

AN ORDINANCE TO AMEND ARTICLE V. PLANNED UNIT DEVELOPMENT (PUD) OF THE LEXINGTON ZONING ORDINANCE WITH ARTICLE V. PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-MU)

WHEREAS, the Planning Commission and Mayor and City Council have determined that the Planned Unit Development Overlay District should be revised to a Planned Development – Mixed Use Base Zoning District; and

WHEREAS, this Ordinance amending the Zoning Ordinance was properly initiated by motion of the Planning Commission, as required by Virginia Code § 15.2-2286(A)(7); and

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 amendment, the recommendation from the Planning Commission, and testimony received at public hearings, and find that the proposed amendment is 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 amendment to the City’s Zoning Ordinance be adopted:

1.

Chapter 420. Article V. Planned Development – Mixed Use District (PD-MU)

§420-5.1. Intent and purpose.

The purpose of the Planned Development – Mixed Use District is to promote areas appropriate for office, retail, and residential uses, designed in a unified and cohesive manner in order to create an attractive environment in which to live, work, and recreate. Two or more uses shall be integrated into a mixed use project. The district is intended to be established in areas suitable for redevelopment and identified within the Comprehensive Plan as Opportunity Areas numbered 3 and 5, along E. Nelson Street and S. Main Street respectively, and to provide a process and design criteria that can be used to transition from

1 established uses while accommodating new growth and evolving market trends.
 2 Development proposals should incorporate high quality architectural design and
 3 provide gradual transitions to surrounding land uses. The Opportunity Areas
 4 designated along E. Nelson and S. Main Streets are also designated as Entrance
 5 Corridors and development rezoned to PD-MU should protect and enhance the
 6 City's attractiveness in compliance with Article VI of this chapter. Vertical
 7 combination of uses is encouraged where appropriate and a PD-MU is expected
 8 to produce a better design than can be produced through traditional zoning
 9 districts.

10 **§420-5.2. Character of development.**

11 The goal of a Planned Development – Mixed Use District is to encourage a
 12 development form and character that enhances the Lexington community's sense
 13 of place and character and is different from conventional suburban development.
 14 Lexington's Comprehensive Plan includes Design Principles for Opportunity
 15 Areas and for Mixed Use Neighborhoods that should inform the character and
 16 development of the proposed project. A proposal for a Planned Development –
 17 Mixed Use District must demonstrate consideration of the following
 18 characteristics, and in those instances where a development cannot include a
 19 characteristic, the PD-MU Narrative must provide written justification why the
 20 characteristic cannot be incorporated:

- 21 A. Pedestrian orientation;
- 22 B. Neighborhood friendly streets and paths;
- 23 C. Interconnected streets and transportation networks;
- 24 D. Parks and open space;
- 25 E. Neighborhood centers;
- 26 F. Buildings and spaces of appropriate scale;
- 27 G. Appropriately screened parking;
- 28 H. Electric vehicle and bicycle parking;
- 29 I. Mixture of uses and use types;
- 30 J. Mixture of housing types and affordability;
- 31 K. Environmentally sensitive design, such as energy efficiency of buildings
 32 (may include photovoltaic power generation & storage, low carbon building
 33 materials, energy efficient mechanicals, and a thermally efficient building
 34 envelope), and green infrastructure elements, such as low impact
 35 development measures for stormwater, encouragement of public
 36 accessibility to parks and open spaces in any new development;
- 37 L. Clear boundaries with any surrounding rural areas; and
- 38 M. Shade trees planted in a large enough pervious area on the property that
 39 they will survive to maturity.

40 An application is not necessarily required to possess every characteristic of the
 41 Planned Development – Mixed Use District as delineated in this subsection in

1 order to be approved. The size of the proposed district, its integration with
2 surrounding districts, or other similar factors may prevent the application from
3 possessing every characteristic.

4 **§420-5.3. Permitted uses- generally.**

5 In the Planned Development – Mixed Use District, all uses permitted by-right in
6 the residential, commercial, civic, miscellaneous, and industrial districts may be
7 permitted. Additional uses specifically enumerated in the final master plan may
8 be permitted by-right at the discretion of the City. Specific uses may also be
9 excluded.

10 **§420-5.4. Permitted uses- with conditional use permit.**

11 One or more uses permitted by conditional use permit in any zoning districts may
12 be permitted in the Planned Development – Mixed Use District if documented in
13 the PD-MU master plan. Any use desired but not documented in the approved
14 PD-MU master plan requires an application to amend the PD-MU master plan.

