

LYNCHBURG PLANNING COMMISSION

September 23, 2015

4:00 p.m.; City Council Chamber, First Floor, City Hall

Lynchburg Planning Commission Public Participation Policy at Public Hearings:

1. The presentation by the Petitioner's representative(s) will be a maximum of ten (10) minutes. If it would be difficult to fully explain a complex proposal orally within the time limit, it is recommended that the petitioner submit in advance to the Planning Division staff written information that can be mailed to the Commission members.
2. Comments from a speaker representing an opposition group will be a maximum of ten (10) minutes.
3. Subsequent individual citizens wishing to speak will be allowed a maximum of three (3) minutes each.
4. At the end of the public hearing, each side will be allowed a maximum of three (3) minutes for final comments.
5. The Commission would prefer not to hear speakers whose comments are repetitive or are irrelevant to the petition at hand, but will recognize the number of people present in support or in opposition to the petition.
6. When the public hearing comments are completed for an item, the Chair will declare that the hearing is closed. The Commission will then go into a business session on that item, during which the public may remain present but will not be allowed to speak.
7. The Commission Chair will firmly and fairly enforce the above rules.

Other Agenda Items

The Commission agenda will frequently contain items which are not listed as public hearings. Such non-public hearing items include proposed subdivision plats, public street dedications, and street names. Public comments on such items are generally not encouraged. However, the Commission may at its discretion allow citizens to speak according to the rules listed above.

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1. Approval of the minutes of August 26, 2015
 2. Public Hearings:
 - a. Public Hearing on the Amendments to the Lynchburg Zoning Ordinance (see attached legal notice)
 3. Next Regular Meeting Date – October 14, 2015

**NOTICE OF PUBLIC HEARING
CITY OF LYNCHBURG PLANNING COMMISSION**

**NOTICE OF INTENT TO CONSIDER AMENDMENTS
TO THE CITY OF LYNCHBURG ZONING ORDINANCE
FOR RECOMMENDATION BY THE PLANNING COMMISSION**

A. Time and Place of Hearing

The City of Lynchburg Planning Commission will hold a public hearing to receive citizen comment on September 23, 2015, at 4:00 p.m., in the City Council Chamber, First Floor, City Hall Building, 900 Church Street, Lynchburg, Virginia, on proposed amendments to the City of Lynchburg Zoning Ordinance (the “Zoning Ordinance Amendments”), including amendments to the Zoning Map (the “Zoning Map Amendments”). Persons affected by the proposed amendments may appear and present their views.

B. Descriptive Summary of Proposed Action

The Planning Commission will consider its recommendation on proposed Zoning Ordinance Amendments which reorganize, rewrite, reformat, amend, reenact, and recodify the City of Lynchburg Zoning Ordinance, Title 35.1 of the City Code, as summarized below. This Notice does not describe every element that has been proposed for reorganization, rewriting, or amendment, but gives a descriptive summary of the proposed action.

1. Proposed Zoning Map Amendments

The proposed Zoning Map Amendments include:

- Eliminating the existing R-5 (High Density Residential) District and redesignating all properties zoned R-5 as R-4 (High Density Multi-Household Residential) District.
- Eliminating the existing B-2 (Local Neighborhood Business) District and redesignating all properties zoned B-2 as B-1 (Limited Business) District.
- Eliminating the existing B-6 (Riverfront Business) District and redesignating all properties zoned B-6 as B-4 (Urban Commercial) District.

Maps identifying the current zoning designations and the proposed Zoning Map Amendments of parcels are available on the internet at www.lynchburgva.gov/community-development and for review at the Department of Community Development, Planning Division, Second Floor, City Hall Building, 900 Church Street, Lynchburg, Virginia, between the hours of 8:30 a.m. and 5:00 p.m.

