City of Lynchburg
ZONING ORDINANCE REWRITE 2015

Summary of Changes

Lynchburg's Zoning Ordinance was adopted in 1978. Over the last four decades, portions have been updated, deleted, and added, but there has been no comprehensive assessment or rewrite of the document. The City has grown significantly since 1978 and the current ordinance has become increasingly difficult to use. This document outlines ordinance changes to facilitate development and create compatible land uses for both the city of today and the city we wish to become.

9/1/15

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DOCUMENT ORGANIZATION

formal list of changes

why it changed

Zoning Ordinance section and exhibit #s

table from the ordinance

Limited Business District [B1]

23. Exhibit IV-12 – allows all uses formerly allowed in the B-1 and B-2 districts to be established in the B-1 district.

New uses include limited restaurant and retail stores. The reason to include restaurants and retail in B-1 is because these are uses that can readily serve a surrounding neighborhood and the ability to walk to these uses is typically considered an amenity to a neighborhood.

24. Sec. 35.2-45.3 (b) – limits drive-through and drive-in uses to access from urban collectors and local streets and requires services to be located in the rear of the building with limited access points. Drive-through service for food and beverage service would not be permitted.

B-1 uses are intended to serve the immediately adjacent neighborhoods. By providing drive-throughs, uses are no longer serving the neighborhoods nearby, but a much larger area that they are planning to have travel there by car. Drive-throughs designed with no restrictions lead to traffic conflicts and poor neighborhood design.

25. Sec. 35.2-45.3 (d) – establishes maximum floor areas for businesses in the B-1 district.

Maximum Floor Areas for the B-1 District

Development	Maximum Gross Floor Area (sq.ft.)
Multi-tenant commercial developments	50,000
Single office development	20,000
Single retail or service business	5,000
Restaurant	4,000

This limits the size of uses within the B-1 district to keep them compatible with in scale with their surrounding neighborhoods.

26. Sec. 35.2-45.3 (e) – allows limited residential uses; Limits ground floor residential uses in the B-1 district except when part of a mixed use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.

27. Sec. 35.2-45.4 (d) – increases the setback for dumpsters from 20 feet to 25 feet from any residential property line.

28. Exhibit IV-14 – eliminates front and exterior side setbacks in the B-1 district.

This promotes denser development by not wasting the potential for upper floors of buildings to be used as residential space. Currently residential uses are not permitted in business districts outside of B-4, but this would allow upper stories or rear portions of buildings with doors on side streets to be used for residential purposes. These uses are compatible because employees have the opportunity to live near where they work and avoid a long commute or portions of the parking designated for residential use will often be empty during the day when businesses are open and residents are at work.

Eliminating the requirement for buildings to be set back from the street allows developers to place them close to the sidewalk, a desirable trait for walkable development, and as far away as possible from adjoining residential parcels.

Community Business District [B3]

29. Sec 35.2-46.3 (g) - allows limited residential uses; Limits ground floor residential uses in the B-3 district except when part of a mixed-use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.

30. Eliminates front setback in B3 districts to allow greater pedestrian access, transit access and development flexibility.

REWRITE GOALS

In 2012, the City conducted a Zoning Ordinance Diagnostic, a systematic review and assessment of the current Zoning Ordinance. That process, which involved nine community listening sessions, as well as interviews with staff, elected officials and appointed bodies, revealed that the current ordinance needed updating. The following are key goals that were derived from that process.

1. **Reorganize, reformat, illustrate.** The numerous edits that occurred over the years made the ordinance confusing to both staff and citizens. Inserting tables, charts, and illustrations make the ordinance easier to use, understand, and quickly answer questions.

2. **Streamline City processes.** Many procedural changes are included in this rewrite to remove and clarify review and approval processes.

3. **Implement the *Comprehensive Plan 2013-2030.*** The current comprehensive plan was adopted in early 2014. It establishes a vision for the City's future and methods for achieving that vision. Updating the ordinance as a whole is a specific task called for in the Comprehensive Plan. Equally important is making individual changes that reflect principles the citizens and decision-makers of Lynchburg established as keys to reaching the vision in the *Comprehensive Plan 2013-2030.*

4. **Address emerging issues and trends.** Over time, land uses, trends, and issues have evolved. An updated ordinance needs to address the concerns of housing diversity, transitions between incompatible uses, and expansions of new types of businesses. Changes include increasing housing diversity with accessory dwellings and mixed use options, creating better transitional spaces between business districts and neighborhoods, and new standards for traffic safety.

5. **Enhance city design.** Since 2000, the comprehensive plan has emphasized the importance of high quality city design with pedestrian friendly architecture and walkable streets. Changes to meet this goal include relaxing restrictive standards like building setbacks, allowing a mixture of uses within certain districts, providing incentives for design amenities, and creating requirements for essential design features including sidewalks, lighting and underground utilities.

GENERAL CHANGES

These relate to document reorganization and overarching changes that do not fit into one of the new chapters as a change.

1. Existing text was reorganized into eleven articles:

Each article is a chapter with a different purpose.

Article I establishes the title, authority and purpose of the Zoning Ordinance, as well as describing its applicability, organization and relationship to other ordinances and plans.

Why the ordinance exists and how it works.

Article II establishes the procedures for approval of development approvals and building permits, including generally applicable provisions for notice, hearing and approval, as well as requirements (e.g., purpose, applicability, procedures, review criteria and effect of approval) that are specific to each type of approval.

The Zoning Ordinance regulates a number of different processes relating to the development of land. This article establishes those processes.

Article III establishes the zoning districts, zoning map and the table of authorized uses for each zoning district.

As recommended by the Zoning Diagnostic, a matrix of all land uses has been created and is described here.

Article IV establishes the purpose of each base zoning district, as well as conditions applicable for site development and establishment of specified uses.

Base zoning districts cover the entire city and set the minimum level of regulations that will apply to the development of land in any given area.

Article V establishes the purpose and conditions applicable to each of the City's special districts, which are districts that modify the conditions applicable with the underlying or base zoning districts described in Article IV.

