



City of Fredericksburg, Virginia

City Council

AGENDA

Council Chambers

715 Princess Anne Street

Fredericksburg, Virginia 22401

January 10, 2017

7:30 p.m.

Mayor Mary Katherine Greenlaw, Presiding

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. **Invocation**

Councilor Bradford C. Ellis

3. **Pledge Of Allegiance**

Mayor Mary Katherine Greenlaw

4. **Presentations**

5. **Public Hearing**

A. Resolution 17-___, Decommissioning Of Traffic Signals

Documents:

[5A DECOMMISSIONING TRAFFIC SIGNALS.PDF](#)

6. **Comments From The Public**

City Council provides this opportunity each regular meeting for comments from citizens who have signed up to speak before the start of the meeting. To be fair to everyone, please observe the five-minute time limit and yield the floor when the Clerk of Council indicates that your time has expired. Decorum in the Council Chambers will be maintained. Comments that are not relevant to City business and disruptive are inappropriate and out of order.

7. **Council Agenda**

8. **Consent Agenda**

A. Resolution 16-107, Second Read, Amending The Fiscal Year 2017 Budget By

Appropriating Fiscal Year 2016 Carryovers

Documents:

[8A CARRYOVERS.PDF](#)

- B. Ordinance 16-28, Second Read, Amending The Unified Development Ordinance Regulations Of Fences In All Zoning Districts, Including Changes In The Definitions Of Required Yards

Documents:

[8B FENCES.PDF](#)

- C. Ordinance 16-29, Second Read, Amending The Unified Development Ordinance To Provide For Breweries, Wineries And Distilleries In The City Of Fredericksburg

Documents:

[8C BREWERIES.PDF](#)

- D. Resolution 17-___, Referring The Comprehensive Plan And Unified Development Ordinance Amendments To The Planning Commission For Further Study

Documents:

[8D COMP-UDO AMENDMENTS.PDF](#)

- E. Resolution 17-___, Initiating Amendment To The Unified Development Ordinance Articles 1 And 2

Documents:

[8E UDO AMEND ARTICLES 1-2.PDF](#)

- F. Transmitting The Fredericksburg Arts Commission Annual Report

Documents:

[8F 2016 ARTS COMM ANNUAL REPORT.PDF](#)

- G. Transmitting Boards And Commission Minutes

- G.i. Board Of Social Services - October 13, 2016

Documents:

[8G BSS 10-13-16.PDF](#)

9. **Minutes**

- A. Public Hearing - December 13, 2016

Documents:

[9A 12-13-16 PUBLIC HEARING MINUTES.PDF](#)

B. Regular Session - December 13, 2016

Documents:

[9B 12-13-16 REGULAR SESSION MINUTES.PDF](#)

10. Boards And Commission Appointments

A. Appointment To The Architectural Review Board - Donna Chasen, Charlotte Horne, Tina Morris, Susan Pates, Vangel Perroy

Documents:

[10A.PDF](#)

B. Appointment To The Cable Commission - School Board Representative Michael George

Documents:

[10B CABLE COMMISSION APPT.PDF](#)

11. City Manager Agenda

A. Resolution 17-___, Amending The Fiscal Year 2017 Budget By Appropriating Funds For The Fiscal Year 2016 Traffic Signal Modernization Project

Documents:

[11A TRAFIC SIGNAL MODERNIZATION.PDF](#)

B. City Manager's Update

Documents:

[11B CITY MANAGER UPDATE.PDF](#)

C. Calendar

Documents:

[11C CALENDAR.PDF](#)

12. Adjournment



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Doug Fawcett, Director of Public Works
DATE: January 5, 2017
SUBJECT: Proposed Decommissioning of Traffic Signals

ISSUE

Shall the City proceed with the decommissioning of traffic signals at five City intersections and install alternate means of traffic control at these intersections?

RECOMMENDATION

We recommend that the Council authorize City staff to proceed with the decommissioning of the signals.

BACKGROUND

In December, 2015, the City engaged the services of A. Morton Thomas and Associates, a traffic engineering firm, to study the continuing need for traffic signals at five intersections in the City. These five intersections were selected by Public Works staff based on the age of the signal equipment at each intersection and the perception that the signals may no longer be warranted. Staff wanted to confirm the continuing need (or not) for the signals prior to recommending the expenditure of significant City funds to completely replace the signal equipment, a requirement in the near term future if the signals are still warranted.

Staff presented the results of the consultant's study to the City Council at a work session in May. The consultant concluded that the signals at all five intersections are NOT currently warranted and recommended that the signals be decommissioned. The consultant also recommended that a specific alternate means of traffic control be established at the each intersection. The intersections and the consultant's recommended alternate means of traffic control after decommissioning of the signals are as follows:

Intersection	Recommended Alternate Traffic Control	Proposed Order of Decommissioning
Hanover Street/Littlepage Street	Four Way Stop	1
Hanover Street/Kenmore Avenue	Four Way Stop	1
William Street/Littlepage	Provide William Street traffic	2

Street	the right of way through the intersection; Install Stop signs on the Littlepage Street approaches.	
Fall Hill Avenue/Germania Street	Provide Fall Hill Avenue traffic the right of way through the intersection; Install stop sign on Germania Street approach west bound. (There is no fourth approach to the intersection.)	3
Princess Anne Street/ Canal Street	Provide Princess Anne Street traffic the right of way through the intersection; Install a Stop sign on Canal Street east bound (coming from the Dorothy Hart Community Center); Convert the block of Canal Street between Princess Anne Street and Caroline Street to one way traffic east bound. (See <u>Special Note</u> below.)	4

With City Council’s authorization to proceed, Staff proposes to decommission the signals in the order shown, with the first two being decommissioned concurrently and the remaining three one at a time. Staff proposes to start the process approximately March 1 (as weather then permits) and having all the work completed by June 30.

Special Note: A separate public hearing must be held on the conversion of the traffic flow on the block of Canal Street between Princess Anne Street and Caroline Street to one way traffic east bound, followed by City Council action on the conversion, before the signal decommissioning of the traffic signal may occur. Staff will advertise this public hearing to be held at the February 14 regular meeting of the Council.

FISCAL IMPACT

The estimated total cost of decommissioning the signals is \$25,000. These funds will be used for signs, eradication of existing pavement markings, installation of new pavement markings, etc. No funds are included in the current operating budget for this purpose. Staff will submit a proposed budget amendment shortly.

For purposes of comparison, the “avoided” costs (i.e., the costs the City will not have to incur by replacing the signals at intersections where such action is not warranted by current standards) are estimated to be \$150,000-\$250,000 per intersection.

Attachments: Resolution



January 10, 2017
Regular Meeting
Resolution 17-__

MOTION:

SECOND:

RE: Decommissioning of Traffic Signals

ACTION:

After an engineering study of the continued need for traffic signals at five City intersections, City staff has recommended that the signals be decommissioned at these intersections and an alternate means of traffic control be established at each intersection. The intersections are as follows:

- Hanover Street/Littlepage Street
- Hanover Street/Kenmore Avenue
- William Street/Littlepage Street
- Princess Anne Street/Canal Street
- Fall Hill Avenue/Germania Street

City Council concurs with the conclusion that the traffic signals at these intersections are not currently warranted and thus should be decommissioned and an alternate means of traffic control should be established at each intersection.

Therefore, the City Council resolves that:

- City staff is hereby authorized to decommission the signals at these intersections and establish an alternate means of traffic control at each of the intersections.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 17-__, adopted at a meeting of the City Council held January 10, 2017, at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



Deidre G. Jett

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Deidre Jett, Budget Manager
DATE: January 4, 2017
SUBJECT: Resolution Re-appropriating FY 2016 Carryovers in the FY 2017 Budget

ISSUE

Shall the City Council amend the FY 2017 budget by re-appropriating various fund balances for various projects approved in FY 2016?

RECOMMENDATION

This resolution requires two readings and a Public Hearing. The first reading and Public Hearing were held on December 13, 2016. No members of the public spoke at Public Hearing. Staff recommends approval of this resolution.

BACKGROUND

Every year, after the completion of the preliminary work related to the audit, the City is asked to re-appropriate certain fund balances for ongoing programs or capital projects which were not completed as of June 30th. Below is a summary of the appropriations by fund.

<u>USES OF FUNDS</u>	
General Fund	\$ 340,053
City Grants Fund	\$ 154,039
Public Works Capital Projects Fund	\$ 1,196,451
Water System Improvements Fund	\$ 4,188,884
Wastewater System Improvements Fund	\$ 1,500,000
Public Facilities Capital Projects Fund	\$ 303,788
Public Safety Capital Projects Fund	\$ 280,706
Original Walker Grant PPEA Project Fund	\$ 498,526
<u>Public Transportation Fund</u>	<u>\$ 875,670</u>
TOTAL	\$ 9,338,117

The General Fund carryover of \$340,053 is related to three items. The first is \$166,250 for the Public Safety radio system. The carryover provides a source of revenue for radio system costs including the acquisition of a TMDA channel. The second is for \$45,000 for a replacement vehicle

to be used by Public Facilities, which could not be purchased before Fiscal Year 2016 ended. The final carryover in the General Fund is the appropriation for the Fredericksburg Area Museum and Cultural Center relating to the relocation, storage, and display of the collection. At the end of FY 2016, \$128,803 remained of the City's mid-year appropriation of \$150,000. Additional invoices have been received since the end of FY 2016 and the current balance is \$59,377.

The carryover in the city Grants Fund of \$154,039 includes \$11,807 related to Police Department programs, \$102,150 for Fire Department programs, and \$40,082 for programs and projects of the Parks, Recreation, and Public Facilities Department.

The majority of the balances in the other funds are related to capital projects. Of the \$1,196,451 in the Public Works Capital Projects Fund \$405,700 is related to the Traffic Operations Center, which receives half of its funding from the state. Other projects include \$288,225 for Riverfront Park, \$300,000 for the annual asphalt program and \$202,525 for various other Public Works projects. The carryover in the Water and Wastewater System Improvements include various bond funded projects. The projects in the Public Facilities Capital Projects Fund include the Fire pump and panel replacement in the Executive Center, Hurkamp Park restroom, and the area plan updates. The carryover in the Original Walker Grant PPEA Project Fund are bond proceeds related to the improvement. The carryover in the Public Transportation Fund is for the purchase of FREDTransit buses.

The Public Safety Capital Improvements include police cameras, the public safety radio system, the tactical firearms training center and fire station upgrades. The amount listed below is net of the inter-fund transfer from the general fund of \$166,240. The appropriation on the attached resolution for the Public Safety Capital Projects Fund includes both the carryover amount of \$280,706 and the transfer of \$166,250 for a total of \$446,956.

FISCAL IMPACT

The carryovers will decrease the balance in the various funds by the amounts in the chart below.

Fund	Fund Balance	State Revenues	Total
General Fund	340,053		340,053
City Grants Fund	154,039		154,039
Public Works Capital Projects Fund*	993,601	202,850	1,196,451
Water System Improvements Fund*	4,188,884		4,188,884
Wastewater System Improvements Fund*	1,500,000		1,500,000
Public Facilities Capital Projects Fund	303,788		303,788
Public Safety Capital Projects Fund*	280,706		280,706
Original Walker Grant PPEA Project Fund*	498,526		498,526
Public Transportation Fund	875,670		875,670
Total	9,135,267	202,850	9,338,117
<i>*Includes bond funded projects.</i>			

Since, these expenditures were included in the FY 2016 budget, the impact of this spending was considered as part of the FY 2017 budget process.

A separate resolution for the schools carryforward will be presented in January.

Attachment: Resolution

cc: Mark Whitley, Assistant City Manager
Clarence Robinson, Director of Fiscal Affairs
Doug Fawcett, Director of Public Works
David Nye, Police Chief
Eddie Allen, Fire Chief
Jane Shelhorse, Director of Parks, Recreation & Public Facilities
Suzanne Tills, Director of Information Technology
Wendy Kimball, Director of Transit



January 10, 2017
Regular Meeting
Resolution No. 17-107

MOTION:

SECOND:

RE: AMENDING THE FISCAL YEAR 2017 BUDGET BY APPROPRIATING FISCAL YEAR 2016 CARRYOVERS

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: December 13, 2016 SECOND READ: _____

WHEREAS, the City of Fredericksburg fiscal year runs from July 1 to June 30;
and

WHEREAS, the City has other ongoing projects or programs which are not completed as of June 30; and

WHEREAS, the City has fund balance amounts as of June 30 or expected revenues to continue this work;

NOW, THEREFORE, BE IT RESOLVED, that the following appropriations are recorded amending the FY 2017 budget in the following funds;

GENERAL FUND

SOURCE

FUND BALANCE

3-100-061010-0010	Fund Balance- Surplus	\$ 340,053
	Departmental Total	\$ 340,053

TOTAL SOURCE \$ 340,053

USE

PUBLIC FACILITIES

4-100-043200-8105	Motor Vehicle & Equip. - Replacement	\$ 45,000
	Departmental Total	\$ 45,000

MUSEUMS

4-100-072200-5649	Fredericksburg Area Museum	\$ 128,803
	Departmental Total	\$ 128,803

TRANSFER TO CAPITAL

4-100-093100-9204	Transfer to Capital Fund	\$ 166,250
	Departmental Total	\$ 166,250

TOTAL USE \$ 340,053

CITY GRANTS FUND

SOURCE

FUND BALANCE

3-210-061010-0010	Fund Balance- Surplus	\$ 154,039
	Departmental Total	<u>\$ 154,039</u>

TOTAL SOURCE

\$ 154,039

USE

PD COMMUNITY PROJECTS (UNRESTRICTED)

4-210-031320-6010	Police Supplies	<u>\$ 3,456</u>
	Departmental Total	\$ 3,456

DMV-SEL ENF-SPEED-#2016

4-210-031331-6010	Police Supplies	<u>\$ 8,351</u>
	Departmental Total	\$ 8,351

HAZARDOUS MATERIALS RESPONSE PROGRAM

4-210-03401-8101	Motor Vehicle & Equip. - Replacement	<u>\$ 4,052</u>
	Departmental Total	\$ 4,052

RESCUE SQUAD ASSISTANCE GRANT

4-210-03403-8101	Motor Vehicle & Equip. - Replacement	<u>\$ 15,616</u>
	Departmental Total	\$ 15,616

FIRE SERVICES PROGRAM

4-210-03404-8201	Motor Vehicle & Equip. - Additions	<u>\$ 35,000</u>
	Departmental Total	\$ 35,000

LOCAL EMERGENCY PERFORMANCE GRANT

4-210-03436-8103	Communications Equip. - Replacement	<u>\$ 2,822</u>
	Departmental Total	\$ 2,822

2015 VDEM Haz-Mat #VA-HSGP-02

4-210-032443-8201	Motor Vehicle & Equip. - Additions	\$ 25,000
4-210-032443-8205	2015 VDEM Haz-Mat #VA-HSGP-02	<u>\$ 19,660</u>
	Departmental Total	\$ 44,660

FSPA LIQUIDATION - OLD MILL

4-210-071513-8102	Furniture & Fixtures - Replacement	<u>\$ 21,604</u>
	Departmental Total	\$ 21,604

PRPF - NRPA -OUT OF SCHOOL TIME GRANT

4-210-071521-6013	Educational and Recreation Supplies	<u>\$ 18,478</u>
	Departmental Total	\$ 18,478

TOTAL USE

\$ 154,039

PUBLIC WORKS CAPITAL PROJECTS FUND

SOURCE

OTHER CATEGORICAL AID

3-302-024010-0133	VDOT Revenues Sharing	\$ 202,850
	Departmental Total	\$ 202,850

FUND BALANCE

3-302-061010-0010	Fund Balance- Surplus	\$ 993,601
	Departmental Total	\$ 993,601

TOTAL SOURCE

\$ 1,196,451

USE

DRAINAGE IMPROVEMENTS

4-302-094102-3170	Construction Contracts	\$ 75,000
	Departmental Total	\$ 75,000

HISTORIC DISTRICT IMPROVEMENTS

4-302-094116-3140	Professional Services - Engineering	\$ 50,000
	Departmental Total	\$ 50,000

ANNUAL PAVEMENT REHABILITATION PROGRAM

4-302-094121-3170	Construction Contracts	\$ 300,000
	Departmental Total	\$ 300,000

RIVERFRONT PARK

4-302-094153-3140	Professional Services - Engineering	\$ 288,225
	Departmental Total	\$ 288,225

RAPPAHANNOCK CANAL REPAIRS

4-302-094213-3170	Construction Contracts	\$ 56,056
	Departmental Total	\$ 56,056

STORMWATER MANAGEMENT PLAN

4-302-094214-3140	Professional Services - Engineering	\$ 20,170
	Departmental Total	\$ 20,170

TRAFFIC OPERATIONS CENTER

4-302-094218-3160	Professional Services - Other	\$ 700
4-302-094218-8207	ADP Software - Additions	\$ 180,000
4-302-094218-8212	ADP Equipment - Additions	\$ 225,000
	Departmental Total	\$ 405,700

PARKING LOT - AMELIA & CHARLES

4-302-094590-3140	Professional Services - Engineering	\$	550
4-302-094590-3170	Construction Contracts	\$	<u>750</u>
	Departmental Total	\$	1,300
TOTAL USE		\$	<u>1,196,451</u>

WATER SYSTEM IMPROVEMENTS FUND

SOURCE

FUND BALANCE

3-303-061010-0010	Fund Balance- Surplus	\$	<u>4,188,884</u>
	Departmental Total	\$	4,188,884
TOTAL SOURCE		\$	<u>4,188,884</u>

USE

COLLEGE HGTS WATER SYSTEM UPG

4-303-098146-3170	Construction Contracts	\$	<u>1,921,123</u>
	Departmental Total	\$	1,921,123

FY16 CAROLINE ST WATER PROJECT

4-303-098148-3170	Construction Contracts	\$	<u>1,483,010</u>
	Departmental Total	\$	1,483,010

LAF BLVD WATER LINE REPLACEMENT

4-303-098148-3170	Construction Contracts	\$	<u>210,000</u>
	Departmental Total	\$	210,000

FALL HILL AVE BETTERMENTS

4-303-098150-3170	Construction Contracts	\$	<u>574,751</u>
	Departmental Total	\$	574,751
TOTAL SOURCE		\$	<u>4,188,884</u>

WASTEWATER SYSTEM IMPROVEMENTS FUND

SOURCE

FUND BALANCE

3-304-061010-0010	Fund Balance- Surplus	\$	<u>1,500,000</u>
	Departmental Total	\$	1,500,000
TOTAL SOURCE		\$	<u>1,500,000</u>

USE

BELT FILTER PRESS

4-304-098251-3170	Construction Contracts	<u>\$ 1,500,000</u>
	Departmental Total	\$ 1,500,000

TOTAL USE **\$ 1,500,000**

PUBLIC FACILITIES CAPITAL PROJECTS FUND

SOURCE

FUND BALANCE

3-305-061010-0010	Fund Balance- Surplus	<u>\$ 303,788</u>
	Departmental Total	\$ 303,788

TOTAL SOURCE **\$ 303,788**

USE

EXECUTIVE PLAZA BUILDING

4-305-094538-3170	Construction Contracts	<u>\$ 77,122</u>
	Departmental Total	\$ 77,122

GENERAL PARKS MAINTENANCE IMPROVEMENTS

4-305-094574-8101	Machinery & Equipment - Replacements	<u>\$ 71,202</u>
	Departmental Total	\$ 71,202

AREA PLAN UPDATES

4-305-094588-3160	Professional Services - Other	<u>\$ 150,000</u>
	Departmental Total	\$ 150,000

TELEPHONE SYSTEM REPLACEMENTS

4-305-094589-8103	Communications Equipment - Other	<u>\$ 5,464</u>
	Departmental Total	\$ 5,464

TOTAL USE **\$ 303,788**

PUBLIC SAFETY CAPITAL PROJECTS FUND

SOURCE

FUND BALANCE

3-306-061010-0010	Fund Balance- Surplus	<u>\$ 280,706</u>
	Departmental Total	\$ 280,706

TRANSFER FROM GENERAL FUND

3-306-041050-0003		<u>\$ 166,250</u>
	Departmental Total	\$ 166,250

TOTAL SOURCE **\$ 446,956**

USE

POLICE CAMERA SYSTEM

4-306-094632-8201	Machinery & Equipment - Additions	\$ 38,915
	Departmental Total	\$ 38,915

PUBLIC SAFETY RADIO SYSTEM UPGRADE

4-306-094635-3160	Professional Services - Other	\$ 189,223
	Departmental Total	\$ 189,223

TACTICAL FIREARMS TRAINING BUILDING

4-306-094637-3840	Services from Other Governments	\$ 100,000
	Departmental Total	\$ 100,000

TACTICAL FIREARMS TRAINING BUILDING

4-306-094638-3170	Construction Contracts	\$ 56,318
4-306-094638-8102	Furniture & Fixtures - Replacement	\$ 62,500
	Departmental Total	\$ 118,818

TOTAL USE \$ 446,956

ORIGINAL WALKER GRANT PPEA PROJECT

SOURCE

FUND BALANCE

3-311-061010-0010	Fund Balance- Surplus	\$ 498,526
	Departmental Total	\$ 498,526

TOTAL SOURCE \$ 498,526

USE

ORIGINAL WALKER GRANT PPEA PROJECT

4-311-094579-3170	Construction Contracts	\$ 498,526
	Departmental Total	\$ 498,526

TOTAL USE \$ 498,526

PUBLIC TRANSPORTATION FUND

SOURCE

FUND BALANCE

3-503-061010-0010	Fund Balance- Surplus	\$ 875,670
	Departmental Total	\$ 875,670

TOTAL SOURCE \$ 875,670

USE

TRANSIT DEPARTMENT

4-503-081800-8105	Motor Vehicles & Equipment Replacement	\$ 426,183
	Departmental Total	\$ 426,183

SPOTSYLVANIA GRANT

4-503-081801-8105	Motor Vehicles & Equipment Replacement	\$ 182,670
	Departmental Total	\$ 182,670

TRANSIT - UMW EXPRESS SERVICE

4-503-081808-8105	Motor Vehicles & Equipment Replacement	\$ 22,560
	Departmental Total	\$ 22,560

CAROLINE COUNTY GRANT

4-503-081810-8105	Motor Vehicles & Equipment Replacement	\$ 52,288
	Departmental Total	\$ 52,288

STAFFORD COUNTY

4-503-081818-8105	Motor Vehicles & Equipment Replacement	\$ 191,969
	Departmental Total	\$ 191,969

TOTAL USE		<u>\$ 875,670</u>
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Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, Tonya B. Lacey the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-107 duly adopted the City Council meeting held January 10, 2017 at which a quorum was present and voted.

***Tonya B. Lacey, CMC
Clerk of Council***



Colutor

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Marne E. Sherman, Development Administrator
DATE: January 3, 2017 (for January 10, 2017 Meeting)
RE: Amendments to the Unified Development Ordinance Regarding Fences/Walls and Lots

ISSUE

Should the Unified Development Ordinance (UDO) be amended to provide additional flexibility for fences on corner lots and through lots; decrease permitted fence heights from six feet to four feet in any front yard of lots zoned Commercial; authorize the Board of Zoning Appeals to issue special exceptions from fence height regulations in any front yard (including a secondary front yard on a corner or through lot); prohibit the use of barbed wire or razor wire except in an Industrial district; and clarify terms, figures, measurements, and tables related to sight triangles, lot types, required yards, and building fronts on lots in all zoning districts?

RECOMMENDATION

Adoption of the attached ordinance on second read.

CITY COUNCIL PUBLIC HEARING

On December 13, the City Council held a public hearing at which there were no speakers. Following the close of the public hearing and general discussion, City Council voted unanimously to approve the attached ordinance on first read.

PLANNING COMMISSION RECOMMENDATION

On October 12, the Planning Commission held a public hearing at which there were no speakers. The Planning Commissioners discussed the proposed text amendment and deferred action to allow time for further review, consideration, and site visits. Six Planning Commissioners participated in “fence tours” offered by staff.

On October 14, one citizen, who lives on a corner lot, offered public comment and requested approval of the text amendment to permit a six foot tall fence within a secondary front yard that abuts the secondary front yard of another lot.

On November 9, the Planning Commission had an in-depth discussion of the proposed changes and considered two motions. Opinions differed on the Special Exception process (ranging from allowing staff to take action on some applications to requiring that all applications be decided by City Council following recommendation by the Planning Commission and two public hearings), regulating

landscaping in any front yard, and ways to prevent taller fences that would be out of character. Several Commissioners noted that fences exceeding four feet in height in a front yard should be more of an exception than the rule.

The first motion recommending approval of the proposed ordinance with four changes failed on a 3-4 vote (O'Toole, Gantt, Hornung, and Slominski dissenting).

The second motion was approved on a 5-2 vote (Gratz and Pates dissenting) and recommended approval of the proposed ordinance with the following three changes:

1. Reword the Special Exception criteria in §72-22.8.(F) to better define the basis for granting a Special Exceptions, limiting issuance to cases where "the size, configuration, or other unusual characteristics of a lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood."
2. Specify that sight lines would be considered when evaluating impacts to public safety in 72-22.8.F(1).
3. Minor edits to Figure 72-56.2 Fence and Wall Location.

This motion kept the Special Exception process with the Board of Zoning Appeals (BZA) as proposed by staff. The BZA could take action following one public hearing.

BOARD OF ZONING APPEALS

On October 17, the Board of Zoning Appeals (BZA) reviewed the proposed text amendment and offered comment. No formal action was taken. The majority of the BZA members expressed a desire to maintain a limit of four feet in height on fences within any front yard (primary and secondary) and allow for case by case consideration by the BZA through a Special Exception process. There was additional discussion about further defining the criteria to evaluate a Special Exception request. Suggestions included requiring a specified setback per inch in height increased over the four foot limitation (ie, for every inch of height increase, the fence would setback four inches from the property line) or mandating a certain level of transparency for fencing over the four foot height.

Staff considered these items but determined that there are not specific criteria that would work in all cases throughout the City. There may be some lots where a solid six foot tall fence within a front yard would be appropriate right along the property line and some cases where a taller fence would be inappropriate due to the character and pattern of the neighborhood, no matter its design. A minimal setback could create a "dead space" between the fence and the sidewalk, where a property owner may neglect maintenance of a small grass strip because it is hidden behind the taller fence. Additionally, the resulting setback may not be enough to protect the adjacent lot and maintain the overall neighborhood pattern. The concepts of transparency and setback are listed as evaluation criteria for issuance of a Special Exception. As written, the BZA will consider these elements with each unique application.

Two BZA members participated in "fence tours" offered by staff. Another member took a tour independently.

Following the staff lead tour, one BZA member continued to contemplate methods to address concern about further defining the Special Exception criteria. With additional discussion with staff, one of the original criteria (#4) was adjusted into §72-22.8.F. *Review authority and criteria, special exceptions;*

fences. This change was prepared for consideration by the Planning Commission on November 9, 2016. The revised text better defines the basis for granting a Special Exception and limits issuance to cases where "the size, configuration, or other unusual characteristics of a lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood."

BACKGROUND

City residents, living on corner lots and through lots, have sought changes to the UDO to permit fences and walls exceeding four feet in height within areas of secondary front yards. Specifically, this is the area of a corner lot or through lot that many homeowners perceive as their side or back yards as they run to the side of or behind the house, along a secondary street frontage. Residents would like to enclose this area of the lot to gain privacy from the street and neighboring uses. In some cases, there are neighborhoods with established (currently non-conforming) patterns of corner lots with six foot tall fences along the secondary front lot line. The City also contains unique lots with special circumstances (such as incompatible neighboring uses, topography, or high volume streets) that may warrant special consideration to permit taller fences and walls on a residential lot.

