



**PLANNING COMMISSION
CITY OF FREDERICKSBURG, VIRGINIA AGENDA
January 15, 2020
7:30 P.M.
COUNCIL CHAMBERS, CITY HALL**

1. Call To Order
2. Pledge Of Allegiance
3. Determination Of A Quorum
4. Approval Of Minutes
 - 4.I. November 13, 2019 Draft Minutes

Documents:

[4-2019-11-13 PC MEETING MINUTES - DRAFT.PDF](#)

- 4.II. December 11, 2019 Draft Minutes (W/Pates' Edits)

Documents:

[4-MINUTES DECEMBER 11 2019 MEETING DRAFT ECKLES PATES
COMMENTS 1 4 20.PDF](#)

- 4.III. December 6, 2019 Train Committee Meeting Minutes

Documents:

[4-MINUTES DECEMBER 6 2019 TRAIN STATION COMMITTEE MEETING
FINAL SIGNED PATES 1 9 20 \(2\).PDF](#)

5. Declaration Of Conflict Of Interest
6. Approval Of Agenda
7. Public Hearing Items
 - 7.I. UDOTA Comprehensive Plan And Infill Amendments

Documents:

[7B -- 2020-01-15 UDOTA \(INFILL\) \(COMBINED\).PDF](#)

8. General Public Comments
9. Other Business

- 9.I. Calendar Change
- 9.II. Bylaws
- 9.III. Planning Commissioner Comment
 - 9.III.i. Commissioner Pates- Washington Post Article, Cont'd From December Meeting
- 9.IV. Planning Director Comment
- 10. Adjournment



**CITY OF FREDERICKSBURG
PLANNING COMMISSION
MINUTES**

**November 13, 2019
7:30 p.m.**

**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:

<https://amsva.wistia.com/medias/unnlh4pebr>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman
Steve Slominski, Vice-Chairman
David Durham (telephonically)
Kenneth Gantt (absent)
Chris Hornung
Tom O'Toole
Jim Pates

CITY STAFF

Chuck Johnston, Director,
Planning and Building Dept.
Mike Craig, Senior Planner
James Newman, Zoning Administrator
Kate Schwartz, Historic Resource Planner
Cathy Eckles, Administrative Assistant

1. CALL TO ORDER

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained meeting procedures for the public, as well as expected decorum during public comment.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

Five members were present and one member attended telephonically.

4. DECLARATION OF CONFLICT OF INTEREST

There were no conflicts of interest reported.

5. APPROVAL OF AGENDA

Mr. Hornung motioned for approval, Mr. Slominski seconded. Unanimous approval.

6. PUBLIC HEARING

A. The City of Fredericksburg proposes to amend:

- § 72-34 Overlay Districts, to adopt the Archaeological Preservation Overlay District for the purpose of identifying, evaluating, preserving, excavating and interpreting archaeological resources during the land development process; and
- The official zoning map to designate the Archaeological Preservation Overlay District over the entire City.

Ms. Schwartz reviewed the proposed amendments with a Power Point presentation. Ms. Schwartz recommended that the Commission permit public comment but continue the public hearing until the December 11 Planning Commission meeting to allow for a final legal review of the ordinance structure. Ms. Schwartz also reviewed the predictive model that shows the probability of identifying sites citywide.

Mr. Hornung asked for a summary of the archaeological excavation work done on the Riverfront Park. Ms. Schwartz said she could follow up with specific costs for the multiple phases of investigation conducted, but reviewed some general costs for archaeological work: survey of a single family lot is approximately \$5,000; an entire city block could be \$50,000 to \$100, 000, depending on the density of the resources.

Mr. Pates questioned the 5% fee on all applications. Ms. Schwartz explained this program was a public benefit and that although the fee applied to all applications, most archaeological work only applied to projects greater than 2,500 square feet and to land in the medium high to high probability areas. Mr. Pates questioned when a site may need to be avoided. Ms. Schwartz noted this is not a requirement, but requests may be made if minor changes can be made to a plan to potentially preserve a historic resource.

Mr. Hornung stated that this program encourages early identification of sites and incentivizes avoidance by requiring investigation of resources that will be destroyed. Once a site has been identified, the next step is Phase II, which costs more money. So early identification and potentially redesigning the site can save costs. Ms. Schwartz noted this is not a tool to prevent development but builds consideration of the archaeological resources into work being done in the City.

Mr. Pates questioned developments in the City where archaeological resources have been lost due to a lack of an ordinance. Ms. Schwartz noted the City doesn't know for sure what has been lost. Mr. Johnston said that previously development projects have been individually addressed by Council, and Council members wanted a more standardized, predictable approach.

Mr. Pates asked how the predictive model was created. Ms. Schwartz reviewed the citywide archaeological assessment and research that supported the creation of the model and map.

Mr. Pates questioned what other local ordinances were considered in the development of the City's ordinance. Ms. Schwartz stated that ordinances in Alexandria, Williamsburg, Prince William County, and Fauquier County, among many others across the country were studied. The Fredericksburg ordinance strikes a balance between many of the example ordinances, which are either comprehensive and require substantial funding, like Alexandria, or apply in very limited circumstances, like many of the countywide models.

Mr. Durham asked for confirmation that the predictive map is an evolving document and boundaries of regions will change administratively as properties develop. Ms. Schwartz confirmed and noted sites will be changed to low probability areas as they are studied and cleared.

Mr. Rodriguez requested that once a legal determination is received it be provided to the Commission.

Chairman Rodriguez opened the public hearing.

Anne Little, 726 William St., discussed the fiscal concerns. She said the City is rated one of the most expensive places to live and now the City wants to add another 5% fee.

No further speakers, Chairman Rodriguez closed the public hearing.

Mr. Hornung clarified that the 5% fee is on the permit application fee, not the tax rate. Chairman Rodriguez questioned what the 5% fee would have generated in the last year. Mr. Johnston stated the estimation is it will amount to about \$30,000 annually.

Mr. Durham asked staff to compare the estimated costs of the program vs. hiring a full-time archaeologist. Mr. Johnston stated the estimated fees generated of \$30,000 will probably cover a third of the estimated costs of \$100,000 annually and that a professional archaeologist, including benefits, would cost an additional \$100,000. Ms. Schwartz stated that it will take a few years to see whether the program merits a full-time archaeologist or just consultants.

Mr. Hornung clarified that this program is a public benefit for City residents and the additional 5% permit fee allows for funding to cover simple projects and for the City to respond to unexpected discoveries citywide.

Mr. Slominski stated that hiring a consultant on an as-needed basis would probably work better than having an archaeologist on staff due to the uncertainty of how much work will be needed.

Mr. O'Toole asked for further clarification on the homeowner process. Ms. Schwartz said that depending on the area in the City and the size of the project, most projects would not incur substantial costs for individual homeowners. Minor projects would potentially be monitored by a professional archaeologist to avoid impacts on sites.

Chairman Rodriguez noted this matter will be before the Commission again on December 11.

7. GENERAL PUBLIC COMMENT

None.

8. OTHER BUSINESS

A. Parking Advisory Committee – Recommendation for Commission member.

Discussion was had on the Council's request to have a Commission member on the Parking Advisory Committee. Mr. Hornung made a recommendation for the Council to appoint Chairman Rodriguez, Mr. O'Toole seconded.

Motion carried 4-0-1 (Durham abstained).

B. Calendar Change – Shift January 8, 2020 meeting to January 15, 2020.

Mr. Johnston requested a change for the first Commission meeting due to the holiday schedule. The Commission agreed.

C. Planning Commissioner Comments

Mr. Pates spoke on two items (1) his appreciation to the Commission on their denial to recommend the sale of the Mary Washington Lodge; and (2) on Area 7 and his belief that development around the train station has not been given adequate attention.

Discussion ensued by the Commissioners regarding the train station and Chairman Rodriguez appointed a Train Station Area Committee to consist of Mr. Pates, Mr. Hornung, and Mr. Durham.

D. Planning Director Comments

1. Area Plans, Update: 1 and 2: Process Update

Mr. Johnston reviewed the status of the various area plans. Mr. Durham questioned if staff has met with the American Canoe Association regarding river access. Mr. Johnston said not directly, but discussions have occurred with the Friends of the Rappahannock.

2. Bylaws

Mr. Johnston reviewed the proposed amendments to the Commission's Bylaws to clarify the Commission's review process for the City's annual Capital Improvement Budget. He asked the Commission to formally consider these at its December 11 meeting. Chairman Rodriguez questioned if other proposed amendments can be considered and specifically questioned Section 5-10 and whether after two remote attendances would a member only be allowed to listen but not participate. Mr. Johnston said yes other specific amendments could be considered if they were proposed in the current meeting. He also said Commission members taking part by telephone could fully participate. Mr. O'Toole questioned why only two remote attendances were allowed. Mr. Johnston stated that was the recommendation of the City Attorney. Mr. O'Toole questioned if there was a limit to how many meetings can be missed. Mr. Johnston will check council rules.

Mr. O'Toole motioned to formally consider the proposed Bylaw amendments, described by Mr. Johnston at the Commission's December 11 meeting. Mr. Slominski seconded. Mr. Durham asked if other amendments can be considered. Mr. Johnston stated a new notice and motion would be needed.

Motion carried 6-0.

3. 2019 Capital Improvements Plan (CIP)

Mr. Johnston noted that a representative from the City's budget staff will be present at the December 11 Commission meeting for discussion. Mr. O'Toole questioned whether two numbers on the FY2020 – FY2025 CIP under Public Works and Utilities were actually one and the same. Mr. Johnston said these are two separate pools of funds.

Mr. Johnston reviewed the November 10, 2019 Council meeting, specifically Council: (a) denied the Special Use Permit for M&M Auto; (b) approved a contract for Riverfront Park without a stage canopy or bathrooms; (c) approved the removal of the slave auction block to the custodianship of the Fredericksburg Area Museum; and (d) scheduled a vote on the Mary Washington Lodge for the November 26 Council meeting.

Mr. Johnston noted that the review schedule for the Veterans' Affairs clinic proposal has been published and is due December 20.

4. Infill Ordinance Update: Council Initiation

Mr. Johnston said Council agreed to initiate amendments to the Comprehensive Plan and the Unified Development Ordinance regarding infill development. Mr. Johnston reviewed the Power Point presentation given to Council at the November 10, 2019 Council meeting. He said this matter will come to the Commission in a public hearing and will need to be acted upon within sixty days (by the January 15, 2020 Commission meeting.)

Discussion ensued regarding oddly-shaped lots and setbacks. Mr. Johnston noted that these matters will be more specifically addressed with examples at the public hearing.

8. ADJOURNMENT

There being no further items to be discussed, the Planning Commission adjourned at 9:04 p.m.

Rene Rodriguez, Chairman

DRAFT



**CITY OF FREDERICKSBURG
PLANNING COMMISSION
MINUTES**

**December 11, 2019
7:30 p.m.**

**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:

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MEMBERS

Rene Rodriguez, Chairman
Steve Slominski, Vice-Chairman
David Durham
Kenneth Gantt (telephonically)
Chris Hornung
Tom O'Toole
Jim Pates

CITY STAFF

Mark Whitley, Assistant City Manager
Chuck Johnston, Director,
Planning and Building Dept.
Mike Craig, Senior Planner
James Newman, Zoning Administrator
Kate Schwartz, Historic Resource Planner
Cathy Eckles, Administrative Assistant

1. CALL TO ORDER

Chairman Rodriguez called the meeting to order at 7:31 p.m. and explained meeting procedures for the public, as well as expected decorum during public comment.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

Six members present, Mr. Gantt present telephonically.

4. APPROVAL OF MINUTES

1. October 9, 2019

Mr. Pates moved for approval of the October 9, 2019 meeting minutes as amended. Mr. Durham seconded. Mr. Hornung abstained as he was not present at the October 9, 2019 meeting.

The motion passed 6-0-1.

5. DECLARATION OF CONFLICT OF INTEREST

There were no conflicts of interest reported.

