

AN ORDINANCE TO AMEND ARTICLES III, XI, AND XX OF THE LEXINGTON ZONING ORDINANCE TO ALLOW AND PROVIDE STANDARDS FOR COTTAGE HOUSING DEVELOPMENTS

WHEREAS, the Planning Commission and Mayor and City Council have determined that regulations such as those to allow cottage housing developments in appropriate residential areas should be reviewed as directed by strategy HO 5.3 of the Lexington Comprehensive Plan, which encourages consideration of a variety of safe, affordable, and innovative housing options, including smaller lot and higher density options; and

WHEREAS, this Ordinance amending the Lexington Zoning Ordinance was properly initiated by motion of the Planning Commission, as required by Virginia Code § 15.2-2286(A)(7), for the purposes of the public necessity, convenience, general welfare, and good zoning practice; and

WHEREAS, the applicable provisions of Title 15.2 of the Code of Virginia and § 420-17.2 of the Zoning Ordinance pertaining to the procedure by which amendments to the Zoning Ordinance are to be considered have been followed, including, but not limited to, the holding of a properly advertised and noticed public hearing before the Planning Commission on the proposed amendments, the consideration of the proposed amendments by the Planning Commission with a recommendation forwarded therefrom, and the holding of a properly advertised and noticed public hearing before the City Council on the proposed amendments; and

WHEREAS, the Mayor and City Council have carefully considered the proposed amendments, the recommendation from the Planning Commission, and testimony received at public hearings, and find that the proposed amendments: (i) are reasonable and appropriate given the public necessity, convenience, general welfare and good zoning practice, (ii) serve to promote the health, safety, and general welfare of the inhabitants of the City, (iii) serve the purposes set out in Virginia Code §§ 15.2-2200 and 15.2-2283, and (iv) take into consideration the matters set out in Virginia Code § 15.2-2284.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of the City of Lexington, Virginia, pursuant to their authority, that Article III. Use Matrix., Article XI. Use and Design Standards., and Article XX. Definitions., of Chapter 420 of the Code of the City of Lexington, the Lexington Zoning Ordinance, are amended, reenacted, and recodified as follows:

Section 1.

Article III. Use Matrix. The Residential section of the Use Matrix in Article III of Chapter 420 of the Lexington City Code is amended, reenacted, and recodified to add *Cottage Housing Development* beneath *Accessory Dwelling Unit* –

1 Detached, and to indicate that it is allowed in the R-1, R-2, R-M, and R-LC zoning
2 districts only upon the issuance of a conditional use permit.

3
4 **Section 2.**

5 Article XI. Use and Design Standards., §420-11.1. Residential Uses. of
6 Chapter 420 the Lexington City Code is amended, reenacted, and recodified to add
7 the following as new § 420-11.1.3:

8
9 **Article XI. Use and Design Standards**

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13 **§420-11.1. Residential Uses.**

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17 **3. Cottage Housing Development.**

18 **A. Purpose and Intent.**

19 The purpose of this subchapter is to establish standards for cottage housing
20 developments. The cottage housing development design standards
21 contained in this article are intended to create a small community of cottages,
22 for smaller households and of no more than three bedrooms, oriented around
23 open space that is pedestrian-oriented and minimizes the visibility of off-street
24 parking. The cottage housing development design standards are intended to
25 ensure the inclusion of pedestrian amenities, maintain traditional cottage
26 amenities and proportions, and ensure that cottage housing developments
27 contribute to the overall community character. City Council may consider
28 minor deviations to these design standards provided the overall objectives of
29 this article are met. Cottage housing allows higher residential density than is
30 permitted in the underlying zoning district. This increased density is possible
31 through the use of smaller than average dwelling unit sizes, clustered parking,
32 and site design standards. The purposes of this subchapter are as follows:

- 33 1. To increase the supply and variety of housing choices available in the
34 city to better meet the needs of residents, especially those in smaller
35 households.
36 2. To encourage development of attractive infill residential communities
37 that are compatible with surrounding residential uses.
38 3. To enhance the aesthetic appeal of new cottage housing development
39 by encouraging a variety of home sizes and heights, in an
40 architecturally cohesive development.
41 4. To provide a cottage design that encourages community interaction
42 through usable front porches while maintaining a resident's privacy
43 within the home.

