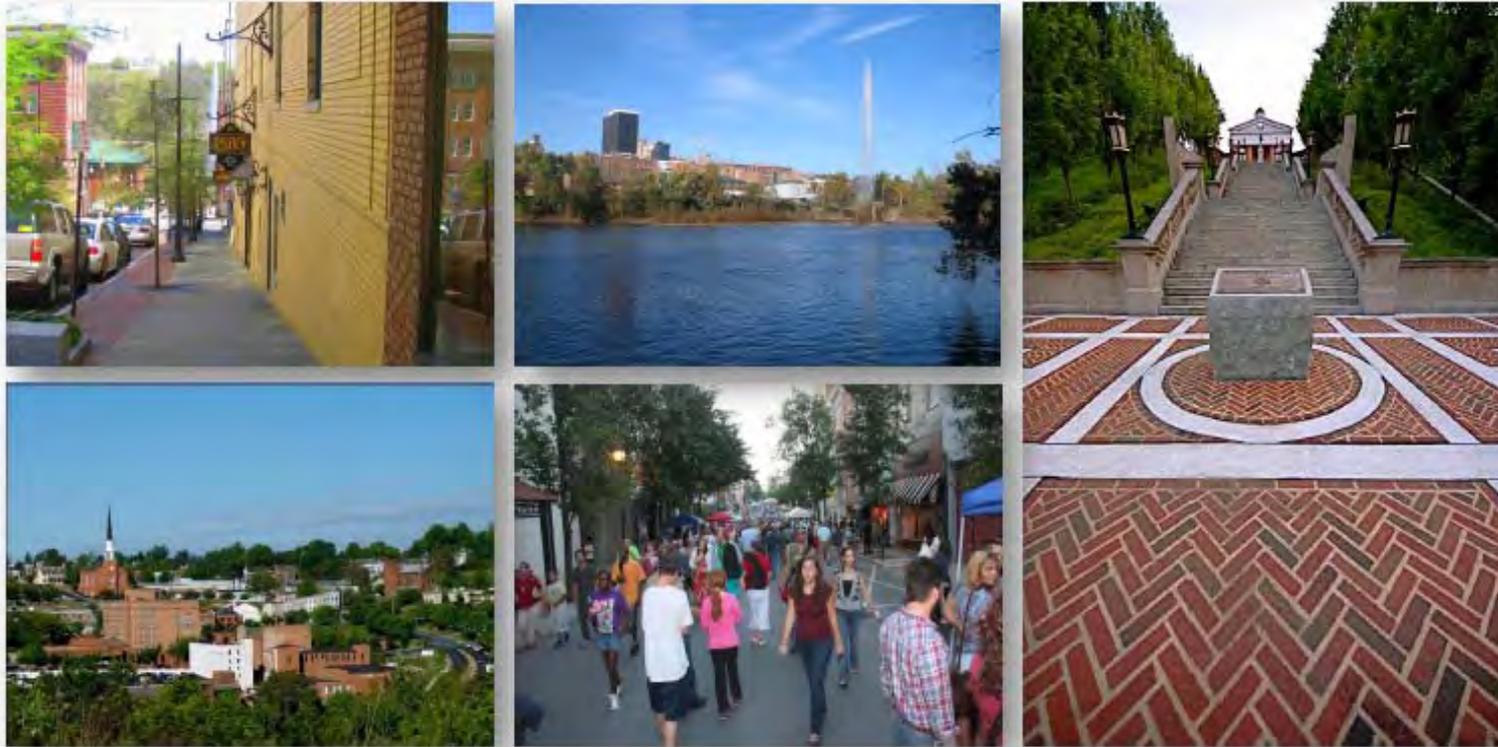


Lynchburg, Virginia

## Zoning Ordinance Diagnostic



Final Report: March 29, 2012

Submitted by:



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## Overview

### Purpose and Scope

The City of Lynchburg is engaged in a systematic review of its zoning ordinance. The ordinance of record was adopted in 1978 and it has been amended many times over the past 34 years. While the amendments have helped address specific issues, the resulting ordinance has become increasingly difficult to use and interpret. The City retained Planning Works to assess the capacity of the existing zoning ordinance to effectively:

- Facilitate land use and development review and approval processes;
- Foster development patterns and land uses that are compatible with existing and planned development;
- Provide adequate options for housing and mobility to serve the changing needs of the City's population;
- Establish standards that are appropriate for the different character areas of the City;
- Enable sufficient flexibility to promote compatible residential, non-residential and mixed-use infill development;
- Coordinate improvements in the public realm with demands created in the private realm;
- Encourage business investments that enhance the local economy and the quality of life for the City's residents;
- Recognize the emerging movement of people into the City and the resulting higher density housing needs; and
- Ensure that future growth and change in Lynchburg is consistent with the goals of the City's Comprehensive Plan.

### Process

An important step in determining the capacity of the zoning ordinance to achieve these objectives involves listening to the people who work with the zoning ordinance on a regular basis as they are in the best position to know the ordinances' strengths as well as weaknesses. The initial listening sessions were held on January 5-6, 2012. A total of 42 persons were interviewed, including a broad cross section of City staff who work with the City's zoning ordinance on a regular basis. Others interviewed included members of the City Council and appointed officials who, by benefit of their responsibilities, have gained insight and perspective about the City's zoning code. Appointed officials included members of the City's Planning Commission, Board of Zoning Appeals and the Historic Preservation Commission.

These interviews provided a foundation for nine community listening sessions held on January 30-31, 2012. The community listening sessions enabled approximately 200 citizens who shared their views regarding the City's zoning ordinance as a tool of community development. Their input is reflected in the body of the report. In addition, a summary of citizen comments from a general survey is included as an appendix of the report.

### Key Findings

The following list incorporates the most significant findings about the City's zoning ordinance:

- The zoning ordinance in its current form is difficult to use.
- The ordinance as written does not implement key Comprehensive Plan recommendations.

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- The most urgent need is to reorganize, reformat and illustrate the ordinance so that its requirements are easier to understand.
- Staff has made existing procedures for development review more facilitative and less adversarial, but the ordinance needs to be reformatted to make procedures (for site plans, subdivision plats, rezonings, conditional use permits, etc.) more obvious to applicants.
- Setbacks and other design standards should be adjusted to facilitate compatible infill development. The suburban standards in the ordinance are appropriate for low density residential areas but do not work well for infill and mixed-use areas or emerging downtown corridors. Additional authority for staff to grant specific exceptions for infill development would improve the development review process and promote reinvestment in older areas of the City.
- Over-reliance on conditional use permits creates uncertain outcomes for developers and their neighbors, as well as burdensome administrative processes and expenses.
- A land use matrix in place of use lists in each district would make it much easier to determine which uses are allowed in each district and the type of approval required.
- Development patterns can create useful templates to facilitate development of specialized developments, such as those discussed on page 15 of this report.
- The City should be more actively involved in access management issues through a combination of standards and incentives that improve the safety and convenience for visitors and businesses located in key corridors, such as Wards Road. These provisions should address curb cuts and connectivity between adjacent businesses.
- The zoning ordinance should address emerging trends in land use and development. In addition to the needs for greater housing diversity (called for in the City's 2011 Housing Assessment) and mixed use development (called for in the Comprehensive Plan), the ordinance should address urban agriculture, the use of alternative energy sources and expansions of neighborhood-based businesses to ensure that these uses are compatible where allowed.
- There is some disagreement about the maximum number of unrelated individuals who should be allowed to occupy single-family dwellings. The ordinance currently allows three unrelated individuals. Some people want to decrease or maintain the current limit to provide a way to manage traffic, noise and other impacts when too many students or other adults occupy a unit. Others support increasing this number. Many citizen comments focused on code enforcement issues and related challenges within residential neighborhoods.
- Zoning ordinance revisions may be done in phases or as a single project. The City will need to consider a variety of factors discussed in this report to determine which approach best meets the City's resources and needs.
- Regardless of how the City moves forward with zoning initiatives, there is a strong desire on the part of citizens to have a better understanding of substantive and procedural requirements, which suggests that the City initiate an ongoing citizens training program.

### *Provisions to Retain*

Many of the existing provisions of the current zoning ordinance should be retained because they are working well or need only

minor adjustments. The elements listed below should be retained and, where appropriate, enhancements made to each through formatting, illustrations and minor text editing.

- Landscape regulations
- Parking regulations
- Sign provisions
- Standards for large-scale retail development
- Procedures
  - Technical Review Committee
  - Notification
  - Staff review
  - Processing public uses by right

### Detailed Zoning Ordinance Review

#### Consistency with the Comprehensive Plan

A central function of zoning is to bring the Comprehensive Plan's goals and objectives to fruition. Elected and appointed officials, as well as key City staff interviewed on January 5-6 were asked to assess the capacity of the City's zoning ordinance to effectively implement the strategies featured in the City's 2002 Comprehensive Plan. The resulting consensus was that the City's zoning ordinance is not aligned with the Comprehensive Plan and the ordinance does not possess the capacity to move Lynchburg in the direction of the Plan's vision. More specifically, it was recommended that the link between the Plan and the City's zoning ordinance needs to be strengthened. A significant majority of those interviewed noted that the Plan recommends greater densities and more mixed use development patterns in some areas, while the City's zoning

ordinance encourages a suburban development pattern that is primarily low density and single use.

Officials and staff interviewed on January 5-6 also were asked if the Comprehensive Plan's vision, goals and recommendations remained relevant for the second decade of the 21<sup>st</sup> century. Officials and staff agreed that the Plan would benefit from a structured review that focused on:

- Crafting a sharper vision relative to where future growth and development should occur and at what density;
- Reexamining future land use designations for their continued relevance;
- Incorporating a level of service policy<sup>1</sup> in the Plan as well as the zoning ordinance;
- Creating a stronger link between transportation and land use policies;
- Including more guidance on density and design considerations;
- Providing better guidance on land conservation and economic development strategies;
- Blending applicable elements of Sustainable Lynchburg<sup>2</sup>;

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<sup>1</sup> Level of service standards specify the public facilities needed for new development to ensure that facilities are adequate to support the demands created by new development. Level of service standards in Virginia have been established for public facilities such as schools, roads, libraries, parks, water (e.g., domestic use plus fire flow), sewer and stormwater management (quantity, velocity and quality).

<sup>2</sup> Lynchburg has taken a holistic approach to defining a vision for sustainability. Arts and Culture, Citizen Engagement and Social Capital, Economic and Environmental Resources, Neighborhoods, Safe Community and Transportation emerged as the defining elements of Sustainable Lynchburg. City Council has endorsed these elements as critical to the City's future.