15 **§420-5.5. Mixture of uses.**

16 A variety of housing types and non-residential uses is strongly encouraged. The
17 mixture of uses shall be based upon the uses, goals and strategies
18 recommended in the Comprehensive Plan. This mixture may be obtained with
19 different uses in different buildings or a mixture of uses within the same building.

20 **§420-5.6. Minimum area for a Planned Development – Mixed Use District.**

21 The minimum area required for the establishment of a Planned Development –
22 Mixed Use District shall be three (3) acres.

23 Additional area may be added to an established Planned Development – Mixed
24 Use District if it adjoins and forms a logical addition to the approved development.
25 The procedure for the addition of land to the Planned Development - Mixed Use
26 District shall be the same as for an original application, and all requirements shall
27 apply except the minimum lot area requirement as set forth above.

28 **§420-5.7. Open Space.**

29 Open space promotes attractive and unique developments that are also
30 environmentally conscious. PD-MUs shall include the following, in keeping with
31 the Comprehensive Plan:

- 32 A. Open space shall be dedicated in a logical relationship to the site and in
33 accordance with any guidance from the Comprehensive Plan regarding
34 significant open space. Open space, and where appropriate, public
35 access and shared use-are strongly encouraged;
- 36 B. Improvements shall be configured to accommodate permitted, accessory
37 and conditional uses in an orderly relationship with one another, with the
38 greatest amount of open space and with the least disturbance to natural
39 features.

1 **§420-5.8. Densities.**

2 The gross and net residential densities shall be shown on the approved final
3 master plan by area and for the development as a whole in dwelling units per
4 acre, and shall be binding upon the master plan's approval. The overall gross
5 density so approved shall be determined by the City with reference to the
6 Comprehensive Plan.

7 Non-residential density shall be expressed in terms of total square footage by
8 area and for the development as a whole. There is no maximum square footage
9 for non-residential uses but the proposed uses should be in proportion to the
10 overall intent and functionality of the planned district concept as set forth in §420-
11 5.1.

12 **§420-5.9. Setback regulations.**

13 Within the Planned Development – Mixed Use District, minimum setback ranges
14 shall be specifically established during the review and approval of the PD-MU
15 master plan. Specific setbacks may be approved administratively during the site
16 plan process if they are in conformance with the established ranges, or a
17 modification to the PD-MU master plan will be required if the provided setbacks
18 are not within the established ranges. The following guidelines shall be used in
19 establishing the building spacing and setbacks:

- 20 A. Areas between buildings used as service yards, storage of trash, or other
21 utility purposes should be designed so as to be compatible with adjoining
22 buildings;
- 23 B. Building spacing and design shall incorporate privacy for outdoor activity
24 areas (patios, decks, etc.) associated with individual dwelling units
25 whenever feasible;
- 26 C. Yards located at the perimeter of the Planned Development – Mixed Use
27 District shall conform to the setback requirements of the adjoining district,
28 or to the setback requirements of the PD-MU district, whichever is greater;
29 and
- 30 D. A 30 foot minimum setback is required when abutting a residential zoning
31 district.

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

35 **§420-5.10. Height of buildings.**

36 In the Planned Development – Mixed Use District, the height regulations shall be:

- 37 A. Single-family residences: 45 feet (maximum).
- 38 B. Banks, office buildings and hotels: 60 feet (maximum).
- 39 C. Apartments, shopping centers, and other permitted buildings: 60 feet
40 (maximum).

- 1 D. Conditional use permits are required for structures exceeding the
2 maximums listed in this section.
- 3 E. These limitations shall not apply to church spires, belfries, cupolas,
4 chimneys, flues, television antennas and radio aerials.
- 5 F. All accessory buildings shall generally be less than the main building in
6 height.

7 **§420-5.11. Parking.**

8 Within the Planned Development – Mixed Use District, the applicant shall
9 establish parking regulations for consideration by the City. The proposed
10 regulations should be based on a parking needs study or equivalent data. Such
11 regulations shall reflect the intent of the Comprehensive Plan to decrease
12 impervious cover by reducing parking requirements, considering alternative
13 transportation modes, and using pervious surfaces for spillover parking areas.
14 Shared parking areas, especially with non-residential uses are encouraged.
15 Parking lots will be interconnected on adjacent parcels whenever possible.
16 Small, landscaped and interconnected parking lots, rather than large, central
17 parking lots, shall be encouraged. Parking lots shall not dominate the image of a
18 site.

