



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Chuck Johnston, Director, Community Planning & Building Department
Mike Craig, Principal Planner
DATE: February 7, 2023 (for the February 14 meeting)
RE: Initiating amendments to the Unified Development Ordinance to the Planned Development-Residential District regulations.

ISSUE

Should the City Council approve a resolution initiating amendments to the Unified Development Ordinance, Section 72-33.1, Planned Development-Residential District regulations? These amendments would increase allowed density from 6 to 24 units per acre, allow (instead of require) limited neighborhood commercial uses, provide Form-Based Development Criteria replacing conventional development standards, and allow Adult Day-Care Centers and Bakeries as permitted institutional/commercial uses and Cemeteries, subject to a special use permit.

RECOMMENDATION

Initiate the public hearing process for the proposed amendments to the UDO and refer to the Planning Commission for consideration.

PLANNING COMMISSION CONSIDERATION

If initiated, these amendments would be scheduled for Planning Commission public hearing on March 8. Per City Code, Planning Commission has 100 days from the March 8 public hearing to make a recommendation back to City Council.

BACKGROUND

Density changes

The PD-R district was created approximately 20-years ago explicitly for the 390-acre Idlewild neighborhood, which is now built out with a mixture of single-family attached and detached units. Increasing the potential residential density PD-R now from 6 to 24 units would help meet current and anticipated market expectations for housing opportunities. Such additional residential development would have to address its public service capital impacts. But, without the possibility of additional residential uses, the City is likely to experience greater housing costs and increased vehicle congestion.

The US Census determined there were 11,887 households with 27,982 people, and 2.4 people per household in the City in 2020. The Weldon-Cooper Center¹ projects future population growth for the City that would generate a need for an additional 1,351 dwelling units by 2030, another 1,594 units by 2040, and another 463 units by 2050. If this projected housing demand is not met, there will be increased costs for the supply available. Housing demand will then be met in surrounding counties. Expecting these additional county residents to shop in the City will be less likely with increased road congestion.

The proposed density increase to 24 units per acre would make the PD-R District comparable to residential densities in other planned development districts and other more intense zoning districts.

ZONING DISTRICT	DENSITY (UNITS PER ACRE)			
	Single-family detached	SF attached	Multi-family	Mixed Use
PD-MU	16	16	30	NA
PD-C	24 units (any unit type) (maximum 10% of acreage in each district may be residential)			
Commercial Downtown **		12	18	24
				36 in Hist. Dist.
Creative Maker ** (T5-M on N. Princess Anne St & N. Rt 1)	12 units (any unit type)			

** Residential density can be determined on a project by project basis by Special Use Permit in the Commercial Downtown and Creative Maker zoning districts.

Form-Base Code Development Criteria

The City’s Planned Development Districts represent a “Unique Challenge and Opportunity” (see Comprehensive Plan page 11 (1)-3, Area 1 Small Area Plan), evolving a 20th century tool to for 21st century settings. The general development plan criteria are in need of an update. A more effective zoning tool is a blending of a traditional planned development zoning district, addressing the ‘what’ aspects of development (permitted uses and special uses), and a form based code, addressing the ‘how’ aspects through urban fabric, frontage, and building type standards.

The most significant text change for the district is the addition of Form-Based Development Criteria. These criteria would require a General Development Plan to be comprised of Urban Fabric, Frontage, and Building Type Standards. The proposed language also gives the applicant the opportunity and provides standards for any proposed “Optional Forms of Development” they would like to include. The applicant could propose their own standards within certain parameters

¹ The Weldon-Cooper Center for Public Service at the University of Virginia provides ongoing demographic information about the Commonwealth and its localities.

or could use the City's established Form Based Code.

The existing PD-R ordinance regulates height by use. It limits residential structures to 35 feet in height and non-residential structures to 60 feet in height. The proposed changes to PD-R would regulate the height of structures using Form Based Criteria. It would permit either residential or non-residential structures to be a maximum of 60 feet in height where appropriate. Form Based Criteria would also be used to establish "transitional zones" and "building type standards", which would limit the overall height of any structure where the proposed development abuts sensitive land uses. Transitions in mass and scale would be shown, reviewed, and approved if appropriate as part of the General Development Plan process.

General Standards

The existing PD-R text contains 13 "General Standards" with statements on topics ranging from the Comprehensive Plan to sidewalk slopes. The General Standards section was written before the adoption of the Unified Development Ordinance, which has comprehensive development standards. Some of the General Standards are retained in the 2023 PD-R. Open space and transportation criteria from the existing PD-R have been incorporated into the Form Based-Code Urban Fabric Criteria. The remaining criteria have been consolidated into six statements dealing with neighborhood commercial uses, arrangement of land uses, the transportation system, historic and cultural resources, the environment, and public facilities. These consolidated standards provide concise guidance on the underlying vision/values that are used to evaluate new proposed developments.

