

LEXINGTON PLANNING COMMISSION

February 25, 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 February 11, 2021*

4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

5. NEW BUSINESS

A. PS 2021-01: Application by Stephen Beck for a Preliminary Subdivision to adjust the shared boundary line between Tax Parcels #23-12-7 & #23-12-7C, and to vacate the shared boundary lines between Tax Parcels #23-12-7C, #23-12-7D & #23-12-7E

- 1) Staff Report*
- 2) Applicant Statement
- 3) Public Comment
- 4) Commission Discussion

B. ZOA 2021-02: A request to reduce the multifamily parking requirement and to allow limited encroachments into yard setbacks.

- 1) Staff Report*
- 2) Applicant Statement
- 3) Public Comment
- 4) Commission Discussion

C. Annual Zoning Ordinance Amendments.

- 1) Discussion of 4 proposed text amendments**
- 2) Public comment
- 3) Schedule for proposed additional amendments*
- 4) Public comment

6. OTHER BUSINESS

7. CITY COUNCIL REPORT

8. ADJOURN

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, February 11, 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

City Staff:

Arne Glaeser, Planning Department
Bonnie Tombarge, Administrative Assistant

Absent: Matt Tuchler

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 a change by P. Bradley to flip items B and C (L. Straughan/ J. Goodin).

MINUTES

Minutes from January 28, 2021 meeting were approved unanimously (P. Bradley/ L. Straughan)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. Annual Zoning Ordinance Amendments

- 1) Discussion of 7 proposed text amendments
 - Commercial vehicle parking limitations – Commission said to hold off on this amendment till next year.
 - Bed and Breakfast increase in number of rooms – Commission is inclined to increase the allowed number of rooms in a B&B to 8 rooms. This would be a CUP to be sure that parking requirements will be met. Commission did not want to consider alternate uses for large family buildings along main roads.
 - Entry structure – Commission would like to see a presentation on the suggested structure, but thought this could be under a CUP application.

- C-2 zoning district wall sign size calculation – Commission would like to increase the allowed sign size for the C-2 district. This would be a minimum of 32 square feet and a maximum of 100 square feet, and would follow a general rule of 1 square foot per linear foot.
 - Home Occupation limitations – Commission did not want to limit the number of home occupations, but they did want to limit the used gross floor area to 25 percent
 - Educational Facilities, Primary/Secondary requirements – Commission said they would wait to examine this until something else comes up.
 - Multifamily Parking calculation – will be addressed in the next meeting.
- 2) Public comment - None
 - 3) Schedule for proposed additional amendments – The next meeting will look at multifamily parking and PUD regulations. After that the Commission will see accessory dwellings units, small cell facilities, and cottage housing.
 - 4) Public comment – None

B. Capital Improvement Plan review and recommendation of new projects

- 1) Discussion – A. Glaeser reviewed the CIP chart and how the new project suggestions were highlighted. J. Driscoll said it would be good to know how projects like street resurfacing are chosen. L. Straughan said it was good to see the CIP and be familiar with it.
- 2) Public Comment – None

C. Planning Commission Work Plan

- 1) Discussion – A. Glaeser reviewed the future projects starting with a joint meeting with Rockbridge Planning Commission, is there a new focus or picking up on the Rt. 60 corridor plan. A W&L work session for overlay districts and master plan to familiarize the Commission with their plan. Then catalyst projects and the Commission’s role in those projects. There are a few remaining text amendments, and the Commission’s role in creating a bike/ped plan if the City is awarded a grant for that. There was a request for an education session on small area plans, and to look at grand options, TAP grant or transportation alternatives grant, for extending Woods Creek trail. There will still be regular applications and a couple public hearings for some text amendments. The Commission also expressed interest in starting an annual review of the Comprehensive Plan at the end of the year.
- 2) Public Comment – None

OTHER BUSINESS

The APA application was submitted.

CITY COUNCIL REPORT

L. Straughan said Council met and changed the meeting time to start at 7 pm. There was a proposal to recycle cardboard and metal at the public works facility, which should be close to cost neutral. Main Street Lexington proposed a business assistant program that would provide funds to businesses for promotion or advertising, or to help with their online presence. This grant would provide up to \$400 in reimbursement for qualifying businesses. A letter was sent to the Marshall Museum in regret of the closing of the museum, and they hoped a presence would be maintained by transferring artifacts to VMI. Lastly, the last Spotswood Property listening session would happen later that evening.

ADJOURN

The meeting was adjourned at 7pm with unanimous approval (L. Straughan/ P. Bradley).

J. Driscoll, Chair, Planning Commission

**Preliminary Subdivision Application
PS 2021-01 – 101 & 107 E. Washington Streets**

Project Name Boundary line adjustment and boundary line vacations for Rockbridge Historical Society

Property Location 101 & 107 East Washington Streets, Tax Map #s: 23-12-7, 23-12-7C, 23-12-7D & 23-12-7E

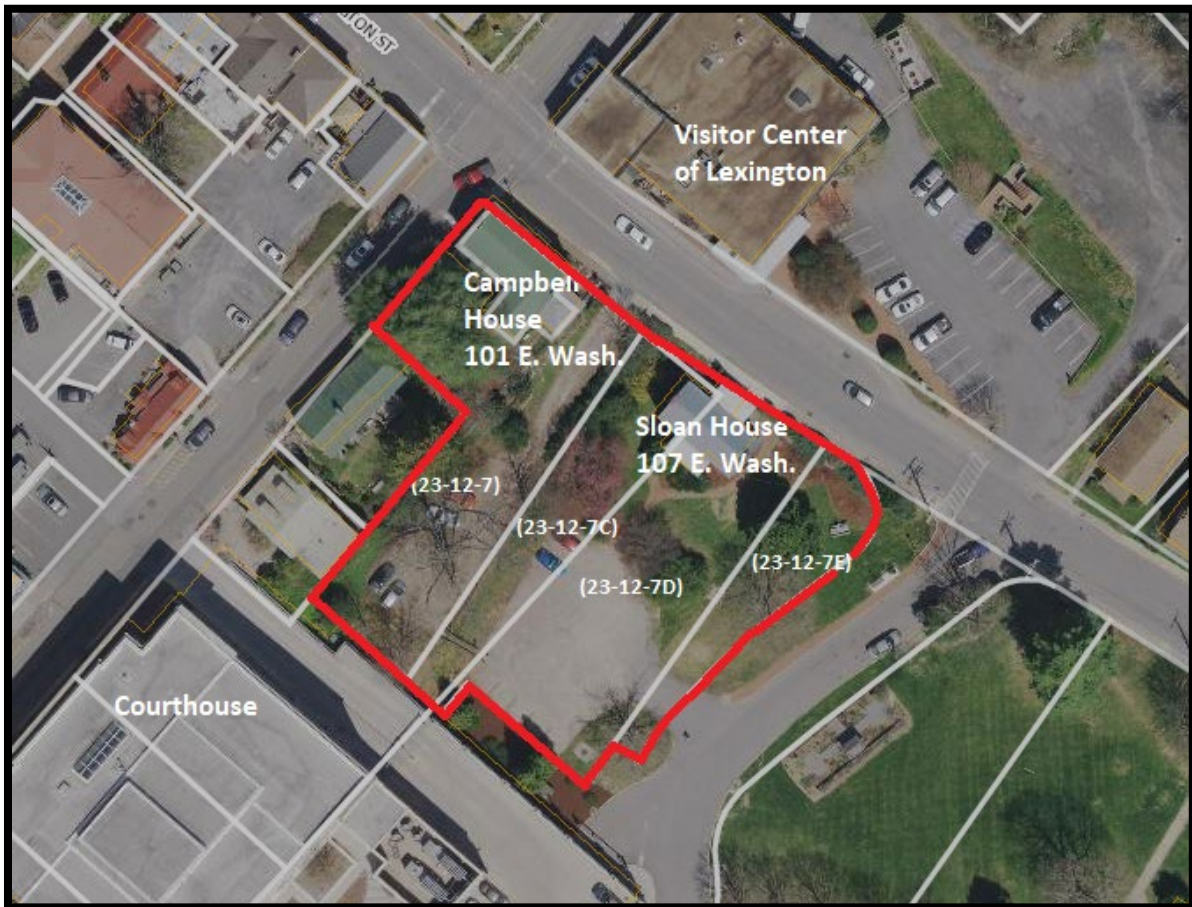
Zoning C-1 (Downtown Historic Preservation District)

Owner / Petitioner Rockbridge Historical Society / Stephen D. Beck

Petitioner's Intent adjust the shared boundary line between parcels 23-12-7 & 23-12-7C, and vacate the shared boundary lines between parcels 23-12-7C, 23-12-7D & 23-12-7E

*PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval*

location map

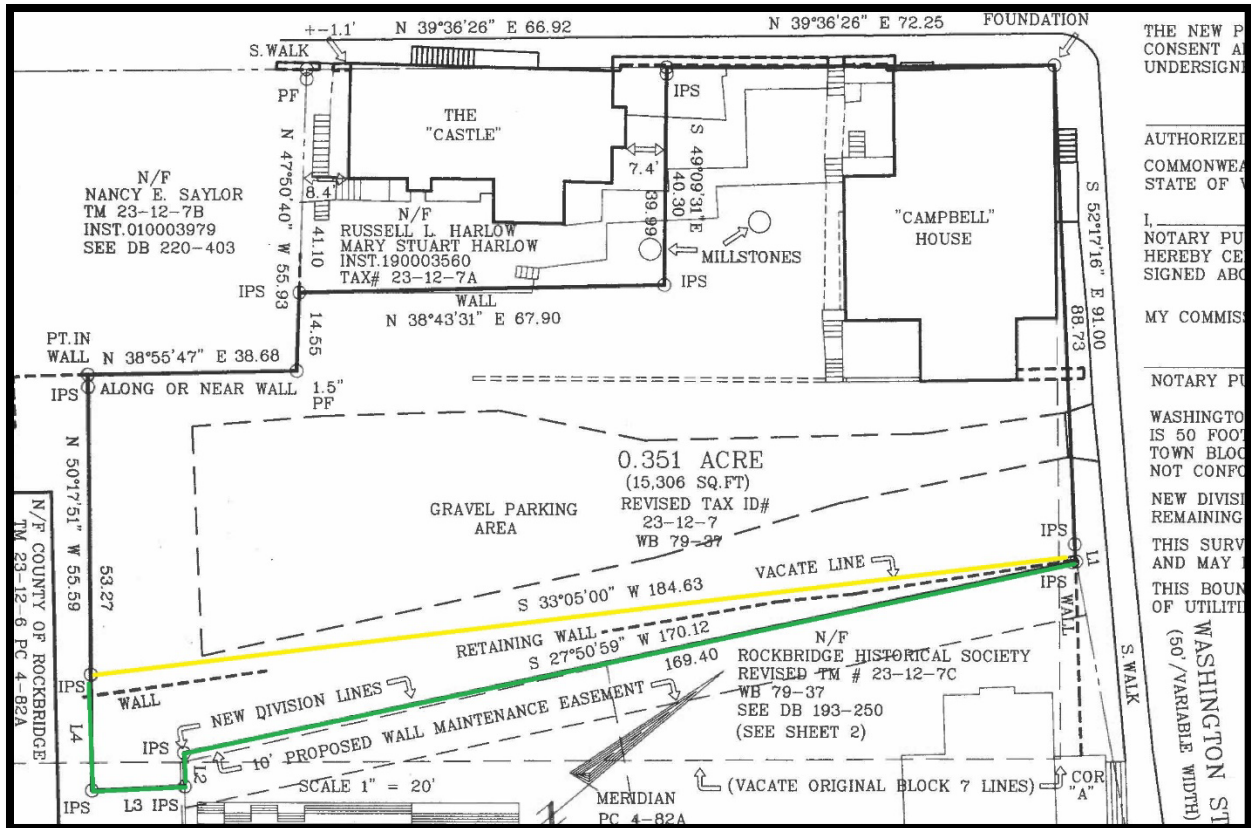


OVERVIEW OF REQUEST

The Rockbridge Historical Society owns the “Campbell House” at 101 E. Washington Street (Tax Map # 23-12-7) and the “Sloan House” at 107 E. Washington Street (Tax Map #s 23-12-7C, 23-12-7D & 23-12-7E). The Sloan House properties are currently for sale and the Rockbridge Historical Society proposes two modifications prior to the sale of the Sloan House properties.

A stone retaining wall exists on the Sloan House property and the first desired modification is to adjust a property line so that the stone retaining wall becomes a part of the Campbell House property to be retained by the Rockbridge Historical Society. The following plat shows the property line shared between Tax Map # 23-12-7 and 23-12-7C (the yellow line) that is requested to be moved a few feet to the east (the green line) in order to locate the stone retaining wall on Tax Map # 23-12-7. The plat also shows a 10 foot wide proposed wall maintenance easement on Tax Map # 23-12-7C to allow future maintenance of the stone retaining wall by the Rockbridge Historical Society.

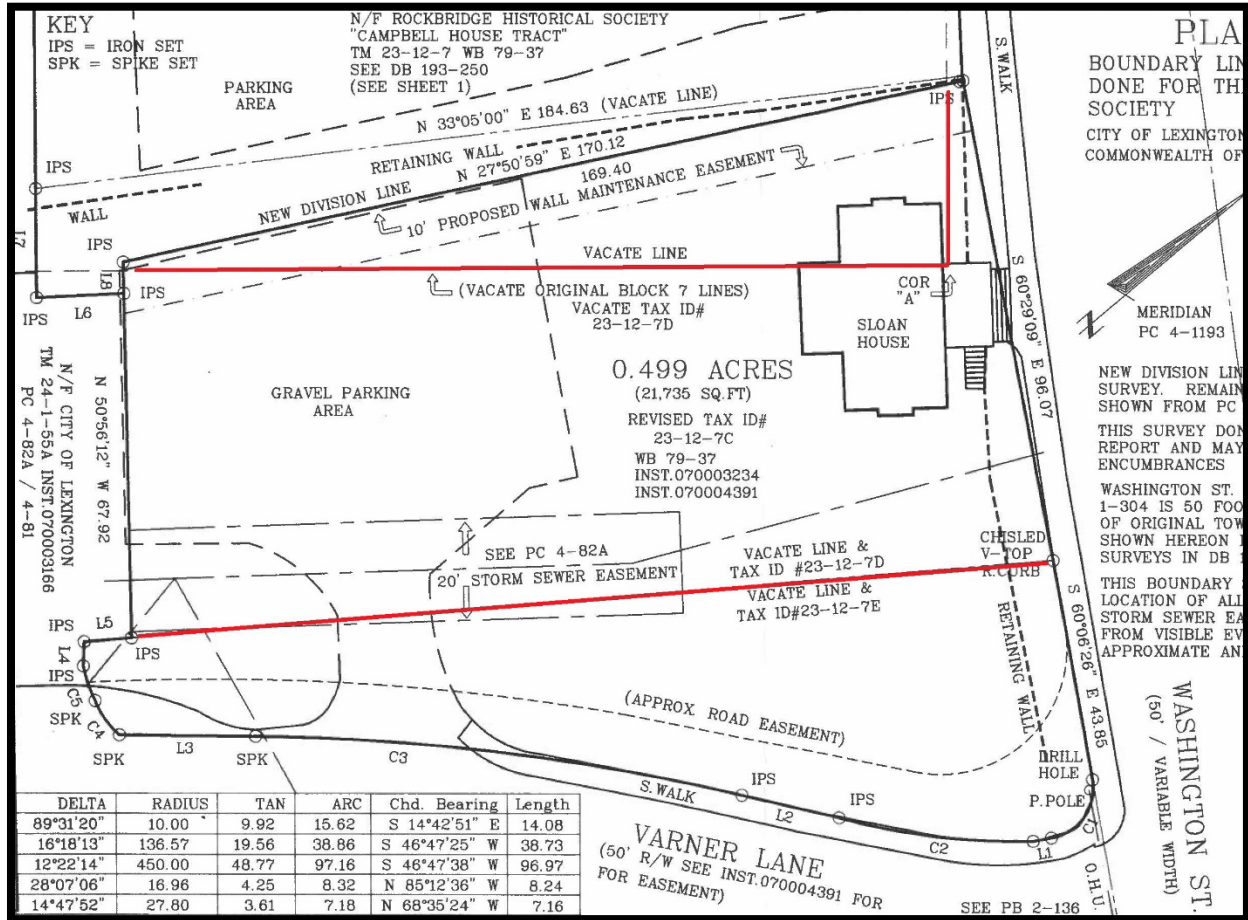
Plat of “Campbell” House property



**Preliminary Subdivision Application
PS 2021-01 – 101 & 107 E. Washington Streets**

The second modification desired by the Rockbridge Historical Society is to combine the three existing parcels for the “Sloan” house into one parcel and this is accomplished by vacating two shared boundary lines (the red lines) as shown on the following plat.

Plat of “Sloan” House property



AUTHORITY TO REVIEW

Sections 360-24 and 360-25 of the Lexington Subdivision Ordinance establish the review authority and procedures for the Planning Commission’s and City Council’s review of preliminary subdivision plats. The Planning Commission must review all preliminary plats and may recommend approval or denial. If the Commission recommends denial of a preliminary plat it must state the reason for its recommendation of denial and the specific changes that are necessary for the plat to be recommended for approval.

Upon receipt of the Planning Commission’s recommendation, the City Council shall review the preliminary plat and within 60 days of the receipt of the Commission’s

recommendation, recommend approval or denial of the preliminary plat. Council may take no action on any preliminary plat until holding a public hearing in accordance with state law. Adjoining property owners shall be notified by first class mail of the pending public hearing, and a legal ad shall be published notifying the general public of the pending Council review.

STAFF REVIEW COMMENTS

Parcels zoned C-1 do not have minimum lot size or minimum lot width requirements and the proposed boundary line adjustment and boundary line vacations are therefore in conformance with the Zoning Ordinance.

PLANNING COMMISSION RECOMMENDATION

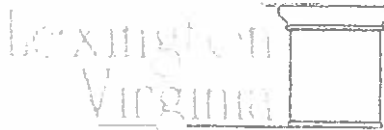
Pending

STAFF RECOMMENDATION

Finding that the submitted preliminary plat has been properly drawn and that it is accompanied by those items, in proper form, required by the Subdivision Ordinance, and that the proposed subdivision conforms to the requirements and purposes of the Subdivision Ordinance, the Staff recommends that the preliminary plat be **APPROVED** as submitted.

SUGGESTED MOTION

I move to approve/deny Preliminary Subdivision Application PS 2021-01 for the adjustment of a property boundary between Tax Map Numbers 23-12-7 and 23-12-7C and for the vacation of two boundary lines between Tax Map Numbers 23-12-7C, 23-12-7D & 23-12-7E in accordance with the plats completed by Dorsey Surveyors P.L.C. as submitted 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

SUBDIVISION APPLICATION AND CHECKLIST

Applicant¹

Name: STEVEN D. BECK, VP. PROPERTY Phone: 540-817-4753

Company: _____ Fax: -

Address: 916 GINGERBREAD LN, GLASGOW, VA 24555 Email: beckridge1@gmail.com

Applicant's Signature: [Signature] Date: 1/29/21

Subdivision Plat Preparer

Name: BRANDON DORSEY Phone: 540-403-4893

Company: DORSEY SURVEYORS, P.L.C. Fax: _____

Address: P.O. Box 1098, LEXINGTON, VA 24450 Email: dorsey_survey@gmail.com

Property Owner

Name: ROCKBRIDGE HISTORICAL SOCIETY Phone: 540-817-4753

Address: 101 EAST WASHINGTON ST. Email: beckridge1@gmail.com

Owner's Signature: [Signature] Date: 1/29/21

Proposal Information² (attach list of properties if request includes multiple properties)

Address (or location description): 107 EAST WASHINGTON STREET

Tax Map: 23-12-7E 23-12-7C Deed Book and Page #: _____

Acreage: 0.499 Zoning (attach any existing zoning conditions or proffers): _____

Number of Lots Proposed: 1

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.



