

LEXINGTON PLANNING COMMISSION

October 12, 2023 - 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 September 28, 2023*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. EC COA 2023-05: An application by Gia Delgato for a Certificate of Appropriateness for new signage for Lewis Gale at 539 E. Nelson Street (Tax Map #30-7-9), owned by 539 East Nelson Street LLC.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - B. ZOA 2023-01: Annual Zoning Ordinance Amendments. Accessory Dwelling Units (A.D.U).
 - 1) Staff Report*
 - 2) Public Comment
 - 3) Commission Discussion & Decision
- 6. OTHER BUSINESS**
 - A. Discussion of November and December meeting schedule
 - B. Zoning and Planning Report – If applicable
 - C. 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, September 28, 2023 – 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: Jon Eastwood
Mary Stuart Harlow
Leslie Straughan, Council Liaison

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

Absent: John Driscoll
Gladys Hopkins
Shannon Spencer, Vice-Chair

CALL TO ORDER

Chair Bradley called the meeting to order at 5:00 p.m.

AGENDA

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

MINUTES

The minutes from the September 14, 2023 meeting were unanimously approved as presented. (L. Straughan / M. S. Harlow)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. PS 2023-05: An application by the City of Lexington proposing a preliminary subdivision plat (boundary line adjustment) for 140 Evergreen Place (Tax Map # 31-1-1) and Evergreen Cemetery, (Tax Map # 25-1-9), owned by the City of Lexington.

1) Staff Report and Applicant Statement –

The City purchased the property owned by Dr. Knox at 140 Evergreen Place (TM #31-1-1) with the intention of having most of the property dedicated to the expansion of the adjacent Evergreen Cemetery (TM #25-1-9). The Commission was being asked to make a recommendation on a proposed boundary line adjustment between the parcels to increase the size of the cemetery parcel and reduce the size of the parcel containing the single-family dwelling. Director Glaeser stated that, though the staff report did not make it clear, both resulting parcels would comply with all lot requirements the zoning district. He noted staff recommended approval of the preliminary plat.

P. Bradley asked if new fencing would be installed and whether that should have any bearing on the Commission's decision. A. Glaeser said his understanding was that the City Manager intended to involve the Cemetery Advisory Board in making decisions about

those types of improvements to the property, but confirmed such improvements did not need the attention of the Planning Commission. He alerted the Commission to the fact that there had been an oversight when the Use Matrix was adopted whereby cemeteries are not a permitted use in the Parks and Open Space (P-OS) zoning district. Because both cemeteries are zoned P-OS, that issue would need to be addressed in the next round of zoning text amendments. However he assured the Commission that the property subject to this application was zoned R-1, and cemeteries are a by-right use in the R-1 zoning district.

M. S. Harlow asked why the application was a request for a boundary line adjustment in a subdivision when there was no subdivision involved. A. Glaeser explained that it was the subdivision ordinance, rather than the zoning ordinance, that controlled boundary line adjustments and vacations.

- 2) Applicant Statement – On behalf of the City, Director Glaeser requested the Commission recommend approval of the application.
- 3) Public Comment – None
- 4) Commission Discussion & Decision – **L. Straughan moved to approve Preliminary Subdivision application PS 2023-05 for the adjustment of boundary lines between 140 Evergreen Place (Tax Map #31-1-1) and Evergreen Cemetery (Tax Map #25-1-9), in accordance with the Plat Showing Boundary Line Adjustment of the Lands of the City of Lexington completed by Timmons Group and submitted by the applicant. J. Eastwood seconded and the motion passed unanimously. (4-0)**

B. EC COA 2023-04: An application by Kimberly Hostetter for a Certificate of Appropriateness for new signage for the Harmony Home Team by EXP Realty office at 637 A Waddell Street, (Tax Map # 35-1-1), owned by H+C Rental, Inc.

