



City of Manassas, Virginia
Planning Commission Zoning Ordinance Review Committee Meeting

AGENDA

**Planning Commission Subcommittee
Manassas Museum
Family History & Education Center
9101 Prince William Street
Manassas, VA 20110
Wednesday, March 06, 2024**

1. **Call to Order - 5:30 p.m.**

2. **Roll Call and Determination of a Quorum**

3. **Approval of the Meeting Minutes**
 - 3.1 **Approval of the Meeting Minutes for February 7, 2024**
[Draft Minutes for February 7, 2024](#)

4. **Public Comment**

5. **New Business**
 - 5.1 **ZTA #2022-0001, Accessory Dwelling Units**
(Staff: Christian Samples, AICP, Planning Manager)
[Memorandum](#)
[Attachment 1. Draft Accessory Dwelling Unit Ordinance - Redline](#)
[Attachment 2. Draft Accessory Dwelling Unit Ordinance - Clean](#)
[Attachment 3. Potential ADU Maps](#)
[Attachment 4. HB900 Text](#)
[Attachment 5. SB304 Text](#)

6. **Adjournment**

**PLANNING COMMISSION
ZONING ORDINANCE REVIEW COMMITTEE (ZORC)
ACTION AGENDA
FEBRUARY 7, 2024
MANASSAS MUSEUM – FAMILY HISTORY & EDUCATION CENTER
9101 PRINCE WILLIAM STREET, MANASSAS, VA 20110
5:30 P.M.**

In Attendance

Dheeraj Jagadev – Committee Member
Eric Brescia – Committee Member
Leah Sanders – Committee Member (Arrived at 5:36 P.M.)
Miguel Pires – Planning Commission
Elaine Trautwein – Planning Commission Chairperson
Robert Keller – Planning Commission
Jeremy Rood – Planning Commission (Arrived at 5:50 P.M.)

Staff

Matthew Arcieri, Assistant City Manager/Planning & Community Development
Audra Ovalle, Planner
Christen Miller, Boards & Commissions Clerk

Guests

Patrick Small, Economic Development
Tom Osina, City Council Member

- 1. Meeting convened at 5:30 p.m.**
- 2. Approval of Meeting Minutes for November 15, 2023**

Commissioner Brescia moved to approve the November 15, 2023 minutes as presented.
Commissioner Jagadev seconded. **The motion passed unanimously by voice vote.**

- 3. Public Comments – None**
- 4. ZTA #2022-0001 – Accessory Dwelling Units**

Ms. Ovalle provided an overview of the revisions to the proposed accessory dwelling ordinance requested by the Committee at the November 15, 2023 meeting. The Committee provided the following questions and comments:

- Commissioner Trautwein asked for more information on the effect of ADUs to neighboring homes and home value
- Mr. Brescia and Mr. Jagadev commented that the lot size maximum square footage is similar

to other ordinances

- Mr. Brescia asked about options to limit the number of ADUs – planning staff advised it was not legal to limit a number of permits allowed
- Mr. Brescia raised concern about side setbacks for existing detached structures. Mr. Arcieri noted that if a structure didn't meet current setback requirements it wouldn't be permitted to convert

Summary of additional information requested:

- Additional maps that show the potential properties based off min lot size, 1x, 1.25x, 1.5x, 1.75x & 2x
- Revised language that allows for conversion of existing accessory structures to ADUs
- Currently inventory of housing types
- ADUs affecting neighboring home values

5. Discussion on Data Centers

Mr. Arcieri provided an overview and explained potential issues in ordinance related to data centers and large warehousing structures. He asked the Committee for their feedback on this topic and on including noise and building appearance language as part of the next technical update to the zoning ordinance. The Committee provided the following comments:

- Mr. Brescia had questions about lot size
- Ms. Trautwein asked how do we review a project now? Mr. Arcieri responded that it is administrative review, that requires the submission to meet zoning regulations and DCSM requirements
- Mr. Rood commented that in his experience, noise issue is not so much of an issue
- Mr. Rood brought up the power use question – Mr. Arcieri responded Dominion supplies and Data Center has dedicated substation – when a new substation is required the cost is covered by the data center

6. Adjournment

Commissioner Sanders moved to adjourn the meeting. **Commissioner Brescia** seconded the motion. **The meeting was adjourned at 6:30 p.m.**



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

Phone: 703-257-8223 Fax: 703-257-5117

TO: Zoning Ordinance Review Committee
FROM: Christian Samples, AICP, Planning Manager
DATE: March 6, 2024
RE: ZTA #2022-0001 – Accessory Dwelling Units – Summary Memorandum

Background

At the February 7, 2024 meeting, the Committee requested additional information concerning regulating the number of ADU's by property lot size and clarification concerning the conversion of existing accessory structures into ADUs. In addition, the General Assembly is working on bills to address ADUs that will impact the proposed ordinance draft. These items are addressed below.

Minimum Lot Size

Comprehensive Plan Strategy HOU 4.5.4 recommends, when developing an ADU ordinance, the consideration of the minimum lot size to ensure neighborhood compatibility. This strategy is intended to allow enough property to develop an ADU and for ADU development to not affect the character of a neighborhood. Striking a balance between maintaining neighborhood compatibility and providing reasonable development opportunities for ADUs is important.

A series of maps have been created showing the number of eligible lots by those meeting the minimum lot size and by up to twice the minimum lot size. Based on these parameters, the following number of properties would be eligible for an ADU:

- Total R1, R2, and R2S zoned properties: 5,165
- Meets minimum lot size: 4,375 (84.7% of total properties)
- 1.25 times minimum lot size: 1,522 (29.4% of total properties)
- 1.5 times minimum lot size: 665 (12.8% of total properties)
- 1.75 times minimum lot size: 355 (6.8% of total properties)
- 2 times the minimum lot size: 216 (4.1% of total properties)

An excessive minimum lot size requirement, when combined with other factors such as the cost to develop an ADU and siting requirements, will likely result in very little to no ADU development. Having little to no minimum lot size requirement encourages ADU development, but could conflict with the Comprehensive Plan's recommendation. The 1.25 times minimum lot size requirement or nearly 30% of applicable properties strikes a balance between these issues and enables realistic ADU development.

Conversion of Existing Accessory Structures

Converting existing accessory structures, particularly older structures located within setbacks, can conflict with the City's nonconforming structure ordinance. Sec. 130-163 (Nonconforming structures and improvements) does not allow nonconforming structures, except for single-family detached dwellings and manufactured homes, to be reconstructed, altered, or expanded and only in a limited fashion. This section is proposed to be amended to exempt the conversion of nonconforming accessory structures from this restriction and instead have similar restrictions to nonconforming single-family detached dwellings. This change enables the conversion of nonconforming accessory structures.