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

Notice to Adjacent Property Owners

The City will give notice of public hearings to be held on the application to those persons who own property, any portion of which abuts the subject property, and all property which is directly across the street from any portion of the subject property, as determined by the City's real property tax records. This notice will give the date, time and place of the hearing, identify the property which is the subject of the application and give a brief description of the proposed action. Notices will be mailed a minimum of ten (10) days prior to the date of the scheduled City Council meeting.

Posting of the Property

The City will place a sign on the subject property which indicates that an action is pending. The sign will be located to be clearly visible from the street.

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fees:

\$100 FOR BOUNDARY LINE ADJUSTMENTS

Case Number: SUB- 2021 - 01

Preliminary Plat: \$500 + \$50 for each additional lot created

Amount Paid: \$100

Final Plat: \$0

Date Received: 1/29/2021

Received By: [Signature]

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Preliminary Plat Approvals

Planning Commission

Meeting Date: _____ Action: _____

City Council

Legal Ad Dates: _____ Adj. Property Notifications: _____

Public Hearing Date: _____ Action: _____

Final Plat Approval

Action: [] Approved [] Denied

Planning and Development Director

Date

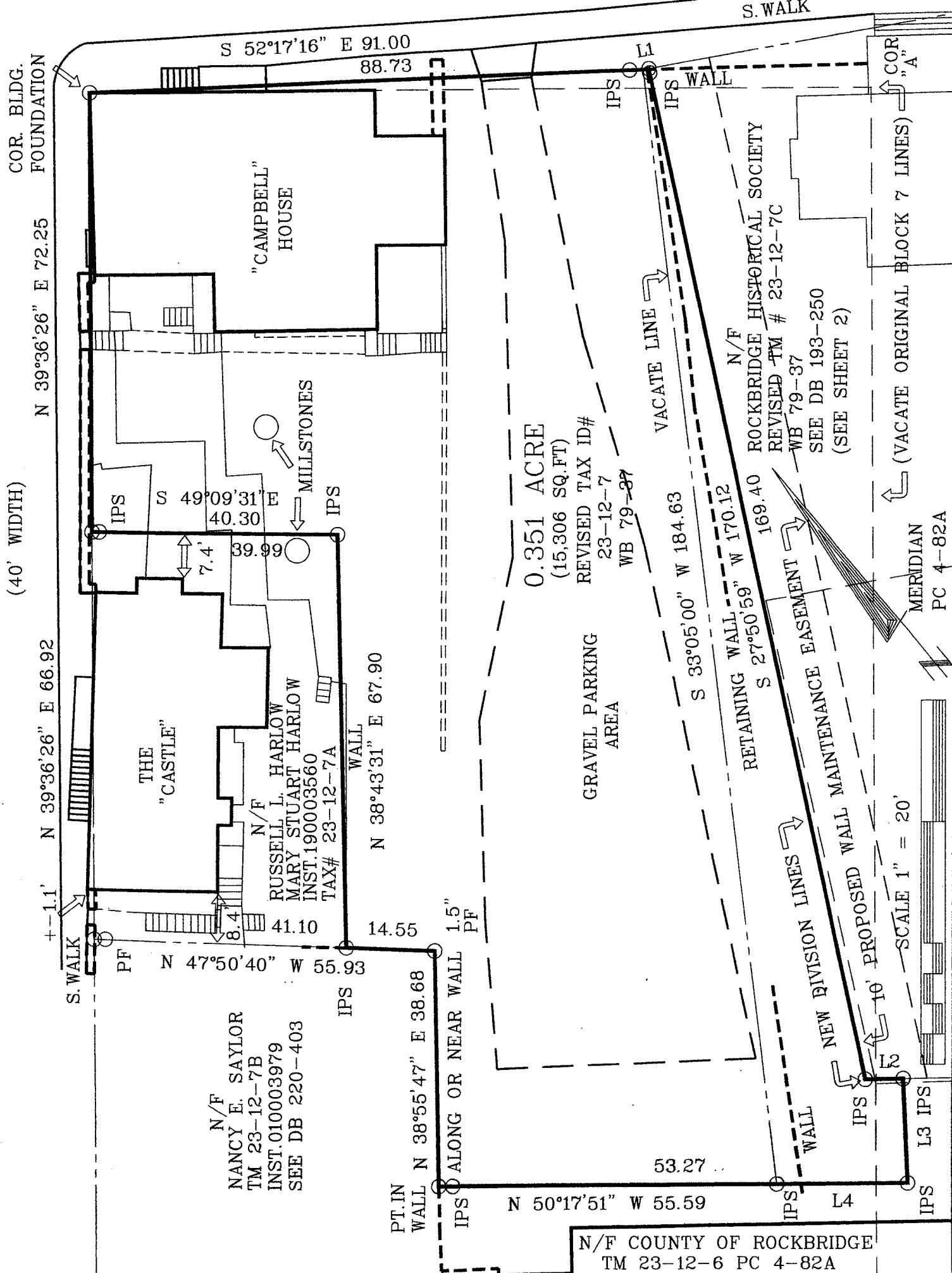
KEY

PF = PIPE FOUND
 IPS = IRON SET

APPROVAL, CITY OF LEXINGTON
 ARNE GLAESER, DIRECTOR OF PLANNING

RANDOLPH STREET
 (40' WIDTH)

NO.	BEARING	DISTANCE
L1	S 60°29'09" E	0.93
L2	S 50°56'12" E	6.22
L3	S 37°21'43" W	17.15
L4	N 50°17'51" W	21.50



PLAT SHOWING

BOUNDARY REVISION DONE FOR THE
 ROCKBRIDGE HISTORICAL SOCIETY.

CITY OF LEXINGTON SCALE 1" = 20'
 COMMONWEALTH OF VIRGINIA JANUARY 14, 2021

THE NEW PARCEL(S) AS SHOWN HEREON, IS WITH THE FREE
 CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE
 UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

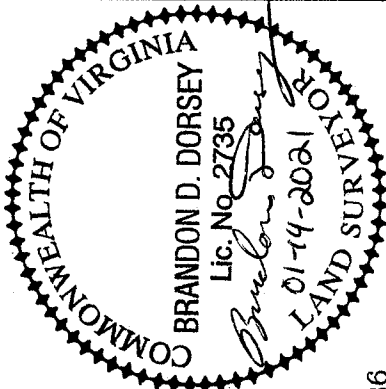
AUTHORIZED REPRESENTATIVE _____ DATE _____
 COMMONWEALTH AT LARGE TO WIT:
 STATE OF VIRGINIA

I, _____, A
 NOTARY PUBLIC IN AND FOR THE AFORESAID STATES, DO
 HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE
 SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____ DATE _____

WASHINGTON ST. AS SHOWN ON THE TOWN MAP IN WB 1-304
 IS 50 FOOT IN WIDTH FROM THE CORNER "A" OF ORIGINAL
 TOWN BLOCK 7 GOING WEST. WIDTH SHOWN HEREON DOES
 NOT CONFORM BASED UPON SURVEYS IN DB 193-250
 NEW DIVISION LINE, BASED UPON CURRENT FIELD SURVEY.
 REMAINING BOUNDARY FROM PC 4-777 & 4-1193
 THIS SURVEY DONE WITHOUT BENEFIT OF A TITLE REPORT
 AND MAY NOT THEREFORE SHOW ALL ENCUMBRANCES
 THIS BOUNDARY SURVEY DOES NOT SHOW THE LOCATION
 OF UTILITIES OR ALL IMPROVEMENTS



WASHINGTON ST.
 (50' / VARIABLE WIDTH)

SEE PB 2-136

NO.	DATE	BY	REVISION	FILE NO.
				2037

F.B. ROCKHIST_6A
 NAME BDD
 DISK

SHEET OF
 1 2

DORSEY SURVEYORS P.L.C.

DORSEY SURVEYORS P.L.C.
 POST OFFICE BOX 1098
 LEXINGTON, VA. 24450
 540-463-4893

N/F COUNTY OF ROCKBRIDGE
 TM 23-12-6 PC 4-82A

PLAT SHOWING BOUNDARY LINE ADJUSTMENT SURVEY DONE FOR THE ROCKBRIDGE HISTORICAL SOCIETY

CITY OF LEXINGTON
COMMONWEALTH OF VIRGINIA
SCALE 1" = 20'
JANUARY 14, 2021

NO.	BEARING	DISTANCE
L1	S 29°08'36" W	3.66
L2	S 52°58'46" W	19.86
L3	S 40°36'31" W	26.91
L4	N 48°03'33" W	4.78
L5	N 35°09'23" E	9.36
L6	S 37°21'43" W	17.15
L7	N 50°17'51" W	21.50
L8	N 50°56'12" W	6.22



