



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Mike Craig, Senior Planner
DATE: September 1, 2020 (for the September 8 City Council public hearing)
RE: The UDO Text Amendment and Rezoning for the Creative Maker zoning district

ISSUE

Should the Unified Development Ordinance be amended to include the Creative Maker Zoning District and should an amendment to the zoning map apply the zoning district to 78 +/- acres of land within Area 6 in the north Princess Anne and Route 1 corridors?

RECOMMENDATION

The City Council should:

- **Approve the proposed Unified Development Ordinance Text Amendment** creating the Creative Maker zoning district and consolidating form based regulations in a new Appendix.
- **Approve the zoning map amendment** rezoning approximately 78 acres of land located in Planning Area 6, designating transects, and adopting frontage maps to implement the Creative Maker zoning district.

CITY COUNCIL PUBLIC HEARING

The City Council held a public hearing on this item on August 25 at which one public comment was received. The Canal Quarter Neighborhood Association supported the creation of the Creative Maker District, but expressed some concern about the special use permit process for residential density. Discussion during the meeting focused on the type and affordability of housing that could be proposed in the new zoning district. No additional public comment has been received in the interim.

(The remainder of this staff report is unchanged from August 25th.)

PLANNING COMMISSION PUBLIC HEARINGS AND RECOMMENDATION

The Planning Commission held a public hearing on the proposed Creative Maker District on March 11th at which three citizens spoke. One, representing the Canal Quarter Neighborhood Association, expressed a desire for open space, accessibility and ageing in place, adaptive reuse of historic structures, and concerns about higher residential density (permitted in the proposal by special use permit). Another, representing Friends of the Rappahannock, expressed concerns that the zoning ordinance needed to encourage higher residential densities than are proposed to foster Smart Growth in the community. The third asked whether this ordinance would change the conforming status of automotive service businesses, which permitted by-right on the parcels currently zoned Commercial Highway and as a special use under the proposed Creative Maker District. The five main discussion points from the public hearing were: 1) Smart Growth and residential density, 2) citizen participation in the development process, 3) the form based code and use / transitional zones, 4) open space, and 5) encouraging adaptive reuse of structures. Due to an advertising error, the public hearing was held open until the next public hearing, which was subsequently delayed to the COVID-19 epidemic.

The Planning Commission held a work session on this item on May 13th. Revised concepts based on dialogue from the March 11th meeting were introduced. A conceptual project was walked through to identify how the code would function once adopted. Discussion included enhancing the description of Activity Nodes and other specific tools identified in adopted Small Area Plans, open-space requirements, Optional Forms of Development, and residential density.

The Planning Commission's delayed public hearing on these items was held on June 24th. Two public comments were submitted prior to the hearing and were read into the record. Both comments supported the adoption of the Creative Maker District. Four additional public comments were received prior to the July 8th meeting, each of which stated that the district needed increased by-right residential density to fight automobile dependency, climate change and other environmental impacts, enhance economic development on the Princess Anne Corridor, and provide efficient City services. Five topics resulted from the discussion at the March 11 public hearing including a discussion on the development of the residential density levels. Additionally, a "Code Analysis" is included as an appendix to this memo identifying the differences between the proposed Creative Maker District and existing zoning.

After discussion, the Planning Commission voted 5 to 1 (with one member absent) to recommend approval of the Creative Maker District and its application within Area 6 to the City Council.

SMART GROWTH AND RESIDENTIAL DENSITY

The Creative Maker District, as envisioned in the Comprehensive Plan, takes a balanced approach to providing a sustainable level of land use within one of the City's prime urban cores, while protecting adjacent neighborhoods. Smart Growth¹ is one of the main land use strategies for a more sustainable City. Permitting Smart Growth within the existing urban fabric is the key to several City and Community goals:

- Efficient provision of City services;
- Reduce urban sprawl leading to less impervious surface per resident and pollutants into the Rappahannock River;
- Make viable walk / bike-ability;
- Provide sufficient density for transit service (the last two being critical to fight fossil fuel dependence and climate change);
- Provide a local residential market, which is critical for the commercial core to evolve from a driving dependent (often drive-thru based!) economy to a commercial services for both the walking and driving customer.

Adjacent neighborhoods want to have a voice in development on the edge of their neighborhood. Typical neighborhood concerns involve impacts like localized traffic issues, school capacity, and the character of adjacent development. The Creative Maker District strikes a balance between these two concepts through the use of by-right residential limits set lower than currently permitted and a special use permit process for increased levels of density where appropriate.

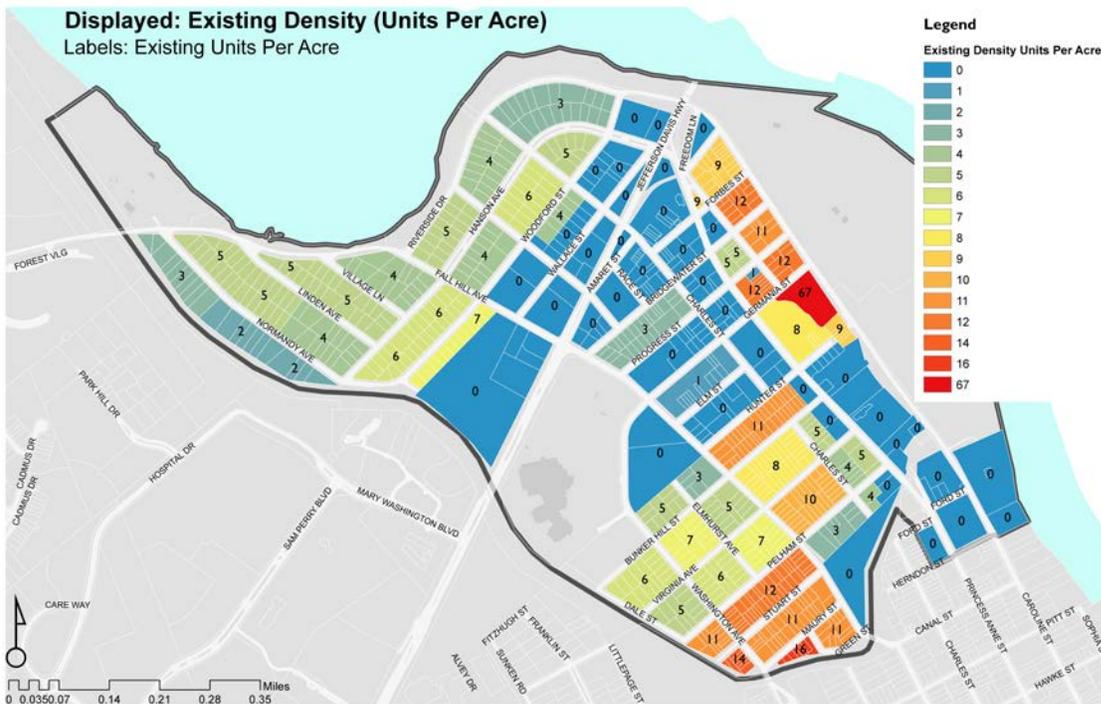
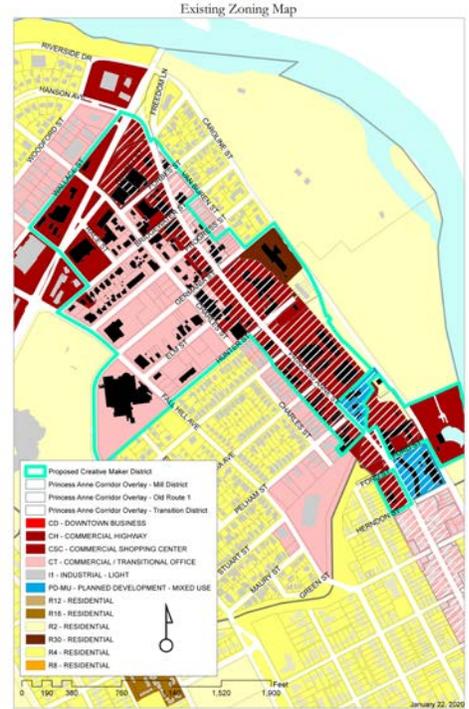
¹ Smart growth encourages a mix of building types and uses, diverse housing and transportation options, development within existing urban areas, and community engagement. For an overview of Smart Growth see: <https://smartgrowthamerica.org/our-vision/what-is-smart-growth/>

1. *By-right residential use*

The set density level in the Creative Maker District reduces the amount of residential units permitted by-right by 114 units; it is set at or below the existing zoning categories in place now:

By-right General Residential Density Permitted	
Commercial Highway	12 units per acre
Commercial Transitional - Mixed Use	12 units per acre
Planned Development – Mixed Use	30 units per acre
Residential 30	30 units per acre
Creative Maker District - T-4M*	8 units per acre
Creative Maker District - T-5M*	12 units per acre

The by-right densities are comparable to the existing density of the surrounding neighborhoods, which range from 3 to 18 units per acre.



2. *Permitting Smart Growth and citizen participation in the development process:*

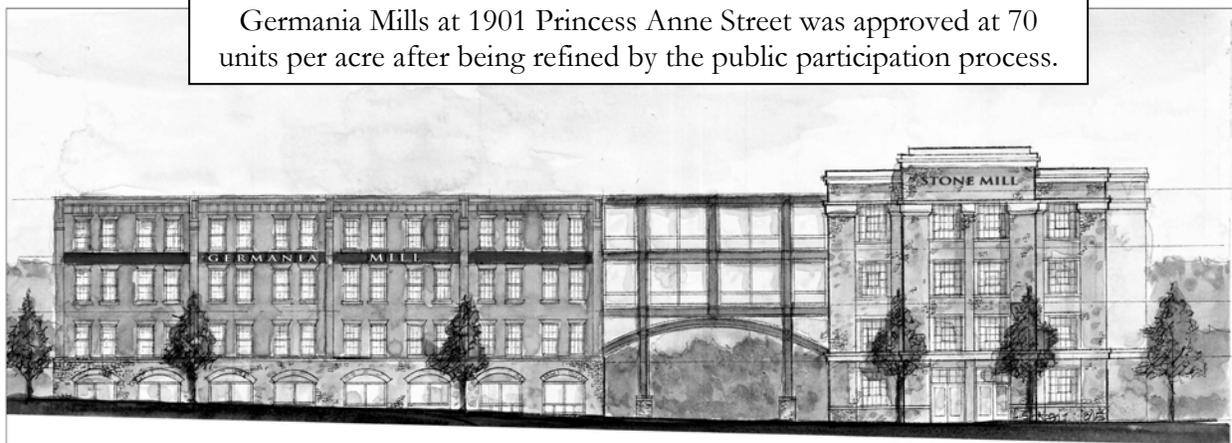
The Creative Maker District permits increased levels of residential and non-residential only after a special use permit process with opportunities for public comment at the Planning Commission and City Council. This process provides for the opportunity to accommodate smart growth within the Creative Maker District. Desirable development forms span the spectrum of use type and density:



Bunker Hill Street is 11 units per acre.



The Idlewild block between Patrick Street, Wilcox Ave, and Ellis Ave has 32 units, a central open space and alleys and is 16 units per acre.



Germania Mills at 1901 Princess Anne Street was approved at 70 units per acre after being refined by the public participation process.

Through the special use permit process an applicant may apply for a variety of residential use types including townhomes or apartments. The special use permit process includes several layers of review criteria to ensure that increased use adhere to City goals and mitigate potential impacts. In addition to the form based code, § 2-1.A.iii includes the following criteria to evaluate special use permits:

- a. The restoration of a character structure;
- b. A mixture of uses within the proposed project; and / or
- c. Double the amount of general or formal open space provided.

Special use permits are to be approved in conformance with the Comprehensive Plan. Pages 11(6)7 and 11(6)8 of the Area 6 Small Area Plan set out a specific vision for the Creative Maker District. The

vision emphasizes the use of meaningful open spaces to tie the district together and even shows larger green spaces that should be deployed in strategic places as the district redevelops.

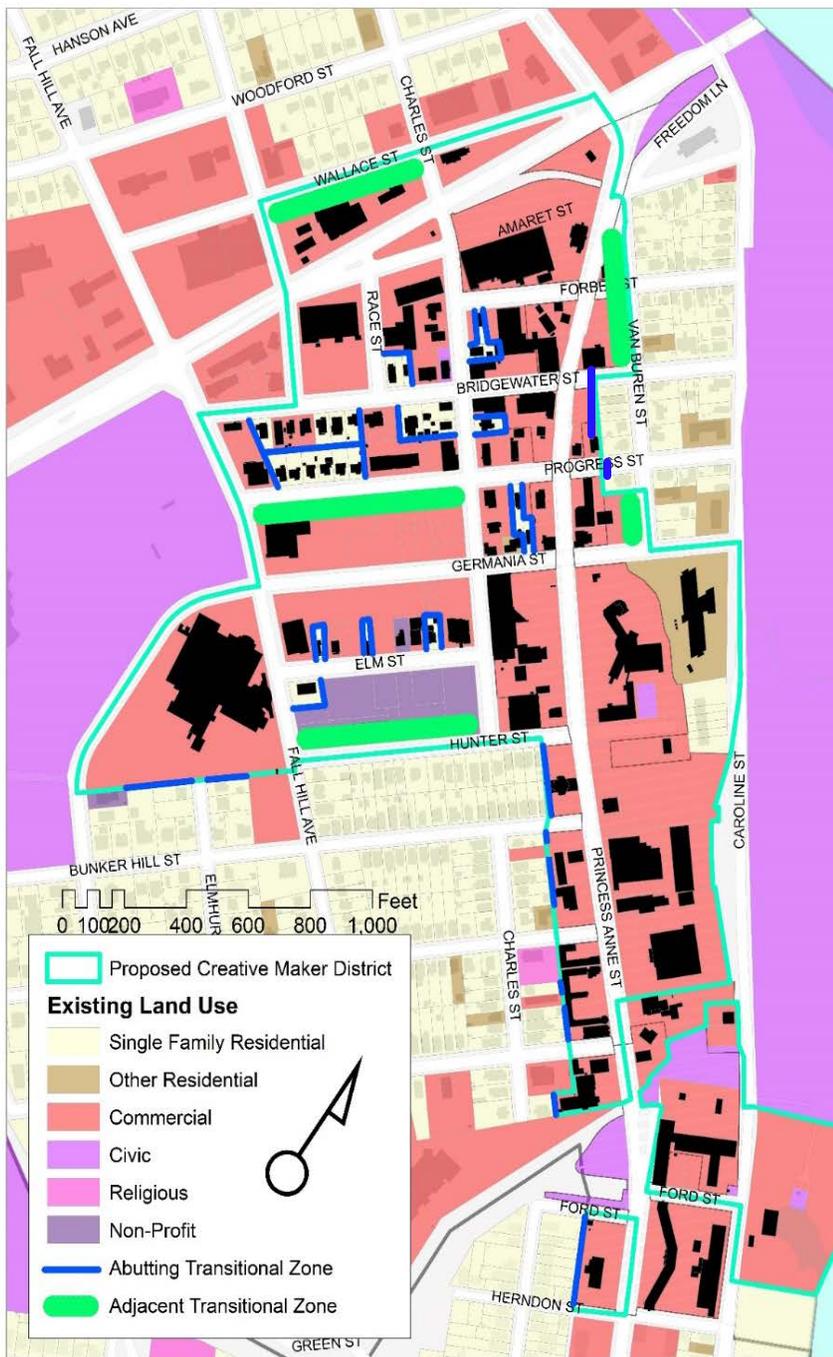
MAP 24 AREA 6 NODES, CORRIDORS, AND THIRD SPACES



Additionally, special use permits are reviewed in accordance with § 72-22.6.D(2). This section states that a proposed project is to mitigate potential adverse impacts caused by traffic, noise, light, discouragement of economic development, community facilities, affordable housing, school facilities, historic districts, and due to the mass and scaling of a project. While the form based code discussed in the next section ensures that any proposed project's mass and scale be compatible with surrounding fabric, other conditions such as cash contributions to offset school impacts or enhanced pedestrian facilities along a high traffic corridor may be appropriate if a project is proposed to exceed the capacity of the facilities in place.

Other Smart Growth elements will be the subject of future discussions with the Planning Commission. A Transfer of Development Rights program is being worked on that would permit development rights to be severed, sold, and shifted to nearby properties to incentivize the preservation of character defining structures. An affordable housing ordinance will also be suggested in the future that may permit higher densities where a certain style and degree of affordable housing is provided. While these concepts would encourage Smart Growth in this area of the City, the policies are not currently a part of this proposal as they are complex and require careful thought.

FORM BASED CODE AND TRANSITIONAL ZONES:



Currently, the urban core proposed to become the Creative Maker District contains predominantly non-residential use. There are some pockets of single family home use and the district is adjacent to neighborhoods with a predominant amount of single family uses. The Creative Maker District utilizes a Form Based Code², which adds standards to the zoning ordinance to ensure that any future development is compatible in form and scale to adjacent neighborhoods. The form based code achieves this through urban fabric, frontage, and building type standards that require a harmonious public realm and compatible building form.

Transitional Zones are built into the ordinance to add additional protection to single family residential uses. These zones are deployed both where a proposed development abuts a single family home (meaning the property lines touch) and where a development is adjacent to (across the street from) a block face where 75% of the structures are single family homes, wherever those uses may occur. The adjacent map shows where the two types of transitional zones are likely to occur.

Development within the transitional zones must adhere to the Building Type 4 Standards (§ 6-4 in the proposed Code). The following diagram shows the elements that are deployed to ensure adequate protection of adjacent single family uses from commercial uses:

² A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. For an overview of Form Based Codes see: <https://formbasedcodes.org/definition/>

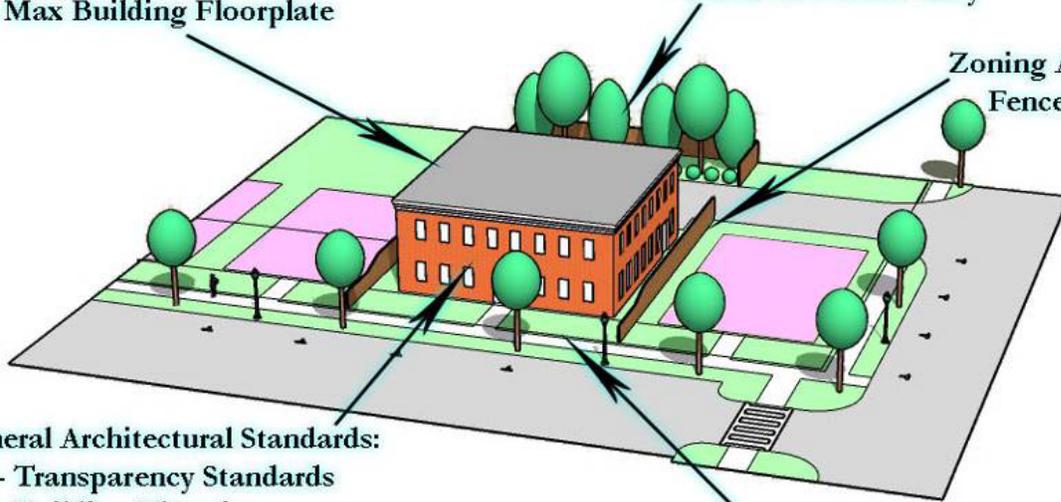
Transitional Building Type Standards:

- Max Building Width
- Reduced Building Height
- Max Building Floorplate

Enhanced Setback:

- Type D Buffer
- Public or Private Alley

**Zoning Administrator
Fence Provision**



General Architectural Standards:

- Transparency Standards
- Building Elevation
- Permitted Materials
- Equipment Screening

Public and Private Frontage Controls

Use types like “warehouse” and “light manufacturing” were discussed during the meeting. Here are the definitions of each use:

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

Warehouse: A use engaged in distribution or storage of manufactured products, supplies, and equipment.

By definition, the external impact of these uses on adjacent properties are to be minimal. In addition the form based code regulates maximum building width and floorplate. See the § 5-1.1.B Frontage Map (page 1) of the form based code for frontage locations:

Frontage / Location	Max. Building Width	Max. Building Floorplate
Frontage B / US Route 1	150 feet	N/A
Frontage C / Central Princess Anne Street	100 feet	25,000 square feet
Frontage D / Princess Anne Street Nodes	100 feet	25,000 square feet
Frontage E / Other Areas	100 feet	25,000 square feet
Transitional Zones	50 feet	6,000 square feet

Certain impactful commercial uses --- outdoor storage, drive-throughs, alcohol sales --- will require a special use permit within the T-4M transect. The T-4M transect is deployed in all blocks abutting single family uses that are outside the district.

PRIORITIZING MEANINGFUL OPEN SPACE:

The Creative Maker District requires 25% of the lot area to be open space. Here is a comparison to other comparable zoning districts:

General Open Space Required	
Commercial Highway - Residential	25%
Commercial Highway - Non-Residential	15%
Commercial Transitional - Residential	25%
Commercial Transitional - Non-Residential	20%
Commercial Downtown	0%
Creative Maker District	25%

The Creative Maker District prioritizes meaningful Formal Open Space where it is deployed as part of the social fabric of the community. If a Formal Open Space is provided, then the total lot area required to be dedicated to open space is 12.5%. A Formal Open Space must meet the following standards, which ensure it serves as a meaningful place:

- a. Type --- Plaza, Playground, Square, or Courtyard as defined in the Unified Development Ordinance.
- b. Adjacency --- 25% of the perimeter of the formal open space must adjoin the street frontage.
- c. Shape --- The minimum width and length of the Formal Open Space is 15 feet. The maximum width to length ratio is 1:2.
- d. Landscaping --- the Formal Open Space shall be landscaped to the maximum extent possible given its proposed function.

The open space provisions within the City Code were reviewed after the March 11 public hearing. Currently, UDO §72-51.5.A(1)(a)[7] states that: “Urban features: plazas, fountains, roof gardens, atriums, and pedestrian seating areas in the C-D and planned development districts” are counted towards the on-site open space requirements. A modification to the proposed zoning text was made so that these areas will also count towards the open space requirements in the Creative Maker District.

ENCOURAGING ADAPTIVE REUSE:

The Creative Maker District was designed around 34 Character Structures. These structures were identified by Planning staff, reviewed by the Planning Commission, and ultimately designated for listing on a Local Inventory of Historic Places by the Architectural Review Board. The Creative Maker District incentivizes their preservation by:

- Providing for the types of uses (including light manufacturing) that are attractive marketable uses for the buildings as many were built for this purpose;
- Providing for flexible frontage standards to eliminate zoning ordinance conflicts with the adaptive reuse of these buildings; and
- Including their preservation as a performance standard for increased density by special use permit.

Walkability and enhancing the pedestrian environment is a clear goal in the district. Curb extensions are identified as an improvement that will make a stronger pedestrian environment. However, mandating public frontage improvements is a potential source of complication and could be cost prohibitive improvement for smaller business owners. A clarification to § 5 of the Creative Maker District Form Based Code Frontage standards is proposed to clarify the rules about curb extensions (bulb outs) and to specify that in the T-4M and T-5M transects they are only required where identified in the Small Area Plans and only where there is an increase in use that justifies the improvement..

Non-conforming site conditions were identified as a potential source of complication for a modification of an existing non-character defining structure. An amendment to § 72-66.1 Non-Conforming Site Conditions is proposed to include public and private frontage components in the list items that must be brought up to standard as non-conforming structures are expanded. The purpose of this amendment is to clearly set the expectation for improvements to a site when the reuse of a building is proposed.

The Creative Maker District will encourage entrepreneurship and create a land use market that is accessible to small and first time business owners. Strong non-conforming rules are a critical piece of any zoning ordinance aiming to limit the risk exposure of small investors looking to renovate an existing structure to create their own business. Well calibrated form based provisions are required to ensure that small business owners can build new businesses within the existing lot pattern. The proposed modifications strengthen the vision for what will be required of someone making an investment in this corridor.

CONCLUSION

There are several community goals that the proposed Creative Maker District balances. These include providing the legal market for Smart Growth, providing citizens with a voice in the development process, clear guidelines and expectations for future growth for all parties, a land use market that is accessible to small businesses and entrepreneurs, and the encouragement of adaptive reuse of existing buildings. These values are reflected in the structure of the Creative Maker District and the proposed amendments resulting from the March 11 discussion.

The Creative Maker District text amendment and rezoning implement a significant portion of the Area 6 Small Area Plan. Implementing the Creative Maker District will permit the next economic evolution of the core commercial areas within Area 6.

The City Council should:

- **Approve** the Unified Development Ordinance that creates the Creative Maker District and consolidates form-based regulations in a new Appendix 72-A.
- **Approve** the rezoning of approximately 78 acres of land located in Planning Area 6, designated as transect T-4M or T-5M, to the Creative Maker District (CM) as recommended in the Small Area Plan for Area 6; and adopting transect maps and frontage maps for the district.

ATTACHMENTS

1. Code Analysis
2. Draft Ordinance Establishing the Creative Maker Zoning District
3. Form Based Code Appendix dated July 8, 2020
4. Draft Ordinance Rezoning 182 parcels to the Creative Maker Zoning District

CODE ANALYSIS

I. USES

The Creative Maker Zoning District modifies the permitted uses within its boundaries to permit the next economic evolution of the corridor.

The existing zoning is Commercial Transitional Office, Commercial Highway, R-2, and R-30.

Together, the existing zoning permits a diversity of residential uses including household living and group living. The Creative Maker District includes the plurality of household living uses, but only permits “Group Home” out of the group living category.

The existing zoning permits a diversity of commercial uses. The proposed zoning permits the range of commercial uses with some modifications:

- The ordinance is more permissive in that local breweries and lumber/building materials sales, open-air markets, contractor offices, general industrial services and repair, light manufacturing, warehouse, and wholesale sales are permitted by-right; the district allows regional breweries, commercial laundry, equipment rental and sales, outdoor storage, and freight terminals to be permitted by special use permit.
- The ordinance is more restrictive in that school uses, fire stations, police stations, assisted living facilities, convenience stores with gasoline sales, gasoline sales, large scale automotive sales, and automotive service require a special use permit and continuing care retirement communities, nursing homes, cemeteries, adult establishments, golf courses, telecommunications towers, and self-service storage are not permitted.

The existing Commercial Transitional Office zoning district requires a special use permit for any outdoor storage and any alcohol sales. These requirements are proposed to expand to the boundaries of the T-4M Transect.

The next pages show a comparison of the existing use table, highlighting R-2, R-30, Commercial / Transitional Office, Commercial Highway, with the proposed Creative Maker Zoning District.

Category	Use Type	Base Zoning District [Overlay Districts May Further Limit Allowable Uses]						Additional Requirements
		Residential		Nonresidential and Mixed-Use Districts			I-1	
		R-2	R-30	C-T	C-SC	C-H		
Table 72-40.2: Use Table								
"P" = Permitted; Allowed by-right "S" = Special Use Permit Required "blank cell(*)" = Use is Prohibited								
Use Category	Use Type	Base Zoning District [Overlay Districts May Further Limit Allowable Uses]						Additional Requirements
		Residential		Nonresidential and Mixed-Use Districts			I-1	
		R-2	R-30	C-T	C-SC	C-H			Creative Maker
Residential Use								
Household Living	Dwelling, Duplex	.	P	P	.	P	<i>P</i>	§ 72-41.1B
	Dwelling, Live/Work	.	S	P	S	P	<i>P</i>	§ 72-41.1C
	Dwelling, Mobile Home	.	.	.	.	.	.	§ 72-41.1D
	Dwelling, Multifamily	.	P	.	P	P	<i>P</i>	§ 72-41.1E
	Dwelling, Single-Family Attached	.	P	P	P	P	<i>P</i>	§ 72-41.1F
	Dwelling, Single-Family Detached	P	.	P	.	.	<i>P</i>	§ 72-41.1G
Group Living	Dwelling, Upper Story (over nonresidential)	.	S	P	P	P	<i>P</i>	§ 72-41.1H
	Convent or Monastery	.	.	.	.	.	.
	Dormitory	.	S	.	.	S	.	§ 72-41.1A
	Fraternity or Sorority	.	S	.	.	S	.	
	Group Home	P	P	P	.	.	.	
	Institutional Housing	.	.	S	.	.	.	S
Institutional Uses								
Community Services	Art Center and Related Facilities	.	.	S	.	P	<i>P</i>	
	Community Center	.	P	.	.	P	<i>P</i>	
	Cultural Facility	.	S	P	P	P	<i>P</i>	
	Library	S	P	P	P	P	<i>P</i>	
Day Care	Museum	S	S	P	P	P	<i>P</i>	
	Social Service Delivery	.	.	SP	SP	S	<i>S</i>	SP
	Adult Day-Care Center	.	.	S	.	P	<i>P</i>	
	Child-Care Center	S	P	S	P	P	<i>P</i>	§ 72-41.2B
Educational Facilities	Family Day Home (1-5 Children)	P	P	P	.	.	.	
	Family Day Home (6-12 Children)	S	S	S	.	.	.	
	College or University	.	S	S	P	P	<i>P</i>	P
	School, Elementary	S	S	P	P	S	<i>S</i>	§ 72-41.2E
Governmental Facilities	School, Middle	S	S	P	P	S	<i>S</i>	§ 72-41.2E
	School, High	S	S	P	S	S	<i>S</i>	§ 72-41.2E
	Vocational or Trade School	.	.	S	P	P	<i>P</i>	P
	Courthouse	.	.	.	.	.	.
Health Care Facilities	Governmental Facility	.	.	S	.	P	<i>P</i>	P
	Governmental Office	.	P	S	.	.	<i>P</i>	P
	Post Office	.	S	S	P	P	<i>P</i>	
	Hospital	.	.	S	S	S	<i>S</i>	§ 72-41.2D
Institutions	Medical Laboratory	.	.	.	.	P	<i>P</i>	P
	Medical Treatment Facility	.	.	S	.	P	<i>P</i>	
	Assisted Living Facility	.	P	S	.	S	<i>S</i>	
	Autocenter, Conference, and Convention Center	.	S	S	S	P	<i>P</i>	§ 72-41.2A
Parks and Open Areas	Club or Lodge	.	S	S	P	P	<i>P</i>	
	Continuing Care Retirement Community	.	.	.	.	S	.	
	Nursing Home	.	P	.	.	S	.	
	Religious Institution	S	S	P	P	P	<i>P</i>	P
Public Safety	Cemetery, Columbarium, Mausoleum	S	S	.	.	S	.	
	Arboretum or Garden	P	P	P	P	.	<i>P</i>	
	Community Garden/Gardening, Commercial	P	P	P	P	P	<i>P</i>	
	Park, Playground, or Plaza	S	P	P	P	P	<i>P</i>	
Utilities	Swimming Pool (public or private)	S	P	P	S	P	<i>P</i>	
	Fire/EMS Station	.	P	S	P	S	<i>S</i>	
	Police Station	.	S	S	P	S	<i>S</i>	
	Airport	.	.	.	.	.	.
Commercial Uses	Heliport	.	.	.	.	.	.	§ 72-41.2C
	Passenger Terminal (surface transportation)	.	S	P	.	P	<i>P</i>	P
	Data Center	.	.	S	S	S	<i>S</i>	S
	Small Cell Facility, Co-Location	P	P	P	P	P	<i>P</i>	P § 66-141 et seq., § 72-41
Agriculture	Small Data Center	.	.	P	P	P	<i>P</i>	P
	Solar Array	.	S	S	P	P	<i>P</i>	§ 72-41.2F
	Telecommunication Facility, Structure	.	S	P	P	P	<i>P</i>	P
	Telecommunication Facility, Co-Location	.	S	P	P	P	<i>P</i>	P
Alcoholic Beverage Production	Telecommunication Facility, Tower	.	.	.	.	P/S	.	§ 72-41.2G
	Utility, Major	.	.	.	.	.	.	§ 72-41.2H
	Utility, Minor	S	P	P	P	P	<i>P</i>	P
	All	.	.	.	S	S	.	§ 72-41.3A
Agriculture	Agritourism	.	.	.	.	.	.
	Microbrewery	.	.	S	P	P	<i>P</i>	§ 72-41.3B
Alcoholic Beverage Production	Local Brewery	.	.	.	S	S	.	§ 72-41.3B
	Local Distillery	.	.	.	S	S	.	§ 72-41.3B
Alcoholic Beverage Production	Local Winery	.	.	.	S	S	.	S