- 1) Staff Report – Director Glaeser reminded the Commission that it had approved several signs proposed in this application during its last meeting, but had deferred its decision on the proposed free-standing sign and had asked for additional details. He noted the applicant had since provided those additional sign and frame details, and those could be found in the packet. He noted the proposed frame was a typical sign with two posts with an inset panel containing a directional sign in similar color and design as the previously approved signs. The free-standing sign would be located lower on the parcel, on the left side of the entrance from Waddell Street. He stated the sign met the zoning requirements.
- 2) Applicant Statement – Applicant Kimberly Hostetter was present. She confirmed the sign would be double-sided, with the same design on each side, and that the owner of the parcel was aware and supportive of the request.
- 3) Public Comment – None
- 4) Commission Discussion & Decision – Responding to a question from M. S. Harlow, A. Glaeser said only one free-standing sign was permitted per parcel and that it would be up to the property owner to decide how to handle a request from another tenant on the parcel to install a free-standing sign. The property owner would have the option of requesting approval of a multi-tenant free-standing sign in the future if desired. **L. Straughan moved to approve the Entrance Corridor Certificate of Appropriateness for the free-**

standing, 2' by 3' directional sign as proposed by the applicant. M. S. Harlow seconded and the motion passed unanimously. (4-0)

C. CUP 2023-02: An application by Lorelei Pisha requesting approval of a conditional use permit to allow an educational facility/family home daycare at 10 N. Lewis Street, (Tax Map #25-4-B & 25-4-C), owned by Lorelei and Jonathan Pisha.

- 1) Staff Report – After summarizing the history of this request, A. Glaeser reported the applicant had withdrawn the application and was looking for commercially zoned space. He said he had received a written request from the applicant and the file would be closed.

OTHER BUSINESS

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

- The Board of Zoning Appeals met on September 18th to consider an appeal of his determination, as Zoning Administrator, that a short term rental registration could not be issued for a property on Diamond Street because it was not the applicants' primary residence. The Board found he had erred in making his determination by giving too much weight to the fact that the applicants had not provided tax returns specifying the Diamond Street address as their primary residence and voted to uphold the appeal.
- VDOT recently advised the City that the TAP grant application for improvements related to the Bike/Ped Plan would need to be amended. The original proposal was to seek funding for improvements along Waddell Street from S. Main to Houston Streets. The scope of improvements being sought in the amended application include those between S. Main and Wallace Streets only.
- Staff has begun working on two code amendments. One would amend the Future Land Use map for the S. Main Street opportunity area that mistakenly includes a portion of Maple Lane. The other would amend the subdivision ordinance to simplify the requirements for boundary line adjustments and vacations so as not to require approval by City Council.

- B. Key Annual PC Milestones – Chair Bradley requested a discussion of the Commission's goals and priorities for the next year be added to the agenda for the next meeting, to be taken up after the public hearing if time allowed.

CITY COUNCIL REPORT

L. Straughan reported that at its last meeting City Council had a presentation by Davenport concerning a sustainable capital funding strategy for the City. The City is in good economic shape but does have major projects coming up including the renovations to the high school and necessary upgrades to the water treatments facilities. Davenport recommended the City get a credit rating, in order to get better borrowing rates, and to identify a funding source, equivalent to a 2% increase on the current property tax rate, to put toward major capital projects. She indicated the credit rating was being pursued and the second item would be discussed during the next round of budgeting. Council also discussed the contract for the VDOT property and will hold a public hearing on the contract during the October 5th meeting.

ADJOURN

The meeting was adjourned at 5:30 p.m. with unanimous approval. (L. Straughan / J. Eastwood)

P. Bradley, Chair, Planning Commission

Project Name	New signage for Lewis Gale
Property Location	539 E. Nelson Street
Zoning	Entrance Corridor Overlay District (EC), Commercial Shopping Centers (C-2) zoning district
Owner/Applicant	539 East Nelson Street LLC / Gia Delgato with Budget Signs

OVERVIEW OF REQUEST

This is a request for approval of Lewis Gale branded signs at 539 E. Nelson Street. The subject parcel is located in the Commercial Shopping Centers (C-2) zoning district and in the Entrance Corridor Overlay District (EC). The request includes one existing monument sign and two existing wall signs that were refaced with Lewis Gale branded panels without permits, as well as a new 96" x 75" monument sign to be installed along E. Nelson Street. The new monument sign will feature two, backlit 86.75" x 44.75" acrylic panels with Lewis Gale branding on a white background mounted on a blue (PMS654) aluminum base featuring the address in white text.

Photographs of the existing signs and additional sign details for the proposed new monument sign are included in the application materials.

location map



photograph of Nelson Street elevation (location proposed for new monument sign)



APPLICABLE ZONING DISTRICT SECTIONS

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

APPLICABLE SIGNAGE REGULATIONS

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

Section 420-13.6 of the sign regulations allow any business located within a C-2 zoning district to display no greater than 100 square feet of signage per building street frontage and individual signs are limited in their size and placement according to the table included in Section 420-13.6. The existing and proposed signage does not exceed 100 square feet of signage per building street frontage.

