LEXINGTON PLANNING COMMISSION

September 26, 2024 - 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 September 12, 2024*

4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

5. **NEW BUSINESS**

- A. Presentation: Payments to the City of Lexington from Washington & Lee University
- B. <u>CUP 2024-05</u>: An application by John Adamson for approval of a Conditional Use Permit allowing portions of the Rockbridge Building located at 9 17 S. Main Street (TM #23-1-72A) to be used as an *Educational Facility, College/University* and as a *Public Assembly*.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
- C. ZOA 2024-03: Annual Zoning Ordinance Amendments. Cottage Housing.
 - 1) Staff Report* and Commission Discussion
 - 2) Public Comment

6. **OTHER BUSINESS**

- A. Zoning and Planning Report
- B. 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
 - 3) Major Project Update

7. CITY COUNCIL REPORT

8. ADJOURN

*indicates attachment

MINUTES

The Lexington Planning Commission Thursday, September 12, 2024 – 5:00 p.m. Rockbridge County Administrative Offices – First Floor Meeting Room 150 South Main Street, Lexington, VA 24450

Planning Commission:

City Staff:

Presiding: Shannon Spencer, Chair Present: Krista Anderson Tori Bates John Driscoll Jon Eastwood, Vice-Chair Mary Stuart Harlow Arne Glaeser, Planning Director Kate Beard, Administrative Assistant

Absent: Leslie Straughan, Council Liaison

CALL TO ORDER

S. Spencer called the meeting to order at 5:00 p.m. She welcomed the Commission's newest member, Tori Bates, and thanked her for her willingness to serve.

AGENDA

Following discussion of how to proceed with the first item of New Business and a reminder from Director Glaeser that any additional discussion item would need to be added to the agenda, the agenda was unanimously approved as presented. (J. Driscoll / M. S. Harlow)

MINUTES

The August 22, 2024 minutes were unanimously approved as presented. (J. Driscoll / J. Eastwood)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA None

NEW BUSINESS

A. <u>CUP 2024-05</u>: An application by John Adamson for approval of a Conditional Use Permit allowing portions of the Rockbridge Building located at 9 – 17 S. Main Street (TM #23-1-72A) to be used as an *Educational Facility, College/University* and as a *Public Assembly.* (Applicant requests a continuance to the next available Planning Commission public hearing date)

In light of the request made earlier in the week by Commissioners Spencer and Driscoll that there be a general discussion of the Conditional Use Permit (CUP) approval process, the W&L Campus Master Plan, and relevant Comprehensive Plan strategies, Director Glaeser provided the Commission with options for how to proceed with this application. **M. S. Harlow moved to postpone the discussion of CUP 2024-05 until the September 26th meeting when Mr. Adamson could be present. K. Anderson seconded and the**

motion passed unanimously. (5-0) Citing his previous recusal from the discussion of this application, J. Eastwood abstained from voting on the matter.

Chair Spencer asked if there were any amendments to the agenda. J. Driscoll moved to amend the agenda to allow a general discussion of the CUP approval process and K. Anderson provided a second. The agenda was unanimously approved as amended. (6-0) S. Spencer thanked Director Glaeser for accommodating the requested discussion.

B. Discussion of Conditional Use Permit (CUP) approval process, W&L Campus Master Plan, and relevant Comprehensive Plan strategies.

Director Glaeser led the Commission through his September 11, 2024 memo. He apologized for its late distribution, explaining he had not had much time to draft it.

Conditional Use Permits, a primer:

- Uses allowed only by CUP are those considered to have a potentially greater impact than those permitted by-right, and the CUP process, by its very nature, presupposes that a given use may be allowed in one part of a zoning district, but not in another.
- CUPs are legislative in nature and a locality's regulations may allow a permit to be revoked if the use is found to be in violation of the permit's conditions.
- Best practice would include a requirement that the planning commission take timely action (within 100 days is recommended) on a CUP application.
 A. Glaeser said he had made a note to add amendments to the zoning ordinance to explicitly address both CUP revocations and application review period to the

next batch of text amendments.

- A CUP, as a legislative act, need not be granted merely because it complies with the applicable zoning regulations. A governing body has wide discretion in its decision and should consider individual CUP applications on a case-by-case basis.
- Impacts from conditional uses are addressed through conditions and conditions are not voluntary. Conditions may include a period of validity.
- Conditions must be reasonable and proportionately related to the expected impacts resulting from the use.
- Though denials are infrequent in Lexington, there are reasonable grounds to deny a CUP and those grounds were provided. However, a denial of a CUP may be reversed by the court if the governing body ignores its standards and then fails to present evidence justifying its decision.

Responding to a request from S. Spencer for clarification of what would be considered an "adverse impact on roads," A. Glaeser offered information about conditions that should require a traffic impact study as part of the review process. He also offered that it would be hard to justify impact on parking as grounds for denying a CUP, at least in the C-1 zoning district where there are no off-street parking requirements.

• Decisions to grant or deny a CUP may be appealed to the Circuit Court.

• Director Glaeser reviewed the conditions of issuance for CUPs included in the Lexington Zoning Ordinance and pointed out that they allow significant leeway for the justification of either an approval or a denial.

Addressing questions he had recently received concerning CUPs and W&L encroachment downtown, Director Glaeser said there was no prohibition forbidding W&L from being a tenant in an existing building. The Comp Plan encourages W&L to keep new construction within its current campus boundaries to preclude loss of business and industry, and to limit the loss of taxable land. Using the old Courthouse as an example, he argued there had been no new building constructed by W&L, and there had been no loss of taxable land as W&L is a lessee - the owner continues to pay real estate taxes. He noted that at the time the Comp Plan strategies were being developed, W&L tenancy of downtown buildings was well known, however he had no recollection of discussion concerning strategies to limit W&L leases – only property ownership. He added that the requirement for a CUP for any University related use downtown, including administrative office use, provides oversight that was not required prior to the 2017 update to the zoning ordinance.

With the update to the Zoning Ordinance in 2017 and since, staff has recommended a best practice of developing clear use and design standards for land uses and, where possible, allowing the use by-right. This has resulted in a more transparent and predictable code. That being the case, many uses remain listed as conditional uses and therefore can only be approved through the CUP public hearing process. A. Glaeser urged the Commission to trust the process that has been developed over decades in both the Zoning Ordinance and the Comprehensive Plan. He encouraged Commissioners to base their decisions on the existing criteria, to vote according to their judgment, and to state their rationale.

W&L Campus Master Plan approval

- The Institutional District (I-1) was designed to allow larger scale institutional uses to develop in accord with master plans approved by City Council. By approval of a master plan, Council pre-authorizes various land uses that are described and located within the area incorporated within the master plan.
- Any land use not specifically described by the master plan can only be approved through the conditional use permit process.
- Development standards may be proposed and approved as part of a master plan request. If not addressed as part of the master plan, the development standards applicable to the underlying zoning district shall apply.
- Site plans are required for new development within 200 feet of a public street or of the boundary of the area included in the master plan.
- The W&L Campus Master Plan was most recently updated in 2022 and Director Glaeser provided a brief summary of what was originally included in the University's request and what was ultimately approved.

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S. Spencer questioned some of the parcels described as W&L parcels on the map included in the memo. Director Glaeser cautioned that, due to the limited time he had to draft the memo, he had not been able to use the map actually included in the 2022 Campus Master Plan. The map included in the memo was only meant to show where the University has a presence. He said he would provide the Campus Master Plan map at a later date and reminded the Commission that the approved Campus Master Plan was linked on the Planning Department webpage should anyone have questions in the interim. J. Driscoll asked how the Planning Commission should approach the new CUP process for the *Educational Facility* use given that it allows the University to expand beyond the campus footprint. A. Glaeser responded that any request proposed within the Campus Master Plan should be considered against the approved Master Plan and that any request proposed outside of the Campus Master Plan should be considered against considered using the applicable sections of the Zoning Ordinance (e.g. zoning district regulations, CUP criteria, etc...).

Comprehensive Plan Strategies

Director Glaeser reviewed the two strategies in the Comprehensive Plan that specifically mention W&L. Speaking to LU 5.6 regarding communication and coordination between the city and the universities, J. Driscoll voiced support for a regular public facing process to keep the community informed of and engaged with programmatic additions to the institutions. S. Spencer suggested a work session with representatives from W&L who could speak to the university's intentions downtown would be helpful for the Planning Commission as it plans for the future.

Following Director Glaeser's review of questions concerning why the city has historically attempted to limit W&L's expansion into downtown, Commissioners Driscoll and Spencer suggested additional considerations. J. Driscoll remarked that the loss of storefronts has been a concern, as offices do not contribute to the vitality of the streetscape to the degree that retail spaces do. S. Spencer added that loss of potential residential uses in downtown buildings could also be considered as a reason to limit office use in the upper levels of downtown buildings. A. Glaeser pointed out that the existing zoning code for the C-1 zoning district does not prioritize retail space over office space, nor does it prioritize residential use over office use. The only priority is for residential use to not occur on the first floor unless hidden by a lobby, retail space or office space and approved through a CUP.

C. ZOA 2024-03: Annual Zoning Ordinance Amendments. Cottage Housing.

Chair Spencer suggested tabling this discussion given the hour. J. Eastwood moved to postpone discussion of ZOA 2024-03 until the September 26, 2024 meeting. M. S. Harlow seconded and the motion passed unanimously. (6-0)

OTHER BUSINESS - None

CITY COUNCIL REPORT - None

ADJOURN

The meeting was adjourned at 6:24 p.m. with unanimous approval. (J. Driscoll / K. Anderson)

S. Spencer, Chair, Planning Commission

Payments to the City of Lexington from Washington & Lee University

More than 66% of the assessed value of real estate located within the City of Lexington is tax exempt. Washington & Lee University (W&L) is among the largest owners of tax-exempt property within the City limits.

Code of Virginia

Under Virginia Code 58.1 Chapter 34 (*Exhibit 1*), the City is allowed to impose a service charge on tax exempt properties. The service charge rate is computed by adding the costs of providing police, fire, education, and refuse disposal services to the locality, divided by the assessed value (expressed in 100's) of all real estate in the locality (taxable and exempt). This rate is then applied to the assessed value of the tax-exempt property. Properties owned by religious bodies and/or used exclusively for private educational purposes are exempt from the service charge. Faculty and staff housing for the educational institution is not exempt from the service charge. Therefore, each year, the Commissioner of the Revenue calculates the service charge rate for the 19 properties owned by W&L that are leased to faculty and staff. (*Exhibit 2*) Per the code:

"In no event shall the service charge exceed twenty percent of the real estate tax rate of the county, city or town imposing the service charge or fifty percent in the case of faculty and staff housing of an educational institution."

W&L pays 50% of the real estate tax rate based on the current assessment of these properties. In FY 24, this 50% service charge was \$30,080.78. This service charge is recalculated annually by the City's Commissioner of Revenue and is subject to change based on changes to the assessed valuation of these W&L properties and the City's rate of taxation.

Voluntary Grant to the City

In February of 1990, W&L President, John D. Wilson, signed the "Policy Statement on Taxes and Service Charges Paid to the City of Lexington." (*Exhibit 3*) This document outlines the unique relationship between the City and W&L and describes several payments that W&L makes to the City on an annual basis. Pursuant to this policy, W&L had made additional annual payments to the City that 1) match the service charges detailed above, 2) make a payment-in-lieu-of-taxes for all taxexempt properties acquired by the University but outside of the campus boundaries, and 3) provide a base student grant to the City.

In FY 24, these three additional contributions to the City from W&L are as follows:

- 1. A 100% match of the service charge outlined above. This matches the 50% service charge (\$30,080.78) described above, effectively paying the City of Lexington 100% of what the tax liability would be had these 19 faculty rental properties not been tax exempt.
- 2. Payment of the equivalent amount of taxes that would be due on all tax-exempt properties owned by the University but outside of the campus boundaries. *Exhibit 4* shows the assessed valuation change in W&L property subject to this PILOT between FY15 to FY24. Most of the W&L properties listed on this schedule have increased in

valuation, though some have declined in assessed valuation. And the City's property tax rate was \$1.02 per \$100 of valuation in 2015 and was \$0.92 per \$100 in FY 24.

3. A base student grant of \$40,000. This amount increased to \$100,000 in FY 15 and to \$200,000 in FY 23, where it remains for FY 24.

The payment is calculated by the Commissioner of the Revenue, agreed to by W&L, and made voluntarily by W&L. They are under no legal obligation to continue from year to year. (*Exhibit 5*)

In FY23, W&L committed to an additional grant of \$350,000 to be paid over 10 years to support the City's efforts to purchase fire and rescue equipment.

Leased Property

The City does not keep track of who leases property from whom. The tax bills are sent twice a year to the property owner as opposed to the lessee. However, it is common knowledge that W&L leases some property within the City Limits. These properties are listed below with their assessed values and the associated taxes that are collected.

	Assessment	Tax Due
W&L Leased Property:		
109 S Jefferson	833,200	7,665
120 W Nelson St	705,620	6,492
2 S Main St	2,042,600	18,792
7 Courthouse Square	1,112,800	10,238
115 W Nelson St	1,210,600	11,138
9 North Jefferson	113,500	1,044
Front - Baxton Alley	22,000	202
	6,040,320	55,571

Taxable Real Estate

W&L owns 14 properties that are not on campus and do not meet the criteria for tax exemption. The total assessed value of these properties is currently \$3,899,500 with annual taxes due of \$35,875.

Summation

From FY15 until FY24, the total voluntary amount paid by W&L to the City has increased from \$550,918 to \$673,689. Since 2015, the total amount paid to the City from W&L has increased 22% even though the total assessed valuation has increased about 7% and the City's real estate tax rate has gone down by slightly over 10%. These figures exclude any indirect payments related to real estate leased by W&L which are paid by a different property owner and are thus not included in the annual PILOT calculations.

Exhibit 1

Code of Virginia Title 58.1. Taxation Subtitle III. Local Taxes Chapter 34. Payments in Lieu of Real Property Taxation

Chapter 34. Payments in Lieu of Real Property Taxation.

§ 58.1-3400. Service charge on certain real property.

Notwithstanding the provisions of Chapter 36 (§ 58.1-3600 et seq.) of this title relating to the exemption of property from taxation, the governing body of any county, city or town is authorized to impose and collect a service charge upon the owners of all real estate situated within its jurisdiction which is exempted from property taxation under subdivision A 1, except property owned by the Commonwealth, and subdivisions A 3, A 4 and A 7 of § 58.1-3606, subdivisions A 2 through A 7 of § 58.1-3607 and all sections in Articles 3 (§ 58.1-3609 et seq.), 4 (§ 58.1-3650 et seq.), and 4.1 (§ 58.1-3651) of Chapter 36 of this title.