In addition, the proposed ordinance is amended to separate new ADUs and the conversion of conforming accessory structures from the conversion of nonconforming accessory structures. This enables new ADUs and conforming accessory structure conversions to follow the setback requirements of Sec. 130-57 and for nonconforming accessory structure conversions to reference the nonconforming structure provisions Sec. 130-163.

General Assembly ADU Bills

The General Assembly is considering two bills (House Bill 900 (HB900) and Senate Bill 304 (SB304)) that would require jurisdictions to allow ADU's to be allowed in all residential zones. Both bills would prohibit a jurisdiction from requiring an affinity between the residents of the main home and the ADU. Setbacks under both bills cannot be greater than the main home's setbacks. While both bills are similar, there are some differences. HB900 would prohibit a jurisdiction from requiring parking for an ADU while SB304 does not contain this limit. HB900 caps zoning permit fees at \$100 per ADU while SB304 sets this limit at \$250.

HB900 was tabled by the house until the 2025 session. SB304 has passed the Senate and is to be debated by the house. Staff will continue to monitor the status of this bill and may recommend additional changes to the draft ADU ordinance should this or any other ADU legislation be enacted this legislative session. The Planning Commission may also wish to review and update Comprehensive Plan Strategy HOU 4.5.4 as part of the 2025 Comprehensive Plan update, prior to completing work on this draft ordinance.

Attachments:

1. Draft Accessory Dwelling Unit Ordinance – Redline
2. Draft Accessory Dwelling Unit Ordinance – Clean
3. Potential ADU Maps
4. HB900 Text
5. SB304 Text

ARTICLE II. DEFINITIONS

Sec. 130-42. Definitions.

Accessory dwelling unit, detached means a secondary, independent dwelling unit that is detached from a single-family detached dwelling unit.

Accessory dwelling unit, attached means a secondary, independent dwelling unit located within or attached to a single-family detached dwelling unit.

ARTICLE III. GENERAL REGULATIONS

DIVISION 1. DEVELOPMENT STANDARDS

Sec. 130-67 Accessory Dwelling Units

(a) *General regulations:*

- (1) A maximum of one accessory dwelling unit is permitted per property.
- (2) Rental of an accessory dwelling unit shall meet the requirements of the use boardinghouse.
- (3) No more than three individuals shall reside in the accessory dwelling unit.
- (4) The unit shall contain a separate kitchen and a bathroom.
- (5) Parking shall meet the requirements of Article VI.
- (6) Both the single-family detached dwelling and the accessory dwelling unit shall remain under common ownership.
- (7) Accessory dwelling units shall not count against the maximum density of the zoning district or against the limitations of Sec. 130-57(a)(2).
- (8) The unit's architecture and materials shall be consistent with the design of the single-family detached dwelling.

—The minimum lot size for an ADU is 1.25 times the minimum lot size of the property's zoning district.

~~(8) The unit's setbacks shall meet the setback requirements for principal structures in the zoning district.~~

(9)

(b) *Accessory dwelling unit, detached:*

- (1) The unit shall have a gross floor area not to exceed 800 sq. ft.
- ~~(2) The minimum lot size required for a detached accessory dwelling unit is one and a half times the minimum lot area required in the zoning district.~~
- ~~(3) Height. See §130-57.~~
- (2)

(3) New units and existing conforming accessory structures that are converted into a unit shall meet the location requirements of §130-57. Units shall be located a minimum of 10 feet from any other structure, on site or off-site.

(4) Nonconforming accessory structures may be converted into a unit, subject to the additional requirements of Sec. §130-163.

Setbacks:

~~The unit~~New units and existing conforming accessory structures that are converted into a unit shall meet the location requirements of §130-57. only be placed located in the rear or side yards.

a.—

a.—~~The unit's setbacks shall meet the setback requirements for principal structures in the zoning district.~~

~~(4) Nonconforming accessory structures may be converted into a unit, subject to the additional requirements of Sec. §130-163.~~

(c) *Accessory dwelling unit, attached.*

(1) The gross floor area of the accessory dwelling unit, excluding basements, shall not exceed 30% of the gross floor area of the single-family detached dwelling.

(2) An accessory dwelling unit located in a basement may occupy the entire basement floor. .

(3) The entrance to the unit shall be provided by a separate exterior door.

(4) Nonconforming attached accessory structures may be converted into a unit, subject to the additional requirements of Sec. §130-163.

Secs. 130-68-130-90. Reserved.

ARTICLE V. NONCONFORMING USES, LOTS AND STRUCTURES

Sec. 130-163. Nonconforming structures and improvements.

(a) All structures and improvements except single-family detached dwellings, the conversion of nonconforming accessory structures into accessory dwelling units or manufactured homes:

~~(1)~~ A nonconforming structure under §130-163(a) or nonconforming improvement may continue as it existed when it became nonconforming. A nonconforming structure or nonconforming improvement shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.

~~(2)~~(1) _____

~~(3)~~(2) _____ A nonconforming structure or nonconforming improvement may be repaired only if:

- a. Such repair constitutes routine maintenance necessary to keep the structure or improvement in the same general condition it was in when it originally became nonconforming; or
- b. Such repair constitutes minor alterations, cosmetic modifications, interior renovations and similar changes that do not increase the land area occupied, unless approved as provided in §130-163~~(4)~~(4).

~~(4)~~(3) A nonconforming structure may be changed to make it a conforming structure.

~~(5)~~(4) A nonconforming structure under §130-163(a) may be enlarged or altered to an extent not to exceed 20 percent of its original footprint by administrative approval if the proposed enlargement or alteration will be constructed in a manner that conforms to all current yard dimensions and setbacks as required for new construction within the specified zoning district.

~~(6)~~(5) If a nonconforming structure is removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

(b) All single-family detached dwellings:

- (1) A nonconforming single-family detached structure may continue as it existed when it became nonconforming. A nonconforming structure shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.
- (2) A nonconforming single-family detached structure may be changed to make it a conforming structure.
- (3) A nonconforming single-family detached structure may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.
- (4) Should a proposed alteration of a nonconforming single-family detached structure not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
- (5) Should a nonconforming single-family detached structure be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

(c) Conversion of nonconforming accessory structures into an accessory dwelling units:

- (1) A nonconforming accessory structure may be converted into an accessory dwelling unit in accordance with Sec. 130-67. Such conversion shall not change the nonconforming status of the structure.
- (2) A converted accessory dwelling unit may be changed into a conforming structure.

