# City of Lynchburg Zoning Ordinance – City Council Review Draft (September 28, 2015)

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# Article I Zoning Ordinance Overview

## 35.2-1 Title

This ordinance shall be known as the "Zoning Ordinance of Lynchburg, Virginia" (Zoning Ordinance) and may be so cited.

## 35.2-2 Authority and Purposes

The provisions of this Zoning Ordinance are adopted pursuant to the authority set forth in the Code of Virginia, § 15.2-2200, et seq., as amended, which also establishes the purposes and focus of this ordinance. The administration of this ordinance shall be consistent with requirements of the Code of Virginia and, when Code, as it may be amended from time to time, creates a conflict with the provisions of this Zoning Ordinance, the provisions of the Code of Virginia shall prevail.

## 35.2-3 Consistency with Comprehensive Plan

(a) These regulations are intended to implement the goals and policies of the City of Lynchburg Comprehensive Plan (Comprehensive Plan), as amended, and are hereby deemed to be consistent with the Comprehensive Plan.

(b) Any amendments or changes to these regulations shall be consistent with the Comprehensive Plan as it may be amended from time to time. An amendment to the text of these regulations is consistent with the Comprehensive Plan if it substantially complies with the vision, goals and policies established in the Comprehensive Plan. An amendment to the Zoning Map is consistent with the Comprehensive Plan if it is substantially consistent with the Planning Framework and Future Land Use Maps of the Comprehensive Plan and with the text and policies of the Comprehensive Plan explaining and implementing these maps.

(c) The Zoning Ordinance and all development approvals and permits issued pursuant to the Zoning Ordinance are intended to implement and be consistent with the goals and policies of the Comprehensive Plan.

## 35.2-4 Organization

The Zoning Ordinance is organized in 11 articles as follows:

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

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

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

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

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

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

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

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

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

(j) **Article X** describes the responsibilities for administration of this Zoning Ordinance.

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

## 35.2-5 Interpreting the Zoning Ordinance

### 35.2-5.1 Ordinance Establishes Minimum Requirements

In the interpretation and application, the provisions of this ordinance shall be held to the minimum requirements adopted for the promotion of health, safety or the general welfare of the community.

### 35.2-5.2 Rules of Language

The meaning of any and all words, terms, or phrases in the Zoning Ordinance shall be construed in accordance with Article XI of this ordinance.

### 35.2-5.3 Graphics

The Zoning Ordinance contains numerous graphics, pictures, illustrations, and drawings in order to assist the reader in understanding and applying the Zoning Ordinance. However, to the extent that there is any inconsistency between the text of the Zoning Ordinance and any such graphic,

picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

### 35.2-5.4 Zoning District Boundaries

The rules for interpreting zoning district boundaries are established in section 35.2-33 (Interpretation of Zoning District Boundaries) of this ordinance.

### 35.2-5.5 Cross-References

Cross-references are provided for the convenience of the user of this code. Whenever the Zoning Ordinance references a section in the Code of Virginia and such section number is changed by amendment to or recodification of the code of Virginia, the reference in the Zoning Ordinance shall automatically incorporate and refer to the new section number in the Code of Virginia, and any future amendments to the sections of the Code of Virginia are incorporated in this Zoning Ordinance are also incorporated by reference herein. Whenever a section of this Zoning Ordinance is referenced, the reference includes all subsections contained within the referenced section (e.g., section 35.2-63 includes all the provisions of sections 35.2-63.1 through 35.2-63.14). References to LBCS code references are provided to identify the categories in which a use may be included; when a more specific use is listed with a LBCS category code that that includes other uses the intent of the text is to include only the specific use listed in the specific provision and not all uses allowed under that category code.

## 35.2-6 Applicability

All uses and development of lots, buildings or structures shall comply with this ordinance. Nothing in this ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by an authorized City official.

### 35.2-6.1 Development Permission Required

(a) **Development Approvals**. Except as otherwise required by this section, no development shall occur and no use shall be established or changed unless a valid development approval or building permit has been issued by the City of Lynchburg.

(b) **Building Permits**. No building or structure or part thereof shall be erected, enlarged or altered by any person or organization until such person or organization has met all site plan requirements and has obtained from the City a building permit specifying the use and method of construction of such building, structure or alteration, including such information as is determined by the City Council to be necessary to the effective operation of these regulations.

(c) **Certificate of Occupancy**. No lot, building or structure shall hereafter be used by any person or organization until such person or organization has obtained from the City of Lynchburg a certificate of occupancy specifying the proposed use, the extent of the

property and such other information as shall be determined by the City Council to be necessary to the effective operation of these and other duly enacted City regulations.

#### 35.2-6.2 Conformance to Approvals Required

(a) **Development Approval**. The development use of any site shall conform to the terms of the applicable development approval or building permit.

(b) **Building Permit**. The construction, design and use of every building, structure or alteration shall conform to the terms of the building permit duly issued for that building, structure or alteration.

(c) **Certificate of Occupancy**. The use of any lot, building or structure shall hereafter conform to the terms of the certificate of occupancy duly issued for that lot, building or structure and to the regulations of this ordinance.

#### 35.2-6.3 Application of Regulations During Local Emergency

The City Council shall have the authority to waive standards within this Zoning Ordinance during local emergencies declared by federal, state or local officials.

### 35.2-7 Coordination with Other Regulations

No development approval, building permit or certificate of occupancy shall be issued unless it complies with this ordinance and other pertinent regulations of the City of Lynchburg.

#### 35.2-7.1 Relationship to Other Regulations

(a) Where a regulation contained within this Zoning Ordinance imposes higher standards than those required under another ordinance, rule or regulation, the regulation adopted under this ordinance controls.

(b) If the other ordinance, rule or regulation imposes higher standards, that ordinance, rule or regulation controls so long as it is consistent with this ordinance and the Comprehensive Plan.

(c) All development pursuant to this ordinance shall be subject to compliance with adopted building, fire and safety codes.

#### 35.2-7.2 Relationship to Private Agreements

This Zoning Ordinance is not intended to affect any easement, covenant or other private agreement or legal relationship; except that where this ordinance is more restrictive or imposes higher standards, this ordinance shall govern.

#### 35.2-7.3 Development Approvals under the Prior Zoning Ordinance

Prior development approvals shall remain in effect in accordance with the provisions of this section.

(a) Concept plan approvals granted under the prior zoning ordinance shall remain valid under the terms of the prior ordinance as long as a final site plan has been approved, or a building permit or certificate of occupancy has been issued, or the use has been legally established within thirty-six (36) months of the adoption of this zoning ordinance. Failure to secure final approval within thirty-six (36) months of adoption of this zoning ordinance shall result in expiration of the prior approval and the applicant shall be required to comply with the provisions of this zoning ordinance.

(b) Final site plan approvals granted under the prior zoning ordinance shall remain valid under the terms of the prior ordinance as long as a building permit or certificate of occupancy has been issued or the use has been legally established within five (5) years of the adoption of this zoning ordinance. Failure to secure and maintain a valid building permit, secure a certificate of occupancy or establish the use within five (5) years of adoption of this ordinance shall result in expiration of the prior approval and the applicant shall be required to comply with the provisions of this zoning ordinance.

(c) Conditional use permits approved by the City Council and special exceptions granted by the Board of Zoning Appeals shall remain in effect subject to the terms of approval. Failure to comply with the provisions of approval as evidenced by a revocation of the approval shall require the owner or operator of the use to apply for approval under the terms of this zoning ordinance.

(d) Proffers and conditions that were offered, accepted and imposed under prior regulations as part of a conditional rezoning or the granting of a conditional use permit shall remain in full force and effect, until subsequent amendment to the Zoning Ordinance changes the zoning on the property covered by the conditions.

(e) Any use legally established under prior zoning ordinance shall be allowed to continue. If the use is not authorized by this zoning ordinance, the use shall be considered a non-conforming use unless otherwise provided by this ordinance.

(f) Occupancy standards established in this ordinance shall become effective on June 1, 2016 unless the property owner provides a copy of a valid lease executed prior to September 1, 2015 that allows for greater occupancy in accordance with the occupancy standards in effect on September 1, 2015, in which case, occupancy may be authorized under the prior regulations for a period not to exceed two (2) years from the date of execution of the lease.

## 35.2-8 Administering the Zoning Ordinance

Articles II and X describe the process for administration of this ordinance in detail. Unless otherwise stated, the Zoning Administrator or City Planner shall be responsible for all administrative responsibilities assigned by this ordinance. The Planning Commission shall advise the City Council, which shall be the final decision maker on amendments to the text of this ordinance, changes to the Official Zoning Map, Comprehensive Plan amendments, conditional use permits and other development

approvals. The Board of Zoning Appeals shall make decisions on variances authorized by this ordinance and shall decide appeals to decisions made relating to interpretation of the text and maps of this ordinance. The Technical Review Committee (TRC) shall be responsible for advising the approval bodies.

## 35.2-9 Severability

Should any section, subsection, sentence, paragraph, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof other than that so declared to be invalid.

# Article II Procedures

## 35.2-10 General Procedures

### 35.2-10.1 Purpose

The purpose of this article is to establish procedures for filing and processing applications for development approvals required pursuant to this Zoning Ordinance.

### 35.2-10.2 Approvals Required

No development approval or building permit shall be issued unless all applicable approvals are obtained in accordance with this article. Development approvals are required unless otherwise exempted to ensure substantial compliance with adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan. This section describes procedural elements common to most applications. The specific procedures followed in reviewing various applications differ and are described in subsequent sections of this article. Generally, the procedures for all applications have the following common elements:

(a) Submittal of a complete application, including required fee payments and appropriate information and studies;

(b) Review of the submittal by appropriate staff, agencies, and boards;

(c) A decision to approve or deny; and

(d) Options to amend or appeal the decision.

### 35.2-10.3 Approval Body Defined

Zoning Ordinance approval bodies include the City Council, Planning Commission, Board of Zoning Appeals, Historic Preservation Commission and any other committee, board or City staff member assigned responsibility for acting at the final stage of a development approval or building permit.

### 35.2-10.4 Appeals

Any person, including any officer or agency of the City of Lynchburg, aggrieved by an action on a development application may appeal to the appeals body designated in Exhibit II-1 as provided in this article.

### 35.2-10.5 Application Review Procedures, Generally

(a) Exhibit II-1 summarizes the development approval process for each type of application under this ordinance and references the sections that describe the procedures, review criteria and effects of approval in detail. The table lists the specific type of application, the section establishing the review and approval processes, and the entities responsible

for review, recommendations, approval and appeals for each type of development approval.

(b) Section 35.2-11 establishes the review and approval process for applications requiring action by the City Council, which includes Comprehensive Plan text and map amendments, Zoning Ordinance text and map amendments, conditional zoning map amendments, conditional use permits, planned unit developments, flood plain development and related concept plans.

(c) Section 35.2-12 establishes the review and approval processes for applications for variances and appeals that require action by the Board of Zoning Appeals.

(d) Section 35.2-13 establishes the review and approval processes for applications for certificates of appropriateness, which are required for development within the City's historic district.

(e) Section 35.2-14.1 establishes the requirement for certification that development applications comply with zoning requirements applicable to the specific application in the zoning district in which the proposed development is located.

(f) Section 35.2-14.2 establishes the review and approval of site plans by the City Planner.

(g) Section 35.2-14.3 establishes the review and approval of sign permits by the Zoning Administrator.

(h) Section 35.2-14.4 establishes the review and approval process for authorized exceptions or modifications to specified Zoning Ordinance requirements.

(i) Section 35.2-14.5 establishes the review and approval process for temporary uses by the Technical Review Committee (TRC).

(j) Each of the sections referenced in paragraphs (b) through (i) above includes submittal requirements as well as approval criteria.

(k) Section establishes digital submittal requirements

(l) Section summarizes notification requirements for specific actions established in this Zoning Ordinance

**Exhibit II-1: Summary of Application Review Procedures**

| Type of Application | Section | Initial Review | Recommendation | Approval | Appeals | Comments |
|---|---|---|---|---|---|---|
| Comprehensive Plan Text and Map Amendments | 35.2-11 | City Planner | Planning Commission | City Council | Circuit Court | The Planning Commission may require vetting of proposed revisions by affected stakeholders prior to convening a public hearing |
| Zoning Text and Amendments | 35.2-11 | City Planner | Planning Commission | City Council | Circuit Court | The Planning Commission may require vetting of proposed revisions by affected stakeholders prior to convening a public hearing. |
| Conditional Zoning | 35.2-11 | City Planner | Planning Commission | City Council | Circuit Court | The Planning Commission may require vetting of proposed revisions by affected stakeholders prior to convening a public hearing. |
| Conditional Use Permits | 35.2-11 | City Planner | Planning Commission | City Council | Circuit Court | Concept plan approval typically is part of the conditional use permit approval |
| Planned Unit Developments, Traditional Neighborhood Developments, Cluster Commercial Developments or Corporate Campus | | | | | | These developments are approved through the conditional use permit process, which involves staff review of final site plans. Planning Commission and City Council hearings are required for concept plan approval. |
| Concept Plan | 35.2-11 | Technical Review Committee (TRC) | Planning Commission | City Council | Circuit Court | Conditional Use Permit issued in conjunction with City Council Approval |
| Final Site Plan | 35.2-11 | TRC | TRC | City Planner | Zoning Board of Appeals | Resubmittal of a Concept plan for a public hearing is required for final site plans that substantially change prior approvals |
| Floodplain Development | 35.2-11 | TRC | Planning Commission | City Council | Circuit Court | |
| Variances | 35.2-12 | Zoning Administrator | Zoning Administrator | Board of Zoning Appeals | Circuit Court | |
| Appeals to Administrative Decisions | 35.2-12 | Zoning Administrator | Zoning Administrator | Board of Zoning Appeals | Circuit Court | |

| Type of Application | Section | Initial Review | Recommendation | Approval | Appeals | Comments |
|---|---|---|---|---|---|---|
| Historic District Certificate of Appropriateness | 35.2-13 | | | | | Historic Preservation Commission review is required for major applications as defined herein |
| Major | 35.2-13 | City Planner | City Planner | HPC | City Council | HPC – Historic Preservation Commission |
| Minor | 35.2-13 | City Planner | City Planner | City Planner | HPC | |
| Zoning Compliance | 35.2-14.1 | Zoning Administrator | Zoning Administrator | Zoning Administrator | Board of Zoning Appeals | Zoning compliance is performed concurrently with review of other development applications |
| Site Plans | 35.2-14.2 | City Planner | TRC | City Planner | Planning Commission | |
| Sign Permits | 35.2-14.3 | Zoning Administrator | Not applicable | Zoning Administrator | Board of Zoning Appeals | City Planner review and approval required for signs in the B-4 and Historic Districts |
| Minor Exceptions | 35.2-14.4 | TRC | Zoning Administrator or City Planner | Zoning Administrator or City Planner | Board of Zoning Appeals | |
| Temporary Use Permits | 35.2-14.5 | TRC | TRC | Zoning Administrator | Board of Zoning Appeals | |

### 35.2-10.6 Burden of Persuasion Regarding Approval

(a) The applicant has the burden of producing sufficient evidence for the approval body to conclude that the standards of the applicable ordinance(s) have been met.

(b) The appeals body is not bound by the interpretation of City staff; it must seek to interpret the ordinance to achieve the City Council's intent when it adopted the ordinance. The appeals body shall not reverse or modify an administrative decision unless it finds that City staff erred in the application or interpretation of the terms of this ordinance or related policies adopted by the City.

(c) The decisions of the City Council on zoning matters are presumed to be correct and anyone who appeals such a decision has the burden of proving that Council's decision is clearly unreasonable, arbitrary or capricious, and bears no reasonable or substantial relationship to the public health, safety or general welfare. [new section]

### 35.2-10.7 Application Requirements

(a) **Contents**. This ordinance lists the minimum submittal requirements for each application listed in this article. Requests for any development approval required by this ordinance shall be made on applications provided by the City, which may include submittal requirements, instructions for completing forms, internal procedures for filing of applications and other information.

(b) **Applicant.** Unless otherwise authorized by this Zoning Ordinance, applications for development approvals will be accepted only from the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property that is the subject of the development application. The City shall require evidence of the applicant's authority to submit the application when there is a reasonable basis for questioning this authority.

### 35.2-10.8 Application Processing

Following the determination that an application is complete, the City shall review the application, forward the application for review to applicable advisory bodies, prepare all required reports, and, when applicable, schedule the matter for public hearing and/or decision within the time and in the manner required by this ordinance.

### 35.2-10.9 Computation of Time

Unless otherwise specified, time periods shall exclude the first day and include the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. When the period of time prescribed is fewer than seven (7) days intermediate Saturdays, Sundays and holidays shall be excluded.

### 35.2-10.10 Continuance

(a) If the City receives the written request for a continuance at least seven (7) days prior to the public hearing at which the application is scheduled to be heard, the applicant's request for a continuance will be automatically granted. An applicant is not entitled to more than two (2) automatic continuances.

(b) If the City receives the written request for a continuance fewer than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the applicant is not entitled to an automatic continuance. The approval body will consider the request for a continuance and shall only grant such request upon a demonstration by the applicant of good cause for a continuance.

(c) If an applicant receives a continuance, the applicant shall reimburse the City for all advertising costs associated with rescheduling the public hearing for the application. If the applicant does not reimburse the City for such costs by ten (10) days prior to the rescheduled hearing, the hearing will be cancelled and the application will be deemed withdrawn.

### 35.2-10.11 Withdrawal of Pending Applications

(a) An applicant may withdraw an application at any time prior to issuance of a development approval. The applicant shall provide written notice of the withdrawal to the City.

(b) If an application is withdrawn, fees and costs will neither be refunded nor credited to any subsequent application.

### 35.2-10.12 Applications to be Complete

(a) **Applications to Be Complete**

1. No application is complete unless all of the information required herein is included. An application that includes such information is deemed complete.
2. Additional information may be required by the approval body if needed to decide whether or not the development will comply with the requirements of this Zoning Ordinance. Failure to provide additional information may result in application denial or delayed action.
3. Completeness review is solely for the purpose of determining whether preliminary information is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the provisions of the ordinance.

(b) **Waiver**. Any submittal requirement of this article may be waived by the City Planner or Zoning Administrator in a specific case where such requirement is found to be unreasonable or unnecessary to assess compliance with applicable regulations, rules and conditions of prior development approvals.

(c) **Fee Payment Required.** Application fees shall be paid in full prior to the provision of initial reviews of the application to the applicant.

(d) **Applicant to Pay Delinquent Taxes**. Neither the City nor any of its boards or commissions will accept, process or issue final approval for any application for a variance, rezoning, conditional use permit or any other land disturbing permits, including building permits and erosion and sediment control permits, until the Applicant produces satisfactory evidence that any delinquent real estate taxes, including penalty, interest and liens, which have been properly assessed against the property which is the subject of the application have been paid.

(e) **Variances Required**. Except as specifically authorized by the Planning Commission or City Council, rezoning and conditional use permit applications will be considered incomplete and will not be scheduled to be heard by the Planning Commission or City Council until all necessary variances have been obtained from the Board of Zoning Appeals.

(f) **Historic Preservation Commission Hearing Required.** For applications subject to their review, the Historic Preservation Commission hearing shall be conducted prior to providing public notice for a Planning Commission hearing on a rezoning, conditional rezoning or conditional use permit.

### 35.2-10.13 Digital Submittals Required

All plans, building permit applications and drawings shall be submitted in hard copy and digital format specified on the application to assist in public record keeping, facilitate ongoing administration of this Zoning Ordinance and improve delivery of ongoing public facilities and services. The applicant shall bear no liability for the City's subsequent use of digital data and the City reserves the right to modify data to improve the operations of its geographic information system (GIS). [new section]

### 35.2-10.14 Notice

(a) **Generally**

1. Notice is required prior to actions requiring hearings of the Planning Commission and City Council (see Exhibit II-6) and actions requiring hearings of the Board of Zoning Appeals (see Exhibit II-10). Written notice to adjoining property owners also is required before the granting of a minor exception or modification by the Zoning Administrator or City Planner.

2. Required notice takes the form of publications, mail and signs posted on the property subject to a development application. The City may opt to provide additional notice as a courtesy to affected property owners.

3. Any defective notification of a required City procedure, not otherwise required by Code of Virginia, shall not invalidate the proceedings if the defect is determined to be harmless by the approval body.

4. In the event that any of the notice provisions of this Zoning Ordinance are inconsistent with the notice provisions required by the Code of Virginia, the provisions of the Code of Virginia shall prevail.

5. The City Planner shall document the provision of notice.

(b) **Action to be Consistent with Notice.** The approval body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable) of the application, or denial of the application. Approval of a less intensive use classification as authorized by Section 15.2-2285(C) of the Code of Virginia shall be considered consistent with the notice.

(c) **Content of Notices.** Notices shall include the content as shown in Exhibit II-2.

**Exhibit II-2: Content of Notice**

| Development Application | Publication | Mail | Posted |
|---|---|---|---|
| Descriptive summary of the proposed action | ✓ | ✓ | ✓ |
| The time, date and place of the public meeting | ✓ | ✓ | ✓ |
| The number to contact for more information about the application | ✓ | ✓ | ✓ |
| A description of the property subject to the application that includes the street address or if the street address is unavailable the legal description and the real property tax assessment roll parcel number | ✓ | ✓ | O |
| A brief description of the proposed development, including, current and revised zoning classification (if applicable) | ✓ | ✓ | ✓ |
| Reference to the location where the proposed plans, ordinances or amendments may be examined | ✓ | ✓ | ✓ |

✓ = Required
O = Optional

(d) **Timing and Format of Notice**

1. **Published Notice**. Notice of the time and place of the public hearing shall be published once a week for two (2) successive weeks in a newspaper having general circulation in the City of Lynchburg. The notice for both the local Planning Commission and the City Council may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second

advertisement appears in such newspaper. The Planning Commission and City Council may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the City Council. The term "two successive weeks" as used in this paragraph means that notice shall be published at least twice in such newspaper with not less than six (6) days elapsing between the first and second publication.

2. **Mailed Notice**

   a. **Recipients**.

      1. When a proposed Comprehensive Plan map, Zoning Map amendment, conditional use permit, variance or appeal involves twenty-five (25) or fewer parcels of land, notice shall be sent to each owner, as indicated by the most recently approved real property assessment tax roll, of real property abutting and immediately across the street from the property subject to the application.

      2. For a planned unit development notice shall be sent to the owners of property within two thousand (2,000) feet of the property subject to the application.

      3. When a proposed amendment of the Zoning Ordinance involves a change in the Zoning Map classification of more than twenty-five (25) parcels of land or a change to the applicable Zoning Ordinance text decreases the allowed dwelling unit density of any parcel of land, in addition to the advertising above, written notice shall be given at least five (5) days before the hearing to the owners of each parcel of land involved. Written notice is not required for the owners of lots that are less than 11,500 square feet and located within a platted subdivision subject to a zoning change.

      4. Mailed notice shall be sent by first class mail.

   b. **Timing of Notice**. Notice shall be given at least five (5) days prior to the hearing, but shall not be mailed before the application has been found to be complete.

   c. **Cost of Mailed Notice**. Notice shall be mailed by the City at the expense of the applicant for the cost of first class U.S. Postal Service. If the applicable hearing is continued, notice of the continuation date shall be remailed at the expense of the applicant unless the need for the rehearing is due solely to the City's actions.

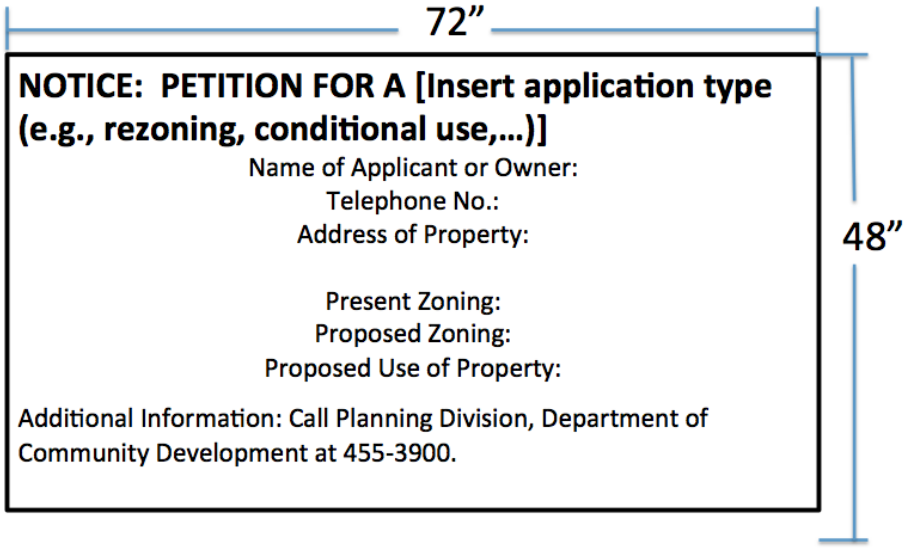
   d. **Documentation to be Filed**. The City Planner shall document that the required notifications have been mailed and shall file such documents with the records of the case.

3. **Posted Signs**

   a. **Number and Location of Posted Signs**. At least one (1) notification sign shall be posted by the applicant within one (1) foot of the right-of-way of a public street or road upon which the property subject to the proposed zoning decision fronts. For properties with more than five hundred (500) feet of frontage, Signs shall be placed on the property by the applicant at five hundred (500) foot intervals. The City Planner may reduce the required number of signs or approve the relocation of signs in those cases for which the applicant can present sufficient justification to warrant a deviation, provided the spirit and intent of the notice requirements are observed. Grounds for deviation of the requirements may include such items as a parcel of unusual size or shape, a peculiar location, severe topography, or other extraordinary situation or condition of the property that would make the strict application of these requirements unnecessary or impractical. The justification shall document that a reduction in the number or relocation of signs would not reduce the effectiveness of the public notice. Where property does not front on an existing right-of-way, the sign shall be placed within the right-of-way of the nearest street or road.

   b. **Format of Notification Signs**. Signs shall be of wood or metal, at least forty-eight (48) inches by seventy-two (72) inches in size and the lettering thereon shall be black letters on a white background measuring at least three (3) inches in height. The applicant shall notify the Division of Planning in writing that the sign has been erected and where located (see sign format in Exhibit II-3).

**Exhibit II-3: Posted Sign Format**




   c. **Posting of Notification Signs**. Notification signs shall be posted at least thirty (30) days prior to the initial public hearing and remain posted until final action

has been taken by City Council, or the petition has been withdrawn. The applicant shall remove the sign within ten (10) calendar days of final action on the application. If any sign remains posted longer than this ten (10) day period, the petitioner shall be deemed in violation of this ordinance and subject to the penalties as set forth in section 35.2-102 (Violations) of this ordinance. The applicant shall provide a time and date-stamped photograph of all posted signs.

4. **Notice for Hearings Before Multiple Hearing Bodies**. If multiple hearings are required, notice shall be provided for each public hearing. If these regulations specify or permit hearings by the Historic Preservation Commission, Planning Commission or Board of Zoning Appeals and the City Council, both hearings may be held concurrently at the sole discretion of the City. If such a joint hearing is held, public notice as specified above need be given only for the City Council hearing or whichever would be the last body to hear the matter.

5. **Notice When Decision is Appealed by Someone Other Than the Affected Property Owner**. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a Board of Zoning Appeals, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. The requesting applicant shall be required to give the owner written notice and to provide satisfactory evidence to the Zoning Administrator that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection. This paragraph shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

### 35.2-10.15 Property Owners' Associations

[note: provisions relocated from Residential Clusters in Article VIII also apply to TND's and Planned Unit Developments]

(a) When an applicant chooses to establish a residential cluster, planned unit, or traditional neighborhood land use development pattern in accordance with Article VIII of this Zoning Ordinance or chooses to include common open space or common facilities serving multiple owners, a property owners' association or other corporation shall be established pursuant to this section.

(b) The corporation or property owners' association shall be assigned responsibilities to own and maintain common open space properties and facilities, and the developer shall obtain the approval of the City Attorney as to acceptability of incorporation documents.

(c) The applicant must establish the property owners' association or corporation prior to the final approval, recording and sale of any lot.

(d) Membership in the association or corporation shall be mandatory for all residents within the cluster subdivision or other applicable development and the property owners' association or corporation shall not discriminate by race, creed or sex in its members or shareholders.

(e) The association or corporation documents shall set forth the purposes of the permanent organization under which common ownership is to be established; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property including necessary bonds when required by the City; and the method of assessing the individual property for its share of the cost of administering and maintaining such common property.

(f) The incorporation document shall set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

(g) All common property and facilities shall remain under a single entity ownership of a developer or a group of developers, and shall not be leased or sold unless provision is made which ensures participation by the properties leased or sold in the retention and maintenance of common open space and community facilities. A certificate of compliance, indicating that such arrangements have been made, shall be issued by the agent of the City prior to the sale or lease of the property by the developer.

(h) All common open space, properties and facilities shall be preserved for their intended purpose as expressed in the approved plat.

(i) All privately owned common open space designated in the approved plat shall be permanently preserved and maintained as open space. All deeds for property in a residential cluster development shall include appropriate restrictions to ensure that all open space is permanently preserved as open space as shown on the approved plat.

(j) All common open space as well as public and recreational facilities shall be specifically included in a phasing plan if the project is to be developed in multiple phases and shall be constructed and fully improved by the developer in accordance with the phasing plan.

## 35.2-11 Applications Requiring Public Hearings Before City Council

### 35.2-11.1 Applicability

The procedures in this section are applicable to the following types of development applications:

(a) Amendments to Comprehensive Plan text or maps, which includes the preparation or amendment of the text or maps of an area, neighborhood or corridor plan that is adopted as part of the Comprehensive Plan;

(b) Amendments to Zoning Ordinance text or maps (rezonings);

(c) Conditional amendments to Zoning Ordinance maps with proffers (conditional rezonings);

(d) Conditional use permits (CUPs), which include approvals of planned unit developments (PUDs), traditional neighborhood developments (TNDs), cluster commercial developments (CCDs), corporate campus developments and floodplain development permits; and

(e) Appeals to the Technical Review Committee's action on a temporary use permit.

### 35.2-11.2 Process Overview

The approval process for applications requiring public hearings, which include comprehensive plan text and map amendments, zoning ordinance text and map amendments, conditional zonings with proffers, conditional use permits and appeals to the Technical Review Committee's actions on temporary use permits is summarized in Exhibit II-4.

**Exhibit II-4: Public Hearing Approvals Process Summary**

| Public Hearing Process |
|---|
| Application and Review |
| Public Notice |
| Planning Commission Public Hearing and Action |
| Public Notice |
| City Council Public Hearing and Action |

### 35.2-11.3 Applications

(a) **Initiation**. The Planning Commission, the City Council or a property owner may initiate a request.

(b) **Pre-Application Conference Recommended**. Before any application is made, the applicant may schedule a pre-application conference with the City Planner to discuss applicable procedures and requirements.

(c) **Submittal Requirements**. Applicants shall provide the information listed in Exhibit II-5.

(d) **Conditional Zoning Proffers.**

1. Purpose. The purpose of conditional zoning is to provide a method for permitting the reasonable and orderly development and use of land in those situations in which peculiar specific circumstances indicate that the existing zone ordinance district regulations are not adequate. In such instances reasonable conditions

voluntarily proffered by the owner of the subject property to which such conditions are applicable for the protection of the community (which conditions are not generally applicable to other land similarly zoned) when considered with existing zoning ordinance district regulations should cause the requested rezoning to be compatible with existing zoning and uses in the area.

2. Application. An applicant seeking conditional rezoning shall voluntarily proffer in writing such conditions as the applicant deems appropriate at the time of filing an application to rezone a property or by such later date as authorized by the City Council. City Council may consider additional proffers, deletions, and/or amendments to all such conditions provided same have been voluntarily proffered in writing by the owner of the property which is the subject of the rezoning request.

(e) **Concurrent Review Allowed**. The applications for Comprehensive Plan amendments and other development approvals may be submitted and reviewed concurrently.

(f) **Completeness Review**. The City Planner shall review the application and shall determine if the application is complete pursuant to the provisions of section 35.2-10.12 (Completeness).

(g) **Staff Review and Recommendation**. Upon finding that the application is complete the City Planner shall consult with the Technical Review Committee (TRC), prepare a report making findings and recommendations on the application, and authorize notice to be provided in accordance with section 35.2-10.14 (Notice) and Exhibit II-6.

### 35.2-11.4 Phased Development

If an Applicant proposes a development providing public infrastructure in two (2) or more phases, the Applicant shall submit plans that show how the public infrastructure will be provided so that each phase of development is served by adequate public facilities as follows:

(a) City approval of the phasing plan shall be a condition of concept plan approval.

(b) The requirements of this ordinance will be satisfied with respect to each phase.

(c) A phasing plan shall identify the public improvements that must be completed in conjunction with each phase of development.

(d) Once a schedule has been approved and made part of the approval by the approval body, no land may be used, buildings occupied or lots sold except in accordance with the approved schedule unless it the City Planner and City Engineer determine that the change does not reduce the levels of service available during any phase of the development. Other changes shall require approval by the original approval body.

### 35.2-11.5 Planning Commission Hearing

(a) The Planning Commission shall hold a public hearing and, after closing the hearing shall render its recommendation in accordance with the applicable approval criteria.

(b) Recommendations for Comprehensive Plan or zoning map amendments or conditional use permits may include that a lesser area be included within the amendment or that a less intensive designation or use classification be applied to all or a portion of the property upon making findings supporting such change pursuant to Section 15.2-2285(C) of the Code of Virginia.

### 35.2-11.6 City Council Hearing and Action

(a) **Hearing and Action**. Following the Planning Commission recommendation, the application shall be submitted to the City Council to review at a public hearing. Following the hearing and consideration of the applicable approval criteria, the Council may approve or deny the application by an affirmative vote of at least a majority of a quorum of the City Council.

(b) **Changes to the Area**. If, in the judgment of Council, consideration should be given to changing a greater or lesser area than that proposed in an application, Council may refer such change to the Commission for report and recommendation. It shall be the duty of the City Manager, or any official designated by him, to bring to the attention of Council such instances where, in his opinion, a greater or lesser area shall be considered for change than that contained in a specific petition, and the Planning Commission may also recommend to Council that a greater or lesser area be changed, or that the zoning be changed in any other respect differently from what was proposed in the petition.

(c) **Conditions for Conditional Rezoning.** City Council may approve reasonable conditions to rezoning; provided, that the following criteria are met:

1. The rezoning itself must give rise to the need for the conditions.
2. Such conditions shall have a reasonable relation to the rezoning.
3. Such conditions shall not include a cash contribution to the City.
4. Such conditions shall not require mandatory dedication of real or personal property for open space, parks, schools, fire stations, or other public facilities not otherwise authorized by law.
5. Such conditions shall not include payment for or construction of off-site improvements except those sewerage or drainage facilities otherwise authorized by law.
6. No condition shall be proffered that is not related to the physical development or physical operation of the property.
7. All such conditions shall be in conformity with the city's comprehensive plan.
8. The provisions of this ordinance shall not be used for the purpose of discrimination in housing.

(d) **Changes to Category, District or Use**. The Council may approve a change to a less intensive land use category, zoning district or use than listed in the public notice without additional notice.

(e) **Resubmittal of Denied Applications**. When the Council has denied an application to amend, supplement or change these regulations, or the boundaries of any district or classification of any property, it shall not be required to consider another petition requesting the same change until at least one (1) year has elapsed, except by the favorable vote of five (5) members of City Council.

**Exhibit II-5: Submittal Requirements for Applications Requiring Public Hearings before City Council**

| Criteria | Development Application | | | | | |
|---|---|---|---|---|---|---|
| | Comp. Plan Map Amendment | Zoning Text Amendment | Zoning Map Amendment | Conditional Zoning and Proffers | Conditional Use Permit | Appeal to Certificate of Appropriateness |
| Completed application form | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Name and address of petitioner | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| A map showing the subject property (preferably a copy of the valuation map available from the department of community development, City Hall) | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Two (2) photographs of each required notification sign posted on the property shall be provided at least ten (10) days prior to the public hearing | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Detailed description of the request (e.g., plan map amendment including existing and proposed future land use category or rezoning, including existing and proposed zoning) | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Legal description of applicable property | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Purpose of proposed change, including intentions of petitioner for use of the property | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Documentation demonstrating the amendment's consistency with the vision, goals and policies of the Comprehensive Plan | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Concept plan meeting the requirements of Exhibit II-16 (plans for planned unit, cluster commercial, traditional neighborhood, or corporate campus development shall demonstrate substantial compliance with the applicable objectives) | | | ✓ | ✓ | ✓ | ✓ |
| Plan showing phases and planned street layout If less than the entire contiguous holdings of the applicant are shown or the project is to be developed in phases | | | | ✓ | ✓ | |
| Metes and bounds description of the property subject to the application | | | ✓ | ✓ | ✓ | |
| Proffers volunteered by the owner of the property | | | | ✓ | | |
| Existing zoning and use of adjacent properties | | | | ✓ | ✓ | ✓ |

✓ = Required

**Exhibit II-6: Notice Requirements by Application Type**

| Development Application | Publication | Mail | Posted |
|---|---|---|---|
| Comprehensive Plan / area plan text amendment | ✓ | | O |
| Comprehensive Plan / area plan map amendment | ✓ | ✓ | ✓ |
| Zoning Ordinance text amendment | ✓ | | O |
| Zoning Ordinance map amendment, including conditional zoning | ✓ | ✓ | ✓ |
| Conditional use permit, including planned unit development, traditional neighborhood development, cluster commercial development, corporate campus development or floodplain development approval | ✓ | ✓ | ✓ |
| Historic district certificate of appropriateness | ✓ | O | ✓ |

✓ = Required
O = Optional

### 35.2-11.7 Approval Criteria

Development applications should be reviewed for substantial compliance with the approval criteria established in Exhibit II-7. Except for rezoning requests submitted in accordance with the provisions herein for conditional rezonings, the Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification except as proffered as part of a conditional rezoning. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

**Exhibit II-7: Development Approval Criteria**

| Criteria | Development Application | | | | | |
|---|---|---|---|---|---|---|
| | Comprehensive Plan Amendment | Zoning Text Amendment | Zoning Map Amendment | Conditional Zoning and Proffers | Conditional Use Permit | Appeal to Certificate of Appropriateness |
| **Health, Safety, and Welfare**. The change bears a substantial relationship to the public health, safety or general welfare, or protects and preserves historical and cultural places and areas. | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| **Original Errors or Omissions**: Whether there was error or omission in the adoption of the Comprehensive Plan, or in the supporting premises and findings. | ✓ | | | | | |
| **Subsequent Events**: Whether events subsequent to the Comprehensive Plan adoption have invalidated portions of the Plan, changed the character of the City, or demonstrated new information, such that an amendment is acceptable. | ✓ | | | | | |
| **Consistency**. The text amendment or rezoning shall be substantially consistent with the adopted Comprehensive Plan, including applicable area, corridor, sector or other plans. | | ✓ | ✓ | | | |
| **Adverse Impacts on Neighboring Lands**. The nature and degree of adverse impacts of the proposed development upon neighboring lands are mitigated by adopted compatibility standards and outweighed by benefits to the public health, safety and welfare. | | | ✓ | ✓ | ✓ | ✓ |
| **Public Policy**. The change supports public policy that is substantially consistent with the Comprehensive Plan, such as the need for housing, economic development, redevelopment, or environmental protection. | | ✓ | ✓ | ✓ | ✓ | ✓ |
| **Accessibility of Public Services**. In order to protect the health, safety and general welfare of the public the City may restrict or deny a rezoning request due to the inaccessibility of water and/or sewer lines. | | | ✓ | ✓ | | |

| Criteria | Development Application | | | | | |
|---|---|---|---|---|---|---|
| | Comprehensive Plan Amendment | Zoning Text Amendment | Zoning Map Amendment | Conditional Zoning and Proffers | Conditional Use Permit | Appeal to Certificate of Appropriateness |
| **Suitability as Presently Zoned**. For rezonings, the hearing body shall consider the suitability or unsuitability of the area for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to implement important goals, policies, and strategies of the Comprehensive Plan. | | | ✓ | ✓ | | |
| **Application Causes Need for Conditions**. The application itself must give rise to the need for the conditions and such conditions shall have a reasonable relation to the application. | | | | ✓ | | |
| **Mandatory Dedications for Certain Purposes**. Conditions shall not require mandatory dedication of real or personal property for open space, parks, schools, fire stations, or other public facilities not otherwise authorized by law. | | | | ✓ | | |
| **Off-Site Improvements**. Conditions shall not include payment for or construction of off-site improvements except those sewerage or drainage facilities otherwise authorized by law, transportation improvements having a direct relationship to demands created by the development, and water improvements having direct relationship to demands created by the development. [note: the proposed addition of water and transportation improvements] | | | | ✓ | | |
| **Housing Discrimination Prohibited**. The provisions of this ordinance shall not be used for the purpose of discrimination in housing. | | | | ✓ | ✓ | ✓ |
| **Only Authorized Uses Allowed**. The use shall be authorized in the zoning district where the applicant seeks such permit. | | | | | ✓ | ✓ |

| Criteria | Development Application | | | | | |
|---|---|---|---|---|---|---|
| | Comprehensive Plan Amendment | Zoning Text Amendment | Zoning Map Amendment | Conditional Zoning and Proffers | Conditional Use Permit | Appeal to Certificate of Appropriateness |
| **Adverse Affects Limited**. The approval body should consider the extent to which the proposal as submitted or modified might have adverse effects on health, safety, or comfort of persons living or working in the neighborhood, and the extent to which the proposal may be injurious to property or improvements in the neighborhood as compared to other uses permitted in the same district. In making such a determination, consideration shall be given to:<br>(a) The location, type, and height of buildings or structures;<br>(b) The type and extent of landscaping and screening on the site; and<br>(c) Whether the proposed use is consistent with the goals and policies of the Comprehensive Plan. | | | | | ✓ | ✓ |
| **Concept Plan Compliance**. The concept plan substantially complies with the specific standards for the applicable use or development pattern in the district in which the proposed development is located. | | | | | ✓ | ✓ |
| **Public Utilities.** Electricity, sanitary sewerage, potable water and stormwater management facilities will be available and adequate to comply with adopted City standards | | | | | ✓ | |
| **Compliance with Special Development Criteria.** The concept plan substantially complies with the objectives and other applicable criteria for the use or development pattern standards established in Articles VII and VIII of this Zoning Ordinance | | | | | ✓ | |
| **Phasing Plan**. The phasing plan, if applicable is consistent with the requirements for phased conditional use development established in section 35.2-11.4 | | | | | ✓ | |

| Criteria | Development Application | | | | | |
|---|---|---|---|---|---|---|
| | Comprehensive Plan Amendment | Zoning Text Amendment | Zoning Map Amendment | Conditional Zoning and Proffers | Conditional Use Permit | Appeal to Certificate of Appropriateness |
| **Impacts of Use.** The approval body should consider the extent to which use as approved will:<br>(a) Be compatible with the character of the neighborhood and surrounding land uses;<br>(b) Be of a size, intensity, location and design so that it does not create undue congestion or hazards for any mode of transportation;<br>(c) Not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;<br>(d) Not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted or substantially diminish property values within the neighborhood;<br>(e) Not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;<br>(f) Not be detrimental to or endanger the public health, safety, comfort, or general welfare. The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use. | | | | | ✓ | |
| **Compliance with criteria for Cluster Commercial Development, Traditional Neighborhood Development, Planned Unit Development, or Corporate Campus Development Applications.** The application is substantially consistent with the applicable criteria for approval of cluster commercial developments, traditional neighborhood developments, planned unit developments or corporate campus development, as applicable. | | | | | ✓ | |

| Criteria | Development Application | | | | | |
|---|---|---|---|---|---|---|
| | Comprehensive Plan Amendment | Zoning Text Amendment | Zoning Map Amendment | Conditional Zoning and Proffers | Conditional Use Permit | Appeal to Certificate of Appropriateness |
| **Compliance with Flood Hazard Regulations**. The proposed development substantially complies with the flood hazard regulations adopted in section 35.2-59 of this ordinance and have no substantially adverse effects on health, safety, or comfort of persons living or working in vicinity of the development due to encroachment or modification of the floodplain. | | | | | ✓ | |
| **Compliance with Historic District Standards.** The proposed development is consistent with the intent of the historic district standards and substantially complies with section 35.2-13.6 (Certificate of Appropriateness Review Standards) | | | | | | ✓ |
| **Other Factors**. The hearing body may consider any other factors relevant to the application under Commonwealth law | | | ✓ | ✓ | ✓ | ✓ |

✓ = Required

### 35.2-11.8 Failure to Act

If a recommending body has failed to convene a quorum or to make a recommendation approving or denying such action at two (2) consecutive meetings, or ninety days from the first hearing of the Planning Commission on a zoning petition, the application, at the option of the applicant, shall be forwarded to the City Council for its consideration and the failure of the recommending body to act shall be deemed to be a negative recommendation.