The service charge may be imposed only if the commissioner of revenue or other assessing officer for such locality, prior to imposing the service charge, publishes and lists all exempt real estate in the land books of such locality, in the same manner as is taxable real estate.

Code 1950, § 58-16.2; 1971, Ex. Sess., c. 133; 1972, c. 770; 1973, c. 444; 1975, c. 646; 1976, c. 427; 1981, c. 602; 1982, c. 641; 1984, c. 675; 2004, c. 557.

§ 58.1-3401. Valuation of property; calculation of service charge.

A. The service charge authorized in § 58.1-3400 shall be based on the assessed value of the tax exempt real estate and the amount which the county, city or town expended, in the year preceding the year in which such charge is assessed, for the purpose of furnishing police and fire protection and for collection and disposal of refuse. The cost of public school education shall be included in such amount in determining the service charge imposed on faculty and staff housing of an educational institution. Any amount received from federal or state grants specifically designated for the above-mentioned purposes and assistance provided to localities pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 shall not be considered in determining the cost of providing such services for the real estate. The expenditures for services not provided for certain real estate shall not be considered in the calculation of the service charge for such real estate, nor shall such expenditures be considered when a service is currently funded by another service charge.

B. The service charge rate shall be determined by dividing the expenditures determined pursuant to subsection A of this section, by the assessed fair market value, expressed in hundreds of dollars, of all real estate located within the county, city or town imposing the service charge, including nontaxable property. The resulting rate shall then be applied to the assessed value of the tax exempt property.

Real estate owned by the United States government or any of its instrumentalities shall not be included in the assessed value of all property within the county, city or town.

For purposes of this section, artistic and historical significance shall not be taken into account in the valuation of exempt real estate.

C. In no event shall the service charge exceed twenty percent of the real estate tax rate of the county, city or town imposing the service charge or fifty percent in the case of faculty and staff housing of an educational institution.

Code 1950, § 58-16.2; 1971, Ex. Sess., c. 133; 1972, c. 770; 1973, c. 444; 1982, c. 641; 1984, c. 675.

§ 58.1-3402. Exemptions from service charge.

A. Buildings with land they actually occupy, together with additional adjacent land reasonably necessary for the convenient use of any such building, located within any county, city or town imposing the service charge pursuant to § 58.1-3400 shall be exempt from such service charge if the buildings are: (i) lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the minister of any church or religious body or for use as a religious convent, nunnery, monastery, cloister or abbey or (ii) used or operated exclusively for nonprofit private educational or charitable purposes, other than faculty or staff housing of any such educational institution.

The service charge shall also not be applicable to public roadways or property held for future construction of such roadways.

B. The governing body of the county, city or town levying a service charge may exempt any class of organization set out in § 58.1-3600 et seq. from the service charge imposed pursuant to § 58.1-3400 or § 58.1-3403.

Code 1950, § 58-16.2; 1971, Ex. Sess., c. 133; 1972, c. 770; 1973, c. 444; 1982, c. 641; 1984, c. 675.

§ 58.1-3403. Property owned by the Commonwealth.

A. Notwithstanding the provisions of § 58.1-3400, a service charge may be levied on real property owned by the Commonwealth if the value of all such property located within a county, city or town exceeds three percent of the value of all real property located within such county, city or town. For purposes of this section "real property owned by the Commonwealth" shall not include hospitals, educational institutions or public roadways o property held for the future construction of public highways.

9/3/24, 12:00 PM

Code of Virginia Code - Chapter 34. Payments in Lieu of Real Property Taxation

Notwithstanding § 58.1-3400 and the provisions of the foregoing paragraph, a service charge may be levied on faculty and staff housing of staff educational institutions, and on property of the Virginia Port Authority, regardless of the portion of state-owned property located within the county, city or town.

The service charge may be imposed only if the commissioner of revenue or other assessing officer for such locality, prior to imposing the service charge, publishes and lists all exempt real estate in the land books of such locality, in the same manner as is taxable real estate.

B. The service charge shall be based on the assessed value of the state-owned tax exempt real estate and the amount which the county, city or towr expended, in the year preceding the year in which such charge is assessed, for the purpose of furnishing police and fire protection and for collection and disposal of refuse. The cost of public school education shall be included in such amount in determining the service charge imposed on faculty and staff housing of an educational institution. Any amount received from federal or state grants specifically designated for the above-mentioned purposes and assistance provided to localities pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 shall not be considered in determining the cost of providing such services for the real estate. The expenditures for services not provided for certain real estate shall not be considered in the calculation of the service charge for such real estate, nor shall such expenditures be considered when a service is currently funded by another service charge.

Provided, however, that any amount paid to any locality pursuant to subsection D shall be fully credited against the service charge payable by the Virginia Port Authority under this subsection and subsection A.

C. The service charge rate for state-owned property shall be determined by dividing the expenditures determined pursuant to subsection B of this section by the assessed fair market value, expressed in hundred dollars, of all real estate located within the county, city or town imposing the service charge, including nontaxable property. The resulting rate shall then be applied to the assessed value of the tax exempt property owned by the Commonwealth.

Real estate owned by the United States government or any of its instrumentalities, shall not be included in the assessed value of all property withir the county, city or town. For purposes of this section, artistic and historical significance shall not be taken into account in the valuation of exempt real estate.

D. Notwithstanding the provisions of subsections B and C and from such funds as may be appropriated, the service charge for property owned by the Virginia Port Authority and its instrumentalities shall be based on the assessed value of such tax-exempt real estate and the amount of cargo tonnage shipped through such property in the year preceding the year in which such charge is assessed.

The service charge rate for each county, city or town shall be determined by adding:

1. The assessed value of the Virginia Port Authority real property in each county, city, or town divided by the total assessed value of real property owned by the Virginia Port Authority in all counties, cities, or towns; and

2. The Virginia Port Authority cargo tonnage shipped through each county, city, or town divided by the total Virginia Port Authority cargo tonnage shipped through all counties, cities, and towns.

Such service charge rate for each county, city, or town shall then be applied to the product of the total Virginia Port Authority cargo tonnage multiplied by \$0.25.

E. In no event shall the service charge rate exceed the real estate tax rate of the county, city or town imposing the service charge.

Code 1950, § 58-16.2; 1971, Ex. Sess., c. 133; 1972, c. 770; 1973, c. 444; 1982, c. 641; 1984, c. 675; 2000, c. 737.

§ 58.1-3404. Notice to Governor; notice to institution of higher education.

A. Any county, city or town which enacts an ordinance levying the service charge on state-owned property shall notify in writing the Governor and each state agency affected by such charge at least 12 months prior to the effective date of such local ordinance.

B. A county, city or town which enacts an ordinance levying a service charge on faculty and staff housing of a private institution of higher education shall notify the chief executive officer of such institution at least 12 months prior to the effective date of such ordinance.

Code 1950, § 58-16.2; 1971, Ex. Sess., c. 133; 1972, c. 770; 1973, c. 444; 1982, c. 641; 1984, c. 675.

§ 58.1-3405. Service charge on real property exempted by international law or treaty, etc.

The governing body of any county, city or town is hereby authorized to impose and collect a service charge on the owners of all real estate within its jurisdiction which is exempted from local real estate taxation by international law or by any treaty, international agreement or statute under the United States Constitution.

Such service charge shall be calculated as provided in § 58.1-3400, and shall be based on the assessed value of the real estate and the amount which the county, city or town expends for those services for which the applicable law, treaty, agreement or statute permits a charge to be imposed The service charge shall be based on the amount expended in the fiscal year preceding the year such charge is assessed. The governing body may impose a service charge of a lower amount than authorized or no service charge, as it may determine in the exercise of its legislative power.

Code 1950, § 58-16.2:1; 1979, c. 337; 1984, c. 675.

§ 58.1-3406. Apportionment of payments received from Tennessee Valley Authority in lieu of taxes.

A. Notwithstanding any other provision of law, all of the total payments received annually by the Commonwealth from the Tennessee Valley Authority in lieu of taxes shall be apportioned among the cities and counties in which the Tennessee Valley Authority owns property **g**r where

9/3/24, 12:00 PM

Code of Virginia Code - Chapter 34. Payments in Lieu of Real Property Taxation

Tennessee Valley Authority power is distributed. The Department of Accounts is hereby authorized and directed to make annual payments to **1** the localities in the following manner: three-fourths of such payments shall be apportioned by paying to each locality its percentage of total sales in Virginia by distributors of Tennessee Valley Authority power during the preceding fiscal year as determined pursuant to subsection B of this section; the remaining one-fourth of such payment shall be apportioned by paying to each locality its percentage of the net book value of the power property held in Virginia by the Tennessee Valley Authority as determined pursuant to subsection.

B. The determination of each locality's percentage of sales in Virginia by distributors of Tennessee Valley Authority power shall be based upon reports filed by the distributors, which reports shall be filed with the Department of Taxation by September 1 of each year. Such reports shall contain the number of kilowatt hours of power sold by the distributor in each Virginia locality during the preceding year.

C. The determination of each locality's percentage of the net book value of the power property held in Virginia by the Tennessee Valley Authority shall be based upon the most recent figures provided by the Tennessee Valley Authority to the Department of Taxation.

Code 1950, § 58-16.2:2; 1982, c. 413; 1984, cc. 531, 675; 1990, c. 70.

§ 58.1-3407. Erroneous assessments; appeal.

Any person aggrieved by the assessment or the valuation of real estate for purposes of this chapter may apply to the commissioner of the revenue or other assessing officer for correction thereof pursuant to § 58.1-3981. Any person aggrieved by the decision of such officer may appeal to the appropriate circuit court of the county or city, as provided in § 58.1-3984.

Code 1950, § 58-16.2; 1971, Ex. Sess., c. 133; 1972, c. 770; 1973, c. 444; 1982, c. 641; 1984, c. 675.

9/3/2024

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Exhibit 2



Office of the Commissioner of the Revenue

Karen T. Roundy

Master Commissioner of the Revenue 300 E Washington Street Lexington VA 24450 Phone: 540-462-3701 Fax: 540-463-4738

Cheryl A. Hunt

Deputy Commissioner of the Revenue

Chief Deputy Commissioner of the Revenue

Beth S. Armstrong

October 2, 2023

Mr. Steven McAllister, Treasurer Washington & Lee University 204 W Washington Street Lexington, VA 24450

Dear Mr. McAllister:

Lexington service charge for Washington and Lee University, based upon the assessed value of faculty and staff housing, is assessed as follows:

Taxable real estate 7/1/20223	\$ 679,746,000
Tax exempt real estate 7/1/2023	1,330,926,600
Real Estate owned by U.S. Government	(1,717,000)
	\$2,008,955,600

Cost of services provided by the city for faculty and staff housing in FY 2022-2023:

Police protection	\$ 2,274,154
Fire Department	2,217,156
Refuse & Garbage	659,887
Public Schools	4,870,473
	\$ 10,021,670

The value of services provided divided by total value of Lexington real property yields a rate of \$0.004988. Maximum rate allowed is 50% of the current real estate rate: \$0.92 x .50 = \$0.0046.

Assessed value of W&L housing	\$ 6,539,300
Service charge rate	 .004600
	\$ 30,080.78

Payment may be made in two equal installments due on or before December 5, 2023 and June 5, 2024.

Sincerely, Karen T. Roundy

Karen T. Roundy Master Commissioner of the Revenue

cc: Patricia DeLaney, City Treasurer Jennifer Bell, Finance Director

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W&L Faculty & Staff Housing FY24

Service Charge of 50% of Current Real Estate Rate (.46)

Location	Assessed Value	<u>Tax</u>
209 W Washington Street	1,012,100	\$ 4,655.66
206 N Main Street 3 Units	340,900	\$ 1,568.14
208 N Main Street	240,300	\$ 1,105.38
210 N Main Street	244,900	\$ 1,126.54
212 N Main Street	279,500	\$ 1,285.70
2 Dold Place (old building)	190,100	\$ 874.46
Faculty Apartments 309 E Washington Street Apts. A - H	904,000	\$ 4,158.40
1 Estill Street	293,400	\$ 1,349.64
456 W Nelson St.	586,900	\$ 2,699.74
3 Lexington Avenue	161,900	\$ 744.74
5 Lexington Avenue	149,000	\$ 685.40
7 Lexington Avenue	147,800	\$ 679.88
9 Lexington Avenue	155,000	\$ 713.00
105 McLaughlin Street	152,700	\$ 702.42
109 McLaughlin Street	152,000	\$ 699.20
113 McLaughlin Street	201,800	\$ 928.28
119 McLaughlin Street	136,700	\$ 628.82
106 Liberty Hall Road	555,900	\$ 2,557.14
112 Liberty Hall Road	<u>634,400</u>	\$ 2,918.24
TOTALS	6,539,300	\$30,080.78

Washington and Lee University

Policy Statement on Taxes and Service Charges Paid to the City of Lexington

As a private non-profit institution of higher learning, established in 1749 and empowered to grant degrees under a Charter from the Commonwealth of Virginia since 1782, Washington and Lee University benefits from the exemption from real property taxes granted by the Commonwealth to such institutions. This exemption, which has its roots in Virginia's colonial era, is granted to private educational institutions under Subsection (a)(4) of Section 6 of Article X of the Virginia Constitution, and is further supported by pertinent language of various sections of the Code of Virginia. Washington and Lee University holds title to real property both in the City of Lexington and the County of Rockbridge; this property is used primarily and directly in support of the University's educational purposes, or it is used for subsidiary purposes incidental to its primary mission.

Under the Code of Virginia, Section 58.1-3401, there is provision for counties, cities, and towns to levy a service charge against private colleges and universities for certain kinds of real property owned by them. Under this authority, the City of Lexington imposes a service charge on housing owned by the University and rented to its faculty and staff. The code's formula establishes this service charge as no greater than fifty percent of the City's real property tax rate.

Washington and Lee also holds title to certain real property for which taxes are paid at the regular assessed evaluation and tax rate. Occasionally, the University has permitted real property to remain on the tax rolls, even when its use is clearly associated with educational purposes.

The University, through its Board of Trustees, covets its exemption status provided by the Virginia Constitution and the Virginia Code. It is the University's intention to do nothing that might compromise this exemption status.

In reaffirming this exemption status, the University does so in the awareness of certain conditions:

(1) The City of Lexington and Washington and Lee University exist in a symbiotic relationship that is unusual, if not unique, for a community the size of Lexington. Unlike virtually all other American colleges of similar size and character, Washington and Lee has chosen over a period of many decades to permit its non-freshmen students to live off-campus in apartments and houses owned and operated primarily by citizens of the City of Lexington. Indeed, the majority of its students (in 1989-90, 1,208 of 1,996 physically present at the University, or 60.5%) live off campus, either in 16 fraternity houses (263 men in 1989-90) or in private accommodations, principally within the City itself. Fraternities provide meals for some 672 men, while many other students eat in their houses and apartments or

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in restaurants of the City. The annual student-generated expenditures in the restaurants and grocery stores of the City cannot be easily calculated.

