

AN ORDINANCE TO AMEND ARTICLES III, IV, VI, XI, XII, XIII, AND XX OF THE CITY OF LEXINGTON ZONING ORDINANCE AS PART OF THE ANNUAL ZONING ORDINANCE UPDATE

WHEREAS, the City of Lexington has an obligation to protect the public health, safety and welfare of their citizens, and

WHEREAS, the Code of Virginia in § 15.2-2200 provides various tools for local governments to address health and safety risks on private property; and

WHEREAS, the Planning Commission has reviewed and updated the City Zoning Ordinance attached herein and has forwarded the documents to the City Council at their March 28, 2024 and April 25, 2024 meeting for approval after properly noticed Public Hearings; and

WHEREAS, in amending its zoning ordinance, the City Council wishes to protect public health, safety, and welfare by (i) providing for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers; (ii) reducing or preventing congestion in the public streets; (iii) facilitating the creation of a convenient, attractive and harmonious community; (iv) facilitating the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (v) protecting against destruction of or encroachment upon historic areas; (vi) protecting against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life, health, or property from fire, flood, impounding structure failure, panic and other dangers; (vii) encouraging economic development activities that provide desirable employment and enlarge the tax base; (viii) providing for the preservation of lands of significance for the protection of the natural environment; (ix) promoting the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and (x) protecting surface water and ground water; all while respecting the fundamental right to private property; and

WHEREAS, The City Council has properly noticed a Public Hearing on August 15, 2024 and received comments from the public with regard to the draft zoning ordinance amendments.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

WHEREAS, the applicable provisions of Title 15.2 of the Code of Virginia and § 420-17 of the Zoning Ordinance pertaining to the procedure by which amendments to the Zoning Ordinance are to be considered have been followed, including, but not limited to, the proper advertisement and notice of public hearings on the proposed amendment, and consideration of the amendment by the Planning Commission with a recommendation forwarded therefrom; and

WHEREAS, the Mayor and City Council have carefully considered the proposed amendments, the recommendation from the Planning Commission and testimony received at public hearings, and find that the proposed amendments are required by public necessity, convenience, general welfare and good zoning practice, consistent with § 15.2-2286(A)(7), and will serve to promote the health, safety and general welfare of the inhabitants of the City;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of the City of Lexington, Virginia, pursuant to their authority, that the following amendments to the City's Zoning Ordinance be adopted:

1.

Article III. Use Matrix § 420-3. *Use Matrix*. of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§420-3. Use Matrix. Residential.

- Amend Dish Antennas
- Dish Antennas (not meeting use and design standards in §420-11.1.3)

2.

Article III. Use Matrix § 420-3. *Use Matrix*. of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§420-3. Use Matrix. Civic

- Cemetery allowed conditionally in P-OS zoning district only.

3.

Article VI. Entrance Corridor Overlay District § 420-6.8. *Design standards*. of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

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

2 **§420-6.8. Design Standards**

3 E. Lighting.

- 4 1. Lighting should be of uniform style for each project site.
- 5 2. Lighting should be contained within the site and meet the exterior
- 6 lighting standards in §420-15.3.
- 7 3. Light poles shall not exceed 25 feet in height.

8

9

4.

10

11

12

13

14

15

Article III. Use Matrix § 420-3. *Use Matrix.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

16

17

18

15 **§420-3. Use Matrix.Commercial.**

Specialty Food Shop is allowed conditionally in the R-LC zoning district and by-right in the C-1 and C-2 zoning districts.

19

20

21

22

Article XX. Definitions § 420-20 *Definitions.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

23

23 **§420-20.1. Definitions.**

24

SPECIALTY FOOD SHOP

25

26

27

28

29

30

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 all odors must be contained within the establishment and specialized equipment may be required to contain the odors.

31

5.

32

33

34

35

36

37

Article XI. Use and Design Standards § 420-11.3. *Commercial Uses* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

38

38 **§420-11.3. Commercial Uses.**

39

12. Home Occupations

40

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

41

42

43

44

45

46

47

- 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.

- 1 F. The type and volume of traffic generated by a home occupation shall be
2 consistent with the traffic generation characteristics of other dwellings in
3 the area.
- 4 G. The home occupation shall not increase the demand on water, sewer, or
5 garbage collection services to the extent that its use combined with the
6 residential use of the dwelling shall not be significantly higher than is
7 normal for residential uses.
- 8 H. The equipment used by the home-based business and the operation of the
9 business shall not create any noise, vibration, heat, glare, dust, odor or
10 smoke discernible at the property lines or use or store hazardous materials
11 in excess of quantities permitted in residential structures.
- 12 I. The operator of a home occupation use shall secure a City business
13 license, and obtain a home occupation use permit.
- 14 J. Approval of a home occupation use shall be revocable at any time by the
15 City because of the failure of the owner or operator of the use covered by
16 the approval to observe all requirements of law with respect to the
17 maintenance and conduct of the use and all conditions imposed in
18 connection with the approval.
- 19 K. Approval of a home occupation use shall stand revoked, without any
20 action by the City, if the use authorized has been intentionally abandoned,
21 has ceased for a period of one year, has not commenced within one year
22 of approval, or does not have a current business license.
23

6.

