

## LEXINGTON PLANNING COMMISSION

February 22, 2024 - 5:00 P.M  
 Rockbridge County Administrative Offices – First Floor Meeting Room  
 150 South Main Street, Lexington, VA 24450

### AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF THE AGENDA**
3. **APPROVAL OF MINUTES**  
Minutes from February 8, 2024\*
4. **CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
5. **NEW BUSINESS**
  - A. ZOA 2024-01: Annual Zoning Ordinance Amendments. Batch A - Final Review.
    - 1) Staff Report\*
    - 2) Public Comment
    - 3) Commission Discussion & Decision
  - B. ZOA 2024-02: Annual Zoning Ordinance Text Amendment. Batch B – Concessions & Mobile Restaurants
    - 1) Staff Report\*
    - 2) Public Comment
    - 3) Commission Discussion & Decision
6. **OTHER BUSINESS**
  - A. Zoning and Planning Report
  - B. Key Annual PC Milestones: Ongoing. Remaining items:
    - 1) Zoning Text Amendments: Ongoing. Remaining items:
      - a. Cottage Housing
      - b. What else, if any?
    - 2) Comp Plan Review: Ongoing
    - 3) Major Project Update
7. **CITY COUNCIL REPORT**
8. **ADJOURN**

\*indicates attachment

## MINUTES

**The Lexington Planning Commission**  
**Thursday, February 8, 2024 – 5:00 p.m.**  
**Rockbridge County Administrative Offices – First Floor Meeting Room**  
**150 South Main Street, Lexington, VA 24450**

### Planning Commission:

Presiding: Pat Bradley, Chair  
 Present: John Driscoll  
 Jon Eastwood  
 Mary Stuart Harlow  
 Gladys Hopkins  
 Shannon Spencer, Vice-Chair  
 Leslie Straughan, Council Liaison

### City Staff:

Arne Glaeser, Planning Director  
 Kate Beard, Administrative Assistant

### CALL TO ORDER

Chair Bradley called the meeting to order at 5:01 p.m.

### AGENDA

The agenda was unanimously approved as presented. (L. Straughan / J. Driscoll)

### MINUTES

The January 25, 2024 minutes were unanimously approved as presented. (L. Straughan / G. Hopkins)

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

None

### NEW BUSINESS

#### A. ZOA 2024-01: Annual Zoning Ordinance Amendments. Batch A.

1) Staff Report and Commission Discussion - Director Glaeser requested the Commission continue to decide whether the proposed text for each item should be included in the initial batch of amendments to be advertised for a public hearing (Batch A).

- Item #14 – Clarify only one booking to occur with short term rentals
  - a. Staff Report – The limitation of short term rentals to only one booking per night is not as clear as it could be. There have been instances of proprietors attempting to book rooms separately, and staff would like additional support in the code specifying that this practice is not allowed.
  - b. Commission Discussion – Commissioners Bradley and Straughan, who were involved in the development and adoption of the standards for short term rentals, confirmed that the intent was to allow only one booking on a property per night. S. Spencer suggested the words “per property” be added to the staff recommended amendment to the *booking transaction* definition. There was general agreement to add the amendment, as proposed by Commissioner Spencer, to Batch A.

- Item #15 – Clarify maximum fence height regulations
  - a. Staff Report – Section 420-4.2 of the Zoning Ordinance regulates area and yard and includes a maximum height of seven feet for fences, walls, and hedges in subsection C.1. However, the landscaping regulations in §420-14.8.F allow fences and walls in any residential zoning district to exceed seven feet in height with the approval of a conditional use permit, and the landscaping regulations in §420-14.8.G allow fences and walls in any commercial zoning district to exceed eight feet in height with the approval of a conditional use permit. The Commission should consider whether and how to address the discrepancy between the maximum fence and wall heights allowed in the commercial districts by Articles IV and XIV.
  - b. Commission Discussion – S. Spencer pointed out that arborvitae grow taller than seven feet and questioned the inclusion of hedges in the height restricted encroachments in Article IV. L. Straughan agreed and suggested striking *hedges* from §420-4.2.C.1. J. Driscoll remarked that an 8 foot maximum in the commercial districts might be appropriate to shield the more intense uses allowed there. Following discussion, there was general agreement to amend §420-4.2.C.1. by removing hedges from the height restricted authorized encroachments, and by specifying the maximum height for fences and walls to be seven feet in the residential districts and eight feet in the commercial districts. There was consensus to include the amendment in Batch A.
- Item #16 – Develop design standards for mini-warehouses
  - a. Staff Report – A. Glaeser reminded the Commission that the City had received two relatively recent inquiries about building mini-warehouses in Lexington. He noted that while mini-warehouses are only allowed as a conditional use in the C-2 zoning district, there may be a benefit to developing use and design standards to lessen their impact given the low level of investment represented in the typical mini-warehouse development.
  - b. Commission Discussion – L. Straughan agreed that use and design standards for mini-warehouses should be developed but recommended setting it aside for a lengthier discussion at a later date. She and S. Spencer noted several issues, such as lighting, height, and landscape buffering, that they believed should be considered and which were not addressed in the sample language provided by staff. There was general agreement to prioritize this item as Batch B to be discussed at greater length at a later date.
- Item #17 – Amend Gasoline Station definition to allow electric vehicle charging stations
  - a. Staff Report – As was evident with the recent addition of the Tesla charging station at Sheetz, the Zoning Ordinance does not currently address the use or placement of electric vehicle charging equipment. In the case of the Sheetz charging station, the proposal was allowed because it was considered an accessory use to the Gasoline station use, due to the fact that there were fewer charging stations than gas pumps. While we may not be prepared at this time to fully consider electric vehicle charging equipment and placement citywide, it may be worthwhile to amend the zoning ordinance to make it clear they are allowed. A. Glaeser requested the Commission

- consider adding an *electric vehicle charging station* definition, adding *electric vehicle charging station* as an accessory use to the *Gasoline Station* use, and amending the design standards for off-street parking to allow electric vehicle charging stations.
- b. Commission Discussion – Responding to a question from S. Spencer, A. Glaeser confirmed the proposed amendment to the off-street parking standards would apply to all off-street parking spaces, including those in residential districts. Addressing the proposed definition of Gasoline Station, J. Driscoll observed that electricity is not stored on-site and suggested the “on-site” reference be stricken. Several Commissioners voiced support for striking the term *Gasoline Station* and combining the two proposed definitions to define *Vehicle Fueling Station*, or some similar term. A. Glaeser said that could be done, but advised it would require amending the term used in the Use Matrix. There was general agreement to proceed with the combined definition approach, to give the *Gasoline Station* use a more inclusive name, and to amend the off-street parking standards to explicitly allow electric vehicle charging stations. The Commissioners agreed to have staff draft the language for a final review before the public hearing for the Batch A amendments.
- Item #18 – Revise sign regulations for electric vehicle charging stations
    - a. Staff Report – We learned from the installation of the eight Tesla Charging stations at the Sheetz store that each charging station/port requires signage of an amount/type currently not allowed. Staff recommends amending the sign regulations to allow a limited amount of signage to be displayed on each vehicle charger and on each fuel pump.
    - b. Commission Discussion – There was general agreement to add staff’s recommended amendment to Batch A.
  - Items #19 & #20 – Entrance Corridor design standards & Cottage Housing regulations
    - a. Staff Report – A. Glaeser requested guidance from the Commission as to how deeply it wanted to dive into the Entrance Corridor design standards and how it wished to prioritize the remaining, non-Batch A zoning amendments. He listed those Batch B amendments as: 1) Cottage Housing, 2) concessions in parks, 3) standards for mini-warehouses, and 4) the Entrance Corridor design standards.
    - b. Commission Discussion – There was consensus for a review of all of the Entrance Corridor standards, not simply the sign standards. Because it was anticipated as being less time consuming than the other items, L. Straughan suggested addressing concessions first. P. Bradley agreed. S. Spencer advocated for addressing the Entrance Corridor design standards sooner rather than later. J. Driscoll suggested a work session on the existing Entrance Corridor standards would benefit the Commission’s future discussions of and amendments to the design standards. The Commission weighed whether to prioritize the Entrance Corridor design standards ahead of Cottage Housing, but after discussing realistic timelines for the VDOT and Spotswood projects and the research that would be required of staff, there was agreement to proceed with the remaining amendments as follows: 1) concessions in parks, 2) cottage housing, 3) overview of existing Entrance Corridor standards, 4) mini-warehouses. A. Glaeser said

staff would provide a final draft of the Batch A text amendments for a final review at the next meeting, as well as proposed language for the “Concessions in public parks” item.