Use Changes

The final area of change addresses land use.

Currently, the PD-R district requires 'one or more neighborhood commercial uses'. The proposed change would delete this stipulation, but to continue to allow up to 15% of the gross area of a development to be neighborhood commercial. It is expected that this zoning district would be appropriate in areas where the commercial component of a full mixed-use project is not feasible due to location and access. Appropriately scaled commercial development should be encouraged, but to mandate such use on every site does not take into consideration market parameters.

In reviewing the allowed neighborhood commercial uses it was noted that 'Child Care Center' is allowed as a permitted use in PD-R, as well as PD-C and PD-MU. And, 'Adult Day-Care Center' is allowed as a permitted use in PD-C and PD-MU, but not allowed in PD-R. For consistency with other planned development districts, as well as to meet this social need, adding Adult Day-Care as a permitted use in PD-R is proposed. 'Bakery' was one common neighborhood commercial use that is not allowed in PD-R; it is now proposed as a permitted use. Finally, it was noted that 'Cemetery, Columbarium, Mausoleum' uses were allowed in other residential zoning districts with a special use permit, but not in PD-R; it is proposed in PD-R as well as a special use.

CONCLUSION

The attached ordinance includes the proposed UDO Text Amendments that modify the PD - R Zoning District. The proposed changes will address issues identified by the Celebrate Virginia / Central Park Small Area Plan and should be initiated for public review.

ATTACHMENTS

1. Resolution initiating the public hearing process for the UDOTA
2. Draft ordinance amending the PD-R zoning district regulations



February 14, 2023
Regular Meeting
Resolution 23-

MOTION:

SECOND:

RE: Initiating an amendment to the Planned Development-Residential District regulations

ACTION: APPROVED: Ayes: 0; Nays: 0

The Weldon Cooper for Public Service projects that the City's population will continue to grow over the next decade, at a rate essentially consistent with the growth rate that characterized the previous decade. It will be important for the City to plan for this growth through the development of new residential neighborhoods – the building blocks of the community – that will be considered welcoming and safe, and which will provide for the interaction of neighbors, as envisioned in the City's Comprehensive Plan Chapter 7: Residential Neighborhoods and Housing.

One important strategy for developing new residential neighborhoods is through the Planned Development – Residential Zoning District, which was established to encourage innovative and creative design. However, the district regulations currently do not allow sufficient residential density, among other things, to meet the City's neighborhood goals as stated in the Comprehensive Plan. The incorporation of form-based development standards would also seem to improve this zoning district and its alignment with the City's vision for future residential neighborhoods.

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 text amendment.

Therefore, the City Council hereby resolves that:

- The City Council hereby initiates an amendment to City Code Chapter 72, the Unified Development Ordinance, to amend the Planned Development – Residential District regulations and associated development regulations.
- The City Council refers this proposed amendment to the Planning Commission for review, 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. 23-__, adopted at a meeting of the City Council held Date, 2023, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



February 14, 2023
Regular Meeting
Ordinance No. 23-__

MOTION:

SECOND:

RE: Amending the Planned Development - Residential District regulations.

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

Sec. I. Introduction.

The purpose of the PD-R District is to encourage innovative and creative design, to facilitate use of the most advantageous construction techniques, and to permit a greater degree of flexibility in terms of layout, design and construction of planned development than is found in conventional zoning classifications. In order to fulfill those purposes and the planned future use of land under the Comprehensive Plan, it is necessary to increase the maximum permitted residential density in the district, and to incorporate form-based design regulations, among other amendments.

The City Council adopted a resolution to initiate this text amendment at its meeting on _____, 202_. 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. City Code §72-33.1, “Planned Development-Residential District,” is hereby amended as follows:

72-33.1 Planned Development-Residential District.

- A. Purpose and intent. The Planned Development-Residential (PD-R) District is established to encourage innovative and creative design, to facilitate use of the most advantageous construction techniques, and to protect watercourses, stream valleys, forest cover in watersheds, and areas with scenic vistas. The district is designed to permit a greater degree of flexibility in terms of layout, design and construction of planned development than is found in conventional zoning classifications. It will permit planned mixed use communities comprising residential, commercial, office and service uses. For these reasons, the PD-R District shall not be appropriate unless the General Development Plan submitted by an applicant satisfies the requirements of this division and the adopted Comprehensive Plan to a significantly greater degree than the requirements of a conventional zoning district.
- B. Procedure. The PD-R District shall be established or modified only in accordance with § 72-22.5, Planned development districts.
- C. Use limitations.

