



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: James Newman, Zoning Administrator
DATE: August 2, 2022 (for the August 9, 2022 Council Meeting)
SUBJECT: Initiating an amendment to the Unified Development Ordinance to establish new parking standards for the Automobile Service use and revise the standards for the Automobile Towing and Impoundment use.

ISSUE

Shall the City Council initiate amendments to the Unified Development Ordinance for the purpose of improving parking standards for automotive related uses?

RECOMMENDATION

The City Council should initiate the amendments and refer the proposal to the Planning Commission for review.

DISCUSSION

This is a series of amendments to parking standards to address omissions and clarify text. Specifically, these amendments provide parking for automotive service use, amend parking requirements for towing and impoundment lots, as well as clarify the off-street parking exemption for the first 1,500 square feet of commercial uses in the C-D, C-M, C-T, and Planned Development Zoning District. The changes also include several modifications to Section 72-53.1(C), *Off-Street Parking Requirements*, which address the ordering of various parking exemptions, how they are applied to different situations, and the criteria used to evaluate exemptions.

Automotive Uses

The Unified Development Ordinance provides for parking requirements for a variety of uses. These requirements are listed in table 72-53.1.C.2, which inadvertently omits the *Automotive Service* use, one of the allowed uses in commercial and industrial zoning districts. These changes rectify this lapse.

Additionally, parking is required for the storage yard of a towing and impoundment use. But, the current text calls out a space per square foot ratio that would typically be applied to buildings, but only storage area is stated. The change would apply the ratio of space per square foot of vehicle storage as provided for vehicle display for the auto sales use. Vehicle impoundment typically have modest structures, as the principal activity is vehicle storage. This apparent missing text can be traced back to the original 2013 version of the Unified Development Ordinance.

Table 72-53.1C(2): Minimum Off-Street Parking Standards
Minimum Number of Parking Spaces

| | | (sf = gross square feet of floor or use area) |
|-----------------------------|-----------------------------------|--|
| Use Category | Use Type | |
| Vehicular Sales and Service | Automobile sales or rentals | 1 per every 500 sf of building area + 1 per every 5,000 sf of outdoor display area |
| | Automobile towing and impoundment | 1 per every 500 5,000 sf of ± storage area |
| | Automotive Service | 1 per every 500 sf of building area |

(Text to be replaced is ~~struck out~~; proposed text **highlighted in bold italics**)

1,500 Sq. Ft. Reduction

City Code Section 72-53.1.B.2 states six categories wherein no additional off-street parking is required by a use. The final of those, item F, gives a 1,500 sq. ft. exception for commercial uses. This exception is provided to enable very small enterprises that can rely on on-street parking or shared parking with other larger uses. This exception is allowed for the first 1,500 sq. ft. for of all commercial uses for equity and to avoid uses with 1,499 sq. ft. having no parking requirement jumping to multi spaces required for 15,001 sq. ft. uses. The amendment clarifies that intent of the exception is for separate commercial activities:

*The first 1,500 square feet of commercial uses ~~on a development site~~ **with direct exterior access** that are in the C-D, CM, C-T, or Planned Development Zoning Districts, or where form-based code standards are applied and that have required parking based on square footage. This exemption shall not apply where a shared parking factor calculation is used.*

The direct interpretation of the providing for all ‘commercial uses’ would allow two or more exceptions for small commercial operations within a larger commercial operation. The change provides for an exception for businesses with direct exterior access (whether this be to a road, a plaza, parking lot, etc.). However, commercial uses located within a larger business would not be subject to this exception, as it would be a form of double-counting. As an example, a fast food business located within a large retail store would not receive the 1,500 reduction since the large retail store already receives the reduction.

