

LEXINGTON PLANNING COMMISSION

January 28, 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 January 14, 2021*
- 4. CITIZENS’ COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. Annual Zoning Ordinance Amendments.
 - 1) Discussion of 10 proposed text amendments**
 - 2) Public comment
 - 3) Schedule for proposed additional amendments
 - 4) Public comment
 - B. Submittal of Lexington Comprehensive Plan 2040 for American Planning Association award and letter of support from the Lexington Planning Commission
 - 1) Discussion
 - 2) Public comment.
- 6. OTHER BUSINESS**
- 7. CITY COUNCIL REPORT**
- 8. ADJOURN**

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, January 14, 2021 – 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 (P. Bradley/B. Shester).

MINUTES

Minutes from December 10, 2020 meeting were approved unanimously (L. Straughan/J. Goodin)

CITIZENS’ COMMENTS ON MATTERS NOT ON THE AGENDA

None.

NEW BUSINESS

A. EC COA 2021-01: An application by Budget Signs to replace 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 – 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).
- 2) Applicant Statement – Gia DelGato, permit specialist for Budget Signs - none
- 3) Public Comment – None

- 4) Commission Discussion & Decision – **M. Tuchler moved to approve the application as presented. B. Shester seconded and the motion passed unanimously (6/0).**

B. Annual Zoning Ordinance Amendments

- 1) Discussion of 13 proposed text amendments – **M. Tuchler moved to consider the text amendments as appropriate rather than in the order presented. L. Straughan seconded and the motion passed unanimously (6/0).**
- Warehousing and distribution use and definition – **Commission approved the recommended text**
 - Sign Definition – **Commission approved the moving of the street banner regulations to Chapter 356, Streets and Sidewalks, of the Lexington Code.**
 - Remove the Sunset provision for Short Term Rentals – **Commission approved removing the sunset provision.**
 - Short Term Rental off-street parking Conditional Use Permit requirements – **Commission approved the change as staff recommended.**
 - Site Plans required to be posted to City website – **Commission approved change as staff recommended.**
 - R-M and R-LC zoning districts rear yard setback requirements for multi-family dwellings – **Commission approved the change in rear yard setbacks.**
 - Parks and Open Space Zoning District setbacks and building height – **Commission was in favor of a sliding scale of building height for setbacks. Commission would like to see more information on the sliding scale brought back before them. Commission recommended approving the exemption for cemeteries.**
 - Multi-family dwellings permitted/conditional – **Commission approved to change multi-family dwellings in the C-2 zoning district to a by-right use. Commission would like to keep multi-family dwellings as a CUP in the R-LC zoning district.**
- 2) Public Comment – None

OTHER BUSINESS

J. Driscoll inquired about any new applicants for the Commission. A. Glaeser said he was not aware of any, but L. Straughan said she thought one had come in, and several people had expressed interest. J. Driscoll said he had been contacted as well.

A. Glaeser said that there might be requests for three specific zoning text amendments, and he asked if the Commission would like to add those three to the other amendments once they are submitted. He also said the Commission was roughly halfway through the zoning text amendments, and he would like to know if the Commission would like to batch them. J. Driscoll

said there was general agreement to batch to allow time for the more complicated amendments. L. Straughan inquired when the approval to KFC to make changes to their building expired. P. Bradley said he was also wondering about the Sigma Nu project. A. Glaeser said Sigma Nu came in for a master plan and added a dorm or facility on the backside. They have been fundraising since then, but have not been successful in raising the necessary amount. The new plan will be to reduce the scope of the project and move the building to a slightly different location, so that plan will be coming back to the Commission.

J. Driscoll asked A. Glaeser to work with him to layout the next 3 to 6 months of work for the Commission, for reference. A. Glaeser also mentioned submitting an application for a grant for Bike/Ped Plan with the Office of Intermodal Planning and Investment. He said he expects to hear if the City receives the grant in February, and the 9-12 month process for the plan will most likely start in April.

