

LEXINGTON PLANNING COMMISSION

February 23, 2023 - 5:00 P.M

**Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450**

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. APPROVAL OF MINUTES**
Minutes from February 9, 2023*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. PS 2023-01: An application by Pierson Hotchkiss proposing a preliminary subdivision plat (boundary line adjustment) for parcels located at 505 Pickett Street (Tax Map #21-4-12 & Tax Map #21-4-13), owned by William F and Jean D. Kirchner.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - B. SP 2023-02: An application by Chad Coffey requesting approval of a site plan that includes a storage building, a timber frame pavilion, and the relocation of a batting cage at Brewbaker & Fox Fields located at 198 Wallace Street (Tax Map #29-1-49), owned by the City of Lexington.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - C. ZOA 2023-01: Annual Zoning Ordinance Amendments. Accessory Dwelling Units (A.D.U).
 - 1) Staff Report*
 - 2) Public Comment
 - 3) Commission Discussion
 - D. South Main Street Opportunity Area map discussion
 - 1) Opportunity Area Map*
 - 2) Public Comment
 - 3) Commission Discussion

- E. N. Main Street Smart Scale project
 - 1) Project Overview and Street cross sections diagrams*
 - 2) Commission Discussion

6. **OTHER BUSINESS**

- A. Zoning and Planning Report – If applicable
- B. Catalyst Project Updates – If applicable
 - 1) Bike/Ped Plan: Complete
 - 2) Increase Sidewalk Connectivity: Ongoing
 - 3) Accessory Dwelling Unit Ordinance: Ongoing
 - 4) Jordan’s Point Park Plan Implementation: Ongoing
 - 5) Reprogram Traffic Signals Downtown: Complete
 - 6) Assess Stormwater Fees: Tabled until next year
 - 7) Green Infrastructure Group: Complete
- C. Key Annual PC Milestones: Ongoing. Remaining items:
 - 1) Zoning Text Amendments: Ongoing. Remaining items:
 - a. Cottage Housing
 - b. What else, if any?
 - 2) Comp Plan Review: Ongoing

7. **CITY COUNCIL REPORT**

8. **ADJOURN**

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, February 9, 2023 – 5:00 p.m.
Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450**

Planning Commission:

Presiding: Blake Shester, Chair
Present: John Driscoll
Shannon Spencer
Matt Tuchler, Vice-Chair
Leslie Straughan, Council Liaison

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

Absent: Pat Bradley

CALL TO ORDER

Chair Shester called the meeting to order at 5:01 p.m.

AGENDA

J. Driscoll requested two items be added to the agenda under Other Business. The agenda was unanimously approved with that amendment. (L. Straughan / S. Spencer)

MINUTES

The minutes from the January 26, 2023 meeting were unanimously approved as presented. (L. Straughan / J. Driscoll)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

Russ Orrison of Perkins & Orrison presented a request on behalf of a client who owns an undeveloped 16 acre parcel on Campbell Lane in the R-1 Residential zoning district. The property owner is interested pursuing commercial development of a portion of the parcel, specifically for mini storage units, and Mr. Orrison hoped to gauge whether the Commission would be at all receptive to the proposal before submitting an application to rezone the property. He argued that, while the property is currently residentially zoned, the fact that it is also in the Opportunity Area Overlay District may provide some leeway. Following discussion, during which Commissioners entertained the idea, Mr. Orrison said he would report back to his client that the proposal “was not utterly dead in the water.”

NEW BUSINESS

Chair Shester welcomed Lexington’s newest Planning Commissioner, Shannon Spencer, who was appointed on February 2nd to a term ending in 2026.

A. ZOA 2023-01: Annual Zoning Ordinance Amendments. Accessory Dwelling Units (A.D.U.)

1) Staff Report –

A. Glaeser pointed out the draft purpose statement developed during the last meeting and noted the next items to be discussed included a definition, authorization of

ADUs by zoning district, and the number of ADUs allowed per lot. He provided a number of definitions currently in the zoning ordinance which could inform the discussion, including the existing definition for *accessory apartment*, for which there are no existing use and design standards. He suggested the Commission consider what it wished to name this accessory unit and whether there should be separate definitions for units that are attached to or detached from the primary residence. He also suggested the Commission be aware that future discussions would likely result in a set of use and design standards that could be referenced in the final definition, but located in Section XI of the Zoning Ordinance.

L. Straughan suggested replacing *accessory apartment* with *accessory dwelling unit, attached* and *accessory dwelling unit, detached*. J. Driscoll agreed that *accessory dwelling* was preferable to *accessory apartment*. B. Shester indicated that he liked how the Charlottesville definition addressed both interior and attached accessory units, but acknowledged separate definitions would be needed if there would be a distinction between the two in the Use Matrix. There was general agreement that the expectation for an ADU was that it would be fully independent from the primary dwelling, with a separate kitchen and bath. Responding to various concerns about topics such as parking, size/area limits, and restrictions on the number of occupants, Director Glaser acknowledged such topics would require future, more fulsome discussion and advocated those decisions be included in the use and design standards rather than in the definition. L. Straughan indicated she thought including a maximum occupancy limit in the definition was helpful as it makes clear that the ADU is intended to have a lower occupancy than a primary dwelling. B. Shester objected to overly restrictive occupancy limits noting a family with a young child could comfortably share a one bedroom living space. B. Shester questioned the use of the word “individuals” in the second sentence of the draft purpose statement out of concern that it could be interpreted to mean an ADU would necessarily be limited to an individual occupant. While Commissioners Driscoll and Spencer offered reassurance that the full text of the statement provided clarification, Director Glaeser offered that his reading of the statement was similar to Mr. Shester’s.

A. Glaeser noted he had heard support for the idea that the ADU would be “an independent dwelling unit with a kitchen and bath, designed arranged, used, or intended for occupancy” and clearly subordinate to the main dwelling. He asked if there were other recommendations. J. Driscoll suggested that a place holder be added for a maximum occupancy to be determined later. S. Spencer suggested that some thought be given to a requirement for a separate entrance for internal ADUs. There was discussion concerning life safety requirements, separate addressing, and the distinction between a guest room and an interior accessory dwelling. A. Glaeser said he would have the Building Official and Fire Marshal review the final draft of the ordinance before its adoption. L. Straughan pointed out that the definition of guest room should be amended to conform to the short term rental regulations required by State code. B. Shester suggested that, given the discussion, a requirement for a separate entrance and address be included in the definition for an internal ADU. There was general agreement to include a single ownership requirement.

Referencing S. Spencer's written comments shared with the Commission prior to the meeting, B. Shester advocated for amending the *group home* definition to correct outdated clinical terminology as soon as possible. L. Straughan remarked that the definition was likely taken from the State Code but agreed it should be changed if possible. A. Glaeser confirmed the specific language was not currently included in the State Code and could be changed. There was general agreement to include an amendment to the *group home* definition in the text amendment under discussion.

A. Glaeser said staff would provide separate definitions for attached and detached accessory dwelling units which may be consolidated into a single definition in the future if warranted. He suggested the definition be modeled on the Arlington definition with a maximum occupancy to be determined later and with the addition of language indicating the ADU be clearly subordinate to the primary dwelling and requiring a separate entrance and address.

Noting that *accessory apartment* is currently a by-right use in all four residential districts as well as the C-1 Business District, Director Glaeser requested the Commission consider where and how a detached ADU should be allowed. L. Straughan suggested they be a conditional use in the R-1, R-2 and R-LC districts. M. Tuchler questioned why they would not be allowed by-right, provided setbacks, etc. are met. A. Glaeser said he recommended the Commission develop clear, well defined standards that would allow for administrative or by-right use as much as possible and reserve the requirement of a conditional use permit only where necessary, such as for an existing non-conforming structure. At J. Driscoll's request, A. Glaeser read the considerational factors for the issuance of a conditional use permit. Responding to a question from B. Shester, A. Glaeser confirmed that ADUs could be subject to an administrative permitting process similar to the existing registration process for short term rentals, and said that would be his recommendation. S. Spencer suggested the conditional use permit process could be better from an enforcement perspective. L. Straughan indicated she would be more comfortable with the requirement of a conditional use permit, at least initially, and loosening restrictions later if detached ADUs are generally well received. Noting that almost every residential use is by-right in the R-M district, B. Shester questioned excluding a detached ADU as a permitted use for single family dwellings in the district. There was general agreement to prohibit detached ADUs in the C-2 district. J. Driscoll argued for clear, tight design standards and remarked that the Use Matrix would likely be revisited once standards have been developed. A. Glaeser proposed, and there was general agreement, that for the purposes of the next discussion, the Use Matrix would list detached ADUs as a conditional use in the four residential districts and prohibited in both commercial districts.

Following discussion of the number of ADUs allowed per lot, there was general agreement to limit the number to no more than one per lot, provided the parcel meets the minimum lot size for the district and the ADU complies with setback requirements.