NEW DIVISION LINE BASED UPON CURRENT FIELD SURVEY. REMAINING BOUNDARY AND IMPROVEMENTS SHOWN FROM PC 4-1193

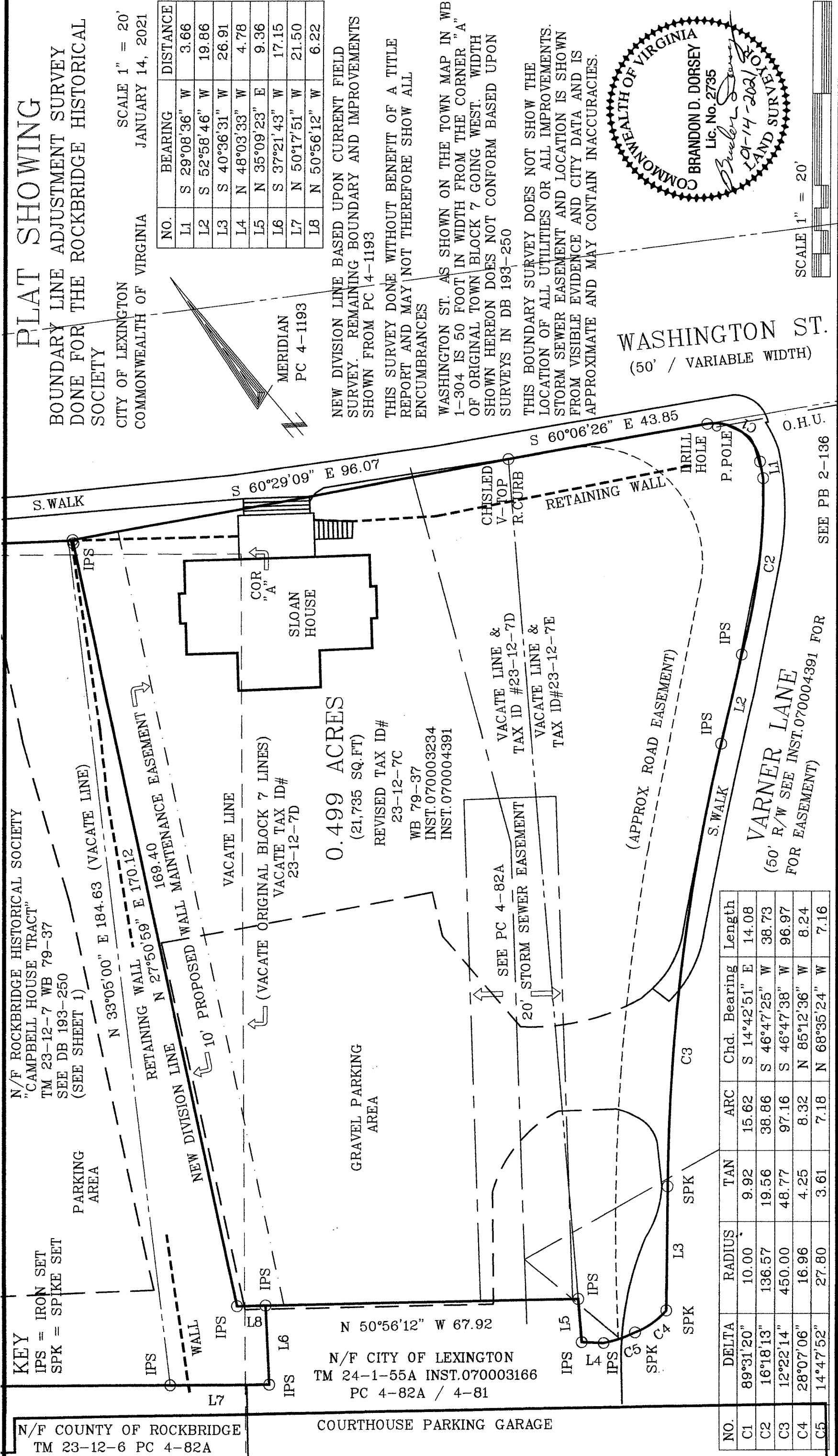
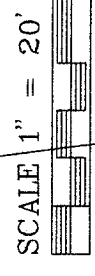
THIS SURVEY DONE WITHOUT BENEFIT OF A TITLE REPORT AND MAY NOT THEREFORE SHOW ALL ENCUMBRANCES

WASHINGTON ST. AS SHOWN ON THE TOWN MAP IN WB 1-304 IS 50 FOOT IN WIDTH FROM THE CORNER "A" OF ORIGINAL TOWN BLOCK 7 GOING WEST. WIDTH SHOWN HEREON DOES NOT CONFORM BASED UPON SURVEYS IN DB 193-250

THIS BOUNDARY SURVEY DOES NOT SHOW THE LOCATION OF ALL UTILITIES OR ALL IMPROVEMENTS. STORM SEWER EASEMENT AND LOCATION IS SHOWN FROM VISIBLE EVIDENCE AND CITY DATA AND IS APPROXIMATE AND MAY CONTAIN INACCURACIES.



WASHINGTON ST.
(50' / VARIABLE WIDTH)



NO.	DELTA	RADIUS	TAN	ARC	Chd.	Bearing	Length
C1	89°31'20"	10.00	9.92	15.62	S	14°42'51" E	14.08
C2	16°18'13"	136.57	19.56	38.86	S	46°47'25" W	38.73
C3	12°22'14"	450.00	48.77	97.16	S	46°47'38" W	96.97
C4	28°07'06"	16.96	4.25	8.32	N	85°12'36" W	8.24
C5	14°47'52"	27.80	3.61	7.18	N	68°35'24" W	7.16

0.499 ACRES
(21,735 SQ.FT)
REVISED TAX ID#
23-12-7C
WB 79-37
INST.070003234
INST.070004391

VARNER LANE
(50' R/W SEE INST.070004391 FOR EASEMENT)

SEE PB 2-136

DORSEY SURVEYORS P.L.C. POST OFFICE BOX 1098 LEXINGTON, VA. 24450 540-463-4893		F.B. ROCKHIST_6B		FILE NO. 2037
DORSEY SURVEYORS P.L.C.		NAME BDD		SHEET OF 2
DORSEY SURVEYORS P.L.C.		DISK		2
DORSEY SURVEYORS P.L.C.		NO. DATE BY REVISION		2037

DORSEY SURVEYORS PLC

P.O. Box 1098
Lexington, Va. 24450
540-463-4893
dorseysurvey@centurylink.net

Metes and Bounds Description of the Campbell House Tract, as revised, owned by the Rockbridge Historical Society, in the City of Lexington, Virginia, Containing 0.351 Acres (15,306 Sq. Ft.) and shown as Revised Tax Parcel 23-12-7 on a plat and survey prepared by Brandon D. Dorsey, LS dated January 14, 2021

Beginning at the corner of a building foundation known as the Campbell House, at the corner of Washington Street and Randolph Street. Then with the line of Washington Street South 52° 17' 16" East 91.00' passing an iron pin set at 88.73' to a point. Then with the street South 60° 29' 09" East 0.93' to point on a stone retaining wall. Then leaving the street and with a new division line South 27° 50' 59" West 170.12' passing an iron pin set at the base of the retaining wall at 0.72' to an iron pin set. Then with a new division line South 50° 56' 12" East 6.22 to an iron pin set in the property of the City of Lexington, courthouse parking garage tract. Then continuing with the city property South 37° 21' 43" West 17.15' to an iron pin set. Then North 50° 17' 51" West 21.50', passing the corner of the County of Rockbridge, courthouse tract at 4.87', to an iron pin set. Then continuing with the county property North 50° 17' 51" West 55.59', passing an iron pin set at 53.27', to a point in a retaining wall, corner to the property of Nancy E. Saylor. Then with the Saylor property, along or near a retaining wall, North 38° 55' 47" East 38.68' to a 1.5" pipe found. Then North 47° 50' 40" West 14.55' to an iron pin set in the line of Saylor and "The Castle" tract owned by Russell L. Harlow and Mary Stuart Harlow. Then with Harlow, along or near a retaining wall, North 38° 43' 31" East 67.90' to an iron pin set. Then North 49° 09' 31" West 40.30', passing an iron pin set at 39.99', to the line of Randolph Street. Then with Randolph Street North 39° 36' 26" East 72.25' to the beginning. Containing 0.351 Acres or 15,306 Square Feet.

Metes and Bounds Description of the Sloan House Tract, as revised, owned by the Rockbridge Historical Society, in the City of Lexington, Virginia, Containing 0.499 Acres (21,735 Sq.Ft.), and shown as Revised Tax Parcel 23-12-7C on a plat and survey prepared by Brandon D. Dorsey, LS dated January 14, 2021

Beginning at a point on a retaining wall in the line of Washington Street and a new corner with other property of the Rockbridge Historical Society, then with Washington Street, South 60° 29' 09" East 96.07' to a V-mark chiseled in the the top and rear of a concrete street curb. Then South 60° 06' 26" East 43.85' to a Drill Hole in the face of a concrete curb and at the back of a sidewalk, a corner of Washington Street and the City of Lexington, Varner Lane. Then continuing with the city and Varner Lane, along or near the back of a sidewalk, with a curve bearing South 14° 42' 51" East 14.08' with a radius of 10.00' to a point. Then South 29° 08' 36" West 3.66' to a point. Then with a curve bearing South 46° 47' 25" West 38.73' with a radius of 136.57' to an iron pin set in the back of a walk. Then South 52° 58' 46" West 19.86' to an iron pin set in the back of a walk. Then with a curve South 46° 47' 38" West 96.97' with a radius of 450.00' to a nail spike set in the pavement of Varner Lane. Then South 40° 36' 31" West 26.91' to a nail spike set in the pavement. Then with a curve North 85° 12' 36" West 8.24' with a radius of 16.96' to a nail spike set in the pavement. Then with a curve North 68° 35' 24" West 7.16' with a radius of 27.80' to an iron pin set. Then North 48° 03' 33" West 4.78' to and iron pin set. Then North 35° 09' 23" East 9.36' to an iron pin set. Then North 50° 56' 12" West 67.92' to an iron pin set being a corner to other property of the Rockbridge Historical Society. Then with a new division line North 50° 56' 12" West 6.22 to an iron pin. Then a new division line North 27° 50' 59" East 170.12', passing an iron pin set at 169.40' at the base of a the intersection of two stone retaining walls, to the beginning. Containing 0.499 Acres or 21,735 Square Feet.

**Staff Report & Recommendation
Zoning Ordinance Amendment Application
ZOA 2021-02 – Multifamily Parking and Building Setbacks**

Project Name Zoning Ordinance amendments to reduce multifamily parking requirements & modify building setback requirements

Zoning Ord. Section 420-12.8, 420-4.2, & 420-20

Applicant Russ Orrison, agent, for Generals' Retreat Partners LC

Applicant's Request A) Reduce the parking requirement for multifamily dwellings to one parking space per multifamily dwelling unit &
B) Authorize limited encroachments into yard requirements for terraces, porches, and projecting horizontal architectural features.