Surface Parking Minimum Requirements

The Unified Development Ordinance makes a limit on parking spaces, primarily to discourage surface parking areas that generates storm water and warmer urban heat islands. The limit does not differentiate between surface and structured parking, which consolidates the impact of parking. The following changes are made encourage structured parking as compared to a having expansive surface parking lots. The changes are proposed for Section 72-53.1.C.6:

(6) Maximum number of spaces permitted. Commercial and industrial uses identified in Table 72-53.1C (2), Minimum Off-street Parking Standards, shall be limited in the maximum number of *surface* parking spaces, that can be provided, in accordance with the following standards:

(a) Except as allowed in this subsection, commercial and industrial uses of 1,000 square feet in area or larger listed in Table 72-53.1C (2), Minimum Off-Street Parking Standards, shall not exceed 125% of the minimum number of parking spaces required in the table, ***prior to application of any exemptions allowed in § 72-53.1B (2), Exemptions, and § 72-55.6D. (2), Reduction in the minimum number of required parking spaces.***

The changes in the sections above and below address situations where small commercial uses or uses in historic structures with modest or no parking requirements desire to provide a few number of spaces, but such desire for a few spaces triggers approval of an exemption. The change would have the calculation occur before any exemptions are considered to provide flexibility for such smaller enterprises or businesses located in historic structures.

(b) Through approval of an alternative parking plan in accordance with § 72-53.3A, Provision over the maximum allowed, commercial and industrial uses over 1,000 square feet in area or larger may provide up to a maximum of 175% of the minimum number of parking spaces required in the table, ***prior to application of any exemptions allowed in § 72-53.1B (2), Exemptions, and § 72-55.6D. (2), Reduction in the minimum number of required parking spaces.***

Provision of parking spaces in excess of 125% of what is required needs administrative approval as an alternative parking plan, which requires a parking demand study. Provision of parking spaces in excess of 175% of what is required needs Council approval of a special exception. Special exceptions have a different set of criteria that focus on general planning practice and whether there are 'special' circumstances. This amendment would stipulate alternative parking plan criteria, including the parking demand study, in addition to the special exception criteria.

(c) Provision of more than 175% of the minimum number of parking spaces for commercial and industrial uses over 1,000 square feet in area, ***prior to application of any exemptions allowed in § 72-53.1B (2), Exemptions, and § 72-55.6D. (2), Reduction in the minimum number of required parking spaces,*** shall require approval of a special exception in accordance with § 72-22.7, Special Exceptions. ***A special exception for parking of more than 175% of the minimum number of parking spaces***

in the table must meet the provisions of § 72-53.3A., Alternative parking plan, in addition to the special exception review criteria.

Per the resolution: public necessity, convenience, general welfare and good zoning practice favor the proposed amendment. The City Council should initiate the amendments and refer the proposal to the Planning Commission for review.

FISCAL IMPACT

None.

Attachments:

1. Resolution Initiating the UDO Text Amendments
2. Draft Ordinance



August 9, 2022
Regular Meeting
Resolution 22-__

MOTION:

SECOND:

RE: Initiating Amendments to the Unified Development Ordinance Section 72-53, "Parking," to Clarify Existing Off-Street Parking Requirements and Amend the Minimum Parking Standards for Automobile Towing and Impoundment, Automotive Service, and Indoor Recreation Uses

ACTION: APPROVED: Ayes: 0; Nays: 0

City staff recommends several clarifying amendments to the Unified Development Ordinance, Section 72-53.1, "Off-street Parking and Loading." An amendment to Section 72-53.1 (B)(2)(f) is proposed to clarify the off-street parking exemption for the first 1,500 square feet of commercial uses in the C-D, C-M, C-T, and Planned Development Zoning Districts. The intent of this amendment is to apply the exemption to each separate commercial use, which has its own direct exterior access. The recommended amendments also include several modifications to Section 72-53.1(C), Off-Street Parking Requirements, which address the ordering of various parking exemptions and how they are applied to different situations.

Staff also recommends amendments to the Minimum Off-street Parking Standards featured in Table 72-53.1(C)(2) to establish new parking standards for the Automobile Service and revise the standards for Automobile Towing and Impoundment.