2) Public Comment – None

OTHER BUSINESS

A. J. Driscoll requested agreement from the Commission to add to the February 23rd agenda: 1) a briefing and discussion about the RFQ for the VDOT property, and 2) a discussion of the

inclusion of Maple Lane in the Opportunity Area adjacent to South Main Street. Chair Shester agreed to those additions. Director Glaeser said he would provide a map of the opportunity area and asked what was being requested with respect to the VDOT parcel. J. Driscoll clarified that he would like to understand the planning process for the parcel and the Planning Commission's role in that process. He noted the RFQ contains no reference to the Comprehensive Plan or the newly adopted PD-MU zoning district. He said he would like to know how the Commission could insure that the language in the Comprehensive Plan for potential designs in the Opportunity Areas is incorporated into the process.

- B. Zoning Report – Director Glaeser did not have a formal report but made the Commissioners aware that VDOT would be holding a public hearing associated with the Smart Scale grant awarded to the City several years ago. VDOT is seeking public comment on 40% design drawings for pedestrian improvements along North Main Street between Massie Street and Hook Lane. The hearing has been advertised for March 15th from 4:00 – 6:00 pm at the Horse Center. He said staff would make the drawings available to the public once they receive them from VDOT. J. Driscoll requested a discussion of the design drawings be added to the Planning Commission's next agenda.

CITY COUNCIL REPORT -

L. Straughan reported Council had a work session on the City's Code of Ethics. The City Attorney recommended revisions to the Code of Ethics including conforming the Conflict of Interest statement with the state code. He referenced §2.2-3100 of the state code which states, "The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth." By having our own code of the ethics, there is no longer a "single body of law applicable to all state and local government officers and employees." He further noted that he could not find another locality that had a separate conflict of interest policy. Council made a few revisions to the proposed Code of Ethics, and this will be brought forward at a regular meeting, possibly next week.

Other highlights from the February 2nd meeting were:

- Council unanimously approved the zoning ordinance to amend the Planned Unit Development Zoning Overlay District to a new Planned Development – Mixed Use Base Zoning District.
- RARO made a request to construct a timber-frame pavilion in Brewbaker Park.
- Council approved a commitment to purchase property in Buena Vista by Lexington, Rockbridge County, and Buena Vista for a future site for the Department of Social Services Facility.

- At the February 16th meeting, Council Members Alexander and Straughan will present the Spotswood Committee's design. The CUP for the project will be considered at the March 2nd meeting.

ADJOURN

The meeting was adjourned at 6:54 pm with unanimous approval. (S. Spencer / J. Driscoll)

B. Shester, Chair, Planning Commission

Project Name	Boundary Line Adjustment for Parcels at 505 Pickett Street
Property Location	505 Pickett Street (Tax Map # 21-4-12) and 0 Pickett Street (Tax Map # 21-4-13)
Zoning	R-1 (General Residential)
Owner / Petitioner	William F. & Jean D. Kirchner / Pierson Hotchkiss
Petitioner's Intent	Add a 0.109 ± acre portion of 0 Pickett Street (Tax Map # 21-4-13) to 505 Pickett Street (Tax Map # 21-4-12)

PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval

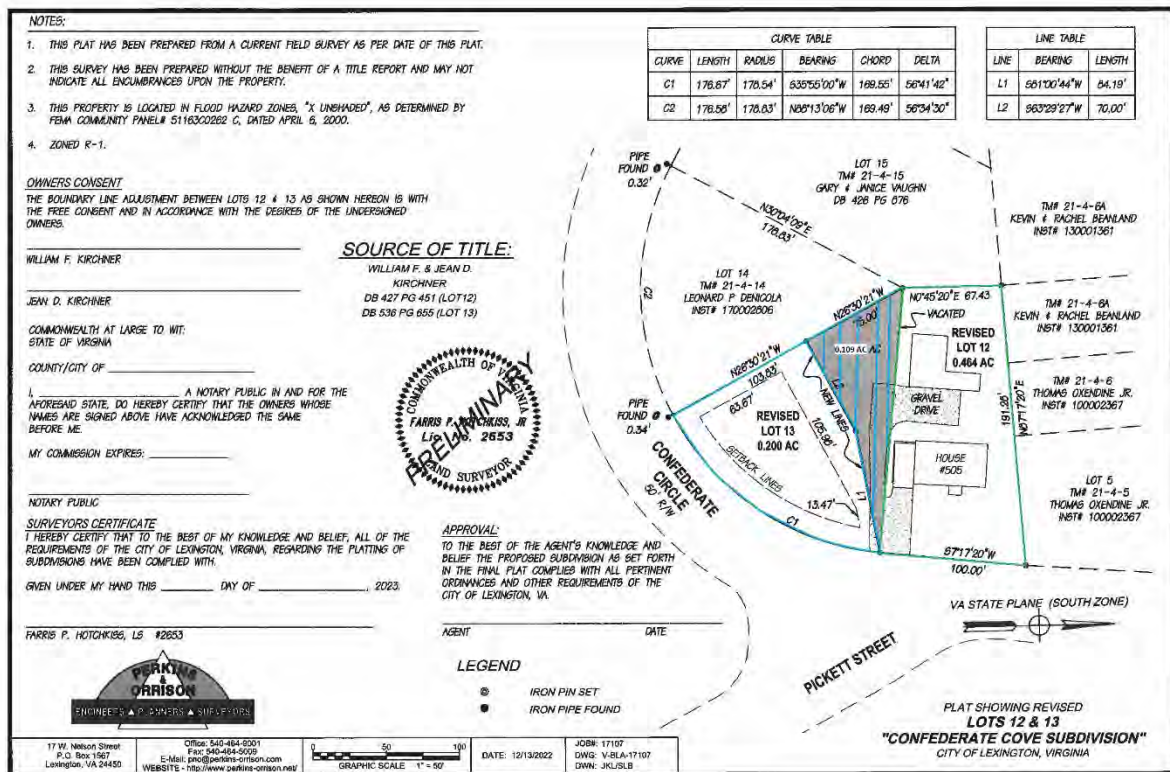
location map



OVERVIEW OF REQUEST

The applicant requests a boundary line adjustment to add a 0.109 ± acre portion of 0 Pickett Street (Tax Map # 21-4-13) to 505 Pickett Street (Tax Map # 21-4-12) in accordance with the following survey provided by Perkins & Orrison, LLC. The blue hatched area in the following survey will be transferred from Tax Map parcel #21-4-13 to Tax Map parcel #21-4-12.

Boundary Line Adjustment Survey



AUTHORITY TO REVIEW

Sections 360-24 and 360-25 of the Lexington Subdivision Ordinance establish the review authority and procedures for the Planning Commission's and City Council's review of preliminary subdivision plats. The Planning Commission must review all preliminary plats and may recommend approval or denial. If the Commission recommends denial of a preliminary plat it must state the reason for its recommendation of denial and the specific changes that are necessary for the plat to be recommended for approval.

Upon receipt of the Planning Commission's recommendation, the City Council shall review the preliminary plat and, within 60 days of the receipt of the Commission's recommendation, recommend approval or denial of the preliminary plat. Council may take

PS 2023-01 – Boundary Line Adjustment for Parcels Located at 505 Pickett Street

no action on any preliminary plat until holding a public hearing in accordance with state law. Adjoining property owners shall be notified by first class mail of the pending public hearing, and a legal ad shall be published notifying the general public of the pending Council review.

STAFF REVIEW COMMENTS

As proposed, the boundary line adjustment meets the zoning requirements for parcels in the R-1 zoning district, including the minimum lot size and minimum lot width requirements.

PLANNING COMMISSION RECOMMENDATION

Pending

STAFF RECOMMENDATION

Finding that the submitted preliminary plat has been properly drawn and that it is accompanied by those items, in proper form, required by the Subdivision Ordinance, and that the proposed subdivision conforms to the requirements and purposes of the Subdivision Ordinance, the Staff recommends that the preliminary plat be **APPROVED** as submitted.

SUGGESTED MOTION

I move to approve/deny Preliminary Subdivision Application PS 2023-01 for the adjustment of boundary lines between 505 Pickett Street (Tax Map # 21-4-12) and 0 Pickett Street (Tax Map # 21-4-13), in accordance with the Preliminary Plat showing revised Lots 12 & 13 of Confederate Cove Subdivision completed by Perkins & Orrison as submitted by the applicant.

SUBDIVISION APPLICATION AND CHECKLIST

Applicant¹

Name: Person Hotchkiss Phone: 540-464-9001
Company: Perkins and Orrison Fax: _____
Address: 17 W. Nelson St, Lexington Email: Hotchkiss@perkins-orrison.com
Applicant's Signature: [Signature] Date: 1-19-23

Subdivision Plat Preparer

Name: Person Hotchkiss & LS Phone: 540-464-9001
Company: Perkins and Orrison Fax: _____
Address: 17 W. Nelson St Lexington Email: Hotchkiss@perkins-orrison.com

Property Owner

Name: William Kirchner Phone: 540-461-1311
Address: 505 Pickett St. Lexington Email: Kirchner architects@gmail.com
Owner's Signature: _____ Date: _____

Proposal Information² (attach list of properties if request includes multiple properties)

Address (or location description): 505 Pickett St Lexington
Tax Map: 21-4-2 Deed Book and Page #: 427/451
Acreage: .0604 Zoning (attach any existing zoning conditions or proffers): R-1
Number of Lots Proposed: _____

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.