6. APPROVAL OF AGENDA

No changes or additions to the Agenda.

7. PUBLIC HEARING

- A. **The City of Fredericksburg** proposes to adopt text amendments to the Unified Development Ordinance, Article 72-5 "Development Standards," for the purpose of identifying, evaluating, preserving, excavating, and interpreting archaeological resources located within the City of Fredericksburg during the land development process.

Kate Schwartz gave the staff presentation, along with a power point and staff's recommendation for approval of the Unified Development Ordinance (UDO) Text Amendment to the City Council.

Mr. O'Toole asked how often the predictive model underlying the proposed ordinance would be updated. Ms. Schwartz said periodically, as sites are investigated or destroyed. Discussion then ensued regarding: the depth of the required excavations; the determination of what artifacts are studied; the costs involved; the fact that avoidance of archaeological resources is not mandated but minor modifications can reduce the impact of the development; and comparisons to the City of Alexandria's and other local programs. Further discussion was also held regarding minor projects, the process, what land disturbance would require an archaeological review, and, if sites are found, how they would be studied.

Mr. Pates questioned the costs and scope of archaeological investigations. Ms. Schwartz said that costs would vary but could run anywhere from \$1,500 to \$75,000, depending on the level of investigation, the size of the site, and the type of site. Mr. Pates asked who would bear the delay costs caused by an archaeological investigation. Ms. Schwartz said that the City would bear the cost of the archaeological research for small-scale projects, but the homeowner would bear the costs of any delays; she said the program would seek to employ as rapid a timeline as possible. Mr. Johnston said that the public can weigh in on the costs of the program during the budget hearing process.

Mr. Rodriguez questioned the effective date of the ordinance. Ms. Schwartz said it proposes to be effective July 1, 2020, to coordinate with the beginning of the fiscal year. The months prior will be used to ensure that all administrative requirements are in place. The ordinance will apply citywide, but the University's compliance would be voluntary, as it is State-owned.

Chairman Rodriguez opened the public hearing.

Anne Little, 726 William St., discussed the fiscal concerns. She said the City is minimizing the possible costs and feels the City should not take on further expenses.

Jon Gerlach, 809 Charlotte St., spoke in support of the ordinance and discussed public costs. He discussed the “built-in safety valve” of this ordinance, noting that the City can choose the level of archaeological investigation.

No further speakers, Chairman Rodriguez closed the public hearing.

Mr. Slominski further questioned the costs and wanted to know the estimated percentages of commercial versus homeowner projects. Mr. Johnston stated that the impact on homeowners will be relatively modest, as very few projects entail lot grading greater than 2,500 square feet, typically only with new development on vacant lots. Mr. Hornung stated that he thought the costs would not be significant for homeowners, who will be paying an additional 5% fee on any permit fee, not any archaeological costs. This will be primarily funded by developers’ fees. Mr. Rodriguez noted that the archaeological costs are not borne until needed.

Mr. O’Toole asked why not eliminate the requirement completely for projects under 2,500 square feet. Mr. Hornung said it essentially provides for sharing the cost of the program among homeowners, developers, and the public and gives the City the authority to do supplemental inspections to be sure nothing is missed.

Mr. Durham asked for numbers regarding projects exceeding 2,500 square feet. Ms. Schwartz said in FY17 there were 9 major site plans, 4 of which would have required investigation; there were 12 minor site plans, of which 6 would potentially have required monitoring; there were 70 residential lot grading plans, but 60 of them had already been reviewed through the major site plan process; and there were 71 Certificates of Appropriateness, of which 6 would have been impacted. Mr. Durham noted the relatively small number of homeowners (possibly 1 or 2) impacted by this ordinance.

Mr. Durham moved to approve the proposed amendments to the Unified Development Ordinance to preserve and accommodate archaeological resources. Mr. Hornung seconded. Mr. Pates noted that his concerns about the potential cost of the program had been alleviated due to the small number of projects potentially affected and that he supported adoption. He asked, however, that Council look closely at the financial aspects and fiscal impact to the City.

The motion passed 5-2 (Mr. O’Toole and Mr. Slominski: Nay).

B. The City of Fredericksburg proposes to adopt text amendments to the Unified Development Ordinance: Article 72-2 “Administration”, Article 72-3 “Zoning Districts”, Article 72-4 “Use Standards”, Article 72-5 “Development Standards”, Article 72-8 “Definitions and Interpretations”. These changes will affect residential development in the R2, R4, R8, R12, and/or CT Zoning Districts regarding setbacks, height, and lot frontage.

Mr. Johnston reviewed the staff report with a Power Point presentation. He said the staff recommendation was for approval of the ordinance, as modified from previous discussions.

Mr. O'Toole questioned the strikeout of "before April 25, 1984," asking if this change means that the ordinance pertains to all lots in the City, no matter when created. Mr. Johnston said: Yes.

Mr. Pates questioned whether the Commission should vote on the UDO text amendments before holding a public hearing on the Comprehensive Plan amendments, scheduled for the January 15 Commission meeting. Mr. Johnston said the notice for the Comprehensive Plan amendments was inadvertently omitted from the notice for this evening's meeting. He said the Comprehensive Plan currently contains statements in the "Goals, Policies, and Initiatives" section listed in the Residential, Neighborhoods, and Housing Chapter that support the proposed UDO text changes. He said the City Attorney recommended additional text in the body of that chapter to further support ordinances for compatible infill development. He said, however, that there would be no problem for the Commission to wait to vote on the UDO text amendments until after the Comprehensive Plan public hearing.

Mr. Pates also questioned why the recommendation to limit the height of additions did not also pertain to main structures in residential districts. He said that over-sized infill development in the City was a continuing problem that resulted in new structures "overwhelming" neighboring properties and that this should be addressed as part of the proposed UDO amendments. Mr. Johnston said because 73% of lots in R4 are smaller than the minimum lot size, there are already limitations in place. He explained the maximum height of any structure is reduced by the same percentage that a lot falls below the minimum lot size. Commissioners and staff further discussed height limitations for additions.

Mr. Pates questioned the rear yard setbacks and whether paving of rear yards should be addressed because of the potential for large rear-parking areas. Mr. Johnston stated that paving limitations in front yards are provided, but that such limitations are not applied to rear yards as they would affect patios and swimming pools, in addition to parking areas.

Mr. Hornung questioned the height limitations and how they were calculated for additions. Mr. Johnston stated that the height of additions relative to the main structure is calculated to a midpoint between the eave and the ridge of a pitched roof based on the elevation of the front lot line.

Mr. Durham questioned whether the proposed changes would affect the ability of lots having a single-story structure to potentially have higher additions. Mr. Johnston said it potentially could. He suggested that neighborhood conservation districts should be considered to implement limits on two-story additions to single-story structures. Mr. Johnston noted the various neighborhoods with "substandard" lots downtown currently zoned R-4 and R-8.

Mr. Durham questioned the calculations used to determine the degree to which the expected building square footage will increase/decrease and any sense of the practical effect of these changes. Mr. Johnston stated that the proposed increase for rear-yard setbacks for corner lots from 6 to 24 feet would reduce potential buildable area. The

increased rear-yard setback for internal lots from 18 to 24 feet would also impact mass to a lesser extent.

Mr. Durham said that neighborhoods have a certain of pattern of development and that these ordinance amendments would not prevent a developer from coming in, tearing down existing houses, and building new ones substantially larger than others in the neighborhood. Mr. Johnston noted that infill calculations based on height are simpler to say than do. These modifications address the issue, but bear further study as part of a neighborhood conservation district effort.

Mr. Gantt said that the Commissioners need to determine if they are here to be progressive, prescriptive, or transformative, and stated he is supportive of the proposed recommendation.

Chairman Rodriguez opened the public hearing. There were no public speakers. Mr. Johnston stated that the Commission received a letter supporting the changes from Sabina Weitzman, member of the City Architectural Review Board, and four emails from citizens supporting the changes providing more flexibility for swimming pools in rear yards. Chairman Rodriguez closed the public hearing.

Mr. Pates suggested that the Commission hold the proposed ordinance amendments over until the next Commission meeting in order for staff to look at additional alternatives putting greater limitations regarding height of residences and all buildings in the historic district. Mr. Durham agreed that it made sense to hold the ordinance amendments. Mr. O'Toole asked staff to re-address the height issues. Mr. Johnston noted that more research will be done. He asked whether, if a neighborhood was mostly single story, the Commission would want to limit all new houses in a neighborhood to be single story. Mr. O'Toole questioned if this could legally be done. Mr. Pates responded that what Mr. O'Toole was referring to is known as an unconstitutional "regulatory taking," but that in order for a regulatory action such as the one being discussed to rise to the level of a confiscatory "taking," the government action would have to essentially deprive a property owner of all commercially viable use of his property. Such takings are extremely rare.

Mr. Durham stated that he believed stronger height limitations were absolutely what should be done to preserve the character of each neighborhood, and requested that staff to do more work on defining those and more text amendments strengthening the preservation of neighborhoods.

Chairman Rodriguez requested staff readdress this item at the Commission's January 15, 2020 meeting. Mr. Johnston noted that under this proposed ordinance amendment, properties in the local historic district will be governed by the Architectural Review Board.

Chairman Rodriguez requested more information to establish formal conservation districts and expand the Architectural Review Board's footprint.

Mr. Durham noted he does not support a pattern of redevelopment with rear additions continuing the same roof level as the primary residence all the way back on the lot. He believes there should be a step down in height as the addition extends back.

8. GENERAL PUBLIC COMMENT

Scott DeHaven, 221 Braehead Drive, spoke in favor of the infill ordinance amendments. No other speakers. Chairman Rodriguez closed the general public comment.

9. OTHER BUSINESS

- A.** The Planning Commission of the City of Fredericksburg proposes to amend its Bylaws:
Article 4-3-8, regarding the preparation and review of an annual report; and
Article 5-1, regarding recommendations on the City's Capital Improvement Plan.

Mr. Johnston reviewed the proposed changes to the Bylaws as previously discussed.

Mr. Pates moved to approve the Bylaw changes as presented. Mr. O'Toole seconded.
The motion passed 7-0).

B. 2021 CIP Recommendations

Mr. Craig reviewed the staff memo and recommendations listed. Mr. Whitley was present to discuss same.

Mr. Pates said there should be additional funds directed to train station improvements and the removal of unsightly billboards, particularly along Princess Anne Street. Mr. Durham discussed additional funds for intersection striping and safety/visibility mirrors. Discussion was also had on recommending acceleration to one or two projects, the reasoning for particular projects and how to prioritize. Mr. Craig noted this is why we are discussing. Staff wants to know what projects the Commissioners would like to see accelerated, and possible future projects for the capital budget.

Mr. Durham recommended that next year a committee be formed to look at this year's CIP recommendations and how well the current plan is upholding the Comprehensive Plan. Mr. Hornung noted that this was addressed in the just-approved Commission By-law amendments.

Mr. Gantt moved to approve the CIP recommendations as presented. Mr. Durham seconded.

The motion passed 7-0.

C. Planning Commissioner Comments

1. Commissioner Pates: Washington Post Article by Rachel Chason, September 3, 2019

Mr. Pates postponed his discussion on this until the January 15, 2020 meeting.

2. Commissioner Durham: Report on PC actions at City Council meetings.

Mr. Durham discussed the Commission's recent recommendations to City Council that were at odds with the City staff's recommendation. Mr. Durham believes these were not transmitted correctly and recommended that the Commission itself should advise Council directly on proposals where the Commission and the City disagree and not rely on staff to do so. State Code states that Commission members serve primarily in an advisory capacity and their duties are to make recommendations. His recommendation would be to actually do the presentation to Council as the Commission and not be speaking simply as a "public citizen." Commission members discussed such presentations and the Commission's desire to have its own forum. Mr. Johnston recommended that the Commission members contact the Council with their thoughts and concerns. The Commission members agreed that Chairman Rodriguez will initiate a discussion with the Mayor regarding these issues.

