



CITY OF FREDERICKSBURG, VIRGINIA

CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

ITEM #9B

HON. MARY KATHERINE GREENLAW, MAYOR
HON. CHARLIE L. FRYE, JR., VICE -MAYOR, WARD FOUR
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. JASON N. GRAHAM, WARD ONE
HON. JONATHAN A. GERLACH, WARD TWO
HON. DR. TIMOTHY P. DUFFY, WARD THREE

City Council Work Session September 13, 2022

Closed Session

Planning Updates – Planned Development – Mixed Use Zoning District Regulations and Accessory Dwelling Units Business Incentives

The Council of the City of Fredericksburg, Virginia held a work session on Tuesday, September 13, 2022, beginning at 5:30 p.m. in the Council Chambers of City Hall.

Council Present. Mayor Mary Katherine Greenlaw, Presiding. Vice-Mayor Charlie L. Frye, Jr. Councilors Kerry P. Devine, Jonathan A. Gerlach, Jason N. Graham, Matthew J. Kelly and Timothy P. Duffy attended remotely because he was “unable to attend the meeting due to a temporary medical condition that prevented his physical attendance” under FOIA.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, Director of Planning and Building Services Charles Johnston, Senior Planner Michael Craig, Economic Development Director Bill Freehling, Budget Analyst Donna Leahy and Clerk of Council Tonya B. Lacey.

Closed Meeting Approved (D22-__). Upon a motion Councilor Graham, moved approval to convene in closed session under Va. Code 2.2-3711(A)(19) for discussion of information subject to the exclusion in subdivision 2 of 2.2-3705.2 (the design, function, operation, or access control features of the City’s IT systems), where discussion in an open meeting would jeopardize the safety of the City’s IT system. The subject of the closed session is a briefing on the security posture of the City’s IT system; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

ITEM #9B

Return to Open Meeting Approved. Upon the motion of Councilor Graham; seconded by Councilor Devine and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Resolution 22-59, Approved, Certifying Closed Meeting. Upon the motion Councilor Graham, approved Resolution 22-59 certifying the closed meeting; seconded by Councilor Devine and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0)

Planning Updates.

Planned Development – Mixed Use (PDMU) Zoning District Regulations – Mr. Craig discussed the 30 units per acre density maximum in the PDMU. He addressed what it does and what was the practical effect. He said there was a desire to focus on smaller units like junior apartments. Another question, was whether the cap disincentives these smaller units. He addressed how the units per acre functioned on the aggregate level and how it is applied on the parcel. The PDMU density ordinance has a sliding scale of density with 16 units per acre for single family attached and single family detached and 30 units per acre for multi-family and upper story dwelling units above non-residential and 60 units per acre for student housing. Mr. Craig said there was a safety valve on the ordinance if higher densities are needed, the City Council could approve.

Mr. Craig said the strategy that was put forth in the Comprehensive Plan has more to do with the aggregate number of units that are put onto a property. He said they rely on rezoning's in Area 1 specifically. He said this makes sure new development fits the character in the small area plans and it mitigates impacts on public facilities and services. This allows for a developer to build the type of units they want under the ordinance which provides a safety guide and ensures the collection of cash proffers.

Mr. Crag addressed a question on junior apartments or studio apartments which seems to be a missing element in the housing stock. He said with the levels as they are written there is not anything that need to be removed but the newly adopted Capital Impact Study has a number of \$14,000 for each unit to offset. The Planning Commission has recommended putting

ITEM #9B

together guidelines to look at different forms of development and to set how it would get applied. Secondly, they are working on an affordable housing ordinance.

Councilor Graham asked how large are the non-residential spaces and Mr. Craig stated that there had not been a lot of those type units assembled. Mr. Graham stated that was his concern because it does not work. He said the number the City has in the ordinance may disincentives the residential over the commercial.

Councilor Graham expressed his concern that developers may come in at a lower density if they are required to get a special use permit to have more density because of the density restriction set in the ordinance.

Mr. Craig said this was a hot topic right now. Their strategy is to check units in the aggregate and work on capital impacts and this proposed system works for that.

Councilor Gerlach asked if the Planning Commission had weighed in on doing away with density caps in PDMU and Mr. Craig said they had not.

