

## LEXINGTON PLANNING COMMISSION

**December 8, 2022 - 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 November 10, 2022\*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
  - A. CUP 2023-01: an application by Edwin Gaskin of Echelon Resources, Inc. for approval of a Conditional Use Permit to allow multifamily dwellings on the City owned parcel located on Spotswood Drive (Tax Map #29-1-31).
    - 1) Staff Report\*
    - 2) Applicant Statement
    - 3) Public Comment
    - 4) Commission Discussion & Decision
  - B. ZOA 2023-01: Annual Zoning Ordinance Amendments. Accessory Dwelling Units (A.D.U).
    - 1) Background Materials\*
    - 2) Public Comment
    - 3) Commission Discussion
  - C. Elect Vice-Chairperson
    - 1) Nominations
    - 2) Motion & Vote
  - D. Review Planning Commission terms\*
  - E. Green Infrastructure Group Report – Update from Commissioner Driscoll
- 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: Ongoing
  
- 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, November 10, 2022 – 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: Nicholas Betts, Vice-Chair  
 John Driscoll  
 Leslie Straughan, Council Liaison

### **City Staff:**

Arne Glaeser, Planning Director  
 Kate Beard, Administrative Assistant

Absent: Pat Bradley  
 Matt Tuchler

### **CALL TO ORDER**

Chair Shester called the meeting to order at 5:00 p.m.

### **AGENDA**

The agenda was unanimously approved as presented. (N. Betts / L. Straughan)

### **MINUTES**

The minutes from the October 27, 2022 meeting were unanimously approved as presented. (J. Driscoll / N. Betts)

### **CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**

None

### **NEW BUSINESS**

#### **A. ZOA 2021-03: An application by the City of Lexington proposing amendments to the City Code for the regulation of small cell wireless facilities.**

##### 1) Staff Report –

A. Glaeser reminded the Commission that recent State and Federal legislation provided the impetus for this amendment to the City Code which will update regulations for telecommunication facilities and include the changes adopted specifically for small cell wireless facilities. Unless the City adopts these rules and regulations, there will be no criteria, method or process by which to approve these facilities. The proposal is to make changes to 4 areas of the Zoning Ordinance: the Use Matrix, the Historic District Design Guidelines referenced in the Zoning Chapter, the Use and Design Standards and the Definitions. Additional amendments will also be made to the Streets and Sidewalks Chapter.

Director Glaeser provided a brief review of the proposed changes to the Zoning Chapter emphasizing the distinction between standard process and administrative review eligible projects. He noted this particular distinction was based on State and Federal legislation and there are no other items in the Zoning Ordinance with these distinctions. He reviewed

the amended language for each section and provided the criteria by which projects would be determined to be standard process or administrative review eligible projects. He explained standard process projects would not be a permitted use in the C-1 but would be added as a conditional use in the R-M and R-LC zoning districts. He reviewed the processes by which the two project types would be reviewed and noted that the shot clocks included in the proposed text amendments had been dictated by State and Federal code. He pointed out the language regulating small cell facilities in the Historic Districts and reminded the Commission of the proposed amendment to the Historic Districts Design Guidelines. He elaborated that siting small cell facilities in the City's Historic Districts would require a Certificate of Appropriateness approved by the Architectural Review Board.

Director Glaeser stated the proposal also includes amendments to two sections of Streets and Sidewalks Chapter for the permitting of projects in the public right of way. The text proposed for this Chapter was reviewed and proposed by the City's former Public Works Director, Jeff Martone. He added that the City Attorney drafted an Ordinance to initiate and establish the process for soliciting and granting non-exclusive telecommunication franchise proposals by the City, as well as a Franchising Agreement. These documents were not advertised for a public hearing at this meeting because the Ordinance was not an amendment to the City Code and would be adopted by City Council at a later date.

- 2) Public Comment – None
- 3) Commission Discussion & Decision – B. Shester noted the language proposed for this amendment had been subjected to lengthy review and discussion. J. Driscoll agreed and expressed that he was comfortable recommending approval of the text as presented. He mentioned that he found the Introduction included in the Staff Report to be very helpful and suggested it be provided, along with a timeline of the Planning Commission's thorough review and vetting, when the proposed amendment is presented to City Council. **L. Straughan moved to recommend approval of the proposed text amendments as presented regarding communication towers. J. Driscoll seconded and the motion passed unanimously. (4-0)**

## OTHER BUSINESS

- A. Zoning and Planning Report – Director Glaeser reported the Planning Department had been busy with a project and he had not prepared a complete report other than to mention the Local Board of Building Code Appeals hearing scheduled for November 14, 2022:
- B. Key Annual PC Milestones – J. Driscoll reported the final Green Infrastructure Group Report would be presented at the Commission's December 8<sup>th</sup> meeting.
- C. Key Annual PC Milestones - Chair Shester noted the first two zoning text amendments listed on the agenda were now complete and the Commission would begin its work on the amendment for Accessory Dwelling Units at its December 8<sup>th</sup> meeting.

## CITY COUNCIL REPORT -

L. Straughan reported that at its November 3<sup>rd</sup> meeting, City Council had a public hearing on the boundary line adjustments between the two residential parcels on Houston Street and Oak

Grove Cemetery, both of which were approved unanimously. Council also began work on a Noise Ordinance.

**ADJOURN**

Chair Shester congratulated Commissioner Betts as a newly elected Councilmember. Commissioner Betts indicated that an election to replace him as Vice-Chair should likely be added to the agenda for the next meeting. J. Driscoll requested the Commission also review the remaining Commissioners' terms at the next meeting.

The meeting was adjourned at 5:38 pm with unanimous approval. (B. Shester / N. Betts)

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B. Shester, Chair, Planning Commission

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|                           |   |
|---------------------------|---|
| <b>Project Name</b>       | Spotswood Parcel multifamily development                  |
| <b>Property Location</b>  | 406 Spotswood Drive, Tax Map #: 29-1-31                   |
| <b>Zoning</b>             | R-LC (Residential – Light Commercial)                     |
| <b>Owner / Applicant</b>  | City of Lexington / Edwin Gaskin, Echelon Resources, Inc. |
| <b>Applicant’s Intent</b> | CUP for multifamily dwellings                             |

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*PLANNING COMMISSION RECOMMENDATION: Pending  
STAFF RECOMMENDATION: Approval*

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**OVERVIEW OF REQUEST**

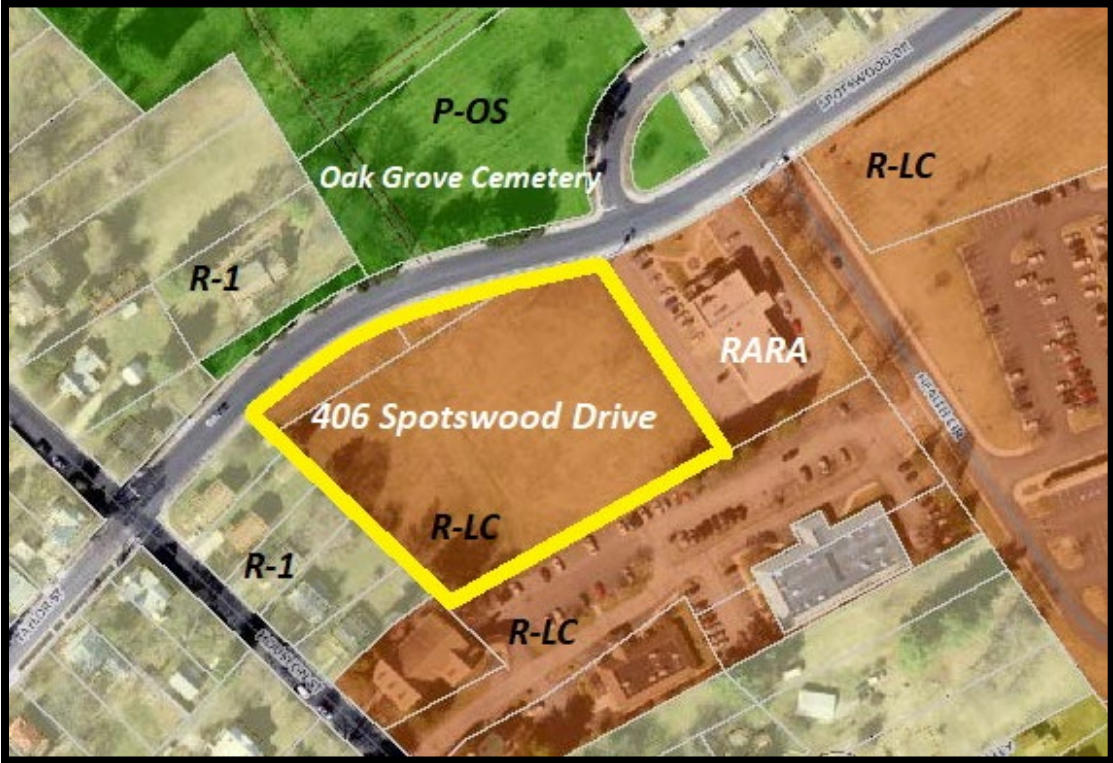
The subject application is a request for a Conditional Use Permit to allow multi-family dwelling units on the subject parcel which is zoned Residential-Light Commercial (R-LC).

*photograph of 406 Spotswood Drive*

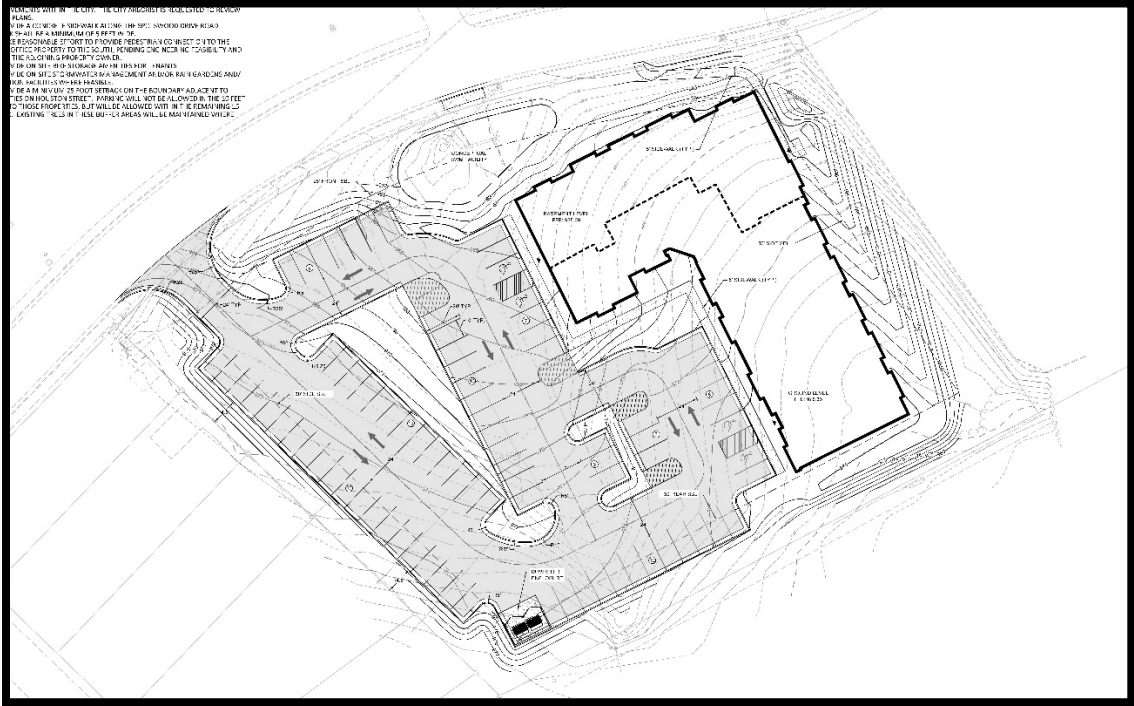


The applicant’s proposal envisions a multifamily community consisting of up to 62 apartments with related amenities and at least 84 parking spaces. The plan proposes 62 units of new construction (1 & 2 bedroom units), with the massing of the proposed structure located closer to the adjacent RARA parcel to the east. Locating the proposed structure on the east side of the subject parcel increases the distance to the adjacent single family parcels along Houston Street and Spotswood Drive to the west and northwest. The proposed structure will be 3 full stories in height with a basement story facing Spotswood Drive. The maximum building height will not exceed 45 feet in height.

location & zoning map



concept plan



Conditions offered by the applicant in the project narrative:

1. Applicant will provide a flat roof design to minimize building height/massing.
2. Applicant will utilize site terrain to minimize building height/massing.
3. Applicant will utilize dark sky-friendly site lighting to minimize disturbance to neighboring properties.\*
4. Applicant will utilize only energy-efficient lighting.\*
5. Applicant will work with the City Arborist to select landscape species best suited to the site and confer with the City Arborist when creating the landscape plan. Landscaping of the site shall, as is practical, conform to the City goals of achieving tree canopy improvements within the City. The City Arborist is requested to review and approve these plans.\*
6. Applicant will provide a concrete sidewalk along the Spotswood Drive road frontage. Sidewalk shall be a minimum of 5 feet wide. \*
7. Applicant will make reasonable effort to provide pedestrian connection to the adjoining medical office property to the south, pending engineering feasibility and cooperation from the adjoining property owner. \*
8. Applicant will provide on-site bike storage amenities for tenants. \*
9. Applicant will provide on-site stormwater management and/or rain gardens and/or other bioretention facilities where feasible. \*
10. Applicant will provide a minimum 25 foot setback on the boundary adjacent to residential properties on Houston Street. Parking will not be allowed in the 10 feet directly adjacent to those properties, but will be allowed within the remaining 15 feet of the setback. Existing trees in these buffer areas will be maintained where feasible. \*
11. Materials. Acceptable building materials for the front, side and rear elevations of the buildings shall be brick, brick veneer, cast stone, stone, stone veneer, composition such as Trex, hardiplank, engineered wood (e.g. LP Smartside), high-grade vinyl (a minimum of .042” nominal thickness as evidenced by manufacturer’s printed literature), and horizontal lap siding. Horizontal lap siding shall be manufactured from natural wood or cement fiber board. Plywood and metal siding are not permitted. Painted wood trim is not permitted. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.