D. Planning Director Comments

1. Area Plans, Update: 1 and 2: Process Update

Mr. Johnston gave a brief update on the process for the area plans and what will be coming before the Commission in early 2020.

2. January 15, 2020 Public Hearing :

The City of Fredericksburg proposes to amend the 2015 Comprehensive Plan, Chapter 7, "Residential Neighborhoods and Housing," to discuss the importance and role of the built environment or form in creating neighborhood character

8. ADJOURNMENT

There being no further items to be discussed, the Planning Commission adjourned at 10:07.

Rene Rodriguez, Chairman



**CITY OF FREDERICKSBURG
PLANNING COMMISSION
TRAIN STATION COMMITTEE MEETING
MINUTES
December 6, 2019
5:00 p.m.**

**715 Princess Anne Street
Room 214**

MEMBERS

Dave Durham
Chris Hornung
Jim Pates

STAFF

None Present

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m.

2. PURPOSE OF THE COMMITTEE

The Members summarized the purpose of the Committee as follows:

- a. to study the current condition and operations of the Fredericksburg train station and its impact on the quality of life for Fredericksburg residents, tourism, and economic development of the City;
- b. to research the ownership and control of the discrete elements of the station and its property;
- c. to review previous studies, ordinances and initiatives related to future improvements to the train station and surrounding land uses;
- d. to understand the governmental and non-governmental authorities having jurisdiction over future improvements on or adjacent to train station property;
- e. to understand the legislative and non-legislative processes required to realize future improvements on, or adjacent to, the train station property;
- f. to develop an expanded discussion of the train station and the topics listed above for inclusion in the proposed Small Area Seven plain the City's Comprehensive Plan; and
- g. to forward recommendations to the Planning Commission for the advancement of future improvements to the train station and its surrounding properties.

3. DISCUSSION

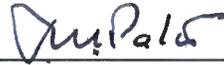
- a. The Members reviewed Staff's draft changes to the Area 7 Small Area Plan (Page 11, Paragraphs 7-9) relevant to the train station and determined that the changes provided a positive foundation for future train station improvement initiatives. The Members will provide Staff with minor grammatical corrections identified in its review. Mr. Pates suggested working with Staff to develop a chart identifying past and projected future ridership growth and freight traffic to provide a basis for determining future station improvements.
- b. The Members discussed the ***DC to Richmond Southeast High Speed Rail Record of Decision***, dated September 5, 2019, and its recommendation for improvements to the Fredericksburg train station as part of the high speed rail project. The Members discussed reviewing this document more thoroughly prior to the Committee's next meeting.
- c. The Members discussed potential future improvements to the train station to enhance its functionality, ridership, and appearance as a primary gateway into the City, including:
 - i. the addition of bathrooms, waiting areas, and additional elevators;
 - ii. improved communications system and ticketing kiosks;
 - iii. City wayfinding signage for tourists and business visitors;
 - iv. regular bus circular to reduce the demand on surface parking lots surrounding the station;
 - v. considerations for replacing existing surface lots with structured parking to reduce the distance users are required to walk to the station and to make available additional land for economic development/redevelopment opportunities surrounding the station.

3. ACTION ITEMS

- a. The Members agreed upon the following action items:
 - i. to invite Erik Nelson, City Transportation Planner, to attend the next Committee meeting to discuss the status of any governmental (City, CSX, FAMPO, VRE, DRPT, FRED, PRTC, etc.) initiatives related to train station improvements currently in the planning or implementation stage;
 - ii. to review the Railroad Station Overlay District in the Unified Development Ordinance and discuss its applicability to the Comprehensive Plan recommendations and the advancement of future improvements to the train station and the surrounding properties;
 - iii. to review the property exchange/acquisition concept discussed by the Janney-Marshall Building property owner at the August 2019 Planning Commission meeting for property that may enable improvements to the entrance to the "Kiss and Ride" lot adjacent to the station; and
 - iv. to review the Economic Development Authority's Strategic Acquisition initiative and its potential applicability to future improvements of properties in the vicinity of the train station property.

4. ADJOURNMENT

There being no further items to be discussed, the Committee adjourned at 6:00 pm.



James M. Pates, Chair



MEMORADUM

TO: Chairman Rodriguez and Planning Commission members
FROM: Chuck Johnston, Community Planning and Building Director;
RE: Comprehensive Plan and Unified Development Ordinance amendments
addressing residential infill construction
DATE: 2020 January 9 for January 15 meeting

ISSUE

Should the 2015 Comprehensive Plan and the Unified Development Ordinance be amended to improve city policies and regulations to ensure that new construction and additions in single family residential neighborhoods are compatible and consistent with existing pattern of development?

RECOMMENDATION

Recommend to City Council approval of:

- a. the attached resolution amending the 2015 Comprehensive Plan to discuss the importance and role of the built environment or form in creating neighborhood character, and
- b. the attached ordinance amending the Unified Development Ordinance to regulate infill development in the R-2, R-4, R-8, R-12, and CT Zoning Districts, specifically UDO Article 72-2 "Administration", Article 72-3 "Zoning Districts", Article 72-4 "Use Standards", Article 72-5 "Development Standards", Article 72-8 "Definitions and Interpretations", affecting residential development in the R2, R4, R8, R12, and/or CT Zoning Districts regarding setbacks, height, and lot frontage.

ACTION DEADLINE

At the Council initiation of these amendments in November, it established a 60-day deadline for Commission action. This deadline requires action this meeting.

PLANNING COMMISSION MEETING – 2019 December 11

At its December 11 meeting, the Commission opened a public hearing on the proposed text amendments, at which no one spoke, however five messages of support were noted for the record. Commission members asked staff to further research regarding residential structure height in the City.

In assessing the value of properties, Commissioner of the Revenue data establishes the number of stories for each residential structure. The Commissioner's data for single-family structures does not address height in feet. The attached 'Height by Story' map

shows patterns in the City. The decimal height reflects the square foot percentage of the highest floor relative to the first floor. For example, the square footage of the second story of a 1.4 story structure is 40% of the square footage of its first floor. The Commissioner's data was collapsed to the categories shown. The pattern for the neighborhood north of Amelia Street and between Washington Avenue and the River is predominately two story. The Fall Hill neighborhood, north of the canal, is mixed one and two story, as is College Heights and Mayfield. The Normandy Village neighborhood west of Route 1 is mostly single story.

Commissioners expressed an interest in limiting redevelopment or additions to single-story residences, so that a second story could not be added to a single-story structure or that an addition to a single-story structure would also have to be single story. Such text changes have not been drafted as such regulations would significantly limit the use of a property. They would preclude growing families from remaining in place. They would limit potential redevelopment that would increase property values and the City's tax base. If such limits are to be established, they should be initiated by property owners in a neighborhood through a conservation overlay district. Establishing at what point a single-story limit would be applied would be a critical element: when all adjacent lots are occupied by single-story structure, when more than x% of lots on a block face are occupied by a single-story structure, or another criteria.

DISCUSSION – 2019 December 11

One of the purposes of zoning ordinances in the Code of Virginia is in Section 15.2-2283 (iii): *to facilitate the creation of a convenient, attractive and harmonious community.* Chapter 7 of the 2015 Comprehensive Plan includes the following statements concerning infill:

Goals for Residential Neighborhoods and Housing

3. Distinct and Attractive Neighborhoods: Ensure the residential areas of the City continue to comprise a collection of distinct and attractive neighborhoods, each possessing a sense of place, history, and shared identity.
6. Compatible Design and Functionality: Ensure the development and redevelopment is visually compatible with the overall character of the City....

Policies for Residential Neighborhoods and Housing:

1. Respect the integrity and the character of the City's neighborhoods.
15. Encourage infill development that is compatible with established neighborhoods, in terms of scale and massing

Initiatives for Residential Neighborhoods and Housing:

1. Continue to evaluate infill regulations to ensure that additional and new construction does not adversely impact the character of existing neighborhoods.

In addition, an amendment to the City's Comprehensive Plan text is proposed to more directly address the importance of the built environment of a neighborhood. The amendment addresses the need to maintain the balance in established neighborhood

character through appropriate frontages, setbacks, and structure scale, while allowing households and neighborhoods to evolve.

These amendments to City regulations are proposed to achieve the state code intent for a harmonious community, Comprehensive Plan goals, policies, and initiatives, as well as new Comprehensive Plan text highlighting the importance of protecting neighborhood integrity, character, and scale.

- The calculations for front and side yard setbacks for infill development are adjusted to more directly reflect the pattern of existing development and applied more broadly.
- Limits on structure height for additions are provided.
- Standards for accessory structures are adjusted.
- Rules for measuring lot dimensions are clarified.

Infill Setback Calculations

- Application

Currently, the UDO provides in the R-4, R-8, and C-T zoning districts that the front and side setbacks for single-family dwellings on lots created before April 25, 1984 shall be calculated based on the pattern of the dwellings on the street where the new construction is to occur. This date was the effective date of the zoning ordinance in place before the UDO. The current UDO text makes dwellings on lots created after April 25, 1984 not subject to infill calculations. The standard setbacks in the property's zoning district apply.

The City's first comprehensive Zoning Ordinance was adopted in 1965 and second version in 1975. They contained a provision stating that front yard setbacks were to be calculated: *where setback depths have been established*. The third 1984 version and subsequent amendments in 1991 and 2010 used this phrase and added a reference to sites or lots created before the 1984 ordinance. The fourth version adopted October 8, 2013 (the UDO) only made reference to lots before April 25, 1984.

The proposed amendments address infill calculations in three ways so that they better reflect development patterns for a greater number of neighborhoods:

1. When determining the appropriate front and side yard setbacks, the reference to lots being created before 1984 is dropped and in its place the text reads that infill calculations are to be applied: *in developed areas where front and side yard geometry has already been established by existing residential dwellings* returning, basically, to the text used when the concept of requiring compatible development patterns was first applied in the 1960s and 70s.
 - Result: A calculation will be made as to the appropriate front and side yard setbacks for any lot created before this proposed ordinance is adopted and to any lots in an administrative subdivision (with nine or fewer lots) created after this ordinance is adopted. Lots in a minor or major subdivision (10 or more lots) would be subject to the standard setbacks in the residential zoning districts. Subdivisions of this size would create their own pattern of development.

2. It is proposed that the method of front yard setback calculations for corner residential lots be modified. The current ordinance states that corner lots have two front setbacks and two side setbacks so as to ensure new construction respects both streets it faces. However, it was historically a common practice in Fredericksburg to have minimal setbacks for the secondary street frontage (not the side of the house with the front door). The new text states that corner lot setbacks, for both the primary and secondary street frontage, is based on the four corner lots at an intersection.
 - Result: New construction or additions will follow the most visible pattern at each intersection. Infill development would be more consistent with traditional patterns.
3. Setback infill calculation provisions will be added to the R-2 zoning district.
 - Result: Infill calculations would be done in the Altoona, Great Oaks, Keeneland, Preserves, Snowden Hills, and Westmont neighborhoods. While there is less potential for infill in this limited zoning district, protecting all neighborhoods is appropriate.

In addition to using the pattern of setbacks to ensure compatibility, limits on dwelling height were established to create proportionality in new development on small lots in neighborhoods. The current standard is that the maximum height of new dwellings, 35 feet, is proportionally reduced for lots smaller than the minimum lot size. The reduction is based on the percent a lot falls below the minimum. In R-4, the minimum lot size is 7,500 sq ft. A substandard 6,000 sq ft lot would be 80% of the minimum, so the maximum height is reduced to 80% of 35 feet or 28 feet. However, the reduced height is not required to be less than 27 feet, so that a two-story house is still allowed.

Taking this provision one step further, the proposed amendment states that on lots smaller than the minimum lot size, a horizontal addition to a dwelling will be no taller than the main dwelling or 27 feet, whichever is taller.

- Result: A two story house could have a two-story addition, no taller than the main house. A one-story house could have two-story addition, but it could not be taller than 27 feet.