	Regional Brewery	.	.	.	.	.	S	.	.
	Regional Winery	.	.	.	.	.	.	.	.
	Regional Distillery	.	.	.	.	.	.	.	.
Animal Care	Animal Grooming	.	.	P	P	P	P	.	\$ 72-41.3B
	Animal Shelter/Kennel	.	.	.	S	P	P	P	\$ 72-41.3B
	Veterinary Clinic	.	.	P	P	P	P	P	\$ 72-41.3B
Eating Establishments	Bakery	.	.	P	P	P	P	.	\$ 72-32.1
	Restaurant, Fast-food	.	.	S	P	P	P	S	\$ 72-32.1
	Restaurant, Indoor and Outdoor Seating	.	.	P	P	P	P	P	\$ 72-41.3S; 72-32.1
	Specialty Eating Establishment	.	S	P	P	P	P	P	\$ 72-32.1
Offices	Business and Professional Services	.	.	P	P	P	P	P	
Parking	Parking Garage	.	.	.	P	P	P	P	\$ 72-41.3P
	Parking Lot (commercial)	.	.	P	P	P	P	P	
Recreation, Indoor	Fitness Center	.	S	P	P	P	P	S	
	Recreation, Indoor	.	S	.	P	P	P	S	
	Theater	.	.	.	P	P	P	S	
Recreation, Outdoor	Arena or Stadium	.	.	.	.	.	.	.	\$ 72-41.3C
	Fairgrounds	.	.	.	.	.	.	P	
	Golf Course	.	S	.	S	.	.	.	
	Marina	.	.	.	.	.	.	S	\$ 72-41.3N
	Recreation, Outdoor	.	.	P	P	P	P	S	
Retail Sales and Services	Artist Studio	.	.	P	.	.	.	P	
	Auction House	.	.	.	.	S	P	.	
	Convenience Store (with gasoline sales)	.	.	.	P	.	.	S	\$ 72-41.3G
	Convenience Store (without gasoline sales)	.	S	S	P	P	P	P	\$ 72-41.3H
	Crematorium	.	.	.	.	.	.	.
	Financial Institution	.	S	P	P	P	P	P	
	Funeral Home	.	S	S	P	P	P	P	\$ 72-41.3I
	Gasoline Sales	.	.	.	S	P	P	S	\$ 72-41.3J
	Grocery Store	.	.	S	P	P	P	.	
	Historic Dependency Limited Office/Retail	.	.	S	.	.	.	.	\$ 72-41.3K
	Laundromat	.	S	.	P	P	P	P	
	Lumber/Building Materials	.	.	.	S	S	P	P	
	Open-Air Market	.	.	.	.	.	.	P	
	Personal Services Establishment	.	.	.	P	P	P	P	\$ 72-41.3Q
	Pharmacy	.	S	S	P	P	P	P	S
	Plant Nursery	.	.	.	S	P	P	P	
	Repair Service Establishment	.	.	P	P	P	P	P	\$ 72-41.3R
	Retail Sales Establishment	.	S	S	P	P	P	P	
	Shopping Center	.	.	.	P	P	P	P	\$ 72-41.3T
Tattoo/Piercing Establishment	.	.	.	P	P	P	S	\$ 72-41.3V	
Seasonal Event	All	.	.	.	.	P	S	\$ 72-41.3U	
Vehicle Sales and Service	Automotive Sales and Rental, Small Scale	.	.	.	.	S	S	.	\$ 72-41.3D
	Automotive Sales and Rental, Large Scale	.	.	.	.	P	S	.	\$ 72-41.3D
	Automotive Service	.	.	.	S	P	P	P	\$ 72-41.3E
	Automobile Towing and Impoundment	.	.	.	.	.	.	S	
	Car Wash	.	.	.	P	P	P	P	
Visitor Accommodations	Bed-and-Breakfast Inn	S	.	P	.	.	P	.	\$ 72-41.3F
	Historic Dependency Lodging	.	.	P	.	.	P	.	\$ 72-41.3L
	Hotel or Motel	.	.	.	P	P	P	S	
Industrial Uses									
Industrial Services	Commercial Laundry	.	.	.	.	.	S	S	\$ 72-41.4A
	Contractor Office	.	.	.	.	.	P	P	\$ 72-41.4A
	Equipment Rental and Sales	.	.	.	.	.	S	P	\$ 72-41.4B
	General Industrial Service/Repair	.	.	.	.	.	P	P	\$ 72-41.4A
	Research and Development	.	.	P	.	P	P	P	\$ 72-41.4A
Manufacturing	Abattoir	.	.	.	.	.	.	.
	Manufacturing, Heavy	.	.	.	.	.	.	.	\$ 71-41.4C
Warehousing and Storage	Manufacturing, Light	.	.	.	.	.	P	P	
	Bulk Storage	.	.	.	.	.	.	.
	Outdoor Storage	.	.	.	.	.	S	S	\$ 72-41.4D
	Self-Service Storage	.	.	.	.	S	.	P	
	Freight Terminal	.	.	.	.	.	S	S	
Waste-Related	Warehouse	.	.	.	.	.	P	P	\$ 72-41.4F
	Incinerator	.	.	.	.	.	.	.
Wholesale Sales	Recycling Center	.	.	.	.	.	.	.	\$ 72-41.4E
	Wholesale Sales	.	.	.	.	.	P	P	\$ 72-41.4G

II. DENSITY

The Creative Maker Zoning District is a mixed-use district envisioned to be a vibrant center for people to live, work, and recreate.

The existing zoning permits a residential density between 8 and 30 units per acre. The proposed by-right density is to be 8 units per acre in the T-4M and 12 units per acre in the T-5M. By comparison, residential density in the neighborhoods adjacent to the Maker District range from 3 to 18 units per acre.

- This is a downzoning for the parcels along the western side of Princess Anne Street currently zoned Commercial Highway from 12 to 8 units per acre, 2 Parcels on the south face of Bridgewater Street from 12 to 8 units per acre, and for the parcel zoned R-30 from 30 to 12 units per acre. These changes reduce the number of by-right permitted residential units by 64 units.
- This is an upzoning of portions of 8 properties between Ford Street and Hunter Street from 2 units per acre to 12 units per acre. These changes increase the number of by-right permitted residential units by 18 units.
- Currently, the Commercial Office Transitional zoning district permits mixed-use projects to have a density of 12 units per acre by-right. This rezoning will change 15 acres of CT zoned land to T-4M, which will eliminate that by-right option. This will further reduce the number of permitted units by 63. The total impact on paper residential density is a reduction of 114 permitted by-right residential units.

The Creative Maker District is envisioned to be a thriving, inclusive, walkable core. Its location within the central City and the existing grid system make it an ideal place for the City's population to grow in a place and form that is already served by City infrastructure and services. In both Transects, an applicant may apply for a special use permit for increased residential density.

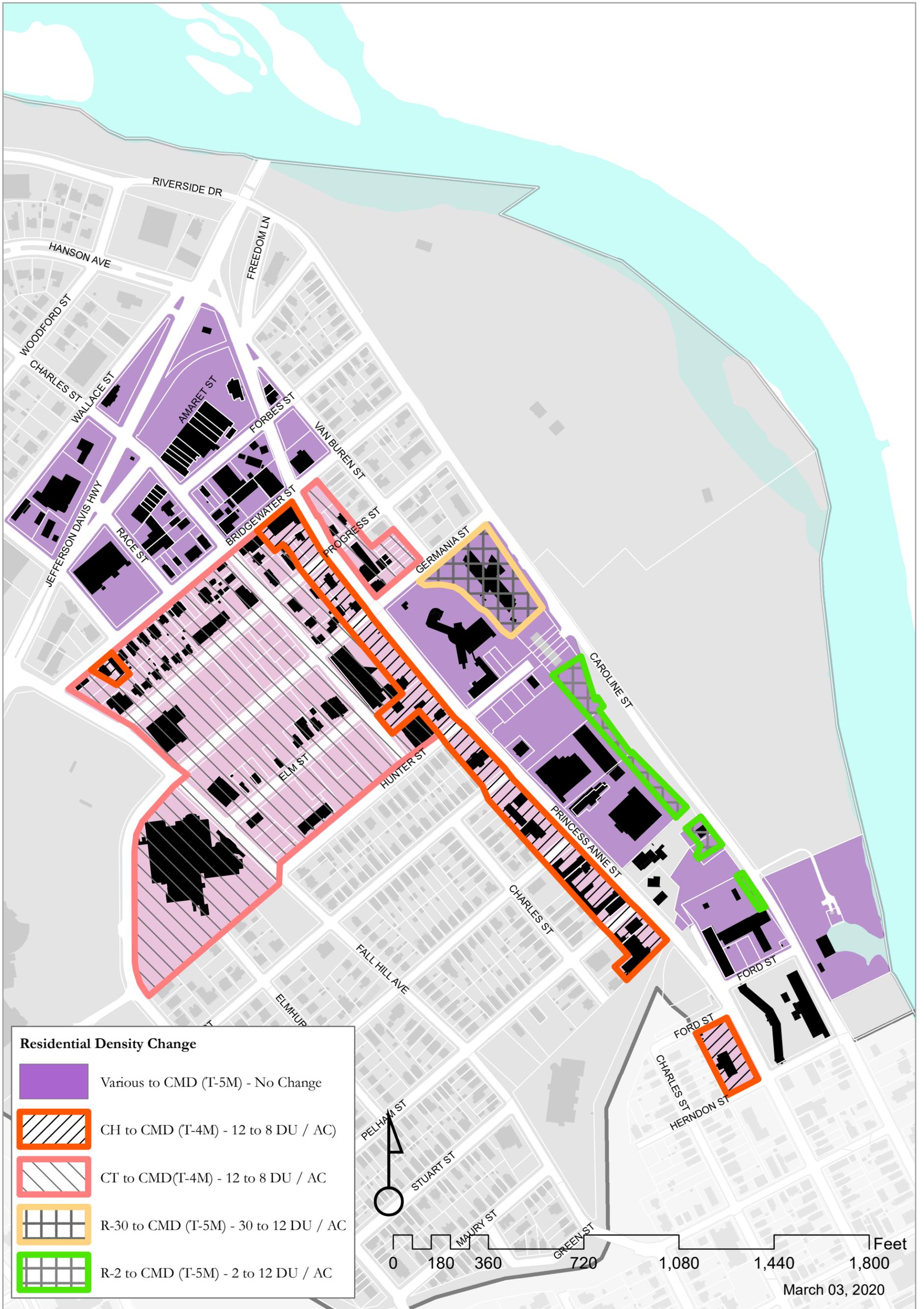
Applications for a special use permit will be reviewed with the existing criteria set out in § 72-22.6 of the UDO. These criteria ensure that any impacts on adjacent properties are mitigated. The ordinance includes additional criteria that reflect certain City values that may also be used to evaluate potential special use permits. They include:

- a. The restoration of a character structure;
- b. A mix of uses within the proposed project; or
- c. Double the amount of general or formal open space.

Additionally, in the future, a Transfer of Development Rights program will be developed for use in the Creative Maker District which permits the shifting of existing density with the commitment that a character structure be preserved in perpetuity.

The next pages show maps identifying where residential density changes by the proposed zoning.

By-Right Residential Density Change



III. FLOOR AREA RATIO

The Creative Maker Zoning District permits commercial uses in an urban form. Floor Area Ratio sets the amount of bulk a structure can have on a lot. The Ratio is the total amount of building square footage divided by the total square footage of the lot. The existing zoning permits a non-residential FAR between 0.5 and 0.7. The proposed zoning permits a non-residential FAR of 0.75. On a 10,000 square foot lot, this would permit a building containing a total of 7,000 usable square feet including all stories. An applicant may apply for an increase in FAR to 1.5 in the T-4M Transect and 3.0 in the T-5M Transect.

IV. DIMENSIONAL STANDARDS

The Creative Maker Zoning District utilizes a form based code to provide context sensitive standards to ensure the proposed development best fits into the diverse pieces of urban fabric present in Area 6.

The existing zoning includes base development standards that often conflict with each other and the existing land use patterns in this area. The minimum lot sizes for commercial uses range from a half of an acre to an acre. Side setbacks range from a minimum of 2 feet to a minimum of 15 feet. Front setbacks range from infill setbacks to a minimum of 25 feet. Open space requirements range from 15% to 20%. Permitted heights range from 35 to 50 feet.

The existing zoning configuration requires large suburban setbacks at the arbitrary lines where zoning districts split. The theory behind the large setbacks is that they “protect” adjacent uses from their neighbors. However, in practice, the large setbacks do not fit into the existing urban fabric. They prohibit smaller lots from being built on and instead encourage the consolidation of lots and bigger more intense projects. They also break apart the building envelope so that a series of disconnected buildings are developed rather than a cohesive urban streetscape.

The Princess Anne Corridor Overlay adds additional complexity to these requirements. Along the Overlay applies Design Guidelines related to streetscape character, building design, site design, and signage. The Guidelines were calibrated based on three design districts, the “Old Route 1 Highway District”, the “Mill District”, and the “Transitional District”. The Guidelines are a first step in reorienting the base zoning districts in the Princess Anne street area from a focus on heavy commercial highway uses to creating a unique walkable place. They contain some standards that are easy to interpret and enforce like building materials standards. However, much of the standards are meant as guidelines and are ambiguously written or overly specific about architectural style (ie. the emphasis on “machine moderne”) in a way that creates conflicts during review and permitting of projects.

The proposed Creative Maker Zoning District replaces the complex network of zoning and overlay districts with a single form based code. The form based code includes five elements:

- Urban Fabric Standards. The Urban Fabric Standards ensure that a proposed development fits into the City’s existing development pattern. Streets are required to be connected, development is required to adhere to the existing block pattern, transitional zones are required to create appropriate buffers and reduction and scale and mass of buildings adjacent to residential uses, and useful, meaningful open spaces are required to be included within the site.

Transitional zones are worth describing in more detail. Rather than applying blanket restrictions at arbitrary points along a street, these tools are calibrated so that they are activated when a

proposed project is adjacent to single family homes. They then assign perimeter setbacks, buffers, and reduced building heights and widths to ensure that transitions in the existing urban fabric occur where they are needed and are not arbitrarily breaking up the cohesiveness of areas where they are not.

- Frontages. Frontages prescribe the character of the streetscape and yard between the centerline of the street and the front of the building. They are assigned based on the functionality of the different sections of the district and contain three elements:
 - o The Public Component consists of the land within the public right-of-way adjacent to the site. The Public Component regulates the streetscape and assigns the appropriateness and type of on-street parking, utility / planting strips, pedestrian network characteristics, street lights and street trees.
 - o The Private Component consists of the private land between the building and the streetscape within the site. The Private Component regulates the yards, building placement tools, parking lot placement, and permitted building types within the site.
 - o The Building Type Permitted table controls the size and shape of buildings that are permitted on the site.

These elements combine to create a predictable design for the different mapped frontages within the District. Frontage A and B occurs along major highways, with landscaping within the front yard, larger permitted setbacks, and bigger building envelopes. Frontage C balances the need for automobile access and pedestrian infrastructure in the central areas of Princess Anne Street. Commercial buildings are permitted to have parking in front of the building, but a pedestrian streetscape within the public right-of-way is required. Frontage D is a traditional commercial frontage. Sidewalks are permitted to be wide and extend to the building front. Street lights are pedestrian scaled and street trees may be incorporated into tree wells. Buildings are required to be close to the street and parking is required to be located behind the buildings. Frontage E is a traditional neighborhood frontage. Street lights and street trees should be located within a planting / utility strip. Sidewalks are generally five foot wide. Buildings have a modest setback and front yard. Parking is required to be behind the buildings.

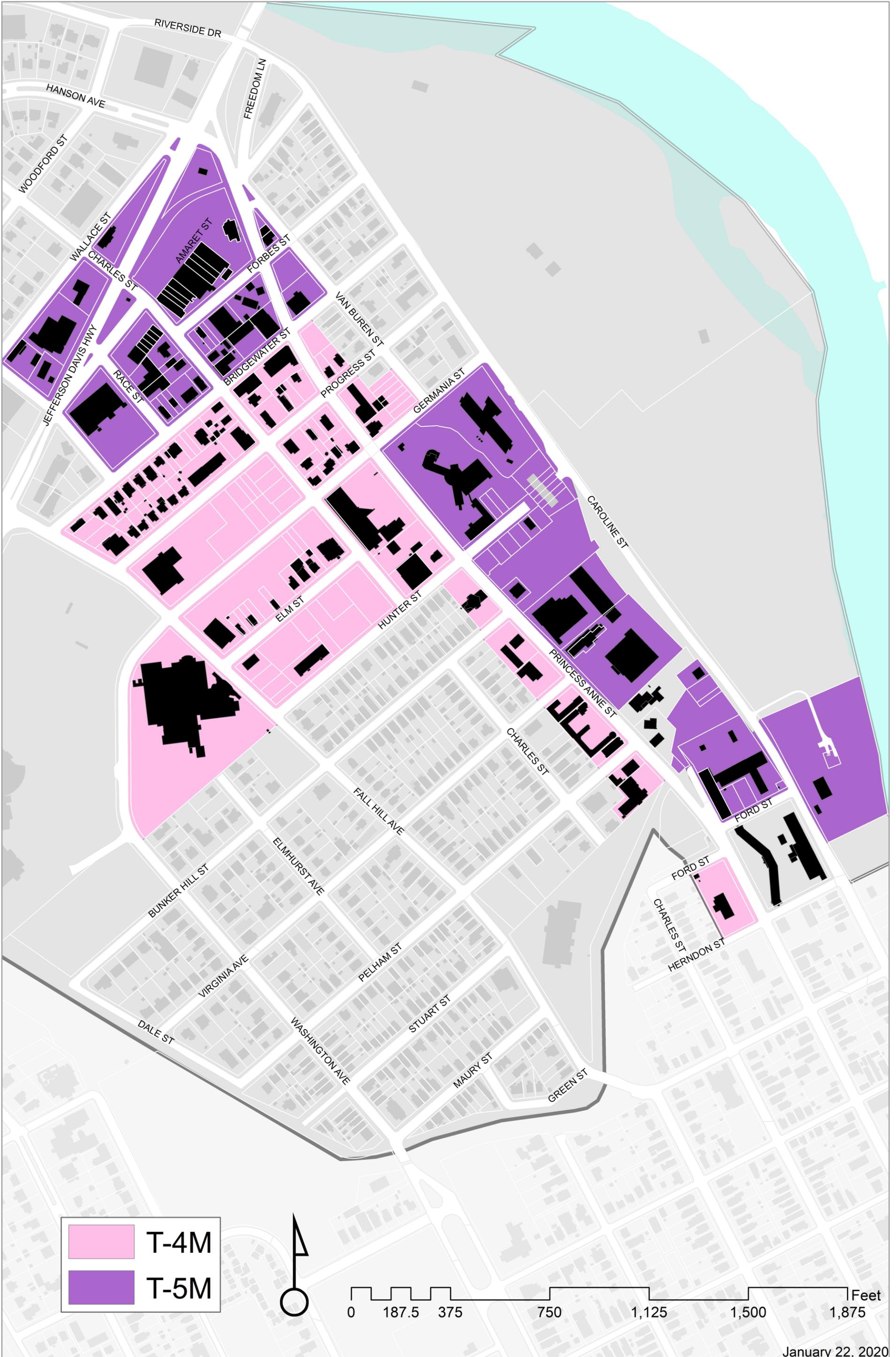
- Building Types. Building Type standards control the placement, orientation, mass, scale, and activation of the buildings on a site. These standards consist of three elements:
 - o Building Placement and Orientation includes lot standards and orientation standards to ensure that buildings have sufficient room on a site and that they are facing the most appropriate frontage.
 - o Mass and Scale tools set the maximum building heights, floorplate sizes, and building widths.
 - o Façade Activation regulates the location and frequency of entrances, the total amount of windows and doors required to be in facades facing the street, and programs the height and amount of openings on the first floor in areas where commercial activity is prioritized. The purpose of these tools is to ensure that buildings are designed in such a way as to make the surrounding streets feel safe and walkable to pedestrians in order to create a healthy community environment.

- Areas of Unique Architectural Value. The Creative Maker District is an Area of Unique Architectural Value. It contains 34 Character Structures dating to two periods of significance along the corridor. § 15.2-2306 of the Virginia State Code permits localities to designate areas of unique architectural value and to implement tools to foster the preservation of that value. Within the Creative Maker District, two tools are adopted under this section to maintain the character of the district:
 - o All new construction and exterior alterations within the district will be subject to building elevation, materials, and equipment screening standards.
 - o Designated character structures have special rules that a land owner may utilize in preserving the structure. These rules are context sensitive to each building and over-ride the private frontage and building type standards for a site. If a landowner preserves the character structure and the sight lines to the historic portion of the building, then the general character of the building and site conditions are permitted to govern any additions or expansions of the structure on-site.

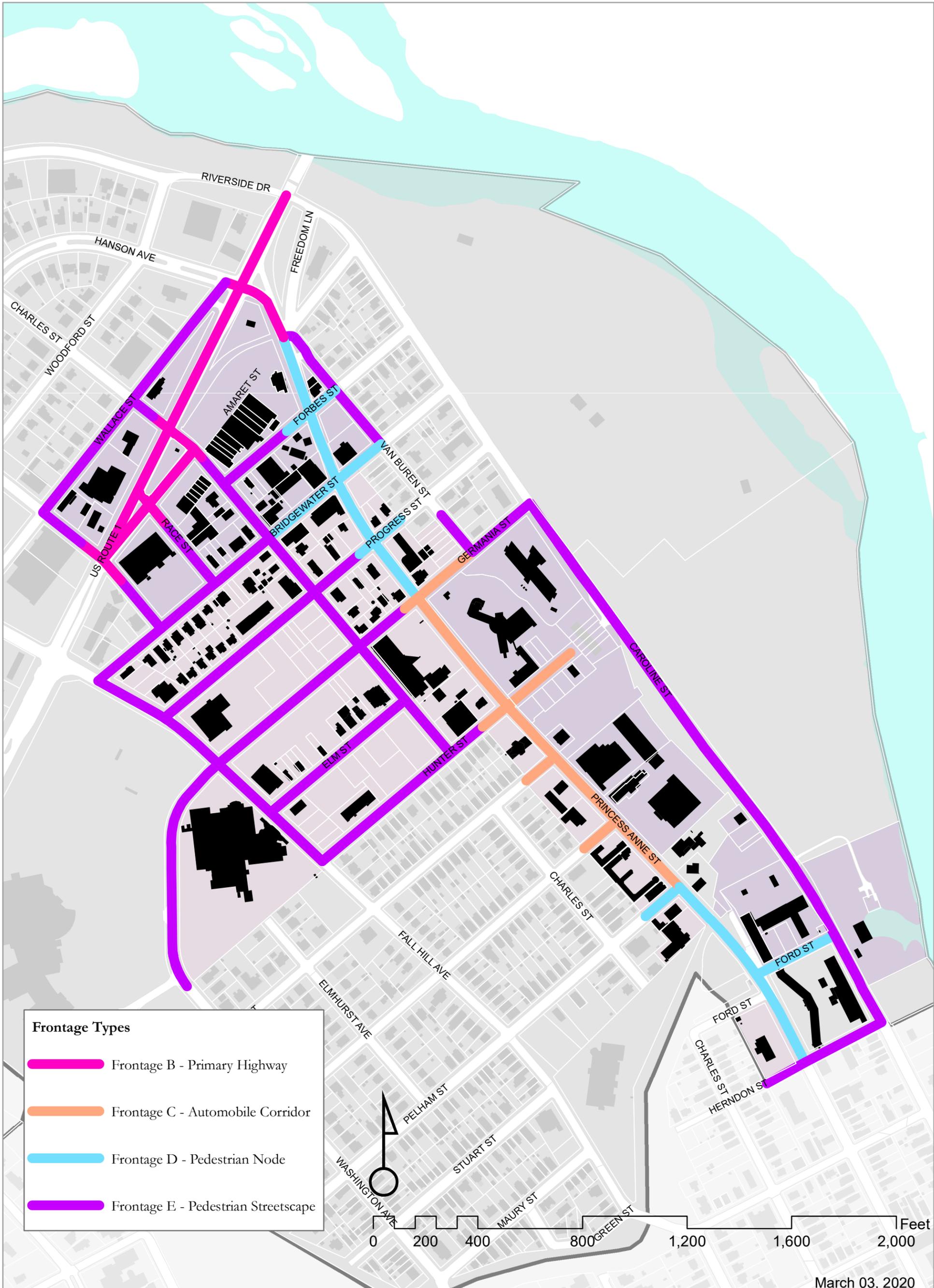
- Optional Forms of Development. Optional Forms of Development provide flexibility to the standards within the form based code. Optional Forms are prescribed with a purpose, option, and design guideline and are approvable if the option meets those criteria. These standards ensure that if an applicant deviates from the prescribed standards then their proposed project will still be constructed in accordance with the intended values of the zoning district. Optional Forms are permitted after written notice to adjacent property owners and a twenty-one day public comment period.

The next pages show maps identifying the proposed transects, and the proposed frontages along with the corresponding frontage and building types.

T-4M and T-5M Transect Map Small Area 6

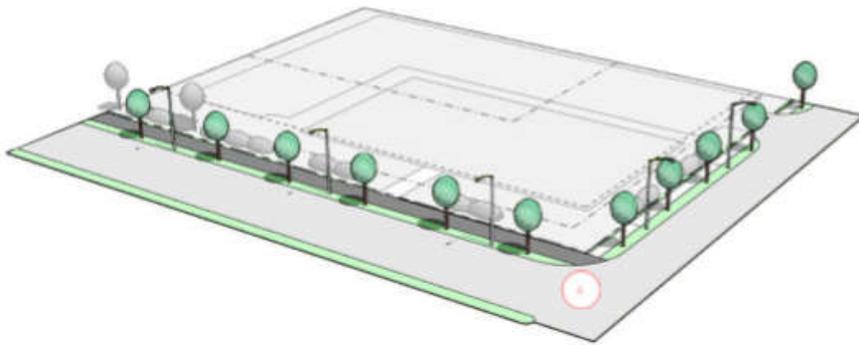


T-4M and T-5M Frontage Map Small Area 6

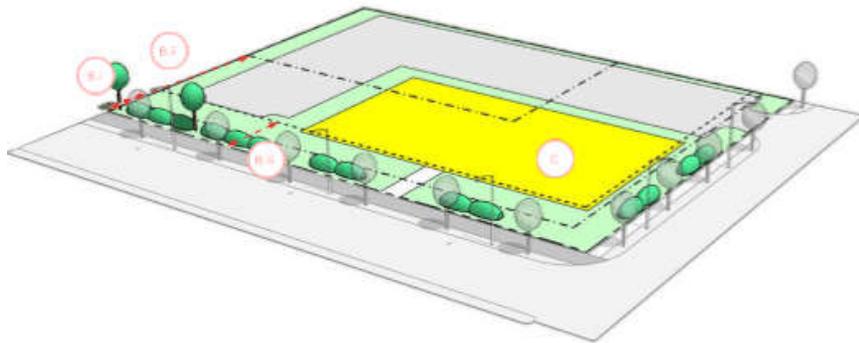


FRONTAGE B – PRIMARY HIGHWAY

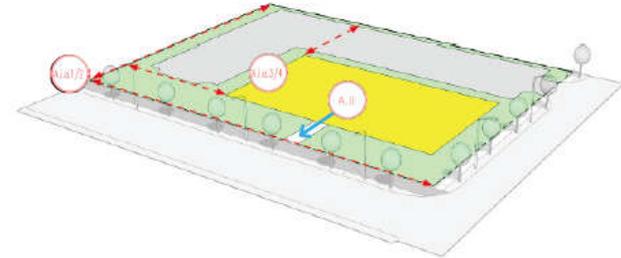
Frontage B Public Component:



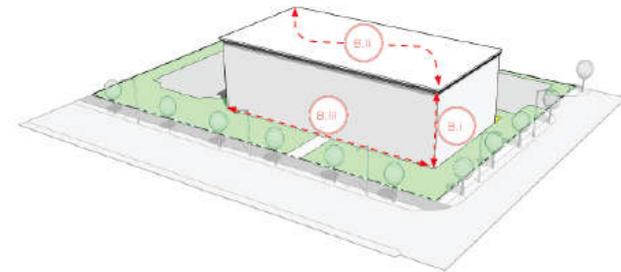
Frontage B Private Component and Building Type Permitted:



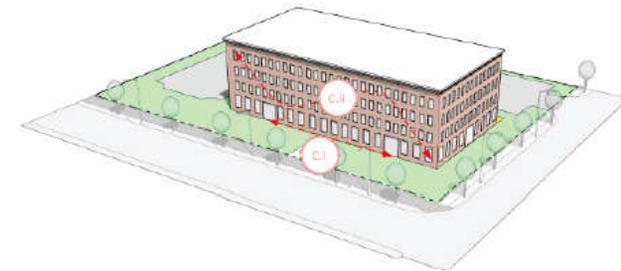
Building Type 1 Building Placement and Orientation:



Building Type 1 Mass and Scale:

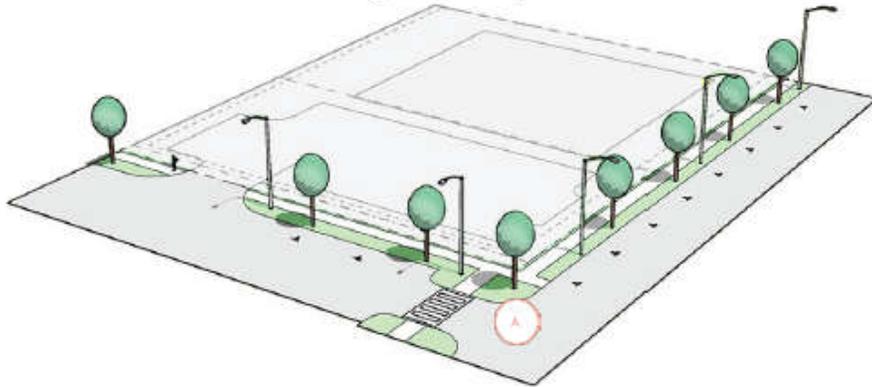


Building Type 1 Facade Activation:

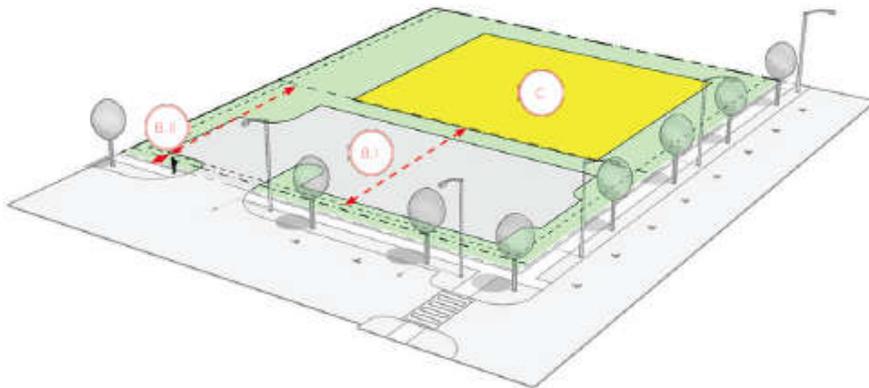


FRONTAGE C – AUTOMOBILE CORRIDOR

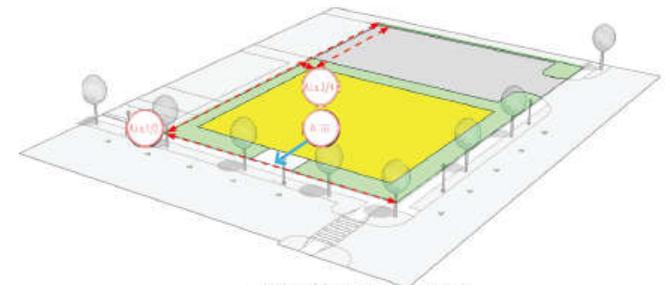
Frontage C Public Component:



