



**TO: Lynchburg Planning Commissioners**  
**FROM: Michael Lauer, AICP – Principal**  
**DATE: September 5, 2014**  
**RE: Zoning Ordinance Update Status Report**

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This memo recommends specific approaches to zoning ordinance changes based on input from the Planning Commission and highlights additional matters for discussion. Blanks are included for Commissioners to register their support or opposition to specific proposals. Where more information is desired, please specify the information required to make a decision on the matter.

**TENTATIVE SCHEDULE OF EVENTS**

The following dates are tentative dates for future meetings on the zoning ordinance revisions.

Date	Meeting
Wed, Sep 10	Planning Commission Workshop – Community Input Summary and Pending Issues Discussion
Wed, Oct 8	Planning Commission Work Session
Tue, Oct 14	Joint Work Session City Council / Planning Commission

**REGULATORY ISSUES**

**1. Excluding Intense Uses From Resource Conservation Districts**

- **Issue:** The current RC district allows broad range of intense uses including planned unit developments, institutional uses and traditional neighborhood development through the conditional use permit process. These more intensive uses are incompatible with the purposes of the district.
- **Planning Commission Recommendation:** Review the list of conditional uses and eliminate the more intensive uses from the district.
- **Proposed Amendment:** Eliminate the following conditional uses from the RC district:

Conditional Use	Exclude	Include	Comment
Airports;			
Antique Stores;			
Religious institutions;			
Convents and monasteries;			
Educational facilities;			
Hospitals and sanatoriums;			
Mobile home parks;			
Nursing homes;			
Offices and Research Development Organizations;			
Planned developments including TNDs and PUDs;			
Shooting ranges;			
Temporary fairs and carnivals; and			
Trailer parks.			

Confirm whether the following uses should continue to be allowed by conditional use permit:

Conditional Use	Exclude	Include	Comment
Care Centers			
Community Swimming Pools			
Group Homes			
Museums & Art Galleries			
Police & Fire Stations			
Public & Community			
Recreation Facilities			

**2. R-4 and R-5 District Consolidation**

- **Planning Commission Recommendation:** Combine the districts and apply the R-4 density unless the development incorporates special design enhancements, which may include: extra open space, environmental protection, transit support, pedestrian enhancements or other amenities.
- **Proposed Amendments:**
  - Consolidate the districts [Yes] [No] [Need more info]
  - Establish compatibility-based revisions to setbacks and height as shown compatibility section below (see number 6).
  - Authorize the establishment of neighborhood retail and service uses occupying up to 5% of the gross floor area of a development and apply the same restrictions on operations (no drive-through uses and limited hours) as described for the B-1 district below. [Yes] [No] [Need more info]
  - Add the following rules for density

**Density Bonuses.** The net density may be increased to not more than twenty-nine (29) dwellings per acre subject to achievement of any combination of design standards listed in Exhibit IV-6.

*Exhibit IV-6: Density Bonuses in the R-4 District*

Design Element	Density Bonus	Yes	No	Comment
Impervious building ground cover	Density may be increased by 1 dwelling per acre for every 1 percent in impervious building ground cover below 30 percent.			
Additional buffer width	Density may be increased by 3 dwellings per acre if the required buffer width of 20 feet and plantings within the buffer are doubled.			
Transitional buildings	Density may be increased by 2 dwellings per acre if the buildings closest to an abutting R-1, R-2 or R-3 district are limited to 2 story structures with having pitched roofs.			
Mobility – transit stop	Density may be increased by 2 dwellings per acre subject to provision of a covered transit stop approved by GLTC and the City			

Design Element	Density Bonus	Yes	No	Comment
	Engineer, subject to the commitment to provide transit service by GLTC or other transit service provider approved by the City.			
Mobility – pedestrian enhancements	Density may be increased by 2 dwellings per acre subject to the provision of a multi-purpose trail extending through the property and connecting to existing pedestrian facilities, pedestrian facilities identified in an adopted City Plan, retail/service uses within ½ mile of the development or a school within ½ mile of the development.			
Mobility – mixed use	Density may be increased by 2 dwellings per acre subject to the on-site provision of floor area for authorized retail or service uses in accordance with the R-4 district use standards established in section 35.1-44.3.			
Accessible Units	Density may be increased by 1 dwelling per acre if 10 percent of units are accessible and an additional dwelling per acre for each additional 5 percent of accessible units			
Water quality	Reserved for best management practices incentives following adoption of the water quality master plan.			
Affordable or work force housing	Reserved for future incentive subject to resolution of target occupants, qualified units and administrative matters.			