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- Incorporating access management principles, parcel connectivity and alternate transportation modes; and
- Guiding reuse of vacant and abandoned properties through establishment of clearer standards and procedures.

These recommendations should be viewed as a starting point for the 2012 review of the Lynchburg Comprehensive Plan. The Comprehensive Plan features five distinct objectives designed to help Lynchburg achieve its goals. Chief among them is the goal of ensuring the City's land development regulations are capable of achieving the Plan's goals. To this end, it is appropriate to note the Plan recommends the following actions be taken to enhance the City's zoning ordinance:

- Review the zoning ordinance list of permitted uses and conditional uses for each zoning district;
- Eliminate references to previous districts in the permitted and conditional use lists for each zoning district, as well as the lists of prohibited uses;
- Incorporate drawings and illustrations in the zoning ordinance;
- Refine the Resource Conservation district to make it more consistent with the district's purposes. This diagnostic recommends reviewing the district's authorized uses to achieve this objective;
- Require traffic, and utility impact analyses for large scale developments, which will address their fiscal implications;
- Evaluate the BZA's review processes and suggest modifications to eliminate the Board's conditional use authority; and
- Resolve existing and potential conflicts between existing land uses and zoning with an emphasis on residential land uses and industrial/commercial land uses.

### Organization and Format

The zoning ordinance is divided into ten articles that are described in Table 1. Part of the challenge in using the current zoning ordinance is that the content featured in the respective articles does not always match the title of the article. Another organizational issue involves the ordinances' somewhat disjointed format. In fact, the need to engage in excessive cross referencing lead one commentator to state he didn't have enough fingers on one hand to keep tabs on all the sections required to understand what is required in each district. In addition, the existing ordinance lacks internal consistency and it does not rely on graphics or illustrations to portray or explain the major points featured in the document.

There are a variety of ways to improve the organization of a zoning ordinance and the fact is that the current organization reflects common practices when the ordinance was initially drafted. Subsequent amendments have been located in places where they are most consistent with the organization of the base ordinance. While some organizational adjustments would help, the greatest benefits would result from changes to the formatting, presentation and language.

The key organizational improvements would be to:

- Rename articles to more accurately reflect their contents;
- Shift the definitions to the end of the ordinance;
- Move general design standards to follow the zoning district standards;
- Create a separate article for non-conforming situations or move them to a code administration article; and

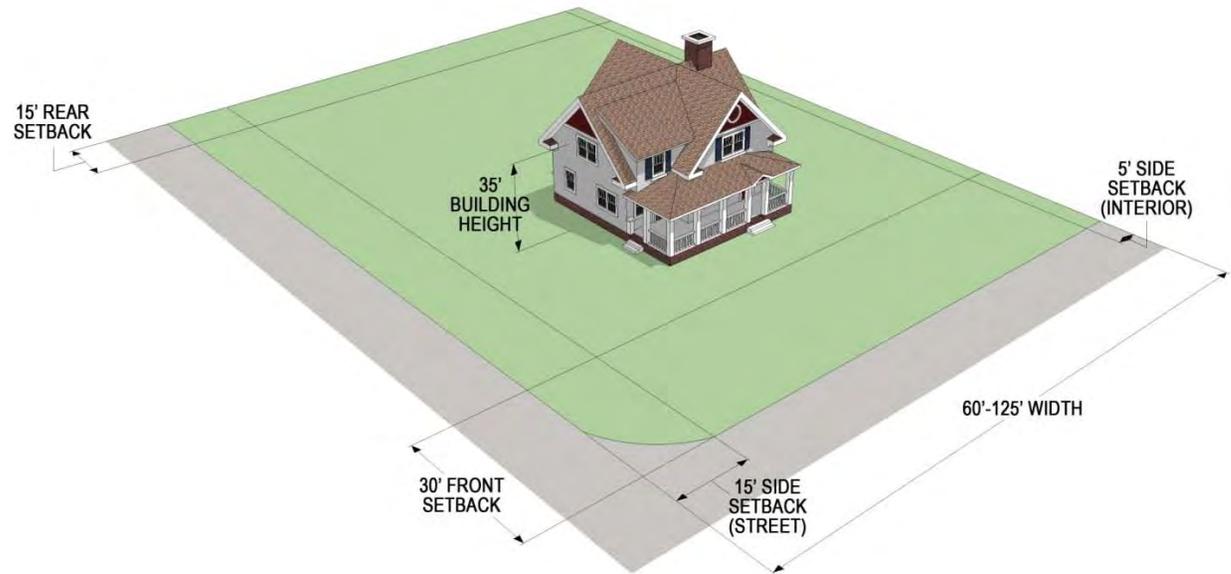
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- Modify the numbering hierarchy.

Formatting and presentation enhancements include:

- Providing better visual cues to indicate which section or subsection is being read by using different font sizes, font characteristics (bold, italics) indentations and headings;
- Reducing the need for cross references, and when necessary, clearly indicating when other sections may modify a standard (e.g., setbacks may be affected by minimum landscape and buffer requirements);
- Consolidating numerical standards and lists of uses in tables; and
- Illustrating standards and definitions (see example to right).



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**Table 1: Existing Zoning Ordinance Organization**

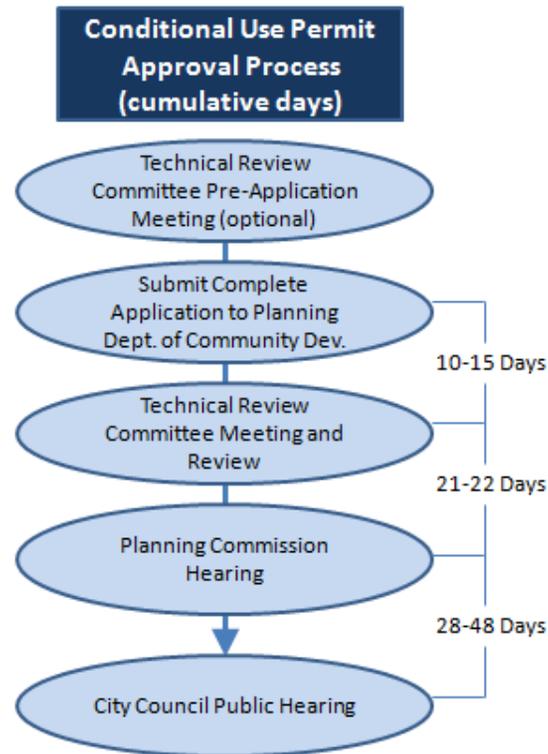
Article	Contents	Comments
I. Purpose	Establishes the authority, legislative intent and severability clause.	Increasingly, communities are choosing to expand introductory articles to provide guidance on the organization and use of the ordinance, to require consistency with the comprehensive plan, and to define responsibilities for implementing the ordinance to assist users.
II. Official Zoning Map, Classification, Districts and Boundaries	Establishes the official zoning map, zoning districts and general rules related to the zoning map.	This standard and necessary article lists development patterns (such as Planned Unit Developments (PUD), Cluster Commercial Development (CCD) and Traditional Neighborhood Development (TND)) as districts, though they really are conditional uses. The existing zoning map should be compared to the Comprehensive Plan and existing land uses to identify whether there are areas that should be rezoned.
III. Definitions	Defines terms used in the ordinance.	Existing definitions should be reviewed and additional definitions added. The trend is to shift definitions to the back of the ordinance.
IV. Administrative Procedures	Establishes responsibilities for ordinance administration as well as legislative and administrative processes for amendments, conditional use permits, site plans, variances and appeals.	Format of this article could be improved to help the reader understand application, notice (if applicable), review and decision-making processes. Some ordinances include flow charts for informational purposes other jurisdictions distribute application packages to better explain procedures. The procedures for approval of Planned Unit Development (PUD), Cluster Commercial Development (CCD), and Traditional Neighborhood Development (TND) are variations on conditional use permit approval process.
V. General Regulations	Establishes standards for site development, including building, parking, landscaping and sign regulations. Also includes standards for non-conforming uses	This article should be named General Site and Building Design Regulations. In addition to formatting issues, changes in numbering due to amendments to this article create some confusion. Non-conforming situations should be addressed in a separate article rather than as an add-on to this section.
VI. Conservation District	Establishes the intent, authorized uses and basic development standards for the conservation district, five residential districts, six business districts and three industrial districts.	See page 11 for comments on the uses allowed in the district. Presentation of authorized uses would be easier to track in a matrix. Development standards would be easier to understand if illustrated and placed in table format.
VII. Residential Districts		
VIII. Business Districts		
IX. Special Districts	Establishes standards for a variety of development patterns, including PUDs, CCDs, Flexible Space Development and Large Scale Retail. Also includes standards for the Commercial Corridor, Fifth Street Revitalization Corridor, Scenic Corridor and Airport Overlay Districts.	The mixture of development patterns overlay zoning district standards makes the title a confusing misnomer. Development patterns should be in a separate article or grouped with the development standards for specific uses. Improved formatting and illustrations would make the ordinance requirements much easier to interpret.
X. Development Standards	Establishes development standards that are unique to specific uses.	The article should be renamed to reflect the fact that the development standards are targeted to specific uses. See page 14 for comments on use specific standards.
XI. Telecommunications Towers and Facilities	Establishes standards for telecommunications towers and Facilities	This article could easily be combined with the Article X. Provisions for collocation review processes and standards should be updated to reflect recent Federal rule changes.

## Zoning Procedures

Citizens have given the current staff high marks for facilitating the development review process. However, several procedural changes could be made to make the review and approval processes function more effectively.

- **Expand administrative flexibility** to overcome the limitations of infill development. In particular, the zoning ordinance should describe the types of minor exceptions that staff can grant to facilitate infill development in the downtown, historic and R-1 districts (e.g., expanding authority to modify setbacks and landscaping provisions). Many of the existing zoning provisions were drafted for suburban development in previously undeveloped areas. Adjustments are needed to provide the flexibility required to remodel, redevelop or reuse existing infill sites that are more constrained. Note that specific, narrowly defined criteria for applicability and approval are essential for staff exceptions to be valid and to ensure that staff is not pressured to make the exception the norm.
- **Limit/reduce reliance on Conditional Use Permits (CUPs)** by expanding the by right uses in each zoning district. The benefits of reducing the number of CUPs are discussed in more detail under the zoning districts section.

