

Category (slightly modified from staff's 3/1 ordinance comparisons sheet)		Current Draft Ordinance	Adam's Recommendation (revisions shown in green)	Adam's Reasoning
Public Hearing		No public hearing required. ADUs approved administratively	no change	
Where allowed		Single-Family Detached Dwellings	no change	
How many ADUs allowed per parcel		One	no change	
How many kitchens allowed		One in Principal Dwelling; One in ADU	no change	
How many occupants		One family + two unrelated people for principal and accessory dwelling	no change	
Maximum size	if internal to house	40% of principle dwelling area	no change	
	if external to house	400 sq ft	600 sq ft	Disability advocates such as the disAbility Resource Center have pointed out that wheelchair bound residents require larger space for bathrooms, hallways and kitchens. The current 400 sqft maximum is based on "Tiny House" building code intended to accommodate components such as lofts, ladders -- none of which are appropriate for the disabled or physically limited people like the elderly. An increase to 600 sqft would provide a more dignified and comfortable space for these residents.
Design features		Exterior entrance to an ADU located within the principal dwelling allowed only on the side or rear of the principal dwelling.	no change	
Max Height for accessory structure		25 ft	no change	
Min rear/side setbacks for accessory structure	for accessory structures < 12ft tall	5 ft setback	no change	
	for accessory structures >12ft tall	standard rear/side setbacks	For corner and alley-loaded lots: - 5ft setback For all other lots: - must comply with standard rear/side setback requirements	2 story accessory structures are a popular and desirable way to use backyard space by "Stacking" uses -- most often living spaces over garages. Most of these kinds of structures that exist in the City are located facing alleys or on the secondary street frontage on corner lots. Reducing setbacks to 5 feet only for alleys and corner lots accommodates this kind of structure. Privacy is maximized for neighbors because the 2 story structure can face onto a public ROW. Non-alley and non-corner lots can still go to 2 story if they meet standard setbacks.
Rear Yard Coverage		No accessory structure shall occupy more than 30% of the rear yard (defined as area within 24ft of rear lot line)	Accessory structure must either: - comply with existing 30% of rear yard limit or - be located at least 24 ft from the main house	Architects Melissa Colombo and Dugan Caswell (ACVN Architects) pointed out in public hearing comments that applying the 30% rear yard maximum has the unintended consequence of incentivizing building accessory units closer to the center of the yard. Also, the prevailing pattern for deep, narrow lots like those found in older neighborhoods such as Bunker Hill and Mayfield is to locate the accessory structure near (or often up to) the rear lot line to preserve yard space in the center of the property. Adding an allowance for property owners to use a 24ft setback between the main structure and the accessory structure would give the property owner more flexibility to choose where their "yard" is and still preserve open space.
Resident Manager /Property Owner Residency		Resident Manager required, but not required to be property owner	No resident manager required Property owner not required to reside on site Alternately: Property owner shall be using property as primary residence at the time the permit application.	Resident Manager and permanent owner-occupancy rules are a constraint on future use and can be a barrier even to an owner-occupant hoping to establish an ADU. Requiring permanent owner-occupancy essentially limits the ADU property owner to renting to <i>only 1 family across the entire property</i> . That is a higher bar than what's required of single family rental homes, which can rent to up to 3 unrelated tenants. This is unfair and possibly unlawful (per the City Attorney) double standard. In an interview with Adam, Chris, Mike and Chuck, Guy Miller Richards of Va Partners Bank said that building an ADU generally does not create a favorable return-on-investment for an investor because of high construction costs and low resulting appraised value and rental income. This suggests that widespread construction of ADUs by investors is unlikely. Sam Shelby, principal planner for the City of Alexandria said that the vast majority of ADU applications Alexandria has received are for housing family or friends, not for investment. Requiring owner-occupancy at time of application may be a good middle ground because it minimizes future constraints while incentivizing ADU configurations that maximize livability for both units. However, it may also not be lawful.
Short Term Stay		ADU cannot be used as 'Home Stay' or 'B&Bs'; ADU kitchen to be removed	no change	
Additional Parking		None required	no change	
Adjacent Property Owner Notification		Not Required	Applicant must provide written notice to adjacent property owners	Recommend requiring notice to adjacent property owners, similar to how the City permits homestays and modifications to nonconforming uses. This encourages dialogue among neighbors and reduces likelihood of future complaints or disputes.

Category (slightly modified from staff's 3/1 ordinance comparisons sheet)	<i>Current Draft Ordinance</i>	<i>David's Recommendation</i>
Management of Existing Accessory Structures	Not addressed	Establish a process to categorize existing accessory structures as Accessory Structure (Not ADU), Accessory Structure (ADU); regulate existing ADUs in the same manner as newly constructed ADUs
ADU Regulation	Not addressed	Reestablish the Rental Inspection Program within the Community Planning and Building Department in the FY25 budget; delay the issuance of permits for new ADUs until the Department is funded to enforce ADU regulations

From: [Charles R. Johnston](#)
To: [Taylor H. Owen](#)
Subject: FW: [EXTERNAL] Re: Due Date for Submission of ADU Text Amendments Change Recommendations
Date: Monday, March 20, 2023 9:37:20 AM

FYI

From: Susanna Finn [mailto:susanna.r.finn@gmail.com]
Sent: Tuesday, March 14, 2023 10:27 PM
To: Charles R. Johnston <crjohnston@fredericksburgva.gov>; Michael J. Craig <mjcraig@fredericksburgva.gov>
Subject: [EXTERNAL] Re: Due Date for Submission of ADU Text Amendments Change Recommendations