(3) A converted accessory dwelling unit may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.

(4) Should a proposed expansion of a converted accessory dwelling unit not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.

(5) Should a converted accessory dwelling unit be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

~~(e)~~(d) The owner of any nonconforming structure damaged or destroyed by a natural disaster or other Act of God may repair, rebuild, or replace such structure to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such structure is damaged greater than 50 percent and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. Any work done to repair, rebuild, or replace such structure shall comply with the requirements of the building code and City floodplain requirements. Unless such structure is repaired, rebuilt, or replaced within two years of the date of the natural disaster or other Act of God, such structure shall only be repaired, rebuilt, or replaced in accordance with the requirements of this chapter. However, if a nonconforming structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the property owner shall have an additional two years for the building to be repaired, rebuilt, or replaced as otherwise provided in this paragraph.

~~(d)~~(e) Any building or structure which is nonconforming under paragraph (2) of the definition of nonconforming structure shall be brought into compliance with the Uniform Statewide Building Code, and doing so shall not affect the nonconforming status of such building or structure.

~~(e)~~(f) Any nonconforming improvement shall be maintained in good condition, reasonable wear and tear excepted, or replaced with a conforming improvement.

~~(f)~~(g) Access to sanitary sewer systems being available throughout the City, the owner of real property with existing on-site sewage system may not replace such system if it is damaged by natural disaster or other Act of God, and shall connect to the City's sanitary sewer system.

~~(g)~~(h) Nonconforming signs. See Article IV. In the event of any permitted expansion of a nonconforming structure, all signs located on the property shall be brought into full compliance with the current Zoning Ordinance requirements.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 130-204. Off Street Parking Requirements.

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS				
LAND USES DU = Dwelling Unit SF = Building's Gross Square Feet	REQUIRED OFF-STREET PARKING	SPECIAL DISTRICTS		EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS
		DOWNTOWN* *For B-3 Zoning See §130-204(b)	GODWIN TECHNOLOGY, MATHIS, SUDLEY MEDICAL	
ACCESSORY USES				No maximum parking required
Family Day Home	1 plus residential requirement	1 plus residential requirement	1 plus residential requirement	
Home Business	1 plus residential requirement	1 plus residential requirement	1 plus residential requirement	
Accessory Dwelling Unit	1 plus single-family detached unit requirement	1 plus single-family detached unit requirement	1 plus single-family detached unit requirement	Sec. 130-67

Editor's Note: No other changes to §130-204 Table 1.

ARTICLE VIII. ZONING DISTRICTS

DIVISION 1. PERMITTED USES

Sec. 130-241 Use Tables

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Accessory Dwelling Unit		P	P	P				P	P	
	Amateur Radio Tower	P	P	P	P					P	Sec. 130-57
	Caretaker Quarters										Sec. 130-67
	Family Day Home	P	P	P	P	P	P	P	P	P	Sec. 130-93
	Family Health Care Structure, Temporary	P	P	P	P					P	Sec. 130-104
	Home Business	S	S	S	S					S	Sec. 130-95
	Home Occupation	P	P	P	P	P	P	P	P	P	Sec. 130-96
	Temporary Use (Outdoor Events)	P									Sec. 130-104 Ch. 14
	Temporary Use (Outdoor Sales)										Sec. 130-104
	Yard Sale, Residential	P	P	P	P	P	P	P	P	P	Sec. 130-101

Editor's Note: No changes to residential, assembly & institutional, commercial or industrial categories.

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Accessory Dwelling Unit		P	P	P						Sec. 130-67
	Amateur Radio Tower		P	P	P						Sec. 130-57
	Caretaker Quarters						P	P	P		
	Family Day Home		P	P	P						Sec. 130-93
	Family Health Care Structure, Temporary		P	P	P						Sec. 130-104
	Home Business		S	S	S						Sec. 130-95
	Home Occupation		P	P	P						Sec. 130-96
	Temporary Use (Outdoor Events)	P	P	P	P	P	P	P	P	P	Sec. 130-104 Ch. 14

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		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Temporary Use (Outdoor Sales)	P	P	P	P	P	P	P	P	P	Sec. 130-104
	Yard Sale, Residential		P	P	P						Sec. 130-101

Editor's Note: No changes to residential, assembly & institutional, commercial or industrial categories.

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Accessory dwelling unit, attached means a secondary, independent dwelling unit located within or attached to a single-family detached dwelling unit.

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- (2) Rental of an accessory dwelling unit shall meet the requirements of the use boardinghouse.
- (3) No more than three individuals shall reside in the accessory dwelling unit.
- (4) The unit shall contain a separate kitchen and a bathroom.
- (5) Parking shall meet the requirements of Article VI.
- (6) Both the single-family detached dwelling and the accessory dwelling unit shall remain under common ownership.
- (7) Accessory dwelling units shall not count against the maximum density of the zoning district or against the limitations of Sec. 130-57(a)(2).
- (8) The unit's architecture and materials shall be consistent with the design of the single-family detached dwelling.
- (9) The minimum lot size for an ADU is 1.25 times the minimum lot size of the property's zoning district.

(b) *Accessory dwelling unit, detached:*

- (1) The unit shall have a gross floor area not to exceed 800 sq. ft.
- (2) Height. See §130-57.
- (3) New units and existing conforming accessory structures that are converted into a unit shall meet the location requirements of §130-57. Units shall be located a minimum of 10 feet from any other structure, on site or off-site.
- (4) Nonconforming accessory structures may be converted into a unit, subject to the additional requirements of Sec. §130-163.

(c) *Accessory dwelling unit, attached.*

- (1) The gross floor area of the accessory dwelling unit, excluding basements, shall not exceed 30% of the gross floor area of the single-family detached dwelling.
- (2) An accessory dwelling unit located in a basement may occupy the entire basement floor. .
- (3) The entrance to the unit shall be provided by a separate exterior door.
- (4) Nonconforming attached accessory structures may be converted into a unit, subject to the additional requirements of Sec. §130-163.

Secs. 130-68-130-90. Reserved.

ARTICLE V. NONCONFORMING USES, LOTS AND STRUCTURES

Sec. 130-163. Nonconforming structures and improvements.

