



draft April 27, 2023
Regular Meeting
Ordinance No. 23-__

MOTION:

SECOND:

RE: Amending the residential use and density regulations of the Unified Development Ordinance

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

Sec. I. Introduction.

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, and infill of existing 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.

The City Council adopted a resolution to initiate this text amendment at its meeting on May 9, 2023. 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 text amendment.

Sec. II. City Code amendment.

1. City Code §72-41.1, “Residential Uses,” is hereby amended as follows:

Sec. 72-41.1 Residential Uses.

[subsections A through E are not amended.]

F. Dwelling, single family attached. Single-family attached uses shall comply with the following requirements when arranged as townhouses:

1. A single-family attached building shall contain at least three *units (six units, if in vertical stacks of two units)* but no more than eight side-by-side dwelling units (*sixteen units, if in vertical stacks of two side-by-side dwelling units*).

[subsections (2) through (4) are not amended.]

5. No more than one ~~townhouse~~ *single-family dwelling* may be located on a single lot, *except for vertical stacks of two units on one lot or in Planned Development Districts, where more than one single-family attached dwelling may be located on a single lot, in accordance with a General Development Plan.*

G. Dwelling single-family detached. No more than one single-family detached dwelling may be located on a single lot, *except in Planned Development Districts, where more than one single-family detached dwelling may be located on a single lot, in accordance with a General Development Plan.*

[subsection H is not amended.]

2. City Code §72-51.1, “Density Requirements,” is hereby amended as follows:

Sec. 72-51.1 Density Requirements.

A. Density requirements.

(1) Unbuildable lands.

- a. Fifty percent of the allowable maximum density shall be permitted and calculated for that area of a site containing any or all of the following features, when the sum of such features comprises 25% or more of such site:

- [1] ~~One hundred year frequency~~ *One percent annual chance* floodplain;
- [2] Slopes in excess of 25%;
- [3] Quarries or landfills, abandoned mines, or excavation areas;
~~and~~
- [4] Soils determined *by the Building Official* to be unbuildable for residential and street development; *and*
- [5] *Chesapeake Bay Resource Protection Areas.*

- b. Seventy-five percent of the allowable maximum density shall be permitted and calculated for that area of a site containing any or all of the features set forth in §72-51.1(A) above when the sum of such features comprises ~~15% to 24%~~ *less than 25%* of such site.

- c. The area of a site within the Historic Fredericksburg District that is in the ~~one hundred year frequency~~ *one percent annual chance* floodplain, but is not in the Floodway or otherwise unbuildable, is exempt from the residential density reductions in Subsection A(1)(a)[1] and (b).

(2) Density credits.

[subsections (a) through (e) are not amended.]

- (f) *Fractional Units. In Planned Development, Commercial Downtown, Creative Maker zoning districts, and where form based codes apply, dwelling units are counted as one unit, except:*

- [1] *Multi-family dwellings that are less than 600 square feet shall be counted as one-half of a dwelling unit;*
- [2] *Multi-family dwellings that are 600 to 899 square feet shall be counted as two-thirds of a dwelling unit;*
- [3] *Single-family attached dwelling units that are less than 1200 square feet shall be counted as three-quarters of a dwelling unit;*
- [4] *In Planned Development districts:*
 - [a] *No more than 25 percent of the total units will be granted fractional status in each of the three categories above.*

[b] *The overall sum of dwellings shall not exceed 150 percent of the maximum allowable base density.*

3. Section 72.-51.3, “Lots,” is hereby amended to add a new subsection (I) as follows:

Sec. 72-51.3 Lots.

[subsections A through H are not amended.]

I. Planned Development Districts. Lot standards within Planned Development Districts may deviate from the standards in this section in accordance with the following:

(1) Modified standards shall be shown on an approved General Development Plan;

(2) The modifications shall conform to the purpose and intent of the district and the general standards in §72-50.1.

4. In Section 72-84, “Definitions,” the definition of “Dwelling, Single-Family Attached,” is amended as follows:

Sec. 72-84.0 Definitions.

DWELLING, SINGLE-FAMILY ATTACHED

A group of three or more single-family dwelling units which are ~~generally~~ joined to one another by a common party wall, a common floor or ceiling, or permanent connecting structures such as breezeways, carports, garages or screening fences, or wells; up to four such units if located on a single parcel of ground, or more on adjacent individual lots. *A fire-resistance rating shall separate each unit as required by the Building Code. Each unit shall have its own at-grade exterior entrance, which may be accessed by an unheated shared foyer.* Architectural facades or treatment of materials may be varied from one group of units to another. The term includes structures such as semidetached garden court dwellings, patio houses, zero-lot-line dwellings, triplexes, quadplexes, and townhouses. *This term also includes stacked townhouse dwellings with dwelling units arranged in vertical stacks of two units. This definition includes dwellings commonly referred to as “piggyback” townhouses and “two-over-two” townhouses.*

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***