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(2) This living pattern (described above) creates substantial economic benefits for the City and its citizens. It also, no doubt, contributes to a number of problems stemming from the interface of an independent, vibrant, young, and transient student population with the more mature citizenry. Such problems involve occasional complaints of noise, traffic congestion, perceived "usurpation" of street parking, littering, poor housekeeping conditions, and the demands made upon the City for various services. Students sometimes complain on their side of exorbitant rents, insensitive landlords, overly sensitive neighbors, streets in need of repair and limited City services.

(3) The University's recently developed long-range plan anticipates no significant change in student on-campus living patterns, but instead calls for a major commitment of University resources to a revitalization and renovation of the 16 fraternity houses now providing a substantial off-campus housing alternative.

(4) It is in the best interests of Washington and Lee University for the City of Lexington to remain an attractive, well-maintained, and well-administered municipality; an inviting, hospitable, and affordable domicile for the majority of its faculty and staff of more than 600 persons.

(5) Washington and Lee is indeed dependent upon its home community of Lexington for a variety of support functions, the absence of which would impose upon the University the necessity to become more self-contained and self-sufficient. Such a course of action might affect the University adversely in the short term, but its adverse impact on the City might be of a more lasting nature. Lexington's problems and challenges are problems and challenges for Washington and Lee as well, perhaps more so today than ever before over the two centuries that the City and the University have been part of one another.

In the light of these consideration cited above, Washington and Lee University acknowledges a greater financial responsibility to the City of Lexington than that which is defined by the laws of the Commonwealth. While protecting its right of tax exemption for its real property within the City of Lexington, the University is prepared to make a voluntary contribution to the fiscal strength and vigor of the City of Lexington as follows:

1. Service fees paid currently by the University to the City of Lexington will continue to flow on a timely basis. In addition, it is the University's intention to direct annually an amount equivalent to these service fees to the City in the form $\frac{1}{9000}$ of a grant. $\frac{1-0018-3000}{1902}$ 20,000 $\frac{1902}{1000}$ 10,000 $\frac{1902}{1000}$ 10,000 $\frac{1902}{1000}$ 10,000 $\frac{1902}{1000}$ 10,000

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2. Property currently on the City tax rolls, but serving tax exempt purposes, will be removed from the tax rolls. However, the University intends, through the appropriate combination of service fees and grants, to continue to remit annually to the City an amount equivalent to the taxes on such properties.

3. If the University should acquire additional property within the City, it will request that such property be removed from the tax roll. However, the University intends, through the appropriate combination of service fees and grants, to remit annually to the City an amount equivalent to the taxes on such property.

4. Fraternity property acquired by the University through the renovation program known as Fraternity Renaissance will be removed from the tax roll, but it is the intention of the University to remit annually to the City, through the appropriate combination of service fees and grants, an amount equivalent to the taxes on such properties, assuming that a reasonable approach to assessing their fair market value can be agreed upon (an approach similar to that used for the Phi Gamma Delta house appears appropriate).

5. In recognition of the manner in which many Washington and Lee students live throughout the City and of the impact of their living patterns upon the community, particularly in light of the services upon which they draw, the University intends to grant annually to the City the amount of \$40,000 in addition to those grant elements already identified. The magnitude of this grant will be reviewed each year and adjusted as circumstances warrant.

6. Finally, it is intended that these commitments will be honored only so long as the status of Lexington as an independent city is maintained. The University is not obligating itself to continue these commitments in the event that this status should change.

Approved.

John D. Wilson, President

<u>22 Etmany 1990</u> Date

Exhibit 4) oto - \$1.00) oto - 40.00
	City RE Tax F		City RE Tax F	
	Assessed Value	Annual Due if	Assessed Value	Annual Due if
Administrativo huildingo	2015	Taxable	2024	Taxable
Administrative buildings:	4 704 000	40.475	0.005.000	40.000
2 Lee Avenue	1,764,600	18,175	2,025,300	18,633
Fraternities:				
4 Henry St (Sigma Nu)	1,799,300	18,533	1,528,400	14,061
5 Henry St (Phi Delta Theta)	1,994,600	20,544	1,695,500	15,599
101 N Jefferson St (Beta Theta Pi)	2,220,600	22,872	1,956,200	17,997
106 N Main St (Pi Kappa Alpha)	1,940,200	19,984	1,648,400	15,165
216 E Nelson St (Sigma Chi)	1,395,350	14,362	1,479,650	13,613
218 E Nelson St (Sigma Phi Epsilon)	1,395,350	14,362	1,479,650	13,613
112 W Preston St (Phi Gamma Delta)	2,400,900	24,729	2,645,000	24,334
201 E Washington St (Pi Kappa Phi)	2,086,600	21,492	2,240,500	20,613
301 E Washington St (Phi Kappa Psi)	2,418,400	24,910	2,695,300	24,797
220 E Nelson St (Kappa Sigma)	1,413,500	14,559	1,525,500	14,035
225 E Nelson St (Lambda Chi Alpha)	1,622,900	16,716	1,743,200	16,037
300 E Nelson St (Kappa Alpha)	1,408,000	14,502	1,337,400	12,304
5 Lee Ave (Chi Psi Fraternity)	3,122,000	32,156	6,327,300	58,211
	25,217,700	259,721	28,302,000	260,378
Other Properties:				
Outing Club (203 E Washington St)	384,600	3,961	414,400	3,812
Spanish House (4 Lee Ave)	417,100	4,296	483,800	4,451
Chavis House (10 Lee Ave)	916,100	9,436	1,027,500	9,453
106 Lee Ave (fmr Delta Tau Delta)	1,927,200	19,850	1,979,300	18,210
11 N Jefferson St (fmr Phi Kappa Sigma)	1,407,800	14,500	1,116,100	10,268
205 E Washington St (fmr Sigma Alpha Epsilon)	1,849,100	19,046	1,870,500	17,209
216 W Washington St	359,000	3,698	441,440	4,061
223 McLaughlin St (demolished)	321,100	3,307	405,408	3,730
.78 AC North Side W Nelson St (parking)	62,200	641	75,500	695
Alumni House - Letcher Avenue	1,294,700	13,335	1,348,500	12,406
11 University Place	201,400	2,074	N/A	N/A
21 University Place	300,400	3,094	N/A	N/A
23 University Place	239,000	2,462	N/A	N/A
4 University Place	431,700	4,447	671,400	6,177
204 N Main St	N/A	N/A	236,200	2,173
214 N Main St	N/A	N/A	357,200	3,286
216 N Main St	N/A	N/A	276,700	2,546
220 W Washington St (demolished)	N/A	N/A	113,000	1,040
	10,111,400	104,147	10,816,948	99,516
Other Payments:	, ,	, -		· / · · ·
Annual Grant - Faculty Rentals	6,686,800	34,437	6,539,300	30,081
Base Student Grant	· · · · · · · · · · · · · · · · · · ·	100,000	, ,,,,,	200,000
Fire Equipment Reserve		-		35,000
Annual Service Charge		34,437		30,081
Total Payment from W&L		550,918		673,689

	City RE Tax F	Rate = \$1.03	City RE Tax R	ate = \$0.92
	Assessed Value	Annual Due if	Assessed Value	Annual Due if
	2015	Taxable	2024	Taxable
Faculty Rentals:				
209 W Washington	N/A	N/A	1,012,100	4,656
206 N Main St (3 units)	N/A	N/A	340,900	1,568
208 N Main St	N/A	N/A	240,300	1,105
210 N Main St	N/A	N/A	244,900	1,127
212 N Main St	N/A	N/A	279,500	1,286
2 University Place	894,400	4,606	N/A	N/A
13 A, B, C University Place	302,800	1,559	N/A	N/A
15 University Place	211,000	1,087	N/A	N/A
17 University Place	217,100	1,118	N/A	N/A
19 University Place	235,800	1,214	N/A	N/A
2 Dold Place (old building)	190,100	979	190,100	874
309 E Washington St (apts. A-H)	N/A	N/A	904,000	4,158
410 E Washington St (apt. A-H)	1,865,900	9,609	N/A	N/A
1 Estill St	310,000	1,597	293,400	1,350
456 W. Nelson St	546,800	2,816	586,900	2,700
3 Lexington Ave	129,100	665	161,900	745
5 Lexington Ave	117,600	606	149,000	685
7 Lexington Ave	116,500	600	147,800	680
9 Lexington Ave	123,100	634	155,000	713
105 McLaughlin St	127,200	655	152,700	702
109 McLaughlin St	127,200	655	152,000	699
113 McLaughlin St	161,900	834	201,800	928
119 McLaughlin St	115,300	594	136,700	629
106 Liberty Hall Rd	431,700	2,223	555,900	2,557
112 Liberty Hall Rd	463,300	2,386	634,400	2,918
	6,686,800	34,437	6,539,300	30,081



Office of the Commissioner of the Revenue

Karen T. Roundy Master Commissioner of the Revenue 300 E Washington Street Lexington VA 24450 Phone: 540-462-3701 Fax: 540-463-4738 Beth S. Armstrong Ct Chief Deputy Commissioner of the Revenue Deputy Com

Cheryl A. Hunt Deputy Commissioner of the Revenue

October 2, 2023

Mr. Steven McAllister Vice President for Finance Washington & Lee University 204 W Washington Street Lexington, VA 24450

Dear Mr. McAllister:

A reconciliation of the properties and elements that are a part of the Washington & Lee University grant to Lexington is attached. The tax rate for Fiscal Year 23/24 is \$0.92 per \$100.

Please call me if adjustments should be made to the current listing.

Sincerely,

Karen T. Roundy

Karen T. Roundy Master Commissioner of the Revenue

Attachment

cc: Patricia DeLaney, City Treasurer Jennifer Bell, Finance Director

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LEXINGTON GRANT FY 23/24 October 2, 2023

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Annual grant service charge - Faculty rentals		\$30,080.78
	ASSESSED VALUE	<u>ANNUAL DUE</u> <u>IF TAXABLE</u>
Administration buildings: 2 Lee Avenue Educational	\$2,025,300	18,632.76
Fraternities:		
4 Henry St (Sigma Nu)	1,528,400	14,061.28
5 Henry St (Phi Delta Theta)	1,695,500	15,598.60
101 N Jefferson St (Beta Theta Pi)	1,956,200	17,997.04
106 N Main Street (Pi Kappa Alpha)	1,648,400	15,165.28
216 E Nelson St (Sigma Chi)	1,479,650	13,612.78
218 E Nelson St (Sigma Phi Epsilon)	1,479,650	13,612.78
112 W Preston St (Phi Gamma Delta)	2,645,000	24,334.00
201 E Washington St (Pi Kappa Phi)	2,240,500	20,612.60
301 E Washington (Phi Kappa Psi)	2,695,300	24,796.76
220 E Nelson St. (Kappa Sigma)	1,525,500	14,034.60
225 E Nelson St (Lambda Chi Alpha)	1,743,200	16,037.44
300 E Nelson St (Kappa Alpha)	1,337,400	12,304.08
5 Lee Ave (Chi Psi Fraternity)	6,327,300	58,211.16
Other Properties:		
Outing Club (203 E Washington St.)	414,400	3,812.48
Spanish House (4 Lee Ave.)	483,800	4,450.96
Chavis House (10 Lee Ave)	1,027,500	9,453.00
106 Lee Ave. (fmr. Delta Tau Delta)	1,979,300	18,209.56
11 N Jefferson St (fmr Phi Kappa Sigma)	1,116,100	10,268.12
205 E. Washington St (fmr. Sigma Alpha Eps	silon) 1,870,500	17,208.60
216 W Washington Street	441,440	4,061.25
223 McLaughlin Street (demolished)	405,408	3,729.75
.78 AC North Side West Nelson Street (Parki	ng) 75,500	694.60
Alumni House - Letcher Avenue	1,348,500	12,406.20
204 N Main Street	236,200	2,173.04
214 N Main Street	357,200	3,286.24
216 N Main Street	276,700	2,545.64
4 University Place	671,400	6,176.88
220 W Washington St (demolished)	113,000	1,039.60
Base Student Grant		200,000.00
Fire Equipment Reserve		35,000.00
Total		<u>\$643,607.86</u>

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Project Name	Conditional Use Permit at 9 – 17 South Main Street
Property Location	9-17 S. Main Street, Tax Map #: 23-1-72A
Zoning	C-1 (Center Business), Downtown Historic District
Owner / Applicant	Rockbridge Building, LLC / John Adamson
Applicant's Intent	To allow the Educational Facility, College/University and Public Assembly uses in portions of the building

PLANNING COMMISSION RECOMMENDATION: Pending STAFF RECOMMENDATION: Approval

OVERVIEW OF REQUEST AND BACKGROUND

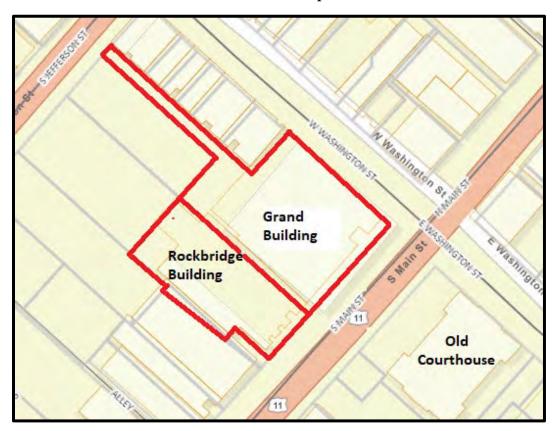
The subject application is a request for a conditional use permit to allow portions of the building located at 9 – 17 S. Main Street, located in the C-1 (Central Business) zoning district, to be used as an *Educational Facility, College/University* and as a *Public Assembly*.



9–17 S. Main Street

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission Meeting on September 26, 2024 Page 1 of 4

Location map



The applicant and owner of both the Rockbridge Building (TM #23-1-72A) and the Grand Building (TM #23-1-70) is undertaking a significant reconstruction/renovation of both buildings which will include an interconnecting "spine" between the buildings and an addition at the rear. The applicant is requesting a conditional use permit to allow the *Educational Facility, College/University* use and the *Public Assembly* use in portions of the Rockbridge Building, located at 9 -17 S. Main Street, only. The request is specifically to allow the entire upper level of the building, the portion of the main level at the rear of the building behind the storefronts facing Main Street, and the entire lower level of the building (accessed from the parking lot at the rear of the building) to be occupied by W&L offices (or administrative facilities related to the *Educational Facility, College/University* use). The applicant is also requesting that the *Public Assembly* use be approved for the lower level to allow it to be utilized from time to time as a meeting space.

The request does not include the portion of the main level of the building facing and accessed from Main Street. That space will continue to be occupied by retail/business uses permitted by-right in the Central Business District.

