The Comprehensive Plan,” is amended:**

170 [Subsections A – D are not amended.]
171

172 E. Legal status and certification of public facilities.

173 (1) The legal status of the Comprehensive Plan shall be as provided in Code of Virginia § 15.2-2232.
174

175 (2) *Unless a feature is already shown in the Comprehensive Plan, or is deemed so under §15.2-*
176 *2232(D),* ~~no~~ public facility referenced in Code of Virginia § 15.2-2232(A) shall be constructed,
177 established or authorized, unless and until the general location or approximate location,
178 character and extent thereof has been submitted to and approved by the Planning Commission
179 as being substantially in accord with the adopted Comprehensive Plan or part thereof. Prior to
180 consideration of any such application, the Planning Commission shall hold a public hearing.
181 *Widening, narrowing, extension, enlargement, vacation or change of use of streets or public*
182 *areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement,*
183 *drainage or similar work and normal service extensions of public utilities or public service*
184 *corporations shall not require approval unless such work involves a change in location or extent*
185 *of a street or public area.*
186
187

188 (a) The Planning Commission shall act on any such application within 60 days of the date the
189 application is officially submitted, *unless City Council extends the time.*
190

191 (b) The Commission shall act on an application for certification of a telecommunications facility
192 submitted as required by the Code of Virginia § 15.2-2232, within 90 days of the date the
193 application is officially submitted, unless City Council has authorized an extension of not
194 more than 60 days.
195

196 (c) The Planning Commission shall communicate its findings to the City Council, indicating its
197 approval or disapproval with written reasons therefore.
198

199 (3) The owner or owners or their agents may appeal the decision of the Planning Commission to the
200 City Council within 10 days after the decision of the Planning Commission. The appeal shall be by
201 written petition to the City Council setting forth the reasons for the appeal. The City Council shall
202 hear and determine the appeal within 60 days from its filing. *The City Council may review the*
203

204 *Planning Commission's action on its own initiative.* A majority vote of the City Council shall overrule
205 the Planning Commission.

206
207 *(F) The Development Administrator shall deem public streets and public utility extensions as features*
208 *already shown in the Comprehensive Plan when they are identified within, but are not the entire*
209 *subject of, a subdivision plat or a site plan that complies with the requirements of Article 5.*

210
211 **8. Section 72-22.4, "Official zoning map amendments/conditional zoning," is amended:**

212
213 Section 72-22.4 Official zoning map amendments/conditional rezoning.

214
215 [Subsection A is not amended.]

216
217 [Subsections B (1 – 3) are not amended.]

218
219 (B)(4) All written statements of proffered conditions shall be prepared and submitted in accordance
220 with the City's UDO Procedures Manual. Each statement of proffered conditions shall be signed
221 and dated by the owner ~~at the time of submission~~ *prior to the City Council public hearing.*

222
223 [Subsection C is not amended.]

224
225 D. Changes to proffers while application is pending.

226
227 (1) Proffers may be amended during the process of application review by the ~~Planning Commission~~
228 ~~and~~ City Council. Once a public hearing has begun, amended proffers may be accepted for
229 review and consideration as part of an application, if the amendment(s) does not materially
230 affect the overall proposal, *or zone the land to a more intensive use classification than was*
231 *contained in the public hearing notice. If amended proffers materially affect the overall proposal,*
232 *or would zone the land to a more intensive use classification than was contained in the public*
233 *hearing notice, then the City Council shall hold a new public hearing on the amended application.*
234 *The City Council may, at its option, refer the amended application to the Planning Commission*
235 *for a new public hearing and recommendation.*

236
237 ~~(2) Once a public hearing has begun, if amended proffers materially affect the overall proposal,~~
238 ~~then:~~

239
240 ~~(a) Prior to making its recommendation to City Council on the conditional zoning application with~~
241 ~~the amended proffers, the Planning Commission shall require an additional public hearing on~~
242 ~~the amended proffers, following notice and advertisement; or~~

243
244 ~~(b) Prior to considering the conditional zoning application with the amended proffers, City Council~~
245 ~~shall refer the application back to the Planning Commission for a new public hearing on the~~
246 ~~amended proffers, following notice and advertisement; or~~

247

248 ~~(c) Unless an application is withdrawn by the applicant, the Planning Commission or City Council~~
249 ~~may choose to proceed with its review and consideration of the application, based on the~~
250 ~~version of the proffer statement that had been received in connection with the application prior~~
251 ~~to the commencement of the public hearing.~~

252
253 (32) The applicant shall reimburse the City for all costs of any additional public hearings necessitated
254 by amended proffers submitted after a public hearing has begun.

