

LEXINGTON PLANNING COMMISSION

February 9, 2023 - 5:00 P.M
 Rockbridge County Administrative Offices – First Floor Meeting Room
 150 South Main Street, Lexington, VA 24450

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF THE AGENDA**
3. **APPROVAL OF MINUTES**
Minutes from January 26, 2023*
4. **CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
5. **NEW BUSINESS**
 - A. ZOA 2023-01: Annual Zoning Ordinance Amendments. Accessory Dwelling Units (A.D.U).
 - 1) Staff Report*
 - 2) Public Comment
 - 3) Commission Discussion
6. **OTHER BUSINESS**
 - A. Zoning and Planning Report – If applicable
 - B. Catalyst Project Updates – If applicable
 - 1) Bike/Ped Plan: Complete
 - 2) Increase Sidewalk Connectivity: Ongoing
 - 3) Accessory Dwelling Unit Ordinance: Ongoing
 - 4) Jordan's Point Park Plan Implementation: Ongoing
 - 5) Reprogram Traffic Signals Downtown: Complete
 - 6) Assess Stormwater Fees: Tabled until next year
 - 7) Green Infrastructure Group: Complete
 - C. Key Annual PC Milestones: Ongoing. Remaining items:
 - 1) Zoning Text Amendments: Ongoing. Remaining items:
 - a. Cottage Housing
 - b. What else, if any?
 - 2) Comp Plan Review: Ongoing
7. **CITY COUNCIL REPORT**
8. **ADJOURN**

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, January 26, 2023 – 5:00 p.m.
Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450**

Planning Commission:

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

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

CALL TO ORDER

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

AGENDA

The agenda was unanimously approved as presented. (P. Bradley / J. Driscoll)

MINUTES

Chair Shester explained that though there was a vote to approve the December 8, 2022 meeting minutes at the last meeting, there was not a quorum present. The minutes from the December 8, 2022 meeting were then officially and unanimously approved as presented. (L. Straughan / P. Bradley)

L. Straughan remarked that though she did not attend the January 12th meeting, she had listened to the audio and would vote on the minutes. The minutes from the January 12, 2023 meeting were unanimously approved as presented. (J. Driscoll / M. Tuchler)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. EC COA 2023-01: An application by Charles Potter for approval of a Certificate of Appropriateness (COA) for exterior improvements and new signage for the Cattlemen's Market located at 534 East Nelson Street (Tax Map #30-1-11), owned by Trunet LLC.

- 1) Staff Report – Director Glaeser noted there were two applications for the subject property and that the COA had to be approved before the site plan could be reviewed. He stated this request was for a COA for the installation of an exterior, fenced enclosure and new signs at 534 E. Nelson Street which is in the C-2 zoning district and the Entrance Corridor Overlay District. The proposal was for a 28'-8" x 18' raised concrete pad for a walk-in cooler, a walk-in freezer, and a smoker, to be enclosed by a 12" high, solid wood fence, painted to match the color of the building and located at the northeast end of the parking lot. The height requested for the fence was to meet the screening requirements for the walk-in cooler and freezer which are both 12 feet in height. The applicant was also requesting approval for the installation of a ± 36 sf painted wall sign above the awning on

the Nelson Street façade, a painted sign above the window area on the east side of the building, and to replace the Check Into Cash monument sign panel with an existing Cattlemen’s Market sign panel. Director Glaeser pointed out applicable sign and Entrance Corridor regulations and said he found the proposed improvements met the zoning requirements.

Responding to questions from Commissioners Driscoll and Tuchler, A. Glaeser confirmed the COA application dealt with the aesthetics of the proposal and any questions or comments about the site plan would be addressed during discussion of the next application.

- 2) Applicant Statement – Engineer, Russ Orrison, business owner, Charles Potter, and property owner, Jay Melvin were present to answer questions if necessary. Mr. Orrison clarified that the entire Nelson Street face of the building would be redone prior to the installation of the painted sign. Responding to questions from P. Bradley, Mr. Orrison was unable to provide the height of the roofline on the east side of the building, but indicated the fence was intended to screen the cooler and freezer and its height was determined by the height of those units. He also confirmed there would be no signage on the fence which would be painted to match the color of the building.
- 3) Public Comment – None
- 4) Commission Discussion & Decision – **J. Driscoll moved to approve the Entrance Corridor Certificate of Appropriateness application EC 2023-01 for exterior improvements and signage at 534 East Nelson Street as proposed by the applicant. L. Straughan seconded and the motion passed unanimously. (5-0)**

B. SP 2023-01: An application by Charles Potter for approval of a site plan that includes an exterior, fenced-in area for a walk-in cooler, walk-in freezer, and a smoker for 534 East Nelson Street (Tax Map #30-1-11), owned by Trunet LLC.