The *Educational Facility, College/University* use added in 2017 includes all facilities associated with the educational institution and the new definition reads as follows:

EDUCATIONAL FACILITY, COLLEGE/UNIVERSITY

An educational institution authorized by the Commonwealth of Virginia to award associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, <u>administrative facilities</u>, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college or university use.

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 neither the requested Educational Facility, College/University use nor the Public Assembly use will 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 neither the requested Educational Facility, College/University use nor the Public Assembly use will 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.
 (Staff believes neither the requested Educational Facility, College/University use nor the Public Assembly use would 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. (Staff believes adequate public services are available to support the requested Public Assembly use and the Educational Facility, College/University use.)
 - (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.

While conditional uses are considered to have a potentially greater impact upon neighboring properties or the public than those uses permitted by-right, conditions must be reasonable and address an impact expected from the proposed use. Additionally, conditions developed to address an expected impact must be proportionally related to the impacts resulting from the use.

STAFF RECOMMENDATION

Staff recommends the proposed Conditional Use Permit be **APPROVED** with the following conditions:

- 1. The entire upper and lower levels, and that portion of the main level at the rear of the building and located behind the storefronts facing Main Street, may be utilized for administrative facilities related to the *Educational Facility, College/University* use.
- 2. That only the lower level of the building may be utilized for *Public Assembly* purposes.
- 3. That the storefronts facing Main Street are not subject to this conditional use permit.

PLANNING COMMISSION RECOMMENDATION

Pending

SUGGESTED MOTION:

I move to approve/deny Conditional Use Permit number CUP 2024-05 to allow portions of the Rockbridge Building (TM #23-1-72A) to be used for administrative facilities related to the *Educational Facility, College/University* use and as a *Public Assembly* with the three (3) staff recommended conditions.

HISTORY

At the August 22, 2024 meeting, the Planning Commission deferred its decision on this application to the September 12, 2024 meeting to allow the applicant an opportunity to provide floor plans so that the Planning Commission may gain a better understanding of the value of the investment and how the building is going to be used. The applicant then requested a continuance because of a scheduling conflict on September 12, 2024, and the Planning Commission granted that request by postponing the public hearing to their meeting on September 26, 2024.



www.lexingtonva.gov

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant ¹
Name: John Adamson Phone: 804-750-9914
Company: Rockbridge Building, LLC Fax: N/A
Address: 9301 RiverRd, Richmond VA 23229 Email: john@adamsondevelopment.com
Applicant's Signature: Jan Adamson Date: 8/1/24
Property Owner
Name: Rockbridge Building, LLC Phone: 804-750-9914
Address: 9301 River Rd, Richmond VA 23229 Email: john@adamsondevelopment. Con
Owner's Signature: John Adamson Date: 8/1/24
Proposal Information ² (attach list of properties if request includes multiple properties)
Address (or location description): 17 S. Main St., Lexington
Tax Map: 23-1-72 A Deed Book and Page #:
Acreage: Zoning (attach any existing zoning conditions or proffers):
Description of Proposal3: Please see attachments.
1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
 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.



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 COMPLETE Application Fee: \$450 Amount Paid:	D BY STAFF ONLYCase Number: CUP
Date Received:	_ Received By:
	Staff Review
Planning:	Public Works:
Police:	Fire/Rescue:
Pu	ublic 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:



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

www.lexingtonva.gov

Conditions of Issuance

§ 420-1.11. of the City of Lexington Zoning Ordinance outlines the conditions under which a conditional use permit may be issued. These conditions are as follows:

- 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.

ROCKBRIDGE BUILDING, LLC 9301 River Road Richmond, Virginia 23229 804-750-9914

August 1, 2024

City of Lexington - Planning & Development Department 300 East Washington Street Lexington, Virginia 24450

To Whom it May Concern:

Rockbridge Building, LLC is requesting a Conditional Use Permit (CUP) for the property at 9-17 S. Main Street. The building is currently zoned C-1 (Central Business), Downtown Historic District.

The application is requested for the following sections of the building:

- Lower Level (access from rear parking lot)
- Main Level (rear of the building in space behind Main Street-facing retail/business use)
- Second Level

The Main Street level accessed from Main Street is not included in this request as uses will be by right.

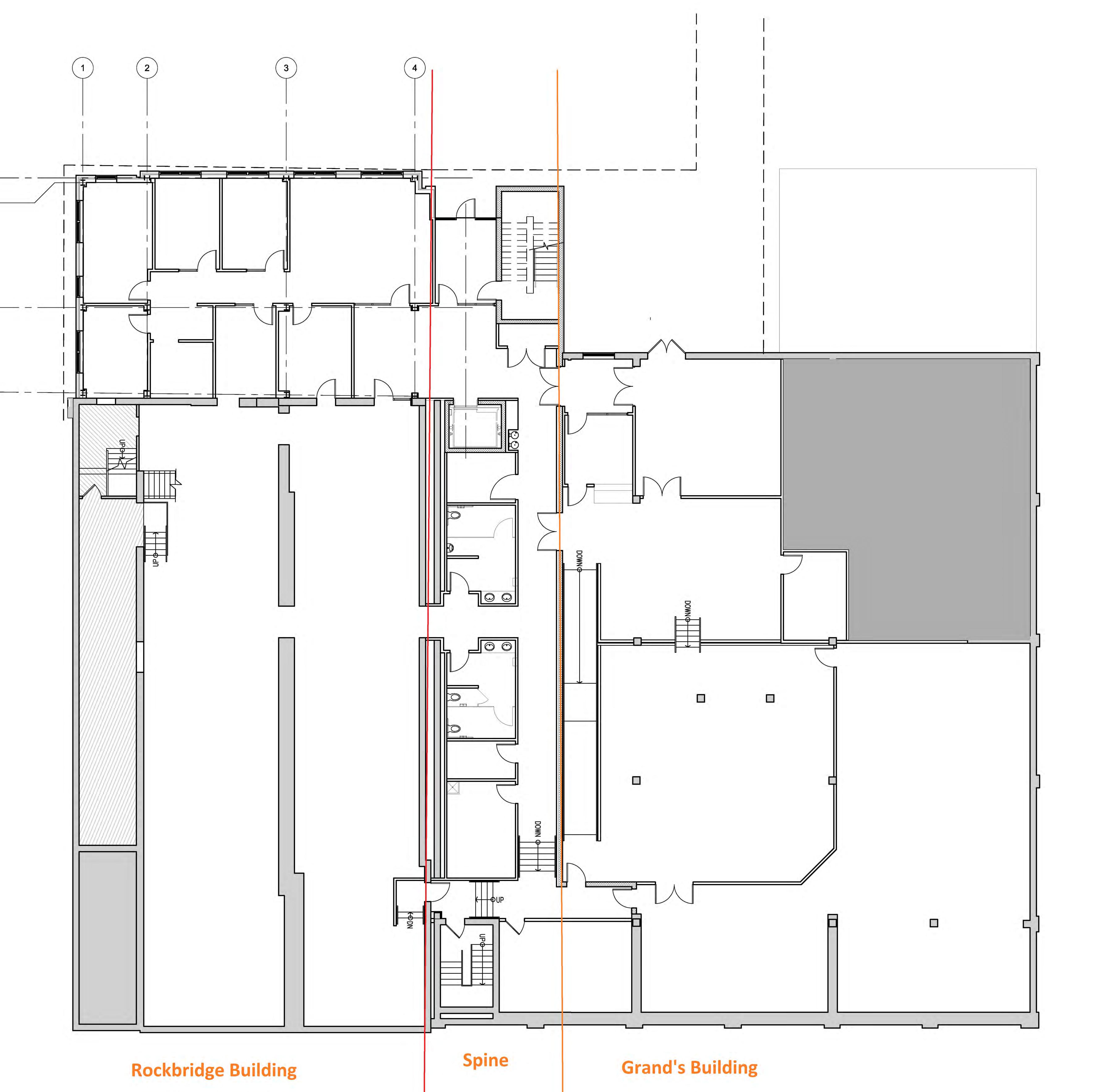
Rockbridge Building, LLC requests that the Conditional Use Permit provide that the building may be utilized for administrative functions and offices related to an educational use. Additionally, the lower level may be used for private assembly/meeting space.

Thank you for your consideration, and please feel free to contact me with any questions

Adenson

John Adamson – Rockbridge Building, LLC

Level 1 9/18/2024



ROCKBRIDGE/GRAND BUILDING 1, 13-17 South Main Street

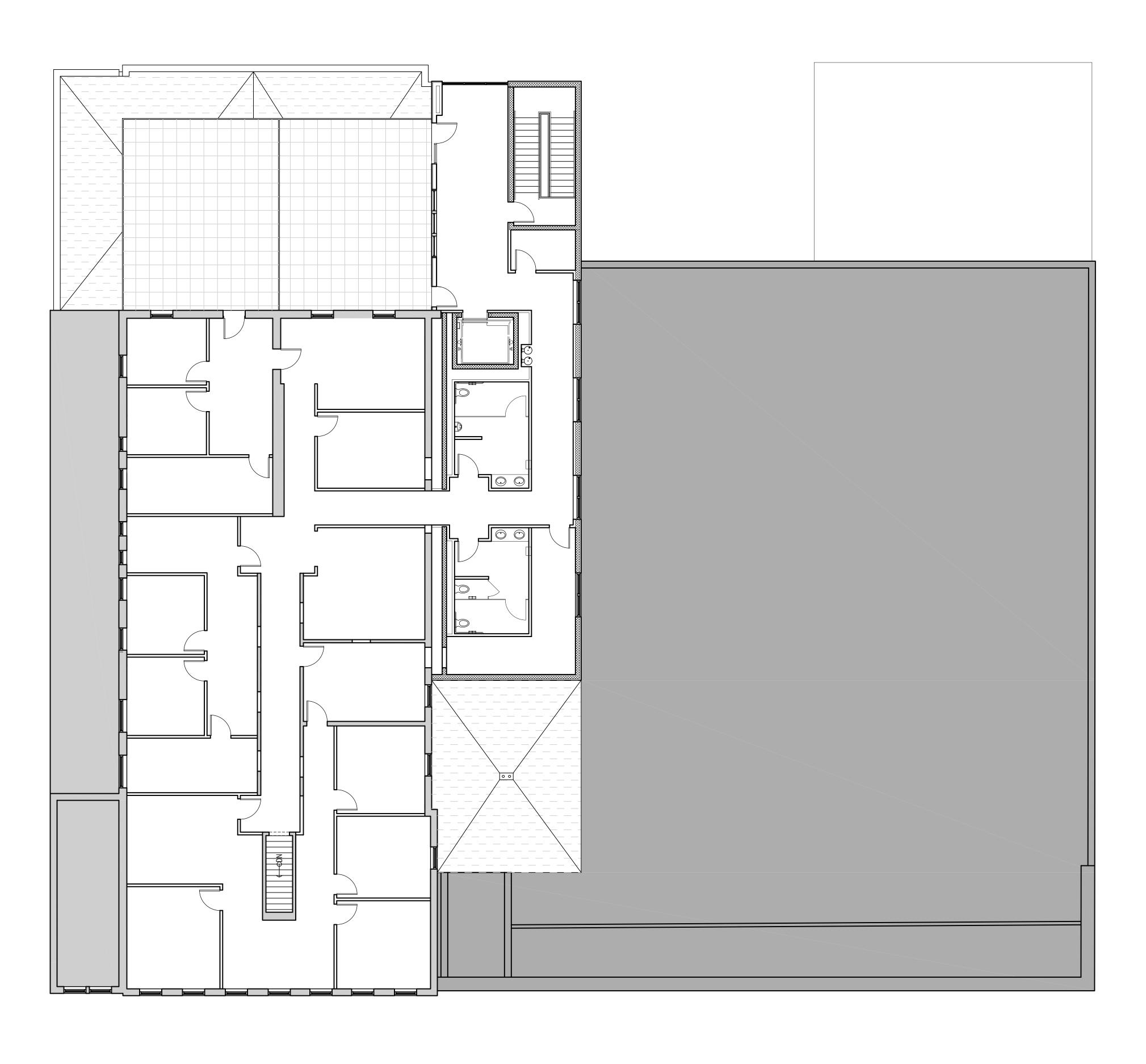
0 4' 8' 16' 24'





ROCKBRIDGE/GRAND BUILDING 1, 13-17 South Main Street





ROCKBRIDGE/GRAND BUILDING 1, 13-17 South Main Street



Kate,

Please forward Gail's email to the Planning Commission.

Thanks,

Arne

From: Gail <gmacleod@comcast.net>
Sent: Thursday, August 29, 2024 3:35 PM
To: Arne Glaeser <aglaeser@lexingtonva.gov>
Subject: Adamson CUP request

Planning Commissioners

Office and event use of the buildings will significantly impact parking downtown. Office workers park all day. Events as well. Yes, there are time limitations on parking which requires moving their car a couple times. And, is parking enforcement rigorous?

Hassles finding parking??? Not going there to eat or shop.

It's already perplexing. At 9:30 on a weekday morning, parking is often scarce, especially when school is in session. Yet the shops aren't open and the few restaurants open are NOT packed. Who is parked on the streets at this early hour and for how long?

My prediction: If you increase the office and meeting space downtown, it will contribute significantly to the decline of our shops and restaurants. And ask them, businesses are not doing as well now as they have in the past. They don't need another hurdle.

Oh, don't believe they can control where their workers and attendees park. Best intentions aside, it's not easy to do.

Please deny the Conditional Use permit.

Gail MacLeod 604 Jackson Ave Lexington VA

Sent from my iPad

From:	Arne Glaeser
To:	Kate Beard
Subject:	FW: CUIP 2024-02 & 05
Date:	Thursday, August 22, 2024 8:22:53 AM

From: Patrick Rhamey [mailto:prhamey@gmail.com]

Sent: Wednesday, August 21, 2024 7:19 PM

To: Arne Glaeser <aglaeser@lexingtonva.gov>

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Subject: Re: CUIP 2024-02 & 05

Slight, but important, correction - "On CUP 2024-05, I don't think Arne's analysis is incorrect."

On Wed, Aug 21, 2024 at 6:19 PM Patrick Rhamey <<u>prhamey@gmail.com</u>> wrote:

Good Afternoon,

Arne - please forward the below to the members of the Planning Commision.

Dear members of the Planning Commission,

My apologies, I have other commitments tomorrow evening and am unable to attend your meeting. I would like to provide written public comment on CUP 2024-02 and CUP 2024-05.

Regarding CUP 2024-02, the recommendation by the planning administrator is perplexing. I served on planning when we redid the zoning code under Arne's excellent guidance. One thing that Arne, Daren, and others strongly advocated was moving away from the tangle of CUP's that plagued the city at the time, instead ensuring uses were either allowed by right or not at all. The many CUP exceptions that existed at that point, often going back decades and having rich verbal histories but little in writing, were a mess we sought to eliminate.