255
256 9. **Section 72-22.6, "Special use permits," is amended:**

257
258 Section 72-22.6 Special use permits.

259
260 A. Purpose and applicability

261
262 (1) The purpose of this section is to provide for certain uses which, because of their unique
263 characteristics or potential impacts on ~~adjacent land uses~~ *neighboring properties or the public*,
264 are not generally permitted in certain zoning districts as a matter of right, but which may, under
265 the right set of circumstances and conditions be acceptable in certain specific locations. These
266 uses are permitted only through the issuance of a special use permit by the City Council after
267 ensuring that the use can be appropriately accommodated on the specific property; will be in
268 conformance with the Comprehensive Plan; can be constructed and operated in a manner which
269 is compatible with the surrounding land uses and overall character of the community; and that
270 the public interest and general welfare of the citizens of the City will be protected.

271
272 [The remainder of subsection A and the remaining subsections are not amended].

273
274 10. **Section 72-22.8, "Variances, administrative appeals and Zoning Map interpretations," is**
275 **amended:**

276
277 Sec. 72-22.8 Variances, administrative appeals, and Zoning Map interpretations.

278
279 A. Purpose and applicability. This section sets forth the procedures for the Board of Zoning Appeals
280 (BZA) to consider applications for variances, appeals of administrative actions, and *Zoning Map*
281 interpretations as ~~defined~~ *provided* in Code of Virginia §§ 15.2-2209 2309 and 15.2-2210 2310.

282
283 B. Process.

284
285 (1) Applications for variances shall be made to the Zoning Administrator in accordance with rules
286 adopted by the BZA pursuant to Code of Virginia § 15.2-2310.

287
288 (2) A variance, appeal, or Zoning Map interpretation shall be ~~authorized~~ *heard and decided* by the
289 BZA after *notice and* a public hearing. ~~and~~ *The board hearing* shall be in compliance with the
290 ~~required findings and~~ procedures set forth within Code of Virginia § 15.2-2309.

291
292 ~~(3) Public notice.~~

293
294 ~~(a) Published and written notice. The public hearing shall be held with notice given in~~
295 ~~accordance with Code of Virginia § 15.2-2204. Written notice shall be provided to adjacent~~
296 ~~property owners by certified return receipt mail by the applicant. Evidence of such notice~~
297 ~~shall be provided to the Zoning Administrator at the public hearing. In the case of a~~
298 ~~condominium or a cooperative, the written notice may be mailed to the unit owners'~~
299 ~~association or proprietary lessees' association, respectively, in lieu of each individual unit~~
300 ~~owner.~~

301
302 ~~(b) Posted notice. The applicant or appellant shall post a sign provided by the Zoning~~
303 ~~Administrator on each parcel of land involved in a variance, an appeal from a decision of the~~
304 ~~Zoning Administrator, or a Zoning Map interpretation at least five days prior to the date of~~
305 ~~the Board of Zoning Appeals hearing.~~

306
307 ~~(c) City website notice. Notice of the request shall be posted on the City of Fredericksburg~~
308 ~~website at least five days prior to any action.~~

309
310 (43) Submittal requirements for a zoning variance are contained in the UDO Procedures Manual.

311
312 C. ~~Aspects that may be varied. Only provisions regulating the size or area of a lot or parcel of land,~~
313 ~~or the size, area, bulk or location of a building or structure may be the subject of a variance~~
314 ~~application, and only under such circumstances as are authorized within the definition of the~~
315 ~~term "variance" set forth within Code of Virginia § 15.2-2201.~~

316
317 D. ~~Review criteria. The BZA shall apply the definitions in Code of Virginia §15.2-2201, and the~~
318 ~~review criteria and burdens of proof provided in Code of Virginia §§15.2-2308 through 15.2-2312~~
319 ~~in hearing and deciding any appeal, variance application, or zoning map interpretation appeal.~~
320 ~~may authorize a variance from the zoning regulations in this chapter as not contrary to the~~
321 ~~public interest, when, owing to special conditions, a literal enforcement of the provisions will~~
322 ~~result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and~~
323 ~~substantial justice done.~~

324
325 [Subsections E and F are re-lettered.]

326
327 **11. Section 72-23.1, "Historic District – certificates of appropriateness," is amended:**

328
329 Sec. 72-23.1 Historic District – certificates of appropriateness

330
331 [Subsection A is not amended.]