Notice to Adjacent Property Owners

The City will give notice of public hearings to be held on the application to those persons who own property, any portion of which abuts the subject property, and all property which is directly across the street from any portion of the subject property, as determined by the City's real property tax records. This notice will give the date, time and place of the hearing, identify the property which is the subject of the application and give a brief description of the proposed action. Notices will be mailed a minimum of ten (10) days prior to the date of the scheduled City Council meeting.

Posting of the Property

The City will place a sign on the subject property which indicates that an action is pending. The sign will be located to be clearly visible from the street.

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fees:

Case Number: SUB-_____ - _____

Preliminary Plat: \$500 + \$50 for each additional lot created

Amount Paid: _____

Final Plat: \$0

Date Received: _____ Received By: _____

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Preliminary Plat Approvals

Planning Commission

Meeting Date: _____ Action: _____

City Council

Legal Ad Dates: _____ Adj. Property Notifications: _____

Public Hearing Date: _____ Action: _____

Final Plat Approval

Action: ☐ Approved ☐ Denied

Planning and Development Director

Date

Preliminary Plat Checklist

Five (5) copies of the preliminary plat shall be submitted for review.

Requirements

The preliminary plat shall adhere to the following requirements:

- A. It shall be legibly drawn and may be on one or more numbered sheets. The scale shall be as follows:
 - ☐ With lots smaller than one acre, one inch equals 100 feet.
 - ☐ With lots one acre or larger, one inch equals 200 feet.
- B. It shall show the following information:
 - ☐ The date of the plat and the name of the surveyor or engineer preparing the same.
 - ☐ Scale.
 - ☐ Number of sheets comprising the plat.
 - ☐ North meridian, designated true or magnetic and oriented to the top of each sheet; each sheet comprising the plat shall be so oriented.
 - ☐ Name and signature of the owner.
 - ☐ Name of the subdivision; the name shall not duplicate or too closely approximate that of any existing subdivision in the City or the County.
 - ☐ City or county and state.
 - ☐ Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
 - ☐ Names of all adjoining property owners and the location of each of their common boundaries, including established roadways and waterways.
 - ☐ All pertinent natural and historical features and landmarks.
 - ☐ The boundary lines of the proposed subdivision and of any larger tract of which the subdivision forms a part, shown on a reduced scale insert.
 - ☐ All adjoining roads and streets with their numbers and/or names.
 - ☐ All subdivision, corporate boundary lines, public highways and other public rights-of-way, if any, within 1,000 feet, shown on a reduced scale insert.
 - ☐ Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for subdivision, the agent may require the preliminary plat to show a proposed future subdivision of such remaining acreage or a part thereof to make certain that proper orientation of future streets may be developed with the platted streets.
 - ☐ Location of existing buildings within the subdivision and within 200 feet thereof.
 - ☐ Location and description of all existing monuments.
 - ☐ Location of existing and proposed easements, water and sewer mains, and drainage facilities,

with existing and proposes utility installations.

- ☐ Contour lines, existing and finished, as required for approval of drainage and sewer facilities.
- ☐ Proposed locations, widths, and names of all streets.
- ☐ The approximate location and number and the propose uses of all lots and other areas, including watercourses, impoundments, lakes, and those areas being used for parking, recreation, commercial purposes, or for public or governmental use.
- ☐ Proposed lot lines, lot numbers, and block letters.
- ☐ If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines, and identification of such respective tracts shall be shown on the preliminary plat. The same information shall be included if any portion of the subdivision is situated in the county.

Items to Accompany the Plat

A. Statements by the subdivider as follows:

- ☐ Certification that requirements relating to water and wastewater services, storm drainage, streets, curbs, gutters, sidewalks and such other improvements as may be required by the Commission or agent of Council under the provisions of this chapter will be carried out at the subdivider's cost.
- ☐ Indication of location, proposed use and acreage of any portion of the proposed subdivision, other than streets, which the subdivider proposes to dedicate or reserve for public use or for the common use of future property owners of the subdivision.
- ☐ Summary of proposed restrictive covenants and reservations.

B. A check payable to the City of Lexington to cover required fees.

C. Certification by the agent that the proposed subdivision complies with this chapter and all other pertinent ordinances of the City and that after of the preliminary plat and consultation with the subdivider the agent is satisfied that proposed improvements as required by this chapter are or will be adequate to their purposes. The agent, Commission or Council may, at his or its option, require certification by a qualified engineer or other professional that the propose improvements will be adequate to the proposed use. Cost of the certification shall be borne by the subdivider. The agent may indicate his certification by his signature on the face of the preliminary plat or the agent may note substantial approval of the preliminary plat with certain required modifications to the preliminary plat set forth in an attached document.

D. Certification by a qualified land surveyor or professional engineer that drainage facilities are adequate, that existing downgrade drainage facilities are adequate to carry the increased burden, that no private property will be subject to materially increased flow and that facilities installed will be adequate to carry channeled surface water from any development at a higher elevation in the same drainage basin.

Final Plat Checklist

Six (6) full size copies of the final plat and two (2) copies eight by 14 inches in size shall be submitted.

Requirements

The final plat shall adhere to the following requirements:

- A. The final plat shall be prepared by a certified land surveyor or other qualified professional who shall endorse upon such a plat a certificate signed by him setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.
- B. The final plat shall be substantially in accordance with the preliminary plat (together with any changes or additions for its approval), except that a final plat may include all or any part of the area covered by the preliminary plat.
- C. The plat shall be legibly and accurately drawn upon sheets not more than 17 inches by 22 inches in size. There shall be a one-fourth-inch border on each side. The plats shall be drawn at a scale of one inch equals not more than 200 feet. The agent may, at his discretion, permit different suitable scales for plats of dedication or other special plats. If the subdivision is shown on several sheets, match lines shall clearly indicate where the several sheets join.
- D. It shall show accurately the following information:
 - ☐ The date of the plat and the name of the surveyor or engineer preparing the same.
 - ☐ Scale.
 - ☐ Number of sheets comprising the plat.
 - ☐ North meridian, designated true or magnetic and oriented to the top of each sheet; each sheet comprising the plat shall be so oriented.
 - ☐ Name and signature of the owner.
 - ☐ Name of the subdivision; the name shall not duplicate or too closely approximate that of any existing subdivision in the City or the County.
 - ☐ City or county and state.
 - ☐ Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
 - ☐ Names of all adjoining property owners and the location of each of their common boundaries, including established roadways and waterways.
 - ☐ Location and description of all existing monuments.
 - ☐ If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines, and

identification of such respective tracts shall be shown on the preliminary plat. The same information shall be included if any portion of the subdivision is situated in the county.

- ☐ A boundary survey to an accuracy of one part of 5,000.
 - ☐ Location and dimensions of all lot and street lines and center lines of all streets, both within and adjoining the subdivision; names and widths of all streets; and boundaries of all easements, school sites, parks or other public areas.
 - ☐ Building setback lines, shown as dashed lines with dimensions to front property line along each street, and length of setback line within each lot.
 - ☐ All dimensions shown in feet and decimals of a foot to the closest 1/100 of a foot and all bearings and degrees, minutes and seconds to the nearest 10 seconds.
 - ☐ Curve data showing radius, delta and arc either at the curve or in a curve data table.
 - ☐ Location and approximate bearing of all property lines intersecting the subdivision perimeter boundary.
 - ☐ Block letters and lot numbers.
- E. If any land or water areas are being dedicated or reserved for streets, parking space, for other public use or for the common use of future property owners of the subdivision, the final plat shall so state and indicate which land or water areas are dedicated or reserved.
- F. The final plat shall have appended to it an unexecuted copy of a proposed certificate of owner's consent for subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees, and lienholders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision.
- G. The final plat shall provide on the first sheet space for (form available upon request from the Building and Zoning Administrator):
- ☐ The surveyor's certificate as to title pursuant to the requirements of Subsection A of this section.
 - ☐ The surveyor's certificate as to monuments pursuant to the requirements of § 360-7C.
 - ☐ All restrictive covenants, or reference thereto.
 - ☐ Space for approval of the agent. The agent's approval shall state that to the best of the agent's knowledge and belief the proposed subdivision as set forth in the final plat complies with all pertinent ordinances and other requirements of the City and that the final plat is substantially in accordance with the plan of the subdivision as submitted to and approved by the Commission and Council in the preliminary plat.

