



## General Government and Planning Committee

May 7, 2024

### Summary and Motions

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Chair Worley called the meeting to order at 1:04 p.m. Vice Mayor Wu and Committee Members J. Brown, Ellinger, Lynch, LeGris, Sheehan, Baxter, Reynolds, and Plomin were in attendance. Council members Fogle, Monarrez, Gray, F. Brown, and Sevigny were present as non-voting members.

#### I. April 16, 2024 General Government and Planning Committee Summary

Motion by Ellinger to approve the April 16, 2024, GGP Committee Summary. Seconded by Baxter. Motion passed without dissent.

#### II. Short Term Rentals: RLMB Recommendations

Beth Overman, Director of the Purchase of Development Rights (PDR) Program, presented the Rural Land Management Board's (RLMB) Short Term Rental (STR) recommendations. The RLMB's Chair Gloria Martin, assigned this task to the RLMB's Ordinance Review and Long-Range Planning Committee chaired by Margaret Graves. The Rural Service Area (RSA) is primarily comprised of the Agricultural-Rural, Agriculture-Natural, and Agriculture-Buffer zones. There are also small areas zoned Agriculture-Natural (A-N) and Agriculture-Buffer (A-B). The recommendations pertain to these three zones.

Recommendation #1 is all STRs in the Agricultural Zones should be required to obtain a conditional use permit from the Board of Adjustment (BOA). Recommendation #2 is the BOA should consider the number of STRs within a one-mile radius of the property and no more than one STR should be permitted within a one-mile radius. Recommendation #3 is adjacent property owners should be notified of the conditional use permit as required by existing public notice requirements. Recommendation #4 is only hosted STRs should be permitted in the Agricultural zones because of the unique challenges of agricultural areas.

Recommendation #5 is only one STR should be allowed on each property and no newly constructed STRs should be permitted. Recommendation #6 is a property owner with an existing Farm Employee Dwelling Unit (FEDU) may apply to the BOA for a conditional use permit to convert no more than one FEDU per property into an STR. Recommendation #7 is the maximum occupancy is no more than two individuals per bedroom. Recommendation #8 is all STRs in the RSA should be required to have onsite parking and lighted entrances that are easily visible from the roadway. Recommendation #9 is special events should be limited to the number of participants staying in the STR. Finally, recommendation #10 is all other STRs in the Agricultural Zones should be subject to the new requirements recommended above and should not be grandfathered in.

Overman explained most properties in the Purchase of Development Rights (PDR) program will not be permitted to have STRs on their farms due to the conservation easements. Currently, Lexington's zoning laws do not address farmstays but they do permit bed and breakfast facilities. RLMB recommends consistency with STRs and the bed and breakfast ordinance language.

There was a brief discussion regarding fire safety and ensuring the STR locations are properly addressed. Council also discussed converting existing buildings versus new construction. Bed and breakfasts must be hosted and require a meal to be served. Events are not currently permitted as a commercial activity.

No action was taken on this item.

### **III. Master Plan Update**

Chris Taylor gave a brief update on the Urban Growth Master Plan and the consultant team. There has been extensive public outreach; one event had over 200 people in attendance. The Planning Commission will get an update on the frameworks and land use recommendations, and once school is back in session, they will have another round of public input. They will then get into developing the regulatory framework with additional public input.

No action was taken on this item.

### **IV. Urban Growth Management ZOTA**

Hal Baillie provided a recap of the ZOTA and the presentation from February 13, 2024. He also highlighted the drive-up/drive-through changes. A drive-up window is a single lane with no separate ordering point or menu boards; this encompasses pharmacies and banks. Within the B-1 Zone, it would be an accessory use on an arterial or collector roadway and would be a conditional use on a local street. In a B-# Zone it would be accessory with no restrictions. Drive through facilities allows for multiple lanes with ordering points and menu boards. In a B-1 Zone, it is an accessory use when the use existed prior to the adoption of the proposed ZOTA, it is a conditional use on an arterial or collector roadway and is prohibited on local streets. In B-3 Zone, it is an accessory use with no restrictions. There was a brief discussion about the traffic patterns for each model.

Motion by Baxter to approve the proposed UGM ZOTA as amended. Seconded by Lynch. The motion passed without dissent.

Motion by Baxter to amend the proposed UGM ZOTA, Sec. 1b to delete "exterior amplification" and add "All stacking and pick-up shall be limited to a single lane" to Sec. 1c, seconded by Plomin, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA, Sec. 8-16.b15.b to delete "excluding Electric Vehicle (EV) charging facilities" and add ",unless previously approved for a greater number." Seconded by Baxter, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA, Sec. 8-16c.8 to add "and when the parcel has lot frontage along an arterial or collector roadway" and delete "Electric Vehicle (EV) charging facilities" from Sec. 8-16c.9, seconded by Baxter, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA Sec. 8-16d.5 to add "Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein, and meets the following requirements; a. The parcel has lot frontage along an arterial or collector roadway; or b. The parcel is part of a project with an approved final development plan which has lot frontage along an arterial or collector roadway; and c. The parcel or project complies with 8-20(l) of the Zoning Ordinance." and Sec. 8-16.6 to add "Drive-up window for the sale of goods or products, or the provision of services otherwise permitted and the parcel has lot frontage along a local roadway." Seconded by Baxter, the motion passed 8-2. (Yes - Wu, J. Brown, Ellinger, Lynch, Sheehan, Worley, Baxter, and Plomin. No – LeGris and Reynolds)

Motion by Worley to amend the proposed UGM ZOTA Sec 8-20b.3b to add “except where required by Federal or State regulations” and delete “or eight (8) total islands for refueling, excluding Electric Vehicle (EV) charging facilities” from 8-20b.3c, seconded by J. Brown, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA Sec. 8-16d.9 to add "Micro-distilleries subject to the following requirements: a. Production shall be limited to 10,000 gallons of distillate annually; b. Distilling operations shall occur within a structure; and c. There shall be an associated retail component or eating and drinking establishment. The Board of Adjustment shall consider the following: a. A proposed operations plan for production and storage of distillate; b. A proposed operations plan for stillage; and c. The impact of truck traffic on adjacent roadways." Seconded by Baxter, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA Sec. 12-3i.a to add “except where required by Federal or State regulations” and delete “or eight (8) total islands for refueling, excluding Electric Vehicle (EV) charging facilities” from Sec. 12-3i.b, seconded by Reynolds, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA Sec. 11-2a to remove “not exceeding three thousand (3,000) square feet in floor area”, amend Sec. 11-2b to remove “building not exceeding three thousand (3,000) square feet in floor area”, amend Sec. 11-2h to remove “not exceeding three thousand (3,000) square feet in floor area or land area”, and amend Sec. 11-7e to remove “Highway Services” and add “Corridor”, seconded by Baxter, the motion passed without dissent.

#### **V. Items Referred**

Motion by Lynch to amend the title of item 11 “Equitable Representation on Boards and Commissions – Tenants’ Bill of Rights” to “Boards and Commissions Comprehensive Review, seconded by Wu, the motion passed without dissent.

#### **VI. Adjournment**

The Committee adjourned at 2:49 pm.