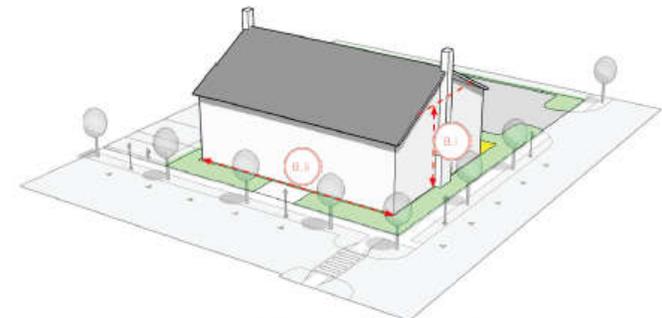
Frontage C Private Component and Building Type Permitted:



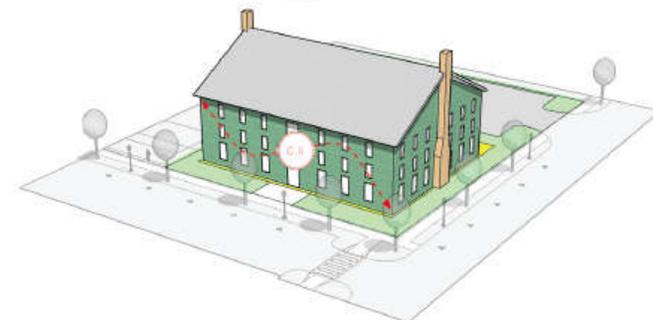
Building Type 2 Building Placement and Orientation:



Building Type 2 Mass and Scale:

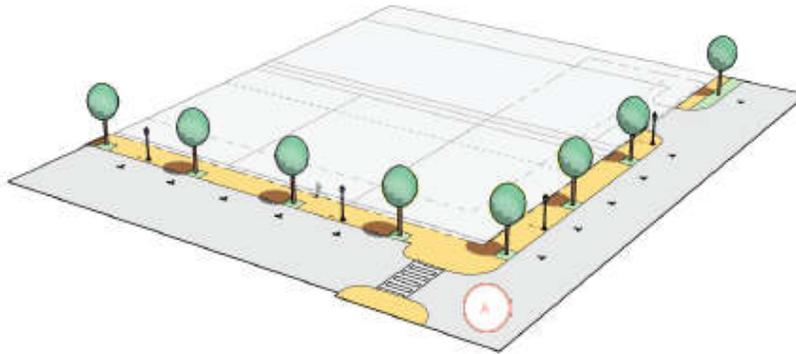


Building Type 2 Facade Activation:

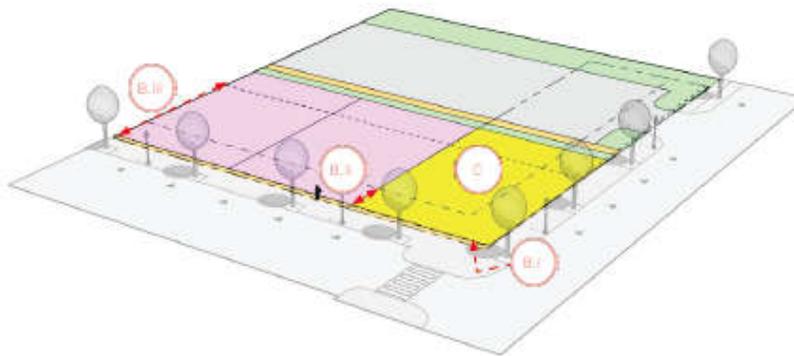


FRONTAGE D – PEDESTRIAN NODE

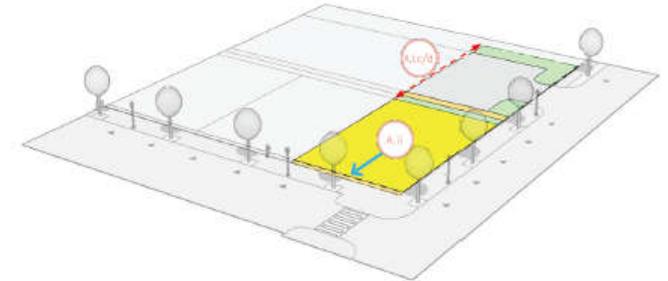
Frontage D Public Component:



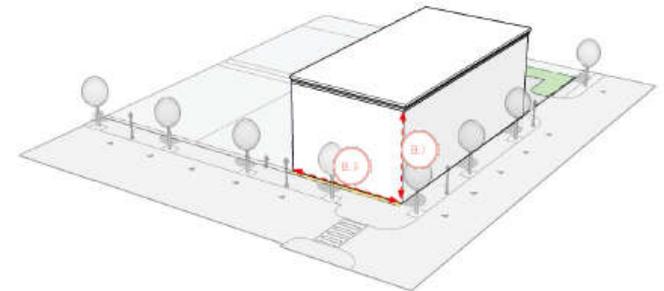
Frontage D Private Component and Building Type Permitted:



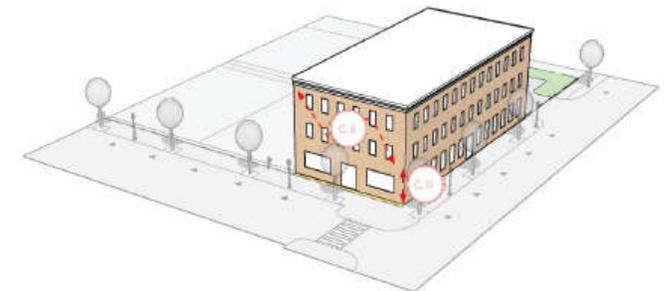
Building Type 3 Building Placement and Orientation:



Building Type 3 Mass and Scale:

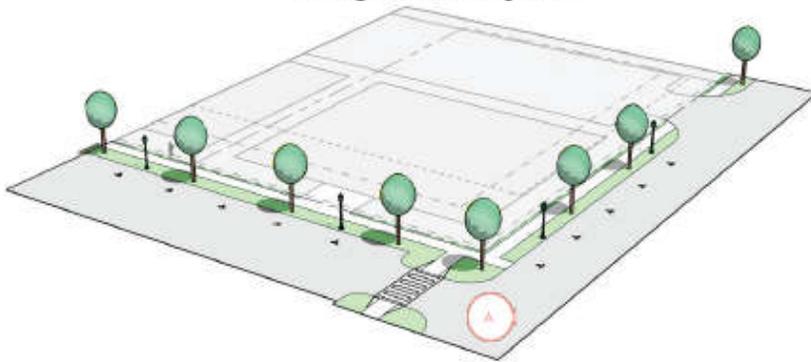


Building Type 3 Facade Activation:

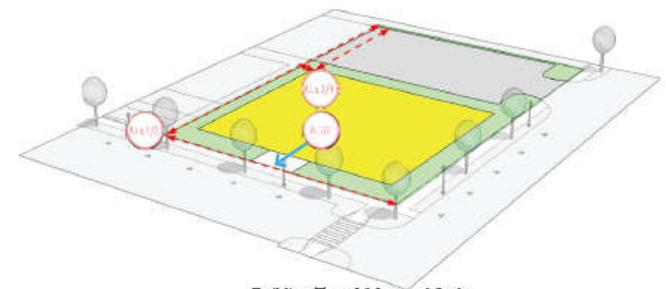


FRONTAGE E – PEDESTRIAN STREETScape

Frontage E Public Component:



Building Type 2 Building Placement and Orientation:



Building Type 2 Mass and Scale:

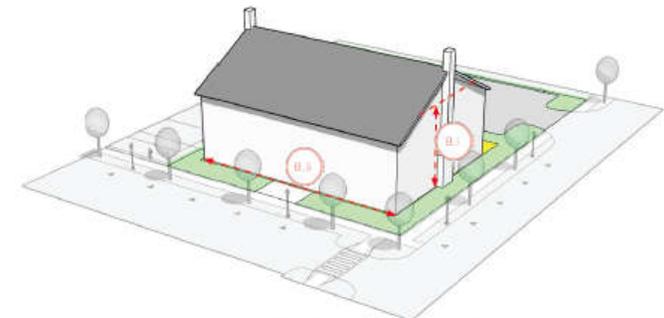
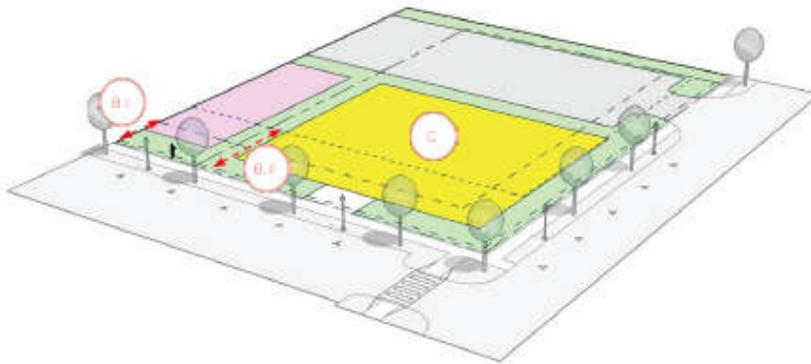
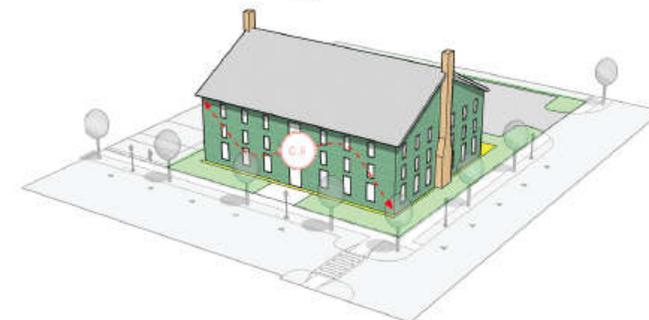


Figure E Private Component and Building Type Permitted:



Building Type 2 Facade Activation:

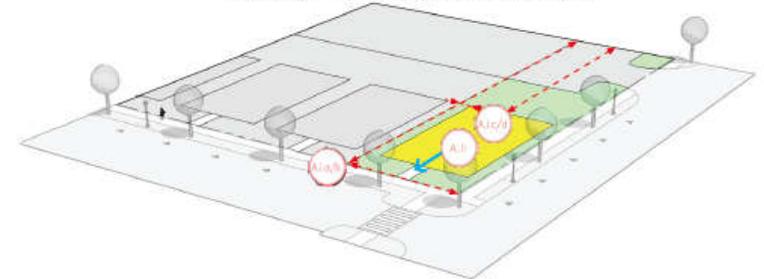


TRANSITIONAL ZONE

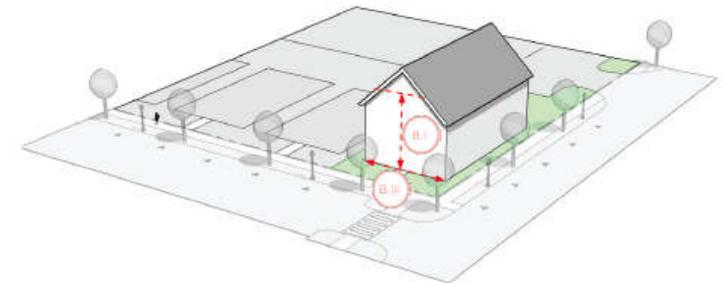
Only building type permitted in Transitional Zone.

Transitional Zones established when abutting single family detached uses and when the blockface across the street from a use is 75% single family detached residential.

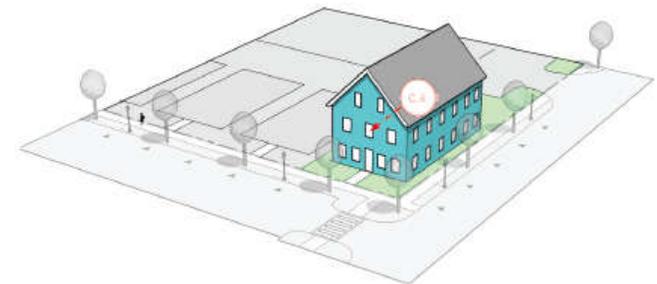
Building Type 4 Building Placement and Orientation:



Building Type 4 Mass and Scale:



Building Type 4 Facade Activation:



V. CHARACTER STRUCTURES

The Planning Staff identified 32 “character structures” that were built within historic periods of significance along the corridor. These structures either related to the areas history as a manufacturing center in the late 19th and early 20th centuries within the Mill District or were constructed as part of an economic expansion along the City’s primary highway system in the early to mid 20th century. The Architectural Review Board added two structures to the list and made a determination that the structures should be added to the City’s inventory of local historic structures. To be designated, the structure had to of retained its historic integrity. These structures were included in the Area 6 Small Area Plan adopted in February of 2019.

The Creative Maker District is designed to remove zoning obstacles to these structures adaptive reuse. Chapter 7 of the Creative Maker District establishes special rules that may be used to preserve the character structure. Its existing disposition on the site may override the established Private Frontage Standards and the unique characteristics of its architecture may override the Building Type rules as long as the building and the site lines to its historical façade are preserved. These rules are optional. A landowner may, at their discretion, alter the building or remove the building and build anew in accordance with the proposed form based code.

The next pages contains a map of the designated “character structures”.

VI. SIGNS

The Creative Maker District has some of the most unique signage in the City of Fredericksburg. For example, the signage at Carl's (2200 Princess Anne Street) and the 2400 Diner (2400 Princess Anne Street) define the character of the commercial area. However, these signs are substantially out of conformance with today's zoning ordinances.

The proposed ordinance would permit applies a mixture of conventional zoning regulations (ie. sign height, square footage, and locational criteria) with policies that validate the existing signage in the area (ie. permitting limited roof signs, setting a minimum of signage that can be painted on a building by-right, and creating a special exception process with the Board of Zoning Appeals to encourage creative approaches to signage).

The current zoning permits a mix of signage. In the commercial areas, signs are permitted to be between 30 and 100 square feet in size. They are permitted to be between 5 and 20 feet tall.

The Princess Anne Corridor Overlay further restricts signage along Princess Anne Street. The corridor sets a maximum cap of 50 square feet total, limits projecting signs to ten square feet, and limits monument signs to five feet. It limits lettering on sign to between 2 and 12 inches. The Design Guidelines also contain a series of other location, sign type, materials, and illumination standards.

Standard sign regulations would vary by frontage. Signs would remain limited to between 30 / 60 square feet along the D and E frontages and between 75 / 100 square feet along the B and C frontages. Signs along the D and E frontages would be permitted to be 10 feet tall and along the B and C frontages they would be permitted to be 20 feet tall.

Roof signs (similar to the signs at Carl's and 2400 Diner) would be permitted within the Creative Maker District with but would be limited to a total of 125% of the buildings height or twenty feet, whichever is greater. Businesses would be permitted a total of 150 square feet of painted signs on buildings. A new process would be set up to permit the Board of Zoning Appeals to allow exceptions to the sign regulations regarding height and square feet to permit creative signage within the district.

This combination will ensure that signage remains in character with its environment while also permitting innovation.



September 8, 2020
Regular Meeting
Ordinance No. 20-__

MOTION:

SECOND:

RE: Amending the Unified Development Ordinance to Add the Creative Maker District, and Consolidating Form-Based Regulations in a New Appendix 72-A

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 ordinance is to establish a new zoning district, entitled the “Creative Maker District,” through an amendment of Article 3 of the Unified Development Ordinance and an amendment of the Official Zoning Map. The establishment of the Creative Maker District is a recommendation of the Small Area Plan for Area 6, adopted as an amendment to the Comprehensive Plan by Resolution 19-11 on February 12, 2019. As envisioned by the Comprehensive Plan, the new Creative Maker District will be a “unified” district in at least two respects – it will replace the disparate zoning designations that currently apply to the affected land area, and it will combine the preservation protections of the existing Princess Anne Corridor Overlay District with traditional zoning regulations. Finally, the new Creative Maker District implements the Transect-based approach to zoning as recommended in the Area 6 Small Area Plan.

In adopting this ordinance, City Council finds that the Creative Maker District constitutes an area of unique architectural value located within a “redevelopment” district. The landmarks, buildings, and structures having an important historic, architectural, or cultural interest are set forth in this ordinance, and the new Creative Maker District encompasses these landmarks, buildings, and structures.

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

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 zoning regulation amendment.

II. City Code Amendment.

1. City Code Chapter 1, “General Provisions,” section 1-1, “Designation and citation of this Code,” is amended to add the italicized language and delete the language shown in strikethrough as follows:

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters, ~~and~~ sections, *and appendices* shall constitute and be designated the "Code of Ordinances, City of Fredericksburg, Virginia," and may be so cited. Such ordinances may also be cited as the "Fredericksburg City Code."

2. Appendix 72-A, “Form-based Zoning Regulations,” is hereby adopted as an appendix to City Code Chapter 72, the Unified Development Ordinance.
3. City Code Chapter 72, “Unified Development Ordinance,” Section 72-22.8, “Variances, administrative appeals, special exceptions and Zoning Map interpretations,” is amended by adding a new subsection (F) and re-lettering existing (F) and (G), as follows:

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

[Subsections A through E are not amended.]

- F. Review authority and criteria, special exceptions; signs in the Creative Maker District. The Board of Zoning Appeals may hear and decide applications for a special exception from the regulations governing sign height, setback, and total permitted square feet within the Creative Maker District. The Board may impose such conditions relating to the sign as it may deem necessary in the public interest. Special exceptions may be granted by applying the following criteria:*
- (a) The sign is no taller than 25 feet.*
 - (b) The sign is a prominent architectural feature of the building on the site, architecturally compatible with neighboring character structures.*
 - (c) The sign is in accordance with the purpose of the frontage and building type for which it is proposed.*
 - (d) The sign is not a standard internally lit box sign.*

[Subsections F and G are re-lettered to G and H, respectively.]

4. **City Code section 72-30.6, “Zoning districts established,”** is amended as follows:
 - Under the heading, “Nonresidential and Mixed-Use Districts,” add “CM” Creative Maker District;
5. Section 72-32.4, “Commercial-Highway District,” is amended by repealing subsection D, “Form-based regulations.”

6. A new section 72-32.7, “Creative Maker District,” is added, as follows:

Sec. 72-32.7. Creative Maker District. *The Creative Maker District is governed by Appendix 72-A which is incorporated into this Chapter.*

7. Section 72-34.6.D(3) Princess Anne Street Corridor is amended by adding the italicized language and deleting the language shown in strikethrough as follows:
(3) Princess Anne Street Corridor. The Princess Anne Street Corridor Subdistrict shall include all lands beginning at the intersection of ~~Jefferson Davis Highway (U.S. Route 1 Bypass)~~ *Pelham Street* and Princess Anne Street and running along Princess Anne Street in a southerly direction to its intersection with Fauquier Street, *excluding any properties within the Creative Maker District.* The district shall include those properties that are contiguous to Princess Anne Street being more particularly described on that portion of the Official Zoning Map of the City consisting of a map entitled "City of Fredericksburg, Virginia, Official Zoning Overlay Map, Princess Anne Street Gateway Overlay Corridor."
8. **Section 72-35, “Form-Based Regulations,”** is hereby repealed.
9. **Table 72-40.2: Use Table,** is amended to add a column for the Creative Maker District as follows:

		Nonresidential and Mixed-Use Districts
		<i>Creative Maker</i>
Residential Use		
Household Living	Dwelling, Duplex	<i>P</i>
	Dwelling, Live/Work	<i>P</i>
	Dwelling, Mobile Home	•
	Dwelling, Multifamily	<i>P</i>
	Dwelling, Single-Family Attached	<i>P</i>
	Dwelling, Single-Family Detached	<i>P</i>
	Dwelling, Upper Story (over nonresidential)	<i>P</i>
Group Living	Convent or Monastery	•
	Dormitory	•
	Fraternity or Sorority	•
	Group Home	•
	Institutional Housing	•

Institutional Uses		
Community Services	Art Center and Related Facilities	<i>P</i>
	Community Center	<i>P</i>
	Cultural Facility	<i>P</i>
	Library	<i>P</i>
	Museum	<i>P</i>
	Social Service Delivery	<i>S</i>
Day Care	Adult Day-Care Center	<i>P</i>
	Child-Care Center	<i>P</i>
	Family Day Home (1-5 Children)	•
	Family Day Home (6-12 Children)	•
Educational Facilities	College or University	<i>P</i>
	School, Elementary	<i>S</i>
	School, Middle	<i>S</i>
	School, High	<i>S</i>
	Vocational or Trade School	<i>P</i>
Governmental Facilities	Courthouse	•
	Governmental Facility	<i>P</i>
	Governmental Office	<i>P</i>
	Post Office	<i>P</i>
Health Care Facilities	Hospital	<i>S</i>
	Medical Laboratory	<i>P</i>
	Medical Treatment Facility	<i>P</i>
Institutions	Assisted Living Facility	<i>S</i>
	Auditorium, Conference, and Convention Center	<i>P</i>
	Club or Lodge	<i>P</i>
	Continuing Care Retirement Community	•
	Nursing Home	•
	Religious Institution	<i>P</i>

Parks and Open Areas	Cemetery, Columbarium, Mausoleum	•
	Arboretum or Garden	<i>P</i>
	Community Garden / Gardening, Noncommercial	<i>P</i>
	Community Garden / Gardening, Commercial	<i>P</i>
	Park, Playground, or Plaza	<i>P</i>
	Swimming Pool (public or private)	<i>P</i>
Public Safety	Fire/EMS Station	<i>S</i>
	Police Station	<i>S</i>
Transportation	Airport	•
	Heliport	•
	Passenger Terminal (surface transportation)	<i>P</i>
Utilities	Data Center	<i>S</i>
	Small Data Center	<i>P</i>
	Small Cell facility, Co-Location	<i>P</i>
	Solar Array	<i>P</i>
	Telecommunication Facility, Structure	<i>P</i>
	Telecommunication Facility, Collocation	<i>P</i>
	Telecommunication Facility, Tower	•
	Utility, Major	•
	Utility, Minor	<i>P</i>
Commercial Uses		
Adult Establishments	All	•
Agriculture	Agritourism	•
Alcoholic Beverage Production	Microbrewery	<i>P</i>
	Local - Brewery, Winery or Distillery	<i>P</i>
	Regional - Brewery, Winery, or Distillery	<i>S</i>
Animal Care	Animal Grooming	<i>P</i>
	Animal Shelter/Kennel	<i>P</i>
	Veterinary Clinic	<i>P</i>
Eating Establishments	Bakery	<i>P</i>
	Restaurant, Fast-food	<i>P</i>

	Restaurant, Indoor and Outdoor Seating	<i>P</i>
	Specialty Eating Establishment	<i>P</i>
Offices	Business and Professional Services	<i>P</i>
	Medical and Dental	<i>P</i>
Parking	Parking Garage	<i>P</i>
	Parking Lot (commercial)	<i>P</i>
Recreation, Indoor	Fitness Center	<i>P</i>
	Recreation, Indoor	<i>P</i>
	Theater	<i>P</i>
Recreation, Outdoor	Arena or Stadium	•
	Fairgrounds	•
	Golf Course	•
	Marina	•
	Recreation, Outdoor	<i>P</i>
Retail Sales and Services	Artist Studio	<i>P</i>
	Auction House	<i>P</i>
	Convenience Store (with gasoline sales)	<i>S</i>
	Convenience Store (without gasoline sales)	<i>P</i>
	Crematorium	•
	Financial Institution	<i>P</i>
	Funeral Home	<i>P</i>
	Gasoline Sales	<i>S</i>
	Grocery Store	<i>P</i>
	Historic Dependency Limited Office/Retail	•
	Laundromat	<i>P</i>
	Lumber/Building Materials	<i>P</i>
	Open-Air Market	<i>P</i>
	Personal Services Establishment	<i>P</i>
	Pharmacy	<i>P</i>
	Plant Nursery	<i>P</i>
	Repair Service Establishment	<i>P</i>
	Shopping Center	<i>P</i>
	Retail Sales Establishment	<i>P</i>

	Tattoo/Piercing Establishment	<i>S</i>
Seasonal Event	All	<i>S</i>
Vehicle Sales and Service	Automotive Sales and Rental, Large	<i>S</i>
	Automotive Sales and Rental, Small	<i>S</i>
	Automotive Service	<i>S</i>
	Automobile Towing and Impoundment	•
	Car Wash	<i>P</i>
Visitor Accommodations	Bed-and-Breakfast Inn	<i>P</i>
	Historic Dependency Lodging	<i>P</i>
	Hotel or Motel	<i>P</i>
Industrial Uses		
Industrial Services	Commercial Laundry	<i>S</i>
	Contractor Office	<i>P</i>
	Equipment Rental and Sales	<i>S</i>
	General Industrial Service/Repair	<i>P</i>
	Research and Development	<i>P</i>
Manufacturing	Abatoir	•
	Manufacturing, Heavy	•
	Manufacturing, Light	<i>P</i>
Warehousing and Storage	Bulk Storage	•
	Outdoor Storage	<i>S</i>
	Self-Service Storage	•
	Freight Terminal	<i>S</i>
	Warehouse	<i>P</i>
Waste Related	Incinerator	•
	Recycling Center	•
Wholesale	Wholesale Sales	<i>P</i>

10. Table 72-42.5: “Table of Common Accessory Uses,” is amended to add columns for the Creative Maker District, as follows:

Table 72-42.5: Table of Common Accessory Uses		
P = Allowed by right S = Special use permit required blank cell = prohibited		
Accessory Use	Zoning District	
	<i>Creative Maker T-4M Tract</i>	<i>Creative Maker T-5M Tract</i>
Amateur Radio Antennas	P	P
Cemetery	.	.
Drive-Through	S	P
Home Occupation	P	P
Homestay	P	P
Outdoor display and sales	P	P
Outdoor storage (as an accessory use)	S	P
Parking of heavy trucks, trailers, major recreational equipment, etc.	.	.
Satellite dishes	P	P
Solar energy equipment	P	P
Temporary family health care structure	P	P

11. **Section 72-51.5 “Open Space Standards,”** is amended to add the italicized language as follows:

A.(1)(a)[7] Urban features: plazas, fountains, roof gardens, atriums, and pedestrian seating/activity areas in the C-D, *the Creative Maker District*, and planned development districts.

12. **Section 72-52.2, “Vehicular ingress/egress (driveways),”** is amended to add the italicized language as follows:

[Subsections A and B are not amended.]

C. Nonresidential driveways.

(1) Driveways for nonresidential uses shall not exceed 50 feet in width at the curblineline or more than 35 feet at the front lot line.

(2) One-way driveways shall have a minimum width of 15 feet, and two-way driveways shall be at least 24 feet wide, unless the Virginia Statewide Fire Prevention Code requires wider

access. *In the Creative Maker District, two-way nonresidential driveways on lots less than 75 feet wide shall be at least 12 feet wide, and shall have a maximum width of 24 feet.*

- (3) Commercial driveway pavement shall conform to Figure 72-52.1B.
- (4) Curb cuts shall conform to §72-52.1B(4).
- (5) Commercial driveway lighting shall conform to §72-52.1B(7).

13. **Table §72-55.4D, “Buffer Type Application,”** is amended to add the italicized language as follows:

Table § 72-55.4D: Buffer Type Application							
A = Type A Buffer B = Type B Buffer C = Type C Buffer D = Type D Buffer							
N/A = Not Applicable (No Buffer Required)							
Zoning Classification of Proposed Development Site	Zoning Classification of Adjacent Property						
	R-2; R-4	R-8; 12; PD-R	R-16; R-30; PD-MU	C-T; C-D CM T-4M <i>Transect</i>	C-SC; PD-C; PD-MC	C-H; I-1; CM T-5M <i>Transect</i>	I-2
R-1; R-2; R-4	N/A	N/A	B	C	D	D	D
R-8; R-12; PD-R	N/A	N/A	A	B	C	D	D
R-16; R-30; PD-MU	B	A	N/A	A	B	C	D
C-T; C-D; <i>CM T-4M Transect</i>	C	B	A	N/A	A	B	D
C-SC; PD-C; PD-MC	D	C	B	A	N/A	A	D
C-H; I-1; <i>CM T-5M Transect</i>	D	D	C	B	A	N/A	C
I-2	D	D	D	D	D	C	N/A

NOTES:

[1] Letters in cells correspond to the buffer types depicted in Table 72-55.4C, Buffer Types.

[2] The General Development Plan in a planned development district may propose an alternative buffer, including an exception to buffer requirements between uses within the boundaries of the PD District.

[3] *Form Based Codes. The Frontage and Transitional Zone standards shall be used in place of buffer standards within the primary and secondary front yard of lots subject to an adopted Form Based Code.*

14. Section 72-56.2: “Height standards,” is amended to add the italicized language as follows:

Sec. 72-56.2. Height standards.

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

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

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

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

<i>Creative Maker</i>		The secondary front yard abuts the secondary front yard of another lot.	72"
		An accessory structure is located within the secondary front yard.	72" if the fence is no closer to the secondary front lot line than any side of the accessory structure

- C. The Zoning Administrator may approve fences or walls exceeding six feet in height in any side or rear yard in a residential, commercial, *Creative Maker*, or planned zoning district, if the adjacent property is in a nonresidential district, or if there are unique topographic or other physical circumstances on the property that were not created by the property owner. The Zoning Administrator may condition approval on a prescribed setback from the property line.

15. Section 72-56.4, "Fence materials," is amended to add the italicized language as follows:

Sec. 72-56.4. Fence materials.

No barbed wire, razor wire, or similar fence material is permitted in a residential, planned development, or commercial zoning district or on a lot containing or adjacent to a residential use. *No chain link, wire, unpainted cinder block, non-paintable plastic, or barbed wire are permitted in the Creative Maker District.*

16. Section 72-59.4, "Prohibited signs," is amended to add the italicized language as follows:

Sec. 72-59.4. Prohibited signs.

All signs and sign structures that are not specifically exempted or permitted by §72-59 are prohibited, specifically including:

[A through M are not amended.]

N. Roof signs, *except as permitted in the Creative Maker District under §72-59.7.*

[O through S are not amended.]

17. Section 72-59.6, "Sign regulations by type of sign: building-mounted and freestanding," is amended to add a new subsection C as follows:

Sec. 72-59.6. Sign regulations by type of sign: building-mounted and freestanding.

[Subsections A and B are not amended. A new subsection C, "Creative Maker Districts," is added.]

C. Creative Maker Districts.

(1) Building-mounted signs are permitted as follows:

<i>Building-Mounted Signs</i>	
<i>Zoning District</i>	<i>Creative Maker District</i>
<i>Maximum area</i>	<p>1.5 square feet of signage per linear foot of building front (up to 250 or 25% of the total building mounted signage allowed, whichever is greater square feet per building side) and</p> <p>Additional 0.25 square feet of signage per linear foot of building front for buildings with three or more stories</p> <p><i>Residential Buildings:</i></p> <p>0.5 square feet of signage per linear foot of building front (up to 50 square feet)</p>
<i>Illumination</i>	Yes
<i>Maximum projection</i>	42 inches from wall
<i>Minimum clearance if projecting more than 6 inches</i>	8 feet above pedestrian travel way, 15 feet above vehicle travel path
<i>Other</i>	Each building containing a commercial use in CM-D may have additional building-mounted signage advertising off-premises nonresidential uses, of up to 4 square feet per off-premises use and up to 16 square feet total.