(\* these notes are also included on the applicant submitted Concept Plan date stamped October 21, 2022)

### **R-LC – INTENT AND PURPOSE**

The Residential-Light Commercial district was established to provide areas where housing can be located adjacent to or in conjunction with light commercial operations compatible in nature with residential land use. For this reason, a maximum of four unrelated individuals are authorized to



constitute a household unit in all types of dwelling units in this district. The regulations applicable to this district provide that single-family dwellings and multiple-family dwellings, such as apartment houses, townhouses, garden apartments, etc., may be developed in appropriate areas well located with respect to major roads, shopping facilities and employment centers. Community facilities needed to support these developments are permitted. Small manufacturing and light commercial facilities are allowed in a manner which will provide for a suitable and comfortable living environment for people of all ages. Artistic endeavors are encouraged in this district as are the establishment of live-work dwellings. These developments and light commercial and manufacturing facilities are of medium density, tending to be small in scale. They are harmonious with and complementary to adjacent land uses.

### **COMPREHENSIVE PLAN DESIGNATION**

The subject parcel is designated on the Future Land Use Map as a Mixed Use Neighborhood and as an Opportunity Area. Mixed Use Neighborhoods are intended to be a transitional zone between downtown commercial uses and other areas. Because these sites are adjacent to other land uses and not isolated, the siting and architecture of infill development must meet the context of nearby buildings in design, density, and character. Mixed Use Neighborhoods are appropriate for higher density residential uses, such as apartments and townhomes, and also for light commercial uses, such as offices, financial institutions, and boutique retail.

New development, infill, and redevelopment are expected to be focused within Opportunity Areas. Each Opportunity Area is unique and must be considered in light of the underlying pattern area and surrounding uses. Development proposals should incorporate high quality architectural design and provide gradual transitions to surrounding land uses using design features, such as setbacks, height step downs, and landscaping. These areas also offer the opportunity to improve sidewalk and pedestrian access and add green infrastructure.

### **BUILDING HEIGHT AND YARD SETBACKS**

The maximum building height allowed in the R-LC zoning district is 45 feet in height if the side yard setbacks are at least 30 feet. The design that is proposed includes a 30 foot side yard setback to the east and a much greater side yard setback is provided to the west side of the proposed structure. The maximum building height can therefore be up to 45 feet in height. The Lexington Zoning Ordinance defines building height as the vertical distance measured from the adjoining grade at the front entrance of the building or structure to the highest point of the structure. The application submittal includes several building elevations, and the elevation showing the front door provides a maximum height of 35 feet. The applicant acknowledges mechanical units will be mounted on the roof, and those mechanical units are not expected to be more than 44 inches in height. The overall building height (including roof top mounted mechanical units) cannot exceed 45 feet in height measured at the front door, and the proposal shows only 35 feet in height at the front door with acknowledgement that the roof top mounted mechanical units will extend the 35 foot measurement to approximately 39 feet in height. The proposed design therefore meets building height limitations.

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**OFF-STREET PARKING REQUIREMENTS**

Multifamily dwelling units are required to provide 1.25 off-street parking spaces for each studio and one bedroom unit, 1.5 off-street parking spaces for each two bedroom unit, and 2 off-street parking spaces for each three or more bedroom unit. Forty-one 1 bedroom units are proposed as are twenty-one 2 bedroom units, and the parking requirement for this mix of units is 82.75 off-street parking spaces  $[(41 \times 1.25 = 51.25) + (21 \times 1.5 = 31.5) = 82.75]$ . Eighty-four parking spaces are shown on the Concept Plan and the applicant acknowledges the parking requirement may change if the unit mix is altered.

**CONDITIONS OF ISSUANCE OF A CONDITIONAL USE PERMIT**

Section 420-1.11., *Conditional use permits*, in part

C. Conditions of Issuance

- (1) Conditional use permits may be issued for any of the uses for which a conditional use permit is required by the provisions of this chapter, provided that the governing body, upon a recommendation by the Planning Commission, shall find that:
  - (a) The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.  
*(Staff believes the requested multifamily dwelling units will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.)*
  - (b) The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood.  
*(Staff believes the requested multifamily dwelling units will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood. The improvement of the subject parcel is more likely to increase property values instead of decreasing property values.)*
  - (c) The proposed use will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan.  
*(Staff believes the requested multifamily dwelling units will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan. One goal of the Housing Chapter of the Lexington Comprehensive Plan states that the City should stimulate the development of new housing units for both rental and homeownership. Additionally, the subject parcel is listed as an Opportunity Area on the Future Land Use Map where new development, infill, and redevelopment are expected to be focused).*
  - (d) Adequate public services, including streets and other trafficways, utilities, police and fire protection, are or reasonably will be available to support the proposed use.  
*(Staff believes adequate public services are available to support the requested multifamily dwelling units.)*
- (2) Where the provisions of this chapter require conditional use permits for certain parking lots, drive-in, and/or drive-through facilities in the C or C-2 Zoning Districts, due consideration shall be given, in addition to the findings contained in Subsection C(1) of this section, to the purposes of the districts and specifically to the effect of such facilities

on the use of off-street circulation ways, including use of alleys; on the location of access points and relationship to traffic and pedestrian flow; and on the adequacy of off-street waiting area at drive-in facilities. Additionally, in the review of such facilities in the C-1 Zoning District, due consideration shall be given to the effect of such facilities on the historic pattern of buildings and on the maintenance of a compact, efficient and attractive retail facade and arrangement of buildings.

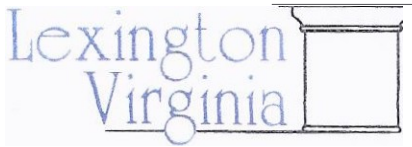
- (3) In granting any conditional use permit, the governing body shall give due consideration to factors relevant to the findings required by Subsection C (1) and (2), as well as to any other reasonable land use and zoning considerations as may be required by the nature of the proposed use or as may be otherwise appropriate to effectuate the intent of this chapter, and the governing body shall designate such conditions as it deems necessary to carry out the intent of this chapter. The application for such conditional use permit shall be accompanied by such written and graphic material as may be necessary to enable the Planning Commission and the governing body to make the recommendation and findings set forth above.

### **PLANNING COMMISSION RECOMMENDATION**

*Pending*

### **SUGGESTED MOTION:**

I move to approve/deny Conditional Use Permit number CUP 2023-01 to allow the construction of up to 62 multifamily on the subject parcel and development must be in substantial compliance with the eleven conditions offered by the applicant in the Project Narrative and in substantial compliance with the *Concept Plan, Lexington Multifamily* dated October 21, 2022 as submitted.



www.lexingtonva.gov

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

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant1

Name: Edwin Gaskin Phone: 804-767-5990

Company: Echelon Resources, Inc. Fax:

Address: 700 Watkins Avenue, #100, South Boston, Virginia 24592 Email: info@echelonresourcesinc.com

Applicant's Signature: [Signature] Date: 11/11/2022

Property Owner

Name: City of Lexington, Virginia Phone: (540)462-3700

Address: 300 East Washington Street Email: jhalasz@lexingtonva.gov

Owner's Signature: Date: 11/16/2022

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

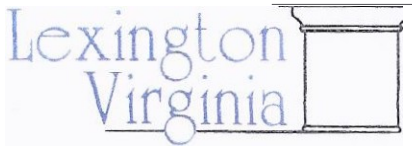
Address (or location description): Spotswood Site (Tax Parcel 29-1-31 approx. 2.365 acres)

Tax Map: Tax Parcel 29-1-31 Deed Book and Page #:

Acreage: approx. 2.365 acres Zoning (attach any existing zoning conditions or proffers): R-LC

Description of Proposal3: Applicant requests a Conditional Use Permit to allow a multifamily community consisting of up to 62 apartments with related amenities and parking, known as the Spotswood Site (Tax Parcel 29-1-31 approx. 2.365 acres).

- 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.
3. Please refer to page 3 of this application for the conditions of issuance for all conditional use permit applications. Submitting a sketch plan or other visual detail of your request is highly encouraged.



www.lexingtonva.gov

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

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 public hearings.

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 Fee: \$400 Amount Paid: Case Number: CUP- -

Date Received: Received By:

Staff Review

Planning: Public Works:

Police: Fire/Rescue:

Public Hearings

Planning Commission

City Council

Legal Ad Dates: Legal Ad Dates:

Adj. Property Notifications: Adj. Property Notifications:

Public Hearing Date: Public Hearing Date:

Action: Action:

## Conditions of Issuance

§ 420-11.C of the City of Lexington Zoning Ordinance outlines the conditions under which a conditional use permit may be issued. These conditions are as follows:

- 1) Conditional use permits may be issued for any of the uses for which a conditional use permit is required by the provisions of the zoning ordinance, provided that the governing body, upon a recommendation by the Planning Commission, shall find that:
  - a. The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.
  - b. The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood.
  - c. The proposed use will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan.
  - d. Adequate public services, including streets and other trafficways, utilities, police and fire protection, are or reasonably will be available to support the proposed use.
- 2) Where the provisions of this chapter require conditional use permits for certain parking lots and drive-in facilities in the Commercial District (Central Business) C-1, due consideration shall be given in general to the purposes of the C-1 District and specifically to the effect of such parking lot or drive-in facility on the historic pattern of buildings and, in particular, on the maintenance of a compact, efficient and attractive retail facade and arrangement of buildings; on the use of off-street circulation ways, including use of alleys; on the location of access points and relationship to traffic and pedestrian flow; and on the adequacy of off-street waiting area at drive-in facilities.
- 3) In granting any conditional use permit, the governing body shall give due consideration to factors relevant to the findings required by Subsection C(1) and (2), as well as to any other reasonable land use and zoning considerations as may be required by the nature of the proposed use or as may be otherwise appropriate to effectuate the intent of this chapter, and the governing body shall designate such conditions as it deems necessary to carry out the intent of this chapter. The application for such conditional use permit shall be accompanied by such written and graphic material as may be necessary to enable the Planning Commission and the governing body to make the recommendation and findings set forth above.

**11/11/22: Conditional Use Permit Request, Statement of Request**  
**Spotswood Site (Tax Parcel 29-1-31 approx. 2.365 acres)**

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**Statement of Request / Project Narrative:**

Applicant requests a Conditional Use Permit to allow a multifamily community consisting of up to 62 apartments with related amenities and parking, as shown conceptually in Exhibit A & Exhibit B, known as the Spotswood Site (Tax Parcel 29-1-31 approx. 2.365 acres).

The current zoning designation is R-LC (Residential Light Commercial), which allows multifamily dwellings with a Conditional Use Permit. 1st floor residential units are allowed in R-LC.

This plan proposes 62 units of new construction multi-family as 1 & 2-bedroom units, with amenities and at least 84 parking spaces. This will be 3 full stories plus a basement story fronting Spotswood. Maximum building height at the front door, as measured per the Lexington ordinance, will not exceed 45 feet.

This plan contains 62 apartments, which is within the permitted density allowed under the R-LC zoning ordinance with a Conditional Use Permit. The conceptual parking layout exceeds the code-required parking ratio of 84 spaces based on the current unit mix (41 1-BDs, 21 2-BDs). Should the unit mix be adjusted during final design, applicant must adjust parking as needed to ensure the code-required parking ratio is met or exceeded.

**Rationale:**

Attractive and affordable housing is key to any community's sustainable growth. Many employers choose to locate where their employees live, and attractive housing options for the professionals working in a community keeps their economic impact local to area businesses. As indicated in the 7/12/2019 market study by Danter & Associates, the data shows a severe shortage of available professional grade housing in Lexington. Although the overall demand far exceeds these 62 proposed units, this project will play an important role in contributing to solving the City-wide housing shortage.

Based on feedback from the community listening sessions in 2021 and 2022, this plan has changed from the original proposal by:

- Reducing the unit count to 62
- Lowering the building height (3 full stories plus a basement story fronting Spotswood)
- Moving the massing of the proposed building farther away from Houston Street
- Increasing the buffer between the building itself and the Houston Street properties

This plan conforms in the following ways with the following documents:

- Comprehensive Plan
  - Pages 86 & 91 show Spotswood site as "Mixed Use Neighborhood" and "Opportunity Area"
- Lexington 2040 Comprehensive Plan
  - Planning Objectives for Opportunity Areas (p.87)
    - Focus on infill redevelopment
    - Design for pedestrian & bicycle friendly community
    - Connect neighborhoods through a network of green infrastructure
    - Encourage mixed use development
    - Improved streetscaping & landscaping
    - Enhanced design & development standards
    - Enhance & protect natural resources and open space
    - Build on and promote local character and identity
    - Foster the development of a variety of housing types, including affordable housing
    - Incorporate sustainable development standards
  - Planning Objectives for Mixed Use Neighborhood (p.88)
    - Focus on infill or redevelopment
    - Implement traffic calming measures
    - Design for pedestrian & bicycle friendly community
    - Connect neighborhoods through a network of green infrastructure
    - Encourage mixed use development
    - Improved streetscaping & landscaping
    - Enhanced design & development standards
    - Build on and promote local character and identity
    - Foster the development of a variety of housing types, including affordable housing types
    - Incorporate sustainable development standards
  - Housing (p.75)
    - Additional appropriate and compatible multifamily, rental housing
    - Continued promotion of adaptive reuse, revitalization, and infill development
  - Notes
    - Page 37 shows the City's Existing Assets and suggests these Sites, Linkages & Waterways be used as connectors & create opportunities or residents to enjoy the natural environment
    - Page 114 shows Bicycle infrastructure as a HIGH need for the city's transportation

Furthermore, City Council has expressed a desire for a professionally-managed upscale rental community at this site



Background:

Echelon Resources, Inc. (<http://echelonresourcesinc.com/>, "Echelon") is a Virginia-based real estate development firm that specializes in redeveloping buildings and infill sites. The redevelopment of such sites reinvigorate the surrounding neighborhoods, and doing so transforms what were once financial non-contributors to become healthy financial contributors to their communities. These redevelopment projects produce new taxes, new jobs, new residents, new revenues for local businesses, and a renewed relevance of the sites for future generations. Over the last 20 years the Echelon team has completed many projects, several of which have earned project awards. The Echelon team manages projects from concept to completion, including analyzing site feasibility, developing project financial models, managing investor participation, directing construction activities, and supervising sales and/or leasing activities. Please review [our project portfolio](#).