Section 420-13.9 requires illuminated signs to be illuminated in such a way that light does not shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit zoned R-1, R-2, or R-M. The subject parcel is surrounded by parcels in the C-2 zoning district and none of the installed signs nor the proposed, freestanding monument sign along E. Nelson Street will cause light to shine into on-coming traffic or shine directly into a residential dwelling unit zoned R-1, R-2, or R-M.

APPLICABLE ENTRANCE CORRIDOR REGULATIONS

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

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

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

B. Signage.

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

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

STAFF RECOMMENDATION

Staff recommends approval of the proposed Lewis Gale signage packet at 539 East Nelson Street because the installed and proposed signage meets the zoning criteria.

SUGGESTED MOTION

I move to approve/deny the Entrance Corridor Certificate of Appropriateness application EC COA 2023-05 for the previously refaced signs and the new monument sign at 539 East Nelson Street as proposed by the applicant.



www.lexingtonva.gov

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

SIGN PERMIT APPLICATION

Applicant¹
 Name: Gia Delgado - Permit Specialist Phone: 540-362-2043
Tight Lines Holdings Group Inc. d/b/a
 Company: Budget Signs / Fast Signs Fax: _____
 Address: 5148 Williamson Rd Email: gia@budgetsignsllc.com
Roanoke VA 24012
 Applicant's Signature: Gia W. Delgado Date: 4/6/12

Property Owner 539 East Nelson Street LLC
 Name: Lewis Gale Phone: _____
 Address: 539 E. Nelson St. Email: _____
 Owner's Signature: _____ Date: _____

Sign Contractor -same as applicant
 Name: _____ Phone: _____
 Company: _____ Fax: _____
 Address: _____ Email: _____

Proposal Information²
 Address (or location description): 539 E. Nelson St
 Tax Map: 3079 Deed Book and Page #: _____
 Acreage: 0.302 Zoning (attach any existing conditions or proffers): new C-2
 Property Doing Business As: Commercial - Lewis Gale Physicians
 Overlay District:
 Historic (requires Architectural Review Board review and approval)
 Entrance Corridor (requires Planning Commission review and approval)
 None (requires Planning and Development Department review and approval only)
 1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
 2. Any application deemed incomplete by staff will not be accepted.

*Fees Non Refundable



www.lexingtonva.gov

Planning & Development Department

P.O. Box 922

300 East Washington Street

Lexington, Virginia 24450

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

Sign Information

Revised per comments
added 9/20/23

	<u>Sign Type</u>	<u>Square Feet</u>	<u>Width</u>	<u>Height</u>
Sign 1	monument	52	96"	~18"
Sign 2	Reface only monument	18 sqft.	6'	3'
Sign 3	Refaced existing wall signs - no change in size			

Street Frontage (width) of business space in feet _____

Street Frontage (width) of building in feet _____

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

Existing signage

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

Width _____ Height _____

Width _____ Height _____

2 wall signs we refaced

+ 1 monument we refaced in back

If a projecting sign, clearance from sidewalk: _____ feet

I attached all pics.

What materials will be used? _____

Will the sign be illuminated? Yes No

See attached rendering

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

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

*NOTE: per conversation w/ Arne on 9/20/23 we can change black part of proposed new monument sign top & side from black color to Blue - PMS 634 C Blue Satin



www.lexingtonva.gov

Planning & Development Department

P.O. Box 922

300 East Washington Street

Lexington, Virginia 24450

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$50 Amount Paid: _____ Case Number: _____ - _____ - _____

Date Received: _____ Received By: _____

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

Approved

Denied

Comments: _____

Planning and Development Director

Date

Action by Planning Commission (Entrance Corridor Signs)

Approved

Denied

Comments: _____

Chairperson, Planning Commission

Date

Action by Architectural Review Board (Historic District Signs)