(2) Freestanding signs are permitted as follows:

	<i>Maker Frontage B-C</i>	<i>Maker Frontage D-E</i>
<i>Maximum Number</i>		
<i>Per parcel per street frontage</i>	1	1
<i>Per gasoline sales use</i>	1	1
<i>Per major entrance to an office park or retail center</i>	1	1
<i>Per major entrance to a shopping center</i>	1	1
<i>Per major entrance to a neighborhood</i>	1	1
<i>Flagpole per parcel</i>	1	1
<i>Maximum Sign Area (square feet)*</i>		

	<i>Maker Frontage B-C</i>	<i>Maker Frontage D-E</i>
<i>For each sign adjacent to a public street right-of-way > 70 feet</i>	100	40
<i>For each sign adjacent to a public street right-of-way ≤ 70 feet</i>	75**	30**
<i>For gasoline sales uses</i>	25	25
<i>For major entrances listed above, adjacent to a public street right-of-way > 70 feet</i>	100	60
<i>For major entrances listed above, adjacent to a public street right-of-way ≤ 70 feet</i>	75	40
<i>*flag area counts toward maximum sign area.</i>		
<i>** signs painted on the building façade in the Maker District may exceed this sign area in conjunction with § 72-59.6.C.3.</i>		
Maximum Height (feet)***		
<i>General</i>	20	10
<i>For major entrances listed above, adjacent to a public street right-of-way > 70 feet</i>	20	10
<i>For major entrances listed above, adjacent to a public street right-of-way ≤ 70 feet</i>	20	8
<i>*** permitted flagpole height is equal to maximum permitted building height as defined by Article III.</i>		
Illumination		
<i>For each sign adjacent to a public street right-of-way > 70 feet</i>	Yes	Yes
<i>For each sign adjacent to a public street right-of-way ≤ 70 feet</i>	Yes	Yes
Other		
Two signs are permitted for each stacking lane of an accessory drive-through use. The signs shall not be included in calculating the number of freestanding signs or in calculating the total aggregate sign area. One sign is limited to six feet in height and 30 square feet in area. One sign is limited to six feet in height and 15 square feet in area. Signs shall be installed within 10 feet of the drive-through lane.		

(3) *Additional rules for Creative Maker Districts:*

(a) *Roof signs are permitted in the Creative Maker District in accordance with the following:*

- (i) *Roof signs are only permitted along Frontages B, C, and E*
 - (ii) *The roof sign shall be no taller than 25% of the height of the existing building or twenty feet, whichever is greater.*
 - (iii) *The roof sign shall count as “building signage” and, together with other building signs, shall not exceed the established square foot limits.*
- (b) *Building signage painted onto the façade of the building may exceed the building-mounted signage square foot limits ascribed in § 72-59.6.A.1 in accordance with the following:*
- (i) *The painted sign may sign may be 150 total square feet or the maximum amount of building-mounted signage permitted under § 72-59.6.A.1, whichever is greater.*
 - (ii) *Painted signage shall count towards the total permitted building-mounted signage. If additional building-mounted signage is proposed, then together, the signs shall not exceed the total amount of building-mounted square feet permitted under § 72-59.6.A.1.*
- (c) *Electronic variable message signs are prohibited in the Creative Maker Districts.*
- (d) *The Board of Zoning Appeals may hear and decide applications for a special exception from the regulations governing sign height and total permitted square feet within the Creative Maker District. The special exception shall be reviewed in accordance with the criteria set forth in § 72-22.8.*

18. City code section 72-66 “Nonconforming Site Conditions,” is amended to add the italicized language as follows:

§ 72-66.1 “Additional requirements for changes to nonconforming uses, buildings, and structures.” As part of any change in a nonconforming use, and as part of any alteration, addition or expansion of a nonconforming building or structure, a property owner shall be required to bring the following site conditions into conformity with the requirements of this chapter: off-street parking, landscaping, perimeter buffer, screening, stormwater management, *public frontage elements*, *private frontage elements*, and signage.

A. Off-street parking, landscaping, perimeter buffers, signage and screening.

- (1) Expansion of 50% or Less of Gross Square Footage Over Five Years Expansions in any continuous five-year period, which result in a 50% or less increase in the gross square footage of the existing structure (measured at the beginning of the five-year period), require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, screening, *public frontage elements*, *private frontage elements* and stormwater management standards of this chapter be installed or upgraded on the site, until the site achieves 100% compliance.

(For example, if the addition is 25% of the area of the existing structure and the site contains only 50% of the required landscaping, 25% of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to 75% of the total required.)

- Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.
- (2) Expansion of greater than 50% of gross square footage over five years. Expansions over any continuous five-year period, which result in a greater than 50% increase of the gross square footage of the existing structure (measured at the beginning of the five-year period), require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, *public frontage elements*, *private frontage elements* and signage standards of this chapter.
- B. Physically constrained properties- comply to maximum extent practicable. Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply, to the maximum extent practicable, as determined by the Zoning Administrator.
19. City Code section 72-84, "Definitions," is amended to add the italicized language and delete the language shown in strikethrough, as follows:

BUILDING FRONT

That one face or wall of a building architecturally designed as the front of the building, which normally contains the main entrance for use by the general public. *Within Form Based Codes, the building front is the elevation parallel to the most prominent frontage.*

BUILD-TO ZONE

The area of the lot where the building front is required to be located. Build-to Zones consist of:

- *minimum and maximum setbacks;*
- *a required percentage of the primary façade that must be within those setbacks; and*
- *a percentage of the length of the Build-to Zone that must be occupied by building fronts. The percentage is measured parallel to the street.*

EXTERNAL PROPERTY LINE

A property line that abuts land outside the Development Site that is not included in a frontage. This term is used in the Form Based Code Appendix.

INTERNAL PROPERTY LINE

A property line that divides land within the Development Site that is not included within a frontage. This term is used in the Form Based Code Appendix.

TRANSPARENCY

The percentage of ~~windows and doors that cover~~ the façade of a building adjacent to a street or formal open space *that consists of windows and doors*. In order to be considered transparent, windows ~~and doors~~ must be clear and allow views inside the ground-story space to a depth of three feet *and doors must be operable.*

SEC. III. Effective Date.

This ordinance is effective _____.

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 September 8, 2020 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



September 8, 2020
Regular Meeting
Ordinance No. 20 -__

MOTION:

SECOND:

RE: Rezoning Approximately 78 Acres of Land Located in Planning Area 6, Designated as Transect T-4M or T-5M, to the Creative Maker District (CM) as Recommended in the Small Area Plan for Area 6; and Adopting Transect Maps and Frontage Maps for the District

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ:_____ **SECOND READ:**_____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that the official zoning map of the City, established pursuant to City Code §72-30, is amended as follows:

I. Background Information

City Council amended Chapter 11, “Future Land Use,” of the 2015 Comprehensive Plan to adopt a new small area plan for Planning Area 6 by adoption of Resolution 19-11 at its meeting on February 12, 2019. The new small area plan designates approximately 78 acres of Planning Area 6 as either T-4M (General Urban Maker) or T-5M (Area Core Maker). The small area plan then recommends that the City establish a new “Creative Maker District” to apply to these two transects. By adoption of Ordinance 20-__, City Council established the new Creative Maker District, and the Council now proposes to designate the 78 acres of land in Planning Area 6 designated as either T-4M (General Urban Maker) or T-5M (Area Core Maker), as recommended.

This zoning map amendment was initiated by City Council by adoption of Resolution 20-__ on [date]. The Planning Commission held its public hearing on this amendment on [date], after which it voted to recommend the amendment. City Council held its public hearing on [date].

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 this rezoning.

II. Official Zoning Map Amendment

- A. The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning the following described land from Commercial Highway to Creative Maker District (CM) zoning:

GPIN	Existing Zoning	Acreage
7779-98-4180	CH	0.45
7779-98-4125	CH	0.16
7779-98-3252	CH	0.12

7779-98-2371	CH	0.57
7779-98-1480	CH	0.23
7779-98-0581	CH	0.38
7779-88-9692	CH	0.45
7779-88-8830	CH	0.51
7779-89-7284	CH	2.80
7779-89-9137	CH	0.07
7779-89-9115	CH	0.07
7779-88-6986	CH	0.20
7779-89-5070	CH	0.456
7779-89-4164	CH	1.44
7779-89-2453	CH	0.07
7779-89-2497	CH	0.17
7779-89-3359	CH	0.17
7779-89-3325	CH	0.07
7779-89-1617	CH	0.39
7779-89-2600	CH	0.17
7779-89-1567	CH	0.10
7779-79-4184	CH	0.09
7779-79-4142	CH	0.11
7779-79-4476	CH	1.46
7779-89-0855	CH	0.21
7779-79-9993	CH	0.35
7779-79-9787	CH	0.27
7779-79-9619	CH	0.13
7779-79-8894	CH	0.28
7779-79-6640	CH	0.12
7779-79-6605	CH	0.20
7779-79-6841	CH	0.03
7779-79-6739	CH	0.02
7779-79-6728	CH	0.03
7779-79-6716	CH	0.02
7779-79-5795	CH	0.02
7779-79-5745	CH	0.52
7779-79-5900	CH	0.11
7870-70-5210	CH	0.57
7779-79-3978	CH	0.47
7779-79-2871	CH	0.84
7779-79-1731	CH	0.27
7779-79-2625	CH	0.27
7789-08-2108	CH	3.93
7779-98-7056	CH	0.21
7789-08-0009	CH	0.02
7779-98-8076	CH	0.13
7779-98-8024	CH	0.13
7779-98-2663	CH	0.14

7779-99-0190	CH	0.10
7779-98-0802	CH	0.14
7779-88-8994	CH	0.12
7779-99-0057	CH	0.09
7779-99-0014	CH	0.09
7779-89-9070	CH	0.09
7779-88-9947	CH	0.09
7779-89-9014	CH	0.44
7779-98-7433	CH	0.05
7779-98-6571	CH	0.17
7779-98-6117	CH	0.04
7779-97-7696	CH	0.79

- B. The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning the following described land from Commercial Highway and Residential 2 to Creative Maker District (CM) zoning:

GPIN	Existing Zoning	Acreage
7779-98-6352	CH/R2	0.77
7779-98-8220	CH/R2	1.47
7779-98-4519	CH/R2	2.36
7779-98-2737	CH/R2	1.59
7779-98-1946	CH/R2	1.77
7779-98-7406	CH/R2	0.14

- C. The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning the following described land from Commercial Shopping Center to Creative Maker District (CM) zoning:

GPIN	Existing Zoning	Acreage
7870-70-9013	CSC	0.03
7870-70-9129	CSC	0.08
7870-70-8059	CSC	0.16
7870-70-8026	CSC	0.08
7870-70-8014	CSC	0.09
7870-70-7100	CSC	2.32
7779-79-7946	CSC	0.08
7779-79-7925	CSC	0.05
7779-79-7913	CSC	0.05
7779-79-6991	CSC	0.09
7870-70-8400	CSC	0.48

- D. The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning the following described land from Commercial Transitional Office to Creative Maker District (CM) zoning:

GPIN	Existing Zoning	Acreage
7779-78-7426	CT	6.00
7779-89-2062	CT	0.51
7779-78-9885	CT	1.73
7779-89-1072	CT	0.06
7779-89-1051	CT	0.06
7779-88-2933	CT	0.12
7779-88-1990	CT	0.12
7779-88-1857	CT	0.12
7779-88-0870	CT	0.06
7779-88-0715	CT	0.06
7779-78-9793	CT	0.06
7779-78-9772	CT	0.06
7779-78-9750	CT	0.08
7779-88-4832	CT	0.51
7779-88-1424	CT	0.07
7779-88-1407	CT	0.12
7779-88-0550	CT	0.12
7779-88-0514	CT	0.19
7779-88-3729	CT	0.97
7779-88-3669	CT	0.24
7779-88-2693	CT	0.09
7779-88-2629	CT	0.18
7779-88-1631	CT	0.59
7779-88-2525	CT	0.35
7779-88-6809	CT	0.33
7779-89-2390	CT	0.09
7779-89-1387	CT	0.25
7779-89-2246	CT	0.08
7779-89-4514	CT	0.37
7779-89-4692	CT	0.06
7779-89-5600	CT	0.06
7779-89-5528	CT	0.06
7779-89-5554	CT	0.06
7779-89-5572	CT	0.06
7779-89-4496	CT	0.16
7779-89-2331	CT	0.124
7779-89-2359	CT	0.10
7779-89-2748	CT	0.19
7779-89-3710	CT	0.13
7779-89-0489	CT	0.24
7779-89-2687	CT	0.09
7779-89-1535	CT	0.12
7779-89-0526	CT	0.14
7779-79-9690	CT	0.13
7779-79-9349	CT	0.25

7779-79-4090	CT	0.23
7779-79-4033	CT	0.12
7779-79-8495	CT	0.12
7779-79-3096	CT	0.14
7779-79-8469	CT	0.13
7779-79-3058	CT	0.08
7779-79-8412	CT	0.18
7779-79-8330	CT	0.48
7779-79-7379	CT	0.06
7779-79-7357	CT	0.06
7779-79-7325	CT	0.12
7779-79-7302	CT	0.06
7779-79-6279	CT	0.12
7779-79-7232	CT	0.12
7779-79-6236	CT	0.12
7779-79-6199	CT	0.12
7779-79-5293	CT	0.12
7779-79-6156	CT	0.12
7779-79-5250	CT	0.12
7779-79-6112	CT	0.12
7779-79-5127	CT	0.12
7779-79-5089	CT	0.12
7779-79-5036	CT	0.11
7779-89-1137	CT	0.13
7779-89-1201	CT	0.12
7779-89-0265	CT	0.12
7779-89-0248	CT	0.13
7779-89-0203	CT	0.06
7779-79-9281	CT	0.06
7779-89-0164	CT	0.13
7779-79-9158	CT	0.12
7779-89-0121	CT	0.12
7779-79-9066	CT	0.60
7779-78-7954	CT	1.59
7779-89-1995	CT	0.35
7779-79-8783	CT	0.12
7870-80-1035	CT	0.24
7779-89-5546	CT	0.06
7779-79-8716	CT	0.07
7779-79-8738	CT	0.06
7779-79-8840	CT	0.05
7870-80-0176	CT	0.05
7870-80-0159	CT	0.03
7870-80-0232	CT	0.03
7779-79-7626	CT	0.12
7779-79-7609	CT	0.06

7779-79-6772	CT	0.13
7779-79-7504	CT	0.06
7779-79-6583	CT	0.06
7779-79-6561	CT	0.07
7779-79-8602	CT	0.09
7779-79-7548	CT	0.22

- E. The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning the following described land from Residential 2 to Creative Maker District (CM) zoning:

GPIN	Existing Zoning	Acreage
7779-99-0268	R2	0.25
7779-99-1205	R2	0.07
7779-99-1213	R2	0.07
7779-99-1231	R2	0.07
7779-99-1250	R2	0.07
7779-99-1167	R2	0.14

- F. The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning the following described land from Residential 30 to Creative Maker District (CM) zoning:

GPIN	Existing Zoning	Acreage
7779-89-9415	R30	2.01

- G. The official zoning map is hereby amended to remove the land zoned Creative Maker District (CM) from the Princess Anne Street Corridor Overlay Subdistrict.
- H. The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by the adoption of the “T-4M and T-5M Transect Map,” dated August 20, 2019; and the “T-4M and T-5M Frontage Map,” dated December 17, 2019, which shall be used in the administration of the Creative Maker District.

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 September 8, 2020, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council

UNIFIED DEVELOPMENT ORDINANCE
APPENDIX 1

FORM BASED CODES:
T-5C Commercial Highway and
T-4M and T-5M Creative Maker District

July 8, 2020

WHAT IS A FORM-BASED CODE?

1. Form-based regulations foster predictable results and a high-quality public and semi-public realm by prescribing the physical form of buildings and other elements, addressing the relationships between buildings to one another, and the scale and types of streets and open spaces. While form-based regulations primarily control physical form, they can also include provisions to allow only certain uses carefully chosen to maintain compatibility between uses and the intended physical form of the zone.

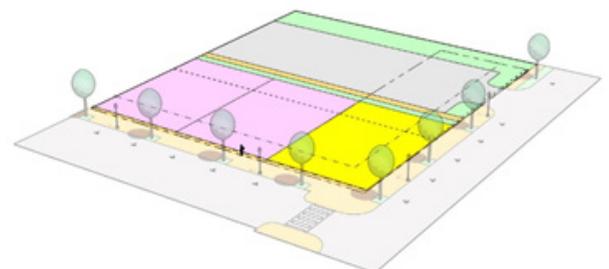
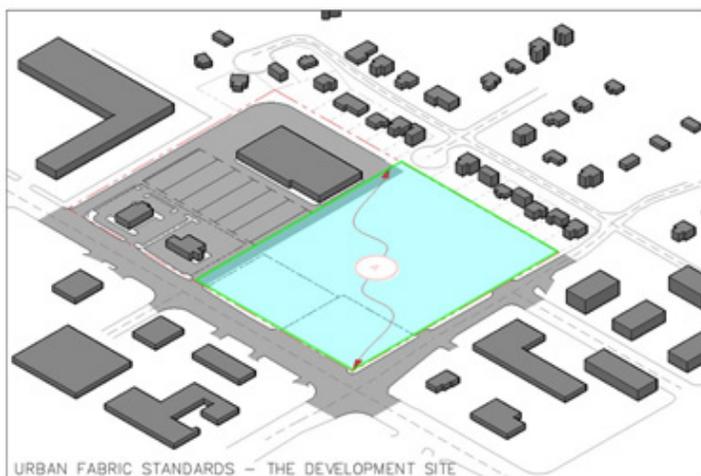
Transect designations are the organizing principle for the City's form-based regulations. The "transect" is a graphic representation of the prescribed character, intensity and physical forms allowed in a specific area. Transects represent the spectrum of intensity and complexity of form and use. Form-based regulations contained in this appendix are calibrated to fit their prescribed transect designations, and are keyed to frontage, building type and other form-based tools that designate the appropriate form and scale (and therefore character) of development, rather than simply limit the uses allowed in a given area.

2. For any development subject to form-based zoning regulations, the landowner or applicant will find the following sequence of steps useful:

- a. Define the development site and the character of the project;
- b. Identify the zoning district of the development site;
- c. Identify the transect designation of the development site;
- d. Check the zoning district regulations to see if form-based code provisions apply for the proposed type of development, in the transect designation, and in that zoning district.
- e. Identify the Urban Fabric Standards associated with the Transect Designation to properly identify how the site fits into the surrounding community;
- f. Identify the Frontage Designation on the Frontage Map to define the proposed development's relationship to the street;
- g. Identify the permitted Building Type listed in the Frontage Designation to define the position and activation of the building's architecture.
- h. Check the Architectural Compatibility section to identify whether any additional architectural design guidelines apply.

3. Form-based regulations utilize diagrams and charts which together regulate the development of a property. Features of each diagram may be annotated by numbered symbols, dimensions, or arrows. The numbering within the symbol corresponds to either the section of the code or the portion of an adjacent chart that is being illustrated.

Examples of form-based diagrams:



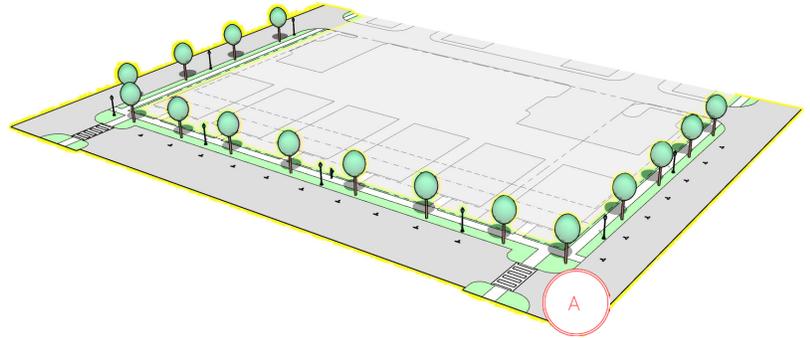
FRONTAGE STANDARDS AND FRONTAGE MAP

1. Frontages shall create the form and fabric of the development and the public realm. Frontages create an active, attractive, and safe public and semi-public edge where the development site abuts a street. In addition, frontages interior to the site shall produce a connected environment through the site, enlivening the development's internal connections and spaces. The Frontage Maps in this section are adopted by the City Council through the Zoning Map Amendment process. The Frontage Map specifies the appropriate streetscape, disposition of the front yard, and general building placement for different areas within the zoning district.

2. Frontages are composed of three basic elements: the Public Component, Private Component, and a Building Type Permitted column:

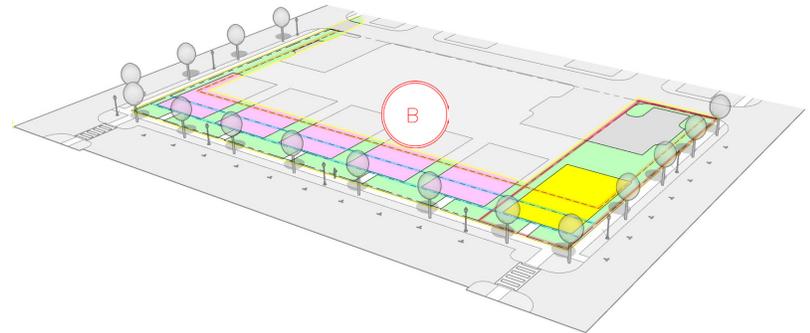
A

The Public Component (generally indicated by the A symbol) consists of the land and elements between the center line of the street and the public right-of-way or street easement line (also referred to as the “streetscape”).



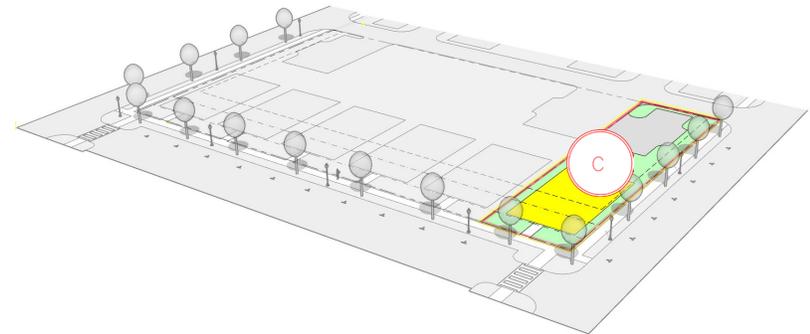
B

The Private Component (generally indicated by the B symbol) consists of the yards, building placement tools, and parking lot placement tools on private property.



C

The Building Type Permitted column (generally indicated by the C symbol) identifies which Building Types are permitted along the frontage. Building Type standards, defined in the next section, control lot standards and setbacks, building orientation, mass and scale, and activation of the building facade.



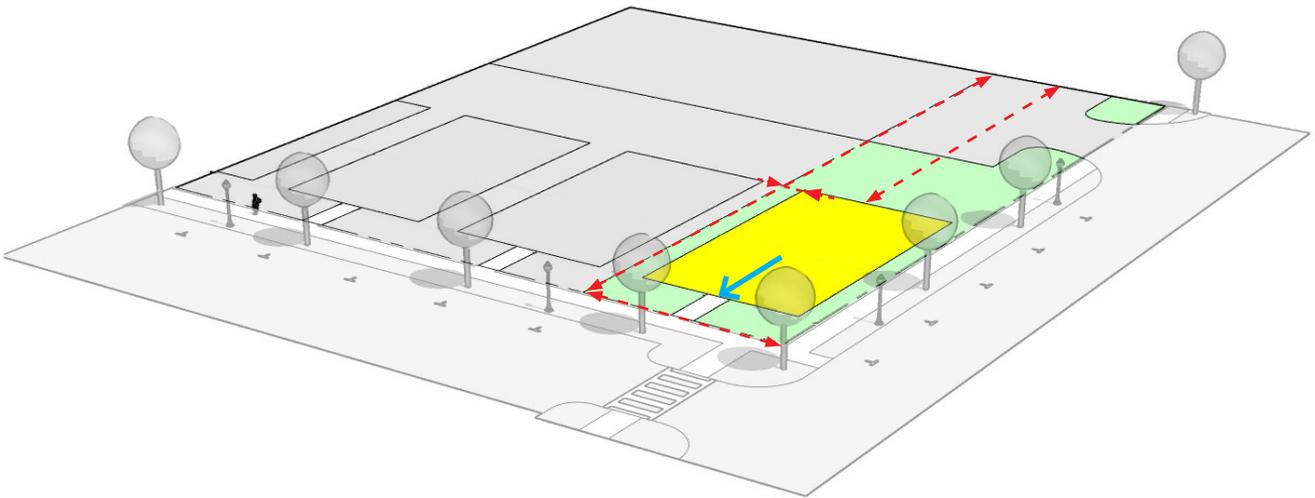
3. Frontage components work in conjunction with the City's Small Area Plans. Specifically, the Small Area Plans identify areas where higher pedestrian activity will occur when use is increased. Activity Nodes, improved pedestrian crossings, frontage repair and other tools are defined features identified in the Plans. When frontage elements reference these tools or areas they refer to the locations illustrated in the maps within the Small Area Plans.

BUILDING PLACEMENT AND TYPE STANDARDS

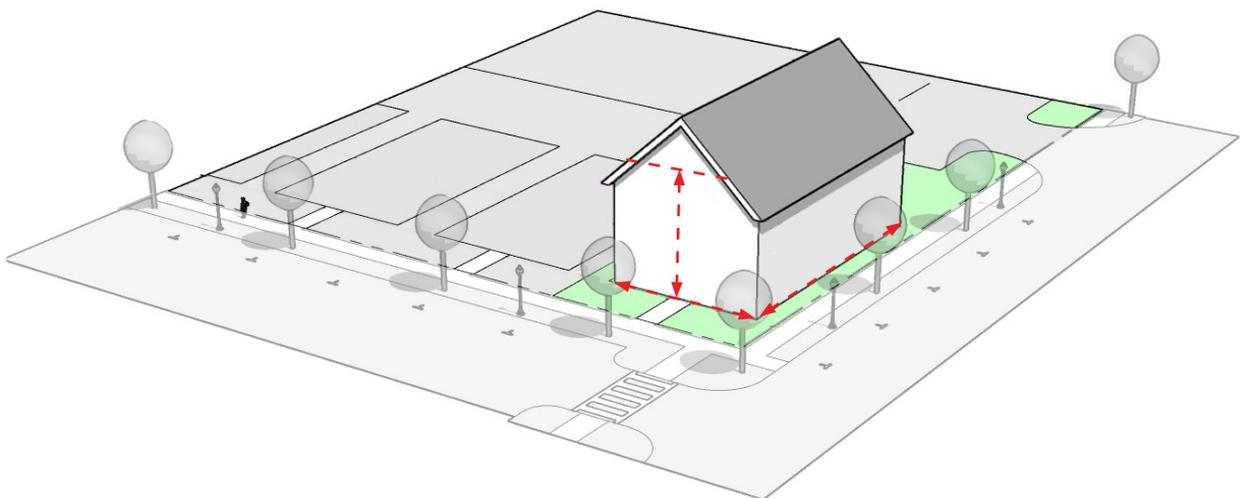
1. Building Types are assigned by Frontage Type. The only Building Type permitted within a lot is that permitted within its assigned Frontage. Additionally, Building Type 4 is the only Building Type permitted within any Transitional Zone required by the Urban Fabric Standards

2. Building Type and Placement Standards focus on the architectural planning of the building to complete the built form. The standards activate street frontages and other public open spaces. The standards also ensure that the form of the development transitions appropriately in mass, scale, and intensity towards adjacent land uses and transects:

- a. Building Placement and Orientation standards govern the required lot parameters and required setbacks associated with each building type. Front setbacks are set as part of the frontage type Build-to Zone. Building Orientation governs the direction the building faces and whether or not it may front onto a Formal Open Space to ensure the building remains an active and functional part of the streetscape.

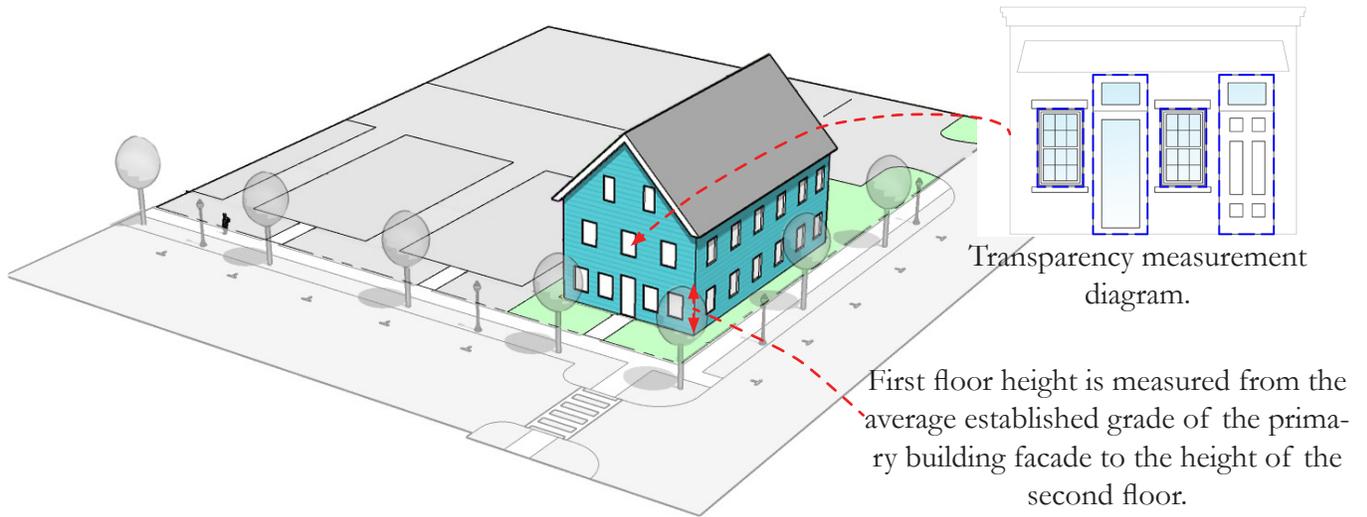


- b. Building Mass and Scale standards regulate the shape of the building. Mass and Scale Standards set the maximum height, floorplate, and width of the building. Any building width criteria shall measure each single-family attached building individually.



c. Façade Activation standards govern the characteristics of the building's street-facing elevations. Entrance location and frequency standards facilitate access into a building from the street. Transparency standards require a minimum amount of openings within the façade. Standards for the first floor of buildings ensure that commercial use may be accommodated within a building in areas with high pedestrian activity. Appropriate transparency provides eyes on the street to ensure a community is safe and conducive to walking. An active walkable community has health benefits and reduces a land use's impacts on automobile infrastructure.

- i. On corner buildings, each street facing elevation shall meet minimum total façade transparency. First floor transparency minimums shall only be required along the building front.



CHARACTER STRUCTURES: FRONTAGE AND BUILDING TYPE APPLICABILITY

1. Character Structures are those structures identified in an adopted Small Area Plan as contributing to the character of designated historic corridors or centers within the City. Character Structures are also shown on the official frontage maps. In order to prioritize the preservation of these structures, they shall not be subject to the Private Component requirements along a frontage. Instead, the Building Type rules established in the Character Structures and Architectural Compatibility section of this appendix may govern alterations or additions to those structures on a site.

CHAPTER 1: GENERAL PROVISIONS

1-1. General provisions.

- A. This Code is an appendix to Chapter 72 of the Fredericksburg City Code, the Unified Development Ordinance and forms a part of that Chapter. This Code is adopted under the authority granted in Code of Virginia 15.2-2280 et seq. as an exercise of the City’s zoning authority. This Code was adopted by City Council as Ordinance 20-__ on [date].
- B. Form-based regulations; transects.
 - i. Form-based regulations foster predictable results and a high-quality public and semi-public realm by prescribing the physical form of buildings and other elements, addressing the relationships between buildings to one another, and the scale and types of streets and open spaces. While form-based regulations primarily control physical form, they can also include provisions to allow only certain uses carefully chosen to maintain compatibility between uses and the intended physical form of the zone.
 - ii. Transect designations are the organizing principle for the City’s form-based regulations. The “transect” is a graphic representation of the prescribed character, intensity and physical forms allowed in a specific area. Transects represent the spectrum of intensity and complexity of form and use. Form-based regulations contained in this appendix are calibrated to fit their prescribed transect designations, and are keyed to frontage, building type and other form-based tools that designate the appropriate form and scale (and therefore character) of development, rather than simply limit the uses allowed in a given area.
- C. For any development subject to form-based zoning regulations, the landowner or applicant will find the following sequence of steps useful:
 - i. Define the development site and the character of the project;
 - ii. Identify the transect designation of the development site;
 - iii. Identify the zoning district of the development site;
 - iv. Check the zoning district regulations to see if form-based code provisions apply for the proposed type of development, in the transect designation, and in that zoning district.
- E. Form-based regulations utilize diagrams and charts which together regulate the development of a property. Features of each diagram may be annotated by numbered symbols, dimensions, or arrows. The numbering within the symbol corresponds to either the section of the code or the portion of an adjacent chart that is being illustrated.
- F. This Code applies to the use and development of land:
 - i. Included in the Transect Regulating Plan, dated May 30, 2018, adopted by City Council on January 22, 2019 by Ordinance 19-01, or included in the “Transect Regulating Plan – Area 6,” dated April 9, 2019, adopted by City Council on July 9, 2019 by Ordinance 19-28 as amendments to the Official Zoning Map; or
 - ii. Designated as the “Creative Maker District,” on the Official Zoning Map.
- G. No land, building, or structure shall be used, developed, constructed, improved, or altered unless such actions or activities are in compliance with the provisions of this Code, except as may be allowed under Chapter 8, Optional Forms of Development, and with all other applicable City, state, and federal laws and regulations.
- H. Unless expressly provided otherwise, any provision of this Code that conflicts with another provision of the Unified Development Ordinance or other applicable ordinance or regulation shall be deemed to control to the extent of such conflict. Except as provided herein, City Code Chapter 72 shall govern the use and development of land in the districts set out in this Code.
- I. The provisions of this Code shall be severable, and in the event one or more of the provisions of this Code shall be adjudged to be invalid or unenforceable, the validity and enforceability of the remaining provisions shall not in any way be affected or impaired by such adjudication.