Special districts are overlayed on base districts to address issues specific to one area of the city. These include the Commercial Corridor, 5th Street Revitalization, Scenic Corridor, Airport Safety, Historic, and Flood Hazard Districts.

Article VI establishes site development standards, which address building setbacks, structure heights, parking, landscaping, signs, lighting, transportation improvements and utilities.

The effects the shape, look, and functionality of all new development in the city.

Article VII establishes standards that are applicable to specific uses that may be allowed by right or by conditional use permit in certain zoning districts.

Some uses with unique traits, such as schools, kennels, and stadiums require standards tailored to the issues associated with them.

Article VIII provides guidance for the establishment of different development patterns, including: residential cluster, traditional neighborhood development, planned unit development, cluster commercial development, flexible space development, large-scale retail and corporate campus development.

Development patterns are districts that may contain more than one land use and style of development. Wyndhurst is an example of one that has been implemented.

Article IX establishes the standards for the continuation, modification and termination of uses, sites and structures that do not conform to Zoning Ordinance requirements.

"Non conforming uses" do not meet the requirements of the ordinance, but are allowed to remain under certain conditions established here.

Article X describes the responsibilities for administration of this Zoning Ordinance.

Article XI defines specific terms and abbreviations used in this ordinance and the rules for interpreting the ordinance's language.

2. In the draft document, substantive changes within each article are highlighted or identified with a highlighted and bracketed comment. Those are also summarized in this document. The reformatting of existing requirements is not mentioned except for exhibits that consolidate requirements from numerous sections.

3. Table of contents, section cross-references and exhibit references are hyperlinked to the targeted section. Note that links will allow the user to move to the link but not automatically return to the source of the link.

This was done to make it easier to flip between applicable ordinance sections.

4. A Geographic Information System interface is being developed to help users identify applicable sections of code that apply to specific properties.

This will allow users to see what requirements apply to a specific piece of property.

5. The Design Review Board, which previously provided non-binding guidance on development within the B-4 district, planned unit developments and traditional neighborhood developments has been eliminated from the ordinance.

Design Review Board (DRB) guidance is currently non binding and often not followed. Key parts of the design guidelines are proposed as incentives in the new ordinance. With the incentives, DRB review would be an unnecessary process that slows down approvals. See further discussion on page 10.

6. The ordinance removes the authority for Board of Zoning Appeals to issue conditional use permits for commercial uses and residential structures built.

While temporary uses granted by the Board of Zoning Appeals may be acceptable, the ability to create long-term use changes are de facto rezonings that should be decided by City Council.

CHANGES BY ARTICLE

Article 1 – Ordinance Overview.

1. Describes the general organization, applicability and function of the code.

2. Sec. 35.2-7.3 – establishes rules for development under prior regulations when either a concept or final approval has been received.

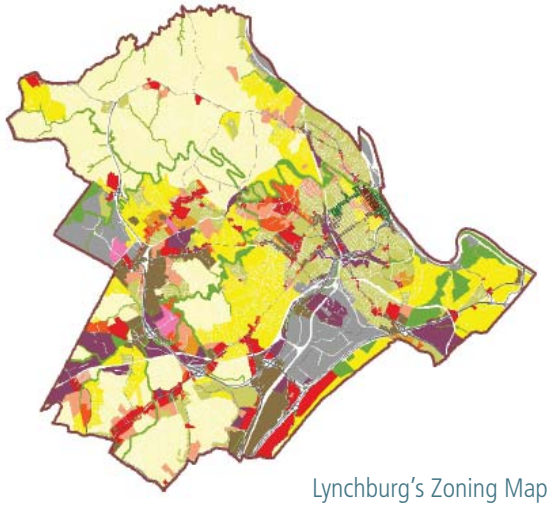
3. Sec. 35.2-7.3 (f) – establishes rules for when new occupancy standards go into effect.

Standards become effective on June 1, 2016 unless there is a lease executed prior to September 1, 2015. If a lease is provided, prior occupancy regulations may apply for up to 2 years.

Article III – Zoning Districts, Maps and Boundaries

1. Sec 35.2-32 – designates the City's GIS files as the official zoning map.

A Geographic Information System (GIS) is a way to keep map files digitally and makes updating the map, analyzing land use trends, and conveying complex spatial information much easier.



Lynchburg's Zoning Map

2. Exhibit III-1 – highlights the consolidation of the R-4 and R-5, B-1 and B-2, and B-4 and B-6 districts

3. Sec 35.2-34.2 (b) – clarifies that the City is not subject to use limitations, but will generally comply with standards applicable to similar uses.

Article IV – Base Zoning Districts

1. Generally – each district notes the district purpose, authorized uses, district use standards, development standards and the repeats previously mentioned exemption of the City from use standards and the intent to comply with development standards applicable to similar uses. Each district includes a complete list of authorized uses in the district and the applicable site development standards.

Resource Conservation Zoning District [R-C]

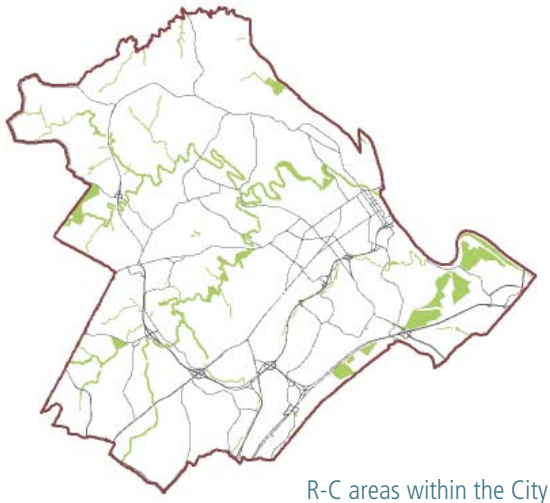
2. Exhibit IV-1 – eliminates many of the more intensive uses (e.g., hospitals, airports, manufactured home parks, boarding houses) previously allowed by conditional use permit from the R-C district. (see details at the end of this document).