- (a) All structures and improvements except single-family detached dwellings, the conversion of nonconforming accessory structures into accessory dwelling units or manufactured homes:
- (1) A nonconforming structure under §130-163(a) or nonconforming improvement may continue as it existed when it became nonconforming. A nonconforming structure or nonconforming improvement shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.
 - (2) A nonconforming structure or nonconforming improvement may be repaired only if:
 - a. Such repair constitutes routine maintenance necessary to keep the structure or improvement in the same general condition it was in when it originally became nonconforming; or
 - b. Such repair constitutes minor alterations, cosmetic modifications, interior renovations and similar changes that do not increase the land area occupied, unless approved as provided in §130-163(4).
 - (3) A nonconforming structure may be changed to make it a conforming structure.
 - (4) A nonconforming structure under §130-163(a) may be enlarged or altered to an extent not to exceed 20 percent of its original footprint by administrative approval if the proposed enlargement or alteration will be constructed in a manner that conforms to all current yard dimensions and setbacks as required for new construction within the specified zoning district.
 - (5) If a nonconforming structure is removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.
- (b) All single-family detached dwellings:

- (1) A nonconforming single-family detached structure may continue as it existed when it became nonconforming. A nonconforming structure shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.
 - (2) A nonconforming single-family detached structure may be changed to make it a conforming structure.
 - (3) A nonconforming single-family detached structure may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.
 - (4) Should a proposed alteration of a nonconforming single-family detached structure not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
 - (5) Should a nonconforming single-family detached structure be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.
- (c) Conversion of nonconforming accessory structures into an accessory dwelling unit:
- (1) A nonconforming accessory structure may be converted into an accessory dwelling unit in accordance with Sec. 130-67. Such conversion shall not change the nonconforming status of the structure.
 - (2) A converted accessory dwelling unit may be changed into a conforming structure.
 - (3) A converted accessory dwelling unit may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.
 - (4) Should a proposed expansion of a converted accessory dwelling unit not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
 - (5) Should a converted accessory dwelling unit be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.
- (d) The owner of any nonconforming structure damaged or destroyed by a natural disaster or other Act of God may repair, rebuild, or replace such structure to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such structure is damaged greater than 50 percent and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. Any work done to repair,

rebuild, or replace such structure shall comply with the requirements of the building code and City floodplain requirements. Unless such structure is repaired, rebuilt, or replaced within two years of the date of the natural disaster or other Act of God, such structure shall only be repaired, rebuilt, or replaced in accordance with the requirements of this chapter. However, if a nonconforming structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the property owner shall have an additional two years for the building to be repaired, rebuilt, or replaced as otherwise provided in this paragraph.

- (e) Any building or structure which is nonconforming under paragraph (2) of the definition of nonconforming structure shall be brought into compliance with the Uniform Statewide Building Code, and doing so shall not affect the nonconforming status of such building or structure.
- (f) Any nonconforming improvement shall be maintained in good condition, reasonable wear and tear excepted, or replaced with a conforming improvement.
- (g) Access to sanitary sewer systems being available throughout the City, the owner of real property with existing on-site sewage system may not replace such system if it is damaged by natural disaster or other Act of God, and shall connect to the City’s sanitary sewer system.
- (h) Nonconforming signs. See Article IV. In the event of any permitted expansion of a nonconforming structure, all signs located on the property shall be brought into full compliance with the current Zoning Ordinance requirements.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 130-204. Off Street Parking Requirements.

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS				
LAND USES DU = Dwelling Unit SF = Building’s Gross Square Feet	REQUIRED OFF-STREET PARKING	SPECIAL DISTRICTS		EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS
		DOWNTOWN* *For B-3 Zoning See §130-204(b)	GODWIN TECHNOLOGY, MATHIS, SUDLEY MEDICAL	
ACCESSORY USES				No maximum parking required
Family Day Home	1 plus residential requirement	1 plus residential requirement	1 plus residential requirement	

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS				
LAND USES DU = Dwelling Unit SF = Building's Gross Square Feet	REQUIRED OFF-STREET PARKING	SPECIAL DISTRICTS		EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS
		DOWNTOWN* *For B-3 Zoning See §130-204(b)	GODWIN TECHNOLOGY, MATHIS, SUDLEY MEDICAL	
Home Business	1 plus residential requirement	1 plus residential requirement	1 plus residential requirement	
Accessory Dwelling Unit	1 plus single-family detached unit requirement	1 plus single-family detached unit requirement	1 plus single-family detached unit requirement	Sec. 130-67

Editor's Note: No other changes to §130-204 Table 1.

**ARTICLE VIII. ZONING DISTRICTS
DIVISION 1. PERMITTED USES**

Sec. 130-241 Use Tables

§ 130-241 TABLE 1											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Accessory Dwelling Unit		P	P	P				P	P	
	Amateur Radio Tower	P	P	P	P					P	Sec. 130-57

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Caretaker Quarters										Sec. 130-67
	Family Day Home	P	P	P	P	P	P	P	P	P	Sec. 130-93
	Family Health Care Structure, Temporary	P	P	P	P					P	Sec. 130-104
	Home Business	S	S	S	S					S	Sec. 130-95
	Home Occupation	P	P	P	P	P	P	P	P	P	Sec. 130-96
	Temporary Use (Outdoor Events)	P									Sec. 130-104 Ch. 14
	Temporary Use (Outdoor Sales)										Sec. 130-104
	Yard Sale, Residential	P	P	P	P	P	P	P	P	P	Sec. 130-101

Editor's Note: No changes to residential, assembly & institutional, commercial or industrial categories.

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Accessory Dwelling Unit		P	P	P						Sec. 130-67
	Amateur Radio Tower		P	P	P						Sec. 130-57
	Caretaker Quarters						P	P	P		
	Family Day Home		P	P	P						Sec. 130-93
	Family Health Care Structure, Temporary		P	P	P						Sec. 130-104
	Home Business		S	S	S						Sec. 130-95
	Home Occupation		P	P	P						Sec. 130-96
	Temporary Use (Outdoor Events)	P	P	P	P	P	P	P	P	P	Sec. 130-104 Ch. 14
	Temporary Use (Outdoor Sales)	P	P	P	P	P	P	P	P	P	Sec. 130-104

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Yard Sale, Residential		P	P	P						Sec. 130-101

Editor's Note: No changes to residential, assembly & institutional, commercial or industrial categories.