2. General Usage and Density Range

With respect to the proposed Zoning Map Amendments, the general usage and density range in the proposed amendments and the general usage and density range, if any, set forth in the City of Lynchburg Comprehensive Plan 2013-2030 are as follows:

The proposed **R-4 District** provides for residential and other compatible uses at a density range from 7.26 to 21.78 dwelling units per acre by right and up to 29 dwelling units per acre through density bonus provisions. The Comprehensive Plan (Future Land Use Map) suggests that the existing R-4 and R-5 Districts correspond to the High Density Residential, with densities up to 30 units per acre and Traditional Residential Land Use categories. The Comprehensive Plan does not discuss a specific density range for the Traditional Residential Land Use category.

The proposed **B-1 District** provides for office, retail, restaurant and service uses that are compatible with nearby residential areas at maximum gross floor areas of 50,000 sq. ft. for multi-tenant commercial developments, 20,000 sq. ft. for single office developments, 5,000 sq. ft. for single retail or service businesses, and 4,000 sq. ft. for restaurants and minimum lot areas of 6,000 sq. ft. with a minimum of 1,000 sq. ft. of lot area per dwelling unit. The Comprehensive Plan (Future Land Use Map) suggests that the existing B-1 and B-2 Districts correspond to the Traditional Residential, Neighborhood Commercial, and Community Commercial Land Use categories. The Comprehensive Plan does not discuss specific density ranges for the Traditional Residential, Neighborhood Commercial, and Community Commercial Land Use categories.

The proposed **B-4 District** provides for a wide range of residential, commercial and other sales and service uses with no stated density ranges. The Comprehensive Plan (Future Land Use Map) suggests that the existing B-4 and B-6 Districts correspond to the Community Commercial and Downtown Land Use categories. The Comprehensive Plan does not state specific density ranges for the Community Commercial and Downtown Land Use categories.

3. Zoning Ordinance Amendments/Proposed Text Amendments

This Notice does not describe every element that has been proposed for reorganization, rewriting, or amendment, but the following provides a descriptive summary. Copies of the Zoning Ordinance incorporating all proposed amendments, and maps, and a more detailed summary of changes are available at the address below.

1. The Zoning Ordinance Amendments reorganize the existing text into eleven articles (§35.2-1 through §35.2-113).
2. The Zoning Ordinance Amendments include exhibits and appendices in tabular form that describe review procedures, notice requirements, approval processes, minor exceptions, zoning districts, parking requirements, landscaping regulations, signage standards, authorized land uses and requirements, building envelope standards, lot dimension and density standards.
3. **Article I** sets out the general overview of the Zoning Ordinance, its relationship to the City's Comprehensive Plan, the rules of interpretation, the application of the Zoning Ordinance to the use and development of land, lots, buildings and structures in the City,

and the administration of the Zoning Ordinance. **Article I** establishes rules for development approvals under prior Zoning Ordinance regulations when either a concept or final approval has been received (§35.2-7.3).

4. **Article II** sets out the procedures for filing and processing applications for development approvals required by the Zoning Ordinance. **Article II** provides for application review and approval procedures for zoning ordinance amendments, zoning map amendments, rezonings, conditional use permits, special exceptions, variances, appeals, certificates of appropriateness, site plans, sign permits, and temporary use permits. **Article II** also clarifies the existing procedures that were not previously codified in the Zoning Ordinance and provides for the approval process of certain applications. The applicable changes include, but are not limited to, the following: (a) providing that approval by City Council of zoning map amendments and conditional use permits constitute concept plan approval and authorize administrative review and approval of all final site plans; (b) eliminating the authority of the Board of Zoning Appeals to approve conditional use permits for non-conforming situations and on-site storage; (c) authorizing the Zoning Administrator to approve temporary use permits, including carnivals for non-profit organizations, which previously required conditional use permit approval (§35.2-14.5); (d) clarifying that the applicant has the burden of persuasion for new applications and appeals (§35.2-10.6); (e) giving the approval body the discretion to grant the request of a continuance of a public hearing on an application within 7 days of the public hearing (§35.2-10.10); (f) requiring submission of plans, applications, and drawings in digital format (§35.2-10.13); (g) consolidating notice requirements and waiver of notice requirements, not required by Code of Virginia (§35.2-10.14); (h) establishing provisions on residential cluster, planned unit, and traditional neighborhood land use development (§35.2-10.15); (i) allowing an applicant to modify proffers without prior approval by the Planning Commission (§35.2-11.3); (j) establishing requirements for development plans that provide for development in phases over a period of time (§35.2-11.4); (k) extending the validity of conditional use permits to 24 months (§35.2-11.9(b)); (l) incorporating minor amendments to applications not requiring resubmittal and additional notice (§35.2-11.10); (m) consolidating provisions related to concept plans (§35.2-11.11); (n) extending validity of an approved variance to 12 months (§35.2-12.9); (o) increasing Historic Preservation Commission application review period to 45 days (§35.2-13.7); (p) requiring the posting of a certificate of appropriateness until work is completed (§35.2-13.8); (q) providing for minor exceptions that may be granted administratively, including: building setbacks, loading berth, sidewalks, commercial design review guidelines, parking surfaces, parking spaces, landscaping/buffers, and amendments to concept plans (§35.2-14.4).
5. **Article III** establishes zoning districts and an official Zoning Map to govern the use and development of land in the City. **Article III** establishes the base and overlay zoning districts and the use matrix which identifies the land uses and types of approvals required for each authorized land use. **Article III** adds a provision that the Official Zoning Map shall be maintained by the City's geographic information system office (§35.2-32).
6. **Article III** provides for the consolidation of the R-4 and R-5 districts, B-1 and B-2 districts, and B-4 and B-6 districts (Exhibit III-1: Zoning Districts Established).