2) Public Comment - None

**OTHER BUSINESS**

A. Zoning and Planning Report – A. Glaeser reported the following:

- He attended a Tree Board meeting.
- He met with Main Street Lexington to discuss improvements to alleyways downtown.

B. Major Project Update – A. Glaeser reported a building permit application was submitted for the Wendy’s renovations and a site plan application was submitted for the new W&L student health center. The W&L site plan was being reviewed by City staff and would be forwarded for Planning Commission approval once it met staff’s requirements.

**CITY COUNCIL REPORT -**

L. Straughan reported City Council held public hearings for the proposed dog park and for the ADU ordinance at its February 1<sup>st</sup> meeting. Due to the overwhelmingly negative feedback about its proposed location, Council will not move forward with a dog park in that location. During its discussion of the ADU ordinance, Council finalized the details of how short term rentals would be permitted but ultimately deferred a decision so as to allow Councilmember Betts time to provide language for potentially expanding the maximum occupancy. City Council will consider Mr. Betts proposal at its meeting on February 15<sup>th</sup>.

**ADJOURN**

The meeting was adjourned at 6:11 p.m. with unanimous approval. (S. Spencer / M.S. Harlow)

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P. Bradley, Chair, Planning Commission



**LEXINGTON ANNUAL ZONING ORDINANCE TEXT AMENDMENTS – “BATCH A”**

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**ITEM #1 – Dish Antenna reference corrected in Use Matrix**

**ISSUE:**

The Use Matrix in §420-3 includes the Dish Antennas use and there is an incorrect reference for the use and design standards for Dish Antennas. The reference should change from §420-11.1.1 to §420-11.1.2.

Items to consider:

Should the reference for Dish Antennas be corrected?

**EXISTING LANGUAGE:**

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General
<i>B = By-right uses, C = Conditional uses</i>			
<b>Use Types</b>			
<b>Residential</b>			
Dish Antennas (not meeting use and design Standards in §420-11.1.1)			C

**PLANNING COMMISSION RECOMMENDATION (1.11.2024):**

Correct the reference as follows:

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General
<i>B = By-right uses, C = Conditional uses</i>			
<b>Use Types</b>			
<b>Residential</b>			
Dish Antennas (not meeting use and design Standards in §420-11.1.2)			C

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## **ITEM #2 – Cemeteries allowed in P-OS zoning district**

### **ISSUE:**

Cemeteries are currently only permitted in the R-1 zoning district as a by-right use. In contrast, the parent parcels in the Evergreen and Oak Grove cemeteries are located in the Parks and Open Space (P-OS) zoning district where cemeteries are not a permitted use. The recent additions to both cemeteries are located in the R-1 zoning district where the cemetery use is permitted.

The current situation is one where the older portions of both cemeteries are considered to be legal nonconforming uses because both cemeteries existed prior to the adoption of a zoning ordinance sometime in the 1950s, and as a legal nonconforming use, those older portions of both cemeteries can continue their cemetery use. The question is one of consistency and whether we prefer to amend the Use Matrix to allow cemeteries to be a permitted use (by right or conditional) in the Parks and Open Space (P-OS) zoning district. To address this perceived inconsistency, the City should consider allowing the cemetery use as either a by-right use or as a conditional use in the P-OS zoning district and then initiate separately a rezoning of the parcels recently added to both cemeteries (and possibly initiate separately a conditional use permit if the cemetery use is allowed as a conditional use in the P-OS zoning district). The benefit of this approach is that all portions of the Evergreen and Oak Grove cemeteries old and new would be consistently located in the P-OS zoning district. Staff recommends the City also consider whether the cemetery use should continue to be a by-right use in the R-1 zoning district or whether to prohibit cemeteries in the R-1 zoning district.

Prior to the major update to the zoning ordinance in 2017, cemeteries were a conditional use in the P-OS zoning district, and cemeteries were neither a by-right use nor a conditional use in the R-1 zoning district. Staff cannot explain why the cemetery use was changed in 2017 from a conditional use in the P-OS zoning district to a by-right use in the R-1 zoning district, and it may simply have been an error with the newly created Use Matrix.

### Items to consider:

Should cemeteries be allowed by-right in the P-OS zoning district?

Should cemeteries be allowed conditionally in the P-OS zoning district?

Should cemeteries continue to be a by-right use in the R-1 zoning district?



**EXISTING LANGUAGE:**

*Article III. Use Matrix*

<b>Zoning District</b>	<b>FP, Floodplain Overlay</b>	<b>P-OS, Parks and Open Space District</b>	<b>R-1, Residential General</b>	<b>R-2, Suburban Residential</b>	<b>R-M, Residential Multifamily</b>	<b>R-LC, Residential- Light Commercial</b>	<b>C-1, Central Business District</b>	<b>C-2, General Commercial District</b>
<i>B = By-right uses, C = Conditional uses</i>								
<b>Use Types</b>								
<b>Civic</b>								
Cemetery								B

**PLANNING COMMISSION RECOMMENDATION (1.11.2024):**

Amend the Use Matrix to allow the cemetery use as a conditional use in the P-OS zoning district and delete the by-right use of cemeteries in the R-1 zoning district. This path requires the parcels added to both cemeteries be rezoned.

*Article III. Use Matrix*

<b>Zoning District</b>	<b>FP, Floodplain Overlay</b>	<b>P-OS, Parks and Open Space District</b>	<b>R-1, Residential General</b>	<b>R-2, Suburban Residential</b>	<b>R-M, Residential Multifamily</b>	<b>R-LC, Residential- Light Commercial</b>	<b>C-1, Central Business District</b>	<b>C-2, General Commercial District</b>
<i>B = By-right uses, C = Conditional uses</i>								
<b>Use Types</b>								
<b>Civic</b>								
Cemetery		C	B					

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

### ITEM #3 – Update Entrance Corridor lighting standards to include Dark Sky requirements

#### ISSUE:

Exterior lighting standards (see §420-15) were added in the 2017 Zoning Ordinance update, and those dark sky lighting requirements were not specifically added or referenced in the Entrance Corridor lighting standards in §420-6.8.E.2. that were already included in the Zoning Ordinance. It would be an improvement to update the Entrance Corridor lighting standards to require new exterior lighting to meet the dark sky requirements found in Article XV of the Zoning Ordinance.

Items to consider:

Should the Entrance Corridor standards for lighting reference the dark sky requirements located in the exterior lighting standards in Article XV?

#### EXISTING LANGUAGE:

*Article VI. Entrance Corridor Overlay District (EC)*

*420-6.8. Design standards.*

*E. Lighting.*

1. *Lighting should be of uniform style for each project site.*
2. *Lighting should be contained within the site and designed to limit spillover and minimize the amount of light that is directed to the sky.*
3. *Light poles shall not exceed 24 feet in height.*

#### PLANNING COMMISSION RECOMMENDATION (1.11.2024):

Amend the Entrance Corridor lighting standards to include a reference to the exterior lighting standards in §420-15.3, and change the maximum height for light poles to 25 feet to be consistent with the exterior lighting standards in §420-15.