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5. To encourage site design for the preservation of existing large native tree species in order to provide habitat for wildlife, protect biodiversity, and enhance the environmental quality of the development.
6. 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.
7. To encourage connectivity to surrounding areas that enables neighborhood interaction, security, and a sense of community.
8. To enhance the aesthetic appeal of new cottage housing development by requiring the undergrounding of all utilities.

B. Density, Number of Cottage Housing Units and Minimum Lot Area.

1. In cottage housing developments, no cottage shall contain more than three bedrooms, and 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)
R-1 cottages	1 cottage per 4,000 sf	4	12	<u>16,000 sf</u>
R-2 cottages	1 cottage per 7,500 sf	4	12	<u>30,000 sf</u>
R-LC cottages	1 cottage per 2,500 sf	4	12	<u>16,000 sf</u>
R-M cottages	1 cottage per 2,000 sf	4	18	<u>16,000 sf</u>

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C. Existing Nonconforming Structures and Accessory Two-Family Dwelling Units.

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

1 nonconforming dwelling units shall be considered a cottage for the
2 purpose of calculating the maximum permitted cottage density.

3 a. Nonconforming dwelling units may be modified to be more
4 consistent with this article. However the building ground floor
5 area or total floor area may not be increased greater than
6 permitted by Section 420-11.1.3.G.

7 2. All residential units in a cottage housing development count towards
8 the maximum permitted density. An existing accessory dwelling unit
9 may be counted as a cottage unit if the property is developed subject to
10 the provisions of this article. New accessory dwelling units are not
11 permitted in cottage housing developments.

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13 D. Building Height.

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

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17 E. Variations in Building Design.

18 1. Objective. Cottage housing development structures shall provide a
19 variety of cottage designs and visual interest by using a combination of
20 building elements, features and treatments in cottages as well as
21 garages. Cottage housing developments are meant to be meaningfully
22 integrated into the broader community, to create a common space for
23 the cottage community, and to maintain private space for the residents
24 of the cottage units. The street-facing facades of cottages in a cottage
25 housing development will contribute to the neighborhood by including
26 attractive design details such as windows, changes in materials, and
27 views of front doors or porches. The main entries of some cottages will
28 be visible from the adjacent streets to provide a visual pedestrian
29 connection with the surrounding neighborhood. The following building
30 design requirements must be met, at a minimum:

31 a. Street facing facades and those facing common or community
32 areas shall not have blank walls and shall incorporate windows,
33 which may include bay windows, and one or both of the following:

34 (1) Changes in exterior material or paint color; and/or

35 (2) Building modulation with a depth measuring at least one foot.

36 b. Roofs in cottage housing developments shall have eaves to
37 efficiently shed rain and provide rain protection for exterior walls.
38 Eaves of at least 12 inches shall be provided on all cottage
39 structures on all sides of each building.

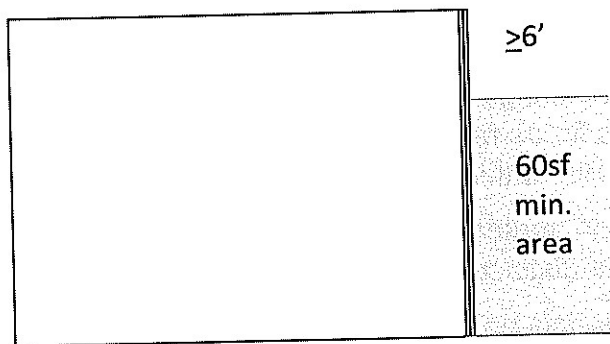
40 c. The cottage housing development should contribute to the
41 neighborhood by including design details that provide a visual

- 1 connection between the development and the immediate
- 2 surrounding residential neighborhood.
- 3 d. Units and other buildings shall be oriented toward each other or a
- 4 common area as far as reasonably practicable so as to create a
- 5 sense of community within the cottage housing development.
- 6 e. Variation in design, material or colors between adjacent cottages is
- 7 required to create distinct cottages within a development.
- 8 f. Transition in materials on a wall surface, such as shingle or lap
- 9 siding, shall be required to have a material separation, such as a
- 10 trim band board.
- 11 g. Staggered cottage orientations, window locations, landscaping, or
- 12 other similar techniques should be used to support privacy.