The RC District typically falls beside streams and are narrow and particularly environmentally sensitive. Allowing those uses defeats the purpose of the district.

3. Sec. 35.2-40.3 (a) – requires lots of 10 acres for raising large farm animals.

4. Sec. 35.2-40.3 (b) – prohibits storage of hazardous materials, outdoor storage of vehicles and parking lots within the R-C district.

5. Sec. 35.2-40.3 (c) – establishes additional criteria for conditional uses that address water quality concerns listed in the previous section.



R-C areas within the City shown in green above

6. Sec. 35.2-40.3 (d) – limits the occupancy of a lot in the RC district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit.

see number 7 below

Low Density Single Household Residential District [R-1]

7. 35.2-41.3 (c) – limits the occupancy of a lot in the R-1 district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit (i.e. boarding houses, bed & breakfasts).

At public meetings early in the process, there was significant concern from citizens about the number of unrelated people living in single family houses around the city. Documented issues include parking conflicts, noise, excessive trash, and a general sense that the density of potentially having six unrelated people living on one lot does not match the design of neighborhood.

8. Exhibit IV-3 – allows residential cluster development by right in the R-1 district.

9. Sec 35.2-41.3 (e) – allows large day care centers to be established by right as accessories to institutional uses in the R-1 district.

Allowing developments to cluster does not add to the number of units a developer may build on a given parcel, but allows the same number to be developed within a smaller area. The rest of the site would be preserved and remain in a natural state. Developing in this manner is better for the city environmentally because natural areas are preserved and economically because infrastructure (roads, sewers, waterlines) is used more efficiently

10. Sec 35.2-41.4 (c) – allows for reduction of setbacks based on neighborhood norms.

Older neighborhoods in the city that were developed before the 1978 Zoning Ordinance typically have shorter setbacks than what is required by the current Zoning Ordinance. This will allow new houses in these neighborhoods to have setbacks similar to their neighbors' setbacks.

Low-Medium Density Single Household Residential District [R-2]

11. 35.2-42.3 (c) – limits the occupancy of a lot in the R-2 district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit.

See number 6 above.

12. Exhibit IV-5 – allows residential cluster development by right in the R-2 district.

See number 7 above.

13. Sec 35.2-42.3 (e) – allows large day care centers to be established by right as accessories to institutional uses in the R-1 district.

14. Sec 35.2-42.4 (c) – allows for reduction of setbacks based on neighborhood norms.

See number 9 above.

Medium Density Two Household Residential District [R-3]

15. 35.2-43.3 (b) – limits the occupancy of a dwelling in the R-3 district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit. This is consistent with current zoning standards.

Unlike the new requirements for R-1 and R-2 which specify residential density by lot, R-3 zones kept current practices in place, allowing up to 3 unrelated individuals in each dwelling unit.

16. Exhibit IV-7 – allows residential cluster development by right in the R-3 district.

17. Sec 35.2-43.4 (c) – allows for reduction of setbacks based on neighborhood norms.

18. Exhibit IV-8 – interior side setbacks reduced from 8 to 5 feet and minimum lot size decreased from 8,000 to 4,000 sq.ft. to be consistent with the current allowance for duplexes and semi-attached dwellings. These changes are more consistent with current development patterns in the R-3 and the Comp. Plan's recommendations to encourage greater housing diversity.

High Density Multi-Household Residential District [R4]

19. Exhibit IV-9 – allows residential cluster development by right, and traditional neighborhood and planned unit developments by conditional use permit in the R-4 district.

20. 35.2-44.4 (b) and Exhibit IV-11 – add height and density bonus provisions for the R-4 district.

21. 35.2-44.4 (c) – establishes greater setback requirements for buildings exceeding two stories in R-4 districts when within 100 feet of an R-1, R-2 or R-3 district.

22. Exhibit IV-10 – interior side setbacks reduced from 8 to 5 feet.

R-4 and R-5 Zoning Districts were combined in this rewrite and the lower R-4 base density was given to all areas. A development may increase its density up to the current R-5 density if it meets certain standards that reflect principles from the Comprehensive Plan. These standards include: decreasing impervious area to reduce stormwater runoff, increasing buffers next to lower density residential districts, locating near transit service, providing pedestrian connectivity through a site, creating a commercial space in the ground floor of the building, and providing units accessible to people with disabilities. Additional standards for increasing density may be included in future ordinance revisions based on standards that improve stormwater quality above normal requirements and/or provide affordable housing units.

23. 35.2-44.3 –Allow a small percentage of non-residential uses, including retail, restaurant, service and office, as part of an apartment complex in R-4 districts. 5% of gross floor area of the entire residential development permitted [10,000 ft^2 commercial allowed in 200,000 ft^2 apartment complex].

Providing limited commercial uses in high density residential districts allows retail and service uses closer to the people who need them. Buildings with commercial uses on the ground floor also make for more walkable street environment.

Apartment building with ground floor commercial.

Limited Business District [B1]

24. Exhibit IV-12 – allows all uses formerly allowed in the B-1 and B-2 districts to be established in the B-1 district.

New uses include limited restaurant and retail stores. The reason to include restaurants and retail in B-1 is because these are uses that can readily serve a surrounding neighborhood and the ability to walk to these uses is typically considered an amenity to a neighborhood.

25. Sec. 35.2-45.3 (b) – limits drive-through and drive-in uses to access from urban collectors and local streets and requires services to be located in the rear of the building with limited access points. Drive-through service for food and beverage service would not be permitted.

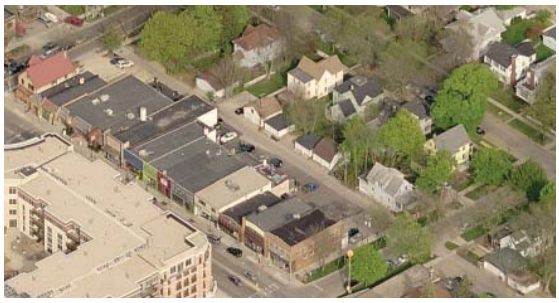
B-1 uses are intended to serve their adjacent neighborhoods. Drive-throughs designed with no restrictions lead to traffic conflicts with the neighborhoods they serve and reduce safety for pedestrians and bicyclists.