*Article VI. Entrance Corridor Overlay District (EC)*

*420-6.8. Design standards.*

*E. Lighting.*

1. *Lighting should be of uniform style for each project site.*
2. *Lighting should be contained within the site and ~~designed to limit spillover and minimize the amount of light that is directed to the sky~~ meet the exterior lighting standards in §420-15.3.*
3. *Light poles shall not exceed 24 25 feet in height.*

#### PUBLIC COMMENT AT P.C. PUBLIC HEARING:

#### PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

**ITEM #4 – Amend Specialty Food Shop definition to allows ovens/convection ovens**

**ISSUE:**

Specialty food shops such as coffee, candy, or ice cream shops are currently allowed by-right in three zoning districts (R-LC, C-1, & C-2) with limitations. One of those limitations is that while “cooking” is not allowed, the application of heat by microwave is permitted (see item #2 in the Specialty Food Shop definition). Staff asks whether the definition could be expanded to also allow the application of heat by an oven and by a convection oven? The issue is one of impact, and specifically whether the use of an oven or the use of a convection oven creates an impact at a level that is or is not appropriate for use in a Specialty Food Shop.

The technology utilized in microwaves is certainly distinct from that utilized in ovens and convections ovens, but all three in staff’s opinion, can be considered to have much less impact on surrounding uses when compared to ranges, flattop grills, and deep fryers for example. The distinction in methods of cooking is also complicated by the types of cooking appliances that are available for sale. Convection microwave ovens for instance are a combo appliance with at least two modes – the first is a standard mode that uses microwaves to heat or cook food, and the second uses a heating element and a fan to evenly distribute heat throughout the appliance.

Items to consider:

In addition to a microwave oven, should an oven and/or a convection oven be allowed in a specialty food shop?

**EXISTING LANGUAGE:**

*Article III. Use Matrix*

Zoning District	FP, Floodplain Overlay	P-OS, Parks &Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
<i>B = By-right uses, C = Conditional uses</i>								
<b>Use Types</b>								
<b>Commercial</b>								
Restaurant, drive-in								B
Restaurant, general							B	B
Restaurant, mobile						B	B	B
Restaurant, small						C	B	B
<b>Specialty Food Shop</b>						<b>B</b>	<b>B</b>	<b>B</b>

*§420-20.1 Definitions.*

**SPECIALTY FOOD SHOP**

*The use of land, such as a coffee, candy, or ice cream shop, where the primary client consumption is off-site with limited seating and the product is limited to one type or line of food service and the food preparation is such that:*

1. All odors must be contained within the establishment and specialized equipment may be required to contain the odors;
2. It does not involve “cooking” but the application of heat, by microwave or the boiling of water for beverages, shall not be considered “cooking” for purposes of this definition; and
3. No open flame heat source is used.

**PLANNING COMMISSION RECOMMENDATION (1.11.2024):**

Amend the Specialty Food Shop definition to allow an oven, a convection oven, and a range to be utilized in a specialty food shop in addition to the microwave that is already permitted. The restriction that no open flame heat source be utilized for specialty food shops will remain. Amend the Use Matrix to make the Specialty Food Shop use conditional in the R-LC zoning district.

*§420-20.1 Definitions.*

**SPECIALTY FOOD SHOP**

*The use of land, such as a coffee, candy, or ice cream shop, where the primary client consumption is off-site with limited seating and the product is limited to one type or line of food service and the food preparation is such that:*

1. All odors must be contained within the establishment and specialized equipment may be required to contain the odors;
2. ~~It does not involve “cooking” but t~~ The application of heat, by microwave, **oven, convection oven, or range**, or the boiling of water for beverages, shall ~~not be considered “cooking” for purposes of this definition~~ **be permitted**; and
3. No open flame heat source is used.

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
B = By-right uses, C = Conditional uses								
<b>Use Types</b>								
<b>Commercial</b>								
Restaurant, drive-in								B
Restaurant, general							B	B
Restaurant, mobile						B	B	B
Restaurant, small						C	B	B
Specialty Food Shop						<del>C</del> B	B	B

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## ITEM #5 – Reiterate that outdoor storage is not allowed for home occupations

### ISSUE:

The previous Zoning Ordinance specifically prohibited outdoor storage for home occupations but the 2017 update modified the home occupation use and design standards in such a way that it is less obvious that home occupations are not permitted to have the outdoor storage of materials in association with a home occupation permit. Adding a clear prohibition back into the home occupation use and design standards will help staff with code enforcement.

Items to consider:

Should the use and design standards for Home Occupations be amended to clearly state that outdoor storage is not permitted?

### PREVIOUS LANGUAGE:

§420-19. *Home occupations.*

*A home occupation shall be subject to the following restrictions:*

- G. The business shall not use more than 25% of the total floor area of the residence and accessory structures. **There shall be no outdoor storage.***

### PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Amend the home occupation use and design standards to clearly state outdoor storage is not permitted for home occupations.

§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 home occupation(s) shall not exceed 25 percent of the gross floor area of the dwelling unit.*
- C. There shall be no outdoor storage of home occupation related items.*
- ~~*D. 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.*~~
- ~~*E. No merchandise shall be sold on the premises.*~~
- ~~*F. 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.*~~
- ~~*G. 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.*~~
- ~~*H. 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.
- H.* 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.
- K.* 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.

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

**ITEM #6 – Amend sign tables for C-1 and C-2 district signs to include ...**

**ISSUE:**

The sign standards for the C-1 and C-2 zoning districts include tables displaying the sign types allowed in each of those two zoning districts along with the dimensions permitted for each sign type. What is often overlooked is the short paragraph above the tables that describes how the total amount of signage is calculated for each business frontage, and the overall square footage allowed to be displayed for each business frontage. Staff believes it helpful to add the calculation and overall limit in the table itself to make these provisions more obvious to property owners and sign makers.

Items to consider:

Should the calculation for overall signage, and the overall square footage allowed to be displayed be copied to the C-1 and C-2 sign tables?

**PLANNING COMMISSION RECOMMENDATION (1.25.2024):**

Copy the overall sign calculation and the maximum amount that can be displayed from the first paragraph of the C-1 and the C-2 zoning district sign standards and add that language to the respective sign tables as follows:

*§420-13.5. Sign Standards: C-1 Zoning District*

*Any business located within a C-1 zoning district shall be limited to displaying no greater than 1 square foot of signage per foot of business frontage, and in no case shall any business display greater than 30 square feet of signage per building street frontage. Individual signs shall be limited in their size and placement according to the following regulations:*

<b>Maximum Sign Dimensions: C-1 Zoning District</b>			
<b>Sign Type</b>	<b>Number</b>	<b>Area (Sq. Ft.)</b>	<b>Height (Ft.)</b>
Window	Not limited	Lesser of 20% of window area or 6 Sq. Ft.	Not limited
Freestanding	1 per business	9 s.f. per side for buildings < 30 ft frontage; 15 per side for buildings > 30 ft frontage	8
Projecting	1 per business per street frontage	9 s.f. per side for buildings < 30 ft frontage; 15 per side for buildings > 30 ft frontage	No less than 8 and 15 ft. max. above grade level
Wall	1 per business per street frontage	15 s.f.	15 ft. max. above grade level
Canopy	Permitted	Letters not more than 6 inches high.	No less than 9
Internally Illuminated	Not permitted except one neon window sign not more than 3 Sq. Ft. <sup>1</sup>	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 10% of that wall area	As per other standards
Temporary (freestanding, banner, or wall only) <sup>2</sup>	Not limited	8	4
<u>Total sign calculation</u>	<u>Any business in C-1 shall be limited to displaying no greater than 1 sq. ft. of signage per foot of business frontage</u>		
<u>Maximum sign allowance</u>	<u>In no case shall any business display greater than 30 sq. ft. of signage per building street frontage</u>		

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on February 22, 2024



<sup>1</sup>Such signs shall not flash and shall be “on” only during posted hours of business.