In May, City Council directed staff to present alternatives to the UDO to permit taller fences and walls within the secondary front yard, in keeping with traditional neighborhood patterns. These alternatives were presented to City Council during a work session on June 28, 2016. Staff formalized the June recommendations in the attached draft of related UDO amendments. The draft also presents general updates pertaining to fences and walls in all zoning districts and other UDO sections that were affected by definition and process changes.

On September 13, 2016, City Council approved Resolution 16-82 to formally initiate the text amendment process.

CURRENT REGULATION

The previous Zoning Ordinance and current UDO Section 72-56.2.B. regulate that "in any front yard of a site in any R District, a fence or wall shall not exceed four feet in height back to the front of the principal structure on the site. This provision shall also apply to residential uses in other districts." There are two presumptive reasons for the limitation - bulk/mass in the front yard and safety along public spaces.

Bulk/Mass in a Front Yard

The general purpose of a minimum front yard setback is to provide for open areas and access to and around structures, for visibility and traffic safety, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, and space for privacy, landscaping and recreation. The code currently allows for four foot fences to be placed anywhere on a residential lot and allows for taller fences to be placed in keeping with the minimum front yard setback. Just as the code limits principal structures (houses) and accessory structures (sheds and garages) from placement within close proximity to a street in residential zoning districts, fence heights are limited due to the mass and bulk they also create along the street. Fences along the street have the ability to provide privacy for the individual lot

owner, but they may also disrupt an entire block face if not constructed in harmony¹ with the context of adjacent properties.

Safety along Public Spaces

As taller structures are placed nearer to the street, there is a potential heightened risk to public safety. Taller fences within front yards can create potential sight distance conflicts with vehicles utilizing driveways and alleys intersecting with pedestrians on public sidewalks. Additionally, taller fences may increase potential dangers along the sidewalk by creating dark areas and places for people to hide if the fence is not adequately setback or built with a certain level of transparency.

PROPOSAL

To address the public's desire to allow taller fences/walls within the secondary front yard while maintaining good design in relation to bulk/mass and safety, staff recommends changes to the UDO which will:

Article 2 Administration

- Establish criteria and permit the Board of Zoning Appeals (BZA) to issue and revoke Special Exceptions for fences within any front yard. To address unique lots in the City, the BZA will hold a public hearing and evaluate the location, materials, and height of the proposed fence and consider their effect on adjacent properties, public safety, and the character and pattern of development in the surrounding neighborhood. The standard for issuance of a Special Exception is lesser than for a variance which requires the demonstration of a hardship or that associated the ordinance would unreasonably restrict the utilization of the property.

Article 4 Accessory Use Standards

- Clarify that fences are permitted within a required yard.
- Update the term “double frontage lot” to “through lot.”

Article 5 Fences and Walls

- Reduce fence heights on property zoned Commercial from six feet to four feet in any front yard.
- Permit fence heights to exceed four feet, up to six feet, in secondary front yards on lots zoned Residential, Commercial, and Planned Development that meet certain established criteria. Examples include: lots with a secondary front yard that adjoins another secondary front yard or instances where an existing accessory structure on a lot already encroaches into a secondary front yard.

¹ Virginia Code § 15.2-2283. One of the purposes of zoning ordinances is to “facilitate the creation of a convenient, attractive and harmonious community.”



Example of two corner lots with adjoining secondary front yards where fences/walls would be permitted up to six feet in height within the secondary front yard.

- Increase the maximum permitted fence height from 24 inches to 40 inches within a sight triangle (in accordance with Virginia Department of Transportation standards).
- Prohibit the use of barbed wire, razor wire, or similar fence materials on properties zoned Residential, Commercial, or Planned Development and on properties used for residential purposes.
- Remove references to transparent and opaque fences.
- Update Figure 72-56.2 Fence and Wall Location.

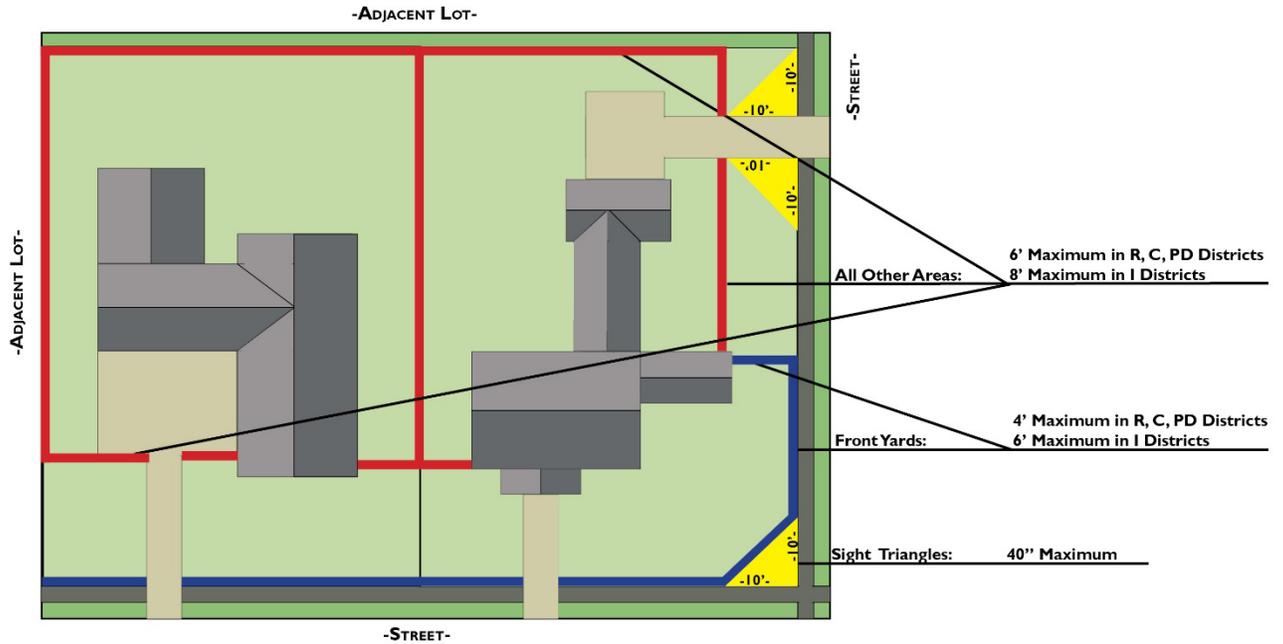


Figure 72-56.2 Fence and Wall Location

Article 6 Non-conforming Structures, Minor Alterations

- Identify that fences are non-conforming structures which qualify for alteration when they meet the listed criteria.

Article 8 Definitions and Interpretations

- Replace the term “double frontage lot” with “through lot.”
- Create the terms “Primary Front Yard” and “Secondary Front Yard.”
- Update of Figure 72-82.3A(4) Lot Types and 72-82.4A Yard Types to reflect text changes.

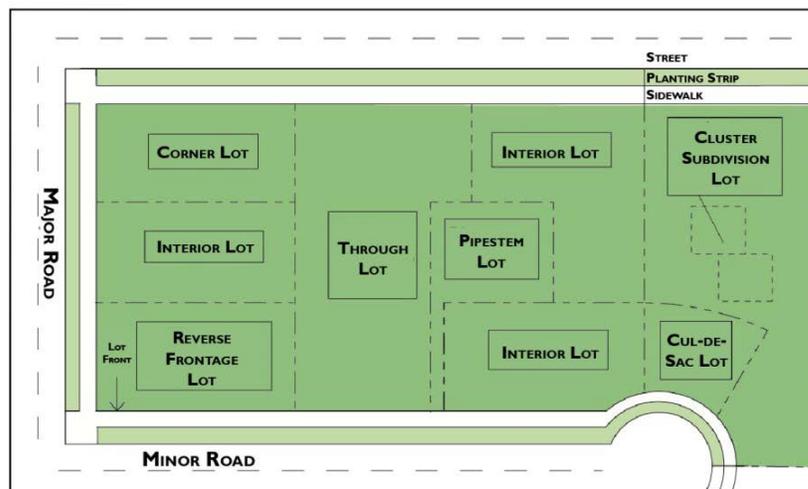


Figure 72-82.3A(4) Lot Types

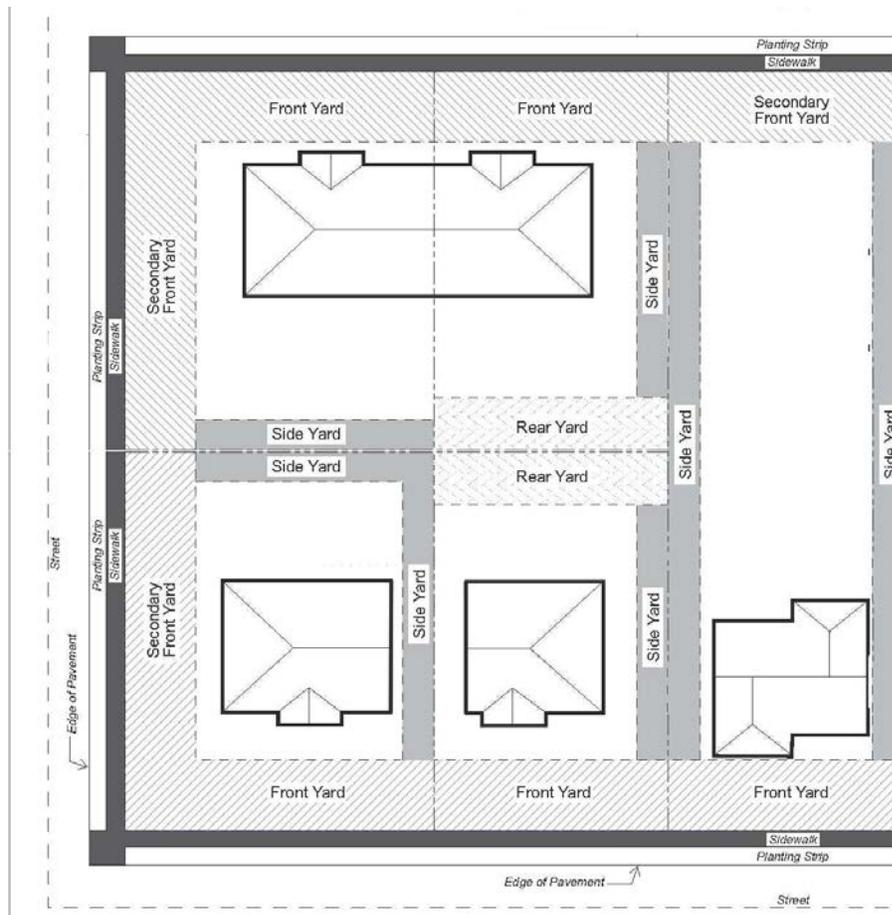


Figure 72-82.4A Yard Types

- Establish the criteria for measuring a sight triangle for the purposes of installing a fence.
- Remove the term Front (or primary façade) as it was replaced with Building Front during a previous text amendment.

Attachments: Draft Ordinance
Frequently Asked Questions
Planning Commission Draft Minutes, November 9, 2016 Meeting (Agenda Item 6)
City Council Resolution 16-82



MOTION:

SECOND:

**January 10, 2017
Regular Meeting
Ordinance No. 16-28**

RE: AMENDING THE UNIFIED DEVELOPMENT ORDINANCE REGULATIONS OF FENCES IN ALL ZONING DISTRICTS, INCLUDING CHANGES IN THE DEFINITIONS OF REQUIRED YARDS

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: December 13, 2016 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 September 13, 2016. The Planning Commission held its public hearing on the amendment on November 9, 2016, 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 modify current zoning regulations for fences in all zoning districts, to provide additional clarity and flexibility in these regulations, while continuing to provide for adequate light, air, convenience of access, and safety from crime, and other dangers; to facilitate the creation of a convenient, attractive and harmonious community; and protect against loss of life, health, or property from fire. While the purpose of the ordinance is to change fence regulations, these changes require changes in the definitions of required yards, for purposes of implementing the new regulations and providing additional flexibility. 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.

1. City Code §72-21.7, “Development Review Structure,” is amended to add authority for the Board of Zoning Appeals to issue and revoke special exceptions for fences, upon recommendation of the Zoning Administrator. Such decisions may be appealed to the Circuit Court. The table shall be amended to add the following data:

Specific Review Procedure	City Council	Planning Commission	Board of Zoning Appeals	Architectural Review Board	Zoning Administrator	Development Administrator
<i>Special exception, fence</i>		<i>R</i>	<D>		<i>R</i>	

2. City Code §72-22.8, “Variances, administrative appeals, and Zoning Map interpretations,” shall be amended as follows:

Sec. 72-22.8. Variances, administrative appeals, special exceptions, and Zoning Map interpretations.

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

B. Process.

(1) Applications for variances *and fence special exceptions* shall be made to the Zoning Administrator in accordance with the rules adopted by the BZA pursuant to Code of Virginia §15.2-2310.

(2) A variance, appeal, *application for special exception, revocation of a special exception* or Zoning Map interpretation shall be authorized by the BZA after a public hearing and shall be in compliance with the required findings and procedures set forth within Code of Virginia §15.2-2309 *or this section*.

[the remainder of subsection (B), and subsections (C), (D), and (E) are not amended.]

F. *Review authority and criteria, special exceptions; fences. The Board of Zoning Appeals may hear and decide applications for a special exception from the regulations governing fence heights in any front yard (including a secondary front yard) in any zoning district. Special exceptions may be granted in cases where the size, configuration, or other unusual characteristic of the lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood. The board may impose such conditions relating to the fence as it may deem necessary in the public interest, including limiting the duration of the special exception, and may require a guarantee or bond to ensure that the conditions imposed are being and*

will continue to be complied with. In considering an application, the Board shall apply the following criteria:

- (1) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.*
- (2) Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.*
- (3) Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.*
- (4) The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right of way and the fence. The fence shall not exceed six feet in height.*

F. G. The Board of Zoning Appeals is authorized to revoke a special exception previously granted by it, if the board determines that there has not been compliance with the terms or conditions of the special exception. No special exception may be revoked except after notice and hearing as provided in this section. However, when giving any required notice to the owners, their agents, or occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

H. Appeals. Any person or persons jointly or severally aggrieved by an action of the BZA on a variance application, or any aggrieved taxpayer or any officer, department, board or bureau of the locality City may file with the Clerk of the Circuit Court for the City of Fredericksburg, a petition, specifying the grounds on which aggrieved within 30 days after the final decision of the Board, pursuant to Code of Virginia §15.2-2314.

3. City Code §72-42.3, "Location of accessory uses or structures," shall be amended as follows:

Sec. 72-42.3. Location of accessory uses or structures.

- A. No accessory use or structure shall occupy more than 30% of the rear yard.
- B. No accessory structure except a fence shall be located in the any front yard. No accessory structure requiring a building permit shall be closer to a front lot line than the principal structure.

- C. No accessory use or structure shall be closer than five feet to a side or rear lot line, except that if the principal structure has a setback of less than five feet, then the setback of an accessory structure may be the same as exists for the principal structure.
- D. No accessory structure shall be located within any platted or recorded easement or over any known utility unless written authorization is provided from the easement holder or the City, as appropriate.
- E. An accessory structure may be located within ~~rear~~ *a secondary front yard* of a ~~double frontage~~ *through* lot provided:
 - (a) The lot is zoned with a nonresidential, mixed-use, or planned development district designation;
 - (b) The lot across the street *from the secondary front yard* has a nonresidential, mixed-use, or planned development district designation;
 - (c) The accessory structure does not exceed 12 feet in height, or one story, whichever is less;
 - (d) The accessory structure setback is at least five feet from the ~~rear~~ *secondary front* lot line; and
 - (e) The area between the accessory structure and adjacent street includes landscaping that is capable of screening the structure when it is mature.

4. City Code §72-56.1, "Location requirements," shall be amended as follows:

Sec. 72-56.1 Location requirements.

A. General.

(1) Fences or walls shall be located outside of the public right-of-way, ~~and~~ ~~may not exceed 24 inches in height if located within a required sight~~ ~~triangle.~~

(2) Fences and walls are permitted on the property line between two or more parcels of land held in private ownership.

(3) Fences and walls may be located within any required yard.

[The remaining subsections of §72-56.1 are not amended.]

5. City Code §72-56.2, "Height standards," shall be amended as follows:

Sec. 72-56.2. Height standards.

- A. All fences and walls shall conform to the standards in Table 72-56.2, Fence and Wall Height. In all cases, heights are measured from established grade on the highest side of the fence or wall (see Figure 72-56.2, Fence and Wall Location).

Current Table 72-56.2, “Fence and Wall Height,” is repealed and replaced with the following table:

Table 72-56.2: Fence and Wall Height (effective [date])		
Zoning district	Location	Maximum height
Residential	Any location on a vacant lot	48”
Residential Commercial Planned Development	Between a front lot line and the front of the principal building	48”
	Within a secondary front yard	48”
	Any other location on the lot	72”
Industrial	Between the front lot line and the front of the principal building	72”
	Within a secondary front yard	72”
	Any other location on the lot	96”
Any zoning district	Within a sight triangle	40”

B. The following exceptions to the general height regulations apply to corner and through lots:

Zoning district	Location	Special Circumstance	Maximum Height
Residential Commercial Planned Development	Secondary front yard	The secondary front yard abuts a primary front yard of another lot.	72” if the fence is no closer to the secondary front property line than the front of the abutting principal structure.
		The secondary front yard abuts the secondary front yard of another lot.	72”
		An accessory structure is located within the secondary front yard.	72” if the fence is no closer to the secondary front lot line than any side of the accessory structure

NOTES:

~~[1] Transparent fences or walls are constructed so that 50% or more of the fence or wall is visually permeable.~~

A. The Zoning Administrator may approve fences or walls exceeding six feet in height in any side or rear yard in a residential, commercial, or planned zoning district, if the adjacent property is in a nonresidential zoning district, or if there are unique topographic or other

~~physical circumstances on the property that were not created by the property owner. The Zoning Administrator may condition approval on a prescribed setback from the property line. A fence or wall in any residential zoning district shall not exceed six feet in height above the existing grade in any side or rear yard of a site up to the front of the principal structure on the site. This provision shall also apply to fences and walls located on lots used for residential uses in other zoning districts. The Development Zoning Administrator may approve fences or walls exceeding six feet in height if the adjacent property is in a nonresidential zoning district or if there are unique topographic or other physical circumstances not created by the property owner. Additional setbacks may be required by the Development Administrator for such taller fences.~~

~~B. In any front yard of a site in any R District, a fence or wall shall not exceed four feet in height back to the front of the principal structure on the site. This provision shall also apply to residential uses in other districts.~~

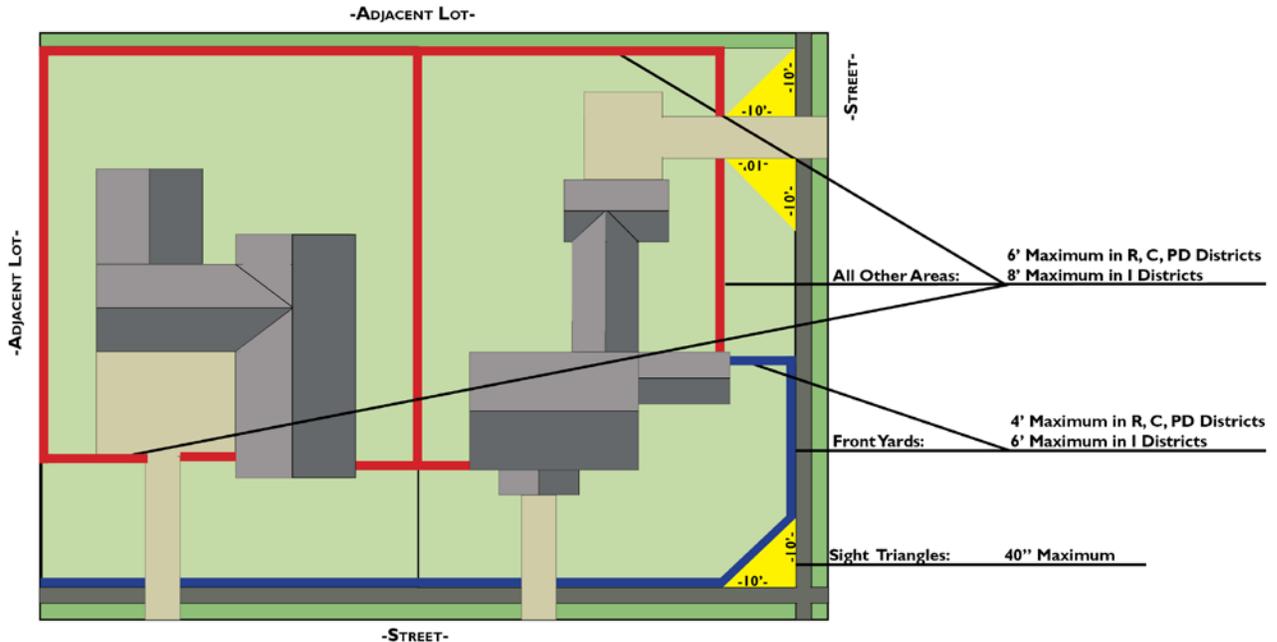
~~C. For vacant sites in residential districts, fences or walls may not exceed four feet in height.~~

~~B. The Zoning Administrator may approve fences or walls exceeding the maximum height in any yard in an industrial district if there are unique topographic or other physical circumstances not created by the property owner. The Zoning Administrator may condition approval on a prescribed setback from the property line. A fence or wall shall not exceed eight feet in height in any yard of any industrial or commercial use permitted by the provisions of this subsection unless the Development Administrator authorizes such fences or walls to exceed eight feet. The Development Administrator may approve fences or walls to exceed eight feet if there are unique topographic or other physical circumstances not created by the property owner. A additional setbacks may be required by the Development Administrator for such taller fences. Additional setbacks may be required by the Development Administrator for such taller fences.~~

~~C. No fence or wall shall be constructed in a manner or in a location that impairs safety or sight-lines for pedestrians and vehicles traveling on public rights of way.~~

Figure 72-56.2, "Fence and Wall Location," is repealed and replaced with the following figure:

Figure 72-56.2. Fence and Wall Location (effective date: _____)



[Section 72-56.3, "Maintenance," is not amended.]

6. New section 72-56.4 is added as follows:

Sec. 72-56.4. Fence materials.

No barbed wire, razor wire, or similar fence material is permitted in residential, planned development, or commercial zoning district or on a lot containing or adjacent to a residential use.

7. City Code §72-63.3, "Minor alterations," [to nonconforming structures] is amended as follows:

Sec. 72-63.3. Minor alterations.

Minor alterations shall not be deemed a change in the structural condition of the property, for purposes of § 72-61.1C. Minor alterations are alterations that meet one or more of the following criteria:

- A. The alterations consist of cosmetic modifications, interior renovations and similar improvements to a nonconforming residential structure and such alterations do not increase the land area occupied by any portion of the nonconforming building or structure, and shall not increase the gross floor area of any nonconforming building or structure.

- B. The alterations do not increase the extent of the structure's nonconformity with the minimum site or yard requirements of the zoning district.
 - C. The alterations consist of a substantially similar replacement of an existing residential accessory building or structure including, but not limited to, a *fence*, storage shed, garage or swimming pool, may be permitted and shall not be required to meet more restrictive setbacks enacted since the date the accessory structure became nonconforming, however, all other zoning regulations for the district in which the accessory structure is located shall apply.
8. City Code §72-82.3A, "Lots," is amended as follows:

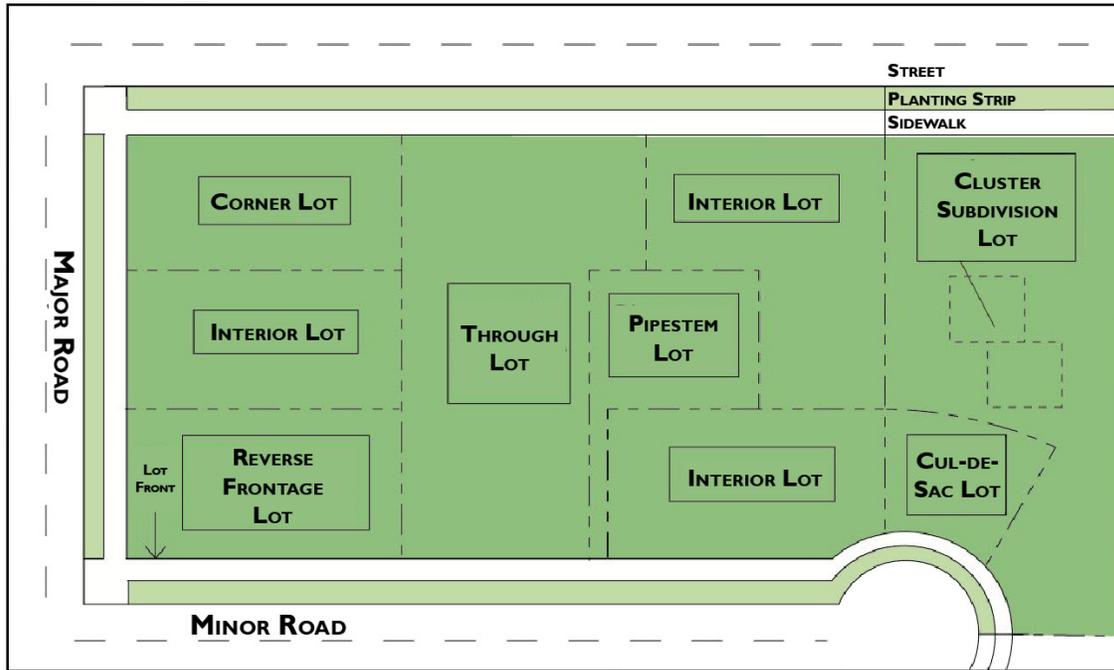
Sec. 72-82.3A.Lots.

[Subsections A (1), (2), and (3) are not amended.]

- (4) Lot types.
 - (a) Cluster subdivision lot. A cluster subdivision lot is a building lot located within a cluster subdivision.
 - (b) Corner lot. A corner lot is located at the intersection of two or more streets (other than alleys), regardless of whether or not such streets intersect at right angles.
 - (c) Cul-de-sac lot. A cul-de-sac lot is located on the head or turnaround of a cul-de-sac with side lot lines on a tangent to the arc of the right-of-way.
 - (d) ~~Double-frontage~~ *Through* lot. A ~~double-frontage~~ *through* lot is a lot other than a corner lot with frontage on more than one street other than an alley.
 - (e) Interior lot. An interior lot is a lot other than a corner lot with only one frontage on a street other than an alley.
 - (f) Pipestem lot. A pipestem lot is a lot which does not abut a public street other than by a driveway affording access to the lot.
 - (g) Reverse-frontage lot. A reverse-frontage lot is a corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

Figure 72-82.3A(4), "Lot Types," is repealed and replaced by the following table:

Figure 72-82.3A(4). Lot Types (effective date: _____)



B. ~~General~~ Pipestem lot requirements.

(1) ~~Pipestem~~ lots.

[The existing text is re-numbered as sub- paragraphs 1, 2, 3, and 4.)

9. City Code §72-82.4, "Required yards," is amended as follows:

Sec. 72-82.4. Required yards.

