

LEXINGTON PLANNING COMMISSION

October 24, 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 October 10, 2024*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. RZ 2024-01: An application by the City of Lexington to rezone a 1.855 acres portion of Evergreen Cemetery owned by the City from the R-1 (General Residential) zoning district to the P-OS (Parks and Open Space) zoning district.
CUP 2024-06: An application by the City of Lexington for approval of a Conditional Use Permit to allow Cemetery use on all land associated with Evergreen Cemetery (TM #25-1-9).
 - 1) Staff Report*
 - 2) Public Comment
 - 3) Commission Discussion & Decision
 - B. RZ 2024-02: An application by the City of Lexington to rezone a 0.445 acres portion of Oak Grove Cemetery owned by the City from the R-1 (General Residential) zoning district to the P-OS (Parks and Open Space) zoning district.
CUP 2024-07: An application by the City of Lexington for approval of a Conditional Use Permit to allow Cemetery use on all land associated with Oak Grove Cemetery (TM #23-1-160 and #29-1-30).
 - 1) Staff Report*
 - 2) Public Comment
 - 3) 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, October 10, 2024 – 5:00 p.m.
Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450**

Planning Commission:

Presiding: Shannon Spencer, Chair
Present: Tori Bates (left the meeting at 5:50 p.m.)
John Driscoll (arrived 5:07 p.m.)
Mary Stuart Harlow
Leslie Straughan, Council Liaison

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

Absent: Krista Anderson
Jon Eastwood, Vice-Chair

CALL TO ORDER

S. Spencer called the meeting to order at 5:01 p.m.

AGENDA

The agenda was unanimously approved as presented. (M. S. Harlow / L. Straughan)

MINUTES

The minutes from the September 26, 2024 meeting were unanimously approved as presented. (L. Straughan / T. Bates)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

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

1) Staff Report & Commission Discussion –

Director Glaeser briefly reviewed the Commission's progress on the ordinance thus far. He asked if staff should pare down the staff report in the future by removing text samples for those sections of the ordinance for which language has been chosen, even if it is only as a placeholder. There was general agreement that would be helpful. He then explained the goal was to develop an ordinance that could be advertised for a public hearing, emphasizing that the text was a draft and could be amended at any time prior to adoption.

Focusing on cottage dimensions, A. Glaeser asked the Commission to consider maximum cottage size and provide feedback on the sample language included in the Cottage Floor Area section of the staff report. The consensus was to include the objective from the Winchester code, including, for now, the statement specifying that residences in cottage developments are intended for one – and two- person households. After parsing the meaning of the next sentence, there was agreement to leave the sentence in the text, but to amend it to read, "Limiting 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.” There was considerable discussion about maximum cottage footprint and overall cottage size. A. Glaeser offered that the jurisdictions allowing cottage units up to 1,200 or 1,500 square feet were on the upper end and that most places limited cottage units to 700 – 900 square feet. L. Straughan said she would like to see a maximum footprint of at least 1,200 square feet to encourage some single story units offering greater accessibility. There was then discussion of using language, similar to Abingdon’s, that stated a maximum ground floor gross area and a 50% greater total square footage to allow for a second story. T. Bates said allowing a total square footage of over 1,200 square feet seemed overly large for a cottage unit. A. Glaeser remarked that there are many modest sized single family homes in Lexington that are that size. The Commission considered a number of formulas and size options. Ultimately there was agreement to limit the maximum gross floor area of the main level to 1,000 square feet for one-story cottages. Cottages with an upper level would be limited to a main level gross floor area of 800 square feet and an upper level of up to 50% of the gross floor area of the main level. There was also agreement to specify that the square footage for required porches would not be included in the floor area calculation. Director Glaeser said the sizes being considered were somewhat larger than he had anticipated and offered to provide sample floor plans of smaller units with first floor bedrooms for the Commission to review at the next meeting. There was consensus that that would be helpful.

During the discussion of the Yards – Building Setbacks from Exterior Lot Lines section, the Commission focused on the minimum yard requirements from Falls Church as A. Glaeser led them through how they would apply to the property at the corner of Walker and Houston Streets. The Commission reviewed one of the concept plans provided for that site as they considered setbacks, parking area and cottage size. There was agreement that the Falls Church minimum yard requirements were appropriate, though the reference to “semi-detached dwelling units” should be stricken.

Introducing the discussion of Cottage Housing Development Building Separation, A. Glaeser said the building code generally requires 10 feet of separation between two buildings, though that distance can be lessened depending on the type of construction. He suggested the ordinance could require a specific amount of separation between cottages or simply require compliance with the building code. S. Spencer said she thought the 10 feet minimum was important for privacy. L. Straughan also thought it was necessary to allow for landscaping and adequate sunlight. A. Glaeser said the private open space requirement and cottage design could also help give a sense of privacy. L. Straughan pointed out that dwelling separation in the Weatherburn subdivision is in the 10 – 12 feet range, and while close, it works and looks nice. There was agreement to use the language from Abingdon but to specify a 10 feet separation rather than 12 feet.

During discussion of the Common Open Space section, there was agreement to include the Objective sentence from Winchester, as well as the final sentence that provides a definition of “common open space.” The Commission considered the language from the Falls Church ordinance addressing community amenities such as shared community buildings. A. Glaeser pointed out that such communal buildings were not, so far, required in the draft ordinance. S. Spencer argued for including the language, as it does not treat

communal buildings as a requirement, though the inclusion of such buildings in a development would likely make smaller residences more attractive. Commissioners Spencer and Driscoll also supported including the language from Falls Church addressing sidewalks. There was consensus that a minimum of 400 square feet per cottage of common open space was appropriate, as was a requirement that at least 50% of the cottages abut a common open space and all of the cottages be within 60 feet walking distance of a common open space.

Addressing the Private Open Space standards, the Commission agreed to use the language from Winchester with minor modifications. There was also agreement to include a provision from the Shoreline, WA code specifying that required porches may be counted as private open space, largely to ensure that porches are treated consistently in the final draft. S. Spencer suggested also including Shoreline's requirements that private open space be directly contiguous to and accessed from each cottage and that it not consist of required perimeter landscaping. A. Glaeser cautioned that, unless specifically required in the ordinance, no landscaping buffer would be required between a cottage development and a single family parcel. There was general agreement to include all of the suggested provisions with the understanding that they can be deleted later if deemed unnecessary.

2) Public Comment – None

OTHER BUSINESS

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

- The City is interviewing internal candidates to complete the requisite training to become a Building Inspector and for an apprenticeship with the Building Official with an eye toward succession planning.
- Summit Design & Engineering will be in town on October 28th and 29th conducting the windshield housing assessment survey.
- City Council held a work session to discuss the proposed stormwater fee, a possible sprinkler incentive program for historic buildings downtown, and a possible program for providing home maintenance assistance to qualifying homeowners.