332
333 B. Process.

334 (1) The ARB shall promptly review each application for a permit under this section.

335
336 (2) An applicant for a certificate of appropriateness shall submit to the ARB materials sufficient
337 for it to render a decision on the criteria herein set forth. The ARB staff is authorized to

338 reject any application that does not include information, at a minimum, to permit the ARB
339 to evaluate the application with respect to the foregoing factors. The ARB may require
340 additional submissions from the applicant if necessary. On appeal, the City Council may
341 consider additional submissions, or it may refer the additional information to the ARB for its
342 consideration.

- 343
344 (3) No certificate of appropriateness shall be approved until the ARB has held a public hearing
345 *with published and website notice under §72-21.8. Applications for new construction shall*
346 *also require written notice under §72-21.8.*

347
348 ~~(4) Public notice.~~

349
350 ~~(a) Published and written notice. The public hearing required for all certificates of~~
351 ~~appropriateness shall be held with notice given in accordance with Code of Virginia §~~
352 ~~15.2-2204. Written notice for certificate of appropriateness applications for new~~
353 ~~construction shall be provided to adjacent property owners by certified return receipt~~
354 ~~mail by the applicant. Evidence of such notice shall be provided at the public hearing. In~~
355 ~~the case of a condominium or a cooperative, the written notice may be mailed to the~~
356 ~~unit owners' association or proprietary lessees' association, respectively, in lieu of each~~
357 ~~individual unit owner.~~

358
359 ~~(b) City website notice. Notice of the request shall be posted on the City of Fredericksburg~~
360 ~~website at least five days prior to any action.~~

- 361
362 (4) Submittal requirements are contained in the UDO Procedures Manual.

363
364 C. Review timing.

- 365
366 (1) The ARB shall act to approve, approve with modification, or deny a request or application within ~~60~~
367 *90* days of the official submission of the application. *No certificate of appropriateness shall be*
368 *granted except by a recorded affirmative vote of a majority of all members appointed to the ARB.*
369 The ARB staff shall memorialize the ARB's decision in writing, stating clearly how the Board applied
370 the relevant standards to the application. The written decision shall be rendered and sent to the
371 applicant within 14 days from the date of the decision.

372
373 [Subsections C(2) and (3), and D are not amended.]

374
375 E. Appeals.

- 376
377 (1) Any person aggrieved by a decision of the ARB may appeal such decision to the City Council,
378 provided such appeal is filed in writing within ~~14~~ *30* days from the date of the ARB's
379 decision. The appeal shall clearly set forth the grounds of the appeal, including the
380 procedure or standard alleged to have been violated or misapplied by the ARB. The City
381 Council shall consult with the ARB in relation to any appeal and may require documentation
382 of any ARB decision prior to hearing the appeal. The City Council may affirm, reverse, or

383 modify the ARB's decision and shall transmit a record of its decision to the ARB. The City
384 Council shall decide such appeal within 45 days of the date of the appeal.

385
386 (2) Any person aggrieved by a decision of the City Council may appeal such decision to the
387 Circuit Court of the City by filing a petition at law setting forth the alleged illegality of the
388 action of the City Council, provided such petition is filed within 30 days after the final
389 decision is rendered by the City Council. The filing of the petition shall stay the decision of
390 the City Council pending the outcome of the appeal to the Circuit Court, except that the
391 filing of such petition shall not stay the decision of the City Council if such decision denies
392 the right to raze or demolish a historic landmark, building, or structure. The court may
393 ~~affirm~~, reverse, ~~or~~ modify the decision of the City Council, in whole or in part, if it finds upon
394 review that the decision of the City Council is contrary to law or that its decision is arbitrary
395 and constitutes an abuse of discretion, *or it may affirm the decision of the City Council.*
396

397 **12. Section 72-23.2, "Corridor Design review," is amended:**

398
399 Sec. 72-23.2 Corridor design review.

400
401 [Subsection A is not amended.]
402

403 B. Process.

404 (1) Applications for corridor overlay design review shall be submitted to the ~~Development~~
405 *Zoning Administrator* for review.

406
407 (2) The ~~Development~~ *Zoning Administrator* shall consider those factors applicable to the
408 specific corridor overlay within which the subject property is located.

409
410 (3) To initiate design review of development or redevelopment in a corridor overlay zoning
411 district, the applicant shall provide the following materials, unless waived by the
412 ~~Development~~ *Zoning Administrator*:
413

[The list of application materials is not amended.]

