

## ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED 35.1-38.2, THE NEW SECTION RELATING TO INSTITUTIONAL DISTRICTS (IN-1); ADDING THERETO A NEW SECTION NUMBERED 35.1-38.3, THE NEW SECTION RELATING TO INSTITUTIONAL DISTRICTS (IN-2); TO AMEND AND REENACT SECTIONS 35.1-25.1.2, 35.1-25.1.8, 35.1-25.1.9, 35.1-25.1.11, 35.1-25.1.12 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, RELATING TO THE LANDSCAPING ORDINANCE; AND, TO AMEND AND REENACT SECTIONS 35.1-26.5, 35.1-26.9, 35.1-26.10 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, RELATING TO THE SIGN ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

**1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto a new Section numbered 35.1-38.2 as follows:**

### Section 35.1-38.2 Institutional Districts (IN-1 / IN-2)

(a) Intent. The intent of Institutional Districts is to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. The amount of off site impact related to an institution depends as much on the location as the size and scale of the campus. These districts will provide flexibility for institutions while creating development standards to minimize off site impacts such as noise, lighting, traffic, and availability / capacity of water and sanitary sewer infrastructure associated with their development. Off site impacts related to erosion and sediment control / stormwater management will be mitigated by existing city ordinances.

(b) Definitions. The following definitions shall apply to IN-1 and IN-2 districts:

- (1) Campus – A designated area of land including the buildings and grounds of institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches. **A campus may be divided by public or private rights-of-way.**
- (2) Concept Plan – A generalized, illustrative plan indicating how off site impacts such as traffic, water and sanitary sewer availability / capacity, lighting and noise are mitigated and providing an assessment of existing and future development of the institution's campus, including buildings, parking areas, recreational facilities, open space and access points to city streets. In addressing off site impacts related to traffic, the city encourages the institution to include improvements for sustainable alternatives such as: provisions for bus service, sidewalks and pedestrian crossings, pedestrian trails and bicycle trails, connected internal site circulation or park and ride lots which could, if implemented, improve the Level of Service (LOS) standards on city streets serving the institution.
- (3) Level of Service (LOS) – A scale that measures the amount of traffic that a roadway or intersection can **effectively and efficiently** accommodate, based on such factors as volume, capacity, queues ~~maneuverability, driver dissatisfaction~~ and delay. LOS is graded on a scale of A through F, where LOS-A is free-flowing traffic and LOS-F is ~~stop-and-go congestion~~ a condition where traffic flow is **unstable and excessive delay and queuing is expected.**
- (4) Open Space – Any land or area, the preservation of which would: conserve and enhance scenic resources, protect streams, promote conservation of soils or provide for passive or active

recreational space. Open spaces may include plaza areas, provided they contain a landscaped component. Setback areas may be included in the computation of required open space.

- (5) Residence or residential – the terms “residence” or “residential” shall be as defined in Section 35.1-11.11(s) and for the purposes of determining setback and/or height requirements for IN-1 District, shall not include any properties owned, leased, or used by the institution regardless of zoning or land use.
- (6) Residential Street – any local city street where the majority of land use on one or both sides of the street within the block is residential.

#### Section 35.1-38.3. Institutional District (IN-1)

- (a) Intent. This district is to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. This district will provide flexibility for institutions while identifying areas intended for future development.

IN-1 districts are for institutional campuses ~~consisting of less than three hundred (300) contiguous acres and~~ located primarily within or adjacent to residential areas. ~~In determining whether a campus is contiguous, property that is divided by any public or private right-of-way shall not be considered noncontiguous as a result of such division.~~

Institutions are encouraged to maintain a dialogue with city staff that will provide a greater understanding of the relationship of the institutions’ and the city’s future development plans and the availability of adequate water, sanitary sewer and transportation infrastructure.

- (b) Establishment of District.
  - (1) The process for establishing an IN-1 Institutional District for a campus shall be the same as provided for a change to the Official Zoning Map as outlined in Section 35.1-17(b), Amendments of the Zoning Ordinance.
  - (2) Establishment of an IN-1, Institutional District. At the time the IN-1, Institutional District is established, the institution shall provide to the city:
    - (a) A concept plan with a two (2)-year projection of future development at the campus. The concept plan is intended to be illustrative in nature and should provide an overview of how the campus will develop; how off site impacts such as noise, lighting and traffic will be mitigated and proposed uses that would require an extension or upgrade to water / sanitary sewer infrastructure. The concept plan is not intended to serve as a master plan. Permitted and accessory uses do not need to be indicated on the concept plan provided the development standards of the Institutional District are met and adequate transportation and water / sanitary sewer infrastructure is available to serve the development.
    - (b) A traffic study prepared by a firm qualified to conduct traffic engineering studies. The methodology for the required traffic study shall be as specified in the City’s Manual of Specifications and Standard Details in effect at the date of the adoption of this ordinance. Technical guidelines for traffic studies may be obtained from the city’s transportation engineer. The traffic study shall include the following information:
      - i. The existing Level of Service (LOS) for city streets and intersections serving the campus.

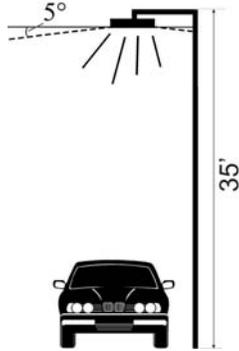
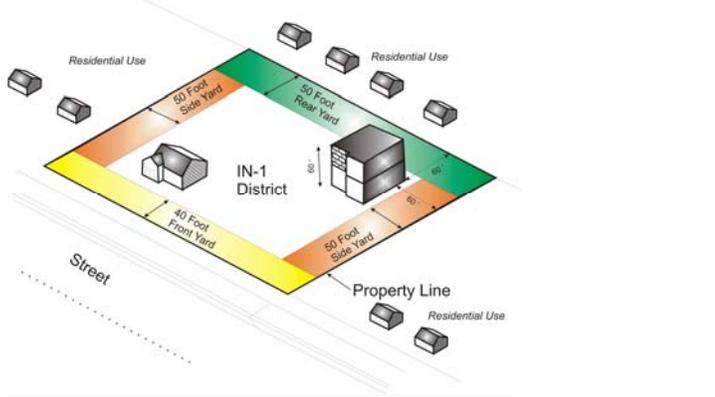
- ii. The projected amount of growth of the campus that would result in a street or intersection Level of Service (LOS) lower than “D” for city streets or intersections serving the institution, or
- iii. In the case of city streets or intersections with a Level of Service (LOS) already lower than “D” the projected amount of growth of the campus that would result in further lowering the Level of Service (LOS).