B. Discussion of scheduling for remaining 2024 meetings – There was general agreement to cancel the meetings scheduled for November 29th and December 26th.

CITY COUNCIL REPORT –

Council Member L. Straughan reported that Council would hold public hearings on October 17th for the Conditional Use Permits for John Adamson's properties on S. Main Street.

ADJOURN

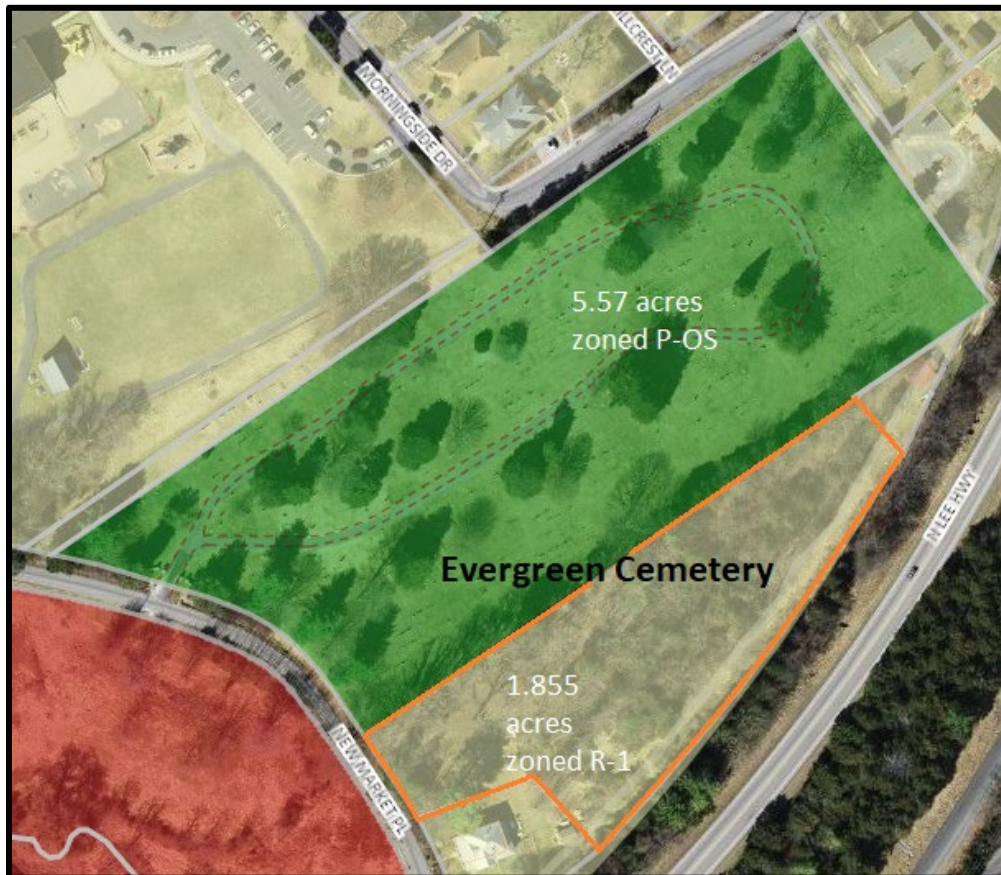
The meeting adjourned at 7:09 p.m. (J. Driscoll / M. S. Harlow)

S. Spencer, Chair, Planning Commission

Project Name	Evergreen Cemetery Expansion – Rezoning and Conditional Use Permit
Property Location	Tax Map # 25-1-9
Current Zoning	R-1 (General Residential)
Owners/Applicant	City of Lexington / City of Lexington
Applicant’s Intent	Applications to rezone the 1.855 acre portion of Evergreen Cemetery purchased by the City in January 2023 from R-1 (General Residential) to P-OS (Parks and Open Space), and to allow Cemetery use on the entire parcel.

PLANNING COMMISSION RECOMMENDATION: pending
STAFF RECOMMENDATION: approval

location map



OVERVIEW OF REQUEST

The subject applications request to amend the City’s Zoning Map to rezone a portion of Evergreen Cemetery (TM #25-1-9) to the P-OS (Parks and Open Space District), and to approve a Conditional Use Permit to allow the *Cemetery* use on the entire parcel.

The 7.425 acre tax parcel associated with Evergreen Cemetery is comprised of 5.57 acres of land zoned Parks and Open Space (P-OS) and 1.855 acres of land zoned General Residential (R-1). In October 2023, when the residentially zoned 1.855 acres was added to the parcel, the *Cemetery* use was a by-right use in the R-1 zoning district – meaning the land could retain its zoning and simply be added to the cemetery. However, on August 15, 2024, City Council approved an amendment to the Zoning Ordinance whereby the *Cemetery* use is permitted only in the P-OS zoning district and only with a conditional use permit. The City is therefore requesting to rezone the subject 1.855 acres to the P-OS zoning district and to approve a conditional use permit allowing the entire Evergreen Cemetery parcel to continue to operate as a cemetery.

photograph of residential portion of Evergreen Cemetery



P-OS - INTENT AND PURPOSE

Section 420-1.6 of the zoning ordinance establishes the individual zoning districts and the P-OS zoning district is established to preserve and enhance public park and recreational areas and open space, to provide opportunities for recreation, preserve scenic qualities, protect sensitive environmental areas and provide pedestrian and bicycle pathways.

CEMETERY USE DEFINITION

CEMETERY

Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

ZONING MAP AMENDMENT, VIRGINIA FACTORS TO CONSIDER

Code of Virginia, Title 15.2, Counties, Cities and Towns, Chapter 22, Planning, Subdivision of Land and Zoning, §15.2-2284, Matters to be considered in drawing and applying zoning ordinances and districts

Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.

Staff is of the opinion the proposed amendment to the Zoning Map is drawn and applied with reasonable consideration for the existing use and character of property, and in accordance with the comprehensive plan.

GROUNDS FOR ISSUANCE OF 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. *The continued cemetery use will not adversely affect the health or safety of persons residing or working in the neighborhood.*
 - (b) The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood. *The continued cemetery use will not be detrimental to the public welfare or 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. *The cemetery use will not be in conflict with the 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. *Adequate public services are available.*
- (3) In granting any conditional use permit, the governing body shall give due consideration to factors relevant to the findings required by Subsection C (1) and (2), as well as to any other reasonable land use and zoning considerations as may be required by the nature of the proposed use or as may be otherwise appropriate to effectuate the intent of this chapter, and the governing body shall designate such conditions as it deems necessary to carry out the intent of this chapter. The application for such conditional use permit shall be accompanied by such written and graphic material as may be necessary to enable the Planning Commission and the governing body to make the recommendation and findings set forth above.