- **Eliminate the Board of Zoning Appeals authority to grant conditional uses.** While the temporary use of a lot for storage purposes may be acceptable, the ability to create long-term storage yards or to authorize any existing building or structure to be used for business or industrial purposes can be a de facto rezoning that should be decided by the City Council.



- **Extend the duration of CUPs** for a period of 12 months rather than 6 months. This provides enough time for newly established uses to resolve any initial operational challenges.
- **Reduce reliance on conditional/proffered zoning.** Deficiencies in the zoning ordinance's land use, design and infrastructure standards have created an over-reliance on conditional/proffered zoning. While this authority should be retained, zoning standards should be strengthened so to reduce the number of developments with unique conditions that must be tracked and enforced.
- **Add process flow charts with timelines.** Graphic illustrations of approval processes will help applicants understand the steps required

to secure development approvals (see sample to left). These can be established for illustrative purposes only (the text would govern), but would be helpful to include in the ordinance and/or application packets.

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- **Show notification requirements in a matrix.** Several citizens requested better, more extensive notice. The City already exceeds minimum state requirements for notice. Codification of extra notice requirements could create additional grounds to challenge an action by the City, but the current practice should be continued to improve public awareness of development activity without exposing the City legally. (see sample matrix below)

**Sample Notification Summary Table**

Type of Application	Published Notice <sup>1</sup>	Mailed Notice <sup>2</sup>	Posted Notice <sup>3</sup>
<b>Procedures in Zoning Ordinance</b>			
Variances	X	X	X
Appeals to Administrative Decisions	X	X	
Zoning Text Amendments	X		
Zoning Map Amendments	X	X	X
Conditional Use Permits	X	X	X
PUD/CCD/TND	X	X	X

<sup>1</sup> Notice required to be published twice in the local newspaper

<sup>2</sup> Noticed mailed to nearby property owners at least 10 days prior to hearing

<sup>3</sup> Signs posted on the property subject to the application at least 5 days prior to hearing

### **Zoning Districts**

Zoning districts are the foundation for differentiating appropriate land uses, intensities and designs within and between neighborhoods. The earliest zoning was intended to separate hazardous industries from residences. Over time, Lynchburg, like many other communities, relied on the creation of distinct zoning districts that permitted only a few uses by right. This mode of zoning resulted in segmenting land uses rather than integrating a range of land uses needed to serve neighborhoods. In many regards, it is this style of zoning that produced the pattern of sprawl development that became ubiquitous over the latter half of the 20th century in Virginia and much of the nation. The City's Comprehensive Plan recommends adoption of zoning that allows a better mix of uses in certain areas. Specific suggestions for improving Lynchburg's current zoning districts include the following:

- **Reformat all base districts.** Each district should include the following:
  - **Intent** – distinct purposes of each district;
  - **Authorized primary uses** – reference to the land use matrix described in the next section;
  - **Use regulations** – include accessory use standards in this section in addition to special conditions that relate to authorized uses (e.g., outdoor storage or other operational conditions);
  - **Lot development standards** – a table that establishes setback requirements, height limitations, area regulations (lot area, width), density or intensity (if applicable), ground coverage, building scale and other factors affecting building

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and site development (see sample lot development standards below);

**Sample of Lot Development Standards Table**

Minimum Lot Area and Width	Width	Lot Area
Minimum Lot Area and Width	None	5,000 sq. ft.
Minimum Setbacks from Property Lines		
Front Setback		20 ft.
Side Setback, Interior		None
Side Setback, Street		10 ft.
Rear Setback		None
Maximum Building Height		
Primary Building		50 ft.
Accessory Buildings		30 ft.
Maximum Floor Area		10,000 sq. ft.
Maximum Impervious Coverage		60% of lot

- **Summary illustration** – an oblique angle illustration of a typical building on a lot showing most lot development standards (see sample below); and



- **References to supplemental standards** – provide cross references to landscape, parking and sign regulations.
- **Review need for “uses prohibited” sections.** The need for the existing “uses prohibited” sections will be reduced, if not eliminated if authorized uses are identified in a land use matrix. The need for current flexibility of the Board of Zoning Appeals and City Council to permit “other uses” also will be reduced by the combination of the land use matrix, district standards and supplemental use conditions.
- **Review the list of uses allowed in the Resource Conservation (R-C) district.** The R-C district is intended for very low densities due to lack of water and sewer service, unsuitable soils or other preservation purposes. Most of the uses allowed by right or conditional use are appropriate, but TNDs, many trailer and mobile home parks, hospitals, PUDs, and colleges are typically high intensity uses that are inconsistent with district purposes. If these uses are to be allowed, district density and ground coverage standards should not be waived.
- **Consider consolidating districts.** After comparing standards and uses allowed in districts, consider consolidating districts or creating more meaningful differences between the districts. For instance, R-4 and R-5 allow very similar uses and densities, in addition to having similar site development standards. The B-1 and B-2 commercial districts also have minor distinctions; the need for both districts may be eliminated once use and design standards are clarified.

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- **Address the range and scale of accessory uses and structures in residential districts.** Current regulations do not limit the bulk or scale of accessory structures, which can be particularly significant in lower density residential districts where the accessory building can be as large and tall as the principal structure.
- **Address the scale of commercial buildings in the B-1 and B-2 districts and allowed uses.** The limited business and neighborhood commercial districts currently do not address the maximum size of buildings or businesses. Given the purposes of these districts, the range of uses could be expanded if scale were addressed.
- **Review the industrial districts** to determine whether they can be consolidated. Industry and employment possibilities have fundamentally changed since the City's zoning regulations were drafted. It is unlikely that the City would need more than two industrial zones to address existing and future employment opportunities. Performance standards can be used to address the impacts of the most intensive uses. The City is more likely to have demand for business park development that can be addressed through existing flex space provisions and or the creation of business park development patterns.
- **Structure the ordinance to anticipate the need for additional special districts,** such as neighborhood, corridor or special purpose area overlay districts (e.g. arts district and technology district). Whether the City chooses to adopt any specific districts, the ordinance should be flexible enough to accommodate adjustments over time without creating structural problems in the ordinance.
- **Address the plan's recommendations for mixed use areas.** While current districts allow a mix of uses or residential unit types, they don't fully address compatibility issues. Healthy mixed use areas address design and operational factors rather than relying on separation and buffering. By addressing factors such as scale, orientation, parking locations and streetscape, the City's zoning ordinance will facilitate development of higher intensity mixed use areas envisioned by the plan. These factors can be addressed by supplementing existing districts, drafting new base or overlay districts, performance standards or a combination of the above.
- **Consider creating a walkable, mixed use zoning district or refine the existing conditional use development pattern** so that mixed uses can be allowed by right in certain districts. Walkable, mixed use areas are difficult to create at the edge of the community. They are even more difficult to develop in infill locations under the existing regulations. While the plan supports this development pattern, the existing conditional use process can deter some applicants. Also, see discussion of mixed use and Traditional Neighborhood Development patterns on page 15.

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### Authorized Land Uses

- **List authorized uses in one or more zoning matrices** that clearly identify which uses are allowed by right, are subject to special conditions or require conditional use permit approval in each district. Existing zoning districts include a combination of lists of uses and references to use lists in previous districts. The current zoning ordinance often requires the extraordinarily tedious process of reviewing multiple preceding districts to determine what uses are allowed in any given district. Additionally, many of the uses are outdated and many current uses are not listed – a situation that needs to be remedied.
- **Review uses allowed in each district** to ensure that uses of similar impacts are allowed in the same district and to ensure that authorized uses are consistent with district purposes. For instance, the B-3 District requires conditional use permit approval for veterinarian hospitals without outdoor kennels

subject to a conditional use permit. However, the retail sale of pets is allowed by right, even though both uses have similar impacts.

*Note: One alternative is use the Land Based Classification Standards (LBCS), a flexible land use system that was developed to more effectively define and categorize structures and uses based on their impacts and potential compatibility. This more comprehensive listing will reduce the need for conditional use permits, staff interpretations to authorize uses that are not listed in the existing ordinance and conditional use approvals by City Council. The process of developing the table provides the opportunity to compare existing uses allowed in each district. See detailed discussion of codes, an excerpt from the LBCS codes and a sample table from another jurisdiction below. It's likely that Lynchburg will need two tables, one for residential districts and one for non-residential and mixed use districts.*

**Table 2: LBCS Organization and Coding**

LBCS Organization	Structural Codes Defined	Functional Codes Defined
Land Based Classification Standards provide a consistent model for classifying land uses based on their characteristics. Land uses can be classified by structure type, function of other characteristics in the LBCS. Each type of classification uses a hierarchy of numbering. For example, the 1000 level is very general and includes all uses numbered from 1001 and 1,999. The 100 level is more specific, so the 1100 category includes all uses numbered 1101 through 1199. The tables below illustrate this hierarchy.	Structure refers to the type of structure or building on the land. Land-use terms embody a structural or building characteristic, which indicates the utility of the space in a building. Land-use terms, such as single-family house, duplex or townhome describe structural characteristics.	Function refers to the economic function or type of establishment using the land. Every land-use can be characterized by the type of establishment it serves. Land-use terms, such as agricultural, commercial, industrial, relate to function of establishments. The type of economic function served by the land-use gets classified under these codes.