1) Staff Report –

This request was for approval of a site plan for 534 E. Nelson Street that includes an exterior, fenced-in area for a walk-in cooler, walk-in freezer, and a smoker. Site plan review and approval is required prior to the issuance of a building permit. The proposal was for a 28’-8” x 18’ raised concrete pad for the cooler, freezer and smoker to be enclosed with a 12’ high solid wood fence and located at the northeast end of the upper parking lot. Director Glaeser verified that the proposal met zoning, parking and setback requirements and pointed out comments from the Building Official, Fire Protection, Police and Public Works. He addressed Public Work’s questioning of how the condensate from the cooling units would be disposed by saying he believed there to be ample room on the parcel for it to be disposed without impacting the alleyway or street. He said he found that all zoning requirements pertaining to site design and use were met and recommended approval of the site plan.

M. Tuchler questioned whether the condensate disposal had been adequately addressed and A. Glaeser responded that the applicant might provide more details about the volume of condensate and plans for its disposal. J. Driscoll requested parking details and clarification of what appeared on the site plan to be a driveway. A. Glaeser noted the property required 23 parking spaces and 24 were provided.

- 2) Applicant Statement – Russ Orrison clarified that the site plan denotes the 9’x18’ dimensions for each parking space, but the parking would likely remain unmarked. The parking in front of the building is marked and the handicapped spot would also be marked and signed. He offered that ADA compliance requires one ADA parking space per 25 spaces. Addressing the issue of the condensate, he remarked that it would be a tiny amount of water and while it has not been determined where it would drain, that issue (as well as other plumbing elements) would be resolved before building plans are submitted.

- 3) Public Comment –

Shannon Spencer, 512 Taylor Street – questioned how pedestrians would safely get into the building from the lower parking area. She asked if there was a rear entrance to the building or if a sidewalk exists or would be installed.

Addressing follow up questions from Commissioners Driscoll and Tuchler, Mr. Orrison said there was not enough space for a dedicated sidewalk from the back lot. A. Glaeser added that nothing in the zoning ordinance would require such a sidewalk.

- 4) Commission Discussion & Decision – **M. Tuchler moved to approve Site Plan number SP 2023-01 and find the submitted site plan to be in compliance with the zoning ordinance. P. Bradley seconded and the motion passed unanimously. (5-0)**

C. EC COA 2023-01: An application by Red Dowdell for approval of a Certificate of Appropriateness (COA) for new signage for Rockbridge Barbell located at 150 Walker Street (Tax Map #30-1-15), owned by Summit Square Partners, LLC.

- 1) Staff Report – This was a request for a Certificate of Appropriateness for previously installed signs for the new Rockbridge Barbell location at 150 Walker Street. The request was for a wall sign, a window sign and a free-standing monument sign panel. The wall sign is 14.95 sf (8.75’ x 1.7’), located above the windows to the left of the entry, and made of white vinyl on a black painted plastic material. The window sign is 6.14 sf (29.5” x 30”), made of white wooden sign board with black vinyl lettering and graphic, and located on the lower portion of the entry door. It is slightly larger than the 6 sf allowed for window signs and must be reduced in size to meet code requirements. The monument sign panel is 4 sf (4.75’ x 0.83’) and made of a white plastic material with black lettering. The monument sign panel is the only sign proposed to be illuminated. With the exception of the proposed window sign, staff found the proposed improvements to meet the zoning criteria.