(1) Residential uses.

- a. The maximum density for residential uses within the PD-R District shall not exceed ~~six~~ *twenty-four* units per gross acre.
- b. ~~Residential uses shall be permitted in the PD-R District only in conjunction with one or more neighborhood commercial uses, unless authorized by the City Council in accordance with the Comprehensive Plan.~~

(2) Neighborhood commercial uses.

Up to 15% of the gross area of the PD-R development may be devoted to neighborhood commercial uses. The neighborhood commercial uses must be provided in such a manner that they are accessible to both vehicles and pedestrians, with primary emphasis on the pedestrian circulation system. ~~Such neighborhood commercial uses shall be located~~

~~within a cohesive commercial area and contain such uses as professional offices, specialty shops, hardware stores and other permitted uses, as listed in Table 72-40.2, Use Table.~~

D. Site size requirements. Site size requirements in PD-R Districts are as follows:

(1) Minimum district size. The minimum size for any PD-R District is five acres.

(2) Minimum lot size.

- a. The minimum site and yard requirements, including site size requirements for residential and nonresidential uses, the number of townhouse units per building, the setback of dwelling units from site boundaries and private drives, parking areas and walkways, separation between townhouse buildings (dwelling groups), and common areas shall be as required by this section and, where not specified in this section, shall be specified on the face of the General Development Plan (GDP), and all shall be shown on the approved GDP. In the event such requirements are not depicted on the approved GDP, the requirements in § 72-31.4, Residential (R-8) District, shall apply to single-family detached and attached dwellings, and the requirements in § 72-31.5, Residential (R-12) District, shall apply to multifamily dwellings.
- b. The location and arrangement of structures shall not be such that they result in an adverse impact on existing or prospective adjacent dwellings or to existing or prospective development of the neighborhood.
- c. ~~No single family detached dwelling shall be erected closer than 16 feet to any other structure.~~
- d. ~~No single family detached or attached dwelling or accessory structure shall be erected closer than 15 feet to any public street right of way.~~

E. ~~Bulk regulations.~~ [this sub-section is repealed and its provisions have been relocated]

E. *Form Based General Development Criteria. The General Development Plan for a PD-R District shall incorporate form based elements. These elements shall either be applied through a illustrative plan or through the development of Urban Fabric, Frontage, Building Type Standards using the following required elements:*

- (1) *Urban Fabric Standards. Urban Fabric standards approach bigger picture site considerations. They address the access pattern to the site, the organization of the site into blocks, the transition from the site to adjacent urban fabric, and the location and character of proposed open spaces. Each of the following Urban Fabric components shall be incorporated into the General Development Plan:*
- (a) *The Development Site. The Development site shall be defined on the GDP and include all the land, buildings, and structures both existing and proposed, used to calculate the total residential density, use-mix, or floor area ratio calculations for the development.*
 - (b) *Access. The development provides a comprehensive and integrated transportation system that separates pedestrian and vehicular traffic, including roadways, bicycle paths, pedestrian walkways, and public transportation facilities, where applicable. Each development shall promote interconnectivity and accommodate a hierarchy of street and alley widths that provide for multiple travel options and points of connection to existing streets, including sidewalks and other pedestrian access. Existing streets that are planned to continue shall be extended through the Development Site.*
 - (c) *Blocks. The Development Site shall be organized into blocks meeting the standards in § 72-51.2.*
 - (d) *Transitional Zones. Transitional Zones shall be established where a development abuts single-family detached residential lots. The components of the Transitional Zone shall be defined on the GDP and include: the width and depth of the Transitional Zone, any setback, buffer, or other feature required within the Transitional Zone, and the appropriate Building Types permitted in the Transitional Zone.*
 - (e) *Open Space. The Development shall include a mix of general and formal open space. A minimum of 25% of the total gross area of the site shall be general open space. Half of the required open space shall be usable formal open space.*
- (2) *Frontage Standards. Frontages shall create the form and fabric of the development and the public realm. Frontages create an active, attractive, and safe public and semi-public edge where the development site abuts a street. In addition, frontages interior to the site shall produce a connected environment through the site, enlivening the development's internal connections and spaces. Frontage standards shall include the following elements:*
- (a) *A Frontage Map showing the locations of different frontage types.*
 - (b) *A public frontage component. The public frontage component consists of the land and elements between the center line of the street and the front property line, often also called the streetscape. The component shall list the elements of the streetscape including the type*

