

LEXINGTON PLANNING COMMISSION

March 23, 2023 - 5:00 P.M

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

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. APPROVAL OF MINUTES**
Minutes from March 9, 2023*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. PS 2023-02: An application by Chris Pappas proposing a Preliminary Subdivision Plat (boundary line adjustment and boundary line vacations) for parcels located at 317 Massie Street (Tax Parcels #24-5-19 & #24-5-8A) and 23 Marble Lane (Tax Parcels #24-5-17 & #24-5-15).
 - 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) Staff Report* and continued Commission Discussion
 - 2) Public Comment
- 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, March 9, 2023 – 5:00 p.m.
Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450

Planning Commission:

Presiding: Blake Shester, Chair
 Present: Pat Bradley
 John Driscoll
 Shannon Spencer
 Leslie Straughan, Council Liaison
 Matt Tuchler, Vice-Chair – arrived at 5:02 p.m.

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. (S. Spencer / L. Straughan)

MINUTES

J. Driscoll had no comments on the minutes but requested the South Main Street Opportunity Area discussion from the last meeting be revisited during the Other Business portion of the meeting. The minutes from the February 23, 2023 meeting were unanimously approved as presented. (L. Straughan / J. Driscoll)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

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

1) Staff Report –

Director Glaeser provided a summary of the progress made thus far on this zoning ordinance amendment and asked for questions. S. Spencer suggested that language be added to the Number of ADUs allowed per lot section such that it read "...the parcel meets the minimum lot size, and *the structure meets* the minimum setback requirements for the district." P. Bradley noted that the current wording of the Types of Structures section would not allow a tiny home on wheels to be used as an ADU and asked to be reminded why the requirement that an ADU be affixed to a permanent foundation was included. A. Glaeser responded that temporary structures are currently not allowed in Lexington and the Building Code specifies that a permanent structure must be affixed to a permanent foundation. He added that past discussion had led him to understand the intent was to not allow tiny homes to be used as ADUs.

A. Glaeser began discussion of the Lot Coverage Limits section by acknowledging the concern voiced during previous discussions that this type of restriction be included in the ADU ordinance for environmental reasons. He provided the Charlottesville standards and remarked that Charlottesville is the only jurisdiction in the local sample group with such standards. He pointed out that the residential lots in Lexington are not standardized - they vary in size, shape, and how the main structure is located/oriented on them. He also pointed out that there is currently no open space requirement in the zoning ordinance. He suggested that if a maximum coverage standard is included, it should be worded carefully so that it is easy to understand and calculate, both for staff and property owners. Commissioners Straughan, Bradley and Shester indicated they were comfortable not including lot coverage limits. They suggested setback and size requirements would provide adequate protection for lot coverage and questioned the inclusion of a restriction that would only apply to ADUs and not to primary structures. S. Spencer, who had advocated for lot coverage limits, acknowledged the issue would be more appropriately addressed in another part of the zoning ordinance. She suggested discussion move on to the next topic.

Addressing ADU Setbacks, A. Glaeser pointed out the sample language from Arlington County and Charlottesville and asked the Commission to consider the draft text recommended by staff, which provided additional setback requirements for detached ADUs, as contemplated during previous discussions. L. Straughan voiced support for the draft text. Responding to a question from S. Spencer, A. Glaeser explained the consideration that would need to be given as to whether and how an ADU might be installed in an existing structure that is nonconforming with respect to setbacks. J. Driscoll remarked that there are many existing garages in Lexington that would not meet current setback requirements. L. Straughan voiced support for allowing existing, nonconforming structures to be repurposed as ADUs, provided that any expansion of the structure be within the required setbacks. There was discussion of a number of hypothetical scenarios involving existing, nonconforming structures and how the standards would address their use and expansion as ADUs. S. Spencer requested the Commission be mindful of “worst case scenarios.” B. Shester pointed out that, as currently contemplated, all detached ADUs would require a conditional use permit which would be approved on a case-by-case basis. A. Glaeser said clear standards for existing, nonconforming structures would still be needed. He promised to provide additional research on this topic for the April 13th discussion. J. Driscoll suggested that local architects review and provide feedback on the final draft of the text before it goes to a public hearing. A. Glaeser asked for feedback on the proposed language for detached ADU setbacks in the R-1 and R-2 districts. S. Spencer and L. Straughan supported increased setbacks for ADUs in order to preserve open space and protect the character of the neighborhood. Commissioners Tuchler and Shester expressed concern that that the setback requirements not restrict ADUs to only the largest lots in the City. Ultimately there was general agreement to use the staff recommended setback language. S. Spencer asked that the text include two possible side yard setbacks for continued consideration.