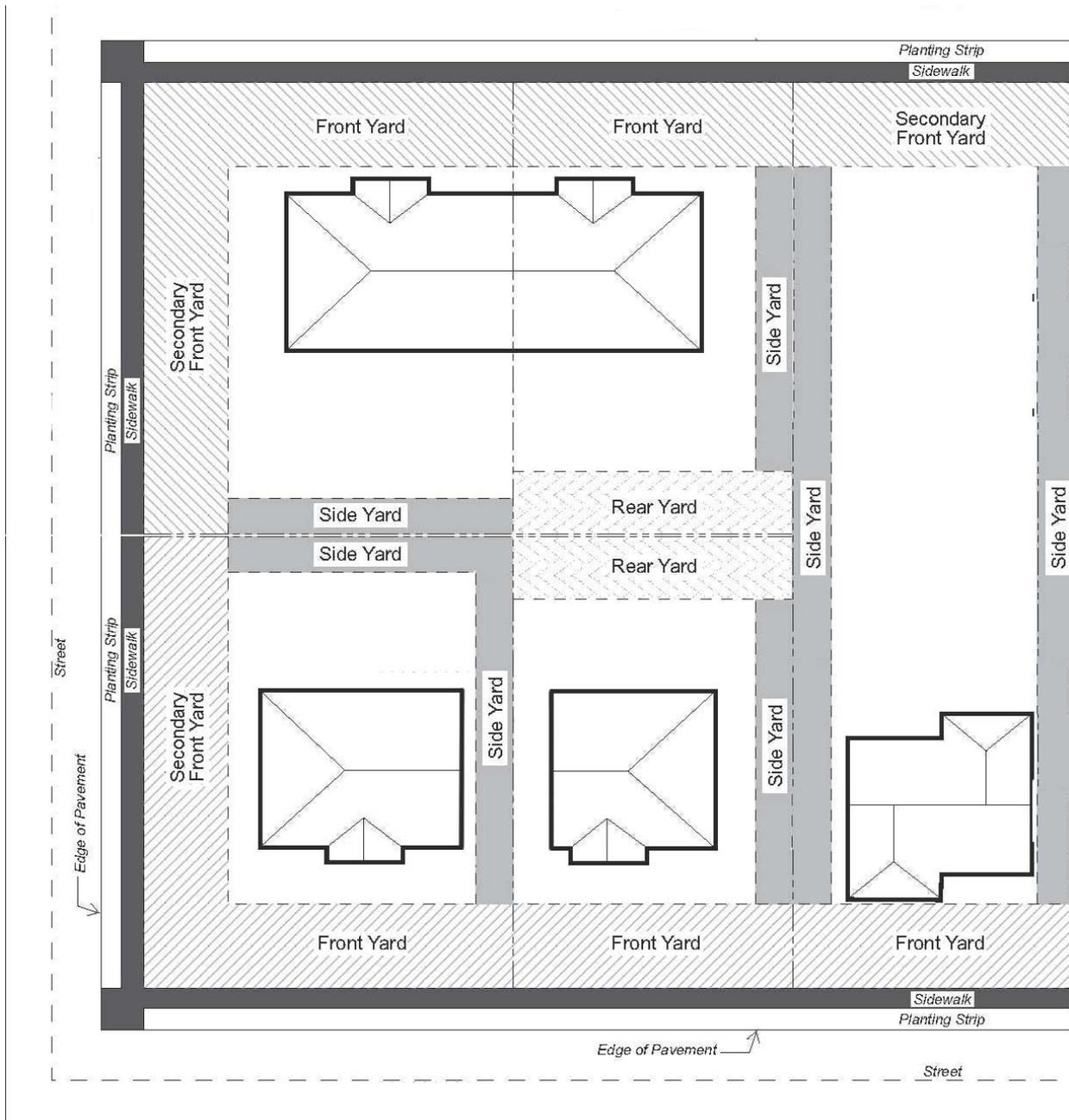
A. ~~Definitions/measurement.~~ Yard Types.

- (1) Setback. The term "setback" refers to the distance by which any portion of a building or structure shall be separated from a lot line.
- (2) Front yard. A front yard is an area of a lot adjacent to its front lot line, measured by the length of the front lot line, extending from one side lot line to the other side lot line, and the width of the required front setback.
- (3) *Primary front yard: for corner lots and through lots, the front yard that contains the building front.*

- (4) *Secondary front yard: a front yard of a corner or through lot that does not contain the building front. A secondary front yard begins at the point where it intersects with the primary front yard and extends to the side property line.*
- (5) Rear yard. The rear yard is an area of a lot adjacent to its rear lot line, measured by the length of the rear lot line, extending from one side lot line to the other side lot line, and the width of the required rear setback.
- (6) Side yard. The side yard is an area of a lot adjacent to its side lot line, measured by the length of the side lot line, extending from the edge of the front setback line to the edge of the rear setback line, and the width of the required side setback.

Figure 72-82.4A, "Yard Types," is replaced with the following figure:

Figure 72-82.4A. Yard Types (effective date: _____)



B. General setback requirements.

- (1) Separation. When the standards in this chapter call for a separation between two different use types or development features, separation shall be measured from the closest edge of one lot to the closest edge of the other lot.

- (2) Averaging setbacks. When zoning district standards permit or require determination of a *any* front or side setback through averaging, the average yard shall be calculated by using the methods set forth here. The dimensions of existing yards shall be determined through the best information reasonably available, including, in order, surveys of record, on-site measurements, or the 2010 tax maps. The median is the type of average that shall be applied. The median front yard shall be calculated by using existing principal buildings along the same block face. The median side yard shall be determined by using lots or parcels of similar width located on the same block face. Each side yard median (left and right) shall be calculated and applied separately. If the foregoing measurements do not establish a clear pattern of development, then the administrator may use the opposite block face to establish the average front or side yard.

[Figure 72-82.4B, “Average Setback Measurement,” is not amended.]

- (3) Corner lots *and through lots*. On a corner lot or ~~double-frontage~~ *through* lot, the yards adjacent to the front lot lines shall be considered front yards and the remaining yards shall be considered side yards.
- (4) Setbacks following government acquisition of land. Where land acquisition for a public purpose reduces the distance between an existing legally established structure and an adjacent lot line to an amount less than the minimum required, the resulting distance shall be deemed the minimum setback for the lot.
- (5) Sight triangles. Regardless of the setbacks applied in a district, no structure except a fence shall be permitted within the required sight triangle. For fences, a sight triangle is *the triangle formed by the two right-of-way lines at a street intersection, or the intersection of a driveway and a street, and a line connecting those two lines 10 feet from their intersection.*
- (6) Uncovered terraces. Required yard setbacks shall not apply to uncovered terraces, uncovered patios and unroofed porches not more than 30 inches above existing grade in residential zoning districts or 15 inches in nonresidential and mixed-use zoning districts.

10. City Code §72-84.0, “Definitions,” is amended as follows:

~~Front (or primary) façade — The side or elevation of a structure that contains the structure’s architectural front, or the portion of the structure facing the street from which the structure derives its street address.~~

FRONT LOT LINE -- the street line(s) that form(s) the boundary of a lot; or, where a lot does not abut a street other than by its driveway, or is a through lot, the lot line which faces the building front.

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. 16-28 duly adopted at a meeting of the City Council meeting held January 10, 2017 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

1. What does the UDO regulate as a “fence?”

A “fence” is a structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.¹ The fence regulations apply equally to “walls.”² The regulations apply to the construction of a new fence or wall, or the reconstruction or replacement of a new fence or wall.³ The regulations do not apply to temporary fencing for construction sites, tree protection,⁴ or retaining walls.

2. What general rules apply to the location of a fence or wall?

Fences and walls may be located in any of the required minimum yards (front, side, rear)⁵ so long as they are located outside the public right of way.⁶ They may be located on the property line between two or more parcels of private property.⁷ They may be located within utility easements, with the permission of the easement holder.⁸

If a fence is located within a “sight triangle,” then it shall not exceed 40 inches in height.⁹ If a fence is located within a required “buffer,” then it shall not disturb or damage vegetation within the buffer. Perimeter fencing within a buffer for a single (multi-lot) development shall be a uniform style.¹⁰

3. What are the general rules for the height of fences?

Generally speaking, rules for the maximum permitted height of a fence depend on two factors: (1) the zoning district, and (2) the location of the fence on the lot. The limitations on fence height within the sight triangle are the strictest, due to their direct impact on public safety.

Zoning district	Location	Maximum height
Any	Within a sight triangle	40”
Residential	Any location on a vacant lot	48”
Residential	Between the front lot line and the front of the principal building	48”
Commercial	Any other location on the lot	72”
Planned Development		
Industrial	Between the front lot line and the front of the principal building	72”
	Any other location on the lot	96”

¹ §72-84, Definitions.

² References to “fences” in this FAQ apply equally to walls.

³ §72-56.0(B)(1).

⁴ §72-56.0(B)(2).

⁵ §72-56.1(A)(3).

⁶ §72-56.1(A)(1).

⁷ §72-56.1(A)(2).

⁸ §72-56.1(B).

⁹ §72-56.1(A)(1). Ordinarily, no structures are permitted within a required sight triangle. (§72-82.4(B)(5)).

¹⁰ §72-56.1(D).

4. What are the regulations for maximum fence heights on corner or through lots?

Corner or through lots pose special considerations for maximum fence heights, since they have at least two “front yards.” The basic regulations for front yards apply to both of the front yards of a corner or through lot, unless special circumstances apply:

Zoning district	Location	Special Circumstance	Maximum Height
Residential Commercial Planned Development	Secondary front yard of a corner or through lot	The secondary front yard abuts a primary front yard.	72” if the fence is not closer to the secondary front property line than the front of the abutting principal structure.
		The secondary front yard abuts the secondary front yard of another lot.	72”

5. What are the regulations for maximum fence height for other special circumstances?

At this time, the regulations recognize one additional special circumstance that justifies a higher maximum fence height:

Zoning district	Location	Special Circumstance	Maximum Height
		An accessory structure is located on the same lot as the proposed fence.	72” if the fence is not closer to the secondary front property line than any side of the accessory structure.

6. Who may grant a case-by-case exception from the fence height regulations?

The Board of Zoning Appeals is authorized to grant a special exception, on a case-by-case basis, from the regulations governing fences in *any front yard* (primary or secondary) in any zoning district. The BZA holds a public hearing on the exception application and applies criteria established by City Council, to decide whether the exception is in the public interest.¹¹ The Planning Commission is entitled to notice of these applications, and it may either appear at the BZA public hearing or send a written comment or recommendation.¹² The BZA may impose conditions on the permit; and it is authorized to revoke a special exception it previously granted, if it determines there has not been compliance with the terms or conditions of the permit, after notice and a public hearing.

¹¹ See the criteria in §72-22.8(F).

¹² Code of Virginia §15.2-2310.

The Zoning Administrator may approve a fence or wall exceeding 6 feet in height in any side or rear yard in a residential, commercial, or planned zoning district, if the adjacent property is in a nonresidential zoning district, or if there are unique topographic or other physical circumstances on the property (that were not created by the property owner).

In addition, the Zoning Administrator may approve a fence or wall exceeding the permitted height in any yard in an industrial zoning district, if there are unique topographic or other physical circumstances on the property (that were not created by the property owner).

The Zoning Administrator may require any taller fence to be set back from the property line an appropriate distance to mitigate the impacts of the taller height.

7. What other restrictions are imposed on fences?

The City does not permit the use of barbed wire, razor wire, or similar fence materials in any zoning district except an industrial zoning district.¹³

A fence within a sight triangle may not impair safety or sight-lines for pedestrians or vehicles traveling in the public rights of way.¹⁴

A nonconforming fence may be replaced with a substantially similar fence in the same location, without bringing the new fence into compliance with current regulations.¹⁵

¹³New §72-56.4.

¹⁴ §72-56.1(E).

¹⁵ §72-63.3.

8. Please define the terms that are used in these regulations.

Please refer to the following definitions and illustrations:

Buffer: An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use, no part of which is used for recreation or parking.¹⁶

Building front: That one face or wall of a building architecturally designed as the front of the building, which normally contains the main entrance for use by the general public.¹⁷

Corner lot: A lot located at the intersection of two or more streets (other than alleys) regardless of whether the streets intersect at right angles.¹⁸

Front lot line: the street line that forms the boundary of a lot; or, where a lot does not abut a street other than by its driveway, or is a through lot, the lot line which faces the Building Front.

Front yard: the area of a lot adjacent to its front lot line, measured by the length of the front lot line, extending from one side lot line to the other side lot line, and the width of the required front setback.¹⁹

Nonconforming: a fence or wall lawfully constructed, which does not comply with current regulations.²⁰

Primary front yard: for corner lots and through lots, the area between the front lot line and the Building Front.²¹

Secondary front yard: a front yard of a corner or through lot that does not contain the Building Front. A secondary front yard begins at the point where it intersects with the primary front yard.²²

Sight triangle: the triangle formed by the two right-of-way lines at a street intersection, or the intersection of a driveway and a street, and a line connecting those two lines 10 feet from their intersection.²³

Through lot: A lot other than a corner lot, with frontage on more than one street other than an alley.²⁴

¹⁶ §72-84.0. See Article 5 of the UDO for buffer yard requirements.

¹⁷ §72-84.0.

¹⁸ §72-82.3(A)(4)(b).

¹⁹ §72-82.4.

²⁰ §72-61.1.

²¹ §72-82.4.

²² §72-82.4.

²³ §72-82.4(B)(5).

²⁴ §72-82.3(A)(4)(d).

PLANNING COMMISSION MINUTES

November 9, 2016

7:30 p.m.

City of Fredericksburg
715 Princess Anne Street
Council Chambers

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website: fredericksburgva.gov

MEMBERS

Jim Pates – Chair
Roy Gratz - Vice-Chair
Jim Beavers, Secretary
Kenneth Gantt
Tom O'Toole
Chris Hornung
Steve Slominski

CITY STAFF

Chuck Johnston, Director
Kathleen Dooley, City Attorney
Mike Craig, Zoning Administrator
Marne Sherman, Development Admin.

1. CALL TO ORDER

Mr. Pates called the November 9, 2016 Planning Commission meeting to order at 7:30 p.m. Mr. Pates welcomed newly-appointed Commissioners Mr. Chris Hornung and Mr. Steven Slominski. He explained the standard meeting procedures.

2. PLEDGE of ALLEGIANCE

3. ADOPTION OF MINUTES

The October 12, 2016 Minutes – Adopted, as edited by Mr. Pates.

4. CAPITAL IMPROVEMENT PLAN (CIP) – Update – Deidre Jett, Budget Manager

Mr. Johnston began the discussion by providing some background. He said Ms. Jett had provided Commissioners with a copy of Section 15.2-2239, which is the pertinent Virginia Code section that describes the Planning Commission's role in preparing a Capital Improvement Program (Attachment A). As indicated in the first sentence of that Code section: "*A local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the locality for a period not to exceed the ensuing five years.*" He noted that the Fredericksburg City Council has not taken an action directing a specific role for the Planning

Commission but Mr. Johnston said he believes it is appropriate that the Commission provide advisory comments and particularly focusing on the nature of the Capital Improvement Program to ensure consistency with the Comprehensive Plan. He said Ms. Jett will discuss the process. He added that the City is at the beginning stages of the FY2018 budget.

Ms. Jett said she had also distributed copies of the current budget calendar and a sample sheet of Project Costs (included in Attachment A). She provided an overview of what is new with the process, the challenges being faced in the FY2018 budget process, and what to expect next, as well as project costs. She said they have changed the look of the CIP to give decision-makers a better tool, as well as to communicate with the public the City's needs and priorities. The CIP will show Cost Categories, Funding Sources as well as Operating Impacts. She said she is currently working with Department Heads, as well as the City Manager, to develop the CIP and analyze the fiscal impacts. In relation to the FY2018 budget, she said staff recognizes that there will be some challenges due to an increase in costs related to the jail, the original Walker-Grant improvements and the current compensation classification study that is being conducted, realizing that there will be some adjustments in the budget for that as well. She briefly went over the Budget Calendar and said she would be happy to change the date of April 12, 2017, for the CIP presentation to the Planning Commission. She said she intends to come back before the Planning Commission after the budget is approved by the City Council in May, 2017.

Mr. Beavers referenced the \$200,000 project cost listed [on the sample Project Cost sheet in the packet] for "Dive and Water Recovery Vehicle & Generator." He noted that the river belongs to Spotsylvania and Stafford Counties and asked whether the City really needed to do this if the counties already had this type of equipment available.

Ms. Jett said it was her understanding that Stafford County did not have this specific dive equipment that the City has, and that when a dive rescue is required, it is the City's [emergency response team] that responds. She said she believed the City serves regionally in the Hazmat [response] role and that the Dive/Rescue is done the same way.

Mr. Gantt referenced the [same] sample project sheet showing "Ambulance, Dive and Water Recovery Vehicle & Generator" and "Fire Apparatus Replacement" and asked if they would be considered fully operational in the 2020 FY Budget timeframe, and whether there are any additional operation and maintenance costs. He said he was attempting to determine what the actual life cycle is for the equipment.

Ms. Jett said that since these are replacements, there would not be additional operation and maintenance costs.

Mr. Gantt said then that the debt service costs would be outside of the regular operation and maintenance funding.

Ms. Jett said that is correct.

Mr. Gantt asked if there has ever been a situation where the City is paying debt service but the replacement item has not come into service. If so, this could mean that we have a gap where we are funding [the item] but don't have utilization yet.

Ms. Jett said they would not do that.

Mr. Pates asked Ms. Jett what she thought the role of the Planning Commission was with respect to the CIP.

Ms. Jett said the role would be that which the City Council, City Manager and the Planning Commission determined it should be. She said that her role and obligation to the Planning Commission, as outlined on the budget calendar, was to present the slate of [capital] projects that the City has planned. She said she would prefer to return to the Planning Commission prior to April 12th, but she could send the Commission the CIP sometime after it was presented in March. That way, the Commission could have about a month to review it. However, she said, the Planning Commission's role is something that would be determined with the City Manager.

Mr. Pates said that in some other localities in Virginia, the Planning Commission is very involved with the CIP. He said it was his understanding that when they discussed the CIP process last year with Mr. Whitley, the intent was that the Planning Commission would get information and be involved in the CIP process early on so that the Commission would have some idea of what [the City Manager's] plans were and what would be the budget implications for items that were listed in the Comprehensive Plan. He said there were many projects listed in the Comprehensive Plan but that nothing was tied to them to ensure that they received funding or priority. He said he would like to see the Planning Commission take a more active role in the CIP this year and in the future.

Mr. Johnston said that as Ms. Jett said, and as he had indicated earlier in the discussion, the role of the Planning Commission in this community is perceived to be advisory and that once the City Manager has prepared his budget, it is considered appropriate that it be reviewed by the Planning Commission at that point in time so the Commission could make recommendations of consistency with the Comprehensive Plan.

Mr. Gantt reminded everyone that he was not serving on the Planning Commission this past spring for the FY2017 budget presentation/review and

asked where the resourcing link happens between the Comp Plan and the budget.

Mr. Pates said that was a good question and one that he was trying to get at. He asked Ms. Jett if she has some ideas along those lines.

Ms. Jett noted that she was relatively new and that we have a new City Manager. She said they want the process to be as useful as possible, as well as being cognizant of what the City can afford, what we are willing to raise taxes for, and what we willing to issue debt for. She said she will take some of the comments she has heard this evening, such as how this fits in with the Comprehensive Plan, and incorporate that into a category into the CIP layout so that it is more easily recognized.

Mr. Hornung said his understanding of CIPs was that a vast majority of what is listed in them is not specifically called out in the Comprehensive Plan, and perhaps the Commission could develop an implementation plan of its own by making a list of those items that we would like to have included [in the CIP]. He said it was an opportunity for the Planning Commission to be proactive to make recommendations of items it believes should be added.

Mr. Pates agreed and suggested that the CIP item be put back on the Commission's agenda for the December meeting, and for everyone to try to think about this to see whether there is something more that the Commission would like to do.

Mr. Johnston said those who were serving on the Planning Commission when the City went through the Comprehensive Plan process would remember that the City's senior planner, Mr. Nelson, had developed an Implementation Strategy/Action Plan as part of the Comprehensive Plan, and that he would forward a copy of that document to Commissioners. He said this could be the starting point for discussion at the next meeting.

Mr. Pates thanked Ms. Jett for her update to Commissioners and then moved on to the Public Hearing.

PUBLIC HEARING

5. The City of Fredericksburg proposes to amend Unified Development Ordinance, Articles 72-4, "Use Standards," and 72-8, "Definitions and Interpretations," to permit the manufacture of beer, wine, and spirits, either by right or by special use permit, in the commercial, planned commercial, planned mixed use, and industrial zoning districts. The uses are classified and regulated on the basis of production volume and the incorporation of commercial activities like restaurants or events venues.

Mr. Craig presented the staff report and a detailed PowerPoint presentation. The PowerPoint presentation is attached as **ATTACHMENT B**.

He said microbreweries were not proposed originally to have any change to where they are permitted. They are currently in the CD, CSC, CH, I1, I2, PDC and PDMU zoning districts. However, the City Council, during discussion of this amendment, suggested discussion of including Microbrewery/taproom as a Special Use Permit use in CT. Red Dragon is an example of this use in CT. They had to get a special use permit for the alcohol sales on site. He also noted that a local brewer's focus group had met and requested to change the term "craft" to "local" [for breweries and wineries] because it means something different to the Brewers Association. Another suggestion was to change a use standard to allow for a small level of outdoor storage for grain in a container for a couple of days, as long it is shown on a site plan.

Mr. Hornung asked whether, under the current zoning ordinance, regional breweries would be allowed as light manufacturing or heavy manufacturing uses?

Mr. Craig said it is undefined and that he does not know.

Mr. Hornung asked that with respect to the breakpoint between microbreweries and craft breweries: (1) Who monitors the reporting of that consumption level? and (2) You hope your business operation is successful and there is a situation where a microbrewery might sell more than they thought they would because they are successful or perhaps they are in a position where they are selling more off-site than on-site. Is it staff's thought at that point that under the new ordinance, it would trigger the business having to come in for a special use permit if they intended to stay at their current facility, or is there some other consideration?

Mr. Craig said the intent of that section is to permit commercial facilities in our commercial districts and the point of those facilities is to have commercial traffic. Up to 10,000 barrels is the business model. He said the way it is structured now, if someone were to continue to expand, they could then obtain the special use permit. The check on production is a [Alcoholic Beverage Control Board] license. He said they have to turn in a license and the license is 500 to 10,000 barrels; or 10,000 and up. They have to submit this every year, so the City will know generally.

Mr. O'Toole said staff had mentioned no outside storage is permitted, but then said that they would like to allow some grain storage outside. He asked the size of the grain storage container.

Mr. Craig said it is roughly the size of a trash can.

Mr. O'Toole asked if they would be required to screen it, or if it something that is permitted.

Mr. Craig said that is up for debate. He said in talking with some of the business owners, they had said that they were already doing it and no one had noticed it. So, he said, to be fair in respect to how they are currently operating and this is their need, then he believes that in talking it through with the Planning Commission that there is a solution. He said if you are talking about something the size of a trash can that is outside for a day or two, and we get it on a site plan so we know where it is to be located, he does not see a problem with it. He said that would be a change from what is currently noted in the Planning Commission's packet.

Mr. O'Toole said on the draft ordinance, page 2, paragraph T(4), it says that "*In considering a special use application, the City Council may consider the proposed location of a loading dock...*" He suggested that "may" be changed to "shall."

Mr. Craig said he agrees that changing it to "shall" would be an acceptable amendment.

Mr. O'Toole referenced the draft ordinance, page 2, paragraph I(4), which reads: "*The location of any loading dock is subject to approval by City Council or the Zoning Administrator, as appropriate.*" He asked for clarification as to what exactly that means.

Mr. Craig said that during the Special Use Permit process, [the location] would be subject to City Council approval; in those certain zoning districts where the use would be permitted by right, the location would be approved by the Zoning Administrator.

Mr. Pates confirmed that it depends on the zoning district.

Mr. Pates said he had questions about the chart [shown on page 1 of the ordinance] and allowing microbreweries in the CD zoning district by right. He said this could essentially allow one on every block in the downtown.

Mr. Craig said this is correct but that currently there is only one.

Mr. Pates said he has some problems with this. He said the only place in the City where a special use permit would be required would be in the CT zoning district.

Mr. Craig said that is correct and that is the only change from what it permitted now.

Hearing no further questions from Commissioners, Mr. Pates opened the floor for public comment.

There was no public comment.

Mr. Pates closed the public comment period for this item and asked the will of the Commission.

Mr. Beavers said he understands Mr. Pates' comment about the possibility of one microbrewery being located on every corner. But, on the other hand, he said, do we really want 50 antique stores that close at 5:00 p.m., or do we want businesses that attract people to the downtown that stay open until 10:30 or 11:00 p.m.? He said that given a choice, he would prefer businesses that are open in the evening.

Mr. Beavers made a motion to approve the Zoning Ordinance Text Amendment as presented by staff and incorporating the following amendments: (1) the language requested by Mr. O'Toole on Page 2, paragraph T(4), first sentence -- to replace the word "may" with "shall"; (2) the change to using the term "local" instead of "craft"; and (3) the allowance of storage of small containers of grain, as long as it was so noted on a site plan.

Mr. Hornung seconded the motion and said he saw this text amendment as being more protective of the downtown.

Motion carried by a vote of 7 – 0.

UNFINISHED BUSINESS/ACTION ITEMS

6. The City of Fredericksburg proposes amendments to the Unified Development Ordinance of the City Code to change fence regulations. The amendments:
 - a. provide additional flexibility for fences on corner lots and through lots;
 - b. decrease permitted fence heights from six feet to four feet in any front yard of lots zoned Commercial;
 - c. authorize the Board of Zoning Appeals to issue special exceptions from fence height regulations in any front yard (including a secondary front yard on a corner or through lot);
 - d. prohibit the use of barbed wire or razor wire except in an Industrial district; and
 - e. clarify terms, figures, measurements, and tables related to sight triangles, lot types, required yards, and building fronts on lots in all zoning districts.

Ms. Sherman presented the updates in the staff report. The public hearing for this item was held on October 12, 2016. There was no public comment at that time. Even though the public hearing had closed, one citizen who lives on a corner lot offered written public comment on October 14 and requested approval of the text amendment.

She also said the Board of Zoning Appeals (BZA) had reviewed the proposed text at a meeting on October 17, 2016. No formal action was taken, but several BZA members expressed a desire to maintain a limit of four feet in height on fences within any front yard (primary and secondary) and allow for case-by-case consideration by the BZA through a Special Exception Process.

There was additional discussion about further defining the criteria by which to evaluate a Special Exception request. Suggestions included requiring a specified setback [for the fence] per inch in fence height that was above the four-foot limitation (e.g., for every inch of height increase, the fence would be set back four inches from the property line) or mandating a certain level of transparency for fencing over the four-foot height.

Staff considered these items but determined that there are no specific criteria that would work in all cases throughout the City. There may be some lots where a solid six-foot tall fence within a front yard would be appropriate right along the property line and some cases where a taller fence would be inappropriate due to the character and pattern of the neighborhood, no matter its design. A minimal setback could create a "dead space" between the fence and the sidewalk, where a property owner might neglect maintenance of a small grass strip because it is hidden behind the taller fence. Additionally, the resulting setback may not be enough to protect the adjacent lot and maintain the overall neighborhood pattern. The concepts of transparency and setback are listed as evaluation criteria for issuance of a Special Exception. As written, the BZA will consider these elements with each unique application.

Ms. Sherman added that staff had provided fence tours that were attended by several members of the Planning Commission and two BZA members. One BZA member took a tour independently.

Ms. Sherman referenced page three of the text amendment, criteria (4). She said a BZA member suggested that this language be moved into the preamble of [the ordinance describing] when the BZA would even consider a Special Exception. Specifically, the suggested wording is to be inserted into Section 72-22.8F as the second sentence: *"Special exceptions may be granted in cases where the size, configuration, or other unusual characteristics of the lot, including existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant harm to adjacent properties or the neighborhood."*

Mr. Beavers commended staff for putting this highly technical ordinance together. He referenced paragraph "H. Appeals," on page three of the ordinance. He said the language is redundant because any tax payer is obviously a "person", and he suggested it be stricken from the ordinance.