Waivers/Variations/Exceptions:

No waivers/exceptions have been requested.

Conditions Offered by Applicant:

1. Applicant will provide a flat roof design to minimize building height/massing
2. Applicant will utilize site terrain to minimize building height/massing
3. Applicant will utilize dark sky-friendly site lighting to minimize disturbance to neighboring properties.
4. Applicant will utilize only energy-efficient lighting.
5. Applicant will work with the City Arborist to select landscape species best suited to the site and confer with the City Arborist when creating the landscape plan. Landscaping of the site shall, as is practical, conform to the City goals of achieving tree canopy improvements within the City. The City Arborist is requested to review and approve these plans.
6. Applicant will provide a concrete sidewalk along the Spotswood Drive road frontage. Sidewalk shall be a minimum of 5 feet wide.
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8. Applicant will provide on-site bike storage amenities for tenants
9. Applicant will provide on-site stormwater management and/or rain gardens and/or other bioretention facilities where feasible.
10. Applicant will provide a minimum 25 foot setback on the boundary adjacent to residential properties on Houston Street. Parking will not be allowed in the 10 feet directly adjacent to those properties, but will be allowed within the remaining 15 feet of the setback. Existing trees in these buffer areas will be maintained where feasible.
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cement fiber board. Plywood and metal siding are not permitted. Painted wood trim is not permitted. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.

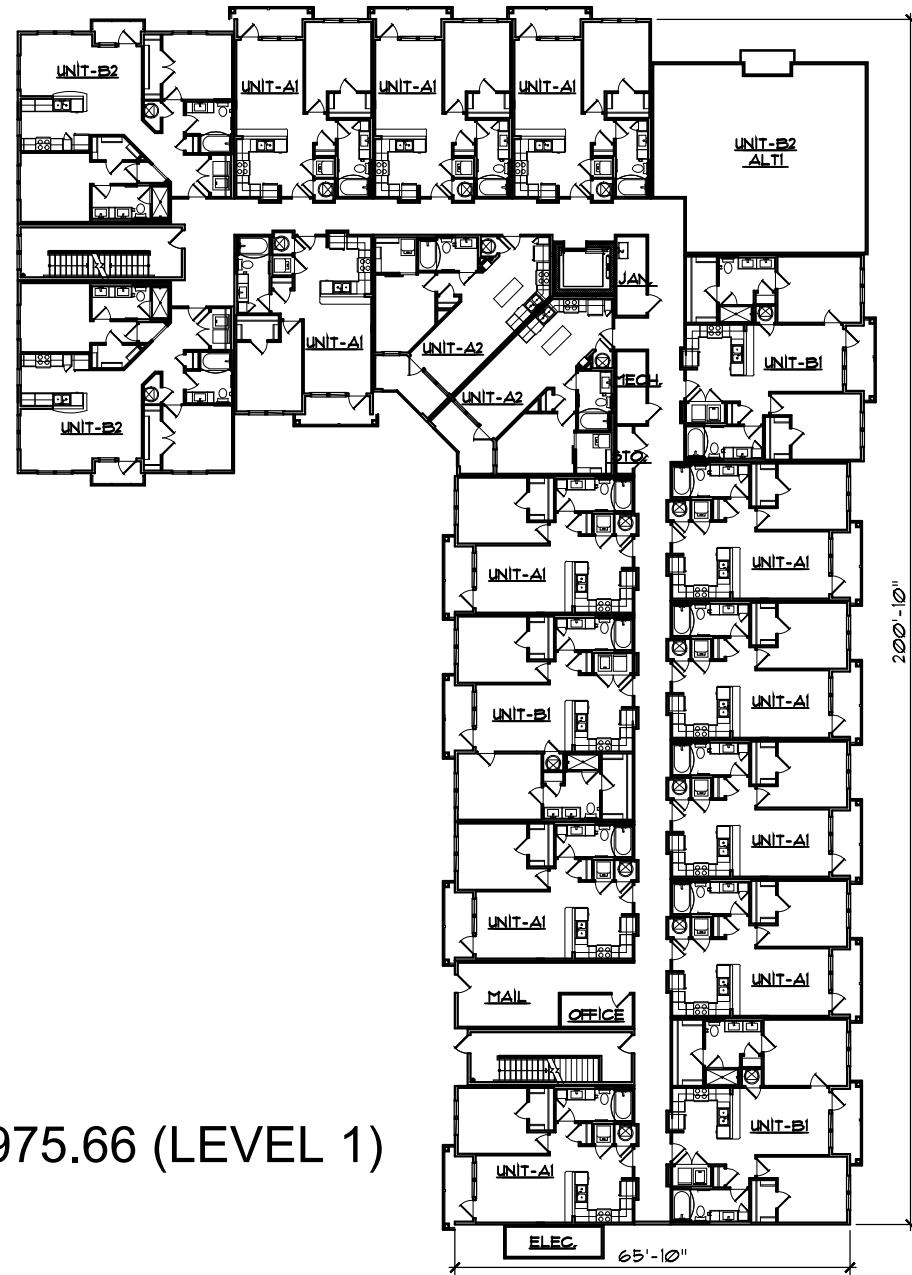
|                         | Units / SF | Parking<br>Per/Unit or<br>Per /SF | Total Parks<br>Required<br>(No Share) |
|-------------------------|------------|-----------------------------------|---------------------------------------|
| <b>Building 1</b>       |            |                                   |                                       |
| Studio                  | 0          | 1.25                              | 0                                     |
| 1 BR                    | 41         | 1.25                              | 52                                    |
| 2 BR                    | 21         | 1.5                               | 32                                    |
| 3 BR                    | 0          | 3                                 | 0                                     |
| Parking Spaces Required |            |                                   | 84                                    |
| Parks Provided          |            |                                   | 85                                    |
| Total Parking Surplus   |            |                                   | 1                                     |

\*City's parking requirements will be met by applicant. Final parking count to be adjusted as required based on final unit mix.

| Project Data – Lexington, VA |             |              |               |            |    |    |    |    | Unit Totals         |                |                  |                   |
|------------------------------|-------------|--------------|---------------|------------|----|----|----|----|---------------------|----------------|------------------|-------------------|
|                              |             |              |               |            |    |    |    |    | 09/20/2022          |                |                  |                   |
| Unit Description             |             |              |               |            |    |    |    |    |                     |                |                  |                   |
| Name                         | Description | Heated S.F.  | Unheated S.F. | Gross S.F. | B  | 1  | 2  | 3  | Total               | Unit %         | Net S.F.         | Gross S.F.        |
| <b>STUDIOS</b>               |             |              |               |            |    |    |    |    |                     |                |                  |                   |
| S1                           | 1BR/1BA     | 0.00         | 0.00          | 0.00       | 0  | 0  | 0  | 0  | 0                   | 0.00%          | 0.00             | 0.00              |
| <b>Studio Totals</b>         |             |              |               |            | 0  | 0  | 0  | 0  | <b>0</b>            | <b>0.00%</b>   | 0.00             | 0.00              |
| <b>ONE BEDROOMS</b>          |             |              |               |            |    |    |    |    |                     |                |                  |                   |
| A1                           | 1BR/1BA     | 661.00       | 60.00         | 721.00     | 4  | 11 | 10 | 10 | 35                  | 56.45%         | 23,135.00        | 25,235.00         |
| A2                           | 1BR/1BA     | 602.00       | 76.00         | 678.00     | 0  | 2  | 2  | 2  | 6                   | 9.68%          | 3,612.00         | 4,068.00          |
| <b>One Bedroom Totals</b>    |             |              |               |            | 4  | 13 | 12 | 12 | <b>41</b>           | <b>66.13%</b>  | 26,747.00        | 29,303.00         |
| <b>TWO BEDROOMS</b>          |             |              |               |            |    |    |    |    |                     |                |                  |                   |
| B1                           | 2 BR/2BA    | 1001.00      | 60.00         | 1061.00    | 0  | 3  | 4  | 4  | 11                  | 17.74%         | 11,011.00        | 11,671.00         |
| B2                           | 2 BR/2BA    | 1093.00      | 33.00         | 1126.00    | 1  | 2  | 2  | 1  | 6                   | 9.68%          | 6,558.00         | 6,756.00          |
| B2-ALT1                      | 2 BR/2BA    | 1085.00      | 33.00         | 1118.00    | 1  | 1  | 1  | 1  | 4                   | 6.45%          | 4,340.00         | 4,472.00          |
| <b>Two Bedroom Totals</b>    |             |              |               |            | 2  | 6  | 7  | 6  | <b>21</b>           | <b>33.87%</b>  | 21,909.00        | 22,899.00         |
| <b>THREE BEDROOMS</b>        |             |              |               |            |    |    |    |    |                     |                |                  |                   |
| C1                           | 3 BR/3.5BA  | 0.00         | 0.00          | 0.00       | 0  | 0  | 0  | 0  | 0                   | 0.00%          | 0.00             | 0.00              |
| <b>Three Bedroom Totals</b>  |             |              |               |            | 0  | 0  | 0  | 0  | <b>0</b>            | <b>0.00%</b>   | 0.00             | 0.00              |
| <b>Note:</b>                 |             |              |               |            |    |    |    |    | <b>Grand Totals</b> |                |                  |                   |
|                              |             |              |               |            | 6  | 19 | 19 | 18 | <b>Total</b>        | <b>Unit %</b>  | <b>Net S.F.</b>  | <b>Gross S.F.</b> |
| <b>Avg. Unit</b>             |             | 785          | 57            | 842        |    |    |    |    | <b>62</b>           | <b>100.00%</b> | <b>48,656.00</b> | <b>52,202.00</b>  |
| <b>Amenity</b>               |             | <b>TOTAL</b> |               |            |    |    |    |    |                     |                |                  |                   |
|                              |             |              |               |            | 62 |    |    |    |                     |                |                  |                   |

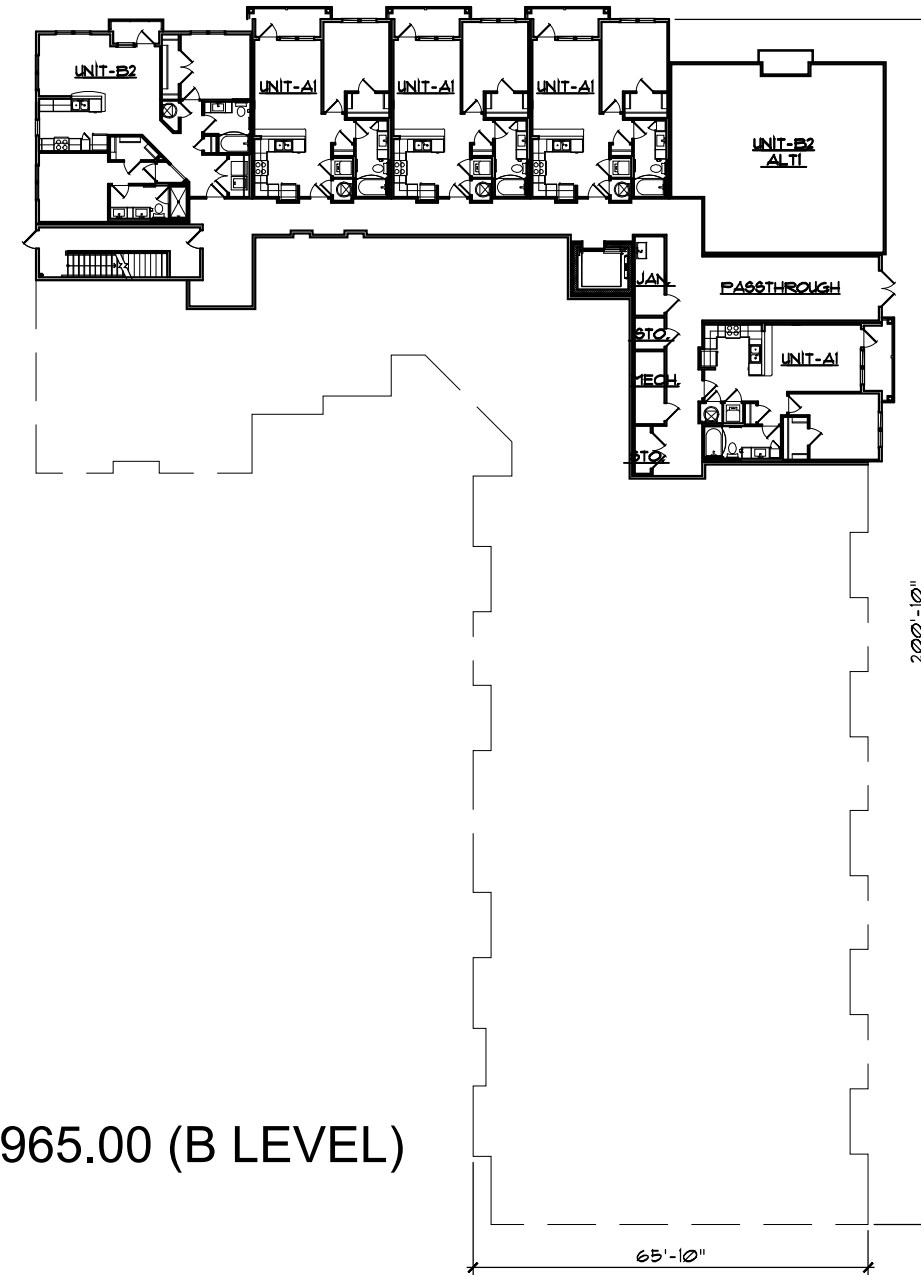
\*Unit mix, block plans and unit layouts are conceptual in nature and subject to change during final architecture, engineering, and design.