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 revise the off-street parking requirements, amend the minimum off-street parking standards for automobile towing and impoundment, and establish new standards for automotive service and indoor recreation uses, as set forth in the draft ordinance dated June 14, 2022.

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. 22-__, adopted at a meeting of the City Council held June 14, 2022 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



MOTION:

**draft 2022 07 28
Regular Meeting
Ordinance No. 22-__**

SECOND:

RE: Amending the off-street parking regulations of the Unified Development Ordinance to add parking standards for uses not listed, to modify the parking requirement for "Towing and Impoundment," and to provide interpretive clarity for certain commercial uses

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

Sec. I. Introduction.

The purpose of this amendment is to clarify the off-street parking exemption for the first 1,500 square feet of commercial uses in the C-D, C-M, C-T, and Planned Development Zoning District. The intent of this amendment is to apply the exemption to each separate commercial use, which has its own direct exterior access. The recommended amendments also include several modifications to Section 72-53.1(C), Off-Street Parking Requirements, which address the ordering of various parking exemptions and how they are applied to different situations.

The City Council adopted a resolution to initiate a text amendment at its meeting on _____, 2022. 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 _____, after which it adopted the ordinance.

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," is amended as follows:

1. Section 72-53.1. is amended as follows:

Sec. 72-53.1. Off-street parking and loading.

[Subsection A, subsection B(a)(1), and subsection (B)(2)(a) through (e) are not amended.]

Subsection B((2)f) is amended as follows:

- (f) The first 1,500 square feet of commercial uses *with direct exterior access* that are in the C-D, CM, C-T, or Planned Development Zoning Districts, or where form-based code standards are applied and that have required parking based on square footage. This exemption shall not apply where a shared parking factor calculation is used.

[Subsection C(1) is not amended.]

Table 72-53.1C(2), "Minimum Off-Street Parking Standards," is amended as follows:

| Table 72-53.1C(2): Minimum Off-Street Parking Standards | | |
|--|-----------------------------------|--|
| | | Minimum Number of Parking Spaces |
| | | (sf = gross square feet of floor or use area) |
| Use Category | Use Type | |
| Vehicular Sales and Service | Automobile towing and impoundment | 1 per every 500 5,000 sf of \neq storage area |
| | <i>Automotive Service</i> | <i>1 per every 500 sf of building area</i> |

[Subsections C(3) through C(5) are not amended.]

Subsection C(6) is amended as follows:

- (6) Maximum number of spaces permitted. Commercial and industrial uses identified in Table 72-53.1C(2), Minimum Off-street Parking Standards, shall be limited in the maximum number of *surface* parking spaces, that can be provided, in accordance with the following standards:
- (a) Except as allowed in this subsection, commercial and industrial uses of 1,000 square feet in area or larger listed in Table 72-53.1C(2), Minimum Off-Street Parking Standards, shall not exceed 125% of the minimum number of parking spaces required

in the table, *prior to application of any exemptions allowed in § 72-53.1B (2), Exemptions, and § 72-55.6D. (2), Reduction in the minimum number of required parking spaces.*

- (b) Through approval of an alternative parking plan in accordance with § **72-53.3A**, Provision over the maximum allowed, commercial and industrial uses over 1,000 square feet in area or larger may provide up to a maximum of 175% of the minimum number of parking spaces required in the table, *prior to application of any exemptions allowed in § 72-53.1B (2), Exemptions, and § 72-55.6D. (2), Reduction in the minimum number of required parking spaces.*
- (c) Provision of more than 175% of the minimum number of parking spaces for commercial and industrial uses over 1,000 square feet in area, *prior to application of any exemptions allowed in § 72-53.1B (2), Exemptions, and § 72-55.6D. (2), Reduction in the minimum number of required parking spaces*, shall require approval of a special exception in accordance with § **72-22.7**, Special exceptions. *A special exception for parking of more than 175% of the minimum number of parking spaces in the table must meet the provisions of § 72-53.3A., Alternative parking plan, in addition to the special exception review criteria.*

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. 22- duly adopted at a meeting of the City Council meeting held date at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council