Oddly, however, Arne seems to have reversed course. I don't know what it is about this CUP that's different, either in its content or the nature of the applicant or the institution that would engage in the use, but I can say the following with confidence:

1) From a planning perspective, this is bad practice. We specifically did not include the use by right in C1 in hopes of limiting the creep of our cherished billionaire institutions, such that we're able, in their methodical takeover of the town. Making an exception because Adamson, W&L, or any other very important entity asks is deeply inappropriate and a betrayal of the public trust.

2) Overwhelming opposition by Lexington citizens to W&L's continued creep is welldocumented, most recently in their attempt to destroy the "triangle" neighborhood on McLaughlin. I'm sure we haven't heard the end of all that, unfortunately. The matter before you is of a similar nature, in that it removes square footage from the community that would likely otherwise be of commercial or residential use and, de facto, makes it a W&L space.

3) Offices and meeting spaces may seem an innocuous use, but aside from being less square footage for productive commercial endeavors (for which the city receives revenue), it's also creeping into typically residential spaces above downtown businesses. Residential space is not only essential to dealing with our local housing shortage but also to the vibrancy of downtown. When people work, but don't live, in downtown areas, be they big or small, it destroys communities.

On CUP 2024-05, I don't think Arne's analysis is incorrect. My understanding is that the use up for renewal is the same as the use requested in CUP 2024-02, educational facility, which is not a by right use. This includes the W&L offices in the courthouse. Further, it is a condition specifically requested by the applicant on page 17 of your packet, recognizing that the applicant does not believe it to be a by right use under the 2009 permit and zoning code. Arne is engaged in a little revisionist history, I think - the private school designation was the CUP, to include the administrative offices (it is a school that is private) as well as meeting spaces. The absence of a more elaborate definition in the 2009 code does not make it a by right office use because it's an "office" by administrators of a private school. The use of the building entire is the subject of the CUP, as intended in 2009, and not just the assembly spaces.

As such, the property should return to a productive use, not continued use for college administrators to gobble up the most central location in downtown. Washington and Lee should be encouraged to return their college administrators to their expansive, well-funded, and tax-free campus.

If you do choose to renew 05 or approve 02, you should not allow a CUP to be granted in perpetuity. Arne is of course correct that violations of the use may render the CUP void, but the fact of the matter is the city is notoriously feckless when it comes to enforcing such things. By having a period of renewal, it allows the Planning Commission and Council to revisit the conditional use and grants the public a formal, public setting at regular intervals in which to engage the issue.

I realize all parties involved are *very important* and have a great deal of resources. I also know the importance of W&L isn't lost on many of you and our City Council, given the many overlapping connections and personal interests, direct and otherwise. Indeed, without W&L, our city would not be the wonderful place to live that it is. However, that does not justify the steady and continuous creep they regularly, and at times successfully, attempt, no matter how large their endowment. Unfortunately, they're not the only ones gobbling up our town, bit by bit. In this one case, however, there is an opportunity to encourage some restraint.

I hope you will vote no on CUP 2024-02 and 2024-05. Please deny these requests in defense of those of us who actually live, work, and vote in Lexington.

Many thanks for your service,

Patrick Rhamey

8/21/24

Dear Planning Commission Members,

It has just come to my attention about the proposed changes that John Adamson is planning for two prominent downtown Main Street buildings. As someone who very much cares about downtown Lexington, I'm extremely concerned! I grew up here and over the years have volunteered for the Lexington Downtown Development Association, the Chamber, and was one of the original MSL Board Members- along with my father having had a business here wherein I "grew up downtown" and then having my own businesses here. I have personally "swung a hammer" in many of the buildings in downtown Lexington wherein my businesses resided. Currently I own a small business in Lexington and have an office on Washington Street.

I have watched as Mr. Adamson has bought many Lexington buildings which he has then leased to W&L. Many downtowns across America have not survived, but Lexington has been fortunate, however the ecosystem is fragile for the survival of our lovely downtown that benefits all including W&L and VMI as students and parents fall in love with the adorable downtown. We need a critical mass of retail and restaurants to draw people downtown and spend time there. Originally, I heard in MSL meetings that Adamson had promised to do something really fabulous that would enhance the downtown; it was suggested that it would be something like the Main Street Market in Charlottesville with condominiums above, but unfortunately that was lip service and/or an unfortunate fallacy. I also was told that W&L didn't need any more office space as they have plenty of their own space along with space to build. As a business owner in downtown Lexington for the last 27 years, I know how important it is to have a good mixture of businesses which helps all of the businesses. It's a slippery slope as more buildings become offices and retail and restaurants close, then the downtown becomes a place no one is interested in going because "there is nothing there."

As someone who has served on the LDDA and MSL Boards along with being involved in other downtown development associations, I can say that the revitalization work to build back a downtown takes tremendous work and time. It has taken Lexington decades of caring individuals to create the wonderful downtown that we currently have, but it doesn't take much to destroy that work.

Also, in regards to how our town looks, one of Adamson's most recent renovations was the old Cocoa Mill (Pres Brown) Building was turned into the W&L post

office and business offices. Personally, I think that building had had a beautiful facade which was then demolished and the facade was turned into a modern front that maximized square footage. I've heard that the Rockbridge Building where there is currently plywood has that wood there because the front of those buildings are going to be taken off and redone; will he also be removing the beautiful entrance ways and modernize them making downtown begin to look like a modern strip mall? Someone said that the ARB was looking for a more modern look and that is scary as I'm sure those that suggested covering up historic building facades in the 1960s and 1970's also thought their town needed a more modern look! Also, as I really care about downtown Lexington and our community, I worry about so many of the buildings being taken over by W&L. From the old Courthouse (which was proposed as a museum years ago prior to it being turned into W&L offices) and the large printshop building and the lovely Jordan House - all of these and probably others that I missed have been turned into facilities for W&L. What also will become of the old the Cutting Edge Hair Salon too- bought by Adamson? I'm hopeful that there is a way that everyone will come away happy, and most of all, that downtown Lexington will come out the winner in preserving a rare thing - a successful small downtown. I do hope the planning commission works to do the best for our community.

Sincerely,

Tina Miller

Note: My apologies that I just found out about this and that I had made plans months ago to be out of town and could not be at the meeting in person.

Proposed Amendments to the Zoning Chapter (Chapter 420)

The Lexington Planning Commission is considering a zoning text amendment to potentially allow cottage housing in accordance with strategy H.O. 5.3 that recommends we explore zoning modifications to facilitate the creation of a variety of safe, affordable, and innovative housing options, including other housing types that achieve higher densities and a diversity of housing options. This review of other ordinances that permit cottage housing, along with the consideration to modify the Lexington Zoning Ordinance, is in support of strategy H.O. 5.3 of the Lexington Comprehensive Plan.

April 25, 2025 P.C. meeting: staff presented an overview of the cottage housing development concept.

May 9, 2024 P.C. meeting: the cottage housing regulations for Winchester, Virginia were reviewed.

May 23, 2024 P.C. meeting: staff provided an overview of the Railroad Cottages development in Falls Church, VA, along with a review of the accompanying cottage housing zoning code adopted by Falls Church in 2017.

June 13, 2024 P.C. meeting: staff provided an overview of the Third Street Cottages development in Langley, WA along with a review of the accompanying cottage housing zoning code adopted by Langley in 1995 and modified thereafter.

June 27, 2024 P.C. meeting: staff provided an overview of the cottage housing proposal submitted by Max Ivankov for his properties at the corner of Houston and Walker Streets.

July 11, 2024 P.C. meeting: using the structure of the Winchester, VA cottage housing code, the Planning Commission began to consider text options from other jurisdictions for each element of the Winchester code with the goal of drafting a cottage housing ordinance to be advertised for a public hearing.

July 25, 2024 P.C. meeting: discussion included cottage density, cottage height and existing nonconforming structures.

August 8, 2024 P.C. meeting: staff presented supplemental materials intended to help with the cottage density discussion. Staff will continue to add sample language from other cottage housing codes to the Winchester code structure. The focus for the next discussion will be cottage size.

August 22, 2024 P.C. meeting: staff added sample language from other cottage housing codes for Cottage Floor Area, Yards, Building Separation, Common Open Space, and Private Open Space for the continued Cottage Housing discussion.

September 12, 2024 P.C. meeting: since time was not available on the 8.22.2024 P.C. agenda following two lengthy public hearings, the cottage housing materials provided on 9.12.2024 are the same as those provided on 8.22.2024 and include sample language from other cottage housing codes for Cottage Floor Area, Yards, Building Separation, Common Open Space, and Private Open Space for the continued Cottage Housing discussion.

September 26, 2024 P.C. meeting: since time was not available on the 9.12.2024 P.C. agenda, the cottage housing materials provided on 9.26.2024 are the same as those provided on 8.22.2024 and 9.12.2026 and include sample language from other cottage housing codes for Cottage Floor Area, Yards, Building Separation, Common Open Space, and Private Open Space for the continued Cottage Housing discussion. *(Begin on page 17.)*

LEXINGTON ZONING ORDINANCE ARTICLE XI. Use and Design Standards §420-11.1. Residential Uses. 2. Cottage Housing

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A. PURPOSE AND INTENT.

Winchester, VA

The general purpose of the cottage housing development design standards are as follows:

- A cottage housing development is an alternative type of detached housing providing small residences that replicate the size, proportionality and character of craftsman-style homes built in the 1910's to 1930's, for households of typically one to two individuals. Cottage housing is provided as part of the city's overall housing strategy which intends to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.
- 2. The cottage housing development design standards contained in this article are intended to create a small community of cottages oriented around open space that is pedestrian-oriented and minimizes the visibility of off-street parking. These design standards are intended to ensure that cottage housing developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. The cottage housing development design standards are intended to maintain traditional cottage amenities and proportions and ensure that cottage housing developments contribute to the overall community character. Alternative designs that meet the objectives of the design standards may be reviewed through the conditional use permit process to accomplish the objectives of this article.
- 3. Cottage housing may allow higher residential density than is normally allowed in the underlying zoning district. This increased density is possible through the use of smaller than average dwelling unit sizes, clustered parking, and site design standards.
- 4. All cottage housing developments are subject to current city stormwater standards and shall incorporate stormwater low impact development techniques whenever possible.

Shoreline, WA

The purpose of this subchapter is to establish standards for cottage housing developments in R-4, R-6, R-8 and R-12 zones. All cottage housing developments shall meet the design standards contained in this subchapter. Standards that are not addressed in this subchapter will be supplemented by the standards in SMC 20.40.300 and the remainder of this chapter. In the event of a conflict, the standards of this subchapter shall prevail. The purposes of this subchapter are as follows:

- 1. To increase the supply and variety of housing choices available in the city to better meet the needs of residents, especially those in smaller households.
- 2. To encourage development of attractive infill residential communities that are compatible with other forms of low-density residential uses.
- 3. To enhance the aesthetic appeal of new cottage housing development by encouraging a variety of home sizes and heights, in an architecturally cohesive development.
- 4. To encourage site design which maximizes the preservation of existing large trees in order to provide habitat for wildlife, protect biodiversity, and enhance the environmental quality of the development.

- 5. To provide a site design that fosters community interaction, a sense of safety, and connection to the environment by orienting cottages around accessible, usable, common open space while reducing the dominance of vehicles on the site.
- To provide a cottage design that encourages community interaction through usable front porches while maintaining a resident's privacy within the home. (Ord. 984 § 1 (Exh. A), 2023).

Lexington, VA

The purpose of this subchapter is to establish standards for cottage housing developments. The cottage housing development design standards contained in this article are intended to create a small community of cottages oriented around open space that is pedestrian-oriented and minimizes the visibility of off-street parking. These design standards are intended to ensure that cottage housing developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. The cottage housing development design standards are intended to maintain traditional cottage amenities and proportions and ensure that cottage housing developments contribute to the overall community character. Alternative designs that meet the objectives of the design standards may be reviewed through the conditional use permit process to accomplish the objectives of this article. Cottage housing may allow higher residential density than is normally allowed in the underlying zoning district. This increased density is possible through the use of smaller than average dwelling unit sizes, clustered parking, and site design standards. The purposes of this subchapter are as follows:

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- 3. To enhance the aesthetic appeal of new cottage housing development by encouraging a variety of home sizes and heights, in an architecturally cohesive development.
- 4. To encourage site design which maximizes the preservation of existing large trees in order to provide habitat for wildlife, protect biodiversity, and enhance the environmental quality of the development.
- 5. To provide a site design that fosters community interaction, a sense of safety, and connection to the environment by orienting cottages around accessible, usable, common open space while reducing the dominance of vehicles on the site.
- 6. To provide a cottage design that encourages community interaction through usable front porches while maintaining a resident's privacy within the home.

B. APPLICABILITY, APPLICATION PROCESS, AND DESIGN REVIEW.

Winchester, VA

Applicability of this article, application procedure and the process for design review are pursuant to Article 18, General Provisions, and Article 19, Site Plan Requirements.

Abingdon, VA

Application process and design review. The application and review process are pursuant to Article **III**, Permits and Applications.

C. DENSITY, NUMBER OF COTTAGE HOUSING UNITS AND MINIMUM LOT AREA.

Winchester, VA

1. In cottage housing developments the permitted densities shall be as follows:

Zoning District	Maximum Cottage Density	Minimum Number of Cottages per Cottage Housing Development	Maximum number of Cottages per Cottage Housing Development	Minimum Lot Size (accommodates 4 cottages)
Central Business (B-1) and Residential Business (RB-1)	1 cottage dwelling per 2,000 sf	4	8	8,000 sf
High Density Residential (HR)	1 cottage dwelling per 2,000 sf	4	10	8,000 sf
Limited High Density Residential (HR-1)	1 cottage dwelling per 2,800 sf	4	10	11,200 sf
Medium Density Residential (MR)	1 cottage dwelling per 2,800 sf	4	12	11,200 sf

2. Projects that exceed the above maximums must be processed as planned unit developments per Article 13 of the Winchester Zoning Ordinance.

Table 7.2.13 Cottage Housing Development Requirements				
Zoning District	Maximum Density	Minimum Number/Density of Cottages per Development	Maximum Number/Density of Cottages per Development	Minimum Lot Size
Limited Business (B-1) and General Business (B-2)	1 cottage per 4,000 square feet	4	8 cottages per acre	2 acres
High-Density Residential (R-3), Mixed Residential (R-4), and Mixed High-Density Residential (R-5)	1 cottage per 4,000 square feet	4	8 cottages per acre	2 acres

Cottage housing developments shall adhere to the requirements of Table 7.2.13

Notes for Table 7.2.12 Cottage Housing Development Requirements

[1] The densities set forth may be increased in accordance with the open space and lowincome incentives set forth in Article V, Division 5, Planned Unit Development.