Potential Accessory Dwelling Unit Locations R1, R2, R2S Properties - Meets Min Lot Size Regulation

Legend

Meets Min Lot Size Reg

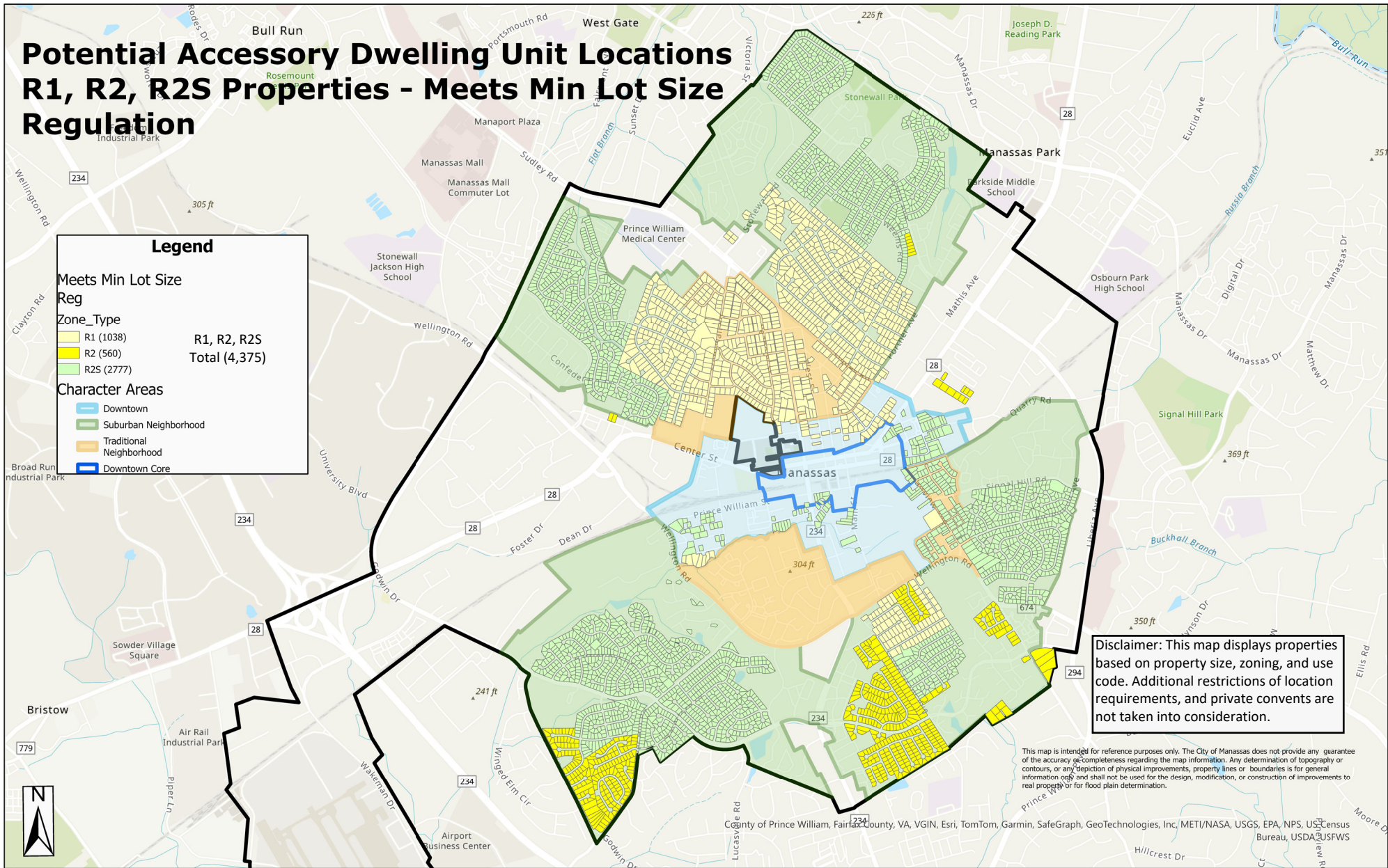
Zone_Type

- R1 (1038)
- R2 (560)
- R2S (2777)

R1, R2, R2S
Total (4,375)

Character Areas

- Downtown
- Suburban Neighborhood
- Traditional Neighborhood
- Downtown Core



Disclaimer: This map displays properties based on property size, zoning, and use code. Additional restrictions of location requirements, and private covenants are not taken into consideration.

This map is intended for reference purposes only. The City of Manassas does not provide any guarantee of the accuracy or completeness regarding the map information. Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

County of Prince William, Fairfax County, VA, VGIN, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Potential Accessory Dwelling Unit Locations 1.25x Min Lot Size - R1, R2, R2S Properties