19 **§420-5.12. Utilities.**

20 All new utility lines, electric, cable television, and other telecommunication lines,
21 etc., shall be placed underground.

22 **§420-5.13. Application for rezoning.**

23 A. The applicant shall file an application for rezoning with the Zoning
24 Administrator. The application shall consist of three primary sections: a
25 narrative, an existing conditions map, and a PD-MU master plan. Prior to
26 submitting an application for rezoning, the applicant is encouraged to hold
27 public meetings to receive public input regarding the proposed project.

28 1. Narrative

- 29 i. A general statement of objectives to be achieved by the planned
30 district including a description of the character of the proposed
31 development and the market for which the development is oriented;
- 32 ii. A list of all adjacent property owners;
- 33 iii. Site development standards including, but not limited to density,
34 setbacks, maximum heights, and lot coverage;
- 35 iv. Utilities requirement and implementation plan;
- 36 v. Phased implementation plan;
- 37 vi. Comprehensive sign plan;
- 38 vii. Statements pertaining to any architectural and community design
39 guidelines shall be submitted in sufficient detail to provide

1 information on building designs, orientations, styles, lighting plans,
2 etc.; and

3 viii. List of exceptions or differences from the zoning requirements, if
4 any are being requested.

5 2. Existing Conditions Map

6 i. Topography, including steep slopes (>15%);

7 ii. Water features;

8 iii. Roadways;

9 iv. Structures;

10 v. Tree drip lines;

11 vi. Major utilities;

12 vii. Significant environmental features; and

13 viii. Existing and proposed ownership of the site along with all adjacent
14 property owners.

15 3. PD-MU Master Plan

16 The preliminary PD-MU master plan shall be of sufficient clarity and
17 scale to accurately identify the location, nature, and character of the
18 proposed Planned Development – Mixed Use District. At a minimum,
19 the preliminary PD-MU master plan, shall include the following:

20 i. Proposed layout of the Planned Development – Mixed Use District
21 including the general location of uses, types of uses, density range
22 of uses, and a landscaping plan;

23 ii. Building heights;

24 iii. Methods of access from existing state-maintained roads to
25 proposed areas of development;

26 iv. General road alignments;

27 v. General alignments of sidewalks, bicycle and pedestrian facilities;

28 vi. A general water layout plan indicating the intended size and
29 location of primary lines and the general location of fire hydrants
30 (e.g., one every two blocks, etc.);

31 vii. A general sanitary sewer layout indicating the size and location of
32 primary lines, and the location of pump stations;

33 viii. A general plan showing the location and acreage of the active and
34 passive recreation spaces, parks and other public open areas; and

35 ix. A stormwater management plan detailing both stormwater quantity
36 and quality mitigation measures and best practices.

37 B. Additionally, an environmental assessment and a traffic study may also be
38 required to be submitted as part of the application package. The
39 environmental assessment should detail any project impacts on FEMA

- 1 identified flood areas and slopes greater than 25%. The traffic study
2 should quantify existing and projected traffic levels on all adjacent streets,
3 and at all proposed entrances.
- 4 C. The City Attorney shall review any property owner's or other association's
5 charter and regulations prior to final site plan approval.
- 6 D. The Planning Commission shall review the preliminary PD-MU master plan
7 for the proposed Planned Development – Mixed Use District in light of the
8 goals enumerated in the comprehensive plan, consider it at a scheduled
9 public hearing, and forward its recommendation along with the preliminary
10 PD-MU master plan to the City Council for consideration. The City Council
11 shall hold a public hearing thereon, pursuant to public notice as required
12 by the Code of Virginia, 15.2-2204, after which the City Council may make
13 appropriate changes or corrections in the ordinance or proposed
14 amendment. However, no land may be zoned to a more intensive use
15 classification than was contained in the public notice without an additional
16 public hearing after notice required by the Code of Virginia, 15.2-2204.
17 Such ordinances shall be enacted in the same manner as all other
18 ordinances. The plan and narrative approved by the City Council shall
19 constitute the final PD-MU master plan for the Planned Development –
20 Mixed Use District.
- 21 1. The Planning Commission shall approve the master plan when it finds,
22 after reviewing a report from the Zoning Administrator and after holding
23 a public hearing thereon, that the development shown on the master
24 plan is in compliance with the requirements of the Planned
25 Development – Mixed Use District and other applicable provisions of
26 this chapter. Planning Commission approval requires the following
27 findings be made.
- 28 The proposed development:
- 29 i. Will not be detrimental to the public health, safety and welfare or
30 unduly injurious to property values or improvements in the
31 neighborhood;
- 32 ii. Enhances the Lexington community's sense of place and character
33 and is a better design than can be produced through traditional
34 zoning districts;
- 35 iii. Incorporates high-quality architectural design and provides gradual
36 transitions to surrounding land uses using design features, such as
37 setbacks, height step downs, and landscaping;
- 38 iv. Improves sidewalk and pedestrian access and adds green
39 infrastructure as appropriate;
- 40 v. Provides adequate parking to avoid impact on adjacent areas;
- 41 vi. Screens parking from off-site views using plants and at gateways
42 incorporate special signage, public art, and/or landscaping to create
43 a sense of arrival into the City;