*PLANNING COMMISSION RECOMMENDATION: pending
STAFF RECOMMENDATION: approval*

OVERVIEW OF REQUEST

Russ Orrison, applicant, requests the Lexington Zoning Ordinance be amended to a) reduce the minimum parking requirement for multifamily dwellings and b) allow limited encroachments into the minimum yard setback requirements.

Multifamily Parking Reduction Request

Section 420-12.8 requires 2 parking spaces for each multifamily dwelling unit or 1 per bedroom whichever is greater. The applicant requests a reduction of the minimum parking requirement for all new multifamily dwellings citywide to one parking space per multifamily dwelling unit.

Yard Encroachments Request

Section 420-22.C requires all yards and courts to be open and unobstructed to the sky. The applicant requests certain limited encroachments be allowed into yards and areas.

ISSUE

The owners of the Generals' Retreat apartments plan a phased redevelopment of their property, and a reduction in the parking requirement and limited encroachments into the yard requirements, affords greater design flexibility and use of their property. Staff notes any amendment to the Zoning Ordinance affects other properties and not just the General's Retreat property.

APPLICANT PROPOSED AMENDMENT LANGUAGE

Multifamily Parking Reduction Request

§420-12.8. *Schedule of required spaces.*
Off-street parking shall be provided according to the following schedule. Where application of the schedule creates a fractional number of spaces, the parking spaces required shall be construed to be the next highest whole number.

Use	Parking Spaces Required
Multi-family dwelling, large capacity dwelling, and group home	2 for each dwelling unit or 1 per bedroom, whichever is greater <u>1 for each dwelling unit</u>

Yard Encroachments Request

- §420-4.2. *Areas and yards.*
- A. *No building or structure shall be erected, nor shall any existing building or structure be altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the district in which such building, structure or open space is located.*
 - B. *No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter which is considered as a yard or open space on one lot shall be considered as a yard or open space for a building on any other lot.*
 - C. *All yards and courts required by this chapter shall be open and unobstructed to the sky with the following authorized encroachments:*
 - 1. *Terraces. A paved terrace shall not be subject to minimum setback or maximum lot coverage requirements; provided that such terrace is without roof, awnings, screens, walls, parapets, or other forms of enclosure and is not more than three feet above grade. Such terrace, however, may have a guard railing, wall or fence not over four feet high with less than 50 percent opacity, and shall not be closer than five feet from any lot line.*
 - 2. *Porches. Unenclosed porches or decks may project not more than five feet beyond the front, exterior-side and rear walls of a building into the minimum front, exterior side or rear setback for the district. Any two story or enclosed porch, or one having a roof, shall be considered a*

part of the building in the determination of the required setback and amount of building coverage.

3. Projecting Horizontal Architectural Features. Architectural features, such as windowsills, belt courses, chimneys, cornices, eaves, canopies, porticos, or bay windows, may project not more than three feet into any required setback, but no closer than five feet to any lot line. The sum of any bay or bow window projections on any wall shall not exceed one-fourth of the length of said wall and the sum of any canopies or porticos on any wall shall not exceed one-fourth of the length of said wall.

4. Fire Escapes. Open fire escapes may extend into any required setback not more than five feet; provided, however, that such fire escapes shall not be closer than five feet at any point to any lot line.

(The applicant agreed to remove the Fire Escape encroachment request on 2/19/2021 because open fire escapes are no longer allowed in the fire and building codes).

§420-4.3. Fences, walls, hedges, and ramps.

Except as otherwise provided, fences, walls, hedges and handicapped accessible ramps may be permitted in any required yard, provided that no fence, wall or hedge along any yard shall be over seven feet in height and provided that handicapped accessible ramps are not covered and are not within five (5) feet of any property line. The aforesaid provision notwithstanding, no fence, hedge, wall or barricade of any kind shall be constructed on or between abutting properties in commercial districts, both of which are utilized for off-street customer parking and/or traffic flow, unless it is determined by the Zoning Administrator that such fence, hedge, wall or barricade will promote the general welfare of the public and decrease traffic hazards in the general vicinity.

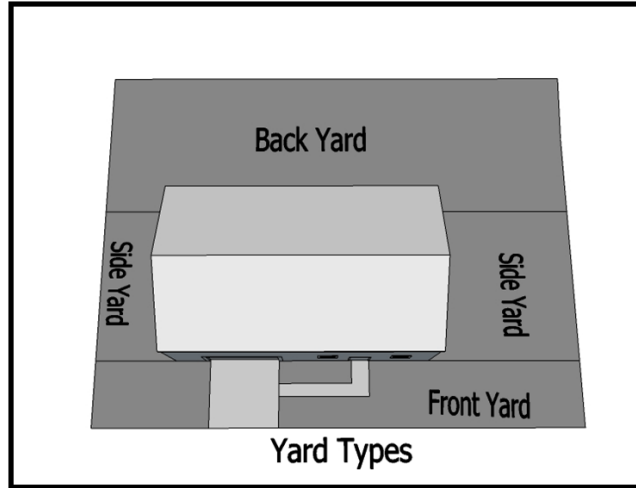
§420-20.1. Definitions.

YARD

An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

1. *Front yard - An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.*
2. *Rear yard - An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.*

3. *Side yard* - An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.



STAFF PROPOSED AMENDMENTS TO APPLICANT PROPOSED LANGUAGE

Multifamily Parking Reduction Request

§420-12.8. *Schedule of required spaces.*

Off-street parking shall be provided according to the following schedule. Where application of the schedule creates a fractional number of spaces, the parking spaces required shall be construed to be the next highest whole number.

Use	Parking Spaces Required
Multi-family dwelling, large capacity dwelling, and group home	2 for each dwelling unit or 1 per bedroom, whichever is greater <u>1 for each dwelling unit</u>

Yard Encroachments Request

§420-4.2. *Areas and yards.*

- A. *No building or structure shall be erected, nor shall any existing building or structure be altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the district in which such building, structure or open space is located.*

- B. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter which is considered as a yard or open space on one lot shall be considered as a yard or open space for a building on any other lot.
- C. All yards and courts required by this chapter shall be open and unobstructed to the sky with the following authorized encroachments:-
1. Terraces. A paved terrace shall not be subject to minimum setback ~~or maximum lot coverage~~ requirements; provided that such terrace is without roof, awnings, screens, walls, parapets, or other forms of enclosure and is not more than three feet above grade. Such terrace, however, may have a guard railing, wall or fence not over four feet high with less than 50 percent opacity, and ~~such guard railing, wall or fence not over four feet high~~ shall not be closer than five feet from any lot line.
 2. Porches. Unenclosed porches or decks may project not more than five feet beyond the front, ~~exterior~~ side and rear walls of a building into the minimum front, ~~exterior~~ side or rear ~~yard~~ setback for the district ~~and shall not be closer than five feet from any lot line~~. Any two story or enclosed porch, or one having a roof, shall be considered a part of the building in the determination of the required setback and amount of building coverage.
 3. Projecting Horizontal Architectural Features. Architectural features, such as windowsills, belt courses, chimneys, cornices, eaves, canopies, porticos, or bay windows, may project not more than three feet into any required setback, but no closer than five feet to any lot line. The sum of any bay or bow window projections on any wall shall not exceed one-fourth of the length of said wall and the sum of any canopies or porticos on any wall shall not exceed one-fourth of the length of said wall.
 4. Steps. Steps may encroach into any yard.

§420-20.1. Definitions.

CANOPY

An overhead roof able to provide shade or shelter from weather conditions that can be supported by stanchions or supported by the building.

PORCH

An area elevated above grade that adjoins an entry to a building that may be covered or open.

PORTICO

A roof structure over a walkway supported by columns or supported by the building.

ADDITIONAL INFORMATION

Sample of multifamily parking requirements from other jurisdictions.

Multifamily minimum parking requirements	
Roanoke	1 space per unit
Staunton	2 spaces per unit
Rockbridge	1.5 spaces per unit & 1 space per efficiency unit
Buena Vista	1.5 spaces per unit & 1 space per efficiency unit
Lynchburg	1 space per unit with a reduction considered for proximity to a bus stop
Charlottesville	1 space per efficiency, 1 bedroom, & 2 bedroom units; 2 spaces per 3 and 4 bedroom units; 1 additional space per bedroom for each 10 units with more than 4 bedrooms

PLANNING COMMISSION RECOMMENDATION

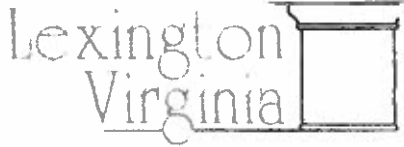
pending

STAFF RECOMMENDATION

Approve the staff modified proposed zoning text amendments.

SUGGESTED MOTIONS

The public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance amendment and I move to recommend approval of ZOA 2021-02 to reduce the minimum parking requirement for multifamily dwellings and to authorize limited encroachments into yard requirements for terraces, porches, and projecting horizontal architectural features as presented 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

APPLICATION FOR ZONING ORDINANCE/COMP PLAN AMENDMENT

Applicant¹

Name: Russell H. Orrison Phone: 540-464-9001

Company: Perkins And Orrison Fax: _____

Address: 17 W. Nelson St Lexington Email: RORRISON@PERKINS-ORRISON.COM

Applicant's Signature: [Signature] Date: 2/1/21

Proposal Information²

Code/Plan Section(s) to be Amended³: 420-12.8, 420-20

Proposed Text/Amendment (attach additional sheets if necessary): _____

- 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.
- 3. If the amendment proposes to replace existing text, please provide a full copy of the existing text for the affected section.

