

**LEXINGTON PLANNING COMMISSION**

**November 12, 2020 - 5:00 P.M**  
**Distance Meeting held through ZOOM**  
**300 East Washington Street, Lexington, VA 24450**

**AGENDA**

- 1. CALL TO ORDER**
  - A. statement of emergency and authority to proceed
- 2. APPROVAL OF THE AGENDA**
- 3. APPROVAL OF MINUTES**
  - A. Minutes from October 1, 2020\*
  - B. Minutes from October 22, 2020\*
- 4. CITIZENS’ COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
  - A. Discussion of Comprehensive Plan Implementation
    - 1) Nomination of Catalyst projects\*
    - 2) Public comment
  - B. Discussion of Annual Zoning Ordinance Amendments - Definitions
    - 1) Definitions and standards to include in the annual update\*
    - 2) Public comment.
- 6. OTHER BUSINESS**
- 7. CITY COUNCIL REPORT**
- 8. ADJOURN**

\*indicates attachment



## MINUTES

### City Council-Planning Commission Joint Work Session

Thursday, October 1, 2020 @ 7:00 PM

**CITY COUNCIL PRESENT:** Mayor Frank Friedman, Vice-Mayor Marilyn Alexander, Councilmember Dennis Ayers, Councilmember Michele Hentz, Councilmember David Sigler, Councilmember Chuck Smith and Councilmember Leslie Straughan

**CITY COUNCIL ABSENT:**

**PLANNING COMMISSION PRESENT:** Chairman John Driscoll, Vice-Chair Pat Bradley, Commissioner Jamie Goodin, Commissioner Camille Miller, Commissioner Blake Shester and Commissioner Matt Tuchler

**PLANNING COMMISSION ABSENT:**

#### CALL TO ORDER - MAYOR FRIEDMAN

Mayor Friedman called the work session to order at 7:00 p.m.

#### CALL TO ORDER - CHAIRMAN JOHN DRISCOLL

Chairman Driscoll called the work session to order at 7:00 p.m.

#### REVIEW OF DRAFT COMPREHENSIVE PLAN

Planning Director Arne Glaeser gave a brief overview of the draft Comprehensive Plan.

Vice-Chair Pat Bradley gave the following overview:

- **Re-Organization -- Textual / Conceptual**

Perhaps the biggest change you'll see in this plan is a re-organization on both a textual and a conceptual level. As a text, as a document, you'll see a very different look, made possible in part, of course, by the advances in digital production. There is more color, clearer graphics, greater variety of layout and formatting. It's all digital, of course, and easier to navigate as a whole. So, hopefully, much easier to read and use overall. Part of this also is that it's a much slimmer volume. That is due, in part, as we'll see, to the changes on a conceptual level.

There was a deliberate attempt to craft a **more cohesive vision** that would be articulated in a more tightly structured document. Arne mentioned the nine Planning Elements and these correspond to the nine chapters in the earlier plan (with a few changes I'll mention in a moment). The difference is that we worked to develop a structure for the plan as a whole that would reflect our understanding of what we want for Lexington and how we conceive of the work of a Comp Plan, and that would also, in turn, structure each chapter. The plan as a whole has a guiding vision statement:

“The City of Lexington will develop strategically and sustainably by diversifying economic opportunities, housing options, and transportation methods while protecting the City’s rich historic and natural resources and preserving the quality of life enjoyed by its residents and visitors.”

This **vision** recognizes that the physical, economic, and social aspects of our city are all interconnected; all intertwined. This vision is then supported and guided by **five values** (Accessibility & Diversity / Sustainable Economy / Local Identity & Character / Citizen Engagement / Management & Collaboration). In each chapter there is a single, overarching goal that we conceived of in relation to the five core values of the plan, each of which to be reflected in the **objectives** we hope to achieve through the specific **strategies** that we fashioned. The **analysis** of where we are as a city in each planning element (our strengths and our needs) helped guide us in developing objectives and strategies that will align with the stated goals and values. This pattern is repeated in each chapter. The idea is that we want always to keep our community’s values and vision of itself as the guiding principles throughout. We hope that we have done justice to the extensive community input we received, with the result that this plan represents a true community vision. In short, the idea was not to have nine discrete chapters with no explicit guiding principles. We wanted each chapter to show how we recognize that there is an organic inter-connectedness among all the planning elements we chose to address.

One thing you’ll notice is that the main body of the plan has much **less dense, technical material**. Much of this sort of information was moved to the Appendices with the thinking that we want to make this document as accessible and user-friendly as possible, and, therefore, more relevant and used.

- **Re-thinking priorities / approaches**

Another big difference is in the re-thinking of our planning priorities and approaches.

I noticed, in comparing this new edition to the 2007 Comp Plan, that there is a fair bit of **overlap, or revisiting** of goals and objectives. This is to be expected: same town, same strengths and challenges to a large degree. Thus we’ve addressed some of the same persistent issues: e.g., need for affordable housing; updating the City’s infrastructure; and the necessity of strengthening the tax base. We also have had to grapple with emerging issues, such as an aging population, sustainable economic development practices, increasing the use of renewable energy, and improved pedestrian and non-vehicular connectivity among our neighborhoods. What we’ve needed to do is build on the previous Plan while broadening the scope and considering new chapters and new approaches to old problems.

**Arts & Culture** was added as a new chapter. The fact that Lexington is a culturally vibrant city was not entirely absent from the previous plan. However, we came to feel that because arts and culture play such a central role in our area it deserved its own chapter.

One of the biggest changes in approach, I believe, is in the “**Green Infrastructure & Natural Resources**” section, formerly simply “Natural Resources.” The previous plan stated plainly, “Green

infrastructure planning should be integrated into this chapter when it is updated,” and it gave as a goal, “Encourage local environmental and community groups to work together, with the assistance of City staff, to engage the community in a planning process to create a green infrastructure plan.” Well, as we worked on this plan, we quickly realized that this was going to be too large a task to complete and incorporate into this completely rewritten comp plan. However, a green infrastructure plan and an environmental and climate action plan are two objectives that simply can’t be luxuries or extras. We have heard loud and clear that this is central to our community’s needs and vision, and this occasioned the foregrounding of the notion of Green Infrastructure. It signals a more intentional, active understanding of and approach to interacting with our environment.

Another area in which we took a new approach is in **Land Use**. Since ours is a compact, largely built out city with largely set land use patterns, this chapter focuses on the future land use plan as a tool in guiding any future redevelopment or infill with an emphasis on **form, connectivity, and character**. An attempt is made, again, to talk about future land use in the context of the overarching goal and values of the plan, and to offer a vision or a picture of the city’s future. The Future Land Use Plan is structured around **five main land use areas** each with planning objectives and design principles. These are Gateways, Centers, Corridors, Opportunity Areas, and Pattern Areas – with the pattern areas basically mirroring the different zoning districts on the city’s zoning map.

One thing that we hope will be innovative is the use of **small area planning** for the five designated ‘opportunity areas.’ The idea is to use a process that works from significant public input and coordination with city government to take a holistic look at developing or revitalizing areas that might impact surrounding neighborhoods or vary from the underlying pattern area principles. In other words, we’ll need to be creative and flexible, but also sensitive to existing conditions.