CHAPTER 2 FORM-BASED ZONING DISTRICTS.

2-1 Form-based zoning districts.

A. Creative Maker District (CM).

i. Purpose.

- a. The purpose of the Creative Maker District is to foster the redevelopment of commercial corridors where existing development is characterized by the T-4M and T-5M transects, and where future development will be characterized primarily by redevelopment and infill opportunities. This district reduces barriers for both small scale entrepreneurs and larger companies looking to start and expand businesses along commercial corridors.
- b. The Creative Maker District balances the preservation of areas of unique architectural value, the stabilization of existing walkable urban nodes, and the need for meaningful open spaces, with the need for automobile circulation, storage, and access along important economic corridors. The district uses form-based regulations to govern the built environment in support of this purpose.
- c. The Creative Maker District permits a mix of residential and commercial uses, including light manufacturing, in order to create an environment where people can live, work, and create all within a pedestrian-scaled environment that transitions appropriately to surrounding residential neighborhoods.
- d. This district implements the City’s authority to provide for the preservation of areas of unique architectural value located within a redevelopment district, under Virginia Code §15.2-2306. The primary period of significance for the Creative Maker District is linked to the City’s boom at the expansion of the highway system in the mid-20th century; but the district also includes buildings from the late 19th and early 20th centuries, that contribute to the character of the district.

ii. Residential and commercial density.

Standard	T4-M	T5-M
Residential Density, Maximum	8 du/ac. by right	12 du/ac. by right
	The City Council may approve an increase in residential density levels by special use permit upon finding such increase achieves the purpose and intent of this district.	The City Council may approve an increase in residential density levels by special use permit upon finding such increase achieves the purpose and intent of this district.
Nonresidential FAR, Maximum	0.75 by right	0.75 by right
	1.5 by special use permit	3.0 by special use permit

iii. Special considerations for special use permits. In reviewing an application for a special use permit in the Creative Maker District, City Council may consider the following, in addition to the criteria set out in section 72-22.6:

- a. Application proposes the restoration of a character structure;
- b. Application proposes a mixed use development, with at least 20% of the total gross floor area in residential use and at least 20% of the total gross floor area in nonresidential use.
- c. Application proposes double the amount of general or formal open space required.
- iv. Dimensional standards. The Creative Maker District uses form-based regulations to govern lot area, lot width, setbacks (yards), open space, and building heights. The form-based regulations set forth in this Code shall apply to all development in this district.
- iv. Design review required. The provisions of Chapter [7] of this Code shall apply to new construction and exterior alterations to a principal or accessory building or structure visible from the public right-of-way, not including alleys, or from public land, in the Creative Maker District.
- v. Within the T-4M Transect, service of alcoholic beverages under an ABC retail on-premises license is

permitted only as a special use.

B. T-5C Form Based Regulations.

- i. The purpose of the T-5C Form Based Regulations is to foster the retrofit and redevelopment of automobile-oriented large-scale suburban and strip-mall shopping centers into mixed use nodes with a walkable urban fabric through good planning principles. The form-based regulations are intended to implement the “T-5C Corridor” designations within the Commercial-Highway Zoning District.
- ii. The T-5C Form Based regulations shall apply to any application for residential use, either alone or as part of a mixed use on land included in the Transect Regulating Plan, dated May 30, 2018, adopted by City Council on January 22, 2019 by Ordinance 19-01, or included in the “Transect Regulating Plan – Area 6,” dated April 9, 2019, adopted by City Council on July 9, 2019 by Ordinance 19-28 as amendments to the Official Zoning Map. Such developments shall be subject to the standards of this Code as well as all other applicable base and overlay zoning district standards in Chapter 72 of the City Code.
- iii. Urban fabric standards transform the organization of land from expanses of asphalt parking lots, commercial driveways, and separated single-use developments into a network of streets and blocks that include formal open spaces, mixed uses, and transitional zones. The retrofit of aging, inefficient surface parking lots into vibrant mixed-use nodes will minimize infrastructure costs and environmental impacts by promoting compact, mixed-use, infill development that links with existing traditional neighborhood areas and districts.
- iv. Frontage standards promote the evolution of the City’s existing shopping-center-oriented corridors into a more safe, harmonious, and attractive environment through the definition and activation of the public realm between the street and the building face, the definition and activation of yards and open spaces, and the transition between the development and adjoining uses.
- v. Building type and lot standards complete the built form. Standards, including building orientation, entrance location, overall transparency, first floor height minimums, and maximum building widths, require that the buildings shape the public realm and activate street frontages and other public open spaces. Standards including maximum building heights and widths also ensure that the form of the development transitions appropriately in mass, scale, and intensity towards adjacent land uses and transects.
- vi. Together, the T-5C form-based regulations are intended to ensure that, when residential uses are introduced, aging shopping centers evolve into mixed use nodes comprised of human-scale streets, a clearly-defined building envelope, and public spaces, all of which contribute to creating a safe, comfortable environment with a high standard of living.
- vii. The residential component of a mixed-use development with a residential density exceeding 12 units per acre shall constitute at least 20%, and no more than 80%, of the gross floor area of the development.
- viii. Retail use is only permitted within the Development Site when located within a Building Type 3 and along Frontage Type D.

CHAPTER 3: TRANSECTS AND TRANSECT MAPS

The transect maps set the official boundaries of each transect and are an extension of the official zoning map. Each map is adopted by the City Council through the Zoning Map Amendment process.

3-1. T-5C Transect Maps. The Transect Regulating Plan showing Area 6 (Figure 1) and the Transect Regulating Plan dated May 30, 2018 showing Area 3 (Figure 2) identify the location of the adopted T-5C transect in the City of Fredericksburg.

Figure 1:

T-5C Transect Map Small Area 6



Figure 2:

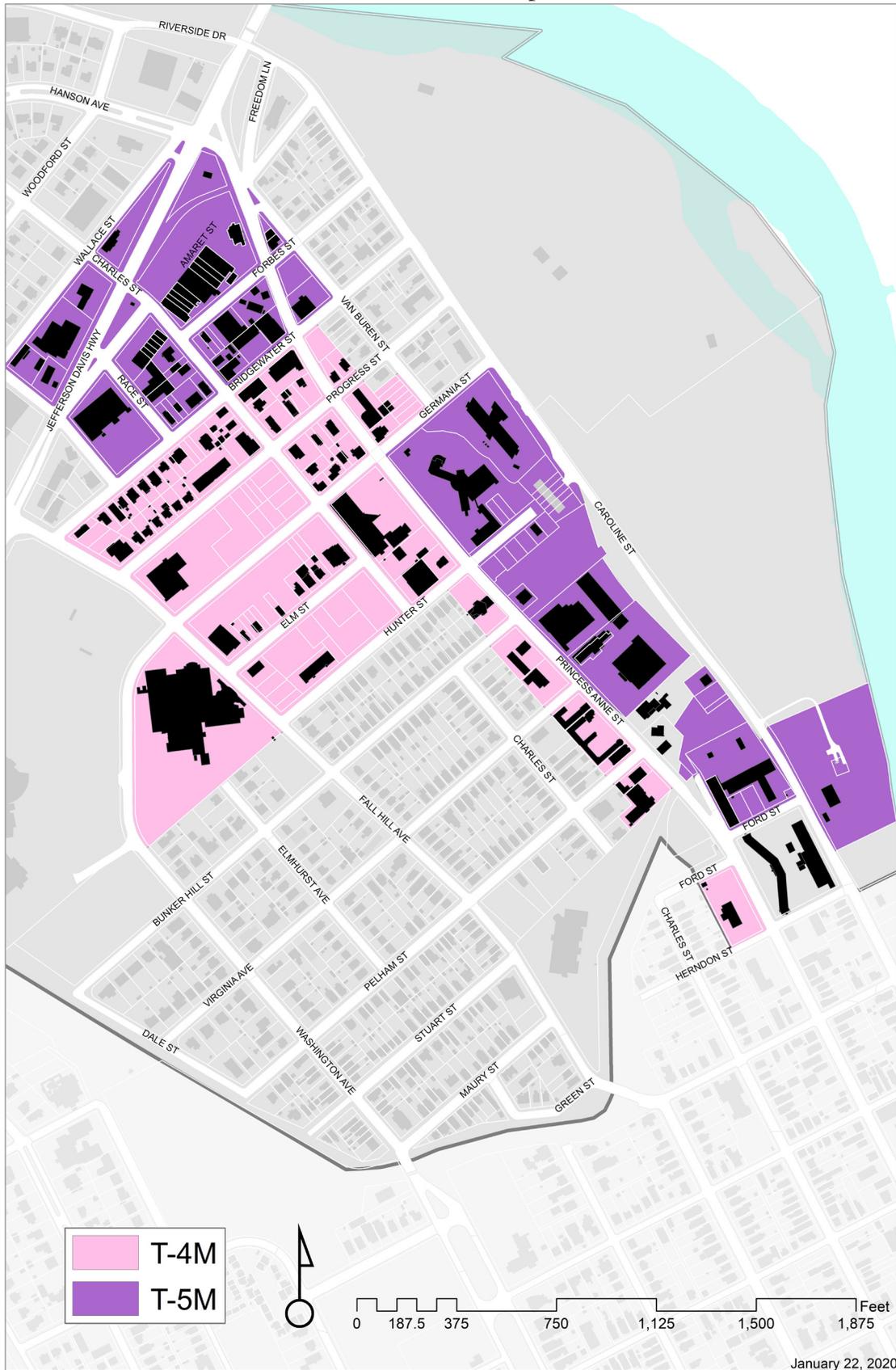
T-5C Transect Map Small Area 3



3-2. T-4M and T-5M Transect Maps. The Transect Regulating Plan – T4M / T5M dated August 20, 2019 showing Area 6 (Figure 3) identifies the location of the adopted T-4M and T-5M transects in the City of Fredericksburg.

Figure 3:

T-4M and T-5M Transect Map Small Area 6



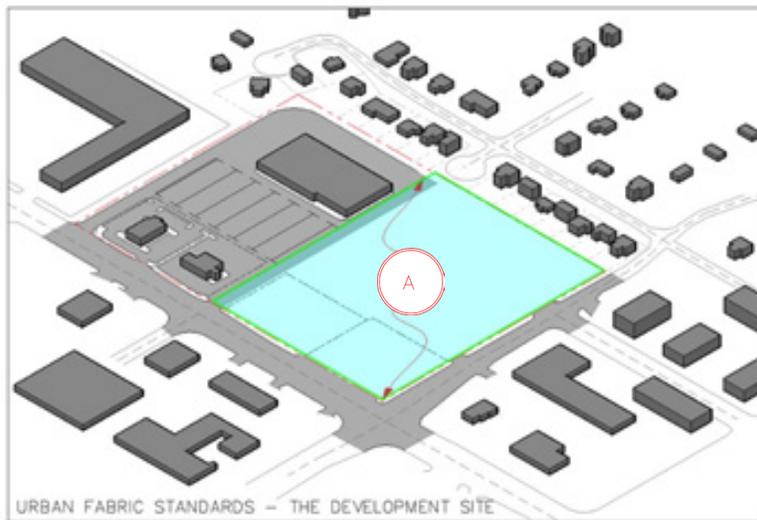
CHAPTER 4: URBAN FABRIC STANDARDS

Urban Fabric standards approach bigger picture site considerations. They balance the preservation of character buildings, the stabilization of existing walkable urban nodes, and the need for meaningful open spaces with the need for automobile circulation, car storage, and access along important economic corridors.

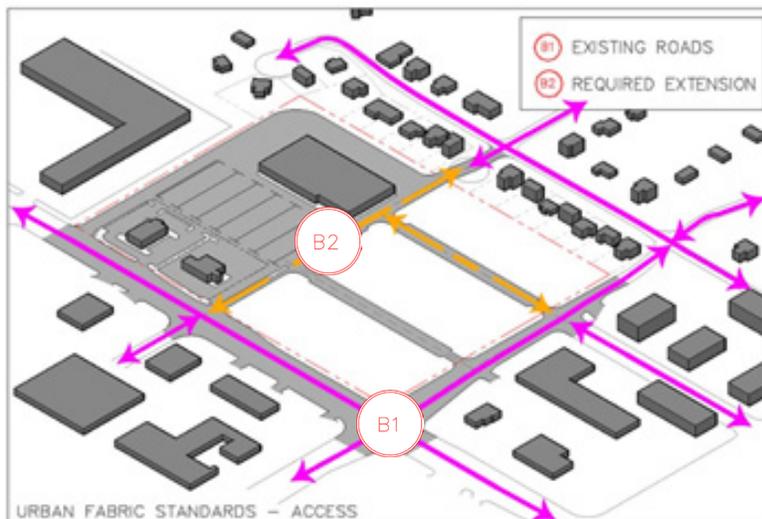
4-1. Development site. The development site shall include all the land, buildings, and structures both existing and proposed, used to calculate the total residential density, use mix, or floor area ratio calculations for a development.

A. Site Plan required; Applicable law.

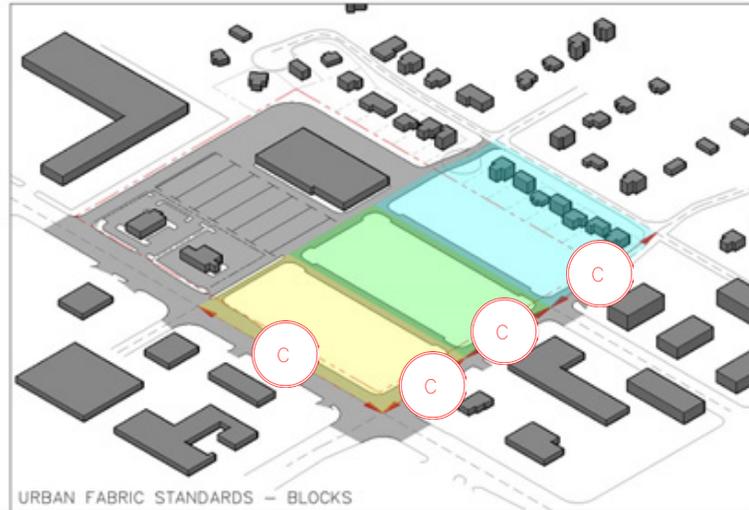
- i. The entire development site shall be shown on an approved site plan in accordance with § 72-26.1 (Commercial and Residential Site Development Plans).
- ii. All land, buildings, site elements, and other features of the development site (i.e., land or buildings used for density or use-mix calculations) shall be brought into conformance with the standards in this code as well as all other applicable standards in the Unified Development Ordinance.



B. Access. Existing streets shall be continued through the Development Site. A network of interconnected streets is required in order to provide adequate pedestrian and motor vehicle access to the development. The character of the streets and adjacent yards is established by the standards in § 72-5 Development Standards as well as the frontage designations as described in this code.

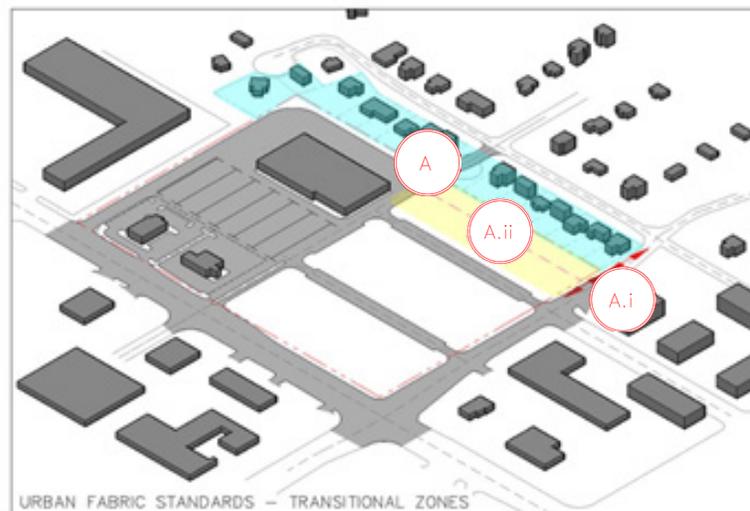


C. Establishment of blocks. In the T-5C and T-5M transects, the entire development site, including all non-residential uses shall be organized into blocks meeting the standards in § 72-51.2.



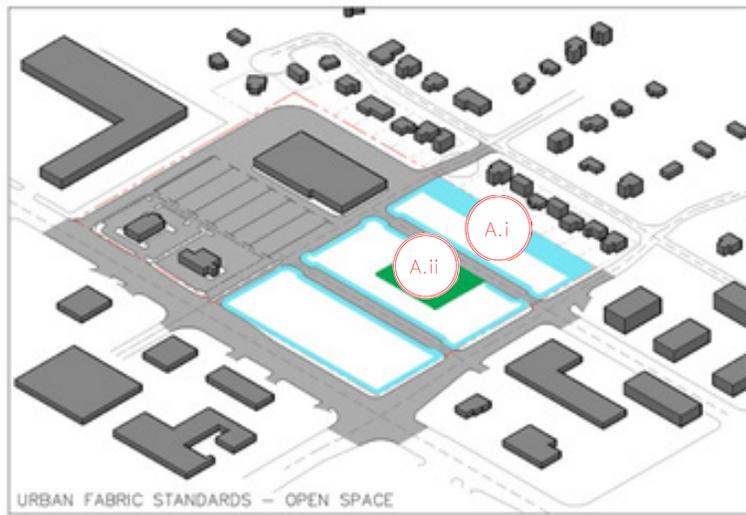
4-2 Transitional Zones –

- A. Depth. The transitional zone shall extend into the property a depth equal to the median depth of all abutting single-family residential lots.
- B. Abutting Transitional Zone. A transitional zone shall be designated along any property line that abuts a single-family residential use. This provision does not apply on lots containing a single-family detached use.
 - i. Setback required. Within the transitional zone the following setbacks are required along any rear property line abutting a single-family residential use:
 - a. A 40-foot setback in the T-5C or T-5M Transect; or
 - b. A 20-foot setback in the T-4M Transect.
 - c. Accessory structures may encroach into this setback.
 - ii. Within the setback area there shall be either:
 - a. A dedication of a public or private alley meeting the standards in § 72-52.3; or
 - b. A Type D landscape buffer in accordance with § 72-55.4C.
 - iii. The Zoning Administrator may also require a 4 to 8 foot tall opaque fence or wall upon a determination that the development will have an adverse impact on adjacent land.
- C. Adjacent Transitional Zone. A transitional zone shall be established where a development site is across the street from a block face where 75% of the primary structures are single family homes. Within this transitional zone, front setbacks shall be established by § 72-84.B(2) Averaging Setbacks.
- D. Transitional Buildings. Building Type 4 or Character Structures where designated are the only Building Type permitted in an abutting or adjacent transitional zone. Buildings shall be designed in accordance with the Building Type standards for those buildings.



4-3. Open Space. The objective of general open space is to provide for transition between the development and adjoining uses, and for stormwater management and utility placement. Formal Open Spaces shall facilitate social interaction. Formal Open Spaces allow human activity throughout the development and avoid “dead” or unsafe zones. Formal Open Spaces shall meet human needs for being outdoors and for recreation.

A. Both General and Formal Open Space shall be designed into a project in the T-5C Transect.



i. General open space: 25% of the site shall be general open space meeting the standards of § 72-51.5.	
ii. Formal Open Space: 50% of the general open space shall be developed as formal open space meeting the following standards:	
a. Type	The Formal Open Space shall be a Plaza, Playground, Square, or Courtyard as defined in § 72-84.
b. Min. Adjacency	25% of the perimeter of formal open space shall adjoin a Frontage.
c. Min. width / length	The minimum length and width is 50 feet.
d. Max. width / length ratio	The maximum width to length ratio is 1:4.
e. Min. landscaping	The number of plants equivalent to what would be required for a Type B Landscaping Buffer measured along the longest side of the Formal Open Space shall be planted and may be distributed within the Formal Open Space.

B. In the T-4M or T-5M Transect, Formal Open Space may be provided in place of general open space at a reduced requirement.

i. General Open Space: 25% of the site shall be general open space meeting the standards of § 72-51.5.	
a. The general open space requirement may be met by providing 12.5% of the lot as Formal Open Space.	
ii. Formal Open Space Option: Formal Open Space shall meet the following standards:	
a. Type	The Formal Open Space shall be a Plaza, Playground, Square, or Courtyard as defined in § 72-84.
b. Min. Adjacency	25% of the perimeter of formal open space shall adjoin a Frontage.
c. Min. width / length	The minimum length and width is 15 feet.
d. Max. width / length ratio	The maximum width to length ratio is 1:2.
e. Min. landscaping	In the T-5M and T-4M Transect, the Formal Open Space shall be landscaped to the maximum extent possible given its proposed function.

CHAPTER 5: FRONTAGE MAPS AND FRONTAGES

5-1 Frontage maps. The following maps are hereby incorporated:

- A. T-5C Frontage Maps. The Frontage Regulating Plan dated May 30, 2018 showing Area 3 (Figure 4) and the Frontage Regulating Plan showing Area 6 (Figure 5) assign the frontages within the T-5C Transect.

Figure 4:
T-5C Frontage Map Small Area 3 January 22, 2020

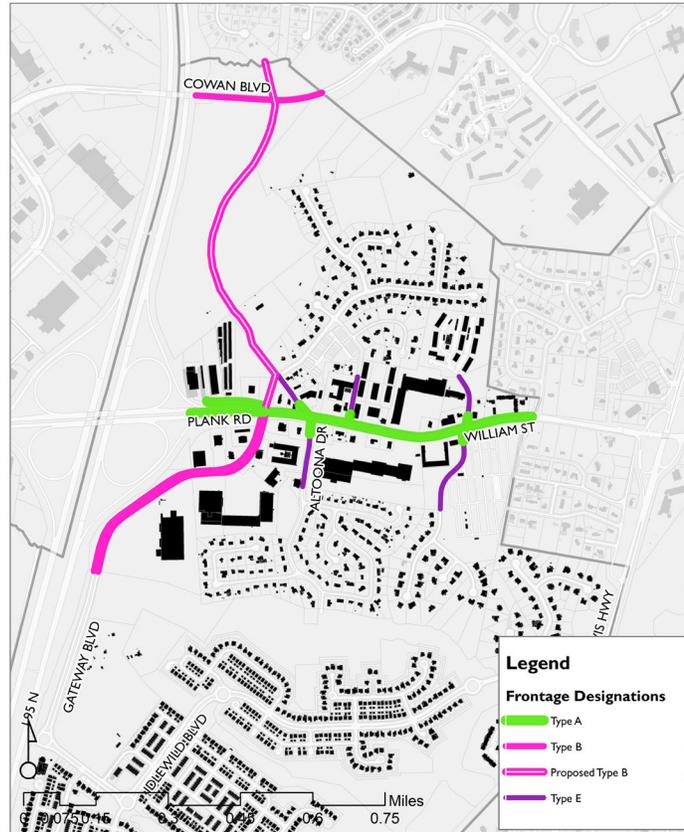
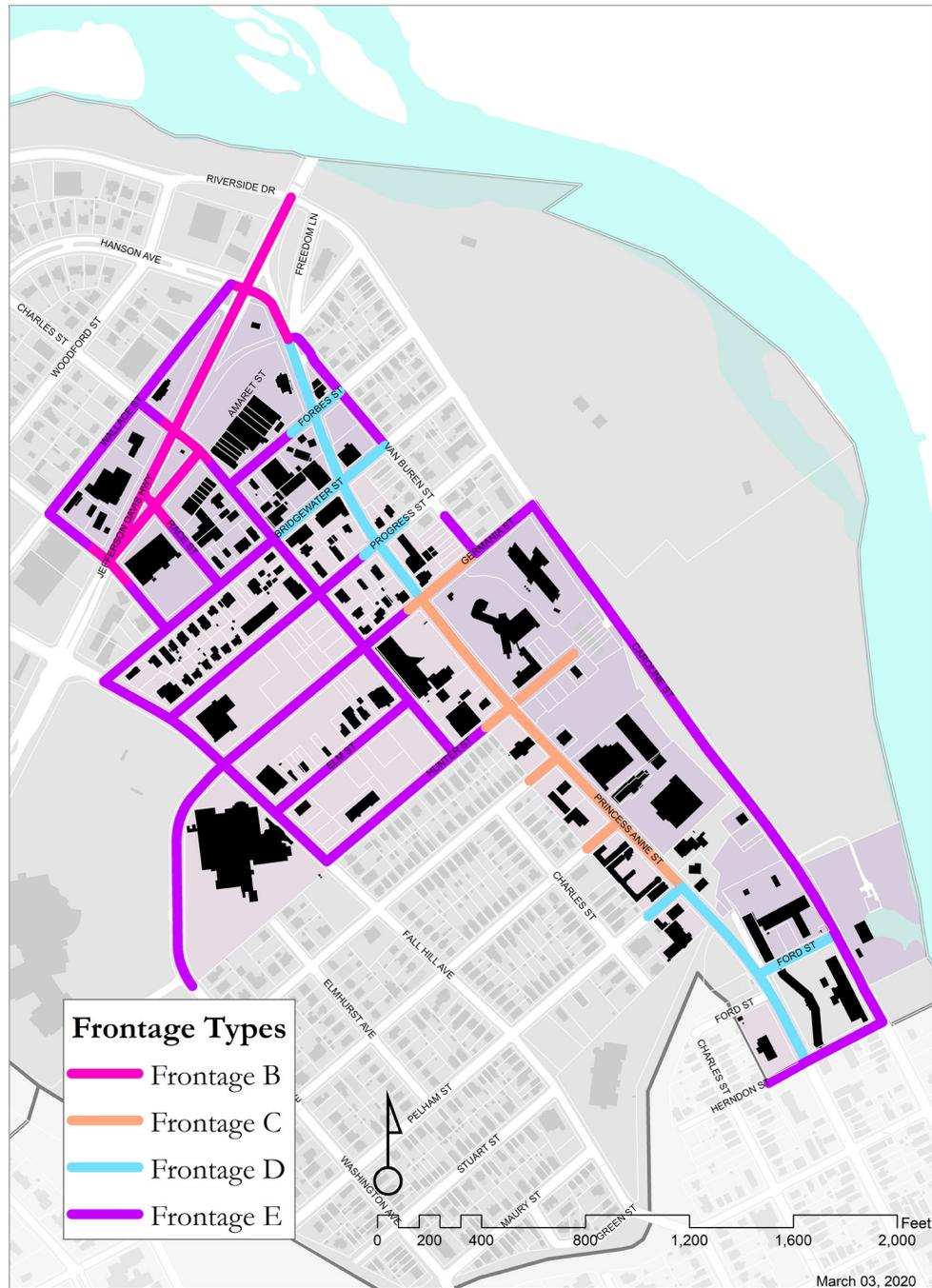


Figure 5:
T-5C Frontage Map Small Area 6



B. T-5M and T-4M Frontage Maps. The “Frontage Regulating Plan – T-4M and T-5M” dated December 17, 2019 (Figure 6) assigns the frontages within the T-5M and T-4M Transects.

Figure 6:
T-4M and T-5M Frontage Map Small Area 6

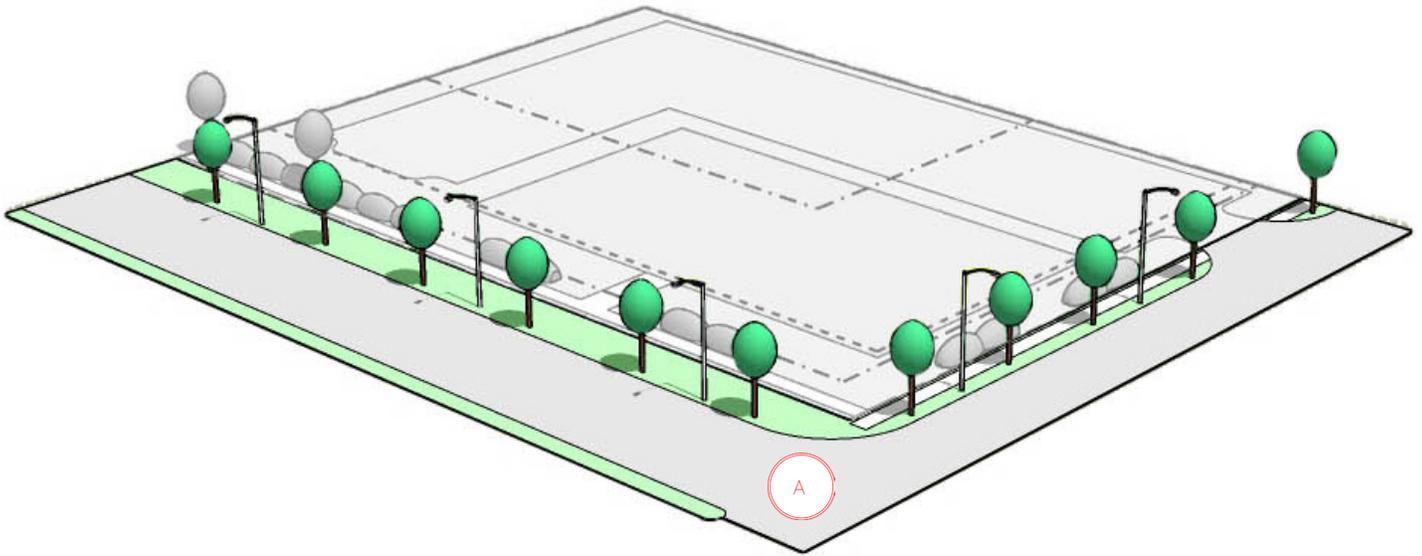


- C. New Frontages. The Zoning Administrator may designate Frontages where new or extended streets not designated on the preceding maps are created in accordance with the following:
- i. Frontage Type D - The Zoning Administrator shall designate the new street Frontage Type D where the proposed uses along the street include retail use and the street is a natural extension of an existing Frontage D.
 - ii. Frontage Type E - The Zoning Administrator shall designate all other new streets Frontage Type E.