Items to Accompany the Plat

- A. Certification by the agent, where improvements shown on the preliminary plat have already been installed, that such improvements as installed are acceptable and in conformity with current requirements.
- B. If all improvements required under this chapter are not completed, a cash bond, certified check or surety performance bond as required in § 360-15B.
- C. A check payable to the City of Lexington to cover all required fees.
- D. An unexecuted copy of the proposed deed of dedication, if required, accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deeds, to the effect that this is a true copy of the proposed deed of dedication which will be presented for recordation. Such copy shall:
 - ☐ Contain a correct description of the land subdivided and state that such subdivision is with free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.
 - ☐ Contain language such that when the deed is recorded, it shall operate to transfer in fee simple to the City such portion of the platted premises as is on such plat set apart for streets, easements or other public use and to create a public right of passage over the same.
 - ☐ Contain all protective or restrictive covenants, including those referred to in § 360-28H(3).
- E. An erosion and sedimentation plan approved by the appropriate agent in accordance with Chapter 178, Erosion and Sediment Control, of the Lexington City Code.

NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM A CURRENT FIELD SURVEY AS PER DATE OF THIS PLAT.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
3. THIS PROPERTY IS LOCATED IN FLOOD HAZARD ZONES, "X UNSHADED", AS DETERMINED BY FEMA COMMUNITY PANEL# 51163C0262 C, DATED APRIL 6, 2000.
4. ZONED R-1.

OWNERS CONSENT

THE BOUNDARY LINE ADJUSTMENT BETWEEN LOTS 12 & 13 AS SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

WILLIAM F. KIRCHNER

JEAN D. KIRCHNER

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY/CITY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE
AFORESAID STATE, DO HEREBY CERTIFY THAT THE OWNERS WHOSE
NAMES ARE SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME
BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE
REQUIREMENTS OF THE CITY OF LEXINGTON, VIRGINIA, REGARDING THE PLATTING OF
SUBDIVISIONS HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND THIS _____ DAY OF _____, 2023.

FARRIS P. HOTCHKISS, LS #2653



SOURCE OF TITLE:

WILLIAM F. & JEAN D.
KIRCHNER
DB 427 PG 451 (LOT12)
DB 536 PG 655 (LOT 13)



APPROVAL:

TO THE BEST OF THE AGENT'S KNOWLEDGE AND
BELIEF THE PROPOSED SUBDIVISION AS SET FORTH
IN THE FINAL PLAT COMPLIES WITH ALL PERTINENT
ORDINANCES AND OTHER REQUIREMENTS OF THE
CITY OF LEXINGTON, VA.

AGENT

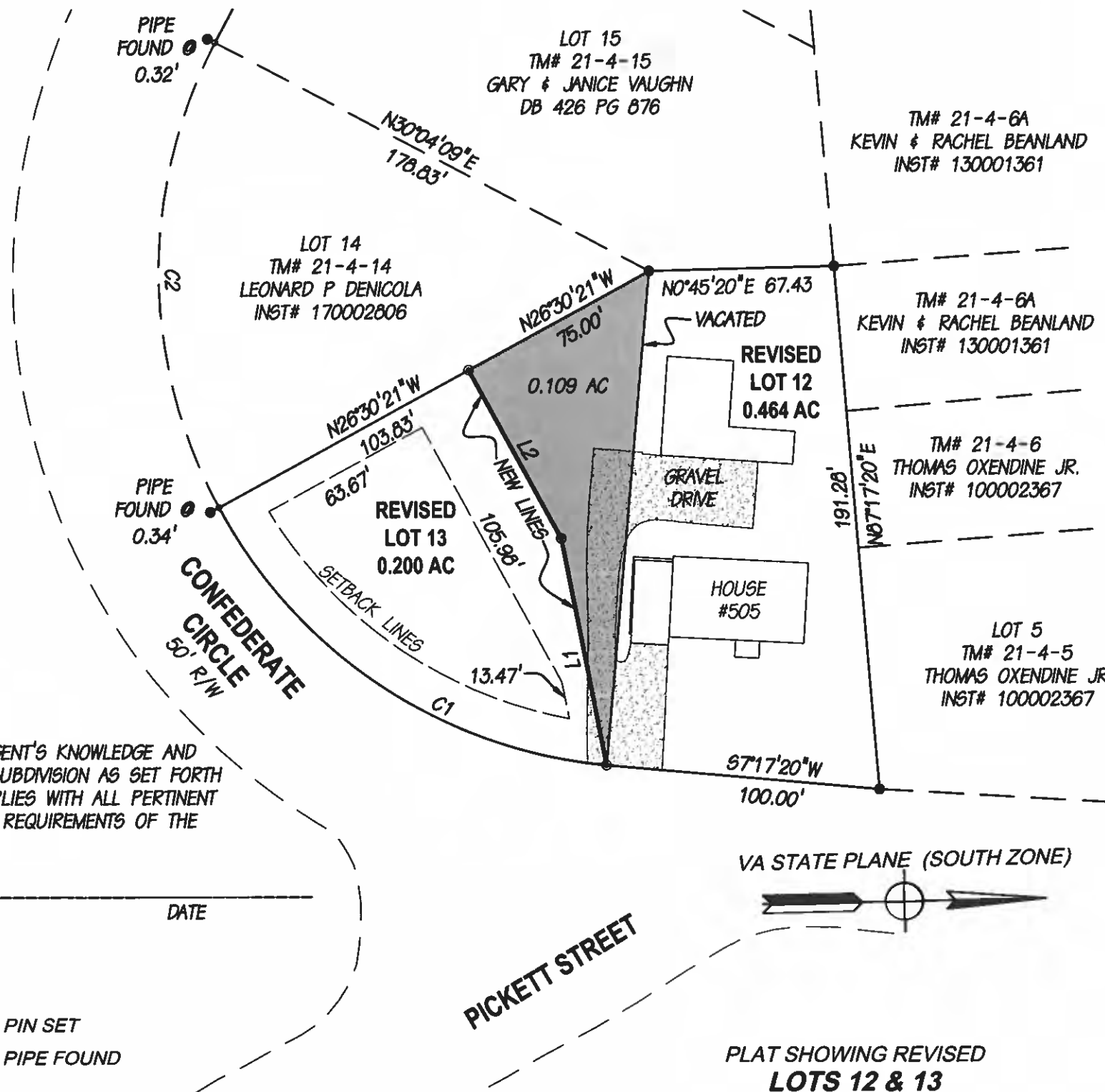
DATE

LEGEND

- ⊙ IRON PIN SET
- IRON PIPE FOUND

CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	176.67'	178.54'	S35°55'00"W	169.55'	56°41'42"
C2	176.58'	178.83'	N88°13'06"W	169.49'	56°34'30"

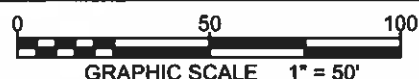
LINE TABLE		
LINE	BEARING	LENGTH
L1	S81°00'44"W	84.19'
L2	S63°29'27"W	70.00'



PLAT SHOWING REVISED
LOTS 12 & 13
"CONFEDERATE COVE SUBDIVISION"
CITY OF LEXINGTON, VIRGINIA

17 W. Nelson Street
P.O. Box 1567
Lexington, VA 24450

Office: 540-464-9001
Fax: 540-464-5009
E-Mail: pno@perkins-orrison.com
WEBSITE - <http://www.perkins-orrison.net/>



DATE: 12/13/2022

JOB#: 17107
DWG: V-BLA-17107
DWN: JKL/SLB

Project Name	Additions, relocations and upgrades at Brewbaker & Fox Fields
Property Location	198 Wallace Street
Zoning	P-OS (Parks & Open Space District) Zoning District
Owner/Applicant	City of Lexington / Chad Coffey

Location map



Background

This is an application for the addition of a storage building, a timber frame pavilion, and the relocation of a batting cage at Brewbaker and Fox Fields. The proposed storage building will be a permanent, metal fabricated building measuring 18' x 50' and 16' in height, located on the site of the existing batting cage. It will feature 3 garage doors across the front (facing Fox Field) and one standard entry door. The building's walls and roof will be forest green in color and the doors will be white – consistent with most other structures on the property, including the pool and skate park.

The proposed timber frame pavilion will be located on a large, flat area central to the overall property between the Outfield of Fox Field and the northeast end zone of Brewbaker Field. It will measure 35' x 25'10" and be approximately 16' in height. The roof will be a forest green color, consistent with several other nearby structures. Picnic tables will be placed in the pavilion for public use. The batting cage will be constructed of (8) 2" thick metal poles with diagonal support bracing at each end and horizontal bracing connections from which to hang the net. It will measure 16' x 70' x 14' and will be located at the northeast corner of the parcel, set back 20 – 25 feet from the fence line. The development concept plan is below and additional graphics are included in the application.

Development concept plan with property boundaries approximated



Zoning Authority and Requirements

The Planning Commission has the authority and responsibility to review all site plans required by the zoning ordinance. Site plans are required and shall be submitted for all new structures, all renovated structures and all additions to existing structures.

Building Height & Yard Setbacks

The Parks and Open Space zoning district allows structures up to 15 feet in height when the structure is located between 5 feet and 10 feet from a property boundary, while a structure up to 35 feet in height is allowed if it is located 10 or more feet from a property line.