PLANNING COMMISSION RECOMMENDATION

pending

STAFF RECOMMENDATION

RZ 2024-01: Based on the aforementioned opinions, staff recommends the request to amend the City's Zoning Map to rezone a portion of Evergreen Cemetery (TM #25-1-9) to the P-OS (Parks and Open Space District) be **APPROVED**.

CUP 2024-06: Based on the aforementioned opinions, staff recommends the proposed Conditional Use Permit to allow the entire parcel to continue to operate as a cemetery be **APPROVED**.

SUGGESTED MOTIONS

I move to approve/deny Rezoning application RZ 2024-01 for the rezoning of Tax Map Number 25-1-9 to rezone the 1.855 acre portion of the property, purchased by the City in January 2023, from R-1 (General Residential) to P-OS (Parks and Open Space).

I move to approve/deny Conditional Use Permit application CUP 2024-06 to allow the entire parcel associated with Evergreen Cemetery (TM #25-1-9) to operate as a cemetery.

Resolution 2024-11

A RESOLUTION BY LEXINGTON CITY COUNCIL TO INITIATE AMENDMENTS TO THE ZONING MAP TO CONSIDER REZONING THE CITY-OWNED PARCELS ASSOCIATED WITH OAK GROVE AND EVERGREEN CEMETERIES

WHEREAS, the City Council requested staff begin the process to consider an amendment to the City’s Zoning Map to rezone the City-owned parcels associated with Oak Grove Cemetery and Evergreen Cemetery from the General Residential (R-1) zoning district to the Parks and Open Space (P-OS) zoning district; and

WHEREAS, Virginia Code § 15.2-2286(A)(7), requires any amendment of the City’s Zoning Map to be initiated by resolution of the Mayor and City Council; and

WHEREAS, § 420-17.2.A of the City’s Zoning Ordinance requires the Mayor and City Council to refer proposed amendments to the regulations, restrictions and boundaries established in the Zoning Ordinance to the Planning Commission for recommendations prior to action; and

WHEREAS, this resolution does not presume that any amendment, the language for which is to be developed by the City’s staff and the Planning Commission, will be adopted or similarly obligate the Planning Commission and City Council to adopt such an amendment; and

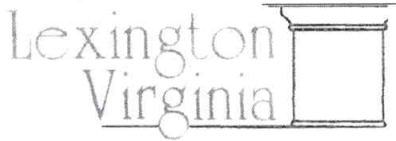
WHEREAS, based on Virginia Code § 15.2-2286(A)(7), it is expected that the Planning Commission, and ultimately the Mayor and City Council, will consider whether the amendments are required by public necessity, convenience, general welfare, or good zoning practice;

NOW, THEREFORE, BE IT RESOLVED by the Vice Mayor and Council of the City of Lexington, Virginia that consideration of the amendment to the City’s Zoning Map, as referenced herein, is hereby initiated and referred to the Planning Commission for consideration and recommendation.

IN WITNESS WHEREOF, Lexington Vice Mayor and City Council, this the 15th day of August, 2024

Adopted: Marylin Alexander
Marylin Alexander, Vice Mayor

Attest: Jani L. Hostetter
Jani L. Hostetter, Clerk



www.lexingtonva.gov

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

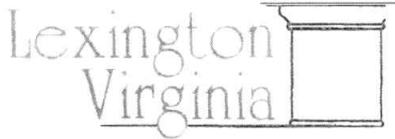
APPLICATION FOR REZONINGS

Applicant¹
 Name: City of Lexington Phone: _____
 Company: _____ Fax: _____
 Address: 300 E. Washington Street Email: _____
 Applicant's Signature: _____ Date: _____

Property Owner
 Name: City of Lexington Phone: _____
 Address: 300 E. Washington Street Email: _____
 Owner's Signature: [Signature] Date: 9-18-21

Proposal Information² (attach list of properties if request includes multiple properties)
 Address (or location description): 1.855 acre portion of Evergreen Cemetery purchased by the city in January 2023
 Tax Map: 25-1-9 Deed Book and Page #: _____
 Acreage: 1.855 Current Zoning (attach any existing conditions or proffers: R-1)
 Proposed Zoning (or Overlay District)³: P.O.S
 Description of Proposal: to allow cemetery use

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.
3. For conditional rezoning requests including proffered conditions, please see additional submittal requirements on page 3 of this application. If not specifically required in the zoning ordinance, submitting a sketch plan or other visual detail of your request is highly encouraged.



www.lexingtonva.gov

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

Notice to Adjacent Property Owners

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

Posting of the Property

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

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

Amount Paid: _____

Case Number: REZ- _____ - _____

Date Received: _____ Received By: _____

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Public Hearings

Planning Commission

City Council

Legal Ad Dates: _____ Legal Ad Dates: _____

Adj. Property Notifications: _____ Adj. Property Notifications: _____

Public Hearing Date: _____ Public Hearing Date: _____

Action: _____ Action: _____



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

www.lexingtonva.gov

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant¹

Name: City of Lexington Phone: (540) 462-3704

Company: _____ Fax: _____

Address: 300 E. Washington St. Email: _____

Applicant's Signature: [Signature] Date: 10-18-24

Property Owner

Name: City of Lexington Phone: (540) 462-3704

Address: 300 E. Washington St. Email: _____

Owner's Signature: [Signature] Date: 10-18-24

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

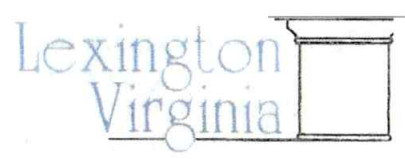
Address (or location description): ~~1111~~ Evergreen Cemetery

Tax Map: #25-1-9 Deed Book and Page #: _____

Acreage: 7.43 ± Zoning (attach any existing zoning conditions or proffers): _____

Description of Proposal³: to allow cemetery use

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.
3. Please refer to page 3 of this application for the conditions of issuance for all conditional use permit applications. Submitting a sketch plan or other visual detail of your request is highly encouraged.



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

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Notice to Adjacent Property Owners

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

Posting of the Property

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$450 Amount Paid: _____ Case Number: CUP- 2024 - 06

Date Received: _____ Received By: _____

Staff Review

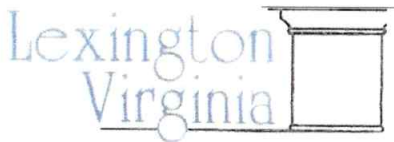
Planning: _____ Public Works: _____
Police: _____ Fire/Rescue: _____

Public Hearings

Planning Commission

City Council

Legal Ad Dates: _____ Legal Ad Dates: _____
Adj. Property Notifications: _____ Adj. Property Notifications: _____
Public Hearing Date: _____ Public Hearing Date: _____
Action: _____ Action: _____



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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:

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

Project Name	Oak Grove Cemetery Expansion – Rezoning and Conditional Use Permit
Property Location	Tax Map # 23-1-160 & # 29-1-30
Current Zoning	R-1 (General Residential)
Owners/Applicant	City of Lexington / City of Lexington
Applicant’s Intent	Applications to rezone the 0.445 acre portion of Oak Grove Cemetery immediately adjacent to the rear property lines of 14 & 16 Houston Street from R-1 (General Residential) to P-OS (Parks and Open Space), and to allow Cemetery use on the entire parcel.

