



Text Amendment #2021-00003

Practical Updates

Planning Commission
September 9, 2021

Purpose

- Modernize and clarify regulations and definitions
- Correct technical errors
- Incorporate language to reflect the to reflect recommendations by the Virginia Department of Environmental Quality, as part of the 2020 Chesapeake Bay Audit
- Provide sensible updates to:
 - Accessory Structures and Uses Sections
 - Allow tandem parking for small multifamily dwellings
- Establish BZA procedures for split zoned properties.

Technical Errors

- Move commercial complex definition to correct alphabetical order
- Remove duplicate definitions for through lots
- Correct cross-references in various sections

Amend **Accessory Use** and **Structure** definitions

Create **Accessory building** definition

- Increase consistency between definitions for accessory uses and structures
- Distinguish differences between accessory structures and buildings
- Remove the term subordinate structure, which would be replaced by the new accessory structure definition.

Amend **Pre-Construction** **Grade** definition

- To ensure accurate grade averages for smaller accessory buildings the proposed amendment requires at least **four** measurements to calculate average for buildings less than 250 square feet.

Amend **Floor Area** Definition:

- Remove redundant language: "include all space seven feet or more in height" from the description of FAR.
- Clarify that for single and two-family dwellings **only attics less than seven feet** can be excluded.
- For all other properties list areas less than seven with all other exclusions.
- Changes reflect the intentions of previous text amendments and are consistent with staff's current interpretation.
- Allow the over corners of wrap around porches to be excluded, up to 8' by 8' in dimension

Amend **Open Space** definition

- Align definition with 1995 guidance memo and staff practice.
- Clarify that open space must measure eight feet in width and length.

Amend **Trellis** definition

- Clarify that a trellis may be used for climbing plants and remove the 80% open requirement from the definition.
- Clarify length, height and required openness for trellises in required yards.

Clarify lot, bulk and open space requirements for mixed uses

- Clarify how lot requirements and bulk/open space regulations apply to mixed-use properties in commercial zones.

Amendments to supplemental zone regulations for accessory uses and structures

- Allow solar energy systems to be constructed to their required heights, regardless of height maximums, like other mechanical equipment.
- Consolidate repetitive language additional setbacks for accessory structures and buildings near property lines.
- Include Electric Vehicle (EV charging structures and associated equipment as a permitted accessory use and structures

Amendments to supplemental zone regulations for accessory uses and structures

- Allow **permeable** driveways accessing accessory buildings containing an accessory dwelling unit (ADU) and garage in a required yard.
- Remove specific occupations from home occupation regulations and focus use limitations to allow greater flexibility for small businesses while protecting residential neighborhoods.



Amendments to supplemental zone regulations for accessory uses and structures

- Repeal aesthetic standard restrictions governing wireless facilities after Court ruling
- Clarify that section 7-2501 only applies to certain garages and that other garages can be built in compliance with the zone regulations.

Development Approvals and Procedures

- Add a requirement that additional information be noted on plats or site plans that conveys information related to the Resource Protection Areas, Resource Management Areas, and disturbances, buffers, and buildable areas.
- Required as a corrective action recommended by the Virginia Department of Environmental Quality as part of the 2020 Chesapeake Bay Audit and required under the Virginia Administrative Code.

Development Approvals and Procedures

- Allow multi-family dwellings with up to four dwelling units to provide tandem parking to meet off-street parking requirements.

Board of Zoning Appeals: Zone Extension

- Charter and the Zoning Ordinance give the BZA the authority to extend a zone line.
- The proposed amendments outline the procedures for this type of request and utilize that standards already established by the Charter.

Board of Zoning Appeals: Special Exception (ADUs)

- Minor change to the accessory dwelling unit special exception language to include “alterations” of accessory buildings in addition to expansion or reconstruction.

Recommendation

Staff recommends **initiation** and **approval** of the text amendments.