### 35.2-11.9 Approvals

(a) **Effect of Approval.** The approval entitles the owner of the property to proceed with development in accordance with applicable rules and regulations; it does not authorize the use, occupancy, or development of property until the applicant receives other required development approvals.

(b) **Final Site Plan Approval Required for Conditional Use Permits**. Failure to apply for final site plan and building permit approval or to establish the use within twenty-four (24) months of concept plan approval pursuant to the conditional use permit or as established in the phasing plan approved by the City Council shall result in expiration of the concept plan and conditional use permit approval.

(c) **Effect on Successors and Assigns.** Unless otherwise established in the conditions, development approvals are transferable so long as the use of land or structures or any portion thereof subject to the development approval continues to comply with all applicable terms and requirements.

(d) **Phasing Allowed**. If the City Council approves both the concept plan and phasing plan, the developer may submit final site plans to the City Planner for review and approval as described in the approved phasing plan. Any development that is anticipated to require more than twelve (12) months for completion shall show on the concept plan a phasing plan documenting the phasing sequence of the project.

(e) **Institutional Uses**. Notwithstanding any other provisions of this section, conditional use permits granted or assigned to any hospital, institution of higher learning, charitable organization, or any public agency or authority shall be valid for a period of thirty-six (36) months. If a building permit for construction authorized by a conditional use permit granted to such a user has not been applied for within thirty-six (36) months of the grant of such permit, the conditional use permit shall be void. After issuance of the first building permit for construction of any structure or improvement authorized by the conditional use permit, the conditional use permit shall remain valid as to future stages of the development approved under the permit, as shown on the approved concept plan and phasing plan if applicable, even though further construction does not commence within the time specified in the phasing plan.

(f) **Challenges**. Notwithstanding any other provision of this section, a conditional use permit granted by the City Council that is subject to judicial challenge shall not expire while the challenge is pending. [note: existing language suspends all time periods]

### 35.2-11.10 Minor Amendments to Applications Not Requiring Re-Notification

The City Council may allow minor amendments to an application without re-submittal of the entire application. For purposes of this article, minor amendments to an application include adjustments to achieve greater compliance with the Zoning Ordinance, technical codes or other applicable rules and regulations, but do not:

(a) Increase land area, the number of lots, dwelling units, floor area, height, impervious cover, or any additional land-use disturbance;

(b) Introduce different land uses than those requested in the original application;

(c) Conflict with adopted technical codes;

(d) Request greater deviation from standards than requested in the application;

(e) Allow any diminution in buffer or transition areas, reduction in landscaping, reduction of required yards, or any change in the design characteristics or materials used in construction of the structures; or

(f) Reduce or eliminate conditions attached to a final development approval unless a new notice is provided.

### 35.2-11.11 Amendments to Approved Concept Plans

(a) The City Planner may authorize the following minor amendments to a concept plan approved during a public hearing:

1. Deviations arising from limited technical considerations that could not reasonably be anticipated during the approval process;

2. Amendments required to bring the application into compliance with adopted Building Code and Manual of Specifications and Details.

3. Any other change that has no material effect on the character of the approved concept plan, as determined by the City Planner, such as:

a. Interior street realignments and driveway relocations as long as the adjustment does not reduce the gross area of common areas or open spaces, reduce residential lot sizes, eliminate required buffers or create street alignments or driveway configurations that fail to conform with City standards;

b. Facility design modifications for amenities;

c. Relocation of landscaping materials that do not impact properties surrounding the proposed development or compatibility within the proposed development;

d. Adjustments to the boundaries between phases as long as each phase continues to function independently when developed;

e. Adjustments to the phasing plan that neither the City Planner nor City Engineer find reduce the levels of service available during any phase of the development.

f. Adjustment to the boundaries between land uses as long as the change does not result in an increase in overall density or intensity of development, and the change does not affect properties abutting the proposed development; and

g. Expansions of buffers, open spaces and landscape areas.

(b) All other amendments shall be considered major amendments and shall be processed in the same manner as original applications, including notice and hearings.

### 35.2-11.12 Records

(a) The City Council and Planning Commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions by any appropriate means as prescribed by rule and consistent with the Code of Virginia.

(b) All development review decisions and all approved maps, plans and plats shall be maintained in the permanent files of the City Planner and shall be recorded as required by City Code and statute.

(c) Conditions attached to a property shall be met by the owner, successors, assigns and heirs unless the conditions are modified or eliminated through the process for Zoning Map amendments or conditional use permits as applicable.

(d) Records of conditional rezoning

1. The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning.

2. The City Planner shall maintain a conditional zoning index which index shall be available in the planning division office for public inspection during regular office hours. The index shall provide ready access to the ordinance creating such conditions in accordance with the article and shall clearly list all conditions applicable to each.

3. Before any permits can be issued to begin construction or for the occupancy of an existing structure, the petitioner shall file and record in the office of the clerk of the circuit court of the City of Lynchburg, Virginia, the conditions approved by city Council.

4. These conditions shall be indexed under the names of the landowners of the property being conditionally zoned. The petitioner shall submit a notarized letter to

the Clerk of City Council, the zoning administration and the City Planner certifying that the conditions have been recorded with the Clerk of the Circuit Court.

### 35.2-11.13 Enforcement and Guarantees for Conditional Zonings

To ensure the intent and purpose of conditional zoning approved in accordance with this article, the Zoning Administrator is vested with all necessary authority on behalf of City Council to administer and enforce conditions attached to a conditional zoning, including:

(a) Ordering in writing, the remedy of noncompliance with the conditions.

(b) Bringing legal action or other actions of section 15.2-2299 of the Code of Virginia to ensure compliance with the conditions.

(c) Requiring a guarantee or contract or both for construction of physical improvements approved as condition(s) of the rezoning, which guarantee shall be reduced or released by the governing body, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part.

(d) Denying zoning certification with regard to the issuance of any required development approval, use, occupancy or building permit.

### 35.2-11.14 Revocation

If the owner or occupant fails to comply with the development standards or conditions of an approved conditional use permit, or if the authorized use is determined to create a nuisance in the community, City Council may revoke the conditional use permit after conducting a public hearing on the matter.

### 35.2-11.15 Appeals

Appeals to actions requiring public hearings shall be filed with the appeals body established in Exhibit II-1 (Summary of Application Review Procedures) within thirty (30) days of the action by the approval body unless otherwise provided by the Code of Virginia.

## 35.2-12 Variances and Appeals to the Board of Zoning Appeals

### 35.2-12.1 Applicability

(a) **Variances**. The variance process allows for reasonable deviations from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

(b) **Appeals**. An appeal may be taken to the Board of Zoning Appeals by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator or other officer in the administration or enforcement of this Zoning Ordinance in accordance with Chapter 22 of Title 15.2 of the Code of Virginia, as amended and this Zoning Ordinance.

### 35.2-12.2 Variance and Appeals Processes Overview

(a) The variance and appeals processes are summarized in Exhibit II-8.

**Exhibit II-8: Variance and Appeals Approval Process Summary**

| Variance and Appeals Process |
|---|
| Application, Review and Notice |
| Board of Zoning Appeals Public Hearing |

(b) **Requirement for Notice of Right to Appeal**. Notwithstanding any other provision of law, any written notice of a violation of this Zoning Ordinance or written order of the Zoning Administrator shall include a statement informing the recipient:

1. Of the right to appeal the notice or order within thirty (30) days in accordance with this section;
2. That the decision shall be final and unappealable if not appealed within said thirty (30) days; and
3. That the appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the Zoning Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section. The appeal, specifying the grounds for the appeal shall be filed with the Zoning Administrator and Board of Zoning Appeals within thirty (30) days after the decision being appealed is made.

(c) **Notice by Administrator or Board of Zoning Appeals in Certain Matters**. When an applicant requesting a written order, requirement, decision or determination from the Zoning Administrator or the Board of Zoning Appeals that is subject to the appeals provisions contained in Virginia Code section 15.2-2311 or 15.2-2314 is not the owner or agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given by the Zoning Administrator. The applicant also shall be required to give the owner such notice and to provide satisfactory evidence to the Administrator that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records

shall satisfy the notice requirements of this section. This section shall not apply to inquiries from the City Council, Planning Commission or employees of the City made in the normal course of business.

(d) **Finality of Determinations by the Zoning Administrator or Other Administrative Officer**. In no event shall a written order, requirement, decision or determination made by the Zoning Administrator be subject to change, modification or reversal by the City Manager or other administrative officer after sixty (60) days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his or her position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the division of inspections or other administrative officer or through fraud. The sixty (60) day limitation in paragraph (c) shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or other nondiscretionary errors.

### 35.2-12.3 Initiation

Applications for variances or appeals shall be submitted to the Zoning Administrator a minimum of thirty (30) days prior to the public hearing date for the Board of Zoning Appeals at which the application will be heard.

### 35.2-12.4 Stays of Proceedings

An appeal shall stay action on the matter being appealed unless the Zoning Administrator certifies to the Board of Zoning Appeals that a stay would cause immediate peril to life or property. Upon documentation of such peril, action shall not be stayed unless a restraining order is granted by the Board of Zoning Appeals or by the Circuit Court for good cause shown.

### 35.2-12.5 Staff Review

(a) **Completeness Review**. The Zoning Administrator shall review the application for completeness pursuant to the provisions of section 35.2-10.12 (Applications to be Complete).

(b) **Submittal Requirements**. The applicant shall provide items required by Exhibit II-9.

**Exhibit II-9: Variance and Appeals Application Submittal Requirements**

| Submittal Requirement | Variance | Appeals |
|---|---|---|
| Completed application form | ✓ | ✓ |
| Name and address of petitioner | ✓ | ✓ |
| A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council | ✓ | ✓ |

| Submittal Requirement | Variance | Appeals |
|---|---|---|
| A map showing the subject property (preferably a copy of the valuation map available from the department of community development, City Hall) | ✓ | ✓ |
| Two (2) photographs of each required notification sign posted on the property shall be provided at least ten (10) days prior to the public hearing | ✓ | ✓ |
| Detailed description of the request (e.g., the nature of the variance or the action being appealed) and the documentation justifying the granting of a variance or the grounds for an appeal. | ✓ | ✓ |
| Legal description of applicable property | ✓ | ✓ |
| Metes and bounds description of the property subject to the application | ✓ | ✓ |
| Existing zoning and use of adjacent properties | ✓ | ✓ |
| Concept plan meeting the requirements of Exhibit II-16: Concept and Final Site Plan Application Submittal Requirements | ✓ | |
| Documentation demonstrating compliance with the criteria in Exhibit II-11.<br>a. | ✓ | |
| Evidence demonstrating that the decision was based on a misinterpretation of the Zoning Ordinance. | | ✓ |

✓ = Required

(c) **Staff Recommendation**. Upon finding that the application is complete the Zoning Administrator shall consult with the Technical Review Committee (TRC) and prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 35.2-10.14 (Notice) and Exhibit II-10.

**Exhibit II-10: Summary of Notice Requirements**

| Development Application | Publication | Mail | Signage |
|---|---|---|---|
| Variance | ✓ | ✓ | ✓ |
| Administrative Appeal | ✓ | ✓ | O |

✓ = Required
O = Optional

### 35.2-12.6 Board of Zoning Appeals Action on Variances

(a) The Board of Zoning Appeals shall hold a public hearing and following said hearing, shall approve, approve with conditions or deny the requested variance. In making its decision, the Board shall set forth each required finding in section 35.2-12.7 and such other findings as shall be appropriate in each specific grant of a variance, and in each denial thereof, which of the findings have not been satisfied. In any such case, each finding shall be supported by evidence in the record.

(b) In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond, payable to the City of Lynchburg, in such amount and for such period of time as the Board may designate, to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

(c) The Board may grant a lesser variance than requested, but it may not grant a greater deviation from the standards than provided in public notices for the hearing.

### 35.2-12.7 Required Findings for Variances

No variances shall be authorized unless the Board of Zoning Appeals makes the findings listed in Exhibit II-11.

**Exhibit II-11: Required Findings for Variances**

| Findings |
|---|
| The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and findings 1-5 apply. |
| 1. The property was acquired in good faith and any hardship was not created by the applicant for the variance; and |
| 2. Granting of the variance will not be of substantial detriment to adjacent property and nearby properties in proximity of that geographical area; and |
| 3. The condition of situation of the property concerned is not so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; and |
| 4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and |
| 5. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance. |

### 35.2-12.8 Flood Hazard Considerations

(a) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;

(b) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures listed herein;

(c) Variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;

(d) Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(e) The City shall notify the applicant in writing over the signature of the Zoning Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property.

### 35.2-12.9 Lapse of Variance

If a building permit application for construction authorized by the variance has not been submitted within twelve (12) months of the granting of such variance, the variance so granted shall become void.

### 35.2-12.10 Board of Zoning Appeals Actions on Appeals

The Board of Zoning Appeals shall have the authority to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the administration or enforcement of this Zoning Ordinance. The decision on such appeal shall be based on the Board's judgment of whether the Zoning Administrator was correct. The determination of the Zoning Administrator shall be presumed to be correct. At a hearing on an appeal, the Zoning administrator shall explain the basis for the determination after which the applicant has the burden of proof to rebut such presumption of correctness by a preponderance of evidence. The Board shall consider any applicable ordinances, laws and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by the Zoning Administrator.

The Board of Zoning Appeals shall hold a public hearing and following said hearing, may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination. The concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance from this ordinance.

### 35.2-12.11 Record Keeping

(a) The Zoning Administrator shall maintain a record of all variance actions, including justification for their issuance.

(b) The Zoning Administrator shall maintain a record of all actions on appeals.

### 35.2-12.12 Appeals to the Circuit Court from Actions of the Board of Zoning Appeals

(a) Any person or persons jointly or severally aggrieved by a decision of the Board of Zoning Appeals, or any taxpayer or any officer, department or board of the City of Lynchburg, may present to the Circuit Court of the City a petition specifying the grounds on which aggrieved within thirty (30) days after the Board's decision.

(b) Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the applicant's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board of Zoning Appeals and on due cause, grant a restraining order.

(c) The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from.

(d) Any review of a decision of the Board of Zoning Appeals shall not be considered an action against the Board and the Board shall not be a party to the proceedings. The City Council, the landowner, and the applicant before the Board of Zoning Appeals shall be necessary parties to the proceedings in the Circuit Court. The Court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals.

(e) The Board of Zoning Appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or o f the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed fro m and shall be verified.

(f) The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(g) In the case of an appeal from the Board of Zoning Appeals to the Circuit Court of an order, requirement, decision or determination of the Zoning Administrator the findings

and conclusions o f the Board o f Zoning Appeals on questions o f fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance o f the evidence, including the record before the Board o f Zoning Appeals that the Board o f Zoning Appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions o f law de novo.

(h) In the case of an appeal by a person of any decision of the Board of Zoning Appeals that denied or granted an application for a variance the decision o f the Board o f Zoning Appeals shall be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the Board o f Zoning Appeals that the Board o f Zoning Appeals erred in its decision.

(i) In the case of an appeal by a person of any decision of the Board of Zoning Appeals that denied or granted application for a special exception, the decision of the Board o f Zoning Appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the Board of Zoning Appeals applied erroneous principles of law, or where the discretion of the Board of Zoning Appeals is involved, the decision of the Board of Zoning appeals was plainly wrong, was in violation of the purpose and intent of the Zoning Ordinance, and is not fairly debatable.

(j) In the case of an appeal from the Board of Zoning Appeals to the circuit court of a decision of the Board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.

(k) Costs shall not be allowed against the City, unless it shall appear to the court that it acted in bad faith or with malice. In the event the decision of the Board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.

## 35.2-13 Certificates of Appropriateness

### 35.2-13.1 Applicability

(a) Within an historic district, no building or structure, including signs, and including non-contributing buildings and structures and signs, shall be erected, reconstructed, restored, demolished, or altered in any way that affects the external appearance of the building or structure, including such items as roofs, chimneys, fences, and color changes, unless the same is approved as being architecturally compatible with historic landmarks, buildings, or structures therein through the issuance of a certificate of appropriateness

(COA) by the Historic Preservation Commission (HPC), the City Planner or by City Council.

(b) A certificate of appropriateness that is granted by the HPC, the City Planner or on appeal by the City Council shall be provided to the Zoning Administrator.

(c) No building permit or demolition permit to authorize any erection, reconstruction, alteration or demolition that affects the external appearance of any landmark, building or structure, or part thereof in a designated historic district, shall be issued until a certificate of appropriateness is issued by the HPC or City Council. The decision of the HPC shall be final except where an appeal is made to City Council pursuant to section 35.2-13.11. No certificate of appropriateness is required when the demolition of a structure is ordered by the Building Official pursuant to the provisions of the Uniform Statewide Building Code.

### 35.2-13.2 Minor Actions

Certain minor actions, which are deemed not to permanently affect the character of the historic district, may be exempted from review by the HPC, but the City Planner shall be notified of the proposed actions and may review and approve the alterations administratively or refer the proposed alterations to the HPC. Such actions shall include those that, in the opinion of the City Planner, will have no more effect on the character of the district than those listed as minor works or routine maintenance in Exhibit II-12.

**Exhibit II-12: Work Classifications for Certificates of Appropriateness**

| Improvement | Category | Required Approval |
|---|---|---|
| Construction, alteration, demolition or removal of buildings that requires a demolition permit | Major Work | Certificate of Appropriateness by HPC |
| Construction, alteration, demolition, or removal of exterior features, any of which affect the exterior architectural appearance but do not require a building permit | Major Work | Certificate of Appropriateness by HPC |
| The construction, reconstruction, restoration, or alteration of signs, fences, or walls. | Major Work | Certificate of Appropriateness by HPC |
| Maintenance, including routine maintenance, such as, painting, porch repair, window/door repair, masonry repair of building components such as walls, chimneys, or foundations. | Minor Work | Certificate of Appropriateness by City Planner |
| Replacing sections of siding or trim with same materials, re-roofing with the same materials. | Minor Work | Certificate of Appropriateness by City Planner |
| Repainting in the same or different color scheme. | Minor Work | Certificate of Appropriateness by City Planner |
| Addition or deletion of storm windows and doors, window gardens, awnings, or similar structures. | Minor Work | Certificate of Appropriateness by City Planner |
| Addition or deletion skylights and solar collectors in | Minor Work | Certificate of |

| Improvement | Category | Required Approval |
|---|---|---|
| locations not visible from a public street. | | Appropriateness by City Planner |
| Interior work or landscape work that does not substantially alter the contour of a site or its historical character. | No Certificate of Appropriateness required | No Certificate of Appropriateness required |

### 35.2-13.3 Stop Work Orders

The Zoning Administrator shall have the authority to order that work be stopped and that an application for the issuance of a certificate of appropriateness be filed upon determining that the action may exceed the conditions listed in Exhibit II-12. In all cases the decisions may be appealed to the HPC, and a determination shall be made by the HPC on such appeal within thirty (30) days.

### 35.2-13.4 Initiation

(a) **Application**. Applicants for review involving alterations and/or additions to existing historic structures or the erection of any new structure within a historic district shall provide the submittals required by Exhibit II-13 to the City Planner at least thirty (30) days prior to the HPC meeting at which the application will be heard.

(b) **Staff Recommendation**. Upon finding that the application is complete the City Planner shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 35.2-13.5 (Notice and HPC Hearing).

(c) **Applications**. Applications shall include the items listed in Exhibit II-13.

**Exhibit II-13: Certificate of Appropriateness Application Submittal Requirements**

| Application Submittal Requirements |
|---|
| Completed application form |
| Name and address of petitioner |
| Detailed description of the request (e.g., the nature of the variance or the action being appealed) |
| Preliminary drawings and specifications, including color samples and photographs showing existing and proposed plans and exterior elevations with sufficient detail to show, as far as they relate to exterior appearances:<br>a. The architectural design; and<br>b. Proposed materials, textures and colors. |
| A scaled plan of all improvements affecting appearances of exterior walls, walks, terraces, accessory buildings, lights, and other elements in sufficient detail to illustrate that the proposed change complies with City requirements. Such plan shall include parcel lines, building locations, location of proposed work, street names, north arrow and illustrations of the proposed work. |

| Application Submittal Requirements |
| --- |
| Legible photographs of all sides of a structure to be reviewed for repair, alteration, or additions will be submitted to the HPC. In the event of new construction, legible photographs of the adjoining and opposite properties may be required |

### 35.2-13.5 Notice and HPC Hearing

Whenever the HPC finds that the issuance of a certificate of appropriateness and the exercise of the rights and privileges granted thereby will, or is likely to, materially and adversely affect the property of another within two hundred (200) feet of the subject property, the HPC shall mail notice of its intention to do so to the owner of such affected property and afford such owner an opportunity to be heard with respect thereto at a hearing to be held prior to issuance of a certificate of appropriateness.

### 35.2-13.6 Certificate of Appropriateness Review Standards

All decisions of the HPC shall be consistent with standards established by the Secretary of the United States Department of the Interior. Determination of consistency shall be based on a comparison with significant, similar structures within the district and the Residential or Commercial Historic Districts Design Guidelines, as adopted by City Council. The HPC shall also consider the economic feasibility and impact of the proposed repairs, alterations, additions, or new construction. In addition to using the Secretary of the United States Department of the Interior's Standards to guide decisions, the HPC, or City Council on appeal, shall consider the following items in considering the appropriateness of architectural features:

(a) General form and composition of proposed construction (shape of proposed structure in plan, relationship between width and height of elevation);

(b) Setback and placement on lot;

(c) Exterior construction materials (textures, patterns, and colors);

(d) Architectural detailing (molding on cornices, finals, and cresting on roofs, gable ornaments, lintels);

(e) Roof shapes;

(f) Windows (relationship of width to height, location) and doors;

(g) Height;

(h) Porches (shape, style, size, location) and steps;

(i) Walls, fences, walkways, pools, fountains, gazebos, gates, sidewalks, streets, signs, and accessory structures;

(j) Enclosure (materials, location, height), such as outbuildings, roofed enclosures, and similar type structures;

(k) Other features that have an impact on the historic and/or architectural character of the property;

### 35.2-13.7 Action of HPC

(a) **Review and Action**. Within thirty (30) days of receipt of an application for a certificate of appropriateness, the HPC shall meet to review such application. The applicant shall be informed of the time and place at which the HPC will consider the application, and the applicant shall have an opportunity to be heard. The HPC shall approve or deny the application and notify the applicant within forty-five (45) days after the first meeting.

(b) **Disapproval**. If the HPC disapproves such plans, it shall state its reason for so doing and shall transmit a record of the reasons therefore in writing to the applicant. No further action shall be taken by the City Building Official to issue a construction permit. The applicant may modify his/her application in regard to the HPC's recommendations and shall have the right to resubmit his/her application to the HPC for its recommendation.

### 35.2-13.8 Certificate Issuance and Action of the applicant

(a) **Issuance and Posting of Certificate**. Within ten (10) business days after the HPC approves a certificate of appropriateness, the City Planner shall issue a certificate of appropriateness for the work authorized. Said certificate shall be posted in a location visible from the street from the commencement of work until the work is completed.

(b) Any person to whom a certificate of appropriateness has been issued may commence work at his/her own risk during the fifteen (15) day appeal period provided for in section 35.2-13.11 provided that a building permit has been issued, if necessary.

### 35.2-13.9 Validity of Certificates of Appropriateness

(a) **Expiration**. Certificates of appropriateness issued by the HPC shall expire:

1. If work is not commenced within twelve (12) months of issuance of the permit;
2. If work is suspended or abandoned for ninety (90) days or more after commencement excluding days when the certificate is stayed pursuant to appeal or court action; or
3. If work is not completed within twenty-four (24) months of issuance of the permit.

(b) **Extensions**. The HPC or the City Planner may grant one or more ninety (90) day-extensions of time for completing the work authorized by the certificate of appropriateness when:

1. The applicant submits a written explanation of the need for additional time;
2. The HPC or City Planner finds that the explanation justifies the extension; and

3. The applicant agrees to complete the work within the extended time period or be subject to revocation of the certificate.

### 35.2-13.10 Demolition or Moving

(a) **Authorization Required**. Subject to the provisions of this section, no historic landmark, building or structure within a historic district shall be demolished or moved until a certificate of appropriateness for the razing, demolition or moving thereof is approved by the HPC, or, on appeal (pursuant to section 35.2-13.11), by City Council. Removal of exterior features for any reason, whether due to neglect, deterioration, damage or willful removal is a violation of this Zoning Ordinance and is subject to penalties unless it is ordered by the Building Official pursuant to the provisions of the Uniform Statewide Building Code.

(b) **Review Process**. Prior to authorizing the demolition or moving of a historic landmark building or structure within a historic district:

1. The applicant shall provide evidence of the attempt to sell the property for a price that is reasonably related to its fair market value. Such evidence shall satisfy the criteria listed in Exhibit II-14.

2. If the HPC determines that a good faith effort has been made to find a suitable buyer in accordance with the criteria in Exhibit II-14, the HPC shall approve the application for a certificate of appropriateness for the demolition or moving of the subject landmark, building or structure.

**Exhibit II-14: Evidence Documenting Efforts to Sell Subject Property or Structure**

| Factor | Required Evidence |
|---|---|
| Good Faith Effort to Sell | Sale adequately advertised as determined by the HPC, which may include, but not be limited to listing in the Multiple Listing Service, national and internet advertising to any person, firm, corporation, government or agency that gives reasonable assurance that it is willing and able to preserve and restore the landmark, building or structure and the land pertaining thereto |
| Fair Market Value | The fair market value as determined by the current assessment on the City Assessor's records or, upon the owner's request, by an appraisal committee which shall be appointed by the City Council and composed of two (2) local licensed real estate brokers and a local banker |

| Factor | Required Evidence | |
|---|---|---|
| Reasonable Time Period for Sale | Price | Minimum Time on Market |
| | Less than $25,000 | 3 months |
| | $25,000 to $39,999 | 4 months |
| | $40,000 to $54,999 | 5 months |
| | $55,000 to $74,999 | 6 months |
| | $75,000 to $89,999 | 7 months |
| | $90,000 or more. | 12 months |
| No Bona Fide Contract | Applicant's sworn testimony that no bona fide contract has been offered within the above reasonable time periods for sale. | |

(d) Appeals to actions of the HPC or City Council shall not affect the right of the owner to sell the property while the appeal is pending

### 35.2-13.11 Appeals to City Council

(a) Whenever the HPC shall, in a final decision, deny an application for a certificate of appropriateness, the applicant for such certificate of appropriateness shall have the right to appeal to and be heard before the City Council; provided that the appeal is filed with the clerk of the City Council within fifteen (15) days after the decision by vote of the HPC, a notice in writing of his/her intention to appeal.

(b) Upon receipt of such notice, the clerk of the City Council shall promptly schedule a public hearing as soon as reasonably practical after complying with the requirements for published notice established in section 35.2-10.14(d)1 (Published Notice).

(c) Opponents to the granting of certificates of appropriateness by the HPC shall have the right to appeal to and be heard before the City Council, provided there is filed with the clerk of the City Council within fifteen (15) days after the decision by vote of the HPC a written petition, signed by at least twenty-five (25) registered voters of the City, indicating their intention to appeal. Upon receipt of such notice, the clerk of the City Council shall promptly schedule a public hearing as soon as it is reasonably practical for City Council after complying with notice requirements. Published notice of the hearing shall be given as provided by section 35.2-10.14(d)1 (Published Notice) of this Zoning Ordinance. Costs of advertising appeal hearings requested by said opponents will be paid by the opponents in the amount set forth in the fee schedule adopted by the City Council.

(d) On any such appeal, the final decision of the HPC appealed from shall be stayed pending the outcome of the appeal to City Council, except that the filing of such appeal shall not stay the decision of the HPC if such decision denies the right to raze or demolish a historic landmark, building or structure. The City Council shall conduct a full and impartial public hearing on the matter and apply the same criteria as the HPC before rendering any decision. The City Council may affirm, reverse or modify the decision of

the HPC, in whole or in part. The decision of City Council, subject to the provisions of section 35.2-13.12, shall be final. If approved, a certificate of appropriateness, signed by the clerk of the City Council, shall be issued to the applicant.

### 35.2-13.12 Appeal to the Circuit Court

Within thirty (30) days after any final decision is rendered by City Council pursuant to this section, an aggrieved party may appeal as a matter of right to the circuit court for the City by filing a petition at law setting forth the alleged illegality of the action by City Council. The filing of the said petition shall stay the decision of the City Council pending the outcome of the appeal to circuit court, except that the filing of such petition shall not stay the decision of City Council if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the City Council, in whole or in part, if it finds upon review that the decision of the City Council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the City Council.

## 35.2-14 Staff Issued Development Approvals

### 35.2-14.1 Zoning Compliance Determination Required

(a) To facilitate the development and use of land within the City of Lynchburg, the City empowers the City Planner, Zoning Administrator and other City staff to review and act on a variety of development approvals. Each of the following development approvals may be granted by staff subject to submittal of the complete application that demonstrates compliance with the requirements of this Zoning Ordinance and other applicable policies, rules and regulations.

(b) Before the City issues a building permit, certificate of occupancy, business license or other development approval, the Zoning Administrator shall confirm that the proposed application complies with applicable zoning district requirements.

### 35.2-14.2 Site Plans

(a) **Applicability**. Site plan review is intended to ensure that the following types of development are designed to enable sites to function well for their intended use while achieving compatibility with surrounding properties, natural resources and the infrastructure that serves the neighborhood:

1. Applications for a zoning map amendments (rezonings);
2. Applications for conditional use permits;
3. Applications for development or modifications of commercial and industrial facilities that involve a change in the building footprint or increases in off-street parking;
4. Applications for development, modification or expansion of parking lots, excluding resurfacing, repainting and other routine maintenance;

5. Applications for development or modifications of institutional facilities, such as schools, hospitals and clubs that involve a change in the building footprint or increases in off-street parking;
6. Applications for development or modification of residential developments, involving more than two (2) dwelling units in one (1) building or on one (1) lot;
7. Applications for development or modifications of planned unit, traditional neighborhood, cluster commercial or corporate campus developments; and
8. Applications for variances.

(b) **Types of Site Plans**. The two (2) types of site plans and the specific circumstances for which they are required are summarized in Exhibit II-15.

**Exhibit II-15: Types of Site Plans**

| Type of Site Plan | When Required | Review/Approval Body |
|---|---|---|
| Concept Plan | To accompany all rezoning and conditional use permit applications. | TRC/Planning Commission/City Council |
| Final Site Plan | To accompany applications for building permits and required as a condition for final approval of planned unit, traditional neighborhood, cluster commercial or corporate campus developments | TRC/City Planner |

(c) **Initiation and Review**

1. The applicant shall submit a complete site plan application to the City Planner. A pre-application conference is recommended, but not required.
2. The City Planner shall review site plans for general completeness and compliance with adopted plans, regulations or conditions established through a prior development approval. If the application is incomplete, the City Planner shall notify the applicant in writing of items required to complete the application.
3. The City Planner shall distribute copies of the completed application to the Technical Review Committee and other agencies as applicable.
4. Within thirty (30) days of submittal of a complete application, the City Planner shall take one of the following actions:

    a. If the site plan is required for action by the City Council, Planning Commission, Board of Zoning Appeals or other body, the City Planner shall submit the site plan with recommendations to the applicable Hearing Body.

    b. If the City Planner is the approval authority:

1. Approve the site plan subject to Technical Review Committee comments and based on applicable rules, regulations and conditions of prior development approvals; or

2. Disapprove the site plan and return a copy to the applicant along with written comments identifying the changes required to comply with applicable rules, regulations or conditions of prior development approvals.

(d) **Site Plan Submittal Requirements**. Applications for concept plan and final site plan approvals shall include the items listed in Exhibit II-16.

**Exhibit II-16: Concept and Final Site Plan Application Submittal Requirements**

| Application Submittal Requirements | Concept | Final |
|---|---|---|
| Completed application form | ✓ | ✓ |
| Name and address of petitioner | ✓ | ✓ |
| Name and address of person(s) preparing the site plan | ✓ | ✓ |
| A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council | ✓ | ✓ |
| Scale, north point, legends and date of last revisions | ✓ | ✓ |
| Vicinity map at a scale no smaller than one (1) inch equals six hundred (600) feet, showing all streets and property within one thousand (1,000) feet of the subject property; | ✓ | ✓ |
| A map showing the subject property (a copy of the valuation map available from the department of community development, City Hall) | ✓ | ✓ |
| Legal description of applicable property | ✓ | ✓ |
| Parcel lines and dimensions | ✓ | ✓ |
| Existing zoning and use of adjacent properties | ✓ | ✓ |
| Current zoning boundaries, including surrounding areas to a distance of three hundred (300) feet | | ✓ |
| Name and address of owners of record of all adjacent properties | | ✓ |
| Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet, indicating whether existing buildings on the tract are to be retained, modified or removed | | ✓ |
| Existing and proposed topography at 10 ft. contour intervals (*5 ft. contours required for concept plans for planned unit, cluster commercial, traditional neighborhood, or corporate campus developments*) | ✓ | |
| Proposed contour lines at 2 ft. contour intervals | | ✓ |
| Locations of watercourses | ✓ | |
| Location of watercourses, marshes, rock outcroppings, wooded areas and single trees with a diameter of ten (10) inches measured three (3) feet from the base of the trunk | | ✓ |
| Locations regulatory floodplains and floodways | | ✓ |
| Generalized erosion control and stormwater management measures | ✓ | |
| Final erosion and sediment control plans | | ✓ |

| Application Submittal Requirements | Concept | Final |
|---|---|---|
| Location of existing and proposed utility lines, indicating where they already exist | ✓ | ✓ |
| Location of proposed water mains, fire hydrants, pipe sizes and grades | ✓ | ✓ |
| Location of proposed storm and sanitary sewer systems, both surface and subsurface, showing pipe sizes, grade, flow and design loads | ✓ | ✓ |
| Proposed location and materials for disposal of refuse and other solid waste; | ✓ | ✓ |
| Recreation and/or open spaces and proposed recreational improvements; | ✓ | ✓ |
| Proposed buildings and structures to include:<br>a. Proposed Uses;<br>b. Distance between buildings;<br>c. Number of stories;<br>d. Area in square feet of each floor;<br>e. Number of dwelling units or guestrooms; and<br>f. Maximum heights of structures | ✓ | ✓ |
| Elevations of buildings to be built or altered on site | | ✓ |
| Proposed location of outdoor lighting | ✓ | |
| Proposed location, design, direction of, power and time of use of outdoor lighting | | ✓ |
| Location of proposed signs; | ✓ | |
| Location, size and design of proposed signs | | ✓ |
| Location of outdoor storage areas | ✓ | |
| Location and screening details for outdoor storage areas | | ✓ |
| Existing and proposed curb lines and sidewalks; | ✓ | |
| Proposed streets and other ingress and egress facilities (indicating curb lines, sidewalk lines and public right-of-way lines) | | ✓ |
| Profiles and cross-sections of streets | ✓ | ✓ |
| Layout of off-street parking, truck loading and paving details (*required for concept plan for any planned unit, cluster commercial, traditional neighborhood, or corporate campus development*) | | ✓ |
| Landscaping plan with the following information:<br>a. The location, size, height at planting, and botanical name of all required landscaping<br>b. The location, size, and botanical name of any existing landscaping proposed to be used or required to satisfy any portion of the landscaping ordinance<br>c. The dimensions of all required landscape islands<br>d. Calculations of the minimum landscape area and the number of plants required. | ✓ | ✓ |

| Application Submittal Requirements | Concept | Final |
|---|---|---|
| Landscaping plan with the following information:<br>a. A tree protection detail as specified in "STD & SPEC 3.38, Tree Preservation and Protection," in the 1992 edition of the Virginia erosion and sediment control handbook for all landscaping proposed or required to be preserved to satisfy the requirements of the landscaping ordinance.<br>b. View Tree Protection Details<br>c. A planting detail for all trees, shrubs, and ground cover used to satisfy the requirements of the landscaping ordinance.<br>d. A planting, fertilization, and watering schedule for all trees, shrubs and or ground cover used to satisfy the requirements of the landscaping ordinance. The schedule shall cover a period of one (1) year after installation of the required landscaping.<br>e. A description of soil amendments necessary to support the growth of all required trees and shrubs. | | ✓ |
| Location of other existing and proposed site improvements, including drains, culverts, detention ponds, retaining walls and fences *(required for concept plans for any planned unit, cluster commercial or traditional neighborhood development*) | | ✓ |

| Application Submittal Requirements | Concept | Final |
|---|---|---|
| For site plans prepared for approval of a Traditional Neighborhood Development (TND), the plans shall:<br>a. Identify core areas, transitional areas, neighborhood edge areas and satellite areas,<br>b. Identify the locations of proposed parks, squares, common open spaces and civic user sites;<br>c. Tabulate the minimum and maximum dwelling units by residential type and the minimum and maximum non-residential square footage by type;<br>d. Calculate the percentages of land area covered by the various land uses in compliance with section 35.2-82.4 (Permitted Uses in Traditional Neighborhood Developments) (ranges of percentages may be used for the concept plan<br>e. Include written and illustrated set of guidelines that shall include dimensional and qualitative specifications for<br>1. Building height, setback, and bulk standards by land use type and general area;<br>2. Illustrations of proposed TND blocks showing potential mixes of uses and illustrative building, parking, and alley layouts (examples of the type of illustrations required are retained by the City Planner);<br>3. Descriptions and illustrations of screening/buffering/transitions to be provided between residential and commercial/service/industrial uses.<br>4. Standards for the landscaping and lighting of streets and off-street parking and loading areas and for screening of views of off-street parking and loading areas from public streets.<br>5. Architectural guidelines for all building types; such guidelines need not set specific floor plans or elevations, but shall describe in general the style and materials of buildings.<br>f. Land use information including the acreage of each land use as well as the square footage of non-residential uses and the proposed number of development units by type;<br>g. A written description of how the site plan demonstrates compliance with the applicable development pattern objectives;<br>h. Architectural renderings of each structure type;<br>i. A statement regarding the timing of construction of common or public facilities; and<br>j. A general statement as to how parks, squares, common open spaces and common facilities are to be owned and maintained, and in particular which are to be public and dedicated to the City and which are to be private and maintained by a property owners association. | ✓ | ✓ |

| Application Submittal Requirements | Concept | Final |
|---|---|---|
| For site plans prepared for approval of planned unit, or cluster commercial), the plans shall include:<br>a. Land use information including the acreage of each land use as well as the square footage of non-residential uses and the proposed number of development units by type;<br>b. A written description of how the site plan demonstrates compliance with the applicable development pattern objectives;<br>c. Architectural renderings of each structure type;<br>d. A statement regarding the timing of construction of common or public facilities; and<br>e. A general statement as to how parks, squares, common open spaces and common facilities are to be owned and maintained, and in particular which are to be public and dedicated to the City and which are to be private and maintained by a property owners association. | ✓ | ✓ |

✓ = Required

(e) **Building and Certificates of Occupancy**. No Building Permit shall be issued for a building located in an area in which site plan review is required unless the construction proposed by such Building Permit conforms to the approved final site plan. No certificate of occupancy shall be issued in such an area for a building or use that does not conform to the approved site plan.

(f) **Appeal**. An appeal of any decision made by the City Planner concerning concept plan or final site plan review may be made to the Planning Commission. The action of the Planning Commission may be appealed to the City Council.

### 35.2-14.3 Sign Permits

(a) **Applicability.** A sign permit shall be required prior to the construction, erection, installation, attachment or modification of any permanent or temporary sign that is not specifically exempted from the requirement for a sign permit.

**Procedures. The process for applying for a sign permit and the standards for signs are established in section 35.2-64 of this Zoning Ordinance. The application shall include the information included in**

(b) Exhibit II-17.

**Exhibit II-17: Sign Permit Application Submittal Requirements**

| Application Submittal Requirements |
|---|
| Completed application form |
| Name and address of petitioner |
| A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council |
| A map showing the subject property (preferably a copy of the valuation map available from the department of community development, City Hall) |
| Legal description of applicable property |
| The location and dimensions of the sign |
| Proposed lighting, if any |
| Elevation drawings of the sign |
| Plans demonstrating compliance with applicable building and electrical codes |

### 35.2-14.4 Minor Exceptions

(a) **Purpose.** Minor exceptions, also referred to as modifications in section 15.2.2286(A)(4) of the Code of Virginia, provide administrative relief and expeditious review of minor deviations from the provisions of the Zoning Ordinance under specified circumstances. Minor exceptions do not involve a public hearing unless the Zoning Administrator's or City Planner's decision is appealed by the applicant to the Board of Zoning Appeals.

(b) **Types of Administrative Relief**. Administrative relief may be granted by the Zoning Administrator for any of the minor exceptions identified in Exhibit II-18. Administrative relief may be granted by the City Planner for any of the minor exceptions identified in Exhibit II-19.

**Exhibit II-18: Minor Exceptions By Zoning Administrator**

| Exception | Description | Cross-Reference |
|---|---|---|
| **Building Setback Reduction** | Reductions of building setbacks to reflect neighborhood norms, to protect existing trees or achieve other purposes of this Zoning Ordinance | 35.2-61.3(f) |
| **Loading Berth** | Waiver of zoning berth requirements when there is no practical way to provide a side or rear yard loading berth that is consistent with the applicable zoning district purposes | 35.2-62.5(g) |
| **Sidewalks** | Waiver or reduction of sidewalk requirements when no sidewalks or pedestrian-oriented uses are within ¼ mile or required sidewalks are unfeasible | 35.2-67.1 |

**Exhibit II-19: Minor Exceptions by City Planner**

| Exception | Description | Cross-Reference |
|---|---|---|
| **Commercial Design Review Guidelines** | The City Planner may grant exceptions to the City's Commercial Design Review Guidelines for buildings in the B-4 district that are adjacent to structures that are inconsistent with historic development patterns | 35.2-47.4(d) |
| **Parking Surfaces** | Subject to the recommendation of the TRC, alternative dust free parking lot surfaces may be allowed | 35.2-62.3 |
| **Parking Spaces** | The minimum number of spaces may be reduced where uses sharing parking have different peak demands, where mass transit service is available or where existing standards would result in a parking surplus. | 35.2-62.4 |
| **Landscaping and Buffers** | The City Planner may approve alternative landscaping layouts that achieve the purposes of the landscaping requirements | 35.2-63.14 |
| **Minor Amendments** | Subject to specific conditions of approval, the City Planner may approve minor amendments to a concept plan approved by the City Council. | 35.2-11.10 |

(c) **Initiation and Review**. The applicant shall file a completed application with the Zoning Administrator. The application for a minor exception shall include the items listed in Exhibit II-20.

1. The Zoning Administrator shall provide mailed notice of the request for such an exception to the adjacent property owners.
2. The adjacent property owners shall be given an opportunity to respond to the request within twenty-one (21) days of the date the notice is mailed.
3. If any adjacent property owner objects to the said request within the time specified above, the request shall be transferred to the Board of Zoning Appeals for a decision.
4. The cost of this notification shall be charged to the applicant, unless waived by the City, at the standard rate as determined by the City Council's current fee schedule for each written notice.

**Exhibit II-20: Minor Exception Application Submittal Requirements**

| Application Submittal Requirements |
|---|
| Completed application form |
| Name and address of petitioner |
| A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council |
| A map showing the subject property (preferably a copy of the valuation map available from the department of community development, City Hall) |
| Legal description of applicable property |
| A description of each exception and the reasons each exception is needed |
| A final site plan illustrating the exception |
| Proposed mitigation measures, if necessary to ensure compatibility with abutting properties |

(d) **Criteria**. Minor exceptions or modifications may be granted when the City Planner or Zoning Administrator, as applicable, finds that the application meets the following criteria:

1. The strict application of the ordinance would produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. The authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

(e) **Action.** After a review period of not more than twenty-one (21) days, the Zoning Administrator shall approve or disapprove any application for administrative relief and provide written documentation justifying the action.

### 35.2-14.5 Temporary Use Permits

(a) **Purpose.** Temporary use permits authorize the establishment of authorized uses for a limited time period and subject to conditions that protect the public health, safety and general welfare. Temporary use permits do not involve a public hearing unless the Zoning Administrator's decision is appealed by the applicant to the Board of Zoning Appeals.

(b) **Applicability.** A Temporary Use Permit shall be required prior to the establishment of a temporary amusement, carnival, tent revival or any other temporary use authorized by this Zoning Ordinance.

(c) **Initiation and Review**. The applicant shall file a completed application with the Zoning Administrator, who, after consulting with the TRC, shall approve the application subject to compliance with the criteria established in paragraph (d) of this section.

(d) **Approval Criteria**. The Zoning Administrator shall approve the temporary use permit subject to the following criteria:

1. The proposed use is authorized in the district in which it is to be established;
2. The proposed use complies with the conditions established for the applicable district in Articles III and IV, as well as the conditions for the use established in Article VII of this Zoning Ordinance;
3. The applicant agrees to mitigation measures that the TRC finds necessary to protect the public health, safety and welfare.