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**Table 3: Excerpts from LBCS Codes and Definitions**

Structural Codes for Residential Buildings	General Functional Codes for Non-Residential Uses	Detailed Functional Codes for Education Uses	Sample Definitions
<p><b>1000 Residential buildings</b>  <b>1100 Single-family buildings</b>            1110 Detached units            1120 Attached units            1121 Duplex structures            1122 Zero lot line, row houses, etc.            1130 Accessory units            1140 Townhouses            1150 Manufactured housing  <b>1200 Multifamily structures</b>  <b>1300 Other specialized residential structures</b>            1310 Barracks            1320 Dormitories            1330 Hotels, motels, and tourist courts            1340 Single room occupancy units            1350 Temporary structures, tents, etc. for shelter            1360 Other structurally converted buildings</p>	<p><b>2000 General sales or services</b>            2100 Retail sales or service            2200 Finance and Insurance            2300 Real estate, and rental and leasing            2400 Business, professional, scientific, and technical services            2500 Food services            2600 Personal services            2700 Pet and animal sales or service (except veterinary)  <b>3000 Manufacturing and wholesale trade</b>  <b>4000 Transportation, communication, information, and utilities</b>  <b>5000 Arts, entertainment, and recreation</b>  <b>6000 Education, public admin., health care, and other inst.</b>  <b>7000 Construction-related businesses</b>  <b>8000 Mining and extraction establishments</b>  <b>9000 Agriculture, forestry, fishing and hunting</b></p>	<p><b>6110 Nursery and preschool</b>  <b>6120 Grade schools</b>            6121 Elementary            6122 Middle            6123 Senior            6124 Continuance            6125 Alternate education services            6126 Adult education services  <b>6130 Colleges and Universities</b>  <b>6140 Technical, trade, and other specialty schools</b>            6141 Beauty schools            6142 Business management            6143 Computer training            6144 Driving education            6145 Fine and performing arts education            6146 Flight training            6147 Sports and recreation education</p>	<p><b>6130 Colleges and Universities</b>            These comprise junior colleges, colleges, universities, and professional schools. These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. The requirement for admission is at least a high school diploma or equivalent general academic training.</p> <p><b>6140 Technical, trade, and other specialty schools</b>            These schools offer vocational and technical training in a variety of technical subjects and trades. The training often leads to job-specific certification. The individual classifications are based on the type of training provided.</p> <p><b>6141 Beauty schools</b>            These establishments primarily train in barbering, hair styling, or the cosmetic arts, such as makeup or skin care. These schools provide job-specific certification.</p>

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**Table 4: Excerpts from a Sample Land Use Matrix**

Table 2-2 Zoning Land Use Matrix	LBCS Code	A-1	R-1	R-2	R-M	R-MHP	C-1	C-2	C-3	I-1	I-2	I-3
<b>RESIDENCE OR ACCOMMODATION FUNCTIONS</b>	<b>1000</b>											
Single family detached dwellings (excluding manufactured homes)	1110	P	P	P	P	P	C	C	C	X	X	X
Single family detached dwellings (excluding manufactured homes, additional dwelling on one lot)	1111	S	S	S	S	S	C	C	C	X	X	X
Dwelling for resident watchman or caretaker employed on premises	1113	X	X	X	X	X	C	C	C	P	P	P
Duplex	1121	P	C	P	P	P	C	C	C	X	X	X
Single unit manufactured homes	1151	P	C	P	X	P	C	C	C	X	X	X
Single unit recreational vehicle	1155	S	X	S	X	S	X	X	X	X	X	X
Recreational vehicle parks (rental spaces)	5400	X	X	X	X	P	X	X	X	X	X	X
Manufactured home parks (rental spaces)	1156	X	X	X	X	P	X	X	X	X	X	X
Manufactured home subdivision (lots for sale)	1157	P	X	P	X	P	X	X	X	X	X	X
Multi-family	1155	C	X	C	P	P	C	C	C	X	X	X
Cluster housing	1160	P	P	P	P	P	X	X	X	X	X	X
Live-work unit	1190	C	X	X	CS	CS	P	P	P	P	C	X
<b>GENERAL SALES OR SERVICES</b>	<b>2000</b>											
Retail sales or services	2100	X	X	X	CS	CS	P	P	P	P	P	X
Auto/truck/motorcycle sales, service, rental, repair	2110	X	X	X	X	X	C	P	P	P	P	X
Recreational vehicle/manufactured home sales, service, rental, repair	2112	X	X	X	X	X	C	P	P	P	P	X
Boat sales, service, rental, repair	2114	X	X	X	X	X	C	P	P	P	P	X
Fueling station	2116	X	X	X	X	X	X	P	P	P	P	X
Farm equipment sales, service, rental, repair	2117	E	X	X	X	X	c	P	P	P	P	X
Transit vehicle sales, storage, service, rental, repair	2118	X	X	X	X	X	X	X	X	P	P	X
Truck stops	2118	X	X	X	X	X	X	P	P	P	P	X

1. The letter "P" in the cell indicates that the land use is permissible or allowed, subject to compliance with applicable standards.
2. The letter "C" in the cell indicates that the land use is not allowed by right, but is allowed only in compliance with conditions established through the conditional use approval procedures established in section 3.05.00.
3. The letter "S" in the cell indicates that the land use is subject to compliance with the standards of the zoning district and the supplemental standards specified for the use in Article 5.
4. The letter "X" in the cell indicates the land use is prohibited.

### Specific Land Use Standards

Article X of the zoning ordinance lists development standards that are applicable to specific uses. Staff and the public indicated that most of the standards in this article were working well, but that they should be reviewed in conjunction with the creation of a land use matrix to determine whether established conditions are appropriate and whether additional uses should have supplemental conditions. Some of the existing standards may be fully addressed by zoning district standards or the land use matrix, which will reduce the need to cross reference this section. Other uses will be flagged in the land use matrix as having supplemental standards. Specific uses that were highlighted as needing review included:

- **Home-based business standards** should be updated so that they create appropriate distinctions between residential districts for the allowed uses and operational standards. Consider expanding the range of allowed uses to enable residents in different districts to provide services that are compatible in the setting (e.g., allow music lessons in lower density residential districts, but not within multi-family dwellings).
- **Townhouse development standards** should be reviewed and revised to address the range of settings where townhouses are allowed. For example, current ordinance does not permit parking in the required front yard, but recent plans have included front-loaded garages with driveways that are located in the front yard. In some cases topography or other site constraints make rear entry garages impractical.
- **Technical schools** that have the same impacts as office or business park uses should have the same approval criteria. The land use matrix and/or district standards could distinguish technical schools based on impacts (e.g., location of operations, noise, traffic, etc). For example truck driving or heavy equipment operator technical schools are more industrial in character, while computer and electronics technical schools are similar to business parks.
- **Livestock standards for residential and resource conservation districts** should be reviewed and refined. Standards for the residential districts should focus on compatibility with residential uses. Standards in the resource conservation district should focus on compatibility with environmental constraints.
- **Yard sale** standards should be reviewed and refined to reflect acceptable practices in the community and ensure that yard sales are periodic, temporary uses rather than regular events that generate commercial traffic in neighborhoods.
- Revise use-specific design and operational standards (e.g., **group homes and day care**) to ensure neighborhood compatibility and ensure consistency with state law.
- **Bar standards should be reviewed.** In addition to reviewing where these uses are allowed, the City should consider operational standards to ensure that these uses do not generate nuisances, particularly when they are located in close proximity to neighborhoods.

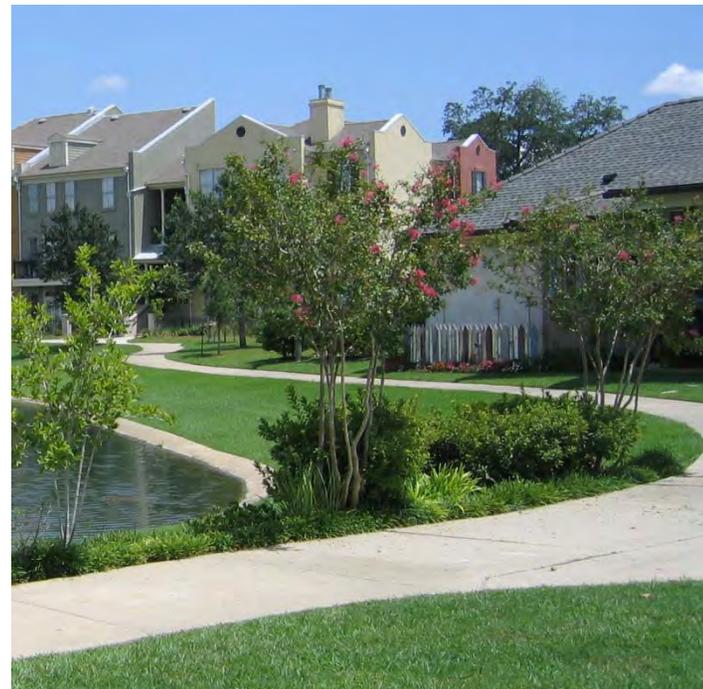
### Development Patterns

Development patterns are types of development that may include one or more land uses. Lynchburg's zoning ordinance includes standards for several development patterns, including, Cluster Commercial Development, Traditional Neighborhood Development, Flexible Space Development and Large Scale Retail Development. Planned Unit Development is a flexible tool to allow a variety of development patterns that are not consistent with the standards established for any specific zoning district.

- **Determine how best to apply each development pattern.** Development patterns can be authorized by right in specified districts, subject to conditional use permits or, in the case of large scale patterns like TNDs, subject to approval in a separate district. By right approvals provide greater predictability for applicants, but require more detailed development standards to ensure that the development is functional and compatible with existing and planned land uses. Conditional use review is unpredictable for all parties (applicant, staff, decision-makers and neighbors), but provides greater discretion to address unique aspects of development. Additionally, each conditional use is a separate zoning action that must be tracked and enforced, which creates an increased administrative burden and can create inequities between developers.
- **Transit-supportive development.** Adjust streetscape, site and building design standards in transit corridors to improve access to transit. Transit-supportive development standards can reduce reliance on automobiles and improve mobility for residents who can't or choose not to drive. Key features of transit-supportive development are safe and convenient

sidewalks and buildings that are oriented towards and located closer to streets with transit routes. Parking lot design and drainage facilities should be designed so they don't create obstacles for transit users.

- **Review and update TND provisions.** The TND ordinance is relatively new and was crafted to fit one particular development. While there are many positive aspects of Wyndhurst, the high concentration of multi-family, high percentage of retail and service uses and internal connectivity challenges were cited by some residents as evidence that the regulations should be reviewed.

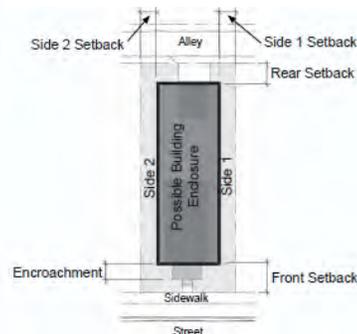
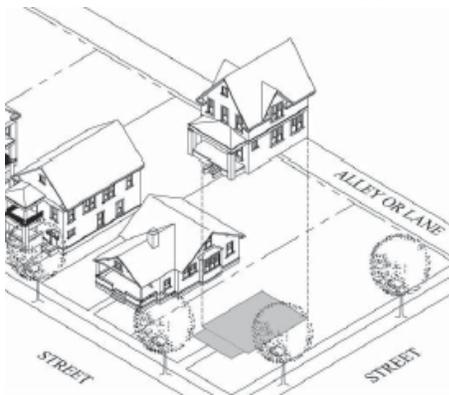


**TND's have a mix of unit types and high connectivity**



**TND's Include an interconnected mix of uses**

- **Small lot residential development** standards should be created to facilitate infill development, particularly in or near mixed use areas or transit routes. These standards should address streetscape, in addition to lot development standards to ensure compatibility and promote neighborhood stability. Such standards would minimize the need for variances and staff exceptions for the applicable areas.