<sup>2</sup>Temporary signs shall not count toward sign allotment for each business.

**§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 100 square feet of signage per building street frontage. Individual signs shall be limited in their size and placement according to the following regulations:

<b>Maximum Sign Dimensions: C-2 Zoning District</b>			
<b>Sign Type</b>	<b>Number</b>	<b>Area (Sq. Ft.)</b>	<b>Height (Ft.)</b>
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	1 s.f. for each lineal foot of bldg. frontage; with 32 s.f. min. and 100 s.f. max. allowed	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) <sup>1</sup>	Not limited	8	4
<u>Total sign calculation</u>	<u>Any business in C-2 shall be limited to displaying no greater than 2 sq. ft. of signage per foot of business frontage</u>		
<u>Maximum sign allowance</u>	<u>In no case shall any business display greater than 100 sq. ft. of signage per building street frontage</u>		

<sup>1</sup>Temporary signs shall not count toward sign allotment for each business.

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

**ITEM #7 – Amend definition of Industry, Light**

**ISSUE:**

The Use Matrix (see §420-3) includes the “Industrial, light” use that is permitted by-right in the C-2 zoning district, but the definitions section (see §420-20) does not provide a definition for “Industrial, light.” Instead, the definition section provides a definition for “Industry, light.” In order to minimize potential conflicts related to the interpretation of the Zoning Ordinance, the use listed in the Use Matrix should align with the defined use.

Items to consider:

Should the Zoning Ordinance be amended to address the inconsistency between the *Industrial, light* use included in the Use Matrix and the *Industry, light* use included in the definitions section?

**EXISTING LANGUAGE:**

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
B = By-right uses, C = Conditional uses								
<b>Use Types</b>								
<b>Industrial</b>								
<b>Industrial, light</b>								B

§420-20.1 Definitions.

**INDUSTRY, LIGHT**

*Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Use may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, any other product of a similar nature.*

**PLANNING COMMISSION RECOMMENDATION (1.25.2024):**

Amend the “Industry, Light” definition in Article XX of the Zoning Ordinance to “Industrial, light” in order to match the “Industrial, light” use that is listed in the Use Matrix.

§420-20.1 Definitions.

~~INDUSTRY~~IAL, LIGHT

*Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Use may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, any other product of a similar nature.*

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## **ITEM #8 – Amend Bed & Breakfast requirement to live on the property**

### **ISSUE:**

The Bed-and-Breakfast use and design standards (see §420-11.3.2.O) require bed-and-breakfast establishments to be occupied by the owner. There are instances in Lexington where owners of a B&B live in an adjacent residence and not within the B&B nor on the same parcel as the B&B. The question is whether the B&B use and design standards should be expanded to allow owners of a B&B establishment to either live in the B&B, or to alternatively live on an immediately adjacent property. It is presumed that the requirement to live in the B&B is for the owner to provide direct oversight and control over the operations of their B&B in order to limit impacts from the operation of an income generating use within a neighborhood, and a similar level of control can likely be maintained if the owners live on an immediately adjacent property.

Items to consider:

Should the B&B use and design standards be expanded to allow owners of a B&B establishment to live on an immediately adjacent property?

### **EXISTING LANGUAGE:**

*§420-11.3. Commercial Uses.*

#### *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.*

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on February 22, 2024

- 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.*

**PLANNING COMMISSION RECOMMENDATION (1.25.2024):**

Amend the requirement for a B&B owner to occupy the B&B to also allow the owner to occupy an immediately adjacent property.

§420-11.3. *Commercial Uses.*

**2. *Bed-and-breakfast.***

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

- O. ~~*Bed-and-breakfast establishments must be occupied by*~~ *Whenever there are guests on the property, the owner of a bed-and-breakfast establishment must reside on the property, or alternatively, the owner(s) may also live on an immediately adjacent parcel with at least 50 feet of adjacency to the parcel containing the bed-and-breakfast.*

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## ITEM #9 – Allow Townhouses along a private drive

### ISSUE:

The townhouse use and design standards require any townhouse to front on, or be accessed by, a public street. One of the design proposals for the then City owned parcel along Spotswood Drive included townhouses that were not fronting a public street, and one of the constraints with locating all townhouses on a public street is that the minimum right of way widths for a public street are excessive. This excessive width requirement is an inefficient use of space and private drives are sufficient as evidenced by the Weatherburn development.

Townhouses are a by-right use in the R-M, R-LC, and C-1 zoning districts, and are a conditional use in the C-2 zoning district.

Items to consider:

Should townhouses be allowed along private streets as well as along public streets?

### EXISTING LANGUAGE:

#### *§420-20.1 Definitions.*

#### DWELLING, TOWNHOUSE

A grouping of three or more attached single-family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

#### *§420-11.1. Residential Uses.*

##### 5. Townhouse.

- A. *No more than eight townhouses shall be constructed contiguously.*
- B. *The facades of individual townhouses within any contiguous row of townhouses shall be sufficiently varied in their materials, design, or appearance as to visually distinguish them as individual dwelling units.*
- C. *Any townhouse shall front on, or be accessed by, a public street.*
- D. *Any provided open space shall be owned and maintained by the developer, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association.*

### PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Delete the requirement that any townhouse shall front on, or be accessed by, a public street to increase the possibility of this housing type to be allowed in Lexington. Townhouses are not exempt from site plan requirements and any issues with the development of townhouses on a private drive should be able to be addressed adequately during the site plan review process.

#### *§420-11.1. Residential Uses.*

##### 5. Townhouse.

- A. *No more than eight townhouses shall be constructed contiguously.*

*B. The facades of individual townhouses within any contiguous row of townhouses shall be sufficiently varied in their materials, design, or appearance as to visually distinguish them as individual dwelling units.*

~~*C.—Any townhouse shall front on, or be accessed by, a public street.*~~

~~*D. Any provided open space shall be owned and maintained by the developer, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association.*~~

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## ITEM #10 – Clarify where remote parking may be located

### ISSUE:

Article XII of the Zoning Ordinance provides off-street parking and loading requirements, and subsection 3 thereof specifies where the required parking may be located. Parking spaces are required to be located on the same lot as the principal use, but there is an exception for uses in non-residential districts that allows a portion of the required off-street parking to be located in a remote parking lot (within 500 feet from the principal use) through a conditional use permit. One issue that is not immediately clear is whether the remote parking lot can be located in a residential district, and it would be helpful to state that the remote parking lot utilized to satisfy the parking requirement for commercial uses must be located on parcels in the C-1 or C-2 zoning districts.

Items to consider:

Should the remote parking required for a use in a district other than residential only be allowed in a commercial zoning district?

Should the remote “parking lot” mentioned in §420-12.3.C be changed to remote “parking facility” to align with the parking facility definition and the parking facility use and design standards?

### EXISTING LANGUAGE:

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

*§420-12.3. Location in relation to use.*

*C. The parking spaces required shall be located on the same lot as is the principal use; provided, however, that upon the recommendation of the Planning Commission and made part of a conditional use permit by the City Council, a portion of required off-street parking for uses in districts other than residential may be located in a remote parking lot which is within 500 feet measured along lines of public access from the principal use. A remote parking lot to satisfy this requirement shall be owned by the owner of the principal structure or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the principal structure or as long as off-street parking is required for such principal structure in accordance with the terms of this article.*

*§420-11.5. Miscellaneous Uses.*

*1. Parking Facility.*

*The following general standards shall apply to all parking facilities:*

*A. No motor vehicle work shall be permitted in association with a parking facility except under emergency service work.*

*B. Parking shall be the principal use of all parking facilities. Spaces may be rented for parking but no other business of any kind shall be conducted in the structure except City sanctioned farmer’s markets.*

*§420-20.1 Definitions.*

**PARKING FACILITY**

*A site for surface parking or a parking structure use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar*



features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
B = By-right uses, C = Conditional uses								
<b>Use Types</b>								
<b>Miscellaneous</b>								
Parking facility		B			C	C	C	C

**PLANNING COMMISSION RECOMMENDATION (1.25.2024):**

Amend §420-12.3.C to clarify that a conditional use permit allowing off-site parking in a remote parking lot can only occur on parcels located in the C-1 or C-2 zoning districts.