- 2) Applicant Statement - None

- 3) Public Comment – None

- 4) Commission Discussion & Decision – Following discussion about the purpose of reviewing and approving COAs in the Entrance Corridors, potential negative outcomes for applicants who install signs prior to their approval, and the fact that no multi-tenant parcel in the Entrance Corridor has a sign plan to ensure consistency in sign design, **P. Bradley moved to approve the Entrance Corridor Certificate of Appropriateness application EC 2023-02 for new signage at 150 Walker Street as proposed by the applicant with the provision that the window sign be reduced to 6 square feet. J. Driscoll seconded and the motion passed unanimously. (5-0)**

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

1) Staff Report –

A. Glaeser said his goal for this meeting was to develop a working purpose statement. He noted the Comp Plan provides the direction to “review regulations allowing accessory dwellings in separate structures in appropriate residential areas,” and provided the existing definition of *accessory apartment*, which requires the accessory dwelling to be within the main structure and limits its size. He said the outline included in the packet was intended to provide a road map for the Commission’s future discussions and was largely based on the AARP model code provided in earlier background materials.

J. Driscoll remarked that the intent was to increase accessory dwellings whether they be inside or outside of the main dwelling and asked if the outline provided a means to address both circumstances. A. Glaeser responded that he envisioned one set of regulations that would govern all types of accessory dwelling units. He suggested that the definition should include both, and if it was determined that the rules for each should differ, those differences could be laid out in the use and design standards. Responding to questions from P. Bradley, he said he did not know the number of existing accessory apartments in the City, and that there was no registration requirement or separate taxation unless the apartment was being used as a short term rental. P. Bradley noted that the Commission would need to consider factors such as how these dwellings would be used, whether it be short term or long term rental. A. Glaeser agreed and added there were a number of details to be considered, including how many units would be allowed on a parcel, how many short term and how many long term, what would be allowed on properties that allow duplexes, whether the property would be required to be the property owner’s primary residence, etc. He answered a question from M. Tuchler about building requirements by saying that any new accessory structure or interior accessory space would need to adhere to current building and fire code requirements. He added that units used for short term rental may need to meet additional life-safety requirements, and that he would have the Building Official review the draft amendment before it is approved.

L. Straughan said she liked Bedford’s purpose statement, especially the sentence stating the intent to include previously acceptable units in the new ordinance. J. Driscoll offered a purpose statement he developed by merging several of the examples provided by staff and distributed printed versions for the other Commissioners to review. P. Bradley asked his fellow Commissioners if any of the examples contained language they believed should be avoided. B. Shester suggested avoiding trying to list every conceivable use for an ADU. L. Straughan agreed and suggested references to the financial situations of interested parties should also be avoided. Following discussion of Commissioner Driscoll’s draft language, Chair Shester suggested the first paragraph be used as a draft purpose statement for the time being to move the process along. He noted the language could be polished later.

P. Bradley asked Director Glaeser what he foresaw as being the most difficult sections of the ADU ordinance. A. Glaeser identified the trickiest items as likely to be such questions as whether property owners will be required to live on the parcel; how to

deal with existing nonconforming buildings; size restrictions for structures; size limitations for the ADU; whether there should be a minimum lot size requirement; whether ADUs can be used as short term rentals; and parking requirements. He suggested beginning conservatively, noting that it would be easier to loosen restrictions over time than it would be to respond to unforeseen problems by trying to impose greater restrictions. J. Driscoll advocated for approaching the ordinance by keeping in mind the worst possible outcome it would allow.

For the Commission’s next discussion, A. Glaeser said staff would provide the draft Purpose section and several examples of definitions from other jurisdictions from which the Commission could choose to develop a definition. M. Tuchler said he would like to receive feedback from the public to gauge whether the purpose proposed by the Commission was well received by the community. A. Glaeser pledged to post the draft ordinance on the City’s website, once it was farther along and the language a bit more polished, so that the public could follow the progress and provide feedback.

2) Public Comment – None

OTHER BUSINESS

A. Green Infrastructure Working Group Final Report

1) Remarks from Planning Commission Liaison to the G.I. Working Group – J. Driscoll identified and explained the changes made to the Report and Briefing Note since the Commission’s last meeting. P. Bradley said the Report was ready to move on to City Council and asked for suggestions about how best to do so. There was general agreement that, if City Council’s schedule would allow, a joint work session would be the best venue to present the report to Council. L. Straughan said she would approach the Mayor and City Manager with that request.