# Article III Zoning Districts, Maps & Boundaries

## 35.2-30 Purpose

It is the purpose of this article to establish and adopt zoning districts and an official Zoning Map to govern the use of land and water in the City in accordance with the Comprehensive Plan, other adopted plans and the provisions of this Zoning Ordinance.

## 35.2-31 Overview and Applicability

This article establishes base and overlay zoning districts; the Official Zoning Map, as well as the rules for its maintenance, amendment, interpretation and replacement; the use matrix, which identifies the land uses and the types of approvals required for each authorized land use; and the rules for interpretation of the use matrix.

## 35.2-32 Zoning Districts and Official Zoning Map Established

The City of Lynchburg is hereby divided into zones, or districts, as provided herein and as shown on the "Official Zoning Map of Lynchburg, Virginia," which, together with all explanatory matter thereon, is hereby declared to be a part of this ordinance, bearing the effective date of this ordinance and any map amendment thereto, and certified by the Clerk of City Council. The Official Zoning Map shall be maintained on the City's geographic information system (GIS) under the guidance of the City Planner. Exhibit III-1 lists the base and special districts established for the City of Lynchburg and provides links to the sections of this ordinance that establish the regulations applicable within each zoning district. Article IV establishes the base zoning districts. 0 establishes the special zoning districts that include regulations that overlay and modify the regulations applicable in the base zoning districts.

**Exhibit III-1: Zoning Districts Established**

| Base Zoning Districts | Section |
|---|---|
| "R-C" Conservation District | 35.2-40 |
| "R-1" Low-Density Residential District | 35.2-41 |
| "R-2" Low-Medium Density Residential District | 35.2-42 |
| "R-3" Medium-Density Residential District | 35.2-43 |
| "R-4" Medium-High Density Residential District (Combined with R-5) | 35.2-44 |
| "B-1" Limited Business District (Combined with B-2) | 35.2-45 |
| "B-3" Community Business District | 35.2-46 |
| "B-4" Urban Commercial District (Combined with B-6) | 35.2-47 |
| "B-5" General Business District | 35.2-48 |
| "IN-1" Institutional District 1 | 35.2-49 |
| "IN-2" Institutional District 2 | 35.2-50 |
| "I-1" Restricted Industrial District | 35.2-51 |
| "I-2" Light Industrial District | 35.2-52 |
| "I-3" Heavy Industrial District | 35.2-53 |
| **Special Zoning Districts** | |
| "CC" Commercial Corridor Overlay District | 35.2-54 |
| "FSC" Fifth Street Corridor Overlay District | 35.2-55 |
| "SC" Scenic Corridor Overlay District | 35.2-56 |
| "AS" Airport Safety Overlay District | 35.2-57 |
| "HD" Historic District | 35.2-58 |
| "FW" Floodway District, "FF" Floodway Fringe District, and AFP Approximated Flood Plain District | 35.2-59 |

## 35.2-33 Interpretation of Zoning District Boundaries

### 35.2-33.1 Determination of Boundaries

Unless zoning district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to any zoning district boundary as shown on the zoning map, the following rules shall apply:

(a) Boundaries indicated as approximately following platted lot lines, section lines or tract lines shall be construed to follow such lines.

(b) Boundaries indicated as approximately following the centerlines of streets, alleys or other public rights-of-way shall be construed to follow such centerlines. Where the street, alley or right-of-way has been vacated through official action of the governing

body, the boundary shall be construed to follow the centerline of the vacated right-of-way.

(c) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(d) Boundaries indicated as approximately following City limit lines shall be construed to follow such City limit lines.

(e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

(f) Boundaries indicated as approximately following the centerlines of canals, streams or other bodies of water shall be construed to follow such centerlines.

(g) Boundaries indicated as parallel to features described in paragraphs (a) through (f) above shall be construed as parallel to such features at the distance from the feature indicated on the zoning map. If a distance is not indicated on the zoning map, the distance shall be determined by the scale of the map.

(h) If no distance, angle, curvature, description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the Zoning Administrator by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals, which shall determine the boundary.

### 35.2-33.2 Parcels Divided by District Lines

Whenever a single parcel of is located within two (2) or more different zoning districts, the applicable zoning district regulations shall apply to each portion of the lot.

## 35.2-34 Authorized Uses

### 35.2-34.1 Tables of Authorized Uses Established

Land uses within this Zoning Ordinance are arranged in accordance with the Land Based Classification Standards (LBCS) developed under the leadership of the American Planning Association (see https://www.planning.org/lbcs/background/ for detailed documentation of this classification system). LBCS was developed to replace a variety of other coding system by focusing on structure type, function, activity, site or ownership. This Zoning Ordinance uses structural codes for certain residential uses and function codes for other uses.

Exhibits in each district list the principal uses authorized within each zoning district established in section 35.2-32. Appendix A includes the entire matrix for all zoning districts. Uses are arranged in accordance with the LBCS, which shall be used to define land uses unless otherwise

defined in Article XI of this Zoning Ordinance. All uses are subject to the procedures and standards of this Zoning Ordinance and other applicable rules and regulations.

(a) **LBCS Hierarchy**. The LBCS function codes establish a four-digit hierarchy of uses with digits to the right expressing greater specificity. Where no entry appears in the zoning district columns (for example 1000, 1100 and 1110), the uses described more specifically in the rows below (1111 and 1112 in the above example) indicate whether or not a specific use is authorized. Where an entry appears in the zoning district columns for a general use (for example 2520) and also for a more specific use (for example 2521) within the same classification, the more specific code and its entry shall govern.

(b) **Permitted Uses**. A "P" indicates the listed use is allowed by right within the respective zoning district subject to issuance of a permit in accordance with established procedures. ***Some permitted uses are subject to specific conditions established in the Zoning District Use Standards in Articles Iv and V or other Specific Land Use Standards in Article VII, or elsewhere in this Zoning Ordinance.***

(c) **Conditional Uses**. A "C" indicates the listed use is allowed within the respective zoning district only after approval of a Conditional Use Permit.

(d) **Prohibited Uses**. Unlisted uses are prohibited within the respective zoning district unless specifically authorized through approval of a planned unit development, cluster commercial development, traditional neighborhood development or corporate campus.

(e) **Accessory Uses**. Uses that are secondary and customarily accessory to the principal uses are addressed in section 35.2-71 (Accessory Structures and Uses) and zoning district use regulations.

### 35.2-34.2 Interpretation of Tables of Authorized Land Uses

(a) ***Uses Not Specifically Listed***. In the case where a use is not listed in the district use matrix in Appendix A, either as a specific LBCS classification or as an example, and such use is not otherwise prohibited by law, the Zoning Administrator shall determine whether a substantially similar use exists in the use matrix. If the Zoning Administrator determines that a substantially similar use exists, then the regulations governing that use shall apply to the particular use not listed. In making the determination, the Zoning Administrator shall endeavor to maintain the national standardization of the LBCS while addressing the City's particular needs for zoning and land use classification, and shall refer to the following rules of construction:

1. If a use is listed for a general classification while a more specific classification within the same industry classification is also listed, the specific classification shall govern.

2. Because the list of permissible uses set forth in the use matrix cannot be all-inclusive; those uses that are listed shall be interpreted by the Zoning Administrator to include other uses that have similar impacts to the listed uses.
3. If a use cannot be interpreted by the Zoning Administrator for inclusion in any of the tables of authorized land uses, that use shall be prohibited. The tables of authorized land uses shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.
4. If the Zoning Administrator determines that the LBCS Tables do not address the use at the appropriate level of specificity, then reference shall be made to the North American Industry Classification System (NAICS), United States, 2007 or latest edition for guidance.
5. In referring to the NAICS, the Zoning Administrator shall consider the industry description and illustrative examples of the most specific NAICS classification that may apply to the use, and shall compare uses across similar levels of specificity within the same NAICS classification and between NAICS and LBCS classifications.

(b) **City Uses**. Use of land or facilities owned or leased by, or subject to easements granted to the City of Lynchburg shall not be subject to the use limitations established in this Zoning Ordinance. As a matter of policy, the City will endeavor to comply with standards applicable to similar uses.

# Article IV Base Zoning Districts

## 35.2-40 Conservation District (R-C)

### 35.2-40.1 R-C District Purpose

The R-C district is intended to provide for very low intensity development in areas not served by City sewer and water supply systems, and areas with special natural characteristics that limit land uses and development to protect the City's environmental health. This district encompasses sensitive land in stream valleys and areas of steep slope, which should be retained as open spaces with passive recreational uses, with only essential public facilities that cannot reasonably be located outside the district and very low intensity land uses.

### 35.2-40.2 Authorized Uses

(a) The uses authorized by Exhibit IV-1 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-1: Authorized Uses in RC District**

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household detached** | **1111** | Typical single-household dwelling | P |
| **modular home** | **1114** | | P |
| **manufactured home** | **1115** | | C |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | C |
| **Markets for farm produce or crafts** | **2199** | Markets and truck gardens. Note that limited to goods produced on site in the RC district. | P |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | C |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| Public Utilities Services, Major | 4315, 4329, 4339, 4349 | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **Wastewater treatment plants** | **4348** | | C |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | C |
| **shooting ranges, outdoor** | **5376** | | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **home** | **6562a** | Day care for fewer than six (6) individuals in a residence | P |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees for commercial production | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Greenhouse – sales of products grown on premises** | **9142** | | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see R-C Use Standards in section 35.2-40.3) | P |

### 35.2-40.3 R-C District Use Standards

The following standards apply In addition to the standards for specific uses established in Article VII:

(a) **Agricultural Uses**. The raising of cattle, goats, horses or other large farm animals, and/or five (5) or more poultry or game animals will be permitted on lots of ten (10) acres or more. Any structure for housing or feeding one (1) or more such animals must be at least two-hundred (200) feet from any street or lot line but shall not include any commercial poultry farm or hog farm, and provided further that livestock and poultry shall be kept within secure enclosures and shall not be allowed to roam at large.

(b) **Water Quality Standards**. To achieve the purpose of this district, storage of hazardous materials shall not be allowed within this zoning district, parking lots shall be located outside the district boundaries and outdoor storage of vehicles is prohibited.

(c) **Conditional Uses.** Prior to authorizing a conditional use permit within the R-C district, the City Council shall make the following findings:

1. Parking lots do not encroach upon the R-C district;
2. Land and vegetation disturbance and building areas in the R-C district will be minimized to minimize any potential adverse effect on the quality of runoff; and
3. Outdoor storage of materials that are potentially detrimental to water quality will be prohibited.

(d) **Occupancy.** Not more than three (3) unrelated individuals may occupy a lot in the R-C district unless allowed pursuant to a use authorized by conditional use permit. Occupancy for non-conforming duplex and multi-household dwellings shall not exceed three (3) unrelated individuals per dwelling unit.

(e) **Accessory Uses**. Accessory uses and structures shall comply with the provisions of section 35.2-71. Farm produce markets and truck gardens are permitted to sell only products grown on the premises.

### 35.2-40.4 R-C District Development Standards

Dimensional standards for the R-C district are summarized in Exhibit IV-2. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

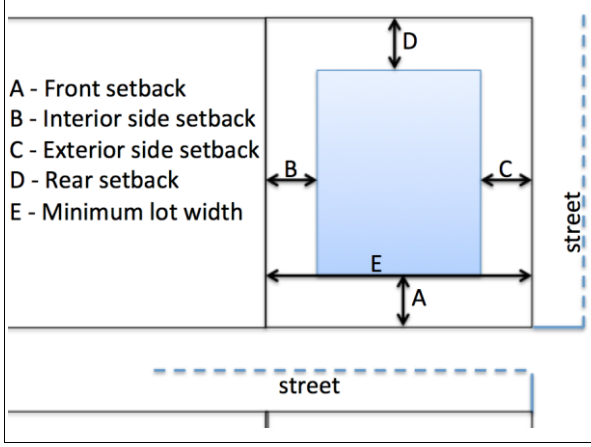
(a) **Building Height**. In addition to the required minimum setback of fifty (50) feet, no portion of a building shall exceed one (1) foot of height above average grade at the foundation of the building for each two (2) feet of distance from the property line or street right-of-way line. No portion of any property may be divided from the lot in the future in such a way as to bring the property into nonconformance with this regulation.

(b) **Non-Conforming Lots**. Lots of record having less area or less width than herein required on or before December 12, 1978, may be occupied by single-household dwellings only.

(c) **Planned Unit Development**. The R-C district development standards may be modified through a planned unit development, which is approved through the conditional use permit approval process.

**Exhibit IV-2: Summary of R-C Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum Height | see paragraph (a) above | 35.2-61.2 |
| Minimum front setback (dimension A) | 50’ | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | 50’ | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | 50’ | 35.2-61.3 |
| Minimum rear setback (dimension D) | 50’ | 35.2-61.3 |
| Minimum lot width at front setback line (dimension E) | 150’ | 35.2-61.4 |
| Minimum lot area | 10 acres per dwelling and 5 acres per dwelling unit or boarding unit | 35.2-61.4 |
| Maximum lot coverage | 10% | 35.2-61.4 |




Letters in drawing to the left correspond with dimensions cited in the design element column

## 35.2-41 Low Density Residential Districts (R-1)

### 35.2-41.1 R-1 District Purpose

The R-1 district is intended to provide for residential development at low densities, together with public uses, institutional uses and private recreational facilities that are in scale with single-household residences.

### 35.2-41.2 Authorized Uses

(a) The uses authorized by Exhibit IV-3 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-3: Authorized Uses in R-1 District**

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household detached** | **1111** | Typical single-household dwelling | P |
| **modular home** | **1114** | | P |
| **manufactured home community** | **1116** | Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites | C |
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | C |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | C |
| **boarding house** | **1321** | Non-transient lodging that may include meals that may include meals and is owner occupied | C |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | C |
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | C |
| **pet cemetery** | **2723** | | C |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | C |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **library or archive** | **4242** | Provide library or archive services | C |
| Public Utilities Services, Major | 4315, 4329, 4339, 4349 | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | C |
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | C |
| **outdoor recreation** | **5372, 5373 & 5374** | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | C |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere | C |
| **College or university** | **6130** | | C |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | C |
| **Hospital** | **6530** | | C |
| **home day care** | **6562a** | Day care for fewer than six (6) children or adults in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | C |
| **large** | **6562c** | Provide care for more than 12 individuals | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Religious institutions** | **6600** | | C |
| **free-standing cemetery** | **6722** | | C |
| **columbarium** | **6724** | | C |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees for commercial production | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see district standards) | P |
| **tent revival meetings/ transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P |
| **residential cluster development** | **9951** | See section 35.2-80 | P |
| **traditional neighborhood development** | **9952** | See section 35.2-82 | C |
| **planned unit development** | **9953** | See section 35.2-83 | C |

### 35.2-41.3 R-1 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

(a) Not more than one (1) single-household detached dwelling unit may be established on each lot.

(b) Two (2) household dwellings in which the owner resides may be established provided there is one (1) main entrance located in the front of the building and the building has no outside characteristics, such as outside stairs, other than those common to a single-household dwelling.

(c) Not more than three (3) unrelated individuals may occupy a lot in the R-1 district unless allowed pursuant to a use authorized by conditional use permit (i.e., bed and breakfast, boarding house, dormitories/sororities/fraternities, and large group homes). Occupancy for non-conforming duplex and multi-household dwellings shall not exceed three (3) unrelated individuals per dwelling unit.

(d) Except as specifically authorized for home occupations, no residential lot or structure shall be used for commercial or industrial purposes.

(e) Accessory uses and structures shall comply with the provisions of section 35.2-71. A large day care center may be established pursuant to section 35.2-72.8 as an accessory use to any approved institutional use.

### 35.2-41.4 R-1 District Development Standards

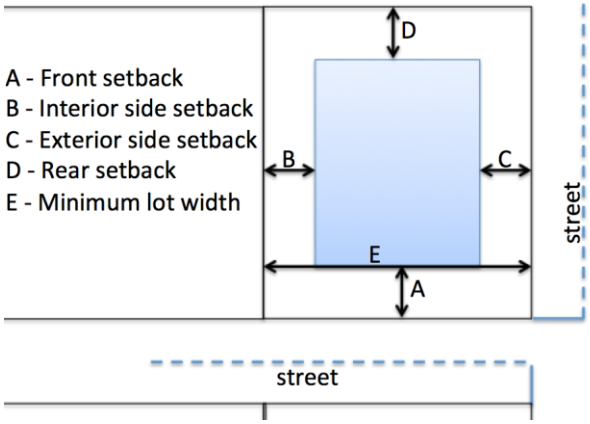
(a) **Development Standards Summarized**. Dimensional standards for the R-1 district are summarized in Exhibit IV-4. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(b) **Development Patterns**. The R-1 district development standards may be modified through the approval of a residential cluster development, planned unit development or traditional neighborhood development through the conditional use permit process.

(c) **Neighborhood Norms**. Front and side setbacks may be reduced in accordance with the neighborhood norm provisions of section 35.2-61.3.

**Exhibit IV-4: Summary of R-1 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum Height | 40’ | 35.2-61.2 |
| Minimum front setback (dimension A) | 40’ | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | 15’ | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | 40’ | 35.2-61.3 |
| Minimum rear setback (dimension D) | 50’ | 35.2-61.3 |
| Minimum lot width at front setback line (dimension E) | 100’ | 35.2-61.4 |
| Minimum lot area (square feet) | 15,000, and 7,500 per dwelling unit or boarding unit | 35.2-61.4 |
| Maximum net density (dwelling units per acre/dwelling units per acre including accessory dwelling units and boarding units) | 2.90/5.80 | 35.2-61.4 |
| Maximum lot coverage | 20.2% | 35.2-61.4 |




Letters in drawing to the left correspond with dimensions cited in the design element column

## 35.2-42 Low-Medium Density Residential Districts (R-2)

### 35.2-42.1 R-2 District Purpose

The R-2 district is intended to provide for residential development at low densities, together with public uses, institutional uses and private recreational facilities that are in scale with single-household residences. This district is intended to allow higher densities than the R-1 district where supported by adequate infrastructure and compatible with site conditions.

### 35.2-42.2 Authorized Uses

(a) The uses authorized by Exhibit IV-5 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-5: Authorized Uses in R-2 District**

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household detached** | **1111** | Typical single-household dwelling | P |
| **modular home** | **1114** | | P |
| **manufactured home community** | **1116** | Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites | C |
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | C |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | C |
| **boarding house** | **1321** | Non-transient lodging that may include meals and is owner occupied | C |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | C |
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | C |
| **pet cemetery** | **2723** | | C |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound, or video, cell towers | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **library or archive** | **4242** | Provide library or archive services | C |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | C |
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | C |
| **outdoor recreation** | **5372, 5373 & 5374** | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | C |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **College or university** | **6130** | | C |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | C |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | C |
| **Hospital** | **6530** | | C |
| **home day care** | **6562a** | Day care for fewer than six (6) children or adults in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | C |
| **large** | **6562c** | Provide care for more than 12 individuals | C |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | C |
| **free-standing cemetery** | **6722** | | C |
| **columbarium** | **6724** | | C |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees for commercial production | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see district standards) | P |
| **tent revival meetings/ transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P |
| **residential cluster development** | **9951** | See section 35.2-80 | P |
| **traditional neighborhood development** | **9952** | See section 35.2-82 | C |
| **planned unit development** | **9953** | See section 35.2-83 | C |

### 35.2-42.3 R-2 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

(a) Not more than one (1) single-household detached dwelling may be established on each lot.

(b) Two (2) household dwellings in which the owner resides may be established provided there is one (1) main entrance located in the front of the building and the building has no outside characteristics, such as outside stairs, other than those common to a single-household dwelling.

(c) Not more than three (3) unrelated individuals may occupy a lot in the R-2 district unless allowed pursuant to a use authorized by conditional use permit (i.e., bed and breakfast,

boarding house, dormitories/sororities/fraternities, and large group homes). Occupancy for non-conforming duplex and multi-household dwellings shall not exceed three (3) unrelated individuals per dwelling unit.

(d) Except as specifically authorized for home occupations, no residential lot or structure shall be used for commercial or industrial purposes.

(e) Accessory uses and structures shall comply with the provisions of section 35.2-71. A large day care center may be established pursuant to section 35.2-72.8 as an accessory use to any approved institutional use.

### 35.2-42.4 District Development Standards

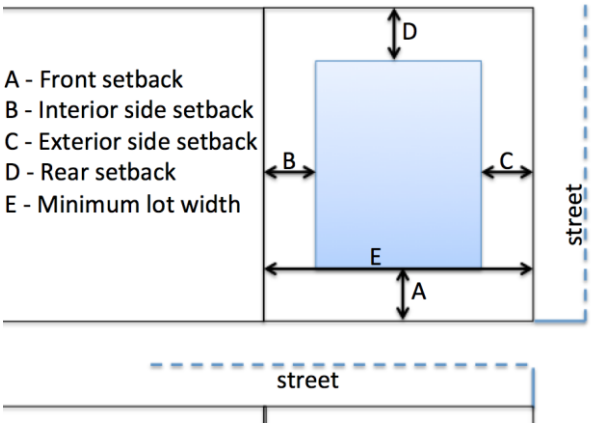
(a) **Development Standards Summarized**. Dimensional standards for the R-2 district are summarized in Exhibit IV-6. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(b) **Development Patterns**. The R-2 district development standards may be modified through the approval of a residential cluster development, planned unit development or traditional neighborhood development through the conditional use permit process.

(c) **Neighborhood Norms**. Front and side setbacks may be reduced in accordance with the neighborhood norm provisions of section 35.2-61.3.

**Exhibit IV-6: Summary of R-2 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum height | 40’ | 35.2-61.2 |
| Minimum front setback (dimension A) | 30’ | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | 8’ | 35.2-61.3 |
| Minimum side setback, exterior from (dimension C) | 30’ | 35.2-61.3 |
| Minimum rear setback (dimension D) | 30’ | 35.2-61.3 |
| Minimum lot width at front setback (dimension E) | 60’ | 35.2-61.4 |
| Minimum lot area (square feet) | 10,000, with 5,000 per boarding unit | 35.2-61.4 |
| Maximum net density (dwelling units per acre/dwelling units per acre including accessory and boarding units) | 4.35/8.7 | 35.2-61.4 |
| Maximum lot coverage | 20% | 35.2-61.4 |




Letters in drawing to the left correspond with dimensions cited in the design element column

## 35.2-43 Medium Density Residential Districts (R-3)

### 35.2-43.1 R-3 District Purpose

The R-3 district is intended to provide for residential development and other compatible uses at medium densities in areas with adequate infrastructure and access to public and commercial services. In addition to small-lot single-household development, duplexes and other compatible housing types may be allowed, as are public and institutional uses that are in scale with neighborhood uses.

### 35.2-43.2 Authorized Uses

(a) The uses authorized by Exhibit IV-7 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-7: Authorized Uses in R-3 District**

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household detached** | **1111** | Typical single-household dwelling | P |
| **single-household semi-detached** | **1112** | One of two dwelling units separated by a party wall | P |
| **single-household attached (townhouse)** | **1113** | Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered | C |
| **modular home** | **1114** | | P |
| **manufactured home community** | **1116** | Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites | C |
| **Two-household (duplex)** | **1120** | | P |
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | C |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | C |
| **boarding house** | **1321** | Non-transient lodging that may include meals and is owner occupied | C |
| **rooming house** | **1322** | Transient or non-transient lodging that may include meals | C |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | C |
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | P |
| **Parking lot and parking garage** | **2640** | See district standards | C |
| **pet cemetery** | **2723** | | C |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | C |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **library or archive** | **4242** | Provide library or archive services | P |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | P |
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | C |
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | C |
| **outdoor recreation** | **5372, 5373 & 5374** | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere | C |
| **College or university** | **6130** | | C |
| **general technical schools** | **6141-6143, 6145, 6147** | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities | C |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | C |
| **Hospital** | **6530** | | C |
| **child and adult day care** | **6562** | Provide day care for children and adults | |
| **Home day care** | **6562a** | Day care for fewer than six (6) individuals in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | C |
| **large** | **6562c** | Provide care for more than 12 individuals | C |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | C |
| **free-standing cemetery** | **6722** | | C |
| **columbarium** | **6724** | | C |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees for commercial production | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see district standards) | P |
| **tent revival meetings/ transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P |
| **residential cluster development** | **9951** | See section 35.2-80 | P |
| **traditional neighborhood development** | **9952** | See section 35.2-82 | C |
| **planned unit development** | **9953** | See section 35.2-83 | C |

### 35.2-43.3 R-3 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

(a) Accessory uses and structures shall comply with the provisions of section 35.2-71.

(b) Not more than three (3) unrelated individuals may occupy a dwelling unit in the R-3 district unless allowed pursuant to a use authorized by conditional use permit (i.e., bed and breakfast, boarding house, dormitories/sororities/fraternities, and large group homes).

(c) Except as specifically authorized for home occupations, no residential lot or structure shall be used for commercial or industrial purposes.

(d) Accessory uses and structures shall comply with the provisions of section 35.2-71.

(e) Off-street parking lots may be established provided that they:

1. Serve permitted uses in medium density residential districts located within two hundred (200) feet of the lot to be used for off-street parking.

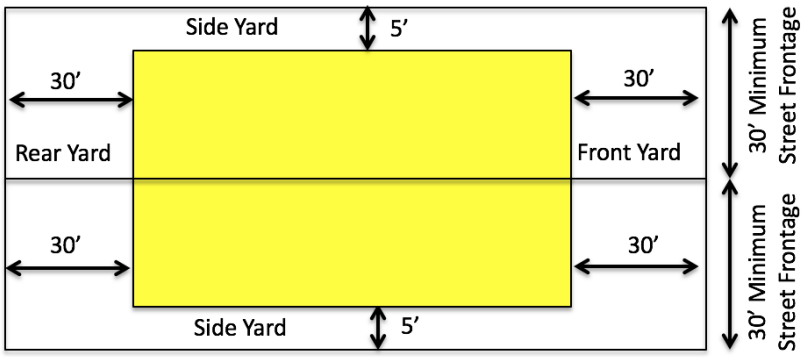
2. Are on lots adjacent to and serve an authorized commercial use in a commercial district and subject to an approved conditional use permit.

### 35.2-43.4 R-3 District Development Standards

(a) **Development Standards Summarized**. Dimensional standards for the R-3 district are summarized in Exhibit IV-8. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(b) **Semi-detached Dwellings**. For semi-detached dwellings, the minimum lot area shall be 4,000 square feet and the minimum lot width shall be thirty (30) feet. The minimum side setback shall be eight (8) feet except that there is no minimum side setback required along the party wall between adjoining units (see illustration below).

**Semi-detached Dwellings**

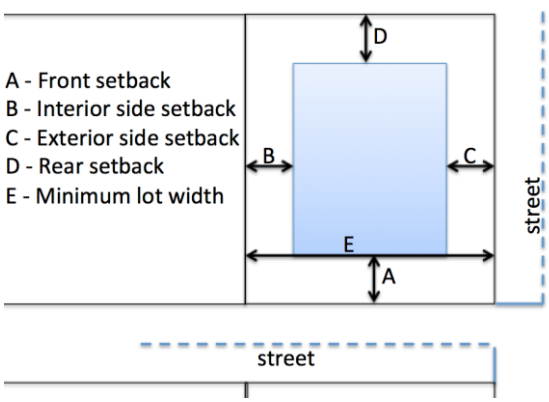


(c) **Neighborhood Norms**. Front and side setbacks may be reduced in accordance with the neighborhood norm provisions of section 35.2-61.3.

(d) **Development Patterns**. The R-3 district development standards may be modified through the approval of a residential cluster development, planned unit development or traditional neighborhood development through the conditional use permit process.

**Exhibit IV-8: Summary of R-3 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum height (see paragraph (a) above) | 40’ | 35.2-61.2 |
| Minimum front setback (dimension A) | 30’ | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | 5’ | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | 30’ | 35.2-61.3 |
| Minimum rear setback (dimension D) | 30’ | 35.2-61.3 |
| Minimum lot width at front setback (dimension E) | 60’ | 35.2-61.4 |
| Minimum lot size (square feet) - see paragraphs a and b of this section for additional standards | 4,000 per dwelling unit or boarding unit (also see paragraphs (b) & (c) above) | 35.2-61.4 |
| Maximum net density (dwelling units per acre/dwelling unit or boarding units per acre) | 5.45/10.89 | 35.2-61.4 |
| Maximum lot coverage | 30% | 35.2-61.4 |




Letters in drawing to the left correspond with dimensions cited in the design element column

## 35.2-44 High Density Residential District (R-4)

[Consolidates R-4 and R-5 Districts]

### 35.2-44.1 R-4 District Purpose

The R-4 district is intended to provide for residential and other compatible uses at high densities in locations with adequate infrastructure and proximity to necessary services and employment. R-4 districts may include any type of housing, as well as public uses, institutional uses, private recreation and limited retail and service uses, when accessory to a multi-household development.

### 35.2-44.2 Authorized Uses

(a) The uses authorized by Exhibit IV-9 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-9: Authorized Uses in R-4 District**

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household detached** | **1111** | Typical single-household dwelling | P |
| **single-household semi-detached** | **1112** | One of two dwelling units separated by a party wall | P |
| **single-household attached (townhouse)** | **1113** | Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered | P |
| **modular home** | **1114** | | P |
| **manufactured home community** | **1116** | Includes manufactured home subdivisions and manufactured home parks with 5 or more lots | C |
| **Two-household (duplex)** | **1120** | | P |
| **Three or More Households** | **1130** | Includes triplexes, four-plexes, and other multi-household dwellings | P |
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | C |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | C |
| **boarding house** | **1321** | Non-transient lodging that may include meals and is owner occupied | C |
| **rooming house** | **1322** | Transient or non-transient lodging that may include meals | C |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | C |
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | P |
| **Parking lot and parking garage** | **2640** | See district standards | C |
| **pet cemetery** | **2723** | | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | C |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **library or archive** | **4242** | Provide library or archive services | P |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | P |
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | C |
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **outdoor recreation** | **5372, 5373 & 5374** | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | C |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere | C |
| **College or university** | **6130** | | C |
| **general technical schools** | **6141-6143, 6145, 6147** | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities | C |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | C |
| **Hospital** | **6530** | | C |
| **child and adult day care** | **6562** | Provide day care for children and adults | |
| **home** | **6562a** | Day care for fewer than six (6) individuals in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | C |
| **large** | **6562c** | Provide care for more than 12 individuals | C |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | C |
| **free-standing cemetery** | **6722** | | C |
| **columbarium** | **6724** | | C |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees for commercial production | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see district standards) | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **tent revival meetings/ transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P |
| **residential cluster development** | **9951** | See section 35.2-80 | P |
| **traditional neighborhood development** | **9952** | See section 35.2-82 | C |
| **planned unit development** | **9953** | See section 35.2-83 | C |

### 35.2-44.3 R-4 District Use Standards

The following standards apply In addition to the standards for specific uses established in Article VII:

(a) Commercial uses allowed in the B-1 district shall be allowed as accessory uses to multi-household development subject to the following conditions:

1. Uses shall not exceed five (5) percent of the gross floor area of the multi-household development in which they are located.
2. The uses shall be limited to uses allowed within the B-1 zoning district.
3. No drive-in or drive-through services are permitted.
4. All such uses shall be limited to the ground floor of the structure in which they are located.

(b) Not more than three (3) unrelated individuals may occupy a dwelling unit in the R-4 district unless otherwise approved by a conditional use permit.

(c) Accessory uses and structures shall comply with the provisions of section 35.2-71.

### 35.2-44.4 R-4 District Development Standards

Dimensional standards for the R-4 district are summarized in Exhibit IV-10. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(a) **Lots Abutting R-1, R-2 or R-3 Districts.** See section 35.2-61.2 for additional height requirements and section 35.2-61.3 for additional setback requirements for lots abutting R-1, R-2 or R-3 districts.

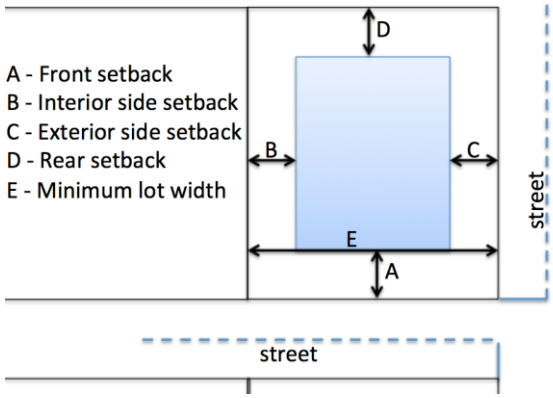
(b) **Density and Height Bonuses**. The net density and height may be increased to up to twenty-nine (29) dwelling units per acre and up to 60 feet in height subject to achievement of the design standards listed in Exhibit IV-11 and the provisions of paragraph (a).

(c) **Transitions Required.** Multi-household buildings on lots that abut lots in a R-1, R-2 or R-3 district shall not exceed 2 stories within 100 feet of the property line of said abutting lots.

(d) **Development Patterns**. The R-4 district development standards may be modified through the approval of a residential cluster development, planned unit development or traditional neighborhood development through the conditional use permit process.

**Exhibit IV-10: Summary of R-4 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum Height | 40’ | 35.2-61.2 |
| Minimum front setback from right-of-way (dimension A) | 30’ | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | 5’ | 35.2-61.3 |
| Minimum side setback, exterior from right-of-way (dimension C) | 30’ | 35.2-61.3 |
| Minimum rear setback (dimension D) | 25’ | 35.2-61.3 |
| Minimum lot width at building line (dimension E) | 50’ | 35.2-61.4 |
| Minimum lot size (square feet) | 6,000, with 2,000 for each dwelling unit or boarding unit | 35.2-61.4 |
| Maximum net density (dwelling units per acre/dwelling unit or boarding units per acre) | 7.26/21.78 | 35.2-61.4 |
| Maximum lot coverage | 30% | 35.2-61.4 |




Letters in drawing to the left correspond with dimensions cited in the design element column

**Exhibit IV-11: Density Bonuses in the R-4 District**

| Design Element | Density Bonus | Examples |
|---|---|---|
| Impervious lot coverage | Density may be increased by 1 dwelling unit per acre for every 1 percent in impervious lot coverage below 30 percent. | Site area = 10 acres<br>Lot cover = 28%<br>Density Bonus = 20 dwelling units (10 acres x 2 du/a) |
| Additional buffer width | Density may be increased by 3 dwelling units per acre if the required buffer width of 20 feet and plantings within the buffer are doubled abutting a property line of a R-C, R-1, R-2 or R-3. | Site area = 10 acres<br>Additional 20 ft. buffer provided<br>Density Bonus = 30 dwelling units (10 acres x 3 du/a) |
| Mobility – transit stop | Density may be increased by 2 dwelling units per acre subject to existence or provision of a covered transit stop abutting the property approved by GLTC and the TRC, and subject to the commitment to provide transit service by GLTC or other transit service provider approved by the City. | Site area = 10 acres<br>Covered transit stop provided abutting site<br>Density bonus = 20 dwelling units (10 acres x 2 du/a) |
| Mobility – pedestrian enhancements | Density may be increased by 2 dwelling units per acre subject to the provision of a multi-purpose trail extending through the property and connecting to existing multi-purpose trails at the property line, pedestrian facilities identified in an adopted City Plan, retail/service uses or a school within ½ mile of the development. Connections to sidewalks abutting the property or the provision of on-site recreational paths shall not be eligible for this density bonus. | Site area = 10 acres<br>Multi-purpose trail extending through the property provides connection to school or retail uses within ½ mile of site<br>Density bonus = 20 dwelling units (10 acres x 2 du/a) |
| Mobility – mixed use | Density may be increased by 2 dwelling units per acre subject to the on-site provision of floor area for authorized retail or service uses in accordance with the R-4 district use standards established in section 35.2-44.3. | Site area = 10 acres<br>Ground floor retail or service use established on site<br>Density bonus = 20 dwelling units (10 acres x 2 du/a) |
| Accessible dwellings | Density may be increased by 1 dwelling unit per acre if 10 percent of units are accessible and an additional dwelling unit per acre for each additional 5 percent of accessible units | Site area = 10 acres with 200 total units<br>30 accessible units provided<br>Density bonus = 20 dwelling units (10 acres x 2 du/a) |
| Water quality | Reserved | |
| Affordable or work force housing | Reserved | |

## 35.2-45 Limited Business Districts (B-1)

### 35.2-45.1 B-1 District Purpose

The B-1 district is intended to provide for office, retail, restaurant and service uses that are compatible with nearby residential areas because they are in scale with adjacent neighborhood development and have pedestrian-oriented designs. While they generate a moderate level of traffic, they do not involve the constant traffic flows characteristic of community-scaled retail activities. These districts can provide a transition from retail districts and heavily traveled thoroughfares to residential areas.

### 35.2-45.2 Authorized Uses

(a) The uses authorized by Exhibit IV-12 may be established in accordance with the procedures in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-12: Authorized Uses in B-1 District**

Green highlight indicates use from B-2, Blue highlight indicates new use allowed

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household detached** | **1111** | Typical single-household dwelling | P |
| **single-household attached (townhouse)** | **1113** | Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered | C |
| **modular home** | **1114** | | P |
| **Two-household (duplex)** | **1120** | | C |
| **Three or More Households (allowed only as part of a mixed-use development)** | **1130** | Includes triplexes, four-plexes, and other multi-household dwellings | P |
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | P |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **boarding house** | **1321** | Non-transient lodging that may include meals and is owner occupied | P |
| **rooming house** | **1322** | Transient or non-transient lodging that may include meals | P |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | C |
| **bicycles** | **2113b** | New or used bicycle sales, rental and repair | P |
| **camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies** | **2132-2135** | Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies. | P |
| **florist, art supplies, tobacco products** | **2141-2143** | Florists, art supplies and art dealers, frame shops, tobacco products | P |
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | P |
| **antique shop** | **2145** | Antique shops, (excludes flea markets, thrift stores and pawn shops) | P |
| **grocery store, supermarket, or bakery, convenience store, specialty food stores** | **2151-2154** | Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales). | P |
| **beer, wine, and liquor store** | **2155** | | P |
| **Health and personal care** | **2160** | Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements. | P |
| **Bank, credit union, or savings institution** | **2210** | Central banking functions | P |
| **credit card and other financing** | **2221** | Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing | P |
| **Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment** | **2230-2250** | Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries | P |
| **Real estate services** | **2310** | Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **professional offices** | **2411-2014** | Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design | P |
| **consulting services (management, environmental technical)** | **2415** | Advise and assist businesses on management, scientific, and technological issues | P |
| **scientific research and development services** | **2416** | Conduct research or analyze in the physical, engineering, cognitive, or life sciences in offices. | P |
| **other professional offices** | **2419, 6810, 6820** | Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts | P |
| **office administrative services** | **2421** | Office administration such as billing, record keeping, personnel, organizational planning | P |
| **facilities support services** | **2422** | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc. | P |
| **employment agency** | **2423a** | Provide employee placement, temporary help | P |
| **copy center, private mail center, other business support services** | **2424** | Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners | P |
| **collection agency** | **2425** | Collect payments, compile credit information, repossess tangible assets | P |
| **Travel arrangement and reservation services** | **2430** | Promote or sell travel, includes convention and visitors' bureaus | P |
| **Restaurants, cafeterias, snack bars & catering** | **2510-2530 &2560** | Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards. | P |
| **Personal care** | **2610** | Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services | P |
| **laundromat and dry cleaning** | **2621 & 2622** | Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services | P |
| **Photofinishing** | **2630** | Primarily engaged in developing film or making slides, etc. | P |
| **Parking lot and parking garage** | **2640** | See district standards | P |
| **licensed massage therapist** | **2651** | | P |
| **pet cemetery** | **2723** | | C |
| **national post office** | **4181** | | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **retail courier and package delivery** | **4182** | Retail courier, package drop-off and mail services | P |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | P |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **library or archive** | **4242** | Provide library or archive services | P |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | P |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **Theater, dance or music establishment** | **5110 & 5160** | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers | P |
| **Promoter of sports, performing arts, similar events and management services** | **5140 - 5150** | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | P |
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | P |
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | P |
| **outdoor recreation** | **5372, 5373 & 5374** | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | P |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards | P |
| **College or university** | **6130** | See district use standards | P |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **clinic** | **6511 & 6567** | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services | P |
| **outpatient care clinic** | **6512** | Provide outpatient family planning services and outpatient care | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | P |
| **Hospital** | **6530** | | C |
| **child and adult day care** | **6562** | Provide day care for children and adults | |
| **home** | **6562a** | Day care for fewer than six (6) individuals in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | P |
| **large** | **6562c** | Provide care for more than 12 individuals | P |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Funeral home and services** | **6710** | Includes funeral homes combined with crematories | P |
| **free-standing cemetery** | **6722** | | P |
| **columbarium** | **6724** | | C |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens with production limited to retail sales | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees with production limited to retail sales | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see district standards) | P |
| **tent revival meetings/transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P |
| **cluster commercial development** | **9955** | See section 35.2-85 | C |

### 35.2-45.3 B-1 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

(a) No lot, building or structure shall be used and no building or structure shall be erected that is intended or designed to be used, in whole or in part, for any industrial or manufacturing purposes.

(b) Drive-through and drive-in uses are not allowed in this district except under the following conditions:

1. Drive through and drive-in uses shall not be associated with businesses providing food or beverage services;
2. Drive-through services shall be located in the rear of the building and shall take access from an urban collector or local street; and
3. Drive-through services shall be designed so that not more than one (1) two-way access or two (2) one-way access points serving such uses shall be located on a single block.

(c) Outdoor operations, storage, or display are prohibited except as authorized for temporary outdoor display or outdoor dining.

(d) The scale of businesses shall be compatible with adjacent neighborhoods and shall not exceed the floor areas established in Exhibit IV-13.

**Exhibit IV-13: Maximum Floor Areas for the B-1 District**

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

(e) Ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.

(f) Schools for general education with maximum enrollments of twenty-five (25) or fewer students shall only be allowed subject to the setbacks for other uses allowed in the district. Schools with maximum enrollments in excess of twenty-five (25) students shall be subject to approval of a conditional use permit and setback requirements for schools established in section 35.2-72.21 (Schools, Colleges and Vocational Schools).

(g) Not more than three (3) unrelated individuals may occupy a dwelling unit in the B-1 district unless otherwise approved by a conditional use permit.

(h) Accessory uses and structures shall comply with the provisions of section 35.2-71.

### 35.2-45.4 B-1 District Development Standards

Dimensional standards for the B-1 district are summarized in Exhibit IV-14. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(a) **Setbacks.** Setbacks are subject to compliance with in section 35.2-66.4 (Visibility at Intersections) and applicable landscaping requirements.

(b) **Lot Area Regulations**. In addition to the minimum lot size of 6,000 square feet, a total minimum area of 1,000 square feet is required for each dwelling unit, or unit in a boardinghouse, lodging house, nursing home, tourist home or hotel unit.

(c) **Parking**. Required on-site parking shall be provided behind the front building line in accordance with section 35.2-62 except where an existing building with parking in front of the building line is being reused and locating required parking in rear or side yards is not practical due to extreme topography or access limitations.

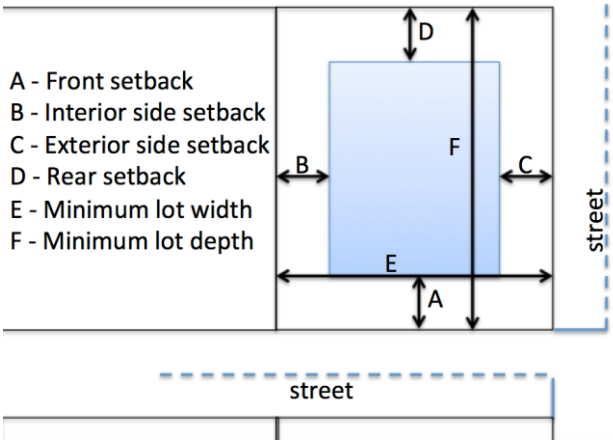
(d) **Dumpsters.** Dumpsters on lots abutting residential zoning districts shall be screened pursuant to section 35.2-63.9 (Utility Screening) and set back at least twenty-five (25) feet from any residential property line

(e) **Landscaping** Where a building is located within five (5) feet of the right-of-way, required street trees and foundation plantings may be planted in City right-of-way with permission of the City.

(f) **Development Patterns**. The B-1 district development standards may be modified through the approval of a cluster commercial development.

