



draft May 3, 2022
Regular Meeting
Ordinance No. 22-__

MOTION:

SECOND:

RE: Amending City Code §72-33.2 to restate and confirm the application of the 10% rule that applies to residential developments in the Planned Development-Commercial District.

ACTION: APPROVED: Ayes: 0; Nays: 0

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

Sec. I. Introduction.

The Planned Development-Commercial District permits residential development to occur, not to exceed 10% of the “overall PD-C District” and 24 units per acre. This “10% rule” has been consistently applied since 1998 to mean 10% of any particular PD-C development, and not the aggregate acreage of all land zoned PD-C. This interpretation of the 10% rule has been applied to residential development in Celebrate Virginia South, the only PD-C district in which residential development is permitted under current zoning proffers and conditions, and all eligible acreage within Celebrate Virginia South has now been developed for residential uses. This interpretation of the 10% rule further underlies the recently-adopted Area 1 Small Area Plan and its recommendation for future UDO text amendments.

However, two owners of undeveloped parcels within Celebrate Virginia South contend that the regulation in fact means that the residential development in any one PD-C development may comprise 10% of the aggregate acreage of all land zoned PD-C. Those landowners have obtained a formal Zoning Administrator’s determination of the interpretation of the 10% rule, and have appealed that determination to the Board of Zoning Appeals.

It is the role of the governing body to resolve the interpretation of the 10% rule definitively for the benefit of all landowners in the PD-C, rather than await the conclusion of what could be a lengthy litigation process, leaving that job to others.

The City Council adopted a resolution to initiate this text amendment at its meeting on _____, 2022. The Planning Commission held its public hearing on the amendment on _____, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

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

Sec. II. City Code amendment.

City Code §72-33.2, “Planned Development-Commercial District,” is hereby amended as follows:

72-33.2 Planned Development-Commercial District.

[Subsections A, “Purpose and intent,” B, “Procedure,” and C, “Lot size requirements,” are not amended.]

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

(2) Minimum setback requirements.

(a) Front setback, no requirement.

(b) Side setback, no requirement.

(c) Rear setback, no requirement.

(d) From all residential uses outside the PDC District, 50 feet.

(e) From public street rights-of-way, 30 feet.

(f) From internal travel lanes and drives, 15 feet.

(3) Maximum floor area ratio. The maximum floor area ratio shall be 1.00.

~~(4) Residential density use limitations. Residential uses shall not exceed 10% of the overall PD-C District and 24 units per acre.~~

E. *Residential density use limitations. Residential uses shall not exceed 10% of the overall PD-C development and 24 units per acre. For purposes of this regulation, “the overall PD-C development” shall mean the gross acreage included within the perimeter of a land area zoned PD-C through a single zoning map amendment, or related zoning map amendments adopted contemporaneously by City Council, or an area governed by a single generalized development plan where applicable. For example, and by way of illustration, Celebrate Virginia South is one PD-C development and Central Park is another PD-C development.*

[Current subsections E and F are re-lettered.]

Sec. III. Effective date.

This ordinance is declarative of existing law, and shall become 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. 22-__ duly adopted at a meeting of the City Council meeting held Date, 2022 at which a quorum was present and voted.

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