§420-12.3. Location in relation to use.

C. The parking spaces required shall be located on the same lot as is the principal use; provided, however, that upon the recommendation of the Planning Commission and made part of a conditional use permit by the City Council, a portion of required off-street parking for uses in districts other than residential may be located in a remote parking lot zoned C-1 or C-2 which is within 500 feet measured along lines of public access from the principal use. A remote parking lot to satisfy this requirement shall be owned by the owner of the principal structure or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the principal structure or as long as off-street parking is required for such principal structure in accordance with the terms of this article.

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## ITEM #11 – Amend the definition for a Story, Half

### ISSUE:

We realized during the ADU discussion that our definition of a half story is less than clear. First, a three foot knee wall is relatively low, and second, the second half of the definition is difficult if not impossible to understand.

Items to consider:

Should the definition of half story be amended?

### EXISTING LANGUAGE:

*§420-20.1 Definitions.*

*STORY, HALF*

*A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area and the ceiling next above it.*

### PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Increase the knee wall height from three feet to five feet in the definition of a half story, and delete the remaining portion of the definition because its meaning is unclear.

*§420-20.1 Definitions.*

*STORY, HALF*

*A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than ~~three~~ **five** feet above the top floor level, ~~and in which space not more than two-thirds of the floor area and the ceiling next above it.~~*

### PUBLIC COMMENT AT P.C. PUBLIC HEARING:

### PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

**ITEM #12 – Add chickens to the Use Matrix**

**ISSUE:**

The Use Matrix should include all of the uses defined in the Zoning Ordinance and include all of the uses that have use and design standards. Several years ago the City developed use and design standards for the keeping of chickens (see §420-11.1.1), but that use was not added to the Use Matrix. It would be helpful to add the keeping of chickens use to the Use Matrix.

Items to consider:

Should the keeping of chickens use be added to the Use Matrix?

**EXISTING LANGUAGE:**

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential-Light Commercial	C-1, Central Business District	C-2, General Commercial District
<i>B = By-right uses, C = Conditional uses</i>								
<b>Use Types</b>								
<b>Residential</b>								
Accessory apartment			B	B	B	B	B	
Dish Antennas (not meeting §420-11.1.1)			C	C	C	C		

**PLANNING COMMISSION RECOMMENDATION (1.25.2024):**

Add the keeping of chickens use to the Use Matrix.

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential-Light Commercial	C-1, Central Business District	C-2, General Commercial District
<i>B = By-right uses, C = Conditional uses</i>								
<b>Use Types</b>								
<b>Residential</b>								
Accessory apartment			B	B	B	B	B	
<u>Chickens<sup>1</sup></u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>
Dish Antennas (not meeting §420-11.1.1)			C	C	C	C		

*<sup>1</sup>the keeping of chickens is an accessory use to a single-family, two-family, or multifamily dwelling and permitted if requirements of 420-11.1.2 are met*

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## ITEM #13 – Clarify only one booking to occur with short term rentals

### ISSUE:

The limitation of short term rentals to only one booking per night is not as clear as it could be. There have been instances of proprietors attempting to book rooms separately and that allowance was not explicitly approved during the development of the use and design standards for short term rentals.

Items to consider:

Should the limitation of only one booking per nightly rental be added for short term rentals?

### EXISTING LANGUAGE:

*§420-20.1 Definitions.*

#### *SHORT TERM RESIDENTIAL RENTAL*

*A residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments.*

#### *§420-11.3.22 Short Term Residential Rental*

A. Definitions. As used in this article, unless the context requires a different meaning:

*Booking transaction* means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.

*Guest or transient* means a person who occupies a short term rental unit.

*Short term rental* means a residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month to month extensions following completion of a year's lease.

*Primary resident (or Host)* means the owner of the short term rental unit, or lessee of the short term rental unit with a lease agreement that is one year or greater in length, who occupies the property as his or her principal place of residence and domicile. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.

*Residential dwelling unit* means a residence where one (1) or more persons maintain a household.

*Type A rentals* means rentals where the host is present during the short term rental and no more than two (2) bedrooms of the short term rental unit are rented.

*Type B rentals* means all other rentals, including ones where more than two (2) bedrooms of the short term rental unit are rented or the host is not present during the short term rental.

(note: not all of the use and design standards for short term rentals were included here and they can be found in §420-11.3.22 Short term Residential Rental of the Lexington Zoning Ordinance)

**PLANNING COMMISSION RECOMMENDATION (2.8.2024):**

Amend the definition of *booking transaction* to clearly limit a short term rental to only one booking transaction per nightly rental.

*§420-11.3.22 Short Term Residential Rental*

A. *Definitions. As used in this article, unless the context requires a different meaning:*

*Booking transaction means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations, and only one booking transaction is permitted per property, per nightly rental of a short term rental operation.*

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:****PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## ITEM #14 – Clarify maximum fence height regulations

### ISSUE:

Section 420-4.2 of the Zoning Ordinance regulates areas and yards and includes a maximum height of seven feet for fences, walls, and hedges in subsection C.1. All the while, the landscaping regulations in §420-14.8.F allow fences and walls in any residential zoning district to exceed seven feet in height with the approval of a conditional use permit, and the landscaping regulations in §420-14.8.G allow fences and walls in any commercial zoning district to exceed eight feet in height with the approval of a conditional use permit. It should be noted that the landscaping requirements found in Article XIV. Landscaping are only implemented where a landscape buffer is required. That Article establishes standards for site buffering and landscape screening, among others, and landscape buffers are only applied where a commercially zoned development abuts a residential zoning district, or where multi-family residential development abuts any property zoned R-1 or R-2. As written, additional height via a conditional use permit would only be allowed when a landscape buffer is required.

The landscaping standards found in Article XIV were added in the 2017 Zoning Ordinance update while the area and yard standard existed in the previous edition. This may be the cause for the discrepancy between the eight feet allowed in commercial districts in §420-14.8.G and the maximum of seven feet allowed in §420-4.2.C.1.

At a minimum, we should consider an amendment to address the eight feet allowed in commercial districts in §420-14.8.G despite the maximum of seven feet that is allowed in §420-4.2.C.1.

### Items to consider:

Should the discrepancy between the seven foot maximum fence and wall height for yards and areas found in §420-4.2.C.1 and the 8 foot allowed in commercial districts found in §420-14.8.G be addressed?

### EXISTING LANGUAGE:

*§420-4.2. Areas and yards.*

*C. All yards and courts required by this chapter shall be open and unobstructed to the sky with the following authorized encroachments:*

*1. Fences, Walls, Hedges: Fences, walls, hedges, may be permitted in any required yard, provided that **no fence, wall or hedge along any yard shall be over seven feet in height.** 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.*

*§Article XIV. Landscaping.*

*§420-14.8. Walls and Fences.*

*Fences and walls may be used within landscaped areas to provide buffering, privacy, separation, security, or for aesthetic reasons, but may not create an unsightly or unsafe condition on or off of the public or private property on which the fence or wall is proposed.*

F. *A fence or wall in any residential zoning district shall not exceed 7 feet in height above the existing grade without approval of a conditional use permit.*

G. *A fence or wall in any commercial zoning district shall not exceed 8 feet in height above the existing grade without approval of a conditional use permit.*

**PLANNING COMMISSION RECOMMENDATION (2.8.2024):**

Amend the Zoning Ordinance to address the eight feet allowed in commercial districts in §420-14.8.G despite a maximum of seven feet that is allowed in §420-4.2.C.1. To address this inconsistency, amend the *Areas and yards* section (i.e. §420-4.2.C.1.) to allow fences up to eight feet in height in commercial zoning districts.