**3. B-1 and B-2 District Consolidation**

- **Planning Commission Recommendation:** Combine the districts and allow restaurants subject to limitations on scale, drive-through service and hours of operation.  
[Yes] [No] [Need more info]
- **Proposed Amendments:**
  - Consolidate the districts [Yes] [No] [Need more info]
  - Modify use standards to:
    - Prohibit drive-through uses; [Yes] [No] [Need more info]
    - Limit hours of operations for restaurants from to 6 am to 10 pm on Sunday-Thursday and 6 am to 11 pm on Fridays and Saturdays (note: other communities who have applied hours limitations have relied on discretionary approvals such as conditional use permits due to concerns about local authority to limit hours on by-right uses); [Yes] [No] [Need more info]
    - Limit restaurants to 2,000 square feet of gross floor area; [Yes] [No] [Need more info]
    - Limit other commercial developments to 50,000 sq.ft. in gross floor area and

- 20,000 sq.ft. per business. [Yes] [No] [Need more info]
- Require dumpsters to be screened and meet minimum setback requirements from residential districts. [Yes] [No] [Need more info]
- Modify front setback and parking standards to promote pedestrian access by:
  - Require side or rear parking; and [Yes] [No] [Need more info]
  - Reducing front setbacks to 5 feet when an 8 ft. wide sidewalk is provided in front of the building. [Yes] [No] [Need more info]

**4. B-4 and B-6 District Consolidation**

- **Planning Commission Recommendation:** Combine the districts.
- **Proposed Amendment:** Consolidate the districts and allow all uses permitted in either district within the combined district. [Yes] [No] [Need more info]

**5. Eliminate the Design Review Process in the B-4 and B-6 districts**

- **Planning Commission Recommendation:** Eliminate the design review committee process and adopt applicable provisions from the Historic Guidelines for Commercial Buildings as standards.
- **Proposed Amendments:**
  - Eliminate the Design Review process but require TRC review of site plans. [Yes] [No] [Need more info]
  - Adopt the following additional district development standards from the City’s Historic Design Guidelines for Commercial Structures:
    - For new development and redevelopment, restorations or modifications to existing structures:
      - Building and site development should comply with the “Lynchburg Historic Districts Commercial Design Review Guidelines”; [Yes] [No] [Need more info]
      - Walls shall be constructed out of brick or masonry except for roof and rear additions complying with the guidelines may be constructed of wood, brick or masonry (note that a provision should be included to authorize materials of comparable appearance and durability subject to TRC approval); [Yes] [No] [Need more info]
      - Front building setbacks shall be aligned with existing buildings along the street except where a courtyard is established; [Yes] [No] [Need more info]
      - Entries shall be oriented to the street on which the building fronts, except that entries for buildings on corner lots may face the corner; [Yes] [No] [Need more info]
      - Window size, the proportion of openings and the alignment of windows, floors and cornices shall be consistent with adjacent buildings; [Yes] [No] [Need more info]
      - Large buildings shall include architectural features to create the appearance of matching existing storefront widths; and [Yes] [No] [Need more info]
      - Buildings shall maintain the existing proportions of windows. [Yes] [No] [Need more info]
    - In administering the above requirements, the City may grant exceptions to allow development that emulates historic design patterns when a project is located adjacent to one or more buildings that is inconsistent with these patterns. [Yes] [No] [Need more info]

**6. Ensuring Compatible Land Use Transitions between Single Family and More Intensive Development**

- **Planning Commission Recommendation:** Bring back recommendations for specific requirements that establish context sensitive transitions between single family and more intensive development addressing scale, height, buffers and other factors.
- **Proposed Amendments:** The following standards apply addition to the above standards for development in the R-4 district.