2 Building 1 - Ground Level  
Scale: 1/32" = 1'-0"

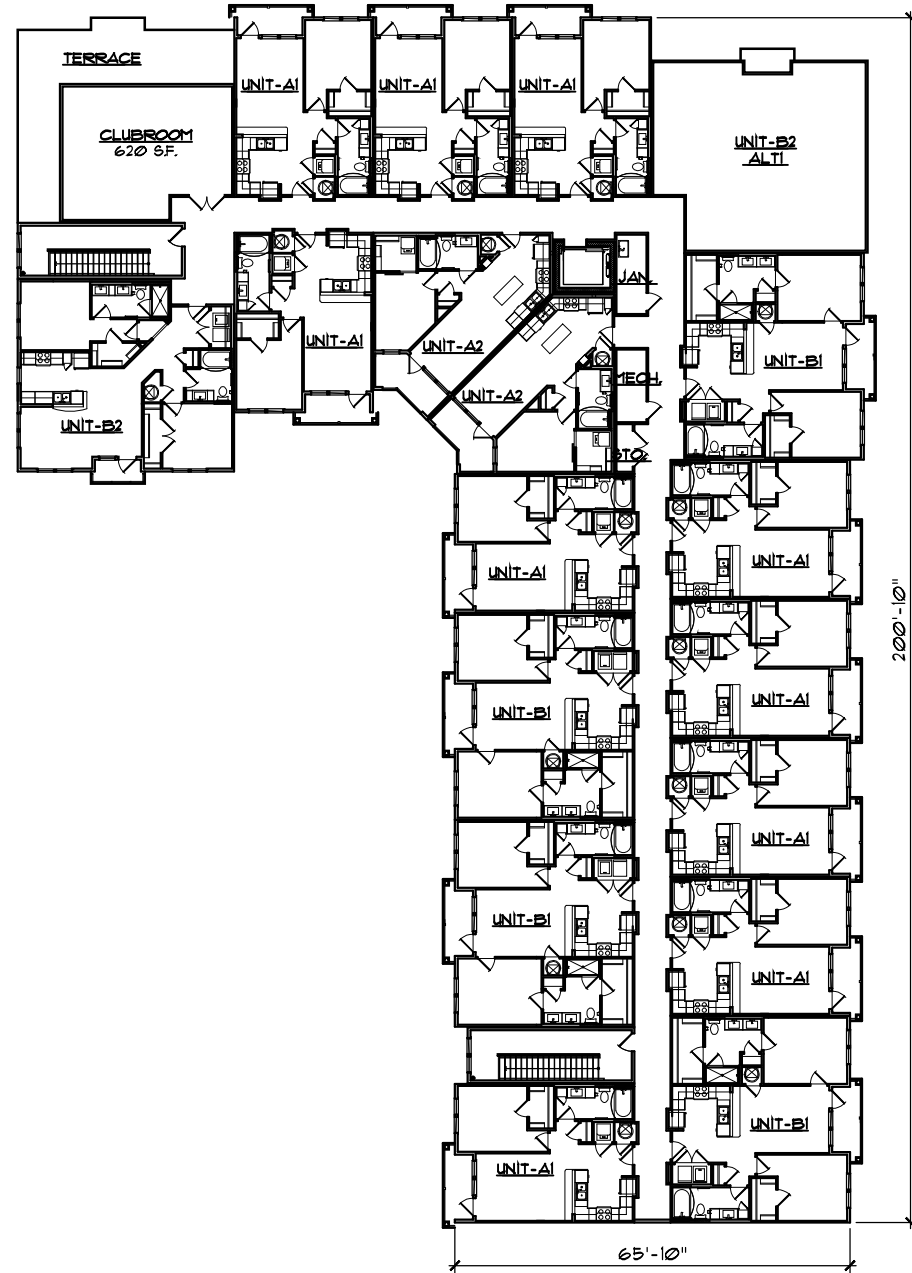
Plan



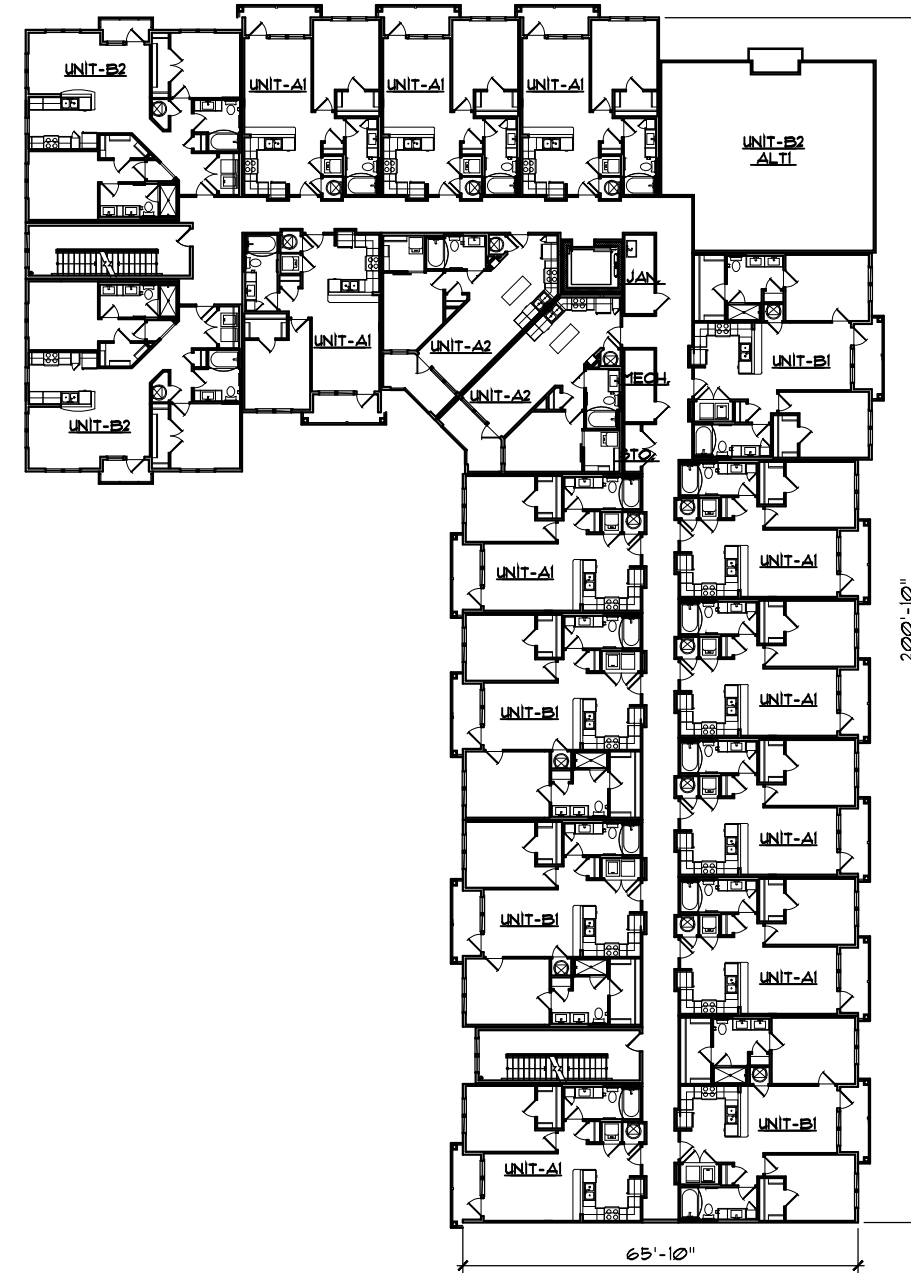
1 Building 1 - Basement Level  
Scale: 1/32" = 1'-0"

Plan





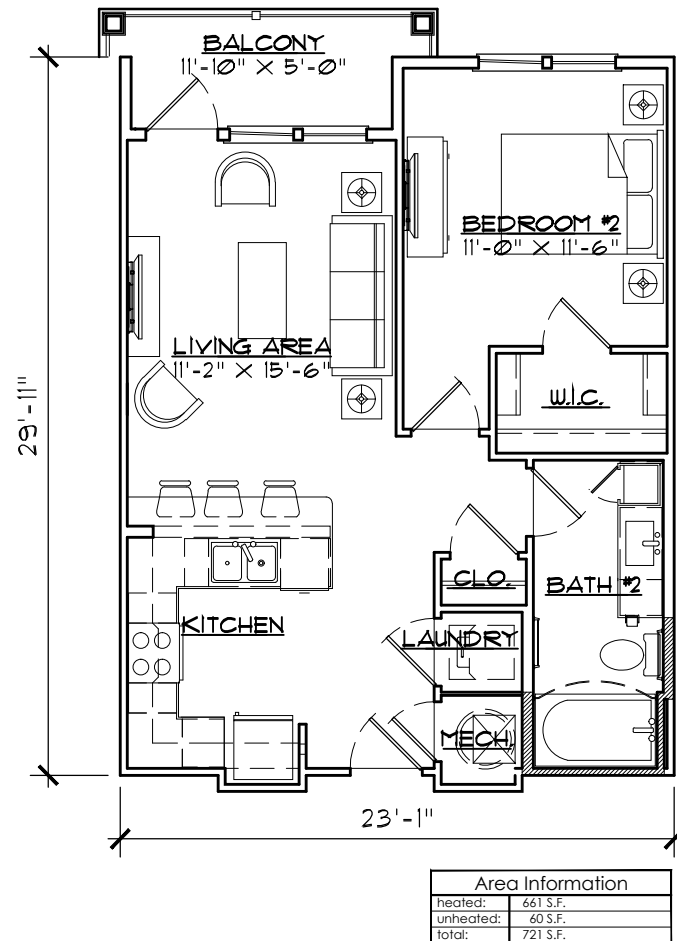
2 Building 1 - Level 3  
 Scale: 1/32" = 1'-0"  
 Plan



1 Building 1 - Level 2  
 Scale: 1/32" = 1'-0"  
 Plan



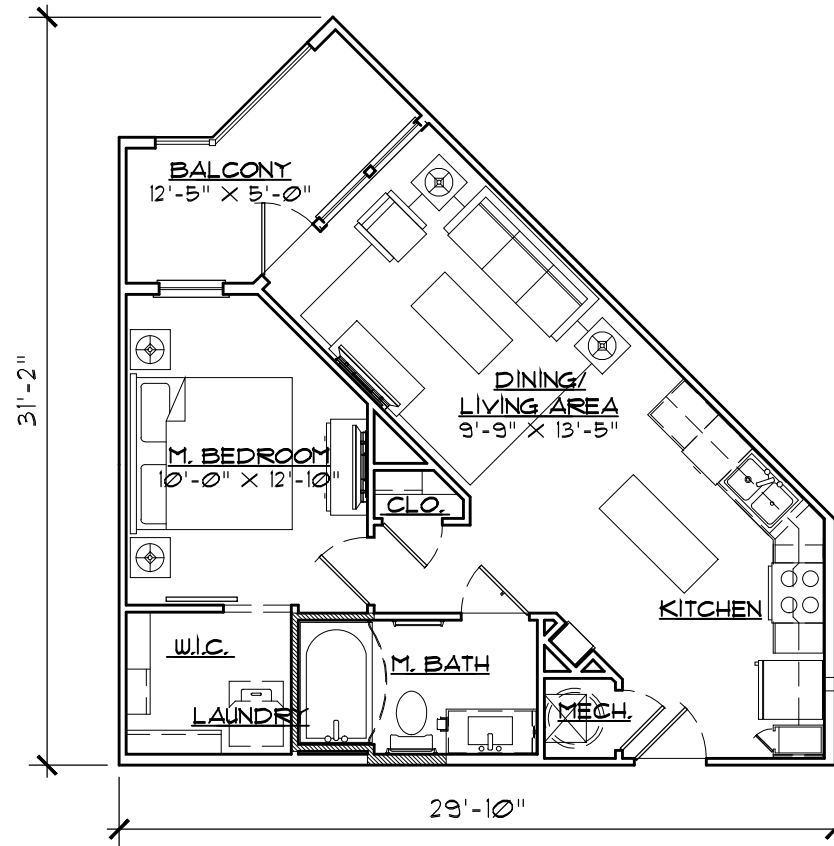
\*Unit mix, block plans and unit layouts are conceptual in nature and subject to change during final architecture, engineering, and design.



1 Unit A1  
Scale: 1/8" = 1'-0" Plan



\*Unit mix, block plans and unit layouts are conceptual in nature and subject to change during final architecture, engineering, and design.



