



MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: Mike Craig, Senior Planner
DATE: March 4, 2020 (for the March 11 meeting)
RE: A Unified Development Ordinance Text Amendment to the residential type definitions

ISSUE

Should the Planning Commission recommend approval of a Unified Development Ordinance Text Amendment clarifying the City’s residential use definitions and standards?

RECOMMENDATION

Recommend approval to the City Council of the UDOTA clarifying the City’s residential use definitions and standards.

BACKGROUND

The existing residential housing definitions in the Unified Development Ordinance (UDO) should better reflect the existing conditions in City neighborhoods. The current definitions contain overlaps and contradictory language. For example, both a Duplex and Single-Family Attached are listed as an arrangement of two units. The single-family attached definition includes some missing middle use like “garden court dwellings, patio houses, zero-lot-line dwellings, and townhouses.” However, it does not include triplexes and quadplexes, which are common attached housing arrangements in the City.

Finally, the use standards associated with single-family attached uses are problematic and difficult to enforce. For example, the use standards prohibit an attached building from being within 15 feet from private driveways, parking areas, or walkways. A basis for this regulation is not readily apparent; it appears to prohibit an attached building from having a sidewalk connect to the building’s front door or a residential driveway from connecting to an attached garage.

THE PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT

The proposed text amendment will create a clearer gradation within the residential use definitions:

- Two units, however connected, are a Duplex.
- Three to four attached units on a single parcel, or three to eight attached units arranged as townhomes are Single-Family Attached.
- Five or more units on a single parcel is a multifamily use.

Five out of the City’s 15 mixed-use zoning districts differentiate between whether or not Duplexes, Single-Family Attached, and Multi-Family are permitted by-right:

	R-8	C-T	C-SC	PD-C	PD-MC
Duplex	P	P	•	S	•
Single-Family Attached	P	P	P	S	P
Multifamily	S	•	P	P	P

P = Permitted

S = Special Use Permit

• = Not Permitted

The proposed changes would not impact the level of residential use in the City. For example, single-family attached uses are currently permitted within the R-8 and C-T zones. The ordinance would specifically identify that triplexes and quadplexes are part of that use and would ensure that those uses were considered conforming under today's zoning. This clarity in the R-8 zoning district would ensure these uses are permitted to be maintained and adapted to modern living standards.

The change would clarify that triplexes and quadplexes would be permitted within the C-T zoning district. No change is proposed to the density rules in these areas. Under the existing and proposed regulations infill housing would still require half an acre to construct four residential units. This clarification addresses the arrangement of the structure. It makes it clear that triplexes or quadplexes that are arranged similar to a single family detached home are a permitted form in addition to semi-detached garden court dwellings, townhomes, patio houses, and zero-lot line homes.

Finally, the changes would sharpen the rules for infill development. The City's zoning ordinance should be set up so that infill development along corridors and in new form based code districts can replicate the City's successful variety of housing. These clarifications help achieve that goal.

The Small Area Planning process identified that the City's neighborhoods contain a variety of housing types including single family detached homes, duplexes, triplexes, quadplexes, townhomes, and multi-family units. The variety of housing ensures that City neighborhoods are accessible to the entire socio-economic range of its citizens and accommodates the changing ways in which people choose to live. The purpose of these updates is twofold: they better define the City's residential definitions to protect existing missing middle housing and they sharpen existing regulations to ensure newer infill can mimic historical sustainable patterns of growth.

During the City Council initiation of this ordinance for consideration by the Planning Commission, Councilor Graham requested a review of changing multifamily from not permitted to a use permitted by special use permit in the Commercial – Transitional Office (CT) Zoning District. The Dimensional Standards in CT (§ 72-32.1.C) correspond to the R-8 and R-12 zoning districts. Multifamily requires a special use permit in R-8 and is permitted by-right in R-12. Multifamily residential uses are an appropriate transitional use between vibrant business corridors and neighborhoods. The Planning Commission may consider permitting multifamily by special use permit in the CT zoning district. This change was not advertised, but should be considered as the Planning Commission examines neighborhood housing issues.