(4) Public notice. *The Zoning Administrator shall give notice of the application as required in §72-21.8.*

a. ~~Published and written notice. Prior to rendering a decision on new construction, notice shall be given in accordance with Code of Virginia 15.2-2204. Written notice shall be provided to adjacent property owners by certified return receipt mail by the applicant. Evidence of such notice shall be provided to the Development Administrator prior to decision. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owner's association or proprietary lessees' association, respectively, in lieu of each individual unit owner.~~

b. ~~City website notice. Notice of the request shall be posted on the City of Fredericksburg website at least five days prior to any action.~~

(5) Submittal requirements are contained in the Procedures Manual.

[Subsections C and D and E are amended by replacing "Development Administrator" with "Zoning Administrator."]

E. Appeals.

(1) ~~Any person aggrieved by a decision of the Development Administrator~~ *The applicant may appeal such* ~~the Zoning Administrator's~~ *the Zoning Administrator's* decision to the City Council, provided such appeal is filed in writing within ~~14~~ 30 days from the date of the Development Administrator's decision. The appeal shall clearly set forth the grounds of the appeal, including the procedure or standard alleged to have been violated or misapplied by the Development Administrator. The City Council shall consult with the Development Administrator in relation to any appeal and may require documentation of any decision prior to hearing the appeal. The City Council may affirm, reverse, or modify the Development Administrator's decision. The City Council shall decide such appeal within 45 days of the date of the appeal.

(1) ~~Any person aggrieved by a decision of the City Council~~ *The applicant may appeal such* ~~the City Council's~~ *the City Council's* decision to the Circuit Court of the City by filing a petition at law setting forth the alleged illegality of the action of the City Council, provided such petition is filed within 30 days after the final decision is rendered by the City Council. The filing of the petition shall stay the decision of the City Council pending the outcome of the appeal to the Circuit Court, ~~except that the filing of such petition shall not stay the decision of the City Council if such decision denies the right to raze or demolish a historic landmark, building, or structure.~~ The court may affirm, reverse, ~~or~~ modify the decision of the City Council, in whole or in part, if it finds upon review that the decision of the City Council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, *or it may affirm the decision of the City Council.*

458 13. Section 72-24.1, "Zoning permit," is amended:

459
460 Sec. 72-24.1 Zoning permits.

461
462 | A. Purpose and applicability. A zoning permit is a written order, requirement, decision, or
463 determination regarding the permissibility of a specific use or density of property, or regarding
464 the compliance of specific land, buildings, structures, or the uses and development thereof with
465 the requirements of the City's zoning regulations. Prior to establishing, expanding, altering, or
466 otherwise changing (i) the use of property, or (ii) the physical characteristics of a lot or parcel of
467 land, including, without limitation, the size, height, location or features of or related to an
468 existing or proposed building, structure, or improvements, a property owner shall obtain a
469 zoning permit from the Zoning Administrator. ~~This section also sets forth the procedures for the~~
470 ~~Zoning Administrator's consideration of applications for home occupation and temporary use~~
471 ~~applications. In addition, it sets forth the procedure for the Development Administrator's~~
472 ~~consideration of applications for fence permits and sign permits.~~

473
474 B. Process.

475
476 (1) Upon the official submission of an application for a permit the Zoning Administrator ~~or~~
477 ~~Development Administrator, as appropriate,~~ shall approve, approve subject to conditions, or
478 disapprove the application, based on its compliance with the requirements of this chapter.

479
480 (2) The Zoning Administrator shall act on a ~~zoning, home occupation, or temporary use zoning~~
481 ~~permit application, and the Development Administrator shall act on a fence, or sign application~~
482 without public notice, except as set forth within Code of Virginia §15.2-2204(H).

483
484 (3) *The Zoning Administrator shall respond within 90 days of a request for a decision or*
485 *determination on zoning matters within the scope of his authority unless the requester has*
486 *agreed to a longer period.*

487
488 (4) *Every decision of the Zoning Administrator approving, approving with conditions, or denying an*
489 *accepted application for a zoning permit shall be in writing. A denial shall state the reasons*
490 *therefor.*

491
492 (5) *The Zoning Administrator shall deliver to the applicant, by first class mail or other means*
493 *acceptable to the applicant, every written decision. A copy of the written decision shall also be*
494 *provided to any persons who received notice of the application.*

495
496 (6) *Unless a different provision applies, the written decision shall include a statement informing the*
497 *recipient that he or she may have a right to appeal the decision within 30 days in accordance*
498 *with Code of Virginia §15.2-2311, and that the decision shall be final and unappealable if not*
499 *appealed within 30 days. The decision shall state the applicable appeal fee and a reference to*
500 *where additional information may be obtained regarding the filing of an appeal.*

501
502 [Subsection C is repealed.]