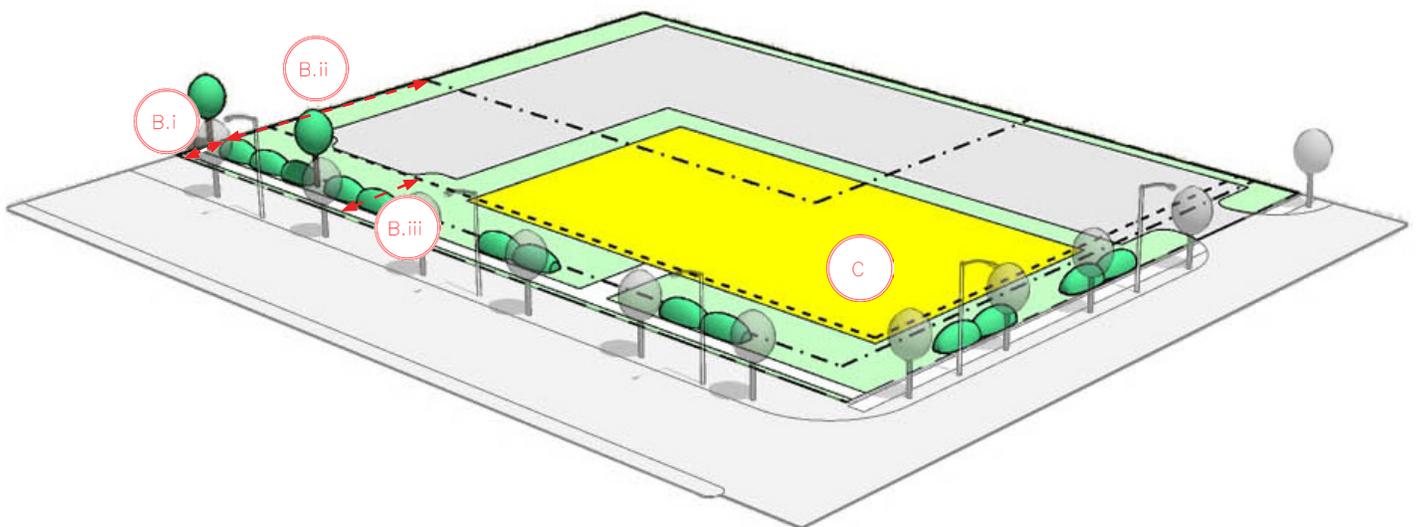
5-2. FRONTAGE A

Frontage A provides primarily motor vehicle access and visibility to the properties fronting on State Route 3. This frontage carries the highest volume of motor vehicle traffic to, from, and past the property. The engineering focus is to provide for motor vehicle movements along with sufficient landscaping and buffering to create a harmonious and attractive automotive gateway corridor. The design focus is to provide a safe and attractive streetscape. Where Type D frontage designations intersect a Type A frontage, the Type D frontage may extend along the Type A frontage a maximum distance of 250 feet.

Frontage A Public Component:



Frontage A Private Component and Building Type Permitted:



A. Public Component:

A	i. Streetscape Elements:	a. No on-street parking required.
		b. Minimum 10 foot utility strip adjacent to the roadway.
		c. Automobile scaled street lights required (20 feet to 40 feet in height).
		d. Street trees required in conformance with § 72-55.6.

B. Private Component:

B.i	i. Landscape area:	a. The Frontage shall contain a minimum 15-foot wide landscape area adjacent to the right-of-way line containing the following landscaping and a minimum 5-foot wide sidewalk along the entire frontage.
		b. Canopy street trees required (in addition to public frontage street trees).
		c. Locate required Foundation Plantings required by § 72-55.3 within Landscape Area.
		d. Locate any required Perimeter Landscaping Strips by § 72-55.2 within Landscape Area.
B.ii	ii. Building Placement / Build-to Zone:	a. The Build-to Zone is a minimum of 15 and a maximum of 80 feet from adjacent right-of-way or street easement line.
		b. The primary facade of the building shall be either completely within or to the rear of the Build-to Zone. A minimum of 75% of the primary facade shall be within the Build-To Zone.
		c. Along the most prominent frontage, a minimum of 66% of the length of the Build-to Zone shall contain building facades or Open Space.
B.iii	iii. Parking Lot Placement / Encroachments:	a. Parking lots shall be no closer to the street than adjacent primary building facades.
		b. One single or double loaded parking aisle, no more than 60 feet in width from parking space curb to parking space curb, may encroach in front of a fast-food or convenience store with gasoline sales use adjacent to a primary frontage.

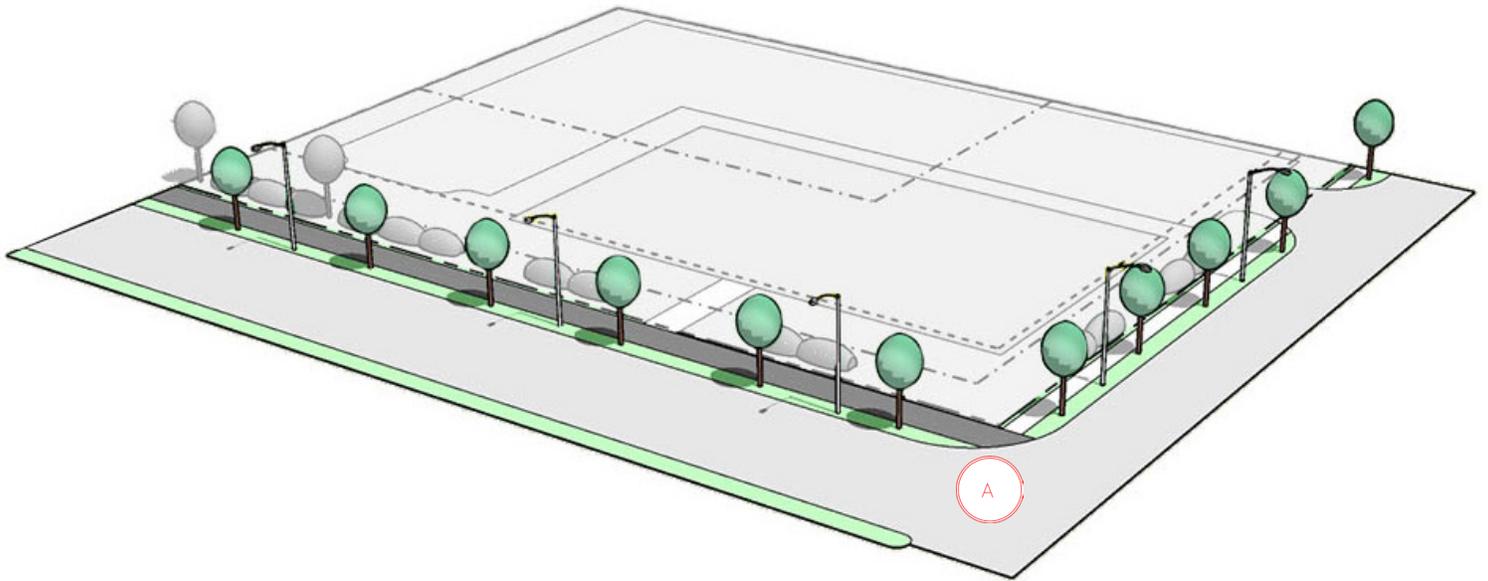
C. Building Type Permitted:

C	i. Building Type Permitted:	a. Building Type 1 permitted.
		b. Building Type 4 required within Transitional Zones.
		c. Character Building Type permitted where designated on the Frontage Map.

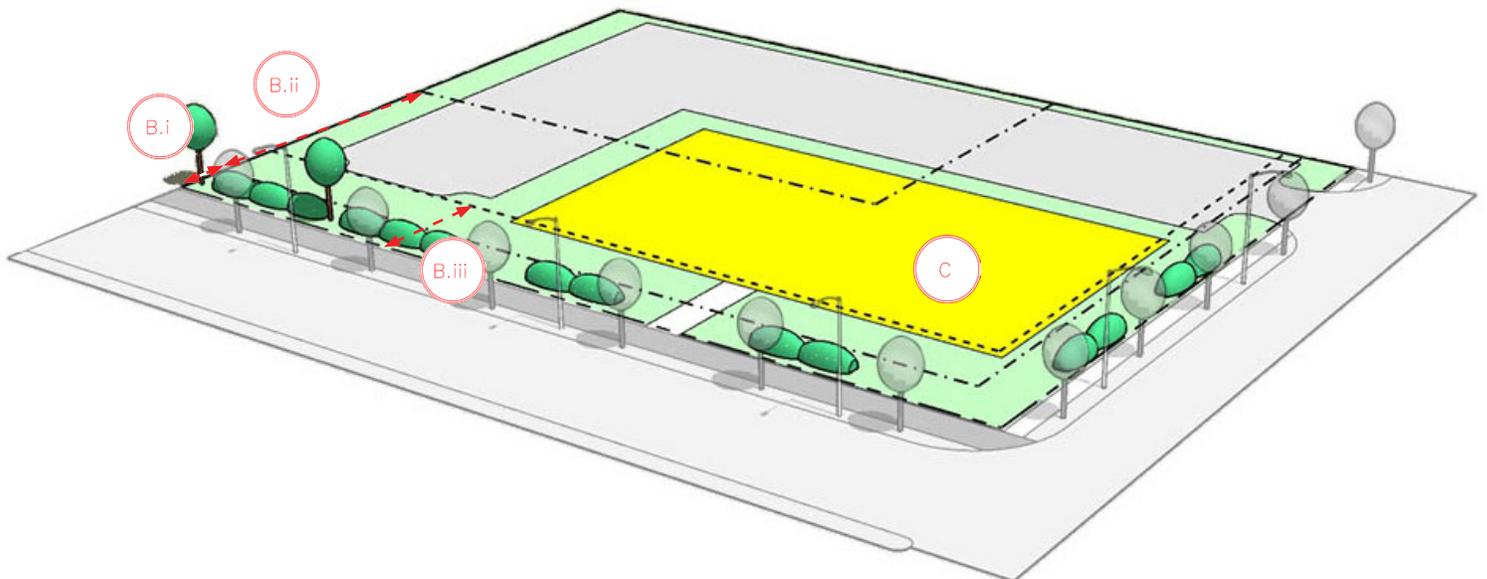
5.3. FRONTAGE B

Frontage B provides motor vehicle and pedestrian access and visibility to the property. This frontage carries predominantly motor vehicle traffic to, from, and past the property and is generally designated along the City's primary arterial highways other than State Route 3. The engineering focus is to provide for motor vehicle movements along with walkability and pedestrian safety. The design focus is to provide a safe and attractive streetscape. Where Type D frontage designations intersect a Type B frontage, the Type D frontage may extend along the Type B frontage a maximum distance of 250 feet.

Frontage B Public Component:



Frontage B Private Component and Building Type Permitted:



A. Public Component:

A	i. Streetscape Elements:	a. No on-street parking required.
		b. Minimum 5-foot utility strip adjacent to roadway.
		c. Sidewalks and pathways shall be provided in accordance with § 72-52.6 Pedestrian Access and Bicycle Trails.
		d. Automobile scaled street lights required (20 feet to 40 feet in height).
		e. Street trees required in conformance with § 72-55.6.

B. Private Component:

B.i	i. Landscape area:	a. A minimum 15-foot wide landscape area is required adjacent to the front property line.
		b. Locate foundation landscaping required by § 72-55.3 within Landscape Area.
		c. Locate perimeter landscaping strips required by § 72-55.2 within Landscape Area.
B.ii	ii. Building Placement / Build-to Zone:	a. The Build-to Zone is a minimum of 15 and a maximum of 80 feet from adjacent right-of-way or street easement line.
		b. A minimum of 75% of the primary façade of any building along a Primary frontage shall be within the Build-To Zone. The building may not project closer to the front lot line than the established minimum.
		c. Along the most prominent frontage, a minimum of 66% of the length of the total Build-To Zone within the Development shall contain building façades.
B.iii	iii. Parking Lot Placement / Encroachments:	a. Parking lots shall be no closer to the street than adjacent primary building facades.
		b. One single or double loaded parking aisle, no more than 60 feet in width from parking space curb to parking space curb, may encroach in front of a fast-food or convenience store with gasoline sales use adjacent to a primary frontage.

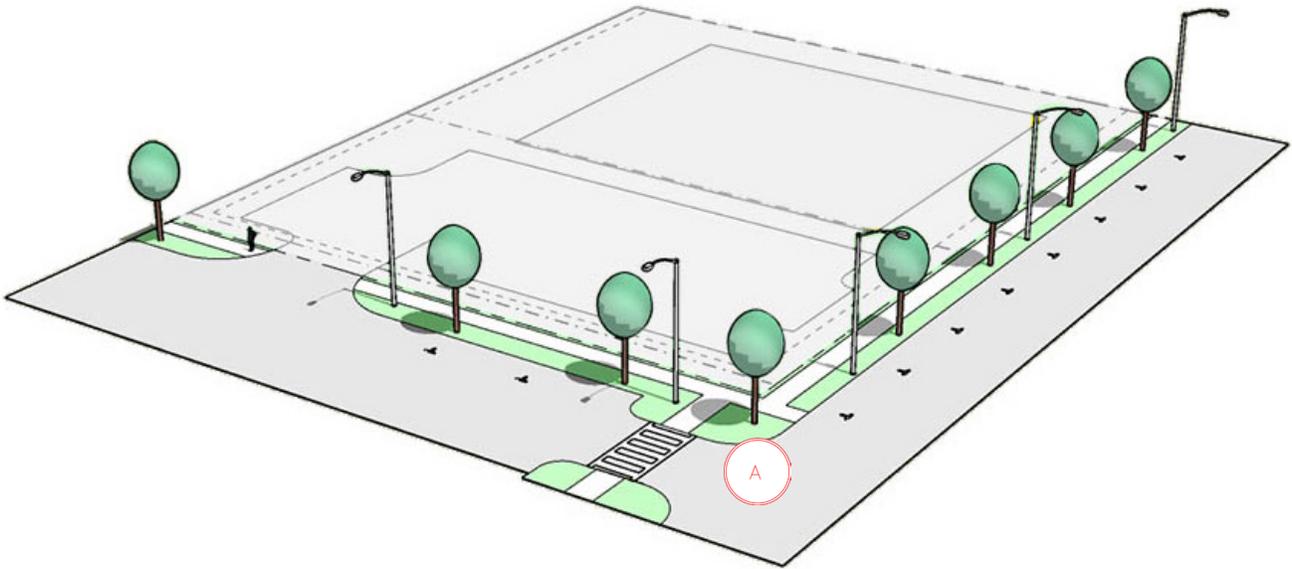
C. Building Type Permitted:

C	i. Building Type Permitted:	a. Building Type 1 permitted.
		b. Building Type 4 required within Transitional Zones.
		c. Character Building Type permitted where designated on the Frontage Map.

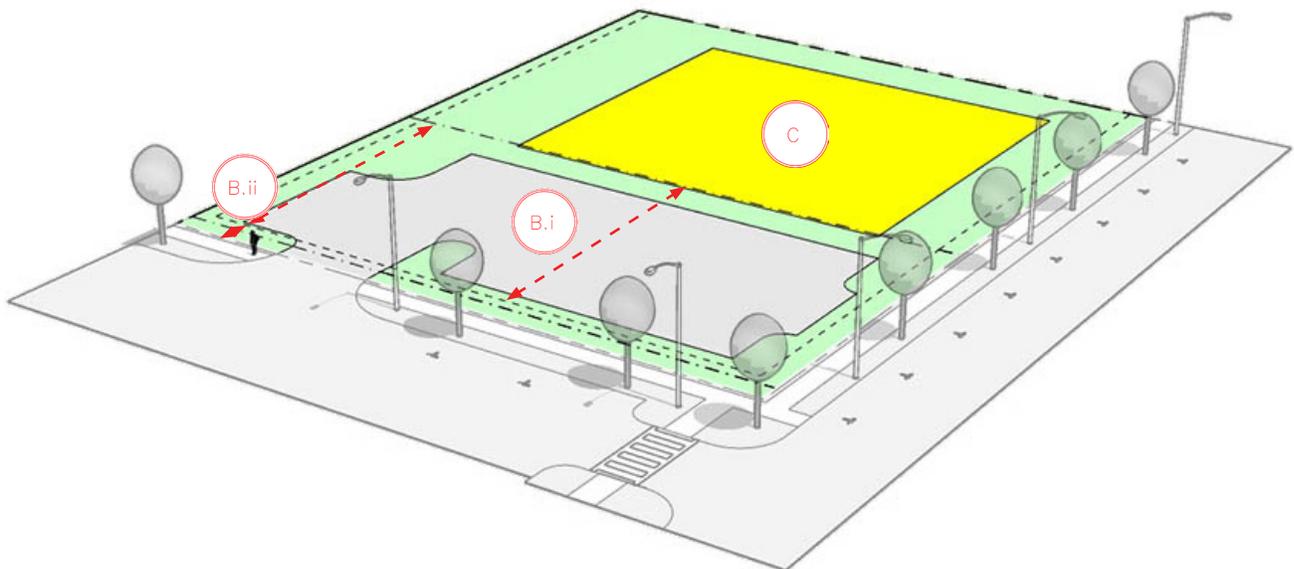
5.4 FRONTAGE C

Frontage C is intended to provide a continuous public and semi-public realm appropriate for conducting maker, production, and commercial activity along a major road. This frontage's main engineering focus is balancing truck and automobile traffic with high pedestrian activity. The design focus is to provide a complete multi-functional street.

Frontage C Public Component:



Frontage C Private Component and Building Type Permitted:



A. Public Component:

A	i. Streetscape Elements:	a. Parallel on-street parking required.
		b. Minimum 5-foot utility strip required adjacent to roadway.
		c. Minimum 5-foot sidewalk required.
		d. Automobile scaled street lights required (20 feet to 40 feet in height).
		e. Street trees required in conformance with § 72-55.6.
		f. Curb extensions (bulb outs) to be required at intersections in the T-5C.
		g. Curb extensions (bulb outs) to be required along the most prominent frontage in the T-4M and T-5M where: <ul style="list-style-type: none"> • There is an increase in the number of residential units or an increase in non-residential square footage; • The improvement is warranted under § 72-66; and • The lot is within an activity node, abutting a bicycle boulevard, or other improved pedestrian crossing in a Small Area Plan.

B. Private Component:

B.i	i. Building Placement / Build-to Zone:	a. The Build-to Zone is a minimum of 8 and a maximum of 80 feet from adjacent right-of-way or street easement line.
		b. A minimum of 75% of the primary façade of any building along a Primary frontage shall be within the Build-To zone. The building may not project closer to the front lot line than the established minimum.
		c. Along the most prominent frontage, a minimum of 50% of the length of the total Build-to Zone within the Development shall contain building façades. This shall not apply where a parking lot encroaches in front of a non-residential use as stated in 5-4.B.ii.b.
B.ii	ii. Parking Lot Placement / Encroachments:	a. Parking lots shall be no closer to the street than adjacent primary building facades.
		b. Parking lots serving solely non-residential uses may encroach in front of the building to a minimum of 8 feet from the right-of-way.

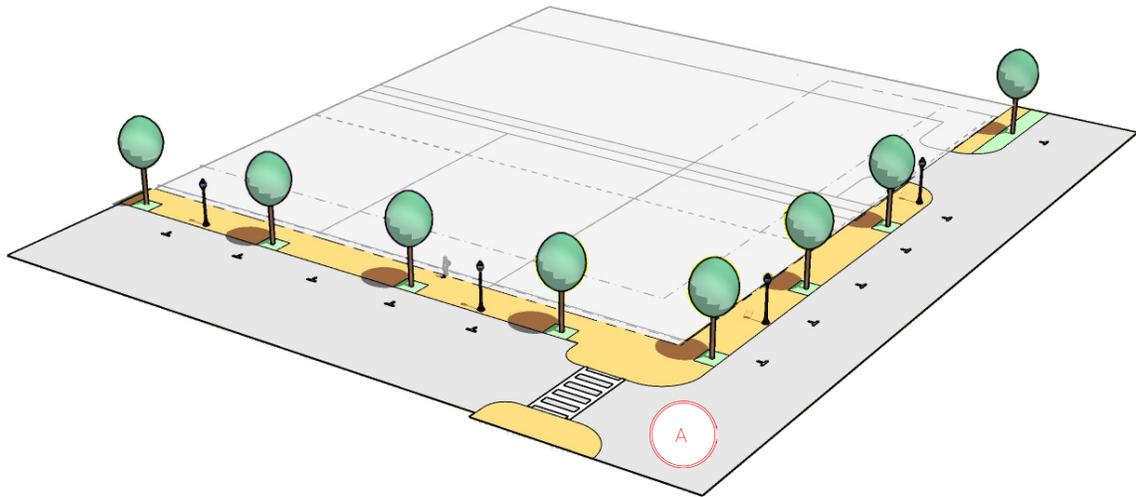
C. Building Type Permitted:

C	i. Building Type Permitted:	a. Building Type 2 permitted.
		b. Building Type 4 required within Transitional Zones.
		c. Character Building Type permitted where designated on the Frontage Map.

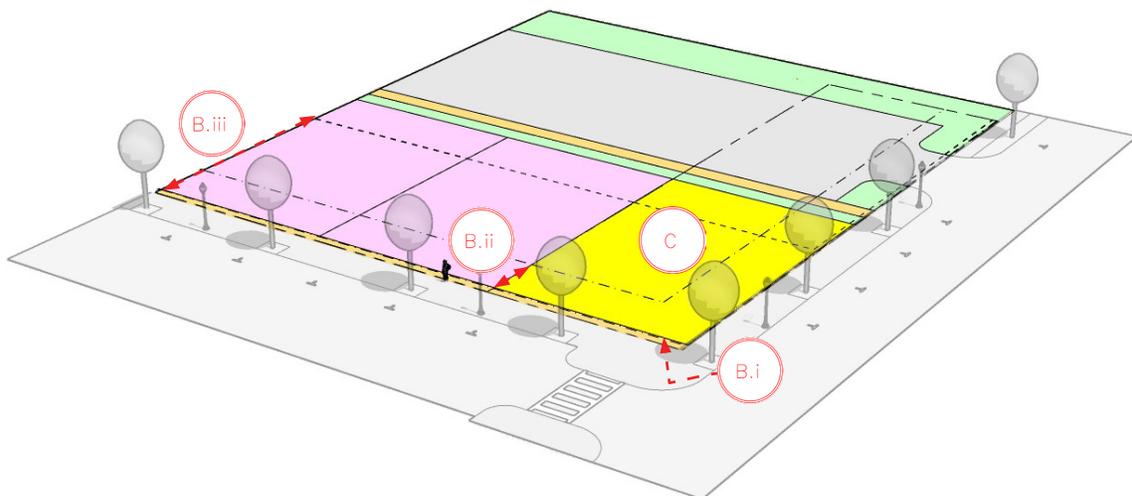
5-5. FRONTAGE D

Frontage D is intended to provide a continuous public and semi-public realm appropriate for conducting commercial activity at the pedestrian scale. This frontage's main engineering focus is providing wide sidewalks, canopy street trees, pedestrian scaled street furniture and minimal building setbacks so that the frontage serves as a gathering place for pedestrians and shoppers at the human scale. The frontage also carries a volume of motor vehicle traffic sufficient to support commercial activity to the property. The design focus is to provide a complete active street focused on pedestrian traffic.

Frontage D Public Component:



Frontage D Private Component and Building Type Permitted:



A. Public Component:

<p style="text-align: center;">A</p> <p style="text-align: center;">i. Streetscape Elements:</p>	a. Parallel on-street parking required. Angled on-street parking is permitted in the T-5C Transect.
	b. No utility strip required.
	c. Street trees conforming to the standards in § 72-55.6 to be planted in tree wells.
	d. Minimum 10 foot sidewalk required.
	e. Pedestrian scaled street lights required (10 feet to 16 feet in height).
	f. Curb extensions (bulb outs) to be required at intersections in the T-5C.
	g. Curb extensions (bulb outs) to be required along the most prominent frontage in the T-4M and T-5M where: <ul style="list-style-type: none"> • There is an increase in the number of residential units or an increase in non-residential square footage; • The improvement is warranted under § 72-66; and • The lot is within an activity node, abutting a bicycle boulevard, or other improved pedestrian crossing in a Small Area Plan.

B. Private Component:

<p style="text-align: center;">B.i</p> <p style="text-align: center;">i. Extended Sidewalk Area:</p>	a. Continuous sidewalk shall extend through private frontage to building facade or building adjacent to planting beds.
	b. Regular street furniture may be incorporated into the streetscape design in place of Foundation Plantings required by § 72-55.3.
<p style="text-align: center;">B.ii</p> <p style="text-align: center;">ii. Building Placement / Build-to-Zone:</p>	a. The Build-to Zone is a minimum of 2 and a maximum of 15 feet from adjacent right-of-way or street easement line.
	b. A minimum of 75% of the primary façade of any building along a retail frontage shall be within the Build-To Zone. The building may not project closer to the front lot line than the established minimum.
	c. Along the most prominent frontage, a minimum of 75% of the length of the total Build-To Zone within the Development shall contain building façades or Formal Open Spaces.
<p style="text-align: center;">B.iii</p> <p style="text-align: center;">iii. Parking Lot Placement / Encroachments:</p>	a. Minimum parking lot setback shall be 60 foot from the right-of-way or street easement line.
	b. No parking lot encroachment may occur along the most prominent frontage.
	c. On corner lots, parking lots may align with the side of the building along secondary frontages.

C. Building Type Permitted:

<p style="text-align: center;">C</p> <p style="text-align: center;">i. Building Type Permitted:</p>	a. Building Type 3 Permitted.
	b. Building Type 4 required within Transitional Zones.
	c. Character Building Type permitted where designated on the Frontage Map.

5-6. FRONTAGE E

Frontage E is intended to provide secondary motor vehicle pedestrian access and visibility to the property. This frontage carries a lower volume of motor vehicle traffic past the property. The engineering focus is to provide a transitional streetscape where heavy automobile infrastructure cedes primacy to pedestrian travel. The design focus is to provide a safe and attractive streetscape that includes canopy street trees and pedestrian-scaled street amenities.

Frontage E Public Component:

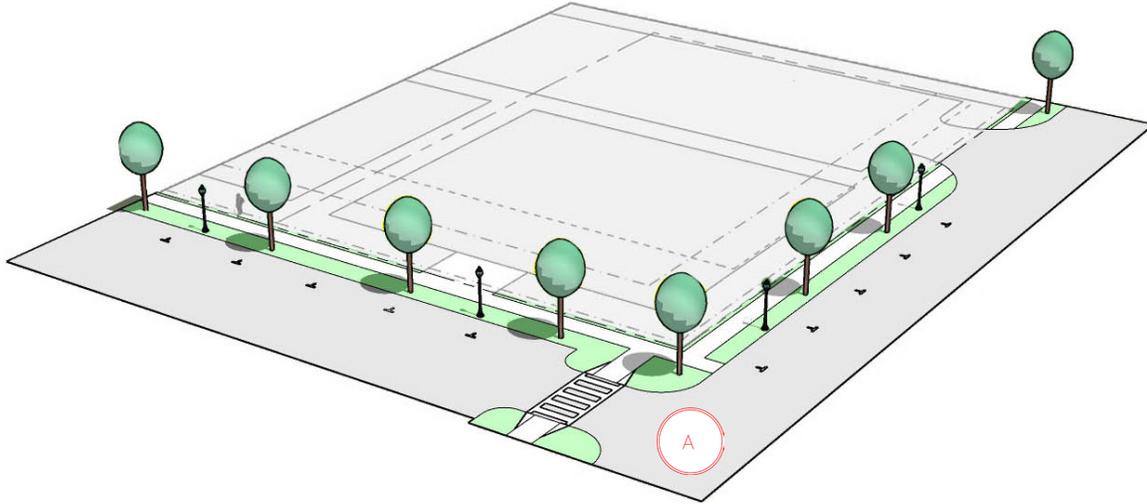
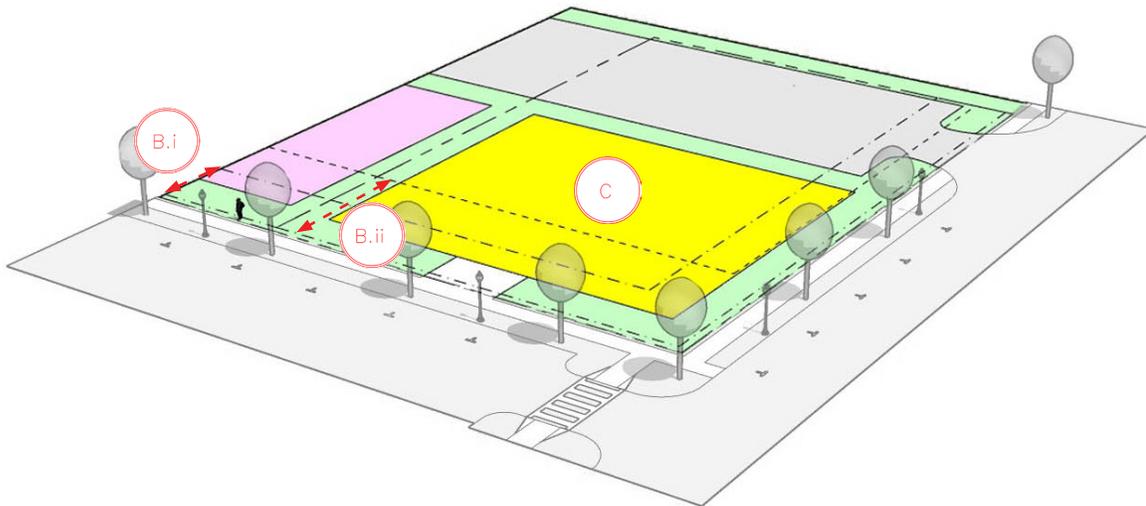


Figure E Private Component and Building Type Permitted:



A. Public Component:

A	i. Streetscape Elements:	a. Parallel on-street parking required.
		b. Minimum 5-foot utility strip required adjacent to roadway.
		c. Minimum 5-foot sidewalk required.
		d. Pedestrian scaled street lights required (10 feet to 16 feet in height).
		e. Street trees required in conformance with § 72-55.6.
		f. Curb extensions (bulb outs) to be required at intersections in the T-5C.
		g. Curb extensions (bulb outs) to be required along the most prominent frontage in the T-4M and T-5M where: <ul style="list-style-type: none"> • There is an increase in the number of residential units or an increase in non-residential square footage; • The improvement is warranted under § 72-66; and • The lot is within an activity node, abutting a bicycle boulevard, or other improved pedestrian crossing in a Small Area Plan.

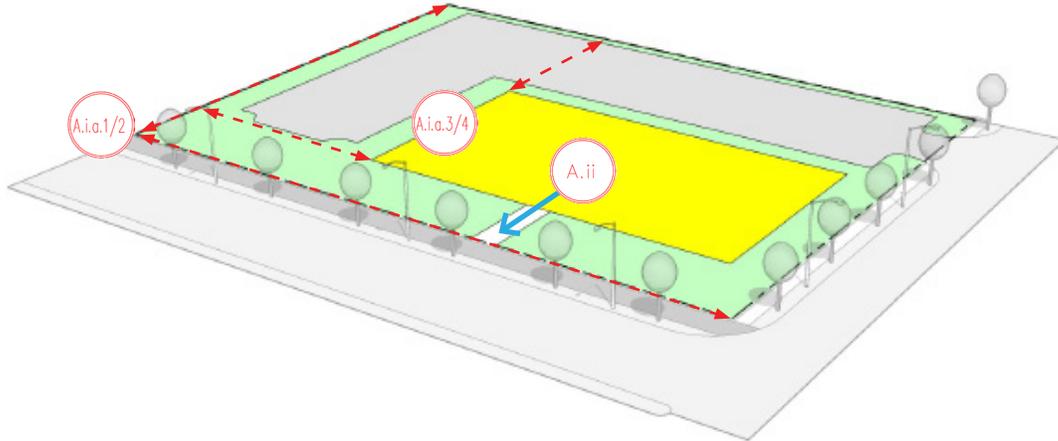
B. Private Component:

B.i	i. Building Placement / Build-to Zone:	a. The Build-to Zone is a minimum of 2 and a maximum of 25 feet from adjacent right-of-way or street easement line.
		b. 75% of the primary façade of any building along a secondary frontage shall be within the Build-to Zone. The building may not project closer to the front lot line than the established minimum.
		c. Along the most prominent frontage, 75 % of the total Build-to Zone along the designated secondary frontage shall consist either of building facades, General Open Spaces, or Formal Open Spaces.
B.ii	ii. Parking Lot Placement / Encroachments:	a. Parking lots shall be setback a minimum of 40 feet from the front property line.
		b. On corner lots, parking lots may align with the side of the building.