**Exhibit IV-14: Summary of B-1 Development Standards**

| Design Element | Standards | Section Cross-Reference |
|---|---|---|
| Maximum height | 40’ | 35.2-61.2 |
| Minimum front setback from right-of-way (dimension A) | 0’ | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | 0’ | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | 0’ | 35.2-61.3 |
| Minimum rear setback (dimension D) | 25’ | 35.2-61.3 |
| Minimum lot width (dimension E) | 50’ | 35.2-61.4 |
| Minimum lot depth (dimension F) | 100’ | 35.2-61.4 |
| Minimum lot area (square feet) | 6,000 with 1,000 sq.ft. of lot area per dwelling unit or boarding unit | 35.2-61.4 |

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## 35.2-46 Community Business Districts (B-3)

### 35.2-46.1 B-3 District Purpose

The B-3 district is intended to provide for office, retail and service uses meeting the needs of the community as a whole. Residential uses are limited to upper floors of mixed-use buildings or in transitional buildings between commercial and residential uses in mixed use developments. They will include a wide range of business uses and other uses compatible with a moderate-sized business area, at densities lower than those permitted in the central business area. New districts of this type will be strongly encouraged to develop as fully planned entities.

### 35.2-46.2 Authorized Uses

(a) The uses authorized by Exhibit IV-15 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-15: Authorized Uses in B-3 District**

Blue highlight indicates new use allowed

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household detached** | **1111** | Typical single-household dwelling | P |
| **single-household attached (townhouse)** | **1113** | Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered | C |
| **modular home** | **1114** | | P |
| **Two-household (duplex)** | **1120** | | C |
| **Three or More Households (allowed only as part of a mixed-use development)** | **1130** | Includes triplexes, four-plexes, and other multi-household dwellings | P |
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | P |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **boarding house** | **1321** | Non-transient lodging that may include meals and is owner occupied | P |
| **rooming house** | **1322** | Transient or non-transient lodging that may include meals | P |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | C |
| **Hotel, motel, or tourist court** | **1330** | Hotels that do not have gambling services; includes extended-stay hotels | P |
| **bicycles** | **2113b** | New or used bicycle sales, rental and repair | P |
| **parts, accessories, or tires** | **2115** | Automotive parts and supply stores, automotive stereo stores. | P |
| **gasoline service** | **2116** | Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair | P |
| **light auto repair** | **2117a** | Oil change, light auto repair and car wash. May included gasoline and other retail sales. | C |
| **heavy auto repair** | **2117b** | Auto repair, paint and body shops. May include gasoline and other retail sales. | C |
| **furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances** | **2121-2125** | Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores. | P |
| **computer and software** | **2131** | Computers and prepackaged software including repair, support, and training | P |
| **camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies** | **2132-2135** | Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies. | P |
| **florist, art supplies, tobacco products** | **2141-2143** | Florists, art supplies and art dealers, frame shops, tobacco products | P |
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | P |
| **antique shop** | **2145** | Antique shops, (excludes flea markets, thrift stores and pawn shops) | P |
| **flea markets and thrift stores** | **2145b** | Flea markets and thrift stores | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **grocery store, supermarket, or bakery, convenience store, specialty food stores** | **2151-2154** | Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales). | P |
| **beer, wine, and liquor store** | **2155** | | P |
| **Health and personal care** | **2160** | Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements. | P |
| **Markets for farm produce or crafts** | **2199** | Markets and truck gardens. | C |
| **Bank, credit union, or savings institution** | **2210** | Central banking functions | P |
| **credit card and other financing** | **2221** | Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing | P |
| **pawn shops** | **2222** | | P |
| **short-term loans** | **2223** | Pay-day lenders and other businesses providing loans with terms of 45 days or less | P |
| **precious metal buyers** | **2224** | Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers) | P |
| **Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment** | **2230-2250** | Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries | P |
| **Real estate services** | **2310** | Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices | P |
| **Property management services** | **2320** | Manage real property for others | P |
| **vehicles** | **2331 & 2332** | Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided | C |
| **Professional offices** | **2411-2014** | Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design | P |
| **consulting services (management, environmental technical)** | **2415** | Advise and assist businesses on management, scientific, and technological issues | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **scientific research and development services** | **2416** | Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices. | P |
| **advertising, media and photography services** | **2417** | Includes advertising, marketing and public relations agencies, photographic studios and photographic services. | P |
| **veterinary services** | **2418** | Veterinary medicine, testing services for veterinary practitioners | C |
| **other professional offices** | **2419, 6810, 6820** | Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts | P |
| **office administrative services** | **2421** | Office administration such as billing, record keeping, personnel, organizational planning | P |
| **facilities support services** | **2422** | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc. | P |
| **employment agency** | **2423a** | Provide employee placement, temporary help | P |
| **copy center, private mail center, other business support services** | **2424** | Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners | P |
| **collection agency** | **2425** | Collect payments, compile credit information, repossess tangible assets | P |
| **Travel arrangement and reservation services** | **2430** | Promote or sell travel, includes convention and visitors' bureaus | P |
| **Investigation and security services** | **2440** | Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths | P |
| **Restaurants, cafeterias, snack bars & catering** | **2510-2530 &2560** | Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards. | P |
| **Mobile food services** | **2550** | Prepare and serve meals and snacks for immediate consumption from motorized vehicles | P |
| **Personal care** | **2610** | Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services | P |
| **laundromat and dry cleaning** | **2621 & 2622** | Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services | P |
| **Photofinishing** | **2630** | Primarily engaged in developing film or making slides, etc. | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Parking lot and parking garage** | **2640** | See district standards | P |
| **licensed massage therapist** | **2651** | | P |
| **adult retail establishment** | **2653** | Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods | P |
| **Pet or pet supply store** | **2710** | Retail pets, pet foods, pet supplies | P |
| **animal services** | **2721** | grooming and training | P |
| **animal boarding** | **2722** | sitting and boarding | C |
| **pet cemetery** | **2723** | | P |
| **national post office** | **4181** | | P |
| **retail courier and package delivery** | **4182** | Retail courier, package drop-off and mail services | P |
| **radio and television broadcasting** | **4231, 4232 & 4241** | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs | P |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | P |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **library or archive** | **4242** | Provide library or archive services | P |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | P |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **Theater, dance or music establishment** | **5110 & 5160** | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers | P |
| **Motion picture viewing and exhibition services** | **5111** | Operate movie theaters (excluding drive-ins), film festival exhibitions | P |
| **Promoter of sports, performing arts, similar events and management services** | **5140 - 5150** | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers | P |
| **Indoor auditorium or arena** | **5170** | Indoor auditoriums, arenas, conference centers, or multipurpose facilities | P |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | P |
| **Amusement or theme park establishment** | **5310** | Operate a variety of attractions such as mechanical rides, water rides, games | C |
| **Commercial Amusements** | **5320, 5380, 5390** | Operate arcades and other commercial amusements as defined herein | P |
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | P |
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | P |
| **outdoor recreation** | **5372, 5373 & 5374** | Includes golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding (excludes automobile, dog and horse racing) | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **shooting ranges, indoor** | **5375** | | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | P |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards. | P |
| **College or university** | **6130** | See district use standards. | P |
| **general technical schools** | **6141-6143, 6145, 6147** | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities. See district use standards. | P |
| **driving education** | **6144** | | P |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **clinic** | **6511 & 6567** | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services | P |
| **outpatient care clinic** | **6512** | Provide outpatient family planning services and outpatient care | P |
| **medical or diagnostic laboratory; blood/organ bank** | **6513 - 6514** | Provide analytic or diagnostic services including medical imaging | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | P |
| **Hospital** | **6530** | | C |
| **child and adult day care** | **6562** | Provide day care for children and adults | |
| **home** | **6562a** | Day care for fewer than six (6) individuals in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | P |
| **large** | **6562c** | Provide care for more than 12 individuals | P |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | P |
| **Death Care Services** | **6700** | Funeral homes, crematories, cemeteries | |
| **Funeral home and services** | **6710** | Includes funeral homes combined with crematories | P |
| **free-standing cemetery** | **6722** | | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **columbarium** | **6724** | | C |
| **CONSTRUCTION-RELATED BUSINESSES** | **7000** | Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials. | P |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens with production limited to retail sales | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees with production limited to retail sales | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Greenhouse – sales of products grown on premises** | **9142** | | P |
| **Greenhouse – sales of products and related accessory products** | **9143** | | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see standards in section 35.2-71.7) | P |
| **tent revival meetings/transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P |
| **temporary outdoor promotional attractions** | **9922** | Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23) | P |
| **traditional neighborhood development** | **9952** | See section 35.2-82 | C |
| **large scale retail establishments** | **9954** | See section 35.2-84 | P |
| **cluster commercial development** | **9955** | See section 35.2-85 | C |

### 35.2-46.3 B-3 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

(a) Schools and colleges of all types (including vocational schools) shall not exceed a maximum enrollment of one hundred (100) students except as authorized by conditional use permit.

(b) Radio and television studios and stations shall not have towers, shall produce no exterior electromagnetic effect and shall be soundproofed from adjoining properties.

(c) Large-scale retail establishments shall comply with section 35.2-84 (Retail Establishments, Large Scale) unless otherwise approved through the conditional use permit process.

(d) Dance floors may be allowed as accessory uses to restaurants.

(e) Arenas and auditoriums approved through the conditional use permit process shall be limited to a maximum capacity of two thousand five hundred (2,500) persons.

(f) Veterinarian hospitals authorized through the conditional use permit process shall not have outdoor kennels.

(g) Ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.

(h) Outdoor storage is prohibited.

(i) Accessory uses and structures shall comply with the provisions of section 35.2-71.

### 35.2-46.4 B-3 District Development Standards

Dimensional standards for the B-3 district are summarized in Exhibit IV-16. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(a) **Setbacks.** Setbacks are subject to compliance with in section 35.2-66.4 (Visibility at Intersections) and applicable landscaping requirements.

(b) **Lots Abutting R-1, R-2 or R-3 Districts.** See section 35.2-61.2 for additional height requirements and section 35.2-61.3 for additional setback requirements for lots abutting R-1, R-2 or R-3 districts.

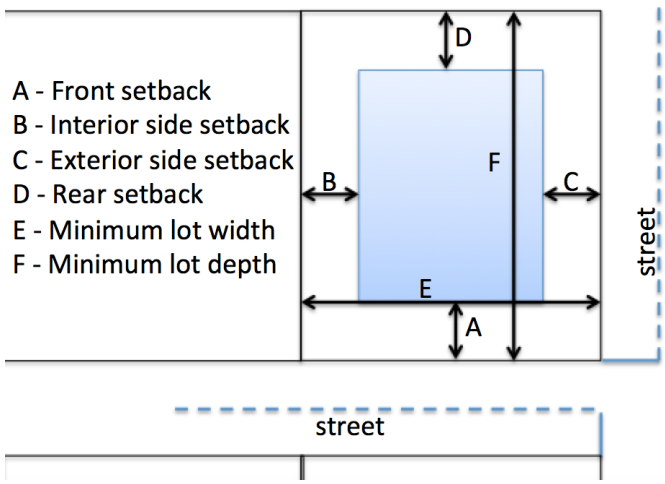
(c) **Area Regulations**. A minimum of one thousand (1,000) square feet of lot area is required for each dwelling unit or unit in a boardinghouse, lodging house, convalescent and nursing home, tourist home or hotel.

(d) **Parking**. Parking areas shall be set back at least twenty (20) feet from front or exterior side property lines.

(e) **Development Patterns**. The B-3 district development standards may be modified through the approval of a cluster commercial development or traditional neighborhood development.

**Exhibit IV-16: Summary of B-3 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum height | 40’ | 35.2-61.2 |
| Minimum front setback (dimension A) | 0’ | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | 0’ | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | 0’ | 35.2-61.3 |
| Minimum rear setback (dimension D) | 0’ | 35.2-61.3 |
| Minimum lot width (dimension E) | 0’, subject to compliance with access separation standards | 35.2-61.4 |
| Minimum lot depth (dimension F) | 0’ | 35.2-61.4 |
| Minimum district size | none | 35.2-61.4 |
| Minimum average lot area per establishment (square feet) | 6,000 | 35.2-61.4 |

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## 35.2-47 Urban Commercial District (B-4)

[Consolidates the B-4 and B-6 districts]

### 35.2-47.1 B-4 District Purpose

The B-4 district is intended to:

(a) Provide for a wide range of residential, commercial and other sales and service operations, serving the entire metropolitan area in Downtown Lynchburg and other mixed use centers throughout the City;

(b) Encourage a compatible mix of multi-household residences, business and related activities of relatively high densities and with adequate services where appropriate;

(c) Assure public access to the James River for recreational purposes and to protect the aesthetic qualities of the riverfront.

### 35.2-47.2 Authorized Uses

(a) The uses authorized by Exhibit IV-17 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-17: Authorized Uses in B-4 District**

Green highlight indicates use from B-6 now allowed in B-4. Blue highlight indicates new use.

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household attached (townhouse)** | **1113** | Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered | P |
| **Three or More Households** | **1130** | Includes triplexes, four-plexes, and other multi-household dwellings | P |
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | P |
| **Hotels, Motels, or Other Accommodation Services** | **1300** | Lodging and short-term accommodation for travelers | |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | P |
| **boarding house** | **1321** | Non-transient lodging that may include meals and is owner occupied | P |
| **rooming house** | **1322** | Transient or non-transient lodging that may include meals | P |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | C |
| **Hotel, motel, or tourist court** | **1330** | Hotels that do not have gambling services; includes extended-stay hotels | P |
| **bicycles** | **2113b** | New or used bicycle sales, rental and repair | P |
| **boat or marine craft dealer** | **2114** | New or used boats sales, rental and related repair services | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **parts, accessories, or tires** | **2115** | Automotive parts and supply stores, automotive stereo stores. | P |
| **gasoline service** | **2116** | Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair | C |
| **light auto repair** | **2117a** | Oil change, light auto repair and car wash. May include gasoline and other related sales. | C |
| **heavy auto repair** | **2117b** | Auto repair, paint and body shops. May include gasoline and other retail sales. | C |
| **furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances** | **2121-2125** | Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores. | P |
| **computer and software** | **2131** | Computers and prepackaged software including repair, support, and training | P |
| **camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies** | **2132-2135** | Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies. | P |
| **florist, art supplies, tobacco products** | **2141-2143** | Florists, art supplies and art dealers, frame shops, tobacco products | P |
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | P |
| **mail order or direct selling establishment** | **2144** | Retailing other than through locations where shoppers physically visit | P |
| **antique shop** | **2145** | Antique shops, (excludes flea markets, thrift stores and pawn shops) | P |
| **flea markets and thrift stores** | **2145b** | Flea markets and thrift stores | P |
| **grocery store, supermarket, or bakery, convenience store, specialty food stores** | **2151-2154** | Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales). | P |
| **beer, wine, and liquor store** | **2155** | | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Health and personal care** | **2160** | Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements. | P |
| **Markets for farm produce or crafts** | **2199** | Markets and truck gardens. | C |
| **Bank, credit union, or savings institution** | **2210** | Central banking functions | P |
| **credit card and other financing** | **2221** | Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing | P |
| **pawn shops** | **2222** | | P |
| **short-term loans** | **2223** | Pay-day lenders and other businesses providing loans with terms of 45 days or less | P |
| **precious metal buyers** | **2224** | Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers) | P |
| **Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment** | **2230-2250** | Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries | P |
| **Real estate services** | **2310** | Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices | P |
| **Property management services** | **2320** | Manage real property for others | P |
| **vehicles** | **2331 & 2332** | Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided | |
| **recreational goods rental** | **2333** | Rent skis, canoes, bicycles, sailboats, motorcycles | P |
| **Professional offices** | **2411-2014** | Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design | P |
| **consulting services (management, environmental technical)** | **2415** | Advise and assist businesses on management, scientific, and technological issues | P |
| **scientific research and development services** | **2416** | Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices. | P |
| **advertising, media and photography services** | **2417** | Includes advertising, marketing and public relations agencies, photographic studios and photographic services. | P |
| **veterinary services** | **2418** | Veterinary medicine, testing services for veterinary practitioners | P |
| **other professional offices** | **2419, 6810, 6820** | Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **office administrative services** | **2421** | Office administration such as billing, record keeping, personnel, organizational planning | P |
| **facilities support services** | **2422** | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc. | P |
| **employment agency** | **2423a** | Provide employee placement, temporary help | P |
| **copy center, private mail center, other business support services** | **2424** | Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners | P |
| **collection agency** | **2425** | Collect payments, compile credit information, repossess tangible assets | P |
| **Travel arrangement and reservation services** | **2430** | Promote or sell travel, includes convention and visitors' bureaus | P |
| **Investigation and security services** | **2440** | Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths | P |
| **Restaurants, cafeterias, snack bars & catering** | **2510-2530 &2560** | Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards. | P |
| **Mobile food services** | **2550** | Prepare and serve meals and snacks for immediate consumption from motorized vehicles | P |
| **Food service contractor and vending machine operators** | **2570 & 2580** | Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service | P |
| **Personal care** | **2610** | Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services | P |
| **laundromat and dry cleaning** | **2621 & 2622** | Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services | P |
| **Photofinishing** | **2630** | Primarily engaged in developing film or making slides, etc. | P |
| **Parking lot and parking garage** | **2640** | See district standards | P |
| **licensed massage therapist** | **2651** | | P |
| **tattoo parlor** | **2652** | Tattoos by a licensed professional | P |
| **adult retail establishment** | **2653** | Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods | P |
| **Pet or pet supply store** | **2710** | Retail pets, pet foods, pet supplies | P |
| **animal services** | **2721** | grooming and training | P |
| **Food and beverages** | **3110** | Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Furniture and related products** | **3230** | Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures | P |
| **Office and warehousing** | **3610** | Storage of goods related to on-site office or retail use | P |
| **rail passenger transportation** | **4121** | Passenger stations only | P |
| **local transit systems--bus, special needs, sightseeing, taxi and limousine services** | **4133 – 4134 & 4136 - 4137** | Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services | P |
| **marine and sightseeing transportation** | **4151** | Provide water transportation, including scenic and sightseeing, for passengers | P |
| **national post office** | **4181** | | P |
| **retail courier and package delivery** | **4182** | Retail courier, package drop-off and mail services | P |
| **Motion pictures and sound recording** | **4220** | Produce and distribute motion pictures and sound recordings | P |
| **radio and television broadcasting** | **4231, 4232 & 4241** | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs | P |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | P |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **library or archive** | **4242** | Provide library or archive services | P |
| **news syndicate** | **4243** | Supply information such as news reports, articles, pictures and features to the news media | P |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | P |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **Theater, dance or music establishment** | **5110 & 5160** | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers | P |
| **Motion picture viewing and exhibition services** | **5111** | Operate movie theaters (excluding drive-ins), film festival exhibitions | P |
| **Promoter of sports, performing arts, similar events and management services** | **5140 - 5150** | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers | P |
| **Indoor auditorium or arena** | **5170** | Indoor auditoriums, arenas, conference centers, or multipurpose facilities | C |
| **Outdoor auditorium/arenas** | **5180** | Outdoor arenas, theaters and stadiums | C |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | P |
| **Amusement or theme park establishment** | **5310** | Operate a variety of attractions such as mechanical rides, water rides, games | C |
| **Commercial Amusements** | **5320, 5380, 5390** | Operate arcades and other commercial amusements as defined herein | C |
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | P |
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | P |
| **outdoor recreation** | **5372, 5373 & 5374** | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding | C |
| **shooting ranges, indoor** | **5375** | | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **shooting ranges, outdoor** | **5376** | | |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | P |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards. | P |
| **College or university** | **6130** | See district use standards. | P |
| **general technical schools** | **6141-6143, 6145, 6147** | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities. See district use standards. | C |
| **Other Government Functions** | **6300** | Other government owned establishments not classified elsewhere such as defense and national guard establishments | C |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **clinic** | **6511 & 6567** | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services | P |
| **outpatient care clinic** | **6512** | Provide outpatient family planning services and outpatient care | P |
| **medical or diagnostic laboratory; blood/organ bank** | **6513 - 6514** | Provide analytic or diagnostic services including medical imaging | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | P |
| **Hospital** | **6530** | | C |
| **child and adult day care** | **6562** | Provide day care for children and adults | |
| **home** | **6562a** | Day care for fewer than six (6) individuals in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | P |
| **large** | **6562c** | Provide care for more than 12 individuals | P |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | P |
| **Death Care Services** | **6700** | Funeral homes, crematories, cemeteries | |
| **Funeral home and services** | **6710** | Includes funeral homes combined with crematories | P |
| **columbarium** | **6724** | | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **CONSTRUCTION-RELATED BUSINESSES** | **7000** | Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials. | P |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens with production limited to retail sales | P |
| **Greenhouse – no on-premises sales** | **9141** | Includes fruit and nut trees with production limited to retail sales | P |
| **Greenhouse – sales of products grown on premises** | **9142** | | P |
| **Greenhouse – sales of products and related accessory products** | **9143** | | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see standards in section 35.2-71.7) | P |
| **tent revival meetings/ transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P |
| **temporary outdoor promotional attractions** | **9922** | Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23) | P |
| **traditional neighborhood development** | **9952** | See section 35.2-82 | C |
| **large scale retail establishments** | **9954** | See section 35.2-84 | P |
| **cluster commercial development** | **9955** | See section 35.2-85 | C |

### 35.2-47.3 B-4 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

(a) Drive-in and drive-through businesses where persons are served food or beverages in automobiles, such as refreshment stands, restaurants, food stores and the like are prohibited.

(b) Hiring halls and other places of assembly for the registration for or the assignment of employment are prohibited.

(c) Schools and colleges of all types that exceed a maximum enrollment of one hundred (100) students are prohibited unless otherwise approved through issuance of a conditional use permit.

(d) Arenas, auditoriums, or stadiums, shall not exceed a maximum capacity of one thousand (1,000) persons unless otherwise approved through issuance of a conditional use permit.

(e) Outdoor storage shall be prohibited.

(f) Temporary exhibitions and festivals are subject to approval of a temporary use permit by the Zoning Administrator and shall not exceed fifteen (15) days duration.

### 35.2-47.4 B-4 District Development Standards

Dimensional standards for the B-4 district are summarized in Exhibit IV-18. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(a) **Setbacks**. None required, except that any side or rear setback abutting a R-1, R-2 or R-3 district shall be a minimum of twice the width required in that district and shall be subject to the screening requirements of section 35.2-63.9 (Utility Screening).

(b) **Height regulations**. In any B-4 district, a building may be erected to any height, provided that the height of that portion of the building in excess of two (2) times the width of the right-of-way on which it abuts shall be governed by the following regulations:

1. For each foot such building or portion thereof is set back from any street, lot or minimum setback line, such building or portion thereof may be erected ten (10) feet in height, provided that no street shall for this purpose be considered to be less than forty (40) feet or more than sixty (60) feet in width.

2. If a building abuts on two (2) or more streets, that street that permits the greater height shall be used as the basis of measurement.

(c) **Development Patterns**. The B-4 district development standards may be modified through the approval of a cluster commercial development or traditional neighborhood development.

(d) **Commercial Design Guidelines**. For new development and redevelopment within a local, state or national historic district, restorations or modifications to existing structures:

1. Building and site development should comply with the "Lynchburg Historic Districts Commercial Design Review Guidelines";

2. Landscaping requirements shall be waived if:

a. Walls are constructed out of glass, stone, brick or masonry, excluding cinder block and unfinished concrete, except that roof and rear additions complying with the guidelines may be constructed of wood, brick or masonry unless the

City Planner finds that alternative materials are comparable appearance and durability;

b. Entries are oriented to the street on which the building fronts, except that entries for buildings on corner lots may face the corner;

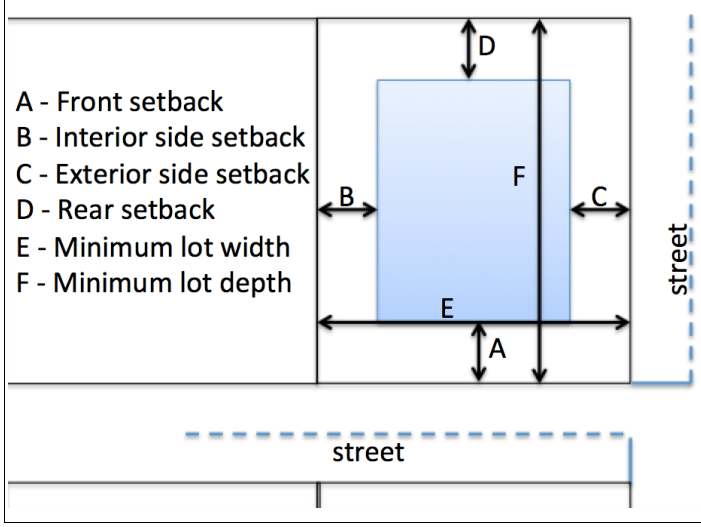
c. Window size, the proportion of openings and the alignment of windows, floors and cornices are consistent with adjacent buildings; and

d. Large buildings include architectural features to create the appearance of matching existing storefront widths.

3. In administering the paragraphs (d)(1) and (d)(2), the City Planner may grant minor exceptions to allow development that emulates historic design patterns when a project is located adjacent to one or more buildings that is inconsistent with historic design patterns.

**Exhibit IV-18: Summary of B-4 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum height | None (See paragraph (b) above) | 35.2-61.2 |
| Minimum front setback from right-of-way (dimension A) | none | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | none | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | none | 35.2-61.3 |
| Minimum rear setback (dimension D) | none | 35.2-61.3 |
| Minimum lot width (dimension E) | none | 35.2-61.4 |
| Minimum lot depth (dimension F) | none | 35.2-61.4 |

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## 35.2-48 General Business District (B-5)

### 35.2-48.1 B-5 District Purpose

The B-5 district is intended to provide for a variety of commercial and similar uses that require large sites and which often produce substantial nuisance effects. The location of these districts should provide for a high level of access, relatively large amounts of level land, and opportunities to shield adjacent residential districts from nuisance effects.

### 35.2-48.2 Authorized Uses

(a) The uses authorized by Exhibit IV-19 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay stadndards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-19: Authorized Uses in B-5 District**

Blue highlight indicates new use in district

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household detached** | **1111** | Typical single-household dwelling | C |
| **single-household semi-detached** | **1112** | One of two dwellings separated by a party wall | C |
| **single-household attached (townhouse)** | **1113** | Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered | C |
| **modular home** | **1114** | | C |
| **manufactured home** | **1115** | | C |
| **Two-household (duplex)** | **1120** | | C |
| **Three or More Households** | **1130** | Includes triplexes, four-plexes, and other multi-household dwellings | C |
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | P |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | P |
| **boarding house** | **1321** | Non-transient lodging that may include meals and is owner occupied | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **rooming house** | **1322** | Transient or non-transient lodging that may include meals | P |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | C |
| **Hotel, motel, or tourist court** | **1330** | Hotels that do not have gambling services; includes extended-stay hotels | P |
| **car, motorcycle, manufactured homes or RV dealer** | **2111-2113** | New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses | P |
| **bicycles** | **2113b** | New or used bicycle sales, rental and repair | P |
| **boat or marine craft dealer** | **2114** | New or used boats sales, rental and related repair services | P |
| **parts, accessories, or tires** | **2115** | Automotive parts and supply stores, automotive stereo stores. | P |
| **gasoline service** | **2116** | Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair | P |
| **light auto repair** | **2117a** | Oil change, light auto repair and car wash. May include gasoline and other related sales. | P |
| **heavy auto repair** | **2117b** | Auto repair, paint and body shops. May include gasoline and other retail sales. | P |
| **furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances** | **2121-2125** | Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores. | P |
| **lumber yard and building materials; heating and plumbing equipment; heavy equipment** | **2126-2128** | Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650) | P |
| **computer and software** | **2131** | Computers and prepackaged software including repair, support, and training | P |
| **camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies** | **2132-2135** | Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies. | P |
| **florist, art supplies, tobacco products** | **2141-2143** | Florists, art supplies and art dealers, frame shops, tobacco products | P |
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **mail order or direct selling establishment** | **2144** | Retailing other than through locations where shoppers physically visit | P |
| **antique shop** | **2145** | Antique shops, (excludes flea markets, thrift stores and pawn shops) | P |
| **flea markets and thrift stores** | **2145b** | Flea markets and thrift stores | P |
| **grocery store, supermarket, or bakery, convenience store, specialty food stores** | **2151-2154** | Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales). | P |
| **beer, wine, and liquor store** | **2155** | | P |
| **Health and personal care** | **2160** | Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements. | P |
| **Markets for farm produce or crafts** | **2199** | Markets and truck gardens. | P |
| **Bank, credit union, or savings institution** | **2210** | Central banking functions | P |
| **credit card and other financing** | **2221** | Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing | P |
| **pawn shops** | **2222** | | P |
| **short-term loans** | **2223** | Pay-day lenders and other businesses providing loans with terms of 45 days or less | P |
| **precious metal buyers** | **2224** | Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers) | P |
| **Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment** | **2230-2250** | Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries | P |
| **Real estate services** | **2310** | Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices | P |
| **Property management services** | **2320** | Manage real property for others | P |
| **vehicles** | **2331 & 2332** | Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided | P |
| **recreational goods rental** | **2333** | Rent skis, canoes, bicycles, sailboats, motorcycles | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **commercial, industrial or consumer machinery and equipment rental** | **2334 - 2335** | Rent or lease:<br>a) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing)<br>b) personal and household-type goods and a range of equipment geared toward consumers | P |
| **Professional offices** | **2411-2014** | Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design | P |
| **consulting services (management, environmental technical)** | **2415** | Advise and assist businesses on management, scientific, and technological issues | P |
| **scientific research and development services** | **2416** | Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices. | P |
| **advertising, media and photography services** | **2417** | Includes advertising, marketing and public relations agencies, photographic studios and photographic services. | P |
| **veterinary services** | **2418** | Veterinary medicine, testing services for veterinary practitioners | P |
| **other professional offices** | **2419, 6810, 6820** | Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts | P |
| **office administrative services** | **2421** | Office administration such as billing, record keeping, personnel, organizational planning | P |
| **facilities support services** | **2422** | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc. | P |
| **employment agency** | **2423a** | Provide employee placement, temporary help | P |
| **hiring hall** | **2423b** | Place of assembly for the registration or assignment of employment | P |
| **copy center, private mail center, other business support services** | **2424** | Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners | P |
| **collection agency** | **2425** | Collect payments, compile credit information, repossess tangible assets | P |
| **Travel arrangement and reservation services** | **2430** | Promote or sell travel, includes convention and visitors' bureaus | P |
| **Investigation and security services** | **2440** | Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths | P |
| **Services to buildings and dwellings** | **2450** | Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454) | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **packing, crating** | **2455** | | P |
| **Restaurants, cafeterias, snack bars & catering** | **2510-2530 &2560** | Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards. | P |
| **Mobile food services** | **2550** | Prepare and serve meals and snacks for immediate consumption from motorized vehicles | P |
| **Food service contractor and vending machine operators** | **2570 & 2580** | Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service | P |
| **Personal care** | **2610** | Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services | P |
| **laundromat and dry cleaning** | **2621 & 2622** | Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services | P |
| **linen and uniform supply** | **2623** | | P |
| **Photofinishing** | **2630** | Primarily engaged in developing film or making slides, etc. | P |
| **Parking lot and parking garage** | **2640** | See district standards | P |
| **licensed massage therapist** | **2651** | | P |
| **tattoo parlor** | **2652** | Tattoos by a licensed professional | P |
| **adult retail establishment** | **2653** | Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods | P |
| **Pet or pet supply store** | **2710** | Retail pets, pet foods, pet supplies | P |
| **animal services** | **2721** | grooming and training | P |
| **animal boarding** | **2722** | sitting and boarding | P |
| **pet cemetery** | **2723** | | P |
| **Food and beverages** | **3110** | Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting | P |
| **Textiles, leather and leather substitute products** | **3130 & 3140** | Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning) | P |
| **Furniture and related products** | **3230** | Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures | P |
| **Signs** | **3440** | Manufacturing of signs to be erected or installed (excludes banner printing) | P |
| **Blacksmith** | | Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Wholesale Trade Establishment** | **3500** | Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses | P |
| **Office and warehousing** | **3610** | Storage of goods related to on-site office or retail use | P |
| **Warehousing** | **3620** | Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies | P |
| **rail passenger transportation** | **4121** | Passenger stations only | P |
| **local transit systems--bus, special needs, sightseeing, taxi and limousine services** | **4133 – 4134 & 4136 - 4137** | Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services | P |
| **towing and other road and ground services** | **4138** | Tow vehicles | P |
| **Truck and freight transportation services** | **4140** | Provide over-the-road transportation of cargo using motor vehicles and temporary storage | C |
| **national post office** | **4181** | | P |
| **retail courier and package delivery** | **4182** | Retail courier, package drop-off and mail services | P |
| **Courier and messenger services** | **4190** | Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services | P |
| **Publishing** | **4210 & 4221** | Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography | P |
| **Motion pictures and sound recording** | **4220** | Produce and distribute motion pictures and sound recordings | P |
| **radio and television broadcasting** | **4231, 4232 & 4241** | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs | P |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | P |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **library or archive** | **4242** | Provide library or archive services | P |
| **news syndicate** | **4243** | Supply information such as news reports, articles, pictures and features to the news media | P |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **recycling collection centers** | **4349** | Drop-off facilities for the collection of recycled goods | P |
| **Theater, dance or music establishment** | **5110 & 5160** | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers | P |
| **Motion picture viewing and exhibition services** | **5111** | Operate movie theaters (excludes drive-ins), film festival exhibitions | P |
| **Promoter of sports, performing arts, similar events and management services** | **5140 - 5150** | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers | P |
| **Indoor auditorium or arena** | **5170** | Indoor auditoriums, arenas, conference centers, or multipurpose facilities | C |
| **Outdoor auditorium/arenas** | **5180** | Outdoor arenas, stadiums and theaters | C |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | P |
| **Amusement or theme park establishment** | **5310** | Operate a variety of attractions such as mechanical rides, water rides, games | C |
| **Commercial Amusements** | **5320, 5380, 5390** | Operate arcades and other commercial amusements as defined herein | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | P |
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | P |
| **outdoor recreation** | **5372, 5373 & 5374** | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding | P |
| **shooting ranges, indoor** | **5375** | | C |
| **Camps, Camping, and Related Establishments** | **5400** | Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | P |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards. | P |
| **College or university** | **6130** | See district use standards. | P |
| **general technical schools** | **6141-6143, 6145, 6147** | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities | P |
| **driving education** | **6144** | | P |
| **Other Government Functions** | **6300** | Other government owned establishments not classified elsewhere such as defense and national guard establishments | P |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **clinic** | **6511 & 6567** | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services | P |
| **outpatient care clinic** | **6512** | Provide outpatient family planning services and outpatient care | P |
| **medical or diagnostic laboratory; blood/organ bank** | **6513 - 6514** | Provide analytic or diagnostic services including medical imaging | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | P |
| **Hospital** | **6530** | | P |
| **child and adult day care** | **6562** | Provide day care for children and adults | |
| **home** | **6562a** | Day care for fewer than six (6) individuals in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | P |
| **large** | **6562c** | Provide care for more than 12 individuals | P |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | P |
| **Death Care Services** | **6700** | Funeral homes, crematories, cemeteries | |
| **Funeral home and services** | **6710** | Includes funeral homes combined with crematories | P |
| **free-standing cemetery** | **6722** | | P |
| **columbarium** | **6724** | | P |
| **CONSTRUCTION-RELATED BUSINESSES** | **7000** | Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials. | P |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens with production limited to retail sales | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees with production limited to retail sales | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Greenhouse – sales of products grown on premises** | **9142** | | P |
| **Greenhouse – sales of products and related accessory products** | **9143** | | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see standards in section 35.2-71.7) | P |
| **tent revival meetings/transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P |
| **temporary outdoor promotional attractions** | **9922** | Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23) | P |
| **traditional neighborhood development** | **9952** | See section 35.2-82 | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **large scale retail establishments** | **9954** | See section 35.2-84 | P |
| **cluster commercial development** | **9955** | See section 35.2-85 | C |
| **flex space development** | **9956** | See section 35.2-86 | C |
| **corporate campus** | **9957** | See section 35.2-87 | C |
| **Billboards – only existing billboards allowed per section 35.2-64.16** | **9990** | Billboards and other signs advertising goods and services not available on the site where the sign is located | P |

### 35.2-48.3 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

(a) No operations shall create conditions of smoke, fumes, noise, odor, light or dust detrimental to health, safety or the general welfare of the community.

(b) Billboards shall be subject to the regulations of section 35.2-64.16 (Billboards).

(c) Second-hand stores may include auction sales provided such activity is conducted wholly within an enclosed building.

(d) Storage warehouses and yards shall not include the storage of combustibles prohibited by the fire code, sand yards, gravel yards, coal yards, railroad yards and automobile wrecking yards.

(e) Schools and colleges of all types that exceed a maximum enrollment of one hundred (100) students are prohibited unless otherwise approved through issuance of a conditional use permit.

(f) Ground floor residential uses shall be prohibited except when part of a mixed-use building where the residential access is taken from an urban collector or local street.

(g) Large-scale retail establishments shall comply with the provisions of section 35.2-84 (Retail Establishments, Large Scale) unless otherwise approved through issuance of a conditional use permit.

(h) Outdoor storage shall be screened in accordance with section 35.2-63.9 (Utility Screening).

### 35.2-48.4 B-5 District Development Standards

Dimensional standards for the B-5 district are summarized in Exhibit IV-20. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(a) **Height regulations**. Subject to the provisions of sections 35.2-61.2 (Height) and 35.2-61.3 (Setbacks), buildings may be erected to any height, provided that the height of that portion of the building in excess of two (2) times the width of the street on which it abuts shall be governed by the following regulations:

1. For each foot such building or portion thereof is set back from any street, lot or minimum setback line, such building or portion thereof may be erected ten (10) feet in height, provided that no street shall for this purpose be considered to be less than forty (40) feet nor more than sixty (60) feet in width.
2. If a building abuts on two (2) or more streets, that street which permits the greater height shall be used as the basis of measurement.

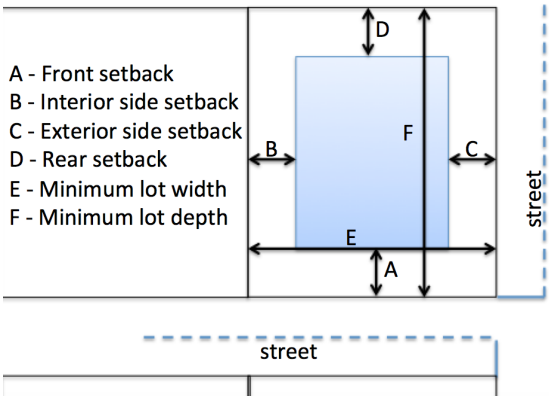
(b) **Lots Abutting R-1, R-2 or R-3 Districts.** See section 35.2-61.2 (Height) for additional height requirements and section 35.2-61.3 (Setbacks) for additional setback requirements for lots abutting R-1, R-2 or R-3 districts.

(c) **Area regulations**. Each dwelling, boardinghouse, lodging house, convalescent and nursing home, tourist home and hotel, together with their accessory buildings, shall be located on a lot having an area of not less than one thousand (1,000) square feet for each household unit, except that the minimum area for any such lot shall be six thousand (6,000) square feet, and the minimum width fifty (50) feet.

(d) **Development Patterns**. The B-5 district development standards may be modified through the approval of a cluster commercial development or traditional neighborhood development.

**Exhibit IV-20: Summary of B-5 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum height | none (See paragraph (a) above) | 35.2-61.2 |
| Minimum front setback from right-of-way (dimension A) | none | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | none | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | none | 35.2-61.3 |
| Minimum rear setback (dimension D) | 25’ | 35.2-61.3 |
| Minimum lot width (dimension E) | none | 35.2-61.4 |
| Minimum lot depth (dimension F) | none | 35.2-61.4 |
| Minimum average lot area per establishment | none (See paragraph (b) above) | 35.2-61.4 |




Letters in drawing to the left correspond with dimensions cited in the design element column

## 35.2-49 Institutional District 1 (IN-1)

### 35.2-49.1 IN-1 District Purpose

(a) The IN-1 district is intended to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. This district provides flexibility for institutions while identifying areas intended for future development. IN-1 districts are for institutional campuses located primarily within or adjacent to residential areas. Institutions are encouraged to maintain a dialogue with City staff that will provide a greater understanding of the relationship of the institutions’ and the City’s future development plans and the availability of adequate water, sanitary sewer and transportation infrastructure.

(b) The amount of off-site impact related to an institution depends as much on the location as the size and scale of the campus. This district will provide flexibility for institutions

while creating development procedures and standards to minimize off site impacts such as noise, lighting, traffic, and availability / capacity of water and sanitary sewer infrastructure associated with their development. Off site impacts related to erosion and sediment control / stormwater management will be mitigated by existing City ordinances.

### 35.2-49.2 Authorized Uses

(a) The uses authorized by Exhibit IV-21 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

(e) Bookstores (see LBCS codes 2132-2135) may be authorized as accessory uses to a college in an IN-1 district

**Exhibit IV-21: Authorized Uses in IN-1 District**

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | P |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | P |
| **boarding house** | **1321** | Non-transient lodging that may include meals and is owner occupied | P |
| **rooming house** | **1322** | Transient or non-transient lodging that may include meals | P |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **electric substations** | **4316** | | C |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | P |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere | P |
| **College or university** | **6130** | | P |
| **general technical schools** | **6141-6143, 6145, 6147** | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities | P |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **clinic** | **6511 & 6567** | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **outpatient care clinic** | **6512** | Provide outpatient family planning services and outpatient care | P |
| **medical or diagnostic laboratory; blood/organ bank** | **6513 - 6514** | Provide analytic or diagnostic services including medical imaging | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | C |
| **child and youth services** | **6561** | Offer services such as adoption, foster care, drug prevention services | P |
| **child and adult day care** | **6562** | Provide day care for children and adults | |
| **home** | **6562a** | Day care for fewer than six (6) individuals in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | P |
| **large** | **6562c** | Provide care for more than 12 individuals | P |
| **care services community food services** | **6563 - 6566** | Includes community food services, emergency and relief services, services for the elderly and disabled other family services; does not on-site provision of housing | P |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | P |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens with production limited to retail sales | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees with production limited to retail sales | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see standards in section 35.2-71.7) | P |

### 35.2-49.3 Establishment of an IN-1 District

The process for establishing an IN-1 Institutional District for a campus shall be the same as provided for a change to the Official Zoning Map as outlined in section 35.2-11 (Applications Requiring Public Hearings Before City Council) except that at the time the IN-1 is established, the institution shall provide to the City:

(a) A concept plan with a two (2)-year projection of future development at the campus. The concept plan is intended to be illustrative in nature and should provide an overview of planned campus development; mitigation plans for off-site impacts such as noise, lighting and traffic; and proposed uses that would require an extension or upgrade to water / sanitary sewer infrastructure. The concept plan is not intended to serve as a master plan. Permitted and accessory uses do not need to be indicated on the concept

plan provided the development standards of the Institutional District are met and adequate transportation and water/sanitary sewer infrastructure is available to serve the development.

(b) A traffic study prepared by a firm qualified to conduct traffic engineering studies. The methodology for the required traffic study shall be as specified in the most recently adopted City's Manual of Specifications and Standard Details. Technical guidelines for traffic studies may be obtained from the City's Transportation Engineer. The traffic study shall, at a minimum, include the following information:

1. The existing Level of Service (LOS) for City streets and intersections serving the campus.
2. The projected amount of growth of the campus that would result in a street or intersection Level of Service (LOS) lower than "D" for City streets or intersections serving the institution, or
3. In the case of City streets or intersections with a Level of Service (LOS) already lower than "D" the projected amount of growth of the campus that would result in further lowering the Level of Service (LOS).

### 35.2-49.4 Modification of Concept Plans

(a) A new concept plan for a campus shall be required when the TRC determines in approving a site plan for the institutional campus that:

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

(b) The new concept plan shall be prepared as stated in section 35.2-49.3(a) and when the requirement for a new concept plan is based upon LOS standards, a traffic study shall be required as specified in section 35.2-49.3(b).

1. Improvements required to maintain a LOS "D" for City intersections or to prevent a further lowering of the Level of Service when the institutional development itself gives rise to the need for the improvement shall be required to be made by the institution. Only those improvements having a clearly demonstrated nexus between

the proposed development of the campus and the need for the improvement shall be required to be made by the institution.

2. The new concept plan with a two (2)-year projection shall be submitted to the Planning Commission for review and comment. TRC may approve the revised concept plan after review and comment by the Planning Commission as long as infrastructure is adequate to accommodate the proposed changes. Institutions are encouraged to maintain a dialogue with City staff that will provide a greater understanding of the relationship of the institutions and the City's future development plans and the availability of adequate water, sanitary sewer and transportation infrastructure.