Article XIII. Signs § 420-13.5. *Sign Standards: C-1 Zoning District.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§420-13.5. Sign Standards: C-1 Zoning District (Table)

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

Article XIII. Signs § 420-13.6. *Sign Standards: C-2 Zoning District.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

1 **§420-13.6 Sign Standards: C-2 Zoning District (Table)**

| Maximum Sign Dimensions: C-2 Zoning District | | | |
|---|---|--|-------------------------------|
| Sign Type | Number | Area (Sq. Ft.) | Height (Ft.) |
| Window | Not limited | Lesser of 20% of window area or 6 Sq. Ft. | Not limited |
| Freestanding | 1 per street frontage, limit 2 per lot | 25 | 15 |
| Projecting | 1 per business per street frontage | 12 | No less than 9 |
| Wall | 1 per business per street frontage | 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) ¹ | Not limited | 8 | 4 |
| Total sign calculation | Any business in C-2 shall be limited to displaying no greater than 2 sq. ft. of signage per foot of business frontage | | |
| Maximum sign allowance | In no case shall any business display greater than 100 sq. ft. of signage per building street frontage | | |

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

7.

Article XX. Definitions § 420-20 *Definitions.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§420-20.1. Definitions.

Delete definition for Industry, Light

INDUSTRIAL, 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),

1 pharmaceuticals or optical goods, bicycles, any other product of a similar
2 nature.

3
4 **8.**

5
6 Article XI. Use and Design Standards § 420-11.3.2 *Bed-and-breakfast*. of
7 the Lexington City Code, to be amended by the addition of the following terms
8 and associated definitions, to be incorporated in said Section in their respective
9 alphabetical order:

10
11 **§420-11.3. Commercial Uses.**

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

13 O. Whenever there are guests on the property, the owner of a bed-and-
14 breakfast establishment must reside on the property, or alternatively, the
15 owner(s) may live on an immediately adjacent parcel.

16
17 **9.**

18
19 Article XII. Off-Street Parking and Loading Requirements. § 420-12.3.
20 *Location in relation to use*. of the Lexington City Code, to be amended by the
21 addition of the following terms and associated definitions, to be incorporated in
22 said Section in their respective alphabetical order:

23
24 **§420-12.3. Location in relation to use.**

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

36
37 **10.**

38
39 Article XX. Definitions § 420-20 *Definitions*. of the Lexington City Code, to
40 be amended by the addition of the following terms and associated definitions, to
41 be incorporated in said Section in their respective alphabetical order:

42
43 **§420-20.1. Definitions.**

44 **STORY, HALF**

45 A space under a sloping roof, which has the line of intersection of roof
46 decking and wall face not more than five feet above the top floor level.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

11.

Article III. Use Matrix § 420-3. *Use Matrix.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical and numerical order:

§420-3. Use Matrix.Residential.

Chickens¹ allowed as a by-right use in every zoning district.

¹the 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

12.

Article XI. Use and Design Standards § 420-11.3.22 *Short Term Residential Rental.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§420-11.3. Commercial Uses.

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.

13.

Article IV. Zoning District Regulations § 420-4.2. *Areas and yards.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§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: Fences and walls may be permitted in any required yard, provided that no fence or wall 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.

14.

Article XX. Definitions § 420-20 *Definitions.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§420-20.1. Definitions.

Delete definition for Gasoline Station

VEHICLE FUELING STATION

An establishment engaged in the retail sale of motor vehicle fuel that is stored and/or dispensed 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. of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§420-3. Use Matrix.Commercial.

Replace Gasoline Station use with Vehicle Fueling Station use.

Article XI. Use and Design Standards § 420-11.3.11 *Gasoline Station.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§420-11.3. Commercial Uses.

Replace Gasoline Station use with Vehicle Fueling Station use and reorder use and design standards accordingly.

Article XII. Off-Street Parking and Loading Requirements. § 420-12.6. *Design standards.* of the Lexington City Code, to be amended by the addition of the following terms and associated definitions, to be incorporated in said Section in their respective alphabetical order:

§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

1 station for electric vehicles. Such stations may be reserved for electric
2 vehicles and may also count toward minimum off-street parking
3 requirements.
4

5 **15.**

6
7 Article XIII. Signs. § 420-13.3. *Exemptions.* of the Lexington City Code, to
8 be amended by the addition of the following terms and associated definitions, to
9 be incorporated in said Section in their respective alphabetical order:
10

11 **§420-13.3. Exemptions.**

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

- 14 I. Fuel pumps and electric vehicle charging stations with not more than 2
15 square feet of signage per pump or charger.
16

17 **16.**

18
19 Article III. Use Matrix. of the Lexington City Code, to be amended by the
20 addition of the following terms and associated definitions, to be incorporated in
21 said Section in their respective alphabetical order:
22

23 **§420-3. Use Matrix.Commercial.**

24 Restaurant, mobile allowed by-right in the R-LC, C-1, and C-2 zoning
25 districts and by-right⁵ in the P-OS zoning district.
26

27 ⁵ Mobile Restaurants only allowed in Jordan’s Point Park, Richardson Park
28 and Brewbaker Field Sports Complex and with a written agreement with
29 the City of Lexington.
30

31 Article XI. Use and Design Standards § 420-11.3.18 *Restaurant, Mobile.* of
32 the Lexington City Code, to be amended by the addition of the following terms
33 and associated definitions, to be incorporated in said Section in their respective
34 alphabetical order:
35

36 **§420-11.3. Commercial Uses.**

37 18. Restaurant, mobile.

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

42 C. A mobile restaurant may operate:

- 43 1. on public, commercially zoned property,
44 2. private, commercially zoned property with written permission from the
45 owner, or
46 3. in Jordan’s Point Park, Richardson Park or Brewbaker Field Sports
47 Complex with a written agreement with the City of Lexington.

8/15/2024

1
2
3
4
5
6
7
8
9
10
11
12
13
14

I. Trash receptacles shall be provided, and all trash, refuse, or recyclables generated by the use shall be properly disposed of off-site by the Mobile Restaurant operator.

Adopted and Effective this the 15th day of August, 2024.

Approved: Marilyn Alexander
Marilyn Alexander, Vice Mayor

Attest: Jani L. Hostetter
Jani L. Hostetter, Clerk