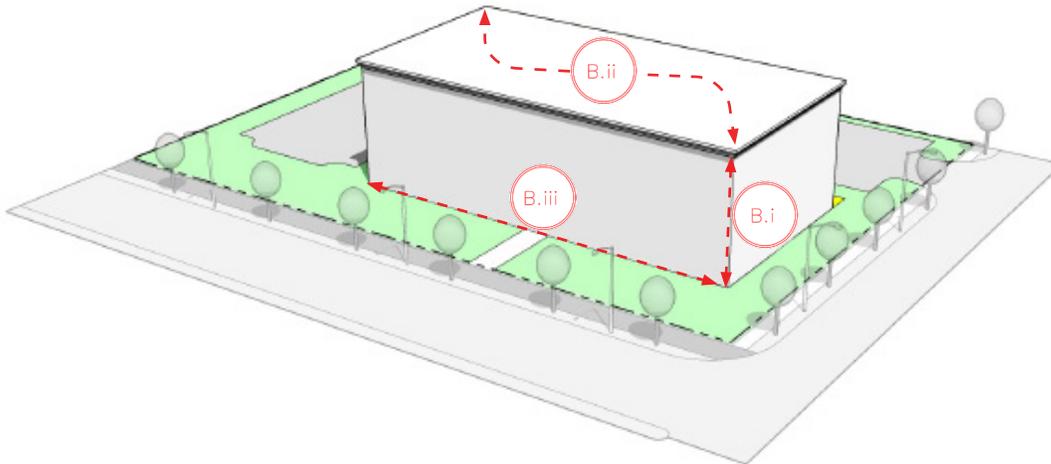
C. Building Type Permitted:

C	i. Building Type Permitted:	a. Building Type 1 permitted in the T-5C Transect.
		b. Building Type 2 permitted in the T-4M and T-5M Transect.
		c. Building Type 4 required within Transitional Zones.
		d. Character Building Type permitted where designated on the Frontage Map.

Building Type 1 Building Placement and Orientation:



Building Type 1 Mass and Scale:



Building Type 1 Facade Activation:



A. Building Placement and Orientation:

i. Building Placement:	a. Multifamily, non-residential, and mixed-use buildings:	
	A.i.o.1/2	1. Min. Lot Size: None
		2. Min. Lot Width: None
	A.i.o.3/4	3. Side Setbacks: To internal property lines – None To external property lines - 15 foot minimum
		4. Rear Setbacks: To internal property lines – None To external property lines – 15 foot minimum
	b. Single Family Attached and Detached:	
	1. Min. Lot Regulations: In accordance with the R-12 bulk regulations	
	2. Side and Rear Setbacks: In accordance with the R-12 bulk regulations	
A.ii	ii. Building Front Orientation:	
	a. The building front shall generally be parallel to the most prominent frontage type; and	
	b. The building front may face a Formal Open Space.	

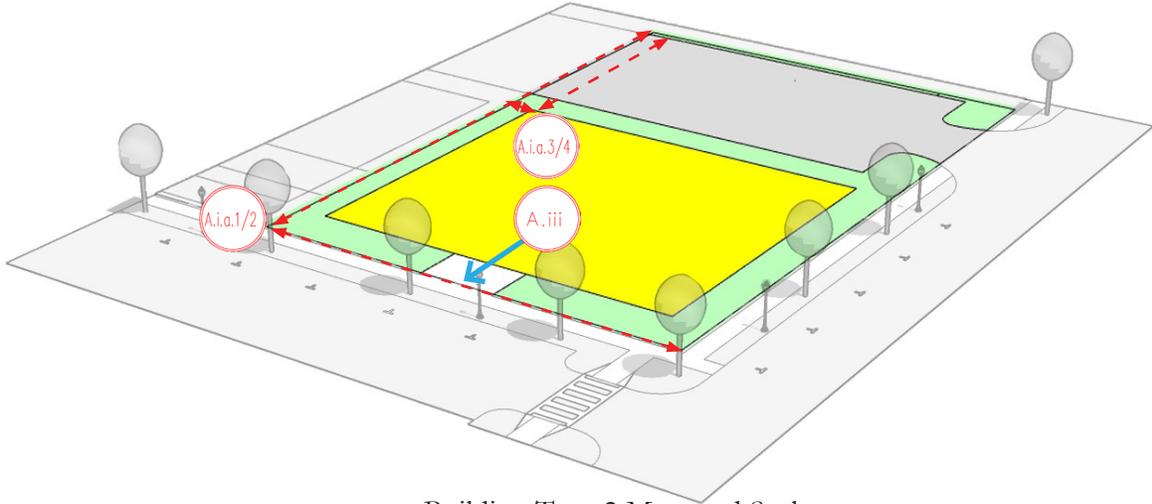
B. Mass and Scale:

B.i	i. Maximum Building Height:	By-right up to 50 feet and 4 stories; by Special Use Permit up to 65 feet and 5 stories.
B.ii	ii. Maximum Building Floorplate:	N/A
B.iii	iii. Maximum Building Width:	Maximum building width 150 feet.

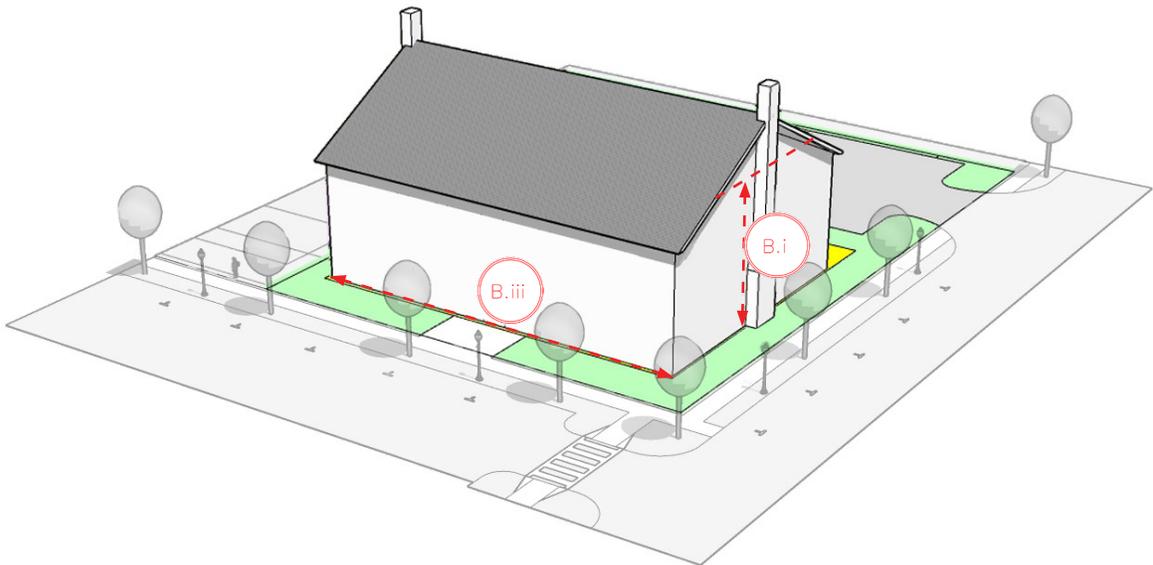
C. Facade Activation:

C.i	i. Entrance location / frequency:	a. At least one functional, pedestrian-accessible entrance shall be located on the building front and any adjacent Formal Open Space.
		b. A functional, pedestrian accessible entrance shall be located, at a minimum, every 70 linear feet along the building front.
		c. At least one functional, pedestrian-accessible entrance shall be provided for every 70 linear feet of building front.
C.ii	ii. Minimum Total Facade Transparency:	15%
	iii. Minimum First Floor Transparency:	N/A
	iv. Minimum First Floor Height:	N/A

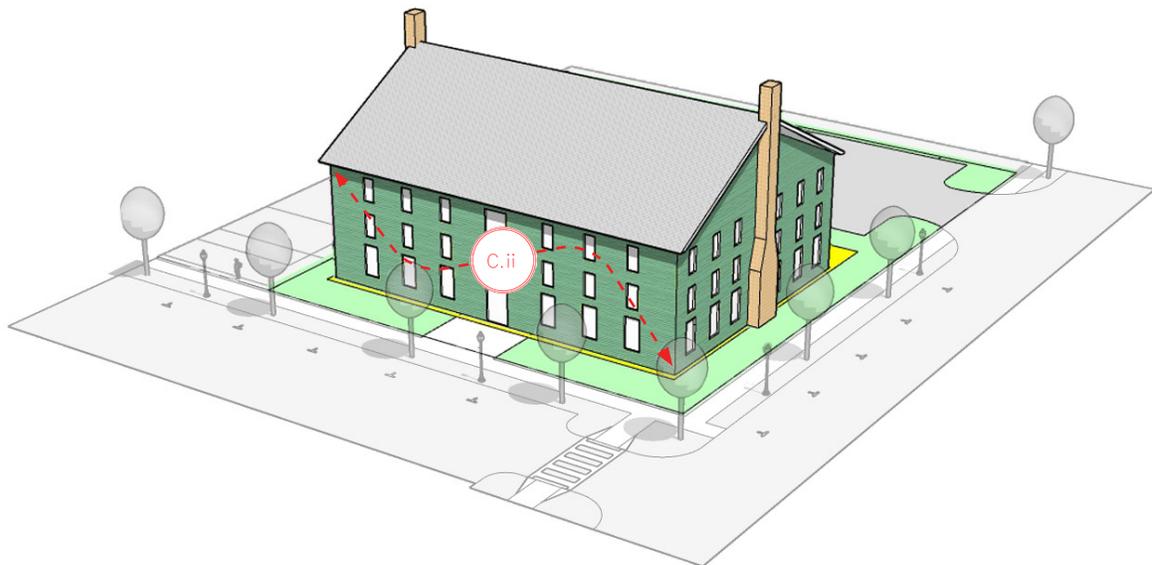
Building Type 2 Building Placement and Orientation:



Building Type 2 Mass and Scale:



Building Type 2 Facade Activation:



A. Building Placement and Orientation:

i. Building Placement:	a. Multifamily, non-residential, and mixed-use buildings:	
	A.i.o.1/2	1. Min. Lot Size: None
		2. Min. Lot Width: None
		3. Side Setbacks: 10' minimum; Side setbacks on lots less than 7,500 square feet may be reduced in accordance with § 72-82.4B(2).
	A.i.o.3/4	4. Rear Setbacks: 20 foot minimum
	b. Single family attached or detached:	
		1. Min. Lot Size:
		2. Min. Lot Width:
		3. Side Setbacks:
		4. Rear Setbacks:
		In accordance with the R-8 bulk regulations
A.iii	ii. Building Front Orientation:	
	a. The building front shall generally be parallel to the most prominent frontage type; or b. The building front may face a Formal Open Space.	

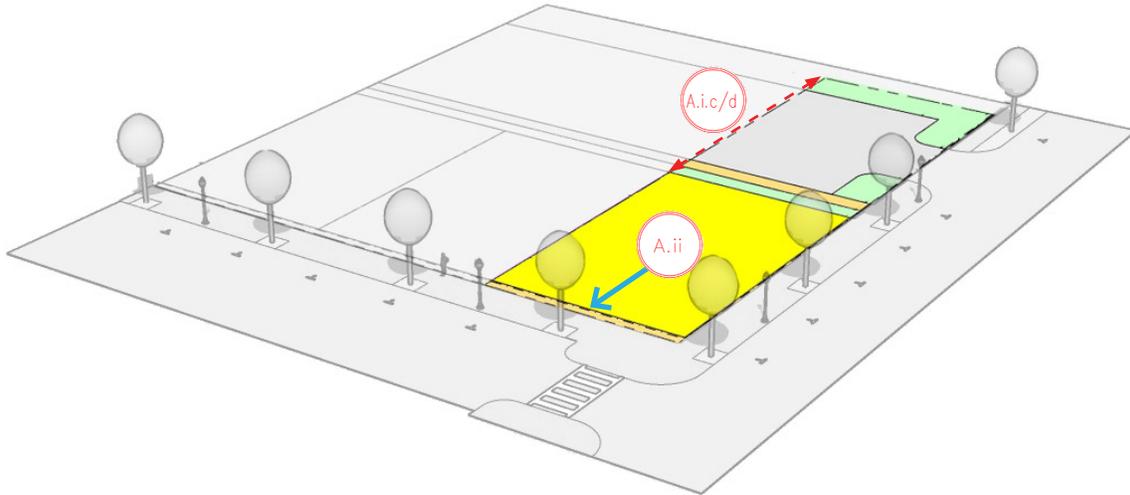
B. Mass and Scale:

B.i	i. Maximum Building Height:	By-right up to 40 feet and 3 stories; by Special Use Permit up to 50 feet and 4 stories.
	ii. Maximum Building Floorplate:	25,000 square feet
B.iii	iii. Maximum Building Width:	Maximum building width 100 feet.

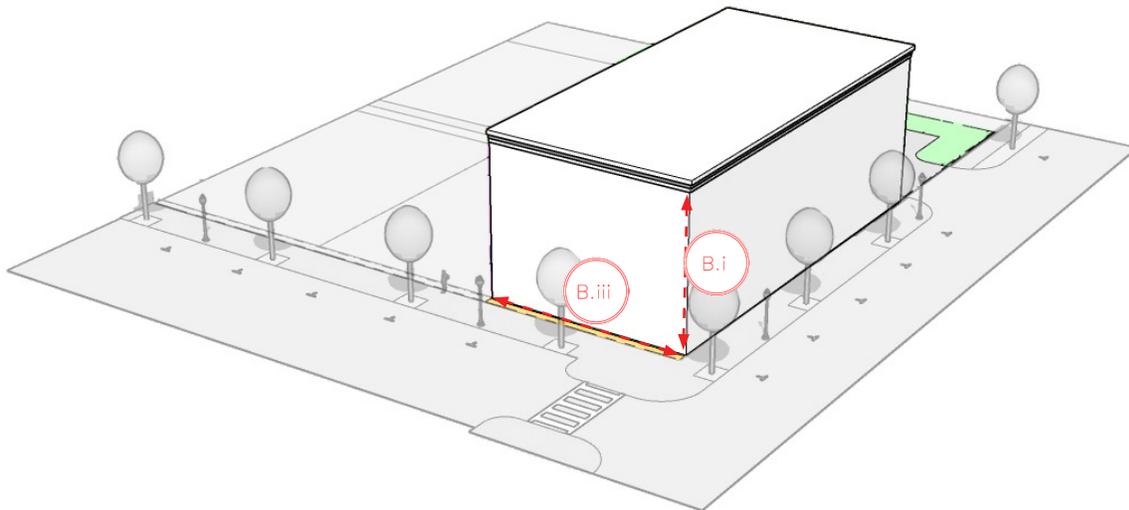
C. Facade Activation:

i. Entrance location / frequency:	a. At least one functional, pedestrian-accessible entrance shall be located, at a minimum, on the building front and any adjacent Formal Open Space.	
	b. A functional, pedestrian accessible entrance shall be located, at a minimum, every 50 linear feet along the building front.	
	c. A functional, pedestrian-accessible entrance shall be provided for every 50 linear feet of the building front.	
C.ii	ii. Minimum Total Facade Transparency:	18%
	iii. Minimum First Floor Transparency:	N/A
	iv. Minimum First Floor Height:	N/A

Building Type 3 Building Placement and Orientation:



Building Type 3 Mass and Scale:



Building Type 3 Facade Activation:



A. Building Placement and Orientation:

i. Building Placement:	a. Min. Lot Size:	None.
	b. Min. Lot Width:	None.
	A.i.c/d c. Side Setbacks:	None.
	d. Rear Setbacks:	20 foot minimum.
A.ii ii. Building Front Orientation:	a.	The building front shall generally be parallel to the most prominent frontage type; or
	b.	The building front may face a Formal Open Space.

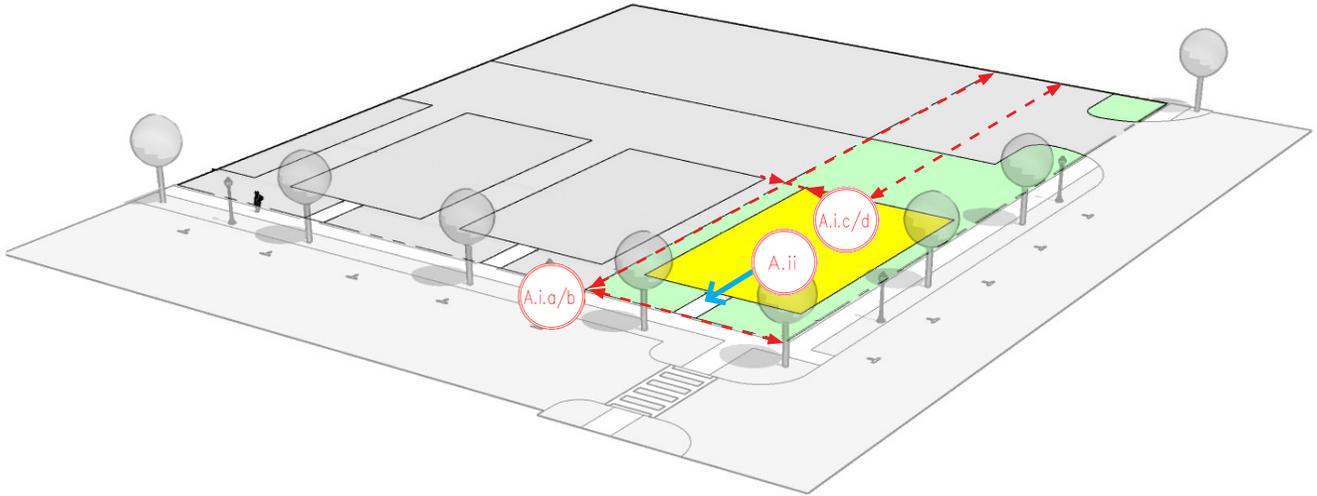
B. Mass and Scale:

B.i i. Maximum Building Height:	a.	Within the T-5C Transect, by-right up to 50 feet and 4 stories; by Special Use Permit up to 65 feet and 5 stories.
	b.	Within the T-5M and T-4M Transect, by-right up to 40 feet and 3 stories; by Special Use Permit up to 50 feet and 4 stories.
ii. Maximum Building Floorplate:		25,000 square feet
B.iii iii. Maximum Building Width:		Maximum building width 100 feet.

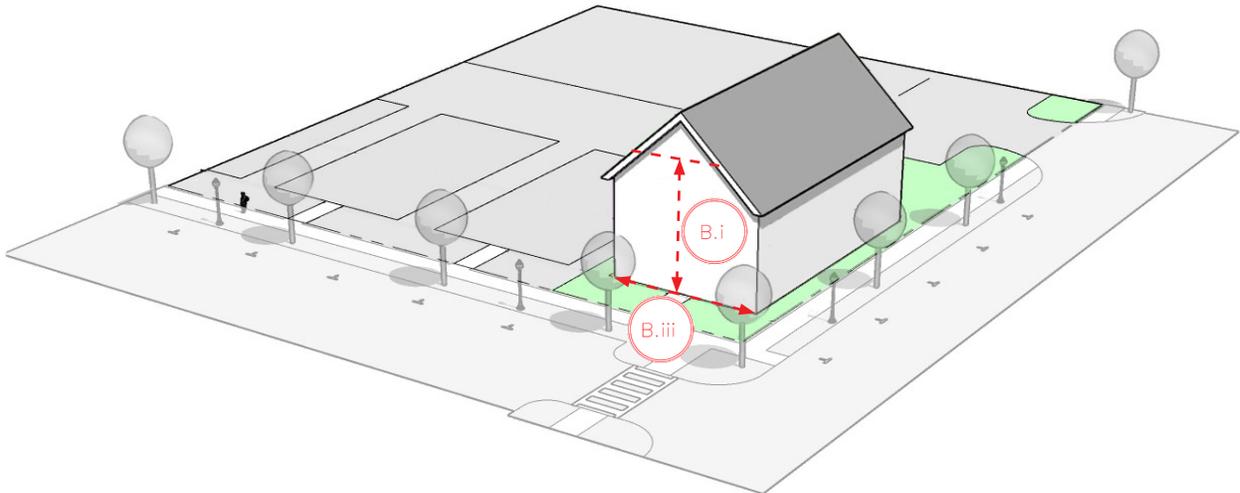
C. Facade Activation:

i. Entrance location / frequency:	a.	At least one functional, pedestrian-accessible entrance shall be located, at a minimum, on the building front and any adjacent Formal Open Space.
	b.	A functional, pedestrian accessible entrance shall be located, at a minimum, every 50 linear feet along the building front.
	c.	A functional, pedestrian-accessible entrance shall be provided for every 50 linear feet of the building front.
C.ii ii. Minimum Total Facade Transparency:		20%
iii. Minimum First Floor Transparency:		25%
C.iv iv. Minimum First Floor Height:		14'

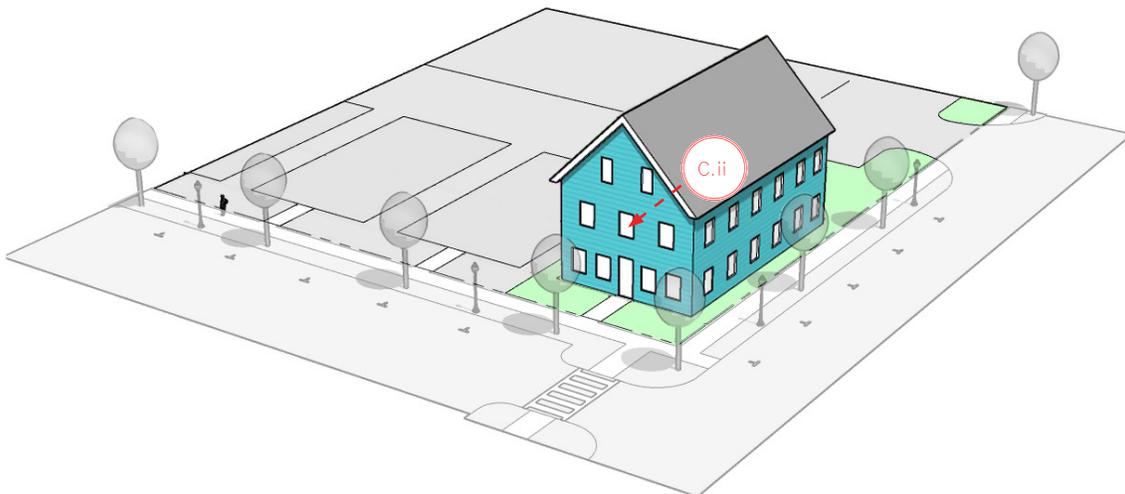
Building Type 4 Building Placement and Orientation:



Building Type 4 Mass and Scale:



Building Type 4 Facade Activation:



A. Building Placement and Orientation:

i. Building Placement:	A.i.a/b	a. Min. Lot Size:	1,875 square feet.
		b. Min. Lot Width:	18 feet.
	A.i.c/d	c. Side Setbacks:	5' minimum; Side setbacks on lots less than 7,500 square feet may be reduced in accordance with § 72-82.4B(2).
		d. Rear Setbacks:	20 foot minimum.
A.ii	ii. Building Front Orientation:		The building front shall generally be parallel to the most prominent frontage type; or The building front may face a Formal Open Space.

B. Mass and Scale:

B.i	i. Maximum Building Height:	By-right up to 35 feet and 3 stories for a residential building or 25 feet or two stories for a non-residential or mixed-use building.
	ii. Maximum Building Floorplate:	6,000 square feet.
B.iii	iii. Maximum Building Width:	50 feet.

C. Facade Activation:

	i. Entrance location / frequency:	At least one functional, pedestrian-accessible entrance shall be located, at a minimum, on the building front and any adjacent Formal Open Space.
C.ii	ii. Minimum Total Facade Transparency:	18%
	iii. Minimum First Floor Transparency:	N/A
	iv. Minimum First Floor Height:	N/A
	v. Retail Permitted:	In the T-5C Transect, except for an Artist Studio, the uses identified as "Retail Sales and Services" in Table 72-40.2 shall not be permitted within Building Type 4.

CHAPTER 7: AREAS OF UNIQUE ARCHITECTURAL VALUE – CREATIVE MAKER DISTRICT

7-1. The Creative Maker District constitutes an area of unique architectural value located within a redevelopment district, and is therefore designated as an architectural preservation district, encompassing such area.

A. The following buildings from the late 19th and early 20th century possess unique architectural character and are set forth as “character structures” for the Creative Maker District:

- i. C.W. Wilder and Co. Silk Mill (1889) - 1700 Caroline Street
- ii. Washington Woolen Mills Pants Factory (1909) - 203 Ford Street
- iii. Billiards Hall (1909) - 2619 Princess Anne Street
- iv. Embrey Power Plant (1910) - 1709 Caroline Street
- v. Germania Mills (1917) - 1900 Caroline Street
- vi. Former National Bank Kitchen (1839) - 2800 Princess Anne Street

B. The following buildings relate to the primary period of significance for the Creative Maker District, the mid-20th century expansion of the highway system, and are set forth as “character structures” for the Creative Maker District:

- i. Kenmore Hosiery (1947) - 400 Amaret Street
- ii. Building (1954) - 316 Bridgewater Street
- iii. Auto Parts (1956)- 317 Bridgewater Street
- iv. Mary Washington Hospital (1949) - 2300 Fall Hill Avenue
- v. Medical Arts Building (1964) - 2301 Fall Hill Avenue
- vi. PNC Bank Headquarters (1975) - 2401 Fall Hill Avenue
- vii. Office Building (1964) - 2501 Fall Hill Avenue
- viii. Blanton Motor Court (1952) - 417 Jefferson Davis Highway
- ix. Auto Service (1955) - 429 Jefferson Davis Highway
- x. Motel (1957) - 1912 - 1914 Princess Anne Street
- xi. Filling Station (1919) - 2404 Princess Anne Street
- xii. Burgess Service Station (1922) - 1810 Princess Anne Street
- xiii. Hotel Wakefield (1928) - 1701 Princess Anne Street
- xiv. Dowling Mills (1936) - 1801 Princess Anne Street
- xv. Retail and Apartment Building (1948) - 1900 Princess Anne Street
- xvi. Inter-State Ice Co. (1939) - 1901 Princess Anne Street
- xvii. Payne Motor Court (1950) - 1902-1910 Princess Anne Street
- xviii. Show Room and Garage (1948) - 1919 Princess Anne Street
- xix. Filling Station (1939) - 2105 Princess Anne Street
- xx. Coca Cola Bottling Co. (1939) - 2011 Princess Anne Street
- xxi. (Original) Hardee’s (1965) - 2100 Princess Anne Street
- xxii. Carl’s Ice Cream (1954) - 2200 Princess Anne Street
- xxiii. Hotel Stratford (1926) - 2217 Princess Anne Street
- xxiv. 2400 Diner (1955) - 2400 Princess Anne Street
- xxv. Modern Beauty Shop (1929) - 2401 Princess Anne Street
- xxvi. Auto Sales and Repair (1930) - 2415 Princess Anne Street
- xxvii. Monroe Motors (1954) - 2506-2508 Princess Anne Street
- xxviii. Auto Service (1948) - 2600 Princess Anne Street, 301 - 305 Bridgewater Street
- xxix. Itemarco Corp. Station (1956) - 2610 Princess Anne Street

E. Review criteria. New construction and exterior alterations to a principal or accessory building or structure in the Creative Maker District shall be architecturally compatible with the character structures of the district. The Zoning Administrator shall apply the following criteria to that end:

i. Building Elevation:	The building elevation shall be either vertically oriented or horizontally oriented based on the patterns of surrounding buildings.
ii. Permitted Materials:	a. Permitted primary building materials are brick, stone, stucco, wood / wood composite / cementitious siding, and non-corrugated metal.
	b. Accent and trim materials may be any of the primary building materials or vinyl.
iii. Equipment screening:	Utility and service functions shall be designed so that they are screened from adjacent streets.

F. Alterations or reuse of character structures. Character structures may utilize the following standards if the existing structure is retained on-site.

i. Character structures may use the following Private Frontage Standards in place of the general Private Frontage Standards:

a. Building Placement / Build-to Zone:	No building or accessory structure in the same Development as a character structure shall encroach upon the sight line to the character structure. The sight line is the hypotenuse of a triangle where one leg extends from the front corner of a Character Structure to a perpendicular point on the centerline of the adjacent street parallel to the Building Front and another leg extends along the centerline of that street a distance of 250 feet.
b. Parking Lot Placement / Encroachments:	Parking lots may retain their positioning on the site but should be brought into conformance with § 72-53.1.D Configuration as much as practicable.

ii. Character structures may use the following Building Type Standards in place of both the general building type standards:

a. Building Placement and Orientation:

1. Building Placement:	i. Min. Lot Size:	1,875 square feet.
	ii. Min. Lot Width:	18 feet.
	iii. Side Setbacks:	5' minimum; Side setbacks on lots less than 7,500 square feet may be reduced in accordance with unless reduced based on § 72-82.4B(2).
	iv. Rear Setbacks:	20 foot minimum.
2. Building Front Orientation:	The building may retain its existing orientation to the street.	

b. Mass and Scale:

1. Maximum Building Height:	i. 35 feet and 3 stories; or
	ii. Additions to character structures taller than 35 feet may adhere to the existing maximum height of the building.
2. Maximum Building Floorplate:	N/A

3. Maximum Building Width:	i. 50 feet; or
	ii. Additions to character structures wider than 50 feet may adhere to the existing building width.

c. Facade Activation:

i. Entrance location / frequency:	Any new entrances or opening shall be complimentary to the existing building pattern.
ii. Minimum Total Facade Transparency:	18%
iii. Minimum First Floor Transparency:	N/A
iv. Minimum First Floor Height:	N/A

- C. Review timing. The Zoning Administrator shall act to approve, approve with modification, or deny any request or application within 60 days of the official submission of the application. The Zoning Administrator shall memorialize his/her decision in writing and the Planning Office shall notify the applicant of the decision within 14 days. A notice of City action does not constitute general zoning approval for any structure, but is contingent upon the owner obtaining any other zoning approval required. A notice of City action issued under the provisions of this section shall expire one year after the date of such approval unless:
- i. A building or sign permit has been obtained and work begun; or
 - ii. An extension has been granted by the Zoning Administrator, as appropriate, which shall not exceed six months.

D. Appeals.

- i. The applicant may appeal the Zoning Administrator’s decision to the City Council, provided such appeal is filed in writing within 30 days from the date of the Zoning Administrator’s decision. The appeal shall clearly set forth the grounds of the appeal, including the procedure or standard alleged to have been violated or misapplied by the Zoning Administrator. The City Council shall consult with the Zoning Administrator in relation to any appeal and may require documentation of any decision prior to hearing the appeal. The City Council may affirm, reverse, or modify the Zoning Administrator’s decision. The City Council shall decide such appeal within 45 days of the date of the appeal.
- ii. The applicant may appeal the City Council’s decision to the Circuit Court of the City by filing a petition at law setting forth the alleged illegality of the action of the City Council, provided such petition is filed within 30 days after the final decision is rendered by the City Council. The filing of the petition shall stay the decision of the City Council pending the outcome of the appeal to the Circuit Court. The court may reverse or modify the decision of the City Council, in whole or in part, if it finds upon review that the decision of the City Council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the City Council.

CHAPTER 8: OPTIONAL FORMS OF DEVELOPMENT

8-1. Purpose:

- A. While one of the main purposes of form-based regulations is to provide predictability, it is recognized that high-quality development can also be accomplished other than by strict adherence to the prescribed forms of development allowed by this ordinance. Therefore, a certain degree of flexibility is allowed in certain cases in order to encourage creative designs that may generate different, but equally desirable, means of accomplishing the purposes of a prescribed form of development. These optional forms of development allow deviations from applicable regulations so long as the proposed development achieves the goals and objectives of a prescribed form and conforms to the provisions of Section 72-30:1.4.
- B. The Zoning Administrator may review and approve optional forms of development as by-right options, within the criteria described herein, as part of the general site plan approval process. The City Council may approve optional forms of development as part of a special use permit process.
- C. Design elements that are governed by Article 5 of the UDO may be modified in accordance with the provi-

sions of that Article.