(c) Uses permitted by right and by conditional use permit.

<u>Use</u>	<u>Permitted</u>	<u>Conditional Use Permit</u>
<u>Accessory to the Institution Such as dormitories, visitor and faculty housing, book stores, coffee shops, cafeterias, offices, facilities management, storage and recreational uses</u>	√	
<u>Churches</u>	√	
<u>Colleges</u>	√	
<u>Lighted Athletic Fields Adjacent to Residential Use</u>		√
<u>Medical Facilities</u>	√	
<u>New access point to Residential City streets</u>		√
<u>Private water / sewer treatment facilities when public infrastructure is available</u>		√
<u>Schools</u>	√	
<u>Senior Living Facilities</u>	√	

(d) Standards.

<u>Standard</u>	
<u>Minimum Land Area</u>	<u>5 acres</u>
<u>Front Yard</u>	<u>40 feet</u>
<u>Side Yard</u>	<u>50 feet</u>
<u>Rear Yard</u>	<u>50 feet</u>
<u>Setback from Adjacent Residential Use</u>	<u>50 feet</u>
<u>Setback for structures and uses existing at the time district is established</u>	<u>Structures and uses with a setback less than required by these standards and existing at the time the district is established shall not be considered nonconforming and may be enlarged or expanded within the existing setback.</u>
<u>Uses permitted within required yards and setback</u>	<u>None</u>
<u>Height Requirement</u>	<u>Equal to distance of structure from adjacent residential use</u>
<u>Open Space</u>	<u>Twenty Percent (20%) of the campus</u>
<u>Lighting</u>	<ul style="list-style-type: none"> <li>▪ <u>Glare shielded no illumination beyond property line</u></li> <li>▪ <u>Shall not radiate above five degrees (5°) below horizontal</u></li> <li>▪ <u>Thirty-five feet (35') in height. (Excludes athletic field lighting.)</u></li> </ul>

	
<u>Landscaping</u>	<u>See Landscaping Ordinance Section 35.1-25 et seq.</u>
<u>Signs</u>	<u>IN-1 – See Sign Ordinance Section 35.1-26 et seq.</u>
<u>Stormwater Management</u>	<u>See Stormwater Management - Chapter 16.2</u>
<u>Erosion and Sediment Control</u>	<u>See Erosion and Sediment Control - Chapter 16.1</u>
	
<u>IN-1 Institutional District Dimensional Standards</u>	

(e) New Concept Plan Required. A new concept plan for a campus shall be required when the city's technical review committee (TRC) determines in approving a site plan for the institutional campus:

- (1) The cumulative total of the institution's existing and proposed development at the campus would result in a Level of Service (LOS) lower than "D" for city streets and intersections serving such campus or in the case of city streets or intersections serving such campus that had a Level of Service (LOS) lower than "D" at the time the district was established a further lowering of the Level of Service; or
- (2) Adequate water / sanitary sewer capacity or infrastructure, as determined by current engineering standards, is not readily available to serve the institution's existing and proposed development at such campus; or
- (3) A period of five (5) years has passed since the review of a concept plan by the Planning Commission for such campus.

- (f) The new concept plan shall be prepared as stated in Section 35.1.38.3(b)2a and when the requirement for a new concept plan is based upon LOS standards, a traffic study shall be required as specified in Section 35.1-38.3(b)2b.
- (1) Improvements required to maintain a LOS “D” for city intersections or to prevent a further lowering of the Level of Service when the institutional development itself gives rise to the need for the improvement shall be required to be made by the institution. Only those improvements where there exists a clearly demonstrated nexus between the proposed development of the campus and the need for the improvement shall be required to be made by the institution.
- (2) The new concept plan with a two (2)-year projection shall be submitted to the Planning Commission for review and comment. Institutions are encouraged to maintain a dialogue with city staff that will provide a **greater** understanding of the relationship of the institutions and the city’s future development plans and the availability of adequate water, sanitary sewer and transportation infrastructure.

Section 35.1-38.4. Institutional District (IN-2)

- (a) This district is to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. This district will provide flexibility for institutions while identifying areas intended for future development.

IN-2 districts are for larger institutional campuses ~~located consisting of at least three hundred (300) contiguous acres, which have access to a State primary road and are~~ primarily adjacent to districts other than residential districts. ~~In determining whether a campus consists of at least three hundred (300) contiguous acres, Property that is divided by any public or private right-of-way shall not be considered noncontiguous as a result of such division.~~

- (b) Establishment of Institutional District (IN-2).

- (1) The process for establishing an IN-2, Institutional District shall be the same as the process provided for amending the Official Zoning Map which is set forth in Section 35.1-17(b), provided however; an applicant shall not be required to submit a legal description, a metes and bounds description or a schematic site plan of the property that is the subject of the application. The site plan review procedures set forth in Section 35.1-14 shall not be applicable to applications to establish IN-2, Institutional Districts.