Falls Church, VA

Zoning District	Maximum Cottage Density	Minimum Number of Cottages per Cottage Housing Development	Maximum number of Cottages per Cottage Housing Development	Minimum Lot Size (accommodates 9 cottages)
R-1A (Low Density Residential District	parcel s.f. ÷ 10,000 x 2	(none)	18	45,000 sf

Port Townsend, WA

Zoning District	Maximum Cottage Density	Minimum Number of Cottages per Cottage Housing Development	Maximum number of Cottages per Cottage Housing Development	Minimum Lot Size (accommodates 4 cottages)
R-I Low Density Residential	1 cottage dwelling per 5,000 sf	4	8	20,000 sf
R-II Medium Density Single- Family	1 cottage dwelling per 2,500 sf	4	12	10,000 sf
R-III Medium Density Multifamily	1 cottage dwelling per 2,500 sf	4	14	10,000 sf

Lexington, VA (to be completed)

Zoning District	Maximum Cottage Density	Minimum Number of Cottages per Cottage Housing Development	Maximum number of Cottages per Cottage Housing Development	Minimum Lot Size (accommodates 5 <u>4</u> cottages)
R-1	1 SFD w/ADU per 8,000 sf		1 or 2 dwellings	8,000 sf (accommodates 1-2 dwellings)
R-1 2 family dwelling	1 two-family dwelling w/ADU per 12,000 sf		2 or 3 dwellings	12,000 sf (accommodates 1-3 dwellings)
R-1 cottages	Single family x 2.5 or 1 cottage per 3,200 sf	4	12	<u>20,800 sf</u> (3,200 sf x 5 x 1.3) (4 units + 3,200 sf for open space and parking)
R-2 cottages	Single family x 2 or 1 cottage per 6,000 sf	4	12	<u>39,000 sf</u> (<u>6,000 sf x 5 x 1.3)</u> (<u>4 units + 6,000 sf for</u> <u>open space and</u> <u>parking</u>
R-LC (?) cottages	Single family x 2.5 or 1 cottage per 3,200 sf	4	12	<u>20,800 sf</u> (<u>3,200 sf x 5 x 1.3)</u> (<u>4 units + 3,200 sf for</u> <u>open space and</u> <u>parking)</u>
R-M cottages	Townhouses 2,400 sf per unit or 1 cottage per 2,000 sf	4	18	

D. EXISTING NONCONFORMING STRUCTURES AND ACCESSORY TWO-FAMILY DWELLING UNITS.

Winchester, VA

- 1. On a lot to be used for a cottage housing development, an existing detached singlefamily dwelling, which may be nonconforming with respect to the standards of this article, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
 - a. Nonconforming dwelling units may be modified to be more consistent with this article. For example, roof pitches may be increased consistent with Section 13.1-5, but the building ground floor or total floor area may not be increased greater than permitted by Section 13.1-11.
- New accessory two-family dwelling units are not permitted in cottage housing developments. All residential units in a cottage housing development count towards the maximum permitted density. An existing accessory two-family dwelling may be counted as a cottage unit if the property is developed subject to the provisions of this article.

Abingdon, VA

- d) Existing nonconforming structures.
 - (1) On a lot to be used for a cottage housing development, an existing detached single family dwelling, which may be nonconforming with respect to the standards of this article, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
 - (2) All residential units in a cottage housing development count towards the maximum permitted density.

Port Townsend, WA

- 17.34.040 Existing nonconforming structures and accessory dwelling units.
- A. On a lot to be used for a cottage housing development, an existing detached single family dwelling, which may be nonconforming with respect to the standards of this article, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
 - Nonconforming dwelling units may be modified to be more consistent with this chapter. For example, roof pitches may be increased consistent with PTMC 17.34.050, but the building ground floor or total floor area may not be increased greater than permitted by PTMC 17.34.110.

(staff notes that PTMC 17.34.050 is the section of the Port Townsend cottage housing code regulating building height and roof pitch, while PTMC 17.34.110 is the section of the cottage housing code regulating cottage floor area.)

Lexington, VA (based on Winchester, VA)

1. On a lot to be used for a cottage housing development, an existing detached singlefamily dwelling, which may be nonconforming with respect to the standards of this article, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

- a. Nonconforming dwelling units may be modified to be more consistent with this article. For example, roof pitches may be increased consistent with Section 13.1-5, but the building ground floor or total floor area may not be increased greater than permitted by Section 13.1-11.
- 2. All residential units in a cottage housing development count towards the maximum permitted density. An existing accessory dwelling unit may be counted as a cottage unit if the property is developed subject to the provisions of this article. New accessory dwelling units are not permitted in cottage housing developments. (note restate this last sentence to a more appropriate section of this draft code)

E. BUILDING HEIGHT.

Winchester, VA

- Objective. Structures in cottage housing developments shall be designed to be singlestory or single-story plus a loft. Because the base density is higher and building separation less than on typical residential lots, it is important to maintain a feeling of adequate light and open space by providing more restrictive maximum roof heights and roof proportion standards.
 - a. The maximum roof pitch for a cottage housing structure shall be 12/12, and the minimum roof pitch shall be 8/12.
 - b. Maximum floor to floor height for lofts shall not exceed 10'-0".

Falls Church, VA

(5) No building in the proposed development will exceed 1 ½ stories or be more than 25 feet in height. No basement or crawl space with an average floor to ceiling height of more than 4 ½ feet in height will be permitted.

(The Falls Church definition of half story is: *Story, half, means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior sides are not more than two feet above the floor of such story; provided that any such story used as a separate dwelling unit, other than by a janitor or other employee and his family, shall be counted as a full story.* (See illustration 3 at the end of this section.)

Town of Abingdon, VA

(e) Maximum building height is 25 feet.

Town of Vienna, VA

Building height is 28 feet maximum.

Shoreline, WA

Height. Cottages are limited to a maximum height of 24 feet.

Port Townsend, WA

17.34.050 Building height.

- A. Objective. Structures in cottage housing developments shall be designed to be single story or single story plus a loft. Because the base density is higher and building separation less than on typical residential lots, it is important to maintain a feeling of adequate light and open space by providing more restrictive maximum roof heights and roof proportion standards.
 - 1. The maximum building height permitted for structures in cottage housing developments shall be 18 feet.
 - 2. The highest point of a pitched roof may extend up to 23 feet.

Lexington, VA

No building in the proposed development will exceed 2 stories nor be more than 25 feet in height.

F. VARIATIONS IN BUILDING DESIGN.

Winchester, VA

- Objective. Cottage housing development structures shall provide variety and visual interest by using a combination of building elements, features and treatments in cottages as well as garages. Structures must include building articulation, change in materials or textures, windows, or other architectural features. A minimum of at least one side articulation or roof break shall occur for street-facing facades or common open spaces or walkways to the common open spaces. No blank walls are allowed.
 - a. Exterior trim elements consistent with traditional cottage design and small home craftsmanship reminiscent of craftsman-style houses of 1910's to 1930's shall be incorporated into the building design and overall character.
 - Roofs in cottage housing developments shall have eaves to recognize traditional cottage design traits to efficiently shed rain, and provide rain protection for exterior walls. Eaves of at least 12 inches shall be provided on all cottage structures on all four sides of each building.
 - c. Changes in materials in a vertical wall shall occur at an internal corner or a logical transition such as aligning with a window edge or chimney.
 - d. Transition in materials on a wall surface, such as shingle or lap siding, shall be required to have a material separation, such as a trim band board.
 - e. Exterior wall material may consist of wood, cement fiber board, stucco, standard sized brick and stone. Simulated stone, wood, stone or brick may be used to detail homes.
 - f. Trim may be wood, cement fiberboard, stucco, or stone materials. Trim is required around all doors and windows and must be used on all elevations. Window and door

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trim with a minimum width of three and one-half inches shall be provided on all cottage housing development structures.

g. Departures from these standards shall be reviewed through the alternative design review process. Alternative designs shall demonstrate a coherent cottage housing design based upon traditional design principles including weather protection.

Falls Church, VA

- (9) The proposed development will provide a variety of building designs through building elements, features and treatments. The following building design requirements must be met, at a minimum:
 - a. Each dwelling unit shall have a porch with a length that is at least 50 percent of the length of the façade along which it runs and a minimum depth out from that wall of five feet. Porches may be roofed and screened, but shall not be enclosed by walls or glass windows.
 - b. Street facing facades and those facing common or community areas shall avoid blank walls and incorporate one or more of the following:
 - 1. Changes in exterior material and paint color;
 - 2. Windows which may include bay windows; and/or
 - 3. Building modulation with a depth measuring at least one foot.
- (10) Units and other buildings shall be oriented toward each other or a common area as far as reasonably practicable so as to create a sense of community.

Port Townsend, WA

17.34.060 Exterior trim and roof eaves.

A. Objective. Cottage housing development structures shall be provided with substantial exterior trim elements consistent with traditional northwest cottage design and small home craftsmanship. Roofs in cottage housing developments shall have eaves to recognize traditional northwest cottage design traits to efficiently shed rain, and provide rain protection for exterior walls. Departures from these standards (exterior trim and eave requirements) shall be reviewed through the alternative design review process. Alternative exterior trim and eave designs shall demonstrate a coherent cottage housing design based upon traditional design principles including weather protection.

1. Window and door trim with a minimum width of three and one-half inches shall be provided on all cottage housing developments structures.

2. Eaves of at least 12 inches shall be provided on all cottage structures on at least two sides of each building. Where buildings are not square (one set of exterior parallel walls are longer than the other), the eaves shall be provided on the parallel walls that are the longest. (Ord. 2864 § 3, 2004).

Shoreline, WA 20.50.730 Building design – Standards.

- C. Cottage Variety.
 - 1. Architectural techniques to create a variety of cottage designs are required. A development shall select a minimum of three techniques to diversify cottages, including but not limited to: windows, articulation, variation, trim, and varied rooflines. Other architectural features may be considered by the city if the design meets the purpose of this subchapter in SMC 20.50.700.
 - Cottages with identical architectural designs shall not be placed directly adjacent to one another and shall be separated by at least one other nonidentical cottage. Variation in materials or colors between adjacent cottages is required to create distinct cottages within a development. (Ord. 984 § 1 (Exh. A), 2023).

Abingdon, VA

Section 7-2-13 - Cottage housing development.

- (f) Variations in building design. Cottage housing development structures shall provide variety and visual interest by using a combination of building elements, features and treatments in cottages as well as garages.
 - (1) Structures must include building articulation, change in materials or textures, windows, or other architectural features. A minimum of at least one side articulation or roof break shall occur for street-facing facades or common open spaces or walkways to the common open spaces. No blank walls are allowed.
 - (2) Designs shall demonstrate a coherent cottage housing design based upon traditional design principles including weather protection.
 - (3) Exterior wall material may consist of wood, cement fiber board, stucco, brick and stone. Simulated stone, wood, stone or brick may be used to detail homes. Trim may be wood, cement fiberboard, stucco, brick, or stone materials.
 - (4) Departures from these standards shall be reviewed through an alternative design review process, defined as a process that conforms to the intent of the provisions of the code, but not necessarily the letter of the code, and provides an equivalent level of quality, strength, effectiveness, fire resistance, durability, and safety.

G. COVERED MAIN ENTRY PORCHES.

Winchester, VA

- Objective. All residences in cottage housing developments shall be provided with a covered main entry porch to create a private outdoor space protected from the weather and provide a transition from the interior private residential space to the semi-private outdoor space. Covered porches shall be usable both in design and dimension.
 - a. Cottage homes shall have a covered main entry porch with a floor area measuring at least 60 square feet in size.
 - b. The floor of the covered main entry porch shall have minimum dimensions of not less than five feet in any direction (length or width).

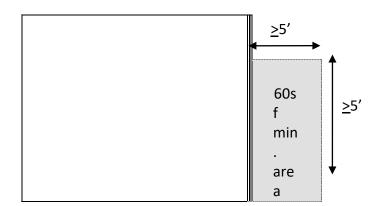


Diagram 13.1-7.

Port Townsend, WA

17.34.070 Covered main entry porches.

A. Objective. All residences in cottage housing developments shall be provided with a covered main entry porch to create a private outdoor space protected from the weather and provide a transition from the interior private residential space to the semi-private outdoor space. Covered porches shall be usable both in design and dimension.

1. Cottage homes shall have a covered main entry porch with a floor area measuring at least 60 square feet in size.

2. The floor of the covered main entry porch shall have minimum dimensions of not less than five feet in any direction (length or width). (Ord. 2864 § 3, 2004).

Abingdon, VA

Section 7-2-13 - Cottage housing development.

- (g) Covered main entry porches. All residences in cottage housing developments shall be provided with a covered main entry porch to create a private outdoor space protected from the weather and provide a transition from the interior private residential space to the semi-private outdoor space.
 - (1) Covered porches shall be usable both in design and dimension.
 - (2) The floor of the covered main entry porch shall have minimum dimensions of not less than five feet in any direction (length or width) and measuring at least 60 square feet in area.

Shoreline, WA

20.50.720 Site design – Standards.

- G. Private Open Space.
 - 3. Porches.
 - a. Each cottage shall have a covered front porch which equals no less than 10 percent of the total gross floor area of the cottage.
 - b. All required porches shall be attached to the cottage, provide access to the cottage, and have a minimum lineal dimension of six feet.
 - c. Porches shall be oriented toward the common open space, or right-of-way.

H. STREET-FACING FACADES.

Winchester, VA

- Objective. The street-facing facades of cottages in a cottage housing development will contribute to the neighborhood by including attractive design details such as windows, changes in materials, and views of front doors or porches. The main entries of some cottages will be visible from the adjacent streets to provide a visual pedestrian connection with the surrounding neighborhood.
 - a. All cottages shall have street-facing facades that avoid blank walls or appear to "turn their backs" to the street. All cottages shall include one or more of the following on street-facing facades:
 - i. Changes in exterior siding material and paint color;

- ii. Windows which may include bay windows; and/or
- iii. Building modulation with a depth measuring at least one foot.
- b. At least one cottage shall have its front main entry door and/or front porches visible from each street frontage.

Winchester, VA

?. LOT COVERAGE AREA.

- 1. Objective. Cottage housing developments shall not exceed underlying lot coverage standards for the respective zoning district to maintain residential neighborhood character and the balance of built structures to open spaces.
 - a. Notwithstanding the provisions of Section 13.1-13, Common Open Space, the maximum lot coverage permitted for all structures in cottage housing developments shall not exceed the requirements for the underlying zoning district contained in Article 19, Section 19-5-6.1.
 - b. The use of paver stones, pervious pavement, grasscrete[®], or other types of low impact stormwater development techniques are encouraged for walkways and parking <u>areas</u>.



Example of grasscrete pavers in plan view

Table 13.1-9.