Mr. Dooley said she would be happy to forward Mr. Beavers' remarks to the General Assembly, but this language was from the State Code.

Mr. Beavers said he had previously suggested that the language [in the ordinance] distinguish between privacy fences (e.g., regular six-foot solid privacy fences) versus more transparent six-foot fences, such as the one at Federal Hill, where a [transparent] view is maintained. He said staff had said at that time that they did not want to get that prescriptive; yet staff does address razor wire, barbed wire, or similar applications. He asked staff to distinguish for him the privacy fence issue.

Ms. Sherman said the razor wire and barbed wire are not only an aesthetic issue but also one of safety, particularly in residential districts. She said that although we have commercial uses that include a mix of residential uses, [transparency of fences for these lots] is also an issue of safety and aesthetics. She added that everyone has an opinion as to how transparent something should be before it is off-putting. She said staff attempts to write ordinances that are as straightforward as possible, although this issue is somewhat complex.

Mr. Slominski said that during the fence tour, it was discussed that vegetation can almost become a "wall." He asked if there is anything that can be done to regulate this, because in his opinion tall vegetation can have the same affect.

Mr. Hornung said he believes that you are heading down a slippery slope when you start regulating vegetation on private property. He said he believes, in general, that vegetation itself is a more acceptable treatment along the property line vs a solid wall fence.

Dr. Gratz pointed out that on page 5 of the ordinance, in the Fence and Wall Height table, it shows that in any zoning district; within a site triangle, the maximum height is 40." However, on page 6 of the ordinance in Figure 72-56.2, the diagram shows that the Site Triangle is 3.5 feet maximum, which is 42 inches.

Ms. Sherman thanked Dr. Gratz for catching that error and said it would be corrected.

Dr. Gratz said he is concerned about the 40 inches. He said he has a low car and pulls up to a curb he cannot see what is coming due to cars being parked along the roadways. He said he believes 24 inches would be better. Also, he said he is uncomfortable with the BZA making these decisions instead of the

Planning Commission and City Council. An additional concern, he said, was these corner lots with a secondary front yard and being allowed to build a six-foot fence when it may not be conducive for certain neighborhoods.

Ms. Sherman said that was the BZA's concern, which is why they generally felt that maintaining the four-foot height limit across the board and then allowing them to consider taller fences on a case-by-case bases was the way to go.

Dr. Gratz asked Ms. Sherman to state once again why these considerations would go to the BZA instead of the Planning Commission and ultimately City Council.

Ms. Sherman said it was because going to the BZA involved only one public hearing. She said it might be a little [too] much to require a homeowner to come before two boards/commissions; also, the expense associated with advertising two public hearings and a process which could end up being a two- to three-month process just seemed a bit excessive for a fence. She said the biggest thing is to make sure the neighbors know that these types of proposals are going before the BZA, to allow their input on these issues.

Ms. Sherman and Mr. Johnston explained that the Planning Commission would have an opportunity to comment on these cases and submit its comments to the BZA for consideration.

Mr. Pates referenced page two of the proposed ordinance, paragraph F (1). He said it seemed to him that one of the main issues on these special fence applications would be blocking the sight lines, regardless of your sight triangle for oncoming automobile traffic. He asked if staff would consider that part of "endangering the public safety" [language used in the ordinance].

Ms. Sherman said, yes, she would. She said that if the Commission believes it should be included, they could specify sight lines.

Mr. Pates said he believed it would be helpful because that is the main problem with these tall fences at corners, which is that it blocks the sight lines and ability to see oncoming traffic.

Mr. Pates said that with respect to privacy vs transparent fences, he believed the issue was a very legitimate one. He referenced condition #5 on page three of the draft ordinance. He said he wondered if it would be beneficial to have some drawings in the Code that could be used as a guide for what the City considers acceptable or what we have in mind for transparency. He said he also shared the concern expressed about the BZA granting special exceptions. He asked if currently the City Council grants all special exceptions.

Ms. Sherman said yes, the City Council currently considers all Special Exception requests.

Mr. Pates said he would support a motion to amend the ordinance to provide for the City Council to grant any special exception regarding fences.

Mr. Gantt said he would like to address the comments made by Mr. Pates and Dr. Gratz. He asked if it is not a two-fold matter where the City is trying to ensure we uphold a standard, but that we also not make the process tedious. He said he wanted to clearly understand why what the staff has presented is causing concern that something may be missed. So [why] are we wanting to extend the process beyond what has been proposed by staff?

Dr. Gratz said he does not know why this should be a special exception to the special exception rules. He said it appears to him that if we do this, then there will be other [situations] where they City will want to do the same thing. He said any special exception request should require some effort by the people who are requesting it. Are we now going to say there are other things that are considered "minor" and say they only need [to go through] one public hearing in order to move forward? He suggested that all special exceptions be kept the same and go through the Planning Commission and the City Council.

Mr. Gantt said here again, he would like to ask: Are we suggesting we do it the way Dr. Gratz and Mr. Pates are suggesting because that is the way we have always done it and should [therefore] continue doing it this way? Or are we trying to ensure that the standards are adhered to?

Dr. Gratz said of course we want to make sure the standards are adhered to, but he does not believe that holding two public hearings is that big of a deal. He added that these types of things usually have minor objections by neighbors, so they get a chance to state their objections twice instead of just once.

Mr. Pates said that, for himself, having all special exceptions go to the Council is advisable because it raises the profile of the issue and allows the public and neighborhoods more of an opportunity to weigh in on something like this. He said there is almost nothing that can get a neighborhood upset as much as fences and he believes they are important and they have a real impact on neighborhoods.

Mr. Hornung said he is in the "expediency category" on this issue. He said he would like to see the ordinance written where there is an administrative variance process that requires you meet certain criteria. He said that by the production of the proposed ordinance, staff is very well-schooled in the issue at hand. He said he understands where there could be a situation when a neighbor may disagree with a certain type of fence and he said he had suggested in the past that, if there could be an administrative variance process where an applicant met the

criteria, staff would be able to approve it administratively. He said the proposal of having it go to the BZA is a good middle ground and that he would oppose requiring it to go to the Planning Commission and City Council.

Mr. Beavers said he disagreed with Mr. Hornung. He said he personally had a situation where his neighbor wanted to put up a six-foot fence, which would have been 8 inches from his house because of the way his home is situated. He asked if we are just going to allow the administrative staff to approve these, as opposed to City Council or BZA. He said in his case, they had to go before the BZA and ARB because it was in the historic district. He said he opposes allowing the Admin staff to approve these.

Mr. Beavers made a motion to recommend approval of the ordinance by adopting the language that was suggested by Mr. Pates, that these issues go before the Planning Commission and City Council for consideration and not the BZA. He also moved to include:

- Moving paragraph (4) on page 3 of the draft ordinance to Section 72-22.8F as the second sentence;
- Correcting the drawing on page 6 of the ordinance to reflect the Sight Triangle only being allowed a maximum of 40 inches (instead of 3.5' Maximum as currently indicated); and
- Adding the language regarding "sight lines" to paragraph F.(1) on page two of the ordinance.

Dr. Gratz seconded the motion.

Motion failed by a vote of 3 – 4, with Mr. Hornung, Mr. Gantt, Mr. Slominski and Mr. O'Toole voting against the motion.

Mr. Gantt said he is fine with all the changes mentioned in the previous motion except he would remove the requirement of these applications going before the Planning Commission and City Council. He would like these applications to go before the BZA, as outlined by staff.

Mr. Gantt made a motion to recommend approval of the proposed ordinance as drafted with the following amendments:

- Moving paragraph (4) on page 3 of the draft ordinance to be inserted into Section 72-22.8F as the second sentence;
- Correcting the drawing on page 6 of the draft ordinance to reflect the Sight Triangle only being allowed a maximum of 40 inches (instead of 3.5' Maximum as currently indicated); and
- Adding the language regarding "sight lines" to paragraph F.(1) on page two of the draft ordinance.

Mr. Hornung seconded the motion.

Motion passed by a vote of 5 – 2, with Mr. Pates and Dr. Gratz voting against the motion.

GENERAL PUBLIC COMMENT

*A general public comment period is provided at each regular meeting for comments by citizens regarding any matter **related to Commission business that is not listed on the Agenda for Public Hearing.** The Chair will request that speakers observe the **three-minute time limit** and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.*

Mr. Pates opened the floor for General Public Comment.

There were no speakers.

Mr. Pates closed the General Public Comment period, and moved on to New Business.

NEW BUSINESS

Mr. Pates added "New Business" to the Agenda, noting that the Bylaws provide that this item is supposed to regularly come after "Old Business" and before "General Public Comment" on the Agenda.

7. Zoning Notices from Spotsylvania County. Mr. Pates said that the Planning Director had forwarded to the Commission two notices of public hearings being conducted by the Spotsylvania County Planning Commission on two zoning matters. He asked how the Commission or City staff wanted to handle these notifications.

Mr. Johnston said the notifications were required by the State Code, if applications for special use/exceptions and zoning map amendments were for property located within a certain distance of the City limits. He said that the two items listed on the most recent notice that he received were fairly minor issues that didn't have a significant impact on the City. However, he said, when he receives these notifications, he will submit them to the Commission in case they may want to provide input or voice concerns to these adjoining jurisdictions when applications could potentially have a significant impact on the City.

Dr. Gratz suggested that Commissioners may go to the Spotsylvania County website if they require additional information on upcoming hearings.

OTHER BUSINESS

8. Planning Commissioner Comments

Mr. Pates asked when the Planning Commission could expect to receive the draft Planning Commission Annual Report.

Ms. Sherman said that staff is currently working on the Annual Report and has scheduled it for submission with the December 14, 2016 Planning Commission packet.

For the benefit of the newly-appointed Commission members, Mr. Pates read Section 5-14 of the Planning Commission By-Laws, which states: *“Not later than December 1 of each year, the Commission shall make recommendations and an annual report to the Council concerning the operation of the Commission and the status of Planning within the City. The report shall include statistics on land use development during the preceding fiscal year, enforcement activities, and the implementation of recommendations set forth in the Comprehensive Plan.”*

9. Planning Director Comments

Mr. Johnston provided an update of recent City Council Action:

- Proffer Regulations – City Council asked for a work session on December 6, 2016.
- Rezoning request for the Hamptons – No action for two weeks.
- B&B at 1517 Caroline Street – Approved.

Mr. Johnston also informed Commissioners of an upcoming application that may be coming before them at their December 14 meeting regarding a special exception and special use permit request for the Hillel Jewish Center by UMW.

Mr. Johnston reminded Commissioners of two upcoming Small Area Plans (Areas 3 and 6) meetings being held in November.

ADJOURNMENT

Meeting adjourned.

James M. Pates, Chair

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2239. Local planning commissions to prepare and submit annually capital improvement programs to governing body or official charged with preparation of budget.

A local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the locality for a period not to exceed the ensuing five years. The commission shall submit the program annually to the governing body, or to the chief administrative officer or other official charged with preparation of the budget for the locality, at such time as it or he shall direct. The capital improvement program shall include the commission's recommendations, and estimates of cost of the facilities and life cycle costs, including any road improvement and any transportation improvement the locality chooses to include in its capital improvement plan and as provided for in the comprehensive plan, and the means of financing them, to be undertaken in the ensuing fiscal year and in a period not to exceed the next four years, as the basis of the capital budget for the locality. In the preparation of its capital budget recommendations, the commission shall consult with the chief administrative officer or other executive head of the government of the locality, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary.

Localities may use value engineering for any capital project. For purposes of this section, "value engineering" has the same meaning as that in § 2.2-1133.

Code 1950, § 15-966; 1962, c. 407, § 15.1-464; 1975, c. 641; 1976, c. 650; 1996, c. 553; 1997, c. 587; 2006, c. 565; 2011, c. 658.

FY 2018 Budget Calendar

Summary	
Budget Instructions Sent to Departments	Monday, October 17, 2016
CIP Planning Discussion with Planning Commission	Wednesday, November 09, 2016
Budget Submissions due to Budget Manager	Friday, December 02, 2016
City Manager's Budget Presented to City Council	Tuesday, March 14, 2017
Budget Work Session	Tuesday, March 28, 2017
Budget Work Session	Tuesday, April 11, 2017
CIP Presentation to Planning Commission*	Wednesday, April 12, 2017
Public Hearing on Budget	Tuesday, April 18, 2017
First Reading of Budget	Tuesday, April 25, 2017
Second Reading of Budget	Tuesday, May 09, 2017
Approved CIP Presentation to Planning Commission	Wednesday, May 10, 2017
Budget Posted to Website	Friday, June 30, 2017

** Tentative date. This is the first regularly scheduled Planning Commission meeting after the CIP is presented to the City Council.*

Ambulance and Fire Apparatus

Est. Opening Date: On-going

Total Project Cost: \$1,415,000

PROGRAM DESCRIPTION

The City replaces ambulances and fire apparatus as part of an ongoing fleet replacement program. The City needs to replace fire apparatus as they age; the same holds true for ambulance units. In addition, the City is seeing increased call volume for EMS, and needs to add personnel and ambulance units.



The City is also replacing the dive team vehicle and associated equipment, with funding scheduled for FY 2018.

OPERATING IMPACT SUMMARY

There is a plan to add nine EMS Medics over three years for the extension of coverage to 24-7 at the Advanced Life Support level. The City has added five of the nine personnel heading into the FY 2017 budget cycle.

PROJECT COSTS

Cost Categories	Prior Year	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total	Future Years
Ambulance	0	0	260,000	260,000	0	0	520,000	0
Dive and Water Recovery Vehicle & Generator	0	220,000	0	0	0	0	220,000	0
Fire Apparatus Replacement	0	0	675,000	0	0	0	675,000	0
Total	\$0	\$220,000	\$935,000	\$260,000	\$0	\$0	\$1,415,000	\$0

Funding Sources	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total	Future Years
General Fund Transfer	0	0	220,000	260,000	0	740,000	0
Debt Issuance	0	0	0	675,000	0	675,000	0
Total	\$0	\$0	\$220,000	\$935,000	\$260,000	\$1,415,000	\$0

Operating Impacts	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total	Future Years
Personnel	0	0	0	0	0	0	0
Operating	0	0	0	0	0	0	0
Debt Service	0	0	0	81,163	81,163	162,326	649,303
Revenue/Savings	0	0	0	0	0	0	0
Total	\$0	\$0	\$0	\$81,163	\$81,163	\$162,326	\$649,303



UDOTA ----

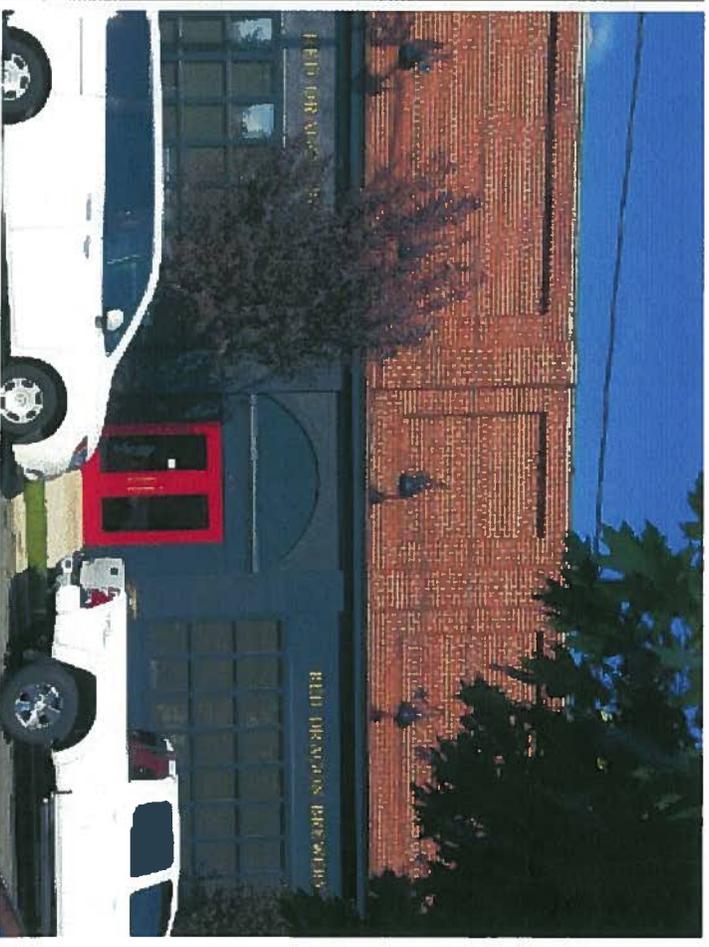
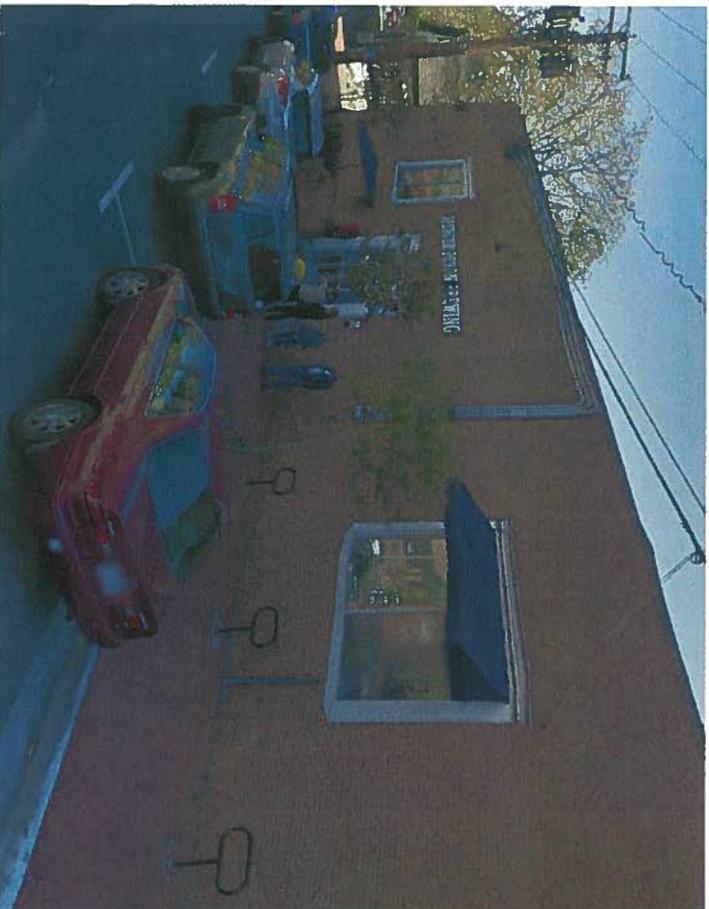
BREWERIES, WINERIES, DISTILLERIES

WHY?

- Changes in state law have affected the way breweries, wineries and distilleries operate in the state of Virginia:
 - Post-prohibition industrial/manufacturing character of the production of beer, wine and spirits is no longer the sole model.
 - Microbreweries, craft breweries, wineries, and distilleries have become more commercial in nature, with lower production volumes and a focus on on-site sales and consumption.
 - Regional breweries, wineries, and distilleries have become tourist destinations and the Fredericksburg Regional Alliance and the City's Economic Development Department are marketing sites in the heavy commercial and industrial districts for these uses.
- Changes in industry practice have evolved beyond the regulations in the City's Unified Development Ordinance:
 - Uses are best differentiated by production volume and commercial character.
 - Use standards need to be updated to ensure that the proposed alcohol producer blend into the existing urban fabric.
 - Current uses are too restrictive and too permissive!

DEFINING AND INTERPRETING NEW (AND EXISTING) USES

- Production stratified to be in accordance with Virginia Alcoholic Beverage Control licensing limits and by commercial character:
- Microbrewery is currently unlimited. Proposal is to limit at 10,000 barrels annually where beer produced on-site is primarily consumed on-site.
- Use standards are proposed with the Microbrewery use:
 - No outside storage;
 - Outdoor events require an event plan; and
 - VABC licensing needs to be on file.



DEFINING AND INTERPRETING NEW (AND EXISTING) USES

- Craft level breweries produce from 10,001 to 30,000 barrels and wineries and distilleries produce up to 5,000 gallons where 25% is consumed or sold on-site in a commercial facility.
- Distilleries are different from wineries and breweries. They are limited in the amount they may serve on-site (4 servings of 0.5 ounces for each person). The commercial components are tours and an on-site distillery store that sells the spirits for off-site consumption.
- Use standards are proposed with the Craft level uses:
 - No outside storage;
 - Outdoor events require an event plan;
 - VABC licensing needs to be on file;
 - The location of any loading dock; and
 - An analysis of existing public water and sewer conveyance and treatment.



DEFINING AND INTERPRETING NEW (AND EXISTING) USES

-Regional level breweries produce from 30,001 to 250,000 barrels and wineries and distilleries produce from 5,001 to 36,000 gallons where there is a commercial component (like a restaurant, tasting room, provision for tours, etc) but no required amount of on-site consumption.

-Use standards are proposed with the Craft level uses:

- Outdoor storage shall conform to the standards for outside storage as a principal use;
- Outdoor events require an event plan;
- VABC licensing needs to be on file;
- The location of any loading dock; and
- An analysis of existing public water and sewer conveyance and treatment.



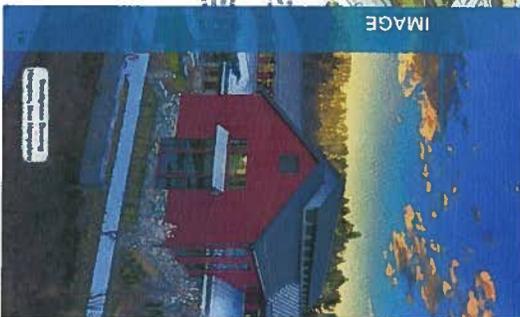
IMAGE



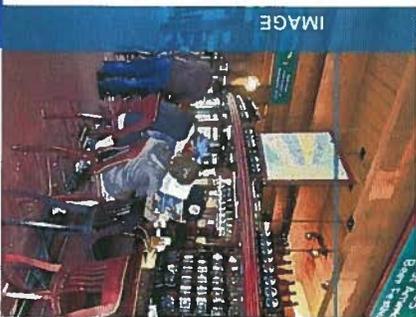
INDUSTRIAL BREWERY
CONCEPT DEVELOPMENT



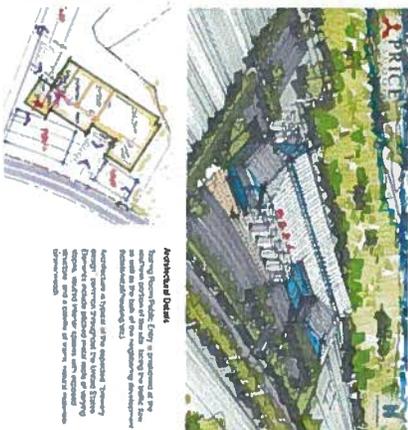
Architectural Details
 This rendering depicts a typical industrial brewery building. The building is designed to be a functional and efficient space for the production and distribution of beer. The building features a large, open interior space with high ceilings and a concrete floor. The building is surrounded by a parking lot and a loading dock area. The building is designed to be a functional and efficient space for the production and distribution of beer.



IMAGE



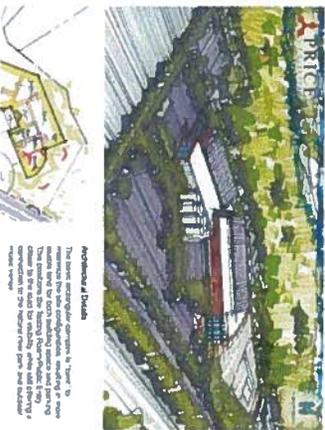
IMAGE



TRADITIONAL BREWERY
CONCEPT DEVELOPMENT



Architectural Details
 This rendering depicts a typical traditional brewery building. The building is designed to be a functional and efficient space for the production and distribution of beer. The building features a large, open interior space with high ceilings and a concrete floor. The building is surrounded by a parking lot and a loading dock area. The building is designed to be a functional and efficient space for the production and distribution of beer.



CONTEXTUAL BREWERY
CONCEPT DEVELOPMENT



Architectural Details
 This rendering depicts a typical contextual brewery building. The building is designed to be a functional and efficient space for the production and distribution of beer. The building features a large, open interior space with high ceilings and a concrete floor. The building is surrounded by a parking lot and a loading dock area. The building is designed to be a functional and efficient space for the production and distribution of beer.

DEFINING AND INTERPRETING NEW (AND EXISTING) USES

-Heavy manufacturing includes breweries producing over 250,000 barrels and wineries and distilleries producing over 36,000 gallons annually.



ALLOCATING NEW (AND EXISTING) USES

- No uses permitted in Commercial – Transitional Office.
- No change to microbrewery zoning.
- Craft** level uses are an S in in other Commercial and Light Industrial zones and P in General Industrial.
- Regional level uses are an S in PD-C and General Industrial.
- Heavy Manufacturing is an S in General Industrial.

Existing Use Table:

Use Type	C-T	C-D	C-SC	C-H	I-1	I-2	PD-C	PD-MU
Microbrewery/taproom		P	P	P	P	P	P	P
Restaurant, indoor/outdoor seating	P	P	P	P	P	P	P	P
On-premise consumption of alcohol	S							
Manufacturing, light					P	P		
Manufacturing, heavy						S		

Proposed Use Table:

Use Category	Use Type	CT	CD	CSC	CH	I1	I2	PDC	PDMU
Alcoholic Beverage Production	Microbrewery/taproom		P	P	P	P	P	P	P
	Craft brewery		S	S	S	S	P	S	S
Production	Craft distillery		S	S	S	S	P	S	S
	Craft winery		S	S	S	S	P	S	S
	Regional brewery							S	S
	Regional winery							S	S
	Regional distillery							S	S
	Heavy Manufacturing						S		

LOCAL BREWERS FOCUS GROUP

Four comments on the ordinance as written ----

1. Overall positive change by the City.
2. Requested to change the name "craft" as it means something different to the Brewers Association than as defined in this ordinance. We suggest "local".
3. Consider a small level of outdoor storage for grain in a container. We suggest that a minor level of storage in a container be permitted as long as it is shown on the site plan.
4. Ensure that a production facility (no commercial accessory) between 0 and 30,000 barrels annually is permitted in the industrial districts. We suggest adding this type of facility to the definition of Light Manufacturing.



MOTION: KELLY
SECOND: WITHERS

September 13, 2016
Regular Meeting
Resolution No. 16-82

RE: INITIATING A UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT TO CHANGE THE REGULATIONS OF FENCES IN ALL ZONING DISTRICTS, INCLUDING CHANGES IN THE DEFINITIONS OF REQUIRED YARDS

ACTION: APPROVED: Ayes: 7; Nays: 0

WHEREAS, the City Council proposes to amend the Unified Development Ordinance regulations for fences in all zoning districts, to provide clarity and flexibility in these regulations, while continuing to provide for adequate light, air, convenience of access, and safety from crime, and other dangers; to facilitate the creation of a convenient, attractive and harmonious community; and protect against loss of life, health, or property from fire. While the purpose of the ordinance is to change fence regulations, these changes require changes in the definitions of required yards, for purposes of implementing the new regulations and providing additional flexibility.

WHEREAS, in proposing 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby initiate an amendment to City Code Chapter 72, the Unified Development Ordinance, to modify the regulations for fences in all zoning districts. City Council refers this proposal to the Planning Commission for review, public hearing, and recommendation under the procedures set forth in City Code §72-22.1.

Votes:

Ayes: Greenlaw, Withers, Devine, Duffy, Ellis, Frye, Kelly

Nays: None

Absent from Vote: None

Absent from Meeting: None

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 Resolution No. 16-82 duly adopted at a meeting of the City Council meeting held September 13, 2016, at which a quorum was present and voted.



Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Tim Baroody, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: January 3, 2017 (for the January 10, 2017 meeting)
RE: Proposed Unified Development Ordinance Text Amendment– Breweries, Wineries, Distilleries

ISSUE

Shall the City Council amend the Unified Development Ordinance to define and locate different levels and types of Alcoholic Beverage Production facilities in commercial, industrial, and planned development zoning districts?

RECOMMENDATION

Approve the text amendment.

CITY COUNCIL PUBLIC HEARING

The City Council held a public hearing on this item on December 13, 2016 at which no one spoke. After consideration, the City Council voted unanimously to approve the proposed ordinance on first read. The item is back before the Council for a second read. No changes have been made to the ordinance as presented on December 13.

PLANNING COMMISSION PUBLIC HEARING

The Planning Commission held a public hearing on this item on November 9, 2016 at which no one spoke. However, the Zoning Administrator met with the owner / operators of Spencer Devon and Red Dragon Brewery to discuss the proposed resolution prior to the Planning Commission meeting. The group had three suggestions:

- Change the “craft” designation to “local.”
- Permit grain to be temporarily stored in a container roughly the size of a trashcan outside on a loading dock or other area shown on a site plan.
- Clarify the definition of Light Manufacturing to state that a production facility making up to 30,000 barrels annually without a designated commercial element would be permitted as an industrial use. Light Manufacturing (including “food processing”) is currently permitted by right in the I-1 and I-2 zoning districts.

The Planning Commission included the first two provisions in a recommendation for approval of the ordinance to the City Council that was approved unanimously. The third provision was not addressed by the Commission, but has been included in the draft ordinance for consideration by the City Council.

BACKGROUND

The attached proposed amendment to the UDO revises the provision for brewery, winery, and distillery uses in the City of Fredericksburg. The amendments recognize that the post-Prohibition industrial/manufacturing character of the production of beer, wine, and spirits is no longer the sole model, with the emergence of lower-volume specialized production facilities, paired with traditional commercial character (retail sales, restaurants, events) starting in the 1990s. This new business model is appropriate and indeed desirable in many areas of the city. The amendments distinguish the new uses by (1) production volume and (2) commercial character – especially the on-premises sales or consumption of the product – and distribute these uses in the appropriate commercial zoning districts, either by-right or by special use permit. The City’s ordinances need to be updated to keep pace with changes in the marketplace.

The Fredericksburg Regional Alliance (FRA) and the City’s Economic Development staff have identified and are marketing several sites in the City’s Commercial, Industrial, and Planned Development zoning districts for different types of breweries, wineries and distillers that would require a Special Exception to operate. Also, the City’s existing definitions and use regulations do not reflect the emerging local alcohol production industries; the City’s definition of a microbrewery currently has no upper production limit or use standards associated with the use. This means that a fairly intensive use can be developed by-right adjacent to residential areas without appropriate safeguards or protections for surrounding uses.

Below is a summary of the proposed amendment to the UDO.

1. Creating the alcoholic beverage production use category.

The proposed update establishes a new Use Category in the Use Table called Alcoholic Beverage Production. The current Microbrewery/Taproom use is incorporated into this category. The Use Types within the category will be stratified by intensity. Intensity is based on commercial character and annual production. The different levels of Use Type built within this Use Category are proposed to be: microbrewery, local brewery/distillery/winery, and regional brewery/distillery/winery. Industrial alcohol production are proposed to be specifically defined in the Light and Heavy Manufacturing Use Types, that are to remain in the Manufacturing Use Category.

2. Defining and interpreting new uses within the use category.

The proposed update amends the definition of Microbrewery to establish production levels up to 10,000 barrels per year (a barrel is 31 gallons). This is in accordance with Virginia Alcoholic Beverage Control (VABC) licensing limits and establishes that the beer produced at the facility will primarily be sold or consumed on-site in an accessory commercial area.

The proposed update defines Local Brewery as a brewery producing from 10,001 to 30,000 barrels with on-premises retail sales or consumption of at least 25% of the beer produced required in an accessory commercial area. The proposed update similarly requires 25% of wine or spirits to be sold in an on-site accessory commercial area within the proposed Local Distillery and Winery but sets their production limits at 5,000 gallons in accordance with VABC licensing limits.

The proposed ordinance defines Regional Brewery as a brewery producing from 30,001 to 250,000 barrels of beer and requires an accessory commercial use, but no required amount of on-site

consumption of the product. The proposed ordinance similarly defines Regional Distillery and Winery but sets their production limits from 5,001 to 36,000 gallons in accordance with VABC licensing limits.

The proposed update amends the definition of Light Manufacturing to clarify that food processing includes a *production brewery producing up to 30,000 barrels of beer annually* as an industrial use. The proposed update amends the definition of Heavy Manufacturing to include breweries producing more than 250,000 barrels annually and wineries or distilleries producing more than 36,000 gallons annually.

The proposed update defines Barrel, Beer, Spirits, and Wine as prescribed in Code of Virginia Title 4.1, Alcohol Beverage Control Act, § 4.1-100, “Definitions.”

It also creates a new section in § 72-83 Use Classification, Categories, and Use Types to add the Alcoholic Beverage Use category and explanations and examples of each use type.

An exhibit is attached to this memo containing examples of these different types of uses in order to help illustrate each type of use.

3. Allocating and regulating the newly defined uses.

The proposed amendment allocates the micro, local, and regional into the commercial and industrial zoning districts in accordance with the following chart:

Use Category	Use Type	CT	CD	CSC	CH	I1	I2	PDC	PDMU
<i>Alcoholic Beverage Production</i>	<i>Microbrewery/taproom</i>		P	P	P	P	P	P	P
	<i>Local brewery</i>		S	S	S	S	P	S	S
	<i>Local distillery</i>		S	S	S	S	P	S	S
	<i>Local winery</i>		S	S	S	S	P	S	S
	<i>Regional brewery</i>						S	S	
	<i>Regional winery</i>						S	S	
	<i>Regional distillery</i>						S	S	
	<i>Light Manufacturing</i>					P	P		
	<i>Heavy Manufacturing</i>						S		

The proposed amendment assigns use standards to the micro, local, and regional level uses. Microbreweries are proposed to comply with the following standards:

- (1) A copy of the current Virginia ABC license shall kept on file with the Zoning Administrator.
- (2) No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:
 - a) The storage shall be approved on a minor site plan.
 - b) The storage shall not be between the building and any public right-of-way.
 - c) The storage area shall be collocated with a loading dock where applicable.
- (3) No outdoor events are permitted on the premises without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.

Local level uses are proposed to comply with the following standards:

- (1) A copy of the current Virginia ABC license shall kept on file with the Zoning Administrator.
- (2) No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:
 - a) The storage shall be approved on a minor site plan.
 - b) The storage shall not be between the building and any public right-of-way.
 - c) The storage area shall be collocated with a loading dock where applicable.
- (3) No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.
- (4) The location of any loading dock is subject to approval by City Council or the Zoning Administrator, as appropriate.
- (5) In considering a special use application, the City Council shall consider whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.

Regional level uses are proposed to comply with the following standards:

- (1) A copy of the current Virginia ABC license shall kept on file with the Zoning Administrator.
- (2) Outdoor storage shall conform to the standards for outdoor storage as a principal use.
- (3) No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.
- (4) In considering a special use application, the City Council shall consider the proposed location of a loading dock and whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.

CONCLUSION

The Unified Development Ordinance needs to be updated to keep pace with changes in Virginia's brewing and distilling economy. The ordinance needs to better define breweries, wineries, and distilleries and those uses should be differentiated by their production levels and commercial nature. Additional regulations are needed to ensure that the uses remain in harmony with surrounding residential, commercial, or industrial uses. The City Council should approve the proposed update to the Unified Development Ordinance attached to this memo.

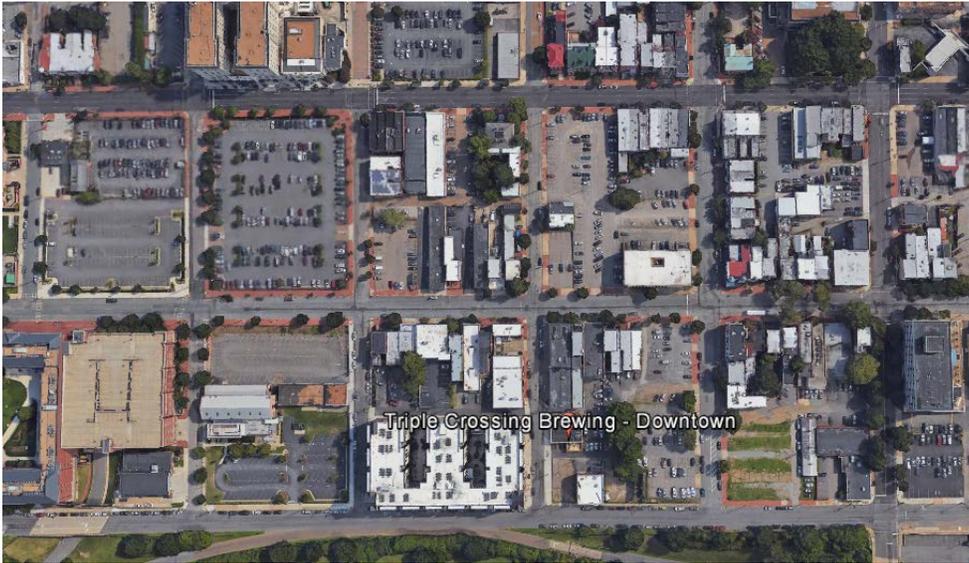
ATTACHMENTS

1. Draft ordinance
2. Exhibit – Comparable Alcoholic Beverage Producers

EXHIBIT – COMPARABLE ALCOHOLIC BEVERAGE PRODUCERS

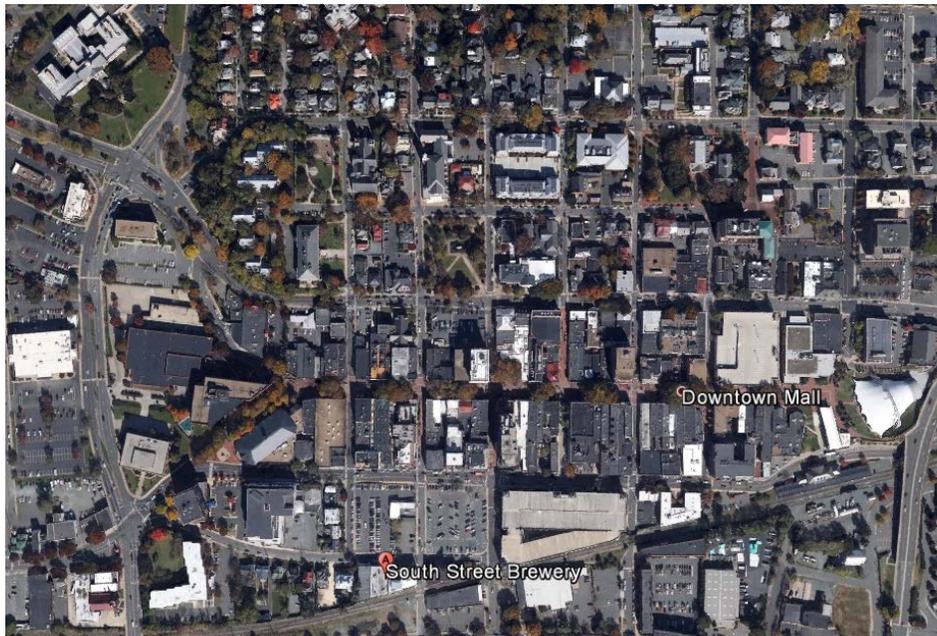
1. Triple Crossing – Downtown Richmond (Comparable: Core Caroline / Princess Anne / William Streets)

- Licensing – Micro 500 – 10,000 barrels
- Location – Downtown Richmond
- Building size – 2,700 +/- sf
- Loading facilities – Yes
- Accessory uses – Tasting room and outdoor events
- Parking – 9 spaces



2. South Street Brewery – Charlottesville, Downtown Mall (Comparable: Core Caroline / Princess Anne / William Streets)

Licensing – Micro 500 – 10,000 barrels
Location – Downtown Charlottesville (Downtown Mall)
Building size – 5,000 +/- sf
Loading facilities – No
Accessory uses – Restaurant
Parking – 0 spaces



3. Champion Brewery – Charlottesville, Urban / Industrial (Comparable: Train Station / Warehouse District / Mill District and Princess Anne Street Corridor / Jeff Davis Highway Commercial Areas)

Licensing – Local 10,000 + barrels

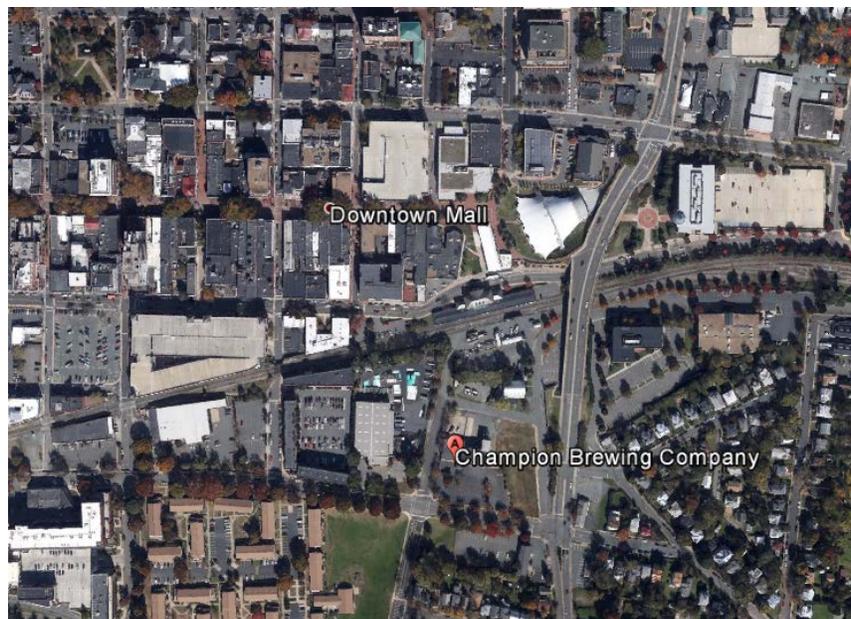
Location – Urban / Industrial Charlottesville (between neighborhoods and Downtown Mall)

Building size – 7,000 +/- sf

Loading facilities – Yes

Accessory uses – Tap room / tasting room

Parking – 50 spaces (shared)



4. Legend Brewing Company – Richmond, Urban Industrial (Comparable: Train Station / Warehouse District / Mill District / Lafayette Corridor / Belman Road)

Licensing – Local 12,000 barrels

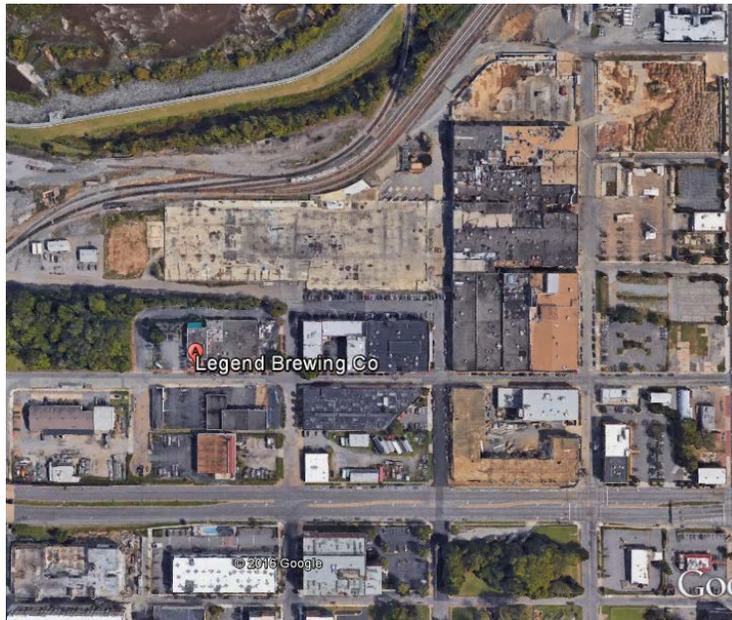
Location – Urban / Industrial Richmond

Building size – 25,000 +/- sf

Loading facilities – Yes

Accessory uses –Restaurant

Parking – 50 spaces



**5. Chesapeake Bay Distillery – Virginia Beach, Commercial District
(Comparable: Train Station / Warehouse District / Mill District and
Princess Anne Street Corridor / Jeff Davis Highway Commercial Areas)**

Licensing – Local 5,000 gallons

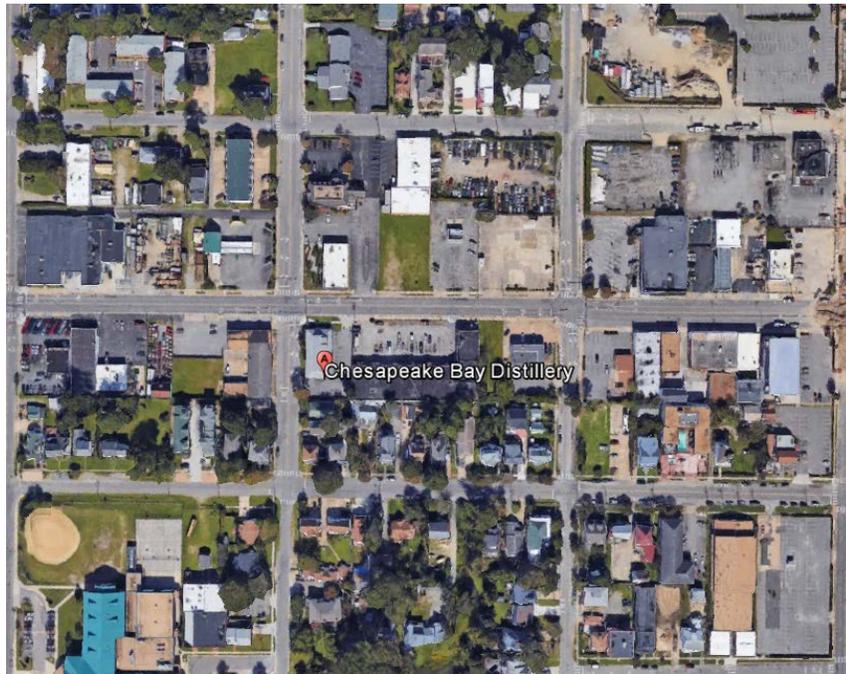
Location – Commercial District Virginia Beach

Building size – 25,000 +/- sf

Loading facilities – Yes

Accessory uses – Tours / Tasting Room / Retail Store

Parking – 20 spaces



6. Dark Corner Distillery – Greenville, South Carolina, Main Street (Comparable: Core Caroline Street)

Licensing – Unknown

Location – Main Street Greenville, South Carolina

Building size – 25,000 +/- sf

Loading facilities – No

Accessory uses – Tours / Tasting Room / Retail Store

Parking – 0 spaces



**A. Smith Bowman Distillery – Bowman Industrial Park, Spotsylvania County
(Comparable: Belman Road)**

Licensing – Heavy Manufacturing, over 36,000 gallons

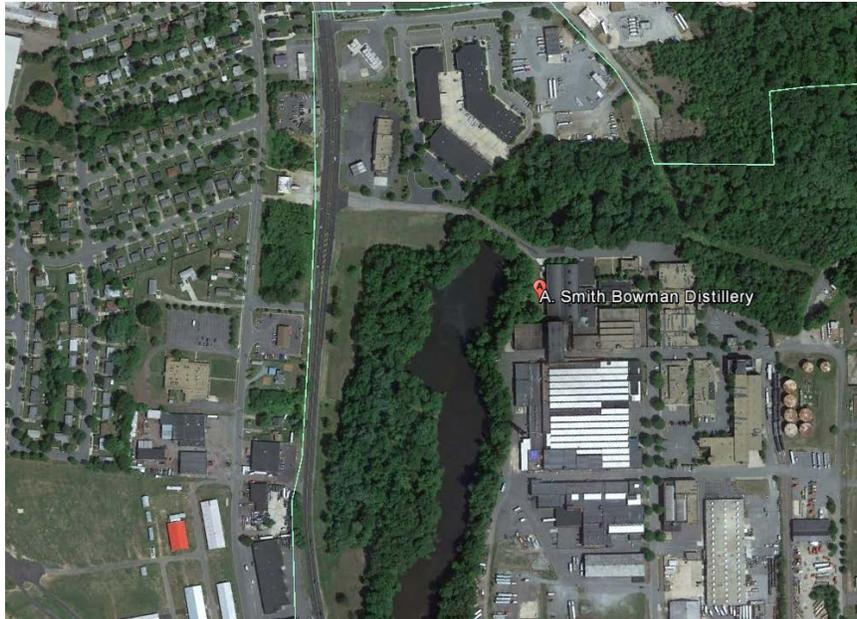
Location – Bowman Industrial Park

Building size – 30,000 +/- sf

Loading facilities – Yes

Accessory uses – Tours / Tasting Room / Retail Store

Parking – Shared





MOTION:

SECOND:

**January 10, 2017
Regular Meeting
Ordinance No. 16-29**

RE: AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO PROVIDE FOR BREWERIES, WINERIES, AND DISTILLERIES IN THE CITY OF FREDERICKSBURG

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: December 13, 2016 SECOND READ: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code Chapter 72, “Unified Development Ordinance,” is amended as follows.

I. Introduction.

The City Council adopted a resolution to initiate this text amendment at its meeting on September 27, 2016. The Planning Commission held its public hearing on the amendment on November 9, 2016, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on December 13, 2016.

The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor these amendments to the Unified Development Ordinance.

II. City Code Amendment.

1. City Code §72-4, “Use Table,” is amended as follows:

Use Category	Use Type	CT	CD	CSC	CH	I1	I2	PDC	PDMU
<i>Alcoholic Beverage Production</i>	Microbrewery/taproom	<i>S</i>	<i>P</i>						
	<i>Local brewery</i>		<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	<i>P</i>	<i>S</i>	<i>S</i>
	<i>Local distillery</i>		<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	<i>P</i>	<i>S</i>	<i>S</i>
	<i>Local winery</i>		<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	<i>P</i>	<i>S</i>	<i>S</i>
	<i>Regional brewery</i>						<i>S</i>	<i>S</i>	
	<i>Regional winery</i>						<i>S</i>	<i>S</i>	
	<i>Regional distillery</i>						<i>S</i>	<i>S</i>	

2. City Code §72-41.3, “Commercial Uses” is amended to add a new subsection “I. Local brewery, distillery, or winery,” as follows:

I Local brewery, distillery, or winery. A local brewery, distillery, or winery shall comply with the following standards:

- (1) A copy of the current Virginia ABC license shall be kept on file with the Zoning Administrator.*
- (2) No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:*
 - a) The storage shall be approved on a minor site plan.*
 - b) The storage shall not be between the building and any public right-of-way.*
 - c) The storage area shall be collocated with a loading dock where applicable.*
- (3) No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.*
- (4) The location of any loading dock is subject to approval by City Council or the Zoning Administrator, as appropriate.*
- (5) In considering a special use application, the City Council may consider whether the establishment of the use results in the rehabilitation or re-use of an existing industrial or commercial building, and whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.*

3. City Code §72-41.3, “Commercial Uses” is amended to add a new subsection “Q. Microbrewery” as follows:

Q. Microbrewery. A microbrewery shall comply with the following standards:

- (1) A copy of the current Virginia ABC license shall be kept on file with the Zoning Administrator.*
- (2) No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:*
 - a) The storage shall be approved on a minor site plan.*
 - b) The storage shall not be between the building and any public right-of-way.*
 - c) The storage area shall be collocated with a loading dock where applicable.*
- (3) No outdoor events are permitted on the premises without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.*

4. City Code §72-41.3, “Commercial Uses” is amended to add a new subsection “T. Regional breweries, wineries, and distilleries,” as follows:

T. Regional breweries, wineries, and distilleries.

- (1) *A copy of the current Virginia ABC license shall be kept on file with the Zoning Administrator.*
 - (2) *Outdoor storage shall conform to the standards for outdoor storage as a principal use.*
 - (3) *No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.*
 - (4) *In considering a special use application, the City Council shall consider the proposed location of a loading dock, and whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.*
5. City Code §72-83.4, “Commercial use classification,” is amended to add the following uses in alphabetical order, and the remaining uses are re-lettered:

a. *LOCAL BREWERY/WINERY/DISTILLERY.*

Characteristics. The Commercial Alcoholic Beverage Use Category includes facilities for the production, packaging and distribution of beer, wine, and spirits. These uses are characterized as commercial uses, as opposed to the traditional manufacturing character, because the production volume is lower than that associated with a traditional manufacturing use. In addition, the production use is combined with one or more commercial uses such as eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use. Finally, this use involves the offering of the product for sale or consumption on premises.

b. *MICROBREWERY.*

Characteristics. The Commercial Alcoholic Beverage Use Category includes facilities for the production of beer. These uses are characterized as commercial uses, as opposed to the traditional manufacturing character, because the production volume is lower than that associated with a traditional manufacturing use. In addition, the production use is combined with one or more commercial uses such as eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use. Finally, this use is characterized by the on-premises retail sales or consumption of most of the beer produced. On-premises distribution facilities may be an accessory use.

c. *REGIONAL BREWERY/WINERY/DISTILLERY.*

Characteristics. The Commercial Alcoholic Beverage Use Category includes facilities for the production, packaging and distribution of beer, wine, and spirits. The production volume associated with the “regional” classification presents mixed commercial and manufacturing characteristics, but is still lower than a traditional manufacturing use. The

production use is combined with one or more commercial uses such as eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use. This use involves the offering of the product for sale or consumption on premises; but distribution facilities for off-premises sale of the product are a characteristic of this use.

6. The definition of “Manufacturing, Heavy,” is amended as follows:

MANUFACTURING, HEAVY

Manufacturing uses include, but are not limited to: asphalt/concrete mixing and batching, manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; *breweries producing more than 250,000 barrels annually, wineries or distilleries producing more than 36,000 gallons*, lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum/asphalt refining, concrete manufacturing plants, and manufacture of chemicals, fertilizers, paint, and turpentine.

7. The definition of “Manufacturing, Light,” is amended as follows:

MANUFACTURING, LIGHT

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products *including a production brewery producing up to 30,000 barrels of beer annually*, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

8. The definition of “Microbrewery/Taproom,” in City Code §72-84.0, “Definitions,” is amended as follows:

~~MICROBREWERY/TAPROOM. A facility intended for the production and packaging of beer for distribution, retail sale, or on premise consumption. The development may also include a restaurant and may also include a bar or provision of live entertainment as an accessory use. Annual production of 0 to 10,000 barrels of beer, primarily for on-premises~~

retail sales or consumption. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

9. City Code §72-84.0, “Definitions,” is amended to add the following definitions in alphabetical order:

BARREL. The volume of 31 gallons, used to measure the production of beer.

BEER. This term shall have the same meaning as prescribed in Code of Virginia Title 4.1, Alcohol Beverage Control Act, §4.1-100, “Definitions.”

LOCAL BREWERY. Annual production, packaging, and distribution of 10,001 to 30,000 barrels of beer, with on-premises retail sales or consumption of at least 25% of the beer produced. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

LOCAL DISTILLERY. Annual production, packaging, and distribution of 0 to 5,000 gallons of distilled spirits, with on-premise retail sales and consumption of at least 25% of the spirits produced. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

LOCALWINERY. Annual production, packaging and distribution of 0 to 5,000 gallons of wine, with on-premise retail sales and consumption of at least 25% of the wine produced. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

REGIONAL BREWERY. Annual production, packaging, and distribution of 30,001 to 250,000 barrels of beer, with on-premises retail sales and consumption, and for distribution off-premises. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

REGIONAL DISTILLERY. Annual production, packaging, and distribution of 5,001 to 36,000 gallons of distilled spirits, with on-premises retail sales and consumption and for distribution off-premises. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

REGIONAL WINERY. Annual production, packaging and distribution of 5,001 to 36,000 gallons of wine, for on-premises retail sales and consumption and for distribution off-

premises. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

SPIRITS. This term shall have the same meaning as prescribed in Code of Virginia Title 4.1, Alcohol Beverage Control Act, §4.1-100, "Definitions."