- (2) At the time an application to establish an IN-2, Institutional District is submitted the applicant shall provide to the city:

- (a) A map indicating the boundaries of the proposed IN-2, Institutional District, including:

- (i) the boundaries of all parcels to be contained in the IN-2, Institutional District
- (ii) the tax map identification numbers of all parcels to be contained within the IN-2, Institutional District
- (iii) where available, the established street addresses of all parcels to be contained with the IN-2, Institutional District

- (c) Permitted Uses

- (1) Upon establishment of an IN-2, Institutional District by Council, the institution and its accessory uses shall be permitted by right, and, notwithstanding the provision of Section 35.1-27 of the Lynchburg City Code, all conforming uses and lawful nonconforming uses existing within an IN-2, Institutional District at the time of its creation, including replacements, renovations, and expansion of such uses, shall be permitted by right; provided however, no nonconforming sign or nonconforming billboard shall be expanded except as may be allowed by the Sign Ordinances set forth in Sections 35.1-26 *et seq.* of the Lynchburg City Code.
- (2) Other uses not related to the institution shall be permitted by right or by conditional use permit as shown in the following use table:

<u>Use</u>	<u>Permitted</u>	<u>Conditional Use Permit</u>
<u>Arenas, auditoriums or stadiums unlimited in capacity</u>		<u>√</u>
<u>Armories</u>	<u>√</u>	
<u>Arts &amp; crafts shops</u>	<u>√</u>	
<u>Auction Rooms</u>	<u>√</u>	
<u>Automobile and truck rental</u>	<u>√</u>	
<u>Automobile and truck tire sales</u>	<u>√</u>	

<u>Automobile driving schools</u>	√	
<u>Automobile painting and body repair shops</u>	√	
<u>Automobile service stations</u>	√	
<u>Automobile, truck and trailer sales with outside sales and storage permitted</u>	√	
<u>Banks, savings and loan and similar establishments</u>	√	
<u>Banquet halls</u>	√	
<u>Barber and beauty shops</u>	√	
<u>Battery sales</u>	√	
<u>Bicycle rentals</u>	√	
<u>Billboards subject to the regulations of Section 35.1-26.1</u>	√	
<u>Blacksmith shops</u>	√	
<u>Boardinghouses or lodging houses</u>	√	
<u>Bookbinding, blueprinting, duplicating and print shops</u>	√	
<u>Bottling plants</u>	√	
<u>Building material sales</u>	√	
<u>Care centers</u>	√	
<u>Carpentry shops</u>	√	
<u>Churches and other places of worship</u>	√	
<u>Clubs and fraternal organizations</u>	√	
<u>Cluster Commercial development</u>	√	
<u>Coffee and peanut roasting</u>	√	
<u>Commercial amusement (temporary)</u>		√
<u>Commercial amusements</u>	√	
<u>Commercial greenhouses</u>	√	
<u>Commercial kennels for dogs and other pets</u>	√	
<u>Commercial recreation</u>		√
<u>Commercial swimming pools</u>		√
<u>Computer centers</u>	√	
<u>Contractors' establishments</u>	√	
<u>Convents and monasteries</u>	√	
<u>Custom dressmaking</u>	√	
<u>Custom furniture making</u>	√	
<u>Dairies, pasteurizing plants, or ice cream manufacture</u>	√	
<u>Dance halls</u>	√	
<u>Dance studios</u>	√	
<u>Depositories for the storage of office records, microfilm or computer tapes</u>	√	
<u>Diaper services</u>	√	
<u>Drive-in theaters</u>	√	
<u>Dry cleaning and dyeing plants</u>	√	
<u>Exterminators</u>	√	
<u>Food service facilities</u>	√	
<u>Fire Stations</u>	√	
<u>Flexible space developments as provided in Section 35.1-43.14</u>		√
<u>Funeral undertakers</u>	√	
<u>Furniture upholstery and repair shops</u>	√	
<u>Group homes</u>	√	
<u>Gymnasiums</u>	√	
<u>Halls or theaters for music, drama, lectures or other civic or amateur presentations of the arts</u>	√	
<u>Health salons</u>	√	
<u>Hiring halls and other places of assembly for the registration or assignment of employment</u>	√	

<u>Hospitals and Sanatoriums</u>	✓	
<u>Hotels and Motels</u>	✓	
<u>Ice manufacture</u>	✓	
<u>Interior decorating establishments</u>	✓	
<u>Large scale retail establishments not meeting the provisions of Section 35.1-43.22 thru Section 35.1-43.28.</u>		✓
<u>Laundries</u>	✓	
<u>Leather products (not to include tanning)</u>	✓	
<u>Libraries</u>	✓	
<u>Loan offices</u>	✓	
<u>Medical and dental facilities, laboratories and offices</u>	✓	
<u>Medical offices</u>	✓	
<u>Monument and gravestone sales</u>	✓	
<u>Motion-picture production studios</u>	✓	
<u>Motor freight stations</u>		✓
<u>Moving and storage establishments</u>		✓
<u>Museums and similar institutions of noncommercial nature</u>	✓	
<u>Newspaper offices</u>	✓	
<u>Offices</u>	✓	
<u>Opticians and optometrists</u>	✓	
<u>Parking lots</u>	✓	
<u>Pawn shops</u>	✓	
<u>Pharmacies</u>	✓	
<u>Photographic developing and printing establishments</u>	✓	
<u>Photographic studios</u>	✓	
<u>Police Stations</u>	✓	
<u>Printing plants</u>	✓	
<u>Public utilities</u>	✓	
<u>Radio towers and transmitting stations</u>		✓
<u>Rebuilding and rethreading establishments</u>	✓	
<u>Residential uses of any density or type not related to the Institution</u>		✓
<u>Restaurants, including drive-in and outdoor restaurants</u>	✓	
<u>Retail Sales</u>	✓	
<u>Sales lots for construction and farm equipment and similar machinery</u>	✓	
<u>Schools and colleges of all types and accessory uses</u>	✓	
<u>Second hand stores including auction sales provided such activity is conducted wholly within an enclosed building</u>	✓	
<u>Senior living facilities</u>	✓	
<u>Shoe repair</u>	✓	
<u>Sign shops</u>	✓	
<u>Soundproof radio and television studios without towers, that produce no electromagnetic effect on adjoining properties</u>	✓	
<u>Stage and motion-picture studios</u>	✓	
<u>Storage warehouses and yards, except sand yards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards or the storage of combustibles prohibited by the fire code</u>	✓	
<u>Tailoring shops</u>	✓	
<u>Telecommunication towers and facilities (See Article XI. Telecommunications towers and facilities)</u>	✓	
<u>Telephone exchanges and dial centers</u>	✓	
<u>Tourist homes or bed and breakfast</u>	✓	
<u>Traditional neighborhood development</u>		✓
<u>Transient trailer parks</u>		✓