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$350 Amount Paid: \$350 Case Number: ZTA/~~EPA~~- 2021 - 01

Date Received: 2/3/2021 Received By: [Signature]

Public Hearings

Planning Commission

City Council

Legal Ad Dates: 2/10 + 2/17/2021

Legal Ad Dates: _____

Public Hearing Date: 2/25/2021

Public Hearing Date: _____

Action: _____

Action: _____

Lexington

Russ Orrison, PE, LS
Pierson Hotchkiss, LS
Gavin Worley, PE



Lynchburg

Norm Walton, PE
Aaron Dooley, LS

February 3, 2021

Text Amendment Narrative

Multifamily parking

It is generally acknowledged that many parking requirements found in the ordinances of local jurisdictions are arbitrary, and that they skew toward being too conservative. While a review of all of Lexington's parking requirements may be a worthwhile exercise in light of current trends regarding the discouragement of automobile use in areas where homes and jobs and shopping are within easy walking distance, this proposed text amendment is for multifamily housing only. Much of our work is in the City of Lynchburg, and there, multifamily development in the downtown area has no parking requirement whatsoever, as they are discouraging the use of land for parking. In the areas of the City with a suburban character, the parking requirement for multifamily housing is one space per unit. Very simple to understand and apply and appropriate as a minimum (if we even think that a minimum need to be forced upon developers). It is worth noting that developers in Lynchburg do not simply provide the minimum amount of parking required; they provide the amount of parking that they deem appropriate for the market for which they are building. There is nothing scientific about one space per unit, and we are not wedded to it (and for our most immediate project and if left to our own devices, we would be proposing approximately one-and-a-half spaces per unit, 50% greater than what would be the minimum required).

Setbacks

Our current ordinance requires that no portion of a building extend into a required yard. This is succinct and clear and therefore has merit, but it is quickly rendered complicated in the real world. Most any building of interest has architectural features that extend from its face – almost necessarily roof overhang with soffit or rake, windowsills, chimneys, etc. In addition, the roofing material itself extends off the edge of the roof often with a drip edge, and these vary with the installer. Similarly, gutter systems of various design and era have differing depths. In order to simplify these vagaries, and in order to allow architectural interest without sacrificing buildable area, many (perhaps most) jurisdictions include exceptions to their setbacks for certain architectural items. Similarly, small covers over exterior doorways offer architectural interest and significant user convenience, while not significantly impacting the space from building to property line. Again, using the City of Lynchburg ordinance as a guide, and slightly modifying it based on a conversation with Arne, we propose that our ordinance be amended to include the attached setback exceptions. There is no particular reason that we have excluded items found on such lists in some ordinances, nor included some not found in other ordinances; rather, the chosen model ordinance simply seems reasonable and complete.

We appreciate the considerable help of staff, and the consideration of the Commission.

\\ns2\Smp1 Documents\2021\19300 text amendment narrative.doc

17 W. Nelson Street
Lexington, Virginia 24450

540-464-9001 Fax: 540-464-5009

317 Brook Park Place
Forest, Virginia 24551

434-525-5985 Fax: 434-525-5986

Email: pno@perkins-orrison.com

City of Lexington, VA

Commercial indoor amusement	1 space for each 3 persons based on maximum occupancy
Commercial indoor entertainment	1 space for each 4 seats or similar accommodations, plus 1 space per 2 employees on largest shift
Commercial outdoor entertainment	1 space for each 3 persons based on maximum occupancy load, plus 1 space per employee on largest shift
Commercial outdoor sports & recreation	1 space for each 3 persons based on maximum occupancy load, plus 1 space per employee on largest shift
Clinic	1 for each 200 square feet
Cultural services	1 for each 500 square feet
Day care center	1 for each 250 square feet
Educational facility	1 for each employee on largest shift, plus 1 per 20 students
Family home day care	1 plus residential requirement
	1 for each 250 square feet
Fraternity or sorority	1 space for each bed provided in the house's designed capacity or 15 spaces, whichever is greater
Funeral homes and mortuaries	1 for each 100 square feet of floor space of assembly rooms used for service
Garden center	1 for each 300 square feet
Halfway house	1 for each two residents
Hospitals, general acute care	2 for each bed
Home for adults	1 for every 2 occupants
Home occupation, class A	2 plus residential requirement
Home occupation, class B	4 plus residential requirement
Hotels	1 for each guest room or resident unit, plus required parking for any restaurant or assembly space
Kennel	1 for each 400 square feet
Light industrial, custom manufacturing	1 for each 2 employees, based on estimated maximum daily or maximum 8-hour shift requirements in a 24-hour period
Laboratory; Research and development	1 for each 800 square feet
Laundry	1 for each 2 washing machines
Libraries	1 for each 500 square feet of floor space
Mini-warehouse	3 plus 1 per 100 units
Multi-family dwelling, large capacity dwelling, and group home	2 for each dwelling unit or 1 per bedroom, whichever is greater 1 for each dwelling unit
Nursing homes and homes for adults	1 for every 2 beds
Offices, general	1 for each 250 square feet
Offices, medical	1 for each 200 square feet
Outdoor sales, display, or service area	1 for each 2,000 square feet
Personal services; personal improvement services	1 for each 500 square feet
Restaurants	1 for each 150 square feet of floor space

Lexington

Russ Orrison, PE, LS
Pierson Hotchkiss, LS
Gavin Worley, PE



23

Lynchburg

Norm Walton, PE
Aaron Dooley, LS

Authorized Encroachments. The following structures may encroach upon minimum setback areas/yards as provided herein:

1. *Terraces.* A paved terrace shall not be subject to minimum setback or maximum lot coverage requirements; provided that such terrace is without roof, awnings, screens, walls, parapets, or other forms of enclosure and is not more than three feet above grade. Such terrace, however, may have a guard railing, wall, or fence not over four feet high with less than 50 percent opacity, and shall not be closer than five feet from any lot line.
2. *Porches.* Unenclosed porches or decks may project not more than five feet beyond the front, exterior side and rear walls of a building into the minimum front, exterior side or rear setback for the district. Any two story or enclosed porch, or one having a roof, shall be considered a part of the building in the determination of the required setback and amount of building coverage.
3. *Projecting Horizontal Architectural Features.* Architectural features, such as windowsills, belt courses, chimneys, cornices, eaves, or bay windows, may project not more than three feet into any required setback, but not closer than five feet to any lot line. The sum of any bay or bow window projections on any wall shall not exceed one-fourth of the length of said wall.
4. *Fire Escapes.* Open fire escapes may extend into any required setback not more than five feet; provided, however, that such fire escapes shall not be closer than five feet at any point to any lot line.

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Lexington, Virginia 24450

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Planning Commission

LEXINGTON ANNUAL ZONING ORDINANCE TEXT AMENDMENTS 2021

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[NOTE: ITEM 1 was reviewed during the February 11, 2020 Planning Commission meeting and amended language is shown in red.]

ITEM #1 – 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:

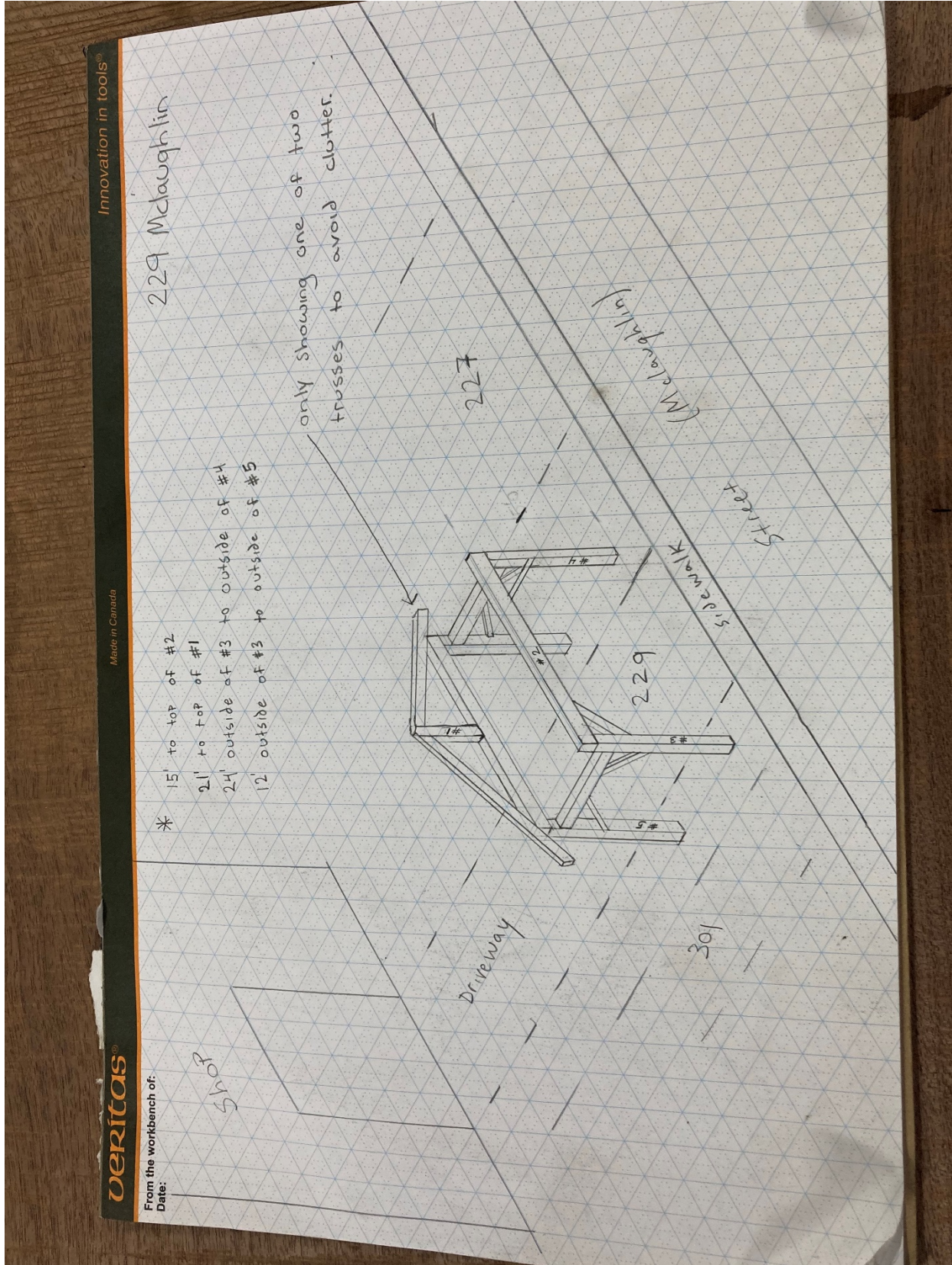
Should an entry structure be allowed in the front yard setback for properties zoned R-LC? Y / N

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:

2/11/2021 Planning Commission desired a better description of the proposed structure from Mez Welch. Staff contacted Mez and requested he provide a sketch and attend the next PC meeting on 2.25. 2021. Mez provided the sketch on the following page.