It is common for residential parcels in the City to be smaller than the zoning district minimum lot size, particularly in the R8 and R4 zoning districts (see lot size maps):

<u>Percent of parcels smaller than minimum lot size</u>		
<i>Zoning District</i>	<i>City-wide</i>	<i>Downtown-area lots</i>
R8	23%	39%
R4	54%	72%
R2	8%	

The proposed text could be seen as resulting in additions that are still too impactful on adjacent property. Alternatives would be:

- a. Limiting all additions to an absolute maximum of 27 feet.

- Result: Two-story additions to two-story dwellings would not exceed 27 feet whatever the height of main dwelling. Additions to one-story houses would not exceed 27 feet.
- b. Limiting additions to a maximum of 27 feet or the height of the main dwelling, whichever is less.
 - Result: Additions to a two-story house would be no taller than 27 feet. Additions to a one-story house would only be one-story.

- Calculation

The current method of calculation for a front yard setback is to take the median front yard dimension of existing primary buildings along the same block face of the vacant parcel. If there is no a clear pattern of development on same side of the block as the vacant parcel, the median front yard of the structures on the opposite block face may be used.

It is proposed that the setback calculation would be this median calculation, *plus or minus 10%*.

- Result: A property owner would have some flexibility in the house site location. Such a provision would lessen the potential for calculations unduly precluding new construction.

Increased Rear Yard Setbacks

The changes for corner lots, designating primary and secondary front yards, discussed above, also changes corner lots from having two front and side yards to having a primary front (greater setback), secondary front (lesser setback), side yard (opposite the secondary front) and what now will be considered a rear yard (opposite the primary front). This change would result in a larger setback now required. In addition, it is proposed that the required rear yard setback is increased from 18 to 24 feet for cluster development in R-2 as well as for conventional detached single family home development in R-4 and R-8.

Accessory Structures in Rear Yards

A minimum distance of five feet is now proposed between accessory structures and principal structures in the R-2, R-2 4, and R-8 residential zoning districts. Accessory structures are currently required to have a five foot distance from property lines.

- Result: The combined impact of requiring a rear yard for corner lots, an increased rear yard setback, and ensuring a minimum distance between a principal structure and an accessory structure will limit the footprint of dwellings or additions to dwellings. For example, in the R-4 district the required distance from a back property line for a dwelling on a corner lot would increase from six feet to 24 feet with additional provision for a five foot distance from any accessory structure.

Amendments are also proposed to increase the height of accessory structure, located within required yards from 10 feet to 12 feet and to not consider in-ground pools as accessory uses.

- Result: The proposed accessory structure height better conforms to standard construction practice and the Building Code standards. In-ground pools do not block light and air and provide active/passive recreational benefits, appropriate activities in a rear or side yard.

Lot Dimension Standards in the R-2, R-4, R-8, R-12 Zoning Districts

Currently the UDO is deficient in addressing lot width, lot frontage, and irregularly shaped lots. It is proposed that residential lot width be measured at the front setback line where a dwelling is to be located, instead of the front lot line (along the street), which is the current standard. It is also proposed that lot street frontage would not be less than 80% of the required lot width. The current text for lot width is also poorly worded for irregular/curvilinear/pipe-stem lots. Finally, to provide for regular shaped lots, it is proposed that lot depth could not exceed five times lot width.

- Result: Appropriate lot width will be focused on the most likely location of a proposed dwelling, with more flexibility regarding street frontage. This will allow more options when designing a subdivision, while ensuring the necessary width where it will have the most impact. Establishing a minimum lot/width ratio would better provide for more regular lot dimensions and arrangement.

CONCLUSION

The proposed changes would result in new construction and additions that will be more 'harmonious' to neighborhoods. The regulations are inherently city-wide.

The small area planning process has and will in the future call for Neighborhood Conservation Districts. Such districts would tailor design and form standards for each individual neighborhood with initiation coming from a neighborhood. It is planned that a format and process for such Conservations Districts will be proposed for City Council and Planning Commission review in the next year to foster such districts.



MOTION:

draft 2020 01 09

SECOND:

Regular Meeting

Resolution No.20 -__

RE: Amending the 2015 Comprehensive Plan to amend Chapter 7, "Residential Neighborhoods and Housing," to discuss the importance and role of the built environment or form in creating neighborhood character.

ACTION: APPROVED; Ayes: 0; Nays: 0

Chapter 7 of the 2015 Comprehensive Plan expresses the importance of residential neighborhoods in the City of Fredericksburg and sets forth several elements of "Neighborhood Design" that lend any particular neighborhood its particular character. One obvious element of neighborhood design, however, is omitted; that is, the built environment or form of any particular neighborhood. The importance of form, streetscape, building massing, and building scale has been a focus of the small area plans for land use planning areas. The Comprehensive Plan should also reflect the importance of this element with respect to residential neighborhoods generally.

City Council finds that amending Chapter 7 of the Comprehensive Plan to discuss the importance and role of the built environment or form in creating neighborhood character will improve the public health, safety, convenience, and welfare, and will improve the City's plans for future development.

Therefore, the City Council hereby resolves that Chapter 7 of the 2015 Comprehensive Plan is amended by making changes as shown on the exhibit entitled, "Comprehensive Plan Amendment, Chapter 7, "Residential Neighborhoods and Housing," dated November 6, 2019.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

February 12, 2019

Resolution 19-__

Page 2

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. 19- duly adopted at a meeting of the City Council meeting held _____ at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

NEIGHBORHOOD DESIGN

Some of Fredericksburg's residential neighborhoods are new, many are old, and some are part of the residential/commercial mix that is downtown. Most of the City's residential areas are accessible by means other than automobiles and are also close to services and entertainment. Where neighborhoods already approach full accessibility and livability, the City intends to protect those conditions. Where neighborhoods were established without full accessibility or have other limitations, the City will explore options to better integrate those neighborhoods into the larger community. Potential solutions to address isolated areas include trail connections and transit services.

Identified challenges facing Fredericksburg's neighborhoods include a variety of issues related to infrastructure, provision of services, tree cover, parking management, traffic control, and redevelopment pressures. Some problems are self-inflicted. Decisions to widen neighborhood sidewalks from four to five feet, for instance, have too often reduced the area between the sidewalk and the curb that was provided for street trees when the neighborhood was developed. There is no state or federal requirement that sidewalks must universally accommodate two wheelchairs side by side. As a consequence, this trend can be halted and even reversed, allowing a healthy tree cover to be maintained/reestablished.

The design of existing neighborhoods also merits more respect. Some neighborhoods have alleys, which provide a route for overhead wires (leaving the streets open for trees) and offer options for off-street parking and trash service. Some of these alleys have become blocked over the years - by trees, fences, and debris - eliminating their carefully designed neighborhood function. Alleys need to be returned to a functioning status.



FIGURE 37 FREDERICKSBURG NEIGHBORHOOD STREET

Buildings and roads can be built almost anywhere because of contemporary engineering capabilities. For a community to function, however, its individual components need to be assembled in a logical pattern that places due emphasis on the residents of the community rather than the initial developer. When evaluating new development or redevelopment, there are four essential principles of neighborhood design, regardless of size. Those persons who will actually live within and experience the environment being built, the users, are the focus of these principles:

- Function – Ensure that the proposed environment will work effectively for the convenience and comfort of all users.
- Order – Ensure users will be able to readily understand and orient themselves to the environment.
- Identity – Ensure that the visual image of the environment reflects the community's values and character.
- Appeal – Ensure that the environment will give pleasure to its users, over time.

The following guidelines provide a comprehensive approach to planning, by acknowledging travel of all kinds. This emphasis on transportation is important because infrastructure is such a basic component of functional design. Cities do not work well with only one mode of transportation, as has become the case in outlying suburban jurisdictions. The following urban goals must also be considered very early in the development process because they are the means for the community to grow economically, while remaining functional to all of Fredericksburg's citizens.

PROVIDE A PEDESTRIAN-FRIENDLY ENVIRONMENT

- Design streets to ensure safe pedestrian crossings to bus stops.
- Reinforce pedestrian access through appropriately sized and unobstructed sidewalks.
- Provide shade trees on all streets, to the maximum extent feasible.
- Allow streets to frame vistas or to terminate at places with visual appeal (parks, etc).

ENSURE PEDESTRIAN CONNECTIONS

- Provide a coordinated system of internal sidewalks as well as bicycle/foot trails that connect to other parts of the City.
- Locate pedestrian routes and hiking/biking trails along existing travelways, as much as possible,

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rather than in the rear of residential areas.

- Link pedestrian routes and hiking/biking trails to local destinations. Where street connections are not feasible, provide properly designed alternative linkages between residential and commercial areas.
- Ensure pedestrian routes and hiking/biking trails link to bus stops.
- Provide bicycle racks at various destinations (multi-modal exchange points, commercial areas, recreational sites).

PROVIDE INTERCONNECTED STREETS

- Avoid uninterrupted block faces that preclude pedestrian circulation.
- Provide multiple travel routes that do not require the use of arterial roadways.
- Provide a coherent and interconnected street system, to diffuse traffic as well as to ensure convenient pedestrian and bicycle circulation.

MAINTAIN A CLEAR HIERARCHY OF STREETS

- Construct neighborhood streets so as not to compromise pedestrian safety and to avoid excessive automobile speeds.
- Ensure primary and secondary streets provide appropriate connections, yet discourage through-traffic in neighborhoods with traffic calming features incorporated into the secondary roadway design.
- Avoid the use of arterial streets within residential neighborhoods. Where busy roadways already pass through neighborhoods, implement traffic calming measures.
- Ensure local streets are no more than adequate for automobiles and emergency and service vehicles, as a means to provide for travel and parking without creating the conditions that encourage excessive speed. This configuration will also allow street trees to form an overhanging canopy.

MAINTAIN/REESTABLISH ALLEYS

- Make use of alleys for overhead utilities (leaving the streets open for trees) and for access to off-street parking (relieving on-street parking).
- Reclaim alleys that have grown up with trees or been blocked by debris and/or fences. Integrate Transit into the Community

- Use transit stops as community focal points.
- Allow mixed uses around transit stops, so users can combine activities into one trip.
- Consider transit needs very early in the development process.

PROVIDE LINKAGES

- Anticipate pedestrian travel routes to bus stops and other destinations and provide the appropriate pedestrian facilities.
- Ensure that persons with disabilities can access the community through accessible transportation options.
- Ensure pedestrian routes are easily recognized through unified pavement textures, trees, signs, and street furniture.

ENSURE THE SAFETY OF ALL USERS

- Without compromising automobile safety, design local streets with minimum widths, turning radii, and design speeds as a means to ensure pedestrian access and safety.
- Design intersections with minimum widths, both to slow traffic and to reduce pedestrian crossing distances.

BALANCE COMMUNITY CHARACTER / RESILIENCY

- Patterns of existing structures including building scale and massing, front setbacks, side setbacks and height are major contributors to community character. Together they influence the existing intensity of residential use and create a cohesive semi-public realm that determines whether a neighborhood is walkable, automobile dependent, urban, or naturalistic. Dating back at least to the 1960's the City's zoning ordinance included infill provisions related to front setbacks. Over time, these important provisions extended to side setbacks, height, as well as exempting houses from off-street parking requirements where paving over yards was disruptive to community character. These provisions protect established building patterns and meaningful open spaces.
- Without compromising a neighborhood's ability to evolve to meet changing housing needs, evaluate setback and height infill requirements as a means to ensure modern homes and additions are consistent with the quality, uniqueness, and attractiveness of existing neighborhoods.

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EVALUATING DEVELOPMENT/REDEVELOPMENT PLANS

There is no single means to provide an attractive, well functioning community. Instead, the guidelines noted above are considered together and deliberate steps taken during the development/redevelopment process to achieve results that meet the City's needs. This process is not limited to residential areas, but should be used when considering development adjacent to intact neighborhoods. The integrity of cohesive residential areas must be protected from incompatible uses, disruptive impacts such as noise, light, and traffic, and from the unmitigated loss of trees and open space.

