



# **Text Amendment #2021-00003**

## **Practical Updates**

City Council  
September 18, 2021

# Summary

- Correct technical errors and cross references
- Update language to codify on-going staff interpretations
- Consolidate redundant terms and regulations
- Update accessory structure and building terms and regulations
- Allow electric vehicle charging as an accessory use
- Repeal aesthetic standards for antennas and other wireless facilities
- Incorporate language required by the VA Department of Environmental Quality's 2020 Chesapeake Bay Audit
- Allow tandem parking for small multifamily dwellings
- Establish Board of Zoning Appeals procedure for split-zoned properties

# Additional Setbacks for Accessory Structures and Buildings

Existing rule prevents fences, sheds, detached garages, ADUs from sitting too close to neighboring houses, blocking light and air



# Sill height determines if additional setback would be required.



Structure	Sill height
Fences	<6 ft.
Sheds	<8 ft.
Garages	<13.5 ft.
ADUs	<20 ft.



# Proposal

Additional setback required when the sill height is less than six feet regardless of the type of accessory structure/building.

# Recommendation

Planning Commission **initiated** and **recommended approval** of the text amendment.

# Additional Material

# Technical Errors

- Rearrange definitions 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, structures and buildings
- Establish differences between accessory structures and buildings
- Delete subordinate structure definition
- Update language to reflect new and deleted definitions

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

- Ensure accurate grade measurements for smaller accessory buildings.
- Require at least **four** measurements to calculate grade for buildings less than 250 square feet.

# Amend **Floor Area** Definition:

- Remove redundant language: “include all space seven feet or more in height”
- For single and two-family dwellings, clarify attic exclusion to state that only attic space with a ceiling height of **less than** seven feet can be excluded.
- For all other properties list areas with ceiling height of less than seven with other exclusions.
- Allow portions of wrap-around porches to be excluded

# 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 move the 80% open requirement.
- Clarify length, height and required openness for trellises in required yards.

# 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 a **permeable** driveway accessing an accessory building containing both 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.