2) Commission Discussion & Decision – **M. Tuchler made the following motion: “To achieve the goal, objectives, and strategies established in the Green Infrastructure Chapter of the 2040 Lexington Comprehensive Plan, the Planning Commission endorses the Green Infrastructure Working Group Report, Getting Greener in Lexington – Moving the Conversation Forward. The Commission concurs with the Report’s proposal to consider the Collective Impact model approach, and we encourage the city staff to review the Report to identify opportunities to integrate green infrastructure initiatives into ongoing work plans.” L. Straughan provided the second and the motion passed unanimously. (5-0)**

B. Zoning Report – Director Glaeser reported the following:

- He and Council Members Straughan and Alexander have met three times with the Spotswood parcel developer and architect regarding the design of the project. City Council’s review of the CUP application for the project will be deferred to the first meeting in March.
- Lexington’s eighth chicken permit was approved this week.
- He attended the Rockbridge Highlands Realtors Association luncheon and gave a short presentation about short term rentals in Lexington.

- House Bill 2271 has been proposed and would exempt properties managed by Virginia realtors from all short term rental rules and regulations.
- He attended a Tree Board meeting for the first time.

CITY COUNCIL REPORT -

L. Straughan indicated the main news she intended to report was about Spotswood and had addressed in A. Glaeser's Zoning Report. She remarked that she had listened to the audio from the last Planning Commission meeting and wanted to respond to questions raised during the discussion by confirming that City Council is aware and supportive of the Accessory Dwelling Unit zoning amendment.

ADJOURN

The meeting was adjourned at 6:29 pm with unanimous approval. (B. Shester / P. Bradley)

B. Shester, Chair, Planning Commission

Draft amendments for Accessory Dwelling Units

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

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

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

For the Planning Commission discussion on February 9, 2023, staff recommends the Planning Commission a) choose/draft a definition, b) determine where ADUs will be allowed by zoning district, and c) determine the number of ADUs allowed per lot. Subsequent meetings will generally follow the proposed outline and staff intends to provide examples from other ADU ordinances for each item in the outline.

Article XI. Use and Design Standards.

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

§420-11.1. Residential Uses.

1. Accessory Dwelling Units.

Draft outline

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

A. Purpose

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

B. Definitions

(Existing Definitions in Lex Zoning Ordinance that may be helpful with the ADU discussion)

ACCESSORY APARTMENT

A residential use having the external appearance of a single-family residence in which there is located a second dwelling unit that comprises no more than 25% of the gross floor area of the building nor more than a total of 750 square feet. *(Note there no use and design standards for accessory dwelling units in Section 11 of the Zoning Ordinance.)*

ACCESSORY USE OR STRUCTURE

A use or structure which is clearly subordinate and customarily incidental to the main use or structure that it is accessory to and located upon the same lot occupied by the main use or structure. Structures attached to the main building shall be considered part of the main building.

DWELLING

Any building or portion thereof which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses and motels.

DWELLING, MULTI-FAMILY

A building arranged or designed to be occupied by three or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, apartments for elderly housing and condominiums.

DWELLING, SINGLE-FAMILY ATTACHED

Two or more single family dwellings sharing two or more common walls, each on its own individual lot. Attached dwellings are not vertically stacked.

DWELLING, SINGLE-FAMILY DETACHED

A site built or modular building designed for or used exclusively as one dwelling unit for permanent occupancy, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

DWELLING, TOWNHOUSE

A grouping of three or more attached single-family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

DWELLING, TWO-FAMILY

Also referred to as a duplex; The use of an individual lot for two dwelling units which share at least one common wall, each occupied by one family, that separates living space (i.e., living room, kitchen, bedroom, bathroom, etc.). Each dwelling unit may be vertically stacked. The exterior appearance of the whole resembles a single structure.

DWELLING UNIT

A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

FAMILY HEALTH CARE STRUCTURE, TEMPORARY

Pursuant to all conditions set forth in the Code of Virginia §15.2-2292.1, a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person and the other requires assistance with one or more activities of daily living as defined in §63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§36-70 et seq.).

GROUP HOME

A licensed residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, shall be considered a residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia §54.1-3401. Such facility shall be licensed by the Commonwealth of Virginia Department of Behavioral Health and Development Services, in order to qualify as a single family use.

GUESTROOM

A room which is intended, arranged or designed to be occupied, for more than 45 nights, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

HOUSEHOLD UNIT

A family and/or a specified number of persons not related by blood, adoption or marriage living and cooking together as a single housekeeping unit.