*§420-4.2. Areas and yards.*

C. *All yards and courts required by this chapter shall be open and unobstructed to the sky with the following authorized encroachments:*

1. *Fences, Walls, ~~Hedges~~: Fences, and walls, ~~hedges~~, may be permitted in any required yard, provided that no fence, or wall ~~or hedge~~ along any yard shall be over seven feet in height in residential zoning districts or eight feet in height in commercial zoning districts. 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.*

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:



## **ITEM #15 – Amend Gasoline Station definition to allow electric vehicle charging stations**

### **ISSUE:**

The Zoning Ordinance does not currently address the use of, or the placement of electric vehicle charging equipment, and this was made apparent with the recent addition of a Tesla fast charging station at the Sheetz store. In that instance the Tesla fast charging station was considered an accessory use to the Gasoline station use because the number of fast charging stations was considerably fewer in number than the number of gasoline pumps. While we may not be prepared at this time to fully consider electric vehicle charging equipment and placement citywide, we can at least add a definition of an electric vehicle charging station to the definitions section of the Zoning Ordinance and add the electric vehicle charging station as an accessory use to the Gasoline Station use.

If desired, we can also address the addition of electric vehicle charging equipment as a permitted use in the parking standards section of the Zoning Ordinance. This supplement will make existing and future charging equipment permitted.

*Gasoline Stations* are currently listed in the Use Matrix as a conditional use in the C-1 zoning district and as a by-right use in the C-2 zoning district.

Items to consider:

Should a definition for electric vehicle charging stations be added to the Zoning Ordinance?

Should electric vehicle charging be specifically added to the definition of a gasoline station?

Should the design standards for off-street parking be amended to allow electric vehicle charging stations?

### **EXISTING LANGUAGE:**

*§420-20.1 Definitions.*

#### **GASOLINE STATION**

*Any place of business with fuel pumps and underground storage tanks which provides fuels and oil for motor vehicles. A store associated with automobile fuel sales shall be considered a gasoline station.*

*§420-11.3. Commercial Uses.*

#### **11. Gasoline station.**

*Gasoline stations shall be subject to the following general standards:*

- A. Applicants shall demonstrate that the use will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.*
- B. Entrances to the site shall be minimized and located in a manner promoting safe and efficient traffic circulating while minimizing the impact on the surrounding neighborhood.*
- C. Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure.*
- D. Dumpsters shall be located so as to minimize view from off-site areas and shall be fully screened by a wall constructed of the same material and color as the principal structure.*
- E. The Zoning Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.*

**PLANNING COMMISSION RECOMMENDATION (2.8.2024):**

Amend the gasoline station definition to include other fuel sources and change the name of the use to be more inclusive. Add a definition for electric vehicle charging station. Amend the Use Matrix and Article XI. Use and Design Standards to replace the Gasoline Station use with the Vehicle Fueling Station use and reorder remaining uses accordingly.

§420-20.1 Definitions.

~~GASOLINE~~ **VEHICLE FUELING STATION**

~~Any place of business with fuel pumps and underground storage tanks which provides fuels and oil for motor vehicles. A store associated with automobile fuel sales shall be considered a gasoline station.~~  
An establishment engaged in the retail sale of motor vehicle fuel that is stored primarily on-site, such as gasoline, diesel fuel, natural gas, hydrogen, and electricity. Accessory uses may include a convenience retail store, and light vehicle repair and maintenance.

**ELECTRIC VEHICLE CHARGING STATION**

An off-street or on-street parking space that has equipment installed for the purpose of charging the battery or other energy storage device of an electric vehicle or a plug-in hybrid electric vehicle.

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
B = By-right uses, C = Conditional uses								
<b>Use Types</b>								
<b>Commercial</b>								
<del>Gasoline Station</del>								
<u>Vehicle Fueling Station</u>							C	B

§420-11.3. Commercial Uses.

~~11.25. Gasoline~~ **Vehicle fueling** station.

~~Gasoline~~ **Vehicle fueling** stations shall be subject to the following general standards:

- A. Applicants shall demonstrate that the use will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.
- B. Entrances to the site shall be minimized and located in a manner promoting safe and efficient traffic circulating while minimizing the impact on the surrounding neighborhood.
- C. Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure.
- D. Dumpsters shall be located so as to minimize view from off-site areas and shall be fully screened by a wall constructed of the same material and color as the principal structure.

- E. *The Zoning Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.*

Add language to the parking requirements section of the Zoning Ordinance to specifically allow electric vehicle charging equipment.

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

*§420-12.6. Design standards.*

- J. Electric vehicle charging stations. Any off-street parking space that meets the minimum requirements of this article may also include a charging station for electric vehicles. Such stations may be reserved for electric vehicles and may also count toward minimum off-street parking requirements.*

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## **ITEM #16 – Revise sign regulations for electric vehicle charging stations**

### **ISSUE:**

We learned from the installation of the eight Tesla charging stations at the Sheetz location that each charging station/port requires signage and we do not currently allow that amount/type of signage. In preparation for other electric vehicle charging stations, we can amend the sign regulations to accommodate this use.

The sign regulations in the Zoning Ordinance do not specifically provide an allowance for signage on fuel pumps, and it may be equitable to allow a limited amount of signage for fuel pumps and for electric vehicle charging stations. This can be accomplished by exempting a certain amount of signage on fuel pumps and electric vehicle chargers from the sign regulations. Currently the sign chapter exempts a limited number of signs, such as traffic signs and real estate signs, from the requirement to obtain a sign permit, and staff recommends that signs attached to fuel pumps and to electric vehicle chargers be added to the exempted list with limitations.

Items to consider:

Should additional signs be allowed for fuel pumps and for electric vehicle charging stations?

### **EXISTING LANGUAGE:**

There is no existing sign regulation specifically for fuel pumps.

### **PLANNING COMMISSION RECOMMENDATION (2.8.2024):**

Amend the sign regulations to allow some signage to be displayed on each electric vehicle charger and on each fuel pump.

*Article XIII. Signs*

*§420-13.3. Exemptions.*

Sign permits shall not be required for the following signs; however, all applicable regulations of this chapter shall apply.

*I. Fuel pumps and electric vehicle charging stations with not more than 2 square feet of signage per pump or charger.*

### **PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

### **PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

## **Batch B – Concessions are not specifically allowed in a public park**

*(The following was included in the 1.25.2024 P.C. meeting packet.)*

### **ISSUE:**

While the Brewbaker Field Sports Complex contains a concession stand, there is no specific provision allowing concessions in the *Public Park and Recreational Area* use. It would be helpful to allow concessions within public parks to a) explicitly authorize the Brewbaker concession stand (it is now considered a legal nonconforming use), and b) to allow food to be served in other public parks. The Brewbaker Complex has hosted events with food trucks previously, and the kayak rental vendor in Jordan's Point Park last summer expressed interest in serving food as well.

One option to address the deficiency is to either a) amend the definition of a *Public Park and Recreational Area* or to b) create use and design standards that expressly allows concessions to be sold incidental to the *Public Park and Recreational Area* use.

Another option, albeit more complicated, is to also address concessions for the *Public Recreation Assembly* use. The *Public Recreation Assembly* use allows publicly-owned and operated civic centers, recreation centers, year-round swimming facilities and indoor performing arts auditoriums, and these uses will likely generate higher participation numbers (see definitions below) than the *Public Park and Recreational Area* use which allows lower intensity uses such as picnic areas, playgrounds, recreation facilities, shelters, and open spaces. This higher expected intensity explains why the *Public Recreation Assembly* use is not a permitted use in any zoning district and that it is a conditional use in the Floodplain Overlay (FP), R-1, R-M, R-LC, C-1 and C-2 zoning districts.