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14. Section 72-24.2, "Administrative modifications," is amended as follows:

Sec. 72-24.2 Administrative modifications.

A. Purpose and applicability. Pursuant to the authority granted within Code of Virginia § 15.2-2286(A)(4), the Zoning Administrator is hereby authorized to grant a modification of any zoning regulation relating to physical requirements on a lot or parcel of land, including but not limited to: size, height, location or features of, or related to, any building, structure, or improvements. ~~The Zoning Administrator may refer any request for administrative modification to the BZA, if, in his/her sole discretion the application warrants that higher level of review.~~

~~B. Process.~~

- ~~(1) Applications for administrative modifications shall be made to the Zoning Administrator.~~
- ~~(2) An administrative modification shall be approved by the Zoning Administrator after public notice, and shall be in compliance with the requirements of this chapter.~~

B. Public notice; *appeals*.

- (1) *An administrative modification application requires written and website notice under §72-21.9.*
- (2) *The decision of the Zoning Administrator shall constitute a decision within the purview of Code of Virginia §15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by §15.2-2314.*

- ~~(a) Published and written notice. Prior to rendering a decision, notice shall be given in accordance with Code of Virginia § 15.2-2204. Written notice shall be provided to adjacent property owners by certified return receipt mail by the applicant. Evidence of such notice shall be placed in the application file prior to decision. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.~~
- ~~(b) Posted notice. The applicant shall post a sign provided by the Zoning Administrator on each parcel of land involved in an administrative modification at least five days prior to rendering a decision.~~
- ~~(c) City website notice. Notice of the request shall be posted on the City of Fredericksburg website at least five days prior to any action.~~

[Subsection C is not amended.]

548 **15. Section 72-24.3, "Minor expansions of nonconforming uses," is amended as follows:**

549

550 [Subsection A is not amended.]

551

552 B. Process.

553

554 [Subsections 1 and 2 are not amended.]

555

556 (3) Public notice. *An application for a minor expansion of a nonconforming use requires written*
557 *and website notice under §72-21.9, and posted notice under §72-21.8.*

558

559 ~~(a) Published and written notice. Prior to rendering a decision, notice shall be given in accordance with~~
560 ~~Code of Virginia § 15.2-2204. Written notice shall be provided to adjacent property owners by certified~~
561 ~~return receipt mail by the applicant. Evidence of such notice shall be placed in the application file prior~~
562 ~~to decision. In the case of a condominium or a cooperative, the written notice may be mailed to the unit~~
563 ~~owners' association or proprietary lessees' association, respectively, in lieu of each individual unit~~
564 ~~owner.~~

565 ~~(b) Posted notice. The applicant shall post a sign provided by the Zoning Administrator on each~~
566 ~~parcel of land involved in an administrative modification at least five days prior to rendering a decision.~~

567

568 ~~(c) City website notice. Notice of the request shall be posted on the City of Fredericksburg~~
569 ~~website at least five days prior to any action.~~

570

571 (4) Submittal requirements for a minor expansion are contained in the UDO Procedures
572 Manual.

573

574 [Subsection C is not amended.]

575

576 **16. Section 72-24.4, "Change of nonconforming use," is amended as follows:**

577

578 [Subsection A is not amended.]

579

580 (B). Process.

581

582 [Subsections 1 and 2 are not amended.]

583

584 (3) Public notice. *An application for a change of a nonconforming use requires written and website notice*
585 *under §72-21.9, and posted notice under §72-21.8.*

586

587

588 ~~(a) Published and written notice. Prior to rendering a decision, notice shall be given in accordance with~~
589 ~~Code of Virginia § 15.2-2204. Written notice shall be provided to adjacent property owners by certified~~
590 ~~return receipt mail by the applicant. Evidence of such notice shall be placed in the application file prior~~
591 ~~to decision. In the case of a condominium or a cooperative, the written notice may be mailed to the unit~~

592 owners' association or proprietary lessees' association, respectively, in lieu of each individual unit
593 owner.

594 (b) ~~Posted notice. The applicant shall post a sign provided by the Zoning Administrator on each~~
595 ~~parcel of land involved in an administrative modification at least five days prior to rendering a decision.~~

596 (c) ~~City website notice. Notice of the request shall be posted on the City of Fredericksburg website~~
597 ~~at least five days prior to any action.~~

598

599 (4) Submittal requirements for a change in nonconforming use are contained in the UDO
600 Procedures Manual.