ITEM #2 – Multifamily parking calculation

ISSUE:

The parking requirement for multi-family dwellings, large capacity dwellings, and group homes is “2 for each dwelling unit or 1 per bedroom, whichever is greater.” Should a one bedroom dwelling unit be required to provide 2 off street parking spaces?

EXISTING LANGUAGE:

Article XII. Off-Street Parking and Loading Requirements

§420-12.8. Schedule of required spaces.

<i>Use</i>	<i>Parking Spaces Required</i>
<i>Multi-family dwelling, large capacity dwelling, and group home</i>	<i>2 for each dwelling unit or 1 per bedroom, whichever is greater</i>

STAFF RECOMMENDATION:

Consider amendment to the multi-family dwelling parking requirement to provide only one off-street parking space for a one bedroom dwelling unit.

Staff notes a zoning text amendment application was submitted on 2/3/2021 to consider a more comprehensive amendment to the multi-family parking requirement separate from the annual text amendments. Staff recommends the Planning Commission continue with consideration of the amendment for 1 bedroom dwellings and track progress of the separate amendment. The 1 bedroom amendment can be withdrawn if the separate amendment that is on a faster review and approval schedule addresses the 1 bedroom parking penalty.

PLANNING COMMISSION RECOMMENDATION:

Should the multi-family parking requirement be reduced to require only one off-street parking space for a one bedroom dwelling? Y / N

Other:

2/11/2021 Planning Commission did not get to this item.

ITEM #3 – Planned Unit Development

ISSUE:

The PUD zoning district is relatively outdated and could benefit from a review and possible rewrite in order to be a more useful and flexible zoning district. Traffic studies and environmental studies for example could apply to PUDs over 5 acres in size and not to PUDs that are between 3 and 5 acres for example. Parking and residential densities could potentially be more flexible and mixed use encouraged.

PROPOSED LANGUAGE:

(See entire PUD zoning district regulations with proposed amendments beginning on the next page.)

STAFF RECOMMENDATION:

Consider a review and update of the PUD zoning district.

PLANNING COMMISSION RECOMMENDATION:

Should the Planned Unit Development zoning district be updated?

Y / N

Other:

Article V. Planned Unit Development (PUD)

§420-5.1. Intent and purpose.

Planned Unit Development Districts are intended to provide for variety and flexibility in design necessary to implement the varied goals of the City as set forth in the comprehensive plan. Through a Planned Unit Development District approach, the regulations of this division are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts. Additionally, planned unit development districts are intended to implement the specific goals enunciated by the comprehensive plan.

It is intended that Planned Unit Development Districts be established in areas designated as mixed use, downtown center, commercial use center, or ~~special planning opportunity~~ opportunity areas on the future land use map and be established in areas with adequate infrastructure including roadway, water, sewer, etc. Planned district master plans should demonstrate a unified development with an interconnected system of internal roads, sidewalks, and paths as well as manage access points along existing roads in order to maximize safety and the efficiency of existing roads. Pavement widths of internal and external roads shall minimize paving requirements as described in the comprehensive plan while accommodating projected traffic generated from the district. Planned developments allow for a higher density of development for a more efficient use of the land. Other benefits of a planned development include less infrastructure costs, more efficient provision of public safety services, less environmental impact, and through the provision of affordable housing achieve significant economic and social integration.

§420-5.2. Character of development.

The goal of a Planned Unit Development District is to encourage a development form and character that is aesthetically pleasing and is different from conventional suburban development by providing the following characteristics:

- A. Pedestrian orientation;*
- B. Neighborhood friendly streets and paths;*
- C. Interconnected streets and transportation networks;*
- D. Parks and open space as amenities;*
- E. Neighborhood centers;*
- F. Buildings and spaces of appropriate scale;*
- G. Relegated parking;*
- H. Mixture of uses and use types;*
- I. Mixture of housing types and affordability;*
- J. Environmentally sensitive design; and*
- ~~K. Clear boundaries with any surrounding rural areas.~~*

*An application is not necessarily required to possess every characteristic of the planned unit development district as delineated in **§420-5.1** in order to be approved. The size of the proposed district, its integration*

with surrounding districts, or other similar factors may prevent the application from possessing every characteristic.

§420-5.3. Permitted uses- generally.

In the Planned Unit Development District, all uses permitted by-right in the residential, commercial, and industrial districts may be permitted. Additional uses specifically enumerated in the final master plan may be permitted by-right at the discretion of the City Council. Specific uses may also be excluded.

§420-5.4. Permitted uses- with conditional use permit.

One or more uses permitted by conditional use permit in any zoning districts may be permitted in the Planned Unit Development District, if documented in the master plan. Any use desired but not documented in the approved master plan requires an application to amend the master plan.

§420-5.5. Mixture of uses.

A variety of housing types and non-residential uses are strongly encouraged. The mixture of uses shall be based upon the uses recommended in the comprehensive plan. This mixture may be obtained with different uses in different buildings or a mixture of uses within the same building.

§420-5.6. Minimum area for a Planned Unit Development.

Minimum area required for the establishment of a Planned Unit Development District shall be three (3) acres.

Additional area may be added to an established Planned Unit Development District if it adjoins and forms a logical addition to the approved development. The procedure for the addition of land to the Planned Unit Development District shall be the same as if an original application was filed and all requirements shall apply except the minimum lot area requirement as set forth above.

§420-5.7. Open Space.

Open space promotes attractive and unique developments that are also environmentally conscious. Planned unit developments shall are strongly encouraged to include the following:

- A. Not less than thirty percent (30%) of total acreage shall be open space, whether dedicated to public use or retained privately;*
- B. ~~If fifty percent (50%) or more of the total acreage is open space, then a thirty percent (30%) increase in density shall be permitted. If seventy five percent (75%) or more of the total acreage is open space, then a fifty percent (50%) increase in density shall be permitted;~~*
- ~~C. A minimum usable area of five thousand square feet every 5 acres shall be provided for active or passive recreational activities;~~*
- D. Open space shall be dedicated in a logical relationship to the site and in accordance with any guidance from the comprehensive plan regarding significant open space;*
- E. Improvements shall be configured to accommodate permitted, accessory and conditional uses in an orderly relationship with one another, with the greatest amount of open area and with the least disturbance to natural features.*

§420-5.8. Densities.

Residential density shall be established by the City Council as part of the PUD zoning of a parcel taking into consideration the uses proposed, the size of the parcel being rezoned, the impact on public services, available parking, maximum height of the structure permitted, and an analysis of the Comprehensive Plan standards. The gross and net residential densities shall be shown on the approved final master plan by area and for the development as a whole in dwelling units per acre, and shall be binding upon its approval. ~~The overall gross density so approved shall be determined by the City Council with reference to the comprehensive plan, but shall not exceed twenty (20) dwelling units per acre, unless the density is increased with the provisions of §420-5.7-B.~~

Non-residential density should be expressed in terms of total square footage by area and for the development as a whole. There is no maximum square footage for non-residential uses but the proposed uses should be in proportion to the overall intent and functionality of the planned district concept.

§420-5.9. Setback regulations.

Within the Planned Unit Development District, minimum setback ranges shall be specifically established during the review and approval of the concept plan. Specific setbacks may be approved administratively in the site plan process if they are in conformance with the established ranges, or a modification to the master plan will be required if the provided setbacks are not within the established ranges. The following guidelines shall be used in establishing the building spacing and setbacks:

- A. Areas between buildings used as service yards, storage of trash, or other utility purposes should be designed so as to be compatible with adjoining buildings;*
- B. Building spacing and design shall incorporate privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units whenever feasible; and*
- C. Yards located at the perimeter of the planned unit development district shall conform to the setback requirements of the adjoining district, or to the setback requirements of the planned district, whichever is greater.*

In no case shall setbacks interfere with public safety issues such as sight lines and utilities, including other public infrastructure such as sidewalks, open space, etc.

§420-5.10. Height of buildings.

In the Planned Unit Development District, the height regulations shall be:

- A. Single-family residences: 45 feet (maximum).*
- B. Banks, office buildings and hotels: 60 feet (maximum).*
- C. Apartments, shopping centers, and other permitted buildings: 60 feet (maximum).*
- D. Conditional use permits are required for structures exceeding the maximums listed in this section.*
- E. These limitations shall not apply to church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials.*
- F. All accessory buildings shall generally be less than the main building in height.*

§420-5.11. Parking.

Within the Planned Unit Development District, the applicant shall establish parking regulations for consideration by the City Council. The proposed regulations should be based on a parking needs study or equivalent data. Such regulations shall reflect the intent of the comprehensive plan to decrease impervious cover by reducing parking requirements, considering alternative transportation modes and using pervious surfaces for spillover parking areas. Shared parking areas, especially with non-residential uses is encouraged.

§420-5.12. Utilities.

All new utility lines, electric, telephone, cable television lines, etc., shall be placed underground.

§420-5.13. Application for rezoning.

