



MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: James Newman, Zoning Administrator
DATE: May 6, 2021, for the May 12, 2021 Meeting
RE: Text Amendment to the Unified Development Ordinance

ISSUE

Should the Planning Commission recommend approval of a Unified Development Ordinance Text Amendment to permit the height of outdoor recreation structures of up to 125 feet by Special Use Permit in the Planned Development-Commercial Zoning District?

RECOMMENDATION

Hold the public hearing open until the May 26th meeting to allow for additional public comment. At the May 26th meeting, the Planning Commission should recommend approval of the following Unified Development Ordinance Text Amendment (underlined):

72-33.2 PD-C

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 or 125 feet for outdoor recreation structures, subject to approval of a special use permit.

DISCUSSION

Funland, located at 1351 Central Park Boulevard, proposes to build a structure of 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 125 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 tailors 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 (behind 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 125 feet in height. The Planning Commission should hold the public hearing on this item open until its May 26th meeting, at which, it should recommend approval of the Text Amendment to the City Council.

ATTACHMENTS:

1. Draft Unified Development Text Amendment Ordinance



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 125 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 or 125 feet for 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***