CITY COUNCIL REPORT

Leslie Straughan said City Council had their first meeting of the year last Thursday. C. Aligood was welcomed, and most members made statements of displeasure towards Ben Cline and Ronnie Campbell and their views towards the election results. Production crew for Dopesick will be staying at Hampton Inn in Lexington, and filming in Clifton Forge. There was an idea of vouchers for residents to shop at downtown businesses, but Council ended up researching a more targeted approach. There was also a request to restore funding to the equipment replacement fund and that was approved, and there was a request to staff to craft an ordinance moving City Council time to 7pm. J. Goodin asked if anything abnormal could be expected this weekend. L. Straughan said no, there were events both days, and there is a religious service and walk down Main Street for the Sons of Confederate Veterans and an event for Martin Luther King, Jr. Day that is a stand and show support rather than a parade proper.

ADJOURN

The meeting was adjourned at 6:50.p.m. with unanimous approval (B. Shester/P. Bradley).

J. Driscoll, Chair, Planning Commission



Planning Commission

LEXINGTON ANNUAL ZONING ORDINANCE TEXT AMENDMENTS 2021

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[NOTE: ITEM 1 was reviewed during the January 14, 2020 Planning Commission meeting and amended language is shown in red.]

ITEM #1 – 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 feet¹</u>	<u>5 feet¹</u>	<u>5 feet¹</u>

¹Structures 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

While in general agreement over the height standard, the Planning Commission requested height maximums be tied to setback and requested staff propose a sliding scale for height dependent on setback distance from a property line.

Other:

UPDATED STAFF RECOMMENDATION:

Adjust the maximum building height to be 15 feet in building height for structures located between 5 feet and 9.99 feet from a front, side, and rear property line while allowing up to 35 feet in building height for structures located 10 feet or more from a front, side, and rear property line.

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 15 feet, up to 35 feet with 10 foot plus front/side/rear yards</u>	<u>5 feet¹</u>	<u>5 feet¹</u>	<u>5 feet¹</u>

¹Structures 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.

ITEM #2 – 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 also 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 #3 – 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 #4 – 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 #5 – 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:

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

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.

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:

ITEM #6 – 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 #7 – Entry structure

ISSUE:

A property owner along McLaughlin Street requested the City consider modifications to front yard setback requirements to allow an entry structure for properties in the R-LC zoning district. This type of structure would provide a unique entry to their property that contains a timber framing business and the structure itself would display their timber framing craftsmanship. The owner envisions a tall, entry structure that can be driven under and is similar to a ranch entry gate.

PROPOSED LANGUAGE:

§420-4.7. Lot Requirements.

Zoning District	Lot Area	Lot Width	Building Height	Front Yard	Side Yard	Rear Yard
R-LC	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; Townhouses - 2,400 sq. ft. per unit; Non-residential: 8,000 s.f.	Residential uses: 60 feet; Two-family dwellings-80 feet; Townhouses-20 feet each unit; Multi-family-50 feet plus 10 feet for each unit above 4; Non-residential: 60 feet	35 feet, except dwellings may be increased up to 45 feet, provided that each side yard is 20 feet, plus at least one additional foot of building height over 35 feet.	25 feet, <u>except entry structures</u>	Residential uses: 10 feet, or 20 feet for multi-family Non-residential: 10 feet	Residential uses: 25 feet, or 40 feet for multi-family Non-residential: 25 feet

§420-20.1 Definitions.

ENTRY STRUCTURE

A continuous wall, gate, fence or combination thereof, located contiguous to and on both sides of the main access (driveway) to the property which is designed and intended to control and/or demarcate the access to the property. A gate of the same height and materials as the adjoining fence is not an entry structure. An “entry structure” includes all walls, buttresses, guy wires, integral signs and decorative features attached thereto up to a maximum width of 30 feet on either side of the driveway centerline. (Napa County Code)

Use and Design Standards for Entry Structure

One entry structure may be permitted in the R-LC zoning district in connection with the primary vehicular entry to a property if it meets the following criteria.