## Narrow lot development standards encourage infill



- **Business/Technology Park** development patterns are varied, ranging from higher end office parks to parks with a more industrial character. Whether parks follow the corporate village, corporate campus or industrial park patterns, the common feature of these parks is attractive entries and views from major thoroughfares.



- **Conservation or cluster subdivisions** are a development pattern that could be applied in areas with environmental resources or constraints. The key feature of this pattern is that it allows smaller lots with a more compact footprint than conventional development, which is offset by common or public open space that can be used for a variety of purposes that are compatible with the development and environmental constraints.

### Site and Building Design Standards

The design and improvement of sites and buildings is the most visible result of zoning regulations. As previously stated, many provisions of the existing zoning ordinance are better suited for suburban development of open lands than for infill. While there will continue to be a demand for these products, the City has a significant investment in infrastructure that can support a wide range of development types on infill lots and redevelopment sites. The revision of the zoning ordinance should address the following factors:

#### Setbacks

- **Reduce setbacks for infill areas.** Improve building and site design standards to reduce reliance on buffers and large setbacks for compatibility. Setbacks for established commercial uses adjacent to residential lots are restrictive and unnecessarily prohibit expansion or full use of commercial properties (see next bullet). Small lot standards and increased staff authority to reduce setbacks under specific conditions will facilitate building on infill lots. The City currently reduces the required side yard by half of the required setback when lot size is nonconforming. Expanding this type of authority for staff exceptions and establishing the design standards necessary to ensure compatibility will produce better neighborhoods and facilitate private investment older areas of the City.
- **Review setbacks for corner lots in residential districts.** The increased setbacks on corner lots work well in low density suburban neighborhoods, but can preclude efficient use of infill lots (see photo in column to right).

### Existing Requirements for Side Street Setbacks Make Many Lots Unusable



#### Parking

The City's updated parking requirements incorporate a wide variety of flexible tools that facilitate development and redevelopment in accordance with the Comprehensive Plan. These regulations generally work very well. However:

- **Residential Parking.** In areas where small lot, traditional neighborhood development and other transit-supportive developments exist, the regulations should better address the location and design of parking lots to enhance pedestrian mobility.

# Lynchburg Zoning Diagnostic

## Landscaping

The City's updated landscaping standards generally work well. However, the City should consider revising the buffer standards. Existing buffer standards can be difficult to achieve in infill and mixed use areas with small lots. In places where building and site design standards are similar, the scale and design of the site can effectively ensure compatibility without the need for buffers.

### Office Building Scale and Design Reduces Need for Buffers



## Signs

Sign regulations can be controversial because they try to balance business owner's desire attract attention with public safety, aesthetic and convenience concerns. There are several aspects of the sign ordinance that need to be updated to address existing challenges that should be relatively uncontroversial:

- **Dynamic displays.** Digital/LED and other dynamic signs have introduced a variety of challenges for communities. In areas where moving, flashing or blinking signs are not allowed, the issue of how frequently a message can change needs to be addressed. The ordinance does not address the brightness of signs, which should be adjusted to reflect ambient, day and

night light levels so they can be read during the day without becoming too bright at night.

- **Free-standing commercial signs** for parcels with long frontages could be more effective if the property owner is allowed to apportion the square footage between two free-standing signs. This also makes sense for developments with paired entry signs (see photo below).



- **Directional signs** (e.g., signs directing traffic to drive-through windows are not addressed in B-1 and B-2 zoning districts where banks, and other drive-through uses are permitted by right. They currently are interpreted to be allowed since the Scenic Corridor Overlay District permits them.
- **Wayfinding signs** are not addressed in the ordinance, though these are very helpful within large developments and institutional uses. These may include signs pointing to community facilities, or specific buildings.



## Lynchburg Zoning Diagnostic

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- **Industrial district wall signs.** The current ordinance allows 24 square feet of wall signage in industrial zoning districts which is inadequate for large buildings or buildings with large setbacks.
- **Signs for large institutions** (e.g., churches and schools) are strictly limited in size in residential districts. Where a larger scale institution is allowed within a residential district, the City should allow larger signs that are consistent with the larger scale of the buildings.



### Building Design in Mixed Use Areas

As previously discussed, the Comprehensive Plan promotes both higher densities and a broader mix of uses and residential unit types in infill areas of the City. Absent good site and building design standards, mixing residential unit types and units can lead to blight. Key aspects of design are building scale, building orientation (e.g., which way entries or garages face) and parking design. Outside of historic districts, architectural style is not as important as the form defined by these other factors.

### Other Design Standards

Community character is the result of many factors in the public and private realms. Minor streetscape changes can make big differences in character. Similarly minor changes in building and site design factors can have a big impact. Design factors that should be reviewed as the City updates its zoning ordinance include:

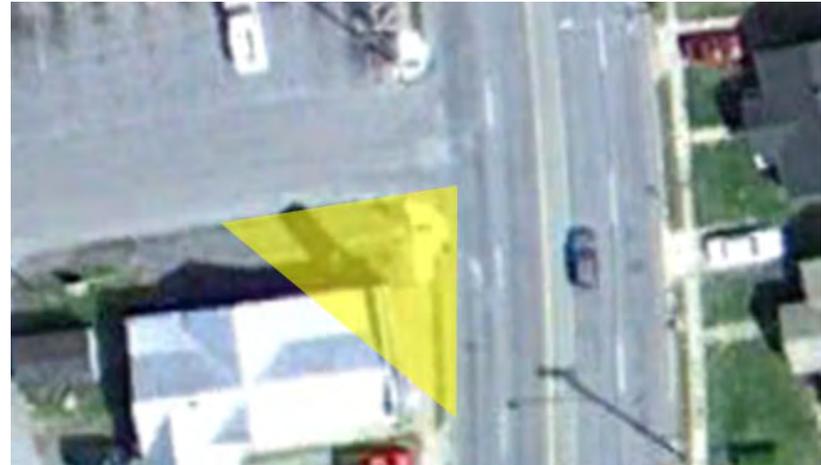
- **Lighting requirements.** The ordinance currently addresses lighting requirements in the Scenic Corridor, Commercial Corridor and Fifth Street). The location and design of lighting can have a major impact on visibility, safety for vehicles, pedestrians and properties. Overly bright lighting actually decreases security because of the glare and shadows it generates. Managing up-lighting and glare can also yield great benefits for those who like to see night skies.
- **Driveways and access requirements.** The ordinance does not adequately address the full range of alternative configurations and designs for access to lots. Private or shared drives may be appropriate for some lots without improved road frontage. Additionally, parking and other incentives for shared driveways can be used to reduce the number of curb cuts on roads with high traffic volumes.
- **Residential density** is often used as a proxy for neighborhood character and often neighbors mistakenly focus on the number of units per acre rather than the other factors that can have greater impacts, including:
  - The types and mix of residential units;
  - The height and bulk of the units;
  - Streets, including the pavement width, sidewalks and streetscape plantings;
  - Street connectivity;
  - Access to parks and green space;
  - Setbacks;
  - Code enforcement and property maintenance; and
  - Parking.

## Lynchburg Zoning Diagnostic

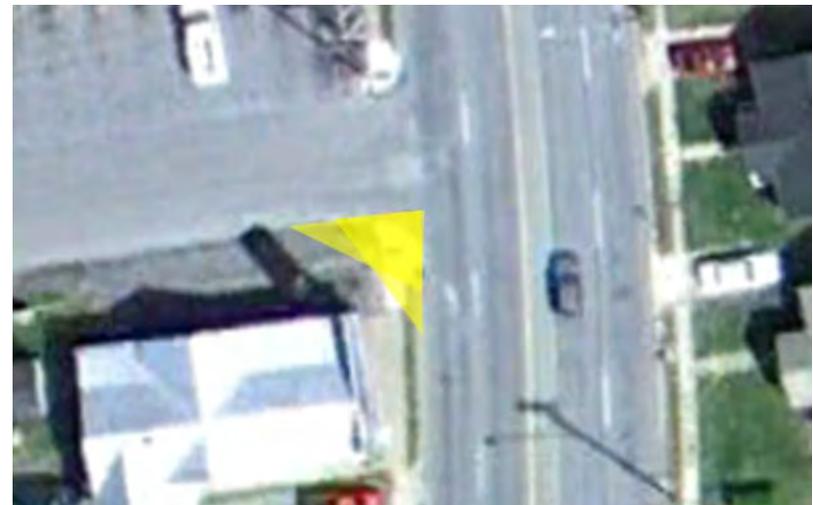
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- **Drainage improvement standards** should be revised to facilitate the use of low impact designs, particularly within the R-C district.
- **Connectivity requirements and street improvement standards** should be revised to enhance public safety and mobility. In addition to ensuring that sidewalks are adequate along existing streets, street and or bicycle/pedestrian connectivity should be given greater emphasis. Excessive block lengths and limited access options slow fire and police response time. They also tend to increase traffic congestion along the few through streets.
- **Reconcile the zoning and building code standards.** Setbacks and other building standards should be consistent with the building and fire codes so users of the code do not have to adjust building plans after relying on zoning standards.
- **Revise visibility at intersection (sight triangle) standards.** The existing clear zone extends 50 feet in each direction from a street intersection. This is a rural standard that is more appropriate for high speed rural roads than for the City of Lynchburg. This standard should be reduced throughout the City, particularly in more urban areas with limited setbacks. Current best practices overlay two sight triangles that measure 15 by 25 feet, which allows for adequate sight distances along most urban streets.

### Existing Sight Triangle Requirements Preclude Existing Buildings



### More Appropriate Urban Standards Allow Existing Buildings and Facilitate Infill



## Non-Conformities

Zoning must address the ways in which legally established uses, buildings, signs and other site improvements are allowed to change over time. Generally, these situations are allowed to remain as is, but the most effective ordinances establish clear, fair and equitable standards that facilitate continued use of property while promoting greater conformity as changes occur over time.

The first objective when updating a zoning code is to minimize non-conforming situations that do not threaten the public health, safety or welfare. The preceding recommendations to reduce setbacks and expand the number of uses by right should achieve this objective.