13 F. Covered Main Entry Porches.

- 14 1. Objective. All residences in cottage housing developments shall be
- 15 provided with a covered main entry porch to create a private outdoor
- 16 space protected from the weather and provide a transition from the
- 17 interior private residential space to the semi-private outdoor space.
- 18 Covered porches shall be usable both in design and dimension. The
- 19 following porch requirements must be met, at a minimum:
- 20 a. Cottage homes shall have a covered main entry porch with a floor
- 21 area measuring at least 60 square feet in size.
- 22 b. Porches may be screened, but shall not be enclosed by walls or
- 23 glass windows.
- 24 c. The floor of the covered main entry porch shall have minimum
- 25 dimensions of not less than six feet in any direction (length or
- 26 width).
- 27 2. Objective. All residences in cottage housing developments shall be
- 28 provided with a covered main entry porch to create a private outdoor
- 29 space protected from the weather and provide a transition from the
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G. Cottage Floor Area.

1. Objective. 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. The following requirements must be met, at a minimum:
 - a. The maximum ground floor gross area for an individual principal structure in a cottage housing development shall be as follows:
 - (1) For one-story units, the ground floor area may not exceed 900 square feet.
 - (2) For one and a half or two-story units, the ground floor area may not exceed 750 square feet with an upper level of no more than 50 percent of the gross floor area of the main level (i.e. a maximum of 1,125 square feet).
 - b. The square footage of required porches shall not be included in the floor area calculation

H. Yards – Building Setbacks from Exterior Lot Lines.

1. Minimum yard requirements. For cottages and community buildings (i.e., community guest houses, club houses, etc.): 20 feet from a public right-of-way, 10 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 cottages or community buildings shall be increased from ten to 15 feet to provide sufficient space for the landscape buffer.

	R-O-W	Side	Side adjacent to Res. zoning	Rear
Building Setback	20'	10'	15'	20'

I. Building Separation.

1. 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

1 a sense of privacy within the cottages themselves. The following
2 building separation requirements must be met, at a minimum:

- 3 a. All buildings within a cottage housing development shall maintain a
4 minimum separation of 10 feet from the other cottages, measured
5 from the nearest point of the exterior walls.
- 6 b. Accessory buildings shall comply with building code requirements
7 for separation from noncottage structures.

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9 J. Common Open Space.

10 1. Objective. Open space that is commonly owned by all members of a
11 cottage housing development is an important feature of any site
12 design. It is intended that the open space be adequately sized and
13 centrally located with individual cottage entrances oriented towards the
14 open space. The following common open space requirements must be
15 met:

16 a. Common Open Space. A minimum of 400 square feet per cottage
17 unit of common open space is required. Parking areas, yard
18 setbacks, spaces between buildings of 10 feet or less in width,
19 private open space, and driveways do not qualify as common open
20 space.

21 b. Proximity to Common Open Space.

22 (1) At least 50 percent of the cottage units shall abut a common
23 open space. All of the cottage units shall be within 60 feet
24 walking distance measured from the nearest entrance of the
25 cottage along the shortest safe walking route to the nearest
26 point of the common open space. The common open space
27 shall have cottages abutting at least two sides.

28 (2) For the purposes of cottage housing, "common open space"
29 shall be the central space that may be used by all occupants of
30 the cottage housing development.

31 c. Other amenities.

32 (1) If the proposed development includes a guest house, club house
33 or similar structure ("community building"), such community
34 building shall be available for the common use of all residents
35 within the development. Community buildings may include a
36 meeting room, guest room (which shall not include kitchen
37 facilities) for stays of 14 days or less, or kitchen facilities to
38 facilitate social functions of the owners' association. A
39 community building that is available to all residents shall not be
40 counted as a dwelling unit and no guest staying there shall be a
41 city resident by virtue of staying there.

1 (2) The proposed development shall have sidewalks along all public
2 streets adjacent to the development where sidewalks presently
3 exist on the same side of the block or where safety
4 considerations such as significant vehicular traffic or the need
5 for safe pedestrian pathways to nearby public uses require
6 them, such as schools, churches, parks, public transportation
7 stops, and shopping; and a system of interior walkways that
8 connects each cottage to the others and the parking area, and
9 to the sidewalks abutting adjacent public streets, where
10 applicable.