<u>Travel bureaus</u>	√	
<u>Travel trailer sales and rentals</u>	√	
<u>Trucking terminals</u>		√
<u>Veterinarian hospitals with or without outdoor kennels</u>	√	
<u>Wholesale or produce markets</u>	√	
<u>Wholesale sales</u>	√	
<u>Window blinds, shades and awnings (manufacture)</u>	√	

(d) Future Planning

1. Institutions are encouraged to maintain a dialogue with city staff that will provide a greater understanding of the relationship of the institutions' and the city's future development plans and the availability of adequate water, sanitary sewer and transportation infrastructure.
2. An institution may, but is not required to, submit with its application to establish an IN-2, Institutional District, a concept master development plan for the proposed IN-2, district. Such plan shall show the institution's anticipated future development of the district for a period of not less than two (2) years, nor more than five (5) years.
3. At the time an arena, stadium, auditorium or new entrance to a city street is proposed for construction by the institution, a traffic impact study shall be required. The traffic impact study shall be prepared by a firm qualified to conduct such studies and shall be conducted in compliance with the City's Manual of Specifications and Standard Details in effect as of the date of adoption of this ordinance. The study shall indicate the following:
  - a. The existing level of service for the city streets and intersections serving the IN-2 district.
  - b. The impact the anticipated arena, stadium, auditorium or new entrance will have on the Level of Service (LOS) on city streets and intersections.
  - c. Improvements that will be necessary to prevent such anticipated arena, stadium, auditorium or new entrance to a city street from reducing the Level of Service (LOS) of the streets or intersections serving the IN-2 district lower than "D"; and
  - d. In the case of city streets or intersections with an existing Level of Service (LOS) of "D", improvements necessary to prevent the arena, stadium, auditorium or new entrance to a city street from further reducing the Level of Service.

(e) Exemptions

1. The IN-2, Institutional District shall be exempt from the requirements of the following Zoning Ordinance of the Lynchburg City Code:
  - a. Section 35.1-22. Buildings, Uses and Lots
  - b. Section 35.1-24. Accessory Buildings and Uses
  - c. Section 35.1-25. Off Street Parking and Loading, provided; however any institution in the IN-2, Institutional District shall provide adequate parking and unloading areas to accommodate permitted uses within the district. The district shall be deemed to not have adequate parking and unloading areas, when the lack of parking and/or unloading areas in the district causes vehicles to be regularly parked in, or to partially or completely, block, and public rights-of-way.
  - d. Section 35.1-50, Arenas, Auditoriums and Stadiums

**2. That Sections 35.1-11.11, 35.1-25.1.2, 35.1-25.1.8, 35.1-25.1.9, 35.1-25.1.11, 35.1-25.1.12 35.1-26.5, 35.1-26.9, 35.1-26.10, 35.1-47 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:**

Sec. 35.1-11.11. Terms beginning with "P" through "R".

Terms used in this zoning ordinance, when defined in this section, shall have the following meaning:

(a) Parking area, off-street: An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least three hundred (300) square feet of parking area per parking space and the required number of usable parking spaces.

(b) Parking garages: A building occupied by a public, community, commercial or private establishment providing space for the temporary storage of six (6) or more automobiles and other vehicles, where service or repair facilities are not permitted. A parking garage shall not be considered an accessory use, nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk, nor shall the sale of automobiles or trailers take place within it unless otherwise permitted by the zoning ordinance.

(c) Parking lot: An open lot serving the functions defined above for a parking garage.

(d) Parking space: An off-street space available for the parking of one (1) motor vehicle on a transient basis and having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162)

square feet, exclusive of passageways and driveways appurtenant thereto and having direct usable access to the street.

(e) Pedestrian facility: A sidewalk, walking path, bike path or transit / shuttle stop.

(f) Planned unit development: A multiple-unit residential development of at least five (5) acres laid out in accordance with a preconceived site plan and in harmony with provisions and procedures for the "PUD", planned unit development zoning district.

(g) Preservation: Any activity designed to prevent deterioration or destruction of a structure, a group of structures, or an area or a district.

(h) Private recreational facilities: A facility such as a swimming pool, tennis court or basketball court which is an accessory use located on a residential lot, the use of which is restricted to the occupants of the principal use and guests for whom no admission or membership fees are charged.

(i) Programmed: For the purposes of the zoning ordinance, the word "programmed" shall refer to a public facility which has been formally scheduled for construction within the following ten (10) years. Such formal scheduling may be in terms of an approved capital improvements program, an officially adopted thoroughfare, public utilities or community facilities plan specifying the approximate date of construction of the facility, or a similar official plan or program.

(j) Public: Any land, structure or building owned, used or maintained by the city government, or a regional authority of which the city is a member, or their agencies.

(k) Public utility: A public utility is an activity, or a building housing such an activity, which operates to serve the community as a whole, or a portion of the community, and which is publicly run or subject to special government controls.

(l) Reach: Longitudinal segments of a river or stream, which will be affected by the placement of an obstruction in a floodway or floodway fringe.

(m) Recreational vehicle: A vehicle which is:

(1) built on a single chassis;

(2) four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel or seasonal use.

(n) Reconstruction: Any activity designed to rebuild entirely, or partially, a structure.