The Commission then considered sample language addressing ADU Height Limit. L. Straughan indicated she believed detached ADUs, with the exception of garages, should

be limited to one story with a pitched roof. There was discussion of various hypothetical situations involving detached garages of varying heights and roof design. A. Glaeser read the definition of *half story* and provided a photograph of a 1 ½ story structure for the Commission to consider. B. Shester voiced support for the Charlottesville language which limits the height of an ADU to 25 feet or the height of the primary structure, whichever is less. He argued 25 feet seemed to be a standard height limit and would allow for a full second story dwelling unit above a first story garage. After additional discussion, there was general agreement to limit the height of ADUs to 25 feet and 1 ½ stories. A. Glaeser said staff would provide photographs of detached 1 ½ and 2 story accessory structures for the Commission to consider during future discussions.

2) Public Comment – None

OTHER BUSINESS

A. Zoning and Planning Report – Director Glaeser reported the following:

- An Accessory Dwelling Unit bill in the Virginia legislature has been sent to the state Housing Commission for study.
- The bill proposing exempting properties owned or managed by Virginia realtors from short term rental regulations has also been sent to the Housing Commission for study.
- The Planning Department received an inquiry for a small cell facility on W&L campus. It was unclear whether the intended location was in the City or the County. Director Glaeser and his counterpart at the County responded to the inquiry. To date, the City has not received an application.
- Director Glaeser was invited to review 9 proposals for a Feasibility Study & Space Needs Assessment for City Hall. This was the first step of a three step process.
- W&L has submitted a site plan application for the Williams School expansion building. The site plan review will be added to the Planning Commission’s agenda once all requirements have been met. Demolition of Baker and Davis Halls will likely occur this summer.
- He met with the current Walker Program participants to review zoning and other City requirements.

In response to a question from B. Shester about the current condition of a parcel at the corner of Houston and Walker Streets, A. Glaeser provided information about where the property owner is in the demolition permit process and the owner’s probable future intentions for the property.

J. Driscoll asked when the Comprehensive Plan amendment would be undertaken to address the inclusion of Maple Lane parcels in the S. Main Street Opportunity Area. A. Glaeser said he had not yet received direction from the City Manager to do so, but suspected he would in the near future.

B. Catalyst Project Updates

Chair Shester acknowledged the Commission’s work session with City Council on March 2nd and commended Commissioners Bradley and Driscoll for the Green Infrastructure Working Group’s presentation.

CITY COUNCIL REPORT -

City Council met on Thursday, March 2, Councilor Straughan reported the following:

- Council approved the Conditional Use Permit from Echelon Resources, Inc. to allow a multifamily apartment consisting of up to 62 dwelling units of new construction at 406 Spotswood drive by a vote of 5-1.
- At its next meeting, Council will have the public hearing and consideration of the boundary line adjustment for the Kirchner parcels.
- Friday, March 17, is the deadline for the submittal of RFQ proposals for the VDOT property on Waddell Street. The proposals will be presented to the Evaluation Panel between Friday, March 31 - Friday, April 7. Then, the proposals and recommendation will be presented to City Council no later than June 1, 2023.
- Council has been working with the City Attorney to update the City's Code of Ethics to bring it into compliance with the State Code.