- Abandonment
- Abut or abutting
- Accessory apartment
- Alley
- Alteration
- Americans with Disabilities Act
- Appeal
- Applicant
- Assisted living facility
- Balcony
- Balustrade
- Base density
- Basement
- Bed and breakfast
- Bicycle lane
- Accessory detached dwelling unit
- Accessory use or building
- Addition
- Bicycle path
- Bicycle trail
- Bicycle route
- Boundary street
- Buffer yard
- Building footprint
- Buildable area
- Buildable width
- Building official
- Building site
- Bulk
- Bus shelter
- Adjacent
- Adopted level of service
- Adverse effect
- Busway
- Capital improvement
- Carport
- Cellar
- City Council
- Civic uses
- Clear vision area (sight triangle)
- Clubhouse
- Cluster housing
- Commercial living unit
- Commercial motor vehicle
- Common area

The existing non-conforming use provisions are fairly typical but should be reviewed. Ideally, these provisions should facilitate reasonable use of non-conforming properties and help bring non-conforming situations into compliance as allowed by state law.

## Definitions and Interpretation

Definitions appear throughout the zoning ordinance (e.g., signs, flood hazards, telecommunications, airport zoning). These should be consolidated in one section or reviewed to ensure that redundant definitions are compatible. Many communities choose to keep the flood definitions with the flood regulations to facilitate updates when Federal Emergency Management Agency updates these standards. Existing definitions should be clarified and the City should consider adding the following definitions:

## Lynchburg Zoning Diagnostic

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- Common ownership
- Comprehensive Plan
- Condominium
- Conservation easement
- Construction drawings
- Construction plan
- Contiguous
- Convenience store
- Courtyard
- Credit
- Crosswalk
- Cul-de-sac
- Cultural resources
- Deck
- Dedication
- Demolition
- Density, gross
- Density, net
- Detached structure
- Detention
- Development
- Development agreement
- Development plan
- Drainage system
- Drive-in
- Drive-through use
- Driveway
- Easement, utility
- Escrow
- Existing structure
- External buffer
- Façade
- Family member
- Gabion
- Geographic search area
- Green space
- Gross acreage
- Guest house
- Ground cover
- Groundwater
- Highway, limited access
- Historic district
- Home craft
- Home craft shop
- Impact analysis
- Infill development
- Infrastructure
- Institution
- Intermediate floodplain
- Intermittent stream
- Intersection
- Landscaping
- Levee
- Level of service
- Live-work unit
- Maintenance easement
- Major arterial
- Major thoroughfare
- Major subdivision
- Massage parlor/health parlor
- Minor subdivision
- Mitigation
- Neighborhood unit
- Net acreage
- Node
- Non-residential subdivision
- Notice of noncompliance
- Official map
- Off-site
- Off-site facility
- On-site
- On-site facility
- Open space
- Outdoor music or entertainment festival
- Outdoor storage
- Overlay zoning district
- Park
- Party wall
- Pattern book
- Pawnshop
- Pedestrian path
- Performance standards
- Permit
- Pitch
- Planning Commission
- Plat

## Lynchburg Zoning Diagnostic

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- Porch
- Preliminary plat
- Private access drive
- Private yard
- Property owner
- Public access easement
- Public art
- Public building or facility
- Public housing
- Public improvement
- Public property
- Public right-of-way
- Recreational facility
- Recycling business
- Registered engineer
- Regulations
- Regulatory floodplain
- Rental unit
- Required open space
- Residential property
- Residential streets
- Residential structure
- Resource
- Restaurant
- Restoration
- Restricted parking area
- Restrictive covenants
- Scale
- Screen or screening
- Service plan
- Setback (front, rear, interior side, exterior side)
- Side street
- Sidewalk
- Sidewalk café
- Single-family residential development
- Site plan
- Sketch plan
- Slope
- Stacking lane, aisle
- Subdivision agent
- Subdivision plat
- Swale
- Temporary accessory dwellings
- Tract
- Traffic impact analysis
- Transfer of development rights
- Trash
- Transitional home
- Underground storage tank
- Use matrix
- Variance
- Vested rights
- Violation
- Vista
- Watercourse, waterway
- Wetland
- Wheelchair ramp
- Wireless communication
- Yard (front, rear, side)
- Yard sale
- Zero lot lines
- Zero lot line development
- Zoning map

### Next Steps

#### Approaches to Zoning Ordinance Revision

The City has optional ways to address its zoning ordinance deficiencies. For the last 30 years, Lynchburg has patched the ordinance to address specific zoning issues as they have arisen. This has effectively addressed a variety of issues, such as parking and landscaping, but the resulting ordinance now reflects that piecemeal approach – it is fragmented, there are internal inconsistencies and it has become increasingly difficult to use over time. Community leaders, residents, business owners, developers and staff agree that the existing ordinance as a whole needs to be reorganized and reformatted so that it is easier to use and understand. There also is strong support for many of the substantive amendments described in this report, particularly those that make mixed-use and infill development easier to accomplish.

A revised zoning ordinance also will enable Lynchburg to more effectively achieve the City's Comprehensive Plan goals in a timely and cost-effective manner. While the comprehensive plan should be updated in 2013, input from community leaders, staff and the public suggests that the overall direction of the plan remains valid as a guide to needed zoning and land use changes. The direction of the plan also is supported by the City's 2011 Housing Assessment. It is likely that during the update of the zoning ordinance, plan policy refinements will be identified.

From all that we have heard, we believe the City recognizes that an update to the zoning ordinance requires a comprehensive, coordinated approach and not another band aid. To this end,

Lynchburg may choose to update its zoning ordinance in phases or commit to a comprehensive revision as a single project. There is no “best way” to update the zoning ordinance. The selected approach should result from consideration of several factors, including development pressure, staff resources and fiscal resources. While it generally is easier to revise a zoning ordinance when development pressures are low, Lynchburg's staff reductions limit the ability to draft zoning revisions internally. However, because there are fewer project-specific zoning decisions on the table, it is easier for decision-makers to focus on big-picture concerns and the City's longer term needs.

A comparison of the two approaches (Phased versus Full Revision) is presented in Table 5. The table also includes more specific descriptions of how Lynchburg might pursue each approach. Under either approach, the first step is to diagnose the City's current zoning ordinance. This report summarizes that diagnostic step in addition to offering specific recommendations to improve the ordinance. The next step in this process is for the City to decide how to implement the recommendations of this report.

Regardless of the approach taken to address the City's zoning ordinance deficiencies, the City should partner with existing citizen training programs (Citizen Academy, Community Code Compliance Team, etc) to improve public understanding of the roles that zoning plays in the community, as well as zoning procedures and standards.

## Lynchburg Zoning Diagnostic

**Table 5: Comparison of Phased Versus Single Project Revision of the Zoning Ordinance**

Factor	Phased Revision	Full Revision as Single Project
Cost	Total cost higher, but may be lower on an annual basis if spread out over at least three fiscal years. Based on our experience and the experience of other consultants and communities, a reasonable 3-year phased code update could easily cost \$75,000 per year for consultant assistance plus \$20,000 to \$25,000 per year for direct costs to the City for outreach and logistics. The longer any project takes, the greater the cost due to a host of inefficiencies and unknowns.	Lower total cost, but with the entire cost spread over two fiscal years. Based on our experience a code revision for Lynchburg could be accomplished over an 18 to 21 month time period. The cost of the revision would be approximately \$150,000 plus \$20,000 to \$25,000 per year for direct costs to the City for outreach and logistics.
Staff Time	Fewer hours per month required, but total staff time is greater	More intensive staff commitment for a shorter time period
Development Pressures	Easier approach when development pressures are high	More efficient use of staff and decision-maker time when development pressures are low
Timing	Three years (or more) required to complete the revisions	18-24 months to complete and adopt the revisions
Continuity	More subject to interruptions and delays due to changing priorities. Works best if there is continuity in staff and City leadership. Changes in either can result in changes in project direction or budgetary commitment to complete the project	Lower total cost is due primarily to the continuity of effort, which requires more of a time commitment on the part of staff and decision-makers. The more intensive time commitment will make the revision process more efficient for all parties
Trust Building	Starts with easiest amendments that have strong consensus, which can be an effective way to build trust among participants. This approach could start with an easy win by addressing formatting and procedures.	Requires active citizen outreach and information program to forge and maintain trust in the process and outcomes. Process should include option for additional meetings throughout process to address citizen concerns as they arise.
Capacity Building	Allows and requires more time to inform the public and decision makers about the implications of different zoning approaches. This generally is positive for building community capacity, but if staff or leadership changes, much of the value of this capacity-building process may be lost.	Citizen outreach program should be accompanied by ongoing training sessions for the public, staff and public officials to enhance their understanding of zoning options, the implications of those options and the implications of inaction.

### Recommended Approach

Our recommendation would be to treat the zoning ordinance revision process as a single project. This 2-year project would allow costs to be controlled and spread over two budget cycles. The longer timeframe would provide a reasonable time period for

participants (stakeholders, steering committee, elected and appointed officials) to fully engage in the project and have meaningful public involvement.

# **Appendix: Citizen Comments**

### Appendix: Citizen Comments

The following comments were provided in response to questionnaires that were available on-line and in hard copy at the community listening sessions. Seventy-five people responded to these questionnaires. The responses, which are presented as received, demonstrate areas of consensus and diverging opinions on a number of zoning issues. Most of the comments related to the specifics of the zoning ordinance are addressed in the body of this diagnostic.