There are also two use and design standards for the *Public Recreation Assembly* use that could be amended to specifically allow concessions for the higher expected attendance levels, while the definition of *Public Recreation Assembly* could also be amended to allow concessions. It may not be as imperative to consider concessions in the *Public Recreation Assembly* use at this time, but it may be worthwhile to mention that a study group lead by the Chamber of Commerce is currently investigating the feasibility of a civic/recreation center in the Brewbaker Complex. For that reason alone it may be beneficial to decide concessions for the *Public Recreation Assembly* use while we address concessions in the *Public Park and Recreational Area* use.

Items to consider:

Should concessions be allowed in the *Public Park and Recreational Area* use?

Should concessions be allowed in the *Public Recreation Assembly* use?

**EXISTING LANGUAGE:**

*Article III. Use Matrix*

<b>Zoning District</b>	<b>FP, Floodplain Overlay</b>	<b>P-OS, Parks and Open Space District</b>	<b>R-1, Residential General</b>	<b>R-2, Suburban Residential</b>	<b>R-M, Residential Multifamily</b>	<b>R-LC, Residential- Light Commercial</b>	<b>C-1, Central Business District</b>	<b>C-2, General Commercial District</b>
<i>B = By-right uses, C = Conditional uses</i>								
<b>Use Types</b>								
<b>Civic</b>								
<i>Public assembly</i>			<i>C</i>	<i>C</i>	<i>C</i>		<i>C</i>	<i>C</i>
<i>Public Park &amp; Recreational Area</i>		<i>B</i>						
<i>Public recreation assembly</i>	<i>C</i>		<i>C</i>		<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>

*§420-11.2. Civic Uses.*

**3. Recreation Facility, Public.**

- A. General standards: Any outdoor activity area, swimming pool, ball field, or court which adjoins a residential use type shall include screening and buffering in accordance with the landscape section of this ordinance.*
- B. Where nighttime lighting is proposed it shall be fully shielded and large evergreen trees shall be required to appropriately screen any adjoining residences. Any such night-time lighting shall be constructed in accordance with the lighting standards set forth in this ordinance.*

*§420-20.1 Definitions.*

**PUBLIC ASSEMBLY**

Facilities that accommodate public assembly for sports, amusements, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, and incidental sales and exhibition facilities.

**PUBLIC PARK AND RECREATIONAL AREA**

Publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, game preserves, open spaces, and other similar uses. This shall not include Public recreation assembly.

**PUBLIC RECREATION ASSEMBLY**

Publicly-owned and operated community, civic, or recreation centers, year-round swimming facilities, or indoor performing arts/auditoriums.

**STAFF RECOMMENDATION:**

Allow concessions in the *Public Park and Recreational Area* use through the addition of new use and design standards, and consider allowing concession in the *Public Recreation Assembly* use through the addition of use and design standards.

§420-11.2. *Civic Uses.*

3. ~~Recreation Facility, Public~~ *Public Recreation Assembly, and Public Park and Recreational Area.*

- A. *General standards: Any outdoor activity area, swimming pool, ball field, or court which adjoins a residential use type shall include screening and buffering in accordance with the landscape section of this ordinance.*
- B. *Where nighttime lighting is proposed it shall be fully shielded and large evergreen trees shall be required to appropriately screen any adjoining residences. Any such night-time lighting shall be constructed in accordance with the lighting standards set forth in this ordinance.*
- C. *Incidental sales, such as, but not limited to, concession stand, and food trucks in compliance with §420-11.3.18.*

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission decided on 1.25.2024 to set this proposed amendment aside for a lengthier discussion at a later date.

1.25.2024 P.C. meeting minutes excerpt:

Commission Discussion – L. Straughan thought this issue was well worth considering but believed it should be set aside more deliberate consideration. P. Bradley agreed, highlighting several questions that would need to be considered. There was general agreement to put this amendment aside and consider developing use and design standards at a later date.

**PUBLIC COMMENT AT P.C. PUBLIC HEARING:**

Recommend in favor/denial of the proposed amendment.

Vote:

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**Batch B – Concessions and Mobile Restaurants in City parks (for discussion 2.22.2024)****ISSUE:**

How do we want to address concessions and/or food trucks in City parks, if at all?

As mentioned in the 1.25.2024 P.C. meeting packet, a concession stand exists in the Brewbaker Field Sports Complex, however, the *Public Park and Recreational Area* use does not specifically allow concessions. The question is whether the Zoning Ordinance should be amended to explicitly allow concessions, or whether the current definition of a *Public Park and Recreational Area* use is sufficient (i.e. no change is needed). Staff notes the existing concession stand can be considered either an accessory use to the *Public Park and Recreational Area* use, or it can be considered a legal nonconforming use. In either case, the concession stand in the Brewbaker Field Sports Complex can remain and operate as it exists today. The question is whether a text amendment is needed to allow concession stands in other parks.

While concession stands are typically operated in a building fixed to the property, the Lexington Zoning Ordinance also allows mobile restaurants that include food trucks, trailers, and carts. A question that is related to the one above regarding concessions, is whether a zoning text amendment is needed to specifically allow mobile restaurants to operate in City parks. Mobile restaurants are currently not permitted to operate in the P-OS zoning district outside of special events.

### **CONCESSIONS**

The *Public Park and Recreational Area* use is a by-right use in the Parks and Open Space (P-OS) zoning district, and staff notes that all of the property in Lexington that is in the P-OS zoning district (see attached Zoning Map) is owned by the City of Lexington, with the exception of a limited number of golf holes owned by the Lexington Golf and Country Club that are zoned P-OS (with the remainder of the golf course and country club being located in Rockbridge County). Since the vast majority of the properties located in the P-OS zoning district are owned by the City, there may be less of a need to amend the Zoning Ordinance to expressly permit concessions in the *Public Park and Recreational Area* use.

If it is determined that there is a need to expressly permit concessions in the *Public Park and Recreational Area* use, concessions could be allowed by either:

1. Amending the *Public Park and Recreational Area* use definition to allow “incidental sales,” and this approach may benefit from a statement that “incidental sales” are distinct from mobile restaurants which are regulated separately, or by
2. Creating a new “concessions use” that would require a new definition, placement in the Use Matrix, and possible development of use and design standards for the new “concessions use.”