The storage building is proposed to be 16 feet in height and located 45 feet from the north property boundary. The relocated batting cage is proposed to be 14 feet in height and located 20 to 25 feet from the north property boundary. The timber frame pavilion is proposed to be 16 feet in height and located about 90 feet from the closest property boundary. All of the proposed structures meet the minimum building height and yard setback requirements.

Parking

The storage building and relocated batting cage are not expected to generate a need for additional parking spaces, and sufficient space exists on-site (paved and unpaved) to accommodate the pavilion uses.

Buffers

Landscape buffers are not required between properties zoned P-OS and any property zoned R-1 or R-2.

Section 420-2.7.B of the Lexington Zoning Ordinance

The site plan shall be approved by the Planning Commission if it is found to be adequate with respect to:

- (1) Locations and design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic.
(The existing vehicular entrances and exists to the Brewbaker Field Sports Complex will not be modified and no new entrances or exits are proposed.)
- (2) Locations and adequacy of automobile parking areas.
(The storage building and relocated batting cage are not expected to generate a need for additional parking spaces, and sufficient space exists on-site to accommodate the pavilion uses.)
- (3) Adequate provision for traffic circulation and control within the site and provision for access to adjoining property.
(Existing traffic circulation and control will not be altered.)
- (4) Compliance with the requirements for setback and screening.
(Setback and screening requirements are met.)
- (5) Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.
(Only a small amount of impervious area will be added, and the Park has sufficient impervious area to accommodate runoff from the proposed pavilion.)
- (6) Compliance with applicable established design criteria, construction standards and specifications for all improvements.
(The subject parcel is not in a design district and all improvements must meet building code requirements prior to the issuance of a building permit.)

- (7) Approval by the City Health Officer or his agents if septic tank and other sewage disposal facilities other than sanitary sewers are involved.
(Septic and other sewage disposal facilities are not proposed.)
- (8) Adequacy of proposed landscaping for softening the harsh visual effects of parking lots and for providing screening between the development and the street and surrounding lots.
(Parking areas are not proposed to be altered and screening is not required for this zoning district.)

Staff Conclusions and Recommendations

The proposed site plan complies with all zoning requirements pertaining to site design and use, and staff recommends approval of the site plan for the addition of a storage building, a timber frame pavilion, and the relocation of a batting cage at Brewbaker and Fox Fields located at 198 Wallace Street.

Suggested Motion

I move to approve Site Plan number SP 2023-02 and find the submitted site plan to be in compliance with the Zoning Ordinance.



www.lexingtonva.gov

Planning & Development Department
 300 East Washington Street
 Lexington, Virginia 24450
 Phone: (540) 462-3704 Fax: (540) 463-5310

SITE PLAN APPLICATION AND CHECKLIST

Applicant¹

Name: Chad Coffey Phone: 540-292-0479
 Company: RARO Fax: _____
 Address: 300A White St Email: chadcoffey@rarocor.org
 Applicant's Signature: [Signature] Date: 2/2/23

Site Plan Preparer - SAME AS ABOVE

Name: Chad Coffey Phone: _____
 Company: _____ Fax: _____
 Address: _____ Email: _____

Property Owner

Name: City of Lexington Phone: 540-462-3700
 Address: 300 E. Washington St Email: _____
 Owner's Signature: _____ Date: _____

Proposal Information² (attach list of properties if request includes multiple properties)

Address (or location description): 198 Wallace St. (Brewbaker & Fox Fields)
 Tax Map: 29-1-49 Deed Book and Page #: _____
 Acreage: _____ Zoning (attach any existing zoning conditions or proffers): _____

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.



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Notice to Adjacent Property Owners

Per § 420-222-B(1) of the Lexington City Code, the City shall give written notice to those persons who own property any portion of which abuts the subject property and all property which is across the street from any portion of the subject property as determined by the City's real property tax records. This notice shall give the date, time and place of the Planning Commission meeting at which the site plan is being reviewed, identify the property which is the subject of the application and give a brief description of the proposed action. This notice shall be mailed a minimum of 10 days prior to the date of the meeting of the Planning Commission at which the site plan is first considered.

Posting of the Property

Per § 420-222-B(2) of the Lexington City Code, the City will place a sign provided on the subject property which indicates that an action is pending. The sign will be located to be clearly visible from the street.

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$350+\$25/acre

Amount Paid: _____

Case Number: SP- _____ - _____

Date Received: _____ Received By: _____

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Approvals

Planning Commission

Administrator

Adj. Property Notifications: _____ Action: _____

Meeting Date: _____ Action Date: _____

Action: _____ Signature: _____



www.lexingtonva.gov

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 300 East Washington Street
 Lexington, Virginia 24450
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Site Plan Checklist

Contents

Every site plan prepared and submitted in accordance with Article XXII of the Lexington City Code shall contain the following information:

- ☐ A boundary survey of the tract.
- ☐ A certificate, signed by the surveyor or engineer, setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.
- ☐ All existing and proposed streets and easements, their names, numbers and widths, existing and proposed utilities, owners, zoning and present use of adjoining property.
- ☐ Location, type and size of vehicular entrances to the site.
- ☐ Locations, types, sizes and heights of fencing, retaining walls and screen planting where required.
- ☐ All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with Article XX.
- ☒ Number of floors, floor area, height and location of each building and proposed general use for each building. If a multifamily residential building, the number, size and type of dwelling units.
- ☐ All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made.
- ☐ Provisions for the adequate disposition of natural and storm water, indicating locations, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system.
- ☐ Existing topography, with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than 2%, either one-foot contours or spot elevations where necessary, but not more than 50 feet apart in both directions.
- ☐ Proposed finished grading by contours, supplemented where necessary by spot elevations.
- ☐ A landscape buffering and screening plan, if requested by the City Manager, his authorized agent or the Planning Commission.

Preparation and Submission

- ☐ Site plans, or any portion thereof, involving engineering, architecture, landscape architecture or land surveying shall be prepared and certified respectively by an engineer, architect, landscape architect or land surveyor duly authorized by the state to practice as such.
- ☐ Site plans shall be prepared on a scale of one inch equals 50 feet or larger.



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- ☐ A clear, legible, blue or black line copy of the site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall be responsible for checking the site plan for general completeness and compliance with such administrative requirements as may be established prior to routing copies thereof for review.

Planning Commission Review

All site plans which are appropriately submitted and conform to the standards and requirements set forth in Article XXII of the Lexington City Code shall be forwarded to the Planning Commission for approval.

The site plan shall be approved by the Planning Commission if it is found to be adequate with respect to:

- ☐ Locations and design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic.
- ☐ Locations and adequacy of automobile parking areas.
- ☐ Adequate provision for traffic circulation and control within the site and provision for access to adjoining property.
- ☐ Compliance with the requirements for setback and screening.
- ☐ Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.
- ☐ Compliance with applicable established design criteria, construction standards, and specifications for all improvements.
- ☐ Approval by the City Health Officer or his agents if septic tank and other sewage disposal facilities other than sanitary sewers are involved.
- ☐ Adequacy of proposed landscaping for softening the harsh visual effects of parking lots and for providing screening between the development and the street and surrounding lots.

Required Improvements

- ☐ Screening, fences, walls, curbs and gutters as required.
- ☐ Easements of rights-of-way for all facilities to be publicly maintained. Such easements shall be clearly defined for the purpose intended.
- ☐ Curbs and gutters for travel lanes or driveways that provide vehicular travel to and from adjacent parking areas or adjacent property for the purpose of separating such areas or property from parking areas and walkways.
- ☐ Adequate "no parking" signs along such travel lanes or driveways to prohibit parking on such.
- ☐ An adequate drainage system for the disposition of storm and natural waters.
- ☐ Landscaping sufficient to soften the visual effects of parking lots and to provide screening between the development, the street and surrounding lots.

Storage Building Proposal

On the site of the existing batting cage, a metal fabricated storage building that measures 18'x50' is proposed. This building would be a permanent solution to RARO's equipment storage needs. The building would be a vertical metal structure consisting of 3 garage doors across the front (facing Fox field) with a single standard entry door. The walls of the building would be 10' in height. Electrical wiring would be performed by Lexington City Public Works to provide lighting and outlets. The existing concrete slab measures 16'6" and would need to be widened to 18' to account for the foundation of the structure. The 50' distance is already in existence. The building uses standard certified plans with a wind rating of 140mph and a snow load rating of 35 PSF. The walls of the building would be forest green in color with matching roof. The garage doors and entry door would be white in color. The colors of this building would be consistent with most other structures on the property, including the pool and skate park. The building will consist of 1 floor completely enclosed with 3 garage doors and an entry door.

Batting Cage Relocation

With the storage building set to take over the existing cage location. The plan is to turn the batting cage 90 degrees and run it along the fence on the northeast boundary. This cage would be 20-25 feet off of the existing property fence. The structure of the cage is (8) 2" metal poles connected with a horizontal brace at the top to hang the net from. The end poles would have diagonal bracing added within the footprint for strength to support the weight of the net. The height of the poles would be approximately 14' off of the ground. There is no electricity connected to this structure. The poles will be either black or galvanized metal in color. The ground inside of the cage will be cinder gravel and/or athletic turf. The ground footprint is within the footprint of the structural poles. The overall cage measurements are 16'x70x14'.

