Memorandum

Planning Division • Community Development
900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Lynchburg Planning Commission

From: Planning Division Staff

CC: Bonnie Svrcek, Kent White, Walter Erwin

Date: October 12, 2016

Re: Zoning Ordinance Corrections

Lynchburg's Zoning Ordinance was adopted by City Council on February 23, 2016. On July 13, 2016, Planning Commission initiated the process of correcting and clarifying sections of the ordinance staff had found to be unclear during the first few months of use. A summary of the proposed changes, as well as a copy of the draft revised ordinance is attached.

After reviewing the proposed text, staff recommends forwarding the proposed changes to City Council for adoption. This is the first of what is expected to be a few rounds of corrections and clarifications to the new ordinance.

City of Lynchburg
ZONING ORDINANCE CORRECTIONS/CLARIFICATIONS 2016

Summary of Changes

Lynchburg's Zoning Ordinance, City Code Section 35.2, was adopted by City Council on February 23, 2016. On July 13, 2016, Planning Commission initiated the process of correcting and clarifying sections of the ordinance staff had found to be unclear during the first few months of use. This document contains a list of the proposed corrections/clarifications with a summary of why they are necessary. Following the list, changes are summarized by each zoning district.

List of Corrections

SECTION #	page # (approx.)	ORDINANCE CHANGE	WHY?
Submittal Requirements Exhibit II-16	*p49*	Parcel lines and dimensions (metes and bounds illustrated for rezonings) Concept: ✓ Final: ✓	Current policy was not reflected in code text and staff needs the area being rezoned illustrated on the concept plan for mapping zone changes.
Determination of Boundaries 35.2-33.1(b)	*p60*	**(b)** Boundaries indicated as approximately following the centerlines of streets, alleys or other public rights-of-way shall be construed to follow such centerlines. Where the street, alley or right-of-way has been vacated through official action of the governing body, the adjacent zoning district boundary shall be ~~construed~~ reconfigured to follow the centerline of the vacated right-of-way.	Section was not clear for how to handle right-of-way vacations and apply zoning to previously unzoned land.
B-3 District Development Standards 35.2-46.4 (d)	*p107*	**(d) Parking**. Parking areas shall be set back at least twenty (20) feet from front or exterior side property lines or set behind the front building line on all street frontages.	The 20' setback was maintained for parking to encourage developers to build closer to the street. If the building is situated close to the street, parking should be allowed to the side
Scenic Corridor Development Standards 35.2-56.7 (a)	*p175*	**(a) Setbacks**. The minimum building and parking setbacks are established at forty (40) feet for lots abutting the public street on which the scenic corridor overlay district is centered. This setback shall be measured from the right-of-way line shared by the lot and the public street on which the scenic corridor overlay district is centered. ~~This provision shall not be applicable to limited access highways.~~	This provision was not necessary under the previous zoning ordinance because there was a City-wide 50' setback from all limited access highways. The 50' setback was removed during the update and inadvertently affects development in the Scenic Corridor.
Utility Screening 35.2-63.9(e)6.	*p220*	**6.** Dumpsters shall be enclosed with a wood or vinyl fence or a masonry wall constructed of the same materials as the principal structure. The fence or wall enclosure shall screen the dumpster and be at least six (6) feet and no more than eight (8) feet in height.	The City has always allowed wood and vinyl screening for dumpsters.

List of Corrections

SECTION #	page # (approx.)	ORDINANCE CHANGE	WHY?
Home Occupations 35.2-71.4 (b) 6.	*p254*	6. Not have any outside storage of goods or equipment other than one (1) business vehicle and one (1) trailer per lot, providing said trailer is located behind the building line of the main structure on the property and it is not over twenty-two (22) feet in length or eight (8) feet, nine (9) inches in height;	Read literally, this sounds like no business vehicles are permitted. Including this language codifies a long-term interpretation from the Zoning Administrator and applies same standards recreational vehicles have.
Farm Animals 35.2-71.7	*p257*	• Enclosures, not including fences, are required ~~and must~~ to be located at least 200 feet from any property line	"Enclosures" could be interpreted to include fences. If so, then they would be required to be set back 200', which was not the intent of the ordinance. This does remove the requirement for enclosures for large farm animals.
Temporary Outdoor Promotional Activies 35.2-72.23(c)4.	*p277*	4. No such attraction shall be located less than one hundred fifty (150) feet of the nearest lot line of any adjacent dwelling, except multi-household or mixed use residential structures.	Requirement inadvertently prohibits these events in mixed use areas.
Mobile Food Trucks 35.2-72.27	*p281*	**Mobile Food or Retail Vehicles** **changes throughout 72.27 section to incorporate retail into potential mobile businesses**	Allowing mobile retail vehicles has been requested by the public so the change has been proposed.