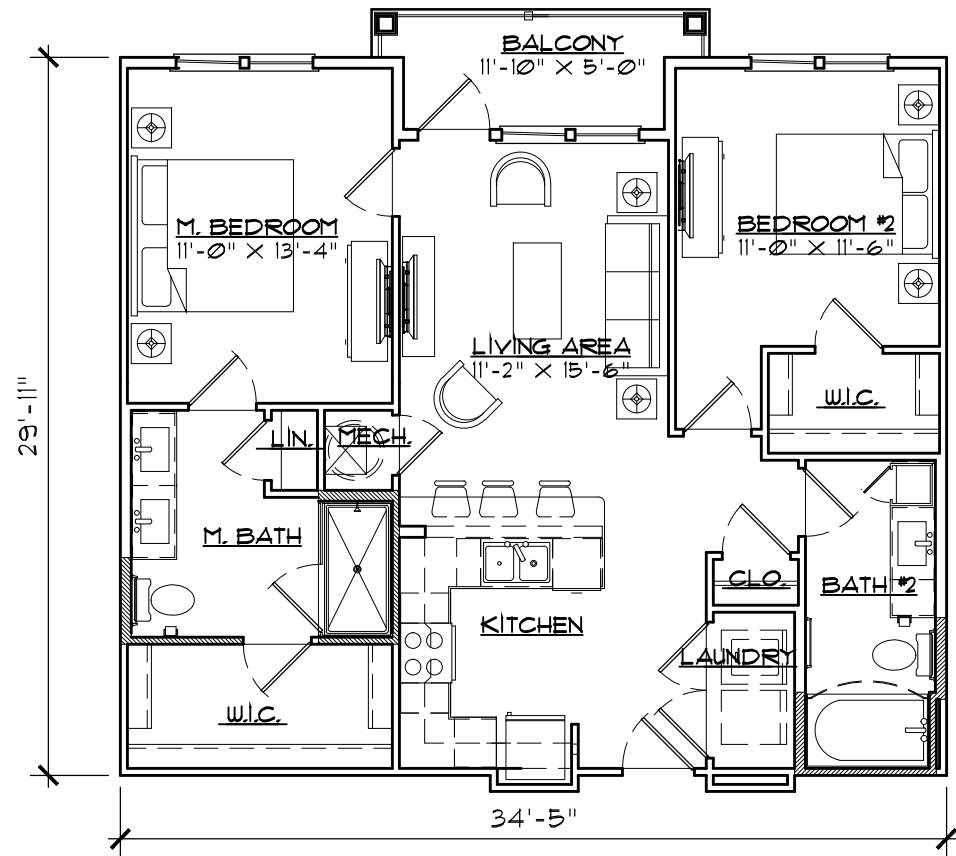
| Area Information |          |
|------------------|----------|
| heated:          | 602 S.F. |
| unheated:        | 76 S.F.  |
| Total:           | 678 S.F. |

1 Unit A2  
Scale: 1/8" = 1'-0" Plan





\*Unit mix, block plans and unit layouts are conceptual in nature and subject to change during final architecture, engineering, and design.



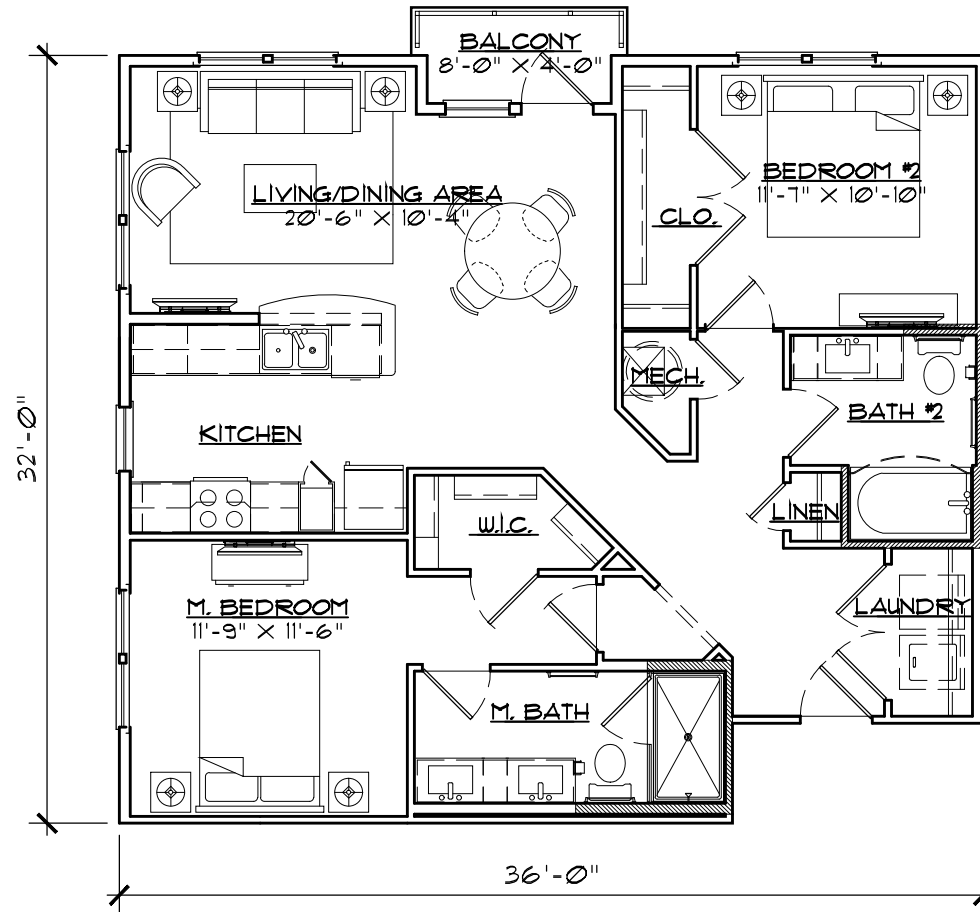
| Area Information |            |
|------------------|------------|
| heated:          | 1,001 S.F. |
| unheated:        | 60 S.F.    |
| total:           | 1,061 S.F. |

1 Unit B1  
Scale: 1/8" = 1'-0"

Plan



\*Unit mix, block plans and unit layouts are conceptual in nature and subject to change during final architecture, engineering, and design.

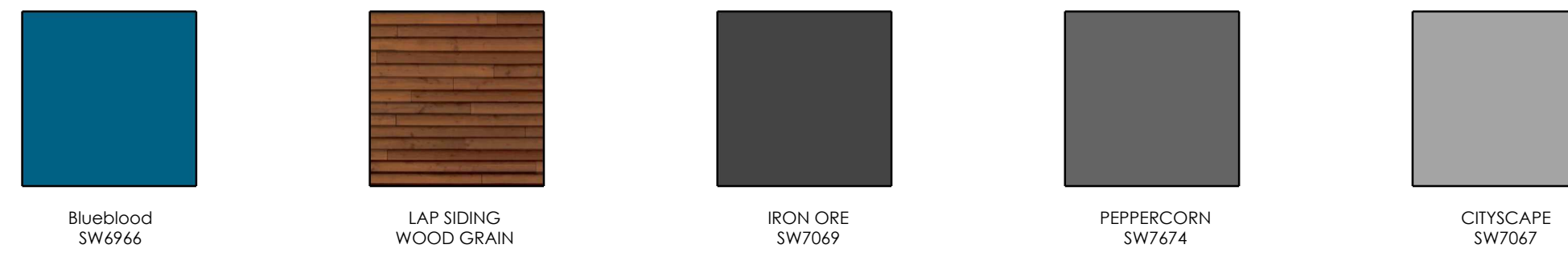


| Area Information |            |
|------------------|------------|
| heated:          | 1,093 S.F. |
| unheated:        | 33 S.F.    |
| total:           | 1,126 S.F. |

1 Unit B2  
Scale: 1/8" = 1'-0"

Plan





| Material Schedule |                        |                                |
|-------------------|------------------------|--------------------------------|
| 100               | Cementitious 1X3 Trim  | 112 Prefabricated Metal Canopy |
| 101               | Cementitious 1X4 Trim  | 113 42" Aluminum Railing       |
| 102               | Cementitious 1X6 Trim  |                                |
| 103               | Cementitious 1X8 Trim  |                                |
| 104               | Cementitious 1X10 Trim |                                |
| 105               | Cementitious 1X12 Trim |                                |
| 106               | Cementitious Panel     |                                |
| 107               | Board and Batten       |                                |
| 108               | Cementitious Siding    |                                |
| 109               | Scheduled Window       |                                |
| 110               | Scheduled Door         |                                |
| 111               | Storefront Glazing     |                                |

Notes:  
 \* All finishes to be approved by owner.  
 \* All finishes and colors to return to inside corner, unless noted otherwise.

| Paint Color Schedule |                                |
|----------------------|--------------------------------|
| a                    | Cityscape                      |
| b                    | Peppercorn                     |
| c                    | Iron Ore                       |
| d                    | General Shale - Red Centennial |
| e                    | Blueblood                      |



**3** Parking (Entry Drive) Elevation

Scale: 3/32" = 1'-0"

Elevation



**2** Parking Elevation

Scale: 3/32" = 1'-0"

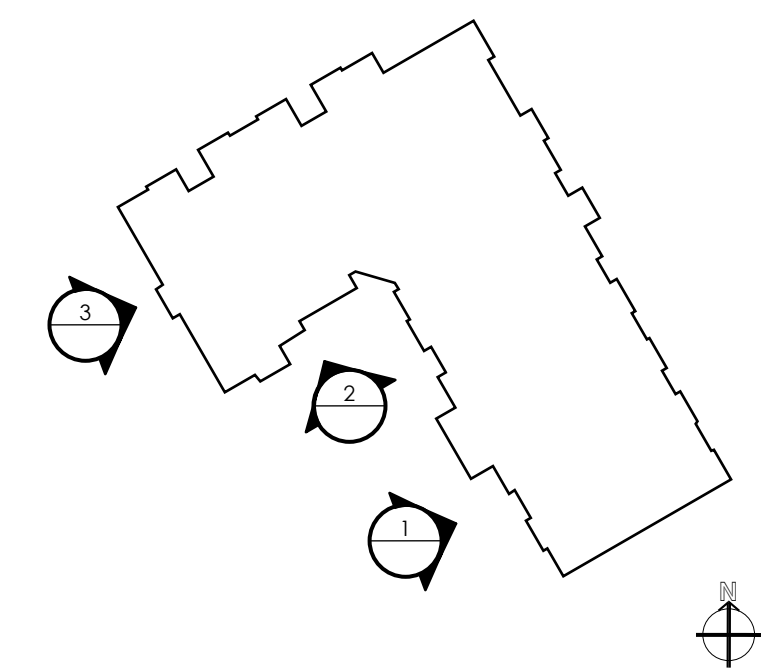
Elevation



**1** Parking Elevation

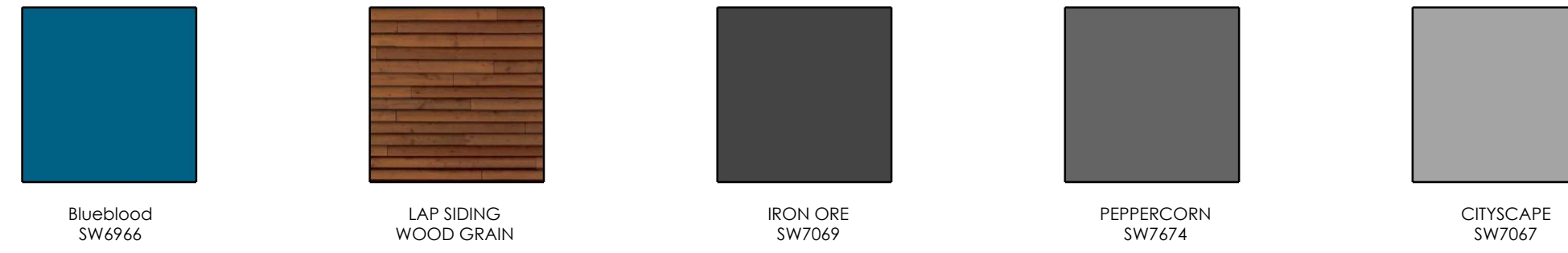
Scale: 3/32" = 1'-0"

Elevation



\* Elevations are conceptual in nature and provided for representative purposes only. Exact material location & selection is subject to change during the architectural design process.





| Material Schedule |                        |                                |
|-------------------|------------------------|--------------------------------|
| 100               | Cementitious 1X3 Trim  |                                |
| 101               | Cementitious 1X4 Trim  | 112 Prefabricated Metal Canopy |
| 102               | Cementitious 1X6 Trim  | 113 42" Aluminum Railing       |
| 103               | Cementitious 1X8 Trim  |                                |
| 104               | Cementitious 1X10 Trim |                                |
| 105               | Cementitious 1X12 Trim |                                |
| 106               | Cementitious Panel     |                                |
| 107               | Board and Batten       |                                |
| 108               | Cementitious Siding    |                                |
| 109               | Scheduled Window       |                                |
| 110               | Scheduled Door         |                                |
| 111               | Storefront Glazing     |                                |

Notes:  
 \* All finishes to be approved by owner.  
 \* All finishes and colors to return to inside corner, unless noted otherwise.

| Paint Color Schedule |                                |
|----------------------|--------------------------------|
| a                    | Cityscape                      |
| b                    | Peppercorn                     |
| c                    | Iron Ore                       |
| d                    | General Shale - Red Centennial |
| e                    | Blueblood                      |

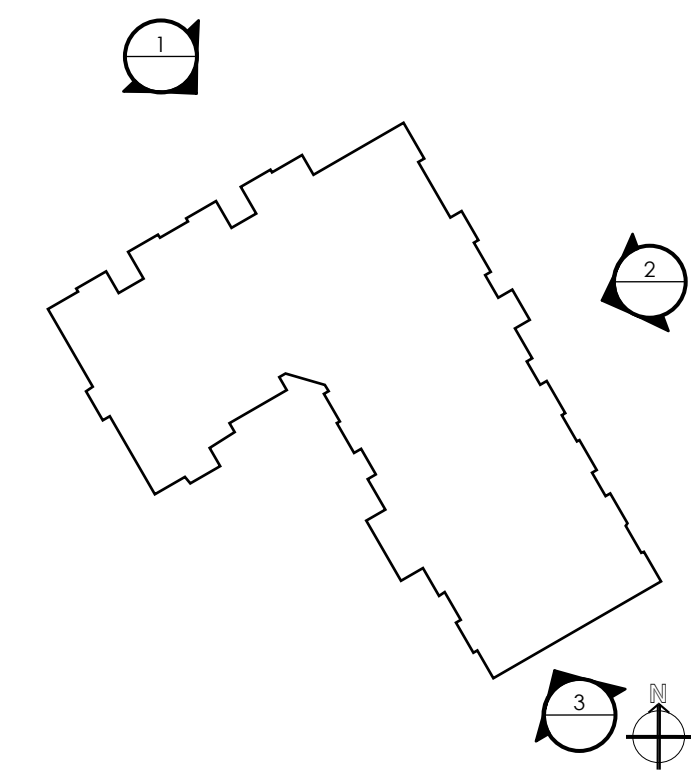
**3 Rear Elevation**  
 Scale: 3/32" = 1'-0"



**2 Side Elevation**  
 Scale: 3/32" = 1'-0"



**1 Spotswood Elevation**  
 Scale: 3/32" = 1'-0"



\* Elevations are conceptual in nature and provided for representative purposes only. Exact material location & selection is subject to change during the architectural design process.