*PLANNING COMMISSION RECOMMENDATION: pending
STAFF RECOMMENDATION: approval*

location map



OVERVIEW OF REQUEST

The subject applications request to amend the City’s Zoning Map to rezone a portion of Oak Grove Cemetery (TM #23-1-160 & TM #29-1-30)) to the P-OS (Parks and Open Space District), and to approve a Conditional Use Permit to allow the *Cemetery* use on the entire parcel.

The 13.189 acre parcel associated with Oak Grove Cemetery is comprised of 12.744 acres of land zoned Parks and Open Space (P-OS) and 0.445 acres of land zoned General Residential (R-1). In November 2022, when the residentially zoned 0.445 acres was added to the parcel, the *Cemetery* use was a by-right use in the R-1 zoning district – meaning the land could retain its zoning and simply be added to the cemetery. However, on August 15, 2024, City Council approved an amendment to the Zoning Ordinance whereby the *Cemetery* use is permitted only in the P-OS zoning district and only with a conditional use permit. The City is therefore requesting to rezone the subject 0.445 acres to the P-OS zoning district and to approve a conditional use permit allowing all land associated with Oak Grove Cemetery (TM #23-1-160 & TM #29-1-30) to continue to operate as a cemetery.

***photograph of Oak Grove Cemetery from Spotswood Drive
(0.445 acre subject parcel is not visible from Spotswood Drive)***



P-OS - INTENT AND PURPOSE

Section 420-1.6 of the zoning ordinance establishes the individual zoning districts and the P-OS zoning district is established to preserve and enhance public park and recreational areas and open space, to provide opportunities for recreation, preserve scenic qualities, protect sensitive environmental areas and provide pedestrian and bicycle pathways.

CEMETERY USE DEFINITION

CEMETERY

Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

ZONING MAP AMENDMENT, VIRGINIA FACTORS TO CONSIDER

Code of Virginia, Title 15.2, Counties, Cities and Towns, Chapter 22, Planning, Subdivision of Land and Zoning, §15.2-2284, Matters to be considered in drawing and applying zoning ordinances and districts

Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.

Staff is of the opinion the proposed amendment to the Zoning Map is drawn and applied with reasonable consideration for the existing use and character of property, and in accordance with the comprehensive plan.

GROUNDS FOR ISSUANCE OF 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. *The continued cemetery use will not adversely affect the health or safety of persons residing or working in the neighborhood.*
 - (b) The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood. *The continued cemetery use will not be detrimental to the public welfare or 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. *The cemetery use will not be in conflict with the 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. *Adequate public services are available.*
- (3) In granting any conditional use permit, the governing body shall give due consideration to factors relevant to the findings required by Subsection C (1) and (2), as well as to any other reasonable land use and zoning considerations as may be required by the nature of the proposed use or as may be otherwise appropriate to effectuate the intent of this chapter, and the governing body shall designate such conditions as it deems necessary to carry out the intent of this chapter. The application for such conditional use permit shall be accompanied by such written and graphic material as may be necessary to enable the Planning Commission and the governing body to make the recommendation and findings set forth above.

PLANNING COMMISSION RECOMMENDATION

pending

STAFF RECOMMENDATION

RZ 2024-02: Based on the aforementioned opinions, staff recommends the request to amend the City's Zoning Map to rezone a portion of Oak Grove Cemetery (TM #23-1-160) to the P-OS (Parks and Open Space District) be **APPROVED**.

CUP 2024-07: Based on the aforementioned opinions, staff recommends the proposed Conditional Use Permit to allow all land associated with Oak Grove Cemetery to continue to operate as a cemetery be **APPROVED**.

SUGGESTED MOTIONS

I move to approve/deny Rezoning application RZ 2024-02 for the rezoning of Tax Map Number 23-1-160 to rezone the 0.445 acre portion of the property immediately adjacent to the rear property lines of 16 Houston Street and 14 Houston Street from R-1 (General Residential) to P-OS (Parks and Open Space).

I move to approve/deny Conditional Use Permit application CUP 2024-07 to allow all land associated with Oak Grove Cemetery (TM #23-1-160 & TM #29-1-30) to operate as a cemetery.

Resolution 2024-11

A RESOLUTION BY LEXINGTON CITY COUNCIL TO INITIATE AMENDMENTS TO THE ZONING MAP TO CONSIDER REZONING THE CITY-OWNED PARCELS ASSOCIATED WITH OAK GROVE AND EVERGREEN CEMETERIES

WHEREAS, the City Council requested staff begin the process to consider an amendment to the City’s Zoning Map to rezone the City-owned parcels associated with Oak Grove Cemetery and Evergreen Cemetery from the General Residential (R-1) zoning district to the Parks and Open Space (P-OS) zoning district; and

WHEREAS, Virginia Code § 15.2-2286(A)(7), requires any amendment of the City’s Zoning Map to be initiated by resolution of the Mayor and City Council; and

WHEREAS, § 420-17.2.A of the City’s Zoning Ordinance requires the Mayor and City Council to refer proposed amendments to the regulations, restrictions and boundaries established in the Zoning Ordinance to the Planning Commission for recommendations prior to action; and

WHEREAS, this resolution does not presume that any amendment, the language for which is to be developed by the City’s staff and the Planning Commission, will be adopted or similarly obligate the Planning Commission and City Council to adopt such an amendment; and

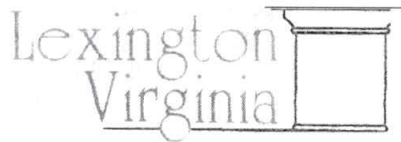
WHEREAS, based on Virginia Code § 15.2-2286(A)(7), it is expected that the Planning Commission, and ultimately the Mayor and City Council, will consider whether the amendments are required by public necessity, convenience, general welfare, or good zoning practice;

NOW, THEREFORE, BE IT RESOLVED by the Vice Mayor and Council of the City of Lexington, Virginia that consideration of the amendment to the City’s Zoning Map, as referenced herein, is hereby initiated and referred to the Planning Commission for consideration and recommendation.