#### 1. In what ways do the following aspects of the City's zoning regulations work well?

**Development processes** (notice, public hearings)? 32 people checked this box.

**Compatibility between nearby uses?** 12 people checked this box.

**Functionality and attractiveness of site design and buildings?** 13 people checked this box.

#### Public Comments

- *Fairview has not received much attention in 30 years!*
- *Need to be careful about establishing design standards.*
- *I think the staff tries their best to work with the current code to achieve the above items but the regulations are difficult to work with.*
- *I like the idea of simplifying and having a better feel for an outcome.*
- *We need to do better on design.*
- *I am on the Design Review Board and we certainly take these facilities into consideration.*
- *More mixed use.*
- *Encourage energy efficient "green" design.*
- *Conditional use permits need much more scrutiny.*
- *Haven't been that involved here yet—have worked with other planning and zoning in Boise, Portland, Seattle.*
- *Received notice at home several times.*
- *Need to educate community more that they have a say in planning!*
- *Functionality/design is improving but still can improve.*
- *Does not work well. Hard to walk between sections and disregards nature.*
- *I don't think the public is well aware of notices or hearings. How are they announced and where can you go for information?*
- *Downtown, older neighborhoods and parks have planning and are beautiful (Rivermont, Boonsboro) but more commercial areas are harsh and paved.*
- *The actions that have taken place downtown Lynchburg.*
- *Hard to say when something is working whether zoning is responsible.*
- *Not much in Lynchburg has come from zoning. Just commercial development.*
- *It's been great to see the progress being done along the riverfront area. That will be a huge boon to the City.*
- *Some of the recent development has been poorly planned, such as the sprawl along Wards Road. The planning process needs to allow means of transportation other than only by automobile.*
- *I feel the City fails in seeing that areas of our City are well maintained. As you drive around neighborhoods, some stand out as being well cared for (not just Peakland Place but that street which consists of Habitat homes. Sorry, I can't remember the name of the street.)*
- *The City as far as I can tell doesn't regulate the appearance of buildings that much except in the case of historic structures. We do not go near any historic building opportunities solely for the reason that their regulations on renovations are crazy.*

## Appendix: Citizen Comments

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- *This is a relatively good practice, but it is costly. For those not used to all the requirements, it is a cumbersome process and all of the departments may not work together/communicate together effectively. There are also some hang-ups, for example, when new reviews are received.*
- *All these were circumvented in some way during approval of Cornerstone.*

### **2. In what ways do the following aspects of the City's zoning regulations need improvement?**

**Development processes** (notice, public hearings)? 18 people checked this box.

**Compatibility between nearby uses?** 31 people checked this box.

**Functionality and attractiveness of site design and buildings?** 34 people checked this box.

### **Public Comments**

- *The historical committee is over restrictive, but need some enforcement of building standards even in Fairview Heights.*
- *Need to be careful about establishing design standards.*
- *New abutting commercial districts affect residential neighborhoods.*
- *Not working at Wards Road and adjacent development.*
- *I'm sure there's room for improvement in all areas.*
- *Less like Wards Road and more like Rivermont and Randolph and downtown.*
- *Zoning board members need to be better qualified and need to know and understand the zoning ordinance.*
- *Insensitive to private property values with respect to environmental issues.*
- *Will industrial zone remain permitted activity only or become not excluded activity?*
- *It is too easy for influential builders to have zoning changed. Environmental concerns.*
- *Need improvement in design and implementation.*
- *More pathways for pedestrians, better flow of traffic on Wards Road. Consider the "Wards" issue for future development.*
- *Too many strip malls.*
- *Wards Road, Timberlake Road and Old Forest Road.*
- *There are areas where development is all in one place. Additionally, there are areas that promote green, environmentally friendly spaces.*
- *Wards Road: Commercial businesses and design make Lynchburg look like every other place.*
- *To continue the improvements that are taking place downtown to help create a fun, young environment.*
- *It would be nice to allow a few shops in/near residential sections for convenience and energy savings for residents.*
- *Process is terrible. Needs to be fixed.*
- *Compatibility is paramount, especially residential.*
- *I think outside maintenance should be an integral part of the zoning code.*
- *I'd like to see broader announcements to the affected community for applications. A property near us was recently developed, but because the property itself was on a side street, we did not see the posted notice at the property site. The construction increased traffic near us and the development itself is generating a bit more traffic, but we didn't realize there was a development planned until after the process had gone through. Perhaps mailing letters to the surrounding neighborhoods in addition to the posted sign at the property would be helpful.*

## Appendix: Citizen Comments

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- *It is not right to tear down one house on a one acre lot and then build two. It will lower our property value.*
- *I am concerned that there is a strong “pro-development” bias by the City. To quote from the very web page: “and to provide for development proposals that would have otherwise been prohibited.” The City will go out of its way to allow development. When folks protest, the response is simply, “Sorry. That is the way it is zoned.” Yet, when parcel is not zoned for development, the City simply rezones it (yes, they follow the proper procedures, but they really mean nothing). Every year, I like what I see across the City less and less.*
- *The planning process should help to avoid poor development such as Wards Road and Old Forest Road. New developments should be pedestrian and bike friendly. Big box stores should be restricted to only certain areas of the City where the roads and sidewalks will allow for the increase in traffic.*
- *I believe the City is becoming a little lax about “grandfathering” too much in existing zones.*
- *Stormwater: Realizing that the EPA is constantly decreasing limits on “contaminants,” the stormwater policy in the City is a complete disaster. The regulatory bar and permitting fees for new development are so high that it makes developing anything too expensive. Larger projects like Wyndhurst are able to use some economy of scale benefits but small scale development, like parking lot expansions of anything less than several acres, is practically impossible to justify. Foliage requirements and retention plans cost more than the asphalt for many projects. Requiring backflow equipment on existing structures is also an insane policy, not to mention the annual inspections, which only seem to serve to stimulate the local plumbing contractor industry. On the other side of the equation, the City is completely disinterested in fixing any stormwater issues that were created as a result of their poor engineering or installation. I can tell from personal experience, trying to get the attention of the City is very difficult and getting a resolution from them is all but impossible—even to acknowledge that they have an issue. Instead of focusing on putting more and more development in already congested corridors or pandering to certain universities—whose positive economic impact is suspect at best—they need to think about resolving their own issues.*
- *Since it is long process with so many departments, some department should serve as a resource to help those less familiar with the process. For example, in the case above, an attorney was hired represent us, to redo the property lines, etc. An oversight. Taxes are due and payable. The neighbors were totally confused with our having to contact them again about the petition, etc. The same owners/neighbors had to be contacted a second time within a year or so at cost to the church.*
- *It appears that we have no problem in zoning the Timberlake/Leesville area of town with apartments, townhouses and low-rent housing, but that is not true on the other side of town where more upscale housing is encouraged. I believe that we too could have some upscale neighborhoods designed for this side of town and that people would purchase them. I know of people who have moved to the other side to find that kind of housing or to the Forest area. This is the most convenient side of town to everything so it is strange that this area only gets apartments, townhouses, etc., but never new upscale housing. Basically, whatever is asked for is approved over in this area, but the Boonsboro area has been protected. We have been the “stepchild” since annexation and promised all kinds of things which*

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*have not been delivered and we are 30 plus years from that time. No sidewalks, astronomical expense to hook up to the sewer, no parks and have allowed Heritage High School to be the last school to receive updating when it was in the most undesirable area.*

### **3. What changes to the zoning ordinance would you make?**

- I would strongly suggest that if there is no zoning at this time stipulating the use of major utility vehicles in residential driveways and, if you consider enacting such, that the zoning board is made well aware of this law and they would be required to inform prospective buyers and sellers of property. This could avoid the problems arising from their misunderstanding and misinformation.*
- Consider implementing a law to prohibit the placement of commercial vehicles such as front end loaders and dump trucks, multiple lawn mowers and other landscaping equipment (indicating a commercial business being conducted) on residential property.*
- Don't know enough yet, but I live in an R-1/R-2 area, mostly R-1, that was almost specially permitted to allow a group home. I thought it was a bad idea. The Planning Commission supported the idea and board thankfully denied the use.*
- Force new businesses in existing areas instead of building on green space.*
- Change of term from "mixed use" to "complementary use."*
- Institutional zoning necessary.*
- Review of uses allowed in various zones needs to be revised to allow for changes that have taken place in last 30 years.*
- Industrial zones need to be more flexible.*
- Public hearing process should be streamlined and restricted to only those impacted by the case in question.*
- In an area that already has rental properties, I would like to be able to utilize my rental property by renting to 6 individuals instead of 3 due to the total cost of the piece of real estate.*
- I need to learn more before I comment.*
- Readable for everyday folks, novice developers.*
- Make it more user friendly (simple). Less complicated.*
- Make the zoning more clear and have everything that applies to a type of zoning in one place.*
- Plain English picture examples would be helpful.*
- More planned communities like Wyndhurst and Cornerstone.*
- Be sure to maintain green space and Blackwater Creek and Percival's Island. Expand green space.*
- Incentives to bury utility lines.*
- More enforcement.*
- The house next to me is a 2-bedroom and one bath, but there are 6 men living there and using 5 cars.*
- Limiting zoning ordinances serve only the speculator and hurt the owner/resident. Mixed, minimally regulated use fosters stable communities, prosperity and community investment.*
- I support flexible, permissive uses, particularly encouraging small and home based businesses rather than pure, segregated use.*
- Make sure existing and future commercial districts that abut residential neighborhoods are compatible with peace, quietude and well-being of residents of that residential neighborhood.*
- Promote pedestrian friendly neighborhoods with retail/light commercial.*
- Simplify, simplify, simplify.*
- Ordinance has changed for the better in recent years.*
- Needs to reflect more current housing trends for older population.*

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- Give more discretion to administrators.
- Be careful about dictating “aesthetic” standards. Can go overboard.
- More work on signs and design.
- Reduce billboards.
- Add bike lanes.
- Any initiatives that would revitalize community areas that have needs.
- Seek to make more business zones available.
- Residential zoning: Setbacks for building close to property line. It is one foot, as I understand it. It should be a 10-foot setback from property lines.
- Have zoning ordinance to make big box stores conform to the neighborhoods with landscaping/building design. Example: The Wal-Mart on Old Forest Road should have been more in keeping with area. Charlottesville does a good job of this.
- I understand that the current building code allows a single-family residential homeowner to build an unattached structure on their property with only a one-foot setback/easement. I believe there should be at least a ten-foot setback/easement for any significant structure like a garage, especially in a residential area with relatively large lots. My example is a house on Link Road, close to Rivermont Avenue.
- Be sure to have ordinance compatible with Comprehensive Plan. My experience regarding development of property opposite James River Day School indicated the means some developers will go in order to bend the rules through “conditional use permit” process. We had scant notice ahead of time but managed to block it.
- Whatever is needed to move forward on Lower Bluffwalk development—top priority. Then 5<sup>th</sup> Street Corridor development.
- Overall, the zoning ordinance is not all that bad. It needs to address the areas of mixed use and how it is applied in a judicial manner. Change is not always good but may be sound, if subjective. Best to look at all of City and the included areas on a case-by-case basis.
- The zoning code needs to incentivize mixed use, pedestrian friendly, transit oriented development.
- Find ways to preserve green space within the City—parks, bikeways, forested land.
- Give attention to enhancing infrastructure and aesthetics in low-income stable neighborhoods.
- Better enforcement of R-1 zoning in respect to rental property.
- College students (multiple) 4, 5 or 6 students in single-family homes with absentee landlords.
- Many homes in LU area subdivisions are having problems with student housing in R-1 homes. Lynchburg College addressed this problem. Do we want all areas around LU to be part of LU?
- Pedestrian traffic.
- Creating neighborhood districts. Encourage those residents to be more involved.
- Downtown revitalization efforts.
- Affordable and workforce housing extremely important.
- Connect communities for all of Region 2000 with Lynchburg as the hub and center.
- Restaurant districts.
- Be aware of realistic uses of land versus a wish list that probably will not happen. Also, most areas that have offices also need storage bins/buildings. A business needs storage close by.
- Greater integration of multiple zoning uses.
- Owner-occupied for rentals in districts with no grandfathering.
- Need zoning for non-profits.
- How can personal property be defined definitely so that your property is not affected by someone’s neighbor’s storage/junk?
- Not sure if this applies here: Properties are allowed to be cleared/partially