2 Perspective 2  
NTS

Elevation



1 Perspective 1  
NTS

Elevation



2 Perspective 2  
NTS

Elevation

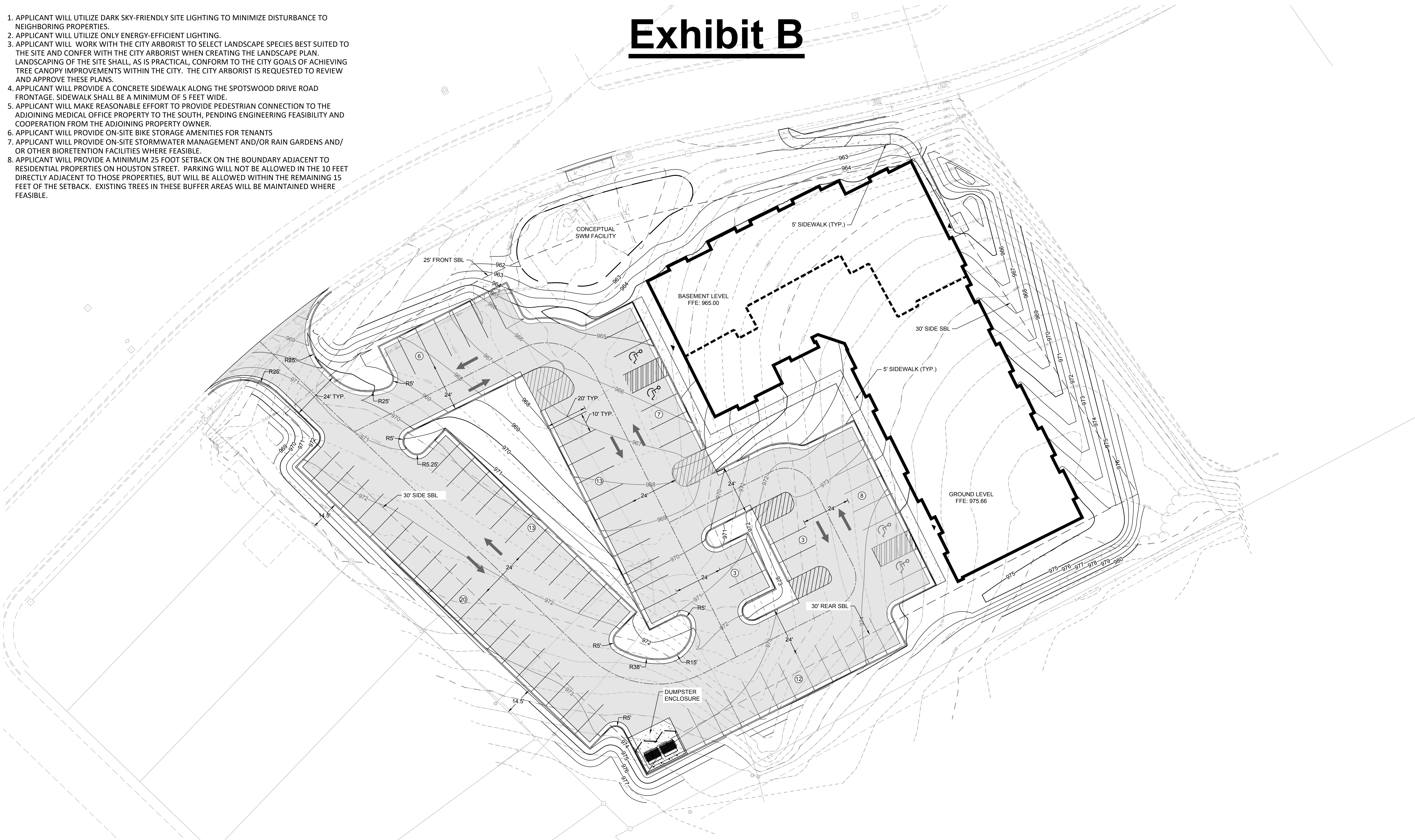


1 Perspective 1  
NTS

Elevation

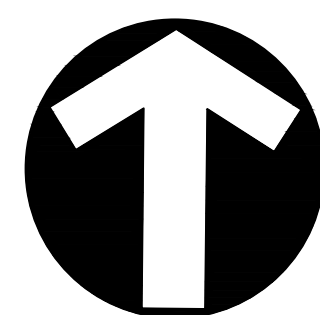
# Exhibit B

1. APPLICANT WILL UTILIZE DARK SKY-FRIENDLY SITE LIGHTING TO MINIMIZE DISTURBANCE TO NEIGHBORING PROPERTIES.
2. APPLICANT WILL UTILIZE ONLY ENERGY-EFFICIENT LIGHTING.
3. APPLICANT WILL WORK WITH THE CITY ARBORIST TO SELECT LANDSCAPE SPECIES BEST SUITED TO THE SITE AND CONFER WITH THE CITY ARBORIST WHEN CREATING THE LANDSCAPE PLAN. LANDSCAPING OF THE SITE SHALL, AS IS PRACTICAL, CONFORM TO THE CITY GOALS OF ACHIEVING TREE CANOPY IMPROVEMENTS WITHIN THE CITY. THE CITY ARBORIST IS REQUESTED TO REVIEW AND APPROVE THESE PLANS.
4. APPLICANT WILL PROVIDE A CONCRETE SIDEWALK ALONG THE SPOTSWOOD DRIVE ROAD FRONTAGE. SIDEWALK SHALL BE A MINIMUM OF 5 FEET WIDE.
5. APPLICANT WILL MAKE REASONABLE EFFORT TO PROVIDE PEDESTRIAN CONNECTION TO THE ADJOINING MEDICAL OFFICE PROPERTY TO THE SOUTH, PENDING ENGINEERING FEASIBILITY AND COOPERATION FROM THE ADJOINING PROPERTY OWNER.
6. APPLICANT WILL PROVIDE ON-SITE BIKE STORAGE AMENITIES FOR TENANTS
7. APPLICANT WILL PROVIDE ON-SITE STORMWATER MANAGEMENT AND/OR RAIN GARDENS AND/OR OTHER BIORETENTION FACILITIES WHERE FEASIBLE.
8. APPLICANT WILL PROVIDE A MINIMUM 25 FOOT SETBACK ON THE BOUNDARY ADJACENT TO RESIDENTIAL PROPERTIES ON HOUSTON STREET. PARKING WILL NOT BE ALLOWED IN THE 10 FEET DIRECTLY ADJACENT TO THOSE PROPERTIES, BUT WILL BE ALLOWED WITHIN THE REMAINING 15 FEET OF THE SETBACK. EXISTING TREES IN THESE BUFFER AREAS WILL BE MAINTAINED WHERE FEASIBLE.



## CONCEPT PLAN

LEXINGTON MULTIFAMILY - 21 OCTOBER 2022



SCALE 1"=20'  
0 20' 40'



**TIMMONS GROUP**  
ENGINEERING | DESIGN | TECHNOLOGY

## Accessory Dwelling Units Review of Select Virginia Localities

### **Overview**

The purpose of this document is to provide a review of the zoning ordinances of localities in Virginia with accessory dwelling unit (ADU) ordinances in place and to offer recommendations from organizations such as the American Planning Association (APA), AARP, and planning district commissions to aid the City of Lexington in the updating of its own ADU ordinance. Specifically, this report addresses 12 areas of inquiry requested by the City.

The first section contains a brief overview of recommendations from the APA, AARP, and Thomas Jefferson Planning District Commission (TJPDC). The second section contains a review of nine Virginia localities' zoning ordinances with accessory dwelling unit regulations. These localities include counties, cities, and a town and vary from very urban to rural. The ordinances themselves vary widely, from highly detailed to vague. The review section covers Lexington's 12 areas of inquiry: terms, definitions, permitted locations, allowed types, size restrictions, occupancy restrictions, height requirements, setbacks, parking, short-term rentals, nonconforming uses, and other restrictions. If a locality did not specify regulations for a section, this was noted and addressed during interviews with the localities' planning professionals. Phone or Zoom interviews were conducted with the cities of Charlottesville and Roanoke, and the Town of Strasburg; responses from the City of Lynchburg and Bedford County were also received by email. This information was included in the tables below where applicable, and any items of note about a locality's experience with particular sections are indicated. The next section contains resources from the localities, including informational pamphlets and a guidebook, along with links to other relevant resources, including the documents from APA, AARP, and the TJPDC. The final section of this document contains written summaries of the phone interviews and email responses.

### **General recommendations/guidelines and sample ordinances**

#### AARP's Guide to Accessory Dwelling Units

The goal of this multi-purpose guide is to educate and inform elected officials and policy makers in local governments, residents, and others about the benefits ADUs can provide to a community. The guide seeks to help localities craft ordinances that balance the need to avoid negative impacts on neighborhoods with enough flexibility to avoid discouraging residents from building an ADU if desired.

The guide recommends eight elements be included in a locality's zoning ordinance, with some caveats:

1. A clear definition of what the locality considers an ADU to be.
2. A purpose statement that explains why the locality is allowing ADUs. The statement could draw on comprehensive plan goals and strategies while also including the following: the need to provide affordable and accessible housing for smaller households, older adults, and those with disabilities; the goal of making more "efficient use of existing housing stock and infrastructure"; and the desire to "increase the number of housing units while respecting the style and scale" of single-family neighborhoods.
3. Regulations on who can build an ADU and in which zoning districts.



4. The types of ADUs allowed: new construction, addition to, or contained completely within primary dwellings or accessory structures.
5. The number of ADUs allowed per lot.
6. Allowed uses and occupancy: The guide suggests a locality be flexible in its occupancy requirements. Requiring owner occupancy of either the primary dwelling or the ADU can make it harder for the property owner to get financing and can cause enforcement problems. The use of ADUs for short-term or long-term rental properties is seen as a way for the owners to recoup the costs of building the ADU. In the case of long-term rentals, ADUs provide additional affordable rental options; however, ADUs used primarily as short-term rentals do not satisfy the goal of providing additional affordable housing to a community.
7. Design standards regarding size and height, parking, appearance, and entrances and stairs. The guide cautions against requiring off-street parking over and above what is already required for single-family residences, which may prevent some homeowners from building an ADU because of lack of space. Instead, it recommends requiring parking if the construction of the ADU removes the primary dwelling's existing parking or allowing a combination of off-street, on-street, and tandem parking to meet requirements.
8. Building or yard setbacks and building coverage.

The guide cautions against creating restrictions that do not also apply to the primary dwelling, requiring a complicated design compatibility and approval process, limiting ADUs to large lots or certain residential zoning districts, assigning maximum square footage requirements that prohibit owners of smaller homes from qualifying, and requiring off-street parking beyond what is required for the primary dwelling.

#### APA Zoning Practice, Issue 7, July 2012 – Practice Accessory Housing

APA's focus on accessory housing in the July, 2012 Zoning Practice issue provides recommendations on what should be included in a localities' zoning ordinance for accessory dwelling units along with a process for drafting the ordinance. The issue recommends localities include language about the following:

1. Specification of ADUs as by-right or by special exception permit (i.e. conditional use permit)
2. Required setbacks, height limits, maximum size, and specific design guidelines. The article suggests 10- to 15-foot setbacks to maintain neighborly relations, height limits of 20 feet to ensure that the primary dwelling is the dominant structure, and design standards that ensure ADUs are aesthetically compatible with the rest of the neighborhood.
3. Parking requirements. The article notes that parking is one of the more difficult problems and that the unit's occupants are likely to depend on on-street parking since it can be difficult to add off-street parking.
4. Documentation showing that there is adequate water and sewer capacity to support an ADU. This may be less important for lots that are served by public water and sewer.
5. The number of ADUs allowed per lot.
6. Occupancy requirements, if any. Many localities require owner occupancy of the ADU or the primary dwelling unit and regulate the number of people living in the ADU or limit the number of bedrooms an ADU can have.
7. Specification that ADUs must meet building code standards.