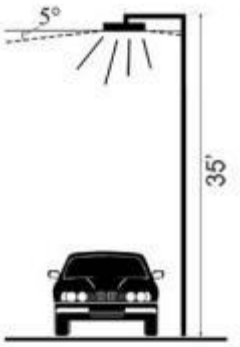
### 35.2-49.5 IN-1 District Development Standards

Dimensional standards for the IN-1 district are summarized in Exhibit IV-22. Section cross-references identify the location of additional dimensional standards and rules for their application.

(a) **Setbacks for Existing Structures and Uses**. Structures and uses with setbacks less than required by the IN-1 district development standards and existing at the time the district is established shall not be considered non-conforming and may be enlarged or expanded within the existing setback.

(b) **Height**. The maximum height of a structure shall not exceed the horizontal distance from the nearest residential district boundary.

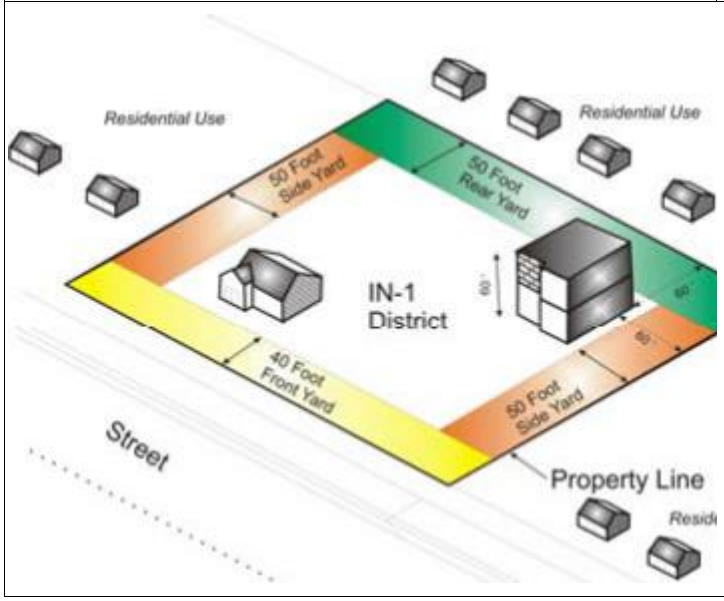
(c) **Lighting**. In addition to the standards established in section 35.2-65 (Outdoor Lighting), the following standards shall apply within the IN-1 district:




1. Light sources shall be shielded so that the light source shall not be visible beyond the property line;
2. Lights shall be shielded so they do not radiate above five degrees (5°) below horizontal as shown to the right; and
3. No building or street light shall be more than thirty-five feet (35') in height except for athletic field lighting.

**Exhibit IV-22: Summary of IN-1 Development Standards**

| Design Element | Standards | Section Cross-Reference |
|---|---|---|
| Minimum Land Area for District | 5 acres | 35.2-61.2 |
| Maximum Height | See paragraph (b) above | 35.2-61.3 |
| Minimum front setback from right-of-way (dimension A) | 40’ | 35.2-61.3 |
| Minimum Setback from a Residential District (dimension B) | 50’ | 35.2-61.3 |
| Minimum Side Setback, Interior (dimension C) | 50’ | 35.2-61.3 |
| Minimum Side Setback, Street Side (dimension D) | 50’ | 35.2-61.4 |
| Minimum Rear Setback (dimension E) | 50’ | 35.2-61.4 |
| Minimum Open Space | 20% of campus | |




## 35.2-50 Institutional District 2 (IN-2)

### 35.2-50.1 Purpose

(a) The IN-2 district is intended to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. This district provides flexibility for institutions while identifying areas intended for future development. IN-2 districts are for larger institutional campuses located primarily adjacent to districts other than residential districts.

(b) The amount of off-site impact related to an institution depends as much on the location as the size and scale of the campus. This district will provide flexibility for institutions while creating development procedures and standards to minimize off site impacts such

as noise, lighting, traffic, and availability / capacity of water and sanitary sewer infrastructure associated with their development. Off site impacts related to erosion and sediment control / stormwater management will be mitigated by existing City ordinances.

### 35.2-50.2 Authorized Uses

(a) The uses authorized by Exhibit IV-23 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-23: Authorized Uses in IN-2 District**

Blue highlights indicate new uses in district

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **single-household detached** | **1111** | Typical single-household dwelling | P |
| **single-household semi-detached** | **1112** | One of two dwellings separated by a party wall | P |
| **single-household attached (townhouse)** | **1113** | Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered | P |
| **modular home** | **1114** | | P |
| **manufactured home** | **1115** | | C |
| **Two-household (duplex)** | **1120** | | P |
| **Three or More Households** | **1130** | Includes triplexes, four-plexes, and other multi-household dwellings | P |
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | P |
| **Bed & Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | P |
| **boarding house** | **1321** | Non-transient lodging that may include meals and is owner occupied | P |
| **rooming house** | **1322** | Transient or non-transient lodging that may include meals | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | P |
| **Hotel, motel, or tourist court** | **1330** | Hotels that do not have gambling services; includes extended-stay hotels | P |
| **Other traveler accommodations** | **1350** | Youth hostels and similar short-term lodging | |
| **car, motorcycle, manufactured homes or RV dealer** | **2111-2113** | New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses | P |
| **bicycles** | **2113b** | New or used bicycle sales, rental and repair | P |
| **boat or marine craft dealer** | **2114** | New or used boats sales, rental and related repair services | P |
| **parts, accessories, or tires** | **2115** | Automotive parts and supply stores, automotive stereo stores. | P |
| **gasoline service** | **2116** | Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair | P |
| **light auto repair** | **2117a** | Oil change, light auto repair and car wash. May include gasoline and other retail sales | P |
| **heavy auto repair** | **2117b** | Auto repair, paint and body shops. May include gasoline and other retail sales. | P |
| **furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances** | **2121-2125** | Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores. | P |
| **lumber yard and building materials; heating and plumbing equipment; heavy equipment** | **2126-2128** | Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650) | P |
| **computer and software** | **2131** | Computers and prepackaged software including repair, support, and training | P |
| **camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies** | **2132-2135** | Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies. | P |
| **florist, art supplies, tobacco products** | **2141-2143** | Florists, art supplies and art dealers, frame shops, tobacco products | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | P |
| **mail order or direct selling establishment** | **2144** | Retailing other than through locations where shoppers physically visit | P |
| **antique shop** | **2145** | Antique shops, (excludes flea markets, thrift stores and pawn shops) | P |
| **grocery store, supermarket, or bakery, convenience store, specialty food stores** | **2151-2154** | Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales). | P |
| **beer, wine, and liquor store** | **2155** | | P |
| **Health and personal care** | **2160** | Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements. | P |
| **Markets for farm produce or crafts** | **2199** | Markets and truck gardens. | P |
| **Bank, credit union, or savings institution** | **2210** | Central banking functions | P |
| **credit card and other financing** | **2221** | Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing | P |
| **pawn shops** | **2222** | | P |
| **short-term loans** | **2223** | Pay-day lenders and other businesses providing loans with terms of 45 days or less | P |
| **precious metal buyers** | **2224** | Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers) | P |
| **Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment** | **2230-2250** | Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries | P |
| **Real estate services** | **2310** | Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices | P |
| **Property management services** | **2320** | Manage real property for others | P |
| **vehicles** | **2331 & 2332** | Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided | P |
| **recreational goods rental**? | **2333** | Rent skis, canoes, bicycles, sailboats, motorcycles | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **commercial, industrial or consumer machinery and equipment rental** | **2334 - 2335** | Rent or lease:<br>a) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing)<br>b) personal and household-type goods and a range of equipment geared toward consumers | P |
| **Professional offices** | **2411-2014** | Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design | P |
| **consulting services (management, environmental technical)** | **2415** | Advise and assist businesses on management, scientific, and technological issues | P |
| **scientific research and development services** | **2416** | Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices. | P |
| **advertising, media and photography services** | **2417** | Includes advertising, marketing and public relations agencies, photographic studios and photographic services. | P |
| **veterinary services** | **2418** | Veterinary medicine, testing services for veterinary practitioners | P |
| **other professional offices** | **2419, 6810, 6820** | Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts | P |
| **office administrative services** | **2421** | Office administration such as billing, record keeping, personnel, organizational planning | P |
| **facilities support services** | **2422** | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc. | P |
| **employment agency** | **2423a** | Provide employee placement, temporary help | P |
| **hiring hall** | **2423b** | Place of assembly for the registration or assignment of employment | P |
| **copy center, private mail center, other business support services** | **2424** | Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners. | P |
| **collection agency** | **2425** | Collect payments, compile credit information, repossess tangible assets | P |
| **Travel arrangement and reservation services** | **2430** | Promote or sell travel, includes convention and visitors' bureaus | P |
| **Investigation and security services** | **2440** | Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Services to buildings and dwellings** | **2450** | Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454) | P |
| **packing, crating** | **2455** | | P |
| **Restaurants, cafeterias, snack bars & catering** | **2510-2530 &2560** | Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards. | P |
| **Mobile food services** | **2550** | Prepare and serve meals and snacks for immediate consumption from motorized vehicles | P |
| **Food service contractor and vending machine operators** | **2570 & 2580** | Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service | P |
| **Personal care** | **2610** | Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services | P |
| **laundromat and dry cleaning** | **2621 & 2622** | Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services | P |
| **linen and uniform supply** | **2623** | | P |
| **Photofinishing** | **2630** | Primarily engaged in developing film or making slides, etc. | P |
| **Parking lot and parking garage** | **2640** | See district standards | P |
| **licensed massage therapist** | **2651** | | P |
| **tattoo parlor** | **2652** | Tattoos by a licensed professional | P |
| **adult establishment, retail sales** | **2653** | Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods | P |
| **Pet or pet supply store** | **2710** | Retail pets, pet foods, pet supplies | P |
| **animal services** | **2721** | grooming and training | P |
| **animal boarding** | **2722** | sitting and boarding | P |
| **pet cemetery** | **2723** | | P |
| **Food and beverages** | **3110** | Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting | P |
| **Textiles, leather and leather substitute products** | **3130 & 3140** | Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning) | P |
| **Furniture and related products** | **3230** | Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Signs** | **3440** | Manufacturing of signs to be erected or installed (excludes banner printing) | P |
| **Blacksmith** | | Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items | P |
| **Wholesale Trade Establishment** | **3500** | Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses | P |
| **Warehousing and Storage Services** | **3600** | Operate warehouse and storage facilities for general merchandise, refrigerated goods | |
| **Office and warehousing** | **3610** | Storage of goods related to on-site office or retail use | P |
| **Warehousing** | **3620** | Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies | P |
| **rail passenger transportation** | **4121** | Passenger stations only | P |
| **local transit systems--bus, special needs, sightseeing, taxi and limousine services** | **4133 – 4134 & 4136 - 4137** | Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services | P |
| **school and employee bus transportation** | **4135** | Maintain and dispatch buses and other motor vehicles to transport pupils or employees | P |
| **towing and other road and ground services** | **4138** | Tow vehicles | P |
| **Truck and freight transportation services** | **4140** | Provide over-the-road transportation of cargo using motor vehicles and temporary storage | C |
| **national post office** | **4181** | | P |
| **retail courier and package delivery** | **4182** | Retail courier, package drop-off and mail services | P |
| **Courier and messenger services** | **4190** | Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services | P |
| **Publishing** | **4210 & 4221** | Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography | P |
| **Motion pictures and sound recording** | **4220** | Produce and distribute motion pictures and sound recordings | P |
| **radio and television broadcasting** | **4231, 4232 & 4241** | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | P |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **library or archive** | **4242** | Provide library or archive services | P |
| **news syndicate** | **4243** | Supply information such as news reports, articles, pictures and features to the news media | P |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | P |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **power generation** | **4315** | | C |
| **electric substations** | **4316** | | P |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | P |
| **Wastewater treatment plants** | **4348** | | |
| **recycling collection centers** | **4349** | Drop-off facilities for the collection of recycled goods | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Theater, dance or music establishment** | **5110 & 5160** | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers | P |
| **Motion picture viewing and exhibition services** | **5111** | Operate movie theaters, drive-ins, film festival exhibitions (Note: drive-in theaters limited to B-5 district) | P |
| **Promoter of sports, performing arts, similar events and management services** | **5140 - 5150** | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers | P |
| **Indoor auditorium or arena** | **5170** | Indoor auditoriums, arenas, conference centers, or multipurpose facilities | C |
| **Outdoor auditorium/arenas** | **5180** | Outdoor arenas, stadiums and theaters | C |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | P |
| **Amusement or theme park establishment** | **5310** | Operate a variety of attractions such as mechanical rides, water rides, games | C |
| **Commercial Amusements** | **5320, 5380, 5390** | Operate arcades and other commercial amusements as defined herein | P |
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | P |
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | P |
| **outdoor recreation** | **5372, 5373 & 5374** | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding | P |
| **shooting ranges, indoor** | **5375** | | C |
| **shooting ranges, outdoor** | **5376** | | |
| **Camps, Camping, and Related Establishments** | **5400** | Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P |
| **Nursery or preschool** | **6110** | | P |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere | P |
| **College or university** | **6130** | | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **general technical schools** | **6141-6143, 6145, 6147** | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities | P |
| **driving education** | **6144** | | P |
| **flight training** | **6146** | Offer aviation and flight training | P |
| **Other Government Functions** | **6300** | Other government owned establishments not classified elsewhere such as defense and national guard establishments | P |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **clinic** | **6511 & 6567** | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services | P |
| **outpatient care clinic** | **6512** | Provide outpatient family planning services and outpatient care | P |
| **medical or diagnostic laboratory; blood/organ bank** | **6513 - 6514** | Provide analytic or diagnostic services including medical imaging | P |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | P |
| **Hospital** | **6530** | | P |
| **child and youth services** | **6561** | Offer services such as adoption, foster care, drug prevention services | P |
| **child and adult day care** | **6562** | Provide day care for children and adults | |
| **home** | **6562a** | Day care for fewer than six (6) individuals in a residence | P |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | P |
| **large** | **6562c** | Provide care for more than 12 individuals | P |
| **care services community food services** | **6563 - 6566** | Includes community food services, emergency and relief services, services for the elderly and disabled other family services; does not on-site provision of housing | P |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | P |
| **Funeral home and services** | **6710** | Includes funeral homes combined with crematories | P |
| **free-standing cemetery** | **6722** | | P |
| **columbarium** | **6724** | | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **CONSTRUCTION-RELATED BUSINESSES** | **7000** | Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials. | P |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens | P |
| **Commercial orchards** | **9130** | Includes fruit and nut trees for commercial production | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Greenhouse – sales of products grown on premises** | **9142** | | P |
| **Greenhouse – sales of products and related accessory products** | **9143** | | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see standards in section 35.2-71.7) | P |
| **tent revival meetings/transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P |
| **temporary outdoor promotional attractions** | **9922** | Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23) | P |
| **traditional neighborhood development** | **9952** | See section 35.2-82 | C |
| **large scale retail establishments** | **9954** | See section 35.2-84 | P |
| **cluster commercial development** | **9955** | See section 35.2-85 | C |
| **flex space development** | **9956** | See section 35.2-86 | C |
| **corporate campus** | **9957** | See section 35.2-87 | |
| **Billboards** | **9990** | Billboards and other signs advertising goods and services not available on the site where the sign is located | P |

### 35.2-50.3 Establishment of IN-2 District

(a) The process for establishing an IN-2, Institutional District shall be the same as the process provided for amending the Official Zoning Map which is set forth in section 35.2-11 (Applications Requiring Public Hearings Before City Council), except that an applicant shall not be required to submit a legal description, a metes and bounds description or a concept plan of the property that is the subject of the application. The

site plan review procedures set forth in section 35.2-14.2 shall not be applicable to applications to establish IN-2, Institutional Districts.

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

1. A map indicating the boundaries of the proposed IN-2, Institutional District, including:

   a. The boundaries of all parcels to be contained in the IN-2, Institutional District;

   b. The tax map identification numbers of all parcels to be contained within the IN-2, Institutional District; and

   c. Where available, the established street addresses of all parcels to be contained within the IN-2, Institutional District.

### 35.2-50.4 Facility Planning

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

(b) An institution may, but is not required to, submit with its application to establish an IN-2, Institutional District, a concept plan for the proposed IN-2, district. If submitted, such plan shall show the institution's anticipated future development of the district for a period of not less than two (2) years, nor more than five (5) years.

(c) At the time an arena, stadium, auditorium or new entrance to a City street is proposed for construction by the institution, a traffic impact study shall be required. The traffic impact study shall be prepared by a firm qualified to conduct such studies and shall be conducted in compliance with the City's Manual of Specifications and Standard Details in effect as of the March 12, 2013. The study shall indicate the following:

1. The existing level of service for the City streets and intersections serving the IN-2 district.

2. The impact the anticipated arena, stadium, auditorium or new entrance will have on the level of service (LOS) on City streets and intersections.

3. Improvements that will be necessary to prevent such anticipated arena, stadium, auditorium or new entrance to a City street from reducing the Level of Service (LOS) of the streets or intersections serving the IN-2 district lower than "D"; and

4. In the case of City streets or intersections with an existing level of service (LOS) of "D", improvements necessary to prevent the arena, stadium, auditorium or new entrance to a City street from further reducing the Level of Service.

### 35.2-50.5 IN-2 District Use Standards

The following standards apply In addition to the standards for specific uses established in Article VII:

(a) Upon establishment of an IN-2, Institutional District by Council, the institution and its accessory uses shall be permitted by right. Notwithstanding the provision of Article IX, all conforming uses and lawful non-conforming uses existing within an IN-2, Institutional District at the time of its creation, including replacements, renovations, and expansion of such uses, shall be permitted by right; provided however, no non-conforming sign or non-conforming billboard shall be expanded except as may be allowed by the sign ordinances set forth in section 35.2-64 et seq. of this Zoning Ordinance.

(b) Residential uses that are not owned and operated by the applicable institution shall only be authorized subject to issuance of a conditional use permit.

(c) Large-scale retail establishments shall comply with the provisions of section 35.2-84 unless otherwise approved pursuant to a conditional use permit.

(d) Second hand stores may include auction sales provided that such activity is conducted wholly within an enclosed building.

(e) Soundproofed radio and television studios without towers may be established provided that they produce no electromagnetic effect on adjoining properties.

(f) Storage warehouses and yards may be established, but shall not include sand yards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards or the storage of combustibles prohibited by the Fire Code.

### 35.2-50.6 Exemptions

The IN-2, Institutional District shall be exempt from the requirements of the following sections of this Zoning Ordinance:

(a) Section 35.2-61 (Building Envelope, Lot Area and Density Standards);

(b) Section 35.2-71 (Accessory Buildings and Uses);

(c) Section 35.2-62 (Parking and Loading), provided; however any institution in the IN-2, Institutional District shall provide adequate parking and unloading areas to accommodate permitted uses within the district. The district shall be deemed to not have adequate parking and unloading areas, when the lack of parking and/or unloading areas in the district causes vehicles to be regularly parked in, or to partially or completely block any public rights- of-way; and

(d) Section 35.2-72.2 (Arenas, Auditoriums and Stadiums).

## 35.2-51 Restricted Industrial Districts (I-1)

### 35.2-51.1 I-1 District Purpose

The I-1 district is intended to provide for industrial plants developed at moderate to low densities and with high standards of building and site design. These districts can be mapped in close proximity to residential areas and are particularly appropriate along regional highways, where they can serve to improve the attractiveness and amenity of these highways to the benefit of the traveler, the community and the individual plant owner.

### 35.2-51.2 Authorized Uses

(a) The uses authorized by Exhibit IV-24 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-24: Authorized Uses in I-1 District**

Blue highlight indicates new use in district.

| Land Use | LBCS # | Description | I-1 |
|---|---|---|---|
| **Hotel, motel, or tourist court** | **1330** | Hotels that do not have gambling services; includes extended-stay hotels | C |
| **consulting services (management, environmental technical)** | **2415** | Advise and assist businesses on management, scientific, and technological issues | P |
| **scientific research and development services** | **2416** | Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices. | P |
| **advertising, media and photography services** | **2417** | Includes advertising, marketing and public relations agencies, photographic studios and photographic services. | P |
| **office administrative services** | **2421** | Office administration such as billing, record keeping, personnel, organizational planning | P |
| **facilities support services** | **2422** | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc. | P |

| Land Use | LBCS # | Description | I-1 |
|---|---|---|---|
| **copy center, private mail center, other business support services** | **2424** | Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners | P |
| **Restaurants, cafeterias, snack bars & catering** | **2510-2530 &2560** | Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards. | C |
| **Mobile food services** | **2550** | Prepare and serve meals and snacks for immediate consumption from motorized vehicles | P |
| **Parking lot and parking garage** | **2640** | See district standards | P |
| **Food and beverages** | **3110** | Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting | |
| **Textiles, leather and leather substitute products** | **3130 & 3140** | Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning) | P |
| **Machinery , electrical equipment, appliance, and components manufacturing** | **3350 & 3360** | Make machinery for particular applications, such as construction, ventilation, heating and cooling; manufacture computers, communication equipment, lighting equipment, batteries, motors, appliances, household goods and medical equipment | P |
| **Jewelry and silverware, sporting goods, toys, games and office supplies** | **3410-3430** | Jewelry, silverware, sporting goods, toys, musical instruments, office supplies, including inks. Excludes paper mills and businesses primarily engaged in on-premises retail sales | P |
| **Signs** | **3440** | Manufacturing of signs to be erected or installed (excludes banner printing) | P |
| **Office and warehousing** | **3610** | Storage of goods related to on-site office or retail use | P |
| **Air transportation** | **4110** | Provide transportation for passengers or cargo using aircraft (see section 35.2-72.10 for rules related to heliports and helipads) | C |
| **rail passenger transportation** | **4121** | Passenger stations only | P |
| **Publishing** | **4210 & 4221** | Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography | P |
| **Motion pictures and sound recording** | **4220** | Produce and distribute motion pictures and sound recordings | P |
| **radio and television broadcasting** | **4231, 4232 & 4241** | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs | P |

| Land Use | LBCS # | Description | I-1 |
|---|---|---|---|
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | P |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C |
| **library or archive** | **4242** | Provide library or archive services | P |
| **news syndicate** | **4243** | Supply information such as news reports, articles, pictures and features to the news media | P |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | P |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **power generation** | **4315** | | |
| **electric substations** | **4316** | | P |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | P |
| **recycling collection centers** | **4349** | Drop-off facilities for the collection of recycled goods | P |
| **Promoter of sports, performing arts, similar events and management services** | **5140 - 5150** | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers | P |

| Land Use | LBCS # | Description | I-1 |
|---|---|---|---|
| **Indoor auditorium or arena** | **5170** | Indoor auditoriums, arenas, conference centers, or multipurpose facilities | C |
| **Outdoor auditorium/arenas** | **5180** | Outdoor arenas, stadiums and theaters | C |
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | C |
| **shooting ranges, indoor** | **5375** | | C |
| **Camps, Camping, and Related Establishments** | **5400** | Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles | |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | C |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see standards in section 35.2-71.7) | P |
| **tent revival meetings/transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations | P |
| **flex space development** | **9956** | See section 35.2-86 | P |
| **corporate campus** | **9957** | See section 35.2-87 | P |

### 35.2-51.3 I-1 District Use Standards

The following standards apply in addition to the standards for specific uses established in Article VII:

(a) No lot, building or structure shall be used, and no building or structure shall be erected that is intended or designed to be used, in whole or in part, for any use which is in conflict with any ordinance of the City of Lynchburg now existing or hereafter enacted.

(b) No use shall be allowed unless specifically permitted by right, as a permitted accessory use or as a use permitted by conditional use permit, provided, however, that any use existing prior to December 13, 1988, may be enlarged or expanded, but not relocated, so long as it meets all other applicable requirements of this Zoning Ordinance. Any such use shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere provided in this Zoning Ordinance. Dwellings and agricultural uses existing on December 13, 1988 shall be considered uses allowed by right.

(c) No use shall be permitted which produces noise, unshielded light, smell, dust or any other airborne nuisance that is perceptible beyond the property line of each zoning lot.

(d) All manufacturing, processing, testing, storage and similar operations shall be contained completely within buildings or structures.

(e) Foundation planting requirements may be reduced by fifty (50) percent for building or structure sides that face a public street that have façades with at least seventy (70) percent nonmetallic materials.

(f) Office buildings shall have a minimum of twelve thousand (12,000) square feet of gross floor area; however, offices may be established as accessory uses within a building used for any authorized use.

(g) Food service facilities shall be limited to those that are expressly designed for the use of an establishment or group of establishments located in the district, unless otherwise approved by conditional use permit with limited take-out service.

(h) Recreational facilities shall be limited to those for employees of establishments in the district.

(i) Care centers shall be limited to those for employer-sponsored adult or child care when located on the same property as the primary industrial use.

(j) Retail stores, not including warehouse sales, shall be limited to those planned and built as part of manufacturing or processing operation, dealing in the products produced in such operations, intended primarily for the exhibition and promotion of those products as well as their sale.

(k) Heliports and helistops shall meet all applicable federal, state and local regulations and are located at least one-half (1/2) mile from any residential district.

### 35.2-51.4 I-1 District Development Standards

Dimensional standards for the I-1 district are summarized in Exhibit IV-25. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(a) **Height regulations**. Subject to the provisions of sections 35.2-61.2 (Height) and 35.2-61.3 (Setbacks), a building may be erected to any height, provided that the height of that portion of the building in excess of two (2) times the width of the street on which it abuts shall be governed by the following regulations: For each foot such building or portion thereof is set back from any street, lot or minimum setback line, such building or portion thereof may be erected ten (10) feet in height, provided that no street shall for this purpose be considered to be less than forty (40) feet nor more than sixty (60) feet in width. If a building abuts on two (2) or more streets, that street which permits the greater height shall be used as the basis of measurement. See section 35.2-61.2 (Height) for additional height requirements for lots abutting R-1, R-2, R-3 or R-4 districts.

(b) **Setbacks**

1. In all instances where a lot in an industrial district (I-1, I-2 or I-3) is adjacent to a residential district (R-1, R-2, R-3 or R-4):

   a. A buffer shall be established between the districts in compliance with section 35.2-63.10.

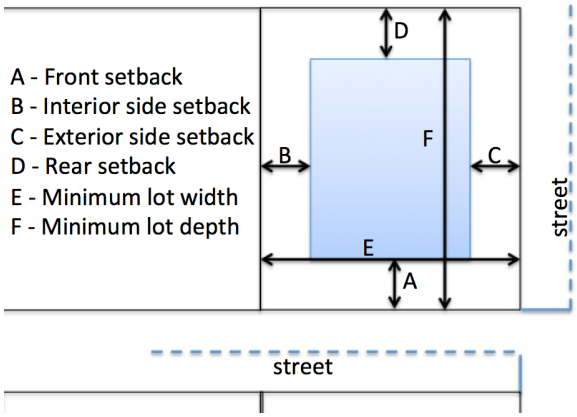
   b. There shall be required a one-hundred (100) foot setback.

2. Where a lot in an industrial district is on the same block as a residential district, the front and exterior side setback requirements of the residential district shall apply to the applicable industrial district.

(c) **Development Patterns**. The I-1 district development standards may be modified through the approval of a flex space or corporate campus development.

**Exhibit IV-25: Summary of I-1 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum height | none (See paragraph (a) above) | 35.2-61.2 |
| Minimum front setback from right-of-way (dimension A) | none | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | none | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | none | 35.2-61.3 |
| Minimum rear setback (dimension D) | none | 35.2-61.3 |
| Minimum lot width (dimension E) | none | 35.2-61.4 |
| Minimum lot depth (dimension F) | none | 35.2-61.4 |
| Minimum district size | 2 acres | |
| Minimum average lot area per establishment | none | |




Letters in drawing to the left correspond with dimensions cited in the design element column

## 35.2-52 Light industrial districts (I-2)

### 35.2-52.1 I-2 District Purpose

The I-2 district is intended to provide for industrial uses of a variety of types that produce relatively low levels of smoke, smell, noise, light, dust and other nuisances. These areas would contain many of the same types of activities as the I-1 districts, but less stringent development standards shall apply. In general, operations are appropriate in this district that:

(a) Do not involve nuisances discernible at the lot line; and

(b) Do not deal with large volumes of customers on a continuous basis throughout the day.

### 35.2-52.2 Authorized Uses

(a) The uses authorized by Exhibit IV-26 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-26: Authorized Uses in I-2 District**

Blue highlight indicates new use in district.

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **light auto repair** | **2117a** | Oil change, light auto repair and car wash. May include gasoline and other retail sales. | P |
| **heavy auto repair** | **2117b** | Auto repair, paint and body shops. May include gasoline and other retail sales. | P |
| **lumber yard and building materials; heating and plumbing equipment; heavy equipment** | **2126-2128** | Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650) | P |
| **mail order or direct selling establishment** | **2144** | Retailing other than through locations where shoppers physically visit | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **commercial, industrial or consumer machinery and equipment rental** | **2334 - 2335** | Rent or lease:<br>a) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing)<br>b) personal and household-type goods and a range of equipment geared toward consumers | P |
| **heavy equipment rental** | **2337** | Includes construction vehicles with gross weights exceeding 26,000 pounds and agricultural vehicles | P |
| **Services to buildings and dwellings** | **2450** | Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454) | P |
| **packing, crating** | **2455** | | P |
| **Mobile food services** | **2550** | Prepare and serve meals and snacks for immediate consumption from motorized vehicles | P |
| **Food service contractor and vending machine operators** | **2570 & 2580** | Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service | P |
| **linen and uniform supply** | **2623** | | P |
| **Parking lot and parking garage** | **2640** | See district standards | P |
| **Food and beverages** | **3110** | Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting | P |
| **Tobacco manufacturing** | **3120** | | P |
| **Textiles, leather and leather substitute products** | **3130 & 3140** | Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning) | P |
| **Wood products** | **3210** | Except furniture | P |
| **Paper and printing materials** | **3220** | Manufactures paper and offer printing-related products | P |
| **Furniture and related products** | **3230** | Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures | P |
| **Chemicals, plastic and rubber products; non-metallic mineral products, primary metal manufacturing; transportation equipment manufacture** | **3320 – 3340 & 3370** | Manufacture inorganic chemicals, plastic or rubber products, adhesives, pharmaceuticals, wax products, insulation, bricks, ceramics, glass, cement, concrete, statuary, stone products, basic metal products, such as bars, rods, wires, and castings or finished products; produce equipment for transporting people and goods | P |
| **Machinery , electrical equipment, appliance, and components manufacturing** | **3350 & 3360** | Make machinery for particular applications, such as construction, ventilation, heating and cooling; manufacture computers, communication equipment, lighting equipment, batteries, motors, appliances, household goods and medical equipment | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Transportation equipment and automobiles** | **3370** | Produce equipment for transporting people and goods. Although transportation equipment is a type of machinery, assembly tends to be distinct from the production processes common in the machinery manufacturing subsector, so these establishments are classified separately. | P |
| **Jewelry and silverware, sporting goods, toys, games and office supplies** | **3410-3430** | Jewelry, silverware, sporting goods, toys, musical instruments, office supplies, including inks. Excludes paper mills and businesses primarily engaged in on-premises retail sales | P |
| **Signs** | **3440** | Manufacturing of signs to be erected or installed (excludes banner printing) | P |
| **Blacksmith** | | Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items | P |
| **Wholesale Trade Establishment** | **3500** | Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses | P |
| **Office and warehousing** | **3610** | Storage of goods related to on-site office or retail use | P |
| **Warehousing** | **3620** | Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies | P |
| **Air transportation** | **4110** | Provide transportation for passengers or cargo using aircraft, excludes air courier (see 4160) | P |
| **rail passenger transportation** | **4121** | Passenger stations only | P |
| **local transit systems--bus, special needs, sightseeing, taxi and limousine services** | **4133 – 4134 & 4136 - 4137** | Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services | P |
| **school and employee bus transportation** | **4135** | Maintain and dispatch buses and other motor vehicles to transport pupils or employees | P |
| **towing and other road and ground services** | **4138** | Tow vehicles | P |
| **Truck and freight transportation services** | **4140** | Provide over-the-road transportation of cargo using motor vehicles and temporary storage | P |
| **retail courier and package delivery** | **4182** | Retail courier, package drop-off and mail services | P |
| **Courier and messenger services** | **4190** | Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services | P |
| **Publishing** | **4210 & 4221** | Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography | P |
| **Motion pictures and sound recording** | **4220** | Produce and distribute motion pictures and sound recordings | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **radio and television broadcasting** | **4231, 4232 & 4241** | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs | P |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | P |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | P |
| **library or archive** | **4242** | Provide library or archive services | P |
| **news syndicate** | **4243** | Supply information such as news reports, articles, pictures and features to the news media | P |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | P |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | P |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **power generation** | **4315** | | C |
| **electric substations** | **4316** | | P |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | P |
| **recycling collection centers** | **4349** | Drop-off facilities for the collection of recycled goods | P |
| **Promoter of sports, performing arts, similar events and management services** | **5140 - 5150** | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Indoor auditorium or arena** | **5170** | Indoor auditoriums, arenas, conference centers, or multipurpose facilities | C |
| **Outdoor auditorium/arenas** | **5180** | Outdoor arenas, stadiums and theaters | C |
| **Fitness, recreational sports, gym, athletic club** | **5370** | Operate fitness and recreational sports facilities or provide services for fitness or recreational sports teams, clubs, or individual activities | C |
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | C |
| **shooting ranges, indoor** | **5375** | | C |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | C |
| **Other Government Functions** | **6300** | Other government owned establishments not classified elsewhere such as defense and national guard establishments | C |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P |
| **CONSTRUCTION-RELATED BUSINESSES** | **7000** | Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials. | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Greenhouse – sales of products grown on premises** | **9142** | | P |
| **Greenhouse – sales of products and related accessory products** | **9143** | | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see standards in section 35.2-71.7) | P |
| **tent revival meetings/transient amusements** | **9921** | Includes carnivals and circuses | C |
| **flex space development** | **9956** | See section 35.2-86 | P |
| **corporate campus** | **9957** | See section 35.2-87 | P |
| **Billboards** | **9990** | Billboards and other signs advertising goods and services not available on the site where the sign is located | P |

### 35.2-52.3 I-2 District Use Standards

The following standards apply In addition to the standards for specific uses established in Article VII:

(a) No use shall be allowed in this district unless listed above as a use permitted by right, as a permitted accessory use or as a use permitted by conditional use permit, provided, however, that use existing prior to December 13, 1988, may be enlarged or expanded, but not relocated, so long as it meets all other applicable requirements of this Zoning Ordinance. Any such use shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere provided in this Zoning Ordinance. Dwellings and agricultural uses existing on December 13, 1988 shall be considered uses allowed by right.

(b) Office buildings shall be limited to those directly related to an industrial activity taking place on the site.

(c) Retail/wholesale display rooms for sales at industrial establishments of products manufactured on site and other products of the corporation shall not exceed fifteen (15) percent of the total floor area.

(d) Authorized warehousing and storage excludes the storage of combustibles prohibited by the fire code, sand yards, gravel yards, coal yards, railroad yards, automobile wrecking yards, or junkyards.

(e) For wholesale establishments with a building area of five thousand (5,000) square feet or more, a portion of the establishment may be used for retail display area, provided the retail sales:

1. Do not exceed fifteen (15) percent of the total building area, and
2. Are not used for second hand (consignment) merchandise or auction centers and do not require outdoor storage such as lumber yards, wholesale warehouses for the sale of motor vehicles, farm, or heavy construction equipment.

(f) Heliports and helistops shall meet all applicable federal, state and local regulations and be located at least one-half (1/2) mile from any residential district.

(g) Outdoor storage shall be screened in accordance with section 35.2-63.9.

### 35.2-52.4 I-2 District Development Standards

(a) **Dimensional Standards**. Dimensional standards for the I-2 district are summarized in Exhibit IV-27. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(b) **Height regulations**. Subject to the provisions of sections 35.2-61.2 (Height) and 35.2-61.3 (Setbacks), a building may be erected to any height, provided that the height of that portion of the building in excess of two (2) times the width of the street on which it abuts shall be governed by the following regulations: For each foot such building or portion thereof is set back from any street, lot or minimum setback line, such building or

portion thereof may be erected ten (10) feet in height, provided that no street shall for this purpose be considered to be less than forty (40) feet nor more than sixty (60) feet in width. If a building abuts on two (2) or more streets, that street which permits the greater height shall be used as the basis of measurement. See section 35.2-61.2 (Height) for additional height requirements for lots abutting R-1, R-2, R-3 or R-4 districts.

(c) **Setbacks**

1. In all instances where a lot in an industrial district (I-1, I-2 or I-3) is adjacent to a residential district (R-1, R-2, R-3 or R-4):

    a. A buffer shall be established between the districts in compliance with section 35.2-63.10.

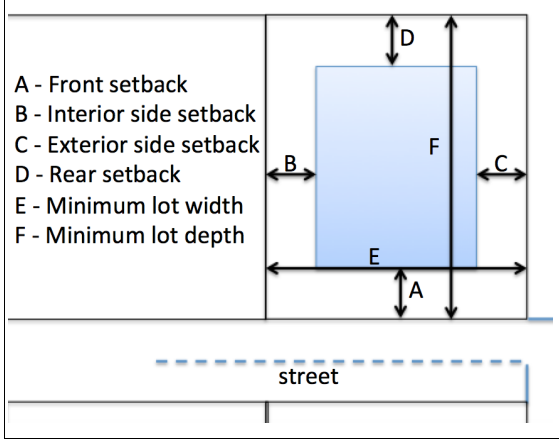
    b. There shall be required a one-hundred (100) foot setback.

2. Where a lot in an industrial district is on the same block as a residential district, the front and exterior side setback requirements of the residential district shall apply to the applicable industrial district.

(d) **Development Patterns**. The I-2 district development standards may be modified through the approval of a flex space or corporate campus development.

**Exhibit IV-27: Summary of I-2 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum height | none (See paragraph (b) above) | 35.2-61.2 |
| Minimum front setback from right-of-way (dimension A) | none (See paragraph (c) above) | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | none (See paragraph (c) above) | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | none (See paragraph (c) above) | 35.2-61.3 |
| Minimum rear setback (dimension D) | none | 35.2-61.3 |
| Minimum lot width (dimension E) | none | 35.2-61.4 |
| Minimum lot depth (dimension F) | none | 35.2-61.4 |
| Minimum district size | 2 acres | |
| Minimum average lot area per establishment | none | |




Letters in drawing to the left correspond with dimensions cited in the design element column

## 35.2-53 Heavy industrial districts (I-3)

### 35.2-53.1 I-3 District Purpose

The I-3 district is intended to provide for industrial and other activities which produce the highest levels of objectionable characteristics permitted under federal and state air and water pollution regulations. Generally, the objective of this ordinance is to limit objectionable characteristics and any other objectionable characteristics to those which are not discernible beyond the boundary of the district.

### 35.2-53.2 Authorized Uses

(a) The uses authorized by Exhibit IV-28 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

(b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.

(c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.

(d) Uses designated "P" are permitted by right and uses designated "C" require issuance of a conditional use permit.

**Exhibit IV-28: Authorized Uses in I-3 District**

Blue highlight indicates new use in district.

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **gasoline service serving fleet vehicles – no retail authorized** | **2116** | Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair | C |
| **light auto repair** | **2117a** | Oil change, light auto repair and car wash. May include gasoline and other retail sales | P |
| **heavy auto repair** | **2117b** | Auto repair, paint and body shops. May include gasoline and other retail sales. | P |
| **lumber yard and building materials; heating and plumbing equipment; heavy equipment** | **2126-2128** | Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650) | P |
| **mail order or direct selling establishment** | **2144** | Retailing other than through locations where shoppers physically visit | P |
| **commercial, industrial or consumer machinery and equipment rental** | **2334 - 2335** | Rent or lease:<br>a) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing)<br>b) personal and household-type goods and a range of equipment geared toward consumers | P |
| **heavy equipment rental** | **2337** | Includes construction vehicles with gross weights exceeding 26,000 pounds and agricultural vehicles | P |
| **Services to buildings and dwellings** | **2450** | Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454) | P |
| **packing, crating** | **2455** | | P |
| **Mobile food services** | **2550** | Prepare and serve meals and snacks for immediate consumption from motorized vehicles | P |
| **Food service contractor and vending machine operators** | **2570 & 2580** | Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **linen and uniform supply** | **2623** | | P |
| **Parking lot and parking garage** | **2640** | See district standards | P |
| **Food and beverages** | **3110** | Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting | P |
| **Tobacco manufacturing** | **3120** | | P |
| **Textiles, leather and leather substitute products** | **3130 & 3140** | Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning) | P |
| **Wood products** | **3210** | Except furniture | P |
| **Paper and printing materials** | **3220** | Manufactures paper and offer printing-related products | P |
| **Furniture and related products** | **3230** | Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures | P |
| **liquid petroleum gas storage / sales** | **3311** | This category addresses wholesale services and does not apply to incidental sales for home use | P |
| **Chemicals, plastic and rubber products; non-metallic mineral products, primary metal manufacturing; transportation equipment manufacture** | **3320 – 3340 & 3370** | Manufacture inorganic chemicals, plastic or rubber products, adhesives, pharmaceuticals, wax products, insulation, bricks, ceramics, glass, cement, concrete, statuary, stone products, basic metal products, such as bars, rods, wires, and castings or finished products; produce equipment for transporting people and goods | P |
| **Machinery , electrical equipment, appliance, and components manufacturing** | **3350 & 3360** | Make machinery for particular applications, such as construction, ventilation, heating and cooling; manufacture computers, communication equipment, lighting equipment, batteries, motors, appliances, household goods and medical equipment | P |
| **Transportation equipment and automobiles** | **3370** | Produce equipment for transporting people and goods. Although transportation equipment is a type of machinery, assembly tends to be distinct from the production processes common in the machinery manufacturing subsector, so these establishments are classified separately. | P |
| **Jewelry and silverware, sporting goods, toys, games and office supplies** | **3410-3430** | Jewelry, silverware, sporting goods, toys, musical instruments, office supplies, including inks. Excludes paper mills and businesses primarily engaged in on-premises retail sales | P |
| **Signs** | **3440** | Manufacturing of signs to be erected or installed (excludes banner printing) | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **Blacksmith** | | Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items | P |
| **Wholesale Trade Establishment** | **3500** | Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses | P |
| **Office and warehousing** | **3610** | Storage of goods related to on-site office or retail use | P |
| **Warehousing** | **3620** | Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies | P |
| **Underground Petroleum Storage** | **3640** | An area used for bulk storage of oil and other petrochemicals in underground tanks | P |
| **Air transportation** | **4110** | Provide transportation for passengers or cargo using aircraft, excludes air courier (see 4160) | P |
| **rail passenger transportation** | **4121** | Passenger stations only | P |
| **local transit systems--bus, special needs, sightseeing, taxi and limousine services** | **4133 – 4134 & 4136 - 4137** | Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services | P |
| **school and employee bus transportation** | **4135** | Maintain and dispatch buses and other motor vehicles to transport pupils or employees | P |
| **towing and other road and ground services** | **4138** | Tow vehicles | P |
| **Truck and freight transportation services** | **4140** | Provide over-the-road transportation of cargo using motor vehicles and temporary storage | P |
| **retail courier and package delivery** | **4182** | Retail courier, package drop-off and mail services | P |
| **Courier and messenger services** | **4190** | Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services | P |
| **Publishing** | **4210 & 4221** | Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography | P |
| **Motion pictures and sound recording** | **4220** | Produce and distribute motion pictures and sound recordings | P |
| **radio and television broadcasting** | **4231, 4232 & 4241** | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs | P |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | P |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | P |
| **library or archive** | **4242** | Provide library or archive services | P |
| **news syndicate** | **4243** | Supply information such as news reports, articles, pictures and features to the news media | P |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | P |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | P |
| **Public Utilities Service Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.. | P |
| **power generation** | **4315** | | C |
| **electric substations** | **4316** | | P |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | P |
| **Wastewater treatment plants** | **4348** | | C |
| **solid waste collection, combustion, landfills or separation/sorting of recyclable materials from non-hazardous waste streams** | **4343 - 4347** | Collect or haul hazardous waste, non-hazardous waste, or recyclable materials, operate waste transfer stations; landfill, incineration or composing of non-hazardous solid waste, recycling facilities; septic tank installation and maintenance | C |

| Land Use | LBCS # | Description | Approval Type |
|---|---|---|---|
| **recycling collection centers** | **4349** | Drop-off facilities for the collection of recycled goods | P |
| **Indoor auditorium or arena** | **5170** | Indoor auditoriums, arenas, conference centers, or multipurpose facilities | C |
| **Outdoor auditorium/arenas** | **5180** | Outdoor arenas, stadiums and theaters | C |
| **Fitness, recreational sports, gym, athletic club** | **5370** | Operate fitness and recreational sports facilities or provide services for fitness or recreational sports teams, clubs, or individual activities | |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | C |
| **Other Government Functions** | **6300** | Other government owned establishments not classified elsewhere such as defense and national guard establishments | C |
| **CONSTRUCTION-RELATED BUSINESSES** | **7000** | Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials. | P |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P |
| **Greenhouse – sales of products grown on premises** | **9142** | | P |
| **Greenhouse – sales of products and related accessory products** | **9143** | | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see standards in section 35.2-71.7) | P |
| **tent revival meetings/transient amusements** | **9921** | Includes temporary carnivals and circuses sponsored by non-profit organizations | P |
| **Billboards** | **9990** | Billboards and other signs advertising goods and services not available on the premises of the sign | P |

### 35.2-53.3 I-3 District Use Standards

The following standards apply in addition to the standards for specific uses established in Article VII:

(a) No use shall be allowed in this district unless listed or defined above as a use permitted by right, as a permitted accessory use or as a use permitted by conditional use permit, provided, however, that any use existing prior to December 13, 1988, may be enlarged or expanded, but not relocated, so long as it meets all other applicable requirements of this Article. Any such use shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere provided in this Article.