(o) Recycling bins: Recycling bin operations shall be located in industrial or business districts in an area no larger than five thousand (5,000) square feet or at public school or public recreation sites for the collection of recyclable materials. The operation of the recycling bins and the materials allowed to be collected, shall be under the supervision of the director of public works, and the location of the recycling bins shall be approved by the director of community planning and development. The definition does not include recycling containers which are used on site by a private entity for the purpose of storing recyclable waste materials generated only by such private entity.

(p) Rehabilitation: Any activity designed to place a structure into a usable condition with or without architectural change.

(q) Regulatory flood protection level: That level delineated by the one hundred (100) year flood.

(r) Renovation: Any activity relating to the updating and/or the modernization of an older structure involving architectural change.

(s) Residence or residential: A building or part of a building containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses or apartment hotels. Residences do not include the following:

(1) Such transient accommodations as transient hotels, motels, tourist cabins or trailer courts.

(2) Dormitories, fraternity or sorority houses, monasteries or convents.

(3) In a mixed building, that part of the building used for any nonresidential uses, except accessory to residential uses.

"Residential" means pertaining to a residence.

(t) ~~Residence~~ **Residential** district: Any district whose designation begins with the letter "R".

(u) Residence, single-family: A building containing only one (1) dwelling unit.

(v) Restoration: Any activity designed to impart a major flavor of an earlier state of a building.

(w) Riding stable: Any zoning lot used or designed for the boarding, breeding or care of horses or ponies, other than for farming or agricultural purposes, either with or without instruction in riding.

(x) Rooming house: A dwelling consisting of one (1) single building in which, for compensation, lodging or meals, or both, are furnished to transient or nontransient guests. A rooming house shall not be deemed a home occupation. Rooming houses shall adhere to Section 35.1-51.1, Boardinghouses, lodging houses, or rooming houses, of the zoning ordinance.

Sec. 35.1-25.1.2. Applicability.

(a) The provisions of this ordinance are applicable to the development or redevelopment of any property after the effective date of this ordinance and located in an R-4, R-5, B-1, B-2, B-3, B-4, B-5, B-6, **IN-1**, **IN-2**, I-1, I-2 or I-3 district or to any use requiring conditional use permit approval.

(b) When an existing use is expanded, enlarged, or redeveloped as defined in Section 35.1-11.5, (c) of the zoning ordinance only those portions of the property subject to the expansion, enlargement, or redevelopment are subject to the provisions of the landscaping ordinance.

(c) It is not the intent of this ordinance to regulate landscaping for one or two family dwellings.

Sec. 35.1-25.1.8. Street trees for multi-family, commercial, **institutional** and industrial districts.

(a) For all multi-family, commercial, **institutional** and industrial developments, street trees are required at the rate of one (1) shade tree for each forty (40) feet of street frontage or in the case where overhead utility lines prohibit the planting of shade trees one (1) ornamental tree for each twenty (20) feet of street frontage.

(b) Required street trees shall be planted along the property line that fronts the street and shall not be planted within the public rights-of-way or within any utility easements.

(c) Street trees within the site distance triangle may be raised to allow for visibility.

Sec. 35.1-25.1.9. Foundation plantings.

(a) All sides of multi-family, commercial, **institutional** or industrial buildings, which front on a public or private street or are visible from an adjacent residential district, shall be landscaped with foundation plantings as follows:

- (1) One (1) ornamental tree per fifty (50) linear feet of building, and
- (2) One (1) large shrub per ten (10) linear feet of building, or
- (3) One (1) medium shrub and one (1) small shrub per ten (10) linear feet of building, or
- (4) Three (3) small shrubs per ten (10) linear feet of building, or
- (5) Any combination of 2, 3 or 4 above.

(b) Foundation plantings may be placed in collective groupings along the perimeter of the building for which required.

(c) In the event that the city planner determines that topography or other landscaping would prevent the required foundation plantings from being visible from a public or private street or an adjacent residential district, the only foundation plantings that shall be required are for the wall of the building on which the main entrance is located.

Sec. 35.1-25.1.11. Buffering.

(a) In all instances where a commercial district, **institutional district**, industrial district, or any parking area is located adjacent to any residential district, or a multi-family residential district is adjacent to a one or two family residential district, a vegetative evergreen buffer shall be established on the property for which said buffer is required.

(b) Where required, the planting area for buffering shall be a minimum of twenty (20) feet in width extending along the entire length of the development area and shall generally be required along the

property line unless topographic or other considerations would make it more effective located back from the property line.

(c) The vegetative buffer shall consist of a staggered evergreen tree line with a baseline filler of medium height evergreen shrubs. The evergreen tree material shall be a minimum of four (4) feet in height at time of planting. The evergreen tree line shall be planted in rows fifteen (15) feet apart and staggered ten (10) feet on center. In lieu of the baseline filler an earthen berm may be used. The earthen berm shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.

(d) Where appropriate existing vegetation may be used to satisfy this requirement. Existing vegetation may be required to be supplemented with additional evergreen material in order to meet the buffering requirements. The need for additional evergreen material shall be determined during the site development plan review process.

Sec. 35.1-25.1.12. Tree canopy requirements.

(a) For purposes of this section, "tree canopy" shall include all areas of coverage by existing plant material exceeding five (5) feet in height, and the extent of planted tree canopy at maturity shall be based on the published reference text, manual of woody landscape plants, fifth edition, 1998, by Michael A. Dirr.

(b) The planting or replacement of trees on a development site shall be required to the extent that, at a twenty (20) years, minimum tree canopies will be provided as follows:

	Minimum Tree Canopy Required
B-1, B-2, B-3, B-4, B-5, B-6, <b><u>IN-1, IN-2</u></b> , I-1, I-2, I-3	10% of entire development site
R-4, R-5	10% of entire development site
R-3	15% of entire development site
R-C, R-1, R-2	20% of entire development site

(c) Existing trees that are to be preserved may be included to meet all or part of the tree canopy requirements.