- 1 vii. Does not conflict with the policies and principles of the City's
- 2 adopted Comprehensive Plan;
- 3 viii. Demonstrate that adequate public services are or will be available;
- 4 and
- 5 ix. Addresses any associated traffic study.

6 Otherwise, the Commission shall disapprove the plan.

7 2. The action of the Commission shall be based upon a finding of fact,
8 which shall be reduced to writing and preserved among its records.
9 The Commission shall submit to the Council a copy of its finding and a
10 copy of the PD-MU master plan, together with its recommendations.

11 3. Amendments to the PD-MU master plan may be accomplished by the
12 same procedure as for an original application.

13 E. Once the City Council has approved the final PD-MU master plan, all
14 accepted conditions and elements of the plan shall constitute proffers,
15 enforceable by the Zoning Administrator.

16 F. The Zoning Administrator shall approve or disapprove a final site plan
17 within sixty days from the receipt of such plan. The site plan shall be in
18 substantial conformance with the approved final PD-MU master plan. Such
19 final site plan may include one or more sections of the overall Planned
20 Development – Mixed Use District, and shall meet all applicable federal,
21 state, and City regulations.

22 G. A property owners' association shall be established to provide for the
23 ownership, care and maintenance of all common open space areas and
24 other common facilities and improvements unless all real property within
25 the district is owned by a single entity. All common open space, facilities
26 and improvements shall be dedicated to the property owner's association
27 and no land within privately owned lots shall be considered common open
28 space. All property owners' associations shall be created by covenants
29 and restrictions recorded among the land records of the City of Lexington
30 and all such covenants shall include provisions for the maintenance of
31 common open space, facilities and improvements. The property owners'
32 association shall be responsible for the maintenance of all common open
33 space, facilities and improvements in a reasonable condition. All open
34 space areas shall be landscaped as shown on the adopted PD-MU master
35 plan and shall be kept in a clean, attractive and safe condition. All open
36 space areas shall be kept open to and available for use by the residents of
37 the planned community.

38 **§420-5.14. Amendments to the PD-MU master plan.**

39 Where sections of the Zoning or Subdivision Ordinance are deemed to be in
40 conflict with the goals of the final PD-MU master plan, the rezoning application
41 shall be considered a waiver or modification to these sections if specified in the
42 final PD-MU master plan. Otherwise, the applicant must provide a clear
43 explanation as to why certain regulations are in conflict with the final PD-MU

1 master plan, demonstrate that the public's health, safety and welfare will not be
2 compromised, and request the specific waivers or modifications to be considered
3 by the City after a public hearing. Amendments to the master plan may be
4 accomplished by the same procedure as for an original application.

5
6 **2.**

7 Article VI. Entrance Corridor Overlay District (EC) §420-6.2. Area created;
8 boundaries. Of the Lexington City Code, to be amended by the addition of the
9 following terms and associated definitions, to be incorporated in said Section in
10 their respective alphabetical order:

11 **§420-6.2. Area created; boundaries.**

12 Sec. 420-6.2 Area created; boundaries.

13 The entrance corridor overlay districts shall be the boundary of the General
14 Commercial District (C-2) and the Planned Development – Mixed Use District
15 (PD-MU).
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17
18
19 **Adopted and Effective** this the 2nd day of February, 2023

20
21
22 **Approved:** 
23 _____
24 Frank W. Friedman, Mayor

25
26 **Attest:** 
27 _____
Jani L. Hostetter, Clerk



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