List of Corrections

SECTION #	page # (approx.)	ORDINANCE CHANGE	WHY?
Cluster Subdivisions 35.2-80.4 and Exhibit VIII-1	*p294*	Unless otherwise provided in this section, cluster development shall comply with regulations of the applicable zoning district governing ~~setbacks,~~ height, parking, landscaping, signs, lighting, access and public improvements. **Exhibit VIII-1: Standards for Single-Household and Duplex Clusters** Design Element — Standards Minimum Size of Cluster Development — 2 acres Minimum Lot Area — 50% of minimum lot area for applicable zoning district, Maximum lot coverage shall not apply Minimum Lot Width — 50% of minimum lot width for applicable zoning district, not to be reduced below 30 feet Minimum Lot Width if Abutting a Conforming Single Family or Duplex Use Zoned R-1 or R-2 — 80% of the minimum lot width for the district applicable to the abutting lot, unless the lots are separated by an open space area measuring at least 50 feet in width Setbacks — 50% of setback for applicable zoning district except that side setbacks shall not be less than 5 feet Minimum Open Space — 30%	• Requiring base district setbacks and lot coverage requirements reduced the buildable area below what is practical. • Changes establish setbacks as 50% of the base district setback, except that side setbacks will not be below 5'. • Lot width was addressed because in R-4 district clusters lots could be as narrow as 25', which is below what is practical for building single-household dwellings, so a standard was set to a minimum of 30'.
Large Scale Retail 35.2-84.6 (g)	*p309*	(g) In all parking areas that are in excess of that required by section 35.2-62 et. seq., off-street parking and loading shall implement practices that will allow twenty-five percent (25%) of the stormwater attributable to the parking area for the 1-year storm to infiltrate to the soil below. In cases where soil quality or other limiting factors will not allow for adequate infiltration, filtering practices with underdrains may be used as an alternative, subject to approval by the Zoning Administrator.	This was carried over from the previous zoning ordinance, but is difficult to interpret under current stormwater regulations. Provisions provide enough detail to enforce the requirement and provide an alternative when a site has poor soil quality.
Violations 35.2-102.1(b)-(d)	*p339*	Language capping the amount of time that can be given to correct a violation at 15 days was removed. The Zoning Administrator may establish a "reasonable time period" instead.	This was a City-imposed restriction on the amount of time given to correct a violation. It is impractical, especially when the appeal period is set at 30 days and a violator could appeal after the allowed 15 days.