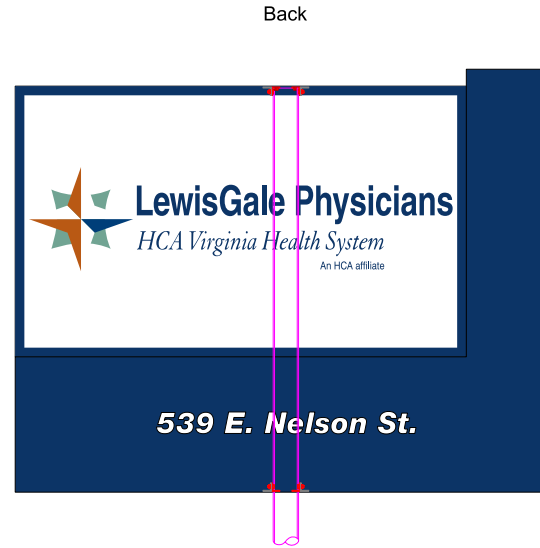
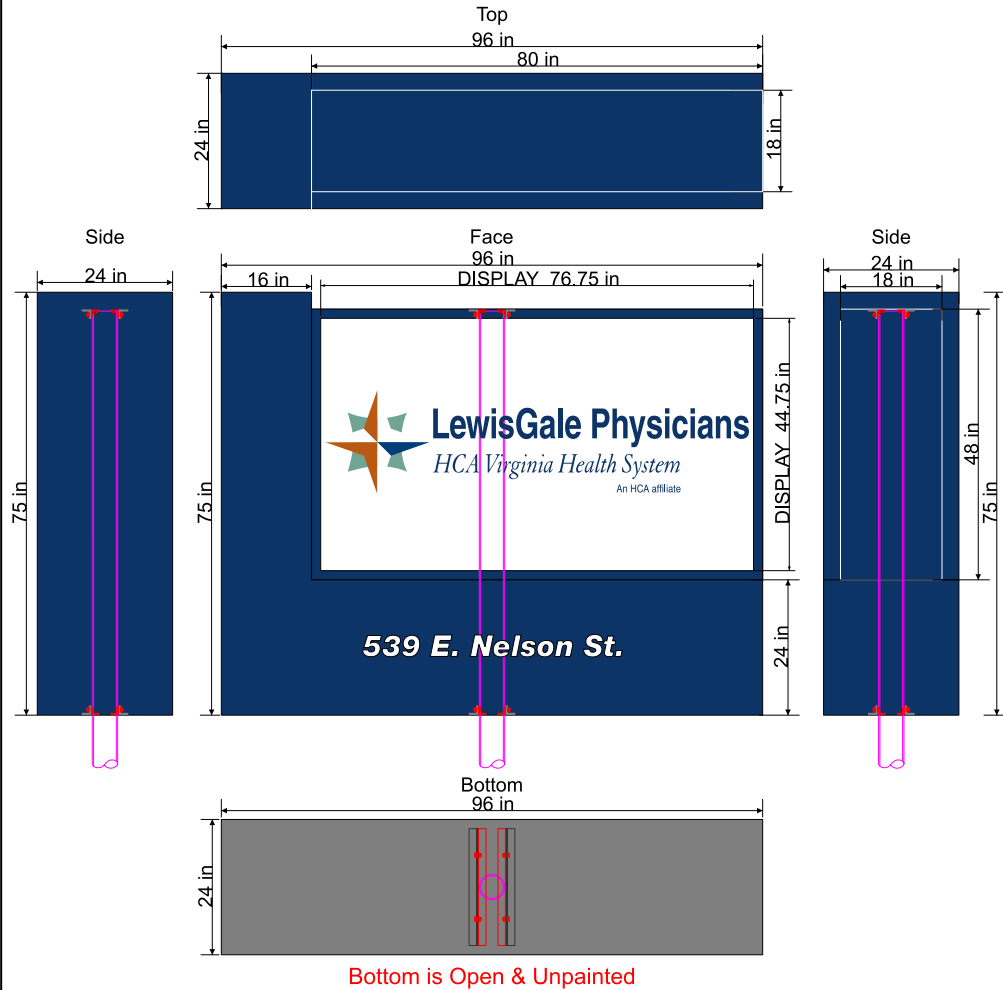
Approved

Denied

Comments: _____

Chairperson, Architectural Review Board

Date



D/F Illuminated Monument Sign
Qty x1
UL Listed: Yes / 100-277 Volt / Exterior

Frame: 1.50"x1.50"x.125" aluminum angle

Retainer: Signcomp 1944 2 Part Retainer

Cladding: .080" MF Aluminum
--Epoxied to Frame

Faces: .150" White Polycarbonate with Digitally Printed Graphics

Lighting: White LEDs

Mounting:
--Saddle mount to accommodate existing 4" schedule 40 steel pipe
--saddle mount: 1.50"x1.50"x.188" steel angle

Exterior Sign: 1/4" drain holes along bottom
--all horizontal cladding and raceways to have drain holes
--all drain holes to be free from burrs & debris

Lift Point: 2- 1/2" lift point locations
--1/2-13 nut epoxied to frame

Job Number: 103010
Job Name: LEWIS GALE MONUMENT LEXINGTON VA
Customer: Budget Signs
Salesman: Rafael Quintanilla
Engineer: Mark R.