- D. Where a development proposal requires even greater flexibility, the developer may seek a special exception from City Council. Special exceptions shall be evaluated for consistency with the following criteria, and the City Council, in deciding whether to permit the Special Exception, shall consider the extent to which the proposed development, taken as a whole:
 - i. Advances the stated goals and objectives of the Small Area Plan, transect designation, and the purpose of the form based code regulation.
 - ii. Advances the stated purpose of each form based regulation or standard as applicable to the development as established in the Unified Development Ordinance.
 - iii. Is consistent with any applicable urban fabric standards.
 - iv. Is consistent with the intent of the regulations applicable to the street frontage in which it is located.
 - v. Is physically and functionally integrated with the built environment in which it is located.
 - vi. Promotes modes of transportation other than the automobile, including walking, biking, and transit.
 - vii. Creates a built environment that is in scale with pedestrian-oriented activities and provides visual interest and orientation for pedestrians; and
 - viii. Contributes to a mix of uses in the area that are compatible with each other and work together to create a memorable and successful place.
- E. Applying for an optional form of development requires written and website notice under § 72-21.9. After proper notice, the Zoning Administrator shall make a determination on the permissibility of the proposed optional form of development. These decisions may be appealed to the Board of Zoning Appeals in accordance with § 72-22.8.
- F. Nothing in this section shall be construed to limit or otherwise impair the right of any proper party to apply to the Board of Zoning Appeals for a variance from any of the regulations set forth in this Code, to the extent permitted by law, or to apply to the Zoning Administrator for an administrative modification or minor expansion of a nonconforming use pursuant to Section 72-24.2 or 72-24.3, respectively, in a proper case.

8-2. Optional forms of development – Urban Fabric Standards.

- A. Purpose: To transform the organization of the land from ageing automobile-oriented infrastructure (dominant asphalt parking lots, commercial driveways, and separated single use developments) into a walkable urban fabric consisting of a network of streets and blocks that include formal open spaces, mixed uses, and transitional zones. The new urban fabric should effectively transition in scale and intensity towards adjacent development.
- B. Optional form of development:
 - i. Access:
 - Option --- Provide for interconnectivity through limited road or trail connections linking existing and proposed development where a complete street would add through traffic onto neighborhood streets.
 - Design Guidelines --- The connection shall be a minimum of 50 feet wide and shall be safe, open, landscaped, and lit as appropriate. The connection shall contain a minimum 10 foot wide shared use trail.
 - ii. Transitional zones:
 - Option --- Permit the reuse of an existing building within a required Transitional Zone that does not meet the maximum building width requirement. For example, permitting the adaptive reuse of an existing shopping center building as a transitional use of the property would recognize that the full redevelopment of a site is an on-going evolution that may occur in several phases.
 - Design Guidelines --- The site around the building shall be modified so that the building fronts on a street and fits into a block network in conformance with the required standards. The façade shall be broken up to create the appearance of multiple buildings that would meet the maximum width requirement. Each portion of the façade shall be differentiated by changes in materials, rooflines and offsets in the façade plane as shall also contain an operable, active pedestrian entrance that breaks the mass of the façade.

8-3. Optional forms of development – Frontage Standards.

A. Purpose: To ensure the creation of safe, harmonious, and attractive public and semi-public corridors through the definition and activation of the public realm between the street and the building face, the definition and activation of yards and open spaces, and the transition between the development and adjoining uses.

B. Optional form of development:

i. Public frontage:

Option --- Provide for a safe and harmonious public realm with a cohesive streetscape where unusual situations, physiographic features, or existing roadway geometry create engineering challenges that require a deviation from the standards as written location, height, or width of the streetscape elements.

Design Guidelines --- Overall, the general character of the streetscape, including the provision of sidewalk or trails, the location of landscaping and trees, and the provision of lighting shall remain consistent with the intent of the frontage.

Option --- Provide for a safe and harmonious public realm with a cohesive street lighting system.

Design Guidelines --- On smaller infill lots along Princess Anne Street where historic street lighting (characterized by the metal fluted poles that extend along historic US Route 1 along Princess Anne Street and Lafayette Boulevard) exists, the applicant may rely on the existing street lighting to meet the public frontage street lighting standards.

ii. Private frontage:

Option --- Permit modified building placement, landscape area, and build-to-zone components for a semi-public edge where the development site abuts a street that fosters a connected environment through the site, enlivens the development's internal connections and spaces.

Design Guidelines --- The street frontage shall be enlivened through the creative use of landscaping, public art, water features, or other pedestrian amenities that provide visual interest. Options may also include consolidating portions of a required build-to-zone into a compact, high quality outdoor amenity space that is visible from the street. Examples include an outdoor café, swimming pool, fountain, plaza, garden, formal open space or similar area, or a combination thereof. The optional form shall be in reasonable proportion to the degree of difference between the prescribed private frontage requirements and the actual form provided.

8-4. Optional forms of development – Building Type Standards.

A. Purpose: To create inviting, walkable, and healthy environment by shaping and activating that public realm and other public open spaces.

B. Optional Form of Development

i. Façade Activation and Building Materials:

Option --- Permit modified façade activation and building materials standards where an alternative building design creates an appropriate active and interesting facade that results in a safe and vibrant pedestrian scaled building envelope.

Design Guidelines --- The building elevation shall contain unique or exceptionally detailed architectural treatments or the reduction in transparency must be the result of a building's unique architectural character and style. Materials used shall retain their honesty. The building elevation shall contain a minimum of 5% transparency and shall contain at least one functional, pedestrian entrance on the building front. The amount of these elements required shall be in proportion to the degree of difference between the prescribed transparency and the actual transparency provided. Additional detailing and fenestration shall be prioritized toward the first floor elevation.

ii. Maximum building width and building floorplate:

Option --- Permit modified maximum building widths and floorplates where the building is designed with high architectural quality and style that minimizes the impact of the mass and scale of the building on the



**CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES
June 24, 2020
7:30 p.m.
ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL**

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/0rubqpyj78>

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

MEMBERS

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

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept. (live)
Mike Craig, Senior Planner (live)
James Newman, Zoning Administrator (live)
Susanna Finn, Community Dev. Planner (live)
Cathy Eckles, Administrative Assistant (live)

ALSO PRESENT

Terry Coley, ADU Applicant (live)
Jeh Hicks, Cowan Station Applicant (live)

1. CALL TO ORDER

This meeting was held live and electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend in person with social distancing practices and masks required or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present except Jim Pates.

4. APPROVAL OF AGENDA

Mr. Hornung moved for approval of the agenda as submitted. Mr. Gantt seconded.

Motion passed 6-0-1

5. APPROVAL OF MINUTES

- June 17, 2020

Mr. Durham motioned to approve the minutes as submitted. Mr. Hornung seconded.

Motion passed 6-0-1

6. DECLARATION OF CONFLICT OF INTEREST

Mr. Gantt stated he had a conflict with 8A, Special Exception request regarding an Accessory Dwelling Unit at 1306 Graham Drive, as he is a nearby property owner and president of the community’s homeowners’ association.

7. PUBLIC HEARING

A. Area 7 Small Area Downtown Plan – The City of Fredericksburg proposes to amend Chapter 10 Land Use Plan and Chapter 11 Planning Areas of the City’s Comprehensive Plan to adopt the Area 7 Small Area Plan.

Ms. Finn reviewed the staff report showing what has changed since the February 26, 2020 presentation to the Commissioners, with a power point presentation (Att. 1) and noted this would be held open until the Commissioner’s July 8, 2020 meeting.

Chairman Rodriguez opened the public hearing and Ms. Finn read in the public comment letters received from the following:

- Mo Deadman, 214 Princess Anne Street (Att. 2);
- Debra Joseph 331 Princess Anne Street (Att. 3);
- Joseph Caliri and 217 Princess Anne Street (Att. 4);
- Maureen & Frank Widic 119 Caroline Street
- Paula & Ed Sandtner, 132 Caroline Street
- Rebecca Hanmer and 138 Caroline Street
- Carl & Anne Little 726 William Street (Att. 5).

There being no public speakers, Chairman Rodriguez closed the public hearing.

Mr. Hornung asked for clarification on the conversion of one-way streets. Ms. Finn stated that the proposed text enables an engineering study to analyze the impact of converting some one-way streets to two-way. Any decision would not be settled until after such study. One of the main aspects to be evaluated would be parking on converted streets.

Mr. Gantt questioned the city-owned train station parking lot being shared. Mr. Craig noted that on page 11(7)-27 the vision is to build a structure that is used 24 hours a day. Based on funding sources, other entities like VRE may have some control over the availability of some of the parking spaces. This will be worked out further in the train station master plan.

Mr. Durham asked about street speeds and if the plan was for the converted 2-way streets to still have parking on both sides of the street. Ms. Finn stated that parking would, generally, remain on both sides and the experience is that 2-way streets actually slow down drivers.

Mr. Durham noted the Darbytown residents request to formally name Trestle Park and in the Comprehensive Plan where “parks” and “open spaces” are mentioned that there is not much differentiation. He asked if the difference is that “open spaces” are maintained by public works and parks

are maintained by parks and recreation. Ms. Finn is unclear on that but will get clarification to help the Commissioners make a determination if it should be formally designated.

Mr. Gantt asked if the studies regarding speed are available to the public. Mr. Craig said the Fredericksburg Police Department (FPD) has cataloged numerous speed study reports which he believes are available to the public. Mr. Craig discussed the format of the engineering study that would analyze a conversion of traffic patterns.

Mr. Durham asked about pg. 4-9 and 4-10, Tables 4-6 and 4-7, of the Comprehensive Plan, regarding parks and open spaces, and questioned what modifications would be made to Table 4-7 based on the proposed changes to the Trestle Park land use designation. Ms. Finn noted that it will be updated. Mr. Durham stressed that language is important as to whether it is designated as an open space or a park and will need to be updated throughout the Comprehensive Plan since it is essentially being evaluated for a future park which goes to the desire of the Darbytown residents.

There being no further discussion, Chairman Rodriguez held this matter open until the July 8, 2020 meeting.

- B. UDOTA2020-02 Creative Maker District - The City of Fredericksburg** proposes to amend the Unified Development Ordinance to establish a new zoning district entitled “the Creative Maker District”.
- C. RZ2020-02 – The City of Fredericksburg** proposes to amend the Zoning Map to change the existing zoning of about 78 acres of land to the Creative Maker Zoning District.

Mr. Craig reviewed the staff report for these two items with a power point presentation (Att. 6). Mr. Craig noted a public hearing was held on March 11, 2020, but the vote was postponed due to an advertising error and then Commission meetings were suspended due to the COVID-19 outbreak. Mr. Craig said that this public hearing will be held open until July 8, 2020 to allow opportunity for additional public comments. He said that the Commissioner’s should recommend approval to City Council of both matters.

Chairman Rodriguez opened the public hearing and Mr. Craig read in the public comment letters received from the following:

Simon Watts	824 Caroline St., #B	(Att. 7); and
Sabina Weitzman	913 Marye Street	(Att. 8).

There being no public speakers, Chairman Rodriguez closed the public hearing.

Mr. Durham asked whether the text amendment creating the Creative Maker District would apply only in Area 6, or whether it could apply in Area 7. Mr. Craig said yes, the amendment would create a district in City Code that can be applied through rezoning to specific parcels. RZ2020-02 applies specifically to the 78 acres of land shown in the presentation. The Area 7 plan contemplates two additional maker districts: a continuation of this district south along Princess Anne Street and the Wolfe Warehouse District. Approving the Comprehensive Plan amendments in Area 7 will not apply this zoning designation, it only sets the vision and foundation.

8. UNFINISHED BUSINESS

- A. Terry Coley** requests a Special Exception from City Code §72-42.5, Table of Common Accessory Uses, for an ‘Accessory Dwelling Unit’ at 1306 Graham Drive. SE2020-02

Mr. Newman noted he had a few updates and that the Applicant wished to speak. Mr. Newman stated that a question was raised at the previous meeting as to whether the addition of a kitchen would pose any further fire or safety hazard. Mr. Newman said the Building Official observed that the structure is already rated for

residential use. The addition of the ADU is not changing the use and all required permits have been pulled with the work being up to Code. Mr. Newman stated the Applicant has volunteered a set of proffers (Att. 9), which he read into the record.

Chairman Rodriguez asked what work has already been done. Mr. Newman deferred to the Applicant.

Applicant Terry Coley addressed some of the issues raised stating that in February 2020 she attempted to pull permits to add a range within her second kitchen but was advised by Building she would have to work through the Zoning office first. Ms. Coley stated she has followed all directives in order to create a separate independent living space for her mother. She upgraded the appliances, put in a washer/dryer, renovated the bathroom, and had the entire basement repainted. Ms. Coley stated that she volunteered the eight conditions in her Agreement to alleviate some of the concerns that have risen in public comments.

Chairman Rodriguez asked about the kitchenette and Applicant noted that was there when she bought the home.

Chairman Rodriguez opened the public hearing and Mr. Newman read in the public comment letters received from the following:

Angela Jones	1201 Ellis Avenue	(Att. 10);
Dan Guy Fowlkes	1003 Hoke Lane	(Att. 11);
Anne Timpano	1118 Innis Drive	(Att. 12);
Elizabeth LeDoux	1202 Wright Court	(Att. 13);
Jeff Ely	1412 Brigadier Drive	(Att. 14);
Wycessa Small	1200 Graham Drive	(Att. 15);
Thomas Mon	1210 Walker Drive	(Att. 16);
Tom O'Brien	1112 Taylor Street	(Att. 17);
Janet Marshall Watkins	1206 Walker Drive	(Att. 18);
Erin Palko	1018 Wright Court	(Att. 19);
Belinda Watkins	2148 Idlewild Boulevard	(Att. 20);
LaToya Gronhoff	1858 Idlewild Boulevard	(Att 21); and
Troy Widgren	1603 Gayle Terrace	(Att. 22).

In addition, the following members of the public spoke:

Bryan Stelmok, 1117 Wright Court, spoke in opposition of the request as he believes it is a larger issue regarding allowing ADUs in the City. Mr. Stelmok believes the current definition of family is wholly inadequate and it is too difficult to enforce. He noted he is still concerned about the fire/safety issue even though the Building Official states it is safe.

Graham Gronhoff, 1858 Idlewild Boulevard, spoke in support of Ms. Coley's request. He stated that the chief concern of many is that a precedent will be set by allowing this exception and that single family homes will become multi-family homes leading to a decline in the quality of the neighborhood. He believes those concerns are unwarranted as approval for any ADUs will still require HOA approval. The majority of the concerns voiced have stated that they believe Ms. Coley just wants to profit off the modifications but he believes these are baseless accusations and not a valid reason for denial.

Debra Jean Zbrzeznj, 1403 Graham Drive, spoke in opposition of the request. She believes that Ms. Coley's mother moving in is not the reason to deny this request but that single-family homes should remain just that and she is concerned about the future of the Village of Idlewild and the City if ADUs are allowed. Ms. Zbrzeznj further discussed her concerns with overcrowding, parking, and overuse of the HOA amenities all leading to a decrease in home values.

Chairman Rodriguez closed the public hearing.

Mr. Slominski questioned staff's ability to regulate and enforce the family definition and have they found any violators in Idlewild. Mr. Newman stated that to date he has received no complaints from Idlewild, but explained the procedures when a violation is brought to the City's attention. Mr. Craig noted that the most powerful tool the City uses is that when a violation of overcrowding is substantiated, the penalty is \$7,500.

Mr. Slominski questioned how often contractors will do work without pulling permits and how is that discovered by the City. Mr. Craig noted that often when work is done to create a full second unit in a property it often leads to conditions of overcrowding. If the City discovers work was done this way, the work would have to be removed.

Chairman Rodriguez questioned Ms. Coley's statement about meeting with City Council. Mr. Newman stated he assumed it meant she spoke at a general public comment portion of a City Council meeting. No scheduled meetings have been held between City Council and Ms. Coley. He asked if the current situation warrants Ms. Coley's mother moving in with no special exception granted. Mr. Newman said yes.

Mr. Durham commended Ms. Coley for going through the rigorous Special Exception process and that the addition of the stove provides Ms. Coley and her mother the way to maintain separate independent living together.

Mr. O'Toole moved to recommend to City Council that they deny the Special Exception due to the character of this neighborhood being single-family and the definition of family stating ".....living and cooking together". Chairman Rodriguez seconded. Mr. Hornung stated he would be voting against the motion as he feels this request will not impact density in the development. He feels the City should be encouraging this type of cohabitation and hopes that staff can look at the current ordinance and find that distinction that allows that to occur but also protects against some of the concerns raised by citizens. Mr. Slominski noted he will also vote against the motion. Chairman Rodriguez noted he will be voting for this motion as he believes this exception does not meet the burden.

Motion failed 3-2-1 (abstained)-1 (absent).

Mr. Durham moved to recommend to the City Council approval of the Special Exception of an Accessory Dwelling Unit at 1306 Graham Drive with staff's conditions. He also noted that staff should engage with Ms. Coley regarding her proffered conditions to see which ones should be forwarded to City Council. Mr. Slominski seconded. Mr. O'Toole noted he would be voting for denial of the motion based on his previous stated reasons. He stated that if a condition could be added that if the mother left the home, the stove could be removed, he would be in favor but the Special Exception runs with the property and that can't be done so he is against the motion.

Chairman Rodriguez questioned Mr. Durham about adding a condition to the motion to remove the boarder exemption but Mr. Durham disagreed. Mr. Slominski asked for clarification as to whether what Chairman Rodriguez is proposing is even doable. Mr. Johnston stated it is not legally supportable and the definition of the family cannot be split. Discussion ensued regarding the differentiation

Motion passed 3-2-1 (abstained)-1 (absent).

B. JFH - Fredericksburg II, LLC requests amendments to the Comprehensive Plan for sub-planning area 5B and the Future Land Use Map to permit a commercial office park on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. CPA2020-02

C. JFH – Fredericksburg II, LLC requests:

1. A rezoning from Residential Mobile Home, Residential 4, and Commercial / Transitional Office to Commercial Highway with proffered Conditions of 50 Geographic Parcel Identification Numbers (GPINs) generally located on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. RZ2020-03
2. A determination that the vacation of a portion of the Spotsylvania Avenue and Dandridge Street rights-of-way and the rededication of new public right-of-way for a realigned Spotsylvania Avenue is in conformance with the Comprehensive Plan. VAC2020-01

Mr. Craig reviewed the staff report and a power point presentation (Att. 23) and recommended that the Commissioner’s recommend approval to City Council.

Mr. Durham asked whether the two trails were previously located at Dandridge Street and Brent Street. Mr. Craig stated the trails were located at Brent Street and Payne Street since the formal submission of the application, but previous renditions may have shown alternate trail locations.

Chairman Rodriguez asked about the purpose of the trails and what connectivity they would provide. Mr. Craig stated that integrating new development into the transportation system should be done with multiple links in a network. Mr. Craig stated that the use of two trails enhances the walkability to this development. Discussion ensued regarding the connection and distance between the trails.

The Applicant, JFH Fredericksburg II, LLC, represented by its Director of Community Relations, Jeh Hicks, was present and spoke in promotion of the connection of the trails.

Chairman Rodriguez opened the public hearing and Mr. Craig read in the public comment letters received from the following:

Meghann Cotter	1222 Brent Street	(Att. 24);
Meredith Beckett	President, College Heights Civic Association	(Att. 25); and
Rea Mandarino	1105 Nolan Street	(Att. 26).

In addition, the following member of the public spoke:

Dennis Lister, 1108 Rappahannock Avenue, spoke in favor of the project but in requested that the Brent Street trail be relocated. Mr. Lister further discussed various options the College Heights Civic Association feel are better options for the trail.

Mr. Durham noted his reservations about the potential impact of the Brent Street trail reducing existing tree canopy. He recommended shifting the Brent Street Trail to Dandridge Street or reducing the plan to one trail on Payne Street and that Applicant be mindful and remove as little existing tree canopy as possible. Chairman Rodriguez agreed with Mr. Durham. Mr. Craig noted the City recommends keeping two connections to maximize the efficiency of the transportation network and stated that shifting the trail to Dandridge Street would maintain a sufficient level of connectivity while lessening the environmental impact of the trail.

Mr. Hornung motioned to recommend approval of CPA2020-02 to City Council. Mr. Gantt seconded.
Motion passed 6-0-1.

Mr. Hornung motioned to recommend approval of RZ2020-03 to City Council with the recommendation of the relocation of the Brent Street trail to Dandridge Street. Mr. Durham seconded.

Motion passed 6-0-1.

Mr. Hornung motioned to determine that VAC2020-01 vacating Spotsylvania Avenue and Dandridge Street right-of-ways is in accordance with the 2015 Comprehensive Plan. As part of that determination, he sought consensus for a recommendation that the valuation of the public improvements the Applicant would provide in re-aligning and substantially improving Spotsylvania Avenue offset the value of the net 0.85 acres of right-of-way to be deeded to the Applicant. Chairman Rodriguez stated this was previously discussed on June 17, 2020, and the Commissioners agreed to recommend to Council that Applicant not be charged for the abandonment of the right-of-way given the extent of the public street improvements the applicant is proposing to make. Mr. Durham seconded.

Motion passed 6-0-1.

9. GENERAL PUBLIC COMMENT

None.

10. OTHER BUSINESS

A. Planning Commissioner Comments

Mr. Durham reviewed the City Council's discussion on June 23, 2020 regarding eliminating the City's historic effects of systemic racism and other related items. Mr. Durham requested staff start thinking about ways the Commissioners can address this issue by evaluating whether there are other parts that can be addressed and make some positive impact change.

B. Planning Director Comments

Mr. Johnston stated on June 23, 2020, Council approved the GreenChip Special Exceptions and Special Use Permit; delayed the implementation of the Archeological Ordinance for one year; approved the Sign Ordinance amendments and the transportation Comprehensive Plan amendments. Mr. Johnston noted that Council has indicated that it wishes to address the affordable housing issue from a regional perspective in cooperation with neighboring jurisdictions. The Regional Commission has secured state funding for consultants to develop an affordable housing plan. Mr. Johnston discussed the renaming of streets and places and that the State is also looking into addressing this topic.

11. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 10:08 p.m.

Next meeting is July 8, 2020.

Rene Rodriguez, Chairman



**CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES**

July 8, 2020

7:30 p.m.

ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL

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MEMBERS

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

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept. (live)
Mike Craig, Senior Planner (live)
Susanna Finn, Community Dev. Planner (live)
Cathy Eckles, Administrative Assistant (live)

1. CALL TO ORDER

This meeting was held live and electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend in person with social distancing practices and masks required or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present except Tom O'Toole.

4. APPROVAL OF AGENDA

Mr. Gantt moved for approval of the agenda as submitted. Mr. Durham seconded.

Motion passed 6-0-1

5. DECLARATION OF CONFLICT OF INTEREST

None.

6. UNFINISHED BUSINESS (continuation of Public Hearing from June 24, 2020)

- A. Area 7 Small Area Downtown Plan** – The City of Fredericksburg proposes to amend Chapter 10 Land Use Plan and Chapter 11 Planning Areas of the City’s Comprehensive Plan to adopt the Area 7 Downtown Small Area Plan.

Ms. Finn reviewed a power point presentation (Att. 1) showing what was changed in the proposed Downtown Plan since the June 24, 2020 presentation to the Commission.

Mr. Durham noted the addition of proposed Trestle Park at the corner of Caroline and Frederick Streets to Table 4-7 City-Owned property for Future Parks and asked how to add future parks, specifically in Area 2. He was specifically focused on the land donated to the City for open space approximately 4 years ago and possibilities in Area 1, wherein there may be some open space that needs to be designated. He said that he wants to be sure the City will be using Table 4-7, Future Parks, to designate any potential future park or open space areas. Ms. Finn said that the City modified this table for Trestle Park based on his recommendation from the last Commission meeting and will check into any other possibilities.

Chairman Rodriguez opened the public hearing and Ms. Finn read in the public comment letter received from:

Rebecca Hanmer 138 Caroline Street (Att. 2)

There being no public speakers, Chairman Rodriguez closed the public hearing.

Mr. Gantt motioned to recommend approval of the Comprehensive Plan Amendments for the Downtown Small Area Plan. Chairman Rodriguez seconded. Mr. Durham commended staff for the tireless work done in the last two years. Mr. Pates said, although he is supporting the motion, he does not agree with Trestle Park as open space and believes this area is intrinsically tied to the development of the new train station.

Motion passed 6-0-1.

- B. UDOTA2020-02 Creative Maker District - The City of Fredericksburg** proposes to amend the Unified Development Ordinance to establish a new zoning district entitled “the Creative Maker District”.

- C. RZ2020-02 – The City of Fredericksburg** proposes to amend the Zoning Map to change the existing zoning of about 78 acres of land to the Creative Maker Zoning District.

Mr. Craig reviewed the staff report for Items 6B and 6C jointly with a power point presentation (Att. 3). Mr. Craig stated the commercial Floor Area Ratio (FAR) maximum was modified from 0.70 to 0.75 for a more logical incremental scale relative to other commercial zoning districts.

Mr. Hornung said in light of the critical public comments about reduced residential density, would staff refresh the Commissioners about the proposed changes. Mr. Craig summarized that density would change as follows:

CT – currently 12 units per acre by right, changed to 8 and 12 units per acre by right, depending on location;
CH – currently 12 units per acre by right with no change; and
R30 – currently 30 units per acre by right, changing to 12 units per acre by right;

Mr. Craig said that these changes reduce on paper the net number of units permitted by right by 114. This is balanced by providing for no automatic limit to residential units allowed through the Special Use Permit process. Structuring residential density in this way sets a by-right limit at or below neighborhood residential levels yet permits creative housing proposals that would be dense enough to meet

environmental and economic development goals as they could create a walkable vibrant core. Mr. Craig noted there are other performance standards in place to keep the density in check. Mr. Durham clarified that the types of developments that will come through are likely to be a variety of types, densities, and sizes, no inundation of only really large developments.

Chairman Rodriguez opened the public hearing and Mr. Craig read in the public comment letters received from the following:

Will Macintosh	905 Mortimer Avenue	(Att. 4);
Alexanna Hengy	2412 Lafayette Boulevard	(Att. 5);
Sean Imanian	no address given	(Att. 6); and
Rupert Farley	1305 Caroline Street	(Att. 7).

Adam Lynch, 1108 Sophia Street, spoke against the residential density limits in the Creative Maker District stating that even if this district is built out to its full capacity, the proposed residential downsizing will ensure less units per acre than in Bunker Hill and that environmentally friendly missing middle housing cannot be constructed under these density limits. He feels that this proposal will take a growing area in a growing city and saddle it with limits, which will underutilize a promising urban area. Mr. Lynch further noted that this proposed text amendment will not only apply to Area 6 but is a blueprint for future maker districts as it creates two new zoning classes, with primary input from homeowners in a single area of the City. Mr. Lynch believes the special use permit process built into the proposal places disproportionate power in the hands of an organization that has a vested interest in suppressing housing supplies and that creating a precedent setting zoning code under the influence of a small cross section of one neighborhood discourages new growth. Mr. Lynch believes there is also another dynamic at play in that this proposal was developed with only input from a neighborhood comprised mostly of older, financially stable homeowners and that to develop a maker district vision that truly reflects the will of the people, the City needs to seek out Fredericksburg residents of all backgrounds and all neighborhoods to be sure the City includes affordable housing opportunities.

There being no further public speakers, Chairman Rodriguez closed the public hearing.

Chairman Rodriguez noted that he actively worked with the Canal Quarter group and disputed Mr. Lynch's notion that the group was not diverse.

Mr. Durham believes that the goals he has heard staff talk about seeking to create and the goals in the citizen comments mirror each other and asked Mr. Craig to comment on that dynamic. Mr. Craig said the core issue with any zoning district is how to handle residential growth and the City developed a strategy for urban infill. The urban infill strategy, permitting residential density to be set on a project basis by special use permit, can be followed with potential changes to the Commercial Downtown zoning district where there is such a disparity between units per acre on the ground. The elimination of the suburban artificial maximum "caps" will legalize creative housing proposals on a variety of lot sizes in place of the current suburban dynamic superimposed on urban settings where artificial "caps" create market and legal pressure that results in a limited residential marketplace comprised of either large lot single family homes or acres of land being consolidated by heavily capitalized firms for garden apartment complexes.

The balanced approach in the Creative Maker District permits residents to have a voice in the development process. The process permits the City to be ambitious, to meet climate goals, and to be environmentally sustainable, permitting infill residential development at a scale that can absorb the growth in places where it does the most good. Mr. Craig said that the City has kept Area 6 as a mixed use district, kept the by-right residential levels relatively stable, structured the area as a creative and inclusive marketplace, and provided the form-based code to limit building heights, widths, and footprints, which is the critical way to control the intensity.

Mr. Durham said that the primary goal of this zoning district process is not to establish residential developments, but to encourage mixed use, adaptive reuse, and to allow different sorts of uses than what

is currently used in order to have more creative approaches to attract entrepreneurial types into this area. Mr. Craig agreed.

Mr. Gantt motioned to recommend approval to City Council of UDOTA2020-02 creating the Creative Maker District and consolidating form-based regulations. Mr. Durham seconded. Mr. Pates said that he disagrees with the public comment about the characterization of his neighborhood. He also said that he plans to vote against the recommendation. He disagrees with the opposition to the residential limits from people who are claiming the City is promoting suburban sprawl. Mr. Pates stated his opposition to this is because there are no caps on residential density through the special use permit process.

Chairman Rodriguez said he would be supporting this proposal as he has been working with the very diverse Canal Quarter group throughout the process.

Motion passed 5-1-1.

Mr. Durham motioned to recommend approval to City Council of RZ2020-02 to amend the Zoning Map to change the existing zoning of about 78 acres of land to the Creative Maker Zoning District. Mr. Slominski seconded.

Motion passed 5-1-1.

7. GENERAL PUBLIC COMMENT

None.

8. OTHER BUSINESS

A. Area 1 and 2 Small Area Plan Concept Preview

Mr. Craig and Ms. Finn did a general review of Area 1 Celebrate Virginia / Central Park and Area 2 Fall Hill Small Area Plans with a power point presentation (Att. 8) noting that these items will be discussed at the Commissioner's August 12, 2020 meeting with reports from Streetsense (on Area 1) and City staff (on Area 2).

B. Next Phase UDO Text Amendments

1. Transfer of Development Rights
2. Industrial Use / Performance Standard Review
3. Planned Development – Mixed Use Ordinance Revisions
4. Conservation District Overlay / Neighborhood Infill
5. Area 7 Text and Zoning Map Amendment

Mr. Craig did a general review of the upcoming Planning Commission work seasons.

C. Planning Commissioner Comments

Mr. Pates noted his displeasure of the Commissioner's motion to recommend approval of SE2020-02 to City Council as he still feels there is nothing special about it. Mr. Pates believes an Accessory Dwelling Unit should have a more distinctive definition and should only apply to separate buildings, not changing the interior of a single family home.

Mr. Durham said the George Washington Regional Commission has created a survey regarding housing affordability and would like to have it more broadly advertised. Ms. Finn said she had forwarded the survey to the City Manager's Office and the Public Information Officer for posting.

D. Planning Director Comments

Mr. Johnston noted that Council will discuss the ADU Special Exception and Cowan Station Comprehensive Plan amendments, rezoning, and street vacations at its upcoming July 14, 2020 meeting. The August 12 Commissioner's meeting will primarily be a working session with a transmittal of the Area 1 (Central Park/Celebrate) and 2 (Fall Hill) Plans as a joint work session with City Council. The timing and format of the meeting is yet to be determined.

Mr. Johnston discussed that Streetsense's Area 1 ideas may differ from staff. Staff will transmit Streetsense's report, following up at a subsequent meeting with alternatives and options. He noted Streetsense's base premises were that commercial and retail development is shrinking, while the potential for residential is growing.

The Downtown Plan and the Creative Maker District and rezoning will be discussed with Council at a work session on August 11 and then a public hearing on August 25, along with the Parking Ordinance amendments.

Mr. Gantt asked about the comparison between Streetsense's views and the City's alternate plans and why the need for two meetings. Mr. Johnston said that it is appropriate to present all of Streetsense's information, but after the Commission has had a chance to absorb this, to then present the alternate concepts.

Mr. Pates asked if the Commissioners will have any chance to talk and question Streetsense about its report. Mr. Johnston said their staff should be available electronically.

9. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 8:49 p.m.

Next meeting is August 12, 2020.

Rene Rodriguez, Chairman