Zoning District	Minimum Landscape Requirement
Residentially-zoned Parcels within HW District	30%
Residentially-zoned Parcels <u>NOT</u> within HW District	45%

Continue with 9.12.2024

P.C. discussion here

Winchester, VA

- Objective. Structures in cottage housing developments shall be designed to be single story or single story plus a loft. Residences in cottage housing developments are primarily intended for one- and two-person households and their occasional guests. Maintaining the maximum square footage of residences in cottage housing developments is necessary to prevent overbuilding of the site and to not exceed available off-street parking.
 - a. The maximum ground floor gross area for an individual principal structure in a cottage housing development shall not exceed 864 square feet.
 - b. Lofts can be no more than 50 percent of the net floor area of the main level.

Falls Church, VA

(4) Dwelling units shall be detached, except that two dwelling units in any proposed cottage development may be constructed as semi-detached, after city council finds that including such semi-detached units will better serve the purposes of cottage development as set forth above. <u>Every dwelling unit shall have a maximum gross floor area of 1,000 square</u> <u>feet on the main level and may include one upper level of no more than 50 percent of gross</u> <u>floor area of main level. The square feet of required porches shall not be included in the floor area calculation.</u>

Abingdon, VA

- (h) Floor area. Structures in cottage housing developments shall be designed to be single story or single story plus a loft.
 - (1) The maximum ground floor gross area for an individual principal structure in a cottage housing development shall not exceed 1,000 square feet.
 - (2) The maximum total square footage for an individual principal structure in a cottage housing development shall not exceed 1,500 square feet.
 - (3) The minimum total square footage for an individual principal structure in a cottage housing development shall not be less than 800 square feet.
 - (4) Expansions of square footage above what is provided above shall not be allowed and the covenants, conditions, and restrictions of the development shall state such.

Vienna, VA

Unit Size

u	Unit Size -	1,800 sq. ft. max.
	Building footprint -	1,200 sq. ft. max.

C. Lot Coverage and Floor Area.

- 1. The maximum lot coverage permitted for principal and accessory structures in CHD shall not exceed 40 percent.
- 2. The maximum first floor or main floor area for an individual principal structure in a CHD shall be as follows:

a. For at least 50 percent of the units, floor area shall not exceed 650 square feet;

b. For no more than 50 percent of the units, the floor area may be up to 800 square feet.

3. The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or 975 square feet, whichever is less.

Shoreline, WA

- B. Cottage Size. When a development contains five or more cottages:
 - 1. At least 60 percent of the gross floor area of a cottage shall be on the ground floor.
 - 2. A minimum of 20 percent of cottages shall vary at least 250 square feet above or below the average gross square footage of cottages in the development.
 - 3. A minimum of 20 percent of all cottages within a development shall not exceed 15 feet in height.
 - 4. Cottages that exceed 15 feet in height shall have a pitched roofline. The roofline may not exceed the maximum height permitted and must be between a 12:6 and 12:12 pitch. Dormers must also meet this pitch requirement.

Port Townsend, WA

17.34.110 Cottage floor area.

A. Objective. Structures in cottage housing developments shall be designed to be single story or single story plus a loft. Residences in cottage housing developments are primarily intended for one- and two-person households and their occasional guests. Maintaining the maximum square footage of residences in cottage housing developments is necessary to prevent overbuilding of the site and to not exceed available off-street parking.

1. The maximum ground floor area for an individual principal structure in a cottage housing development shall be as follows:

- a. For at least 50 percent of the units, the ground floor area may not exceed 650 square feet.
- b. For no more than 50 percent of the units, the ground floor area may be up to 800 square feet.
- c. The net total floor area of each cottage shall not exceed one and one-half times the area of the main level. (Ord. 2864 § 3, 2004).

J. YARDS – BUILDING SETBACKS FROM EXTERIOR LOT LINES.

Winchester, VA

 Objective. Exterior lot line building setbacks in cottage housing developments are based upon the allowed density of cottage housing as well as the small size of the structures. Flexible setbacks are allowed per the discretion of the Building Official and Planning Director to obtain improved site design and to avoid impacting existing physical features on the site such as trees.

Table 13.1-11.

	Front	Corner-Side	Side	Rear
Building Setback	10′	10'	5'	10'*

*-The minimum rear yard shall be 10 feet, unless abutting an alley, in which case, the minimum setback shall be 5 feet.

Falls Church, VA

- (14) Minimum yard requirements.
 - b. For dwellings units and community buildings (i.e., community guest houses, club houses): 20 feet from a public right-of-way, ten feet from a side property line, 20 feet from a rear property line; provided however, that where the cottage housing development site is adjacent to a residential zoning district, side yard setbacks for dwelling units or community buildings shall be increased from ten to 15 feet to provide sufficient space for the landscape buffer. Semi-detached dwelling units shall be treated as one structure for the purpose of establishing minimum yard requirements. Distances between dwelling and structures shall meet all applicable requirements in fire and life safety codes.

Abingdon, VA

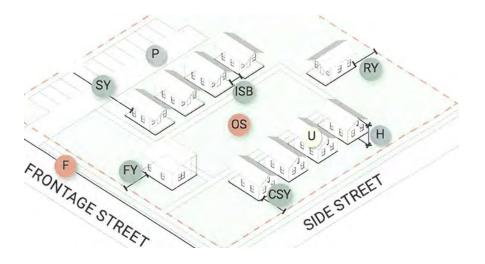
(i) Setbacks. Exterior lot line building setbacks in cottage housing developments shall be the same as the underlying zoning district unless a variance is approved by the Planning Commission as

part of the SUP. (A Special Use Permit in Abingdon is analogous to a Conditional Use Permit in Lexington).

Vienna, VA

Building Placement Standards

FY	Front Yard Setback	20 ft. min. from front property line
SY	Side Yard Setback	15 ft. min. each side
RY	Rear Yard Setback	20 ft. min.
CSY	Corner Side Yard Setback	20 ft. min.
ISB	Internal Setbacks Between Buildings on same Lot	Minimum required by Virginia Uniform Statewide Building Code



Langley, WA

D. Yards.

- 1. Front Yards. The front yard shall be an average of 10 feet and at no point shall be less than five feet.
- 2. Rear Yards. The minimum rear yard shall be 10 feet.
- 3. Side Yards. The minimum required side yard shall be five feet.

Shoreline, WA

Same as Base Zoning district.

Port Townsend, WA

17.34.120 Yards – Building setbacks from exterior lot lines.

A. Objective. Exterior lot line building setbacks in cottage housing developments are based upon setbacks in the R-II zoning district. These yard setbacks are appropriate based upon the allowed density of cottage housing as well as the small size of the structures. Flexible setbacks are allowed per the discretion of the BCD and public works directors to obtain Prepared by the City of Lexington Department of Planning and Development for the September 26, 2024 Planning Commission Meeting improved site design and to avoid impacting existing physical features on the site such as trees.

- 1. Front yard and street side yard on corner lots shall be 10 feet:
 - a. Exception: The BCD director in consultation with the public works director may authorize the setback averaging from the public right-of-way. In such cases the setback average shall be 10 feet and at no point less than five feet where the location of all structures, landscaping and other improvements will not conflict with future improvements in the right-of-way. Fences may not be placed in the right-of-way and are subject to Chapter <u>17.68</u> PTMC.
- 2. Rear Yard Building Setback. The minimum rear yard shall be 10 feet, unless abutting an alley, then the minimum setback shall be five feet.
- 3. Side Yard Building Setback Interior Lot Lines. The minimum side yard setback shall be five feet for interior lot lines. (Ord. 2864 § 3, 2004).

K. COTTAGE HOUSING DEVELOPMENT BUILDING SEPARATION.

Winchester, VA

- 1. Objective. Structures within cottage housing developments shall observe minimum setbacks from other cottage housing development structures to avoid overcrowding the site and to maintain a sense of privacy within the cottages themselves.
 - a. All buildings within a cottage housing development shall maintain a minimum separation of 12 feet from cottages within a cottage housing development measured from the nearest point of the exterior walls. Accessory buildings shall comply with building code requirements for separation from non-cottage structures.

Falls Church, VA

- (14) Minimum yard requirements.
 - b. For dwellings units and community buildings (i.e., community guest houses, club houses): 20 feet from a public right-of-way, ten feet from a side property line, 20 feet from a rear property line; provided however, that where the cottage housing development site is adjacent to a residential zoning district, side vard setbacks for dwelling units or community buildings shall be increased from ten to 15 feet to provide sufficient space for the landscape buffer. Semi-detached dwelling units shall be treated as one structure for the purpose of establishing minimum yard requirements. Distances between dwelling and structures shall meet all applicable requirements in fire and life safety codes.

Abingdon, VA

- (j) Building separation. Structures within cottage housing developments shall observe minimum setbacks from other cottage housing development structures to avoid overcrowding the site and to maintain a sense of privacy within the cottages themselves.
 - (1) All buildings within a cottage housing development shall maintain a minimum separation of 12 feet from cottages within a cottage housing development measured from the nearest point of the exterior walls.
 - (2) Accessory buildings shall comply with building code requirements for separation from noncottage structures.

Vienna, VA

Internal Setbacks between Buildings on Same Lot – Minimum required by Virginia Uniform Statewide Building Code.

Shoreline, WA

A. Setbacks.

1. The building-to-building setback between units shall be a minimum of eight feet except for those units that are attached by common vertical walls.

Port Townsend, WA

17.34.130 Cottage housing development building separation.

A. Objective. Structures within cottage housing developments shall observe minimum setbacks from other cottage housing development structures to avoid overcrowding the site and to maintain a sense of privacy within the cottages themselves.

 All buildings within a cottage housing development shall maintain a minimum separation of 10 feet from cottages within a cottage housing development measured from the nearest point of the exterior walls. Accessory buildings shall comply with building code requirements for separation from noncottage structures. (Ord. 2864 § 3, 2004).

L. COMMON OPEN SPACE.

Winchester, VA

- Objective. Open space that is commonly owned by all members of a cottage housing development is an important feature of any site design. It is intended that the open space be adequately sized and centrally located with individual cottage entrances oriented towards the open space.
 - a. Common Open Space. A minimum of 400 square feet per cottage unit of common

open space is required. Parking areas, yard setbacks, spaces between buildings of 12 feet or less in width, private open space, and driveways do not qualify as common open space.

- b. Proximity to Common Open Space.
 - i. At least 50 percent of the cottage units shall abut a common open space. All of the cottage units shall be within 60 feet walking distance measured from the nearest entrance of the cottage along the shortest safe walking route to the nearest point of the common open space. The common open space shall have cottages abutting at least two sides.
 - ii. For the purposes of cottage housing, "common open space" shall be the central space that may be used by all occupants of the cottage housing development.

Falls Church, VA

- (11) The proposed development shall provide community amenities for use by all residents in the development, as follows:
 - a. A minimum of 400 square feet of common open space per dwelling unit is required. Parking areas, yard setbacks, spaces between buildings of 12 feet or less in width, private open space, and driveways do not qualify as common open space.
 - b. If the proposed development includes a guest house, club house or similar structure ("community building"), such community building shall be available for the common use of all residents within the development. Community buildings may include a meeting room, guest room (which shall not include the kitchen facilities) for stays of 14 days or less, or kitchen facilities to facilitate social functions of the association owners. A community building that is available to all residents shall not be counted as a dwelling unit and no guest staying there shall be a city resident by virtue of staying there.
 - c. The proposed development shall have sidewalks along all public streets adjacent to the development where sidewalks presently exist on the same side of the block or where safety considerations such as significant vehicular traffic or the need for safe pedestrian pathways to nearby public uses require them, such as schools, churches, parks, public transportation stops, and shopping; and a system of interior walkways that connects each cottage to the others and the parking area, and to the sidewalks abutting adjacent public streets, where applicable.

Abingdon, VA

(k) Common open space. For the purposes of cottage housing, "common open space" shall be the central space that may be used by all occupants of the cottage housing development. Open space that is commonly owned by all members of a cottage housing development is an important feature of any site design. It is intended that the open space be adequately sized and centrally located with individual cottage entrances oriented towards the open space.

- (1) A minimum of 400 square feet per cottage unit of common open space is required. Parking areas, yard setbacks, spaces between buildings of 12 feet or less in width, private open space, and driveways do not qualify as common open space.
- (2) At least 50% of the cottage units shall abut a common open space.
- (3) The common open space shall be overlaid with an easement protecting said area in perpetuity from further development and shall not include slopes greater than 15%, streets, or parking areas.

Vienna, VA

OS Open Space Set Aside Per Development - 40%

Langley, WA

E. Required Open Space.

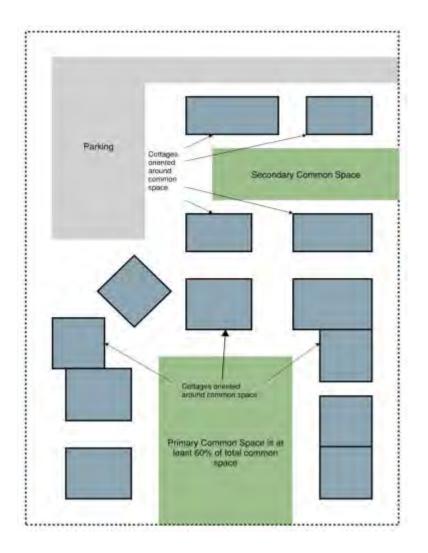
1. A minimum of 400 square feet per unit of common open space is required.

2. At least 50 percent of the cottage unit shall abut the common open space, all of the cottage units shall be within 60 feet walking distance of the common open space, and the common open space shall have cottages abutting at least two sides.

Shoreline, WA

- H. Common Open Space.
 - 1. A cottage development shall provide a minimum of 250 square feet of common open space per cottage.
 - 2. Common open space shall serve as a focal point for the development, be landscaped, and provide usable open space for recreation and community activities for the development.
 - a. Common open spaces may be comprised of lawns, gardens, plazas, trees, or similar features.
 - b. Common open spaces may include seating areas.
 - c. Covered but unenclosed permanent structures such as gazebos may count as both common open space and as a required amenity.
 - d. Common open space shall be designed and located to protect existing stands of trees. See SMC 20.50.760, Tree preservation incentives.
 - i. The dripline of on-site significant trees greater than 24 inches DBH can count as common open space area on a per-square-foot basis.
 - e. Common open space areas shall be a maximum of 60 percent lawn area. For the purposes of this subsection lawn area is an open space covered with soil and planted with grass which is cut regularly.