1. No portion may be constructed within the public road right-of-way unless an encroachment permit is approved by Public Works.
2. No portion may exceed 16 feet 6 inches in height.
3. On a corner lot, no portion of an entry structure may be erected or placed in such a manner as to impede vision between a height of 2 ½ feet and 10 feet above the center lines of such

- corner lots and a line joining points along such street lines 50 feet from the point of the intersection. (Lex Z.O.)
4. Open gates and vehicles waiting for gates to open may not physically obstruct any public road.
 5. It shall not be designed so that it causes a vehicle to back onto a roadway if the entry structure is closed.
 6. The turnaround area associated with the entry structure shall not include any part of a public right-of-way.

An entry structure is differentiated from a gate in that an entry structure is greater than 7 feet high.

STAFF RECOMMENDATION:

Consider amendments to the R-LC zoning district requirements to allow an entry structure.

PLANNING COMMISSION RECOMMENDATION:

Should an entry structure be allowed in the front yard setback for properties zoned R-LC? Y / N

Should the proposed definition of an entry structure be adopted? Y / N

Should the proposed use and design standards for an entry structure be adopted? Y / N

Other:

ITEM #8 – C-2 zoning district wall sign size calculation

ISSUE:

There is a request to consider amending the C-2 wall sign size maximum of 25 square feet. The request states the 25 square foot limit does not consider the size of a building and does not support commercial activity.

EXISTING LANGUAGE:

§420-13.6 Sign Standards: C-2 Zoning District.

Any business located within a C-2 zoning district shall be limited to displaying no greater than 2 square feet of signage per foot of business frontage, and in no case shall any business display greater than 50 square feet of signage per building street frontage. Individual signs shall be limited in their size and placement according to the following regulations:

Maximum Sign Dimensions: C-2 Zoning District			
Sign Type	Number	Area (Sq. Ft.)	Height (Ft.)
Window	Not limited	Lesser of 20% of window area or 6 Sq. Ft.	Not limited
Freestanding	1 per street frontage, limit 2 per lot	25	15
Projecting	1 per business per street frontage	12	No less than 9
Wall	1 per business per street frontage	25	15 ft. max. above grade level
Canopy	Permitted	Letters not more than 12 inches high.	No less than 9
Internally Illuminated	Permitted	n/a	n/a
A-Frame	1 per 30 feet of frontage	6 per side	4 feet
Painted	1 on side or rear wall	Shall not exceed 15% of that wall area	As per other standards
Temporary (freestanding, banner, or wall only) ¹	Not limited	8	4

PREVIOUS LANGUAGE:

The zoning ordinance prior to the November 5, 2017 update allowed two flat wall signs in a shopping center “with a total amount of sign area computed in accordance with the following formula: two square feet of sign area for each linear foot of building frontage.”

If memory serves, the amendment in 2017 to a fixed 25 square feet per wall sign located in the C-2 zoning district may have been a reaction to the Cook-Out restaurant signs installed in 2013. A review of the extensive Cook-Out folder reveals 2 square feet of wall signage was allowed for the Cook-Out wall signs on the front and side of the restaurant building. The front of the building is 59.4 feet in length and a 118 square foot sign was allowed. The side of the building is 135 feet in length and a 174.94 square foot sign was approved.

STAFF RECOMMENDATION:

Consider an amendment to allow larger wall sign in the C-2 zoning district that is in relation to the size or frontage of a commercial storefront.

PLANNING COMMISSION RECOMMENDATION:

Should the size of a wall sign in the C-2 zoning district be greater than 25 square feet in size? Y / N

Should the wall sign size in the C-2 zoning district be determined by length of store frontage or wall area? Y / N

Other:

ITEM #9 – Home Occupation limitations

ISSUE:

Home occupations are allowed in the residential zoning districts in accordance with ten use and design standards found in §420-11.3.12 of the Zoning Ordinance. The current use and design standards do not limit the number of home occupations that may be allowed in a dwelling unit. It may be beneficial to clarify how many home occupations are allowed in a dwelling unit and/or to limit the maximum area that may be utilized by home occupations in a dwelling unit.

PROPOSED LANGUAGE:

§420-11.3. Commercial Uses.

