



**MEMORANDUM**

**TO:** Timothy J. Baroody, City Manager  
**FROM:** James Newman, Zoning Administrator  
**DATE:** April 5, 2021 for the April 13, 2021 City Council meeting  
**RE:** UDOTA2021-04: Height in PDC Zoning District

---

**ISSUE**

Should the process be initiated to amend City’s Unified Development Ordinance to permit the height of outdoor recreation structures of up to 199 feet in the Planned Development-Commercial Zoning District, with a Special Use Permit?

**RECOMMENDATION**

Approve the following resolution:

Initiating amendments to the Unified Development Ordinance, Section 72-33.2, “*Planned Development-Commercial District,*” to modify the bulk regulations to permit additional height by special use permit for outdoor recreation structures.

**DISCUSSION**

Funland, 1351 Central Park Boulevard, proposes to build a structure approximately 120 feet in height. This structure would be for a new zip line attraction.

Currently, the property’s PD-C zoning district sets a maximum height of 90 feet for all buildings and structures, except for telecommunication towers, which may be up to 199 feet tall with a Special Use Permit. This amendment would add a similar allowance for outdoor recreation structures, allowing for additional height up to 199 feet also with a Special Use Permit.

The Special Use Permit process grants the City review over the proposed development and the ability to add conditions as needed. The text amendment would tailor the SUP process so that it could only be used for outdoor recreation structures. Other users (besides telecommunication towers) would be limited to 90 feet in height.

For reference, the telecommunications tower at 1593 Carl D. Silver Parkway (east of Tito’s restaurant and Starbucks coffee shop) is 199 ft. tall. It was approved with a Special Use Permit by Council on March 10, 1998.

**POLICY AND CODE COMPLIANCE**

One of the purposes of zoning ordinances in the Code of Virginia is in Section 15.2-2283 (iii): “... (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base.”

In support of that larger purpose, the City's Comprehensive Plan outlines a series of goals to pursue responsible economic development:

Goal 3: Be a Business-Friendly City of Fredericksburg

*Small and large businesses are the lifeblood of the community as well as the City's tax base, and steps must be taken to ensure they feel appreciated and fairly treated. That is accomplished through superior customer service, a reasonable regulatory environment, fair tax rates and excellent business retention efforts.*

Goal 4: Enhance the City as a Tourism Destination

*Tourism is a major economic driver for the City, bringing in meals, sales and lodging taxes that support the local budget while creating jobs and revenue for local businesses...*

Goal 13: Business Development

*Ensure the City can accommodate and capture its projected share of regional economic growth, by actively recruiting desired new businesses and providing for retail and office space development in areas identified for growth.*

**CONCLUSION**

This amendment is the result of a request from Funland to build an amusement ride that is 120 feet in height so as to expand its business operations. This amendment would permit outdoor recreation uses to request a Special Use Permit for structures up to 199 feet in height. That is the same height that telecommunication towers are permitted to reach, subject to approval of a Special Use Permit. If the resolution is approved, a Planning Commission public hearing will be scheduled for May 11.

ATTACHMENT

1. Funland letter requesting text amendment

Mr. Chuck Johnston  
Director, Community Building and Planning Department  
Via Email: [CRJohnson@FredericksburgVA.gov](mailto:CRJohnson@FredericksburgVA.gov)

February 15<sup>th</sup>, 2021

Mr. James Newman  
Zoning Administrator  
Via Email: [JDNewman@FredericksburgVA.gov](mailto:JDNewman@FredericksburgVA.gov)

Department of Building and Community Planning & Zoning Administrator Office  
City of Fredericksburg  
P.O. Box 7447  
Fredericksburg, VA 22404

Dear Mr. Johnston and Mr. Newman,

Fun Land of Fredericksburg is seeking permission from the appropriate City Departments to erect an amusement at our Central Park facility (1351 Central Park Blvd.) This amusement will reach the maximum height of 130 feet.

We are unfamiliar with the process and will appreciate your guidance as we make appropriate requests, the first of which is this letter requesting a special use permit to install and operate the ride. In reviewing the zoning ordinance for the PD-C District I noted the introductory section allowing for "service uses which are oriented to serve a regional marketing area." Fun Land of Fredericksburg, within the last three years, has certainly established itself as a regional draw, with groups and consumers travel regularly visiting from more than 60 miles away. In 2019 over 100,000 guests visited our park, many of which traveled from the destinations north of Stafford.