Graphics:

Applied Vinyl

Paint

Eradicated

RF Weld

Digital Print

Plasti-Print

RTA Vinyl

Vinyl - Applied to Pole Skirt

A6/001 White Opaque

Print - Applied to Aluminum Face

PMS 654 C Blue (Copy)

LOGO Print From File (No Color Match)

Paint

PMS 654 C Blue, satin

Quantity:

(1) D/F Illuminated Monument Sign



Customer Approval

Date

From: [Arne Glaeser](mailto:Arne.Glaeser)
To: gia@budgetsignsllc.com
Cc: [Kate Beard](mailto:Kate.Beard)
Subject: RE: RE: FW: RE: Lewis Gale Monument
Date: Friday, September 22, 2023 10:13:07 AM

Gia,

Good morning.

1. Could you please provide an electronic copy of the shop drawings? I cannot read the notes on the scanned version.
2. Previously I asked what will the top and side edges of the white, backlit portion be made of and what color? You responded "faces acrylic, rest is aluminum" which did not fully answer my question. The shop drawings seem to indicate the top will be black and that the side facing E. Nelson Street will be black. Is that correct? I am first, trying to determine if light will emanate from the side of the side that is facing E. Nelson Street, and second I am trying to understand what color will be utilized on the side facing E. Nelson Street if it is not backlit. If the side is black, why black because the black color is not present anywhere else.
3. Previously I asked that you provide details for the existing freestanding sign along Walker Street that had panels installed without permits. You replied "see attached," but there is no attachment or photograph showing the existing sign along Walker Street. Do you intend to remove the existing sign and replace it with one that is similar to the proposed monument sign along E. Nelson Street? The application only indicates one monument sign.
4. Previously I asked that you include on the permit application all other signs that are on the property and your revision does not provide this required information. Please provide photographs or drawings of all existing signage so that the Planning Commission can determine whether the proposed sign reflects a consistent style and color scheme. Your statement that they are coordinated to have same look/branding is insufficient and does not meet the application requirements.
5. Previously I requested the property owner sign the application and your revision still does not include the property owner's signature. Please have the owner sign the application.

Please let me know if you have any further questions.

Thanks,

Arne

540.462.3730

From: gia@budgetsignsllc.com [mailto:gia@budgetsignsllc.com]
Sent: Thursday, September 21, 2023 5:23 PM
To: Arne Glaeser <aglaeser@lexingtonva.gov>
Subject: FW: RE: FW: RE: Lewis Gale Monument
Importance: High

Please see attached answers to review questions and shop detail for sign.

Regards,

Gia Delgato

Office Manager
Budget Signs

Office-540-362-2043 xt1001
Cell-540-520-2716

-----Original Message-----

From: "gia@budgetsignsllc.com" <gia@budgetsignsllc.com>
Sent: Thursday, September 21, 2023 4:30pm
To: "gia@budgetsignsllc.com" <gia@budgetsignsllc.com>
Cc: aglaeser@lexingtonva.gov
Subject: RE: FW: RE: Lewis Gale Monument

see attached

-----Original Message-----

From: "gia@budgetsignsllc.com" <gia@budgetsignsllc.com>
Sent: Friday, September 8, 2023 3:15pm
To: aglaeser@lexingtonva.gov
Subject: RE: FW: RE: Lewis Gale Monument
see attached

-----Original Message-----

From: "Arne Glaeser" <aglaeser@lexingtonva.gov>
Sent: Friday, January 6, 2023 2:56pm
To: "gia@budgetsignsllc.com" <gia@budgetsignsllc.com>
Cc: "Kate Beard" <kbeard@lexingtonva.gov>
Subject: RE: Lewis Gale Monument

Gia,

Good afternoon. The proposed sign appears to meet the height and display area requirements for the C-2 zoning district. There are however a number of items needed to complete the application.