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Chuck and Mike,

Thank you for your excellent work on the draft ADU text amendments. Based on the discussion thus far, I have a few elements for PC consideration for which I would like to see your analysis

1. I think many would like to see potential wording for notifying neighbors, posting, etc. at the time of application for an ADU.
2. I know 72-42.6(E)(2) limits a homestay to the primary structure, but it may be worth including a specific line under the proposed L for the sake of clarity. Would that be duplicative or useful in your minds?
3. Item six identified the size parameters for the ADU. I understand the limit for new construction, but I wonder what snafus a person may run into trying to convert an existing accessory structure into an ADU if it is larger than the 400 square feet permitted. My rough measurement of existing accessory structures in established neighborhoods reveals many to be beyond this size, if only just. I'm looking off Lafayette, College Terrace, and even Idlewild. I'd hate to see demolition of existing structures that fit the pattern and style of the neighborhood for the sake of new construction if reuse would be possible. In fact, I think the ability to renovate and reuse may even be a large factor financially for people's ability to pursue an ADU for extended family living. Could you please present what options a property owner may have to do this type of conversion if the ordinance as drafted would allow it, or what additions may be necessary to support. The Commission hasn't discussed this type of conversion but it is a missing practical element.

Best,
Susanna

On Tue, Mar 14, 2023 at 8:16 PM David Durham <daviddurham.fxbgpc@gmail.com> wrote:

Vice Chair Lynch and PC by Bcc:

A friendly reminder that the due date for your ADU text amendments change recommendations is Thu, March 16. The purpose of this suspense is to permit staff to prepare analyses of these recommendations for presentation at our Mar 22 meeting.

Happy to discuss should you have any questions.

Thanks,
David

David B. Durham
Chairman, Fredericksburg Planning Commission daviddurham.fxbgpc@gmail.com | 703-470-4769

Commissioner Chris Hornung – Preliminary Feedback on Current Draft of ADU Ordinance

The primary focus of the ADU Ordinance should be to encourage the construction and use of accessory dwelling units for affordable, intergenerational living. Concerns about the ordinance leading allowing investment groups to double up the number of rental units on a property are valid and the ordinance should be crafted to limit this potential.

1. **Owner occupancy** - I support the inclusion of an owner occupancy provision to the ADU ordinance. My preference is for the Arlington model, which requires the property owner to *“occupy either the main dwelling or the accessory dwelling as a primary residence, or the entire property can be occupied by no more than one family.”* I am open to the resident manager alternative.
2. **ADU size** – I believe that the 400 s.f. provision for an external ADU is too restrictive and should be increased to 500-600 s.f. This would equate to a 20’x25’ single story structure or a 20’ x 12.5’ 2-story structure, which I believe is reasonable and more accommodating of elderly family members and individuals with accessibility limitations.
3. **Adjoining Owner Notification** – I support a requirement that the adjoining property owners be notified of the application for an external ADU.
4. **Max Height/Rear Setbacks** – I believe we should be encouraging 2-story external ADU’s (vs. single-story) to preserve green space and decrease rear setbacks to encourage common open space between structures within the property. In particular, corner lots and properties that abut alleys would be better served with an ADU closer to the rear property line, leaving more useable open space between the principal structure and the ADU. I’d recommend reducing the rear yard requirement for a 2-story ADU to 5’ and permitting the ADU within the rear yard provided open space was provided between the principal structure and the ADU. I favor the Alexandria language for rear/side setbacks.

From: [Charles R. Johnston](mailto:Charles.R.Johnston)
To: [Taylor H. Owen](mailto:Taylor.H.Owen)
Subject: FW: [EXTERNAL] topics for discussion at work session for ADU
Date: Monday, March 20, 2023 9:36:46 AM

FYI

From: Tom and Joyce [mailto:tjotoole@verizon.net]
Sent: Wednesday, March 15, 2023 9:27 AM
To: Charles R. Johnston <crjohnston@fredericksburgva.gov>
Cc: 'David Durham' <daviddurham.fxbgpc@gmail.com>
Subject: [EXTERNAL] topics for discussion at work session for ADU

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Concerns/topics for adu work session

After attending most of the community meetings and all of the public hearings, I need to have more clarification on many of the concerns and answers that have been presented.

Look forward to the work session

Not in any particular order:

1 **why** are we even having this “robust, “time consuming discussion on ADU when for example we had no one even comment on any of the three other public hearings at our last meeting and most other of our hearings, except for the area plans, have had little to none response from the public. Shouldn't we be having “robust” hearings on them as well??

Also, there are approximately 5000 single family lots that would be affected by the proposed ordinance. Currently there are 100 or so existing (2%) and 10-20 anticipated per year(0.2%)

why all the hoopie doo over something that doesn't seem to be going to have little or no effect on city residents??

2 **affordable housing** seems to be frequently mentioned. I fail to understand how this provides affordable housing.

3 **resident manager:** everyone seems to agree this is required, personally I want it to be the owner and he lives on site.

4 **detached building /tiny house** :I personally think this should be eliminated and only permit adu in existing single residential unit. Or better yet, why not just let all single family units have a second kitchen

5 **notification to adjoining owners** should be a part of securing the permit.

6 **tax benefit to city** apparently there is a \$25 fee(is this annual) but does City receive income from rentals as they do from say hotels?

7 **enforcement** council needs to be aware that from our hearings they should consider refilling/hire full time person to enforce and address all issues concerning rental units in City particularly since 60% of all units are rental.