Design Element	Existing	Proposed	Yes	No	Comment
Maximum Height in R-5 Districts abutting R-1, R-2 and R-3 Districts	40 feet at required setback and increasing by 2 feet for every additional foot of setback, but not to exceed 125 ft.	For any lot line abutting a R-1, R-2 or R-3 district a minimum setback of 50 feet shall be required and increasing by 1 foot for every additional foot of setback, but not to exceed 125 feet.  For purposes of this provision, building height shall be measured from average grade at the building line closest to the abutting residential district.			
Maximum Height in B-1 Districts Abutting a R-1, R-2, R-3 or R-4 District	40 feet at required setback and increasing by 2 feet for every additional foot of setback, but not to exceed 125 ft.	40 feet, but allow for exceptions for religious institutions			
Maximum Height in B-3, B-4, B-5 or I District Abutting R-1, R-2 or R-3 District	40 feet at required setback and increasing by 2 feet for every additional foot of setback, but not to exceed 125 ft.	For any lot line abutting a R-1, R-2 or R-3 district a minimum setback of 50 feet shall be required and increasing by 1 foot for every additional foot of setback, but not to exceed 125 feet.  For purposes of this provision, building height shall be measured from average grade at the building line closest to the abutting residential district.			
Minimum Buffer (screened yard)	20 feet with evergreen tree lines planted in rows fifteen (15) feet apart and staggered ten (10) feet on center.	No change, but see density incentive for R-5 District			

Design Element	Existing	Proposed	Yes	No	Comment
Minimum Building Setback for B-1 Districts abutting R-1, R-2 or R-3 Districts	A fifty (50) foot setback and a buffer (20 feet)	A fifty (50) foot setback which may include the buffer (20 feet)			
Minimum Building Setback for B-3, B-4 or B-5 Districts abutting R-1, R-2 or R-3 Districts	A fifty (50) foot setback and a buffer (20 feet)	Clarify that building setback is 70 feet and that the proposed height limitations begin at this setback.			
Minimum Building Setback for I Districts abutting R-1, R-2 or R-3 Districts	A one hundred (100) foot setback and a buffer (20 feet)	No change			
Minimum Building Setback for Long Buildings	Where a structure exceeds fifty (50) feet in length along a side yard, the required side yard shall be increased one (1) foot in width for each ten (10) feet of additional building length or fraction thereof.	No change			
Setbacks for Accessory Private Recreational Uses ( <i>includes active recreational facilities but excludes trails and paths</i> )	Not less than 10 feet from any lot line. If less than 50 feet from any lot line then it must be screened by a combination of existing evergreen vegetation, walls, fences, earthen berms and new evergreen vegetation such that the required height at installation is sufficient to screen the use.	Add the following: When abutting a R-1, R-2 or R-3 district, the minimum setback shall not be less than the required buffer for unlit private recreational uses. For lit private recreational uses (e.g., lighted tennis or sports courts or a lighted swimming pool) the use shall comply with minimum building setbacks.			