12. Home Occupations.

All home occupations shall be subject to the following general standards:

- A. No signs shall be permitted.*
- B. The area devoted to ~~the~~ home occupation(s) shall not exceed 25 percent of the gross floor area of the dwelling unit.*
- C. Use shall be conducted as an accessory use and shall not change the character of the dwelling unit nor have any exterior evidence of its use.*
- D. No merchandise shall be sold on the premises.*
- E. The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.*
- F. The home occupation shall not increase the demand on water, sewer, or garbage collection services to the extent that its use combined with the residential use of the dwelling shall not be significantly higher than is normal for residential uses.*
- G. The equipment used by the home-based business and the operation of the business shall not create any noise, vibration, heat, glare, dust, odor or smoke discernible at the property lines or use or store hazardous materials in excess of quantities permitted in residential structures.*
- H. The operator of a home occupation use shall secure a City business license, and obtain a home occupation use permit.*
- I. Approval of a home occupation use shall be revocable at any time by the City because of the failure of the owner or operator of the use covered by the approval to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions imposed in connection with the approval.*
- J. Approval of a home occupation use shall stand revoked, without any action by the City, if the use authorized has been intentionally abandoned, has ceased for a period of one year, has not commenced within one year of approval, or does not have a current business license.*
- K. Up to a maximum of two home occupations may be permitted for each dwelling unit.*

*§420-20.1 Definitions.***HOME OCCUPATION, CLASS A**

An occupation conducted primarily on-site involving persons residing on the premises. Such occupations may require the use of accessory structures. No more than five clients or customers shall be allowed on the premises at any one time on a regular basis.

HOME OCCUPATION, CLASS B

An occupation conducted primarily on-site involving persons residing on the premises and not more than two (2) full or part-time outside employees. Such occupations may require the use of accessory structures or outside areas. No more than 10 clients or customers shall be allowed on the premises at any one time on a regular basis.

STAFF RECOMMENDATION:

Consider a limitation of the total floor area allowed for home occupations in a dwelling unit and consider whether the number of home occupations should be limited in a dwelling unit.

PLANNING COMMISSION RECOMMENDATION:

Should the number of home occupations allowed in a dwelling unit be limited in number? Y / N

Should the total floor area allowed for home occupations be limited to 25 percent of the gross floor area of the dwelling unit if more than one home occupation is allowed in a dwelling unit? Y / N

Other:

ITEM #10 – Educational Facilities, Primary/Secondary requirements

ISSUE:

Are use and design standards needed for Educational Facility, Primary/Secondary such as minimum acreage, drop off/pick up area standards, etc.? Questions were raised during the public hearing process for the RAW Learning Conditional Use Permit denial for 223 Lewis Street.

EXISTING LANGUAGE:

§420-20.1 Definitions.

EDUCATIONAL FACILITY, PRIMARY/SECONDARY

A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

Zoning 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
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B = By-right uses, C = Conditional uses

Use Types						
Civic						
Educational facility, College/University	C	C	C	C	C	C
Educational facility, Primary/Secondary	C	C	C	B		

SAMPLE LANGUAGE:

§420-11.1.6 Educational Facility, Primary/Secondary.

Additional standards in all Residential districts.

Any outdoor activity area, ball field or court, or stadium which adjoins a residential use type shall be landscaped with a minimum of one row of small evergreen trees in accordance with section 86-573 along the property line adjoining the residential use type. Where night-time lighting of such areas is proposed, large evergreen trees shall be required.

Any area constructed in conjunction with an educational facility intended for the overnight storage of buses, trucks, or large equipment which residential use type shall be landscaped with minimum of one row of small evergreen trees in accordance with section 86-573 along the property line adjoining the residential use type. Where night-time lighting of such areas is proposed large evergreen adjoins a residential use type shall provide type C buffer yard as specified in section 86-573 of this chapter. (Altavista, VA)

Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.

Parking shall be located behind the front line of the principal building.

Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.

The scale, massing, and building design should be compatible with the surrounding neighborhood. The structure shall be street-oriented with pedestrian entrances from the street.

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Exterior lighting shall be compatible with the surrounding neighborhood.