Responding to questions about the Code of Ethics update, L. Straughan summarized how it would affect the consideration of conflicts of interest by members of City Council and Planning Commission. She explained the update was being made on the advice of the City Attorney and with input from the Council governing the state Code of Ethics regulations. She added the update would likely necessitate an amendment to the Planning Commission by-laws to bring them into compliance with the State Code as well.

Asked to provide feedback on the March 2nd work session, she remarked that the Green Infrastructure presentation had been well received by Council. She indicated the next step from Council's perspective would be to have someone appointed to represent the City. A. Glaeser added that the City Manager had recommended that there be a review of the report by City staff.

ADJOURN

The meeting was adjourned at 6:28 p.m. with unanimous approval. (B. Shester / J. Driscoll)

B. Shester, Chair, Planning Commission

Preliminary Subdivision Application - PS 2023-02
Boundary Line Adjustment & Vacations for Parcels at 317 Massie St. & 23 Marble Ln.

Project Name Boundary Line Adjustment and Boundary Line Vacations for
Parcels located at 317 Massie Street and 23 Marble Lane

Property Location 317 Massie Street (Tax Map # 24-5-19 & #24-5-8A) and 23
Marble Lane (Tax Map # 24-5-15 & # 24-5-17)

Zoning R-1 (General Residential)

Owner / Petitioner Bernard Brown & Antonia Albano (owners of 317 Massie
Street) and Sonia Watts (owner of 23 Marble Lane) / Chris
Pappas

Petitioner’s Intent 1) Add a portion of 23 Marble Lane (Tax Map # 24-5-17) to
317 Massie Street (Tax Map # 24-5-19),
2) Vacate the boundary line between Tax Parcels #24-5-17
and #24-5-15, and
3) Vacate the boundary line between Tax Parcels #24-5-19
and #24-5-8A

PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval

location map



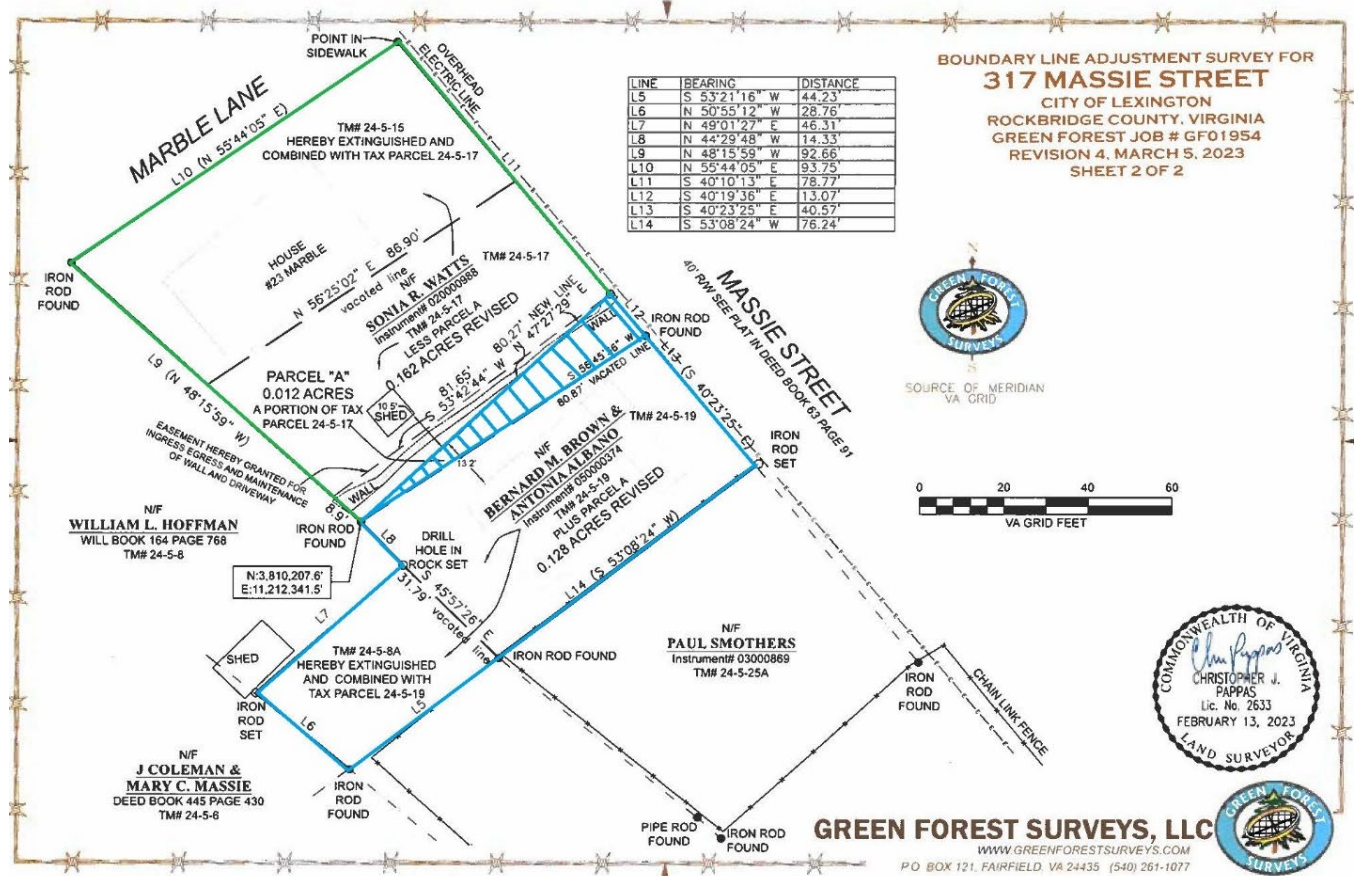
OVERVIEW OF REQUEST

The owners of 317 Massie Street have listed their property for sale, and in anticipation of a sale, they a) have removed a carport that encroached onto their neighbor's property, b) propose to adjust a boundary line, and c) create an easement for the maintenance of a retaining wall and driveway that serve 317 Massie Street.

The applicant therefore requests to add a portion of 23 Marble Lane (Tax Map # 24-5-17) to 317 Massie Street (Tax Map # 24-5-19) in accordance with the following survey provided by Green Forest Surveys, LLC. The blue hatched area in the following survey will be transferred from Tax Map parcel #24-5-17 to Tax Map parcel #24-5-19.

In addition to the boundary line adjustment, the applicant also requests to vacate the boundary line between Tax Parcels #24-5-19 and #24-5-8A, owned by Bernard Brown and Antonia Albano (outlined in blue below), as well as to vacate the boundary line between Tax Parcels #24-5-17 and #24-5-19, owned by Sonia Watts (outlined in green below).

Boundary Line Adjustment Survey



AUTHORITY TO REVIEW

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

Upon receipt of the Planning Commission's recommendation, the City Council shall review the preliminary plat and, within 60 days of the receipt of the Commission's recommendation, recommend approval or denial of the preliminary plat. Council may take no action on any preliminary plat until holding a public hearing in accordance with state law. Adjoining property owners shall be notified by first class mail of the pending public hearing, and a legal ad shall be published notifying the general public of the pending Council review.

STAFF REVIEW COMMENTS

All four of the subject parcels are considered to be nonconforming lots because they do not meet the minimum lot size or minimum lot width for parcels zoned R-1, and because they were all likely platted prior to the adoption of the Zoning Ordinance. Tax Map #24-5-8A is also nonconforming because it does not front on a public street.

These nonconformities are however being reduced with the combination of Tax Map #24-5-15 and #24-5-17, and with the combination of Tax Map #24-5-19 and #24-5-8A. Nonconformities cannot be extended or enlarged, but nonconformities can generally be reduced. The effect of the proposed boundary line vacations is to create one parcel from two parcels, and the newly created larger parcel is less nonconforming than the two parcels that were combined. This reduction in nonconformities is acceptable.