26. Sec. 35.2-45.3 (d) and Exhibit IV-13 – establishes maximum floor areas for businesses in the B-1 district.

This limits the size of uses within this district to keep them compatible with in scale with their surrounding neighborhoods.

Maximum Floor Areas for the B-1 District

Development	Maximum Gross Floor Area (sq.ft.)
Multi-tenant commercial developments	50,000
Single office development	20,000
Single retail or service business	5,000
Restaurant	4,000



Development scaled to transition into neighborhoods

27. Sec. 35.2-45.3 (e) – allows limited residential uses; Limits ground floor residential uses in the B-1 district except when part of a mixed use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.

28. Sec. 35.2-45.4 (d) – increases the setback for dumpsters from 20 feet to 25 feet from any residential property line.

This allows the potential for upper floors of buildings to be used as residential space. Currently residential uses are not permitted in business districts outside of downtown. This would allow upper stories or rear portions of buildings with doors on side streets to be used for residential purposes. These uses are compatible because portions of the parking designated for residential use will often be empty during the day when businesses are open and residents are at work. Additionally, mixing such uses allow employees the opportunity to live near where they work and avoid a long commute.

29. Exhibit IV-14 – eliminates front and exterior side setbacks in the B-1 district.

Eliminating the requirement for buildings to be set back from the street allows them close to the sidewalk, a desirable trait for walkable development.

Community Business District [B3]

30. Sec 35.2-46.3 (g) – allows limited residential uses; Limits ground floor residential uses in the B-3 district except when part of a mixed-use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.

See number 26 above.

31. Exhibit IV-16 – Eliminates front setback in B-3 districts

This allows greater pedestrian access, transit access and development flexibility.

Urban Commercial District [B4]

32. Sec 35.2-47.1 – B-4 district purposes modified so that it may apply to mixed use centers throughout the City.

33. Exhibit IV-17 – allows all uses formerly permitted in the B-4 and B-6 in the consolidated B-4 district.

As the city continues to grow and develop, downtown will likely not be the only place where mixed use development is appropriate. We already see it in older commercial areas and in planned areas like Cornerstone and Wyndhurst. Now the zoning ordinance has a district that can apply this type of development across the city.

34. Sec 35.2-47.4 (d) – incorporates the City's commercial design review guidelines by reference and incentivizes certain building materials (glass, stone, brick, stucco, or wood)or materials of comparable appearance and durability; entries to face the street; windows, entries and cornices to be proportionate to adjacent buildings; large buildings to include architectural features so that building fronts appear in scale with adjacent storefronts; and allows the City Planner to grant exceptions to design requirements when adjacent buildings are inconsistent with historic development patterns. If the above criteria are met, the site is exempted from the landscape ordinance.

The commercial design review guidelines were adopted in 2007 and while well used, they have been advisory only and the review process lengthens the time it takes to proceed with a project. This change makes certain key guidelines more attractive to implement and eliminates the extra process for approval.

Downtown Lynchburg

General Business District [B5]

35. Sec 35.2-48.3 (f) - allows limited residential uses; Limits ground floor residential uses in the B-3 district except when part of a mixed-use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.

See number 26 above.

Article V. Special Zoning Districts

1. Sec. 35.2-54 – the Commercial Corridor Overlay district may be eliminated or pared back if the access management standards and compatibility standards in Article VI are adopted.

The purpose of the requirement for increased setbacks and building spacing in this district was only to ease traffic issues along this corridor. The adoption of access management (traffic safety) standards city-wide allows this district to be removed.

2. Exhibit V-2 – maximum front setback for Fifth Street Corridor increased from 0' to 15' for commercial properties.

This gives development more flexibility and potential for better design because facades can vary more while maintaining principles adopted in the 5th Street Plan.

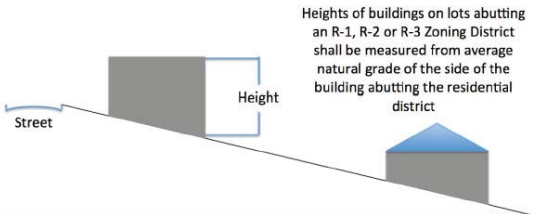
Article VI. Site Development Standards

1. Sec. 35.2-60.2 (b)(3) – allows for internal access for lots within commercial centers.

Currently outparcels in commercial lots are required to have street frontage, even if they don't have a driveway within that frontage. This eliminates that requirement for specific circumstances.

2. Sec. 35.2-60.2 (e) – repeats occupancy limits for residential districts.

3. Sec. 35.2-61.2 (a)(2)d. – measures height of buildings in R-4, B-3, B-5, institutional and industrial districts from the foundation closest to a R-1, R-2 or R-3 property line to soften the effects of uphill commercial development on neighborhoods.



Sec. 35.2-61.2 (a)(2)d. Graphic

4. Sec. 35.2-61.2 (c) – limits height of structures in R-4, B-1, B-3 and IN-1 districts adjacent to conforming residential uses in single and two-household residential districts (flattens bulk plane from 2:1 to 1:1 vertical rise to horizontal run).

Currently a building in an R-4, B-1, B-3, and IN-1 district can be 2 feet taller for every 1 foot it is from the property line adjoining an R-1 or R-2 use. The new ordinance flattens this so that the building can only go 1 foot higher for every 1 foot it is from the property line.

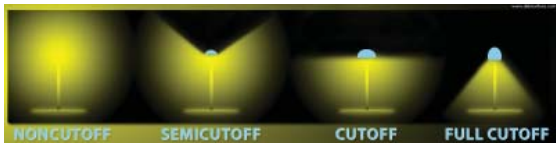
5. Sec. 35.2-61.3 – requirements for increased setbacks for large buildings removed because existing landscape requirements address the same impacts.

