

WORK SESSION

Colchester

MEMORANDUM

TO: Tim Baroody, City Manager
FROM: Mike Craig, Senior Planner
DATE: September 1, 2020 (for the September 8 work session)
RE: A Unified Development Ordinance Text Amendment to modify the Commercial Downtown (CD) Zoning District to permit project based residential density within the Old and Historic Fredericksburg Overlay District, clarify the rules on mixed-use projects, and to permit and better define active retail / entertainment uses.

ISSUE

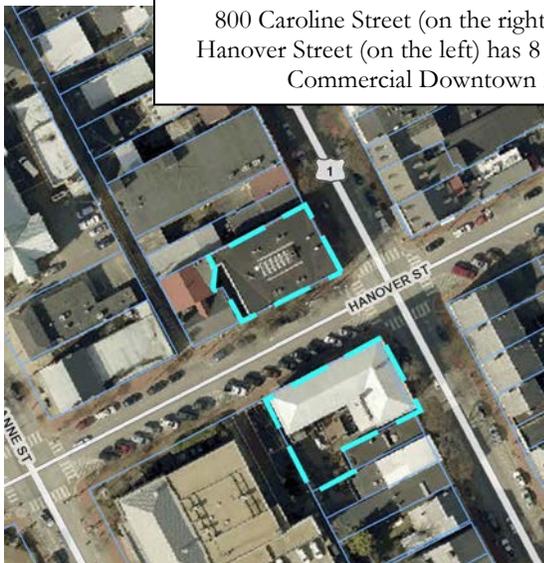
The Area 7 Downtown Small Area Plan identified three key issues with the Commercial Downtown Zoning District:

1. The Historic Downtown is envisioned to be a vibrant and sustainable part of the community but artificial residential density caps inhibit adaptive reuse of historic structures and compatible infill development.
2. The Commercial Downtown zoning district specifies the location and character of “mixed-use,” however, the requirement too broadly requires where active retail is required and too narrowly defines what constitutes an active use.
3. The Historic Downtown is uniquely positioned as a priority area for active retail and entertainment uses and the use definitions and standards need to evolve to clearly permit them.

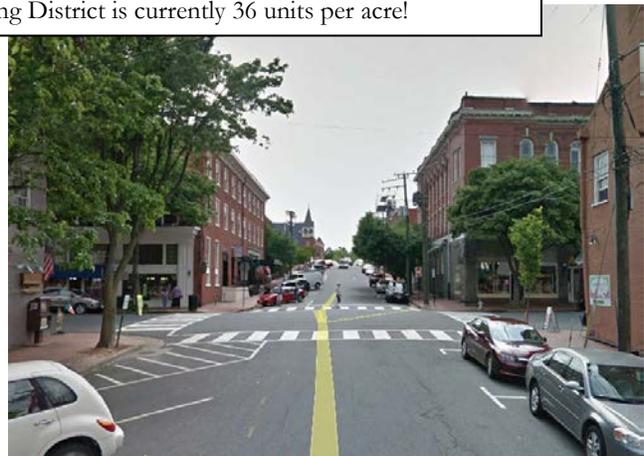
BACKGROUND

The Area 7 Downtown Small Area Plan focused on policies to increase the vibrancy and sustainability of the Historic Downtown. Several challenges to this vision were identified.

Sustainable historic patterns of residential use in the Downtown conflict with the residential density caps used in late twentieth century zoning districts. The limits prohibit desirable levels of adaptive reuse in historic structures, which contributes to demolition by neglect. Also, new construction in the Historic Downtown often require special exceptions to the density limits in order to expand the type of development that creates a healthy mix of uses.



800 Caroline Street (on the right) has 12 total units and is 100 units per acre and 200 Hanover Street (on the left) has 8 units and is 47 units per acre --- the density cap in the Commercial Downtown Zoning District is currently 36 units per acre!



The attached Unified Development Ordinance Text Amendment would permit project based residential density by special use permit within the Old and Historic Fredericksburg Overlay District. The purpose of limiting this provision to the Old and Historic Fredericksburg Overlay District is twofold: it will apply it where there is a concentration of historic structures in need of adaptive reuse and will ensure that a project fits into the City's historic built environment through the Certificate of Appropriateness process. Additionally, the proposed ordinance would require that if a project requiring a special use permit for residential density includes the appropriate level of mixed-use if it is proposed within the designated "Retail Priority Area" in the Area 7 Downtown Plan (Fronting on Caroline Street between Amelia Street and Wolfe Street, or fronting William Street between Caroline Street and Charles Street).