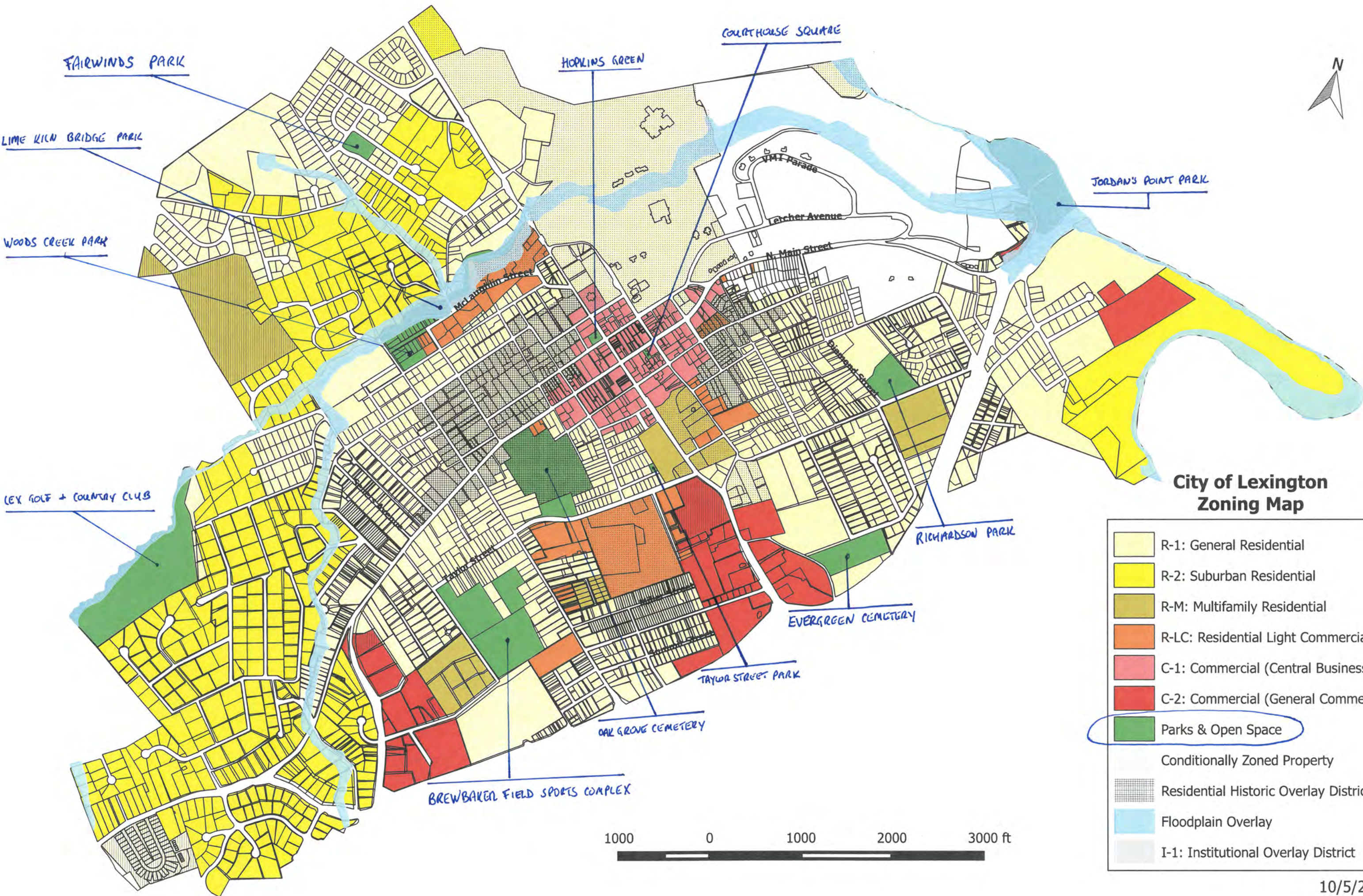
### **MOBILE RESTAURANTS**

The Zoning Ordinance includes use and design standards for Mobile Restaurants which include food trucks, food trailers, and food carts (see attached mobile restaurant supplement). The use and design standards were written to apply to mobile restaurants when they operate on private property or within public spaces and rights of way, but the standards do not apply when a mobile restaurant is operating in conjunction with a special event. This exception was needed to provide additional flexibility during events such as the Community Festival, or Rock the Bridge for example. Other than the events exception, mobile restaurants are currently a by-right use in the R-LC, C-1, and C-2 zoning districts only. If there is a desire to allow mobile restaurants to operate in Jordan’s Point Park (or any other City park), the Zoning Ordinance could be amended by either:

1. Amending the Use Matrix to permit mobile restaurants as a by-right or a conditional use in the P-OS zoning district, or
2. Amending the Mobile Restaurant use and design standards to provide an exemption to mobile restaurants operating in a City-owned park similar to the exemption provided to mobile restaurants operating in conjunction with a temporary, special event.

Of course other alternatives may also exist to allow concessions and mobile restaurants in City parks, and hopefully the materials provided here are a sufficient beginning for the discussion.





	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



## Lexington Zoning Ordinance

## §420-11.3. Commercial Uses.

## 18. Restaurant, mobile.

The following additional requirements apply to sales from a mobile restaurant operating on private property or within public spaces or rights of way, except when operating in conjunction with temporary, special events permitted under applicable sections of the City Code:

- A. Mobile restaurants must obtain a City Mobile Restaurant permit, and must be inspected and approved by the City at least three business days prior to initial operation *and again prior to annual business license renewal*.
- B. Mobile restaurants must maintain a valid business license issued by the City of Lexington and a valid health permit issued by the Virginia Department of Health.
- C. A mobile restaurant may operate on either public property or private commercially zoned property with written permission from the owner.
- D. No items shall be sold other than food and beverages.
- E. No music shall be played that is audible outside of the vehicle.
- F. Mobile restaurant vehicles must park in locations or areas as approved in the City Mobile Restaurant permit, and shall not block i) the main entry drive isles or impact pedestrian or vehicular circulation overall, (ii) other access to loading areas, or (iii) emergency access and fire lanes. The Mobile Restaurant must also be positioned at least fifteen (15) feet away from fire hydrants, any fire department connection (FDC), driveway entrances, alleys and handicapped parking spaces.
- G. A mobile restaurant may operate for a maximum of six hours between 9am and 9pm Sunday to Thursday and between 9am to 11pm Friday and Saturday (including set-up and break-down) in any one day at any single location. The vehicle and all accessory structures shall be removed each day.
- H. No signs may be displayed except 1) those permanently affixed to the vehicle and 2) one, a framed sign not to exceed 4 feet in height and 6 square feet of display for each of the two sides and the sign cannot block any passageways.
- I. Trash receptacles shall be provided and all trash, refuse, or recyclables generated by the use shall be properly disposed of.
- J. No liquid wastes shall be discharged from the mobile restaurant.
- K. No mobile restaurant shall locate within 50 feet of the entrance to a business that sells food for consumption (determined by measuring from the edge of the Mobile Restaurant to the main public entrance of the restaurant) unless permission of the restaurant owner is provided.
- L. No mobile restaurant shall locate within 100 feet of a single family or two-family residential use.

- M. Vehicles may be otherwise limited by the City depending on the location or other details of the Mobile Restaurant permit application.
- N. A mobile restaurant may operate at any farmer’s market held on public or private property, if the food truck vendor is legally parked at the farmer’s market and has received written permission from the farmer’s market manager and displays such written permission upon request.
- O. The operation of the mobile restaurant or use of a generator should not be loud enough to be plainly audible at a distance of one hundred (100) feet away. Excessive complaints about vehicle or generator noise will be grounds for the Administrator to require that the Mobile Restaurant Vendor change location on the site or move to another property.
- P. The requirements of this section shall not apply to Mobile Restaurant Vendors at catered events (events where the food is not sold through individual sales but provided to a group pursuant to a catering contract with a single payer).
- Q. A Mobile Restaurant permit may be revoked by the Zoning Administrator at any time, due to the failure of the property owner or operator of the Mobile Restaurant permit to observe all requirements for the operation of mobile restaurants. Notice of revocation shall be made in writing to address of record for Mobile Restaurant permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.

**§420-20.1. Definitions.**

**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.

**Article III. Use Matrix**

<b>Zoning District</b>	<b>FP, Floodplain Overlay</b>	<b>P-OS, Parks and Open Space District</b>	<b>R-1, Residential General</b>	<b>R-2, Suburban Residential</b>	<b>R-M, Residential Multifamily</b>	<b>R-LC, Residential- Light Commercial</b>	<b>C-1, Central Business District</b>	<b>C-2, General Commercial District</b>
<i>B = By-right uses, C = Conditional uses</i>								
<b>Use Types</b>								
<b>Commercial</b>								
Restaurant, drive-in								B
Restaurant, general							B	B
<b>Restaurant, mobile</b>						<b>B</b>	<b>B</b>	<b>B</b>
Restaurant, small						C	B	B
Specialty Food Shop						B	B	B