HOUSING

During the past several decades, the Fredericksburg area has experienced rapid housing development to meet the needs of a growing population. The predominant type of construction has been townhouses and apartments, but the City has also seen its share of new single-family detached housing. Much of this growth is a direct result of the area's physical links to the Northern Virginia/Washington D.C. metropolitan area and its strong economy related to supporting government functions. Since Fredericksburg is within commuting distance of this massive employment center, the anticipated demand for new housing is in the townhouse and condominium market. Interestingly, condos and townhouses are key elements of mixed uses, which characterize Fredericksburg's historic development.

Historically, downtown Fredericksburg had residential units above commercial storefronts. Many of these units have been brought back into use and other downtown residential development is being built. Suburban development had deliberately moved away from mixed uses, but this trend proved to be economically unsustainable and there is a renewed appreciation of greater densities and mixed uses. Increased density, within a high-quality urban setting, provides a residential retail base and also promotes social interaction, which leads to a place becoming a community. A strong urban design is key, however, because increased density, in and of itself, is not sufficient to produce a sense of place. As has been noted above, good urban design is the critical component for creating attractive/desirable neighborhoods.

Projected professional job growth for the City and the region is anticipated to maintain the market demand for townhouses and condos. Unfortunately, housing costs will continue to rise as well, which is a welcome tax base, but a challenge for being able to ensure that all citizens will be able to find a decent place to live within their means.

IMPACT OF UNIVERSITY OF MARY WASHINGTON

The University of Mary Washington has developed new housing for its student population. Residential capacity is a total of 2,786 beds, 1,826 of which are on campus. Off-campus, 342 beds are available in an apartment complex on William Street and another 618 students are housed in apartments that are part of a mixed-use development called Eagle Village. There are slightly more than 1,700 students who commute, but only about 500 students list Fredericksburg as their place of residence. There are no records to indicate if these students live with family or find rental units near the campus. Another 250 students (approximately) do not list an address, but are very likely to live in rental units near campus. The City and the University recognize that neighborhoods around the campus have a high percentage of rental properties and are working together to reduce any adverse impacts to the host neighborhoods.

INVENTORY

Completion of Interstate-95, in the early 1960s, opened up the City and surrounding counties to considerable residential growth. Beginning in the 1970s, there was a decided increase in multi-family dwelling units and the City experienced a shift toward a renter-oriented household population. Table 7-1 shows the trend, although it should be noted that the category for multi-family units includes everything from duplexes to apartments.

TABLE 7-1 TYPES OF UNITS IN FREDERICKSBURG

CENSUS	UNITS	SF DETACHED UNITS	MF UNITS
1970	4,571	67%	33%
1980	6,339	56%	44%
1990	8,063	42%	58%
2000	8,888	41%	59%
2010	10,603	41%	59%

U.S. Census Bureau (Note: The identical numbers for 2000 and 2010 are correct.)

By 2000, the mix of housing types had become heavily multi-family. Shifting the emphasis toward single-family development arrested this trend and the City's single-family detached houses held steady at 41 percent of its housing stock in 2010. This figure had increased to 42 percent in 2014 and the American Community Survey indicates that 86.8 percent of such housing in Fredericksburg is owner-occupied. Single-family detached housing, however, also represents the most expensive housing option. The demand for rental units has not diminished and

PART II

EXHIBIT
Comprehensive Plan Amendment
Chapter 7 "Residential Neighborhoods and Housing" --- November 6, 2019

GOALS FOR RESIDENTIAL NEIGHBORHOODS AND HOUSING

GOAL 1: NEIGHBORHOOD CHARACTER

Preserve the character of the City's neighborhoods, by respecting and maintaining their functional design (sidewalks, alleys, street trees, etc.).

GOAL 2: NEIGHBORHOOD QUALITY

Enhance the quality of the City's residential areas, to promote livability and a sense of community. Livability is defined as safe and walkable, with a variety of housing choices and ready access (walking, biking, transit, automobile) to work, shopping, and services.

GOAL 3: DISTINCT AND ATTRACTIVE NEIGHBORHOODS

Ensure the residential areas of the City continue to comprise a collection of distinct and attractive neighborhoods, each possessing a sense of place, history, and shared identity.

GOAL 4: ADEQUATE PUBLIC SERVICES AND FACILITIES

Ensure that residential neighborhoods are adequately served with efficient and multi-modal transportation, available parking, street trees, and public services.

GOAL 5: ENHANCED CONNECTIONS

Support inclusive neighborhoods for the elderly and persons with disabilities, through multi-modal transportation that enhances connections between affordable and accessible housing, places of employment, other neighborhoods, and services.

GOAL 6: COMPATIBLE DESIGN AND FUNCTIONALITY

Ensure that development and redevelopment is visually compatible with the overall character of the City as well as functional for all citizens, with visit-ability standards that ensure a basic level of access to all new housing, such as no-step entryways, wide hallways, and other features that allow homes to be adapted to persons with disabilities.

GOAL 7: AFFORDABLE HOUSING

All persons who live and work in Fredericksburg should have the opportunity to rent or purchase safe, decent, and accessible housing within their means.

GOAL 8: VARIETY OF HOUSING

Provide a variety of housing opportunities throughout the City that respect the character of the community.

GOAL 9: HOMEOWNERSHIP

Encourage homeownership opportunities and seek to achieve a homeownership rate within the City of at least 40 percent.

GOAL 10: HOUSING MAINTENANCE AND UPKEEP

Maintain and protect the City's housing stock, through proper enforcement of state and local codes, to ensure an adequate supply of housing that is safe and healthy.

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POLICIES FOR RESIDENTIAL NEIGHBORHOODS AND HOUSING

Fredericksburg has adopted its housing and neighborhood policies to enhance a livable community for all citizens.

1. Respect the integrity and the character of the City's neighborhoods.
2. Control and manage on-street parking, as needed, in residential neighborhoods near the University of Mary Washington, and monitor for effectiveness.
3. Implement traffic calming measures in neighborhoods where cut-through traffic endangers resident safety.
4. Protect existing and re-establish missing tree cover in residential neighborhoods.
5. Establish and maintain connections between neighborhoods and the overall community, through multiple modes of transportation.
6. Allow for greater housing density when creating or redeveloping mixed-use neighborhoods.
7. Incorporate the concept of complete streets (travel ways for automobiles, pedestrians, and cyclists, with attractive tree cover) in new residential neighborhoods.
8. Increase homeownership opportunities while also ensuring the City achieves an appropriate mix of housing choices (single-family homes, townhouses, loft apartments, accessory apartments, etc.).
9. Maintain the supply of affordable housing through appropriate community development programs that rehabilitate existing owner-occupied housing and improve the physical quality of housing and neighborhoods.
10. Ensure residential rental properties are properly maintained in a condition that is safe and sanitary, in accord with state and local regulations.
11. Eliminate vacant housing blight through aggressive property maintenance programs.
12. Provide options for citizens to age in place, through senior housing programs that help adapt houses to developing needs.
13. Ensure that persons with disabilities are able to find housing that is accessible and where they can obtain housing support, if needed.
14. Do not allow gated communities within the City limits.
15. Encourage infill development that is compatible with established neighborhoods, in terms of scale and massing.

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Chapter 7 "Residential Neighborhoods and Housing" --- November 6, 2019

INITIATIVES FOR RESIDENTIAL NEIGHBORHOODS AND HOUSING

These initiatives outline key steps for implementing the City's long-term goals for its residential neighborhoods:

1. Continue to evaluate infill regulations to ensure that additions and new construction do not adversely impact the character of existing neighborhoods.
2. Monitor neighborhood parking needs and develop appropriate on-street restrictions, as needed. Monitor existing restricted areas to ensure effectiveness.
3. Ensure neighborhood infrastructure needs continue to be met through the Capital Improvement Program.
4. Study the condition of all existing alleys in residential neighborhoods to determine how they can be re-opened and/or reestablished to enhance the maintenance, service, and parking needs of residential units.
5. Continue to implement the City's Consolidated Plan for Community Development Programs.
6. Reestablish the pro-active rental property maintenance program to improve conditions in City neighborhoods and to address problems that create unsafe and unsanitary conditions for renters as well as result in neighborhood degradation.
7. Continue to work with the University of Mary Washington to address student/resident issues in neighborhoods surrounding the University.
8. Actively pursue initiatives to develop housing opportunities for senior citizens and persons with disabilities.
9. Ensure new development adjacent to established neighborhoods is properly buffered.



FIGURE 38 MULTI FAMILY DEVELOPMENT



FIGURE 39 TOWNHOME DEVELOPMENT



MOTION:

SECOND:

Draft: December 3, 2019
Regular Meeting
Ordinance No. 19-__

RE: **Amending the Unified Development Ordinance to regulate infill development in the R-2, R-4, R-8, R-12, and CT zoning districts.**

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," is amended as follows.

I. Introduction.

The purpose of this amendment is to respect the integrity and character of the City's neighborhoods and to encourage infill development that is compatible with established neighborhoods, in furtherance of the adopted Policies for Residential Neighborhoods and Housing in Chapter 7 of the 2015 Comprehensive Plan. This amendment also advances the Initiative for Residential Neighborhoods and Housing in that Chapter, namely, "continue to evaluate infill regulations to ensure that additional and new construction does not adversely impact the character of existing neighborhoods.

The City Council adopted a resolution to initiate this text amendment at its meeting on November 12, 2019. 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 _____.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

II. City Code Amendment.

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

1. **Section 72-24.2, "Administrative modifications,"** shall be amended as follows:
 - A. Purpose and applicability. Pursuant to the authority granted within Code of Virginia § 15.2-2286A(4), the Zoning Administrator is hereby authorized to grant a modification of any zoning regulation relating to physical requirements on a lot or parcel of land, including, but not limited to: size, height, location or features of, or related to, any building, structure, or improvements. *However, this authority shall not extend to enlarging or reducing any average setback calculated under §72-82.4(B)(2).*

2. Section 72-31.2, “R-2 Residential District,” shall be amended as follows:

[Subsection A is not amended.]

B. Dimensional standards.

Standard	Development	Cluster Development
Residential Density, Maximum	2 dwelling units/acre	
Nonresidential FAR, Maximum		0.20
District Size, Minimum (acres)	None	2
Lot Area, Minimum (square feet)	15,000	9,000
Lot Width, Minimum (feet)		
Interior Lot	100	60
Corner Lot	125	75
Front Setback, Minimum (feet)	35	21
Side Setback, Minimum (feet)	12	7
Rear Setback, Minimum (feet)	30	18 24
Open Space set-Aside, Minimum (%)		25%
Height, Maximum (feet)	Single-family: 35; all others: 40	

C. Additional regulations for lots of record in developed areas where front and side yard setback geometry has already been established by existing residential dwellings and lots created by the administrative subdivision process on or after [effective date of ordinance.]

1. *Front setbacks shall be established using the average front setback calculated using the rules in §72-82.4(B)(2). The average front setback shall be the maximum and minimum front setback for the lot. For corner lots and through lots, the primary front yard shall be established using the average front setback, and the secondary front yard may be reduced using the average calculation.*
2. *The side yard setbacks on lots that are less than 15,000 square feet may be reduced using the rules in §72-82.4(B)(2); but each side yard shall be no less than six feet, or no less than four feet for lots 50 feet or less in width. Side yard setbacks for lots within the Old and Historic Fredericksburg Overlay District shall be determined through the certificate of appropriateness process.*
3. *Maximum height for single-family dwellings on lots of record in areas where established building heights are less than 35 feet shall be reduced by a percentage corresponding to the ratio of actual lot area to 15,000 square feet. In no case shall the new maximum height be set lower than 27 feet.*

4. **Section 72-31.3, “R-4 Residential District,”** is amended as follows:

[Subsection A is not amended.]