The "Retail Priority Area" identifies an appropriate area where a sustainable concentration of active, storefront, retail use should be promoted and retained. The current CD Zoning District requires any mixed-use projects fronting on William Street or Caroline Street to contain active uses. However, this requirement potentially dilutes the concentration of active uses so that they no longer are prioritized in contiguous blocks. It also adds a regulation prohibiting the leasing of commercial space in areas that may be better suited for office or other non-residential uses. The proposed ordinance would limit the mixed-use requirement for active use to the designated Retail Priority Area. All mixed-use projects would be required to have a minimum 25% use mix under the proposed ordinance.

The current CD Zoning District limits active uses to retail sales, eating, or personal service establishments. The Retail Priority Area should include a diverse arrange of uses including true retail as well as other active uses (including restaurants, theatres, indoor recreational uses, etc.) that generate foot traffic and otherwise encourage people to visit the Downtown for a multitude of experiences. The proposed ordinance would expand the list of active uses required in a mixed-use project within the Retail Priority Area.

Finally, overtime several desirable uses have been proposed in the CD that were hard to classify under the existing use definitions. Wedding venues and other auditorium type uses are a key component of the Downtown destination economy. These uses are closely aligned in the existing ordinance with convention centers, which have associated use standards (like a minimum 5 acre site requirement) associated that would preclude them from being located in the Downtown. One concept for the Tim's Mart renovation at 1010 Caroline Street was a food hall space on the first floor with a vocational chef program on the second floor. Vocational type schools are a "maker light" use that is increasingly included in concepts in and around active retail areas, currently requires a special use permit in the CD. Finally, animal grooming is permitted, but veterinary clinic requires a special use permit. The proposed ordinance would permit these uses by-right in CD.

The proposed amendments to the Commercial Downtown Zoning District would be the first set of policies to implement the Area 7 Downtown Small Area Plan. The proposed changes will ensure that the CD will permit the type of vibrant and sustainable infill and reuse envisioned for the Historic Downtown. A draft ordinance with these proposed changes will be added to the September 22 City Council agenda to initiate the public hearing process.

ATTACHMENTS

1. Conceptual ordinance amendments to the Commercial Downtown Zoning District.



MOTION:

DRAFT
[Date]
Regular Meeting
Ordinance No. 20-__

SECOND:

RE: Amending the Unified Development Ordinance §72-32.2, Commercial Downtown District, §72-40.2, Use Table, §72-41.2 Institutional Uses, Table 72-53.1C(2) Minimum Off-Street Parking Standards, and §72-84 Definitions, to Modify the Commercial Downtown (CD) Zoning District Regulations to Permit Project-Based Residential Density by Special Use Permit, Clarify Rules for Mixed-Use Projects, and Update Permitted Uses.

ACTION: APPROVED: Ayes: 0; Nays: 0

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

Section I. Introduction.

The purpose of these amendments is to update Unified Development Ordinance regulations for the Commercial Downtown (CD) Zoning District, consistent with the policies set forth in the Area 7 Downtown Small Area Plan.

The amendments will permit additional project-based residential density by special use permit to encourage adaptive reuse of historic structures and compatible infill development within the Old and Historic Fredericksburg Overlay District. They will also update the mixed-use regulations within the CD zoning district to clarify the requirements and promote active uses in the Retail Priority Area. Finally, this ordinance will better define and expand the types of active retail and entertainment uses that are permitted district-wide.

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

In initiating these amendments, the City Council has considered the factors listed in Code of Virginia § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare, and good zoning practice favor the amendments.

Section II. City Code Amendment.

Article 72-3, Zoning Districts, Section 72-32.2, Commercial-Downtown District, of the Fredericksburg City Code, is hereby amended to add the underlined language and delete the language shown in strikethrough as follows:

§ 72-32.2 Commercial – Downtown District

[Subsection A is not amended]

B. Dimensional standards.

Standard	Residential	Mixed-Use	Nonresidential
Residential Density, Maximum	12 single-family attached or detached by right	24 by right or 36 by special use permit	
	18 multifamily		
<p><u>Within the Old and Historic Fredericksburg Overlay District, the City Council may approve additional residential density by special use permit if: a development receives (or does not require) a Certificate of Appropriateness, is a mixed-use development if it is located in the “Retail Priority Area” as described in the Area 7 Downtown Plan, and the Council finds that an increase in residential density achieves the purpose and intent of the Commercial-Downtown district.</u></p>			
Nonresidential FAR, Maximum	N/A	3.0	2.5
Lot Area, Minimum (square feet)	Commercial lot areas shall generally conform to the areas of existing lots in the commercial portions of the HFD Overlay District; otherwise, none		
Lot Width, Minimum (feet)	None		
Front Setback, Minimum (feet)	Conform to the front yard setbacks of adjacent structures		
Side Setback, Minimum (feet)	15 when adjacent to a residential district; otherwise, none		
Rear Setback, Minimum (feet)	25 when adjacent to a residential district; otherwise, none		
Open Space Set-Aside, Minimum (%)	None		
Height, Maximum (feet)	50	50	50