Effective October 1, 2000, the conditional use permit for an educational facility may authorize a maximum height of fifty (50) feet, provided that an additional five (5) feet per front, side and rear setback shall be provided for each one (1) foot of height in excess of thirty-five (35) feet. Council may consider the rural character of the area, the impact upon vistas, the building's proportionality to the site, and any factors that may reduce the impact of the proposed height. (Blacksburg, VA)

Privacy screening at least six feet tall may be required along play areas or parking lots abutting a residential lot. Such screening may be vegetative if it meets the height requirement.

Play area may be required to be fenced or walled for the safety of the children attending.

Signs. Notwithstanding other provisions to the contrary, schools may have a monument sign of up to 32 square feet in area, six feet high; and a wall sign of up to 24 square feet; both of which may be illuminated by external white light. Schools may also have directional signs as permitted by §4.6.11.C. (Charlottesville, VA)

A site plan as required by this chapter shall be submitted and approved prior to the commencement of any new construction or enlargement of an educational facility. (Salem, VA)

STAFF RECOMMENDATION:

Consider additional regulations for Educational Facilities to ensure their compatibility in residential zoning districts.

PLANNING COMMISSION RECOMMENDATION:

Should use and design standards for Educational Facility, Primary/Secondary be developed and adopted? Y / N

What are the use and design standards for Educational Facility, Primary/Secondary that should be developed and proposed to be added to the Zoning Ordinance?

Other:

Background Documents for the January 28, 2021 Planning Commission discussion regarding proposed Zoning Text Amendments (or you may refer to your copy of the Lexington Zoning Ordinance)

Zoning Districts Map can be found at

<https://lexingtongis.timmons.com/#/mwl?zoom=15&location=-79.446361 37.783426>

Article XI. Use and Design Standards.

§420-11.3. Commercial Uses.

(for item # 6 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.

Samples of use and design standards for educational facility **1/21/2021**
(for item #10 in the proposed text amendments)

Altavista, VA

Sec. 86-476. - Educational facility primary/secondary.

(a) *General standards:*

- (1) Any outdoor activity area, ball field or court, or stadium which adjoins a residential use type shall be landscaped with a minimum of one row of small evergreen trees in accordance with section 86-573 along the property line adjoining the residential use type. Where night-time lighting of such areas is proposed, large evergreen trees shall be required.
- (2) Any area constructed in conjunction with an educational facility intended for the overnight storage of buses, trucks, or large equipment which residential use type shall be landscaped with minimum of one row of small evergreen trees in accordance with section 86-573 along the property line adjoining the residential use type. Where night-time lighting of such areas is proposed large evergreen adjoins a residential use type shall provide type C buffer yard as specified in section 86-573 of this chapter.

(Ord. of 10-11-2011(3), § 2)

Town of Blacksburg

Sec. 4313 - Education facilities, primary/secondary.

(a) *General standards:*

- (1) Any outdoor activity area, swimming pool, or ball field or court which adjoins a residential zoning district shall have a type C buffer yard. Where exterior lighting of such areas is proposed, large evergreen trees shall be required in a location appropriate to screen adjoining residences.
 - (2) A type B buffer yard shall be provided in yards adjacent to a R-4, R-5, OTR, PR, RR1 or RR2 zoning district.
 - (3) Any area constructed in conjunction with an educational facility intended for the overnight storage of school buses which adjoins a residential zoning district shall provide a type C buffer yard meeting the specifications of Article V, Division 3 of this ordinance [Appendix].
 - (4) Minimum lot size: One (1) acre for the first thirty-five (35) students. Each additional student will require an additional one thousand (1,000) square feet, but no school site will be required to exceed five (5) acres.
 - (5) Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
- (b) Additional standards in the RR1, R-4, R-5, and OTR zoning districts.
- (1) Minimum side setback for new structures: Thirty (30) feet.
 - (2) Parking shall be located behind the front line of the principal building. Town Council may grant a special exception to this requirement as authorized by Section 1112.
 - (3) Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
 - (4) The scale, massing, and building design should be compatible with the surrounding neighborhood. The structure shall be street-oriented with pedestrian entrances from the street.
 - (5) Exterior lighting shall be compatible with the surrounding neighborhood.
- (c) Additional standards in the RR1 zoning district:
- (1) The height of any educational facility for which a conditional use permit was granted on or before May 31, 2000, may be a maximum of fifty (50) feet, provided that additional front, side, and rear setbacks of five (5) feet per each foot of height over thirty-five (35) feet shall be provided.
 - (2) Effective October 1, 2000, the conditional use permit for an educational facility may authorize a maximum height of fifty (50) feet, provided that an additional five (5) feet per front, side and rear setback shall be provided for each one (1) foot of height in excess of thirty-five (35) feet. Council may consider the rural character of the area, the impact upon vistas, the building's proportionality to the site, and any factors that may reduce the impact of the proposed height.
- (d) Additional standards in the MXD, DC and GC zoning districts: Parking shall be located behind the front line of the principal building. Town Council may grant a special exception to this requirement as authorized by Section 1112.