WINE. This term shall have the same meaning as prescribed in Code of Virginia Title 4.1, Alcohol Beverage Control Act, §4.1-100, "Definitions."

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. 16-29 duly adopted at a meeting of the City Council meeting held January 10, 2017 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



Johnston

TO: Timothy J. Baroody, City Manager
FROM: Charles Johnston, Director, Community Planning & Building Department
DATE: January 3, 2017 for January 10 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

Referral of the following amendments to the Planning Commission for further consideration after 2017 session of the Virginia General Assembly:

- 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 WORK SESSION – December 6

At this work session, the Council identified topics of continued concern, in particular, whether the Comprehensive Plan and the UDO should be amended to permit a density of 3.0 floor area ratio in selected land use areas. As discussed at the work session, the proposed text has been modified to state that commercial density may exceed the level permitted by right if potential negative impacts are addressed (see specific text in blue in attached revised Comprehensive Plan amendments). In addition, the question of prescribing levels of service for public services in the Comprehensive Plan is an area of continued concern. This text has also been revised to be more direct. In researching this topic, it became clear that criteria for levels of service to ensure adequate public facilities vary based on project specific circumstances and may not always be appropriate, therefore general references to performance expectations would be more realistic.

In addition, changes to the state code that precipitated the proposed Comprehensive Plan and UDO amendments have been filed for the 60-day General Assembly session that starts on January 11, 2017. Action on these amendments should be considered only after the Assembly session has concluded. It would be appropriate for the Planning Commission to make an updated recommendation to Council, after a public hearing, on all of these changes and others resulting from the actions of the 2017 General Assembly.

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 (Special Use criteria are listed starting on page 5). 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. The revised Comprehensive Plan amendments, shown in the attached document in red, 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 – for October 12 PC meeting (revised for November 8 Council meeting)

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%

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

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.

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	<i>Proposed as SU</i>
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.

ITEM#8D

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)



MOTION:

January 10, 2017

SECOND:

Regular Meeting

Resolution 17-__

**RE: Referring Comprehensive Plan and Unified Development Ordinance
Amendments to the Planning Commission for Further Study**

ACTION: APPROVED: Ayes: 0; Nays: 0

City Council adopted Resolution 16-65 on July 12, 2016, initiating the review of the 2015 Comprehensive Plan and Unified Development Ordinance in light of proffer reform legislation adopted by the 2016 General Assembly.

The Planning Commission held its public hearing on proposed amendments to the Comprehensive Plan and UDO on October 12, 2016, and voted that date to recommend certain amendments to the City Council.

The City Council held its public hearing on the proposed amendments on November 8, 2016, and it conducted a work session on this topic on December 6, 2016. After the public hearing and work session, City Council identified topics of continued concern, in particular, the question of whether to amend the Comprehensive Plan to permit a density of 3.0 floor area ratio in selected land use areas. In addition, the question of prescribing levels of service for public services in the Comprehensive Plan is an area of continued concern.

The General Assembly will reconvene on January 11, 2017 for a short session. The proffer reform legislation may be amended during the 2017 General Assembly session.

Therefore, the City Council hereby resolves that:

- The draft amendments to the 2015 Comprehensive Plan and Unified Development Ordinance are referred to the Planning Commission for further study.
- The Planning Commission is asked to focus special attention on the question of the appropriate floor area ratio in the selected land use areas.
- The Planning Commission is asked to develop and recommend language for the Comprehensive Plan that will address the desired levels of service for public services.

- The Planning Commission shall prepare appropriate amendments and submit them to a public hearing within 90 days of the date of this resolution.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 17-__, adopted at a meeting of the City Council held January 10, 2017, at which a quorum was present and voted.

Tonya B. Lacey, CMC

Clerk of Council

COMPREHENSIVE PLAN AMENDMENTS

January 10, 2016

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

Underlined red text written after November 8 City Council public hearing.

Underlined blue text written after December 6 City Council work session.

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> <p><u>For zoning map amendment, special use permit, or special exception applications for new development or redevelopment, require applicants to provide the resources necessary to ensure the provision of adequate</u></p>

	<p><u>public facilities for the following services in accordance with level of service criteria established by the Commonwealth or the City:</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> c) <u>Schools: As specified in criteria developed by the Fredericksburg School Board and the Virginia Department of Education.</u> d) <u>Parks: As noted in Chapter 4.</u>
Page 115, first column	<p><i>Remove heading: The Land Use Plan.</i> <i>Insert heading from top of second column, as follows:</i> <u>Land Use Categories and Classifications.</u></p>
Page 116, Commercial-General, brought forward to bottom of second column	<p><i>Add the following to last sentence of paragraph:</i> <u>, which will include a 3.0 Floor Area Ratio.</u></p>
Page 116, Commercial-Downtown	<p><i>Insert the following sentence at end of paragraph:</i> <u>A 3.0 Floor Area Ratio is allowed in this category.</u></p>
Page 116, Planned Development-Commercial	<p><i>Insert the following sentence at end of paragraph:</i> <u>A 3.0 Floor Area Ratio should be allowed in this category.</u></p>
Page 116, Planned Development – Mixed Use	<p><i>Insert the following sentence at end of paragraph:</i> <u>A 3.0 Floor Area Ratio should be allowed in this category.</u></p>
Page 116, Institutional	<p><i>Insert the following sentence at end of paragraph:</i> <u>This category should allow a 3.0 Floor Area Ratio for these uses.</u></p>
Page 116, Planned Development – Medical Center	<p><i>Insert the following sentence at end of paragraph:</i> <u>This category should allow a 3.0 Floor Area Ratio for these uses.</u></p>
Page 116, Land Use Planning Areas	<p><i>Amend paragraph as follows:</i> This Comprehensive Plan designates 10 <u>areas for Small Area Comprehensive Planning Areas</u>, 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. <u>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> <ul style="list-style-type: none"> - <u>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> - <u>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</u>

	<p><u>facilities) have a functional life span and require periodic replacement.</u></p> <ul style="list-style-type: none"> - <u>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.</u>
<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>¹<u>Retrofitting Suburbia, Ellen Dunham-Jones and June Williamson, (John Wiley & Sons, 2011).</u></p> <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 Massaponax 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</u></p>

<p><u>Page 122, Sub Planning Area 1G</u></p>	<p><u>in certain commercially zoned areas. Commercial density, higher than allowed by-right, should be allowed only as a Special Use and when any negative impacts of such additional density are addressed, such as traffic and parking congestion</u> 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.</p> <p><i>Replace current text:</i></p> <p><u>This 25 acre commercial area defined by an I-95 off-ramp and neighboring Spotsylvania Towne Center, is a prime candidate for revitalization. This area enjoys good visibility from I-95, but limited access from Route 3. Developed portions of the area have remained vacant for many years, except for a fast-food restaurant that was recently rehabilitated. 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><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>Page 129, Land Use Potential</p>	<p><i>Insert the following additional paragraph:</i></p> <p><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></p> <p><u>The goals for the area relate to recent and planned significant road improvements and</u> to protecting the integrity of the natural areas when public recreation amenities are developed and maintained.</p> <p><i>Insert the following as new section, Existing Land Use:</i></p> <p><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></p> <p><u>With limited opportunity for greenfield development, new activity in the area will focus on revitalization.</u> This section of the City is designated as a revitalization area that encompasses mass transit,</p>

	<p>includes and provides for mixed use development, and allows for a density of <u>at least 3.0 floor area ratio in certain commercially zoned areas</u>. <u>Commercial density, higher than allowed by-right, should be allowed only as a Special Use and when any negative impacts of such additional density are addressed, such as traffic and parking congestion and the massing and scale of the project. In this small area, commercial zoning is currently limited to the north side of Fall Hill Avenue between Wicklow Drive and Roffman Road immediately adjacent to townhouse development. Impacts on this residential area should be carefully considered before a special use permit is approved for higher commercial density.</u> 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 of the need for revitalization. <u>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 the Route 3 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 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</u></p>

<p>Page 135, Land Use Potential</p>	<p><u>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><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 <u>at least</u> 3.0 floor area ratio in <u>certain commercially zoned</u> areas. <u>Commercial density, higher than allowed by-right, should be allowed only as a Special Use and when any negative impacts of such additional density are addressed, such as traffic and parking congestion and the massing and scale of the project. In this small area, commercial zoning is currently established along Route 3 and is adjacent to single family and multi-family development. Impacts on these residential areas should be carefully considered before a special use permit is approved for higher commercial density.</u></u></p> <p><u>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. <u>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></u></p>
<p><u>Small Area Plan 4</u> <u>Page 138, Opportunities</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><u>Page 140, Existing Land Use</u></p>	<p><i>Insert the following as new second and third paragraphs:</i></p> <p><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><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>Page 141, Land Use Potential</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 commercially and planned medical center zoned areas. Commercial and planned medical center density, higher than allowed by-right, should be allowed only as a Special Use and when any negative impacts of such additional density are addressed, such as traffic and parking congestion and the massing and scale of the project. In this small area, commercial zoning is currently established along Cowan Boulevard and is adjacent to single family and multi-family development. Impacts on these residential areas should be carefully considered before a special use permit is approved for higher commercial density. Commercial and planned medical center zoning in</u></p>

	<p><u>place along Mary Washington Boulevard is surrounded by other commercially zoned areas.</u> 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 <u>with diverse medical services as the key defining feature.</u> 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.</p>
<p><u>Small Area Plan 5</u> <u>Page 144, Opportunities</u></p> <p><u>Page 146, Existing Land Use</u></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><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 up-grades 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.</u></p> <p><u>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.</u></p>

<p>Page 147, Land Use Potential</p>	<p><u>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 commercially zoned areas. Commercial density, higher than allowed by-right, should be allowed only as a Special Use and when any negative impacts of such additional density are addressed, such as traffic and parking congestion and the massing and scale of the project. In this small area, commercial zoning is currently established along Route 1 is adjacent to single family development. Impacts on these residential areas should be carefully considered before a special use permit is approved for higher commercial density.</u> 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. <u>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> <u>Page 150, Opportunities</u></p> <p><u>Page 152, Existing Land Use</u></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> - <u>Good planning practice encourages the retrofit of the Route 1 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. 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:</i></p> <p><u>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</u></p>

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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.

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~~ commercially zoned areas. Commercial density, higher than allowed by-right, should be allowed only as a Special Use and when any negative impacts of such additional density are addressed, such as traffic and parking congestion and the massing and scale of the project. In this small area, commercial zoning is currently established along Route 1 and Princess Anne Street and is adjacent to single family development. Impacts on these residential areas should be carefully considered before a special use permit is approved for higher commercial density. Area 6 has 43% 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. 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

	<p><u>in certain commercially zoned areas. Commercial density, higher than allowed by-right, should be allowed only as a Special Use and when any negative impacts of such additional density are addressed, such as traffic and parking congestion and the massing and scale of the project. In this small area, commercial zoning is currently established on the east side of the Route 3 and Dixon Street intersection, but has limited development potential because of natural features or public ownership. Commercial zoning is also established along Dixon Street from just north of Beulah Salisbury Road to Lansdowne Road. This area is adjacent to single family development. Impacts on these residential areas should be carefully considered before a special use permit is approved for higher commercial density. 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. 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><i>Insert the following as new first and second bullets:</i></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><i>Insert the following as additional paragraphs:</i></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</u></p>

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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.

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.

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 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.

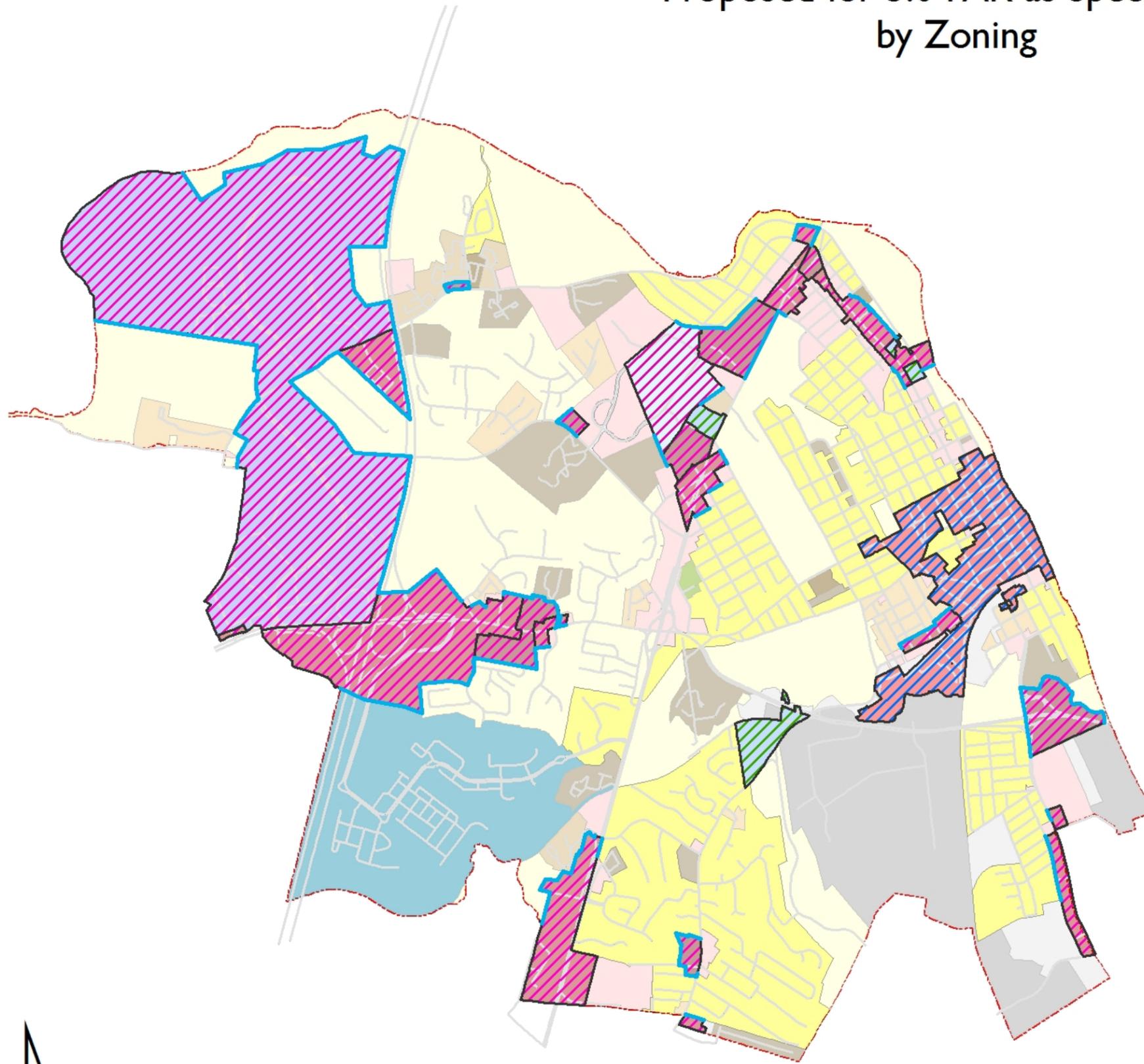
On the east side of Route 1, at the south end of the area, are Lafayette Upper Elementary School and Walker-Grant Middle School constructed in the 1980s.

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 commercially zoned** areas. **Commercial density, higher than allowed by-right, should be allowed only as a Special Use and when any negative impacts of such additional density are addressed, such as traffic and parking congestion and the massing and scale of the project. In this small area, commercial zoning is currently established along Route 1 and Lafayette Boulevard and is adjacent to single family development. Impacts on these residential areas should be carefully considered before a special use permit is approved for higher commercial density.** 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

	<p>updating or replacement, an indicator of the need for revitalization. <u>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.</u></p>
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Proposed for 3.0 FAR as Special Use by Zoning

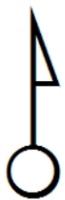


LEGEND

-  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

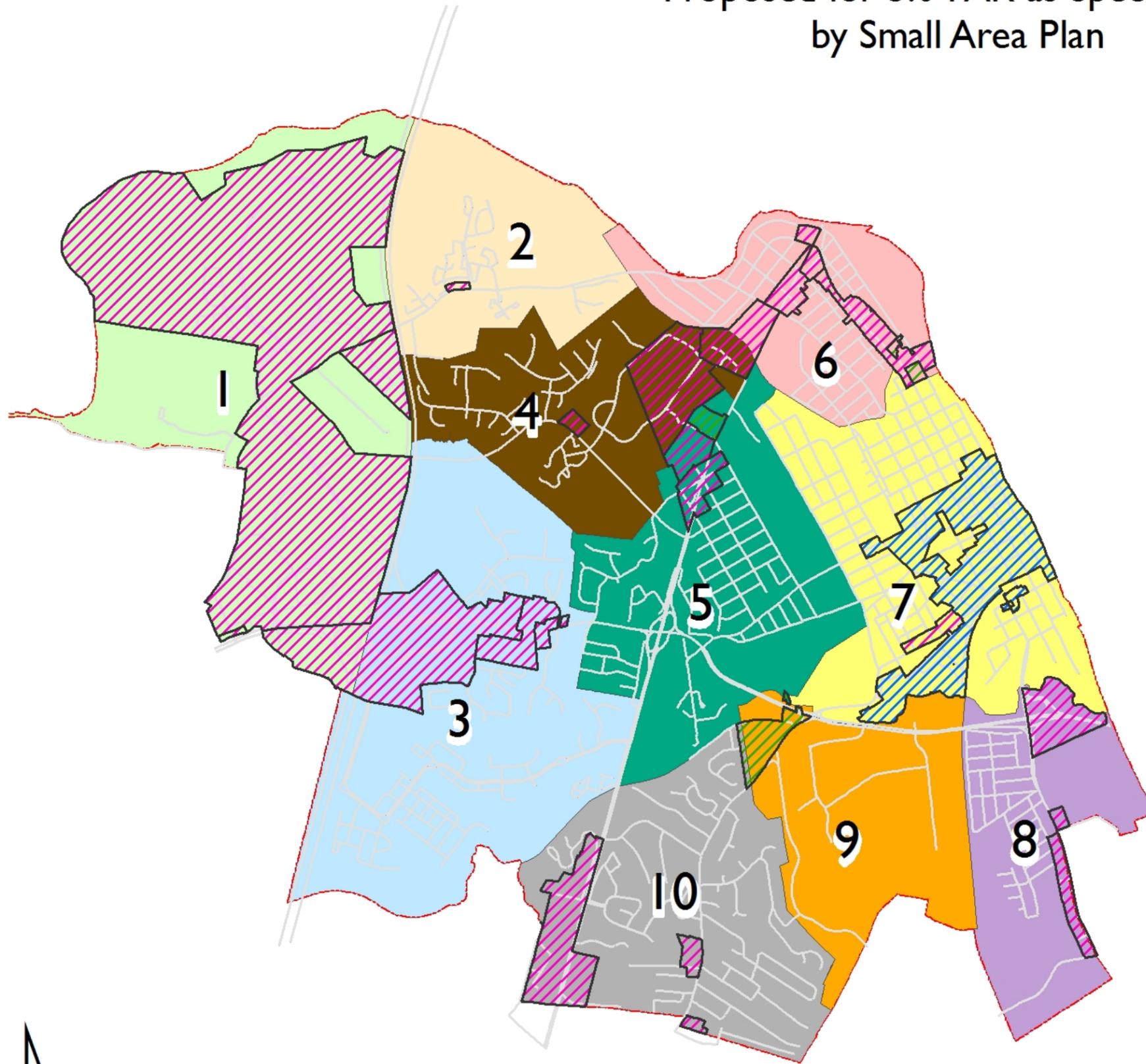
ZONING

-  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

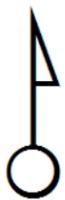


LEGEND

-  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



MEMORANDUM

TO: City Council

FROM: Kathleen Dooley, City Attorney *Kathleen Dooley*

DATE: January 3, 2017

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.



January 10, 2017
Regular Meeting
Resolution 17-__

MOTION:

SECOND:

RE: Initiating Amendments to the Unified Development Ordinance Articles 1 and 2

ACTION: APPROVED: Ayes: 0; Nays: 0

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. The public purpose for the proposed amendment is to clarify the application of the provisions of the UDO, especially with regard to public and public utility uses and structures.

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.

Three themes, or goals, constitute the public purposes for the amendment, and 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.

Therefore, the City Council hereby resolves that:

- The City Council hereby initiates amendments to City Code Chapter 72, the Unified Development Ordinance, to

- The City Council refers this proposal to the Planning Commission for review, public hearing, and recommendation under the procedures set forth in City Code §72-22.1.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 17-__, adopted at a meeting of the City Council held January 10, 2017, at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MOTION:

[date]
Regular Meeting
Ordinance No. 16-__

SECOND:

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]
Regular Meeting
Ordinance No. 17-__

SECOND:

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 January 10, 2017. 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.**

2
3 City Code Chapter 72, "Unified Development Ordinance," is amended as follows:

4
5 **1. Section 72-20.4, "Zoning Administrator," is amended:**

6
7 Sec. 72-20.4 Zoning Administrator.

8
9 [Subsections A and B are not amended.]

10
11 C. Inspection. The Zoning Administrator is authorized to inspect facilities required to be installed
12 under this chapter. *The Zoning Administrator is also authorized to make inspections deemed necessary to*
13 *properly administer and enforce this chapter.*

14
15 [Subsection D is not amended.]

16
17 **2. Section 72-20.5, "Development Administrator," is amended:**

18
19 [Subsection A is not amended.]

20
21 B. Authority. The Development Administrator shall perform the duties of the subdivision agent, and
22 shall also be designated to serve as the City's agent for approval of site plans. *The Development*
23 *Administrator may be appointed to serve as a deputy or assistant Zoning Administrator.*

24
25 [Subsections C and D are not amended.]

26
27 **3. Section 72-21.7, "Development Review Structure," Table 72-21.7 is amended:**

28

Table 72-21.7: Development Review Structure							
D = Decision R=Review/Recommendation A=Appeal <> = Public Hearing							
Specific Procedure	Review	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 conditional zoning</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	
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</i> {1}			<AD>		∅-R	∅	
Zoning permit			<A>		D		
Zoning verification					D		
<i>Other Procedures-Legislative and other decisions</i>							
Certificate of appropriateness	A			<D>	R		
Certification of public facilities	<A> A	<D>			R		R
Comprehensive Plan amendment	<D>	<R>			R		
<i>Corridor overlay design review</i> {2}	A			∅	R	∅	
<i>Site plan, major and minor</i> {3}					R	∅	
Special exception	<D>	<R>		R	R		
Special use permit {4}	<D>	<R>		R	R		
Text amendment	<D>	<R>			R		
Zoning map amendment	<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
-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.
- [4] The Architectural Review Board may be requested to make a recommendation by the City Council or Planning Commission for applications associated with land in the HFD Overlay District.

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

Sec. 72-21.8. Notice of public hearings.

Notice of public hearings shall be provided as follows:

- A. Published and written notice. Notice of a public hearing before the architectural review board, board of zoning appeals, planning commission, or city council shall be provided as required by Virginia Code §15.2-2204; for zoning map amendments, as also provided by Virginia Code §15.2-2285(C).*
- B. Posted notice. Notice of a public hearing before the board of zoning appeals, planning commission, or city council shall be posted for any application or transaction affecting 25 parcels of land or fewer, as follows:*
 - 1. The sign shall be posted at least five days before the public hearing and shall remain posted until after there is final action on the application or the application or the application has been withdrawn.*
 - 2. The sign shall be erected within ten feet of each boundary line of the parcel(s) that abuts a street and shall be so placed as to be clearly visible from the street. If more than one street abuts the parcel(s) then either (i) a sign shall be erected in the same manner as above for each abutting street; or (ii) if the area of the parcel(s) to be used if the application was granted is confined to a particular portion of the parcel(s), a sign erected in the same manner as above for the abutting street that is in closest proximity to, or would be impacted by, the proposed use. A sign need not be posted along Interstate 95 or along any abutting street if the sign would not be visible from that street. If no street abuts the parcel(s), then signs shall be erected in the same manner as above on at least two boundaries of the parcel(s) abutting land not owned by the applicant in locations that are most conspicuous to the public.*
 - 3. Each sign shall state that the parcel(s) is subject to a public hearing and explain how to obtain additional information about the public hearing.*
 - 4. The applicant shall diligently protect each sign from vandalism and theft, maintain each sign in an erect position in its posted location, and ensure that each sign remains legible. The failure of an applicant to comply with these responsibilities may be cause for the body to defer action on an application until there is reasonable compliance with this subsection.*
 - 5. It shall be unlawful for any person to remove or tamper with any sign, except the applicant performing maintenance required by this subsection or the Zoning Administrator.*

- 81 6. *The body conducting the public hearing may defer taking action on the pending*
82 *transaction if it finds that the failure to comply with this subsection materially deprived*
83 *the public of reasonable notice of the public hearing.*
84 7. *No action shall be declared invalid solely because of the failure to post notice as required*
85 *by this subsection.*

- 86
87 C. *Website notice. The relevant administrative staff shall post each public hearing notice on the City's*
88 *official website at least five days prior to the public hearing. No action shall be declared invalid*
89 *solely because of the failure to post notice to the City website as required by this subsection.*

90
91 5. **Section 72-21.9, "Written notice of administrative actions," is added:**

92
93 Sec. 72-21.9 *Notice of certain administrative actions.*

- 94
95 A. *Written notice of administrative actions, when required by this article, shall be provided as follows:*

- 96
97 1. *The administrator shall give, or require the applicant to give, all adjacent property owners*
98 *written notice of the application, and an opportunity to respond to the application, within*
99 *twenty-one days of the date of the notice.*
100
101 2. *Notice sent by certified mail to the last known address of such owner as shown on the*
102 *current real estate tax assessment books or current real estate tax assessment records*
103 *shall be deemed adequate compliance with this requirement.*
104
105 3. *Notice sent by the administrator may be sent by first class mail; however a representative*
106 *of the department shall make an affidavit that such mailings have been made and file such*
107 *affidavit with the record of the application.*

- 108
109 B. *When required by this article, the administrator shall post notice of the application on the City's*
110 *official website at least five days prior to any action on the application.*

- 111
112 C. *When required by this article, the administrator shall post notice of the application on the subject*
113 *property, in accordance with the standards in §72-21.8.*

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 of~~
124 ~~an application initiated by a property owner or contract purchaser shall be provided to adjacent property~~
125 ~~owners by certified return receipt mail by the applicant. Evidence of such notice shall be provided to the~~
126 ~~Zoning Administrator at the public hearing. In the case of a condominium or a cooperative, the written~~
127 ~~notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in~~
128 ~~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 § 15.2-2285,
143 the City Council shall advertise and hold at least one public hearing. The City Council may hold
144 a joint public hearing with the Planning Commission. After holding this hearing and receiving
145 the recommendation of the Planning Commission, the City Council may make appropriate
146 changes or corrections to the proposed amendment. However, no land may be zoned to a
147 more intensive use classification than was contained in the public notice without an additional
148 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 special
164 use permit *or special exception* shall be filed within 30 days of the decision with the Fredericksburg
165 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, character
178 and extent thereof has been submitted to and approved by the Planning Commission as being
179 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
181 hearing. *-Widening, narrowing, extension, enlargement, vacation or change of use of streets or*
182 *public areas shall likewise be submitted for approval, but paving, repair, reconstruction,*
183 *improvement, drainage or similar work and normal service extensions of public utilities or public*
184 *service corporations shall not require approval unless such work involves a change in location or*
185 *extent 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 more
194 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 hear
202 and determine the appeal within 60 days from its filing. *The City Council may review the Planning*
203

204 *Commission's action on its own initiative.* A majority vote of the City Council shall overrule the
205 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 review
229 and consideration as part of an application, if the amendment(s) does not materially affect the
230 overall proposal, *or zone the land to a more intensive use classification than was contained in the*
231 *public hearing notice. If amended proffers materially affect the overall proposal, or would zone*
232 *the land to a more intensive use classification than was contained in the public hearing notice,*
233 *then the City Council shall hold a new public hearing on the amended application. The City Council*
234 *may, at its option, refer the amended application to the Planning Commission for a new public*
235 *hearing and recommendation.*

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

238
239 ~~(a) Prior to making its recommendation to City Council on the conditional zoning application with the~~
240 ~~amended proffers, the Planning Commission shall require an additional public hearing on the~~
241 ~~amended proffers, following notice and advertisement; or~~

242
243 ~~(b) Prior to considering the conditional zoning application with the amended proffers, City Council~~
244 ~~shall refer the application back to the Planning Commission for a new public hearing on the~~
245 ~~amended proffers, following notice and advertisement; or~~

246
247 ~~(c) Unless an application is withdrawn by the applicant, the Planning Commission or City Council may~~
248 ~~choose to proceed with its review and consideration of the application, based on the version of~~

249 ~~the proffer statement that had been received in connection with the application prior to the~~
250 ~~commencement of the public hearing.~~

251
252 (32) The applicant shall reimburse the City for all costs of any additional public hearings necessitated
253 by amended proffers submitted after a public hearing has begun.