Separate Project on the same property:

Timber Frame Pavilion

In between the Outfield of Fox field and the northeast endzone of Brewbaker field, there is a large flat area central to the overall property. This is the proposed site of the Timber Frame Pavilion. To help identify the location, it would be located beside the football scoreboard and below the flagpole. The Timber Frame plans were drawn by Grigg Mullen and 3 exact structures have been erected locally: 1. Goshen Pass(2009), VMI Outdoor rifle range (2012), and RCHS (2018) (beside football field). This structure would be built by cadets at the guidance of Mr. Mullen and instructors. The roof of this building will be forest green in color matching several other structures on the same property and nearby. The footprint of the structure is 25'10"x36'. The structure stands approximately 16' tall. Electricity will be added for lights and receptacles by Lexington City Public Works. Several picnic tables will be placed under the structure for general public use. Reservations of the pavilion will follow the current Lexington Facility Use Reservation process. The structure will be an open air, 1-floor structure.













Draft amendments for Accessory Dwelling Units

Proposed Amendments to the Zoning Chapter (*Chapter 420*)

The Lexington Planning Commission is considering a zoning text amendment to potentially allow accessory dwelling units in accessory structures in accordance with strategy HO 1.2 from the Comprehensive Plan. That strategy directs us to review regulations allowing accessory dwelling units in separate structures in appropriate residential areas. Currently, Accessory Apartments are defined in the Zoning Ordinance as a residential use having the external appearance of a single-family residence in which there is located a second dwelling unit that comprises no more than 25% of the gross floor area of the building nor more than a total of 750 square feet. The current definition does not allow accessory dwelling units to be located in accessory structures that are detached from the main dwelling unit. The purpose of this zoning text amendment is to explore whether accessory dwelling units can be allowed in accessory structures while not creating negative impacts to our neighborhoods.

In this report, staff is proposing a draft outline for the accessory dwelling unit zoning text amendment in an effort to guide the discussion. The following outline is pulled primarily from the *AARP ADU Model State Act and Local Ordinance* and is modified to fit the format of the existing Lexington Zoning Ordinance.

The February 9, 2023 Planning Commission discussion regarding the definition of an accessory dwelling unit raised a number of questions about maximum occupancy, parking requirements, and size limits for accessory dwelling units. In response to that portion of the discussion, staff thought it helpful to provide two examples of accessory dwelling regulations from two other Virginia jurisdictions to show the overall structure of those regulations and how the use and design standards can be organized. Included in the attached “background” document are the accessory dwelling regulations from Arlington and Charlottesville, as well as a zoning map for Lexington.

For the Planning Commission discussion on February 23, 2023, staff recommends the Planning Commission begin the review of general standards for accessory dwelling units such as minimum lot size, minimum ADU size, height limits, etc. Subsequent meetings will generally follow the proposed outline and staff will continue to provide examples from other ADU ordinances for each item in the outline.

Article XI. Use and Design Standards.

The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply.

§420-11.1. Residential Uses.

1. Accessory Dwelling Units.

- A. Purpose
- B. Definitions
- C. Authorization of ADUs by zoning district
- D. Number of ADUs allowed per lot in Single-Family Zones
- E. General Standards
 - 1. Minimum Lot Size in Single-Family zones
 - 2. Types of Structures
 - 3. Size of ADUs
 - 4. Lot Coverage Limits
 - 5. ADU Setbacks
 - ~~6. Floor Area Ratios~~
 - 7. ADU Height Limit
 - 8. Architectural Consistency and Design Review
 - 9. Orientation of Entrance
 - 10. ADU Screening, Landscaping and Orientation
 - 11. Parking Requirements
 - 12. Short-Term Rentals
 - 13. Separate Sale of ADUs
 - 14. Owner Occupancy (Residency) Standards
 - 15. Other Common Standards Not Recommended for Application to ADUs
- F. Utility Connections and Building Codes
 - 1. Utility Connections
 - 2. Local Building Codes
- G. ADU Application and Review Procedures
 - 1. Application Process
 - 2. Clear and Objective Versus Discretionary Standards
 - 3. Review Procedures
 - 4. Appeals of ADU Decisions
- H. Fees
- I. Legalizing ADUs

A. Purpose

In Lexington, accessory dwellings are intended to provide additional housing options for the benefit and convenience of families and households with changing economic conditions and/or family structure. Accessory dwellings are expected to increase housing opportunities for individuals who might have difficulty finding housing in Lexington. In addition, these provisions are provided to formally recognize previously established apartments and provide for improved safety and physical appearance.

B. Definitions

ACCESSORY DWELLING UNIT - ATTACHED

A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than 2 persons for living purposes, and meeting the standards of §11.1.1. Accessory dwelling units are clearly incidental and subordinate to, and remain under the same ownership as the main dwelling on the lot. When contained within the principal structure of a single-family dwelling, such accessory dwelling unit constitutes an “attached accessory dwelling unit,” for which a separate entrance and street address are required.

ACCESSORY DWELLING UNIT – DETACHED

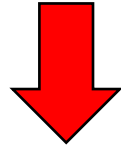
A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than 2 persons for living purposes, and meeting the standards of §11.1.1. Accessory dwelling units are clearly incidental and subordinate to, and remain under the same ownership as the main dwelling on the lot. When contained in a separate, fully detached structure from the principal structure of a single-family dwelling, such accessory dwelling unit constitutes a “detached accessory dwelling unit,” for which a separate street address is required.

C. Authorization of ADUs by zoning district

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
<i>B = By-right uses, C = Conditional uses</i>								
Use Types								
Residential								
Accessory apartment (interior)			B	B	B	B	B	
Accessory apartment (detached)			C	C	C	C		
Dish Antennas (not meeting use and design Standards in §420-11.1.1)			C	C	C	C		
Family Health Care Structure, temporary			B	B	B	B		
Fraternity/Sorority House, University Administered			C		C			
Group home			B	B	B	B		
Guest room			B	B	B	B		
Live-work dwelling					B	B	B	B
Multi-family dwelling					B	C	B ¹ , C ²	
Single-family dwelling, attached			B	B	B	B		
Single-family dwelling, detached			B	B	B	B		
Townhouse					B	B	B	C
Two-family dwelling			B		B	B		

D. Number of ADUs allowed per lot

No more than one per lot, provided the parcel meets the minimum lot size and minimum setback requirements for the district.



Continue with 2.23.2023 P.C.
discussion here

E. General Standards

1. Minimum Lot Size

- a) Same minimum lot size for the accessory dwelling unit as the minimum lot size for the primary dwelling. *(It appears most of the sample regulations do not call out a separate lot size requirement over and above the minimum lot size required for the zoning district.)*
- b) Accessory dwelling units may be created within or attached to an existing primary dwelling located on a lot that is smaller than the minimum lot size provided the primary dwelling is a legal nonconforming use.
- c) **Bedford County:** The accessory apartment can be located in a building other than the principal structure if the parcel meets the minimum lot size for the district.
- d) **Blacksburg:** The underlying zoning district development standards for lot coverage, height, setbacks and floor area ratio that apply to the primary dwelling shall also include the accessory apartment in the calculation of these standards.

2. Types of Structures

- a) **Arlington County:** Accessory dwellings may be within or attached to one-family dwellings, or in detached accessory buildings on lots containing one-family dwellings, subject to the following limitations: (a) An accessory dwelling shall not be permitted on a lot with a family/caregiver suite. (b) Not more than one accessory dwelling shall be permitted on a lot.
- b) **Bedford County:** An accessory apartment shall only be considered as an accessory use to a detached single family residence, and no accessory apartment shall be located in any structure other than the principal structure on the lot. (Exceptions for agricultural districts if apartment meets certain criteria)
- c) **Charlottesville:** interior and exterior, including in an accessory building. Only one accessory dwelling unit shall be allowable per lot.
- d) **Blacksburg:** only within primary structure

- e) **Loudoun County:** A dwelling within or detached from the principal dwelling... the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling
- f) **Louisa County:** interior, attached or detached – “Manufactured homes, mobile homes, RV's, camping trailers and other traditionally temporary structures are not accessory dwelling units.”
- g) **Lynchburg:** Accessory dwelling units shall be located within the principal structure using a common entrance so that the principal structure retains the appearance of a single-household residence, or be located in an accessory structure located in the rear yard and outside required setback lines for principal structures.
- h) **Strasburg:** Accessory dwellings shall be consistent with the look and scale of adjacent dwellings and development patterns and shall be limited to one (1) per primary dwelling unit, but no more than one per lot.