1. What is the blue portion of the sign made of? **Aluminum** Please provide the type of material and the specific name of the blue color. **-PMS654**
2. I suspect only the white portion of the proposed sign will be back lit, is that correct? **YES**
3. The sign base is 2 feet wide. Will the white, backlit portion of the sign also be 2 feet in depth? **YES**
4. What will the top and side edges of the white, backlit portion be made of and what color? **faces are acrylic the rest is aluminum**

5. There is another monument sign on the Walker Street side and the panels were replaced in that sign without permits. Please submit details for those panels to be included with this permit application. **Arne said he was not worried about these**
6. The permit application requires you to list the sizes of other signs already on the property. The Planning Commission needs to determine whether the proposed sign reflects a consistent style and color scheme, so please provide photographs or graphics of the existing monument sign along Walker Street as mentioned above and for the wall signs above the entrance door facing the parking lot.--**see attached**
7. The sign permit application fee will be doubled because the sign panels on Walker Street were installed without approval so the total fee will be \$120 instead of \$60. Please remit a check made out to Treasurer, City of Lexington.
8. The application will require the property owner's signature.

Our permit fees were increased to \$60 for sign applications and the updated application is attached for your future use. Please let me know if you have any questions.

Thanks,

Arne

540.462.3730









41 MILE
SQUARE

Multiple signs on a grassy hillside, including a red sign with a white star and a white sign with a grid of text.

Draft Accessory Dwelling Unit ordinance language (10.12.2023)

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>								
Use Types								
Residential								
Accessory apartment Dwelling Unit - Attached			B	B	B	B	B	
Accessory Dwelling Unit - Detached			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Dish Antennas (not meeting use and design Standards in §420-11.1.1)			C	C	C	C		
Family Health Care Structure, temporary			B	B	B	B		
Fraternity/Sorority House, University Administered			C		C			
Group home			B	B	B	B		
Guest room			B	B	B	B		
Live-work dwelling					B	B	B	B
Multi-family dwelling					B	C	B ¹ , C ²	
Single-family dwelling, attached			B	B	B	B		
Single-family dwelling, detached			B	B	B	B		
Townhouse					B	B	B	C
Two-family dwelling			B		B	B		

§420-4.6. Lot Requirements.

Zoning District	Lot Area	Lot Width	Building Height	Front Yard	Side Yard	Rear Yard
R-1	8,000 sq. ft.; 12,000 sq. ft. for two-family dwellings	60 feet; 80 feet for two-family dwellings	35 feet; up to 45 feet w/30 foot side yard plus 1 foot for each additional foot over 35 feet; 25 feet for detached accessory dwelling units ¹	15 feet	10 feet ¹	25 feet for main buildings; 5 feet for accessory buildings; Detached accessory dwelling units – 15 feet, or 10 feet when abutting an alley ¹
R-2	15,000 sq. ft.	80 feet	35 feet; up to 45 feet w/30 foot side yard plus 1 foot for each additional foot over 35 feet; 25 feet for detached accessory dwelling units ¹	25 feet	15 feet ¹	25 feet for main buildings; 5 feet for accessory buildings; Detached accessory dwelling units – 20 feet, or 10 feet when abutting an alley ¹
R-M	8,000 sq. ft.; Two-family dwellings-12,000 sq. ft.; Multi-family-10,000 sq. ft. plus 1,500 sq. ft. for each unit in excess of 4; Townhouses - 2,400 sq. ft. per unit	60 feet; Two-family dwellings-80 feet; Townhouses-20 feet each unit; Multi-family-100 feet	45 feet; 25 feet for detached accessory dwelling units ¹	25 feet	10 feet; 20 feet for multi-family	25 feet; 30 feet for multi-family
R-LC	Residential use: 8,000 sq. ft.; Two-family dwellings-12,000 sq. ft.; Multi-family-10,000 sq. ft. plus 1,500 sq. ft. for each unit in excess of 4; Townhouses - 2,400 sq. ft. per unit; Non-residential: 8,000 s.f.	Residential uses: 60 feet; Two-family dwellings-80 feet; Townhouses-20 feet each unit; Multi-family-100 feet; Non-residential: 60 feet	35 feet, except dwellings may be increased up to 45 feet, provided that each side yard is 20 feet, plus at least one foot for each additional foot of building height over 35 feet; 25 feet for detached accessory dwelling units ¹	25 feet	Residential uses: 10 feet, or 20 feet for multi-family Non-residential: 10 feet	Residential uses: 25 feet, or 30 feet for multi-family Non-residential: 25 feet

Zoning District	Lot Area	Lot Width	Building Height	Front Yard	Side Yard	Rear Yard
C-1	None	None	45 feet; public and governmental buildings up to 60 feet w/CUP	None	10 feet when abutting a residential district	10 feet when abutting a residential district
C-2	None	None	45 feet	30 feet	30 feet when abutting a residential district	30 feet when abutting a residential district
PD-MU	3 acres		see §420-5.10		for setbacks see §420-5.9	
POS	0 sq. ft.	0 feet	15 feet; 35 feet if ≥ 10 feet from a property line	5 feet ²	5 feet ²	5 feet ²

¹Standards for accessory dwelling units located in legal nonconforming accessory buildings can be found at §240-11.1.8.