We also took a slightly different approach to dealing with our history. We have a planning element now entitled “**Historic Resources**.” Where the 2007 plan seemed to focus more on a bricks and mortar, historic preservation approach, this plan expands on our understanding of the role that history plays in our town. The goal of the chapter itself, in focusing on quality of life, cultural and recreational opportunities, and tourism, recognizes how deeply intertwined our history is in all aspects of our city’s life – the physical, economic, and social aspects I mentioned earlier. Much of the historical narrative has been moved to an appendix. I think we have a clearer picture of just how deeply interconnected our past and present are. There was also an attempt to present a fuller, more nuanced, **more honest account of our city’s history**, and to take a **more proactive role in promoting inclusion and equity** in planning, housing, and the delivery of services.

The final planning element, “**Governance**,” you’ll see has received a slight makeover as well. This can be seen first in the title, a change from “Government;” a subtle, but I think, telling change. It conveys, I hope, a **more active tone**. Whereas the “Government” chapter of the 2007 plan had a fuller civics lesson on the formal structure of our government, this chapter should show more the role that good governance practices can play in our city and how we can engage with our community.

So the hope is that we’ve crafted a plan that presents an explicit vision and set of values, in a cohesive, uniformly structured way that will make for a more nimble planning tool. What I noticed lacking in evaluating the previous plan is any record of how that plan was used, and what was accomplished or implemented, and what was left on the shelf (and why).

One last innovation I'll mention in this regard is the introduction of the idea of **catalyst projects**. These *Catalyst Projects* are strategies from the plan that will activate it once adopted and connect it to other departments in city hall, residents, businesses, and policymakers (primarily, City Council). The summary of catalyst projects will include an explanation of what category of implementation they are and how the outcome will be measured. The primary criteria we are currently considering for recommending a project or strategy are: that it can be initiated or undertaken within the year; will require little or no-cost or are a priority that can be initiated when funds become available; and that it engages existing resources among staff, boards, commissions, and active organizations.

How well all of these new approaches to planning and the crafting of a Comp Plan will work, of course, will be a function of implementation. So, with that, I'll turn it over to Camille who will discuss a new conception for implementing the plan and keeping it as a living, working tool.

Commissioner Camille Miller gave the following perspective on the Comprehensive Plan process:

Historically, Planning Commission and the City have viewed our Comprehensive Plan as, primarily, a compliance document. Update or reaffirm the plan every 5 years to meet State code. The two primary uses, following adoption of the Plan was by developers who might include language from the Plan to demonstrate how their application fit with the City's desires and for use in City-written grant applications to demonstrate that a proposed project was considered important by the City. Otherwise, each Comprehensive Plan has been relegated to a shelf—In my 18 years on Lexington's Planning Commission, not once did a Comprehensive Plan discussion occur following its adoption.

Lexington is not alone in this pattern of non-use of a Plan. Nearly all localities treated their Plans similarly. Until about 10 years ago, when several localities began viewing their Comprehensive Plans as useful planning guides to be implemented. The Berkley Group opened the conversation on Plan usefulness and implementation with Planning Commission, linking the Comp Plan to the CIP budgeting process. John did considerable research into what other Virginia localities were doing and found that, in fact, many localities have formalized the process for ensuring implementation. While many of the formal processes are impressive, none seemed to be a good fit with how business gets done in Lexington.

A model for how Lexington can implement its Comprehensive Plan was presented to our City Manager. Jim and Arne modified the model and, once Council approves the Comprehensive Plan, Planning Commission will work with Jim to begin a beta test of the model. Ultimately, any recommendations Planning Commission might make would need to be accepted by Jim and, in some cases, approved by Council before implementation would begin.

For members of Commission, it feels as if we're taking an important step in ensuring a planned future moves toward reality. We envision implementation happening over the longer term, through 3 venues: 1) the CIP, 2) blending Comp Plan strategies into on-going scheduled work—e.g., Public Works considering improving neighborhood connectivity in its regular work of sidewalk and street improvements, and 3) through immediate catalyst projects, which Pat will explain in a bit more detail.

Councilmember Ayers thanked the Planning Commission for all of their work on the Comprehensive Plan. He asked who would be taking care of any minor issues like grammatical or spelling errors in the document. Director Glaeser said he would be the contact for any minor errors. Commissioner C. Miller suggested putting Vice-Chair P. Bradley's previous comments in the appendix of the Comprehensive Plan, because she believes

it would help the next Planning Commission when they look at the plan. **There were no objections from City Council to make that addition.**

Councilmember Hentz said that she loved the Comprehensive Plan and that she is impressed by the format, layout, visuals and all the data. She said that she paid close attention to the Green Infrastructure, Local Economy and Housing and Land Use. Councilmember Hentz asked if there is a plan to periodically look at the data and statistics to keep it up to date. Director Glaeser said that they plan to do an annual review, so those factors can be looked at in the annual review and every five years they can make sure to update all the data.

Mayor Friedman asked if the data in the Comprehensive Plan came from the Central Shenandoah Planning District Commission (CSPDC) or any National Organizations. Director Glaeser said that the Berkley Group pulled from a couple different places, including the CSPDC, the Weldon-Cooper Center, and a couple other places.

Councilmember Sigler said that he has been impressed by the depth of conversations among Planning Commission during the Comprehensive Plan process and despite having all meetings online, there was a great deal of engagement from the community. He asked if Planning Commission had any suggestions on continuing to keep that level of public engagement as City Council takes over the process. Chairman Driscoll said that the Planning Commission was very pleased with the input they received and suggested a comment tracker similar to what the Planning Commission used. Vice-Chair Bradley also suggested using the list of emails of everyone who participated in the process to send out meeting notifications. Commissioner Jamie Goodin pointed out the impact of Facebook Live and suggested continuing to make public meetings more accessible.

Councilmember Sigler asked if the Planning Commission felt that they had enough time to work on the Comprehensive Plan. Commissioner Matt Tuchler noted that the Comprehensive Plan is intended to be a living document and should be revisited frequently. Commissioner Miller said that Planning Commission should not be allowed to solely author a Comprehensive Plan, but have a City staff person work with them on the Comprehensive Plan. She added that during October/November, Planning Commission plans to do an annual review of the Comprehensive Plan and lift up what projects should be prioritized for discussion with the City Manager, decide what data needs to be updated and what areas need to be beefed up.

Mayor Friedman asked if Planning Commission got into any specifics on higher density housing particularly in Enfield. Director Glaeser said that there are certainly opportunity areas noted in the Comprehensive Plan. Chairman Driscoll said that other opportunities are in sensitive infill and accessory dwellings through incrementally increasing density where you already have infrastructure. He also spoke on opportunity zones and referenced the VDOT property. Commissioner Miller said that Planning Commission could take on accessory dwellings and develop a plan over the next several months as a project.

Councilmember Alexander said that there are a lot of exciting things happening in Lexington and the Comprehensive Plan reflects the vitality of Lexington. She added that the inclusion noted throughout the document and said that the people those sections refer to will feel like this Comprehensive Plan is for them as well.

