



**MOTION:**

**SECOND:**

Date  
Regular Meeting  
Ordinance No. 22-\_\_

**RE: Amending the Unified Development Ordinance § 72-84, Definitions, § 72-41.1, Principal Use Standards, § 72-42.5, Table of Common Accessory Uses, § 72-42.6 Specific Standards for Certain Accessory Uses, to Establish Regulations Governing the Use of Accessory Dwelling Units.**

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

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

**Sec. I. Introduction.**

The purpose of this ordinance is to establish a regulatory framework to govern the use of Accessory Dwelling Units (ADUs) within the City. Specifically, this amendment to the UDO will create new standards to permit ADUs in certain zoning districts, located either within principal single-family dwellings or in accessory structures. This amendment will offer flexibility to homeowners and promote more inclusive housing options in the City, while providing appropriate regulatory safeguards to mitigate impacts to existing neighborhoods.

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.**

**1. Section 72-84, Definitions, of the Fredericksburg City Code, is hereby amended to add the underlined language as follows:**

**ACCESSORY DWELLING UNIT**

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal single-family detached dwelling unit, whether part of the same structure as the principal single-family detached dwelling unit, or as a detached structure on the same lot.

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#### **DWELLING**

A building or portion thereof, but not a mobile home, designed or used for residential occupancy, which contains permanent provisions for living, sleeping, eating, cooking, and sanitation. The term shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for transient occupancy.

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*[The following new definitions are inserted after the definition for "Junk Vehicles" and before the definition for "Land."]*

#### **KITCHEN**

Any room principally used, intended, or designed to be used for cooking or the preparation of food or drink, which contains a range or oven with utility connections greater than 120 volts or with a range, oven, stovetop suitable for servicing a range or oven, along with any appliances or sinks.

#### **KITCHENETTE**

Any room or portion of a room intended or designed to be used for cooking or the preparation of food or drink, which does not contain a range or oven with utility connections greater than 110 volts or any range, oven, stovetop, sink, dishwasher, or refrigerator greater than 24 inches in width.

**2. Section 72-41, Principal Use Standards, of the City Code is hereby amended to add the underlined language and delete the language shown in strikethrough as follows:**

#### **72-41.1 Residential uses.**

G. Dwelling, ~~single-family detached.~~ Single-family detached uses shall comply with the following requirements:

- (1) No more than one single-family detached dwelling may be located on a single lot.
- (2) No single-family detached dwelling unit shall have more than one kitchen.

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#### **72-41.3 Commercial uses.**

**F. Bed-and-breakfast inn.** Bed-and-breakfast inns shall comply with the following standards:

**(1)** Operated in a principal building, ~~and not in any accessory building or structure,~~ or in a combination of both. Bed-and-breakfast accommodations located in an accessory building or structure shall not exceed 400 square feet of heated floor area.

**(2)** The front yard of an inn shall not be used for parking. If parking cannot be provided on the site, it must be provided within 500 feet of the site.

**(3)** A maximum of five guest rooms shall be allowed, with not more than 10 occupants.

**(4)** The facility shall be managed by an individual who resides on the premises.

**(5)** There shall be no more than one kitchen.

**(6)** Receptions and other such functions, for compensation, shall require approval of a special use permit.

**3. Section 72-42.5, Table of Common Accessory Uses, of the City Code is hereby amended to add the underlined language 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															
	R-2	R-4	R-8	R-12	R-16	R-30	C-T	C-D	C-SC	C-H	I-1	I-2	PD-R	PD-C	PD-MU	PD-MC
<u>Accessory Dwelling Unit</u>	P	P	P	.	.	.	P	P	.	.	.	.	P	.	P	P

**4. Section 72-42.6, Specific Standards for Certain Accessory Uses, of the City Code is hereby amended to add a new subsection (L), Accessory Dwelling Units, as follows:**

**L. Accessory Dwelling Units.**

**(1)** An accessory dwelling unit is only permitted in association with a principal single-family detached dwelling unit.

**(2)** Only one accessory dwelling unit is permitted per lot.

- (3) An accessory dwelling unit may have no more than one kitchen, in addition to the principal dwelling's primary kitchen.
- (4) An accessory dwelling unit shall not be calculated as part of the maximum allowable density.
- (5) Together, the occupancy of the principal single-family dwelling and the accessory dwelling unit shall not exceed the definition of a family.
- (6) An accessory dwelling shall not exceed:
  - (i) 400 square feet of heated area, if the ADU is located in an accessory structure; or
  - (ii) 40% of the gross floor area of a principal dwelling, if the ADU is within the principal dwelling.
- (7) An exterior entrance to an accessory dwelling unit that is located within the principal dwelling shall be permitted only on the side or rear of the principal dwelling.
- (8) Either the principal dwelling or accessory dwelling shall be occupied by a resident manager. The manager shall maintain current contact information on the accessory dwelling unit permit. The resident manager will be the primary point of contact for any property maintenance or use complaints and will manage the public services provided to the site. The principal and accessory units shall share public utilities and services.

**Sec. III. Effective date.**

This ordinance shall be effectively immediately.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

Approved as to form:

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Kathleen Dooley, City Attorney

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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. 22- duly adopted at a meeting of the City Council meeting held Date, 2022 at which a quorum was present and voted.*

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