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12 K. Private Open Space.

13 1. Objective. Each residential unit in a cottage housing development shall
14 be provided an area of private open space. The private open space
15 shall separate the main entrance to the cottage from the common open
16 space to create a sense of privacy and a small but pleasant private
17 yard area. If the private open space abuts the common open space it
18 shall be separated from the common open space with a small hedge,
19 picket fence, or other similar visual separation to create a sense of
20 separate ownership. The following private open space requirements
21 must be met, at a minimum:

- 22 a. Each cottage unit shall be provided with a minimum of 200 square
23 feet of usable private open space directly contiguous to and
24 accessed from each cottage.
- 25 b. No dimension of the private open space shall be less than 8 feet.
- 26 c. Required porch areas may be counted as private open space.
- 27 d. Required perimeter landscaping shall not be counted as private
28 open space.

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30 L. Trees and Vegetation.

31 1. Objective. Cottage housing developments should be designed to
32 incorporate existing trees to the extent possible with an emphasis on
33 native species. New trees and vegetation should be located to create
34 amenities in the common open space and private open space, to
35 provide shade where appropriate, to create separation between
36 buildings when desired, and to screen and soften the perimeter of
37 parking areas and street facing sides of cottage housing developments.
38 Native species of trees and plants are recommended.

39
40 M. Stormwater Low Impact Development Techniques.

41 1. Objective. Cottage housing developments shall be designed to take
42 advantage of open space and landscaped features to utilize

1 stormwater low impact development techniques including natural
2 filtration and on-site infiltration of stormwater. The following low impact
3 techniques are recommended:

- 4 a. Low impact development techniques for stormwater management
5 should be used wherever possible. Such techniques may include
6 the use of pervious pavers in parking areas and for walkways,
7 directing roof drains and parking lot runoff to rain gardens,
8 landscape beds, green or living roofs, and the use of rain barrels.
- 9 b. Cottages should be located so as to maximize natural stormwater
10 functions.

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12 N. Off-Street Parking.

13 1. Objective. Off-street parking space requirements for cottage housing
14 developments shall be less than normally required for detached single-
15 family residences. These reduced standards are based upon the
16 cottages being smaller than average detached single-family homes and
17 on average containing fewer occupants. Off-street parking shall be
18 located and designed to be less visible from frontage streets than the
19 cottages themselves. Off-street parking shall be designed to maintain a
20 pedestrian character for the overall cottage housing development.
21 Clustering parking to the side or rear of a cottage project will most often
22 best accomplish these goals. However, on a site-specific basis, design
23 solutions other than clustering may be found to meet this objective.
24 Parking areas shall be attractively landscaped to screen parking from
25 adjacent properties and street rights-of-way and shall meet applicable
26 parking lot landscape standards.

27 a. Parking Ratios.

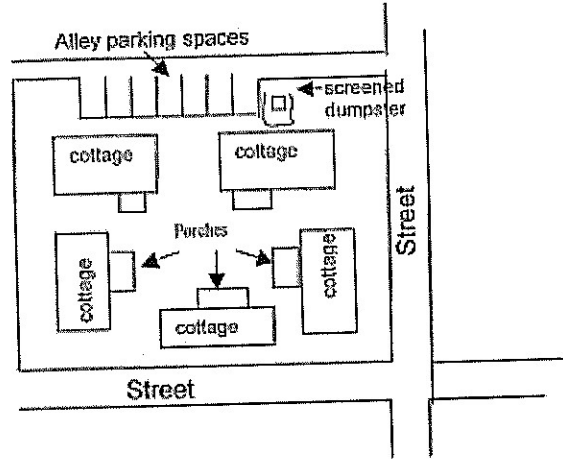
Number of Bedrooms per Cottage or Nonconforming Dwelling Unit	Parking Spaces Required per Cottage or Nonconforming Dwelling Unit
Studio or one bedroom unit	1.25 parking spaces
Two bedroom unit	1.5 parking spaces
Three or more bedroom unit or existing nonconforming single-family residence	2 parking spaces

28
29 b. Off-Street Parking Location. Parking shall be located on the cottage
30 housing development property. Off-street parking lots shall be
31 located to the side or rear of the cottage housing development (see
32 illustrations below). Parking lots shall not be located between the
33 cottage housing development and the primary street frontage.