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*cleared without any prospective buyers. Then the lots sit for years without being developed. This is not good for creek side areas where there is flooding.*

- *Re: Setback distances for bus pickup stops from corners/intersections (i.e., corner of Fort Avenue and Long Meadows Drive). Bus stop creates hazard onto Fort Avenue from turning traffic. Often cars are stuck in the middle of intersection. Who determines where a bus stop may legally be sited? City? Bus company?*
- *We need to increase front setback lines on developments. No thought is given to future needs to widen roads (i.e., Greenview Drive). Condos are too close to road. Future needs to widen it have been rendered impossible.*
- *We need clear requirements concerning property upkeep for safety as well as property value. When one or two concerns tear down an attractive area, it becomes a cancer that spreads and destroys a neighborhood and spreads wide.*
- *What to do about a trashy neighbor. How to avoid that happening. Should an R-1 resident be allowed to have business trucks on his property? Backhoe? Car that won't run?*
- *Undeveloped parcels 335 and 337 Sumpter Street (eight acres)*

*contributed in 2011 to the City as a new part of the Blackwater Creek area for trail use only. Should now be permanently park and recreation use only, not residential (as we were previously being taxed).*

- *Make changes easier to achieve. Make process smoother/streamlined. Take more public opinion into account. Allow more mixed use (small retail) in certain places with right design.*
- *Access to public transportation should be considered when planning high density modest cost housing.*
- *Mix business and residential zoning. Have conglomerates fit into the area. Work into downtown instead of building out. Focus on ease of movement and local businesses, including small scale development. Public transportation or highlight walkways.*
- *More environmental aspects should be considered before decision making. How will this affect the environment? Will these issues lead to bigger problems? Does the City of Lynchburg even care? These are all important questions that should be addressed before decisions are made.*
- *Zoning that encourages construction of open space, walkable communities, reuse of old buildings, discourages big box development.*

- *Less commercial business. It really takes away from aesthetics and local business. Restrict Liberty in their development. Also, limit the new development and expansion further out of the City and focus on the uplift of the downtown area.*
- *I would suggest the implementation of more green space within areas of high construction and development in Lynchburg. This has plenty of environmental advantages in terms of groundwater recharge, stream health and freshwater ecology improvement. Additionally, green space improves greatly the aesthetic value of a place for all people.*
- *I would also like to see these notices and public hearings, along with other information, be made available to college students at Lynchburg's various institutions.*
- *Downtown: If you want to attract more people, especially of the younger generation, you must consider night life. I do not mean out of control night clubs. However, bars that are integrated with the history of downtown. Much like old town Fredericksburg, VA. The history of the area makes a great place for people to walk the streets, enjoy noncommercial restaurants and bars. This is appealing to both older and younger*

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generations. Downtown Lynchburg has the potential to do this, as the City should have seen in the fall when it hosted the Beer and Wine Festival.

- You should move to draw a younger audience. The smart thing. Located to make it a fun environment for the college students by creating a bar atmosphere, which would generate a lot of revenue to the downtown environment.
- I would like to see more open space and natural recreational areas. The roads should also have more cycle friendly lanes for people to be able to commute safely, which may lead to a lower amount of cars on the road.
- Most City Council meetings seem to spend much of their time granting variances, which suggests that the ordinance is too tight. One example is the City plan's requirement of storefront shops. To my knowledge, this only happened in Wyndhurst where parking difficulties limit customer base and ensure that shops, especially those with lower prices, have a hard time paying their rent.
- Better to let businesses provide their customers with the type of access they want and, therefore, will use.
- These restrictions are waived for Wards Road, which goes a long way to paying the City's bills. Without

variances (or reduced restrictions) businesses would move to Bedford or Campbell and we'd be in trouble.

- Many of the beautification issues brought into today's discussion could make our City more pleasant by change to trees and roads without zoning changes.
- Spacing between homes and garage space.
- Make it easier to deal with deteriorating properties owned by absentee landlords.
- Deal better with noise in residential areas.
- Deal with pets being allowed to bark incessantly all day and night in residential areas.
- Be understanding of the struggles of the elderly to shovel snow or make home improvements when on fixed income.
- We have seven historic districts. They are not contiguous. There are many not good places in between and blight within each. I would like ordinances to encourage beautiful restored areas.
- Biggest problem: We have a property zoned one way and somebody desires a change. I have no clue what criteria is used to get there. For example, it clearly states in our Comprehensive Plan that the steep slopes of Candler's Mountain should be protected but our

City rezoned areas on mountain so fields/ski slopes/parking could be built. What were the criteria for this? Not the Comprehensive Plan or FLUM. Just made the decision. This creates a disconnect with the public.

- In light of all the colleges, why do we not have an area/zoning classification for student housing?
- Why are we limiting multi-family zonings to no more than 3 unrelated people in a unit when most housing set up for students is not profitable for a developer unless there are 4 tenants to a unit?
- Why are we in our multi-family zonings keeping a 25-foot no build setback when we need that space to provide adequate parking for our tenants?
- What is the possibility of going to 3 classifications of zoning instead of 5 in both residential and commercial to provide greater flexibility and crossover instead of designating them so tight as is presently being done?
- In light of the present movement toward renting instead of buying, don't we need to provide for more multi-family zoned land and provide for more rental possibilities in our residential zoning?
- Shouldn't we give our colleges, hospitals, churches and other

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*institutions more flexibility in developing their properties instead of them having to come to council for rezoning every time they add a building?*

- *Shouldn't a church be allowed to go in any zoning classification it wants to since it is not a detriment to either residential, commercial or industrial uses?*
- *What are we doing in light of the move to more affordable housing to provide more opportunities for less expensive development standards within our subdivision ordinance, smaller lots as in higher zoning classifications and more multi-family/smaller lots type zoning?*
- *When so much of our remaining vacant land is zoned R-1, isn't it time for the City Planners to look at upgrading those properties to higher zoning classifications that provide for more diversity in housing projects?*
- *In light of the extensions of City utilities (water, sewer, etc.) over the last 20 years and the limited amount of single-family (R-1) type developments, isn't it time to take a look at seeing how those properties affected/enhanced by such extensions could be rezoned for better and more likely uses, especially since they carry the lowest tax rates and provide the*

*least chance of ever being developed in light of our present subdivision development standards?*

- *There must be a better way for property purchasers to be notified of the permitted uses and restrictions on a property. I've heard of R-2 neighborhoods struggling with people purchasing homes with the intention of renting them out without having the landlord on site, which I'm pretty sure isn't permitted. There are also many R-1 neighborhoods that have single-family dwellings operating as rental properties in violation of zoning ordinances, although it's questionable whether neighbors realize what the permitted uses are and how to notify zoning of violations. I also wonder if it's possible to have multiple "layers" of zoning. I live in R-3, so I can rent out my home, but the business uses are a bit murky in code. I strongly request that occupancy limits still be included in the ordinance, particularly in non-owner-occupied dwellings. Whether those standards are tied to size of dwelling, the available parking, the number of bedrooms, or the number of unrelated persons makes no difference to me. I am hesitant to support using the number of bedrooms, as I've heard that larger families in other localities struggle*

*with items such as "two heads per bedroom," so a family with 3 kids cannot consider an apartment with 2 large bedrooms. I think that's too restrictive. On the other hand, having 4 unrelated persons in a 5-bedroom house might not be so bad, depending on the size of the property and the available size. What concerns me is the idea that a 4-plex of 2-bedroom units might house 12 individual tenants under our current code. Rooming houses should only remain legal as owner-occupied bed and breakfasts with requisite safety oversight. Most of the property management companies are really good about observing occupancy standards and safety requirements to comply with code, but the individual property owners who flagrantly violate code by using single-family homes as multi-family rentals must be stopped. It's a quality of life issue for the surrounding neighborhood and destroys property values. Whatever ordinance is adopted, it must include provisions to hold those individuals accountable for business practices that violate code. I think there should also be better education about zoning requirements, particularly in downtown where rooming houses tend to pop up.*

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- *Besides occupancy and rooming houses, I'd like to see zoning revisit the ordinances about having chickens, as more people are interested in having chicken coops with 2-5 birds. The 200' foot requirement for all bordering properties and public streets is very hard to meet. I've heard that some cities are starting to issue limited numbers of chicken permits.*
- *Enforce regulations, especially E & S.*
- *All new development should include sidewalks, maintain green space and include bike lanes. New buildings and developments should be accessible by foot or bike. Downtown revitalization should be encouraged. Green space needs to be maintained and encouraged by future zoning.*
- *Have specific guidelines as what can be stored outside the home to be viewed by all. Unsightly surroundings reduce property values of the whole neighborhood.*
- *The review process, while expensive and onerous, does work, but it could be streamlined more. Allow for more limited development with a streamlined, less expensive process. Projects under 50K, for example, could have an expedited review and minimal fee.*
- *Please keep R-1 as 2 units per acre. Changing for denser only makes Lynchburg more urban and less attractive. Are we only going for more tax base? Is the almighty dollar that important? Are we running all of the nicer, larger homes out to the counties? Stop with big money making projects as well as for those with little projects.*
- *Strengthen requirement for rental of single-family houses to students. There is one in our neighborhood where 3-4 vehicles have parked on the street where the street is very narrow. It is dangerous to cars and pedestrians.*
- *Administrative review by planning department should be performed with more quantitative guidelines outlined in ordinance. Too much based on subjective opinions of not just the planning department, but also all departments who must bless a plan. Why does GLTC, which is not even a City department, comment on rezoning. Why does planning department get to specify how many and what specific trees must be planted? Often "suggestions" are made, but if "suggestion" is not implemented, planning department will not approve plan and/or weigh in favorably during rezoning. This "power" of ancillary departments and City (and non-City) employees should be well defined on what specific areas they are allowed to review and what criteria they can review against, rather than personal.*
- *The school zoning needs to be fixed! Kids are being bused all over the place. Many streets have 3 or more elementary school zones.*