601

602 [Subsection C is not amended.]

603

604 17. **Section 72-24.5, "General process," is repealed.**

605

606 18. **Section 72-24.6, "Review timing," is repealed.**

607

608 19. **Section 72-24.7, "Appeals," is repealed.**

609

610 20. **Section 72-25.1, "Administration," is amended:**

611

612 Sec. 72-25.1. Administration.

613

614 [Subsections A and B are not amended.]

615

616 C. Preliminary subdivision plats.

617

618 [Subsections 1, 2, and 3 are not amended.]

619

620 4. The process for preliminary subdivision plat approval is as follows:

621

622 (a) Before submitting a preliminary subdivision plat application, the applicant shall participate
623 in a pre-application conference with the Technical Review Committee.

624

625 (b) The applicant shall submit the ~~final~~ *preliminary* subdivision plat to the Development
626 Administrator ~~for administrative approval~~. A *final preliminary* subdivision plat is officially
627 submitted when the Development Administrator accepts the application under City Code
628 §72-21.6.

629

630 [1] If approval of a feature of the preliminary subdivision plat by a state agency or
631 public authority is necessary, the Development Administrator shall forward the
632 preliminary subdivision plat to the appropriate agency or authority within 10 business
633 days of the applicant's official submission of the preliminary subdivision plat.

634

635 (c) The Development Administrator shall submit the preliminary subdivision plat to the
636 Planning Commission with his recommendation on whether the plat meets the

637 requirements of this chapter. This recommendation must identify all defects, list specific
638 reference to the requirements that the defects violate, and describe modifications that
639 would permit approval of the plat.
640

641 ~~(c) Planning Commission hearing. The Planning Commission shall hold a public hearing on~~
642 ~~major and minor preliminary subdivision plats. Before the Planning Commission public~~
643 ~~hearing, notice of the hearing will be given in accordance with Code of Virginia §15.2-2204,~~
644 ~~and City Code §72-22.1.~~
645

646 (d) The Planning Commission shall review the preliminary subdivision plat and make its
647 recommendation on approval or disapproval to the City Council. The Development
648 Administrator shall advise Council on whether the preliminary subdivision plat meets the
649 requirements of this chapter. This recommendation must identify all defects, list specific
650 references to the requirements that the defects violate, and describe modifications that
651 would permit approval of the plat.
652

653 (e) City Council hearing. City Council shall hold a public hearing on major and minor preliminary
654 subdivision plats. ~~Before the City Council public hearing, notice will be given in accordance~~
655 ~~with Code of Virginia §15.2-2204.~~
656

657 [Subsections (f) through (i) are not amended.]

658 D. [subsections 1 through 4 are not amended.]
659

660 (5) These requirements apply to every final subdivision plat submitted for approval:
661

662 (a) The final subdivision plat shall be prepared by a professional who is licensed to prepare such
663 a plat. The professional shall endorse upon the plat the source of title of the owner of the
664 land subdivided, in accordance with Code of Virginia §15.2-2262.
665

666 (b) Plat details shall meet the standards established by the State Library Board under the
667 Virginia Public Records Act. Every plat shall contain a statement of consent to subdivision in
668 conformance with Code of Virginia §15.2-2264. The Development Administrator shall
669 determine any additional content required for final plats and state them in the Procedures
670 Manual.
671

672 (c) No final subdivision plat will be approved until the ~~Development~~ Zoning Administrator has
673 approved any required ~~construction~~ commercial or residential site plans or residential lot
674 grading plan.
675

676 E. Final subdivision plats – minor subdivisions without an approved preliminary subdivision plat.
677

678 [Subsections 1 through 3 are not amended.]
679

680 4. City Council hearing. City Council shall hold a public hearing on minor final subdivision plats.
681 ~~Before the City Council public hearing, notice will be given in accordance with Code of Virginia § 15.2-~~
682 ~~2204.~~

683
684 **21. Section 72-25.2, "Improvements," is amended:**

685 [Subsections A through D are not amended.]

686
687
688 E. Access and blocks and lots.

689 [Subsection (1) is not amended.]

690
691
692 2. Public streets and dedication of rights-of-way.

693 [Subsections (a) through (c) are not amended.]