Dwellings and agricultural uses existing on December 13, 1988 shall be considered uses allowed by right.

(b) Uses in LBCS code 3310 (chemicals, plastics and rubber products) exclude the manufacture of sulphurous, sulfuric, nitric, picric, hydrochloric or other corrosive acids and the manufacture of bleaching powder, ammonia or chlorine.

(c) Uses in LBCS code 3330 exclude the manufacture of lime, gypsum, plaster or plaster of paris.

(d) Residential uses, including those of an institutional nature - institutional residential uses being those associated with churches or religious organizations, schools, hospitals, health or adult care facilities are limited to (1) residences of bona fide caretakers and their families, and (2) any residence constructed prior to and occupied as a residence since December 12, 1978. The limitations of Article IX, non-conforming uses, notwithstanding, such residences, in the event they are damaged or destroyed due to fire or other unforeseen circumstances (but not including neglect), may be rebuilt in their original location with substantially the same height and exterior dimensions, provided that they have frontage on an improved City street and that reconstruction is completed to the point that a new Certificate of Occupancy is issued within twenty-four (24) months from the date of damage or destruction.

(e) No use shall be allowed that creates conditions of smoke, fumes, noise, odors or dust detrimental to the health, safety and general welfare of the community.

(f) Retail/wholesale display rooms for sales at industrial establishments shall be limited to products manufactured on site and other products of the corporation provided the display area shall not exceed fifteen (15) percent of the total floor area.

(g) Food service facilities located within a building housing a permitted use and serving one or a group of permitted uses are authorized in the I-3 zoning district.

### 35.2-53.4 I-3 District Development Standards

(a) **Dimensional Standards**. Dimensional standards for the I-3 district are summarized in Exhibit IV-29. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

(b) **Height regulations**. Subject to the provisions of sections 35.2-61.2 (Height) and 35.2-61.3 (Setbacks), a building may be erected to any height, provided that the height of that portion of the building in excess of two (2) times the width of the street on which it abuts shall be governed by the following regulations: For each foot such building or portion thereof is set back from any street, lot or minimum setback line, such building or portion thereof may be erected ten (10) feet in height, provided that no street shall for

this purpose be considered to be less than forty (40) feet nor more than sixty (60) feet in width. If a building abuts on two (2) or more streets, that street which permits the greater height shall be used as the basis of measurement.

(c) **Setbacks**

1. In all instances where a lot in an industrial district (I-1, I-2 or I-3) is adjacent to a residential district (R-1, R-2, R-3 or R-4):

    a. A buffer shall be established between the districts in compliance with section 35.2-63.10.

    b. There shall be required a one-hundred (100) foot setback.

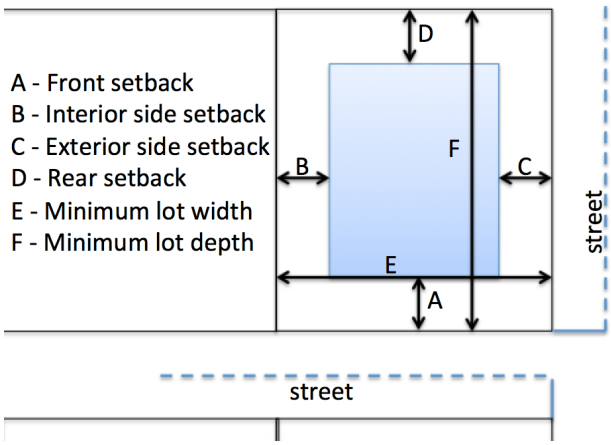
2. Where a lot in an industrial district is on the same block as a residential district, the front and exterior side setback requirements of the residential district shall apply to the applicable industrial district.

(d) **Height.** See section 35.2-61.2 (Height) for additional height requirements for lots abutting R-1, R-2, R-3 or R-4 districts.

(e) **Planned Unit Developments**. The I-3 district development standards may be modified through a planned unit development, which is approved through the conditional use permit approval process.

**Exhibit IV-29: Summary of I-3 Development Standards**

| Design Element | Standards | Cross-Reference |
|---|---|---|
| Maximum height | none (See paragraph (b) above) | 35.2-61.2 |
| Minimum front setback from right-of-way (dimension A) | none (See paragraph (c) above) | 35.2-61.3 |
| Minimum side setback, interior (dimension B) | none (See paragraph (c) above) | 35.2-61.3 |
| Minimum side setback, exterior (dimension C) | none (See paragraph (c) above) | 35.2-61.3 |
| Minimum rear setback (dimension D) | none | 35.2-61.3 |
| Minimum lot width (dimension E) | none | 35.2-61.4 |
| Minimum lot depth (dimension F) | none | 35.2-61.4 |
| Minimum district size | 2 acres | |
| Minimum average lot area per establishment | none | |

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# Article V Special Zoning Districts

## 35.2-54 Commercial Corridor Overlay District (CC)

[subject to adoption of access management and compatibility standards in Article VI, this district can be eliminated]

### 35.2-54.1 Purpose

This district is intended to:

(a) Protect and promote the health, safety and general welfare of the public;

(b) Enhance the visual appearance of designated commercial corridors;

(c) Protect and promote the appearance, character and economic values along the corridor and the surrounding neighborhoods;

(d) Maintain the long-term function of arterial and collector roadways;

(e) Limit access and the number of conflict points;

(f) Promote vehicular circulation;

(g) Minimize traffic congestion and danger in the public streets;

(h) Encourage land assembly and the most desirable use of land in accordance with the Comprehensive Plan;

(i) Encourage designs that produce a desirable relationship between individual sites, the circulation system, and adjacent areas; and

(j) Permit a flexible, efficient response to development of a variety of land uses and activities of high value.

### 35.2-54.2 Establishment of District

The commercial corridor overlay district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the commercial corridor overlay district shall also lie within one or more of the other zoning districts provided by this ordinance. The effect shall be the creation of new zoning districts consisting of the requirements of both the underlying district and the commercial corridor overlay district.

### 35.2-54.3 CC District Boundaries

The commercial corridor overlay district boundaries shall be as specified by City Council by ordinance as shown on the Official Zoning Map.

### 35.2-54.4 Relationship between District Standards

Where the standards of the commercial corridor overlay district and the underlying district(s) differ, the more restrictive standard shall apply.

### 35.2-54.5 Exemption from CC Standards

Single and two-household residential uses shall not be subject to the standards of the commercial corridor overlay district. However, at such time that a single or two-household residential use is converted to another use it will be subject to the standards of the commercial corridor overlay district.

### 35.2-54.6 Authorized Uses

The uses authorized by in Article IV for the applicable underlying zoning districts may be established in accordance with the procedures established in Article II, the zoning district standards of Article III and this article, site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

### 35.2-54.7 CC District Development Standards

The following standards shall apply in addition to any of the development standards applicable in the underlying zoning district:

(a) **Frontage**. The minimum frontage requirement along arterial and collector roadways for commercially zoned lots in the CC district is two hundred fifty (250) feet.

(b) **Access**

1. **Direct access**. Any lot having frontage along an arterial or collector roadway in the CC district shall be permitted and limited to one direct access to the arterial or collector roadway. The access shall be aligned with the existing cross-over, or as directed by the TRC during the site plan review process.

2. **Assembly of lots**. If two (2) or more adjacent lots are placed under one ownership and or control such assembly of lots shall be permitted and limited to one direct access to the arterial or collector roadway.

3. **Additional direct access**. Additional direct access to the arterial or collector roadway shall be provided (a) if required by the City technical review committee for safe access, or (b) if a minimum spacing of two hundred fifty (250) feet is maintained between entranceways provided on any one (1) lot. Additional direct access will be aligned with existing cross-overs, or as directed by the TRC during the site plan review process.

4. **Shared direct access**. A fifty (50) percent reduction to the minimum frontage requirement will be permitted (a) with the provision of shared direct access onto the arterial or collector roadway with an adjacent lot having frontage on the arterial

or collector roadway, or (b) with the provision that no direct access to the arterial or collector roadway is proposed.

5. **Existing lots**. A reduction to the minimum frontage requirement will be permitted for existing lots of record established prior to the effective date of this section, provided:

   a. The lot frontage is not reduced further than established prior to the enactment of this section; and

   b. Shared direct access is provided onto the arterial or collector roadway with an adjacent lot having frontage on the arterial or collector roadway, or no direct access to the arterial or collector roadway proposed.

(c) **Internal vehicular circulation**. Commercial sites shall be designed to achieve direct and convenient vehicular access between adjacent commercial properties unless otherwise required by the City.

(d) **Provision for shared direct access and internal vehicular circulation**. The owners of a lots providing for shared direct access and or internal vehicular circulation shall make adequate provision by dedication, easements, covenants, restrictions, or other legal instruments for ensuring that such shared direct access and or internal vehicular circulation are provided for and maintained consistent with the regulations and intent of this section.

## 35.2-55 Fifth Street Revitalization Corridor Overlay District (FSC)

### 35.2-55.1 Purpose

This district is intended to:

(a) Protect and promote the health, safety and general welfare of the public;

(b) Enhance the visual appearance of the corridor; to protect and promote the vision and goals of the Fifth Street Corridor Master Plan

(c) Protect and promote positive appearance, character and community values by encouraging pedestrian and mixed use oriented uses along the corridor that serve the needs of the surrounding neighborhoods;

(d) Promote responsible commercial development;

(e) Encourage neighborhood stabilization, expansion and infill;

(f) Reduce the number of vacant and deteriorated structures in the corridor;

(g) Encourage designs that produce a desirable relationship between individual sites, multiple modes of transportation and the adjacent areas; and

(h) Promote the corridor as a link between the Downtown and Midtown areas of the City.

### 35.2-55.2 Establishment of District

The Fifth Street Revitalization Corridor Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the Fifth Street Revitalization Corridor Overlay shall also lie within one or more of the other zoning districts provided by this ordinance. The effect shall be the creation of a new zoning district consisting of the regulations and requirements of both the underlying district and the Fifth Street Corridor Overlay District.

### 35.2-55.3 FSC District Boundaries

The Fifth Street Revitalization Corridor Overlay District boundaries are established from the intersection of Fifth Street to the Martin Luther King, Jr. Memorial Bridge, encompassing two (2) blocks north and south of Fifth Street, excluding the Court House Hill Historic District, the Garland Hill Historic District, the Old City Cemetery, and one-half (0.5) of a block bounded by Sixth Street, Seventh Street and Church Street.

### 35.2-55.4 Relationship between District Standards

Where the standards of the Fifth Street Revitalization Corridor Overlay District and the underlying district(s) differ, the Fifth Street Revitalization Corridor standards shall apply except in the instance of individually designated historic properties.

### 35.2-55.5 Authorized Uses

The uses authorized for the applicable underlying zoning districts may be established in accordance with the procedures established in Article II, the zoning district standards of Article III and this article, site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations, except that: residential uses fronting Fifth Street shall require a conditional use permit (CUP) unless they are part of a mixed use development.

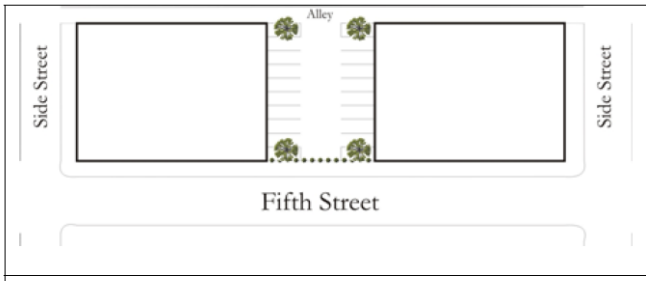
### 35.2-55.6 FSC District Development Standards

Except as specifically noted herein, the following standards shall apply in addition to any of the development standards applicable in the underlying zoning district:

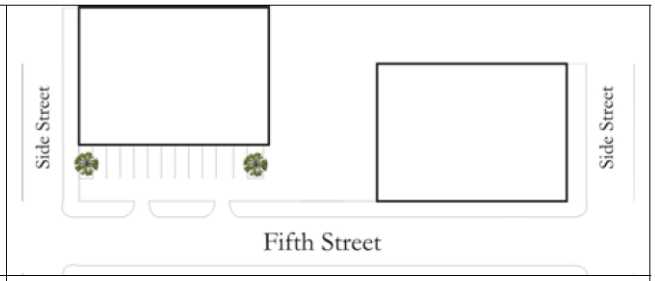
(a) **Off-street parking requirements**. The minimum off-street parking requirements for the Fifth Street Revitalization Corridor shall not apply because of the impracticability of providing such parking on small lots. However, developers are strongly encouraged to provide off-street parking in areas where on-street parking is not available.

(b) **Location of off-street parking facilities**. Where provided, off-street parking facilities shall be located to the sides and rear of buildings. Means of ingress and egress to off-street parking facilities shall be from side streets only and shall not be from Fifth Street unless topography or other conditions peculiar to the site would prohibit a means of ingress and egress from the side street (see Exhibit V-1).

**Exhibit V-1: FSC Permitted/Not Permitted Parking Locations**




Permitted Parking Location




Not Permitted

(c) **Internal vehicular circulation**. Sites fronting Fifth Street shall be designed to achieve direct and convenient vehicular access between adjacent properties. The owner of a lot providing for internal vehicular circulation shall make adequate provision by dedication, easements, covenants, restrictions, or other legal instruments for ensuring that internal vehicular circulation is provided for and maintained consistent with the regulations and intent of this section.

(d) **Exterior Lighting**. Exterior lighting shall be controlled so that no direct illumination will occur beyond the property line. In instances where buildings have a zero (0) foot setback, exterior lighting shall be controlled so that no direct illumination occurs beyond the public sidewalk.

(e) **Utilities**. All utilities shall be located underground.

(f) **Architectural treatment**. Buildings fronting or visible from Fifth Street are encouraged to comply with the Commercial Historic District Guidelines. Additionally:

1. No portion of a building constructed of unadorned cinderblock, corrugated and/or sheet metal shall be visible from any adjoining residential district, historic district or public right of way.
2. Buildings fronting on Fifth Street shall be designed to utilize building materials that are compatible with the Fifth Street Revitalization Corridor Overlay District such as stone, brick, stucco, or wood.
3. Vegetative buffering as described in section 35.2-63.10 (Buffering) of this ordinance placed along that portion of the building not otherwise meeting the requirements of architectural treatment will be deemed sufficient treatment for the purposes of this section.
4. Front porches are encouraged for all newly constructed or renovated residential units.

(g) **Commercial districts adjacent to residential districts**. In all instances where a commercial district is adjacent to a residential district, there shall be established in the commercial district a screened yard between the two (2) districts. Screening may be

provided according to the regulations of section 35.2-63.10 (Buffering) of this ordinance or by providing a screening fence, wall or any combination of landscaping, fence or wall adequate to screen the commercial use as approved by the City Planner.

(h) **Building heights, lot area, setbacks and lot coverage**. The standards for lot area, building heights, setbacks and lot coverage established in Exhibit V-2 supersede the corresponding standards of the underlying zoning district.

**Exhibit V-2: Fifth Street Revitalization Corridor Overlay Standards for Building Height, Lot Area, Setback and Lot Coverage**

| Design Element | Underlying District | |
|---|---|---|
| | Residential Districts | Business Districts |
| Minimum/maximum height | not applicable | 2-stories/4-stories |
| Minimum lot area | none | none |
| Maximum front setback from right of way | 15’ | 15’ |
| Minimum side setback, interior | 3’ | 0’ |
| Minimum side setback, street side | 15’ | 0’ |
| Minimum rear setback | 5’ | 10’ |
| Maximum lot coverage | none | none |

## 35.2-56 Scenic Corridor Overlay District (SC)

### 35.2-56.1 Purpose

This district is intended to:

(a) Protect and promote the health, safety and general welfare of the public;

(b) Enhance the visual appearance of the corridor;

(c) Protect and promote the character and vistas, and prevent unnecessary clutter and congestion along the corridor and the surrounding neighborhoods.

### 35.2-56.2 Establishment of Districts

The Scenic Corridor Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the scenic corridor overlay district shall also lie within one or more of the other zoning districts provided by this Ordinance. The effect shall be the creation of new zoning districts consisting of the regulations and requirements of both the underlying district(s) and the Scenic Corridor Overlay District.

### 35.2-56.3 SC District Boundaries

The Scenic Corridor Overlay District boundaries shall be as specified by City Council by ordinance as shown on the Official Zoning Map.

### 35.2-56.4 Relationship between District Standards

Where the standards of the Scenic Corridor Overlay District and the underlying district(s) differ, the more restrictive standard shall apply.

### 35.2-56.5 Exemption from SC District Standards

Except as specifically noted, single-household, two-household residential uses, planned unit developments, cluster commercial developments, and manufactured home parks shall not be subject to the standards of the Scenic Corridor Overlay District due to the stricter standards applicable to those uses. However, at such time that a single-household, two-household residential use, planned unit development, cluster commercial development or manufactured home use is to be converted to another use, it will be subject to the standards of the Scenic Corridor Overlay District. Townhouse developments will be subject to the standards of the Scenic Corridor Overlay District.

### 35.2-56.6 Authorized Uses

The uses authorized by for the applicable underlying zoning districts may be established in accordance with the procedures established in Article II, the zoning district standards of Article III and this article, site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.

### 35.2-56.7 SC District Development Standards

Except as specifically noted herein, the following standards shall apply in addition to any of the development standards applicable in the underlying zoning district:

(a) **Setbacks**. The minimum building and parking setbacks are established at forty (40) feet for lots abutting the public street on which the scenic corridor overlay district is centered. This setback shall be measured from the right-of-way line shared by the lot and the public street on which the scenic corridor overlay district is centered. This provision shall not be applicable to limited access highways.

(b) **Utilities**. All utilities shall be located underground.

(c) **Building Bulk Softening**. There shall be a building bulk softening effect created by landscaping between a structure and a limited access highway. Landscaping shall be at the outer boundaries and in the required setbacks and shall be provided except where driveways or other openings are required. Plantings shall be in an irregular (or "staggered") line. Clustering of plant and tree species shall be required.

1. For the purpose of this section, the following definitions shall be applicable:

a. Large deciduous tree. A large deciduous tree shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet. A minimum caliper of at least two and one-half (2/1-2) inches at the time of planting shall be required.

b. Small deciduous tree. A small deciduous tree shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least one and three-fourths (1/3-4) inches at the time of planting shall be required.

c. Evergreen trees. Evergreen trees shall have a minimum height of at least six (6) feet at the time of planting.

d. Medium shrubs. Shrubs and hedge forms shall have a minimum height of at least two (2) feet at the time of planting.

2. For buildings twelve (12) feet or less in height (eave height).

a. At least one small deciduous tree for each fifty (50) lineal feet of building and at least one evergreen tree for each thirty (30) lineal feet shall be planted.

b. At least one medium shrub for each twenty (20) lineal feet shall be planted. (In lieu of the required shrubbery, a landscaped earthen berm can be used. Generally, the earthen berm shall have a varying width and height, curvilinear in form, providing a gentle tie-in with the existing grade. The minimum height shall be three (3) feet.)

3. For buildings greater than twelve (12) feet in height (eave height).

a. At least one large deciduous tree for each fifty (50) lineal feet and at least one evergreen tree for each thirty (30) lineal feet shall be planted.

b. At least one small deciduous tree for each fifty (50) lineal feet shall be planted.

c. At least one medium shrub for each twenty (20) lineal feet shall be planted. (In lieu of the required shrubbery, a landscaped earthen berm can be used. Generally, the earthen berm shall have a varying width and height, curvilinear in form, providing a gentle tie-in with the existing grade. The minimum height shall be three (3) feet.)

(d) **Architectural Treatment.**

1. No portion of a building constructed of unadorned cinderblock or corrugated and/or sheet metal shall be visible from any adjoining single-household or two-household residential district or public right-of-way.

2. Buildings shall be designed to use, to the greatest extent feasible, building materials that are compatible with the Scenic Corridor Overlay District environment, such as rock, stone, brick and wood.

3. Vegetative buffering as provided in section 35.2-63.10, placed along that portion of a building not otherwise meeting the requirements of architectural treatment, will be deemed sufficient treatment for the purposes of this section.

(e) **Signs**

1. **Prohibited signs**. The following types of signs shall be prohibited within the Scenic Corridor Overlay District:

   a. Billboards;

   b. Signs painted on building or premise;

   c. Changeable copy signs;

   d. Pennants, non-governmental flags, non-company/corporate logo flags, banners;

   e. Roof signs (above line of roof);

   f. Signs that contain an off-site commercial motif not incidental to the use of the site (soda bottles, hamburgers, figures, etc.) or other outdoor commercial displays; and

   g. Signs that are not of a standard geometric shape or with a backing that is not of a standard geometric shape.

2. **Permitted signs**. A unified system of signage and graphics shall be encouraged for each individual development. Signage concepts should be considered during the design of buildings. Size, height, location, material, and color should strongly relate to building and site design.

   a. Each development shall be permitted one (1) detached free standing sign identifying the development and announcing only the name or location of the development and business names of tenants therein. One logo per sign shall be permitted. All tenant signs (individual signs for businesses in a development) shall be uniform in letter size and color.

   b. For each independent development within an industrial park one identification sign shall be permitted on each fronting public street.

   c. Directional signs indicating location of truck entrances, employee parking, shipping and receiving, and similar activities; provided that all such signs are

located on the property of the business and no such signs exceed four (4) square feet in area. Directional signs shall contain no advertising.

d. The backing and support material of the face sign shall be of the same material as of that portion of the building which faces any adjoining single-household or two-household residential district or public right-of-way, or of a natural material (such as rock, stone, brick, wood).

e. Other signs such as real estate, political, etc., not specifically addressed in the Scenic Corridor Overlay District Standards are to conform to the regulations of the underlying districts.

## 35.2-57 Airport Safety Overlay District (AS)

### 35.2-57.1 Purpose

This district is intended to protect the health, safety and welfare of residents and visitors to the City of Lynchburg by regulating and restricting the height of structures and objects in the vicinity of the airports and the navigable airspace in the City of Lynchburg by:

(a) Creating the appropriate zones and establishing boundaries thereof;

(b) Providing for changes in the restrictions and boundaries of such zones;

(c) Defining certain terms used herein;

(d) Providing for enforcement;

(e) Imposing penalties; and

(f) Satisfying the requirements of the General Assembly of Virginia regarding airport safety zoning.

### 35.2-57.2 Authority and Findings

This section is adopted pursuant to the authority conferred by Chapter 11 of Title 15.2, and specifically to satisfy the requirements of Section 15.2-2294 of the Code of Virginia 1950, as amended and the Federal Aviation Administration. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in the City of Lynchburg; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein. Accordingly, it is declared that:

(a) In the interest of the public health, safety, and general welfare, it is necessary to prevent the creation or establishment of obstructions that are hazards to air navigation;

(b) The creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;

(c) The prevention of these obstructions should be accomplished, to the extent legally possible, without compensation to the property owner.

### 35.2-57.3 Airport Safety Zones

(a) **Safety Zones Established**. In order to carry out the provisions of this section, there are hereby established certain zones which include all of the area and airspace of the City of Lynchburg lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Lynchburg Regional Airport and Falwell Airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in sections 35.2-57.3. and 35.2-57.4. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

1. airport zone: a zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.
2. approach zone: a zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.
3. transitional zone: a zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.
4. conical zone: a zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

(b) **Source for Safety Zones**. The source and the specific geometric design standards for these zones are to be found in Part 77.25, 77.28, and 77.29, subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. The boundaries of such zones are shown on maps filed and maintained in the same manner provided for in Article III of this Zoning Ordinance for other Zoning Maps.

### 35.2-57.4 Airport Safety Zone Height Limitations

(a) Except as otherwise provided in this section, in any zone created by this section no structure shall be erected, altered, or maintained to a height so as to penetrate any portion of any referenced surface, also known as the floor, of any zone provided for in section 35.2-57.3.

(b) The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, 77.28, and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

(c) For any proposed construction or activity that may penetrate any referenced surface, certification of the elevation shall be submitted to the administrator by a Virginia registered engineer or surveyor.

(d) Any such proposed structure or activity within the airport safety zone shall meet the standards and requirements of the Federal Aviation Administration or the Virginia Department of Aviation. The Zoning Administrator shall refer the plans for such a proposed structure to the applicable agency for a report as to the possible interference with flight operations, if the certificate of elevation indicates that the structure will exceed the standards listed in this section. The inspections division shall obtain certification from the Virginia Department of Aviation that the proposed obstruction will or will not be considered a hazard to air navigation by that agency.

### 35.2-57.5 Non-Conforming Uses

(a) Except as provided in paragraph (b) of this section and section 35.2-57.6(b), the regulations prescribed by this section shall not require the removal, lowering or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of a non-conforming use. Nothing contained in this section shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and is diligently prosecuted.

(b) Notwithstanding the provision of paragraph (a) of this section, the owner of any existing non-conforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration or the Virginia Department of Aviation. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the non-conforming obstruction.

### 35.2-57.6 Building Permits

(a) Except as provided in paragraphs (a), (b) and (c) of this section, no structure shall be erected or otherwise established in any zone created by this section unless a building permit therefore shall have been applied for and granted. Each application for a building permit shall indicate the purpose for which desired and with sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this section.

(b) No building permit shall be granted that would allow the establishment or creation of an obstruction or allow a non-conforming use or structure to become a greater hazard to air navigation than it was on the effective date of this section or any amendments thereto other than with relief as provided for in this section.

(c) Whenever the Zoning Administrator determines that a non-conforming structure has been abandoned for two (2) or more years, or greater than fifty (50) percent of the value of the structure has been destroyed, physically deteriorated, or decayed, no building permit shall be granted that would enable such structure to be rebuilt,

reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this section, except with the relief as provided for in section 35.2-91.4 (Non-Conforming Signs). The owner of any residential or commercial building that is damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building even if the building is damaged by more than fifty (50) percent of its value.

(d) Any building permit granted may be made conditional to require the owner and/or operator of the structure and land to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator.

(e) The owner of any proposed obstruction is hereby required to post a bond, in such an amount as may be deemed appropriate by the Zoning Administrator, to cover the expense of removal of such obstruction as stipulated in paragraph (c) of this section. This bond shall carry with the ownership of the land or structure.

(f) When any structure erected after the enactment of this section exceeds the height listed in the building permit, the owner/operator shall be legally and financially responsible for removing such obstruction.

(g) No use shall be established that the Zoning Administrator finds to be inconsistent with the provisions of this section 35.2-57 et.seq

### 35.2-57.7 Enforcement

The Zoning Administrator shall administer and enforce the regulations prescribed in this section, unless otherwise stated, and shall carry out and effectuate this section, including the action of injunction, prosecution and other available means pursuant to section 35.2-102 of this Zoning Ordinance.

### 35.2-57.8 Penalties

Penalties for violations of the provisions of this section 35.2-57 et.seq. shall be established as provided in section 35.2-102 of this Zoning Ordinance.

### 35.2-57.9 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations applicable to the same subject, where the conflict is with respect to the height of obstructions, the more stringent limitation or requirement shall govern.

### 35.2-57.10 Severability

Should any portion or provision of this section be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the section as a whole, or any part of the section other than the part held to be unconstitutional or invalid.

## 35.2-58 Historic Districts

### 35.2-58.1 Purpose

The purposes of the historic districts are to:

(a) Promote the public welfare through the creation of historic districts for the protection and preservation of historic buildings, structures, places, archaeological sites, and areas of historic interest (as a class of structural and environmental types) within the City of Lynchburg;

(b) Promote the development and maintenance of appropriate settings and environment for such buildings, structures, places and areas as provided by Section 15.2-2306 of the Code of Virginia, as amended;

(c) Stabilize and improve property values in the historic districts;

(d) Encourage new buildings and developments that will be architecturally compatible with existing historic landmarks, buildings and structures;

(e) Prevent the encroachment of additions or new buildings and structures that are architecturally incongruous with the environs of the historic districts;

(f) Promote local historic preservation efforts, and encourage the identification and nomination of qualified historic properties and districts to the National Register of Historic Places and the Virginia Landmarks Register; and

(g) Provide an educational resource and to foster a sense of pride in our heritage for succeeding generations, that they may appreciate and understand the history of our culture.

### 35.2-58.2 Historic Overlay Districts

(a) City Council of the City of Lynchburg has adopted criteria for determination of landmarks, buildings, or structures to be designated as being historically significant. Any changes to said criteria shall be made by City Council after receiving recommendations from the HPC.

(b) To execute the purposes and objectives of this ordinance, there may be created in the City districts to be known as "Historic Districts" in addition to any existing historic districts. A historic district may be a part or all of a neighborhood, site, structure or a combination thereof. The boundaries of such districts shall be as specified by City Council by ordinance as shown on the Official Zoning Map. The boundaries of such districts shall be shown on maps, which shall be filed and maintained in the City's GIS.

(c) The procedure to be followed in establishing historic districts is specified in section 35.2-11 (Applications Requiring Public Hearings Before City Council) of this Zoning Ordinance. However, due to the unique nature of a historic district designation relative to

traditional zoning, consideration of designating an area as a historic district may be exempted by the City from the regulations requiring posting of notices cited in section 35.2-11 with the exception of the public hearing requirements to appear in the local newspaper as specified in Section 35.2-10.14 (Notice) of this Zoning Ordinance. The City may waive posting of a sign giving notice of intent to rezone. In the case of historic district consideration, in addition to other requirements, a fee may be required from the petitioner in the amount set forth in the fee schedule adopted by City Council to cover the cost of publishing legal notices for hearings before the HPC, the Planning Commission and the City Council.

(d) A notice that a building may be designated as a "historic district" shall be mailed in accordance with section 35.2-10.14(d)2, which notice shall contain the following information: the location and street address; the reason why the building and/or the district in which it is proposed to be located is deemed to be of historic or architectural interest; a copy of the pertinent portions of this ordinance restricting the altering or razing of said building; the place, time and date of the public hearing of the HPC.

(e) The HPC, the Planning Commission, City Council, or the owner of any landmark, building, or structure in the City of Lynchburg, including those listed on the Virginia Landmarks Register or the National Register of Historic Places, may make a written request of the HPC for the consideration of recommending the designation of such landmarks, buildings, or structures as a historic district. The HPC shall recommend the requested addition if, after a public hearing, it considers said building to be of historic, architectural, or cultural merit.

(f) The HPC, the Planning Commission, City Council, the owner or owners of any landmark, building or structure located within a historic district may make a written request of the HPC for the consideration of recommending the removal of the historic district designation from such landmark, building, or structure. Procedure for notification of a public hearing to remove a designation as a historic district shall be the same as the procedure to establish such designation.

### 35.2-58.3 Historic Marker

The HPC shall designate an appropriate marker and may permit each owner of a historic landmark, building or structure to display the marker in an appropriate manner. In addition, the HPC may at its discretion design and display similar markers denoting "historic districts." The costs of making, inscribing, installing and maintaining such markers shall be paid for by the City of Lynchburg. The costs of making, inscribing, installing and maintaining private individual markers shall be paid for by the property owner.

### 35.2-58.4 Unauthorized Display

It shall be unlawful for any person to display, without the authorization of the HPC, a marker or any imitation thereof as provided for in section 35.2-58.3.

### 35.2-58.5 Certificate of Appropriateness Required

No building or structure, including signs, and including non-contributing buildings and structures and signs, shall be erected, reconstructed, restored, demolished, or altered in any way that affects the external appearance of the building or structure, including such items as roofs, chimneys, fences, and color changes, unless the same is approved as being architecturally compatible with historic landmarks, buildings, or structures therein through the issuance of a certificate of appropriateness, also referred to as a COA, by the Historic Preservation Commission (HPC), the City Planner or by City Council in accordance with section 35.2-13.

### 35.2-58.6 Conflict with Statutes, Local Ordinances or Regulations

Whenever the decisions made under the authority of the Historic District regulations pursuant to section 35.2-13 et. seq. require a greater width or size of setbacks, courts or other open spaces, require a lower height of building or fewer stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the requirements made pursuant to the Historic District regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of setbacks, courts or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the Historic District regulations, the provisions of such statute or local ordinance or regulation shall govern.

### 35.2-58.7 Assistance of City Administration.

The departments, bureaus, divisions, boards, commissions, agencies, and other offices of the City government shall furnish to the HPC such available information and render it appropriate service as may be required for the exercise of the powers and performance of the duties and functions of the HPC. All City departments and agencies responsible for historic public buildings, monuments, districts, and places shall submit a COA application to demolish, move, or alter said structures or places to the HPC for review and recommendation. No certificate of appropriateness is required when the demolition of a structure is ordered by the Building Official pursuant to the provisions of the Uniform Statewide Building Code.

### 35.2-58.8 Acquisition of Historic Real Property

The HPC may recommend to City Council that the City acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the HPC, should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people.

### 35.2-58.9 Injunctions

Wherever any person has engaged in or is about to engage in any act or practice that constitutes or will constitute a violation of this ordinance, the Zoning Administrator may make application

to the circuit court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation, or to remedy such violations by restoring the affected property to its previous condition. Upon proof by the Zoning Administrator that such person has engaged in or is about to engage in any such act or practice, a temporary or permanent injunction, restraining order or other appropriate order shall be granted to the Zoning Administrator.

### 35.2-58.10 Penalties

For violations and penalties, see section 35.2-102 of this Zoning Ordinance.

### 35.2-58.11 Severability

If any provision of these Historic District Regulations or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

## 35.2-59 Flood Hazard Districts

### 35.2-59.1 Purpose

The flood hazard districts (floodway districts (FW), floodway fringe districts (FF), and approximated flood plain districts (AFP)) are to provide primarily for the preservation and protection of lives and property in the flood plain areas of the City as well as to satisfy the Federal Emergency Management Agency (FEMA) requirements for full compliance with the National Flood Insurance Program (NFIP) to:

(a) Protect and promote the health, safety and general welfare of the public.

(b) Prevent the loss of life and excess damage to property in flood hazard areas.

(c) Promote health and safe use of flood plains and avoid disruption of commerce and industry, extraordinary public expenditures for flood relief and the impairment of the tax base.

(d) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood.

(e) Require that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction.

### 35.2-59.2 Boundaries

(a) The boundaries of the flood zoning districts will be shown on the Official Zoning Map, as they become available, and shall be determined by the water surface profiles, and, in the event of conflict between the boundaries shown on the Official Zoning Map and the water surface profiles, the water surface profiles shall control. Applicants for a building

permit must ensure to the satisfaction of the Zoning Administrator or the Board of Zoning Appeals, as applicable that the building site is not in a floodplain.

(b) The building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A comply with applicable sections of this ordinance.

### 35.2-59.3 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. This ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### 35.2-59.4 Establishment of Flood Hazard Zoning Districts

(a) The flood hazard areas within the jurisdiction of this ordinance are hereby divided into four (4) sections: floodway districts (FW), floodway fringe districts (FF), approximated flood plain districts (AFP), and special floodplain districts (SFD).

(b) The basis for the delineation of these districts shall be the flood insurance study (FIS) for the City of Lynchburg, Virginia, prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration, as amended. Any changes in the delineation are subject to the prior approval of the federal insurance administrator.

1. The floodway district is delineated for purposes of this ordinance using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation. The areas included in this district are specifically defined in Table 2 of the above-referenced flood insurance study and shown on the accompanying Flood Insurance Rate Maps (FIRM).

2. The flood-fringe district shall be that area of the one hundred (100) year flood plain not included in the floodway district. The basis for the outermost boundary of this district shall be the one hundred (100)-year flood elevations contained in the flood profiles of the above-referenced flood insurance study and as shown on the accompanying Flood Insurance Rate Maps (FIRM), and subsequent revisions.

3. The approximated flood plain district shall be that flood plain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year flood plain boundary has been approximated. Such areas are shown on the flood boundary and floodway map and/or flood insurance rate map. Where the specific one hundred (100)-year flood elevation cannot be determined for this area

using other sources of data such as the U. S. Army Corps of Engineers, Flood Plain Information Reports, U. S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the City.

4. The special floodplain district shall be those areas identified as an AE Zone on the maps accompanying the flood insurance study for which one hundred (100)-year flood elevations have been provided but for which no floodway has been delineated.

### 35.2-59.5 Alteration or Relocation of a Watercourse

(a) Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within the City of Lynchburg, the following procedures shall apply:

1. Notification shall be given by the developer to the Federal Emergency Management Agency (FEMA) for work in any stream, watercourse, etc., identified in the flood insurance study (FIS) for the City of Lynchburg.

2. Approval shall be obtained from the Zoning Administrator for work in any stream, watercourse, etc. in Lynchburg. The developer may be required to provide hydrologic and hydraulic analyses for approval.

3. Notification shall be given by the developer to the Virginia Division of Dam Safety and Floodplain Management, (Department of Conservation and Recreation), for any proposed work in any stream, watercourse, etc. in the City of Lynchburg and any required permits obtained before work will be permitted. A permit from the U. S. Army Corps of Engineers and the Virginia Marine Resources Commission, and certification from the Virginia State Water Control Board, may be necessary. (A joint permit is available from any of these agencies.) It shall be the responsibility of the developer to obtain all necessary permits. Further notification shall be given by the developer to all adjacent affected jurisdictions, as determined by the City of Lynchburg. Copies of this notification shall be forwarded to the Lynchburg department of community development and any affected counties.

4. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any water course, drainage ditch or any other drainage facility or system.

(b) All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a Building Permit and/or land disturbance permit. Such development shall be undertaken only in strict compliance with the provisions of the City's Zoning Ordinance, the Virginia Uniform Statewide Building Code, the City of Lynchburg subdivision regulations and with all other applicable codes and ordinances, as amended. All proposed development within flood hazard areas will be reviewed to assure that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 V.S.C. 1334.

### 35.2-59.6 Prohibited uses: Floodway District (FW)

The following structures and uses are hereby prohibited in the floodway district:

(a) The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive or could be injurious to human, animal or plant life in time of flooding or that have high flood damage potential.

(b) Garbage and waste disposal facilities including any further encroachment upon the floodway at existing sites.

(c) Recreational uses with fencing to surround the playing area—such as tennis courts or fenced ball fields.

### 35.2-59.7 Uses Permitted by Right: Floodway District (FW)

The following uses shall be permitted within the floodway district; provided that they are not prohibited by any other ordinance, and, provided further, that encroachments, including fill, new construction, substantial improvements and other development within the floodway district shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(a) Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(b) Industrial—commercial uses such as loading areas, parking areas, airport landing strips.

(c) Recreational uses such as temporary festivals operated by nonprofit organizations, golf courses, driving ranges, archery ranges, picnic areas, boat launching ramps, parks, swimming areas, fish hatcheries, wildlife preserves, game farms, target ranges, hiking and horseback trails and hunting and fishing areas.

(d) Residential uses such as lawns, gardens, parking areas and play areas.

(e) Transportation and service uses such as streets, bridges, pipes and pipelines, utilities and railroads, provided:

1. New and replacement water supply systems are to be designed to minimize or eliminate infiltration of flood waters into the systems.

2. New and replacement sanitary sewage systems are to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and (ii) onsite waste disposal systems are to be located to avoid impairment to them or contamination from them during flooding.
3. Adequate drainage shall be provided to reduce exposure to flood hazards.

### 35.2-59.8 Uses Permitted by Conditional Use Permit: Floodway District (FW)

Certain conditional uses may be allowed within the floodway district provided they comply with the regulations of section 35.2-11 (Applications Requiring Public Hearings Before City Council) of this ordinance. However, encroachments, including fill, new construction, substantial improvements and other development within the floodway districts, shall be proved not to result in any increase in flood levels within the community during the occurrence of the base flood discharge. Conditional uses include the following:

(a) Marinas, boat rentals, docks, piers, wharves.

### 35.2-59.9 Uses Permitted by Right: Floodway Fringe District (FF)

Any use permitted by right in the floodway district (FW) may be permitted within the floodway fringe district (FF) provided it is not in conflict with any existing ordinances.

### 35.2-59.10 Uses Permitted by Conditional Use Permit: Floodway Fringe District (FF)

The following conditional uses will be permitted within the floodway fringe district provided they comply with the regulations of section 35.2-11 (Applications Requiring Public Hearings Before City Council) of this ordinance.

(a) Structures accessory to open space.

(b) Circuses, carnivals and similar transient amusement facilities.

(c) New and used car lots, roadside stands.

(d) Extraction of sand, gravel and other natural materials.

(e) Storage yards for equipment, machinery or materials.

(f) Residential structures meeting the following standards:

1. All new construction and substantial improvements shall have the lowest floor (including basement) elevated to at least one (1) foot above the one hundred (100)-year flood level. Accessory land uses such as yards, parking areas and railroad tracks may be placed at lower elevations.
2. Residential structures will have a means of ingress and egress to land outside the flood hazard district that is above the one hundred (100)-year flood level. The means of pedestrian ingress and egress shall be a minimum of fifteen (15) feet wide, or five (5) feet wide if equipped with handrails or other safety features. Such

structures will also have a means of ingress and egress to land outside the flood hazard district for emergency vehicles.

3. Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic or hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.

4. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the Virginia Uniform Statewide Building Code.

5. All manufactured homes to be placed or substantially improved within the flood hazard district shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the applicable provisions of the City.

6. All recreational vehicles placed on sites must either:

   a. be on the site for fewer than one hundred and eighty (180) consecutive days;

   b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has not permanently attached additions); or,

   c. meet all the requirements for manufactured housing, including anchoring and elevation requirements.

(g) Nonresidential structures, provided that all new construction and substantial improvements shall have the lowest floor (including basement) elevated to at least one (1) foot above the one hundred (100)-year flood level or "flood-proofed" in accordance with the requirements of the Virginia Uniform Statewide Building Code.

(h) Fill, provided that:

1. Any fill or materials proposed to be deposited in the flood hazard district must be shown to have some beneficial purpose and the amount thereof shall not be greater than on a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

2. Such fill or other materials shall be protected against erosion by riprap, bulkheading or vegetative cover.

3. The applicant must show that construction of the fill will not cause damage to upstream properties by raising the flood surface profile.

(i) Mechanical and utility equipment provided that electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(j) Use of openings in enclosures below a structure's lowest floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding and that are used solely for parking of vehicles, building access or storage in an area other than a basement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(k) Other uses similar in nature that are consistent with the provisions put forth in the statement of intent.

(l) Storage of materials or equipment, not prohibited in section 35.2-59.6 (Prohibited uses: Floodway District (FW)), may be allowed if it is not subject to damage by floods and is either firmly anchored to prevent flotation or easily removable from the designated area within the time available after an official flood warning has been issued.

### 35.2-59.11 Uses Permitted by Right: Approximated Flood Plain District (AFP)

Any use permitted by right in the floodway district (FW) and floodway fringe district (FF) may be permitted within the approximated floodplain district (AFP) provided it complies with the regulations of section 35.2-59.4(b)3 of this ordinance and is not in conflict with any existing ordinances.

### 35.2-59.12 Uses Permitted by Conditional Use Permit: Approximated Flood Plain District (AFP).

Any conditional use permitted in the floodway district (FW) and floodway fringe district (FF) may be permitted in the approximated flood plain district (AFP) provided it complies with Sections 35.2-11 and 35.2-59.4(b)3 of this ordinance.

### 35.2-59.13 Special Floodplain District

Within the special floodplain district the following provisions apply:

(a) Until a regulatory floodway is designated, no new construction, substantial improvements or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood within the City of Lynchburg.

### 35.2-59.14 Flood-Proofing Measures

When the approval body declares that a structure must provide watertight flood-proofing before issuance of conditional use or variance, the applicant for said development approval will submit a plan or documents certified by a professional engineer and/or architect registered in the Commonwealth of Virginia, that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for that particular area.

### 35.2-59.15 Regulation of Real Estate Sales in Flood Hazard Areas

(a) Any owner or partial owner of estate or his agent and any real estate broker or his agent who contracts to sell or sells real estate subject to a floodplain regulation without first notifying in writing the buyer or his agent that such real estate is subject to flood plain regulation shall be in violation of this Zoning Ordinance and subject to penalties as established in section 35.2-102.