PLANNING COMMISSION RECOMMENDATION

Pending

STAFF RECOMMENDATION

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

SUGGESTED MOTION

I move to approve/deny Preliminary Subdivision Application PS 2023-02 for a) the adjustment of boundary lines between 317 Massie Street (Tax Map # 24-5-19) and 23 Marble Lane (Tax Map # 24-5-17), b) the vacation of the boundary line between Tax Parcels #24-5-19 and #24-5-8A, and c) the vacation of the boundary line between Tax Parcels #24-5-17 and #24-5-15, in accordance with the Boundary Line Adjustment Survey for 317 Massie Street completed by Green Forest Surveys, LLC submitted by the applicant.



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

SUBDIVISION APPLICATION AND CHECKLIST

Applicant¹

Name: CHRIS PAPPAS Phone: 540-261-1077(OFFICE)

Company: GREEN FOREST SURVEYS, LLC Fax: _____

Address: PO BOX 121, FAIRFIELD, VA 24435 Email: cpappas@greenforestsurveys.com

Applicant's Signature: *Chris Pappas* Date: 1/27/2023

Subdivision Plat Preparer

Name: SAME Phone: _____

Company: _____ Fax: _____

Address: _____ Email: _____

Property Owner

Name: BARNEY BROWN *Astoriz Albano* *Sonia R. Stotts*
Barney Brown Phone: 540-461-3711

Address: 521 S. Main St, Lexington Email: barneymbrown@gmail.com

Owner's Signature: *Barney Brown* Date: 2/23/23

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

Address (or location description): 23 Marble Lane and 317 Massie Street

Tax Map: #24-5-15 & #24-5-17
#24-5-19 & #24-5-8A Deed Book and Page #: _____

Acreage: _____ Zoning (attach any existing zoning conditions or proffers): _____

Number of Lots Proposed: 2

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



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Notice to Adjacent Property Owners

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

Posting of the Property

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fees:

Case Number: SUB- 2023 - 02

^{Subdivision}
Preliminary Plat: \$500 + \$50 for each additional lot created

Amount Paid: _____

^{vacation / town}
Final Plat: \$0

Date Received: 3-6-2023

Received By: Kate Beard

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Preliminary Plat Approvals

Planning Commission

Meeting Date: _____ Action: _____

City Council

Legal Ad Dates: _____ Adj. Property Notifications: _____

Public Hearing Date: _____ Action: _____

Final Plat Approval

Action: Approved Denied

Planning and Development Director

Date



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Preliminary Plat Checklist

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

Requirements

The preliminary plat shall adhere to the following requirements:

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



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

Items to Accompany the Plat

A. Statements by the subdivider as follows:

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

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

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

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



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Final Plat Checklist

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

Requirements

The final plat shall adhere to the following requirements:

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



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



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Items to Accompany the Plat

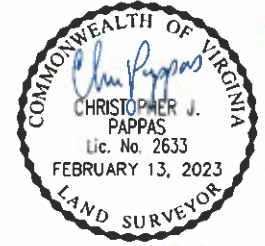
- A. Certification by the agent, where improvements shown on the preliminary plat have already been installed, that such improvements as installed are acceptable and in conformity with current requirements.
- B. If all improvements required under this chapter are not completed, a cash bond, certified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

LINE	BEARING	DISTANCE
L5	S 53°21'16" W	44.23'
L6	N 50°55'12" W	28.76'
L7	N 49°01'27" E	46.31'
L8	N 44°29'48" W	14.33'
L9	N 48°15'59" W	92.66'
L10	N 55°44'05" E	93.75'
L11	S 40°10'13" E	78.77'
L12	S 40°19'36" E	13.07'
L13	S 40°23'25" E	40.57'
L14	S 53°08'24" W	76.24'

**BOUNDARY LINE ADJUSTMENT SURVEY FOR
317 MASSIE STREET**
CITY OF LEXINGTON
ROCKBRIDGE COUNTY, VIRGINIA
GREEN FOREST JOB # GF01954
REVISION 4, MARCH 5, 2023
SHEET 2 OF 2