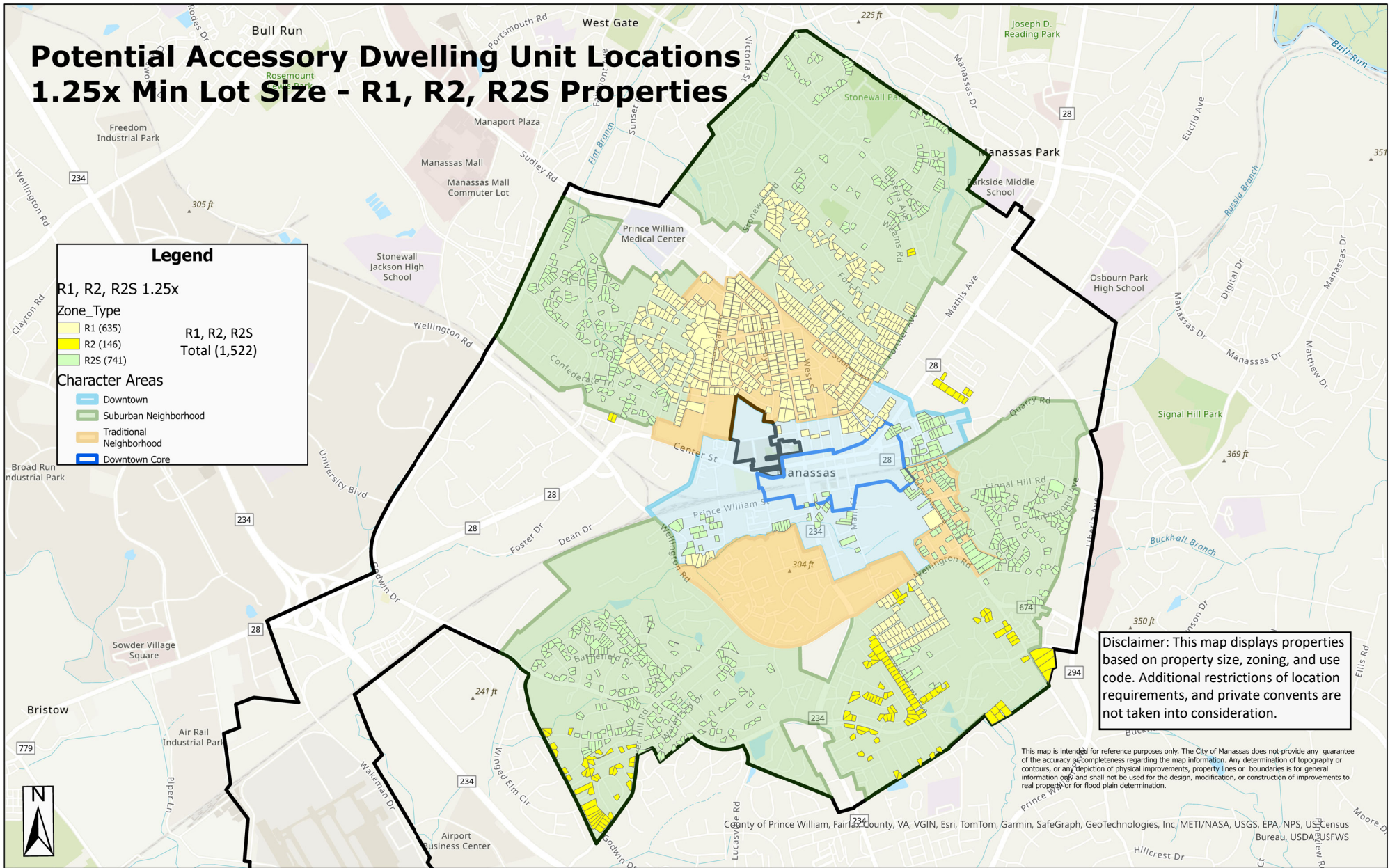
Legend

R1, R2, R2S 1.25x

Zone_Type	R1, R2, R2S Total (1,522)
R1 (635)	
R2 (146)	
R2S (741)	

Character Areas

- Downtown
- Suburban Neighborhood
- Traditional Neighborhood
- Downtown Core



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Potential Accessory Dwelling Unit Locations 1.5x Min Lot Size - R1, R2, R2S Properties

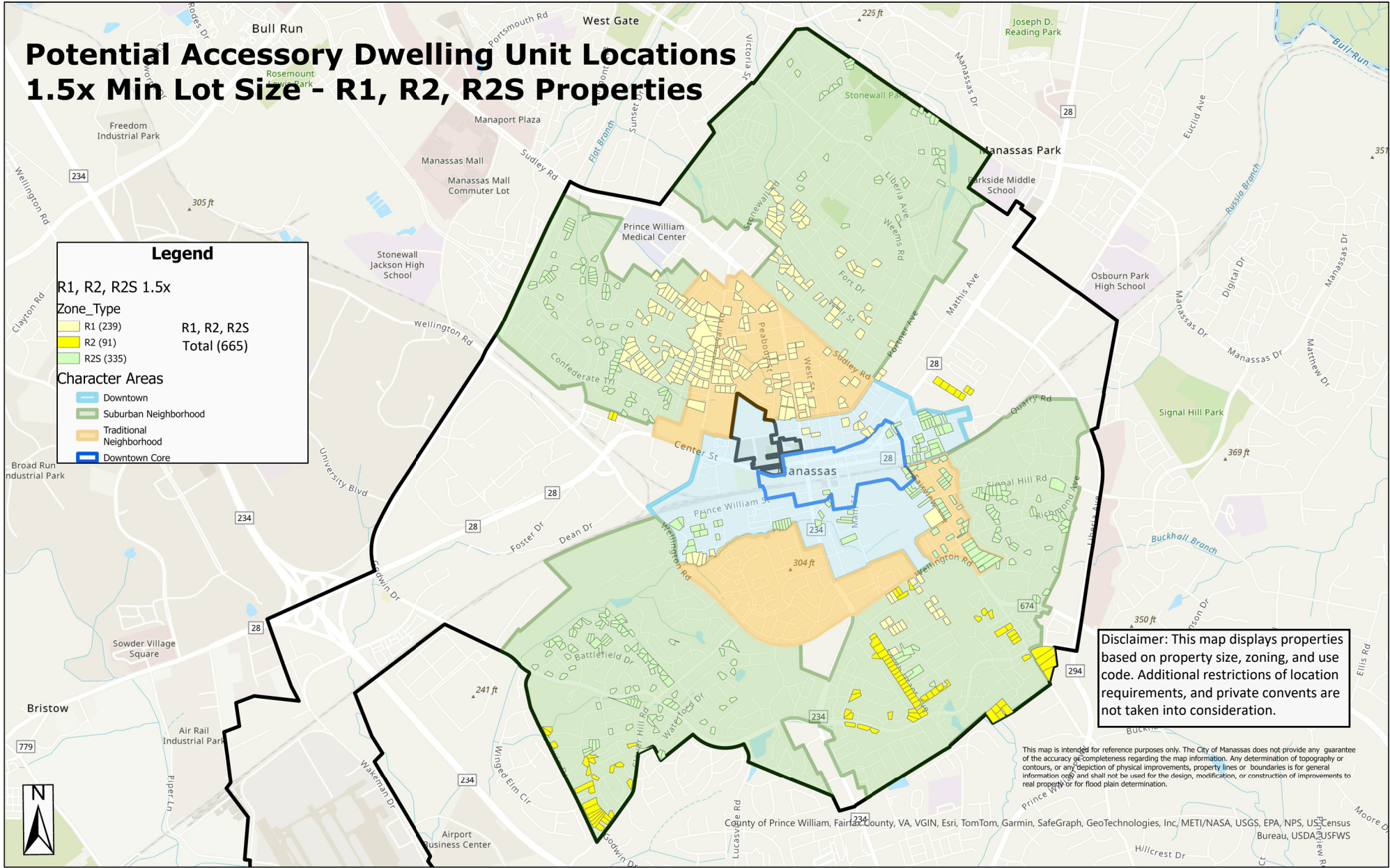
Legend

R1, R2, R2S 1.5x

Zone_Type	R1, R2, R2S Total (665)
R1 (239)	
R2 (91)	
R2S (335)	

Character Areas

- Downtown
- Suburban Neighborhood
- Traditional Neighborhood
- Downtown Core



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Potential Accessory Dwelling Unit Locations 1.75x Min Lot Size - R1, R2, R2S Properties