(b) Flood plain regulation referred to in paragraph (a) above includes Zoning Ordinances, subdivision regulations and building codes which impose restrictions specifically related to flooding on the whole or a portion of the lands.

### 35.2-59.16 Variances to Flood Hazard District Regulations

(a) In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in section 35.2-12 (Variances and Appeals to the Board of Zoning Appeals) of this Zoning Ordinance and consider the following additional factors:

1. The showing of good and sufficient cause.
2. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the one hundred (100)-year flood elevation.
3. The danger that materials may be swept on to other lands or downstream to the injury of others.
4. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
6. The importance of the services provided by the proposed facility to the community.
7. The requirements of the facility for a waterfront location.
8. The availability of alternative locations not subject to flooding for the proposed use.
9. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
10. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
11. The safety of access by ordinary and emergency vehicles to the property in the time of flood.
12. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
13. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
14. Such other factors which are relevant to the purposes of this ordinance.

(b) The Board of Zoning Appeals may refer to any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for flood protection and other related matters.

(c) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

### 35.2-59.17 Building Permits in Flood Hazard District

All Building Permit applications issued for the flood hazard district shall incorporate the following information:

(a) For residential structures, the elevation of the lowest floor (including basement);

(b) For nonresidential structures only, the elevation of the lowest floor (including basement) or the flood-proofing elevation;

(c) The elevation of the one hundred (100) year flood.

# Article VI Site Development Standards

## 35.2-60 General

### 35.2-60.1 Applicability

The standards in this section apply to any new development, redevelopment or change of use requiring a development approval, building permit or certificate of occupancy except as otherwise authorized by this Zoning Ordinance.

### 35.2-60.2 Buildings, Uses and Lots

(a) **Building Lot Required**. Every building or structure hereafter erected shall be located on a lot as herein defined. Where more than one building or structure is located on a lot, separation shall be provided as provided in the Uniform Statewide Building Code.

(b) **Street Frontage Required**. No development approval shall be issued for any land use or structure unless the lot on which such land use is to be established or such structure is to be built has frontage providing access on at least one (1) dedicated, improved street extending across the entire front of the lot where right-of-way extends along the property line.

1. Said street shall have at least twenty (20) feet of pavement with fifty (50) feet of right-of-way, except that a building permit may be issued for one (1) single-household dwelling or duplex residence on a lot of record existing on September 12, 1989 that has a perpetual unobstructed easement of access at least thirty (30) feet wide to such a street to serve one (1) building.
2. The requirement for street frontage may be waived by the City Council in the case of planned unit developments, residential clusters, cluster commercial developments, traditional neighborhood developments and townhouse lots when the Council finds that adequate public and private access is provided to such land uses or structures.
3. Access for lots within commercial centers may be provided via private streets or drives approved by the City through the subdivision and site plan approval processes and shall be consistent with section 35.2-66.2 of this Zoning Ordinance.

(c) **Reduced Street Frontage Requirements**. A building permit may be issued for a land use or structure on a lot with less than the required street frontage if:

1. The lot fronts on a cul-de-sac, in which case the minimum street frontage shall be thirty (30) feet;
2. The lot is a flag lot having at least fifty (50) feet of frontage as required by section 24.1-28.1 of the City's subdivision regulations; or

3. The lot was an existing lot of record on July 11, 2011, in which case the lot shall provide access on at least one (1) dedicated, improved street extending a minimum of twenty-five (25) feet past the driveway accessing the lot.

(d) **Reduction or Subdivision of Lots**. No lot shall be subdivided or reduced in area to create a non-conforming lot or structure.

(e) **Occupancy.** No dwelling unit, boarding unit or single lot in an R-C, R-1 or R-2 district may be occupied by more than three (3) unrelated people. In other zoning districts, no dwelling unit or boarding unit may be occupied by more than three (3) unrelated people.

(f) **County Boundary Lines**. A structure which would be split by a county boundary line shall be permitted by a conditional use permit under the regulations of section 35.2-11, Applications Requiring Public Hearings Before City Council.

## 35.2-61 Building Envelope, Lot Area and Density Standards

### 35.2-61.1 Rules for Building Envelope Standards (Height, Setbacks and Building Coverage)

(a) The building envelope standards are listed for each zoning district in Article II and are summarized in Appendix B. This section describes the general rules for applying height, setback and building coverage standards.

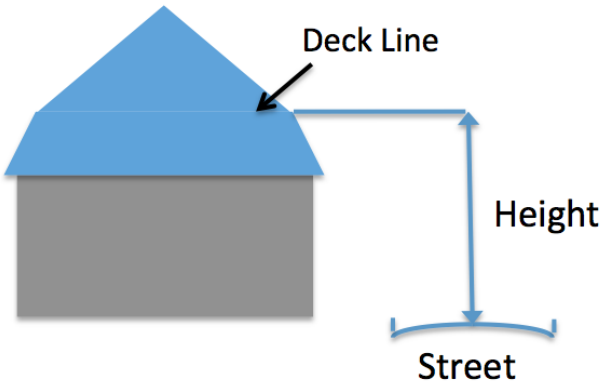
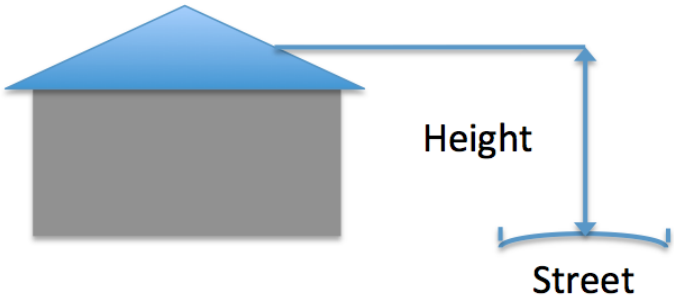
(b) Building envelope standards, other than those established in the applicable zoning district and this article may apply when:

1. Greater setbacks or lesser heights are required pursuant to the zoning district standards in Article IV or the standards in this article;
2. An overlay district imposes different standards pursuant to Article V;
3. The City Council approves alternative building envelope standards pursuant to a conditional use permit issued in accordance with section 35.2-11 (Applications Requiring Public Hearings Before City Council); or
4. Board of Zoning Appeals modifies building envelope standards by granting a variance pursuant to section 35.2-12 (Variances and Appeals to the Board of Zoning Appeals).

### 35.2-61.2 Additional Height Regulations

(a) **Measurement of Height**

1. **Building Height**. Building height is the vertical distance measured from the crown of the street opposite the middle of the front of the building to:

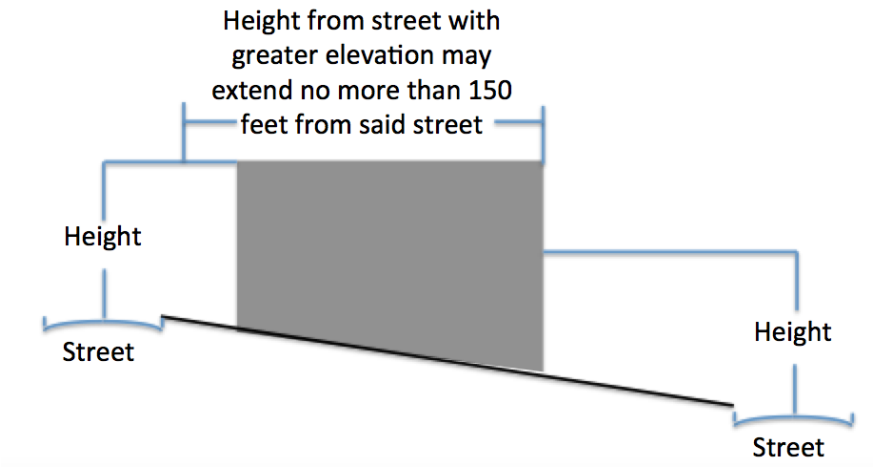
| | |
|---|---|
| a. The highest point of roof surface of a flat roof | |
| b. The deck line of a mansard roof |  |
| c. The mean height level between eaves and ridge of a gable, hip or gambrel roof |  |

2. **Exceptions to Measurement of Building Height**

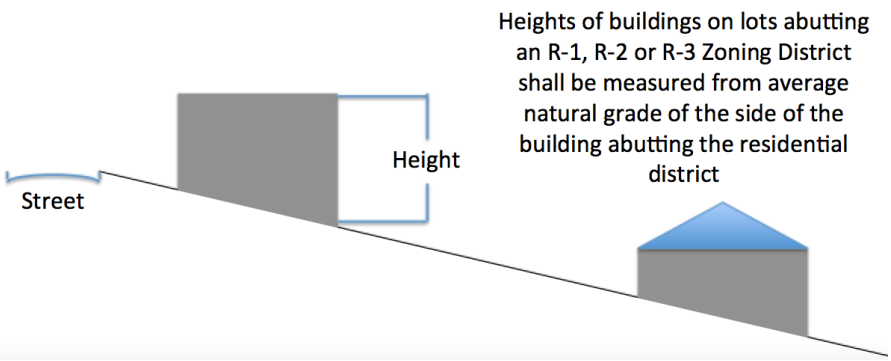
   a. **Buildings with Large Setbacks**. Where a building is set back from the street line thirty-five (35) feet or more, building height shall be measured from the average elevation of finished ground surface along the front of the building.

   b. **Large Corner Lots**. On corner lots exceeding twenty thousand (20,000) square feet in area, the height of the building may be measured from the crown of either street at the midpoint of the building facing the applicable street.

   c. **Through Lots**. For lots extending through from street to street, the height may be measured from the crown of either street at the midpoint of the building facing the applicable street, provided that the maximum height that would be permitted based on the lower street shall extend back from the right-of-way of such street not less than one hundred fifty (150) feet (see following illustration).




d. **Properties Abutting R-1, R-2 or R-3 Districts**. For lots in any R-4, B-3, B-5, IN-1, IN-2, I-1, I-2 or I-3 district abutting property zoned R-1, R-2 or R-3, height shall be measured from natural grade at the horizontal midpoint of the building wall facing each abutting residential property and shall apply to any portion of the building located within one-hundred-feet (100) feet of the property line (see following illustration). In no case shall a building be required to be less than twenty (20) feet in height at the front building line.




(b) **Height Exceptions for Certain Structures**

1. The height limitations shall not apply to the following features projecting above the roof line: flag poles, church spires/steeples, belfries, cupolas and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads or similar features, radio and television antennas for the use of residents of dwelling units in apartments, and necessary mechanical appurtenances (including, but not limited to plumbing vents, exhaust vents, HVAC equipment, electrical connections,

lightning rods and telecommunications connections) usually carried above the roof level provided that:

a. Such a feature shall be erected only to a height necessary to accomplish the purpose it is intended to serve, but in no case more than fifteen (15) feet above its lowest point of contact with the roof.

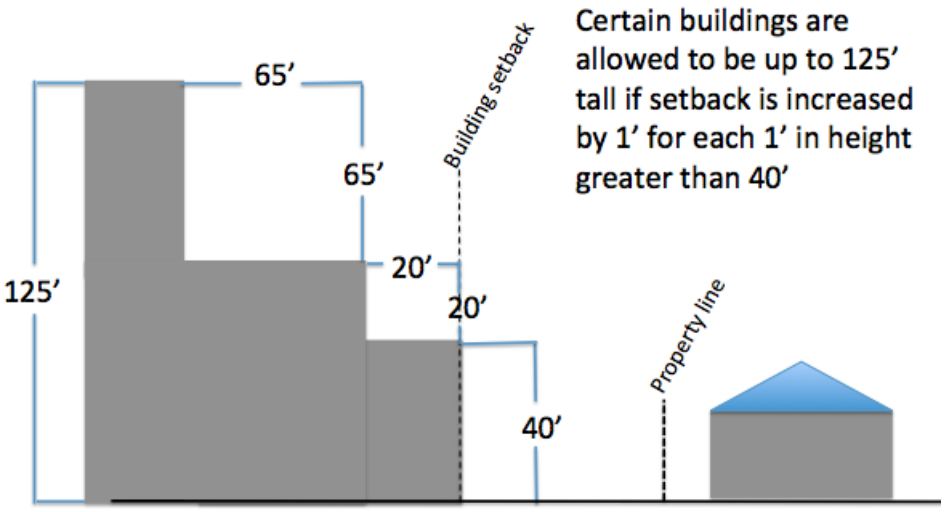
b. The total area covered by such features shall not exceed in horizontal cross-sectional area fifteen (15) percent of the area of the plane of roof upon which they are located.

c. Such features as water tanks, cooling towers and bulkheads shall be enclosed within walls constructed of the same material as the main walls of the building on which they are located.

2. Parapet walls may extend not more than five (5) feet above the limiting height of the building on which they rest.

3. No sign, name plate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the district height limitations.

(c) **Tall Buildings in the R-4, B-1, B-3 and IN-1 Districts**. In the R-4, B-1, B-3 and IN-1 districts, apartment buildings, public or semi-public buildings such as a religious institution, school, library, hospital, may be erected to not more than one hundred twenty-five (125) feet in height; provided that the portion of such building more than forty (40) feet in height shall set back from the street, lot or required setback line, one (1) foot for each one (1) foot of such additional height (see following illustration). [note that bulk plane has been flattened from 1 foot for each 2 feet of additional height]



### 35.2-61.3 Setbacks

(a) **Measuring Setbacks.** Setbacks shall be measured as the shortest distance between the applicable property line (front, side or rear) and the nearest portion of the building, except as specifically provided in this section. For purposes of this measurement, the property line shall be considered a vertical plane and all distances shall be measured horizontally from that plane.

(b) **Setbacks, Buffers and Open Spaces Unique to Lot**. No required setback, buffer or open space for any building or lot shall be considered to provide a required setback, buffer or open space for a building on any other lot.

(c) **Corner Lots**. On a corner lot, the required side setback abutting a street (exterior side setback) shall be at least equal to a required front setback for other lots fronting on the side street. The Zoning Administrator shall determine the front, side and rear yards based on the predominant orientation of lots on the block on which the property is located.

(d) **Interior Lots with Double Frontage**. Interior lots having frontages on two (2) streets shall have a front setback on each street, except where all lots or existing dwellings are designed to face the same street.

(e) **Authorized Encroachments**. The following structures may encroach upon minimum setback areas as provided herein:

1. **Terraces**. A paved terrace shall not be subject to minimum setback or maximum lot coverage requirements; provided that such terrace is without roof, awnings, screens, walls, parapets or other forms of enclosure and is not more than three (3) feet above grade. Such terrace, however, may have a guard railing, wall or fence not over four (4) feet high with less than fifty (50) percent opacity, and shall not be closer than five (5) feet from any lot line.

2. **Porches.** Unenclosed porches or decks may project not more than ten (10) feet beyond the front, exterior side and rear walls of a building into the minimum front, exterior side or rear setback for the district. Any two (2) story or enclosed porch, or one having a roof, shall be considered a part of the building in the determination of the required setback and amount of building coverage.

3. **Projecting Horizontal Architectural Features**. Architectural features, such as windowsills, belt courses, chimneys, cornices, eaves or bay windows, may project not more than three (3) feet into any required setback, but not closer than five (5) feet to any lot line. The sum of any bay or bow window projections on any wall shall not exceed one-fourth (1/4th) of the length of said wall.

4. **Fire Escapes**. Open fire escapes may extend into any required setback not more than five (5) feet; provided, however, that such fire escapes shall not be closer than five (5) feet at any point to any lot line.

5. **Fences and Walls**

a. The setback requirements of this Zoning Ordinance shall not be deemed to prohibit any otherwise lawful fence or wall if:

1. Each fence and/or wall does not exceed four (4) feet in height in a front yard.

2. Each fence and/or wall shall not exceed eight (8) feet in height in side and rear yards in residential districts of ten (10) feet in height in other districts.

3. Fences and/or walls in required exterior side setbacks shall not exceed four (4) feet in height.

4. Fences and walls do not conflict the standards for visibility at intersections established in section 35.2-66.4 (Visibility at Intersections) in any district.

5. On a corner lot, no fence and/or wall shall exceed four (4) feet in height in the required exterior side or rear setback abutting a street when a front yard is required for any lot on the side street in any district.

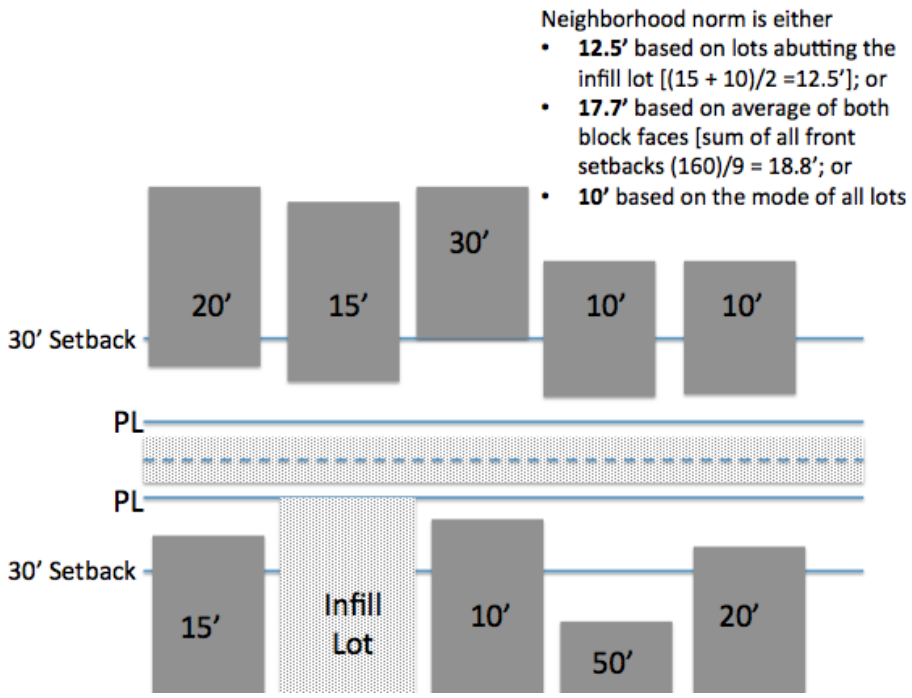
(f) **Setback Reductions for Neighborhood Norms.** The following provisions are applicable to new development, additions or redevelopment in the R-1, R-2 or R-3 districts:

1. Subject to the provisions of paragraphs 3 and 4 of this section, the minimum front and side setbacks shall be reduced to match the lesser of:

a. The average setbacks on the block face on which the proposed building fronts and the block face opposite the front of the proposed building;

b. The average setback of the buildings located on either side of the proposed development;

c. The mode of setbacks on the block face of the proposed development and the block face opposite the front of the proposed development;




2. The minimum rear setback shall be reduced by twenty-five (25) percent when a legally created lot is less than the minimum lot area for the applicable district.

3. When determining the average setbacks, the City shall determine the mean of all principal structure setbacks. For any structure set back further than the minimum required setback for the applicable zoning district shall be deemed to be set back to that minimum. The mode shall be the most frequently occurring setback on the applicable lot's block face and the block face across the street.

4. Regardless of the neighborhood norm, side and rear setbacks shall comply with minimum fire code requirements.

5. When the neighborhood norm provisions are not applicable, the Zoning Administrator may authorize a minor exception, not to exceed one (1) foot from the required dimension, for a building setback for one and two-household dwellings to preserve existing vegetation or where other purposes of this Zoning Ordinance are achieved.

(g) **Future Street Widening**. On any street where a street widening plan designating future right-of-way lines has been officially adopted by the City or Commonwealth of Virginia, the setbacks required by this Zoning Ordinance shall be measured from such lines rather than the existing street lines; and where no setback is otherwise required, a setback at the future right-of-way line is required.

(h) **Setbacks from Limited Access Highways**. On any limited access highway (including ramps), there shall be provided a setback line of fifty (50) feet from the right-of-way

line; and no building, sign, billboard or structure of any type shall be located or erected nearer than fifty (50) feet to such right-of-way line.

(i) **B-1 District Abutting and R-1, R-2 or R-3 District**. Where a B-1 lot abuts a R-1, R-2 or R-3 lot, the minimum front setbacks along block faces shall be the lesser of the neighborhood norm as provided in paragraph (f) of this section or twenty (20) feet.

(j) **R-4, B-3, B-5, IN-1 or IN-2 Districts Adjacent to R-1, R-2 or R-3 Districts**

1. In all instances where a lot in a R-4, B-3, B-5, IN-1 or IN-2 district abuts a lot in a R-1, R-2 or R-3 district:

   a. A buffer shall be established between the districts in compliance with section 35.2-63.10.

   b. A fifty (50) foot setback shall be provided.

2. Where lot in a B-3, B-5, IN-1 or IN-2 district is on the same block as a residential district, the front and exterior side setback requirements of the residential district shall apply to the applicable business or institutional district.

(k) **Industrial Districts Adjacent to Residential Districts**

1. In all instances where a lot in an industrial district (I-1, I-2 or I-3) abuts a lot in a residential district (R-1, R-2, R-3 or R-4):

   a. A buffer shall be established between the districts in compliance with section 35.2-63.10.

   b. There shall be required a one-hundred (100) foot minimum building setback on the lot in the industrial district.

2. Where a lot in an industrial district is on the same block as a residential district, the front and exterior side setback requirements of the residential district shall apply to the applicable industrial district.

(l) **Private recreational facilities**. Private recreational facilities such as swimming pools, tennis courts and basketball courts permitted as accessory uses located on residentially zoned land, shall not be located in any front yard and shall have the following setbacks:

1. If accessory to a single-household use or duplex, the edge of the facility shall be located not less than five (5) feet from any lot line.

2. If accessory to a residential use other than a single-household residence or duplex, the edge of the facility shall be located not less than twenty (20) feet from any lot line.

3. Any private recreational facility with above ground lighting shall comply with minimum setback requirements for the principal structure in the applicable location.

4. In the event that a lighted facility is located less than fifty (50) feet from any lot line, it shall be screened pursuant to section 35.2-63.9 (Utility Screening).

(m) **Dedicated Street as Portion of Required Buffer**. When a dedicated street separates two (2) districts requiring additional setbacks, one fourth (1/4th) of the width of the dedicated right-of-way may be deducted from the required setback.

### 35.2-61.4 Rules for Lot Dimension and Density Standards

(a) **Lot Dimension and Density Standards.** The zoning districts in Article IV establish and Appendix C summarizes the lot dimension and density standards applicable in each zoning district.

(b) **Lots under Water or within the One Hundred (100) Year Floodplains**. No more than ten (10) percent of the minimum area requirements of a lot, or the area used to calculate the maximum floor area ratios or permitted number of dwelling units, may be comprised of land that is in a 100-year floodplain as determined by the Flood Insurance Rate Maps or delineated wetland.

(c) **Parts of Lot Not Counted Toward Area Requirements**. For any lot created by subdivision subsequent to adoption of this ordinance, no portion of lot that is less than one-third (1/3rd) the minimum lot width for the applicable zoning district shall be counted as part of the required minimum lot area.

(d) **Additional Setbacks Required for Visibility at Intersections**. Where required to achieve the requirements for visibility at intersections and driveways as provided in section 35.2-66.4 (Visibility at Intersections), additional setbacks may be required as a condition of a development approval for all or a portion of a lot's street frontage.

(e) **New buildings on Lots Less than the Required Minimum Area or Lot Dimensions**. A building permit may be issued for the erection of a building for a permitted use on a non-conforming lot provided that:

1. That all setbacks and other requirements that are in effect at the time of building permit issuance are complied with;

2. That the owner of such lot did not own other lots contiguous thereto at the time of the adoption of this ordinance. If the latter is the case, such lot, or so much thereof as may be necessary, shall be combined with the first named lot to make one (1) or more conforming lots, whereupon a permit may be issued, but only for such combined lots;

3. Where the required lot areas or lot dimensions are less than those required for the applicable district, but are consistent with the lot sizes and dimensions of the neighborhood, combination of contiguous lots shall not be required. For purposes of this provision, lots are consistent if at least fifty (50) percent of the lots on the

subject block face have lot areas and dimensions that are within ten (10) percent of the dimensions of the substandard lot proposed to be developed.

4. Where lots in an R-C, R-1, R-2 or R-3 district do not meet minimum lot area requirements no detached accessory dwelling unit may be established.

5. Where the required area of dimensions of lots are changed by an amendment of this Zoning Ordinance, any legal lot existing on that date that is made non-conforming by such amendment, may be built upon within the limits of paragraphs (1) through (3) of this section.

(f) **Calculation of Density.** Density is the measure of the number of dwelling units per acre of a lot or site, excluding any portion of the lot or site within a 100-year floodplain or delineated wetland that exceeds ten (10) percent of the total as established in paragraph (b) of this section and excluding areas that have slopes in excess of twenty-five (25) percent.

## 35.2-62 Parking and Loading

### 35.2-62.1 Applicability

(a) **Generally**. All structures and land uses hereafter enlarged, erected, extended or modified to increase parking demand shall be provided with the amount of off-street parking and loading space required by this section. Parking requirements shall be calculated prior to final site plan approval.

(b) **Existing Structures and Uses**. Structures and land uses in existence on the date of enactment of this ordinance, or structures and uses for which Building Permits have been approved on the said date, shall not be subject to the parking and loading requirements set forth in this section. However, any parking and loading facilities now existing to serve such structures or uses may only be reduced if they continue to comply with the minimum parking and loading standards established herein.

### 35.2-62.2 Location of Off-Street Parking Facilities

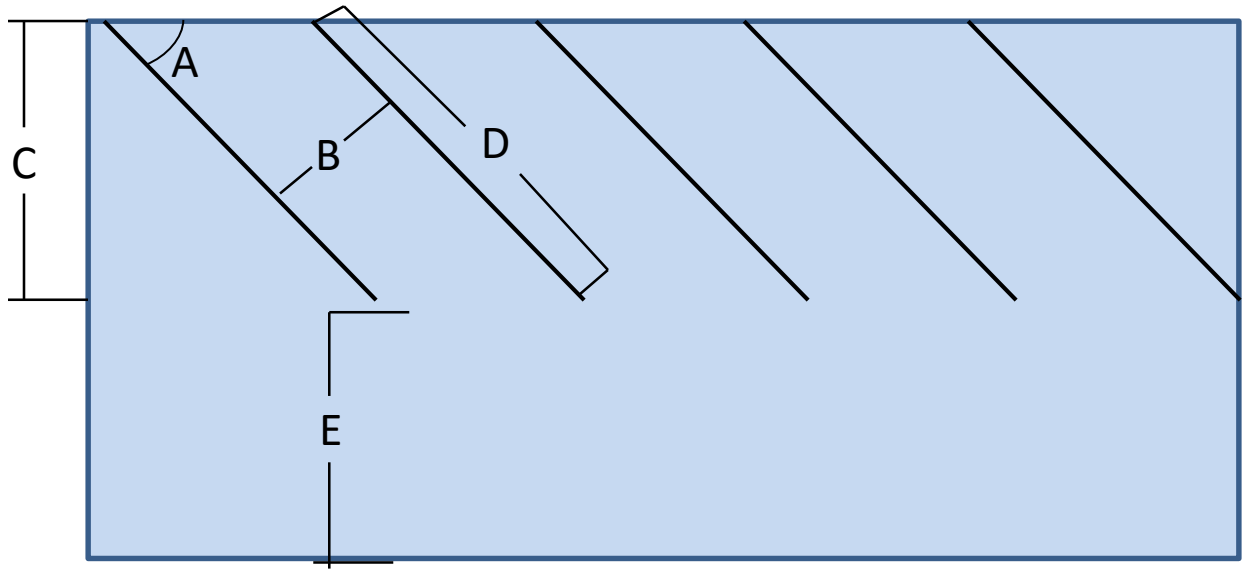
Off-street parking facilities required by this article shall be provided on the same lot with the structure or land use served or on a lot connected by pedestrian facilities to the said lot provided that excess parking is available and a shared parking agreement is executed pursuant to section 35.2-62.4(d). A shared parking agreement shall not be required for lots under common ownership. On-street parking located within one thousand (1,000) feet and connected by pedestrian facilities may be used to satisfy off-street parking requirements. Except for one (1) household and duplex residential parking facilities, no off-street parking facilities shall be located within twenty (20) feet of any residential lot line, nor shall they be located in any required front setback.

### 35.2-62.3 Parking Specifications

(a) **Parking Dimensions**. Each parking space and the necessary access aisles shall have at least the minimum dimensions listed in Exhibit VI-1, depending on the parking angle and the direction of the traffic flow.

**Exhibit VI-1: Minimum Parking Lot Dimensions**

| Parking Angle (A) | Stall Width (B) | Stall Depth (C) | Stall Length (D) | Cross Aisle Width (One-Way - E) | Cross Aisle Width (Two-Way - E) |
|---|---|---|---|---|---|
| 45° | 9’ | 19’ | 25’ | 12’ | 20’ |
| 60° | 9’ | 20’ | 22’ | 16’ | 20’ |
| 75° | 9’ | 20’ | 20’ | 20’ | 20’ |
| 90° | 9’ | 18’ | 18’ | 24’ | 24’ |
| 0° | 8.5’ | 8.5’ | 23’ | 11’ | 20’ |




(b) **Parking Surfaces**.

1. Parking and loading areas shall be graded and surfaced, marked and maintained in accordance with the provision of this section. The City Engineer shall approve the materials and construction of parking surfaces.
2. Parking areas having ten (10) or fewer parking spaces may be gravel and shall require marking or tire stops.
3. Parking areas having more than ten (10) spaces shall be paved or surfaced with pervious or impervious material approved by the City Planner, subject to the review

and recommendation of the TRC. Gravel may be used if the City Planner in accordance with the TRC recommendation determines that the use of gravel is appropriate. Decisions on whether or not the use of gravel for a larger parking area is appropriate will include, but not be limited to, the following factors:

a. Volume of traffic;

b. Frequency of use;

c. Size and location of the parking area;

d. Type of land use requiring the parking;

e. Topography; and

f. Control measures needed for stormwater, erosion and dust management.

4. Landscaping shall be installed and maintained for gravel parking and vehicular areas to the same standards required for paved parking and vehicular areas.

5. The future conversion of gravel parking areas to surface-treatment or pavement shall be subject to the provisions of the City's stormwater and erosion and sediment control ordinances.

### 35.2-62.4 Required Number of Parking Spaces

(a) **Schedule of Parking Space Requirements**. Exhibit VI-2 establishes the minimum requirements for all districts except B-4. LBCS (see Article III for a description of the Land Based Classification Structure) code references follow the uses in parentheses where applicable

1. The required number of spaces may be increased based on projected parking demands pursuant to issuance of a conditional use permit (see section 35.2-11, Applications Requiring Public Hearings Before City Council).

2. The required number of spaces may be reduced by the City Planner if the applicant provides credible information documenting that the use will require fewer spaces and the City Planner determines that the reduction will not reduce the viability of future use of the site.

**Exhibit VI-2: Minimum Number of Parking Spaces Required**

| Use | Minimum Number of Spaces |
|---|---|
| Residential Uses | |
| Residential dwellings (1100-1130) | one (1) per dwelling unit |
| Uses accessory to residential uses in addition to required spaces per dwelling unit: | |
| accessory dwelling | one (1) per dwelling unit |

| Use | Minimum Number of Spaces |
|---|---|
| roomers and boarders (1321-1322) | one (1) per boarder |
| tourist homes or bed and breakfast (1310) | one (1) for each guest bedroom |
| home occupation | one (1) if client visits are part of occupation |
| Institutional Uses | |
| Places of worship (6600) | one (1) for each four (4) fixed seats included; benches shall be deemed to have capacity of one (1) person per twenty (20) linear inches of bench |
| Arenas, auditoriums, and stadiums (5170-5180) | 3. One (1) parking space per three (3) spectator seats.<br>4. One (1) parking space per ten (10) square feet of additional places for spectators provided by the establishment.<br>5. One (1) parking space per employee. |
| Art galleries, libraries, museums (4242 & 5200) | three (3) per one thousand (1000) square feet of floor space, exclusive of utility areas |
| Clubs, lodges and other recreational facilities (6830) | one (1) per each four (4) persons of the rated capacity of the building |
| Fraternities and sororities with residential component (1323) | one (1) parking space per employee, plus one (1) parking space per site resident, plus one (1) parking space per fifty (50) square feet of floor area. |
| Schools, public and private, elementary and junior high (6120) | two (2) per three (3) teachers and other employees |
| High schools, public and private (6120) | two (2) per three (3) teachers and employees plus one (1) per ten (10) students |
| Colleges (6130) | two (2) per three (3) teachers and employees plus one (1) per five (5) students up to one hundred (100) on campus and commuting students. For colleges exceeding one hundred (100) on campus and commuting students the parking need shall be estimated by the petitioner and approved as part of a conditional use permit pursuant to section 35.2-11 or approved through the site plan approval process in the IN-2 district. |
| Group homes (6522-6523) | two (2) per home plus one (1) per eight (8) residents plus one (1) per three (3) staff members |
| Hospitals (6530) | one (1) per three (3) patient beds, plus one (1) per resident doctor, plus one (1) per three (3) three other employees |
| Nursing homes (1200) | one (1) per three (3) beds, plus one (1) per resident doctor, plus one (1) per each three (3) staff members |
| Other institutional and special uses and facilities (1200) | one (1) per each four (4) persons of the rated capacity of the building |

| Use | Minimum Number of Spaces |
|---|---|
| Commercial uses | |
| Offices for business, banking, professional and similar uses (2210, 2230-2250, 2411-2414) | two (2) per one thousand (1000) square feet of gross floor area, exclusive of utility area |
| Retail sales and services (2100) | two (2) per one thousand (1000) square feet of gross floor area plus one (1) for each three (3) employees on duty at any one time |
| Commercial and trade schools (6140 & 6568) | one (1) per five (5) students and one (1) per two (2) employees |
| Hotels and motels (1330) | one (1) per guest room plus one (1) for each three (3) employees on duty at any one time |
| Mortuaries and funeral parlors (6710) | one (1) for each four (4) fixed seats included; benches shall be deemed to have capacity of one (1) person per twenty (20) linear inches of bench |
| Restaurants, night clubs, taverns, places of assembly (including theaters) (2500, 5110, 5160 & 5111) | one (1) per each four (4) persons of the rated capacity of the building plus one (1) for each three (3) employees on duty at any one time |
| Automobile service stations (2117) | two (2) per three (3) employees on main shift plus two (2) for each service bay |
| Warehouse (3600) | two (2) per three (3) employees on main shift |
| All others | one (1) per each four (4) persons of the rated capacity of the building |
| Industrial uses | |
| Manufacturing, wholesale and other industrial uses (3000-3599) | two (2) per three (3) employees on main shift |

(b) **Uses Not Listed**. For uses not listed in Exhibit VI-2, or where the City Planner and property owner agree the minimum required standards would create excess parking, the City Planner shall determine the appropriate minimum requirements in accordance with the TRC recommendation.

(c) **Two (2) or More Uses on The Same Lot**. Where two (2) or more uses occur on the same lot, the minimum parking requirement shall be the sum of the requirements for each individual use calculated separately; except that the City Planner, may reduce the minimum parking space requirements in accordance with the TRC recommendation, upon finding that the timing of parking demands for the uses results in less demand for parking spaces.

(d) **Shared Parking**. Shared parking may be recommended by the technical review committee (TRC) during final site plan review. Uses sharing parking need not be located on the same lot, but shall be located within the same block or an adjacent block. In approving shared parking, the TRC shall require the following:

1. Shared parking shall be connected to the uses it serves by pedestrian facilities.

2. That the applicant show, through a study of peak parking needs for all proposed uses involved, that shared parking is feasible and that the number of spaces proposed is adequate to meet the projected parking demand at all hours;
3. That the design and location of parking areas is convenient for sharing by customers, patrons, and residents of all properties involved;
4. Provisions ensuring that the agreement shall be recorded and shall not be terminated without approval of the Zoning Administrator; and
5. That a shared parking agreement that establishes ongoing access to the shared parking for all users, responsibilities for parking lot maintenance and limits on hours of operation has been executed between all property owners involved and is binding on all tenants.

(e) **Mass Transit Provision**. The City Planner may reduce the minimum parking space requirements by a suitable amount in accordance with the TRC recommendation where:

1. Mass transit is available;
2. Facilities are provided in the form of shelters and/or benches; and
3. The facilities are adjacent to or within one thousand (1,000) feet of a development and connected to the building entrance by pedestrian facilities.

(f) **Special Conditions in the B-4 District**. In the B-4 district the minimum off-street parking requirements shall not apply because of the impracticability of providing such parking spaces on the basis of individual uses in highly congested areas. However, developers of new buildings are strongly encouraged to provide parking spaces up to the minimum cited in these regulations.

### 35.2-62.5 Off-street Loading Berth Requirements

Except as provided in paragraphs (d) and (g) of this section, off-street loading and unloading berths, as defined herein, shall be provided in accordance with this section and located on the same lot with the use to be served.

(a) **For Retail and Service Business Establishments**, one (1) berth for the first four thousand (4,000) square feet of floor area or portion thereof used for business purposes, and one (1) additional berth for each ten thousand (10,000) square feet or portion thereof in excess of the first four thousand (4,000) square feet.

(b) **For Business, Professional, Financial and Other Office Buildings**, one (1) berth for each one hundred thousand (100,000) square feet of gross floor space.

(c) **For Manufacturing, Wholesale Business, Storage, Warehouses and Similar Activities**, one (1) berth for the first four thousand (4,000) square feet of floor area or portion thereof used for such purposes and one (1) additional berth for each ten thousand

(10,000) square feet or portion thereof in excess of the first four thousand (4,000) square feet.

(d) **For Arenas, Stadiums, Performing Arts Theaters and Auditoriums,** there shall be five (5) loading berths per main entrance and five (5) loading berths for service vehicles.

(e) **Joint Use of Loading Berths**. In B-3 and B-4 business districts several business establishments within one (1) block may provide off-street loading berths for joint use, provided that the design and location of such berths is satisfactory to the City Planner. The minimum requirements for such berths shall be figured on the basis of the total floor space of all the establishments served.

(f) **Fraternities, Sororities and Fraternal Organizations. T**here shall be one (1) loading berth for service vehicles plus three loading berths for the main entrance.

(g) **Exceptions**. The Zoning Administrator may waive the requirement for loading berths for existing structures or new structures developed in the middle of a block upon finding that there is no practical way to provide for a loading berth at the side or rear of a building in a manner that is consistent with the intent of the applicable zoning district.

### 35.2-62.6 Bicycle Parking

(a) Minimum 1 bicycle rack shall be provided for every twenty (20) vehicular parking spaces.

(b) Bicycle racks shall be provided within fifty (50) feet of each main building entrance.

## 35.2-63 Landscaping

### 35.2-63.1 Title

This section 35.2-63 et seq shall be referred to as the landscaping ordinance.

### 35.2-63.2 Purpose of Landscaping Provisions

The Landscaping requirements of this section are intended to

(a) Promote the public necessity, convenience, general welfare and good zoning practice by incorporating landscaping, screening and tree preservation requirements into the development review process;

(b) Ensure development consistent with the goals of the Comprehensive Plan;

(c) Reduce soil erosion;

(d) Maintain or enhance water quality;

(e) Increase infiltration in permeable land areas to improve stormwater management, mitigate air, dust, noise, and chemical pollution;

(f) Reduce the heat island effect;

(g) Protect property values and provide buffers between incompatible uses;

(h) Preserve existing natural vegetation as an integral part of the City; and

(i) Ensure that the City remains an attractive place to live, work and play.

### 35.2-63.3 Applicability

(a) This landscaping ordinance applies to the development or redevelopment of any property after June, 13, 2006 and located in an R-4, R-5, B-1, B-3, B-4, B-5, IN-1, IN-2, I-1, I-2 or I-3 district and to any use requiring conditional use permit approval.

(b) When an existing use is expanded, enlarged, or redeveloped, only those portions of the property subject to the expansion, enlargement, or redevelopment are subject to the landscaping ordinance.

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

### 35.2-63.4 General Landscaping Regulations

(a) Landscaping within an area for visibility at intersections (see section 35.2-66.4 (Visibility at Intersections), shall not include any evergreen trees and shall not include shrubs exceeding three (3) feet in height above the ground at maturity. Tree limbs within this area shall be trimmed to ensure visibility for motor vehicle safety, but in no case shall tree limbs be trimmed more than twelve (12) feet above the ground.

(b) When a determination of the number of trees or shrubs results in a fraction, any fraction shall be rounded up to count as one (1) tree or shrub.

(c) Existing vegetation within the development area and that measures at least three (3) inches in caliper and that meets the requirements of the landscaping ordinance may be preserved and may be used to meet all or part of the landscaping requirements.

(d) Removal of healthy trees eighteen (18) inches or greater in caliper is discouraged. For each healthy tree eighteen (18) inches or greater in caliper that is retained within the development area a credit of twelve (12) trees shall be given towards meeting the requirements of the landscaping ordinance.

(e) All landscaped areas shall be covered with an appropriate ground cover, mulch, or decorative landscape stone. Where mulch or decorative landscape stone is used, it shall be installed to a depth of not less than two (2) to three (3) inches. The use of gravel and/or riprap is prohibited.

(f) All slopes shall be covered with an appropriate ground cover. The use of riprap for ground cover on any slope visible from a public or private street, or residential district is prohibited.

(g) All retaining walls visible from any public or private street or residential district shall be constructed of segmental block, brick, treated wood, stone or stamped and colored concrete that gives the appearance of brick or stone. Retaining walls that consist of creosote materials are prohibited. Retaining walls of other materials are permitted provided that they are supplemented with landscape material as follows:

1. Retaining walls less than eight (8) feet in height, one (1) large evergreen shrub per three (3) linear feet of wall.
2. Retaining walls eight (8) feet in height or greater, one (1) large evergreen shrub per three (3) linear feet of wall and one (1) ornamental tree per twenty (20) linear feet of wall.

(h) All trees used to satisfy the requirements of the landscaping ordinance shall be in accordance with the City's Master Tree List. The City's Master Tree List shall be maintained by the City's Urban Forester. The City's Urban Forester may approve the substitution of a different species of tree in circumstances of disease, drought, or overhead utility lines.

(i) No tree, shrub and/or ground cover contained on the invasive alien plant species of Virginia list as maintained by the Department of Conservation and Recreation of Virginia (DCR) and the Virginia native plant society may be planted or used to satisfy any portion of the landscaping ordinance.

(j) Where the planting of trees that have a height at twenty (20) years of maturity would interfere with overhead utility lines, the Urban Forester shall as part of the site plan approval require the substitution of a tree with lesser mature height or allow placement of trees in a manner that will not interfere with overhead utility lines, provided that the general intent and purpose of the landscaping ordinance is met.

(k) All disturbed areas not used for operations, including slopes shall be landscaped at the rate of twenty (20) trees per acre. Required trees may be any combination of deciduous or evergreen and may be placed in creative groupings.

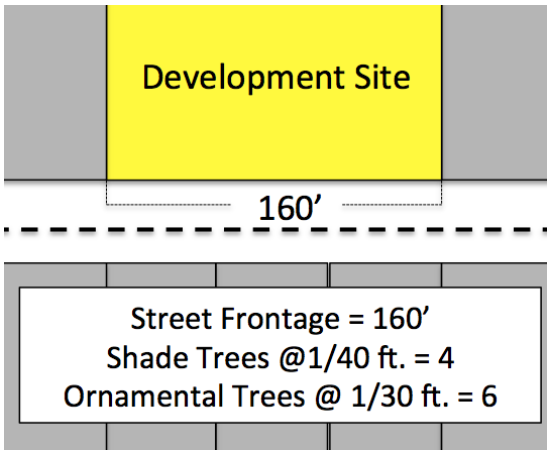
(l) The only landscaping regulations applicable to parking garages are those of section 35.2-63.8 (Foundation Plantings).

### 35.2-63.5 Residential Street Trees

When the subdivision of any land for residential purposes includes the dedication of new City streets or the extension of existing City streets, the following street tree planting requirements apply:

(a) Shade type trees shall be planted at the rate of two (2) trees for every forty (40) feet of the new street centerline or ornamental trees may be substituted at the rate of two (2) trees for every thirty (30) feet of the new street centerline. (See Exhibit VI-3)

**Exhibit VI-3: Calculation of Street Trees for New Residential Subdivisions**

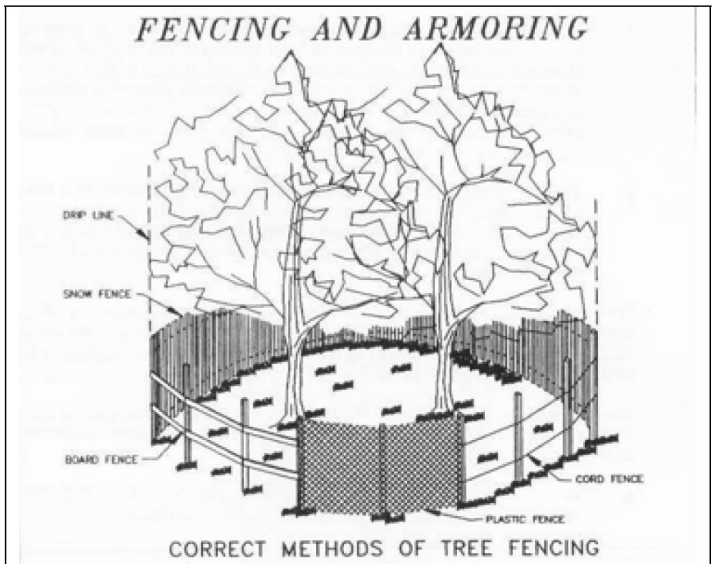



(b) Required street trees shall be placed within the proposed right of way and no required landscaping shall be planted on any private property.