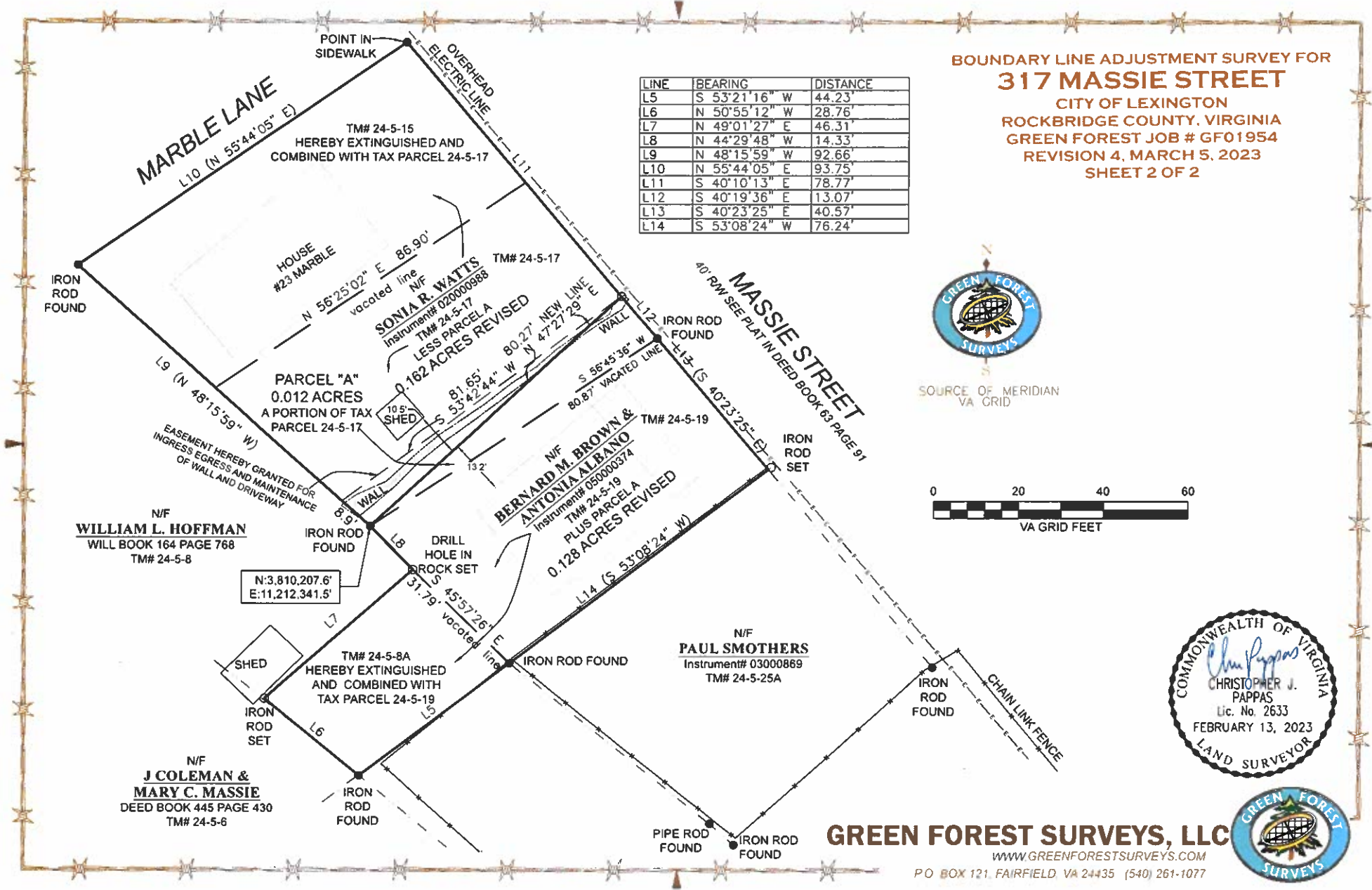


SOURCE OF MERIDIAN
VA GRID



GREEN FOREST SURVEYS, LLC
WWW.GREENFORESTSURVEYS.COM
P.O. BOX 121, FAIRFIELD, VA 24435 (540) 261-1077

RECEIVED
3/6/23



Draft amendments for Accessory Dwelling Units

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

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

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

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

For the Planning Commission discussion on March 9, 2023, staff recommends the Planning Commission continue with lot coverage, setbacks, and height limitations for accessory dwelling units. Subsequent meetings will generally follow the proposed outline and staff will continue to provide examples from other ADU ordinances for each item in the outline.