IN WITNESS WHEREOF, Lexington Vice Mayor and City Council, this the 15th day of August, 2024

Adopted: Marylin Alexander
Marylin Alexander, Vice Mayor

Attest: Jani L. Hostetter
Jani L. Hostetter, Clerk



www.lexingtonva.gov

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

APPLICATION FOR REZONINGS

Applicant¹

Name: _____ Phone: _____

Company: City of Lexington Fax: _____

Address: _____ Email: _____

Applicant's Signature: _____ Date: _____

Property Owner

Name: City of Lexington Phone: _____

Address: 300 E. Washington St. Email: _____

Owner's Signature: [Signature] Date: 9-13-24

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

Address (or location description): 0.445 acres immediately adjacent to rear property lines of 14 and 16 Houston St.

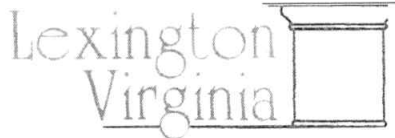
Tax Map: #23-1-160 Deed Book and Page #: _____

Acreage: 0.445 Current Zoning (attach any existing conditions or proffers: R-1)

Proposed Zoning (or Overlay District)³: P-OS

Description of Proposal: rezone to P-OS zoning district in order that it may be used as part of Oak Grove Cemetery.

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.
3. For conditional rezoning requests including proffered conditions, please see additional submittal requirements on page 3 of this application. If not specifically required in the zoning ordinance, submitting a sketch plan or other visual detail of your request is highly encouraged.



www.lexingtonva.gov

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

Notice to Adjacent Property Owners

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

Posting of the Property

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$350 + \$25/acre Amount Paid: _____

Case Number: REZ- 2024 - 02

Date Received: _____ Received By: _____

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Public Hearings

Planning Commission

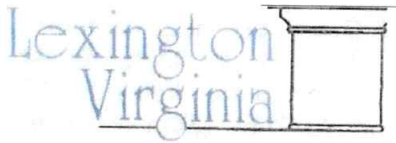
City Council

Legal Ad Dates: _____ Legal Ad Dates: _____

Adj. Property Notifications: _____ Adj. Property Notifications: _____

Public Hearing Date: _____ Public Hearing Date: _____

Action: _____ Action: _____



www.lexingtonva.gov

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

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant¹

Name: City of Lexington Phone: (540) 462-3704

Company: _____ Fax: _____

Address: 300 E. Washington St. Email: _____

Applicant's Signature: [Signature] Date: 10-19-24

Property Owner

Name: City of Lexington Phone: _____

Address: 300 E. Washington St. Email: _____

Owner's Signature: [Signature] Date: 10-19-24

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

Address (or location description): Oak Grove Cemetery

Tax Map: #23-1-160 & #29-1-30 Deed Book and Page #: _____

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

Description of Proposal³: to allow continued cemetery use

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.
3. Please refer to page 3 of this application for the conditions of issuance for all conditional use permit applications. Submitting a sketch plan or other visual detail of your request is highly encouraged.



www.lexingtonva.gov

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

Notice to Adjacent Property Owners

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

Posting of the Property

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$450 Amount Paid: _____ Case Number: CUP- 2024 - 07

Date Received: _____ Received By: _____

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Public Hearings

Planning Commission

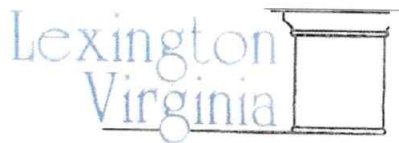
City Council

Legal Ad Dates: _____ Legal Ad Dates: _____

Adj. Property Notifications: _____ Adj. Property Notifications: _____

Public Hearing Date: _____ Public Hearing Date: _____

Action: _____ Action: _____



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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:

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

Draft amendments for Cottage Housing

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 were 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 were 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.

October 10, 2024 P.C. meeting: discussion included Cottage Floor Area, Yards, Building Separation, Common Open Space, and Private Open Space.

October 24, 2024 P.C. meeting: staff recommends picking back up with the Cottage Density discussion (see page 5 of 27 of this staff report) now that a number of the other dimensional requirements have been discussed and decided at least for the time being. Alternatively the Planning Commission could begin with Off-Street Parking requirements on page 18 to settle another “dimensional” requirement before picking back up with the Cottage Density discussion.

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.

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:

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.
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.

Lexington, VA



Continue with 10.24.2024
P.C. discussion here

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.

Abingdon, VA

Cottage housing developments shall adhere to the requirements of Table 7.2.13

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

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 low-income 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 5-4 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> <u>(3,200 sf x 5 x 1.3)</u> <u>(4 units + 3,200 sf for open space and parking)</u>
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 open space and 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 open space and 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.

Lexington, VA (based on Winchester, VA)

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.
 - 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.

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

1. 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.
 - b. 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 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](#).
 2. 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.

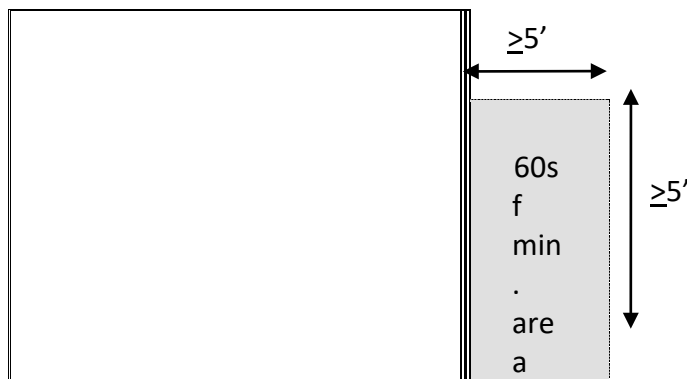
Lexington, VA

G. COVERED MAIN ENTRY PORCHES.

Winchester, VA

1. 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.

Lexington, VA

H. STREET-FACING FACADES.

Winchester, VA

- 1. 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

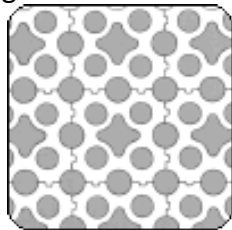
- iii. Building modulation with a depth measuring at least one foot.
- b. At least one cottage shall have its front main entry door and/or front porches visible from each street frontage.

Lexington, VA

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 areas.



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%

Lexington, VA

I. COTTAGE FLOOR AREA.

Lexington, VA

1. 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~~ Limiting 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.
2. The maximum ground floor gross area for an individual principal structure in a cottage housing development shall be as follows:
 - a. For one-story units, the ground floor area may not exceed 1,000 square feet.
 - b. For one and a half or two-story units, the ground floor area may not exceed 800 square feet with an upper level of no more than 50 percent of the gross floor area of the main level.
3. The square footage of required porches shall not be included in the floor area calculation.

J. YARDS – BUILDING SETBACKS FROM EXTERIOR LOT LINES.

Lexington, 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.

K. COTTAGE HOUSING DEVELOPMENT BUILDING SEPARATION.

Lexington, 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 10 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.

L. COMMON OPEN SPACE.

Lexington, VA

1. 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 10 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.
 - c. Other amenities.
 - i. 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.
 - ii. 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.