CONCLUSION

The proposed amendments to the City's residential use definitions and use standards will help preserve the City's valuable stock of existing middle missing housing. It will also clarify the rules about different types of housing so that they can be used as a template for infill development in existing corridors. The Planning Commission should recommend approval of this ordinance to the City Council.

ATTACHMENTS

1. Draft Ordinance Amending the City's Residential Use Definitions and Use Standards



MOTION:

draft 2020 01 17

SECOND:

Regular Meeting

Ordinance No. 20-__

RE: Amending Section 72-41.1 (Residential Uses) and Section 72-84 (Definitions) of the Unified Development Ordinance to make revisions of general application to the definitions of .

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.

Sec. I Introduction.

The purpose of this amendment is to update certain definitions and regulations regarding residential uses. Specifically, revises and differentiates the “dwelling, duplex,” “dwelling, single-family attached,” and “dwelling, multi-family” use types. This ordinance expands the definition of single-family attached dwelling from traditional townhouse-style and semidetached arrangements to include triplexes, quadplexes, and other missing-middle housing. To accompany this change, the requirements for single-family attached dwellings in Article 4 are also updated to provide regulatory flexibility necessary to preserve these different types of residential structures while clarifying those requirements that are appropriate for townhouse arrangements.

The City’s small area planning process has identified that there is a diversity of residential use in older neighborhoods City-wide. This diversity is a strength that makes City neighborhoods accessible to the entire socio-economic range of its citizens and also permits innovative living arrangements that accommodate the changing ways in which people choose to live. The purpose of these updates is to calibrate the City’s residential definitions to re-legalize these valuable pieces of the City’s neighborhoods while also permitting newer infill to mimic historical sustainable patterns of growth.

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

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 text amendment.

Sec. II City Code Amendment.

City Code Chapter 72, “Unified Development Ordinance,” is amended as follows.

1. City Code section 72-41.1, “Residential Uses,” subsection F, “Dwelling, single-family attached” shall be amended as follows:

§ 72-41.1 Residential Uses

F. Dwelling, single-family attached. Single-family attached uses shall comply with the following requirements *when arranged as townhouses*:

- (1) A single-family attached building shall contain at least three but no more than eight side-by-side dwelling units.
- (2) Individual buildings containing single-family attached units shall be separated from one another by at least 20 feet.
- ~~(3) Single-family attached buildings shall maintain at least 15 feet of separation from private driveways, parking areas, or walkways.~~
- (3) *No more than two abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being 2 ½ feet.*
- (4) Nothing in these standards shall prevent a deck from encroaching into a required rear yard setback.
- (5) *No more than one townhouse may be located on a single lot.*

2. City Code section 72-84, “Definitions,” is amended as follows:

DWELLING, DUPLEX

~~A single-family dwelling unit attached to one other~~ Two single-family dwelling units *connected* by a common vertical wall, *common party wall*, a common floor or ceiling, or permanent connecting structure such as a breezeway, carport, or garage. Each dwelling unit may be located on its own lot, or both may be located on a single lot.

DWELLING, SINGLE-FAMILY ATTACHED

A group of ~~two~~ three or more single-family dwelling units which are generally joined to one another by a common party wall, a common floor or ceiling, or permanent connecting structures such as breezeways, carports, garages or screening fences, or wells; ~~whether or not~~ *up to four* such units ~~are~~ *if* located on a single parcel of ground, or *more* on adjacent individual lots. Each unit ~~shall~~ *may* have its own outside entrance *or may share a common hall*. Architectural facades or treatment of materials may be varied from one group of units to another. ~~No more than two abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being 2 1/2 feet.~~ The term includes structures such as semidetached garden court dwellings, patio houses, zero-lot-line dwellings, *triplexes, quadplexes*, and townhouses.

DWELLING, MULTI-FAMILY

A residential building containing ~~three~~ *five* or more separate dwelling units located on a single lot. A multiple-family dwelling, commonly known as an apartment house, generally has a common outside entrance for all the dwelling units and the units are generally designed to occupy a single floor, one above another. The term shall not include a single-family attached dwelling.

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. 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, CMC
Clerk of Council