²Structures located in designated cemeteries and designed to contain human remains, such as but not limited to, mausoleums, columbaria, crypts, and niche walls, are not subject to P-OS yard setback regulations.

§420-11.1. Residential Uses.

1. Accessory Dwelling Unit (ADU).

- A. Purpose. In Lexington, accessory dwellings are intended to provide additional housing options. Accessory dwelling units (ADUs) can benefit households with changing-family structures. ADUs also could generate supplemental income to homeowners, helping increase housing affordability for renters and owners alike. In addition, these provisions are provided to formally recognize previously established apartments and provide for improved safety and physical appearance.

-or-

Purpose. In Lexington, accessory dwellings are intended to provide additional housing options. Accessory dwelling units (ADUs) increase options for households with changing-family structures, and they can generate supplemental income to homeowners, helping increase housing affordability for owners and renters alike. These requirements formally recognize previously established apartments, and they provide for improved safety and physical appearance.

- B. Definitions. The following words and phrases, as used in this subsection, shall have the following meanings:

“Accessory Dwelling Unit - Attached” means a complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than 2 persons for living purposes, and meeting the standards of §11.1.1. Accessory dwelling units are clearly incidental and subordinate to, and remain under the same ownership as the main dwelling on the lot. When contained within the principal structure of a single-family dwelling, such accessory dwelling unit constitutes an “attached accessory dwelling unit,” for which a separate entrance and street address are required.

“Accessory Dwelling Unit - Detached” means a complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than 2 persons for living purposes, and meeting the standards of §11.1.1. Accessory dwelling units are clearly incidental and subordinate to, and remain under the same ownership as the main dwelling on the lot. When contained in a separate, fully detached structure from the principal structure of a single-family dwelling, such accessory dwelling unit constitutes a “detached accessory dwelling unit,” for which a separate street address is required.

- C. General standards. Accessory Dwelling Units shall be subject to the following minimum standards:

1. No more than one ADU shall be allowed per parcel containing a primary dwelling.
2. Accessory dwelling units must comply with all applicable and current building code regulations.
3. The parcel must meet the minimum lot size for the zoning district.
4. Accessory dwelling units may be created within or attached to an existing primary dwelling located on a lot that is smaller than the minimum lot size provided the primary dwelling is a legal nonconforming use, and provided the lot is a lot of record.
5. The owner of the principal building or lot shall be the occupant of the principal dwelling or of the accessory dwelling unit.
6. The separate sale of an accessory dwelling unit is prohibited.
7. Only one short term rental registration shall be allowed per parcel.
8. Allowable square feet for accessory dwelling units shall be calculated as the sum of the total horizontal areas of all floors of the building, measured from the interior faces of exterior walls. Rooms with structural headroom of less than 6’ 6” shall not be counted, nor shall garage space, provided the area of the garage does not exceed the counted floor area. Covered porches, decks, balconies, etc. shall not be

counted unless they are enclosed, but shall not exceed 50 percent (50%) of the area of the counted floor area.