M. PRIVATE OPEN SPACE.

Lexington, VA

1. 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 a small but pleasant private yard area. If the private open space abuts the common open space it shall 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 directly contiguous to and accessed from each cottage.
 - b. No dimension of the private open space shall be less than 8 feet.
 - c. Required porch areas may be counted as private open space.
 - d. Required perimeter landscaping shall not be counted as private open space.

N. TREE CONSERVATION.

Winchester, VA

1. 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. The development shall also comply with section 48-1180 for tree canopy coverage.

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. 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:

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 [19.06](#) PTMC, Article III, Standards for Tree Conservation. 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. (Ord. 2864 § 3, 2004).

Lexington, VA

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

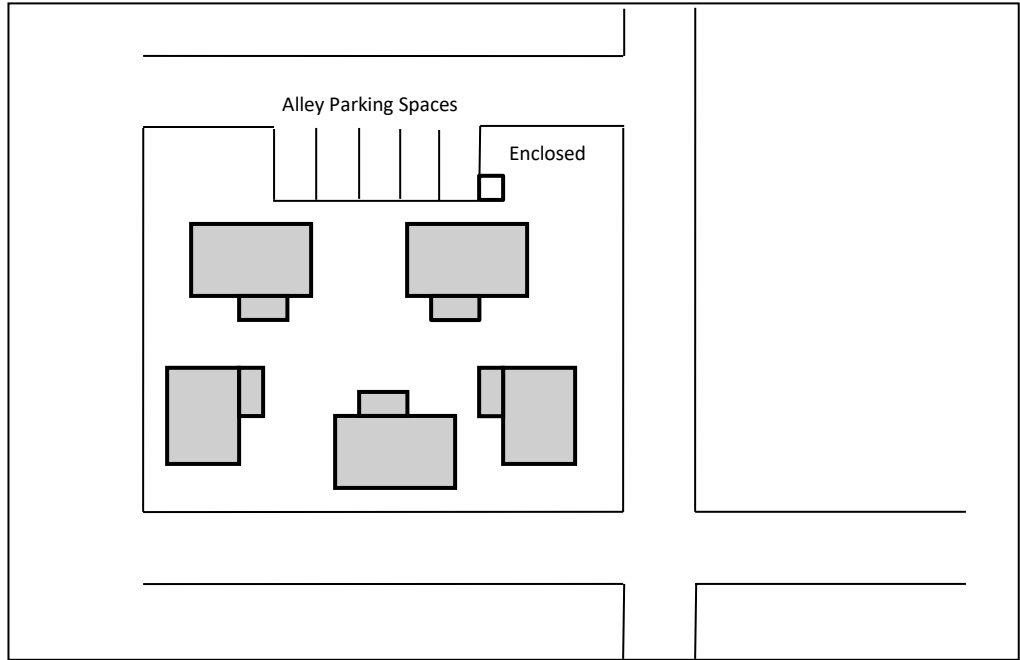
contiguous, permanently undeveloped open space and native vegetation as possible.

Lexington, VA

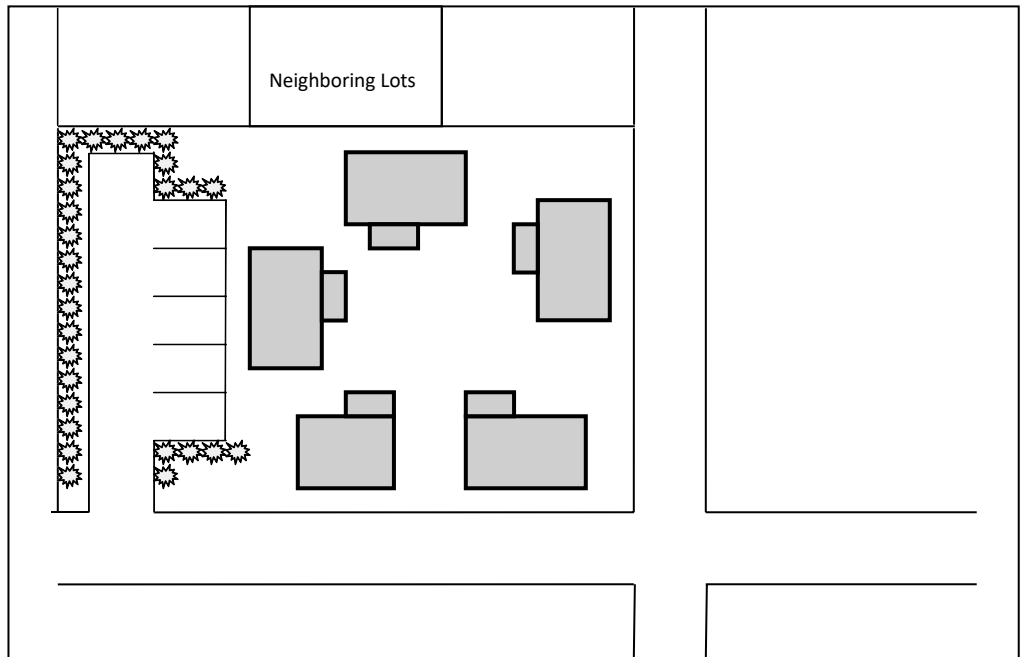
P. OFF-STREET PARKING.

Winchester, VA

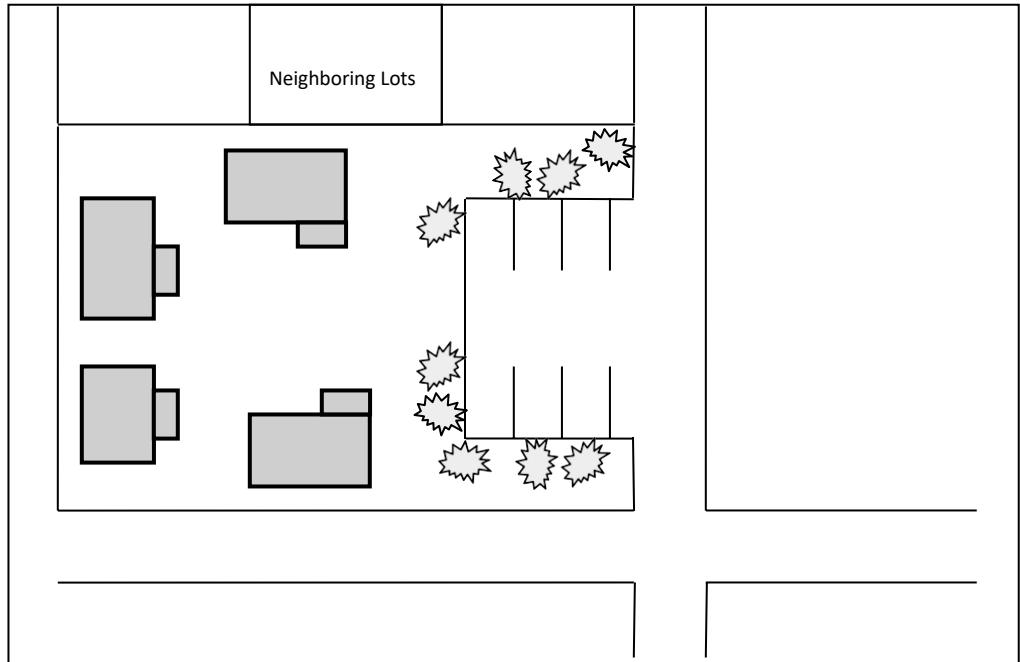
1. Objective. Off-street parking space requirements for cottage housing developments shall be consistent with Section 18-6-5 of this Ordinance. Off-street parking shall be located and designed to be less visible from frontage streets than the cottages themselves. Off-street parking shall be designed 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 non-cottage 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 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.