6. Sec. 35.2-61.3 (f) – creates neighborhood norms in R-1, R-2 and R-3 residential districts that allow reduction of front and side setbacks based on the mean or mode of development on abutting or nearby lots.

7. Sec. 35.2-61.4 (e)(3) – allows consolidation of lots based on neighborhood norms (i.e. eliminates lot consolidation requirement for substandard lots under common ownership when the lot sizes are consistent with those on the same block.)

The neighborhood norms provision allows development of vacant lots thatthe current ordinance prohibits without variances

formal list of ordinance changes	why it changed or what it is
8. Sec. 35.2-61.4 (e)(4) – prohibits detached accessory dwellings on lots that do not meet minimum lot area requirements.	Detached accessory dwellings are small residential structures on the same lot as a single-household residence. These include guest houses, caretakers' cottages and garage apartments.
9. Sec. 35.2-62.3 (b)(3) – allows the City Planner to approve the use of pervious or impervious surfaces for parking lots, subject to the recommendations of the TRC.	The current ordinance requires all parking areas to be paved. This allows the City Planner to approve more environmentally friendly surface treatments.
10. Sec. 35.2-62.4 (a)(2) – allows City Planner to reduce parking requirements if applicant documents lack of need or impact on future use of the site.	Excess parking consumes valuable land and strains the city's stormwater system. This allows the City Planner to reduce parking requirements if an applicant demonstrates the required amount would go unused.
11. Sec. 35.2-62.4 (d) – option for shared parking for uses not located on the same lot or block is eligible for development city-wide rather than solely traditional neighborhood development.	Actual parking demand varies for different uses and is reduced when uses with different parking needs share parking lots.
12. Sec. 35.2-62.5 (g) – allows Zoning Administrator to waive loading berth requirements when there is no practical way to provide a rear or side yard loading berth that is consistent with applicable zoning district purposes.	This will allow the use of development and topographically constrained lots.
13. Sec. 35.2-62.6 – requires bicycle parking racks within fifty (50) feet of every non-residential, mixed-use or multi-family structure.	All modes of transportation are equally important in a city. This requirement was added so that bicyclists have the opportunity to ride to destinations and can find designated spaces to park and lock up their bikes as easily as drivers.
14. Sec. 35.2-63.5 (e)(3) – requires mutual agreement between the City and applicant for cash payment in lieu of street tree installation.	
15. Sec. 35.2-63.6 (b) – allows for planting of street trees in right-of-way with City approval.	The current ordinance requires street trees to be on private property, which is counterintuitive to good street design where street trees provide a buffer between sidewalks and traffic and buildings are built on or near the front property line. This will allow street trees to be placed in that buffer strip in locations where buildings are built close to the street and it is not practical to place them between the building and the sidewalk.
16. Sec 35.2-63.7 (a)(1) – requires shade trees and shrubs to be planted in parking lot landscape islands, which reflects current policy.	
17. Sec 35.2-63.10(d) – Allows substitution of 10' buffer and 6' privacy fence in lieu of 20' buffer between B-1 and residential districts.	The addition of a fence will provide a better buffer than an extra ten feet and allow more use of the B-1 property.
18. Sec. 35.2-64.2 (a)(6) – new purpose added to "facilitate safe and convenient movement of all modes of traffic.	
19. Sec. 35.2-64.3 – new language allowing substitution of noncommercial speech for commercial speech added to enhance content neutrality.	

formal list of ordinance changes	why it changed or what it is
20. Sec. 35.2-64.12 (d) – new section authorizes changeable copy signs for institutional uses under certain conditions.	Changeable copy signs include digital signs. These have become popular in recent years and have traditionally required a conditional use permit (CUP), but are routinely approved in appropriate locations. Making this by-right eliminates the CUP process for these and allows their installation more quickly.
21. Sec. 35.2-64.13 (a)(2) – allows signs in the B-1 and IN-1 district to be increased to 0.5 square feet per linear foot of building frontage to a maximum of 50 square feet from the current maximum of 24 square feet.	Signs look relatively smaller when placed on larger buildings. This allows signs to be scaled so they fit with the size of the building.
22. Sec. 35.2-64.14 – sign requirements for industrial districts have been adjusted to match the sign requirements for the B-3, B-5 and IN-2 districts.	Currently signs allowed industrial districts are very small compared to the typical size of industrial buildings.
23. Sec. 35.2-64.15 (b)(4) – allows roof-mounted signs in a local, state or federal historic district or property where the Historic Preservation Commission finds such signs are consistent with historically significant signage.	Roof-mounted signs were popular historically, but have gradually disappeared from downtown. When abundant, these can look like clutter, but a few, historically significant signs may be appropriate downtown.
24. Sec. 35.2-64-18 – portions of section addressing modified signs deleted for greater compliance with Virginia code. 25. Sec. 35.2-64-18 – provisions for the City Council to grant exceptions for modified signs eliminated due to inconsistency with Virginia code.	Modified signs are signs that deviate from ordinance requirements through a CUP from City Council or certificate of appropriateness from the Historic Preservation Commission. Allowing this was inconsistant with State Code.
26. Sec. 35.2-65 – new section on outdoor lighting inserted to minimize glare and spillover lighting on adjacent properties.	On projects that go through the public hearing process or are located in certain overlay districts, lighting is required to be glare shielded and non-directional. The new ordinance applies this standard city-wide. The ordinance also requires all lighting to be full cut-off (no light emitted upward and limits glare) and establishes standards for spillover lighting, protecting adjoining properties. Requiring lighting to face downward protects adjoining neighborhoods and preserves the night sky. 
27. Sec. 35.2-66.2 – Applies principles of access management from the Commercial Corridor overlay district city-wide by adding standards for driveway spacing and establishing rules for shared driveways where the property owners choose this option. Section gives the City Engineer the ability to adjust the standards for unique sites. The B-4 district is exempt from these standards due to lower speed limits and the urban nature of downtown.	'Access management' is a term used in traffic engineering to refer to regulating intersections, driveways, and median openings in a roadway-generally controlling how vehicles access a street. Using access management principles helps create safer and more efficient streets.