Councilmember Straughan said that it was an outstanding and slow process and this plan is unique to Lexington and based off of the City's core values. She said that the Comprehensive Plan and Strategic Plan mesh very well together. Councilmember Straughan thanked the Berkley Group for helping guide the Planning Commission through the process. She also noted that City Council should look at the whole plan and pay close attention to

the implementation matrix. Councilmember Straughan thanked everyone who worked on the Comprehensive Plan.

Mayor Friedman said that the Comprehensive Plan reflects the compassion for the community. He noted his appreciation for regional cooperation and his hopes to continue those partnerships. He said that it is incumbent upon City Council to get it to the finish line and to keep it a living document that is referenced frequently. Mayor Friedman confirmed with Director Glaeser that the next step is to hold a City Council public hearing on November 5, 2020 and anticipating support for the Comprehensive Plan, City Council can consider and adopt it at that meeting. He added that if there are any questions or concerns, they need to be directed to Director Glaeser and asked that staff have the completed Comprehensive Plan available to the public by October 25, 2020.

Councilmember Straughan gave special thanks to Director Glaeser and the Planning Assistant, Bonnie Tombarge. Councilmember Alexander asked if there is a way to automatically refer an agenda item to the appropriate section of the Comprehensive Plan or Strategic Plan, or is that something that has to be done manually. Director Glaeser said that he would ask to see if there is anything available. Commissioner Bradley said that he hopes the plan is structured in a way to easily find information.

#### **ADJOURNMENT**

Mayor Friedman adjourned the City Council work session at 7:49 p.m.

Chairman Driscoll adjourned the Planning Commission Work Session at 7:49 p.m.

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Mayor Frank W. Friedman, Lexington, VA

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Jani L. Hostetter, Clerk of Council

## MINUTES

**The Lexington Planning Commission  
Thursday, October 22, 2020 – 5:00 p.m.  
Zoom Meeting – City Hall  
300 East Washington Street**

### Planning Commission:

Presiding: John Driscoll, Chair  
Present: Pat Bradley, Vice-Chair  
Leslie Straughan, Council Liaison  
Matt Tuchler  
Blake Shester  
Jamie Goodin  
Camille Miller

### City Staff:

Arne Glaeser, Planning Department  
Bonnie Tombarge, Administrative Assistant  
Jeff Martone, Director of Public Works

### CALL TO ORDER

Chair Driscoll called the meeting to order at 5:00 p.m. A. Glaeser read a statement saying that due to the COVID-19 pandemic the City of Lexington is taking action to limit attendance at public meetings. The City Council has approved an emergency ordinance allowing all meetings to be held as real time electronic meetings streamed to the City's Facebook page and uploaded to Youtube the following day.

### AGENDA

The agenda was approved unanimously (C. Miller/B. Shester).

### MINUTES

Minutes from October 8, 2020 meeting were approved unanimously with one change to the City Council Report by L. Straughan (C. Miller/P. Bradley).

### CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None.

### NEW BUSINESS

#### A. Discussion of Comprehensive Plan Implementation

- 1) Nomination of Catalyst Projects
  - a) Accessory Dwelling Unit Ordinance (HO 1.2) – There was agreement from the Commission to keep this on the list.
  - b) Cottage Housing Code (HO 2.2 & HO 5.3) – A. Glaeser said that it was mentioned as a potential to expand affordable housing. There was a developer interested in a cottage housing development on Thornhill Rd., but it was not a good location. L. Straughan asked if there were some appropriate locations within the City. A. Glaeser said there are one or two locations that could be a possibility. P. Bradley asked if this would add too much extra work, and A. Glaeser said he did not think so as there are some examples to pull from.



- c) Lot Splits – A. Glaeser said this would allow a parcel to be split that does not require the second lot to not have public street frontage.
- d) Review the Event Permitting Process (AC 4.2) – J. Goodin said that he would like to see a reevaluation of what event means for the purposes of the permit.
- e) Review Business Permitting Process (LE 1.1) – C. Miller said she would like to find out what the baseline is for these permits. She thought it would not take very much of staff’s time to review. J. Goodin agreed and wanted to see the permit pushed to the public more, to make them aware that a business permit is required. He also said this aligns more with the strategic plan. L. Straughan said that she would like to see this reviewed, but she thought it would take more time than previously mentioned as she thinks feedback on the process would be useful for the review.
- f) Map of ADA noncompliance (TR 1.1) – C. Miller said she has a relationship with the Department of Aging and Resources at the Virginia level, and that they do excellent ADA compliance assessments. She is not sure if they have ever done an assessment for a municipality, but if they would be willing to partner with the City, she said it would be a good no-cost option. C. Miller said she would like to see this get started even though it is possible it will take longer than a year to complete. L. Straughan said this is in the strategic plan, and would be a good option.
- g) Bike/Pedestrian Plan – Bike lanes & Sharrows (TR 1.3) – L. Straughan said the most important thing to do would be to get this in the CIP and start getting funding for it. A. Glaeser said he has reached out to Ann Cundy at the Central Shenandoah Planning District Commission (CSPDC) on what options are available for creating this plan. 1. The VDOT Office of Intermodal Planning and Investment Urban Development Area Technical Assistance Program has funded bike/ped plans previously, but they are currently revamping the program. It might be available sometime this fiscal year. 2. CSPDC could do the plan under rural transportation funding, but that won’t be until fiscal year 21. 3. We could put together a map of the existing network, prioritize projects, and work on projects with Transportation Alternatives Program funding, which also wouldn’t be available until summer of 2021. This funding is only available every two years and is alternating with Smart Scale funding. C. Miller confirmed that this being a catalyst project would mean that any preparation for getting one of these grants would be done before July 2021. M. Tuchler asked if the projects for the grants need to be ready to go in order to be eligible. A. Glaeser said that according to Ms. Cundy there would need to be a network map and priorities set according to the map, but he did not think details beyond that were required.

- h) Lobby for funding a Green Infrastructure assessment and development plan (GI 1.3) – J. Driscoll said that he felt that scoping out the work of creating a green infrastructure plan would be the priority and more doable in the current circumstances.
- i) Scope of work for a GI plan with committee (GI 1.3) – C. Miller said it would be a sub-group of Planning Commission as well as members of the community. Once this work has been done, the Commission can focus on the problem of funding.
- j) Traffic Signals reprogramed based on crash data (TR 1.1) – A. Glaeser said that depending on the equipment in the traffic boxes, it could be fairly easy, or it could be quite expensive. C. Miller said the focus was the property damage and potential injury, she pointed out the intersections on Rt. 11 to the south of the downtown. The yellow turn signal confuses drivers. She did not think that synchronizing the downtown lights would be the goal. C. Miller then pointed out the Washington St and Jefferson St. intersection as pedestrians are not watching as they cross. L. Straughan said that she is worried that it is a larger scope than just those couple intersections. She has previously inquired about delays to allow more time for pedestrians to cross and was told that they did not have the right equipment. She also said there would need to be research into other traffic calming measures. J. Goodin agreed, and said that this project could perhaps have some extra weight put on it due to the property damage and public health impacts. He also wanted to be sure to bring the Randolph St. and Nelson St. intersection to the attention of anyone doing research on this, as there are regular accidents there. C. Miller said she would like to have A. Glaeser work with the Public Works director to explore the feasibility of this project.
- k) Jordan’s Point Park Implementation (GI 3.1) – J. Driscoll said this was intended to see what could be started in the next year, but not to be a full scale implementation. He believes that project recommendations would need to come from A. Glaeser working with the Public Works Department. C. Miller also wanted to be sure it is pointed out that this would be incremental implementation as funding and resources become available. M. Tuchler asked if the Commission needed to get granular with the implementation projects, or if that is something City Council would take care of. L. Straughan said there was a desire from Council to see what the full plan would be as that would include cost estimates. At that point, they would want to look at the incremental implementation of the plan.
- l) Assign Public Works to Sidewalk Connectivity (TR 3.4) – C. Miller saw this project as making Public Works, and the City at large, aware that this is something important. She would remove it if it requires the creation of a plan. J. Driscoll said he would fold this into the bike/ped plan.

- m) Tree Planting Program (GI 3.2) – C. Miller pointed out that Director Martone had said that he was getting more requests to remove trees, so this may not be viable. She would like it reviewed by Director Martone and the City Manager to see if it could be turned into a more useable concept. L. Straughan said there were also comments from the arborist that she was struggling to maintain the current trees. She also felt there would need to be more information about how to increase the tree canopy before starting to plant trees.
- n) Diversity Initiative in recruiting for boards/commissions and hiring City/School personnel (GO 1.2) – P. Bradley said he felt this was very important to keep. C. Miller agreed. J. Driscoll said there might need to be more clarification on what was meant.
- o) Small Area Plans for Opportunity Areas (LU 4.2) – J. Driscoll said this would be started as an information session on what small area plans are. He said it would not be necessarily creating a plan in the next year, but learning how the City might be able to be utilize a small area plan.
- p) Publish Arts and Culture directory (AC 5.3) – J. Goodin said that this is information that can already be accessed, but it would be forever fluid. L. Straughan said that she thought this was supposed to help keep the Arts & Culture group going, and wondered if this is something that they could do. J. Goodin said that he thought they could do it, but he felt this is something better suited to a project for the local high school students. J. Driscoll inquired where this directory would be located. C. Miller said the bulk of visitors would have already done their research before arriving, so this directory will not be supremely useful. B. Shester said he felt it was more important to keep the Arts & Culture committee up and running, but he was not sure this would be the way to do that. P. Bradley said it could be asked of the committee, and then when bigger projects present themselves, the Commission can pass those on. J. Driscoll said the project could be changed to engaging the Arts & Culture community.
- q) Arts and Culture Overlay District (AC 2.3) – A. Glaeser said this came from a question of how to support arts and culture in particular areas. He said this could be focused on McLaughlan Street as an example. C. Miller said that B. Shester had said this was a desire of the focus group, but not necessarily something the Commission wanted to consider. She was not sure this should be a priority. B. Shester said the reason this is on the list is because there are other cities that have done this, and there was a question of if this would be something that would work for Lexington or not. It would also have an impact on what could be allowed in specific areas that are currently restricted by zoning. L. Straughan said she thought this could be a good project for an arts & culture committee. She said it does fit in with a number of different items on this list. M. Tuchler asked when this type of overlay becomes a spot zoning issue. A. Glaeser

said there should not be an issue depending on how the intent is written and on how large the district is. M. Tuchler asked if the properties needed to be consecutive, and A. Glaeser said it would not be required, but it would not be as effective. J. Driscoll said this could potentially be a community education project. C. Miller agreed that this could be a project for the arts & culture committee but, she felt it would be better to examine fully how the City could better promote and support its arts & culture, so this could be folded into the event application evaluation. She also pointed out that when you start involving citizens, the Commission and the City needs to be prepared to listen and work with the citizens working on the project. J. Goodin pointed out the work style differences between the green infrastructure working group and the arts and culture working group. The GI group would readily take on a boring, tedious task while the A&C group would have many other items taking priority over that task, and the Commission should consider the projects they consider asking the groups to take on with those styles in mind.

- r) Tax Incentive (AC 2.2) – The Commission agreed to remove this project from the list as the City does not have the resources currently to make this an option. L. Straughan would recommend removing this from the list, but adding the storm water runoff fees. C. Miller agreed with L. Straughan’s suggestion.

C. Miller noted that the inclusion of storm-water runoff fees on the second document listing potential projects was something she put in inspired by other cities, but it had not been accepted by the Commission as a whole. L. Straughan pointed out that if these projects are supposed to be done in a year and be low cost, the Commission needs to watch how many plans they want to create. A. Glaeser pointed out that with the minimal cuts made to the list, it is still not a doable list of projects for the City, as even the smaller projects will still require time and research. C. Miller suggested that A. Glaeser share the list with the City Manager and the head of Public Works, and they can cut the list down to what they feel is doable and bring that back to Commission.

J. Driscoll said they would scope the list out a bit more and add clarification. He would like to get comments on this list of projects from the City Manager and the head of Public Works.

**There was a general agreement to include all projects on the list with the exception of looking into Tax Incentives.**

- 2) Public Comment – Charles Aligood, 506 Calvary Rd., said he wanted to be sure that all of these projects are going to be accounted for in the Commission’s annual report. He said all these projects are important, and he does not want these projects to get lost in the shuffle of work.

## B. Discussion of Annual Zoning Ordinance Amendments

- 1) Selection of amendments to include in the annual update
  - a) Accessory dwelling units – **Commission had general agreement to include this in the annual review.**
  - b) Accessory dwelling and accessory apartment – this is to create consistency in the wording used within the ordinances. **Commission had general agreement to include this in the annual review.**
  - c) Site Plans required to be posted to City Website – Site Plans are the only application that is required to be posted to the website. It is not legally required by the state, and it would reduce work load to remove the requirement to post the site plans to the website. There are several other avenues that people can get the same information. **Commission had general agreement to include this in the annual review.**
  - d) Multi-family dwellings permitted – This came up for the VDOT property, which is currently zoned C-2. The use-matrix only allows multi-family dwellings by right in residential multi-family and by conditional use in R-LC zoned areas. There would also need to be an update to show that dwellings are allowed on a second floor by-right in a C-1 zoned district. The City can decide to allow multi-family residences by-right in C-1 and C-2 districts, or they can have the City or the purchaser from the City apply for a rezoning to the parcel in question to be changed to residential multi-family. **Commission had general agreement to include this in the annual review.**
  - e) Parks and Open Space District Setbacks – Brewbaker field wanted to build a garage, and their suggested location was directly behind a neighborhood. There are no setbacks for parks and open space currently. A. Glaeser felt it was potentially unfair to the local residences to suddenly have a building constructed right outside their property boundary. L. Straughan said she would vote against pursuing this as she felt it could cause limitations for the cemeteries, and she felt the City could work with the residents in the area on this. A. Glaeser said it would be possible for the ordinance to be written with flexibility to prevent causing trouble in areas like the cemeteries. **Commission had general agreement to include this in the annual review.**
  - f) Educational Facilities, Primary/Secondary requirements – This came from the CUP for the RAW Learning facility that was ultimately denied. There were several comments about minimum acreage and pick-up/drop-off requirements. Items that could be clarified within the code. **Commission had general agreement to include this in the annual review.**
  - g) Entry Structure/Gate – Mr. Welch had a business on McLaughlin St. that requested a gate with a sign that would have been considered a structure. It was not allowed according to the current restrictions for R-LC zoned

areas. **Commission had general agreement to include this in the annual review.**

- h) R-M and R-LC zoning districts rear yard setback requirements for multi-family dwellings – There are some 40 foot setbacks for these zoned areas. This could be an excessive setback, and has created times, most recently with the McLaughlin Street apartments, where a large portion of the lot is unusable due to the setback requirements. **Commission had general agreement to include this in the annual review.**
- i) Home Occupation Limitations – There have been times where a resident has had multiple home occupation permits. It can be useful to have some limitations and what the use and design standards would be. It will give guidance as to how the floor area of the home is being used. C. Miller questioned the City’s ability to enforce compliance. **Commission had general agreement to include this in the annual review.**
- j) Remove the sunset provision for Short Term Rentals - **Commission had general agreement to include this in the annual review.**
- k) Short Term Rental off-street parking Conditional Use Permit requirements – There was a STR that did not want to give up the front yard for parking due to the historic lawn/fencing. There was a CUP with criteria to not provide off-street parking. This was not given to Commission with enough time to fully consider the criteria. **Commission had general agreement to include this in the annual review.**
- l) Bed and Breakfast increase in number of rooms – There was a CUP that came through recently asking for 6 rooms. The Mayor did request that Commission consider increasing the allowed number of rooms to 8. L. Straughan said that could be blurring the lines between a B&B and a hotel. **Commission had general agreement to include this in the annual review.**
- m) Small Cell Facilities – This is new legislation, and this is telecommunication equipment less than 3 cubic feet in area. This will fill in around cell towers, and this is something the City should go ahead and legislate as they can so they don’t lose the ability to limit where these area placed. **Commission had general agreement to include this in the annual review.**
- n) Dish Antennas – There are so use and design standards, but there is nothing to say that the dish antennas cannot be attached to the front of a structure, and there have been some instances of that happening. **Commission had general agreement to include this in the annual review.**
- o) C-2 zoning district wall sign size calculation – The current calculation is 2 square feet of sign per linear foot of business frontage, with a maximum of 25square feet of signage. The Mayor is asking the Commission to reconsider the maximum due to the recent request from

Schewels to update their sign. **Commission had general agreement to include this in the annual review.**

- p) Sign definition – The City is no longer allowed to have regulations for signage based on content, and this is in the regulations for street banners. One option is to define signs restrictions to only apply to commercial messages, not community events. **Commission had general agreement to include this in the annual review.**
- q) R.V. parking limitations – It is not clear if one can park an RV in a rear or side yard for more than 24 hours. **Commission had general agreement to include this in the annual review.**
- r) Commercial vehicle parking limitations – There have been no complaints, but there are some food trucks parking on streets and front yards. L. Straughan would like to include dump trucks. **Commission had general agreement to include this in the annual review.**
- s) Multi-family parking calculation – The current calculation is old and should be updated. **Commission had general agreement to include this in the annual review.**
- t) Inoperable motor vehicle definition – There is already a requirement not to store them outside, but it would be useful to define what is meant by inoperable. **Commission had general agreement to include this in the annual review.**
- u) Ground level definition – there is a screening requirement that says that ground level mechanical units will be screened. There was a developer who argued that the mechanical units on the wall of the ground level floor did not need to be screened as they were not on the ground. Commission had general agreement to include this in the annual review.
- v) Warehousing and distribution use and definition – This is a use, but there is not definition of what this is. **Commission had general agreement to include this in the annual review.**
- w) Architectural lighting definition – There is an exemption of anything 40 watts or less. Should that exemption be extended to gas lanterns, or should the Zoning Administrator be allowed to make the decision. **Commission had general agreement to include this in the annual review.**
- x) Restaurant take-out – The restaurant definitions are all oriented towards table service. This could be in response to a restaurant that came in with more of a take-out orientation. However, in the last few months, take-out has been the lifeblood of the downtown restaurants. Should the definitions been expanded to allow for greater ability to do take-out. **Commission had general agreement to include this in the annual review.**
- y) Definition of family – This was put forward after the discussions on diversity and inclusivity, and if the definition of a traditional family

should be revisited. L. Straughan said she was not sure that it would be applicable to Lexington, as a college town. C. Miller said, while she is sympathetic to families made by choice, she does not want this to be easily abused. **Commission had general agreement to include this in the annual review.**

- z) Planned Unit Development amendment – There is no development requesting this, but the language is older and could be updated. There could be some flexibility inserted into that district. L. Straughan said she did not think this was a high priority. **Commission had general agreement to include this in the annual review.**
- aa) Cottage Housing Code – C. Miller said it would naturally come up if the Commission decides to review accessory dwellings and lot splits. **Commission had general agreement to include this in the annual review.**

J. Driscoll and Commission approved this list for review for recommendation. The Commission would like to see the suggested amendments organized according to priority and City need.

- 2) Public Comment  
None

## **OTHER BUSINESS**

None.

## **CITY COUNCIL REPORT**

L. Straughan said City Council had a work session with the school board, and there will be a phase in for in-person schooling starting on Monday. There was a public hearing on the request from Landy Patton for the Abigail Inn and it was approved unanimously.

## **ADJOURN**

The meeting was adjourned at 7:00p.m with unanimous approval (C. Miller/B. Shester).

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J. Driscoll, Chair, Planning Commission



## **POTENTIAL CATALYST PROJECTS FOR COMPREHENSIVE PLAN IMPLEMENTATION**

### **Introduction**

The Planning Commission, after the formal adoption of the Comprehensive Plan, will recommend to the City Manager strategies that can be completed in the short term (i.e., within the next year). The identification of Catalyst Projects is not intended to be an annual endeavor, but rather an immediate one- time effort to activate the plan once it is adopted and connect it to other departments in City hall, residents, businesses, and policy makers (primarily, City Council). The summary of catalyst projects below is organized by type of implementation noted in the Comprehensive Plan. The primary criteria for recommending a project include:

- It can be initiated or undertaken within a year.
- The project requires little or no cost or is a priority that can be initiated when funds become available; and
- Engages existing resources among staff, boards, commissions, and active organizations.

### **Programs and Services**

#### **1. Diversity initiative in recruiting for boards/commissions and hiring City and School personnel (GO 1.2)**

**Rationale:** The city has a commitment to reflect the diversity of the citizens, the Commonwealth, and the United States. To that end, a proactive recruiting strategy to achieve a talented professional and representative workforce will ensure Lexington's leadership is available to and representative of all City residents. (GO 1.1 and GO 1.2, Page 154)

**Responsible Party:** Human Resources Director, Department Heads and Lexington City Schools Superintendent. Rockbridge NAACP.

**Scope:** A proactive strategic recruiting plan will be created and implemented during FY 2020/2021.

**Outcome:** A diversity hiring plan and a quantifiable increase in workforce and board/commission diversification.

### **Plans and Studies**

#### **2. Convene Green Infrastructure Working Group of interested citizens to draft a Green Infrastructure Plan (GI 1.3).**

**Rationale:** The City accepts that climate change is real and that many changes are needed to help reduce the impact of people on the environment. The Working Group will review the Green Infrastructure chapter of the Comprehensive Plan and, based on the expertise

found in the group, create an action plan to move the City from “recognition” of climate change to “implementation of mitigating strategies.”

**Responsible Party:** Convening the group for its initial meeting will be the responsibility of Planning Commission **with the participation of the Director of Planning**; subsequent work sessions will be scheduled and structured by the Working Group.

**Scope:** A scope of work will be created by Planning Commission and provided to the Working Group. The Working Group will identify short-term low/no cost actions as well as medium and longer term recommendations. Following completion of the plan, City staff will review recommendations for **potential** inclusion in the City’s budget, Capital Improvement Plan, and departmental work plans.

**Outcome:** An implementable Green Infrastructure Action Plan.

**3. Reprogram traffic signals within Lexington City limits to minimize the number of vehicle crashes attributable to traffic signaling (TR 1.1).**

**Rationale:** The comprehensive plan includes crash data that suggests traffic signaling is the root cause of a number of accidents. By reviewing the data and, where appropriate, realigning signaling, the number of vehicle crashes should be reduced thereby saving personal injury, property damage, and responses from our Police Department and Fire/Rescue Department.

**Scope:** Reprogramming will be considered only for traffic signals at intersections which have the greatest number of vehicle crashes.

**Responsible Party:** Director of Public Works.

**Outcome:** Quantifiable measurement of reduction in crashes; reduction in emergency response time given to avoidable crashes.

**4. Create a plan to improve the City’s pedestrian connectivity, bike lanes, and sharrows markings (TR 1.3).**

**Rationale:** The comprehensive plan encourages a pedestrian/bike friendly infrastructure that encourages walking and biking. A plan would identify how to maximize pedestrian and biker safety while also creating greater connectivity within the City.

**Scope:** Major thoroughfares will be reviewed for bike lanes and sharrows. For sidewalks, the City will be divided into neighborhood zones and one zone will be focused on each year.

**Responsible Party:** **The Director of Planning and the** Director of Public Works.

**Outcome:** An implementable plan that stages bike lanes/sharrows markings and prioritizes sidewalk upgrades and construction.

**5. Create a City-wide map of non-compliance with Americans with Disabilities Act (ADA) (TR 1.1).**

**Rationale:** The City is committed to removing barriers to mobility. This is made challenging by the historic character of many sidewalks and structures. Knowing, with one document, where the City is non-compliant will make it possible to develop a plan to remove barriers and/or increase access. The plan will allow for Capital Improvement Plan funding to move the City to full compliance.

**Scope:** The plan should include all City owned buildings/property, plus sidewalks/curb cuts.

**Responsible Party:** Director of Public Works; partnership with the Virginia Department for Aging and Rehabilitative Services (DARS).

**Outcome:** A visual map of locations that need to be brought into ADA compliance.

**6. Begin incremental implementation of Jordan's Point plan (GI 3.1).**

**Rationale:** Jordan's Point has the potential to be a more developed green space for residents and well as a tourism draw for individuals living in the region or traveling to Lexington as a destination. As such, development of Jordan's Point has the potential to provide a venue that enhances economic activities in Lexington.

**Scope:** As money becomes available, the City will implement small portions of the Jordan's Point plan. Over time, these smaller projects will lead to significant changes while sources for developing the balance are pursued.

**Responsible Party:** City Manager, Director of Public Works.

**Outcome:** Breaking implementation into micro increments will move the City closer to redevelopment of the Point.

## **Ordinance Updates**

**7. Review event permitting process and develop opportunities for other activities (AC 4.2).**

**Rationale:** Revenue and traffic opportunities exist for permitting innovative venues and concepts, for example food trucks and pop-up venues that take advantage of Lexington's events and provides new amenities that contribute to the City's economic and cultural development and tax revenue streams.

**Responsible Party:** City Manager, Finance Director, Main Street Lexington

**Scope:** Review existing ordinances, identify new opportunities, and update ordinances to reflect untapped opportunities.

**Outcome:** Updated vendor/consumer friendly ordinances.

## 8. Accessory Dwelling Unit

**Rationale:** There are limited opportunities for development scattered throughout the City, the City should explore modifying zoning policies to allow detached accessory dwelling units to further expand rental opportunities. (HO 1.2; Page 79-80).

**Responsible Party:** Planning Commission and Director of Planning

**Scope:** The Planning Commission will review and recommend an ordinance update based on recommendations from the Director of Planning.

**Outcome:** Adopted Accessory Dwelling Ordinance.

## 9. Review business permitting process (LE 1.1).

**Rationale:** The comprehensive plan recommends reducing the time it takes for an applicant to secure a business license and any necessary permits. We are uncertain about undertaking this strategy because we don't have a baseline that a) identifies the length of time it takes to secure licenses and permits and b) we are unsure if there are any steps in the process that are unnecessarily lengthy or burdensome. We need a baseline of steps, a timeline of the process, and a review of process **that could include focus group discussions.**

**Responsible Party:** Commissioner of Revenue, Director of Planning.

**Scope:** Reviewing only those processes and practices related to obtaining business licenses and permits.

**Outcome:** A baseline of the permit/licensing process.

## 10. Create a plan to assess storm water run-off fees to offset the costs of inflow and infiltration (XX).

**Rationale:** Impermeable structures and paved land create increased storm water run-off and tax the capability of our sewage treatment facilities. Assessing run-off fees is one way to fund necessary improvements to our sewer lines to reduce inflow and infiltration **as well funding best practices in storm water retention.**

**Responsible Party:** City Manager, Finance Director, Director of Public Works, Director of Planning.

**Scope:** The Plan would identify the necessary steps to implement run-off fees, identify the resources necessary (e.g., GIS software and operators), a timeline for implementation, and external expertise required along with the cost of securing such expertise.

**Outcome:** An implementable plan to move run-off fees from conceptual discuss to revenue generation.

### 11. Explore creating an Arts and Culture overlay district designation (AC 2.3).

**Rationale:** There may be economic benefit to designating certain areas of the City as Arts and Culture districts. An Arts and Culture Work Group would be convened to identify probable benefit of creating such districts, what defining criteria would make an area eligible for such designation, and how such designation would be promoted for economic growth.

**Responsible Party:** Director of Planning, Arts and Culture Work Group

**Scope:** Areas for consideration would be identified by the Work Group but are expected to be relatively limited (e.g., Washington Street between Main and Jefferson or McLaughlin Street).

**Outcome:** Recommendations for Ordinance changes to Planning Commission from the Work Group.

## Capital Improvements

### 12. Increase sidewalk connectivity with the ultimate goal of making it possible for one to walk any major thoroughfare and high-density neighborhoods with continuous sidewalk connectivity.

**Rationale:** The City would like to be pedestrian friendly; to achieve this laudable goal, we need intentional efforts to install sidewalks on major thoroughfares and in neighborhoods with houses in close proximity. We believe this can be accomplished overtime by identifying priority areas and installing sidewalks as resources become available.