Port Townsend, WA

17.34.180 Off-street parking.

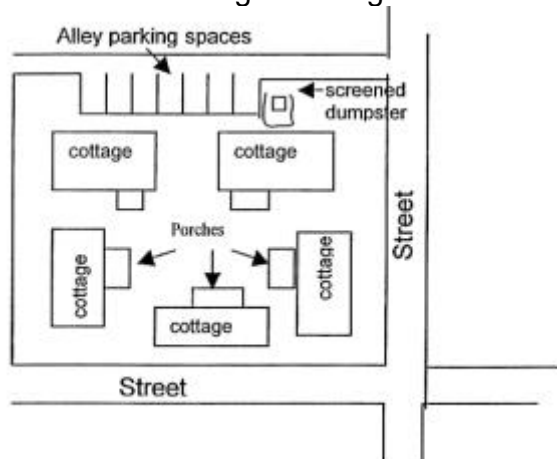
A. Objective. Off-street parking space requirements for cottage housing developments shall be less than normally required for detached single-family residences. These reduced standards are based upon the cottages being smaller than average detached single-family homes and on average containing fewer occupants. 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 street rights-of-way and shall meet applicable parking lot landscape standards.

1. Parking Ratios.

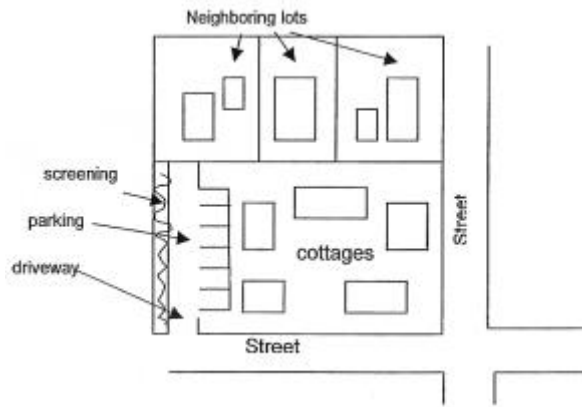
Total Net Floor Area of Cottage or Nonconforming Dwelling Unit	Ratio of Off-Street Parking Spaces Required per Cottage or Nonconforming Dwelling Unit
Up to 1,000 square feet	1.25 parking spaces
1,001 to 1,200 square feet	1.5 parking spaces

Total Net Floor Area of Cottage or Nonconforming Dwelling Unit	Ratio of Off-Street Parking Spaces Required per Cottage or Nonconforming Dwelling Unit
Existing nonconforming single-family residence	2 parking spaces

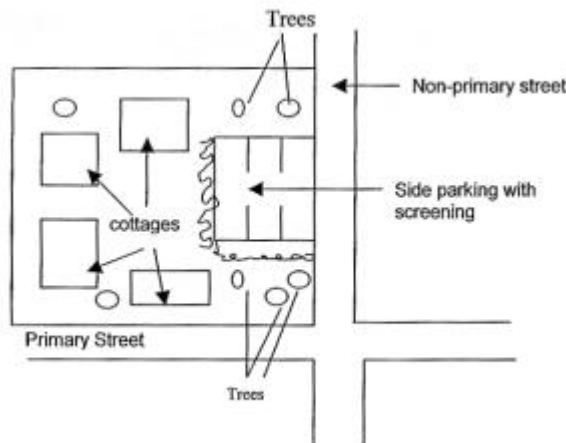
2. Off-Street Parking Location. Parking shall be located on the cottage housing development property. Off-street parking lots shall be located to the side or rear of the cottage housing development (see illustrations below). Parking lots shall not be located between the cottage housing development and the primary street frontage.
 - a. 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 street view from one or more street facades by garage doors, or by a fence and landscaping.
 - b. Preferred locations for parking, in descending order of preference, are as follows:
 - i. To the rear of cottage housing units accessed by an alley.



- ii. To the side of the cottage housing units access by a private driveway.



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



- c. Parking Lot Landscaping. Parking lot landscaping shall comply with the requirements of PTMC [17.72.190](#). (Ord. 2864 § 3, 2004).

Shoreline, WA

20.50.720 Site Design – Standards.

- A. Setbacks.
B. Parking.

1. Parking shall be clustered within a common parking area that is accessible but peripheral to the units.
2. Parking shall be located to minimize visual impact on the site while limiting the amount of hardscape devoted to vehicles. Parking shall be screened from public view and shall not visually dominate the site frontage.
3. The priority order of the location of parking access shall be as follows:

- a. Parking shall be located in the rear of the development if accessed by an alley;
- b. Parking shall be located on the side of the development if accessed by a private driveway, arterial or nonarterial street;
- c. If accessing from the street and the site has multiple street frontages, the frontage with the lowest street classification shall be the primary access point;
- d. The applicant may request a waiver from the Director with a demonstration that the parking area is not feasible and that parking shall be screened from public view.