254
255 9. **Section 72-22.6, “Special use permits,” is amended:**

256
257 Section 72-22.6 Special use permits.

258
259 A. Purpose and applicability

260
261 (1) The purpose of this section is to provide for certain uses which, because of their unique
262 characteristics or potential impacts on ~~adjacent land uses~~ *neighboring properties or the public*,
263 are not generally permitted in certain zoning districts as a matter of right, but which may, under
264 the right set of circumstances and conditions be acceptable in certain specific locations. These
265 uses are permitted only through the issuance of a special use permit by the City Council after
266 ensuring that the use can be appropriately accommodated on the specific property; will be in
267 conformance with the Comprehensive Plan; can be constructed and operated in a manner which
268 is compatible with the surrounding land uses and overall character of the community; and that
269 the public interest and general welfare of the citizens of the City will be protected.

270
271 [The remainder of subsection A and the remaining subsections are not amended].

272
273 10. **Section 72-22.8, “Variances, administrative appeals and Zoning Map interpretations,” is**
274 **amended:**

275
276 Sec. 72-22.8 Variances, administrative appeals, and Zoning Map interpretations.

277
278 A. Purpose and applicability. This section sets forth the procedures for the Board of Zoning Appeals
279 (BZA) to consider applications for variances, appeals of administrative actions, and *Zoning Map*
280 interpretations as ~~defined~~ *provided* in Code of Virginia §§ 15.2-~~2209~~ 2309 and 15.2-~~2210~~ 2310.

281
282 B. Process.

283
284 (1) Applications for variances shall be made to the Zoning Administrator in accordance with rules
285 adopted by the BZA pursuant to Code of Virginia § 15.2-2310.

286
287 (2) A variance, appeal, or Zoning Map interpretation shall be ~~authorized~~ *heard and decided* by the
288 BZA after *notice and* a public hearing. ~~and~~ *The board hearing* shall be in compliance with
289 the ~~required findings and~~ procedures set forth within Code of Virginia § 15.2-2309.

290
291 (3) ~~Public notice.~~

292

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

299
300 ~~(b) Posted notice. The applicant or appellant shall post a sign provided by the Zoning~~
301 ~~Administrator on each parcel of land involved in a variance, an appeal from a decision of the~~
302 ~~Zoning Administrator, or a Zoning Map interpretation at least five days prior to the date of~~
303 ~~the Board of Zoning Appeals hearing.~~

304
305 ~~(c) City website notice. Notice of the request shall be posted on the City of Fredericksburg~~
306 ~~website at least five days prior to any action.~~

307
308 (43) Submittal requirements for a zoning variance are contained in the UDO Procedures Manual.

309
310 C. ~~Aspects that may be varied. Only provisions regulating the size or area of a lot or parcel of land,~~
311 ~~or the size, area, bulk or location of a building or structure may be the subject of a variance~~
312 ~~application, and only under such circumstances as are authorized within the definition of the term~~
313 ~~"variance" set forth within Code of Virginia § 15.2-2201.~~

314
315 D. *Review criteria. The BZA shall apply the definitions in Code of Virginia §15.2-2201, and the review*
316 *criteria and burdens of proof provided in Code of Virginia §§15.2-2308 through 15.2-2312 in*
317 *hearing and deciding any appeal, variance application, or zoning map interpretation appeal. may*
318 *authorize a variance from the zoning regulations in this chapter as not contrary to the public*
319 *interest, when, owing to special conditions, a literal enforcement of the provisions will result in*
320 *unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial*
321 *justice done.*

322
323 [Subsections E and F are re-lettered.]

324
325 **11. Section 72-23.1, "Historic District – certificates of appropriateness," is amended:**

326
327 Sec. 72-23.1 Historic District – certificates of appropriateness

328
329 [Subsection A is not amended.]

330
331 B. Process.

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

333
334 (2) An applicant for a certificate of appropriateness shall submit to the ARB materials sufficient
335 for it to render a decision on the criteria herein set forth. The ARB staff is authorized to reject
336 any application that does not include information, at a minimum, to permit the ARB to
337 evaluate the application with respect to the foregoing factors. The ARB may require additional

338 submissions from the applicant if necessary. On appeal, the City Council may consider
339 additional submissions, or it may refer the additional information to the ARB for its
340 consideration.

341
342 (3) No certificate of appropriateness shall be approved until the ARB has held a public hearing
343 *with published and website notice under §72-21.8. Applications for new construction shall also*
344 *require written notice under §72-21.8.*

345
346 ~~(4) Public notice.~~

347
348 ~~(a) Published and written notice. The public hearing required for all certificates of~~
349 ~~appropriateness shall be held with notice given in accordance with Code of Virginia § 15.2-~~
350 ~~2204. Written notice for certificate of appropriateness applications for new construction~~
351 ~~shall be provided to adjacent property owners by certified return receipt mail by the~~
352 ~~applicant. Evidence of such notice shall be provided at the public hearing. In the case of a~~
353 ~~condominium or a cooperative, the written notice may be mailed to the unit owners'~~
354 ~~association or proprietary lessees' association, respectively, in lieu of each individual unit~~
355 ~~owner.~~

356
357 ~~(b) City website notice. Notice of the request shall be posted on the City of Fredericksburg~~
358 ~~website at least five days prior to any action.~~

359
360 (4) Submittal requirements are contained in the UDO Procedures Manual.

361
362 C. Review timing.

363
364 (1) The ARB shall act to approve, approve with modification, or deny a request or application within ~~60~~
365 *90 days of the official submission of the application. No certificate of appropriateness shall be granted*
366 *except by a recorded affirmative vote of a majority of all members appointed to the ARB. The ARB*
367 *staff shall memorialize the ARB's decision in writing, stating clearly how the Board applied the relevant*
368 *standards to the application. The written decision shall be rendered and sent to the applicant within*
369 *14 days from the date of the decision.*

370
371 [Subsections C(2) and (3), and D are not amended.]

372
373 E. Appeals.

374
375 (1) Any person aggrieved by a decision of the ARB may appeal such decision to the City Council,
376 provided such appeal is filed in writing within ~~14~~ *30* days from the date of the ARB's decision.
377 The appeal shall clearly set forth the grounds of the appeal, including the procedure or
378 standard alleged to have been violated or misapplied by the ARB. The City Council shall
379 consult with the ARB in relation to any appeal and may require documentation of any ARB
380 decision prior to hearing the appeal. The City Council may affirm, reverse, or modify the ARB's
381 decision and shall transmit a record of its decision to the ARB. The City Council shall decide
382 such appeal within 45 days of the date of the appeal.

383
384 (2) Any person aggrieved by a decision of the City Council may appeal such decision to the Circuit
385 Court of the City by filing a petition at law setting forth the alleged illegality of the action of
386 the City Council, provided such petition is filed within 30 days after the final decision is
387 rendered by the City Council. The filing of the petition shall stay the decision of the City Council
388 pending the outcome of the appeal to the Circuit Court, except that the filing of such petition
389 shall not stay the decision of the City Council if such decision denies the right to raze or
390 demolish a historic landmark, building, or structure. The court may ~~affirm~~, reverse, ~~or~~ modify
391 the decision of the City Council, in whole or in part, if it finds upon review that the decision of
392 the City Council is contrary to law or that its decision is arbitrary and constitutes an abuse of
393 discretion, *or it may affirm the decision of the City Council.*
394

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

396
397 Sec. 72-23.2 Corridor design review.

398
399 [Subsection A is not amended.]
400

401 B. Process.

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

404
405 (2) The ~~Development Zoning Administrator~~ shall consider those factors applicable to the specific
406 corridor overlay within which the subject property is located.

407
408 (3) To initiate design review of development or redevelopment in a corridor overlay zoning
409 district, the applicant shall provide the following materials, unless waived by the ~~Development~~
410 *Zoning Administrator*:

411
412 [The list of application materials is not amended.]
413
414

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

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

423
424 b. ~~City website notice. Notice of the request shall be posted on the City of Fredericksburg~~
425 ~~website at least five days prior to any action.~~

426
427 (5) Submittal requirements are contained in the Procedures Manual.

428
429 [Subsections C and D and E are amended by replacing “Development Administrator” with “Zoning
430 Administrator.”]

431
432 E. Appeals.

433
434 (1) ~~Any person aggrieved by a decision of the Development Administrator~~ *The applicant* may
435 appeal ~~such the Zoning Administrator’s~~ decision to the City Council, provided such appeal is filed
436 in writing within ~~14~~ 30 days from the date of the Development Administrator’s decision. The
437 appeal shall clearly set forth the grounds of the appeal, including the procedure or standard
438 alleged to have been violated or misapplied by the Development Administrator. The City Council
439 shall consult with the Development Administrator in relation to any appeal and may require
440 documentation of any decision prior to hearing the appeal. The City Council may affirm, reverse,
441 or modify the Development Administrator's decision. The City Council shall decide such appeal
442 within 45 days of the date of the appeal.

443
444 (1) ~~Any person aggrieved by a decision of the City Council~~ *The applicant* may appeal ~~such the City~~
445 *Council’s* decision to the Circuit Court of the City by filing a petition at law setting forth the alleged
446 illegality of the action of the City Council, provided such petition is filed within 30 days after the
447 final decision is rendered by the City Council. The filing of the petition shall stay the decision of
448 the City Council pending the outcome of the appeal to the Circuit Court, ~~except that the filing of~~
449 ~~such petition shall not stay the decision of the City Council if such decision denies the right to raze~~
450 ~~or demolish a historic landmark, building, or structure.~~ The court may affirm, reverse, ~~or~~ modify
451 the decision of the City Council, in whole or in part, if it finds upon review that the decision of the
452 City Council is contrary to law or that its decision is arbitrary and constitutes an abuse of
453 discretion, ~~or it may affirm the decision of the City Council.~~

454
455 **13. Section 72-24.1, “Zoning permit,” is amended:**

456
457 Sec. 72-24.1 Zoning permits.

458
459 A. Purpose and applicability. A zoning permit is a written order, requirement, decision, ² or
460 determination regarding the permissibility of a specific use or density of property, or regarding
461 the compliance of specific land, buildings, structures, or the uses and development thereof with
462 the requirements of the City's zoning regulations. Prior to establishing, expanding, altering, or
463 otherwise changing (i) the use of property, or (ii) the physical characteristics of a lot or parcel of
464 land, including, without limitation, the size, height, location or features of or related to an
465 existing or proposed building, structure, or improvements, a property owner shall obtain a
466 zoning permit from the Zoning Administrator. ~~This section also sets forth the procedures for the~~
467 ~~Zoning Administrator's consideration of applications for home occupation and temporary use~~
468 ~~applications. In addition, it sets forth the procedure for the Development Administrator's~~
469 ~~consideration of applications for fence permits and sign permits.~~

470
471 B. Process.
472

- 473 (1) Upon the official submission of an application for a permit the Zoning Administrator ~~or~~
474 ~~Development Administrator, as appropriate,~~ shall approve, approve subject to conditions, or
475 disapprove the application, based on its compliance with the requirements of this chapter.
476
- 477 (2) The Zoning Administrator shall act on a ~~zoning, home occupation, or temporary use zoning~~
478 ~~permit application, and the Development Administrator shall act on a fence, or sign application~~
479 without public notice, except as set forth within Code of Virginia §15.2-2204(H).
480
- 481 (3) *The Zoning Administrator shall respond within 90 days of a request for a decision or*
482 *determination on zoning matters within the scope of his authority unless the requester has*
483 *agreed to a longer period.*
484
- 485 (4) *Every decision of the Zoning Administrator approving, approving with conditions, or denying an*
486 *accepted application for a zoning permit shall be in writing. A denial shall state the reasons*
487 *therefor.*
488
- 489 (5) *The Zoning Administrator shall deliver to the applicant, by first class mail or other means*
490 *acceptable to the applicant, every written decision. A copy of the written decision shall also be*
491 *provided to any persons who received notice of the application.*
492
- 493 (6) *Unless a different provision applies, the written decision shall include a statement informing the*
494 *recipient that he or she may have a right to appeal the decision within 30 days in accordance*
495 *with Code of Virginia §15.2-2311, and that the decision shall be final and unappealable if not*
496 *appealed within 30 days. The decision shall state the applicable appeal fee and a reference to*
497 *where additional information may be obtained regarding the filing of an appeal.*
498

499 [Subsection C is repealed.]

500
501 **14. Section 72-24.2, "Administrative modifications," is amended as follows:**

502 Sec. 72-24.2 Administrative modifications.

- 503
504
505 A. Purpose and applicability. Pursuant to the authority granted within Code of Virginia § 15.2-
506 2286(A)(4), the Zoning Administrator is hereby authorized to grant a modification of any zoning
507 regulation relating to physical requirements on a lot or parcel of land, including but not limited
508 to: size, height, location or features of, or related to, any building, structure, or
509 improvements. ~~The Zoning Administrator may refer any request for administrative modification~~
510 ~~to the BZA, if, in his/her sole discretion the application warrants that higher level of review.~~

511
512 B. Process.

- 513
514
515 (1) ~~Applications for administrative modifications shall be made to the Zoning Administrator.~~
516 (2) ~~An administrative modification shall be approved by the Zoning Administrator after~~
517 ~~public notice, and shall be in compliance with the requirements of this chapter.~~

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561

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.]

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

[Subsection A is not amended.]

B. Process.

[Subsections 1 and 2 are not amended.]

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

~~(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.~~

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

564
565 ~~(c) City website notice. Notice of the request shall be posted on the City of Fredericksburg~~
566 ~~website at least five days prior to any action.~~

567
568 (4) Submittal requirements for a minor expansion are contained in the UDO Procedures
569 Manual.

570

571 [Subsection C is not amended.]

572

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

574

575 [Subsection A is not amended.]

576

577 (B). Process.

578

579 [Subsections 1 and 2 are not amended.]

580

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

583

584

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

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

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

595

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

598

599 [Subsection C is not amended.]

600

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

602

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

604

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

606

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

608

609 Sec. 72-25.1. Administration.

610

611 [Subsections A and B are not amended.]

612

613 C. Preliminary subdivision plats.

614

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

616

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

618

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

621

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

626

627 [1] If approval of a feature of the preliminary subdivision plat by a state agency or
628 public authority is necessary, the Development Administrator shall forward the
629 preliminary subdivision plat to the appropriate agency or authority within 10 business
630 days of the applicant's official submission of the preliminary subdivision plat.

631

632 (c) The Development Administrator shall submit the preliminary subdivision plat to the
633 Planning Commission with his recommendation on whether the plat meets the
634 requirements of this chapter. This recommendation must identify all defects, list specific
635 reference to the requirements that the defects violate, and describe modifications that
636 would permit approval of the plat.

637

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

642

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

649

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

653
654 [Subsections (f) through (i) are not amended.]

655 D. [subsections 1 through 4 are not amended.]

656
657 (5) These requirements apply to every final subdivision plat submitted for approval:

658
659 (a) The final subdivision plat shall be prepared by a professional who is licensed to prepare such
660 a plat. The professional shall endorse upon the plat the source of title of the owner of the
661 land subdivided, in accordance with Code of Virginia §15.2-2262.

662
663 (b) Plat details shall meet the standards established by the State Library Board under the
664 Virginia Public Records Act. Every plat shall contain a statement of consent to subdivision in
665 conformance with Code of Virginia §15.2-2264. The Development Administrator shall
666 determine any additional content required for final plats and state them in the Procedures
667 Manual.

668
669 (c) No final subdivision plat will be approved until the ~~Development~~ *Zoning* Administrator has
670 approved any required ~~construction commercial or residential site development plans or~~
671 ~~residential lot grading plan.~~

672
673 E. Final subdivision plats – minor subdivisions without an approved preliminary subdivision plat.

674
675 [Subsections 1 through 3 are not amended.]

676
677 4. City Council hearing. City Council shall hold a public hearing on minor final subdivision
678 plats. ~~Before the City Council public hearing, notice will be given in accordance with Code of Virginia §~~
679 ~~15.2-2204.~~

680
681 **21. Section 72-25.2, "Improvements," is amended:**

682
683 [Subsections A through D are not amended.]

684
685 E. Access and blocks and lots.

686
687 [Subsection (1) is not amended.]

688
689 2. Public streets and dedication of rights-of-way.

690
691 [Subsections (a) through (c) are not amended.]

692

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

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

697
698

699 **22. Section 72-25.3, “Exceptions to subdivision and site plan regulations,” is amended:**

700
701

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

702

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

707

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

712

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

719

720 D. The Development Administrator shall approve or disapprove requests for exceptions to
721 administrative subdivisions. The applicant shall provide *written* notice of the request *as provided*
722 *in §72-21.9. to all adjacent landowners by certified return receipt mail.* The Development
723 Administrator shall not decide on the request until ~~at least 10 days after~~ the applicant provides
724 evidence of that notice. ~~Any person aggrieved by the Development Administrator’s decision~~ *The*
725 *applicant may appeal the Development Administrator’s decision* to City Council within 14 days
726 of the decision. City Council shall act on the decision within 30 days of receipt of the appeal and
727 after *written notice as provided in §72-21.9 at least 10 days’ notice to the adjacent landowners*
728 ~~and original requestor.~~ The approval of the administrative subdivision plat will be held in
729 abeyance while the appeal is pending. The decision of the City Council is final.

730

731 E. City Council shall approve or disapprove requests for exceptions to minor and major
732 subdivisions. City Council’s decision will be rendered as part of the decision on the underlying
733 plat, rather than separately from the plat.

734

735 F. *The Zoning Administrator shall approve or disapprove requests for exceptions to site plans. The*
736 *applicant shall provide written notice of the request as provided in §72-21.9. The Zoning*
737 *Administrator shall not decide the request until the applicant provides evidence of that notice.*

738 *The Zoning Administrator's decision will be rendered as part of the decision on the underlying*
739 *site plan, rather than separately.*

740
741

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

743
744

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

745
746

A. Purpose and applicability.

747
748

(1) The purpose of a site plan is to ensure, prior to the issuance of any buildings permits, that the use and development of land will be in compliance with the zoning regulations set forth within this chapter.

749
750
751

(2) ~~Prior to the issuance of any building permit authorizing the use, a change of use, occupancy, construction, improvement or maintenance of any land, building or structure; or any final subdivision plat, a site plan shall be submitted to and approved by the City in order to assure compliance with the zoning regulations set forth within this chapter. A site plan is required for all construction, reconstruction, alteration, land disturbing activities, and changes of use in any zoning district.~~ This requirement shall be subject to the exemptions set forth below.

752
753
754

(3) No site plan shall be required for the following uses, provided the ~~Development Zoning Administrator~~ determines that the use will not require the improvements set forth in this section:

755
756
757

- a. Single-family detached, *single-family attached, and duplex* dwellings and their related uses and structures. *These activities shall require a residential lot grading plan.*
- b. Educational facilities located in existing religious institutions.
- c. Renovations of buildings when existing site improvements comply with the standards in this chapter.

758
759
760

B. Site plans distinguished.

761
762

(1) Site plans shall take one of the following two formats: minor site plan, or major site plan. Minor site plans are required for use changes where the land disturbance will be less than 2,500 square feet. All other site plans shall follow the major site plan requirements.

763
764
765

(2) The ~~Development Zoning Administrator~~ shall be the approving authority for major and minor site plans.

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768

C. Review process.

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770

(1) Prior to the initial submission of an application seeking approval of a site plan, the owner or proprietor of land who desires to apply for site plan approval shall file an application with the ~~Development Zoning Administrator~~ to attend the Technical Review Committee Pre-Application Conference. The staff shall place the matter on the agenda of the next available

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782 meeting of the Technical Review Committee, and shall notify the applicant of the conference
783 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,*
800 *website, and posted notice under §72-21.9.*

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

835 a. Construction of a single-family detached, *single-family attached, or duplex* dwelling
836 and its related uses and structures on a vacant lot.

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

840

841 B. Review process.

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

846

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

850

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

855

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

857

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

860

861 **SEC. III. Effective Date.**

862

863 This ordinance is effective immediately.

864

865 **Votes:**

866 **Ayes:**

867 **Nays:**

868 **Absent from Vote:**

869 **Absent from Meeting:**

870

871

872 Approved as to form:

873

874

875 _____
Kathleen Dooley, City Attorney

876

877

878

Clerk's Certificate

879

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. 17- duly adopted at a meeting of the City Council meeting held Date, 2017 at which a quorum was present and voted.

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Tonya B. Lacey, CMC
Clerk of Council



2016 Annual Report

Accomplishments

Public Sculpture

The commission's Public Art committee installed four large sculptures in 2016, the first year of the commission's Public Sculpture program. The public response to the sculptures has been overwhelmingly positive. The program has demonstrated the City's commitment to improving the quality of life in Fredericksburg through public art. We're eternally thankful to Council for its support of the program, to the departments of Parks and Recreation and Public Works for their logistical support, and to the EDA for its financial support.

Social Media

The commission's Website committee undertook a project in 2016 to support the commission's goal to promote the Fredericksburg art community. We produced short videos that highlighted the many art galleries in the city, promoted work by individual local artists, and shared information of interest to the art community. Through the increased activity and paying for advertising, our Facebook audience more than tripled and now represents a much larger regional audience, including Northern Virginia; Washington, D.C.; Maryland; and North Carolina. Many local artists told us that they appreciated the information that the commission was sharing and the clear effort that we were putting into supporting the community.

Event and Project Funding

In addition to administering the funds from the Virginia Commission for the Arts Matching Grant program, the commission takes applications for funding support for individual art events and projects. In 2016, the commission supported the Sounds of Summer concert series, an art and cultural exchange with the Kathmandu Sister City, a Veteran's Art Show, and the 5th annual Art Attack.

In the fourth quarter of 2016, to better accommodate the increasing number of funding requests, the commission's Events and Promotion committee revised the commission's funding procedures. The commission adopted a quarterly review schedule based on the EDA's and rewrote the funding application and funding recipient agreement letter based on discussions with the EDA and the Mary Washington Hospital Foundation.

First Friday Trolley

The commission formed a First Friday Trolley committee in December 2015 to manage the operation of the trolley program. This year, the committee engaged gallery owners and representatives to try to determine how the trolley could work better for the galleries, and started implementing early improvements, including redesigning the trolley map and distributing copies to

the galleries and other local businesses, including information about available parking areas on the map and other trolley communications, and working with student volunteers to gather data about overall ridership, location and time popularity, and rider experience.

Future Plans

Public Sculpture

The Public Art committee's plan for the second year of the Public Sculpture program includes two new sites, for a total of six works to be installed in October 2017. The challenge will be to fund the six sites since we do not anticipate the EDA to support the second year of the program. We have requested the funding for the full Public Sculpture budget in our FY18 budget request to ensure that we can continue this program.

Interns

The largest challenge for many of the commission's committees is that the commissioners and other committee members have limited time available to accomplish their goals. In 2017, we plan to engage interns from UMW to assist with tasks like social media content creation, trolley management, community information surveys, and other commission administration.

Performing Arts

The Venues committee will survey Fredericksburg's available performing arts venues in 2017 and attempt to determine what needs of the local performing art community are not being met.

First Friday Trolley

The commission has committed to funding the trolley through FY17 and hopes to be able to continue the program in the future. The First Friday Trolley committee will continue to engage gallery representatives and respond to any concerns that they have. It will continue to gather and ultimately analyze ridership data. The committee has plans to improve the visibility of trolley signs, better inform the community about the trolley program, and increase distribution of printed trolley information.

Commission Management

In my capacity as chair, I plan to improve aspects of the operations of the commission. I believe our current commission would benefit from easier sharing of resources (i.e. working documents, committee rosters, contact information) and future commissions would benefit from document templates, documented procedures (i.e. website maintenance, budget preparation), and historical records (i.e. previous budgets, previous funding recipients, lessons learned). I believe that some simple systems can help us work more efficiently and let future commissions benefit from the great work that our commissioners are doing.



Kenneth Lecky
Chair, Fredericksburg Arts Commission



**City of Fredericksburg Department of Social Services
Board of Directors
Meeting Minutes – October 13, 2016**

Present for the meeting: Kathy Anderson, Christen Gallik, Beth Girone, Bea Paolucci, and Mark Poth.

- I. **Call to Order:** Meeting called to order at 8:35 a.m.
- II. **Approval of Minutes:** Mark Poth made a motion to approve the minutes of August 11, 2016. Bea Paolucci seconded. Motion passed. All were in favor.
- III. **Director's Report:**
 - a. **Budget** – The finance report was presented and discussed. Ms. Gallik stated that City Council approved the purchasing of a new car to replace the Jeep that was deemed to be a safety hazard due to rusting of the under carriage.
 - b. **Performance Metrics** – Not available.
 - c. **Management Report** - Ms. Gallik's Director's report was distributed and discussed. (attached)
- IV. **Old Business: None to discuss.**
- V. **New Business:**
 - a. **Action Plan** – Ms. Gallik presented the Board with the Action Plan that was developed during the Leadership Team's work session held 9/27-9/29. The action plan will play a key role in moving forward and staying on task for the many initiatives the Leadership Team determined as priorities over the course of the next several months. The Leadership Team will be reviewing the status of the action items at each of their meetings and updating the plan as tasks are completed. The Leadership Team also added a Vision Statement and Core Values to the Agency's Mission Statement. A "roll-out" to staff is slated to occur at the next full staff meeting on November 16, 2016.
- VI. **Executive Session: None.**
- VII. **Items for Consent/Approval:**
 - a. Signature of Board Chair on "Approval to Hire" forms for two new employees - LaTaisha Hendricks, Family Services Specialist and Miranda Webster, Eligibility Worker.
 - b. Business Continuity Plan – Discussion was held around what the role of the Board would be for the plan. Ms. Gallik explained that the plan was more of a guideline for the Agency to follow in certain circumstances and that their role would be minimal in most instances. If any action was needed based on the plan, the Director will keep the Board

informed of the situation. Kathy Anderson made a motion to accept the plan. Mark Poth seconded the motion. All were in favor.