**7. Allowing Detached Accessory Dwellings**

- **Background** – The City currently allows accessory dwellings as part of an existing structure by right and guest houses by conditional use permit. One parking space is required for each dwelling unit and owner-occupancy is mandatory. The Comp Plan supports the option of accessory dwellings to provide greater housing opportunities. During the Plan update process, several individuals expressed an interest in allowing for detached accessory dwellings (e.g., granny-flats and garage apartments).
- **Issues** – The allowance of a detached accessory dwelling does not affect parking, density or the current enforcement challenges, but does raise issues that many other communities have addressed.
  - **Setbacks.** The City’s standards for accessory structures do not require setbacks and do not establish additional height limitations, which would allow the construction of a two-story garage apartment or free-standing dwelling on the property line. This has direct impacts on the privacy of neighbors, but could be addressed by requiring that any unit be located within the setback area for the principal structure.
  - **Size of Unit.** Most communities that allow for accessory apartments place a limit on the size of such units (e.g., 750-1,000 sq.ft.) and/or the number of bedrooms (e.g., 1-2) to limit the occupancy and parking demand. While the City’s impervious cover limits have some impact on the size of accessory dwellings, the large lot requirements in the R-1 and R-2 districts can accommodate relatively large accessory buildings.
  - **Enforcement.** Some communities, particularly college towns have struggled with maintaining compliance accessory dwelling provisions and have employed devices such as conditional use permits or rental licensing to facilitate enforcement.
- **Planning Commission Recommendation:** Evaluate allowing detached accessory dwellings through by-right staff approvals subject to standards addressing setbacks, unit size and location.
- **Proposed Amendments:** Allow detached accessory dwellings by right subject to existing requirements that:
  - Not more than two (2) dwelling units are permitted on any lot in an R-1 or R-2 district  
[Yes] [No] [Need more info]
  - The owner of the property shall occupy either the primary or the accessory dwelling;  
[Yes] [No] [Need more info]
  - The dwelling shall be no larger than 900 square feet or have more than one (1) bedroom;  
[Yes] [No] [Need more info]
  - The dwelling shall comply with all setbacks for principal structures unless approved through the conditional use permit process; [Yes] [No] [Need more info]
  - Maximum ground cover shall not exceed the established district standards; [Yes] [No] [Need more info]
  - The dwelling shall be located behind the front building line; [Yes] [No] [Need more info]
  - The exterior of the accessory dwelling shall be constructed of the same materials as, and be designed to be compatible with the principal structure; [Yes] [No] [Need more info]
  - Allow temporary accessory dwellings that comply with the above standards (excluding building materials) subject to issuance of a temporary use permit for a period not to exceed two (2) years; and [Yes] [No] [Need more info]
  - The applicant for a temporary or permanent accessory dwelling shall provide a signed statement acknowledging and agreeing to comply with the above requirements.

[Yes] [No] [Need more info]

Note: Medical Units need to be defined separately as these are authorized by statute in single-family residential districts. Local governments are allowed to address the location on the lot for this temporary housing option. Other standards typically include the size limitation (300 sq.ft.), connection to utilities and provisions for removal.

**8. Establishing Appropriate Setbacks in Developed Areas**

- **Background** – The Zoning Ordinance requires large suburban setbacks in most residential districts. Many neighborhoods were developed with buildings that do not comply with adopted setback standards. Plan policies call for the establishment of urban setbacks in urban areas.
- **Planning Commission Recommendation:**
  - Establish front and side setbacks to be based on neighborhood norms that are based on either:
    - The predominant setbacks on the block face of the proposed development as well as the block face opposite the proposed development; or
    - The average setback of the buildings located on either side of the proposed development.

[Yes] [No] [Need more info]
  - When determining the predominant setbacks, the City shall determine the mean of all principal structure setbacks. For any structure set back further than the minimum required setback for the applicable zoning district shall be deemed to be set back to that minimum.
 

[Yes] [No] [Need more info]
  - The above neighborhood norm provisions shall be applicable throughout the City.
 

[Yes] [No] [Need more info]

**9. Billboard Cap and Replace**

- **Background** – Sign industry representatives have approached the City about the prospects of establishing an option to remove non-conforming billboards from the B-4 and other districts where they are not currently allowed in exchange for the ability to establish a new billboard in the B-5 or other district where they are currently prohibited.
- **Zoning Options** – Cap and trade provisions are used by an increasing number of jurisdictions. Some have opted for even swaps and some have established tradeoffs that reduce the total number of billboards (e.g., remove 2 to establish 1). In deciding on this issue, the Planning Commission should decide where appropriate receiving zones might be and whether to establish a 1 to 1 tradeoff between signs.
- **Proposed Amendments:**
  - Enable cap and replace provisions [Yes] [No] [Need more info]
  - Enable a 1 for 1 replacement [Yes] [No] [Need more info]
  - Expand locations to include the B-3, B-5, IN-2 and I-1 districts [Yes] [No] [Need more info]
  - Consider limitations in scenic corridors or other locations such as distance from gateways [if yes, then where should they be limited?]