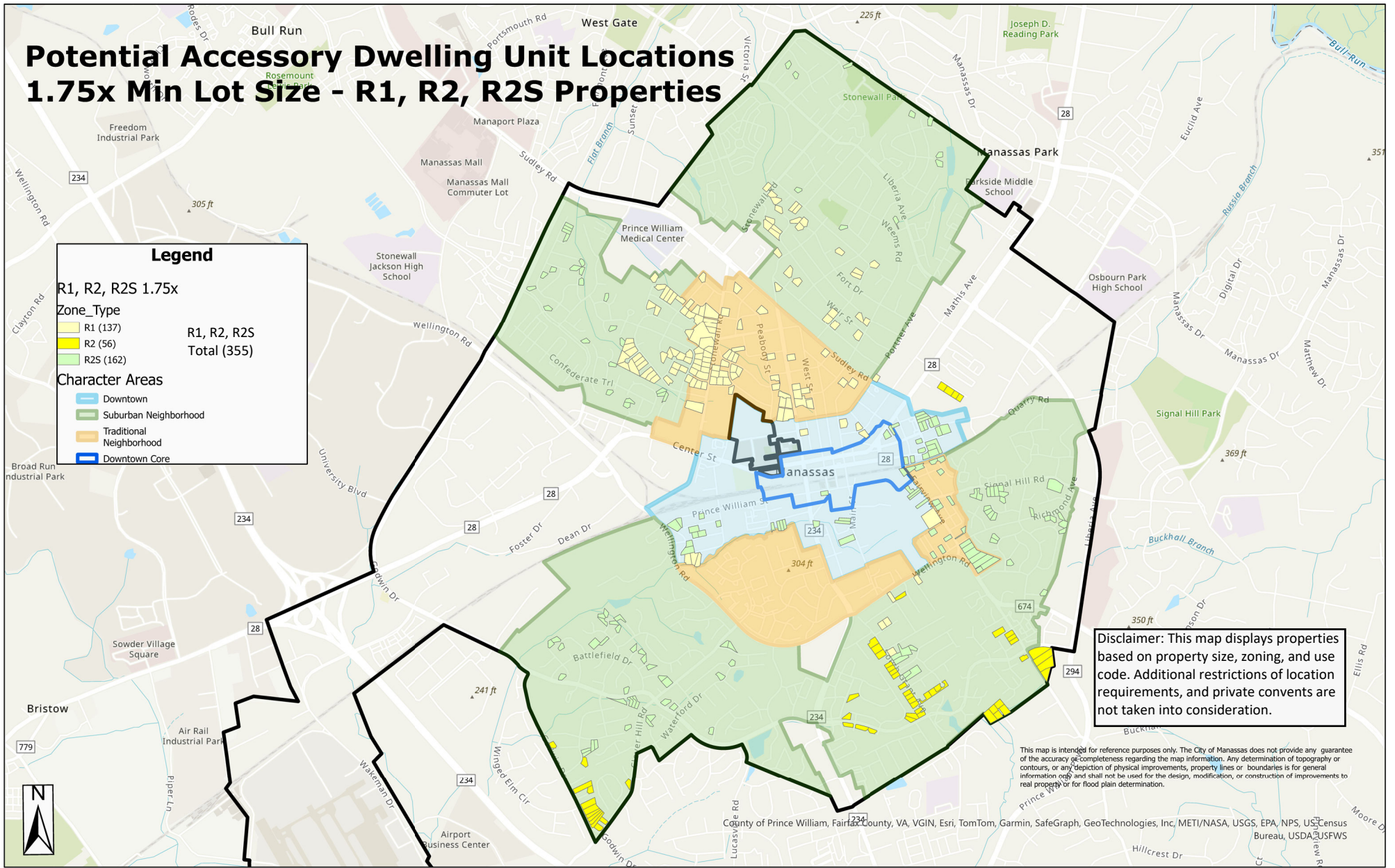
Legend

R1, R2, R2S 1.75x

Zone_Type	R1, R2, R2S Total (355)
R1 (137)	
R2 (56)	
R2S (162)	

Character Areas

- Downtown
- Suburban Neighborhood
- Traditional Neighborhood
- Downtown Core



Disclaimer: This map displays properties based on property size, zoning, and use code. Additional restrictions of location requirements, and private covenants are not taken into consideration.

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Potential Accessory Dwelling Unit Locations 2x Min Lot Size - R1, R2, R2S Properties