#### Thomas Jefferson Planning District Commission Accessory Dwelling Unit Ordinance

This document provides examples of language that other localities in Virginia have used in their ADU ordinances but provides no advice about specific restrictions. It stresses the importance of

including a purpose statement and a definition for ADUs, recommending that a purpose statement be included for two reasons: purpose statements can help defend an ordinance in court, and they provide an explanation to residents of how the ADU can benefit them.

### **Review of localities by restrictions**

Information on localities' restrictions is taken from the ordinance. Language within quotation marks is a direct quote from the ordinance.

### **Terms used**

| <b>Locality</b>         | <b>Term</b>             | <b>Ordinance Section</b>                      |
|-------------------------|-------------------------|---|
| Arlington County        | Accessory Dwelling Unit | <a href="#">Article. 12.9.2, p. 252</a>       |
| Bedford County          | Accessory Apartment     | <a href="#">Sec. 30-82-1, p. 140</a>          |
| City of Charlottesville | Accessory Apartment     | <a href="#">Sec. 34-1171</a>                  |
| Fauquier County         | Accessory Dwelling Unit | <a href="#">Article 5, Sec. 104, p. 14</a>    |
| Louisa County           | Accessory Apartment     | <a href="#">Article 1, Sec. 86.2</a>          |
| Loudoun County          | Accessory Dwelling      | <a href="#">Article 5, Section 613, p. 38</a> |
| City of Lynchburg       | Accessory Dwelling Unit | <a href="#">Sec. 35.2-71.3</a>                |
| City of Roanoke         | Accessory Apartment     | <a href="#">Sec. 36.2-402</a>                 |
| Town of Strasburg       | Accessory Dwellings     | <a href="#">Chapter 6, Sec. 1, p. 287</a>     |

### **Definitions/Purpose Statement**

| <b>Locality</b>         | <b>Definition/Purpose</b>  |
|-------------------------|--|
| Arlington County        | “A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than three persons for living purposes and meeting the standards of §12.9.2. and under the same ownership as the main dwelling on the lot.”  |
| Bedford County          | Definition: “A second dwelling unit within a detached single-family dwelling which is clearly incidental and subordinate to the main dwelling. An ancillary apartment is considered an accessory apartment.”<br><br><i>“Intent.</i> Accessory apartments afford an opportunity for the development of small rental units designed to meet the special housing needs of single persons, persons with fixed or limited income, and relatives of families who live or desire to live in the county. Accessory apartments provide a degree of flexibility for homeowners with changing economic conditions and/or family structure, while providing a reasonable degree of protection for existing property values. In addition, these provisions are provided to recognize formally previously established apartments and provide for improved safety and physical appearance.” |
| City of Charlottesville | “Accessory apartment means an independent dwelling unit, the presence and use of which is clearly subordinate to a single-family detached dwelling and in which no more than two (2) persons reside. When contained within the structure of a single-family dwelling, such apartment constitutes an “interior accessory apartment.”  |
| Fauquier County         | None   |

|                   |   |
|-------------------|---|
| Louisa County     | “A separate, independent dwelling unit located on the same property as the primary dwelling unit...”  |
| Loudoun County    | “A dwelling within or detached from the principal dwelling of 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, 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 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. Accessory dwellings shall not be included in calculations of density.” |
| City of Lynchburg | None  |
| City of Roanoke   | None  |
| Town of Strasburg | “Accessory dwelling units may be allowed in certain situations to provide a mix of housing that responds to changing family needs and smaller households and provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes, and obtain security, companionship and services.”  |

#### Permitted locations

| Locality                | Notes  |
|-------------------------|--|
| Arlington County        | Allowed in all residential use districts with the issuance of an accessory dwelling permit.  |
| Bedford County          | Permitted by-right in all agricultural, residential (R-1 through R-4, PRD), and commercial districts. A special use permit is required in PCD and PID districts. |
| City of Charlottesville | Allowed in most residential zones with a provisional use permit.   |
| Fauquier County         | Allowed in most residential zones with an administrative permit.   |
| Louisa County           | Permitted in all residential and agricultural districts, others with conditional use permit.   |
| Loudoun County          | Permitted in all residential and agricultural districts.   |
| City of Lynchburg       | Allowed in R-1 and R-2 districts. May be allowed in R-3 and R-4 districts as well.   |
| City of Roanoke         | Permitted in all residential districts by special exception except for RM-2 where they are permitted by-right. Not permitted in the RMF district.                |
| Town of Strasburg       | Permitted with a special use permit.   |

#### Allowed types (attached/detached, etc.)

| Locality         | Regulation(s)   |
|------------------|---|
| Arlington County | <ul style="list-style-type: none"> <li>• May be attached or within dwelling units, or within detached accessory buildings.</li> <li>• No more than one per lot.</li> <li>• Cannot have both an ADU and a family/caregiver suite.</li> </ul> |
| Bedford County   | <ul style="list-style-type: none"> <li>• Only permitted within the primary structure on the lot. There is an exception for districts AP, AR, and AV:</li> </ul>   |

|                         |  |
|-------------------------|--|
|                         | <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ The building in which it is located complies with all setback requirements for a principal structure.</li> </ul> <ul style="list-style-type: none"> <li>• Limited to one per lot.</li> </ul>  |
| City of Charlottesville | Can be interior or exterior, including in an accessory building.   |
| Fauquier County         | <ul style="list-style-type: none"> <li>• May be attached to the principal structure, located within the principal structure or accessory building as an apartment, or as a stand-alone building.</li> <li>• No more than one per lot.</li> </ul>   |
| Louisa County           | <ul style="list-style-type: none"> <li>• Units may be attached or contained within the primary dwelling, or within a detached accessory structure.</li> <li>• No more than one per lot.</li> </ul>   |
| Loudoun County          | <ul style="list-style-type: none"> <li>• Detached and attached units are permitted.</li> <li>• Permitted within accessory buildings, agricultural structures, or in principal structures.</li> <li>• No more than one per lot, however on lots 20 acres or larger, one additional AD is allowed.</li> <li>• AR-1 and AR-2 districts may have one additional AD for each 25 acres over the initial 20. Special exception for additional dwellings may be permitted for seasonal labor.</li> </ul> |
| City of Lynchburg       | Can be located in an accessory structure in the rear yard or within principal structure using a common entrance.   |
| City of Roanoke         | <ul style="list-style-type: none"> <li>• Located in an accessory building and on the same lot as the primary dwelling</li> <li>• No more than one per lot.</li> </ul>  |
| Town of Strasburg       | <ul style="list-style-type: none"> <li>• ADU should be consistent with the look and scale of adjacent dwellings and development patterns.</li> <li>• Limited to one per primary dwelling unit and no more than one per lot.</li> </ul>   |

### Size restrictions

| Locality         | Regulation(s)  |
|------------------|--|
| Arlington County | <ul style="list-style-type: none"> <li>• ADUs within detached accessory buildings cannot be larger than 560 square feet in R-5 and R-6 districts, and 650 square feet in any other districts</li> <li>• If in a basement, it may occupy the entire basement.</li> <li>• Any other locations: <ul style="list-style-type: none"> <li>• If main dwelling is more than 1,000 square feet: Cannot be larger than 750 square feet nor 35% of the combined floor area of the main and accessory dwelling.</li> <li>• If main dwelling is less than 1,000 square feet: Cannot be larger than 500 square feet nor 45% of the combined floor area of the main and accessory dwelling</li> </ul> </li> </ul> |

|                         |  |
|-------------------------|--|
| Bedford County          | <ul style="list-style-type: none"> <li>• Cannot contain more than 50% of the finished floor area of the principal dwelling and cannot be larger than 1,000 square feet.</li> <li>• Minimum floor area allowed is 300 square feet.</li> </ul>   |
| City of Charlottesville | <ul style="list-style-type: none"> <li>• Interior: may not exceed 40% of the gross floor area of the main dwelling area. Must be contained entirely within the principal structure (an addition to the rear of the dwelling is okay).</li> <li>• Exterior: may not exceed 40% of the gross floor area of the main dwelling area <b>and</b> 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.</li> </ul>  |
| Fauquier County         | <ul style="list-style-type: none"> <li>• 800 square feet with two exceptions: <ul style="list-style-type: none"> <li>▪ In an RA or RC districts with lots at least 5-acres <ul style="list-style-type: none"> <li>• ADUs may be up to 1,000 square feet.</li> <li>• If the legally existing dwelling was built before 2013 and is being converted into an ADU it may contain up to 1,400 square feet or square footage of exiting unit, whichever is less.</li> </ul> </li> <li>▪ If located in a basement, the ADU may occupy the entire basement.</li> </ul> </li> <li>• No more than two bedrooms.</li> </ul>   |
| Louisa County           | <ul style="list-style-type: none"> <li>• Units occupying an attic, basement, or additional level may equal the existing finished square footage of the primary dwelling.</li> <li>• Units attached to the primary dwelling may equal the existing finished square footage of the primary dwelling if the lot is at least double the minimum lot area.</li> <li>• However, a unit attached to the primary dwelling may be no more than one half the size of the finished square footage of the primary dwelling unit.</li> <li>• Units may be up to 1,500 square feet in finished floor space when located in a detached accessory structure so long as it is no more than one half the side of the finished square footage of the primary dwelling.</li> </ul> |
| Loudoun County          | <ul style="list-style-type: none"> <li>• Non-suburban districts: <ul style="list-style-type: none"> <li>▪ 70% of gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or 2,500 square feet in gross floor area, whichever is less.</li> </ul> </li> <li>• Suburban districts: <ul style="list-style-type: none"> <li>▪ 70% of gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or 1,200 square feet in gross floor area, whichever is less.</li> </ul> </li> </ul>   |
| City of Lynchburg       | <ul style="list-style-type: none"> <li>• 900 square feet</li> <li>• One bedroom.</li> </ul>  |
| City of Roanoke         | 800 square feet or 80% of the gross floor area of primary dwelling, whichever is less.   |

|                   |   |
|-------------------|---|
| Town of Strasburg | Living area shall not exceed 60% of the floor area of the main building or principal residence. |
|-------------------|---|

### Occupancy Requirements

| Locality                | Regulation(s)  |
|-------------------------|--|
| Arlington County        | <ul style="list-style-type: none"> <li>• Owner must occupy either the ADU or the main dwelling as their primary residence.</li> <li>• If the property is not owner occupied, then it may be occupied by a single family.</li> <li>• No more than three occupants allowed.</li> </ul>                   |
| Bedford County          | Owner of the property must live on the premises.   |
| City of Charlottesville | <ul style="list-style-type: none"> <li>• Owner of property must reside in one of the two dwelling units.</li> <li>• No more than two people may occupy any accessory apartment.</li> </ul>   |
| Fauquier County         | <ul style="list-style-type: none"> <li>• May be built only on the same lot as the residence of the owner of the lot.</li> <li>• Occupied by no more than three people.</li> </ul>  |
| Louisa County           | <ul style="list-style-type: none"> <li>• 1 family or up to 3 unrelated persons.</li> <li>• Primary dwelling unit must be occupied by the property owner or immediate family member.</li> </ul>   |
| Loudoun County          | None specified.  |
| City of Lynchburg       | <ul style="list-style-type: none"> <li>• Owner must reside on the lot.</li> <li>• Cannot exceed limits established in the applicable zoning district. <ul style="list-style-type: none"> <li>▪ No more than three unrelated persons</li> </ul> </li> </ul>   |
| City of Roanoke         | None specified.  |
| Town of Strasburg       | <ul style="list-style-type: none"> <li>• Owner of the principal building must occupy the principal dwelling or accessory dwelling at all times.</li> <li>• None specifically mentioned for ADUs, however for single-family dwelling units less than 1,200 square feet occupancy limit is 4.</li> </ul> |

### Height restrictions

| Locality                | Regulation(s)  |
|-------------------------|--|
| Arlington County        | Detached accessory buildings containing ADUs may not be taller than 25 feet or 1.5 stories, whichever is less. |
| Bedford County          | Same as those for accessory structures.  |
| City of Charlottesville | Shall not exceed 25-feet in height or the highest point on the primary dwelling, whichever is less.            |
| Fauquier County         | None specified   |
| Louisa County           | None specified   |
| Loudoun County          | None specified   |
| City of Lynchburg       | None specified   |
| City of Roanoke         | None specified   |
| Town of Strasburg       | None specified   |

### Setback requirements

| Locality                | Regulation(s)   |
|-------------------------|---|
| Arlington County        | <ul style="list-style-type: none"> <li>• 5 feet from rear or side lot line.</li> <li>• Corner lots: 5 feet from side lot line, eaves must be 10 feet from rear lot lines.</li> <li>• Nearest wall must be 25 feet away from streets or street ROW.</li> </ul>   |
| Bedford County          | Same as those for accessory structures.   |
| City of Charlottesville | <ul style="list-style-type: none"> <li>• Must be at least 5-feet from the property line.</li> <li>• Must be 10-feet from the property line at an alley when the accessory apartment structure is an apartment and a garage entered off an alley.</li> <li>• Must be 8-feet from any other structure on site.</li> </ul> |
| Fauquier County         | None specified in ADU ordinance. However, it is noted in the General Provisions that all uses permitted by right or by special permit or exception will be subject to the lot requirements specified for that district.   |
| Louisa County           | None specified.   |
| Loudoun County          | Specified setbacks for zoning district.   |
| City of Lynchburg       | <ul style="list-style-type: none"> <li>• If in an accessory structure, must be outside the required setback lines for principal structures.</li> <li>• Must comply with all applicable ...building coverage and rear yard building coverage requirements.</li> </ul>  |
| City of Roanoke         | None specified.   |
| Town of Strasburg       | None specified.   |