(d) Existing trees infested with disease or structurally damaged to the extent that they pose a hazard to person or property, or to the health of other trees on site, shall not be included to meet the tree canopy requirements.

(e) Tree canopy requirements do not replace, or negate full compliance with, the requirements of any other section of the landscaping ordinance. However, if planting of landscaping required by this ordinance meets or exceeds the tree canopy requirement, no further planting of trees or replacement of trees is required by this section.

(f) In areas zoned B-4, central business district, B-6, riverfront business district or where the city planner determines that crime prevention through environmental design (CPTED) principles apply, the city planner, in consultation with the city's urban forester, may allow the off-site planting of up to ninety-nine (99) percent of the required street trees, parking area screening, buffering and foundation plantings. Off-site planting areas shall be within the city limits and in such location as approved by the city planner.

(g) The following shall be exempt from the tree canopy requirements.

(1) Dedicated K-12 school sites.

(2) Playing fields and other non wooded recreation areas

(3) Designated wetlands

(4) Other facilities and uses similar in nature as determined by the city council.

Sec. 35.1-25.1.16. Alternate layout of landscaping.

(a) The city planner with the concurrence of the planning commission may approve an alternative layout to landscaping required by this ordinance provided that the spirit and intent of the ordinance are preserved and the goals of Section 35.1-25.1 are assured.

**(b) To provide greater flexibility for the layout and operations of institutions, landscaping required by this ordinance for an IN-2, Institutional District may be dispersed within the area proposed for development. In dispersing the required landscaping, no special approvals shall be required, provided that the same, quantity and size of landscaping as required by this ordinance are installed.**

Sec. 35.1-26.3. General regulations.

(a) The following shall not be subject to the provisions of the zoning ordinance regulating signs:

(1) Signs which are subject to the regulations of the Virginia Department of Transportation and which are placed in the public rights-of-way or on city-owned property by the city for public information purposes. Such signs include but are not limited to, signs which direct or regulate pedestrian or vehicular traffic, community identification signs which identify the location of buildings and facilities or scenic or historic attractions, and similar types of signs;

(2) Flags;

(3) Memorial signs or tablets; and

(4) Decorative embellishments attached to light poles.

(5) Scoreboards.

**(6) Signs that are intended for wayfinding purposes in or signs that are only legible from within an IN-1 or IN-2, Institutional District.**

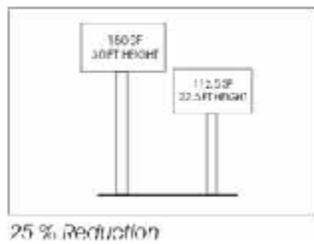
(b) For the purposes of the zoning ordinance, other provisions notwithstanding, awning signs shall be allowed and treated as building mounted signs. The maximum permissible area for awning signs shall be subject to, and calculated with, the maximum permissible building mounted sign area for the specific district in which such signs are located. These provisions are applicable to awning signs regardless of the material.

(c) Window signs covering more than twenty-five percent (25%) of the glass area shall be calculated with and included in the maximum permitted building mounted sign area in the district.

(d) Discontinued uses. Within thirty (30) days after a use or activity that is advertised by a sign ceases, the owner of such use or activity or the owner of the property on which the sign advertising the discontinued use or activity is located shall remove any changeable copy on the sign. In the event the use of any nonconforming sign is abandoned for two (2) or more years the sign and its supporting structure shall be removed by the owner of the use or activity or by the owner of the property on which the sign is located. If the sign and its supporting structure are not removed the city shall give the property owner notice to remove the sign and a deadline for removal. If the property owner fails to remove the sign after having been given written notice by the city to do so or if the city after reasonable efforts to do so is

unable to locate the property owner, the city may pursue any or all of the following remedies: (i) through its employees or agents enter the property upon which the sign is located, remove the sign and its supporting structure and bill the property owner for the costs of such removal; (ii) apply to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy; and/or (iii) charge the owner of the property where the sign is located with a violation of the zoning ordinance as provided in Section 35.1-20.

(e) Existing signs. Any existing sign and/or sign structure legally erected and maintained, which is nonconforming to the provisions of the June 22, 2004 amendments to the zoning ordinance, may continue in its nonconforming status as long as it is maintained in its then structural condition as it existed at the time of adoption of this article (see nonconforming Section 35.1-27). When a nonconforming sign, sign frame, and/or sign structure is intentionally reconstructed or structurally altered by the business or building owner, the surface area and height requirements for a new sign, sign frame, and/or sign structure, under this ordinance, shall apply. The new sign, sign frame, and/or sign structure may exceed the ordinance requirements, however, to a limit which is calculated by taking a twenty-five percent (25%) reduction in the height and/or square foot area of the original sign, sign frame and/or sign structure, provided that the new sign, sign frame, and or sign structure is constructed within sixty (60) days of the removal of the previous nonconforming sign and sign application approval is granted as provided in Sections 35.1-26 through 35.1-26.16.14 of the zoning ordinance. New signs, sign frames and/or sign structures, which exceed the ordinance requirements pursuant to this provision shall be considered as nonconforming. Replacements of signs destroyed by acts of God, or other occurrences beyond the control of the owner shall comply fully with Section 35.1-26 of the zoning ordinance.



(f) Portable signs, pennants, streamers, off site directional signs, and flashing signs are prohibited.

(g) Compliance with electrical code. All illuminated signs must comply with UL standards of the statewide uniform building code.

(h) Violations and penalties: refer to Section 35.1-20.

Sec. 35.1-26.5. Temporary signs.

(a) The following banners are permitted in the zoning districts of the City of Lynchburg:

<i>District</i>	<i>Size</i>	<i>Quantity</i>	<i>Setback</i>	<i>Wall Projection</i>
R-1, R-2, R-3, R-4, R-5	24 SF	1 Per Street Frontage	8 Feet	3 Inches Max
B-1, B-2, B-4, B-6	24 SF	1 Per Street Frontage	8 Feet	3 Inches Max
B-3, B-5, <b><u>IN-1, IN-2</u></b>	32 SF	1 Per Street Frontage	8 Feet	3 Inches Max
I-1, I-2, I-3	24 SF	1 Per Street Frontage	8 Feet	3 Inches Max

(b) Banners may be erected only by the occupant of the lot and the advertising matter shall apply only to the nature of the activity occupying the lot on which the banner is erected.