List of Corrections-Article IV

SECTION #	page # (approx.)	ORDINANCE CHANGE	WHY?
Table of Authorized Uses 34.1 (Article III)	*p61*	"...This Zoning Ordinance uses structur~~eal~~ codes for certain residential uses (indicated with "S" next to code number) and function codes for other uses."	Clarified that structure codes are identified with an "S" at the end of the code number.
Permitted Use Matrices throughout ordinance		1. Revised Land Based Classification System (LBCS) codes for private residential uses as described in section 34.1 with structure codes as opposed to functional codes. 2. Added LBCS 1201S, to allow mixed use with any number of units in business districts. 3. Added definitions of uses to matrices for clarity	• The ordinance already called for structure codes to be used in 34.1, but they inadvertently were not. • Needed to include a "mixed use" category to clearly allow mixed use buildings of all types, not just ones with 3 or more units. • Definitions included for ease of use.
Ground Floor Residential *45.3 (e) (B-1)* *46.3 (g) (B-3)* *48.3 (f) (B-5)*	 *p97* *p106* *p129*	Clarified district use standards language to say that residential uses permitted by CUP do not require a mixed use component	The ordinance encourages mixed use, but if a standalone residential use is established by Conditional Use Permit, it can be assumed it has been adequately vetted.
Lot Width Requirements *Exhibit IV-2 (R-C)* *Exhibit IV-4 (R-1)* *Exhibit IV-6 (R-2)* *Exhibit IV-8 (R-3)* *Exhibit IV-10 (R-4)* *Exhibit IV-14 (B-1)*	 *p69* *p74* *p79* *p84* *p89* *p98*	Clarified that lot width requirements apply to both the setback line and the front property line.	Interpreted literally, it looks like a lot could have no frontage requirement as long as it met lot width at the setback line. This could lead to irregularly shaped lots, too many driveways, and in-cohesive neighborhood design.
R-3, R-4 Dev. Standards *35.2-43.4 (b)* *Exhibit IV-10 (R-4)*	 *p83* *p89*	Corrected R-3 and R-4 lot size and density requirements to 1) allow detached dwellings on 4,000 square foot lots, 2) clarify that accessory units are not permitted on small lots in R-3 and 3) reduce the minimum lot size in R-4 to match R-3	• Detached dwellings can be built on 4,000 square foot lots and it seemed unnecessary to prohibit them. • Allowing accessory dwellings on small lots increased the density beyond what was permitted • R-4 required larger lots than R-3.

Changes by District

B-1, Limited Business District (p91) what changed

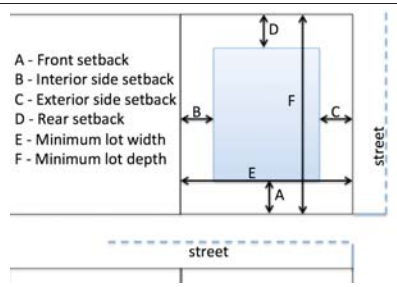
Exhibit IV-12: Authorized Uses in B-1 District

Land Use	LBCS #	Description	Approval Type
single-household detached	**1111S**	Typical single-household dwelling	P
modular home	**1114S**	A prefabricated home without axles or frames (see definitions)	P
Two-household (duplex)	**1121S**	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
single-household attached (townhouse)	**~~1113~~ 1140S**	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households ~~(allowed only as part of a mixed-use development)~~	**~~1130~~ 1200S**	Includes triplexes, four-plexes, and other multi-household dwellings	~~P~~C
Mixed-use residential structures (see district regulations for limitations)	**1201S**	Typically commercial uses on lower floors and residential uses on upper floors	P

- added structure codes
- added descriptions for residential uses
- added LBCS 1201S to allow mixed use with any number of units
- clarified that lot width applies at front property line as well as at the setback line
- clarified that residential uses permitted by CUP are not required to have a mixed use component.

Exhibit IV-14: Summary of B-1 Development Standards

Design Element	Standards	Section Cross-Reference
Maximum height	40'	35.2-61.2
Minimum front setback from right-of-way (dimension A)	0'	35.2-61.3
Minimum side setback, interior (dimension B)	0'	35.2-61.3
Minimum side setback, exterior (dimension C)	0'	35.2-61.3
Minimum rear setback (dimension D)	25'	35.2-61.3
Minimum lot width at front property line and front setback line (dimension E)	50'	35.2-61.4
Minimum lot depth (dimension F)	100'	35.2-61.4
Minimum lot area (square feet)	6,000 with 1,000 sq.ft. of lot area per dwelling unit or boarding unit	35.2-61.4



Letters in drawing to the left correspond with dimensions cited in the design element column

45.3 (e) Excepti~~ng~~ authorized single household ~~homes~~ dwellings and other residential uses permitted by conditional use permit, ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.