LIVE-WORK DWELLING

A dwelling unit used for both dwelling purposes and any nonresidential use permitted in the zoning district in which the unit is located.

NONCONFORMING USE

A use or activity which was legal when originally established, but that fails to conform to the current standards and regulations due to the adoption, revision or amendment of the subdivision ordinance.

Sample Definitions (pick one?)

1. **Sample from 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

2. **Sample from Bedford County**

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.”

3. **Sample from Town of Blacksburg**

ACCESSORY APARTMENT—A secondary dwelling unit or units established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached structure or structures on the same lot.

4. **Sample from Charlottesville**

Accessory Apartment: 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.

5. **Sample from Louisa County**

Accessory Apartment: A separate, independent dwelling unit located on the same property as the primary dwelling unit subject to the following:

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

- d) A dwelling unit attached to the primary single-family dwelling that shall be no more than one-half the size of the finished square footage of the primary dwelling unit located on the subject property.
- e) Occupancy of such accessory dwelling unit shall be limited to no more than one family (as defined) or up to three unrelated persons and shall not be rented in less than six-month increments, and the primary dwelling unit must be occupied by the owner of the subject property or an immediate family member (as defined). Only one accessory dwelling unit shall be allowable per lot.
- f) Manufactured homes, mobile homes, RV's, camping trailers and other traditionally temporary structures are not accessory dwelling units.

6. **Sample from Loudon County**

Accessory Dwelling: 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.

7. **Sample from Strasburg**

Accessory Dwellings: 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.

C. Authorization of ADUs by zoning district

(Current Lexington use matrix for residential uses)

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

Permitted Locations

1. **Sample from Arlington County**
Allowed in all residential use districts with the issuance of an accessory dwelling permit.
2. **Sample from 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.
3. **Sample from Town of Blacksburg**
Accessory apartments are permitted only in the RR-1, RR-2 and R-4 zoning districts.
4. **Sample from City of Charlottesville**
Allowed in most residential zones with a provisional use permit. *(Provisional uses can be granted administratively in Charlottesville if the Zoning Administrator concludes that a proposed provisional use complies with the standards prescribed for that provisional use.)*
5. **Sample from Fauquier County**
Allowed in most residential zones with an administrative permit.
6. **Sample from Louisa County**
Permitted in all residential and agricultural districts, others with conditional use permit.
7. **Sample from Loudon County**
Permitted in all residential and agricultural districts.
8. **Sample from City of Lynchburg**
Allowed in R-1 and R-2 districts. May be allowed in R-3 and R-4 districts as well.
9. **Sample from 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.
10. **Sample from Town of Strasburg**
Permitted with a special use permit. *(A special use permit in Strasburg is similar to our conditional use permits that require review/recommendation by Planning Commission and approval by City Council after duly advertised public hearings.)*

In which zoning district should ADUs be allowed by-right, conditional, by administrative permit, or not allowed at all?

D. Number of ADUs allowed per lot

1. No more than one per lot. (Arlington, Bedford, Fauquier, Louisa, Loudon, & Roanoke)
 2. Cannot have both an ADU and a family/caregiver suite. (Arlington County)
 3. Limited to one per primary dwelling unit and no more than one per lot. (Strasburg)
 4. 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. (Bedford County)
 5. The building in which it is located complies with all setback requirements for a principal structure. (Bedford County)
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	R-1 conforming	R-1 non-conforming	R-2 conforming	R-2 non-conforming	R-M	R-LC	C-1	C-2
Accessory Apt. interior	B		B		B	B	B	
Accessory Apt. detached								
Fam. Health Care Structure, temp.	B		B		B	B		
Group Home	B		B		B	B		
Guest Room	B		B		B	B		
Live-work dwelling					B	B	B	B
Multi-fam. Dwelling					B	C	B,C	
Single-fam. Dwelling	B		B		B	B		
Townhouse					B	B	B	C
Two-family dwelling	B				B	B		
Short term rental	B		B		B	B	B	

Pictures of conforming duplex (with respect to number of dwelling units) in R-1 zoning district



Pictures of nonconforming multifamily units (with respect to number of dwelling units) in R-1 zoning district