(c) An application and permit for a banner or inflatable item is required as provided in 35.1-26.14. No such permit shall be issued for a period to exceed sixty (60) days. Permits for banner signs and inflatable items shall not be issued for any location during a period of thirty (30) days after the expiration date of a permit for a banner or inflatable item previously issued for the same location, unless the business operated at the location has changed ownership. In no case shall a banner or inflatable item be displayed for more than a total of one hundred and eighty (180) days per calendar year. Said banners and inflatable items shall be securely fastened to the ground or other immovable object and shall be located a minimum of eight (8) feet from the property line.

(d) Temporary construction signs are permitted in the zoning districts of the City of Lynchburg as follows:

<i>District</i>	<i>Size</i>	<i>Quantity</i>
R-C, R-1, R-2, R-3	6 SF	1
R-4, R-5	16 SF	1
B-1, B-2, B-3, B-4, B-5, B-6, <b><u>IN-1, IN-2</u></b>	32 SF	1
I-1, I-2, I-3	32 SF	1

One temporary construction sign shall be allowed for each contractor, subcontractor, architect or engineer. Temporary construction signs shall only be allowed on the property on which construction will commence within the next three (3) months, and may be erected on the wall of a construction trailer, construction shed or on the ground. Temporary construction signs shall not be lighted by any means and shall be removed prior to a certificate of occupancy (CO) being granted for said building. A sign permit is not required for the placement of a temporary construction sign.

(e) Temporary real estate signs are permitted in the zoning districts of the City of Lynchburg as follows:

<i>District</i>	<i>Size</i>	<i>Quantity</i>
R-C, R-1, R-2, R-3	6 SF	1 per Street Frontage
R-4, R-5	16 SF	1 per Street Frontage
B-1, B-2, B-3, B-4, B-5, B-6, <b><u>IN-1, IN-2</u></b>	32 SF	1 per Street Frontage
I-1, I-2, I-3	32 SF	1 per Street Frontage

Temporary real estate signs are to be placed only on the property that is for sale or lease. Temporary real estate signs shall be removed within three (3) days of the sale or lease of the property.

(f) One (1) temporary subdivision identification sign not exceeding thirty-two (32) square feet in area may be erected during construction at an entrance to the subdivided property; provided not over two (2) signs shall be erected for any one (1) subdivision. These signs shall be removed upon completion or sale of seventy-five (75) per cent of the lots in the subdivision. No electric or other luminous sign and no sign illuminated by a floodlight or other similar device shall be permitted.

(g) Temporary signs that are permitted by this section may not be placed on utility poles, traffic control signs or within the public rights-of-way.

(h) All temporary signs must be removed within three (3) days after the event or activity being advertised or promoted by the temporary sign has been completed.

Sec. 35.1-26.9. Signs in B-1, ~~and B-2~~ **and IN-1** districts.

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the following conditions:

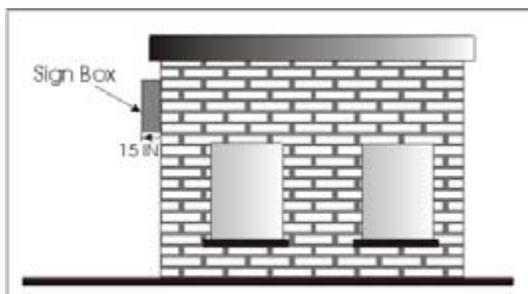
(a) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of the building shall not exceed twenty-four (24) square feet. Newly constructed groups of buildings shall have unified and coordinated building mounted signs.

(b) One (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign structure does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed twenty-four (24) square feet in surface area. Any architectural or decorative surrounds to support or enhance the sign face may not exceed twenty-five percent (25%) of the maximum allowable sign face surface area. Sign bases, uprights, or poles located under the sign shall not count toward the architectural or decorative surrounds calculation. The overall height of any such sign structure, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

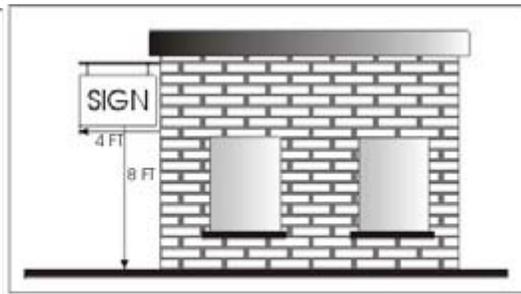
(c) When a group of buildings is coordinated into a business, **IN- 1, Institutional campus** or shopping area, one (1) free-standing sign structure, permanently fixed to the ground and designed to identify the area as a whole, may be erected on each street on which the area abuts, provided such sign structure shall not be located closer to the front property line than two (2) feet. Such sign shall be limited to two (2) sign faces, each of which shall not exceed twenty-four (24) square feet in area for the first business tenant, but may be increased incrementally by four (4) square feet for each additional business tenant up to a maximum of thirty-two (32) square feet. Any architectural or decorative surrounds to support or enhance the sign face may not exceed twenty-five percent (25%) of the maximum allowable sign face surface area. The overall height of any such sign, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

(d) Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide rectangular enclosure. The material and color of the enclosure shall coordinate with the sign and/or building. Any freestanding sign in a historic district shall be monument style, maximum seven (7) feet in height, comply with the historic district guidelines, and receive approval from the secretary of the historic preservation commission. Decisions of the secretary may be appealed to the historic preservation commission.

(e) No building mounted sign shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building.



*Building Mounted Signs*



*Projecting Signs Perpendicular to Building*

(f) The provisions of this section do not apply to signs that are further than twelve (12) inches away from the inside face of an exterior window pane.