Article XI. Use and Design Standards.

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

§420-11.1. Residential Uses.

1. Accessory Dwelling Units.

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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 and households who might have difficulty finding housing in Lexington. In addition, these provisions are provided to formally recognize previously established apartments and provide for improved safety and physical appearance.

B. Definitions

ACCESSORY DWELLING UNIT - ATTACHED

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

ACCESSORY DWELLING UNIT – DETACHED

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

C. Authorization of ADUs by zoning district

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

D. Number of ADUs allowed per lot

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

E. General Standards

1. Minimum Lot Size

- a) Same minimum lot size for the accessory dwelling unit as the minimum lot size for the primary dwelling.
- b) Accessory dwelling units may be created within or attached to an existing primary dwelling located on a lot that is smaller than the minimum lot size provided the primary dwelling is a legal nonconforming use.
- c) The underlying zoning district development standards for lot coverage, height, setbacks and floor area ratio that apply to the primary dwelling shall also include the accessory apartment in the calculation of these standards.

2. Types of Structures

A modular dwelling affixed to a permanent foundation may be used as an accessory dwelling unit in any zone in which an accessory dwelling unit are permitted.

3. Size of ADUs

- a) *Accessory dwelling unit – attached.* The gross floor area of an attached accessory dwelling unit may not exceed forty (40) percent of the gross floor area of the principal structure in which it is located nor more than the total of 750 square feet.
- b) *Accessory dwelling unit – detached.* The gross floor area of a detached accessory dwelling unit may not exceed forty (40) percent of the gross floor area of the primary dwelling on the property nor more than the total of 800 square feet. Additionally, detached accessory buildings and structures cumulatively shall not occupy more than ~~2~~ (2) percent of a rear yard.

~~4. Lot Coverage Limits~~

5. ADU Setbacks

Any detached accessory building approved after July 1, 2023, containing an accessory dwelling shall comply with setbacks as follows:

- (1) For lots in the R-1 zoning district, the nearest wall of the accessory building shall not be located closer than fifteen (or ten) feet to a side lot line or fifteen feet to a rear lot line;
- (2) For lots in the R-2 zoning district, the nearest wall of the accessory building shall not be located closer than twenty (or fifteen) feet to a side lot line or twenty feet to a rear lot line; and

- (3) When a garage situated within a required rear yard is entered from an alley, the garage shall not be nearer than ten (10) feet to the property line adjacent to the alley.

(Staff notes we will also need to determine if an ADU can be installed in a structure that is nonconforming with respect to setbacks, and if so, what are the restrictions on the expansion of that nonconforming structure?)

~~6. Floor Area Ratios~~

7. ADU Height Limit

Detached accessory buildings containing accessory dwellings shall exceed neither 25 feet nor 1½ stories in height.



Continue with 3.23.2023
P.C. discussion here

8. Architectural Consistency and Design Review

a) Sample from Strasburg

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

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

(Staff notes the Strasburg regulation is not specific and open to interpretation. Additionally, all detached ADUs located in the Residential Historic Districts must be reviewed by the Architectural Review Board for consistency with the Historic District Design Guidelines.)