Mr. Durham said it was important to get the ordinance to the Council and there would be ample opportunity to amend it and if there is sufficient interest by Council to have the staff to take an additional look at this they would be happy to do so. He said they felt the PDMU ordinance needed to be adopted and they took staff's recommendation but they asked questions about density caps. He said he was not sure there was a demand for more density.

Councilor Gerlach said he was interested in seeing what the Planning Commission could do with junior apartments and studio apartment with the Capital Impact Study. He said maybe it should be folded into the analysis.

Councilor Kelly said he likes when the City has some control over density through the special use process. He said the City cannot provide the transportation infrastructure to support large density projects. He said the level of density proposed for Celebrate Virginia is problematic. When there is more density you are forgoing the greenspace which greenspace is something the Council said it wanted.

Councilor Frye said with the density he hoped the developer would talk about some ownership of the units. He said he does not want to see all rental units.

ITEM #9B

Councilor Graham asked staff if they had ever seen a locality that allow density bonuses for allowing green space. Mr. Craig said one of the projects that is proposed has a 1/3 or more as greenspace and they built the units upward. He said it was currently functioning in the City.

Accessory Dwelling Units (ADU) – Mr. Johnston presented a PowerPoint presentation and he discussed that most residential areas in the city had a diverse mixture of housing types to allow different segments of society to share a neighborhood and this diverse mixture included accessory dwelling units, duplexes, triplexes, quadplexes, single family courts townhomes and small apartment buildings. These are called the missing middle housing. He showed a map of the ADU's that are in the city and noted that most were illegal, since the 1984 ordinance went into effect. He said there are at least 90 units within the City but he is aware there are many more. He reviewed the proposed new standards, and the associated changes and the next steps.

Business Incentives. Due to time constraints this topic was not discussed.

Adjournment. There being no further business to come before the Council at this time. Mayor Greenlaw declared the session officially adjourned at 7:07 p.m.