Changes by District

B-3, Community Business District (p99) what changed

Land Use	LBCS #	Description	Approval Type
single-household detached	**1111S**	Typical single-household dwelling	P
modular home	**1114S**	A prefabricated home without axles or frames (see definitions)	P
Two-household (duplex)	**1121S**	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
single-household attached (townhouse)	**~~1113~~ 1140S**	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households ~~(allowed only as part of a mixed-use development)~~	**~~1130~~ 1200S**	Includes triplexes, four-plexes, and other multi-household dwellings	~~P~~C
Mixed-use residential structures (see district regulations for limitations)	**1201S**	Typically commercial uses on lower floors and residential uses on upper floors	P

- added structure codes
- added descriptions for residential uses
- added LBCS 1201S to allow mixed use with any number of units
- clarified that residential uses permitted by CUP are not required to have a mixed use component
- reduced setback for parking if building is close to the street

46.3 (g) Except authorized single household dwellings and other residential uses permitted by conditional use permit, ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.

46.4 (d) Parking. Parking areas shall be set back at least twenty (20) feet from front or exterior side property lines or set behind the front building line on all street frontages.

Changes by District

B-4, Urban Commercial District (p108) what changed

Exhibit IV-17: Authorized Uses in B-4 District

Land Use	LBCS #	Description	Approval Type
single-household attached (townhouse)	~~1113~~ 1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
~~Three or More Households~~ Multi-household structures	~~1130~~ 1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors	P

- added structure codes
- added descriptions for residential uses
- added LBCS 1201S to allow mixed use with any number of units

Changes by District

B-5, General Business District (p119) what changed

Exhibit IV-19: Authorized Uses in B-5 District

Land Use	LBCS #	Description	Approval Type
single-household detached	**1111S**	Typical single-household dwelling	C
modular home	**1114S**	A prefabricated home without axles or frames (see definitions)	C
manufactured home	**1115S**	A structure, transportable in one (1) or more sections, built after 1978 on a permanent chassis, and designed for use with or without a permanent foundation when connected to the required utilities (see definitions)	C
Two-household (duplex)	**1121S**	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
single-household semi-detached	**~~1112~~ 1122S**	One of two dwellings separated by a party wall, on abutting lots	C
single-household attached (townhouse)	**~~1113~~ 1140S**	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households	**~~1130~~ 1200S**	Includes triplexes, four-plexes, and other multi-household dwellings	C
Mixed-use residential structures (see district regulations for limitations)	**1201S**	Typically commercial uses on lower floors and residential uses on upper floors	P

48.3 (f) Except residential uses specifically permitted by conditional use permit, ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.

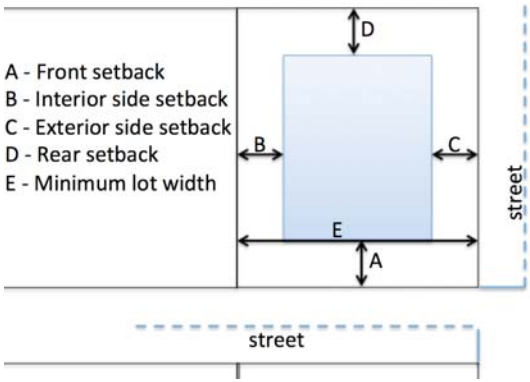
- added structure codes
- added descriptions for residential uses
- added LBCS 1201S to allow mixed use with any number of units
- clarified that residential uses permitted by CUP are not required to have a mixed use component

Changes by District

R-C, Resource Conservation District (p65) what changed

Exhibit IV-2: Summary of R-C Development Standards

Design Element	Standards	Cross-Reference
Maximum Height	see paragraph (a) above	35.2-61.2
Minimum front setback (dimension A)	50’	35.2-61.3
Minimum side setback, interior (dimension B)	50’	35.2-61.3
Minimum side setback, exterior (dimension C)	50’	35.2-61.3
Minimum rear setback (dimension D)	50’	35.2-61.3
Minimum lot width at front property line and front setback line (dimension E)	150’	35.2-61.4
Minimum lot area	10 acres per dwelling and 5 acres per dwelling unit or boarding unit	35.2-61.4
Maximum lot coverage	10%	35.2-61.4



Letters in drawing to the left correspond with dimensions cited in the design element column