7. **Article III** provides that the use of land or facilities owned or leased by, or subject to easements granted to the City of Lynchburg shall not be subject to the limitations established in this Zoning Ordinance (§35.2-34.2 and §35.2-72.17).
8. **Article IV** establishes the purpose of each base zoning district, as well as conditions applicable for site development and establishment of specified uses within the zoning districts. **Article IV** provides for the following changes in use types to the base zoning districts:
 - (a) Amend **R-C District** regulations to eliminate the following conditional uses: airports, antique stores, boarding or lodging houses; cemeteries, religious institutions, clubs and fraternal organizations, community swimming pools, convents and monasteries, large group homes, hospitals and sanatoriums, kennels and small animal boarding, mobile home parks, trailer parks and campgrounds, nursing homes, offices and research and development organizations, planned unit developments, recreation facilities other than public parks, schools and colleges, indoor shooting ranges, temporary fairs and carnivals, traditional neighborhood developments.
 - (b) Amend **R-1, R-2, R-3, and R-4 District** regulations to allow Residential Cluster Development by right.
 - (c) Amend **B-3, B-4, B-5 and IN-2 District** regulations to allow large scale retail establishments by right, subject to compliance with the use standards.
 - (d) Amend **I-1 District** regulations to prohibit the following uses: cosmetic and toiletry manufacturing, cutlery manufacturing, paper manufacturing, pharmaceutical manufacturing, commercial recreation.
 - (e) Amend **I-2 District** regulations to permit an armory with a conditional use permit, and prohibit the following uses: union halls and fraternal organizations, commercial recreation, and drive-in theaters.
 - (f) Eliminate the **B-6 District** and amend the **B-4 District** regulations as follows: permit all uses in B-4 District that were formerly permitted in B-6 District, except as noted below, incorporate commercial design review guidelines, allow armory by conditional use permit, food and beverage production by right, and eliminate the following uses: textile, leather and leather substitute manufacturing, wholesale trade, blacksmith shops, warehousing, drivers education schools, free-standing cemeteries, commercial orchards, livery stables, tire retreading or rebuilding.
 - (g) Limit the occupancy of a lot in the **R-1 and R-2 Districts** to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit.
 - (h) Amend the **R-1, R-2, and R-3 District** regulations to provide a mechanism to reduce front and side setbacks that meet neighborhood norms.
 - (i) Amend the **R-1 and R-2 District** regulations to permit large day care center by right only as accessory uses to institutional uses (§35.2-41.3).
 - (j) Amend the **R-3 District** regulations to reduce interior side setbacks to 5 feet and reduce minimum lot size to 4,000 sq. ft. (Exhibit IV-8).
 - (k) Amend the **R-4 District** regulations as follows: include height and density bonus provisions, reduce interior side setbacks to 5 feet, increase setbacks for buildings two stories or greater and within 100 ft. of R-1, R-2 or R-3 Districts, and permit up to 5% non-residential accessory uses in a multi-household development.