- c. Ms. Gallik shared information with the Board about the upcoming fundraising gala for the Child Advocacy Center and asked for their approval to sponsor a table on behalf of the agency. Motion to approve was made by Kathy Anderson and seconded by Mark Poth. All were in favor.

VIII. **Adjournment:** Motion was made by Kathy Anderson and seconded by Bea Paolucci to adjourn the meeting. All were in favor and the meeting adjourned at 9:29 a.m. The next meeting is scheduled for **December 8th at 8:30 a.m.**

Respectfully Submitted:

Beth Girone

Beth Girone, Assistant Director

12/8/16

Date

Bea Paolucci

Bea Paolucci, Chair

12/8/16

Date

APPROVED



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

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. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

December 13, 2016

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, December 13, 2016, beginning at 7:46 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Barody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Fiscal Affairs Director Clarence Robinson, Community Planning and Building Development Director Charles Johnston, Zoning Administrator Michael Craig, Development Administrator Marne Sherman, Budget Manager Deidre Jett and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D16-__ thru D16-__). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Resolution 16-107, First Read Approved, Amending the Fiscal Year 2017 Budget by Appropriating Fiscal Year 2016 Carryovers (D16-__). No speakers. After staff presentation Councilor Devine moved to approve

Resolution 16-107, on first read, amending the Fiscal Year 2017 budget by appropriating Fiscal Year 2016 carryovers; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Ordinance 16-28, First Read Approved, Amending the Unified Development Ordinance Regulations of Fences in All Zoning Districts, Including Changes in the Definitions of Required Yards (D16-__). No speakers. After staff's PowerPoint presentation Vice-Mayor Withers asked who would decide on safety issues. Ms. Sherman said they would evaluate the sight distance where streets intersect and where driveways intersect with public rights of way. They would not address that with alleys. Vice-Mayor Withers said he would hope they take alleys into consideration. Ms. Sherman noted that as the ordinance was proposed it would not address alleys.

Councilor Frye asked how the new proposed ordinance would affect those who had nonconforming fences and Ms. Sherman said it would not affect those fences and if they were to replace the fence it could be replaced in kind.

Councilor Kelly asked if there were any criteria for judging sightlines and safety at intersections. Ms. Sherman said there would be a ten (10) foot measurement along the street frontage and ten (10) feet in either direction and within that area there would be limits to a fence not taller than four (4) feet.

Vice-Mayor Withers moved approval of Ordinance 16-28, on first read, amending the Unified Development Ordinance regulations of fences in all zoning districts, including changes in the definitions of required yards; motion was seconded by Councilor

Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Ordinance 16-29, First Read Approved, Amending the Unified Development Ordinance to Provide for Breweries, Wineries and Distilleries in the City of Fredericksburg (D16-__). No speakers. After a brief discussion Vice-Mayor Withers moved to approve Ordinance 16-29 on first read, amending the Unified Development Ordinance to provide for breweries, wineries and distilleries in the City of Fredericksburg; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Adjournment. There being no more speakers to come before the Council at this time. Mayor Greenlaw declared the hearing officially adjourned at 8:23 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC

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CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

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. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

December 13, 2016

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, December 13, 2016, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Fiscal Affairs Director Clarence Robinson, Community Planning and Building Development Director Charles Johnston, Zoning Administrator Michael Craig, Development Administrator Marne Sherman, Budget Manager Deidre Jett and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Matthew J. Kelly followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Auxiliary Officer Stuart Butterfield at this evening's meeting.

Presentation to Election Pages (D16-__). Mayor Greenlaw and Electoral Board Chair Renee Rodriguez presented certificates to the election pages from the 2016 Presidential Election.

Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR). Fiscal Affairs Director Robinson introduced Mr. Andrew Grossnickle of Robinson, Farmer, Cox Accountants. Mr. Grossnickle reviewed the CAFR with the Council and noted some of the more important points in the report.

CSX Update. Mr. Randy Marcus of CSX updated the Council on the construction of the side track. He stated that the construction began last week and is projected to be completed by the end of the year. Mr. Marcus said there would be a couple other steps that would need to be taken before they could begin use of the track. Mr. Marcus also noted that they appointed someone to the Regional Hazmat Commission as was requested at the last Council meeting he attended. He said they have also scheduled a January meeting to discuss the bridge overpass in the city.

Councilor Frye thanked Mr. Marcus and CSX for taking care of everything before the end of the year.

Public Hearings Conducted (D16-__ thru D16-__). The regular session was recessed in order to conduct the scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. The following speaker participated in the citizen comment portion of this evening's meeting.

Sherry Dowdy – 100 D Fauquier Street, stated that the 1210 Sophia Street property shares a fence line with her property and she said the property had been vacant for 10 years and she would like to see it demolished. Ms. Dowdy said she has had to call the Police because of the homeless activity at this property.

Jim Schlesinger – 100 Fauquier Street, read a statement from George Fish another neighbor and they were both in favor of demolishing the property at 1210 Sophia Street.

Beatrice Paolucci – 1500 Caroline Street, spoke in support of the petition to demolish the property at 1210 Sophia Street. Ms. Paolucci said if the Council approved the authorization for an application for a Certificate of Appropriateness to relocate/or demolish the property she would send the petition around for more support and she would bring it to the Architectural Review Board on January 9.

Council Agenda Presented. The following items were presented to Council for discussion.

7A. 3rd Annual Gun Giveback Program – Councilor Frye

7B. Murder Free Fredericksburg – Councilor Frye

3rd Annual Gun Giveback Program – Councilor Frye thanked Chief David Nye, Captain Layton and the Police and Sheriff’s departments for another successful gun giveback. They collected 28 guns which brought the three year total to 120 guns collected. Councilor Frye also thanked Ms. Doris Buffet for her contribution to local charities for every gun that was collected.

Murder Free Fredericksburg – Councilor Frye announced that he was in hopes of having a Murder Free Fredericksburg in 2017 and he would do what he could to make it a murder free year.

City Manager’s Consent Agenda Accepted for Transmittal as Recommended (D16-__ thru D16-__). Vice-Mayor Withers pulled item 8C for further discussion. Following review and as recommended Councilor Kelly moved approval of the remainder of the City Manager’s consent agenda items; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

- Transmittal of Staff Reorganization (D16-__).
- Transmittal of a Memo on the new Resolution Template (D16-__).
- Resolution 16-108, Amending the Rappahannock Juvenile Justice Academy Fiscal Year 2017 Budget (D16-__).
- Transmittal of Boards and Commission Minutes (D16-__).
 - Cable Commission – September 15, 2016 (D16-__).
 - Potomac, Rappahannock Transportation Commission – November 3, 2016 (D16-__).

Resolution 16-109, Supporting the Inclusion of the City as a Part of the Potomac Heritage National Scenic Trail (D16-__). Vice-Mayor Withers pulled this item to allow staff to explain what type of trail this was going to be. City Manager Barody explained that this was a system trail that goes from Pennsylvania to the Northern Neck it would highlight historic treasures of America. There would not be hard construction of trails. It allows that City to highlight and promote its treasures.

Vice-Mayor Withers wanted citizens to know that this would not be an impact on the neighborhoods.

Vice-Mayor Withers made a motion to approve Resolution 16-109, supporting the inclusion of the City as a part of the Potomac Heritage National Scenic Trail; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Adoption of Minutes (D16-__). Councilor Devine moved approval of the September 13, 2016 Work Session and the November 22, 2016 Regular Session minutes; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Appointment to the Fredericksburg Arts Commission – Sophia Constantine (D16-__). Vice-Mayor Withers made a motion to appoint Sophia Constantine to the Fredericksburg Arts Commission; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Ordinance 16-27, Second Read Approved, Repealing the Aggressive Solicitation Ordinance; Adopting Ordinance on Impeding or Interfering with Pedestrian or Vehicle Traffic and Pedestrians in the Roadway (D16-__). After a brief presentation Councilor Kelly made a motion to approve Ordinance 16-27 on second read, repealing the Aggressive Solicitation Ordinance; adopting ordinance on impeding or interfering with pedestrian or vehicle traffic and pedestrians in the roadway; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-110, Approved, Authorizing Application to the Architectural Review Board for a Certificate of Appropriateness to Relocate and if Unsuccessful, Demolish the Structure at 1210 Sophia Street for the Central Rappahannock Regional Library (D16-__). – After

staff presentation Councilor Kelly noted that the previous Council he served with had purchased the property for expansion of the library and it had fallen into disrepair. He said he hoped the City would follow the City’s demolition process and have an assessment done on the property. Councilor Kelly said this would be a good project for the University of Mary Washington. He said they could do a full assessment and document why it should be torn down. Councilor Kelly also said there should be a phase I archeological dig done. He said the City needed to set the bar high.

Councilor Devine agreed with much of what Councilor Kelly said. She said there was not much in the building but she would like to see the City play by the rules and move forward.

Councilor Kelly made a motion to approve Resolution 16-110, authorizing application to the Architectural Review Board for a Certificate of Appropriateness to relocate and if unsuccessful, demolish the structure at 1210 Sophia Street for the Central Rappahannock Regional Library; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-111, Approved, City Council Legislative Agenda for the 2017 General Assembly (D16-__). Staff reviewed that proposed legislative

agenda to the Council and Councilor Kelly added that the GWRC brought forward their legislative agenda and he asked that two things be added on. He said he would like to see the elected bodies get more engaged with the legislative process and begin to talk more with the state representatives. He feels that if the local representatives come together on some of the issues it would present a more united front when things are taken to the state representatives.

Councilor Kelly also added that he would also like to see a member of the locality on the University of Mary Washington's Board of Visitors. He said the University should be required to follow the zoning ordinances of the community they are in because their impact can be extensive. He would also like to seek legislative authority in the near future to ensure the City has representation at the table when the University seeks to acquire property or takes on larger on campus projects.

Vice-Mayor Withers informed Councilor Kelly that several Council members go to spend time with the legislators during session and throughout the year and that City Attorney Dooley goes and speaks before the legislative body. Vice-Mayor Withers suggested having the annual dinners with the legislators as the City used to do in the past.

Councilor Kelly made a motion to approve Resolution 16-111, City Council Legislative Agenda for the 2017 General Assembly to include the statement that the City would be talking to the University but we may be coming to the legislators requesting the college follow their 25 year Plan, that they follow the City's zoning, and the City would like a seat on the Board of Visitors (BOV); motion was seconded by Councilor Duffy.

Councilor Duffy said it would be interesting to see how that would work, he would like to see the City and the Town and Gown build a better relationship but he thought it

might be awkward for a Council member to be on the BOV because they may not be able to discuss publicly some of the things brought up in the BOV meetings.

The motion passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Council Vision Process Update (D16-__). Councilor Devine shared the draft vision statement. The vision is expressing what the Council would like the City to look like in 2036.

City Manager Baroody noted that there were eight (8) desired future states and thirty-six (36) projects listed under the 8 desire future states. Staff will take this information and form action plans and bring it all back in January for adoption.

Councilor Kelly made a motion to turn the vision process over to staff to work on and bring back to City Council in January; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

City Manager's Report and Council Calendar (D16-__ thru D16-__). City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Gun Give Back Event, Downtown 31, Updated Layout for Parks and Recreation Catalog, Annual Christmas Parade, Public Art Sculpture, Police Patrol for Good Deeds, Fredericksburg Police Department Raises Over \$800 for the Movember Foundation, Fredericksburg Police Department Welcomes Two New Officers, Regional Tourism Partnership Forum and Visitors Center Forum.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 9:22 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC



MEMORANDUM

TO: Mayor Greenlaw and City Council
FROM: Tonya B. Lacey, Clerk of Council
DATE: January 4, 2017
SUBJECT: Architectural Review Board (ARB) Appointments

BACKGROUND

The appointments of Susan Pates and Jamie Scully expired as of December 31, 2016. Ms. Pates is eligible to serve a second term but Mr. Scully is not because he has already served his two terms. Ms. Pates has applied for reappointment and there were four other applicants that were interested in serving and applied: Donna Chasen, Charlotte Horne, Tina Morris and Van Perroy.

RECOMMENDATION

At the January 10, regular session, Council is requested to make two appointments to the ARB. The appointment applications are attached for your review and consideration.

Tonya B. Lacey
Tonya B. Lacey
Clerk of Council

Attachments: Applications



Fredericksburg Public Schools

817 Princess Anne Street
Fredericksburg, VA 22401-5819
Telephone: (540) 372-1130
Fax: (540) 372-1111

January 3, 2017

Mrs. Tonya Lacey
Clerk of Council
City of Fredericksburg
715 Princess Anne Street
Fredericksburg, Virginia 22401

Dear Mrs. Lacey:

At a regular meeting on December 5, 2016, the Fredericksburg City School Board voted unanimously to recommend the appointment of Mr. Michael George as the School Board's representative on the Fredericksburg Cable Commission. It is our understanding that the school division representative for the Cable Commission is a permanent appointment. Please submit this recommendation to the Fredericksburg City Council for action.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads 'Deborah B. Wright'.

Deborah B. Wright
Clerk of the Board

dbw

cc: Mr. Michael George



Deidre G. Jett

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Deidre Jett, Budget Manager
DATE: January 5, 2017
SUBJECT: Resolution Re-appropriating and Appropriating Funds in the FY 2017 Budget for Traffic Signal Modernization

ISSUE

Shall the City Council amend the FY 2017 budget by re-appropriating \$989,274 of funds in the Public Works Capital Fund for the FY 2016 Traffic Signal Modernization and appropriating an additional \$120,000 based on a revised cost estimate?

RECOMMENDATION

This resolution requires two readings. Staff recommends approval. Staff also requests that the first and second readings be held on January 10, 2017 in order to accommodate the contract award and construction schedule.

BACKGROUND

The City Council approved the Traffic Signal Modernization project in the FY 2016 budget. The project includes signals at the following intersections:

- Amelia Street and Caroline Street
- Amelia Street and Princess Anne Street
- Amelia Street and Prince Edward Street
- Lafayette Boulevard and Princess Anne Street
- Lafayette Boulevard and Caroline Street.

The original estimate for the project was \$1,125,000 with 50% of funding provided by the City and 50% provided by the Virginia Department of Transportation (VDOT). Since that time, the estimate was revised upward by \$220,000. This increase will be funded by the City and VDOT using the same 50/50 formula.

FY 2016 Traffic Signal Modernization	City Share	VDOT Share	Total
FY 2016 Budgeted Amount	\$ 562,500	\$ 562,500	\$ 1,125,000
Increase Due to Revised VDOT Estimate	\$ 110,000	\$ 110,000	\$ 220,000
TOTAL	\$ 672,500	\$ 672,500	\$ 1,345,000

The bids for this construction project are due January 27, 2017. The contract award is expected to be presented to City Council at the February 14, 2017 meeting for approval. The construction period begins in April and is expected to be complete by the end of December.

In FY 2016, the expenditures for this project were \$135,726. Therefore it is necessary for the City to re-appropriate unspent funds from FY 2016 approved for this project as well as appropriate an additional \$120,000. Of this amount \$110,000 will be VDOT revenue and \$10,000 will be Public Works Construction fund balance. The City included \$100,000 in the FY 2017 capital budget for traffic signalization that will be used for this project.

FISCAL IMPACT

The project will require a re-appropriation of \$989,274 and new appropriation of \$120,000 for a total appropriation of \$1,109,274. Of that amount, \$604,637 will be revenues from VDOT and \$504,637 will be fund balance in the Public Works Construction Fund. Only \$10,000 of City's share is related to the increased costs since \$100,000 was approved in FY 2017 Budget.

FY 2016 Traffic Signal Modernization	City Share	VDOT Share	Total
Revised Project Estimate	\$ 672,500	\$ 672,500	\$ 1,345,000
FY16 Expenditures	\$ (67,863)	\$ (67,863)	\$ (135,726)
FY17 Budget	\$ (100,000)	\$ -	\$ (100,000)
Additional Appropriation	\$ 504,637	\$ 604,637	\$ 1,109,274

Attachment: Resolution

cc: Mark Whitley, Assistant City Manager
Clarence Robinson, Director of Fiscal Affairs
Doug Fawcett, Director of Public Works



January 10, 2017
Regular Meeting
Resolution No. 17-xxx

MOTION:

SECOND:

RE: Amending the Fiscal Year 2017 Budget by Appropriating Funds for the Fiscal Year 2016 Traffic Signal Modernization Project

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

WHEREAS, the City of Fredericksburg fiscal year runs from July 1 to June 30; and

WHEREAS, the City appropriated \$1,125,000 the FY 2016 Traffic Signal Modernization Project in FY 2016 which was not completed by June 30th;

WHEREAS, the project estimate has increased by \$220,000;

WHEREAS, the City has fund balance amounts as of June 30 or expected revenues to continue this work;

WHEREAS, the City appropriated \$100,000 for Traffic Signals in FY 2017 budget;

WHEREAS, the City desires to complete the FY 2016 Traffic Signal Modernization Project;

NOW, THEREFORE, BE IT RESOLVED, that the following appropriations are recorded amending the FY 2017 budget;

PUBLIC WORKS CAPITAL PROJECTS FUND

SOURCE

OTHER CATEGORICAL AID

3-302-024010-0133	VDOT Revenue Sharing	\$ 604,637
	Departmental Total	\$ 604,637

FUND BALANCE

3-302-061010-0010	Fund Balance- Surplus	\$ 504,637
	Departmental Total	\$ 504,637

TOTAL SOURCE \$ 1,109,274

USE

FY 2016 TRAFFIC SIGNAL
MODERNIZATION

4-302-094587-3170	Construction Contracts	<u>\$ 1,109,274</u>
	Departmental Total	\$ 1,109,274
TOTAL USE		<u>\$ 1,109,274</u>

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, Tonya B. Lacey the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 17- duly adopted the City Council meeting held _____ at which a quorum was present and voted.

***Tonya B. Lacey, CMC
Clerk of Council***



Timothy J. Baroody

MEMORANDUM

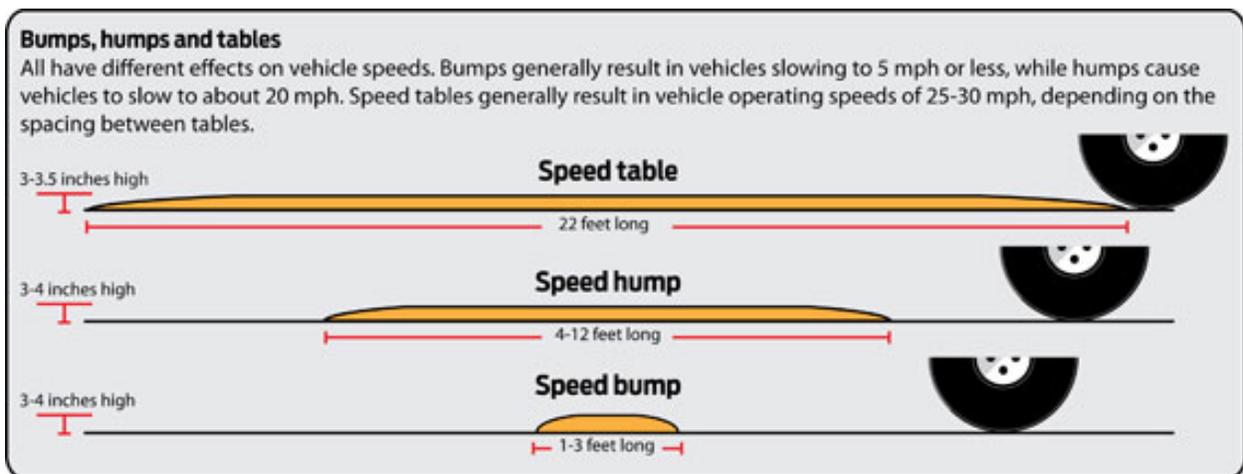
TO: Mayor Greenlaw and Members of City Council
FROM: Timothy J. Baroody, City Manager
DATE: January 5, 2017
SUBJECT: City Manager's Update

Highlights of major activities and other notable developments:

Hanson Avenue Speed Tables – Five speed tables were recently installed on Hanson Avenue between the south end of the Falmouth Bridge and Fall Hill Avenue - three in the south bound lanes and two in the north bound lanes. Signs and pavement markings were also installed to warn motorists that they are approaching these traffic calming devices. This installation represents the first time this traffic calming approach has been used on public streets in the City.

The very early reviews of the speed tables, intended to reduce the speed of traffic and perhaps to a lesser extent the volume of traffic on the street, are favorable.

Public Works staff will be monitoring the effect of the speed tables over the coming weeks and months. If they prove over that period to have the desired traffic calming impact, staff will consider installing additional speed tables at other locations in the City where they have the potential to be effective.



ITEM#11B

Board of Equalization – The Board of Equalization has completed hearing appeals from the 2016 General Property Re-assessment. The assessor’s valuations on a total of 35 parcels were challenged, and of those, 19 were adjusted. The overall land book was decreased as a result of the adjustments by a total of \$5,932,400. The land book value as of the close of the calendar year for taxable real estate value totaled \$3,951,530,700. The FY 2016 Land Book (before the re-assessment) totaled \$3,651,843,200. The tax rate was lowered in the FY 2017 Budget process from \$0.82 / \$100 valuation to \$0.77 / \$100 valuation.

City’s Regional Hazardous Materials Response Team Called to Action – A seven-member hazardous materials team from the Fredericksburg Fire Department responded to a call for assistance December 18 for a fuel leak from an above ground tank at the Culpeper Country Club. Since the tank was filled in October, fuel evidently had been leaking into a nearby creek, contaminating the waterway. FFD staff collected fuel and protected downstream water supply and after hours on the scene, turned the site over for monitoring to the Department of Environmental Quality and restoration by a private contractor.

Through a contract with the Virginia Department of Emergency Management, the City fields the regional HAZMAT team which responds to calls in the City, Stafford, Spotsylvania, Caroline, King George, Orange, Culpeper, Madison and Fauquier. If necessary, the team can be called anywhere in the state. The City receives an annual stipend for the team as well as reimbursement for personnel and materials expended in service.

Fredericksburg Police Spend Time with Area Youth & Senior Citizens this Holiday Season–

On December 10, the Police Department participated in the 25th Annual Shop With A Cop event put on by the Fraternal Order of Police Lodge #15. Seven officers and non-sworn personnel joined members of other regional law enforcement agencies and took approximately 200 children Christmas shopping at the Target in Central Park. Each child was given \$100 to spend during their shopping trip.

On December 15, the Police Department and other regional law enforcement agencies took local senior citizens Christmas shopping at the Walmart in Ferry Farm. This event was coordinated through the Spotsylvania, Stafford, Fredericksburg TRIAD, a local non-profit organization with a mission to reduce crime against senior citizens.



ITEM#11B

Gun Give-Back Event – Thirty-one firearms were turned in at 2016 Gun Give-Back event held on December 10. For every firearm turned in, philanthropist Doris Buffet made a \$100 donation to be equally distributed between local charities Shop with A Cop, the Thurman Brisben Center, Micah Ecumenical Ministries, and Empower House. Each charity received \$775.

Visitors Center Forum – The Department of Economic Development and Tourism held a public forum on the Fredericksburg Visitor Center the morning of Wednesday, January 4. About 60 people attended the meeting, which was held on the third floor of the Executive Plaza. Attendees gave feedback about the current Visitor Center and the possibility of relocating the center and/or the Department of Economic Development and Tourism. Additional discussion is planned on this matter.



Building Statistics Reports – The November Building Construction Activity and Property Maintenance Reports are attached for your review.

CITY OF FREDERICKSBURG, VIRGINIA
Community Planning and Building Department



PROPERTY MAINTENANCE REPORT - NOVEMBER 2016

PROPERTY MAINTENANCE	Oct-16		Oct-15		FY to Date 2017	FY to Date 2016	
Complaints	17		15		116	83	
Inspections	82		115		366	260	
Notice of Violations Issued	36		40		168	107	
Number of Violations Corrected	48		56		230	156	
INOPERABLE VEHICLES							
Notice of Violations Issued	7		16		12	54	
Number of Violations Corrected	1		20		1	48	
Number of Vehicles Towed	0		0		0	0	
STOP WORK ORDERS							
Number Issued	0		5		0	23	
UNSAFE STRUCTURES							
Notice of Violation Issued	1		0		2	3	
WEEDS, TRASH & GRASS							
Notice of Violation Issued	5				91		
Notice of Violation Corrected	10				140		

COMMENTS

Hazel Hill Apartments had all Final Inspections and gas heat was fully restored before cold weather occurred.
 Dr. Hebron, the owner of the old Cards and Cones at 201-203 William Street, obtained ARB approval for exterior improvements and permits have been issued.
 The City's Utilities staff contact Property Maintenance staff when their smart meters show that there is a water leak at a property.
 There were four properties this month with unusually high water usage.
 With this information, the owner and/or tenant were contacted so that repairs were made before the Utility Bills get too high for the occupant to be able to pay.
 The Utility Department will adjust the bills when repairs have been made.

CITY OF FREDERICKSBURG, VIRGINIA
Community Planning and Building Department



BUILDING CONSTRUCTION ACTIVITY - NOVEMBER 2016

RESIDENTIAL	Nov-16		Nov-15		FYD 2017		FYD 2016	
New-Residential	0		0		17		18	
New-Plumbing/Electrical/Mechanical/Other	1		1		13		9	
Alterations/Additions	19		11		86		82	
Alt/Add - Plumbing/Electrical/Mechanical	37		28		170		196	
Certificates of Occupancy	1		4		28		18	
Fees Collected	\$7,793.25		\$3,485.00		\$47,833.65		\$47,459.25	
Fees Waived	\$0.00		\$0.00		\$0.00		\$0.00	
COMMERCIAL/MULTI-FAMILY	SQFT/#UNITS		SQFT/#UNITS		SQFT/#UNITS		SQFT/#UNITS	
New-Commercial	2	3,691	0		3	6,891	3	35,234
New-Multi-Family	0		0		0		0	
New-Plumbing/Electrical/Mechanical/Other	12		1		29		25	
Alterations	20		17		131		143	
Alt-Plumbing/Electrical/Mechanical	35		40		268		222	
Certificates of Occupancy	0		2		3		6	
Fees Collected	\$12,324.06		\$11,519.75		\$66,443.69		\$71,403.80	
Fees Waived	\$525.00		\$0.00		\$11,931.77		\$5,868.81	
CERTIFICATES OF OCCUPANCY-EXISTING								
	8		4		60		47	
BUILDING INSPECTIONS PERFORMED								
	735		377		2796		2599	
UTILITY FEES COLLECTED								
Water Tap	\$0.00		\$0.00		\$7,800.00		\$2,600.00	
Water Availability	\$0.00		\$0.00		\$60,000.00		\$52,000.00	
Sewer Tap	\$0.00		\$0.00		\$20,400.00		\$5,100.00	
Sewer Availability	\$0.00		\$0.00		\$100,000.00		\$86,600.00	

COMMENTS

Sprinkler Permit Fee waived (March 2016) for Old Walker Grant School, 201 Ferdinand Street.
Commercial Permits Issued for 3449 Fall Hill Avenue, HNR Pharmacy, 1345 SF and 2563 Cowan Boulevard, Medical Office, 2346 SF



CITY COUNCIL MEETINGS & EVENTS CALENDAR

City Hall Council Chambers, 715 Princess Anne Street, Fredericksburg, VA 22401

1/10/17	5:30 p.m.	Work Session <ul style="list-style-type: none"> • ARB Interviews (4) • Decommissioning of Traffic Lights • Main Street • Dominion VA Power – Line 47 	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
1/24/17	5:30 p.m.	Joint Work Session with Planning Commission on Streetsense Update	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
2/14/17	5:30 p.m.	Work Session	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
2/28/17	5:30 p.m.	Work Session	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
3/14/17	5:30 p.m.	Work Session	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers

