

**LEXINGTON PLANNING COMMISSION**

**January 14, 2021 - 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 December 10, 2020\*
- 4. CITIZENS’ COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
  - A. EC COA 2021-01: An application by Budget Signs to replace the a panel on the BB&T freestanding sign at 537 E. Nelson St., Tax Map 30-1-8A, owned by Bank of Rockbridge.
    - 1) Staff Report\*
    - 2) Applicant Statement
    - 3) Public Comment
    - 4) Commission Discussion & Decision
  - B. Annual Zoning Ordinance Amendments.
    - 1) Discussion of 13 proposed text amendments\*
    - 2) Public comment.
- 6. OTHER BUSINESS**
- 7. CITY COUNCIL REPORT**
- 8. ADJOURN**

\*indicates attachment

## MINUTES

**The Lexington Planning Commission  
Thursday, December 10, 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  
Blake Shester  
Jamie Goodin  
Matt Tuchler

### City Staff:

Arne Glaeser, Planning Department  
Bonnie Tombarge, Administrative Assistant

### 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 with several items added to Other Business (P. Bradley/B. Shester).

### MINUTES

Minutes from November 12, 2020 meeting were approved unanimously (J. Goodin/P. Bradley)

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

None.

### NEW BUSINESS

#### A. Discussion of Comprehensive Plan Implementation

- 1) Prioritization of Staff Recommended Catalyst Projects – L. Straughan said she liked the current prioritization and the scope of these projects. The Commission agreed that the list was appropriately prioritized already. B. Shester verified that the Accessory Dwelling Unit meant just the ordinance update or if there was something more to it. A. Glaeser said that was already part of the annual update, so it was included as a project. J. Driscoll said that Accessory Dwelling Units could be a significant discussion for the Commission.
- 2) Public Comment – Charles Aligood – 506 Calvary Road – said he supported the Plan as presented and he's tickled pink to see the City breaking new ground like this.

Lee Merrill – 2 S. Randolph St and 103 Willow Lane – said that sidewalk and bike connectivity should take priority over implementation of the Jordan’s Point Plan.

## **B. Discussion of Green Infrastructure Working Group**

- 1) Proposed Scope of Work – L. Straughan confirmed that staff was comfortable with what this project asked of them. A. Glaeser said that was the case as this is still a fairly open ended project, although there are some questions about what will be required as the focus narrows. L. Straughan asked if the list of members of the working group would be updated. J. Driscoll said that most likely there would be new names added to the list. L. Straughan said she would like the members of the group to be at least half Lexington residents. J. Goodin said he would like some diversity within the group, and he is most concerned about diversity of age. P. Bradley and J. Driscoll volunteered to be the Commission members in attendance and that work on creating the working group would start in January.
- 2) Public Comment – Lee Merrill said he was very happy to see that this had the scope covered and that it works with staff resources. He also encouraged the Commission to reach out to the school board to see if there would be any parents with information about where sidewalks and bike paths need to go.

## **C. Discussion of Annual Zoning Ordinance Amendments – Definitions**

- 1) Definitions and standards to include in the annual update
  - a) Architectural Lighting Definition – L. Straughan suggested that gas lanterns are included in exemptions. She also asked if there would be an issue if a business were to put up lights around their windows or doors. A. Glaeser said that there have been a couple business that have rope lights, and there have not been any inquiries about those lights. B. Shester confirmed that tube lights were the same as string lights. He also asked if there are any specification about twinkling or flashing lights. **There was general agreement to allow all holiday lighting in exemptions by removing the list of months when it is allowed. General agreement to include string lights in the exemption list.**
  - b) Definition of Family – Removed from list
  - c) Ground Level Definition – A. Glaeser said his main concern was including elevator equipment as he is unsure how to screen equipment at the top of a building. **There was a general agreement to accept the definition as is.**
  - d) Inoperable Motor Vehicle Definition – P. Bradley raised the point that an abandoned vehicle is not the responsibility of the property owner. B. Shester asked if the RV definition would cover trailers. A. Glaeser said that trailers are included under the local definition for parking, but not the state definition of RV. **There was general agreement to the updated**

**definition of abandoned vehicles. Commission agree to go to a 60 day period in all three parts of the ordinance.**

- e) Warehousing and Distribution Use and Definition – **Moved to next Meeting.**
  - f) Sign definition – **Moved to next Meeting.**
  - g) Remove the sunset provision for Short Term Rentals – **Moved to next Meeting.**
  - h) Short Term Rental off-street parking Conditional Use Permit requirements – **Moved to next Meeting.**
  - i) Site Plans required to be posted to City website – **Moved to next Meeting.**
- 2) Public Comment – None

## **OTHER BUSINESS**

Annual Update – Annual reports will be given at the second City Council meeting in January, which will be the 21<sup>st</sup> of January, 2021. The current document is a draft, and other items can be added at the Commission’s discretion. B. Shester said his term started in 2019. A. Glaeser also mentioned that the joint meeting with Council is included in the next draft. J. Driscoll suggested adding highlights of what the Commission would like to do in the coming year. J. Goodin suggested to include the number of residents that gave input on the plan. A. Glaeser said that a round number could be provided, but it might include duplicates. J. Goodin said that he was not passionate about that number, but that 2020 has felt like a year with more public engagement. B. Shester suggested mentioning the change in how the Commission operated due to the pandemic, as they moved from in-person meetings to virtual meetings.

The final version of the Comprehensive Plan has been posted on the City’s website. B. Shester asked how changes to the Comprehensive Plan will be made. A. Glaeser said that he would be making the changes after public hearings. J. Driscoll said the final presentation from the Berkley Group and the final statement from the Commission should also be posted.

Applicants to PC – L. Straughan said there were two applicants, but one withdrew and the other took an assignment on another board. She is not aware of any current applicants.

Scheduling session on W&L Master Plan – J. Driscoll queried if any of the Commissioners would be interested in a information session on the W&L Master Plan. J. Goodin said he would encourage the Commission to be considerate of staff’s time. J. Driscoll said that he would like Commission to have the ability to get clarification on the relationship between the campus master plan and its relationship with the City and the Comprehensive Plan. A. Glaeser said that he would find extra information helpful when the master plan comes before the Commission. J. Goodin confirmed that there would not be a W&L representative at this meeting. A. Glaeser confirmed that this would occur during a regular Commission meeting.

A.Glaeser said the Central Shenandoah Planning District Commission (CSPDC) has started the Rt. 11 Pedestrian Small Area Plan. It is for between Greenhouse Road and Rt. 39. That will be started in the next year, and there was already a presentation to the County Board of Supervisors. A. Glaeser said that he had already had a meeting with his counterpart in the County

and the people at CSPDC working on this project. He said he is hoping that it will be extended towards Lexington so the sidewalk can be connected. A. Glaeser also mentioned that VMI will be building a parking lot that will most likely cause an increase in cadet foot traffic along Rt. 11. L. Straughan asked if the plan was for development or transportation and walkability. A. Glaeser said that he believed it was to improve walkability as that is a rather treacherous area. P. Bradley asked if any of this information was available online. A. Glaeser said that thus far it has just been research, and the kick-off has not yet occurred for this project.

A. Glaeser said that the VA Office of Intermodal Planning and Investment has revamped their Urban Development Area Assistance Program. The City will be applying for technical assistance for a bike/ped plan. That will take several months for the selection, and the time line for the project after selection, if the City is selected, would be 12 months. It could be an 18 month project.

L. Straughan said she, A. Glaeser, and the City Manager, along with several members of the Berkley Group sat in on a presentation on some software that helps keep track of progress with plans. This is a start for the City to start thinking about how to track their progress with implementation of the Comprehensive Plan as well as other plans.

#### **CITY COUNCIL REPORT**

L. Straughan said City Council covered the financial audit and that went very well. From the second round of CARES funding and \$130,000 was allocated for downtown businesses and that moved through the IDA and then Main Street. She said 44 businesses applied for and received funding.

#### **ADJOURN**

The meeting was adjourned at 6.35p.m. with unanimous approval (B. Shester/P. Bradley).

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J. Driscoll, Chair, Planning Commission

**Staff Report & Recommendation**  
**Entrance Corridor Certificate of Appropriateness**  
**EC COA 2021-01 – BB&T/Suntrust Sign**

<b>Project Name</b>	BB&T/Suntrust free-standing sign panel replacement
<b>Property Location</b>	537 E. Nelson Street
<b>Zoning</b>	Entrance Corridor Overlay District (EC), Commercial Shopping Centers (C-2) zoning district
<b>Owner/Applicant</b>	Bank of Rockbridge / Budget Signs

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**OVERVIEW OF REQUEST**

This request is to replace the panel in the existing free-standing sign for the BB&T bank building at 537 E. Nelson Street. BB&T and Suntrust banks have merged and will be using a sign showing both names on a white background. In about a year's time the rebranding to Truist will occur and another EC COA application will be submitted for sign replacements at that time. The subject parcel is located in the Commercial Shopping Centers (C-2) zoning district and in the Entrance Corridor Overlay District (EC).

*location map*



**Staff Report & Recommendation**  
**Entrance Corridor Certificate of Appropriateness**  
**EC COA 2021-01 – BB&T/Suntrust Sign**

*photograph of existing freestanding sign*



### **APPLICABLE ZONING DISTRICT SECTIONS**

Section 420-3 of the zoning ordinance lists *office, general* as a permitted use by-right in the C-2 zoning district.

### **APPLICABLE SIGNAGE REGULATIONS**

Section 420-13.2 of the sign regulations requires a sign permit before a sign may be erected, constructed, posted, painted, altered, or relocated. The proposed replacement of a panel in the freestanding sign therefore requires review and approval.

Section 420-13.6 of the sign regulations allow any business located within a C-2 zoning district to display 1 freestanding sign per street frontage not more than 25 square feet in area and up to 15 feet in height. The replacement freestanding sign panel is 18 square feet in area.

Section 420-13.9 requires illuminated signs to be illuminated in such a way that light does not shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit zoned R-1, R-2, or R-M. The sign panel proposed for the freestanding sign will be backlit and this type of lighting is not typically bright enough to cause issues with traffic or create issues with adjacent residences.

**Staff Report & Recommendation  
Entrance Corridor Certificate of Appropriateness  
EC COA 2021-01 – BB&T/Suntrust Sign**

**APPLICABLE ENTRANCE CORRIDOR REGULATIONS**

Section 420-6.6.A requires a Certificate of Appropriateness be approved by the Planning Commission prior to 1) building permit issuance for exterior building modifications, 2) site plan approval, and 3) exterior color changes to a building or to a sign.

Section 420-6.7.B allows the Planning Commission to consider any architectural feature which influences appearance, such as, but not limited to, motif and style, color, texture and materials, configuration, orientation, mass, shape, height and location of buildings, location and configuration of parking areas, landscaping and buffering.

Section 420-6.8 states all applications for an entrance corridor certificates of appropriateness must satisfy the design standards for landscaping, signage, architecture, site planning, and lighting. Only the signage design standards are applicable to this certificate of appropriateness request and the remaining standards are not applicable.

B. Signage.

1. Each parcel shall have an overall sign plan which reflects a consistent style and specifies the size and color scheme for proposed signage.
2. Materials used in signs and their support structures should reflect the building served by the sign.
3. Sign colors should be harmonious with the building which they serve.

The Planning Commission may also consider any architectural feature which influences appearance, such as, but not limited to, motif and style, color, texture and materials, configuration, orientation, mass, shape, height and location of buildings, location and configuration of parking areas, landscaping and buffering.

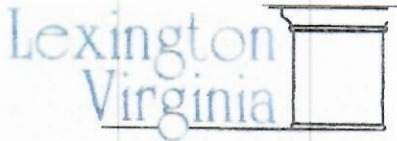
**STAFF RECOMMENDATION**

Based on the above analysis, staff recommends approval of the proposed freestanding sign panel replacement for the BB&T/Suntrust rebranding of 537 East Nelson Street.

**SUGGESTED MOTION**

I move to approve/deny the Entrance Corridor Certificate of Appropriateness application EC COA 2021-01 for the replacement of a freestanding sign panel for the BB&T/Suntrust bank at 537 East Nelson Street as proposed by the applicant.





www.lexingtonva.gov

Planning & Development Department

P.O. Box 922

300 East Washington Street

Lexington, Virginia 24450

Phone: (540) 462-3704 Fax: (540) 463-5310

### SIGN PERMIT APPLICATION

**Applicant<sup>1</sup>**  
 Name: Tight Lines Holdings Group Inc. d/b/a Budget Signs / Fast Signs Phone: 540-362-2043  
 Company: Gia Delgado - Permit Specialist Fax: 540-265-1909  
 Address: 3148 Williamson Rd. Pearisville, VA 24012 Email: gia@budgetsignsllc.com  
 Applicant's Signature: Gia Delgado Date: 11/10/22

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**Property Owner**  
 Name: Bank of Rockbridge Phone: 805-313-3214  
 Address: 310 First St. SW 2<sup>nd</sup> Floor STE 200 Pearisville, VA 24011 Email: \_\_\_\_\_  
 Owner's Signature: \*see attached notarized authorization from owner\* Date: \_\_\_\_\_

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**Sign Contractor**  
 Name: Tight Lines Holdings Group Inc. d/b/a Budget Signs / Fast Signs Phone: 540-362-2043  
 Company: Budget Signs - Gia Delgado Permit Specialist Fax: 540-265-1909  
 Address: 3148 Williamson Rd. Pearisville, VA 24012 Email: gia@budgetsignsllc.com

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**Proposal Information<sup>2</sup>**  
 Address (or location description): 537 East Nelson St. Lexington, VA 24450  
 Tax Map: \_\_\_\_\_ Deed Book and Page #: \_\_\_\_\_  
 Acreage: \_\_\_\_\_ Zoning (attach any existing conditions or proffers): \_\_\_\_\_  
 Property Doing Business As: Truist - BB3T / SunTrust  
 Overlay District:  
 Historic (requires Architectural Review Board review and approval)  
 Entrance Corridor (requires Planning Commission review and approval)  
 None (requires Planning and Development Department review and approval only)  
 1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.  
 2. Any application deemed incomplete by staff will not be accepted.

\*Fees Non Refundable



www.lexingtonva.gov

Planning & Development Department  
P.O. Box 922  
300 East Washington Street  
Lexington, Virginia 24450  
Phone: (540) 462-3704 Fax: (540) 463-5310

**Sign Information**

Reface only

	<u>Sign Type</u>	<u>Square Feet</u>	<u>Width</u>	<u>Height</u>
Sign 1	<u>(EOD) monument</u>	<u>18 sqft</u>	<u>6'-0"</u>	<u>3'-0"</u>
Sign 2	_____	_____	_____	_____
Sign 3	_____	_____	_____	_____

Street Frontage (width) of business space in feet \_\_\_\_\_

Street Frontage (width) of building in feet \_\_\_\_\_

Are other signs currently displayed on the same building?  Yes  No

If "Yes", please provide the size of each existing building sign that is to remain.

Width \_\_\_\_\_ Height \_\_\_\_\_

Width \_\_\_\_\_ Height \_\_\_\_\_

If a projecting sign, clearance from sidewalk: \_\_\_\_\_ feet

What materials will be used? \_\_\_\_\_

Will the sign be illuminated?  Yes  No

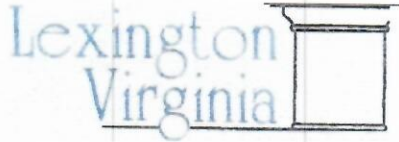
Please attach a sketch of sign(s) and samples showing the following:

- Dimensions of sign
- Lettering style and size
- How colors will be used
- Photo showing building and adjoining structures
- Exact wording layout of sign
- Paint samples
- Style of bracket, stand, and/or awning

> see attached rendering

\* Reface \*  
of  
face in  
existing  
monument

no changes  
to existing  
structure  
at  
all



www.lexingtonva.gov

Planning & Development Department  
P.O. Box 922  
300 East Washington Street  
Lexington, Virginia 24450  
Phone: (540) 462-3704 Fax: (540) 463-5310

**THIS SECTION TO BE COMPLETED BY STAFF ONLY**

**Application Fee: \$50** Amount Paid: \_\_\_\_\_ Case Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

**Staff Review (non-Entrance Corridor or Historic District signs)**

- Approved
- Denied

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Planning and Development Director \_\_\_\_\_ Date

**Action by Planning Commission (Entrance Corridor Signs)**

- Approved
- Denied

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Planning Commission \_\_\_\_\_ Date

**Action by Architectural Review Board (Historic District Signs)**

- Approved
- Denied

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Architectural Review Board \_\_\_\_\_ Date



October 26, 2020

Re: 537 East Nelson Street  
Lexington, Virginia 24450-2730

To whom it may concern,

Please accept this letter to allow Jones or its authorized representative Gia Delgado - Budget Signs to pull permits and install signs for the above listed location.

If you have any questions, please contact Brittney Turpin 865-313-3214.

Sincerely,

Mendy McNeel

BB&T, now Truist

214 North Tryon St.

Charlotte, NC 28202

**OWNERS SIGNATURE NOTARIZED:**

State of NC  
County of Mecklenburg

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 27 day of October 20 20 by Mendy McNeel who is personally known to me, or has produced NCID as identification and who did not take an oath.

Signature of NOTARY PUBLIC

SEAL



**LOB**  
Hyper Efficient

**Document Type**  
Recommendation Book

**Site ID**  
153246

**Site Address**  
537 East Nelson Street, Lexington, Virginia, 24450-2730



<b>JONES SIGN</b> Your Vision. Accomplished. WWW.JONESSIGN.COM	JOB #: <b>254414-R0</b> DATE: 11.05.2020 DESIGNER: L. Holton SALES REP: D. McClurkin PROJ MGR: M. Karamanoogian	REV.	DATE	BY	DESCRIPTION	CLIENT APPROVAL	DATE	<b>TRUIST</b> 	TRUIST BB&T   SUNTRUST 537 EAST NELSON STREET LEXINGTON, VA 24450-2730	SHEET NUMBER <b>0.0</b>
		1	00.00.00	XX	XXXX					
		2	00.00.00	XX	XXXX					
		3	00.00.00	XX	XXXX					
		4	00.00.00	XX	XXXX					
		5	00.00.00	XX	XXXX					
		6	00.00.00	XX	XXXX					
		7	00.00.00	XX	XXXX					
		8	00.00.00	XX	XXXX					
		9	00.00.00	XX	XXXX					
		10	00.00.00	XX	XXXX					

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Key	Existing Sign	Recommended Sign
E01	Monument BBT M-36	HEGS01-M-36



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 WWW.JONESSIGN.COM

JOB #: **254414-R0**  
 DATE: 11.05.2020  
 DESIGNER: L. Holton  
 SALES REP: D. McClurkin  
 PROJ MGR: M. Karamanoogian

REV.	DATE	BY	DESCRIPTION
1	00.00.00	XX	XXXX
2	00.00.00	XX	XXXX
3	00.00.00	XX	XXXX
4	00.00.00	XX	XXXX
5	00.00.00	XX	XXXX
6	00.00.00	XX	XXXX
7	00.00.00	XX	XXXX
8	00.00.00	XX	XXXX
9	00.00.00	XX	XXXX
10	00.00.00	XX	XXXX

CLIENT APPROVAL	DATE
LANDLORD APPROVAL	DATE

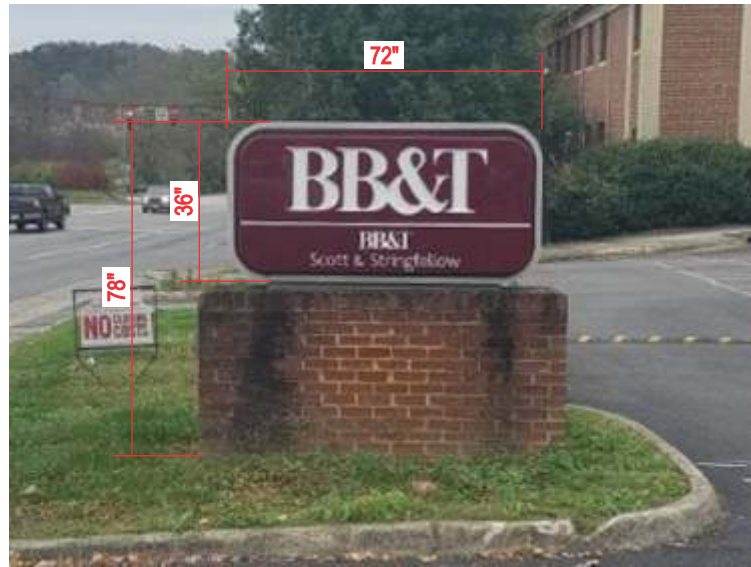
**TRUIST**

TRUIST BB&T | SUNTRUST  
 537 EAST NELSON STREET  
 LEXINGTON, VA 24450-2730

SHEET NUMBER  
**1.0**

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**E01** HEGS01-M-36: REPLACEMENT FACE (Qty 2 FACES FOR EXISTING D/F SIGN)



**EXISTING**  
SCALE: N.T.S.



**PROPOSED**  
SCALE: N.T.S.



**FRONT VIEW**  
SCALE: 3/4" = 1'-0"

SEE FOLLOWING PAGE FOR SPECIFICATIONS

<b>JONES SIGN</b> Your Vision. Accomplished. WWW.JONESSIGN.COM	JOB #: <b>254414-R0</b> DATE: 11.05.2020 DESIGNER: L. Holton SALES REP: D. McClurkin PROJ MGR: M. Karamanoogian	REV.    DATE    BY    DESCRIPTION	CLIENT APPROVAL _____ DATE _____	<b>TRUIST</b> 	TRUIST BB&T   SUNTRUST 537 EAST NELSON STREET LEXINGTON, VA 24450-2730	SHEET NUMBER <h1>2.0</h1>
		1 00.00.00 XX XXXX 2 00.00.00 XX XXXX 3 00.00.00 XX XXXX 4 00.00.00 XX XXXX 5 00.00.00 XX XXXX 6 00.00.00 XX XXXX 7 00.00.00 XX XXXX 8 00.00.00 XX XXXX 9 00.00.00 XX XXXX 10 00.00.00 XX XXXX	LANDLORD APPROVAL _____ DATE _____			

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**SIGN CABINET ELEVATION**  
Scale: 3/4" = 1'-0"

ALL COLORS & FINISHES SHALL BE VERIFIED TO MATCH THE APPROVED STANDARD FOR THEIR RESPECTIVE BRAND PRIOR TO PRODUCTION

BB&T LETTERS: (2) LAYERS OF 1st SURFACE 3M #3630-49 BURGUNDY VINYL (ALLOW 24HRS BEFORE APPLYING 2nd LAYER OF VINYL) FIRST SURFACE APPLIED 3M OPAQUE BLACK VINYL DIVIDER

SUN RAYS: 1st SURFACE 3M #3630-44 ORANGE VINYL OVER 3M #3630-75 MARIGOLD VINYL AS REQ'D (ALLOW 24HRS BEFORE APPLYING 2nd LAYER OF VINYL)

SUNTRUST LETTERS: 1st SURFACE 3M #3630-37 SAPPHIRE BLUE VINYL

2nd SURFACE OPAQUE WHITE PAINT OR VINYL BORDER

NEW 3/16" (.177") #7328 WHITE PAN FORMED HIGH IMPACT MODIFIED ACRYLIC FACE (RECOMMEND FORMING IN FEMALE MOLD TO REDUCE GLOSS)

1 1/2" EXISTING RETAINER

9" RADIUS CORNER TYP.

6'-0" (EXISTING CABINET)

4"

4"

R2 3/4"

1'-5 1/2"

3'-0" (EXISTING CABINET)

4'-5 13/16"

**TRUIST**

**DRAWING TITLE:**

HYPER EFFICIENT SIGNAGE

BB&T P36 / M36  
REPLACEMENT FACE

HEG501-P-36  
&  
HEG501-M-36

DATE	DESCRIPTION
7/22/20	REVISED PER PRINCIPLE FEEDBACK
-/-	-----
-/-	-----
-/-	-----
-/-	-----
-/-	-----
-/-	-----
-/-	-----
-/-	-----

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KNOXVILLE, TN 37922

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No liability is accepted in an form for the use of these drawings by others.

<b>Material:</b>	<b>Finish:</b>

<b>Project Number:</b> 20-0431	<b>Drawing Number:</b> B2502400
<b>SHT.</b> 1	<b>OF</b> 1
<b>DATE:</b> 7/20/20	<b>BY:</b> SR

**ELEVATION OF REPLACEMENT FACE**

5'-1 1" TRIMMED FLANGE

5'-7 1/2" CABINET V.O.

SUGGESTED OVERSIZED FLANGE FOR FIELD TRIMMING

2'-11" TRIMMED FLANGE

1 3/4" REQUIRED FLANGE ENGAGEMENT TYPICAL

2'-7 1/2" CABINET V.O.

**SECTION DETAIL OF REPLACEMENT FACE**

TOP

2"

2 1/4"

1 3/4"

EXISTING 2 1/4" RETAINER

9°

1/4"x1/4" ACRYLIC LUG @ TOP & BOTTOM - ADHERE TO FORMED FACE

NEW 3/16" (.177") #7328 WHITE PAN FORMED HIGH IMPACT MODIFIED ACRYLIC FACE

BOTTOM

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JOB #: 254414-R0  
DATE: 11.05.2020  
DESIGNER: L. Holton  
SALES REP: D. McClurkin  
PROJ MGR: M. Karamanoogian

REV.	DATE	BY	DESCRIPTION
1	00.00.00	XX	XXXX
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8	00.00.00	XX	XXXX
9	00.00.00	XX	XXXX
10	00.00.00	XX	XXXX

CLIENT APPROVAL	DATE
LANDLORD APPROVAL	DATE

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537 EAST NELSON STREET  
LEXINGTON, VA 24450-2730

SHEET NUMBER  
**2.1**





# Planning Commission

## LEXINGTON ANNUAL ZONING ORDINANCE TEXT AMENDMENTS 2021

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**[NOTE: ITEM 1 was reviewed during the November 12, 2020 Planning Commission meeting and amended language is shown in red.]**

## **ITEM #1 – 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 (November 12, 2020):**

Add definition of *Warehousing and Distribution*?

Y / N

Other: Question arose whether warehousing and distribution included the intake of goods and there was a stated preference to use a “warehousing” definition only.

### **UPDATED STAFF RECOMMENDATION:**

Delete the “and distribution” from the “Warehouse and distribution” use listed in the Land Use Matrix. Use the sample definition for “Warehousing” as follows:

#### *Warehousing*

*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 mini-warehouse.*

A Mini-Warehouse is a distinct land use with its own definition and listing on the Land Use Matrix.

## ITEM #2 – Sign definition

### ISSUE:

The street banner regulations contain content based restrictions and content based sign regulations must be avoided. *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), is a case in which the United States Supreme Court clarified when municipalities may impose content-based restrictions on signage. The case also clarified the level of constitutional scrutiny that should be applied to content-based restrictions on speech.

### EXISTING LANGUAGE:

#### §420-13.9. Temporary signs.

F. *Street banners. Street banners are allowed for the following purposes only, and nothing contained herein is intended to create or to be construed to create a public forum for the expression or promotion of ideas or opinions with respect to such banners:*

1. *Advertising a public entertainment or event, or an activity of community interest, including but not limited to City-sponsored events, events sponsored by or related to local educational institutions, events sponsored by and benefitting local, state or national not-for-profit organizations, civic events such as, but not limited to, voter registration, cultural or artistic events, or indicating a local, state, or national awareness date such as, by way of illustration but not limitation, National Constitution Month. Any such event must occur within the City of Lexington, City of Buena Vista, or County of Rockbridge. Any such banner shall be designed to be easy for people traveling in vehicles to ascertain the event and date without diverting drivers' attention from the road. To that end lettering shall be the largest component of the banner and imagery shall be limited to peripheral positions and limited in size to no more than 1/4 of the entire banner.*
2. *No street banner shall be permitted with the main intent of commercial advertising, or that displays business logos, business names, and/or slogans associated with a product or service, or that promotes political campaigns or parties. Business logos for sponsors of a not-for-profit agency or group or an event benefitting such not-for-profit agency or group may be included with express language to that effect.*
3. *No street banner shall be permitted that:*
  - i. *Contains vulgar, profane, abusive, racist or hateful language or expressions, epithets or slurs, text, photographs or illustrations in poor taste, inflammatory attacks of a personal, racial or religious nature.*
  - ii. *Is defamatory, threatening, disparaging, grossly inflammatory, false, misleading, fraudulent, inaccurate, unfair, contains gross exaggeration or unsubstantiated claims, or is unreasonably harmful or offensive to any individual or community.*
  - iii. *Violates any right of any third party.*
  - iv. *Discriminates on the grounds of race, religion, national origin, gender, age, marital status, sexual orientation, or disability, or refers to such matters in any manner prohibited by law.*
  - v. *Violates or encourages the violation of any municipal, state, federal, or international law, rule, regulation, or ordinance.*

- vi. *Advertises, promotes, or offers to trade any goods or services in conflict with the terms of this section.*
  - vii. *Includes copyrighted or other proprietary material of any kind without the express permission of the owner of that material.*
  - viii. *Is false, deceptive, misleading, deceitful, or contains misinformation.*
  - ix. *Advertises any illegal services or the sale of any items the sale of which is prohibited or restricted by applicable law.*
4. *Designs must be approved in advance by the Director of Public Works with regard to conformity with the above. Applications are available in the office of the Director of Public Works of the City of Lexington.*
  5. *Sponsoring organizations must supply the City with proof of liability insurance, to cover any and all claims caused by such banner display. A signed statement holding the City of Lexington harmless from any liability resulting from accident or injury caused by the erection or display of the banner shall be required.*
  6. *The City of Lexington assumes no responsibility for damage to banners, loss, fading, late deliveries of banners, late installations, acts of nature, or faults in craftsmanship.*
  7. *All banners shall be installed and removed by the City. No provider shall attempt to install, remove, or repair and reinstall a banner. The fee for installation and removal shall be set by the City Council in its annual appropriation. The fee shall be due with the application set forth in §420-13.2 above.*
  8. *The City of Lexington agrees to hang the banner(s) in a timely manner, dependent upon the demands on City resources and the weather.*
  9. *Banners shall not be displayed for more than three weeks total, including no more than one week after any associated event.*
  10. *Other than annually City-sponsored events and national or state holidays, space availability shall be on a first-come, first-served basis.*

**STAFF RECOMMENDATION:**

The City Attorney was consulted and recommends the regulations for *Street Banners* be removed from Chapter 420. Zoning Ordinance and placed in Chapter 356. Streets and Sidewalks of the Lexington City Code in order to comply with the decision in ***Reed v. Town of Gilbert***. The Lexington Public Works Department approves the designs of the street banners, and installs and removes the banners. The relocation of the street banner regulations to a chapter that is administered by the Public Works Department is preferable to leaving those regulations in the Zoning Chapter and potentially being confused with sign requirements.

**PLANNING COMMISSION RECOMMENDATION:**

Should the *Street Banner* regulations be relocated to Chapter 356 of the Lexington City Code?    Y / N

Other:

### ITEM #3 – Remove the sunset provision for Short Term Rentals

#### ISSUE:

§ 420-11.3.22 provides use and design standards for Short Term Residential Rentals and there were two exemptions provided to short term rental businesses when the regulations for short term rentals were adopted in 2017. The first exemption allowed a short term rental in existence prior to the adoption of the short term rental regulations to be exempt from three provisions of the new short term rental regulations until December 31, 2018. We are well passed the exemption deadline of December 31, 2018 and that particular provision may be deleted from the Zoning Ordinance.

#### PROPOSED LANGUAGE:

*§420-11.5. Commercial Uses.*

*22. Short Term Residential Rental.*

*All Short Term Residential Rental Businesses shall comply with the following general standards:*

*G. Exemptions.*

- 1. ~~Any residential dwelling unit which, at the time of adoption of this ordinance, was being operated as a Short Term Rental business and was licensed by the Commissioner of Revenue of the City shall not be subject to the provisions of this section "Short Term Rental" set forth below until December 31, 2018.~~*
  - a. ~~the limitations on the number of rentals per year set forth in paragraph B(10) of this section, however the log book requirements of the paragraph shall still apply;~~*
  - b. ~~the requirement of off street parking set forth in paragraph B(13) of this section;~~*
  - c. ~~the limitation on the total number of guests set forth in paragraph D(7) of this section;~~*

*All other provisions of this section not listed above shall apply to all residential dwelling units. Beginning in calendar year 2019, this sunset provision (section G1) shall terminate, and the provisions of this ordinance shall apply uniformly, without regard to operation prior to the adoption of this ordinance. This section G1 shall not be construed to allow a short term rental business to operate at any time without registering with the City Department of Planning and Development; this section G1 shall not apply to residential dwelling units which are not the primary residence of the host as set forth in paragraph B(11) of this section.*
- 21. The Provisions of this section, and the requirements described herein, shall not apply to a residential unit participating in a charitable fund raising effort wherein a residential dwelling unit is occupied by transient guests who, in return for their stay, donate directly to a charity. In order for a residential dwelling unit to receive this exemption, the charitable qualifying event is:*
  - a. conducted by a recognized 501(c) organization that is based in the community or has a chapter or affiliate based in the community;*
  - b. the qualifying event is part of a local community wide campaign; and,*
  - c. payment is made from the guest directly to the recognized non-profit organization. A residential dwelling unit may claim this exemption once per calendar year for a single charitable event with the related charitable rental lasting no more than three consecutive nights.*

#### STAFF RECOMMENDATION:

Approve the proposed zoning text amendment to delete the sunset provision.

**PLANNING COMMISSION RECOMMENDATION:**

Should the sunset provision be removed?

Y / N

Other:

## ITEM #4 – Short Term Rental off-street parking Conditional Use Permit requirements

### ISSUE:

Short term rentals in the R-1, R-2, R-M, and R-LC zoning districts may have the off-street parking requirement waived or reduced through a conditional use permit approval. Of the four criteria that can be claimed for a waiver or reduction of the off-street parking requirement, the third option allows an applicant to simply provide letters of support from the surrounding property owners. Staff does not believe this is an appropriate criteria on its own to base an approval of a conditional use permit to waive or reduce a parking requirement. Property ownership changes frequently and impacts of any activity can extend beyond the immediately adjacent properties. Additionally, the CUP criteria were originally drafted as options to consider for the approval of a conditional use permit and the language was adopted as drafted. Staff is asking whether the submittal of letters of support from adjacent property owners is an appropriate criteria on its own to base an approval of a conditional use permit to waive or reduce the off-street parking requirement for short term rentals.

### PROPOSED LANGUAGE:

*§420-11.5. Commercial Uses.*

*22. Short Term Residential Rental.*

*All Short Term Residential Rental Businesses shall comply with the following general standards:*

*B. Registration and other requirements.*

- 14. Off-street parking may upon the recommendation of the Planning Commission and made part of a conditional use permit by the City Council not be required or may be reduced in number for short term rentals located in the R-1, R-2, R-M, and R-LC zoning districts, provided:*
  - a. The required off-street parking is provided in a remote parking lot which is within 500 feet measured along lines of public access from the principal use. A remote parking lot to satisfy this requirement for short term rentals shall be owned by the owner of the principal structure or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the principal structure or as long as off-street parking is required for such principal structure in accordance with the terms of this article, or*
  - b. The short term rental is located in a Residential Historic District where a streetscape would be marred by off street parking and there is support from adjacent property owners showing agreement to reduce or delete the requirement for off-street parking, or*
  - ~~e. The owner provide letters or a signed petition showing agreement by all adjacent property owners to the proposal to reduce or delete the requirement for off street parking, or~~*
  - ~~dc. Public parking is provided within 500 feet of the principal use and can reasonably provide the required off street parking.~~*

### STAFF RECOMMENDATION:

Consider amending the criteria for approval of a conditional use permit to waive or reduce the off-street parking requirement for short term rentals.

**PLANNING COMMISSION RECOMMENDATION:**

Leave the short term rental conditional use permit criteria as they exist? Y / N

Amend the short term rental conditional use permit criteria as recommended by staff? Y / N

Amend the short term rental conditional use permit criteria in another way? Y / N

Other:



## **ITEM #5 – Site Plans required to be posted to City website**

### **ISSUE:**

§420-2.7.A.3 requires site plan submittals be posted to the City’s website. This is the only land use application required to be posted to the City’s website, and with so few site plan submittals it is doubtful citizens are in the practice of viewing site plan requests on the City’s website. As with all land use applications, site plan applications can be viewed in the Planning and Development office during regular business hours and a copy of any application can be requested from staff and provided electronically.

### **PROPOSED LANGUAGE:**

*§420-2.7. Approval; issuance of permit (for site plan).*

#### *A. Public notice.*

- 1. Planning staff shall give written notice to those persons who own property any portion of which abuts the subject property and all property which is across the street from any portion of the subject property as determined by the City's real property tax records. This notice shall give the date, time and place of the Planning Commission meeting at which the site plan is being reviewed, identify the property which is the subject of the application and give a brief description of the proposed action. This notice shall be mailed a minimum of 10 days prior to the date of the meeting of the Planning Commission at which the site plan is first considered. The list of property owners and the contents of the notice shall be approved by the Zoning Administrator prior to mailing.*
- 2. Planning staff shall also place a sign provided by the City on the subject property which indicates that this action is pending. This sign shall be located to be clearly visible from the street.*
- ~~3. Site plan submittals shall be posted to City website.~~*

### **STAFF RECOMMENDATION:**

Delete the requirement to post site plan submittals to the City’s website.

### **PLANNING COMMISSION RECOMMENDATION:**

Should the requirement to post site plan applications to the City website be removed?

Y / N

Other:

## ITEM #6 – R-M and R-LC zoning districts rear yard setback requirements for multi-family dwellings

### ISSUE:

The R-M and R-LC zoning districts have 40 foot minimum rear yard setback requirements for multifamily structures. This setback requirement is more restrictive than any other zoning district and may unnecessarily limit use of property containing/proposed for multi-family units. This requirement may affect affordability and be unnecessarily restrictive.

### EXISTING LANGUAGE:

*§420-4.7. Lot Requirements.*

Zoning District	Lot Area	Lot Width	Building Height	Front Yard	Side Yard	Rear Yard
<b>R-1</b>	8,000 sq. ft.; 12,000 sq. ft. for two-family dwellings	60 feet; 80 feet for two-family dwellings	35 feet; up to 45 feet w/30 foot side yard plus...	15 feet	10 feet	25 feet for main buildings, 5 feet for accessory buildings
<b>R-2</b>	15,000 sq. ft.	80 feet	35 feet; up to 45 feet w/30 foot side yard plus...	25 feet	15 feet	25 feet for main buildings, 5 feet for accessory buildings
<b>R-M</b>	8,000 sq. ft.; Two-family dwellings-12,000 sq. ft.; Multi-family-10,000...	60 feet; Two-family dwellings-80 feet; Townhouses-20 feet each unit; ...	45 feet	25 feet	10 feet; 20 feet for multi-family	25 feet; <b>40 feet</b> <u>30 feet</u> for multi-family
<b>R-LC</b>	Residential use: 8,000 sq. ft.; Two-family dwellings-12,000 sq. ft.; Multi-family-10,000 sq. ft. plus 1,500 sq. ft. for each unit in excess of 4;...	Residential uses: 60 feet; Two-family dwellings-80 feet; Townhouses-20 feet each unit; Multi-family-50 feet plus 10 feet for each unit...	35 feet, except dwellings may be increased up to 45 feet, provided that each side yard is 20 feet, plus at least one foot for each additional...	25 feet	Residential uses: 10 feet, or 20 feet for multi-family  Non-residential: 10 feet	Residential uses: 25 feet, or <b>40 feet</b> <u>30 feet</u> for multi-family  Non-residential: 25 feet
<b>C-1</b>	None	None	45 feet; public and governmental buildings...	None	10 feet when abutting a res. district	10 feet when abutting a residential district
<b>C-2</b>	None	None	45 feet	30 feet	30 feet when abutting a res. district	30 feet when abutting a residential district
<b>PUD</b>	5 acres		see §420-5.10			

**STAFF RECOMMENDATION:**

Consider a reduction to the rear yard setbacks for multi-family structures in an effort to potentially improve housing affordability through increased use of property.

**PLANNING COMMISSION RECOMMENDATION:**

Should the rear yard setback requirement for multi-family uses be reduced in the R-M and R-LC zoning districts? Y / N

Other:

**ITEM #7 – Parks and Open Space Zoning District setbacks & building height**

**ISSUE:**

The Lot Requirements table does not include minimum yard setback standards for the P-OS zoning district. Building constructed in the P-OS district could be constructed up to a property boundary. All parcels zoned P-OS are parks or cemeteries owned by the City of Lexington with the exception of that portion of the Lexington Golf & Country Club golf course that is located in the City of Lexington.

During initial review of the proposed zoning text amendments, Planning Commission reminded staff of the proposed improvement to the City cemeteries to increase capacity at both cemeteries. The 2018 Inventory and Expansion Study of the City cemeteries includes structures such as niche walls and columbaria located in close proximity to portions of the cemetery boundaries for both City owned cemeteries. Staff crafted the exemption language below to allow structures located in designated cemeteries and designed to contain human remains, such as but not limited to, mausoleums, columbaria, crypts, and niche walls, to be exempt from the P-OS yard setback regulations

**PROPOSED LANGUAGE:**

*Article XI. Use and Design Standards.*

Zoning District	Lot Area	Lot Width	Building Height	Front Yard	Side Yard	Rear Yard
<u>P-OS</u>	<u>0 Feet</u>	<u>0 feet</u>	<u>35 feet</u>	<u>5 feet<sup>1</sup></u>	<u>5 feet<sup>1</sup></u>	<u>5 feet<sup>1</sup></u>

<sup>1</sup>Structures located in designated cemeteries and designed to contain human remains, such as but not limited to, mausoleums, columbaria, crypts, and niche walls, are not subject to P-OS yard setback regulations.

**STAFF RECOMMENDATION:**

Consider amending the Lot Requirements table to include a minimum setback requirements and a maximum building height while providing an exemption to the yard setback requirements for certain structures located in a cemetery.

**PLANNING COMMISSION RECOMMENDATION:**

Should the yard setback requirements be implemented in the P-OS zoning district? Y / N

Should structures located in designated cemeteries designed to hold human remains be exempted from the proposed yard setback requirements in the P-OS zoning district? Y / N

Should a maximum building height standard be implemented in the P-OS zoning district? Y / N

Other:

**ITEM #8 – Multi-family dwellings permitted/conditional**

**ISSUE:**

Dwellings are allowed by-right in the C-1 zoning district for the second and higher floors per the use and design standards (420-11.1.3.A) and are allowed conditionally on the first floor per the use and design standards (420-11.1.3.B). The Use Matrix should be updated to reflect these uses in the C-1 zoning district.

While updating the use matrix for the C-1 zoning district, staff asks the Planning Commission to consider allowing multi-family dwellings in the C-2 zoning district either by-right or conditionally, and to consider allowing multi-family dwellings in the R-LC zoning district by-right.

**PROPOSED LANGUAGE:**

*Article IV. Zoning District Regulations*

420-4.7. Lot Requirements.

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential-Light Commercial	C-1, Central Business District	C-2, General Commercial District
<b>Use Types</b>								
<b>Residential</b>								
Multi-family dwelling					B	C	<u>B<sup>1</sup>, C<sup>2</sup></u>	

<sup>1</sup>second floor and higher, <sup>2</sup>first floor

**STAFF RECOMMENDATION:**

Note the by-right use of dwellings on the second and higher floors in the C-1 column of the Use Matrix and the conditional use on the first floor in the C-1 column of the Use Matrix. Consider allowing multi-family dwellings by-right or conditionally in the C-2 zoning district and by-right in the R-LC zoning district.

**PLANNING COMMISSION RECOMMENDATION:**

Should dwellings that are allowed by-right on the second and higher floors in the C-1 zoning district be noted on the Use Matrix and should dwellings allowed conditionally on the first floor in the C-1 zoning district be noted on the Use Matrix? Y / N

Should multi-family dwellings be allowed by-right or conditionally in the C-2 zoning district? Y / N

Should multi-family dwellings be allowed by-right in the R-LC zoning district? Y / N

Other:

## ITEM #9 – Bed and Breakfast increase in number of rooms

### ISSUE:

There is a request to consider allowing a Bed and Breakfast to rent out up to 8 bedrooms rather than the current 5 bedroom limit found in the Bed and Breakfast definition. There are several large houses on Main, Washington, and Nelson Streets where Bed and Breakfasts are currently allowed by conditional use permit in the R-1 and R-2 zoning districts, and as these houses come available for sale, it may be beneficial to allow additional rooms to be rented when the Bed and Breakfast use and design standards (see Sec. 420-11.3.2) can be met.

### PROPOSED LANGUAGE:

**Alternative A** – increase the number of bedrooms allowed in a Bed and Breakfast

#### *§420-20.1 Definitions.*

#### **BED-AND-BREAKFAST**

*A dwelling unit occupied by the owner that provides up to ~~five~~ eight bedroom accommodations. Buildings being used as a bed-and-breakfast at the time of adoption of this chapter having more than five bedrooms and/or occupied by a resident manager rather than the owner may continue to operate with the same or a lesser number of bedrooms and/or may continue to be occupied by a resident manager rather than by the owner of the building.*

**Alternative B** – consider other zoning amendments to repurpose larger houses along major streets because their desirability for single family use is declining.

### STAFF RECOMMENDATION:

Consider alternative uses for larger single family homes along major streets such as Main, Washington, and Nelson Streets.

### PLANNING COMMISSION RECOMMENDATION:

Should the maximum number of bedrooms allowed in a Bed and Breakfast be increased from the current limit of 5 bedrooms up to 8 bedrooms? Y / N

Are there other suggestions for the possible utilization of large single family structures along major roadways such as Main, Washington, and Nelson Streets? Y / N

Other:

## ITEM #10 – Dish Antennas

### ISSUE:

§420-11.1.2 provides use and design standards for dish antennas and while there is a prohibition of a ground-mounted dish antenna in a front yard, there is no prohibition on a structure mounted antenna on the front of a building. If it is important to relegate ground-mounted dish antennas to the rear yard, should structure-mounted dish antennas be prohibited on the front of a building?

### PROPOSED LANGUAGE:

#### *§420-11.1.2 Dish antennas.*

*Additional standards in all Residential districts.*

- A. Communication antennas, commonly called "dish" antennas, which do not comply with the restrictions listed below may be allowed with conditional use permits, subject to the applicant's ability to satisfactorily mitigate negative aesthetic impacts on adjoining properties. Dish antennas shall be permitted in all districts but shall be limited to one exterior antenna per parcel except with conditional use permit.*
- B. Ground-mounted antennas shall be limited to the rear yard, and in the case of a corner lot no antenna shall be nearer than 25 feet to the side street adjacent to the property.*
- C. No ground-mounted antenna shall exceed the main building in height.*
- D. Roof-mounted antennas, when designated for that purpose, shall be permitted, except that a roof-mounted antenna shall not be more than 48 inches in diameter and shall not be visible from any street.*
- E. Antennas shall be permanently and securely installed.*
- F. Antennas shall not be attached to the front of a structure (other than a roof-mounted antenna), and in the case of a corner lot, no antenna shall be structure mounted on the side facing a street.*

### STAFF RECOMMENDATION:

Consider an amendment to prohibit dish antennas from being attached to the front of a structure, and in the case of a corner lot, prohibited from being attached to the side of a structure facing a street.

### PLANNING COMMISSION RECOMMENDATION:

Should a structure-mounted dish antenna be prohibited from being attached on the front of a structure? Y / N

In the case of a corner lot, should a structure-mounted dish antenna be prohibited from being attached on the side of a structure that faces a street? Y / N

Other:

## ITEM #11 – R.V. parking clarification

### ISSUE:

Parking regulations for Recreational Vehicles are unclear and can be improved. The restrictions prohibit R.V. parking in a front yard while allowing temporary RV parking in all yards for loading and unloading. It is unclear whether an R.V. can be parked in a side or rear yard for more than 24 hours.

### EXISTING LANGUAGE:

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

#### §420-12.7. Obligations of owner.

- C. *No recreational vehicles shall be parked or stored on any lot in a residential zoning district on that portion of the lot lying between the center line of the street and the front of the structure; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading and unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.*

#### §420-20.1 Definitions.

#### **RECREATIONAL VEHICLE**

A vehicle which is:

1. *Built on a single chassis;*
2. *Four hundred square feet or less when measured at the largest horizontal projection;*
3. *Designed to be self-propelled or permanently towable by a light-duty truck; and*
4. *Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use.*

### STAFF RECOMMENDATION:

Consider an amendment to clarify whether it is permissible or prohibited to park a recreational vehicle in the side and rear yard for a period exceeding 24 hours.

### PLANNING COMMISSION RECOMMENDATION:

Should a recreational vehicle be allowed to be parked in a side and rear yard on any lot in a residential zoning district for a period exceeding 24 hours? Y / N

Are there any other amendments that can be made to clarify parking requirements in a residential zoning district for recreational vehicles? Y / N

Other:



## **ITEM #12 – Commercial vehicle parking limitations**

### **ISSUE:**

The City received a complaint about a food truck parked in a front yard of a parcel zoned R-1 and there are no current prohibitions or use and design standards for commercial vehicle parking in residential zoning districts. Should food trucks and other commercial vehicles be prohibited from parking in the residential zoning districts? Additional research can be completed by staff if the Planning Commission desires more information on commercial vehicles sizes and similar regulations from other Virginia jurisdictions.

### **PROPOSED LANGUAGE:**

*(none)*

### **STAFF RECOMMENDATION:**

Consider whether commercial vehicle parking in residential zoning districts should be restricted.

### **PLANNING COMMISSION RECOMMENDATION:**

Should commercial vehicle parking in residential zoning districts be restricted? Y / N

Other:

**ITEM #13 – Restaurant take out**

**ISSUE:**

The current pandemic forced many dine-in restaurants to offer other food service options such as outdoor dining, take-out options, and food delivery. General Restaurants and Small Restaurants are however “characterized primarily by table service to customers in non-disposable containers” according to the definitions of each in the Zoning Ordinance. While the current pandemic will cease at some point, it is expected that restaurants will continue to rely on take-out options for a larger portion of their business and we should therefore consider whether it is necessary to explicitly allow take-out for General Restaurants and Small Restaurants.

The previous Zoning Ordinance for example allowed conditionally in the C-1 zoning district “restaurants, delicatessens or ice cream parlors... a substantial portion is to be consumed off premises.” 420-81

**EXISTING RESTAURANT REGULATIONS:**

Zoning District	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
<i>B = By-right uses, C = Conditional uses</i>					
Use Types					
Commercial					
Restaurant, drive-in					B
Restaurant, general				B	B
Restaurant, mobile			B	B	B
Restaurant, small			C	B	B

**RESTAURANT, DRIVE-IN**

*An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery or table service, served in disposable containers at a counter and a drive-up or drive through service facility, or which offers curb service*

**RESTAURANT, GENERAL**

*An establishment engaged in the preparation of food and beverages containing more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers.*

**RESTAURANT, MOBILE**

*A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts and shall not apply to ice cream trucks.*

**RESTAURANT, SMALL**

*An establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers. Typical uses include cafes, coffee shops, and eat-in delis.*

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on January 14, 2021

*Use and design standards are included in the Zoning Ordinance (Sec. 420-11.3.17 & 420-11.3.18) for Drive-in Restaurants and Mobile Restaurants but not for General Restaurants or Small Restaurants.*

**PROPOSED LANGUAGE:**

*(none)*

**STAFF RECOMMENDATION:**

Consider amendments to the restaurant definitions to make take-out operations expressly permissible especially in light of the recent public health restrictions.

**PLANNING COMMISSION RECOMMENDATION:**

Should the General Restaurant and/or the Small Restaurant definitions be amended to allow some form of take-out operations? Y / N

Other:

**Background Documents for the January 14, 2021 Planning Commission discussion regarding proposed Zoning Text Amendments (or you may refer to your copy of the Lexington Zoning Ordinance)**

***§420-1.11. Conditional Use Permits.*** (for items # 7 & 8 in the proposed text amendments)

*C. Conditions of issuance.*

1. *Conditional use permits may be issued for any of the uses for which a conditional use permit is required by the provisions of this chapter, provided that the governing body, upon a recommendation by the Planning Commission, shall find that:*
  - i. *The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.*
  - ii. *The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood.*
  - iii. *The proposed use will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan.*
  - iv. *Adequate public services, including streets and other trafficways, utilities, police and fire protection, are or reasonably will be available to support the proposed use.*

**Zoning Districts Map can be found at**

[https://lexingtongis.timmons.com/#/mwl?zoom=15&location=-79.446361\\_37.783426](https://lexingtongis.timmons.com/#/mwl?zoom=15&location=-79.446361_37.783426)

(for items # 7 & 8 in the proposed text amendments)

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

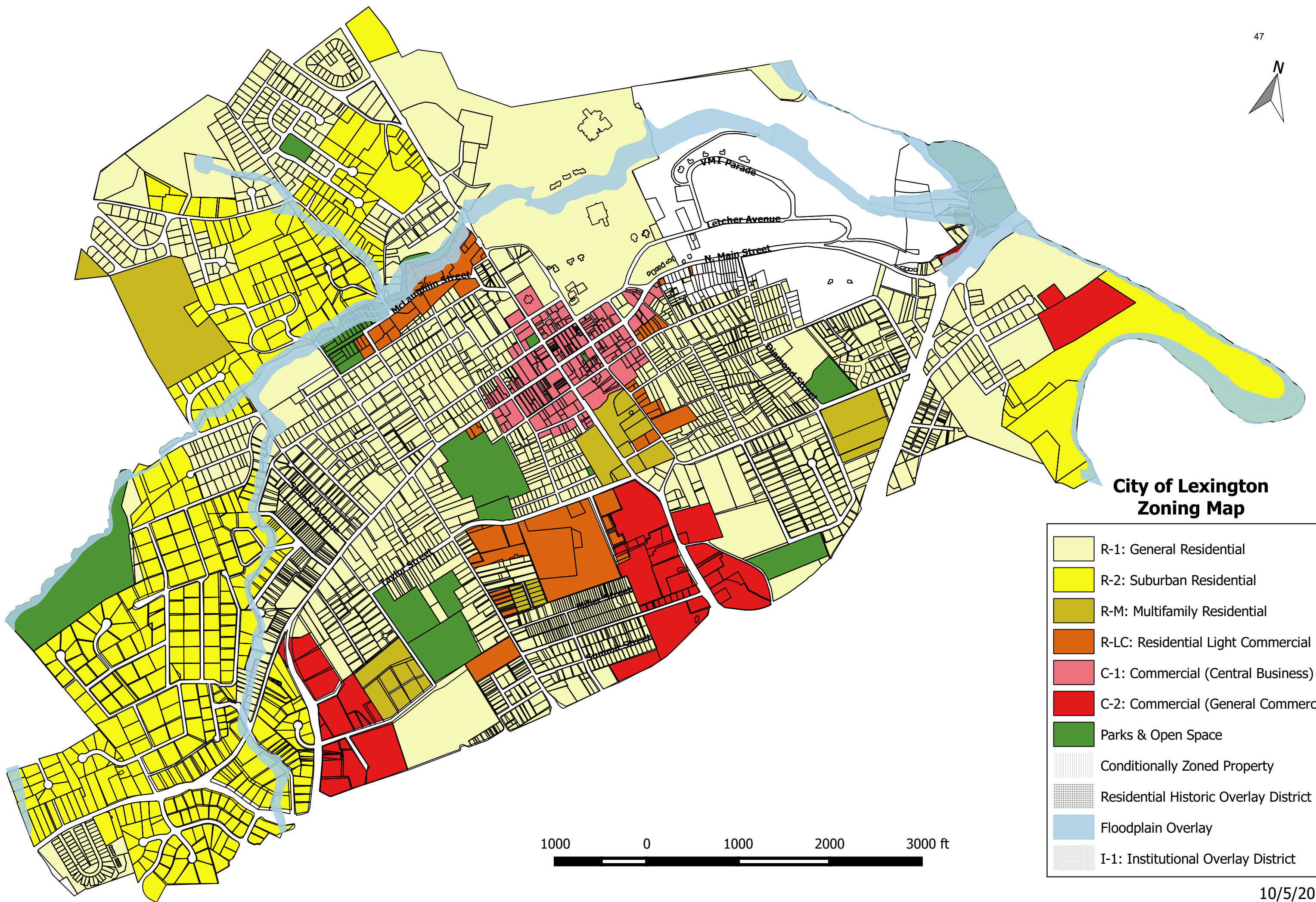
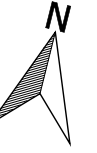
***§420-11.3. Commercial Uses.*** (for item # 9 in the proposed text amendments)

*2. Bed-and-breakfast.*












*Bed-and-breakfasts shall be subject to the following minimum standards:*

- A. *The operator shall hold a valid business license from the City and, where applicable, a permit from the Department of Health.*
- B. *A registration book must be maintained for one year and be made available for review by the City upon request.*
- C. *Every room occupied for sleeping purposes shall comply with Uniform Statewide Building Code.*

- D. Signage must comply with Article XIII of this chapter.*
- E. No changes shall be made to the building exterior that would detract from its appearance as a family dwelling.*
- F. Off-street parking shall be provided in compliance with Article XII of this chapter. The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.
- G. Bed-and-breakfasts shall only be permitted in existing structures and may not increase the size of the structure, including accessory structures, by more than 25% of the original square footage. Any additions or modifications shall be residential in appearance and compatible with the original structure and surrounding structures and the overall footprint of the structure, and parking shall not be excessive for the size and shape of the lot.
- H. Landscaping, buffers and/or fences shall be in compliance with Article XIV of this chapter.
- I. Bed-and-breakfasts are to be integrated into the residential fabric of the neighborhood in which they are located. A proposed bed-and-breakfast should not affect the integrity or character of the single-family residential neighborhood for which it is proposed.
- J. Off-street parking shall be screened from surrounding family residences by landscaping or fencing which is compatible with the neighborhood.
- K. Existing structures and landscaping determined to contribute to the character of the neighborhood shall not be removed.
- L. Guest rooms shall not have cooking facilities.
- M. The maximum stay for a guest shall be 14 days.
- N. Bed-and-breakfast establishments are permitted solely to provide lodging and breakfast accommodations. Additional activities, including receptions, parties and other events, are not permitted unless specifically authorized by the conditional use permit. Authorization for additional activities will be based on the suitability of the house and property for hosting such events. Specific consideration will be given to the floor plan of the house, the proximity of the house to neighboring houses, the size of the lot, provisions to buffer the effects of such activities from adjacent property and the ability to provide parking for such events.
- O. Bed-and-breakfast establishments must be occupied by the owner.
- P. In R-1, B&B's may only be located along Main, Washington, and Nelson Streets by CUP.
- Q. In R-2, B&B's may only be located along South Main Street by CUP.



### City of Lexington Zoning Map

	R-1: General Residential
	R-2: Suburban Residential
	R-M: Multifamily Residential
	R-LC: Residential Light Commercial
	C-1: Commercial (Central Business)
	C-2: Commercial (General Commerce)
	Parks & Open Space
	Conditionally Zoned Property
	Residential Historic Overlay District
	Floodplain Overlay
	I-1: Institutional Overlay District