3. Size of ADUs

a) **Sample from Arlington County**

No detached accessory building approved after May 18, 2019, with a footprint larger than 560 square feet in R-5 and R-6 districts, and 650 square feet in any other district, shall be used to contain an accessory dwelling, and the gross floor area shall be as specified in subsection (e) below... (e) The gross floor area of an accessory dwelling shall not exceed the following: (1) The size of the basement for an attached accessory dwelling that is wholly within a basement. (2) All other accessory dwellings shall exceed neither: (i) 750 sq. ft. nor 35 percent of the combined floor area of the main and accessory dwelling, for an attached or detached accessory dwelling where the GFA of the main dwelling is at least 1,000 sq. ft. (ii) 500 sq. ft. nor 45 percent of the combined gross floor area of the main and accessory dwelling, for an attached or detached accessory dwelling where the GFA of the main dwelling is less than 1,000 sq. ft.

b) **Sample from Bedford County**

Maximum floor area: Upon completion of the construction, the accessory apartment shall not contain more than fifty (50) percent of the finished floor area of the principal dwelling located on the same lot, but in no case shall the accessory apartment exceed one thousand (1,000) square feet. AND Minimum floor area of the apartment: Three hundred (300) square feet.

c) **Sample from Blacksburg**

The maximum size of an accessory apartment shall be eight hundred (800) square feet.

d) **Sample from Charlottesville**

Interior accessory apartment: The accessory apartment must be entirely contained within the principal structure. The gross floor area of the accessory apartment may not exceed forty (40) percent of the gross floor area of the principal structure in which it is located.

Exterior accessory apartment: The footprint of the exterior accessory apartment may not exceed forty (40) percent of the footprint of the primary dwelling on the property. (Another section of the Charlottesville code requires the total area of the footprints of the ADU and all other accessory structures in the rear yard cannot exceed 30% of the area of the rear yard.)

e) Sample from Loudoun County

not more than the lesser of 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (i) 2,500 square feet of gross floor area... in the Non-Suburban Districts under Article 2; or (ii) 1,200 square feet in gross floor area in the Suburban Districts under Article 3 and the Planned Development Districts under Article 4.

f) Sample from Louisa County

- (1) A dwelling unit contained within a single-family dwelling, that may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level;
- (2) A dwelling unit attached to a single-family dwelling, that may equal the existing finished square footage of the primary dwelling if the lot is at least double the minimum lot area;
- (3) A dwelling unit less than 1,500 square feet in finished floor space and located within a detached accessory structure no more than one-half the size of the finished square footage of the primary dwelling unit located on the subject property; or
- (4) A dwelling unit attached to the primary single-family dwelling that shall be no more than one-half the size of the finished square footage of the primary dwelling unit located on the subject property.

g) Sample from Lynchburg

Detached accessory dwelling units shall be limited to 900 square feet and shall not have more than one bedroom.

h) Sample from Strasburg

An accessory dwelling is allowed incidental to a primary dwelling unit and on the same lot as the primary dwelling unit subject to the following conditions: D. The living area of such building shall not exceed 60% of the floor area of the main building or principal residence.

4. Lot Coverage Limits

a) Sample from Charlottesville

Accessory buildings may be erected in a required rear yard, provided that in any residential zone, accessory buildings and structures (when located within a required rear yard): Cumulatively shall not occupy more than thirty (30) percent of a rear yard, and...

5. ADU Setbacks

a) Sample from Arlington County

Any detached accessory building approved after May 18, 2019, containing an accessory dwelling shall comply with all requirements of Article 3, and with setbacks as follows: (1) On interior lots, the nearest wall of the accessory building shall not be located closer than five feet to a side or rear lot line; (2) On corner lots, the nearest wall of the accessory building shall not be located closer than five feet to any side lot line, and the nearest edge of the eave of the accessory building shall not be located closer than 10 feet to any rear lot line; and (3) The nearest wall of the accessory building shall not be located closer than 25 feet from any street or officially designated street right-of-way line

b) Sample from Charlottesville

Exterior accessory apartment: Must be located within an accessory structure, and the accessory structure must itself be in compliance with all applicable zoning and building code regulations. AND Accessory buildings may be erected in a required rear yard, provided that in any residential zone, accessory buildings and structures (when located within a require rear yard): ... Shall not be nearer than five (5) feet to any side or rear lot line. However, when a garage situated within a required rear yard is entered from an alley, the garage shall not be nearer than ten (10) feet to the property line adjacent to the alley.

6. Floor Area Ratios

7. ADU Height Limit

a) Sample from Arlington County

Detached accessory buildings approved after May 18, 2019, containing accessory dwellings shall exceed neither 25 feet nor 1½ stories in height.

b) Sample from Charlottesville

No accessory unit shall exceed twenty-five (25) feet in height or the highest point of the primary dwelling unit's roof surface, whichever is less.

8. Architectural Consistency and Design Review

a) Sample from Strasburg

An accessory dwelling is allowed incidental to a primary dwelling unit and on the same lot as the primary dwelling unit subject to the following conditions: ...

G. Accessory dwellings shall be consistent with the look and scale of adjacent dwellings and development patterns.

9. Orientation of Entrance

a) Sample from Arlington County

No accessory dwelling within a main dwelling with an entrance above the first floor shall have exterior stairs to that entrance on the side of the lot fronting a street. No accessory dwelling within an accessory building with an entrance above the first floor shall have exterior stairs to that entrance on the side of the lot fronting a street unless the accessory building was built prior to May 18, 2019.

b) Sample from Bedford County

Exterior entrances to the apartment shall be located so as to appear as a single-family dwelling.

c) Sample from Charlottesville

Interior accessory apartment: The accessory apartment may not have its own separate entrance located on any façade of the principal dwelling that fronts on a public street. No exterior stairs providing access to the accessory apartment shall be visible from any public street.

10. ADU Screening, Landscaping and Orientation

11. Parking Requirements

a) Sample from Charlottesville:

For single-family and two-family dwellings – 1 space/dwelling unit

b) Sample from Bedford County

One (1) parking space shall be required in addition to required parking for the principal dwelling.

c) Sample from Blacksburg

Off-street parking is not required for the accessory apartment. If any parking is proposed, the parking shall be of a pervious surface such as pervious pavers, pervious concrete or other pervious material as approved by the Zoning Administrator.

12. Short Term Rentals

a) Sample from Arlington County

Accessory use. Accessory homestay shall be accessory only to household living use as defined in §12.2.3.A.1, and shall be allowed only where:

(a) The dwelling unit is used by the resident of the dwelling unit as his/her primary residence, which means that he or she resides there for at least 185 days during each year; and

(b) The bedroom(s) rented to overnight lodgers shall be within the main building of the dwelling unit that the resident occupies as his/her primary residence and shall be allowed in a detached accessory building only where such building is approved as an accessory dwelling. **AND**

Accessory homestay shall be allowed in dwelling units that have an accessory dwelling, subject to the following:

(a) Either the main dwelling, the accessory dwelling, or both may be rented to lodgers by the resident; and

(b) Occupancy in the accessory dwelling is limited to a maximum of three lodgers;

b) Sample from Louisa County

[An accessory dwelling unit] shall not be rented in less than six-month increments.

c) Sample from Strasburg

Conversion of an accessory dwelling unit to a rental unit is strictly prohibited.

13. Separate Sale of ADUs

14. Owner Occupancy (Residency Standards)

a) **Sample from Bedford County**

Only one (1) accessory apartment shall be allowed on any one (1) lot or parcel, and the owner of the property shall reside on the premises.

b) **Sample from Blacksburg**

The maximum dwelling unit occupancy shall be a family plus two (2) persons unrelated to the family; or no more than three (3) unrelated persons. For a detached single-family dwelling with a nonconforming accessory apartment, occupancy shall be figured cumulatively including both the single-family dwelling and the accessory apartment for a total not to exceed three (3) unrelated persons. (Increased to 4 unrelated in the Old Town Res. District.)

c) **Sample from Charlottesville**

One (1) of the two (2) dwelling units on the subject property must be occupied by the owner of the property. **AND** Notwithstanding any other residential occupancy provisions set forth within this zoning ordinance, no accessory apartment may be occupied by more than two (2) persons.

d) **Sample from Louisa County**

Occupancy of such accessory dwelling unit shall be limited to no more than one family (as defined) or up to three unrelated persons and shall not be rented in less than six-month increments, and the primary dwelling unit must be occupied by the owner of the subject property or an immediate family member (as defined).

e) **Sample from Strasburg**

An accessory dwelling is allowed incidental to a primary dwelling unit and on the same lot as the primary dwelling unit subject to the following conditions: A. The primary dwelling unit is owner-occupied... **AND** E. The owner of the principal building or lot shall be the occupant of the principal dwelling or of the accessory dwelling unit at all times.

15. Other Common Standards Not Recommended for Application to ADUs

Sample from Loudoun County

Accessory dwellings shall not be included in calculations of density.

F. Utility Connections and Building Codes

1. Utility Connections
2. Local Building Codes

a) Sample from Charlottesville

Must comply with all applicable building code regulations.

b) Sample from Fauquier County:

Building codes are not as restrictive if the ADU is meant to house family members and there is a deed restriction limiting the use of the ADU to family members. Check with Building staff for information regarding building code requirements.