694
695
696 ~~(d) — Where the Comprehensive Plan indicates a right-of-way greater than that existing along the~~
697 ~~boundaries of the subdivision or lot, that additional right-of-way shall be dedicated to public use on the~~
698 ~~plat.~~

699 [Subsection (e) is re-lettered (d).]

700
701

702 **22. Section 72-25.3, "Exceptions to subdivision and site plan regulations," is amended:**

703
704 Sec. 72-25.3. Exceptions to subdivision and site plan regulations.

705
706 A. This section governs requests for exceptions to the general subdivision and site plan regulations.
707 Requested exceptions shall be submitted as part of an application for subdivision or site plan
708 approval. Exceptions may be granted in unusual situations or when strict adherence to the
709 general regulations would result in substantial injustice or hardship.

710
711 B. City Council (for major and minor subdivisions) and the Development Administrator (for
712 administrative subdivisions) may approve exceptions to the general subdivision ~~or site plan~~
713 regulations. *The Zoning Administrator may approve exceptions to the general site plan*
714 *regulations.*

715
716 C. The applicant shall make all requests for exceptions in writing, stating specifically the provision
717 from which the exception is requested and the grounds for the request. The applicant shall
718 submit the request with the preliminary plat, ~~construction plan~~, final plat, or site plan
719 application. All requests shall be accompanied by any plats, plans, drawings, and engineering
720 documents required to allow the Development Administrator, *Zoning Administrator*, or City
721 Council to act on the application.

722
723 D. The Development Administrator shall approve or disapprove requests for exceptions to
724 administrative subdivisions. The applicant shall provide *written* notice of the request *as provided*

725 ~~in §72-21.9. to all adjacent landowners by certified return receipt mail. The Development~~
726 Administrator shall not decide on the request until at least 10 days after the applicant provides
727 evidence of that notice. ~~Any person aggrieved by the Development Administrator's decision~~ The
728 applicant may appeal ~~to the Development Administrator's decision~~ to City Council within 14 days
729 of the decision. City Council shall act on the decision within 30 days of receipt of the appeal and
730 after ~~written notice as provided in §72-21.9 at least 10 days' notice to the adjacent landowners~~
731 ~~and original requestor.~~ The approval of the administrative subdivision plat will be held in
732 abeyance while the appeal is pending. The decision of the City Council is final.
733

- 734 E. City Council shall approve or disapprove requests for exceptions to minor and major
735 subdivisions. City Council's decision will be rendered as part of the decision on the underlying
736 plat, rather than separately from the plat.
737
- 738 F. *The Zoning Administrator shall approve or disapprove requests for exceptions to site plans. The*
739 *applicant shall provide written notice of the request as provided in §72-21.9. The Zoning*
740 *Administrator shall not decide the request until the applicant provides evidence of that notice.*
741 *The Zoning Administrator's decision will be rendered as part of the decision on the underlying*
742 *site plan, rather than separately.*
743

744

745 **23. Section 72-26.1, "Commercial development plans," is amended:**

746

747 Sec. 72-26.1 Commercial and Residential *site* development plans.

- 748
- 749 A. Purpose and applicability.
- 750
- 751 (1) The purpose of a site plan is to ensure, prior to the issuance of any buildings permits, that the
752 use and development of land will be in compliance with the zoning regulations set forth within
753 this chapter.
754
- 755 (2) Prior to the issuance of any building permit authorizing the use, a change of use, occupancy,
756 construction, improvement or maintenance of any land, building or structure; *or any final*
757 *subdivision plat*, a site plan shall be submitted to and approved by the City in order to assure
758 compliance with the zoning regulations set forth within this chapter. This requirement shall be
759 subject to the exemptions set forth below.
760
- 761 (3) No site plan shall be required for the following uses, provided the ~~Development~~ *Zoning*
762 *Administrator* determines that the use will not require the improvements set forth in this
763 section:
764
- 765 a. Single-family detached dwellings and their related uses and structures.
766 b. Educational facilities located in existing religious institutions.
767 c. Renovations of buildings when existing site improvements comply with the standards in
768 this chapter.
769

- 770 B. Site plans distinguished.
771 (1) Site plans shall take one of the following two formats: minor site plan, or major site plan. Minor
772 site plans are required for use changes where the land disturbance will be less than 2,500
773 square feet. All other site plans shall follow the major site plan requirements.
774 (2) The ~~Development~~ *Zoning Administrator* shall be the approving authority for major and minor
775 site plans.

776
777 C. Review process.