(g) Sign illumination. When any sign is lighted in these districts, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation shall be used for high reflection.

(h) One sign with the word "open" (neon or otherwise) shall be permitted per use, provided the sign does not exceed four (4) square feet. Said sign shall not count towards the maximum allowable sign square footage.

(i) For visibility regulations at intersections see Section 35.1-23(j). (Ord. No. O-04-074, 6-22-04)

(g) Sign illumination. When any sign is lighted in these districts, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation shall be used for high reflection.

(h) One sign with the word "open" (neon or otherwise) shall be permitted per use, provided the sign does not exceed four (4) square feet. Said sign shall not count towards the maximum allowable sign square footage.

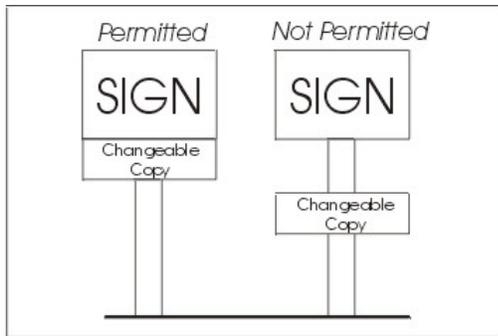
(i) For visibility regulations at intersections see Section 35.1-23(j).

Sec. 35.1-26.10. Signs in B-3, ~~and~~ B-5 and **IN-2** districts.

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the following conditions:

(a) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate sign face surface area of all signs, including trim or right embellishment, on any one (1) building wall within two-hundred (200) feet from the abutting street -of-way shall not exceed twenty-five (25) square feet plus one (1) square foot for each lineal foot of such wall. In no case shall the sign face surface area exceed one-hundred fifty (150) square feet. The aggregate sign face surface area of all signs on any one (1) building wall greater than two-hundred (200) feet from the abutting street rights-of-way shall not exceed twenty-five (25) square feet plus two (2) square feet for each lineal foot of such wall. In no case, shall the sign face surface area exceed two-hundred (200) square feet. **For buildings three (3) stories or greater in height the sign size may increase twenty (20) square feet per story above the maximum permissible sign area.** Newly constructed groups of buildings shall have unified and coordinated building mounted signs.

(b) One (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign structure is not located closer to the front property line than two (2) feet. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed fifty (50) square feet in area. Any changeable copy sign must abut or connect with the sign face and the total square footage for both sign face surface area and changeable copy sign surface area may not exceed sixty-six (66) square feet. The changeable copy sign surface area itself may be no larger than twenty-two (22) square feet. Any architectural or decorative surrounds to support or enhance the sign face and/or changeable copy sign face may not exceed twenty-five percent (25%) of the allowable sign face surface area. The overall height of any such sign structure, including any architectural or decorative surrounds, shall not exceed seventeen (17) feet above the ground.



### *Changeable Copy Signs*

(c) When a group of buildings is coordinated into a business, **IN-2, Institutional campus** or shopping area, one (1) free-standing sign structure, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not be located closer to the front property line than two (2) feet. For a group of buildings that is between one hundred thousand (100,000) square feet and two hundred thousand (200,000) square feet, such sign shall be limited to two (2) faces, each of which shall not exceed seventy-five (75) square feet in area plus sixteen (16) square feet for a changeable copy sign. The changeable copy sign must be attached to the sign. For a group of buildings that exceeds two hundred thousand (200,000) square feet in area, such sign shall be limited to two (2) faces, each of which shall not exceed one hundred twenty-five (125) square feet in area plus sixteen (16) square feet for a changeable copy sign. The changeable copy sign must be attached to the sign. Any architectural or decorative surrounds to support or enhance the sign and/or changeable copy sign may not exceed twenty-five percent (25%) of the allowable sign area. The overall height of any such sign, including any architectural or decorative surrounds, shall not exceed seventeen (17) feet above the ground.

(d) Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide rectangular enclosure. The material and color of the enclosure shall coordinate with the sign and/or building. Any freestanding sign in a historic district shall be monument style, comply with the historic districts design guidelines and receive administrative approval from the secretary of the historic preservation commission. Decisions of the secretary may be appealed to the historic preservation commission.

(e) No sign applied flat to the wall shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building.

(f) The provisions of this section do not apply to window signs on the inside of buildings that are further than twelve (12) inches away from the inside face of an exterior window pane, nor to small signs on outdoor merchandise display racks, cases and vending devices.

(g) Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed on any lot zoned as B-3 or B-5 as follows: Signs identifying vehicular entrance to and exit from the lot and signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot.

(h) Sign illumination. When any sign is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring occupants. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation shall be used for high reflection.

(i) Neon tubing of any color is permitted on a sign, provided the neon is installed within a channel enclosure.

(j) One sign with the word "open" (neon or otherwise) shall be permitted per use, provided the sign does not exceed four (4) square feet. Such a sign shall not count towards the maximum sign square footage.

(k) For visibility regulations at intersections see Section 35.1-23(j).

#### Sec. 35.1-47. General standards.

All uses and structures for which a conditional use permit ~~or site plan~~ review permission is required shall conform to the following general standards:

(a) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

(b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

(c) Operation in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted use not requiring a special permit.

(d) Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

(e) Public utility service (electricity, sewerage, storm drainage, and water) will be adequate to service the proposed use and will have suitable access thereto, and the proposal will not overburden existing facilities; or, any on-site water supply, sewage treatment, storm drainage disposal, or power plant proposals will be adequate to serve the proposed use.

(f) In addition, uses shall conform to specific standards as set forth in the remainder of this article.

(g) The site of the proposed development is served by public sewers and water supply, and waste disposal will be provided to an extent acceptable to the director of community services and the city health officer.

### **3. That this ordinance shall become effective upon its adoption.**

Adopted:

Certified: \_\_\_\_\_  
Clerk of Council