



MEMORANDUM

Johnston

TO: Tim Baroody, City Manager
FROM: Chuck Johnston, Community Planning and Building Director
RE: Unified Development Ordinance amendments addressing the definition of required yards for corner and through lots.
DATE: 2020 February 25 for March 10 meeting

ISSUE

At its 2020 February 11 meeting, the City Council approved amendments to the Unified Development Ordinance to improve city policies and regulations to ensure that new construction and additions would be compatible and consistent with existing patterns of development. One of the components of this amendment was to redefine yards on corner lots so that instead of having two front and two side yards, such lots would have a primary front, secondary front, rear, and side yard. This change was included in the proposed ordinance for Council initiation and Planning Commission review, but was inadvertently omitted from the ordinance subsequently placed before Council. This amendment would address this omission. As this change has been previously discussed, it is proposed for first and second read action.

RECOMMENDATION

Approval, on first and second read, of the attached ordinance amending the Unified Development Ordinance: Article 72-8.4.B (3) "Definitions and Interpretations; Required Yards; Corner lots and through lots" (see top of page 2 for text amendment). The amendment would apply to all zoning districts and would establish rear yards on corner lots.

BACKGROUND

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

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 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:

Policy 1. Respect the integrity and the character of the City's neighborhoods.

Policy 15. Encourage infill development that is compatible with established neighborhoods, in terms of scale and massing

Initiatives for Residential Neighborhoods and Housing:

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

This amendment is proposed to achieve the state code intent for a harmonious community, Comprehensive Plan goals, policies, and initiatives, as well as new Comprehensive Plan text. All of these items highlight the importance of protecting neighborhood integrity, character, and scale, specifically in this instance the method of determining front, side, and rear yard setbacks for infill development on corner lots.

As discussed in previous staff reports, the method of front yard setback calculations for corner residential lots would 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.

It is further proposed to make this change applicable to site plan applications submitted after adoption. There are commercial projects that have been under review and to change this method of calculation would adversely affect such projects that are on the verge of approval.

CONCLUSION

The proposed changes would result in new construction and additions that will be more 'harmonious' to neighborhoods in accord with Virginia Code and the City's Comprehensive Plan. The amendments should be approved on both reads.

ATTACHMENT

1. Ordinance



March 10, 2020
Regular Meeting
Ordinance No. 20-__

MOTION:

SECOND:

RE: Amending the Unified Development Ordinance to Regulate Infill Development, by Amending the designated Front Yards, Secondary Front Yards, and Rear Yards on Corner Lots and Through Lots

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 City Council adopted a resolution to initiate UDO text amendments to regulate infill development in the R-2, R-4, R-8, R-12, and CT zoning districts at its meeting on November 12, 2019, by adoption of Resolution 19-104. The initiated text amendments included amendments to City Code 72-82, "Rules of Measurement, 72-82.4, "Required yards," in paragraph 10 of the draft ordinance. The Planning Commission held its public hearing on the amendment on January 15, 2020, after which it voted to recommend the amendment, including paragraph 10, to the City Council. Amendments to 72-82.4(B)(3), included in paragraph 10 of the ordinance as initiated, were omitted from the version of the ordinance published for the City Council public hearing on January 15, 2020, adopted on first reading on that date, and adopted on second reading on February 11, 2020 as Ordinance 20-02. The omission was inadvertent.

City Council advertised and held a public hearing on this amendment on March 10, 2020.

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 72-82, "Rules of Measurement," 72-82.4, "Required yards," shall be amended as follows:

[Subsection A is not amended. Subsections B(1) and (2) are not amended.]

- (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. However, any application submitted and accepted as complete before the date of adoption of this ordinance, but still awaiting final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this ordinance, the subsequent development, although permitted, shall be lawfully nonconforming and subject to the provisions of Article 72-6, Nonconformities.

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. 20- duly adopted at a meeting of the City Council meeting held Date, 2020 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council