28. Sec. 35.2-66.2(g)(3.c.) – allows porous pavement to be used for shared access if approved by the TRC

29. Sec. 35.2-66.4 and Exhibit VI-16 – visibility at intersections redefined to reflect traffic volumes, speeds, and urban character of the downtown district.

30. Sec. 35.2-67 – new section establishing requirements for sidewalks and pedestrian connectivity consistent with Americans with Disabilities Act (ADA) requirements. Exemptions are provided when there are no sidewalks or pedestrian-oriented uses within one-quarter mile of the site, or when physical constraints make sidewalk installation unfeasible.

Sidewalks are part of a complete and safe transportation system as much as roadways. This requirement provides for the incremental installation of sidewalks as individual sites (and new destinations for walkers) are developed.

31. Sec 35.2-68 – 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. Requirement does not apply to new, redeveloped, or modified single family or duplex residences on a lot of record established prior to the adoption of this ordinance, but will apply to new subdivisions. Note that this does not affect utilities in existing rights-of-way or create off-site improvement costs.

This is a standard practice on new development and creates a less cluttered streetscape and leads to fewer outages.

Commercial area on Rivermont Avenue with sidewalks

Article VII: Specific Land Use Standards

1. Sec. 35.2-71.1 (c) – establishes a 5 ft. setback for accessory structures in residential districts where there are no current setback requirements.

No setback is currently required. This provision improves residents ability to maintain accessory structures.

2. Sec. 35.2-71.3 (c) – detached accessory dwellings are allowed subject to limitation of size (maximum 900 sq.ft. and 1 bedroom) and parking requirements.

Detached accessory dwellings are small apartment units, typically found above garages that may be rented. This is added in combination with only allowing three (3) unrelated people 'per lot' as opposed to 'per dwelling unit' in R-1 and R-2 districts, adding setbacks for these structures, and requiring that lots meet area requirements for these to be established.

3. Sec. 35.2-71.4 – Home Occupations

   a. prohibition on midwives, barbers and hair stylists as home occupations has been eliminated;

Home occupations are small scale businesses that are run by residents of homes. These can serve as a home base for a start-up business or long-term operations for businesses with limited impacts. Lynchburg has examples of all of the home occupations authorized in this ordinance that have been operating without complaints.

b. artists, craftspeople and teachers are authorized;

c. services provided by artists, craftsmen, teachers, barbers, hairstylists and medical professionals are limited to no more than one client at a time;

d. services may be provided on an appointment basis only with not more than one client at a time;

e. outside storage for home occupation is prohibited;

f. not more than 20% of the dwelling's floor area may be used for the home occupation; and

g. incidental retail sales only allowed to customers using the primary service provided by the home occupation.

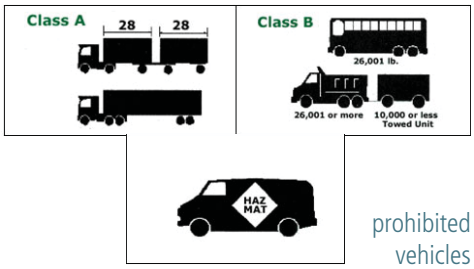
4. Sec. 35.2-71.7. – sets 5 acre lot size requirement for keeping up to 2 large farm animals and up to 4 poultry in any district outside of the R-C district. Prohibits the keeping of 3 or more animals and the keeping of roosters outside of R-C.

Structures for housing or feeding animals must meet a 200 foot setback. R-C districts with more than 10 acres may have 3 or more large farm animals. Poultry or hog farms are prohibited throughout the city.

5. Sec. 35.2-71.10 – prohibition on use of accessory building for gain has been eliminated, which allows home occupations to use accessory structures.

Accessory buildings (i.e. sheds, garages, etc.) may be used for home occupations.

6. Sec. 35.2-71.13 – prohibition on parking vehicles requiring Class A or B licenses or that carry hazardous materials in residential districts.



prohibited vehicles

7. Sec 35.2-71.14 – authorizes temporary health care structures in accordance with state law

This section establishes appropriate locations and standards for these temporary dwellings, which Virginia Code authorizes in all residential zoning districts.

8. Sec. 35.2-72.2 – requires arenas, auditoriums and stadiums to be located within ¼ mile of existing or planned transit facilities and exempts facilities with seating capacities of up to 1,000 people from the 200 ft. separation requirement from residential districts.

Local colleges have existing facilities of this capacity that interact well with their surrounding neighborhood.

9. Sec. 35.2-72.23 – changes made to reflect that temporary carnivals and fairs for non-profits no longer will require a conditional use permit.

formal list of ordinance changes	why it changed or what it is
10. Sec 35.2-72.6 (e) – authorizes certain uses accessory to a church without modification of the conditional use permit, but requires council approval of the addition of a school or major expansions not approved in the original CUP.	For example, this provision would allow cemeteries, columbaria and parsonages to be constructed without requiring a new conditional use permit (CUP).
11. Sec 35.2-72.8 (f) – requires pedestrian connections between child care centers and off-site recreation areas.	
12. Sec. 35.2-72.10 – helipads are allowed by right as accessory uses for institutional uses in any district and for any use in non-residential districts.	This is subject to a 200 ft. separation from the nearest residential property line.
13. Sec. 35.2-72.13 – prohibits the placement of mobile homes (homes that don't meet HUD manufactured standards) within the City.	
14. Sec. 35.2-72.17 – intent to comply with applicable zoning district standards is conveyed for public uses.	Because it is necessary for the City to provide essential public services and projects, it is exempt from meeting ordinances that apply to the private sector. However, this section reflects current practices and establishes the intent of the City to comply with all ordinances to the extent possible.
15. Sec. 35.2-72.20 – prohibition on sanitary and solid waste facilities accepting wastes from outside the City has been removed. All facilities would only be permitted by conditional use permit and are limited to the I-3 district.	
16. Sec. 35.2-72.27 – incorporates standards for mobile food vehicles currently being applied by the City for food trucks, food trailers and food carts. These regulations codify a number of best practices, including requiring that the mobile food vehicle be removed from the site after business hours.	Popularity of food trucks has risen lately and while they are a great, innovative business model, issues arise when they are stationary and act more like traditional

Mobile food vehicle

Article VIII: Development Patterns

1. Sec. 35.2-80.1 – residential cluster development is allowed by right in the R-1, R-2, R-3 and R-4 zoning districts subject to the density limits of the underlying zoning district.