- A. *The applicant shall file an application for rezoning with the Zoning Administrator. The application shall consist of three primary sections: a narrative, an existing conditions map, and a master plan.*

1. *Narrative*

- i. A general statement of objectives to be achieved by the planned district including a description of the character of the proposed development and the market for which the development is oriented;*
- ii. A list of all adjacent property owners;*
- iii. Site development standards including, but not limited to density, setbacks, maximum heights, and lot coverage;*
- iv. Utilities requirement and implementation plan;*
- v. Phased implementation plan;*
- vi. Comprehensive sign plan;*
- vii. Statements pertaining to any architectural and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, etc.*
- viii. List of exceptions or variances from the requirements of the Zoning chapter, if any are being requested.*

2. *Existing Conditions Map*

- i. Topography, including steep slopes (>15%);*
- ii. Water features;*
- iii. Roadways;*
- iv. Structures;*
- v. Tree lines;*

- vi. Major utilities;
- vii. Significant environmental features;
- viii. Existing and proposed ownership of the site along with all adjacent property owners;

3. Master Plan

The preliminary master plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed Planned Unit Development District. At a minimum, the preliminary master plan, shall include the following:

- i. Proposed layout of the Planned Unit Development District including ~~the general building locations of uses, setbacks, building heights, building square footage of non-residential structures, number of dwelling unit, types of uses, and gross density range of uses;~~
- ii. Methods of access from existing ~~state~~ publicly-maintained roads to proposed areas of development;
- iii. General road alignments;
- iv. General alignments of sidewalks, bicycle and pedestrian facilities;
- v. A general water layout plan indicating the intended size and location of primary lines and the general location of fire hydrants (e.g., one every two blocks, etc.);
- vi. A general sanitary sewer layout indicating the size and location of primary lines, and the location of pump stations; ~~and~~
- vii. A general plan showing the location and acreage of the active and passive recreation spaces, parks and other public open areas; ~~and~~
- viii. A general storm sewer layout indicating the size and location of primary lines, and proposed retention/detention facilities.
- ix. Proposed landscaping and screening,
- x. Proposed location and area of common and public open spaces
- xi. A statement on the guarantees and assurances to be provided for the maintenance of open space, recreation areas, sidewalks, parking, streets and alleys, and other privately-owned but common facilities serving the project.

B. A community impact statement (CIS) shall be submitted with the application which describes the probable effects of the proposed development upon the community. At a minimum, it shall address the following:

1. Adequacy of existing public facilities and services to meet the demands of the development. Analysis shall be made of sewer, water, schools, parks, fire and rescue, and other major public facilities and utilities.

2. Additional on-site and off-site public facilities or services that would be required as a result of the development.

~~Additionally, an environmental impact study and a traffic study are also required to be submitted as part of the application package. The~~ 3. An environmental impact study shall be prepared and should detail any project impacts on FEMA identified flood area and slopes greater than 25%, and should provide a stormwater management plan detailing both stormwater quantity and quality mitigation measures and best practices.

4. The ~~A~~ traffic study impact analysis should quantify existing and projected traffic levels on all adjacent streets, and at all proposed entrances. The traffic impact analysis shall be prepared by a qualified individual or firm in a manner and form acceptable to the City.

- C. The City Attorney shall review any property owner's or other association's charter and regulations prior to final site plan approval.
- D. The Planning Commission shall review the preliminary master plan for the proposed Planned Unit Development District in light of the goals enumerated in the comprehensive plan, consider it at a scheduled public hearing, and forward its recommendation along with the preliminary master plan to the City Council for consideration. The City Council shall hold a public hearing thereon, pursuant to public notice as required by the Code of Virginia, 15.2-2204, after which the City Council may make appropriate changes or corrections in the ordinance or proposed amendment. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by the Code of Virginia, 15.2-2204. Such ordinances shall be enacted in the same manner as all other ordinances. The plan approved by the City Council shall constitute the final master plan for the Planned Unit Development District.
- E. Once the City Council has approved the final master plan, all accepted conditions and elements of the plan shall constitute proffers, enforceable by the Zoning Administrator.
- F. The Zoning Administrator shall approve or disapprove a final site plan within sixty days from the receipt of such plan. The plan shall be in substantial conformance with the approved final master plan. Such final site plan may include one or more sections of the overall Planned Unit Development District, and shall meet all applicable federal, state, and City regulations.

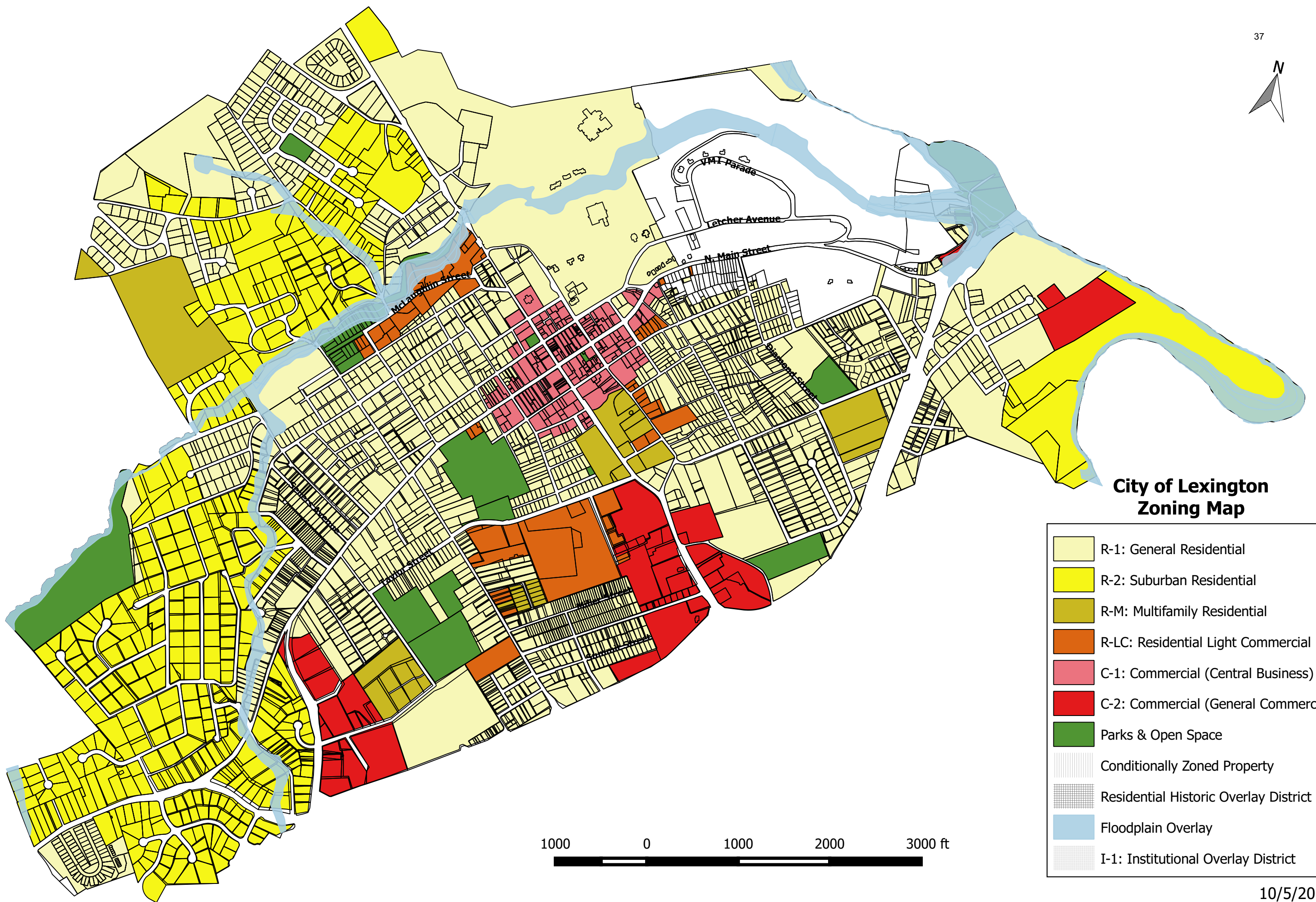
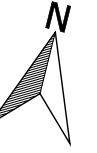
§420-5.14. Waivers and Modifications.

Where sections of the Zoning or Subdivision Ordinance are deemed to be in conflict with the goals of the final master plan, the rezoning application shall be considered a waiver or modification to these sections if specified in the final master plan. Otherwise, the applicant must provide a clear explanation as to why certain regulations are in conflict with the final master plan, demonstrate that the public's health, safety and welfare will not be compromised, and request the specific waivers or modifications to be considered by the City Council after a public hearing. (modify the last sentence in any way for clarity?)

Background Documents for the February 25, 2021 Planning Commission discussion regarding proposed Zoning Text Amendments (or you may refer to your copy of the Lexington Zoning Ordinance)

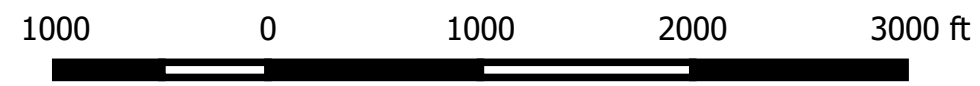
Zoning Districts Map can be found at

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



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



Organization Table for Zoning Ordinance Amendments ZOA 2021-01

Category	#	Zoning Amendment	PC Meeting						
			11.12.20	12.10.20	1.14.21	1.28.21	2.11.21	2.25.21	3.4.21
Lot Req.s Table	1	setbacks for P-OS			x	x			
	2	R-M & R-LC rear yard setbacks			x				
Land Use Matrix	3	Multi-family dwellings (C-1 & C-2)			x				
Definitions	4	Sign (commercial vs community event)			x				
	5	inoperable motor vehicle	x	x					
	6	ground level	x	x					
	7	warehousing & distribution	x		x				
	8	architectural lighting	x	x					
	9	take-out restaurant (postponed)			x	x			
	10	family (deleted)	x						
Use & Design Standards	11	accessory dwelling units							
	12	educational facilities primary/secondary (deleted)				x	x		
	13	home occupation limitations				x	x		
	14	remove sunset provision STR			x				
	15	off-street parking CUP for STR			x				
	16	B&B increase max number of rooms			x	x	x		
	17	small cell facilities							
	18	dish antenna (deleted)			x	x			
	19	R.V. parking			x	x			
	20	commercial vehicles (deleted)			x	x	x		
Other	21	site plans posted to website			x				
	22	entry structure/gate				x	x	x	
	23	wall sign size C-2				x	x		
	24	multi-family parking calculation					x	x	
	25	Planned Unit Development						x	
	26	cottage housing							
Additional proposals	27	setback exemptions						public hearing	
	28	parking calculations multi-family						public hearing	
	29	density flexibility in R-M & R-LC							