- (l) Eliminate the **B-2 District** and amend the **B-1 District** regulations as follows: permit all uses in B-1 District that were formerly permitted in B-2 District, establish placement and access restrictions for drive-through and drive-in uses, create maximum gross floor area for certain uses, create restrictions on first floor residential uses, increase setbacks for dumpsters to 25 ft. from any residential property line, eliminate front and exterior side setbacks.
 - (m) Amend the **B-3 District** regulations as follows: create restrictions on first floor residential uses and eliminate front setbacks.
 - (n) Amend the **B-5 District** regulations to create restrictions on first floor residential uses.
9. **Article V** establishes the purpose and conditions applicable to each of the City's special zoning districts, which are those districts that modify the conditions applicable with the underlying or base zoning districts described in **Article IV**. **Article V** also provides for amendments to the **Commercial Corridor Overlay District** regulations as follows: minimum frontage of 250 feet for commercially zoned lots, modify access requirements, require direct vehicular circulation, and provide standards for shared direct access.
10. **Article VI** provides for Site Development Standards, which address building setbacks, structure heights, parking, landscaping, signs, lighting, transportation improvements and utilities. **Article VI** establishes and amends Site Development Standards as follows: (a) permit access for lots within commercial centers via private streets or drives (§35.2-60.2(b)(3)); (b) provide an exception for the measurement of building height on lots in any R-4, B-3, B-5, IN-1, IN-2, I-1, I-2 or I-3 District abutting property in any R-1, R-2 or R-3 Districts such that height shall be measured from natural grade at the horizontal midpoint of the building wall facing each abutting residential property and shall apply to any portion of the building located within one-hundred-foot (100) feet of the property line (§35.2-61.2(a)(2)d); (c) limit height of structures in R-4, B-1, B-3 and IN-2 Districts adjacent to conforming residential uses in single and two-household residential districts (§35.2-61.2(c)); (d) eliminate requirements for increased setbacks for large buildings (§35.2-61.3); (e) eliminate lot consolidation requirement for substandard lots under common ownership when the lot sizes are consistent with those on the same block (§35.2-61.4(e)(3)); (f) prohibit detached accessory dwellings on lots that do not meet minimum lot area requirements (§35.2-61.4(e)(4)); (g) adopt and modify vehicle and bicycle parking requirements (§35.2-62); (h) adopt and modify landscaping requirements (§Sec. 35.2-63); (i) amend provisions related to existing and new signs (§35.2-64); (j) add new section to regulate outdoor lighting (§35.2-65); (k) incorporate access management standards from the commercial corridor and scenic corridor overlay districts and exempt the B-4 District from the standards (§35.2-66.2); (l) allow porous pavement to be used for shared access, subject to approval by Technical Review Committee (§35.2-66.2(g)3.c.); (m) amend visibility areas at intersections (§35.2-66.4 and Exhibit VI-16); (n) establish requirements for sidewalks and pedestrian connectivity as required by Americans with Disabilities Act (ADA) (§35.2-67); (o) add new section that requires on-site utilities to be installed underground unless the City Engineer determines that existing development on the site makes underground utilities impractical (§35.2-68).
11. **Article VII** establishes Specific Land Use Standards applicable to specific uses that may be allowed by right or by conditional use permit in certain zoning districts. **Article VII** establishes and amends Specific Land Use Standards as follows: (a) prohibit detached