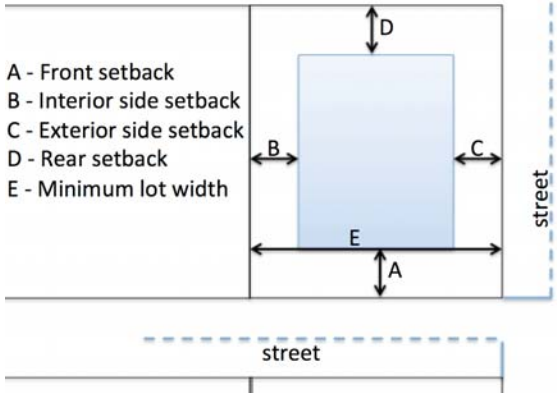
- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions

Changes by District

R-1, Low Density Residential District (p69) what changed

Exhibit IV-4: Summary of R-1 Development Standards

Design Element	Standards	Cross-Reference
Maximum Height	40’	35.2-61.2
Minimum front setback (dimension A)	40’	35.2-61.3
Minimum side setback, interior (dimension B)	15’	35.2-61.3
Minimum side setback, exterior (dimension C)	40’	35.2-61.3
Minimum rear setback (dimension D)	50’	35.2-61.3
Minimum lot width at front property line and front setback line (dimension E)	100’	35.2-61.4
Minimum lot area (square feet)	15,000, and 7,500 per dwelling unit or boarding unit	35.2-61.4
Maximum net density (dwelling units per acre/dwelling units per acre including accessory dwelling units and boarding units)	2.90/5.80	35.2-61.4
Maximum lot coverage	20%	35.2-61.4



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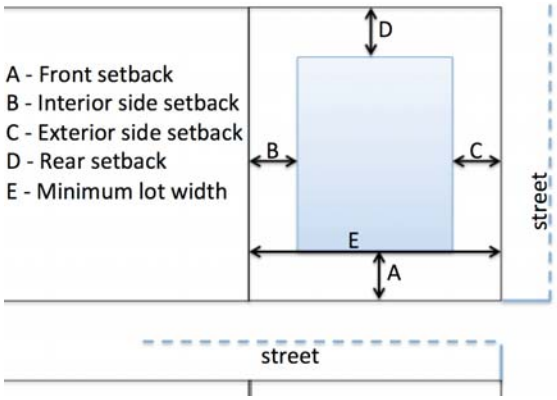
- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions

Changes by District

R-2, Low-Medium Density Residential District (p74) what changed

Exhibit IV-6: Summary of R-2 Development Standards

Design Element	Standards	Cross-Reference
Maximum height	40’	35.2-61.2
Minimum front setback (dimension A)	30’	35.2-61.3
Minimum side setback, interior (dimension B)	8’	35.2-61.3
Minimum side setback, exterior (dimension C)	30’	35.2-61.3
Minimum rear setback (dimension D)	30’	35.2-61.3
Minimum lot width at front property line and front setback line (dim E)	75’	35.2-61.4
Minimum lot area (square feet)	10,000, with 5,000 per boarding unit	35.2-61.4
Maximum net density (dwelling units per acre/dwelling units per acre including accessory and boarding units)	4.35/8.7	35.2-61.4
Maximum lot coverage	20%	35.2-61.4



Letters in drawing to the left correspond with dimensions cited in the design element column

- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions

Changes by District

R-3, Medium Density Residential District (p79) what changed

43.4 (b) Semi-detached or Detached Dwellings. For semi-detached or detached dwellings, the minimum lot area shall be 4,000 square feet and the minimum lot width shall be thirty (30) feet. The minimum side setback shall be five (5) feet except that there is no minimum side setback required along the party wall between adjoining units (see illustration below). Semi-detached or detached dwellings located on lots less than eight thousand (8,000) square feet are not permitted accessory units.