B. Dimensional standards.

Standard	Development	Cluster Development
Residential Density, Maximum	4 dwelling units/acre	
Nonresidential FAR, Maximum		0.30
District Size, Minimum (acres)	None	2
Lot Area, Minimum (square feet)	7,500	4,500
Lot Width, Minimum (feet)		
Interior Lot	60	35
Corner Lot	75	45
Front Setback, Minimum (feet)	18	12
Side Setback, Minimum (feet)	6	5
Rear Setback, Minimum (feet)	18-24	18
Open Space set-Aside, Minimum (%)		25%
Height, Maximum (feet)	Single-family: 35; all others: 30	

C. Additional regulations.

- (1) The front of the principal building shall face the front yard. On a corner lot, the front of the principal building may face either front yard.
- (2) *Maximum height of a horizontal addition to a single-family dwelling on an existing lot smaller than the minimum lot area shall not exceed 27 feet or the height of the existing dwelling, whichever is greater.*

D. Additional regulations for lots of record ~~before April 25, 1984~~ *in developed areas where front and side yard setback geometry has already been established by existing residential dwellings and lots created by the administrative subdivision process on or after [effective date of ordinance.]*

1. Front setbacks shall be established using the average front setback calculated using the rules in § 72-82.4B(2). The average front setback shall be the maximum and minimum front setback for the lot. *For corner lots and through lots, the primary front yard shall be established using the average front setback, and the secondary front yard may be reduced using the average calculation.*
2. The side yard setbacks on lots that are less than 7,500 square feet may be reduced using the rules in § 72-82.4B(2); but each side yard shall be no less than three feet, or no less than two feet for lots 30 feet or less in width. Side yard setbacks for lots within the

Old and Historic Fredericksburg Overlay District shall be determined through the certificate of appropriateness process.

3. Maximum height for single-family dwellings on lots of record in areas where established building heights are less than 35 feet shall be reduced by a percentage corresponding to the ratio of actual lot area to 7,500 square feet. In no case shall the new maximum height be set lower than 27 feet.

3. **City Code section 72-31.4, “R-8 Residential District,”** is amended as follows:

[Subsection A is not amended.]

- B. Dimensional standards.

Standard	SF Detached	SF Attached	Nonresidential
Residential Density, Maximum	8	8	N/A
Nonresidential FAR, Maximum	N/A	N/A	0.35
District Size, Minimum (acres)	5 (may reduce with special exception)		
Lot Area, Minimum (square feet)	3,750	2,250	15,000
Lot Width, Minimum (feet)			
Interior Lot	35	20	80
Corner Lot	45	20	100
Front Setback, Minimum (feet)	12	12	25
Side Setback, Minimum (feet)	5	12	10
Rear Setback, Minimum (feet)	18 24	18	25
Setback From Other Districts, Minimum (feet)	40	40	40
Open Space set-Aside, Minimum (%)	25%	25%	25%
Height, Maximum (feet)	Residential: 35; all others: 30		

- C. Additional regulations.
 - (1) Each unit shall have an on-site privacy yard of at least 200 square feet.
 - (2) The front of the principal building shall face the front yard. On a corner lot, the front of the principal building may face either front yard.

- (3) For attached units, side lot lines shall coincide with party wall center lines.
- (4) *The maximum height of a horizontal addition to a single-family dwelling on an existing lot smaller than the minimum lot area shall not exceed 27 feet or the height of the existing dwelling, whichever is greater.*

D. Additional regulations for ~~smaller~~ lots of record in developed areas where front and side yard setback geometry has already been established by existing residential dwellings and lots created by the administrative subdivision process on or after [effective date of ordinance.]

- (1) Front setbacks shall be established on lots of record ~~before April 25, 1984~~ as the average front setback calculated using the rules in § 72-82.4B(2). The average front setback shall be the maximum and minimum front setback for the lot. *For corner lots and through lots, the primary front yard shall be established using the average front setback, and the secondary front yard may be reduced using the average calculation.*
- (2) The side yard setbacks on lots that are less than 3,750 square feet may be reduced using the rules in § 72-82.4B(2); but each side yard shall be no less than two feet. Side yard setbacks for lots within the Old and Historic Fredericksburg Overlay District shall be determined through the certificate of appropriateness process.
- (3) Maximum height for single-family dwellings on lots of record where established building heights are less than 35 feet shall be reduced by a percentage corresponding to the ratio of the actual lot area to 3,750 square feet. In no case shall the new maximum height be set lower than 27 feet.

4. **City Code §72-32.1, “Commercial/Office-Transitional District,”** shall be amended as follows:

[Subsections A and B are not amended.]

- C. Additional regulations.
- (1) The front of the principal building shall face the front yard. On a corner lot, the front of the principal building may face either front yard.
 - (2) Residential development shall conform to the dimensional standards of the R-8 Zoning District.
 - (3) Residential development in a mixed-use project shall conform to the dimensional standards of the R-12 Zoning District.

- (4) At least 30% of the ground floor of a mixed-use development shall be used for retail, eating or personal services establishments.
- (5) The gross floor area of the ground floors of all buildings on a mixed-use general development plan that are used for retail sales, eating, or personal services establishments shall not be included in the determination of maximum FAR.
- (6) For lots of record ~~established before April 25, 1984~~ *in developed areas where front and side yard setback geometry has already been established by existing residential dwellings and lots created by the administrative subdivision process on or after [effective date of ordinance]* front yard setbacks shall be established using the infill calculations in § 72-84.4B(2). *For corner lots and through lots, the primary front yard shall be established using the average front setback, and the secondary front yard may be reduced using the average calculation.*
- (7) For lots of record ~~established before April 25, 1984~~ *in developed areas where yard geometry has already been established by existing residential dwellings and lots created by the administrative subdivision process on or after [effective date of ordinance]*, side yard setbacks may be reduced using the rules in § 72-82.4B(2); but each side yard shall be no less than two feet. Side yard setbacks for lots within the Old and Historic Fredericksburg Overlay District shall be determined through the certificate of appropriateness process.

5. **Section 72-42, “Accessory Use Standards,” 72-42.2, “General standards and limitations,”** shall be amended as follows:

[Subsection A is not amended.]

B. General standards. All accessory uses and accessory structures shall meet the following standards:

- (1) Directly serve the principal use or structure;
- (2) Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
 - A. (3) No exceed *the greater of 25%* of the heated floor or buildable area of the principal use, except where otherwise allowed by this chapter; ~~—~~ *An in-ground pool is exempt from this requirement and is not counted in the total area of accessory uses or structures.*
- (4) Be owned or operated by the same person as the principal use or structure;
- (5) Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this chapter; and

- (6) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use.)
- (7) No accessory use shall be located on a lot prior to development of an associated principal use.
- (8) An accessory use or structure may be approved in conjunction with or subsequent to approval of the principal use or structure.

6. **Section 72-42, “Accessory Use Standards,” 72-42.3, “Location of accessory uses or structures,”** shall be amended as follows:

- A. No accessory use or structure shall occupy more than 30% of the rear yard. *The area occupied by an in-ground pool is not counted in calculating the area of occupation.*
- C. No accessory use or structure shall be closer than five feet to a side or rear yard 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 principle structure. *No accessory use or structure requiring a Building Permit within the R-2, R-4, or R-8 zoning districts shall be closer than five feet to the principle structure.*

[Subsections B, D, and E are not amended.]

7. **Section 72-42, “Accessory Use Standards,” 72-42.4, “Maximum Height,”** shall be amended as follows:

No accessory structure shall exceed 25 feet in height, or ~~40~~ 12 feet in height if located in a side or rear yard.

8. **Section 72-51, “Density and Layout,” §72-51.3, “Lots,”** shall be amended as follows:

[Subsection A is not amended.]

- B. *Lot frontage. Lots that front on public or private streets frontages within the R-2, R-4, R-8, and R-12 zoning districts shall have front lot lines that measure not less than 80 percent of the required lot width. On corner lots, the minimum lot frontage shall be met on both street fronts. Pipestem lots shall be exempt from the minimum frontage requirement.*

[The remaining paragraphs former B through F are re-lettered.]

- H. *Lot depth. The depth of a lot within the R-2, R-4, R-8, and R-12 zoning districts shall not exceed five times its width.*

9. **Section 72-82, “Rules of Measurement,” 72-82.3, “Lots,”** shall be amended as follows:

A. Definitions/measurement.

- (1) Lot area, minimum. The minimum amount of land area required for a lot shall be measured on a horizontal plan in units of square feet or acres, as specified within the zoning regulations for the district in which the lot is situated. Land encumbered by easements and resource protection and management areas shall be considered according to § 72-51.3.

Figure 72-82.3A(1). “Lot Area Measurement,” is replaced with the following:

[Updated Figure]

- (2) Lot width, minimum. ~~The distance between side lot lines shall be measured in one of the following manners, whichever is applicable:~~

~~In the case of a rectangular lot, the Lot width shall be measured along parallel to the front lot line at the minimum front setback line. On corner lots, the minimum lot width shall be met on both street fronts.~~

- a. ~~In the case of an irregularly shaped lot or a curvilinear front lot line, the width shall be measured between the lot’s narrowest dimensions at that location on the lot where the center of the building is proposed or located.~~
- b. ~~In the case of a pipestem lot, the width shall be measured between the lot’s narrowest dimensions at that location on the lot where the center of the building is proposed or is located.~~

(3) Lot line. [is not amended]

(4) Lot types. [is not amended]

(5) *Lot frontage. The dimension of a lot measured along the front lot line thereof.*

(6) *Lot depth. The depth of the lot is calculated by adding the length of all of the side lot lines and dividing the total by two.*

10. **Section 72-82, “Rules of Measurement,” 72-82.4, “Required yards,”** shall be amended as follows:

[Subsection A is not amended. Subsection B(1) is not amended.]

B. (2) Averaging setbacks. When zoning district standards permit or require determination of 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 average setback calculated by applying the median may be varied by plus or minus 10%.* The median front yard (*including the primary front yard of a corner lot and the primary and secondary front yards of a through lot*) shall be calculated by using existing principal buildings along the same block face. *For a corner lot, the median secondary front yard shall be calculated by using the lots on the same corner.* 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.

(3) Corner lots and through lots. On a corner lot or through lot, the yards adjacent to the front yard lines *parallel to the building front* shall be considered front yards. *The yards adjacent to the front lot line that are not parallel to the building front shall be secondary front yards (for the purposes of averaging setbacks).* *The yard opposite the front yard shall be the rear yard.* ~~and~~ The remaining yards shall be considered side yards.