- 778
779 (1) Prior to the initial submission of an application seeking approval of a site plan, the owner or
780 proprietor of land who desires to apply for site plan approval shall file an application with the
781 ~~Development~~ *Zoning Administrator* to attend the Technical Review Committee Pre-Application
782 Conference. The staff shall place the matter on the agenda of the next available meeting of the
783 Technical Review Committee, and shall notify the applicant of the conference meeting date.
784
785 (2) The applicant shall make an initial submission of the proposed site plan for review. The
786 Technical Review Committee shall thoroughly review the site plan and make a good faith effort
787 to identify all deficiencies, if any, with the initial submission, and communicate same to the
788 applicant. The applicant may submit a revised proposed site plan for final Technical Review
789 Committee review, prior to making the official submission of the site plan.
790
791 (3) The applicant shall make an official submission of a site plan revised to address the Technical
792 Review Committee's comments. The site plan is officially submitted when it is delivered to the
793 office of the ~~Development~~ *Zoning Administrator* accompanied by the application fee and all
794 pertinent information. The ~~Development~~ *Zoning Administrator* shall act on any proposed site
795 plan within 60 days after it has been officially submitted for approval by either approving or
796 disapproving the site plan in writing, and giving with the latter specific reasons therefore. This
797 deadline may be extended with the written consent of the applicant.
798
799 (4) Public notice. *Commercial and residential site development plan applications require written and*
800 *website notice under §72-21.9, and posted notice under §72-21.8.*
801
802 a. ~~Published and written notice. Prior to rendering a decision, notice shall be given in~~
803 ~~accordance with Code of Virginia § 15.2-2204. Written notice shall be provided to~~
804 ~~adjacent property owners by certified return receipt mail by the applicant. Evidence of~~
805 ~~such notice shall be provided to the Development Administrator prior to decision. In the~~
806 ~~case of a condominium or a cooperative, the written notice may be mailed to the unit~~
807 ~~owners' association or proprietary lessees' association, respectively, in lieu of each~~
808 ~~individual unit owner.~~
809 b. ~~Posted notice. The applicant shall post a sign provided by the Development~~
810 ~~Administrator on each parcel of land involved in a major site plan at least five days prior~~
811 ~~to rendering a decision.~~
812 c. ~~City website notice. Notice of the request shall be posted on the City of Fredericksburg~~
813 ~~website at least five days prior to any action.~~
814

815 ~~(5) Approval of an exception to any general zoning regulations, a special use permit, special~~
816 ~~exception, an administrative modification, or a variance shall be obtained prior to the official~~
817 ~~submission of an application for a proposed site plan.~~
818

819 (6) The provisions of this section and Article 72-5 of this chapter set forth the requirements for
820 submission and approval of site plans.
821

822 (7) Submittal requirements are contained in the UDO Procedures Manual.
823

824

825 22. **City Code §72-26.2 Residential lot grading plan is amended as follows:**

826

827 Sec. 72-26.2 Residential lot grading plan.

828

829 A. Purpose and applicability.

830 (1) The provisions of this section set forth the requirements for submission and approval of a
831 residential lot grading plan.
832

833

834 (2) A residential lot grading plan shall be required prior to issuance of a building permit for any
835 of the following:

836 a. Construction of a single-family detached dwelling and its related uses and structures
837 on a vacant lot.

838 b. Construction of an addition to a single-family detached dwelling and/or any
839 accessory structure where 2,500 square feet of land or more will be disturbed
840 thereby.

841

842 B. Review process.

843 (1) Any owner or proprietor of land who wishes to apply for residential lot grading plan
844 approval shall submit an application form, with the proposed residential lot grading plan,
845 any required application fee, and such information and materials as specified in the
846 Procedures Manual.

847

848 (2) The ~~Development~~ *Zoning Administrator* shall take action upon an application for approval of
849 a residential lot grading plan, in accordance with the procedures and time periods specified
850 in the Procedures Manual.

851

852 C. Review criteria. Every residential lot grading plan shall be prepared in such form, and shall
853 include such content as necessary to demonstrate compliance with applicable zoning
854 regulations, and shall be prepared and submitted in accordance with the requirements set forth
855 in the Procedures Manual.

856

857 23. City Code §72-84, "Definitions," is amended as follows:

858

859 ZONING PERMIT – An administrative approval, reviewed and decided by the Zoning Administrator ~~or~~
Development Administrator.

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SEC. III. Effective Date.

This ordinance is effective immediately.

- Votes:**
- Ayes:**
- Nays:**
- Absent from Vote:**
- Absent from Meeting:**

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council