Semi-detached Dwellings

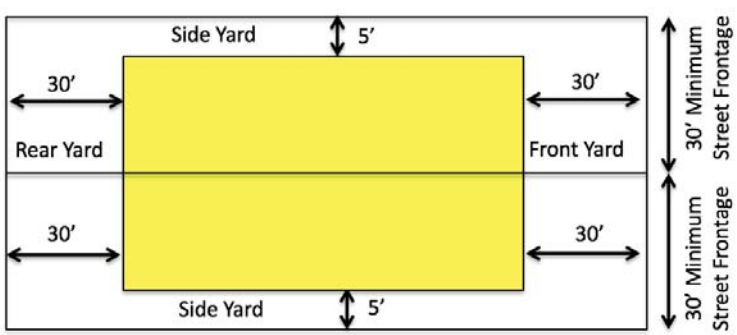


Exhibit IV-8: Summary of R-3 Development Standards

Design Element	Standards	Cross-Reference
Maximum height (see paragraph (a) above)	40'	35.2-61.2
Minimum front setback (dimension A)	30'	35.2-61.3
Minimum side setback, interior (dimension B)	5'	35.2-61.3
Minimum side setback, exterior (dimension C)	30'	35.2-61.3
Minimum rear setback (dimension D)	30'	35.2-61.3
Minimum lot width at front property line and front setback line (dimension E)	60', 30' per 43.4(b)	35.2-61.4
Minimum lot size (square feet) - see paragraphs a and b of this section for additional standards	4,000 per dwelling unit or boarding unit (also see paragraphs (b) & (c) above)	35.2-61.4
Maximum net density (~~dwelling units per acre/~~dwelling unit or boarding units per acre)	~~5.45/~~10.89	35.2-61.4
Maximum lot coverage	30%	35.2-61.4

- changed to allow detached dwellings on small lots like semi-detached dwellings are. These houses will be like the detached dwellings in Traditional Neighborhood Developments (TNDs) like Wyndhurst.
- clarified that lots less than 8,000 square feet are not permitted accessory units
- removed 5.45 dwelling units per acre requirement because of confusion. It referred to the number of residential structures per acre, but is unnecessary and incorrect if we permit detached dwellings on small lots
- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions

**In the future, consider:

1. limiting the number of driveways in small lot subdivisions

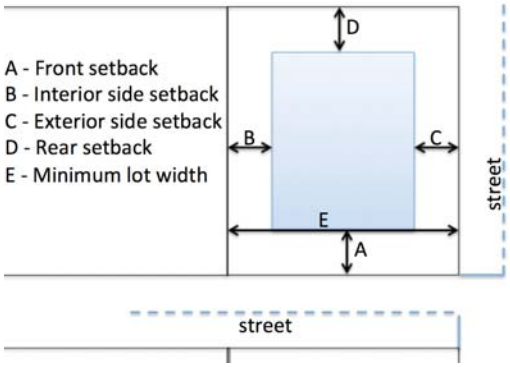
2. allowing townhouses by right instead of requiring a Conditional Use Permit (CUP)

Changes by District

R-4, High Density Residential District (p84) what changed

Exhibit IV-10: Summary of R-4 Development Standards

Design Element	Standards	Cross-Reference
Maximum Height	40’	35.2-61.2
Minimum front setback from right-of-way (dimension A)	30’	35.2-61.3
Minimum side setback, interior (dimension B)	5’	35.2-61.3
Minimum side setback, exterior from right-of-way (dimension C)	30’	35.2-61.3
Minimum rear setback (dimension D)	25’	35.2-61.3
Minimum lot width at front property line and front setback line (dimension E)	50’, 30’ for detached or semi detached dwellings	35.2-61.4
Minimum lot size (square feet)	~~6~~4,000, with 2,000 for each dwelling unit or boarding unit	35.2-61.4
Maximum net density (~~dwelling units per acre/~~dwelling unit or boarding units per acre)	~~7.26/~~21.78	35.2-61.4
Maximum lot coverage	30%	35.2-61.4



Letters in drawing to the left correspond with dimensions cited in the design element column

- changed to allow semi-detached or detached dwellings on small lots like in the R-3 district
- reduced minimum lot size to match R-3, accessory dwellings are permitted on all lots in R-4 districts
- removed 7.26 dwelling units per acre requirement because of confusion. It pertained to 6,000 square foot lots
- clarified that lot width applies at front property line as well as at the setback line
- clerically, permitted use matrix will be changed to reflect structure codes and use descriptions

**In the future, consider:

1. limiting the number of driveways in small lot subdivisions

2. allowing townhouses by right instead of requiring a Conditional Use Permit (CUP)