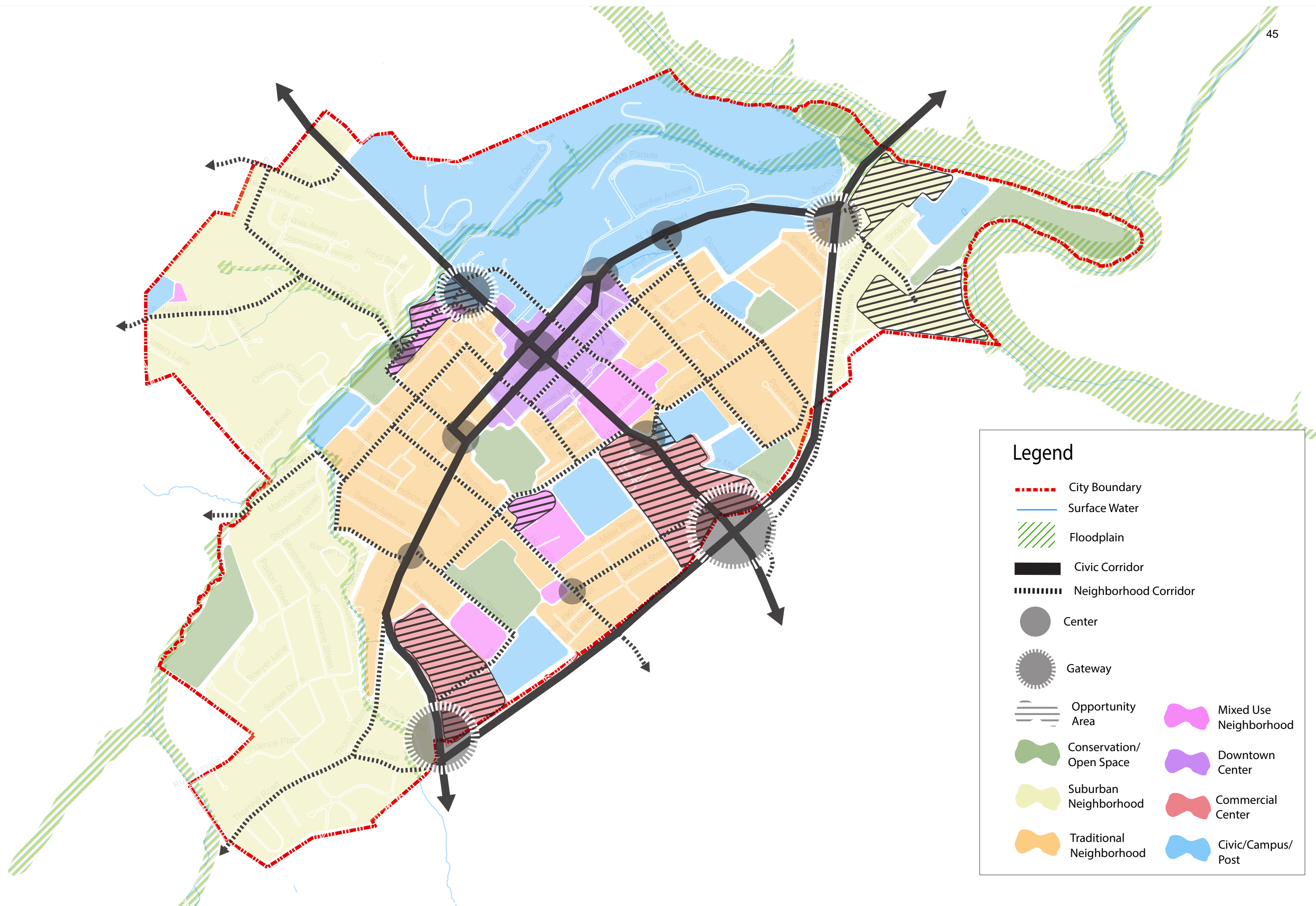
c) Sample from Loudon County: Charlottesville

Structures existing prior to 1/7/2003 may be used as an accessory dwelling and be exempt from the floor area and minimum lot area requirements for AD, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to 1/7/2003 if it is:

- Located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District
- Listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP).
- Listed or eligible for listing as a contributing resource to a VLR or NRHP listed or eligible Historic District. (Loudoun County)

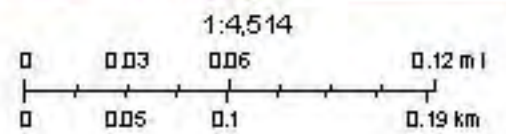
d) Sample from Roanoke

An accessory building in which the accessory apartment is located shall not be separately metered for utilities from the principal single-family home. (City of Roanoke)

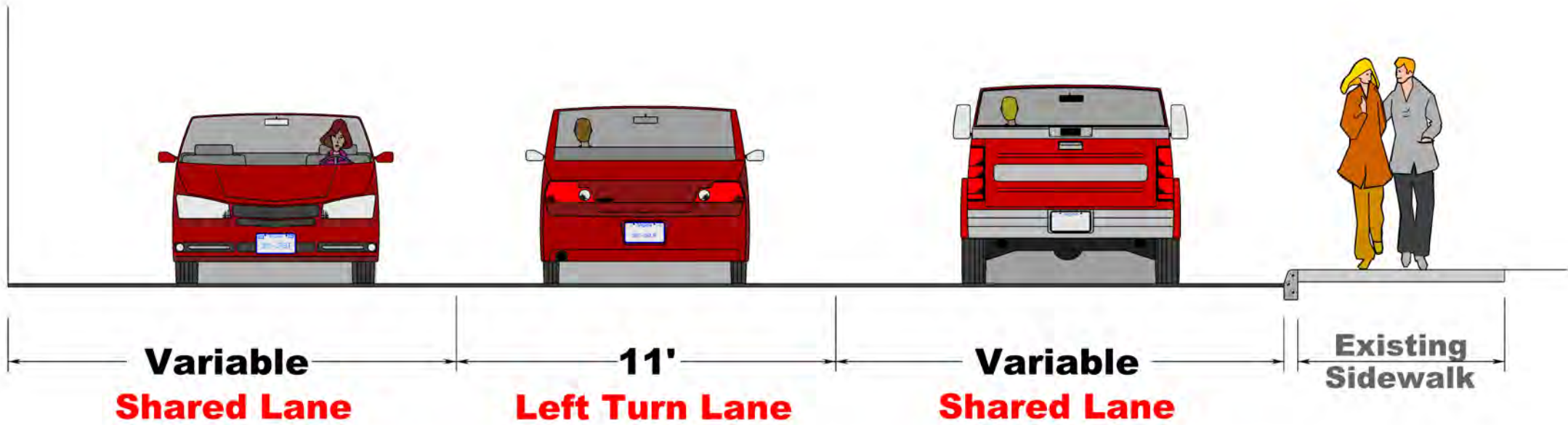
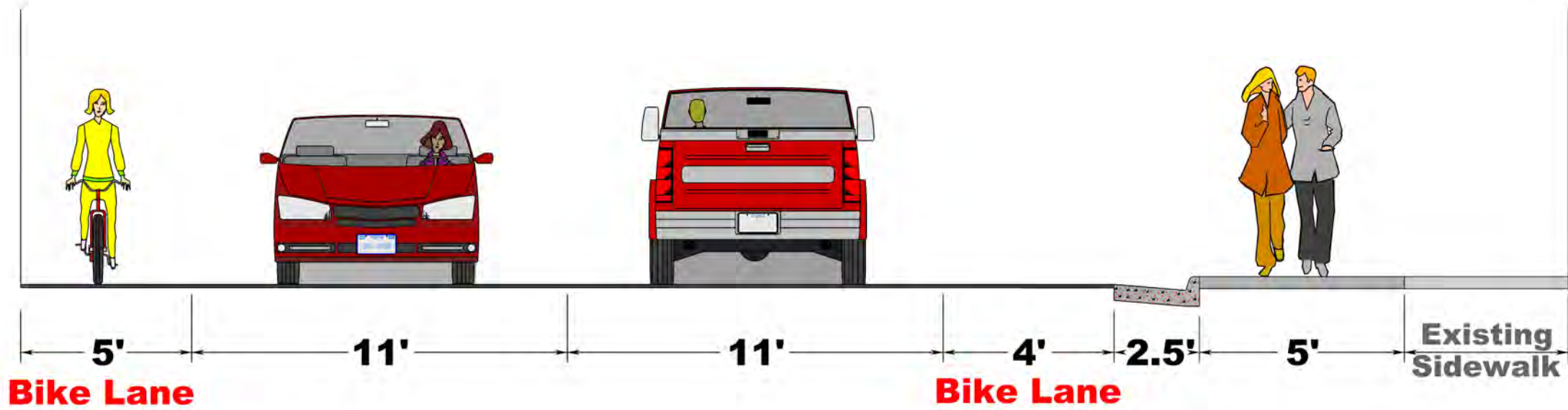




February 17, 2023



TYPICAL SECTIONS



Diamond Street Intersection