### Parking requirements

| Locality                | Regulation(s)  |
|-------------------------|--|
| Arlington County        | <ul style="list-style-type: none"> <li>• If there are not parking spaces prior to the issuance of an ADU permit, then 1 space is required unless it had been determined by the city that the block is less than 65% parked, then no space is required.</li> <li>• If 1-2 spaces existed prior to the issuance of an ADU permit, then the same number of spaces need to be maintained.</li> <li>• If more than 2 spaces existed prior to the issuance of an ADU permit, then 2 spaces need to be maintained.</li> </ul> |
| Bedford County          | 1 space required in addition to the require parking for the principal dwelling.  |
| City of Charlottesville | 1 per dwelling unit  |
| Fauquier County         | Unclear, but require 2-spaces per detached, single-family resident unit with one space having convenient access to a street.   |
| Louisa County           | 1 per dwelling unit  |
| Loudoun County          | 1 per accessory dwelling unit  |
| City of Lynchburg       | 1 per dwelling unit  |

|                   |  |
|-------------------|--|
| City of Roanoke   | Determined on a case-by-case basis, there are no official parking requirements. The BZA expects applicants to have a plan in place to address parking. |
| Town of Strasburg | 2 spaces per dwelling unit. This requirement is the same as the single-family residential dwelling.  |

### Short-term rental regulations

| Locality                | Regulation(s)  |
|-------------------------|--|
| Arlington County        | <ul style="list-style-type: none"> <li>Permits the main dwelling or the ADU to be rented to lodgers by the owner, but simultaneous renting can only occur under a single contract.</li> <li>Occupancy of the ADU is limited to two lodgers.</li> </ul> |
| Bedford County          | May be used as a short-term rental with a short-term rental permit.  |
| City of Charlottesville | None specified.  |
| Fauquier County         | None specified.  |
| Louisa County           | Shall not be rented in less than six-month increments.   |
| Loudoun County          | None specified.  |
| City of Lynchburg       | May be used as short-term rentals as long as the primary dwelling is owner occupied.   |
| City of Roanoke         | <ul style="list-style-type: none"> <li>City calls short-term rentals “home stays.”</li> <li>Allows one home stay per parcel and owner must reside on property.</li> <li>A special exception is required for a home stay permit.</li> </ul>             |
| Town of Strasburg       | Use of an ADU as a rental in any form is prohibited.   |

### Nonconforming accessory building requirements

| Locality                | Regulation(s)   |
|-------------------------|---|
| Arlington County        | <ul style="list-style-type: none"> <li>Allowed in nonconforming dwellings or detached accessory buildings.</li> <li>Accessory buildings existing prior to May 2019 may be altered to create an ADU.</li> </ul>  |
| Bedford County          | <ul style="list-style-type: none"> <li>Depends on when the non-conforming ADU was established (before or after 1989), and if the ADU expands a non-conforming use.</li> <li>Non-conforming uses are otherwise permitted to remain unless other criteria are met (vacant for more than 2-years, for example).</li> </ul> |
| City of Charlottesville | None specified.   |
| Fauquier County         | None specified.   |
| Louisa County           | None specified.   |
| Loudoun County          | None specified.   |
| City of Lynchburg       | Treated as any other nonconforming use.   |
| City of Roanoke         | <ul style="list-style-type: none"> <li>The use may remain until it no longer exists, or if the AA is not in use over a 2-year period, then the property owner is required to follow the steps to make it legal.</li> </ul>  |



|                        |   |
|------------------------|---|
|                        | <ul style="list-style-type: none"> <li>If it is an illegal non-conforming structure, the property owners are required to go through the special exception process.</li> </ul> |
| City of Virginia Beach | None specified.   |

### Other regulations

| Locality                | Description   |
|-------------------------|---|
| Arlington County        | <ul style="list-style-type: none"> <li>If located in the main dwelling or accessory building with an entrance above the first floor may not have exterior stairs on the side of that fronts on the street.</li> <li>Annual inspection to ensure compliance with the zoning ordinance. Failure to comply will result in the ADU permit being revoked.</li> </ul>   |
| Bedford County          | Any exterior entrances to the apartment must be located so that the principal dwelling maintains its appearance as a single-family dwelling.  |
| City of Charlottesville | <ul style="list-style-type: none"> <li>Must comply with all applicable building code regulations.</li> <li>Interior accessory apartments may not have a separate entrance on any part of the primary dwelling that fronts on a public street. No exterior stairs may be visible from a public street.</li> <li>Must comply with the <a href="#">regulations for accessory buildings and structures</a>.</li> </ul>  |
| 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.  |
| Loudoun County          | <ul style="list-style-type: none"> <li>Approval from the Health Department, Loudoun County Sanitation Authority, etc., is needed depending on the nature of sewage and wastewater disposal.</li> <li>Must abide by the use limitations for accessory uses or structures.</li> <li>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: <ul style="list-style-type: none"> <li>Located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District</li> <li>Listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP).</li> <li>Listed or eligible for listing as a contributing resource to a VLR or NRHP listed or eligible Historic District.</li> </ul> </li> </ul> |
| Louisa County           | None  |
| City of Lynchburg       | None  |
| City of Roanoke         | <ul style="list-style-type: none"> <li>Accessory apartments will not be considered as a dwelling unit for purposes of determining minimum lot area per dwelling unit.</li> <li>Shall not be metered separately for utilities from the primary dwelling.</li> </ul>  |
| Town of Strasburg       | Conversion of an accessory dwelling unit to a rental unit is strictly prohibited.   |

## **Resources**

### **Locality pamphlets/guides**

Accessory Dwelling Units - A Guide to Accessory Apartments in Charlottesville, VA, November 2015:

<https://www.charlottesville.gov/DocumentCenter/View/2847/20151100-Guide-to-Accessory-Apartments-in-Charlottesville---Accessory-Dwelling-Units-ADUs>

Accessory Dwelling Units, Fauquier County Department of Community Development, August, 2015: <http://www.fauquiercounty.gov/home/showdocument?id=70>

Residential Zoning Illustrated – A Visual Guide to Understanding Key Aspects of the City of Virginia Beach Zoning Ordinance, City of Virginia Beach Department of Planning and Community Development, 2018:

<https://www.vbgov.com/government/departments/planning/zoning/Documents/20181206-PLN-ZON-ResZoningIllustrated.pdf>

### **Guides and Sample ordinances**

AARP's page All About Accessory Dwelling Units: <https://www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adus.html>

AARP and APA's booklet: Accessory Dwelling Units – Model State Act and Local Ordinance: [https://assets.aarp.org/rgcenter/consume/d17158\\_dwell.pdf](https://assets.aarp.org/rgcenter/consume/d17158_dwell.pdf) (particularly the Model Local ADU Ordinance beginning on page 29)

### **Summary of Locality Interviews**

#### **City of Charlottesville, interview summary**

Date: 12/8/2020

Interviewee: Alex Ikefuna, Director of Neighborhood Development Services

Charlottesville, like many cities, is facing an affordable housing crisis. One element the city is using to combat this is the accessory dwelling unit. The city is currently reviewing and updating its ordinance to make it easier for residents to build an ADU on their property. The possible updates will include the removal of the parking requirement for all units and consideration of places where the ADU would be near a transit stop or have ample street parking that would suffice for a parking requirement. The city is also looking at allowing more than one ADU per residential lot and allowing them if they will be rented as affordable housing. Charlottesville is expecting to have a draft of the revised ordinance ready at the end of 2021.

Where historic structures are concerned, the ADU application is reviewed by the Board of Architectural Review. This process has effectively dealt with any issues that may have cropped up from that perspective. The ordinance is widely supported by the community because of the affordable housing problem, and there has been very little push back received. The city's residents

may use the ADU as a short-term rental, provided they have gone through the necessary application requirements and that the owner lives on site.

### **City of Roanoke, interview summary**

Date: 12/10/2020

Interviewee: Wayne Leftwich, Senior City Planner

Similar to Lexington, Roanoke is completing work on the city's new comprehensive plan expected to be adopted by City Council soon. The plan discusses Roanoke's "missing middle" housing, the lack of it, and the need to create more opportunities for duplexes, accessory apartments (AA), and allowing for higher density. Making the case for housing types such as accessory apartments with the city's residents is easier since Roanoke has good examples of these housing types. Now that the comprehensive plan work is nearly complete, the city is planning to review the AA ordinance with the intention of making AAs easier to construct for the residents that want them. There are several restrictions Mr. Leftwich believes the city will examine with the intention of making the ordinance more flexible. One of these is for allowing AAs in primary structures in addition to an exterior building, and another is removing the requirement that AAs and primary residences be on the same meter for water and utilities. Though this was intended as a way to ensure the property owner was committed to the property, it has ended up resulting in properties with AAs having their utilities bills paid by property owner and those costs being covered in the rental payment. The city has also found that developers dislike this requirement. Additionally, Mr. Leftwich believes the city will consider changing the ordinance from allowing AAs by special exception to allowing them by right in all residential districts as long as design and location specifications are met.

The city has already reviewed and revised its ordinance once, two-three years ago, and at that time decided to increase the square footage that could be devoted to residential area from 400 sq. feet to 800 sq. feet. The city was having problems determining how to count certain parts of AAs, such as stairs leading up to an AA that also contained a mud room at the bottom or porch area. Increasing the allowable residential area square footages relieved this issue.

The city has recently updated its short-term rental ordinance (Roanoke calls them "homestays") to allow one homestay per parcel with the owner required to reside on the property. A special exception is required for a homestay permit.

AAs located in legally nonconforming structures can stay until the structure no longer exists. If it is not in use after a two-year period, the property owner is required to follow the necessary steps to make it legal. If the AA is an illegal non-conforming structure, the property owners are required to go through the special exception process. Though the city does not have specific parking requirements for AAs, parking is an aspect the Board of Zoning Appeals (BZA) considers when considering an application for special exception for an AA. The BZA has an expectation that the application for an AA will provide an explanation of how parking will be satisfied and will consider what impact the AA may have on traffic and compatibility with the neighborhood; decisions about appropriate parking are made on a case-by-case basis. If there is ample street parking or the location is near a transit stop, then no on-site parking is required. If street parking is severely limited, then the

BZA may require an on-site parking space. If the city decides to remove the special exception requirement for AAs, then it may make an on-site parking space required with some flexibility in accordance with the city's existing parking requirements.

The city has not experienced any issues with AAs in historic districts, and many houses within these districts have on-site carriage houses that have been turned into AAs. Mr. Leftwich believes that because these houses have turned their accessory buildings (carriage houses) into AAs, it has made them more accepted by the city's residents. Property owners building new AAs within historic districts must meet all the historic district regulations and go through the Architectural Review Board.

### **Town of Strasburg, interview summary**

Date: 12/11/2020

Interviewee: Lee Pambid

The Town of Strasburg's ADU ordinance is strict compared to those of some of the other localities, and there are no plans right now to loosen them. Mr. Pambid has been with the town for only about two years and during his tenure has only received a couple of applications for ADUs. Inquiries about them for short-term rental purposes have been more frequent and have been denied. All ADU applications within the historic overlay district go through the Architectural Review Board review. This also happens for ADUs that are located in an exterior structure or within the main dwelling when it requires remodeling that would affect the exterior.

There have been no complaints or reports about non-conforming ADUs. Mr. Pambid mentioned that Strasburg is and has been experiencing development pressure from northern Virginia because of the Town's location in proximity to downtown Washington D.C. The Town has been experiencing the "missing middle" housing problem, with most current construction being for market-priced single-family housing.

### **City of Lynchburg, summary of responses to questions by email**

Respondent: Tom Martin, City Planner

Mr. Martin answered several questions about Lynchburg's ADU ordinance via email. The City revised its ADU ordinance in 2016, and the main change was allowing for ADUs in separate buildings (for example, over a detached garage) as long as the property was owner occupied. Overall, and especially with this change, the City feels that the ordinance has been working well as it is currently written. Too many individuals residing in a single ADU is the primary complaint the City receives from residents; the City's limit is set at three. The City does allow for ADUs to be used as short-term rentals, but the main dwelling must be owner occupied. There have not been any cases where ADUs have been found within nonconforming structures, but if there were, the City would handle them as for other nonconforming uses. Finally, ADUs located in historic districts are required to be reviewed by the Historic Preservation Commission if any exterior changes will happen to the buildings.

### **Bedford County, summary of responses to questions by email**

Respondent: Jordon Mitchell, Director, Bedford County Community Development

Responding through email, Mr. Mitchell expanded on a couple of aspects of Bedford County's ADU ordinance, which has been in place since the County adopted zoning in 1998. The ordinance has been working well for the county with few issues. The provision for detached ADUs in specific zoning districts in the higher density areas has allowed the ordinance to function the way it was intended. The primary complaint received is too many unrelated people residing in an ADU. Building height and setback requirements are the same as those for accessory structures in the zoning district the ADU is or will be located in, and the County does allow for ADUs to be used as short-term rentals as long as a short-term rental permit is obtained. The County does allow a couple of options for a non-conforming ADU if a property owner is trying to expand its current use, depending on if the ADU was constructed before or after 1989. Otherwise, the non-conforming use is allowed to remain unless certain other criteria are met, such as being vacant for more than two years.

## Current Planning Commission Members (4 year term)

July 31, 2022

| <u>First Name</u> | <u>Last Name</u> | <u>Title</u>    | <u>Start Date</u> | <u>End Date</u> |
|-------------------|------------------|-----------------|-------------------|-----------------|
| Nicholas          | Betts            | Vice-Chair      | 7/16/2021         | 7/31/2024       |
| Patrick           | Bradley          |                 | 7/31/2016         | 7/31/2024       |
| John              | Driscoll         |                 | 7/31/2017         | 7/31/2025       |
| Blake             | Shester          | Chair           | 7/31/2019         | 7/31/2023       |
| Leslie            | Straughan        | Council Liaison | 1/1/2016          |                 |
| Matt              | Tuchler          |                 | 7/31/2015         | 7/31/2023       |