**Responsible Party:** Director of Public Works and Director of Planning

**Scope:** Major thoroughfares (Route 11, Main Street, Nelson Street, Washington Street, Jefferson Street and high density neighborhoods).

**Outcome:** Measurable linear miles of newly constructed sidewalks.

## Community Education

### 13. Pilot small area plans for opportunity areas to determine how those areas might be best developed and to identify underlying infrastructure needs, using South Lexington area as the initial pilot (with potential funding funded by IDA) (LU 4.2).

**Rationale:** With only 2.5 square miles within City limits and approximately 60% of land categorized as non-taxable, the City must look for every possible opportunity to increase and diversify its tax base. Several areas are identified in the Comprehensive Plan with the VDOT property standing as one of the largest areas. Given the City's interest in acquiring the VDOT property while understanding we have a constraining infrastructure system. It is

timely to use South Lexington as a pilot for how to proactively develop the few remaining opportunity areas we have.

**Responsible Party:** Director of Planning, Director of Public Works, Planning Commission, Industrial Authority.

**Scope:** One opportunity area will be examined each year with a resulting summary of development potential, infrastructure needs, remediation areas, projected costs of preparing property for maximized disposition, and a timeline for development of an area.

**Outcome:** An action plan with projected costs and a timeline for development of target area.

**Removed from the short list of catalyst projects:**

1. Cottage housing code
2. Lot splits
3. Tree planting
4. Arts and culture directory
5. Tax incentives

*(Camille Miller drafted this version and suggestions by John Driscoll are in red)*

**Staff Recommendation**

The above list of Planning Commission recommended catalyst projects were reviewed by the City Manager, Public Works Director, and Planning Director. Based on staff resources, staff recommends the following possible projects be completed in FY 22:

10. Create a plan to assess storm water run-off fees to offset the costs of inflow and infiltration.
4. Create a plan to improve the City's pedestrian connectivity, bike lanes, and sharrow markings (TR 1.3).
6. Begin incremental implementation of Jordan's Point plan (GI 3.1).
12. Increase sidewalk connectivity with the ultimate goal of making it possible for one to walk any major thoroughfare and high-density neighborhoods with continuous sidewalk connectivity.
3. Reprogram traffic signals within Lexington City limits to minimize the number of vehicle crashes attributable to traffic signaling (TR 1.1).
8. Accessory Dwelling Unit



# Planning Commission

## LEXINGTON ANNUAL ZONING ORDINANCE TEXT AMENDMENTS - DEFINITIONS

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## ITEM #1 – Architectural lighting definition

### ISSUE:

§420-15.2. provides exemptions from the exterior lighting standards and subsection 6 specifically exempts “architectural lighting of 40 watts incandescent or less.” A definition of architectural lighting is not included in the Zoning Ordinance. There have been recent requests for outdoor gas lanterns and outdoor string lights (permanent installation) and neither is specifically addressed. Should a definition be added for architectural lighting? Also, should outdoor gas lanterns or the permanent installation of outdoor string lights be addressed?

### EXISTING LANGUAGE:

#### *Article XV. Exterior Lighting*

#### *§420-15.2. Applicability*

- D. Exemptions. The following uses, activities and development are exempt from the exterior lighting standards of this section:*
- 1. FAA-mandated lighting associated with a utility tower or airport;*
  - 2. Lighting associated with the United States flag, Virginia flag, or other non-commercial flags expressing constitutionally protected free speech;*
  - 3. Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;*
  - 4. Security lighting controlled by sensors which provides illumination for fifteen (15) minutes or less;*
  - 5. Battery-powered emergency lighting;*
  - 6. Architectural lighting of 40 watts incandescent or less;*
  - 7. The replacement of an inoperable lamp or component which is in a fixture that was installed prior to the date of adoption of this section; and*
  - 8. The replacement of a failed or damaged fixture which is one of a matching group serving a common purpose.*

### SAMPLE LANGUAGE:

ARCHITECTURAL LIGHTING: Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion. *Portsmouth, VA*

ARCHITECTURAL AND LANDSCAPE LIGHTING Landscape and architectural lighting encompasses lights used to illuminate landscape areas, signs (without integrated light source), statues, and other objects mounted on pedestals, poles, or platforms. • Architectural and landscape lighting should be designed, installed, and controlled to ensure that the lights only illuminate the intended object(s). To the extent practical and where possible, lighting fixtures shall be directed downward rather than upward. Directional shielding shall be implemented to minimize or prevent glare, light trespass, and skyglow. ♣ When uplighting is required, lighting systems should be low in intensity and incorporate full shielding. *Collier County, FL*

The language for the string lights is as follows: (10) Festoon type low-output lamps, limited to small individual bulbs on a string with a maximum output of 56 lumens within any square foot. The bulbs must



have a rating of no more than 2800 Kelvin, may not be located within three (3) feet of a reflective surface such as a light colored or metal wall, and the bulbs may not be visible from any residential property within 50 feet of the installed lights. The lumen output from these lamps shall be doubled for inclusion in the total outdoor light output calculations and that doubled lumen value shall not exceed 20% of the total outdoor light output allowed for the property. *Dripping Springs, TX*

“String lights” means light sources connected by free-strung wires or inside of tubing resulting in several or many points of light that are unshielded or partly shielded light sources. *Malibu, CA*

String lights may be allowed in occupied dining and entertainment areas only and must not exceed three thousand (3,000) Kelvin. String lights shall not be used as landscape lights. This does not apply to seasonal lighting. *Malibu, CA*

**STAFF RECOMMENDATION:**

Add definition of architectural lighting as follows:

**ARCHITECTURAL LIGHTING** *Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.*

In order to address string lights specifically, add definition of string lights as follows:

**STRING LIGHTS** *Light sources connected by free-strung wires or inside of tubing resulting in several or many points of light that are unshielded or partly shielded light sources.*

String lights can either be added to the list of exemptions or the following can be added to the General Standards for exterior lighting:

Sec. 420-15.3. General Standards.

*E. String lights may be allowed in occupied dining and entertainment areas only and must not exceed three thousand (3,000) Kelvin. String lights shall not be used as landscape lights. This does not apply to seasonal lighting.*

**PLANNING COMMISSION RECOMMENDATION:**

Add definition of *Architectural Lighting*? Y / N

Add definition of *String Lights*? Y / N

Add string light standard to General Standards? Y / N

Other: \_\_\_\_\_

## ITEM #2 – Definition of Family

### ISSUE:

Should the definition of family be refined? (See article by Kate Redburn)

### EXISTING LANGUAGE:

#### *§420-20.1. Definitions.*

**FAMILY** *One or more persons related by blood, adoption or marriage, living or cooking together as a single housekeeping unit. The persons constituting a family may include foster children.*

### SAMPLE LANGUAGE:

*Family* shall mean a group of people living together as a single housekeeping unit and consisting of:

- 1) One person; or
- 2) Two or more persons related by blood, adoption, or marriage, together with any number of offspring, foster, step or adopted children; or
- 3) A group of three unrelated persons living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption or guardianship, provided that the limitation on the number of unrelated persons shall not apply to residents in a housekeeping unit by persons having handicaps within the meaning of section 3602(f) of the Fair Housing Act (42 USC 3601, *et seq.*, as amended); or
- 4) Those groups identified in Code of Virginia, § 15.2-2291, or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of Code of Virginia, § 15.2-2291 *Prince William County*