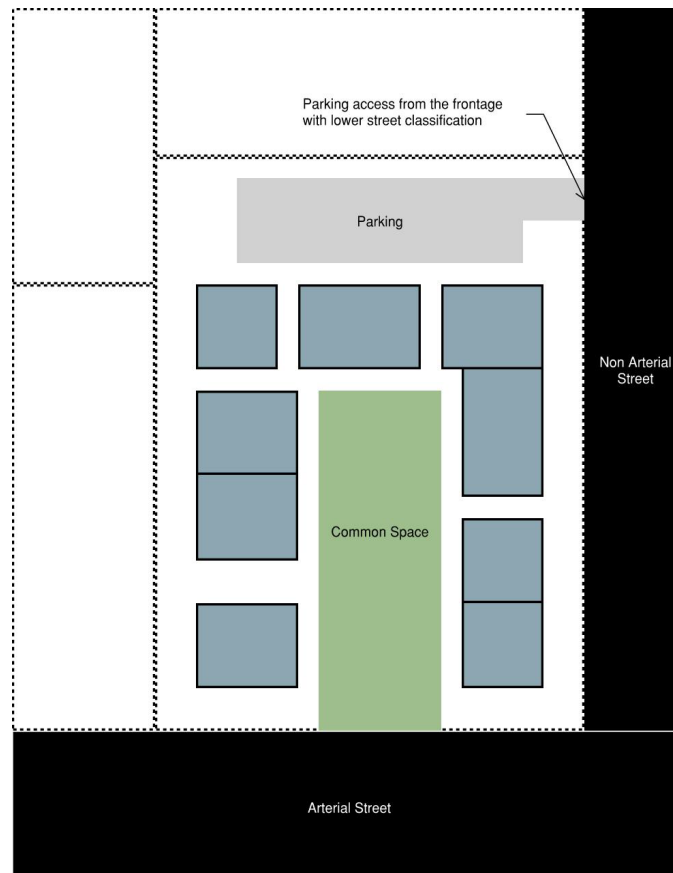


Figure 20.50.720(B)(3): Preferred Parking Configuration Through Rear Access Driveway

4. Garages. Parking provided in garages shall meet the following standards:
 - a. Garages shall meet location and parking access standards set forth in subsection B of this section.
 - b. Garage elevations visible from a public street shall be designed to minimize visual impact through the use of fencing, lattices, landscaping, or other screening methods.

- c. Garages shall use materials and architectural design elements that are consistent with the architecture of the cottages.
 - d. Garages shall not be attached to cottages and shall be a minimum of eight feet from a cottage.
 - e. Up to four garages may be attached to one another.
5. Surface Parking. Parking outside of garages shall meet the following standards:
- a. Parking shall be screened per SMC [20.50.470](#).
 - b. Internal landscaping for parking areas shall be consistent with SMC [20.50.500](#)(A) and (C) through (E).
 - c. Required perimeter landscaping shall not count towards parking area landscaping requirements.

Falls Church, VA

Division 2. – R-1A, Low Density Residential District
 Sec. 48-241. Special exceptions.

Where a cottage development is proposed, to be developed under unified control, through ownership or a condominium association, homeowners' association or similar mechanism, and meets the following requirements, it may be approved by city council.

(13)The proposed development shall provide vehicle access and parking as follows:

- a. Vehicle access to the site shall be by no more than two driveways, each of which has a curb cut not less than 20 feet wide. Vehicle access within the site shall be by a private driveway or street not less than 20 feet in width and constructed of materials sufficient to bear the weight of emergency vehicles. No parking or other obstructions may be allowed on such private streets, which shall meet requirements of the fire marshal for additional width and vehicle access to accommodate emergency vehicles.
- b. Off-street parking shall be provided as follows: at least one parking space per dwelling unit plus 0.25 spaces per dwelling unit for guest use.
- c. Vehicle parking shall be clustered in one or two locations and screened from adjacent properties and public streets as described below in minimum yard requirements.
- d. All streets in the development shall be private and shall be maintained by the association or other owner.
- e. All vehicle parking generated by the site shall be hosted entirely on the site.
- f. The site shall include authority for the police department, at its option, to enforce no parking on any private street within the development.

Lexington, VA

Q. FIRE-LANE ACCESS AND TURNAROUND PROVISIONS.

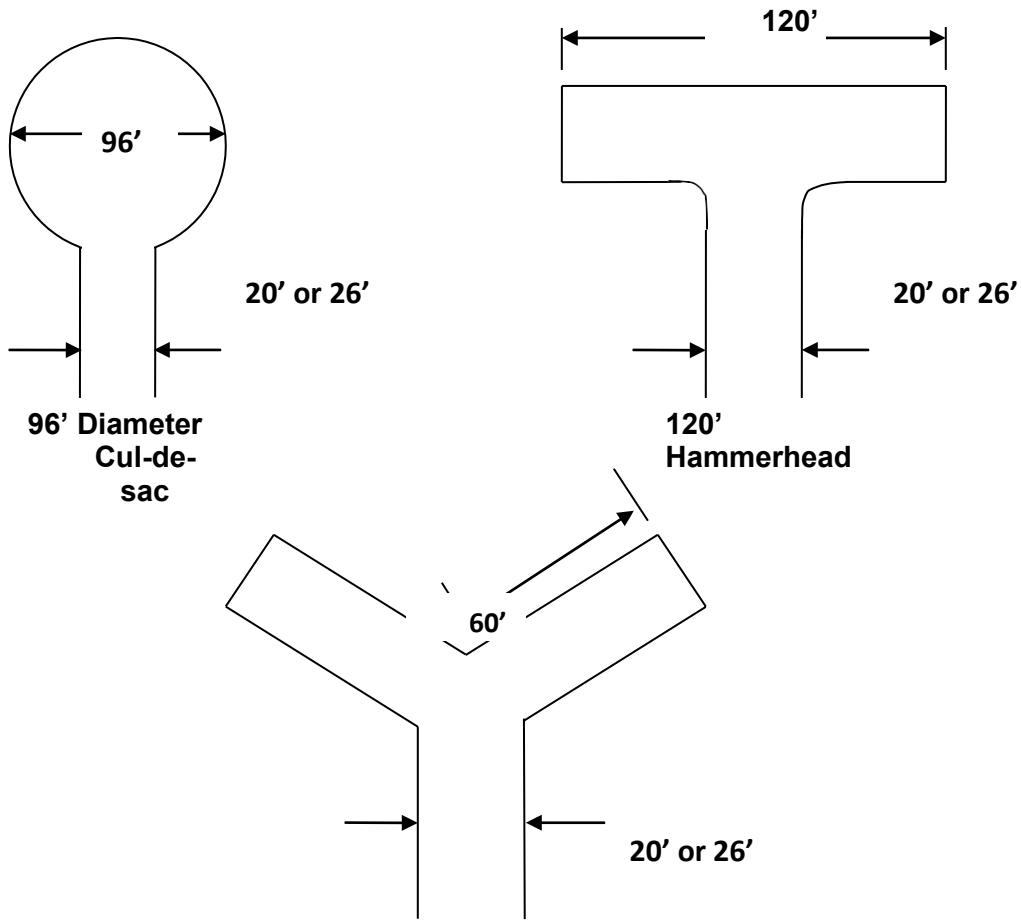
Winchester, VA

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	

Diagrams 13.1-18.



60' "Y"

Alternative to Hammerhead

Lexington, VA

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.

Lexington, VA

S. REQUIRED SEPARATION OF COTTAGE HOUSING DEVELOPMENTS.

Winchester, VA

1. 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.

Lexington, VA

T. OWNERSHIP AND RESIDENTIAL USE OF COTTAGES.

Winchester, VA

1. 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.

Lexington, VA

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)

Lexington, VA