C. Mixed-use regulations.

(1) ~~At least 30% of the gross floor area of the ground floor of a mixed-use structure shall be devoted to a commercial use or uses; except this number is reduced to 15% for a mixed-use structure located in the one-hundred-year floodplain. For structures with a front or side façade on William or Caroline Street, the minimum commercial use requirement shall be met by one or more retail sales, eating, or personal services establishments uses. The gross ground-floor area devoted to a commercial use or uses shall not be included in the determination of the structure's floor area ratio.~~

(2) ~~At least 25% of the total gross floor area of a mixed-use structure, or of all structures on a mixed-use site, shall be devoted to either residential or nonresidential uses. This requirement, however, does not apply to a mixed-use structure that includes a residential use, with a residential density of 24 units per acre or less.~~

- (1) A mixed-use structure, or the combination of structures collectively situated on a mixed-use site, shall meet the definition of a mixed-use development set forth in § 72-84 of this code.
- (2) Within the “Retail Priority Area” established in the Area 7 Downtown Small Area Plan (fronting on Caroline Street between Amelia Street and Wolfe Street, or fronting on William Street between Caroline Street and Charles Street), at least 30% of the gross floor area of the ground floor of (1) a mixed-use structure, or (2) all structures on a mixed-use site that front on these streets, shall consist of uses in the Retail and Consumer use group, as defined in § 72-84 of this code.

Article 72-4, Use Standards, Sections 72-40.2, Use Table, and 72-41.2 Institutional uses, are hereby amended to add the underlined language and delete the language shown in strikethrough as follows:

§ 72-40.2 Use Table.

Use Category	Use Type	C-D	Additional Requirements
Institutional Uses			
Educational Facilities	Vocational or Trade School	<u>• P</u>	
Institutions	<u>Auditorium</u>	<u>P</u>	
	Auditorium, Conference, and Convention Center	S	§ 72-41.2A
Commercial Uses			
Animal Care	Veterinary Clinic	<u>S P</u>	§ 72-41.3B
Recreation, Indoor	Recreation, Indoor	<u>S P</u>	
Retail Sales and Services	Historic Dependency Limited Office/Retail	<u>S P</u>	§ 72-41.3K

§ 72-41.2 Institutional uses.

A. ~~Auditorium, Conference and Convention center (new).~~ Auditoriums, Conference and Convention centers shall comply with the following standards:

- (1) The parcel or site shall have an area of at least five acres.
- (2) The building shall be located at least 500 feet from any R-2, R-4, or R-8 Residential Zoning District.
- (3) Dining and banquet facilities may be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed 50% of the total floor area of the principal building.
- (4) On-site recreational facilities may be provided for use by employees, trainees, or conferees.

Article 72-5, Development Standards, Table 72-53.1C(2), Minimum Off-Street Parking Standards, is hereby amended to add the underlined language and delete the language shown in strikethrough as follows:

§ 72-53.1C(2) Minimum Off-Street Parking Standards

Use Category	Use Type	Minimum Number of PS
Institutions	<u>Auditorium</u>	<u>1 per every 400 sf</u>
	Auditorium, Conference and Convention center	1 per every 400 sf

Article 72-8, Definitions and Interpretations, Section 72-84, Definitions, is hereby amended to add the underlined language and delete the language shown in strikethrough as follows:

§ 72-84 Definitions

AUDITORIUM

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, wedding venues or receptions, and other public gatherings, all occurring inside a structure typically limited to a capacity of fewer than 500 300 or ~~fewer seats~~ occupants, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premises consumption.

CONVENTION CENTER

A facility designed to accommodate ~~500~~ 300 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. Similar structures with a capacity of less than ~~500~~ 300 people are auditorium ~~or conference center~~ uses.

RECREATION, INDOOR

A private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, ~~fitness centers~~, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

MIXED-USE DEVELOPMENT

A tract of land or structure developed for two or more different uses, ~~such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.~~ use groups from the following list:

- (1) Residential (including all Residential use categories);
- (2) Lodging (including the Visitor Accommodations use category);
- (3) Office and Educational (including the Offices, Health Care Facilities, Educational Facilities, and Government Facilities use categories);
- (4) Retail and Consumer (including Alcoholic Beverage Production, Eating Establishments, Indoor Recreation, and Retail Sales and Services use categories and Light Manufacturing in the Creative Maker District).

In a mixed-use development, no single use group shall make up more than 75% of the total gross floor area of the development, and all uses are functionally integrated and share vehicular use areas, ingress and egress, and pedestrian access.

Section III. Effective date.

This ordinance becomes effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Date

Ordinance 20-__

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Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20- duly adopted at a meeting of the City Council meeting held Date, 2020 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council