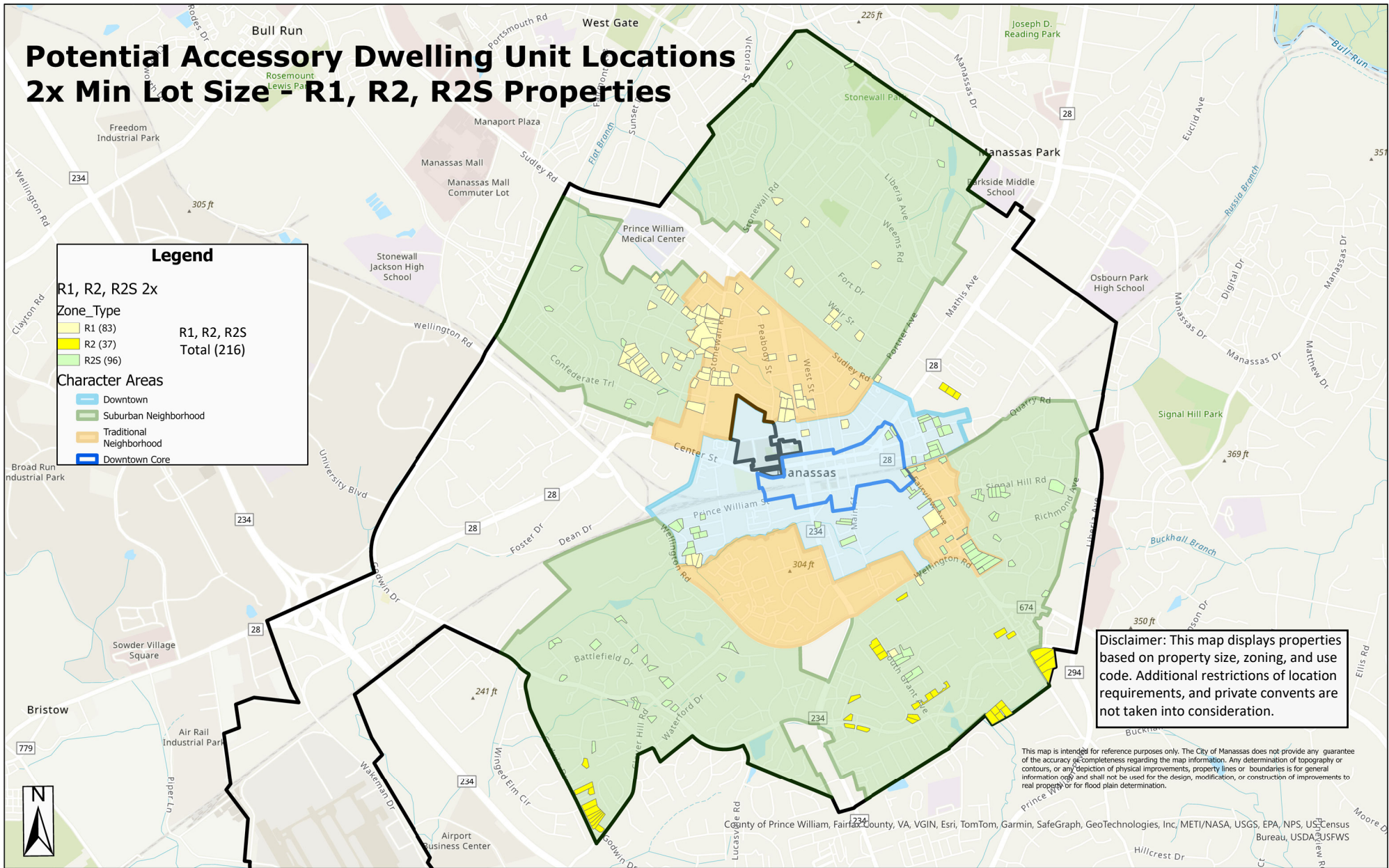
Legend

R1, R2, R2S 2x
Zone_Type

 R1 (83)	R1, R2, R2S Total (216)
 R2 (37)	
 R2S (96)	

Character Areas

- Downtown
- Suburban Neighborhood
- Traditional Neighborhood
- Downtown Core



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24100886D

HOUSE BILL NO. 900

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2292.2, relating to zoning; development and use of accessory dwelling units.

Patrons—Srinivasan and Cohen

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.2 as follows:

§ 15.2-2292.2. Development and use of accessory dwelling units.

A. As used in this section, "accessory dwelling unit" or "ADU" means an independent dwelling unit on a single-family dwelling lot with its own living, bathroom, and kitchen space. An ADU may be within or attached to a single-family dwelling unit or in a detached structure on a lot containing a single-family dwelling.

B. Zoning ordinances for single-family residential zoning districts shall be deemed to include accessory dwelling units as a permitted accessory use, and no locality shall require a special use permit for an ADU or compliance with any other requirements except as provided in this section.

C. Any person proposing an ADU shall first obtain a permit from the locality, for which the locality may charge a fee of no more than \$100. A locality shall issue a permit if the applicant demonstrates that the ADU complies with the requirements outlined in this section.

D. Localities may require the following:

- 1. No more than one ADU to be located on a lot with a single-family dwelling;
- 2. A rental period for such ADU of at least 60 days;
- 3. Replacement of a primary dwelling's required parking if the construction of the ADU eliminates such parking;
- 4. Square footage of the ADU not to exceed 1500 square feet;
- 5. Owner occupancy of the ADU or the primary dwelling, but not both; and
- 6. Compliance with (i) limitations on massing and impervious surfaces; (ii) building codes; (iii) water, sewer, septic, and stormwater requirements; and (iv) historic and architectural districts and corridor protection restrictions.

E. Localities shall not require the following:

- 1. Dedicated parking for the ADU, except that a locality shall not be obligated to issue additional parking permits for an ADU;
- 2. Lot sizes or setbacks for the ADU greater than that of the primary dwelling;
- 3. Consanguinity or affinity between the occupants of the ADU and the primary dwelling; and
- 4. Redundant water, sewer, or septic capacity for the ADU.

F. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

G. Nothing in this section shall apply to any existing ADU applications submitted to or approved by the locality prior to January 1, 2025.

2. That the provisions of this act shall become effective on January 1, 2025.

INTRODUCED

HB900

2/2/24 8:52

24107020D

SENATE BILL NO. 304

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government)
(Patron Prior to Substitute—Senator Salim)
Senate Amendments in [] - February 9, 2024

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2292.2, relating to zoning; development and use of accessory dwelling units.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.2 as follows:

§ 15.2-2292.2. Development and use of accessory dwelling units.

A. As used in this section, "accessory dwelling unit" or "ADU" means an independent dwelling unit on a residential dwelling lot with its own living, bathroom, and kitchen space. An ADU is accessory to and within, attached to, or detached from the single-family dwelling that is the primary use on the lot.

B. Zoning ordinances for single-family residential zoning districts shall be deemed to include accessory dwelling units as a permitted accessory use, and no locality shall require a special use permit for an ADU or compliance with any other requirements except as provided in this section.

C. Any person proposing an ADU shall first obtain an ADU permit from the locality, for which the locality may charge a fee of no more than \$250. A locality shall issue the permit if the applicant demonstrates that the ADU complies with the requirements outlined in this section.

D. Localities may require the following:

- 1. No more than one ADU to be located on a lot with a single-family dwelling;
- 2. A lease term for the rental of the ADU of 30 consecutive days or longer;
- 3. Replacement of a primary dwelling's required parking if the construction of the ADU eliminates such parking;
- 4. Dedicated parking for the ADU;
- 5. Square footage of the ADU to not exceed 1,500 square feet or 50 percent of the primary dwelling's square footage, whichever is less;
- 6. Compliance with (i) building codes; (ii) water, sewer, septic, emergency access, and stormwater requirements; and (iii) historic and architectural districts and corridor protection restrictions;
- 7. Owner occupancy of the ADU or the primary dwelling, but not both; and
- 8. That the ADU shall be no more than 500 feet from the primary dwelling.

E. Localities shall not require the following:

1. Rear or side setbacks for the ADU that are greater than the setback required for the primary dwelling, or [~~four feet~~ the setback required for accessory structures on the residential lot], whichever is less; and

2. Consanguinity or affinity between the occupants of the ADU and the primary dwelling.

F. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

G. Nothing in this section shall apply to any existing permits for an ADU approved by the locality prior to [~~January~~ July] 1, 2025.

H. Nothing in this section shall be construed to restrict a locality's passage prior to July 1, 2025, [or a subsequent amendment] of an ADU ordinance that substantially complies with the requirements of this section or its regulation of short-term rentals.

I. Nothing in this section shall apply to a locality that adopted an ADU ordinance prior to January 1, 2024, if such ordinance does not deem an attached or detached ADU to be a special use.

2. That the provisions of this act shall become effective on July 1, 2025.

REENGROSSED

SB304E2S1

2/22/24 19:51