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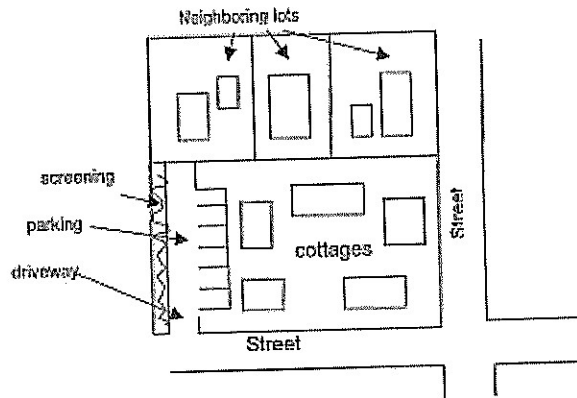
- (1) Off-Street Parking Screening. Off-street parking may be located in or under a noncottage parking structure (such as a single or multi-auto carport or garage), but such structures shall not be attached to individual cottages. Uncovered parking is also permitted; provided, that off-street parking shall be screened from direct street view from one or more street facades by garage doors, or by a fence and landscaping.
- (2) Preferred locations for parking, in descending order of preference, are as follows:

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



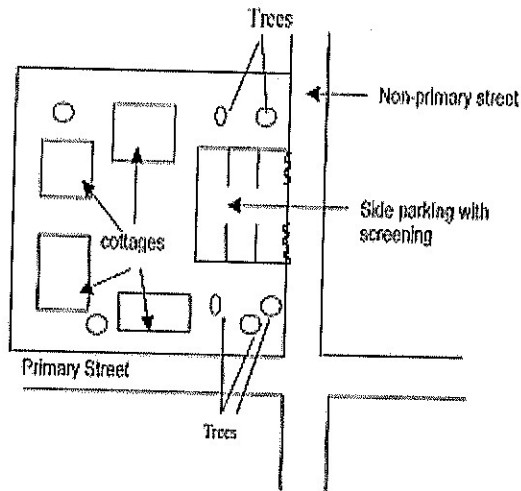
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(b) To the side of the cottage housing units accessed by a private driveway.



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



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- c. Parking Lot Landscaping. Parking lot landscaping shall comply with the requirements of Sec 420-14.7.
- d. Garages. Parking provided in garages shall meet the following standards:
 - (1) Garages shall meet location and parking access standards set forth in subsection b. of this section.
 - (2) 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.
 - (3) Garages shall use materials and architectural design elements that are consistent with the architecture of the cottages.
 - (4) Garages shall not be attached to cottages and shall be a minimum of eight feet from a cottage.
 - (5) Up to four garages may be attached to one another.

O. Solid Waste Collection.

- 1. Objective. Similar to off-street parking, the staging area for the collection of solid waste shall be located and designed to be less visible from frontage streets than the cottages themselves. Staging areas for the collection of solid waste shall be attractively landscaped to screen solid waste collection areas from adjacent properties and the street rights-of-way. The following solid waste collection requirements must be met:
 - a. Solid waste bins or dumpster shall be placed along one side of the access drive, provided placement does not interfere with vehicular access and circulation.
 - b. Any conditional use permit application for a cottage housing development requires written confirmation from the Lexington

1 Department of Public Works confirming a) the location of the
2 bins/dumpster is acceptable, and b) confirming any access drive is
3 designed to minimum roadway standards.

4 c. The City prefers any Cottage Housing Development utilize a
5 dumpster for the collection of solid waste, however bins may be
6 permitted by the Department of Public Works for Cottage Housing
7 developments containing fewer than half of the maximum number of
8 cottages allowed.

9 d. Staging areas for the collection of solid waste shall not be placed in
10 the front yard setback area (or along a street frontage).

11 e. Staging areas for the collection of solid waste shall be
12 architecturally screened and/or screened with landscaping so as to
13 mask their appearance to residents, adjacent properties, and the
14 public right-of-way.

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16 P. Mailboxes.