- f. A minimum of 10 percent of the common open space area shall be dedicated as pollinator habitat.
 - i. If at least 20 percent of the required common open space is dedicated as pollinator habitat it may count as a required amenity.
- 3. Accessibility.
 - a. Common open space shall be located and made accessible to all residents of the cottage housing development.
 - b. Common open space shall be connected to other areas of the development through on-site pedestrian pathways.
- 4. Dimensional Requirements.
 - a. No space with any dimension less than 20 linear feet or an area of less than 500 square feet shall count towards common open space requirements, except that the drip line area of a significant tree greater than 24 inches DBH that is providing common open space is not subject to these standards.
 - b. Required perimeter landscaping shall not count towards common open space.
 - c. For developments with a minimum of eight cottages, common open space is permitted to be separated into smaller areas, subject to the following:
 - i. Total common open space and dimensional requirements of this subchapter are satisfied. A separate common area is permitted for every four cottages. There shall be a primary common open space that comprises a minimum of 60 percent of the total common open space area.



Port Townsend, WA

17.34.140 Common open space.

A. Objective. Open space that is commonly owned by all members of a cottage housing development is an important feature of any site design. It is intended that the open space be adequately sized and centrally located with individual cottage entrances oriented towards the open space.

- Common Open Space. A minimum of 400 square feet per cottage unit of common open space is required. Parking areas, yard setbacks, spaces between buildings of 10 feet or less in width, private open space, and driveways do not qualify as common open space.
- 2. Proximity to Common Open Space.

- a. At least 50 percent of the cottage units shall abut a common open space, all of the cottage units shall be within 60 feet walking distance measured from the nearest entrance of the cottage along the shortest safe walking route to the nearest point of the common open space. The common open space shall have cottages abutting at least two sides.
- b. For the purposes of cottage housing, "common open space" shall be the central space that may be used by all occupants of the cottage complex. (Ord. 2864 § 3, 2004).

M. PRIVATE OPEN SPACE.

Winchester, VA

- Objective. Each residential unit in a cottage housing development shall be provided an area of private open space. The private open space shall separate the main entrance to the cottage from the common open space to create a sense of privacy and shall be oriented to take advantage of solar orientation and other natural features to create a small but pleasant private yard area. The private open space may be separated from the common open space with a small hedge, picket fence, or other similar visual separation to create a sense of separate ownership.
 - a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private open space separated from the common open space by a hedge or fence not to exceed 36 inches in height.
 - b. No dimension of the private open space shall be less than 8 feet.

Abingdon, VA

- (I) Private open space. Each residential unit in a cottage housing development shall be provided an area of private open space. The private open space shall separate the main entrance to the cottage from the common open space to create a sense of privacy to create a small but pleasant private yard area. The private open space may be separated from the common open space with a small hedge, picket fence, or other similar visual separation to create a sense of separate ownership.
 - (1) Each cottage unit shall be provided with a minimum of 200 square feet of usable private open space separated from the common open space by a hedge or fence not to exceed 36 inches in height.
 - (2) No dimension of the private open space shall be less than eight feet.

Shoreline, WA

Private Open Space.

- 1. Each cottage shall be provided private open space. Private open space shall be directly contiguous to and accessed from each cottage.
- 2. Dimensional Requirements.
 - a. Each cottage shall be provided with no less than 300 square feet of private open space.
 - b. No open space with a dimension less than six linear feet shall count towards private open space requirements.
 - c. Required porch areas may be counted as private open space.
 - d. Required perimeter landscaping shall not be counted as private open space.
- 3. Porches.
 - a. Each cottage shall have a covered front porch which equals no less than 10 percent of the total gross floor area of the cottage.
 - b. All required porches shall be attached to the cottage, provide access to the cottage, and have a minimum lineal dimension of six feet.
 - c. Porches shall be oriented toward the common open space, or right-of-way.

Port Townsend, WA

17.34.150 Private open space.

A. Objective. Each residential unit in a cottage housing development shall be provided an area of private open space. The private open space shall separate the main entrance to the cottage from the common open space to create a sense of privacy and shall be oriented to take advantage of solar orientation and other natural features to create a small but pleasant private yard area. The private open space may be separated from the common open space with a small hedge, picket fence, or other similar visual separation to create a sense of separate ownership.

- 1. Each cottage unit shall be provided with a minimum of 200 square feet of usable private open space separated from the common open space by a hedge or fence not to exceed 36 inches in height.
- 2. No dimension of the private open space shall be less than eight feet. (Ord. 2864 § 3, 2004).

N. TREE CONSERVATION.

Winchester, VA

- Objective. Cottage housing developments shall be designed to incorporate existing trees to the extent possible. New trees shall be located to create amenities in the common open space, private open space, provide shade where appropriate, to create separation between buildings when desired, and to screen and soften the perimeter of parking areas and street facing sides of cottage housing developments.
 - a. Preservation of existing trees, and/or new trees, shall be provided consistent with the standards for landscaping and tree preservation as identified within Sections 19-5-6 and 19-5-7 of this Ordinance. Native trees and other vegetation shall be preserved to the extent possible and the overall site design shall take advantage of the location of existing trees as well as natural openings or clearings on forested sites.

Falls Church, VA

(12) The cottage housing development shall comply with zoning ordinance sections 48-1147 and 48-1149 or provide similar assurance, approved by city council, that the site and all landscape will be maintained. <u>The development shall also comply with section</u> <u>48-1180 for tree canopy coverage.</u>

Shoreline, WA

20.50.700 Purpose.

The purpose of this subchapter is to establish standards for cottage housing developments in R-4, R-6, R-8 and R-12 zones. <u>All cottage housing developments shall meet the design standards</u> <u>contained in this subchapter</u>. Standards that are not addressed in this subchapter will be supplemented by the standards in SMC <u>20.40.300</u> and the remainder of this chapter. In the event of a conflict, the standards of this subchapter shall prevail. The purposes of this subchapter are as follows:

D. To encourage site design which maximizes the preservation of existing large trees in order to provide habitat for wildlife, protect biodiversity, and enhance the environmental quality of the development.

Port Townsend, WA

17.34.160 Tree conservation.

A. Objective. Cottage housing developments shall be designed to incorporate existing trees to the extent possible. New trees shall be located to create amenities in the common open space, private open space, provide shade where appropriate, to create separation between buildings when desired, and to screen and soften the perimeter of parking areas and street facing sides of cottage housing developments.

1. Preservation of existing trees, and/or new trees, shall be provided consistent with Chapter <u>19.06</u> PTMC, Article III, Standards for Tree Conservation. Native trees and Prepared by the City of Lexington Department of Planning and Development for the September 26, 2024 Planning Commission Meeting other vegetation shall be preserved to the extent possible and the overall site design shall take advantage of the location of existing trees as well as natural openings or clearings on forested sites. (Ord. 2864 § 3, 2004).

O. STORMWATER LOW IMPACT DEVELOPMENT TECHNIQUES.

Winchester, VA

- 1. Objective. Cottage housing developments shall be designed to take advantage of open space and landscaped features to utilize stormwater low impact development techniques including natural filtration and on-site infiltration of stormwater.
 - a. Low impact development techniques for stormwater management shall be used wherever possible. Such techniques may include the use of pervious pavers in parking areas and for walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and the use of rain barrels.
 - b. Cottages should be located so as to maximize natural stormwater functions.
 Cottages shall be clustered and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as possible.

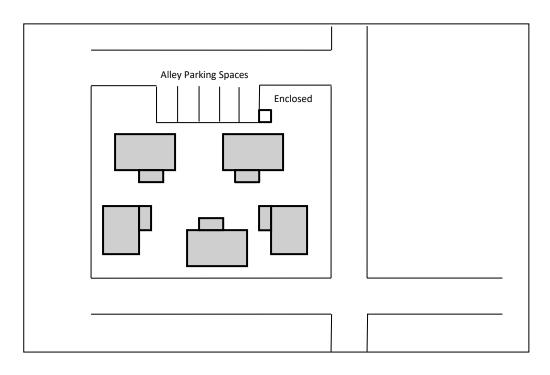
P. OFF-STREET PARKING.

Winchester, VA

- 1. Objective. Off-street parking space requirements for cottage housing developments shall be consistent with Section 18-6-5 of this Ordinance. Off-street parking shall be located and designed to be less visible from frontage streets than the cottages themselves. Off-street parking shall be designed to maintain a pedestrian character for the overall cottage housing development. Clustering parking to the side or rear of a cottage project will most often best accomplish these goals. However, on a site-specific basis, design solutions other than clustering may be found to meet this objective through the alternative design process. Parking areas shall be attractively landscaped to screen parking from adjacent properties and public rights-of-way and shall meet applicable parking lot landscape standards, as provided for within this article and Article 19 of this Ordinance.
 - a. Off-Street Parking Location. Parking shall be located on the cottage housing development property. Off-street parking lots shall be located to the side or rear of the cottage housing development (see illustrations below). Parking lots shall not be located between the cottage housing development and the primary street frontage.
 - i. Off-Street Parking Screening. Off-street parking may be located in or under a noncottage parking structure (such as a single or multi-auto carport or garage), but such structures shall not be attached to individual cottages. Uncovered parking is also permitted; provided, that off-street parking shall be screened from direct Prepared by the City of Lexington Department of Planning and Development for the September 26, 2024 Planning Commission Meeting

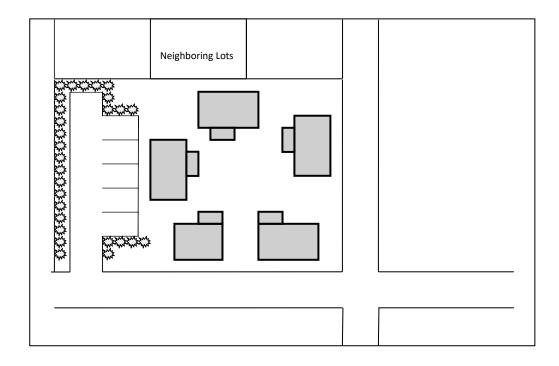
street view from one or more street facades by garage doors, or by a fence and landscaping.

ii. Preferred locations for parking, in descending order of preference, are as follows:

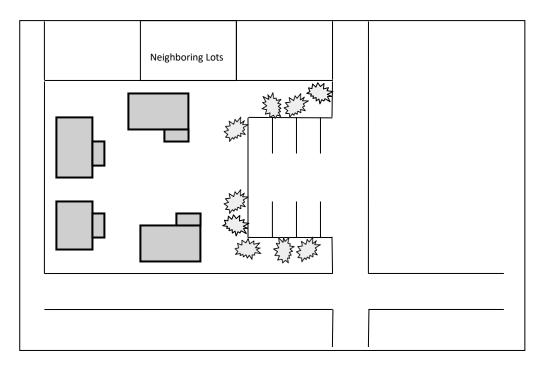


1) To the rear of cottage housing units accessed by an alley.

2) To the side of cottage housing units accessed by a private driveway.



3) Parking on the side (non-primary street) screened from the side street by either garage doors, landscaping, and/or fencing.



iii. Parking Lot Landscaping. Parking lot landscaping shall comply with the requirements of Section 19-5-6 of this Ordinance.

Q. FIRE-LANE ACCESS AND TURNAROUND PROVISIONS.

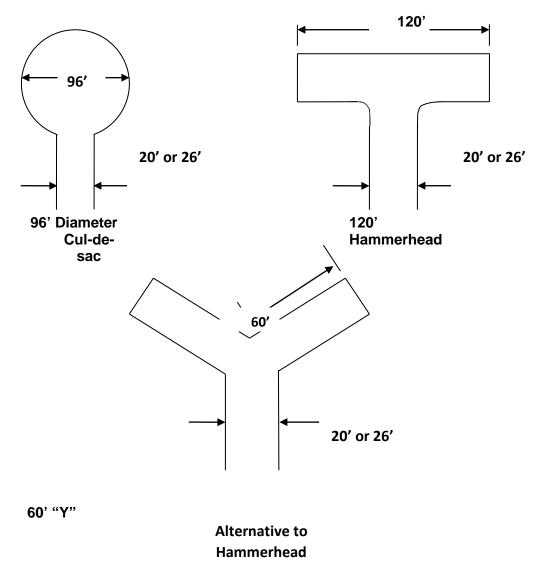
Winchester, VA

- 1. Objective. Cottage housing developments shall be designed so as to allow for the safe and unobstructed access to individual dwellings by emergency responders (i.e., fire, rescue, police), for the purposes of protecting life, property and overall public safety.
 - a. Fire apparatus access roads shall be in accordance with Chapter 10, Fire Prevention, of the Winchester City Code, and the Virginia Statewide Fire Prevention Code, as amended.
 - b. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with the Table and Diagrams below:

Table 13.1-18.

Length (feet)	Width (feet)	Turnarounds Required
0-150	20	None required
151-500	20	120-foot Hammerhead, 60 foot "Y" or 96-foot-diameter cul-de- sac in accordance with the diagrams below.
501-750	26 120-foot Hammerhead, 60 foot "Y" or 96-foot-diameter cul-de sac in accordance with the diagrams below.	
Over 750	Special approval required	





R. EXTERIOR LIGHTING AND HEATING/COOLING EQUIPMENT NOISE.

Winchester, VA

- 1. Objective. Cottage housing developments should be designed to minimize light and noise impacts both within the development and to adjacent properties.
 - a. Where provided, exterior lighting shall be mounted as low as possible, pointed downward, and the light source shall be shielded from direct observation from above, adjacent properties, and public rights-of-way. Lighting "spillover" to adjacent properties shall be avoided.
 - b. Heating and cooling equipment for cottage housing developments shall be designed and appropriately screened to cause little or no visual and/or noise impacts within the development and to adjacent properties.

S. REQUIRED SEPARATION OF COTTAGE HOUSING DEVELOPMENTS.

Winchester, VA

- Objective. Cottage housing developments in single-family zoning districts shall be separated from each other by a minimum distance to promote housing-type diversity, to reduce potential cumulative impacts of cottage housing development, and to help protect neighborhood character.
 - a. Each cottage housing development shall be separated from any other cottage housing development by a distance of at least 1,000 feet or one block, whichever is greater.

T. OWNERSHIP AND RESIDENTIAL USE OF COTTAGES.

Winchester, VA

- All cottage housing developments shall be developed as residential condominiums, pursuant to the provisions found in Chapter 4.2, Title 55, of the Code of Virginia (1950), et seq., known commonly as the "Condominium Act." Appropriate documentation of formal legal ownership of the development shall be recorded with the Commonwealth of Virginia, the Winchester Circuit Court Clerk, and the Tax Assessor's Office with the City of Winchester.
 - a. Cottages are for residential use only and may not be operated as transient accommodations.

U. ALTERNATIVE SITE DESIGN.

Winchester, VA

It is possible that an alternative design may fulfill the intent of this article, while not complying with the provisions herein. Requests for alternative designs shall be processed as a Conditional Use Permit, pursuant to Section 18-2 of this Ordinance and Article 19, Site Plan Requirements. (Editor's note: Article 13.1 established 8/9/11, Case TA-11-125, Ord. No. 2011-36)