2. Exhibit VIII-1 – establishes minimum lot areas for single-household and duplex units in residential clusters. Minimum open space requirements are 30% and minimum lot widths are 50% of the applicable district's minimum lot area and widths. For lots abutting conforming residential uses in single and two-household residential districts, 80% of the minimum lot width is required, unless it is separated by 50 feet of open space.

formal list of ordinance changes

why it changed or what it is

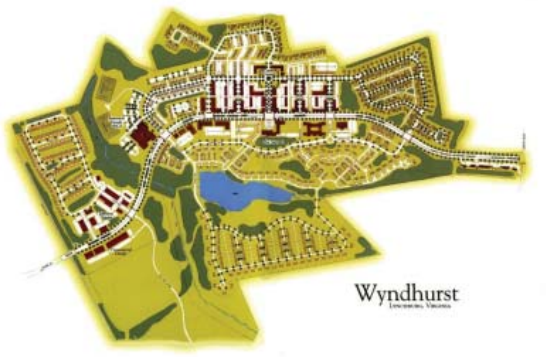
3. Sec. 35.2-82 - Traditional neighborhood development (TND) final site plans no longer require review by the design review board.

4. Exhibit VIII-3 – clarifies how residential density is calculated within a TND.

5. Sec. 35.2-82.10 – provides that appeals to City Planner or TRC actions on traditional neighborhood developments are reviewed by the Board of Zoning Appeals (BZA).

6. Sec. 35.2-83 – Planned Unit Development final site plans no longer require review by the design review board.

7. Sec. 35.2-84.3(c) – access provisions for large scale retail to be replaced by cross reference to section 35.2.66 if those access standards are adopted.



Wyndhurst Concept Plan

8. Sec 35.2-85.4 (c) – Cluster commercial development must be within ¼ mile of an existing or planned transit route.

The intent of Cluster Commercial Development is to provide dense commercial development by reducing lot restrictions while creating a well-designed district with increased amenities. As new commercial districts, it would be inappropriate to locate them out of reach of transit routes.

9. Exhibit VIII-4 – Cluster Commercial Development (CCD) is required to devote five percent of gross CCD acreage to site amenities (define as playgrounds, recreational facilities, parks, trails, etc.).

The existing ordinance calls for increased amenities in these districts but does not specify an amount or what would be considered an amenity. This provision gives examples to remove subjectivity from the existing ordinance by defining what facilities will be considered amenities.

10. Sec 35.2-85.6 (b)(2) – on-street parking is encouraged in Cluster Commercial Developments.

11. Sec 35.2-85.6 (b)(3) – parking lots are required to be located in the middle of blocks and located behind front building lines in Cluster Commercial Developments.

12. Sec 35.2-85.6 (b)(4) – shared parking is encouraged in Cluster Commercial Developments.

The existing ordinance states that "these districts are generally characterized by a unified or planned clustering of development served by a common parking area," but does not specify how to achieve this. This requirement specifies how Cluster Commercial Developments (CCD) will achieve this.

Large, underutilized parking lot

Clustered development and shared parking encourage people to walk between uses within a CCD. This ensures that the environment people are walking in is pedestrian friendly.

13. Sec. 35.2-85.6 (c)(1) – compliance with access standards is required.

14. Sec. 35.2-85.6 (c)(2) – block lengths in Cluster Commercial Developments are limited to 400 feet unless the Council finds that direct pedestrian cross-block access is provided.

15. Sec. 35.2-85.6 (c)(3) – sidewalks are required within Cluster Commercial Developments.

16. Sec. 35.2-85.6 (d) – underground utilities are required in Cluster Commercial Developments.

17. Sec. 35.2-85.6 – bonus floor area ratio provisions for increasing landscaping have been deleted.

18. Sec. 35.2-85.6 (e) – entrances along block faces are required to be separated by no more than 150 feet in Cluster Commercial Developments.

    This creates a standard for how development should be clustered on a site by requiring that entrances be close to each other.

19. Sec. 35.2-87 – creates a new development Corporate Campus development pattern that allows for a limited mix of retail, services and residential development as part of an employment center.

Article X: Administration

1. Sec. 35.2-100.7 – incorporates Chapter 30, which addresses the composition, appointment and duties of the Planning Commission.

2. 2. Sec. 35.2-102– clarifies the procedures for providing notice of violations and establishes the rules for criminal and civil penalties.

Article XI: Definitions

1. Definitions for the commercial and residential historic design review guidelines incorporate amendments to those documents by reference.

LAND USE CHANGES

While the general intent of the update was to maintain land use authorizations currently provided by each zoning district, there were significant changes made to the R-C district and other minor changes listed below. This section outlines newly added or now removed uses from each district.

RC District

The following conditional uses were eliminated

a. Airports
b. Antique stores
c. Boarding or lodging houses (bed & breakfast allowed by CUP)
d. Small and large home care centers (home care centers still allowed)
e. Cemeteries
f. Religious institutions
g. Clubs and fraternal organizations
h. Community swimming pools
i. Convents and monasteries
j. Large group homes
k. Hospitals and sanatoriums
l. Kennels and small animal boarding
m. Mobile home parks, trailer parks and campgrounds
n. Museums and galleries
o. Nursing homes
p. Offices and research and development organizations,
q. Planned unit developments
r. Recreation facilities other than public parks
s. Schools and colleges
t. Indoor shooting ranges (outdoor allowed)
u. Temporary fairs and carnivals
v. Traditional neighborhood developments

The RC District typically falls beside streams and are narrow and particularly environmentally sensitive. Allowing those uses defeats the purpose of the district.