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. 19- duly adopted at a meeting of the City Council meeting held Date, 2019 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

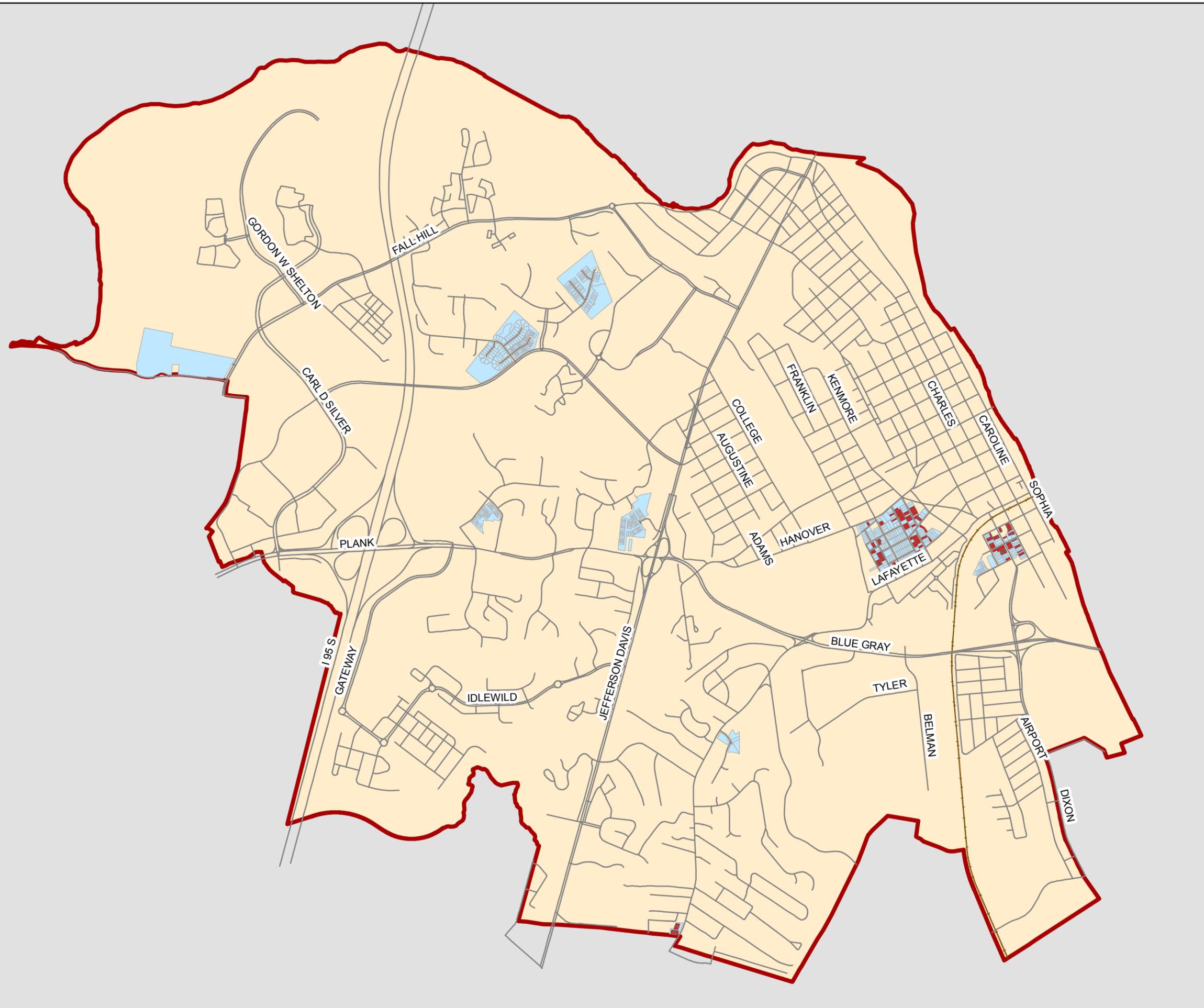


Citywide
141 R8 Parcels
Less Than 3,750 sq ft

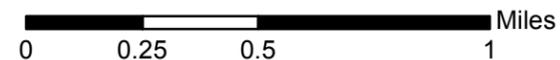
23% of Total R8 Parcels

Dec 2019

- Substandard Lots
- R8 Zoning
- Streets
- Railroad



Prepared by City of Fredericksburg GIS





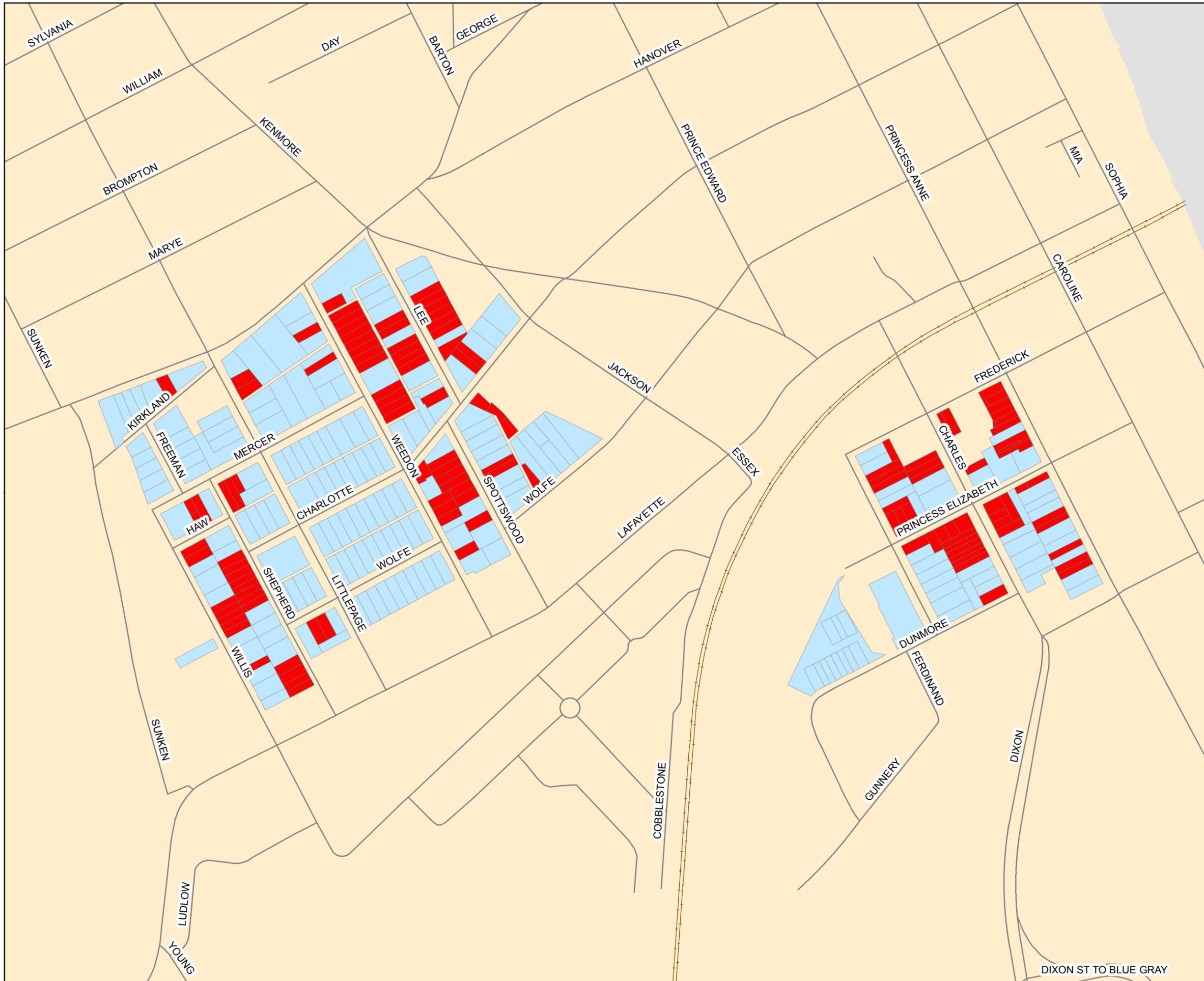
City of Fredericksburg

Downtown Area 129 R8 Parcels in Area Less Than 3,750 sq ft

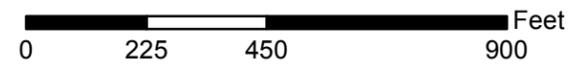
38.7% of R8 Parcels in Area

Dec 2019

- Substandard Lots
- R8 Zoning
- Streets
- Railroad



Prepared by City of Fredericksburg GIS



DIXON ST TO BLUE GRAY

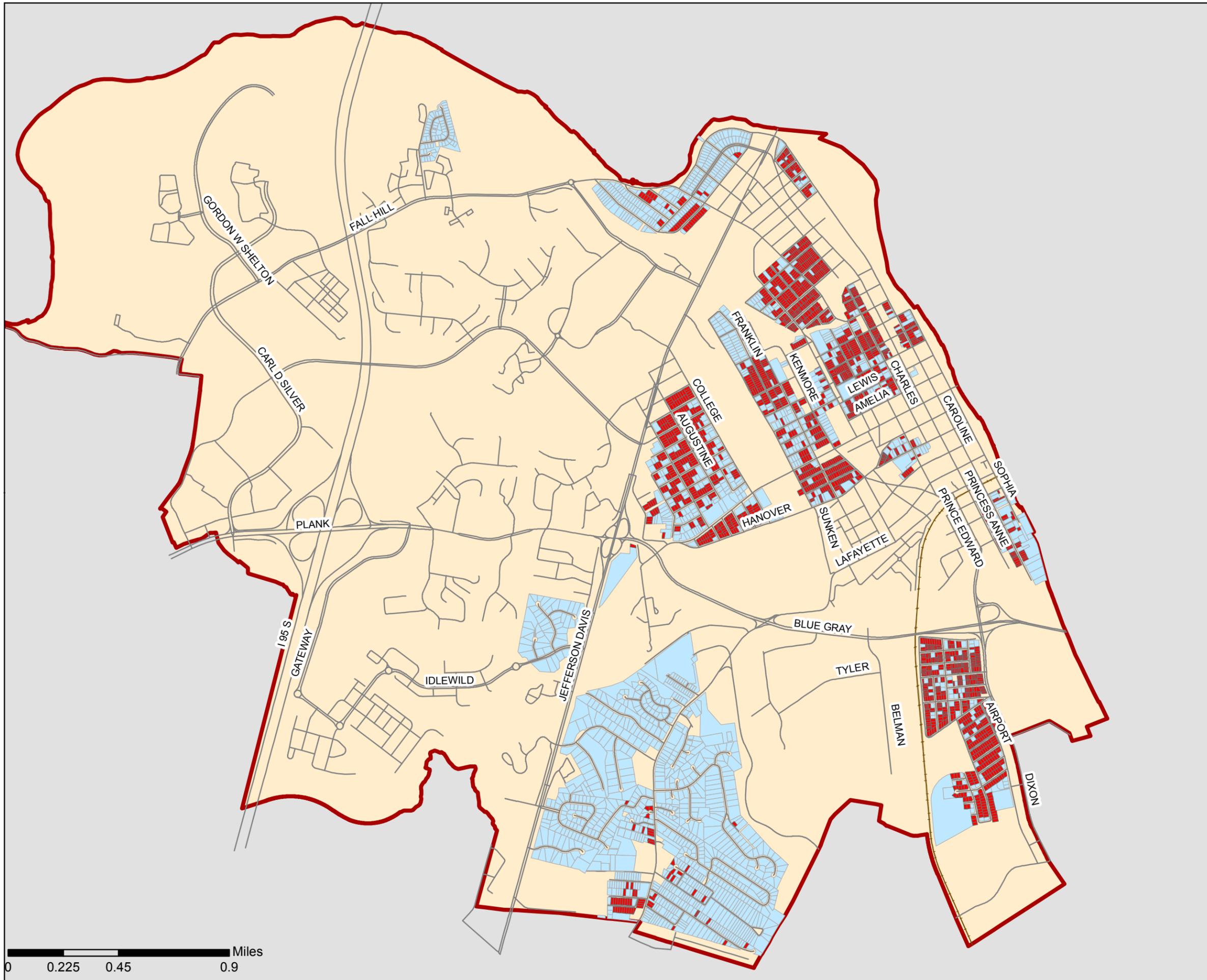


Citywide
1,949 R4 Parcels
Less Than 7,500 sq ft

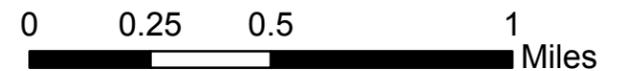
53.7% of Total R4 Parcels

Dec 2019

- Substandard Lots