9. Orientation of Entrance

a) Sample from Arlington County

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

(Staff recommends the Arlington County example.)

b) Sample from Bedford County

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

c) Sample from Charlottesville

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

10. ADU Screening, Landscaping and Orientation

11. Parking Requirements

a) Sample from Arlington County

For accessory dwellings pursuant to §12.9.2:

1. If no parking spaces exist prior to issuance of accessory dwelling permit, 1 space shall be created, provided, however, where a parking survey conducted by the County determines that the block on which the main dwelling is located is less than 65% parked, such new space is not required to be created.
2. Where either 1 or 2 spaces exist prior to issuance of the accessory dwelling permit, all such space(s) shall be maintained.
3. Where more than 2 spaces exist prior to issuance of the accessory dwelling permit, at least two spaces shall be maintained.

b) Sample from Charlottesville

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

c) Sample from Bedford County

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

d) Sample from Blacksburg

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

e) Loudon County

1 per accessory dwelling unit

f) City of Lexington

For single family, two-family, accessory dwellings and townhouses; 2 parking spaces for each dwelling unit; 1 parking space for each accessory dwelling.

12. Short Term Rentals

a) Sample from Arlington County

1. Accessory use. Accessory homestay shall be accessory only to household living use as defined in §12.2.3.A.1, and shall be allowed only where:
 - (a) The dwelling unit is used by the resident of the dwelling unit as his/her primary residence, which means that he or she resides there for at least 185 days during each year; and
 - (b) The bedroom(s) rented to overnight lodgers shall be within the main building of the dwelling unit that the resident occupies as his/her primary residence and shall be allowed in a detached accessory building only where such building is approved as an accessory dwelling. **AND**

3. Accessory homestay shall be allowed in dwelling units that have an accessory dwelling, subject to the following:
 - (a) Either the main dwelling, the accessory dwelling, or both may be rented to lodgers by the resident; and
 - (b) Occupancy in the accessory dwelling is limited to a maximum of three lodgers;
- b) Sample from Louisa County**
[An accessory dwelling unit] shall not be rented in less than six-month increments.
- c) Sample from Strasburg**
Conversion of an accessory dwelling unit to a rental unit is strictly prohibited.
- d) Sample from Lynchburg**
May be used as short-term rentals as long as the primary dwelling is owner occupied.
- e) Sample from Roanoke**
Allows one home stay per parcel and the owner must reside on the property. A special exception (i.e. a conditional use permit) is required for a home stay permit.
- f) Staff recommends one short term rental be allowed per parcel.**

13. Separate Sale of ADUs

The AARP guide states most accessory dwelling unit ordinances are silent on the separate sale of the units as condominiums and a few prohibit this practice. The policy basis for these restrictions seems to be a concern that allowing ADUs to be sold as condos will fuel speculative redevelopment of existing housing in high-cost neighborhoods. In addition, neighbors and local officials fear the prospect of both units being rental units.

Staff recommends the separate sale of the ADU be expressly prohibited.

14. Owner Occupancy (Residency Standards)

- a) Sample from Bedford County**
Only one (1) accessory apartment shall be allowed on any one (1) lot or parcel, and the owner of the property shall reside on the premises.
- b) Sample from Blacksburg**
The maximum dwelling unit occupancy shall be a family plus two (2) persons unrelated to the family; or no more than three (3) unrelated persons. For a detached single-family dwelling with a nonconforming accessory apartment, occupancy shall be figured cumulatively including both the single-family dwelling and the accessory apartment for a total not to exceed three (3) unrelated persons. (Increased to 4 unrelated in the Old Town Res. District.)
- c) Sample from Charlottesville**
One (1) of the two (2) dwelling units on the subject property must be occupied by the owner of the property. **AND** Notwithstanding any other residential occupancy

provisions set forth within this zoning ordinance, no accessory apartment may be occupied by more than two (2) persons.

d) Sample from Louisa County

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

e) Sample from Strasburg

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

15. Other Common Standards Not Recommended for Application to ADUs

Sample from Loudoun County

Accessory dwellings shall not be included in calculations of density.

F. Utility Connections and Building Codes

1. Utility Connections

a) Sample from Roanoke

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

2. Local Building Codes

a) Sample from Charlottesville

Must comply with all applicable building code regulations.

b) Sample from Fauquier County:

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

c) Sample from Loudon County: Charlottesville

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

- Located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District

- Listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP).
- Listed or eligible for listing as a contributing resource to a VLR or NRHP listed or eligible Historic District. (Loudoun County)