garages as accessory structures in front yard (§35.2-71.1); (b) require a minimum setback of 5 ft. for an accessory structure (§35.2-71.1(c)); (c) provide for size and parking restrictions for detached accessory dwellings (§35.2-71.3); (d) modify regulations regarding home occupations, including but not limited to: allow midwives, barbers, and home stylists as home occupations (§35.2-71.4(a)) and provide that no more than one client to be served at a time for home occupations (§35.2-71.4(b)); (e) prohibit the keeping of large farm animals, five or more poultry and the keeping of roosters outside of the RC District on lots less than five acres (§35.2-71.7); (f) remove prohibition on use of accessory structures for commercial gain (§35.2-71.10); (g) prohibit parking of vehicles requiring Class A or Class B licenses in R-1, R-2, R-3, and R-4 Districts (§35.2-71.13); (h) provide for temporary health care structures (§35.2-71.14); (i) provide for restrictions on the locations of certain arenas, auditoriums, and stadiums (§35.2-72.2); (j) authorize certain uses accessory to a church without modification of the conditional use permit (§35.2-72.6(e)); (k) require pedestrian connections between child care centers and off-site recreation areas (§35.2-72.8(f)); (l) restate restrictions for helipads and heliports (§35.2-72.10); (m) restrict the placement of mobile homes and manufactured homes (§35.2-72.13); (n) eliminate prohibition on sanitary and solid waste facilities accepting wastes from outside the City (§35.2-72.20); (o) codify standards for mobile food vehicles (§35.2-72.27).

12. **Article VIII** provides for the establishment of Land Use Development Patterns for the following types of developments: (a) residential cluster subdivisions (§35.2-80), (b) traditional neighborhood development (§35.2-82), (c) planned unit developments (§35.2-83), and (d) cluster commercial development (§35.2-85). **Article VIII** also creates a new development pattern “Corporate Campus” to allow for a limited mix of retail, services and residential development as part of an employment center (§35.2-87).
13. **Article IX** establishes the standard for the continuation, modification, and termination of uses, sites, lots, buildings, signs and structures that do not conform to the Zoning Ordinance requirements.
14. **Article X** provides for the administration and enforcement of the Zoning Ordinance and specifies the responsibilities of City officials and the Technical Review Committee, City Council, Planning Commission, Board of Zoning Appeals, and Historic Preservation Commission. **Article X** modifies the administrative provisions as follows: provide for the composition, appointment and duties of the Planning Commission (§35.2-100.7), provide for notice of violations, criminal penalties, civil enforcement procedures, civil penalties, and inspection warrants.
15. **Article XI** defines specific terms and abbreviations used in the Zoning Ordinance and the rules for interpreting the language in the Zoning Ordinance.

C. Notice of Intent to Consider Recommendation to City Council

After the public hearing, the Planning Commission intends to consider the proposed Zoning Ordinance Amendments advertised in this Notice for recommendation to the Lynchburg City Council. The Planning Commission may recommend appropriate changes or corrections to the proposed Zoning Ordinance Amendments after the public hearing and after additional review.

D. Prior Public Process

The City of Lynchburg began a systematic review of its 1978 Zoning Ordinance in 2012 through a zoning diagnostic review process. The Planning Commission initiated the drafting of the proposed Zoning Ordinance Amendments by resolution adopted September 26, 2012. The City has conducted workshops and received public input on the proposed Zoning Ordinance Amendments and Zoning Map Amendments on May 20, May 21, June 25, July 9, July 10, July 11, August 27, September 10, October 8, October 14, November 11, and December 10, 2014.

After the public hearing, the Planning Commission anticipates further work session meetings to consider and address the proposed Zoning Ordinance Amendments and Zoning Map Amendments and related public comment. These work session meetings may be held during September 2015 and on other dates as may be helpful.

The City Council is tentatively scheduled to conduct at least one work session in October 2015 and to conduct its public hearing on the proposed Zoning Ordinance Amendments and Zoning Map Amendments on November 10, 2015.

E. Places Where Zoning Ordinance Amendments and Map Amendments May Be Examined

Copies of the proposed plans, ordinances, text amendments, and map amendments, and related materials, may be examined in the Department of Community Development, Planning Division, Second Floor, City Hall Building, 900 Church Street, Lynchburg, Virginia, between the hours of 8:30 a.m. and 5:00 p.m. Copies of the proposed plans, ordinances, and amendments, and related materials, may also be examined on the internet at www.lynchburgva.gov/community-development and clicking the link titled "Draft of the Lynchburg Zoning Ordinance." For more information, please contact the Planning Division at: (434) 455-3917.