Areas Zoned R-C are typically envinronmentally sensitive areas that include wetlands and streams

R-1, R-2,

a. Changed the number of residents permitted from three (3) unrelated residents per dwelling unit to three (3) unrelated residents per lot.
b. Allow Residential Cluster Development by right

At public meetings early in the process, there was significant concern from citizens about the number of unrelated people living in single family houses around the city. Documented issues include parking conflicts, noise, excessive trash, and a general sense that the density of potentially having six unrelated people living on one lot does not match the design of neighborhood.

R-3, and R-4 Districts

Allow Residential Cluster Development by right

Allowing developments to cluster does not add to the number of units a developer may build on a given parcel, but allows the same number to be developed within a smaller area. See page 7 for further discussion

B-3, B-4, B-5 and IN-2 Districts

Now allow large scale retail establishments by right, subject to compliance with the standards. Existing ordinance allows for CUP for developments that don't meet the standards.

B-4 District

a. Allows establishment of an armory by conditional use permit
b. Allows food and beverage production by right
c. The following uses were previously allowed in the B-6 district but are not allowed within the consolidated B-4 district
    i. Textile, leather and leather substitute manufacturing
    ii. Wholesale trade
    iii. Blacksmith shops
    iv. Warehousing
    v. Drivers education schools
    vi. Free-standing cemeteries
    vii. Commercial orchards
    viii. Livery stables
    ix. Tire retreading or rebuilding

These were originally permitted by right or by CUP in B-6 and when the two districts combined, those uses were carried over.

These uses do not fit into the Comprehensive Plan's vision for this type of area.

I-1 District

Now prohibits the following uses that currently are allowed:
a. Cosmetic and toiletry manufacturing
b. Cutlery manufacturing
c. Paper manufacturing
d. Pharmaceutical manufacturing
e. Commercial Recreation

I-2 District

a. Now requires a conditional use permit to establish an armory
b. Does not allow:
    i. Union halls and fraternal organizations
    ii. Commercial recreation
    iii. Drive-in theaters

PROCEDURAL CHANGES

Article 2

1. Consolidates all existing procedures and documents, as well as other current practices that are not included in the zoning ordinance.

2. Exhibit II-1 - summarizes approval processes, which follow existing procedures except that:

    a. Council approvals of zoning map amendments and conditional use permits constitute concept plan approval. Staff approves all final site plans.

    b. The Board of Zoning Appeals no longer approves special exceptions for non-conforming situations and on-site storage.

    c. Temporary use permits are approved by the Technical Review Committee, including carnivals for non-profit organizations, which previously required conditional use permit approval

3. Sec. 35.2-10.6 – clarifies who has the burden of persuasion for new applications and appeals.

4. Sec. 35.2-10.10 – makes continuances requested fewer than 7 days prior to a public hearing discretionary to limit applicant's ability to circumvent public input.

5. Sec. 35.2-10.13 – requires submittal of digital copies of plans and drawings to facilitate record keeping and distribution of information.

6. Sec. 35.2-10.14 – consolidates existing notification requirements and clarifies that the City is not mandated to provide any notice not required by statute.

7. Sec. 35.2-10.15 – consolidates and clarifies provisions for establishing property owners' associations applicable to residential clusters, planned unit development and traditional neighborhood developments.

8. Sec. 35.2-11.3 – allows applicants to modify proffers without prior approval by the Planning Commission.

9. Sec. 35.2-11.4 – establishes requirements for phasing plans if an applicant chooses to develop in multiple phases.

10. Exhibit II-5 – consolidates all submittal requirements for applications requiring public hearings before the Planning Commission and City Council.

11. Exhibit II-6 – consolidates existing notice requirements.

12. Exhibit II-7 – consolidates existing development approval criteria, and added that water, sewer and transportation systems that are directly related to the development may be considered as part of conditional zoning and voluntarily submitted proffers.

13. Sec. 35.2-11.9(b) – Conditional use permits made valid for 24 months rather than for 6 months with options for extensions.

CUP extensions have been routinely approved and typically have only added an unnecessary administrative process.

14. Sec. 35.2-11.10 – Identifies minor amendments to applications that do not require renotification.

15. Sec. 35.2-11.11 –

    a. This is the first of many sections that refers to concept plans. Note that the existing ordinance uses several different document names for what is now consistently referred to as a concept plan, which, when a public hearing is required is the primary document that will be reviewed by the applicable decision-makers.

    b. This section identifies minor amendments to approved concept plans that will not require a new public hearing.

16. Exhibits II-9 and II-11 – incorporates statutory changes relaxing the standards for granting variances.

17. Sec. 35.2-12.9 – establishes a 12 month time period for the validity of variances in lieu of the current time period of 6 months.

18. Sec. 35.2-13.7 – increases the time of for action by the Historic Preservation Commission from 30 days to 45

days to reflect current practices.

19. Sec. 35.2-13.8 – requires posting of a certificate of appropriateness until the work is completed to facilitate monitoring of regulated development activity by the public and the City.

20. Exhibit II-16 – consolidates and standardizes the submittal requirements for concept plans and final site plans, adding:

    a. Specific contour intervals for topography for different types of concept plans.

    b. Locations of watercourses to concept plans.

    c. Locations of regulatory floodplains and floodways to final site plans.

    d. Utility information provided on the concept plan to be shown on the final site plan

21. Sec. 35.2-14.4 –

    a. Consolidates existing minor exceptions that may be granted by staff and identifies individuals responsible for the action.

    b. Adds Commercial Design Guidelines to the list of minor exceptions that may be granted by City Staff.

    c. Also includes a provision for shared parking, previously only allowed within a Traditional Neighborhood Development.

22. Sec. 35.2-14.5 – temporary use approval assigned to the Zoning Administrator, with appeals going to the Board of Zoning Appeals. Circuses, carnivals and revivals previously required conditional use permits in some districts, but are now allowed by right subject to various operational conditions.

These are temporary events without lasting impacts that have historically been approved by City Council. This provision removes a time-consuming process.