- of on-street parking permitted, the location and width of any utility strip adjacent to the curb, the width of sidewalks or pedestrian infrastructure, and the scale of streetscape lights.*
- (c) *A private frontage component. The private frontage component consists of the arrangement of yards, buildings, and parking on-site. The component shall list building placement / build-to-zone rules, parking lot placement setbacks, and the Building Types permitted along the frontage.*
- (3) *Building Type Standards. Building Type and Placement Standards focus on the architectural planning of the building to complete the built form. The standards activate street frontages and other public open spaces. The standards also ensure that the form of the development transitions appropriately in mass, scale, and intensity towards adjacent land uses and transects. Building Type Standards shall include the following elements:*
- (a) *Building Placement and Orientation standards. These standards include minimum lot size, minimum lot width, side and rear setbacks, and the orientation of the buildings.*
- (b) *Mass and Scale. Mass and Scale standards shall include maximum height, footprint, and width of the building. Heights shall not exceed 60 feet within a PD-R District.*
- (c) *Façade Activation standards. Façade Activation standards shall include the location and frequency of entrances to buildings, required façade transparency levels, and standards regarding building materials.*
- (4) *Optional Forms of Development. While one of the main purposes of form-based regulations is to provide predictability, it is recognized that high-quality development can also be accomplished other than by strict adherence to the prescribed forms of development allowed by this ordinance. Therefore, a certain degree of flexibility is allowed in certain cases in order to encourage creative designs that may generate different, but equally desirable, means of accomplishing the purposes of a prescribed form of development. An applicant may include optional forms of development as by-right options similar to what has been adopted in the City's Form Based Code. Where proposed, the Optional Forms of Development shall include:*
- (a) *The purpose of the optional form;*
- (b) *Cite the standard and the proposed option; and*
- (c) *Provide design guidelines to be applied with each option.*
- F. **General standards.** No development for a PD-R District shall be approved under the provisions of this section unless the GDP accompanying the application satisfies the following general standards, as follows:
- (1) **The development offers a balanced variety of housing. *Neighborhood commercial uses, if provided are complementary to the residential uses and office types, employment opportunities, and commercial services;***

- (2) The development consists of an orderly and creative arrangement of land uses, both in respect to each other and to adjacent properties;
- (3) The development provides a comprehensive and integrated transportation system that separates pedestrian and vehicular traffic, including roadways, bicycle paths, pedestrian walkways, and public transportation facilities, where applicable. *The proposed pedestrian network connects developed areas of the City with the proposed new development.*
- (4) The development provides exceptional cultural, educational, and recreational facilities for all segments of the community. *The development includes special provisions for the identification, restoration, and preservation of any buildings, structures, areas and sites that have historic, architectural, or archaeological significance, as identified on federal, state or local registers, inventories, or designations;*
- (5) The development utilizes structures that take maximum advantage of their natural and man-made environment and utilize innovative design and architectural detail;
- ~~(6) The development provides at least 25% of the site areas as landscaped open space for the use of all residents;~~
- (6) The development provides for adequate public facilities, as set forth in §72-22.2, Comprehensive Plan;
- ~~(8) The development substantially conforms to the adopted Comprehensive Plan with respect to type, character and intensity of use and public facilities;~~
- ~~(9) The development is designed to prevent adverse impacts to the use and value of existing surrounding development, and does not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan;~~
- ~~(10) No travel routes, except pedestrian pathways, are to be constructed, installed or located on lands having a slope greater than 30%;~~

- ~~(11) Sidewalks or other pedestrian pathways that link older and developed areas of the City and proposed new development areas of the City are in accordance with the Comprehensive Plan and where available, should be located along natural waterways and scenic areas.~~
- ~~(12) The proposed land uses are those that are indicated on Table 72-40.2 as being permitted by right or by special use permit, and uses accessory thereto; and~~
- ~~(13) The development includes special provisions for the identification, restoration and preservation of buildings, structures, areas and sites which have historic, architectural, or archeological significance as indicated by the applicant himself on the GDP, as identified on federal, state or local registers, inventories, or designations.~~

2. Table 72-40.2, "Use Table," is amended to add permitted or special uses in the Planned Development – Residential Zoning District, as follows:

<u>Use Category</u>	<u>Use Type</u>	<u>PD-R</u>
<u>Institutional Uses</u>		
Day Care	Adult Day-Care Center	P
Parks and Open Areas	Cemetery, Columbarium, Mausoleum	S
<u>Commercial Uses</u>		
Eating Establishments	Bakery	P

Sec. III. Effective date.

This ordinance 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. 23-__ duly adopted at a meeting of the City Council meeting held Date, 2023 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council