(Ord. No. 1215, § 34, 5-11-99; Ord. No. 1247, § 13, 9-12-00; Ord. No. 1308, § 15, 8-13-02; Ord. No. 1339, § 27, 9-9-03; Ord. No. 1439, 4-10-07; Ord. No. 1513, § 1, 4-14-09; Ord. No. 1680, § 1, 5-14-13; Am. Ord. No. [1900](#), § 1, 9-12-19)

Charlottesville, VA

§3.5.2 Public, civic and institutional use standards

H. Schools, elementary, middle or high 1. Purpose These standards are intended to protect health and safety, to protect neighboring uses from nuisances occasioned by traffic, number of children present, noise, or type of physical activity, and to provide for adequate off-street parking. No provision of §3.5.2.H shall be construed to conflict with any state school requirements. 2. Screening requirements Privacy screening at least six feet tall may be required along play areas or parking lots abutting a residential lot. Such screening may be vegetative if it meets the height requirement. Play area may be required to be fenced or walled for the safety of the children attending. These requirements shall not be construed to permit fences or walls, which may be prohibited by other sections of this chapter. 3. Additional provisions for schools in RT-6, RT and RMF districts (a) In the RT-6, RT and RMF districts, a school may not be located in one or more of the units designed and built to rent or sell as dwelling units. (b) A school shall not be located directly above or below any dwelling unit, and shall not share a party wall with any dwelling unit. (c) A school shall have direct access to the out-of-doors, which access shall not be through any hall, foyer, or vestibule serving as entrance or exit for any purpose other than the school entrance and exit. More than one exit may be required for emergency use. (d) Play areas shall be completely fenced or walled. 4. Signs Notwithstanding other provisions to the contrary, schools may have a monument sign of up to 32 square feet in area, six feet high; and a wall sign of up to 24 square feet; both of which may be illuminated by external white light. Schools may also have directional signs as permitted by §4.6.11.C.

Salem, VA

Sec. 106-306.5. - Educational facilities, college and university.

(A) General standards:

1. A site plan as required by this chapter shall be submitted and approved prior to the commencement of any new construction or enlargement of an educational facility. The administrator may waive this site plan requirement if the total increase in the impervious area resulting from this construction or enlargement is less than 3,000 square feet.
2. Screening and buffering for educational facilities shall be provided as required by the provisions found in section 106-402 of this chapter.

(B) Standards in the DBD District:

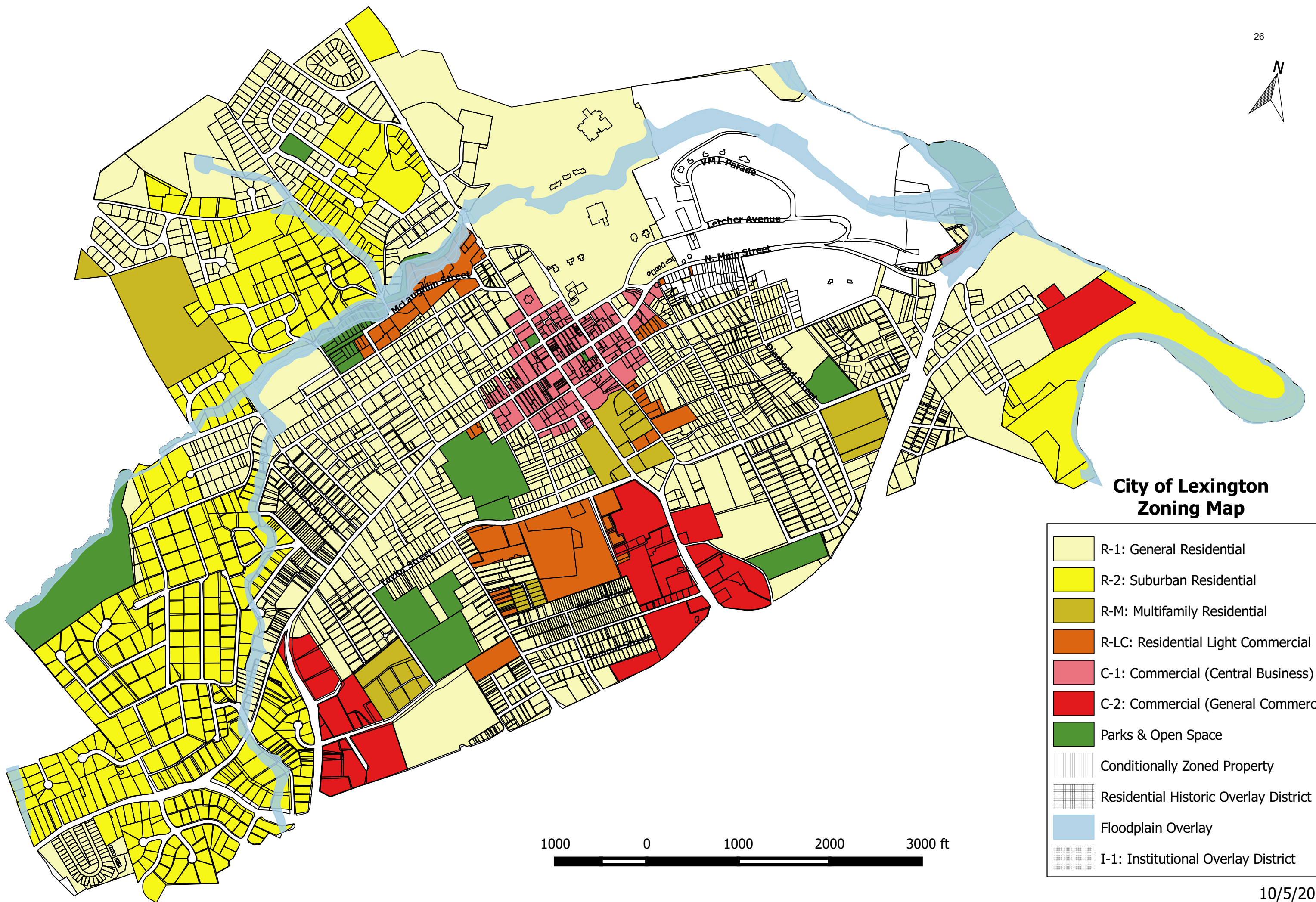
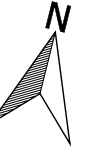
1. Educational facilities, college/university shall be allowed only on floors above the ground floor and in the same structure as a commercial use type except for parcels fronting Clay Street between Thompson Memorial Avenue and North Market Street. These parcels may allow educational facilities, college/university on any floor.
2. The commercial use type must occupy at least the first floor of the structure, and should be configured to be pedestrian friendly.

(C) Standards in the CUD District:

1. Educational facility buildings shall be setback a minimum of 30 feet from any street, and shall be setback a minimum of ten feet from adjoining property lines.
2. Educational facility buildings shall have a maximum height of 45 feet. However, this maximum height may be increased up to a maximum height of 70 feet provided the minimum setback of the building is increased by one foot for each foot of additional height above 45 feet.

(Ord. of 3-14-05(2); Ord. of 1-23-2017(2))

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on January 28, 2021



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