*Family* for purposes of the city's zoning ordinance, refers to persons residing together as a single housekeeping unit. See "occupancy, residential." *Charlottesville, VA*

*Occupancy, residential* for purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. Each of the following shall be deemed a single housekeeping unit: (i) one (1) person; (ii) two (2) or more persons related by blood or marriage, together with any number of their children (including biological children, stepchildren, foster children, or adopted children); (iii) two (2) persons unrelated by blood or marriage, together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children); (iv) within certain designated university residential zoning districts: up to three (3) persons unrelated by blood or marriage; (v) within all other residential zoning districts: up to four (4) persons unrelated by blood or marriage; (vi) group homes, residential facilities and assisted living facilities, as defined in the Code of Virginia, § 15.2-2291, which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill, mentally retarded, developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; or (vii) a group of persons required by law to be treated as a single

housekeeping unit, in accordance with the Federal Fair Housing Act, or a similar state law.  
Charlottesville, VA

**STAFF RECOMMENDATION:**

Add the Charlottesville definition of family as follows:

**FAMILY** for purposes of the city's zoning ordinance, refers to persons residing together as a single household unit. See "occupancy, residential."

Modify the Charlottesville definition of *Occupancy, Residential* to match occupancy restrictions in the Lexington residential districts as follows:

**OCCUPANCY, RESIDENTIAL** for purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single household unit. Each of the following shall be deemed a single household unit:

- a) one (1) person;
- b) two (2) or more persons related by blood or marriage, together with any number of their children (including biological children, stepchildren, foster children, or adopted children);
- c) two (2) persons unrelated by blood or marriage, together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children);
- d) within the R-1 and R-2 zoning residential zoning districts: up to three (3) persons unrelated by blood or marriage;
- e) within the R-M and R-LC residential zoning districts: up to four (4) persons unrelated by blood or marriage;
- f) group homes, residential facilities and assisted living facilities, as defined in the Code of Virginia, § 15.2-2291, which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill, mentally retarded, developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; or
- g) a group of persons required by law to be treated as a single housekeeping unit, in accordance with the Federal Fair Housing Act, or a similar state law.

**PLANNING COMMISSION RECOMMENDATION:**

Add definition of *Family*? Y / N

Add definition of *Occupancy, Residential*? Y / N

Other: \_\_\_\_\_

### ITEM #3 – Ground level definition

#### ISSUE:

Screening is required for ground level mechanical units and there is no definition of ground level. An owner of an apartment complex recently installed outdoor condensers along the first floor of his building, and due to the sloping lot, some of the condensers were placed on the ground while others were placed on wall mounted platforms. The owner claimed the wall mounted units were not “ground level” because they were not in contact with the ground and screening of the units was therefore not required. Staff explained the intent of the screening requirements and the wall mounted condensers will be screened in this case. A definition of “ground level” may help clarify when screening requirements are applicable to outdoor mechanical units. Another option is to add wall mounted equipment to the list of items requiring screening.

#### EXISTING LANGUAGE:

##### *§420-14.6. Screening*

A. *Screening shall be required to conceal specific areas from both on-site and off-site views. Such areas shall be screened at all times, regardless of adjacent uses, adjacent districts, or other proximate landscaping material. Specific areas to be screened include:*

1. *Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers)*
2. *Loading and service areas*
3. *Outdoor storage areas (including storage tanks)*
4. *Ground-based utility equipment with size in excess of 12 cubic feet*
5. *Ground level mechanical units*

#### SAMPLE LANGUAGE:

Ground and wall-mounted mechanical/electrical service equipment shall be screened from general public view by means of fences, walls, landscape planting, or other screening approved by the zoning administrator. *Franklin County, VA*

#### Mechanical Equipment

1. All roof, ground and wall mounted mechanical equipment (e.g. Air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from residential properties or public right-of-way at ground level of the property line.

*Waynesboro, VA*

Wall-mounted equipment located on any surface that is visible from a public street (not including an alley) must be fully screened by landscaping or a wall or fence that cannot be seen through, and that is compatible with the principal building in terms of texture, quality, material and color. *Chapel Hill, NC*

Rooftop and ground level mechanical equipment such that it is not visible from surrounding properties or roads. *Blacksburg, VA*

**STAFF RECOMMENDATION:**

Modify the existing requirement to screen ground level mechanical units by incorporating the Franklin County screening requirement for wall mounted mechanical equipment as follows:

*5. Ground level and wall-mounted mechanical ~~units~~ equipment.*

**PLANNING COMMISSION RECOMMENDATION:**

Add wall-mounted mechanical equipment to the list of specific areas to be screened? Y / N

Other: \_\_\_\_\_

#### ITEM #4 – Inoperable motor vehicle definition

##### ISSUE:

§420-12.7.D prohibits inoperable, unregistered, or abandoned vehicles to be stored outdoors but there is no definition of an inoperable vehicle.

##### EXISTING LANGUAGE:

*Article XII. Off-Street Parking and Loading Requirements*

*§420-12.7. Obligations of owner.*

*D. Vehicles that are inoperable, unregistered, or abandoned must not be stored outdoors.*

##### SAMPLE LANGUAGE:

"inoperable motor vehicle" may, at the election of the locality, mean any one or more of the following: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this section shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. *Section 15.2-904 Code of Virginia*

*Motor vehicle, inoperative* shall mean any motor vehicle, trailer or semitrailer which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; or on which a valid license plate or a valid inspection decal is not displayed. *Prince William County, VA*

##### STAFF RECOMMENDATION:

Modify the Prince William County definition as follows:

***MOTOR VEHICLE, INOPERABLE** shall mean any motor vehicle, trailer or semitrailer which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; or on which a valid license plate or a valid inspection decal is not displayed.*

##### PLANNING COMMISSION RECOMMENDATION:

Add definition of *Motor vehicle, inoperable*?    Y / N

Other: \_\_\_\_\_

**ITEM #5 – Warehousing and distribution use and definition**

**ISSUE:**

Warehousing and distribution is a conditional use in the C-2 zoning district and there is no definition of warehousing or distribution. Should a definition be added for warehousing and distribution?

**SAMPLE LANGUAGE:**

Warehousing and distribution. Uses including storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses include wholesale distributors, storage warehouses, truck terminals and moving/storage firms. *Surry County, VA*

*Warehousing* shall mean an operation from a structure, or part of a structure, for storing goods, wares, commodities and merchandise, whether for the owner thereof or for others, and whether it is a public or private warehousing operation, but excluding self-storage centers. *Prince William County, VA*

**STAFF RECOMMENDATION:**

Add definition of warehousing and distribution as follows:

***WAREHOUSING AND DISTRIBUTION*** *Uses including storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses include wholesale distributors, storage warehouses, truck terminals and moving/storage firms.*

**PLANNING COMMISSION RECOMMENDATION:**

Add definition of *Warehousing and Distribution*? Y / N

Other: \_\_\_\_\_