- R4 Zoning
- Roads
- Railroad



Prepared by City of Fredericksburg GIS





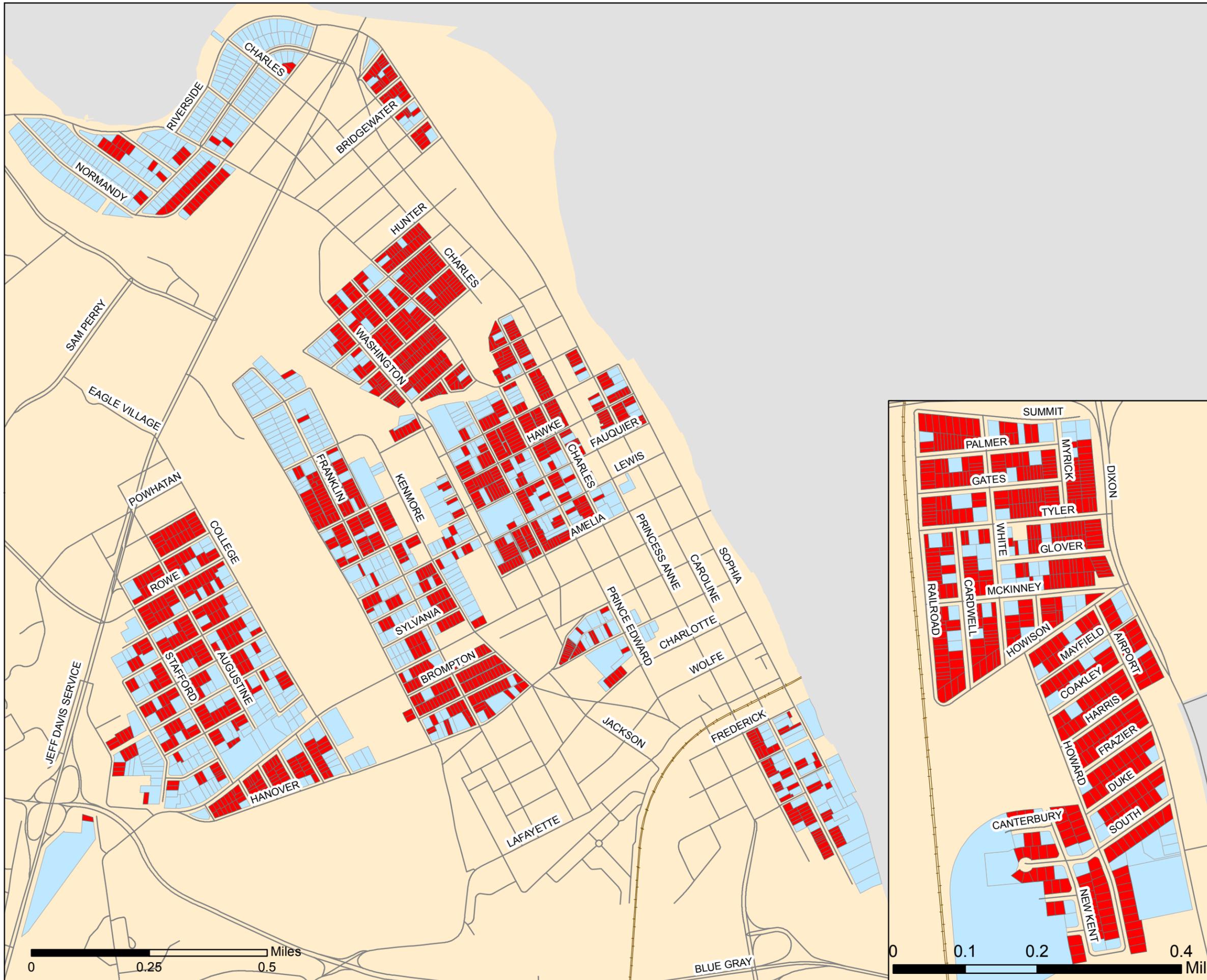
**Downtown Area,
Normandy Village,
College Heights, Mayfield**

**1,891 R4 Parcels
Less Than 7,500 sq ft**

71.8% of R4 Parcels in Area

Dec 2019

-  Substandard Lots
-  R4 Zoning
-  Roads
-  Railroad



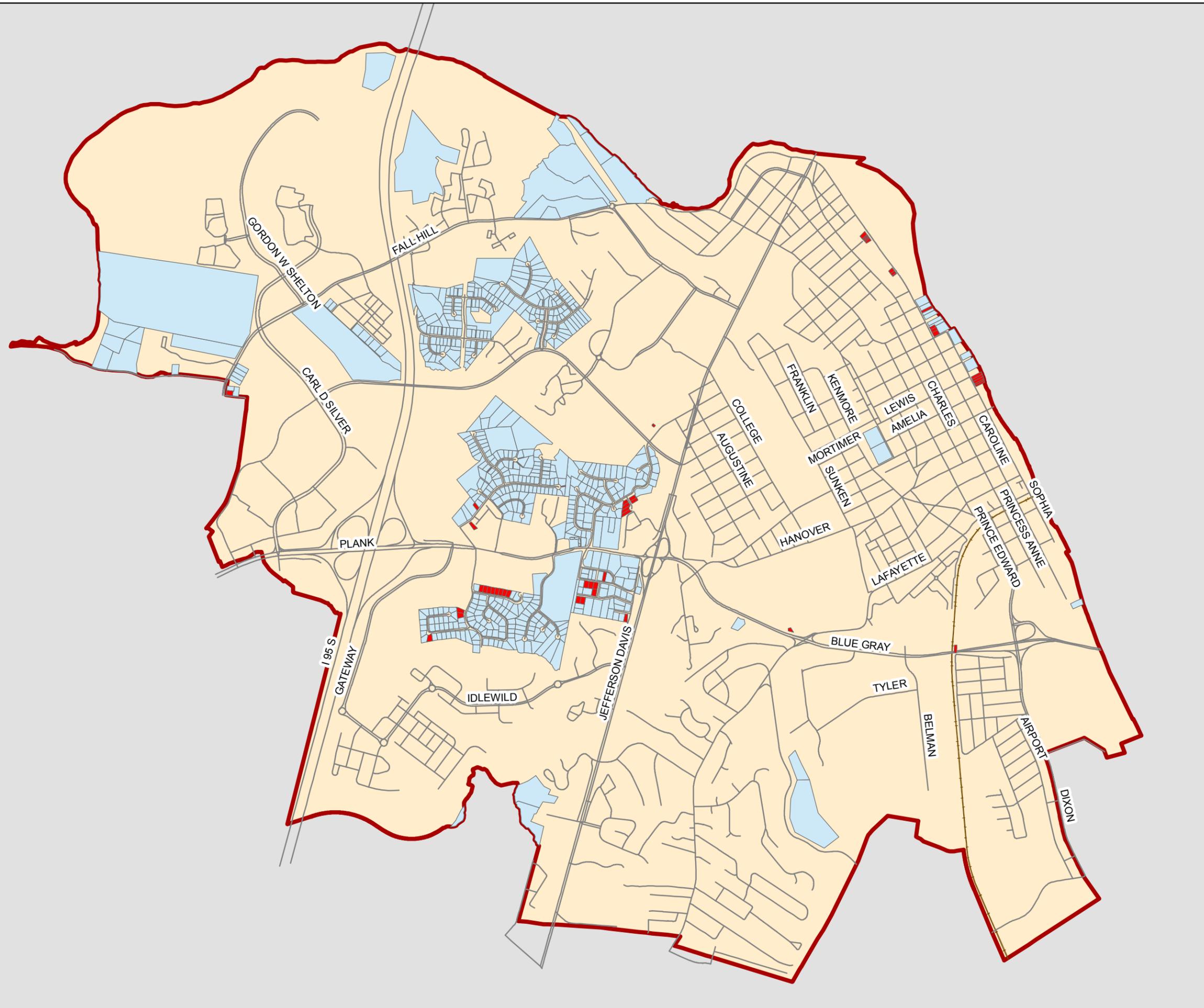


94 R2 Parcels
Less Than 15,000 sq ft

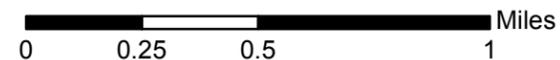
7.7% of Total R2 Parcels

Dec 2019

- Substandard Lots
- R2 Zoning
- Streets
- Railroad

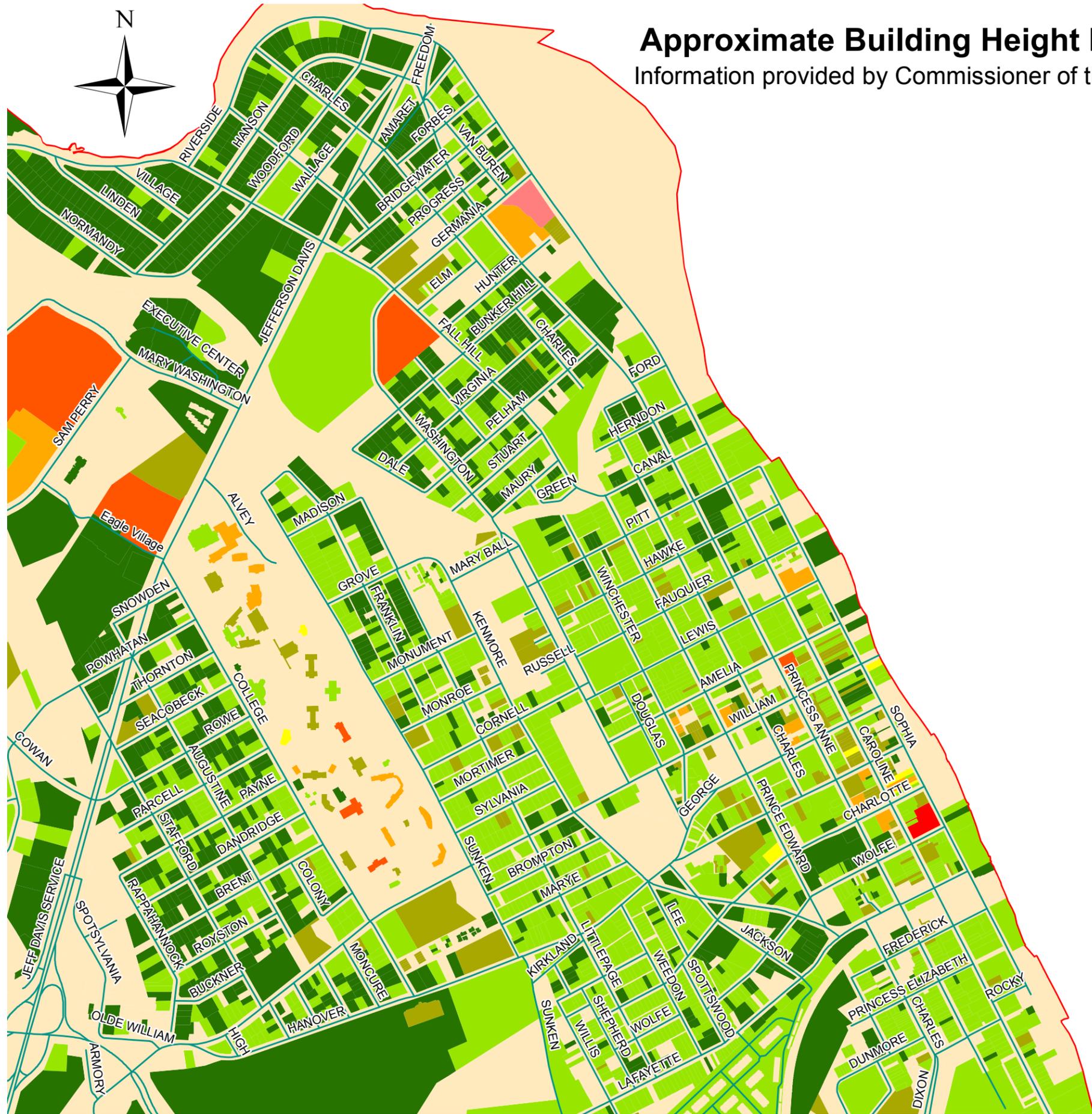


Prepared by City of Fredericksburg GIS



Approximate Building Height by Story

Information provided by Commissioner of the Revenue



0 0.25 0.5 1 Miles

Mayfield



0 500 1,000 2,000 Feet

Legend

— Road Centerlines

Parcels STORIES

-  0
-  1-1.4 stories
-  1.5-2.4 stories
-  2.5-3.4 stories
-  3.5-3.9 stories
-  4 stories
-  5 stories
-  6 stories
-  7 stories
-  City_Boundary