Section 72-33.2 D.1 of the City's Zoning Ordinance speaks to building heights and special use permits. Fun Land is seeking a special use permit for the planned amusement. We recognize this is a public process. Because of the nature of marketing and releasing information about future rides and attractions at our facility, we are eager to manage public information, carefully. To that end, we would be eager to receive, and will greatly appreciate, an outline of the process steps including public hearings and fees as we move forward.

Thank you very much for your assistance now and in the future.

Sincerely,

Clint Novak  
General Manager

cc: Rene Rodriguez, Chairman, Fredericksburg Planning Commission, Sent Via USPS



April 13, 2021  
Regular Meeting  
Resolution 21-\_\_

**MOTION:**

**SECOND:**

**RE:           Initiating an Amendment to the Unified Development Ordinance to Permit Additional Height by Special Use Permit for Outdoor Recreation Structures in the Planned Development-Commercial (PD-C) District.**

**ACTION:       APPROVED: Ayes: 0; Nays: 0**

City staff recommends an amendment to the Unified Development Ordinance, Section 72-33.2, "Planned Development-Commercial District," to modify the bulk regulations to permit additional height by special use permit for outdoor recreation structures. Currently, the PD-C sets a maximum height of 90 feet for all buildings and structures, except for telecommunication towers, which may be up to 199 feet tall with a special use permit. This amendment would add a similar exception for outdoor recreation structures, allowing for additional height up to a total of 199 feet with an SUP.

In adopting this resolution, 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 proposed amendment.

Therefore, the City Council hereby resolves to initiate amendments to City Code Chapter 72, the Unified Development Ordinance, to amend bulk regulations for the PD-C district to permit additional height by special use permit for outdoor recreation structures, as set forth in the draft ordinance dated April 8, 2021.

This amendment is referred to the Fredericksburg Planning Commission for public hearing and recommendation under the procedures set forth in City Code §72-22.1.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

\*\*\*\*\*

***Clerk's Certificate***

*I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 21-\_\_, adopted at a meeting of the City Council held April 13, 2021 at which a quorum was present and voted.*

---

***Tonya B. Lacey, MMC  
Clerk of Council***



**MOTION:**

**SECOND:**

**DRAFT**  
**Regular Meeting**  
**Ordinance No. 21-\_\_**

**RE: Amending the Unified Development Ordinance to Permit Additional Height by Special Use Permit for Outdoor Recreation Structures in the Planned Development-Commercial (PD-C) District.**

**ACTION: APPROVED: Ayes: 0; Nays: 0**

**FIRST READ: \_\_\_\_\_ SECOND READ: \_\_\_\_\_**

**Sec. I. Introduction.**

The purpose of this amendment is to modify the bulk regulations in the Planned Development-Commercial (PD-C) District to permit additional height by special use permit, up to a maximum of 199 feet, for outdoor recreation structures.

The City Council adopted a resolution to initiate a text amendment at its meeting on April 13, 2021. The Planning Commission held its public hearing on the amendment on \_\_\_\_\_, after which it voted to recommend this text amendment to the City Council. The City Council held its public hearing on this amendment on \_\_\_\_\_.

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

**Sec. II. City Code Amendments.**

It is hereby ordained by the Fredericksburg City Council that City Code Chapter 72, "Unified Development Ordinance," Article 72-3 "Zoning Districts," Section 72-33.2, "Planned Development-Commercial District," Subsection D (1) is amended to add the underlined language as follows:

D. Bulk regulations. Bulk regulations for PD-C Districts are as follows:

(1) Maximum building height. Building heights of up to 90 feet are permitted, and may be increased to 199 feet for telecommunication towers and outdoor recreation structures, subject to approval of a special use permit.

**Sec. III. Effective date.**

This ordinance is effective immediately.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

Approved as to form:

\_\_\_\_\_  
Kathleen Dooley, City Attorney

\*\*\*\*\*

***Clerk's Certificate***

*I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 21-\_\_ duly adopted at a meeting of the City Council meeting held Date, 2021 at which a quorum was present and voted.*

\_\_\_\_\_  
**Tonya B. Lacey, MMC**  
**Clerk of Council**