17 1. Objective. Cluster mailboxes or other appropriate mailboxes must be
18 safely located so that customers are not required to travel an
19 unreasonable distance to obtain their mail and so that there is sufficient
20 access to mailbox locations with adequate space for carriers to deliver
21 and customers to retrieve the mail.

22 a. Mailboxes in new cottage housing developments shall conform to
23 the requirements of the United States Postal Service.

24 b. Any conditional use permit application for a cottage housing
25 development requires written confirmation from the local
26 Postmaster confirming a) the acceptability of the type of mailbox to
27 be utilized (i.e. Cluster Box Units or other appropriate mailboxes)
28 and b) the location of the mailboxes.

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30 Q. Fire-Lane Access and Turnaround Provisions.

31 1. Objective. Cottage housing developments shall be designed so as to
32 allow for the safe and unobstructed access to individual dwellings by
33 emergency responders (i.e., fire, rescue, police), for the purposes of
34 protecting life, property and overall public safety.

35 a. Fire apparatus access roads shall be in accordance with the
36 Virginia Statewide Fire Prevention Code, as amended.

37 R. Exterior Lighting and Noise Minimization.

38 1. Objective. Cottage housing developments should be designed to
39 minimize light and noise impacts both within the development and to
40 adjacent properties. The following light and noise requirements must
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- 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. Additional exterior lighting requirements are provided in Sec. 420-15.
- b. Mechanical and utility 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. Preferred locations are abutting alleys, access drives, within, or under buildings, underground, or other locations away from the public right-of-way. Equipment shall not intrude into required common open space or pedestrian pathways.

S. Fences and Walls.

- 1. Front yard fences and walls located within the required minimum front yard setback shall be a maximum of three feet, six inches high and shall be no more than 60 percent opaque.
- 2. Private Open Space Fences. Fences delineating private open space are optional and shall be a maximum of three feet, six inches high.
- 3. Materials. Fences and walls shall be constructed of wood, wrought iron, brick, stone, or other high quality material. All chain link, electric, razor wire, and barbed wire fences, and other similar types of security fences are prohibited.

T. Ownership and Residential Use of Cottages.

- 1. All cottage housing developments shall be developed as residential condominiums, pursuant to the provisions found in Chapter 19, Title 55.1, of the Code of Virginia (1950), et seq., known commonly as the "Virginia Condominium Act." Appropriate documentation of formal legal ownership of the development shall be recorded with the Commonwealth of Virginia, the Rockbridge Circuit Court Clerk, and the Commissioner of Revenue's office with the City of Lexington.
- a. Cottages are for residential use only and may not be operated as short term rental accommodations.

Section 3.

In order to retain the alphabetical ordering of the specific uses enumerated in § 420-11.1. *Residential Uses*, of Article XI. Use and Design Standards, of Chapter 420 the Lexington City Code, those Sections previously enumerated as §

1 420-11.1.3 through § 420-11.1.6. are amended, reenacted, and recodified as §
2 420-11.1.4 through § 420-11.1.7., respectively.

3
4 **Section 4.**

5 Article XX. Definitions, §420-20.1. *Definitions.* of Chapter 420 of the
6 Lexington City Code is amended, reenacted, and recodified by adding the following
7 term and associated definition, which is to be incorporated alphabetically into §
8 420-20.1:

9 **COTTAGE HOUSING DEVELOPMENT**

10 An alternative type of detached housing providing small residences for smaller
11 households, intended to encourage affordability, innovation and variety in
12 housing design and site development while ensuring compatibility with
13 existing neighborhoods.

14
15 **Section 5.**

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17 The amendments set out above in Sections 1, 2, 3, and 4 of this Ordinance
18 shall be codified in the Lexington Zoning Ordinance. The Lexington Zoning
19 Ordinance shall remain unamended and in full force and effect except to the extent
20 specifically amended herein.

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22 The recitals to this Ordinance are incorporated by reference and are
23 declared to be findings of the City Council in connection with its decision to adopt
24 this Ordinance.

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26 This Ordinance shall become effective immediately.

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29 **Adopted and Effective** this the 20th day of March, 2025

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33 **Approved:** 
34 Frank W. Friedman, Mayor

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37 **Attest:** 
38 Jani L. Hostetter, Clerk