9. Any accessory dwelling units shall comply with the following parking requirements:
 - a. If no parking spaces exist prior to an application for approval of an ADU, 1 off-street space shall be created, provided, however, that if an applicant can demonstrate to the Zoning Administrator that adequate on-street parking exists on the block on which the main dwelling is located, such new space may not be required.
 - b. Where either 1 or 2 spaces exist prior to the issuance of the accessory dwelling permit, all such space(s) shall be maintained.
 - c. Where more than 2 spaces exist prior to issuance of the accessory dwelling permit, at least two spaces shall be maintained.
 10. An accessory dwelling unit cannot be constructed without the primary dwelling existing on the parcel.
- D. Accessory Dwelling Unit – Attached standards. Attached Accessory Dwelling Units shall be subject to the following additional standards:
1. The gross floor area of an attached accessory dwelling unit may not exceed fifty (50) percent of the gross floor area of the principal structure in which it is located.
 2. No attached accessory dwelling unit with an entrance above the first floor shall have exterior stairs to that entrance on the side of the lot fronting a street. Accessory dwelling units facing an alley as determined by the Zoning Administrator may have external stairs on the side of the lot facing the alley.
- E. Accessory Dwelling Unit – Detached standards. Detached Accessory Dwelling Units shall be subject to the following additional standards:
1. The gross floor area of a detached accessory dwelling unit may not exceed sixty (60) percent of the gross floor area of the primary dwelling on the property nor more than the total of 1,000 square feet. Notwithstanding the sixty (60) percent requirement, a detached accessory dwelling unit may be at least 600 square feet in size but may also be smaller at the property owner’s discretion.
 2. Detached accessory buildings containing accessory dwellings shall exceed neither 25 feet in nor 2 stories in height.
 3. Any detached accessory building approved after (the date of the adoption of this ordinance), containing an accessory dwelling shall comply with setbacks as follows:
 - a. For lots in the R-1 zoning district, the nearest wall of the accessory building shall not be located closer than ten feet to a side lot line or fifteen feet to a rear lot line;
 - b. For lots in the R-2 zoning district, the nearest wall of the accessory building shall not be located closer than fifteen feet to a side lot line or twenty feet to a rear lot line; and
 - c. When the rear lot line runs along an alley, the minimum rear yard setback for a detached accessory dwelling unit shall be ten feet.
 4. No detached accessory dwelling unit with an entrance above the first floor shall have exterior stairs to that entrance on the side of the lot fronting a street unless the accessory building was built prior to (the date of the adoption of this ordinance).
 5. A detached accessory dwelling unit located in the Residential Historic District must be reviewed by the Architectural Review Board for consistency with the Historic District Design Guidelines.

6. An accessory building in which the accessory dwelling unit is located shall not be required to be separately metered for utilities from the principal single family home.
 7. A modular dwelling affixed to a permanent foundation may be used as an accessory dwelling unit in any zoning district in which an accessory dwelling unit is permitted.
 8. Detached nonconforming accessory buildings existing prior to *(the date of the adoption of this ordinance)*, may be altered structurally or non-structurally, in accordance with all requirements of Article 16, to create an accessory dwelling provided the detached accessory dwelling unit can meet the following additional requirements:
 - a. A nonconforming structure shall not be extended or enlarged.
 - b. The maximum square footage of the detached accessory dwelling unit may not exceed that of the main dwelling.
 - c. Fenestration, including bay window encroachments, or mechanical/HVAC units must be at least 5 feet from the property line and in accordance with Section 420-4.2 unless it is located on a wall facing an alley or side street.
 - d. Exterior doors must be at least 5 feet from the property line adjacent to an alley or side street and at least 10 feet from the property line in all other cases.
 - e. There is no maximum height limit on a nonconforming accessory structure to be used as a detached accessory dwelling unit, however no additional height may be added to such a structure.
 - f. Except as otherwise provided in Section 420-16-1.C, a nonconforming accessory building may be changed to the accessory dwelling use in compliance with the standards contained in this section.
- F. Administration.
1. Illegal accessory dwelling units in detached structures are required to seek approval for the detached accessory dwelling unit through the conditional use permit, and the accessory dwelling unit must meet all requirements thereof.
 2. Legal nonconforming accessory dwelling units may continue to exist as is.
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§420-20.1. Definitions

ACCESSORY APARTMENT

~~A residential use having the external appearance of a single family residence in which there is located a second dwelling unit that comprises no more than 25% of the gross floor area of the building nor more than a total of 750 square feet.~~

ACCESSORY BUILDING

A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes unless the accessory building is in compliance with the detached accessory dwelling unit use and design standards in Section 11.1.1.

ACCESSORY DWELLING UNIT - ATTACHED

A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than 2 persons for living purposes, and meeting the standards of §11.1.1. Accessory

dwelling units are clearly incidental and subordinate to, and remain under the same ownership as the main dwelling on the lot. When contained within the principal structure of a single-family dwelling, such accessory dwelling unit constitutes an “attached accessory dwelling unit,” for which a separate entrance and street address are required.

ACCESSORY DWELLING UNIT - DETACHED

A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than 2 persons for living purposes, and meeting the standards of §11.1.1. Accessory dwelling units are clearly incidental and subordinate to, and remain under the same ownership as the main dwelling on the lot. When contained in a separate, fully detached structure from the principal structure of a single-family dwelling, such accessory dwelling unit constitutes a “detached accessory dwelling unit,” for which a separate street address is required.

BUILDING ACCESSORY

~~A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes~~