- Allow digital billboards in all districts where billboards are allowed [Yes] [No] [Need more info]
- Provide the following exceptions
  - Allow conforming billboard to be replaced if it is condemned [Yes] [No] [Need more info]
  - Allow conforming billboard to be replaced if current lease is terminated [Yes] [No] [Need more info]
  - Allow non-conforming billboard to remain in current location if site is owned by the sign company [Yes] [No] [Need more info]
  - Once all non-conforming billboards owned by a sign company have been replaced, the sign company may relocate its conforming billboards [Yes] [No] [Need more info]

### **10. Additional Potential Zoning Amendments for Discussion**

Based on public comments at workshops and a review of the comprehensive plan and zoning diagnostic, the Planning Commission should consider following additional zoning ordinance amendments:

- Allowing cluster development by right in the R-1 and R-2 zoning districts with no gross density increases to reduce infrastructure costs, preserve open space and protect natural resources; [Yes] [No] [Need more info]
- Prohibiting spite fences; [Yes] [No] [Need more info]
- Allowing digital reader boards for religious institutions in certain corridors subject to limitations on size, brightness, operational requirements and proximity to residential uses; [Yes] [No] [Need more info]
- Updating the City’s lighting requirements to reduce light spillover; [Yes] [No] [Need more info]
- Establishing minimum criteria for connectivity (This may include driveway spacing, cross access and shared driveway standards); [Yes] [No] [Need more info]
- Increasing the allowed sign area for large sites in industrial districts; [Yes] [No] [Need more info]
- Requiring pedestrian connections to sidewalks for multi-family and commercial development; [Yes] [No] [Need more info]
- Reducing the subjectivity of existing provisions for commercial cluster developments (CCDs);
  - Locate CCDs near other development and connecting to transit. [Yes] [No] [Need more info]
  - Establish minimum percentage of site to be set aside for preservation (with waiver provision if there is no area that needs preservation) [Yes] [No] [Need more info]
  - Establish a minimum percentage of the site to be dedicated for amenities (e.g., playgrounds, tennis courts, running trails, park space). This should also be required to be illustrated on the concept plan. [Yes] [No] [Need more info]
  - Require a minimum percentage of the commercial floor area to be concentrated on a specified percentage of the site. (e.g., 60 percent of the floor area must be located on 20 percent of the site’s gross acreage)
  - Limit excess parking to encourage shared parking

- Establish a maximum parking ratios [Yes] [No] [Need more info]
  - Require that any parking above a certain threshold be pervious [Yes] [No] [Need more info]
  - Increase the percentage of landscape area required as the number of spaces greater than a specified threshold increases [Yes] [No] [Need more info]
- Apply commercial standards from other portions of the ordinance (e.g., requirement for street connectivity, ped connections, transitions, others?) [Yes] [No] [Need more info]
- Establishing bike rack requirements for retail, service, restaurant and institutional uses; [Yes] [No] [Need more info]
- Eliminating or reducing the scenic corridor and/or commercial corridor overlay standards by incorporating select requirements into applicable base districts; such as:
  - Prohibit parking or paving within 25 ft. of a residential district in B-3, B-5, IN and I districts; [Yes] [No] [Need more info]
  - Require 40 ft. parking setback from street in B-3, B-5, IN and I districts; [Yes] [No] [Need more info]
  - Require all utilities to be located underground; [Yes] [No] [Need more info]
  - Move Scenic Corridor Overlay district requirements for building bulk softening effect to landscaping ordinance; [Yes] [No] [Need more info]
  - Prohibit signs painted upon brick or stone buildings; [Yes] [No] [Need more info]
  - Require for architectural materials such as brick, stone or wood or screening portions of buildings not constructed of these materials in R, B and IN districts. [Yes] [No] [Need more info]