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

Accessory Dwelling Units

City Council Work Session

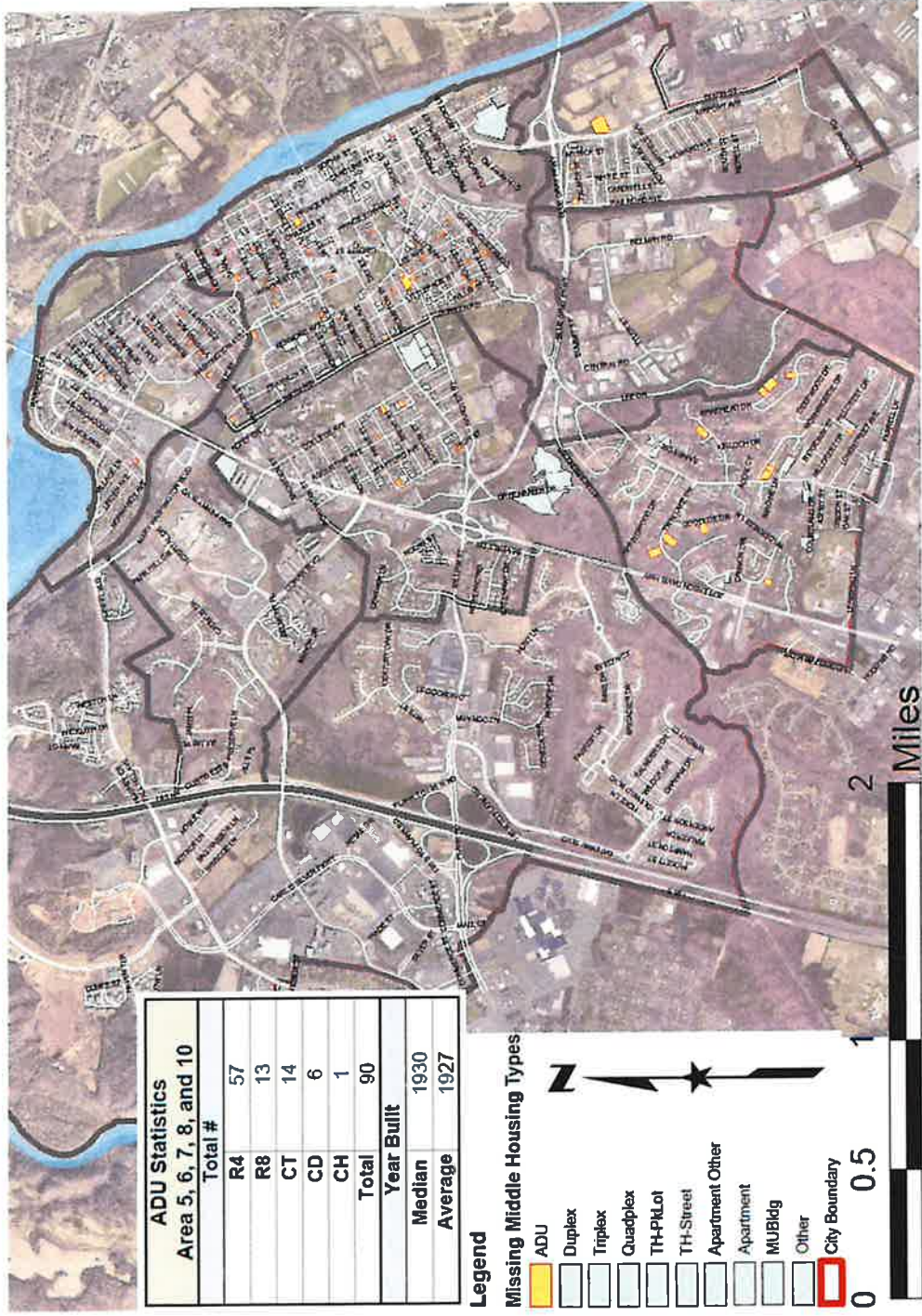
2022 September 13



Historically, most residential areas in the City had a diverse mixture of housing types to allow different segments of society to share a neighborhood.

This diverse mixture included: *accessory dwelling units*, duplexes, triplexes, quadplexes, single family courts, townhomes, and small apartment buildings.

These housing types are called now called '*missing middle housing*'.



- Permitting *accessory dwelling units* would:
- Make legally conforming a common residential feature of the City
 - tax records show at least 90 ADUs currently in area of the City east of Rt 1.
- Allow a family to provide independent living space for family members needing some assistance.
- Allow additional rental income (to not more than two unrelated people) for resident property owners.

- New standards would permit *accessory dwelling units* by right in: R2, R4, R8, CT, CD, PD-R, PD-MU, PD-MC zoning districts, located either within principal single-family dwellings or in accessory structures.
- New standards would not change the number of people allowed on a property: a family and not more than two unrelated persons (unrelated to the family).

CITY CODE, Section 72-84 Definitions**FAMILY**

One person or two or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, with no more than two boarders; or a group of not more than three unrelated persons living together as a single housekeeping unit.

Accessory Dwelling Unit Standards

- One ADU per lot
- One 'kitchen' in an ADU (in addition to one in principal dwelling)
- ADU not counted when calculating density
- Occupants in both the principal dwelling and ADU must be related family members and not more than two additional unrelated people (current rule)
- If in principal dwelling: limited to 40% of dwelling's gross floor area
- If in accessory structure: limited to 400 sq ft (defined by Building Code as a 'Tiny House')
- Any exterior entrance for an ADU in a dwelling would on the side or rear.
- There must be a resident manager

Associated Changes

- Kitchens
 - A core element of a dwelling is food preparation, with only one 'Kitchen' per dwelling. *This amendment would allow a second full kitchen for the ADU.* But, often additional cooking areas or 'kitchenettes' are desired. This change would allow kitchenettes, limiting them to appliances not wider than 24 inches (aka apartment sized appliances) and 110v electrical service (to preclude full scale ovens with 220v service).
- Bed & Breakfasts (up to five guest rooms) in Accessory Structures
 - B&Bs are currently limited to operation in the principal structure. However, it seemed logical that if ADUs were to be allowed in accessory structures, allowing B&B rooms also in accessory structures would be consistent.

FYI: 'Homestay' lodging is a different lodging category; limited to two rooms in a dwelling.

Next Step

Further Discussion