(c) Trees shall be placed in a manner to prevent interference with driveways, drainage areas and/or utilities.

(d) To prevent damage to trees, required landscaping installed prior to completion of construction of the subdivision shall be protected as provided in as specified in "STD and SPEC 3.38, Tree Preservation and Protection," in the 1992 edition of the Virginia Erosion and Sediment Control Handbook for all landscaping proposed or required to be preserved to satisfy the requirements of the landscape ordinance (see Exhibit VI-4: Tree Protection Detail).

**Exhibit VI-4: Tree Protection Detail**




(e) Prior to the acceptance of any new road by the City the developer shall do one (1) of the following:

1. Install all required street trees;
2. Post a performance bond for the amount of all required street trees, related materials and installation cost; or
3. Upon mutual agreement of the City and the applicant, a cash payment may be made to the City for all required street trees, related material and installation cost. At such time a cash payment is made to the City, installation of the required landscaping becomes the responsibility of the City's Urban Forester and landscaping shall be installed within a reasonable time period.

### 35.2-63.6 Street Trees for Multi-household, Commercial Institutional and Industrial Districts

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

(b) Required street trees shall be planted along the property line that fronts the street and shall not be planted within the public right-of-way or within any utility easements unless otherwise approved by the City.

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

### 35.2-63.7 Parking Area Landscaping

(a) **Requirements for All Parking Areas**. All parking areas are subject to the following landscaping standards:

1. All parking rows and parking bays shall be capped with a landscaped island containing a required shade tree and medium height shrubs. [note that this addition reflects existing City policy]

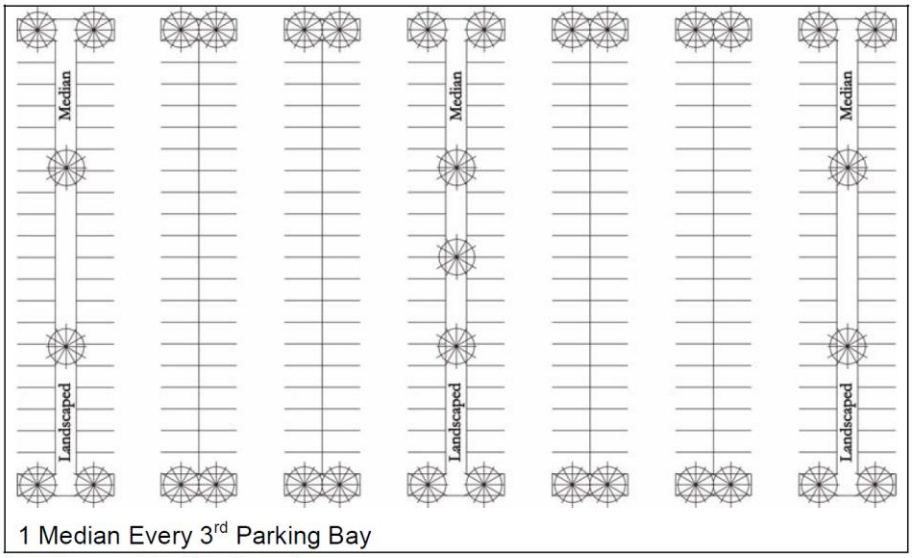
2. One (1) shade type tree for every eight (8) parking spaces, planted within landscape islands, reasonably dispersed within the parking area so that no more than twenty (20) parking spaces exist between landscape islands.

3. One (1) medium shrub for every one (1) parking space shall be planted within landscape islands containing required trees.

(b) **Large Parking Areas**. Parking areas with two hundred (200) or more parking spaces shall comply with the following additional standards:

1. One (1) landscape median six (6) feet in width for every three (3) parking bays shall be installed. The landscape median shall be required to extend the full length of the parking bay and shall include twenty (20) percent of the required parking area landscaping. (See Exhibit VI-5)

**Exhibit VI-5: Landscape Median Required**



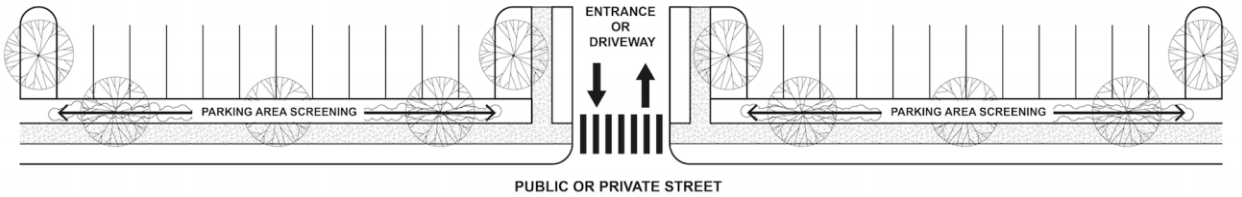

*Landscape Median Required*

2. Wheel stops, curbing, or other barriers shall be provided to prevent damage to required landscaping by vehicular traffic. Protection shall be installed to prevent soil erosion from the landscape area.

(c) **Parking Area Screening**

1. In all instances where parking areas are adjacent to public or private streets, a screen with a minimum height of three (3) feet at time of installation shall be provided along the entire length of the parking area exclusive of driveways and entrances. The minimum planting width for the screen shall be six (6) feet and such screen shall not be located in the street right-of-way (see Exhibit VI-6).
2. For the purposes of this section, any of the following combination of landscaping and berms may be used to fulfill this requirement:
   a. One (1) large shrub per three (3) feet of street frontage;
   b. Earthen berm with three (3) small shrubs per three (3) feet of street frontage;
   c. Earthen berm with one (1) medium shrub and one (1) small shrub per three (3) feet of street frontage; or
   d. Any combination of paragraphs a, b or c above.
3. Earthen berms shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.

**Exhibit VI-6: Parking Area Screening**




(d) **Parking area exceptions**. Where the primary use of a parking area is for the sale of motor vehicles, recreational vehicles, trailers, boats, tractors, or manufactured homes the required parking area landscaping and parking area screening may be arranged in a reasonable manner so as not to interfere with display and maintenance.

### 35.2-63.8 Foundation Plantings

(a) All sides of multi-household, commercial, institutional or industrial buildings, which front on a public or private street or are visible from an adjacent residential district, shall be landscaped with foundation plantings that include one (1) ornamental tree per fifty (50) linear feet of building, and:

1. One (1) large shrub per ten (10) linear feet of building;
2. One (1) medium shrub and one (1) small shrub per ten (10) linear feet of building;

3. Three (3) small shrubs per ten (10) linear feet of building; or
4. Any combination of paragraphs (1), (2) and (3) above.

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

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

### 35.2-63.9 Utility Screening

(a) Loading areas, refuse areas, storage yards, stormwater management ponds, water vaults, Reduced Pressure Zone (RPZ) devices or other objectionable items shall be screened from view of any public or private street, or any adjacent residential district.

(b) Stormwater Management Facilities intended for display as a water feature or naturalized planting area are exempt from screening requirements.

(c) Screening may be accomplished by a combination of existing evergreen vegetation, walls, fences, earthen berms and new evergreen vegetation appropriate to screen the equipment or activity. The required height of screening at installation shall be sufficient to screen the equipment or activity.

(d) The use of chain link fence as the sole method of screening is prohibited. Where it is deemed appropriate by the property owner or developer for security purposes, the chain link fence shall be screened from view as listed in paragraph (c) above.

(e) **Mechanical Equipment and Dumpsters**. Mechanical equipment and dumpsters shall be located and screened as follows:

1. Ground-fixed mechanical equipment shall not be located between the front of a building and the street. If located between the building and a street, the equipment shall be screened from view with masonry wall *or* evergreen shrubs.
2. Rooftop mechanical equipment shall be screened from adjacent properties and from street view by a parapet or architecturally compatible rooftop screen.

**Illustration of Screening for Mechanical Equipment**

3. Trash dumpsters shall not be located between the front building facade and the public street or internal street.
4. No trash dumpsters shall be located between a building and a residential district unless set back from the residential district at least a minimum of fifty (50) feet.
5. Dumpsters shall be separated from adjacent parking stalls by a minimum three (3) feet wide (interior clear dimension) planting strip.
6. Dumpsters shall be enclosed with a masonry wall constructed of the same materials as the principal structure. The wall enclosure shall be at least six (6) feet and no more than eight (8) feet in height.

**Illustrations of Dumpster Screening**

### 35.2-63.10 Buffering

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

(b) Where required, the planting area for buffering shall be a minimum of twenty (20) feet in width extending along the entire length of the development area and shall generally be required along the property line unless topographic or other considerations would make it more effective located back from the property line.

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

(d) In the B-1 district, where a fence that is not less than six (6) feet in height, the buffer width may be reduced to ten (10) feet in width with evergreen trees staggered fifteen

(15) feet on center and a baseline filler of medium height evergreen shrubs. An earthen berm meeting the requirements of paragraph (c) may be substituted for the baseline filer of evergreen shrubs.

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

### 35.2-63.11 Tree Canopy Requirements

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

(b) The planting or replacement of trees on a development site shall be required to the extent that, at a twenty (20) years, minimum tree canopies will be provided as provided in Exhibit VI-7.

**Exhibit VI-7: Minimum Tree Canopy Required**

| Zoning District | Minimum Tree Canopy Required |
|---|---|
| **B-1, B-3, B-4, B-5, IN-1, IN-2, I-1, I-2, I-3** | 10% of entire development site |
| **R-4,** | 10% of entire development site |
| **R-3** | 15% of entire development site |
| **R-C, R-1, R-2** | 20% of entire development site |

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

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

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

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

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

1. Dedicated K-12 school sites.
2. Playing fields and other non wooded recreation areas
3. Designated wetlands
4. Other facilities and uses similar in nature as determined by the City Council.

### 35.2-63.12 Installation

(a) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association and the Virginia Society of Landscape Designers, or the Virginia Article of the American Society of Landscape Architects.

(b) All landscaping used to satisfy the requirements of the landscaping ordinance shall meet the specifications and standards of the American Association of Nurserymen.

(c) Any tree used to satisfy the requirements of the landscaping ordinance shall be a minimum of one and one half (1.5) inches in caliper at time of planting.

(d) Required landscaping shall be installed in accordance with an approved site plan and shall be completed prior to occupancy or the property owner or developer may provide a guarantee in a form acceptable to the Zoning Administrator that ensures installation.

1. A guarantee for required landscaping shall be in an amount equal to one hundred twenty percent (120%) of the cost of all plants, related materials and installation. Amount is subject to approval of the City's Zoning Administrator and Urban Forester.
2. All required landscaping shall be installed, inspected, and approved within six (6) months of acceptance of the guarantee.
3. During any water emergency declared by the governing body in which the use of water is restricted, the Zoning Administrator may permit the delayed installation of required trees, plants or screening materials. In this event, the property owner shall be required to obtain and or maintain a guarantee. After declaration of the water emergency ends, the property owner shall be required to install all trees, plants, screening and related materials within six (6) months.

### 35.2-63.13 Maintenance

(a) After the Zoning Administrator determines that all landscaping required by this Article is complete and in healthy condition, the property owner shall be responsible for the ongoing protection and maintenance of all required landscaping in a manner consistent with the approved site plan.

(b) In the event required landscaping as shown on the approved site plan is dead or damaged, it shall be replaced by the property owner after notification by the Zoning Administrator. The Zoning Administrator may accept a guarantee in the amount of one hundred twenty percent (120%) of the cost of all damaged or dead plants, related materials and installation.

(c) All required trees and shrubs as shown on the approved site plan shall be allowed to grow until maturity and shall not be removed, unless a suitable replacement is provided that meets the standards of this ordinance and shown on an approved landscaping plan. Pruning techniques shall be done in accordance with the standards adopted by the American National Standards Institute (ANSI), A300, Part 1, Standard 1 and the International Society of Arboriculture (ISA). Topping of trees is inappropriate. Any tree that dies as the result of topping shall be replaced by the property owner.

### 35.2-63.14 Alternate Layout of Landscaping

(a) The City Planner with the concurrence of the Planning Commission may approve an alternative layout to landscaping required by this ordinance provided that the spirit and intent of the ordinance are preserved and the goals of section 35.2-63.2 (Purpose) are assured.

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

## 35.2-64 Signs

### 35.2-64.1 Title

This section 35.2-64 et.seq. shall be referred to as the Sign Ordinance of the City of Lynchburg or Sign Ordinance. [new title for section]

### 35.2-64.2 Purpose

(a) It is the intent of the Sign Ordinance to:

1. Minimize the negative secondary effects that can accompany the unregulated display of signs, such as visual blight and traffic hazards, by adopting content neutral time, place and manner of display standards for signs;
2. Preserve the residential character of residential neighborhoods;
3. Avoid the appearance of clutter;
4. Protect property values;

5. Reduce traffic hazards caused by distractions and impairment of sight lines to motorists;
6. Facilitate safe and convenient movement of all modes of traffic; [new]
7. Ensure that the City remains an attractive place to live, work and play;
8. Reduce administrative burdens; and to promote the public necessity, convenience, general welfare and good zoning practice.

(b) It is not the intent of the City to suppress any free speech activities protected under the First Amendment or to regulate the content of signs or to require the alteration of federally registered trademarks or logos, but to enact a content-neutral ordinance which will address the secondary effects of signs.

### 35.2-64.3 Substitution of Noncommercial Speech for Commercial Speech

Any sign erected pursuant to this Sign Ordinance, or otherwise lawfully existing with a commercial message, may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign type. [new paragraph on content neutrality]

### 35.2-64.4 Severability clause.

If any provision of the Sign Ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Zoning Ordinance regulating signs and all of such provisions shall remain in full force and effect.

### 35.2-64.5 Signs Exempt from this Sign Ordinance

The following shall not be subject to the provisions of the Zoning Code regulating signs:

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

(b) Flags;

(c) Memorial signs or tablets;

(d) Decorative embellishments attached to light poles;

(e) Scoreboards; and

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

### 35.2-64.6 Sign Permits Required

(a) Prior to the construction, installation or modification of a sign, the applicant shall submit a complete sign permit application to the Zoning Administrator in accordance with section 35.2-14.3 and the provisions of this section. The Zoning Administrator shall approve the sign permit application if the application includes sufficient detail about the dimensions and area of the sign frame, structure, face, box, base, design, materials and location to ensure compliance with the requirements of this section 35.2-64 et. seq. and all applicable permit fees have been paid to the City.

(b) Upon receipt of a completed sign application, the Zoning Administrator will review the submitted information for compliance with the provisions of this Sign Ordinance. The Zoning Administrator will mark on the sign application approved, approved with conditions or denied and make notification to the applicant within ten (10) working days of receipt of the completed sign application, unless the applicant has agreed to a longer period of time. Any conditions or reason for denial shall be attached to the sign application and returned to the applicant.

(c) Permits issued for temporary commercial banners or inflatable items shall include the date of issue and the date of expiration. Said permit shall be securely fastened to the back side of the banner or inflatable item, except for banners attached to walls. When the banner is attached to a wall or other structure not easily accessible, said permit shall be kept with the owner or manager of the business and be presented to Zoning Administrator upon request.

(d) If a proposed sign or banner complies with the standards set forth in the Zoning Ordinance a sign permit shall be granted. The Zoning Administrator shall not deny a permit for a sign based upon the content of the sign and the denial of a permit on such grounds is prohibited.

(e) Appeals of a decision to deny a sign permit shall be taken to the Board of Zoning Appeals in the same manner as provided in section 35.2-12 of this Zoning Ordinance and in the Code of Virginia.

### 35.2-64.7 General Regulations

(a) **Awning Signs**. For the purposes of the Sign Ordinance, awning signs shall be allowed and treated as building mounted signs. The maximum permissible area for awning signs shall be subject to, and calculated with, the maximum permissible building mounted sign area for the specific district in which such signs are located. These provisions are applicable to awning signs regardless of the material.

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

(c) **Signs for Discontinued Uses**. Within thirty (30) days after a use or activity that is advertised by a sign ceases, the owner of such use or activity or the owner of the property on which the sign advertising the discontinued use or activity is located shall remove any changeable copy on the sign. In the event the use of any non-conforming sign is abandoned for two (2) or more years the sign and its supporting structure shall be removed by the owner of the use or activity or by the owner of the property on which the sign is located. If the sign and its supporting structure are not removed the City shall give the property owner notice to remove the sign and a deadline for removal. If the property owner fails to remove the sign after having been given written notice by the City to do so or if the City after reasonable efforts to do so is unable to locate the property owner, the City may pursue any or all of the following remedies:

1. Through its employees or agents, enter the property upon which the sign is located, remove the sign and its supporting structure, and bill the property owner for the costs of such removal;
2. Apply to a court of competent jurisdiction for an order requiring the removal of such abandoned non-conforming sign by the owner by means of injunction or other appropriate remedy; and/or
3. Cite the owner of the property where the sign is located with a violation of the Zoning Ordinance as provided in section 35.2-102.

(d) **Existing Signs**.

1. Any existing sign and/or sign structure legally erected and maintained, which is non-conforming to the provisions of the June 22, 2004 amendments to the Zoning Ordinance, may continue in its non-conforming status as long as it is maintained in its then structural condition as it existed at the time of adoption of this article (see non-conforming section 35.2-91.4).
2. When a non-conforming sign, sign frame, and/or sign structure is intentionally reconstructed or structurally altered by the business or building owner, the surface area and height requirements for a new sign, sign frame, and/or sign structure, under this ordinance, shall apply.
3. The new sign, sign frame, and/or sign structure may exceed the ordinance requirements, however, to a limit which is calculated by taking a twenty-five percent (25%) reduction in the height and/or square foot area of the original sign, sign frame and/or sign structure, provided that the new sign, sign frame, and or sign structure is constructed within sixty (60) days of the removal of the previous non-

conforming sign and sign application approval is granted as provided in this Sign Ordinance.

4. New signs, sign frames and/or sign structures that exceed the area or height standards of this ordinance pursuant to paragraph (3) shall be considered non-conforming. Replacements of signs destroyed by acts of God, or other occurrences beyond the control of the owner shall comply fully with this Sign Ordinance.

(e) **Prohibited Signs**. Portable signs, pennants, streamers, off site directional signs, and flashing signs are prohibited.

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

(g) **Violations and penalties**: See section 35.2-102.

### 35.2-64.8 Flags

Any flag that advertises a business, service, product, goods, special promotion, activity or event shall be calculated with the maximum permissible sign area for the district in which the flag is located.

### 35.2-64.9 Temporary Signs

(a) **Generally**

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

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

(b) **Banner Design Standards**. Banners shall comply with the design standards of Exhibit VI-8.

**Exhibit VI-8: Banner Design Standards**

| District | Maximum Area | Maximum Number of Signs | Minimum Setback | Maximum Projection from Wall |
|---|---|---|---|---|
| **R-1, R-2, R-3, R-4,** | 24 sq.ft. | 1 Per Street Frontage | 8 Feet | 3 Inches |
| **B-1, B-4** | 24 sq.ft. | 1 Per Street Frontage | 8 Feet | 3 Inches |
| **B-3, B-5, IN-1, IN-2** | 32 sq.ft. | 1 Per Street Frontage | 8 Feet | 3 Inches |
| **I-1, I-2, I-3** | 24 sq.ft. | 1 Per Street Frontage | 8 Feet | 3 Inches |

*SF = square feet*

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

(d) **Applications for Banners and Inflatable Signs**

1. An application and permit for a banner or inflatable item is required as provided in section 35.2-14.3.
2. No such permit shall be issued for a period to exceed sixty (60) days.
3. Permits for banner signs and inflatable items shall not be issued for any location during a period of thirty (30) days after the expiration date of a permit for a banner or inflatable item previously issued for the same location, unless the business operated at the location has changed ownership.
4. In no case shall a banner or inflatable item be displayed for more than a total of one hundred and eighty (180) days per calendar year.
5. Said banners and inflatable items shall be securely fastened to the ground or other immovable object and shall be located a minimum of eight (8) feet from the property line.

(e) **Temporary Construction Signs**

1. Temporary construction signs shall comply with the design standards of Exhibit VI-9:

**Exhibit VI-9: Temporary Construction Sign Design Standards**

| District | Maximum Sign Area | Maximum Number of Signs |
|---|---|---|
| **R-C, R-1, R-2, R-3** | 6 sq.ft. | 1 |
| **R-4** | 16 sq.ft. | 1 |
| **B-1, B-3, B-4, B-5, IN-1, IN-2** | 32 sq.ft. | 1 |
| **I-1, I-2, I-3** | 32 sq.ft. | 1 |

*SF = square feet*

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

(f) **Temporary Real Estate Signs**

1. Temporary real estate signs shall comply with the design standards of Exhibit VI-10.

**Exhibit VI-10: Temporary Real Estate Sign Design Standards**

| District | Maximum Sign Area | Maximum Number of Signs |
|---|---|---|
| **R-C, R-1. R-2, R-3** | 6 sq.ft. | 1 per Street Frontage |
| **R-4** | 16 sq.ft. | 1 per Street Frontage |
| **B-1, B-3, B-4, B-5, IN-1, IN-2** | 32 sq.ft. | 1 per Street Frontage |
| **I-1, I-2, I-3** | 32 sq.ft. | 1 per Street Frontage |

*SF = square feet*

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

(g) **Temporary Subdivision Signs**

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

### 35.2-64.10 Political Signs

A political sign is a temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election. Within any district, political signs may be erected on a lot, provided that such sign is erected only upon approval of the property owner. Political signs may not be placed on utility poles, traffic control signs or within the public rights-of-way. Political signs must be removed within three (3) days after the election. The removal of such signs shall be the responsibility of the property owner on whose lot the sign is displayed.

### 35.2-64.11 Opinion Signs

Opinion signs are permitted in any zoning district on private property only and may be erected only upon approval of the property owner. Opinion signs may not be placed on utility poles, traffic control signs or within the public rights-of-way.

### 35.2-64.12 Signs in R-C, R-1, R-2, R-3 and R-4 Districts

Signs pertaining only to the uses conducted on the premises will be permitted, subject to the following conditions:

(a) **Home Occupations**. One (1) sign announcing a permitted home occupation will be allowed for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area. Such signs shall be illuminated only by shielded white lights.

(b) **Other Permitted Use Signs**. Signs for permitted non-residential uses shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for each use. Such signs may be illuminated only by shielded white lights.

(c) **Development Identification Signs.** One (1) development identification sign not exceeding forty (40) square feet in area may be erected at each main street entrance to a development subject to the following provisions:

1. Signs shall be monument signs with a maximum height of eight (8) feet.
2. The maximum area of the sign may be on one (1) sign or divided into two (2) signs located on each side of the development's road entrance.
3. Light fixtures shall not be included in calculating the maximum height.
4. Such signs shall be illuminated only by shielded white lights.

(d) **Changeable Copy Signs for Certain Institutional Uses**. Changeable copy signs may be erected for schools, religious institutions and hospitals in residential districts subject to the following provisions: [new section]

1. The property shall abut and the sign shall be oriented toward an arterial street.
2. The digital reader board shall be limited to eighteen (18) square feet and the total sign area limited to thirty (30) square feet.
3. Signs shall be monument signs with a maximum height of eight (8) feet.
4. Animations, flashing, video and other display or transition modes of operation that create the appearance of motion are prohibited.
5. Signs shall not change the displayed message more frequently than once every six (6) seconds and transitions shall not last longer than one (1) second.
6. Display brightness shall not exceed three-tenths (0.3) foot-candles over ambient light levels. Foot-candle readings shall be measured using an appropriate meter at a distance of forty-five (45) feet perpendicular to the face of the sign.
7. Signs shall have automatic dimming capabilities to maintain compliance with brightness requirements.

### 35.2-64.13 Signs in the B-1 and IN-1 District

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the provisions of this section. The provisions of this section do not apply to signs that are further than twelve (12) inches inside of the inside face of an exterior windowpane.

(a) **Building-Mounted Signs**

1. Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located.
2. The aggregate face area of all signs on any one (1) wall of the building shall not exceed twenty-four (24) square feet except for where building frontage along the street exceeds sixty (60) linear feet, the sign area may be increased to up to one-half (0.5) square foot per linear feet, provided that the maximum size shall not exceed fifty (50) square feet.
3. Newly constructed groups of buildings shall have unified and coordinated building mounted signs.
4. No wall sign shall project more than fifteen (15) inches beyond the face of a building. Projecting Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and shall allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building.

**Exhibit VI-11: Building Mounted Sign Samples**

(b) **Free-Standing Signs**

1. One (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign structure does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet.
2. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed twenty-four (24) square feet in surface area.
3. Any architectural or decorative surrounds to support or enhance the sign face may not exceed twenty-five percent (25%) of the maximum allowable sign face surface area.

4. Sign bases, uprights, or poles located under the sign shall not count toward the architectural or decorative surrounds calculation.
5. The overall height of any sign structure, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.
6. Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide rectangular enclosure. The material and color of the enclosure shall coordinate with the sign and/or building.
7. Any freestanding sign in a historic district shall be monument style, maximum seven (7) feet in height, comply with the historic district guidelines, and receive approval from the Secretary of the Historic Preservation Commission. Decisions of the Secretary may be appealed to the Historic Preservation Commission.

**Exhibit VI-12: Free-Standing Sign Samples**

(c) **Signs for Multi-Structure Developments**

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

(d) **Sign illumination**

1. When any sign is lighted in these districts, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents.
2. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No other changeable copy signs are permitted in the B-1 or IN-1 districts.
3. No fluorescent paint or other reflective surface shall be used.

(e) **Open Signs**. One sign with the word "open" (neon or otherwise) shall be permitted per use, provided the sign does not exceed four (4) square feet. Said sign shall not count towards the maximum allowable sign square footage if it is located behind a window or door.

(f) **Visibility at Intersections**. Signs shall not encroach on areas necessary for visibility at intersections (see section 35.2-66.4).

### 35.2-64.14 Signs in B-3, B-5, IN-2, I-1, I-2 and I-3 Districts

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the provisions of this section. The provisions of this section do not apply to window signs on the inside of buildings that are further than twelve (12) inches inside the inside face of an exterior window pane, nor to small signs on outdoor merchandise display racks, cases and vending devices. [note: industrial district sign standards have been relaxed to match the sign standards for the B-3, B-5 and IN-2 districts]

(a) **Building-Mounted Signs**

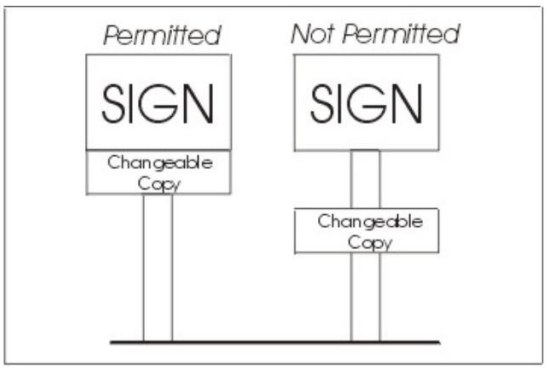
1. Building mounted signs shall face only an abutting street or an abutting parking lot of the same parcel where the sign is located.
2. The aggregate sign face surface area of all signs, including trim or embellishment, on any one (1) building wall within two-hundred (200) feet from the abutting street right-of-way shall not exceed twenty-five (25) square feet plus one (1) square foot for each lineal foot of such wall.
3. In no case shall the sign face surface area exceed one-hundred fifty (150) square feet.
4. The aggregate sign face surface area of all signs on any one (1) building wall greater than two-hundred (200) feet from the abutting street right-of-way shall not exceed twenty-five (25) square feet plus two (2) square feet for each lineal foot of such wall.

5. The sign face surface area shall not exceed two-hundred (200) square feet except that for buildings three (3) stories or greater in height the sign size may increase twenty (20) square feet per story above the maximum permissible sign area.
6. Newly constructed groups of buildings shall have unified and coordinated building mounted signs.
7. No sign applied flat to the wall shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and shall provide at least eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building.

(b) **Free-Standing Signs**

1. One (1) free-standing sign structure, permanently fixed to the ground, may be erected fronting each street that a lot occupied by a permitted use abuts, provided such sign structure is not located closer to the property line than two (2) feet.
2. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed fifty (50) square feet in area.
3. Any changeable copy sign must abut or connect with the sign face and the total square footage for both sign face surface area and changeable copy sign surface area may not exceed sixty-six (66) square feet (see Exhibit VI-13).
4. The changeable copy sign surface area itself may be no larger than twenty-two (22) square feet.
5. Any architectural or decorative surrounds to support or enhance the sign face and/or changeable copy sign face may not exceed twenty-five percent (25%) of the allowable sign face surface area.
6. The overall height of any such sign structure, including any architectural or decorative surrounds, shall not exceed seventeen (17) feet above the ground.
7. Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide rectangular enclosure. The material and color of the enclosure shall coordinate with the sign and/or building. Any freestanding sign in a historic district shall be monument style, comply with the historic districts design guidelines and receive administrative approval from the City Planner. Decisions of the City Planner may be appealed to the Historic Preservation Commission.

**Exhibit VI-13: Changeable Copy Signs**




(c) **Signs for Multi-Structure Developments**

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

    a. Signs shall be monument signs with a maximum height of twelve (12) feet.

    b. The maximum area of the sign as established in paragraphs (2) and (3) of this section may be on one (1) sign or divided into two (2) signs located on each side of the development road entrance.

c. Such signs shall be illuminated only by shielded white lights.

(d) **Traffic Direction Signs**. Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed as follows:

1. Signs identifying vehicular entrance to and exit from the lot; and
2. Signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot.

(e) **Sign illumination**

1. When any sign is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring occupants.
2. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement, which includes video and animation, shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public.
3. No fluorescent paint or other preparation shall be used for high reflection.
4. Neon tubing of any color is permitted on a sign, provided the neon is installed within a channel enclosure.
5. Digital signs shall have automatic dimming capabilities, with display brightness not to exceed three-tenths (0.3) foot-candles over ambient light levels. Foot-candle readings shall be measured using an appropriate meter at a distance of forty-five (45) feet perpendicular to the face of the digital billboard.
6. Digital signs shall not change the displayed message more frequently than once every six (6) seconds.

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

(g) **Visibility at Intersections**. Signs shall not encroach on areas necessary for visibility at intersections (see section 35.2-66.4).

### 35.2-64.15 Signs in B-4 District

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted subject the conditions of this section. The provisions of this section do not apply to signs that are further than twelve (12) inches inside the interior face of an exterior windowpane, nor to small signs on outdoor merchandise display racks, cases and vending devices.

(a) **Prohibited Signs**. Box signs, internally illuminated plastic signs, moving signs or signs simulating movement, and flashing signs are not permitted.

(b) **Building-Mounted Signs**

1. Building-mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located.
2. The aggregate face area of all signs on any one (1) wall of a building shall not exceed one (1) square foot per one (1) linear foot of building.
3. For buildings six (6) stories or greater, the sign size may increase twenty (20) square feet per story.
4. No roof-mounted signs are permitted except where the Historic Preservation Commission finds that the sign is consistent with historically significant signage in a local, state or federal historic district or property.
5. No sign applied flat to the wall shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and shall provide at least eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building.

(c) **Free-Standing Signs**

1. One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line.
2. Such sign shall be limited to two (2) faces, each of which shall not exceed thirty-two (32) square feet in area. Any architectural or decorative surrounds to support or enhance the sign may not exceed twenty-five percent (25%) of the allowable sign area.
3. The overall height of any such sign, including any architectural or decorative surrounds, shall not exceed seven (7) feet above the ground and shall be monument style.

(d) **Signs for Multi-Structure Developments**

1. When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not extend beyond the lot line.
2. Such sign shall be limited to two (2) faces, each of which shall not exceed fifty (50) square feet in area.

3. The overall height of any such sign shall not exceed seven (7) feet above the ground and shall be monument style.

(e) **Compliance with Historic District Design Guidelines**. Any sign in the B-4 district shall follow the commercial historic districts design guidelines and receive approval from the City Planner. Decisions of the City Planner may be appealed to the Historic Preservation Commission.

(f) **Sign illumination**. Internal illumination of signs is permitted for individual letters or logos. When any sign is lighted, such lights shall be indirect white spotlights only. Only white illumination shall be used. No fluorescent paint or other highly reflective surface shall be used.

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

(h) **Temporary Signs**. Additional temporary signs may be permitted as regulated by Section 35.2-14.3 and the provisions of this section.

### 35.2-64.16 Billboards

All billboards constructed or erected after the enactment of this ordinance shall conform to the following requirements:

(a) No person shall cause to be constructed or erected in a B-5 district any billboard except a billboard that replaces a then existing billboard in a B-5 district. Any billboard existing in a B-5 district at the time of enactment of this ordinance, and any replacements and any billboard existing in an I-2 or I-3 district at the time of enactment of this ordinance shall not be considered as a non-conforming billboard provided said billboard is in compliance with this ordinance. All other billboards existing at the time of enactment of this ordinance shall be deemed non-conforming billboards.

(b) Any billboard located within three hundred (300) feet of the centerline of, and readily readable from, any limited access highway shall be located not nearer than five hundred (500) feet to an exit ramp. The required distance shall be measured along the center line of the highway, in the direction in which traffic is approaching the exit ramp, beginning at the nearest intersecting point of a line drawn perpendicular to the said center line through the beginning of the nearest exit ramp with said highway. No billboard shall be located in such a manner as to obstruct an existing advertising structure viewed from a point on the main traveled portion of said highway at a distance of three hundred (300) feet approaching said sign.

(c) Billboards shall be located no less than five hundred (500) feet apart.

(d) The spacing provisions cited above shall not apply to billboards separated by buildings or other obstructions in such a manner that only one (1) sign located within the required spacing distance is visible from the road at any one (1) time.

(e) Except on property located adjacent to limited access highways, no billboard shall be located within one hundred fifty (150) feet of any property zoned for or used as a residential development, church, playground, school or public park.

(f) The area of the advertising surfaces erected on any billboard shall not exceed six hundred seventy-five (675) square feet, and no billboard(s) shall be double-decked, multi-decked, stacked or side-by-side structures with more than one (1) surface area facing the same direction.

(g) When any billboard is lighted, such lights shall be enclosed in the sign, shaded or indirect, so that they will in no way interfere with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement (which includes video and animation), shall be permitted. No fluorescent paint or other highly reflective surface can be used.

(h) The maximum height of a billboard shall be forty (40) feet from the grade of the thoroughfare to which the sign is oriented or from the base of the structure, whichever is higher.

(i) Commercial electronic variable message signs or digital billboards are legal and conforming and permitted in I-2, Light Industrial Districts and I-3, Heavy Industrial Districts by right. Existing billboards in B-5, General Business Districts may be converted to a digital billboard by right and upon such conversion shall be legal and conforming.

(j) Digital billboards shall conform to the following additional standards:

1. Digital billboards shall not change the displayed message more frequently than once every six (6) seconds.
2. Display brightness shall not exceed three-tenths (0.3) foot-candles over ambient light levels. Foot-candle readings shall be measured using an appropriate meter at a distance of two hundred fifty (250) feet perpendicular to the face of the digital billboard.
3. Digital billboards shall have automatic dimming capabilities.

(k) All billboards shall be maintained by the owner in accordance with Section 33.1-370.2 of the Code of Virginia.

(l) No billboard shall be erected, rebuilt, altered or relocated without a Building Permit.

### 35.2-64.17 Maintenance

All signs, banners, inflatable items and similar devices, and their supporting structures, that are displayed within the City shall be maintained in good order and repair, and shall be properly

anchored so as to be kept in sound condition. All exposed surfaces shall be protected against decay or rust by proper application of weather-coating materials, such as paint or a similar surface treatment.

### 35.2-64.18 Signs in Historic Districts

(a) Except for those standards for signs which must be modified by the granting of a variance, a conditional use permit or a rezoning, modified signs are permitted in a historic district by a certificate of appropriateness issued by the Historic Preservation Commission. A request for a certificate of appropriateness for a modified sign shall be submitted to the historic preservation commission in the manner provided by section 35.2-13 of this Zoning Ordinance. The historic preservation commission may grant modifications upon a determination that:

1. The proposed sign is a re-creation or repair of a historically significant sign.
2. The proposed sign will not be detrimental to the character of the historic district in which it is located or other adjacent properties.

(b) The historic preservation commission shall not deny an application for a modification of a sign in a historic district based upon the content of the sign and the denial of an application on such grounds is prohibited. Appeals of a decision of the historic preservation commission shall be taken in the manner provided in section 35.2-44.1 of the Zoning Ordinance and in the Code of Virginia.

## 35.2-65 Outdoor Lighting

[new section]

### 35.2-65.1 Purpose

These outdoor lighting provisions establish standards for outdoor lighting to:

(a) Protect against direct glare and excessive lighting;

(b) Provide safe roadways for motorists, cyclists and pedestrians;

(c) Promote efficient and cost effective lighting;

(d) Ensure that sufficient lighting can be provided where needed to promote safety and security; and

(e) Allow for flexibility in the style of lighting fixtures.

### 35.2-65.2 Applicability

(a) All applications for final site plan review or conditional use permits shall include lighting plans showing location, type, height and lumen output of all proposed and existing fixtures. The applicant shall provide information to verify that lighting conforms to the provisions of this lighting code.

(b) All permanent exterior lighting installed on private property, excluding single-household and duplex dwellings, after the effective date of these provisions shall comply with the requirements established herein unless required by a public agency for public safety purposes. The standards established in this section do not apply to public street lights.

(c) Lighting that is established pursuant to submittal of a master lighting plan may exceed the heights established in section 35.2-65.3(a) as long as a qualified lighting professional certifies that spillover lighting at the outer property lines of the area subject to the master lighting plan does not exceed the maximum lighting thresholds established in section 35.2-65.3.

(d) The outdoor lighting requirements of this section do not apply to holiday lighting between November 15 and January 15 of each year.

### 35.2-65.3 General Standards

All exterior lighting shall be full cut-off fixtures with the light source fully shielded, with the exception of unshielded luminaires and shall not cause spillover lighting at any residential property line exceeding 0.5 footcandles and the minimum values in public areas of common areas of multi-family, mixed use and commercial sites shall comply with the standards in IES Publication RP-20. All other luminaires shall be installed so that the shield cuts off direct lighting from fixtures at any residential property line.

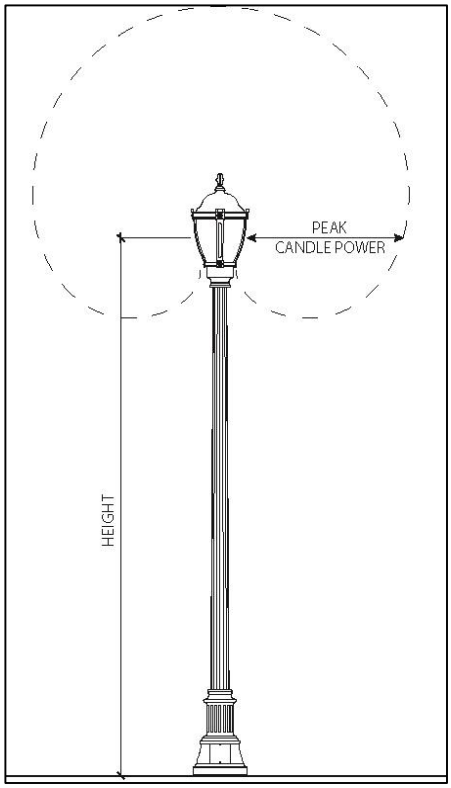
(a) **Unshielded Luminaires**. When a light source or luminaire has no cutoff the standards in Exhibit VI-14: Standards for Unshielded Luminaires shall be met.

**Exhibit VI-14: Standards for Unshielded Luminaires**

| Standard | Maximum Permitted Average Maintained Illumination at Ground Level | Maximum Permitted Height of Light Source* | Uniformity (ratio of maximum to minimum illumination) |
|---|---|---|---|
| Residential Districts | 2.0 footcandles | 16 feet | 15:1 |
| Business and Institutional Districts | 5.0 footcandles | 16 feet | 15:1 |
| Industrial Districts | 5.0 footcandles | 20 feet | 15:1 |

*Measured from the ground to light source.

**Examples of Unshielded Luminaires**



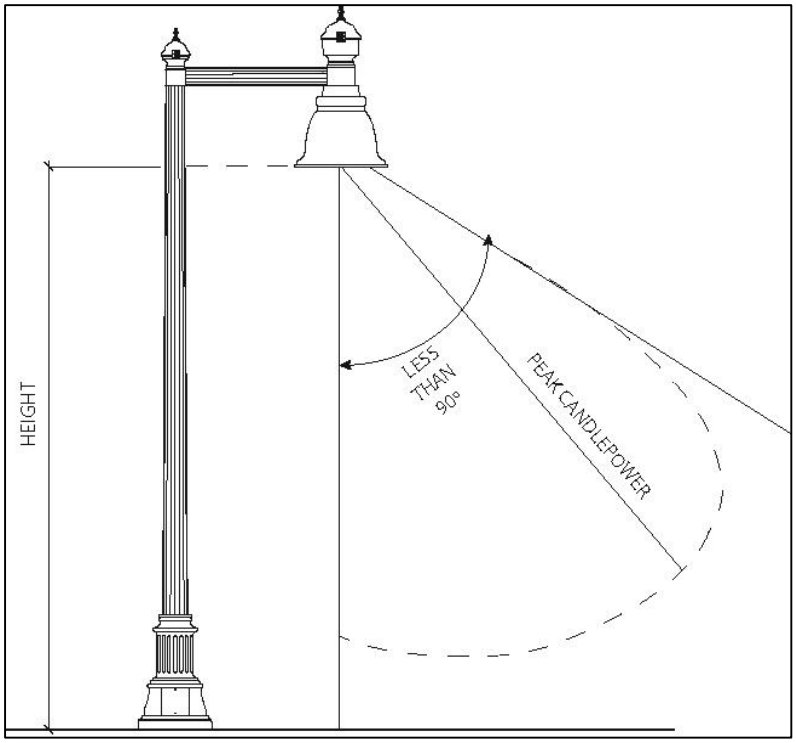
(b) **Luminaires with Cutoffs Less Than 90 Degrees**. The luminaire shall have a total cutoff of light at an angle less than eight-five (90) degrees and shall be shielded from abutting properties when located within twenty (20) feet of any property line. The maximum permitted illumination and the maximum permitted height of the luminaire shall meet the standards in Exhibit VI-15.

**Exhibit VI-15: Standards for Luminaires with Cutoffs Less Than 85 Degrees**

| Standard | Maximum Permitted Illumination | Maximum Permitted Height of Light Source* |
|---|---|---|
| Residential District | 2.0 footcandles | 25 feet |
| Business, Institutional and Industrial District | 5.0 footcandles | 35 feet |

* Measured from the ground to light source.

**Examples of Luminaires with Cutoffs Less than 90 Degrees**



(c) **Motion Sensor Lighting**. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.

(d) **Floodlights**. All floodlights, except for sign lighting and architectural or landscape accent lighting angled away from property lines, shall be aimed downward at least forty-five (45) degrees and shall have top visors to prevent skyglow. The light source of floodlamps and area lights shall not be visible from adjacent properties or the public right-of-way. Flood lights in residential districts shall be triggered by motion sensors complying with the above standards.

(e) **Canopy Lights Service Stations.** The average lighting level for new and existing service stations shall be no greater than ten (10) footcandles with a uniformity ratio of 15:1 (maximum to minimum) under the canopy. All lighting shall be recessed to ensure that no light source is visible from, or causes glare on, public rights-of-way or adjacent property.

(f) **Outdoor Sports Field /Outdoor Performance Area Lighting**

1. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields, playing fields and tennis courts are exempted from the exterior lighting standards of paragraphs (a) and (b) of this section. These outdoor recreational uses shall meet all other requirements of this Lighting Code.
2. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.
3. The outdoor recreational uses specified above may exceed a cutoff angle of eighty-five (85) degrees, provided that the luminaire is shield to prevent light and glare spillover to adjacent right-of-way or residential property. The maximum permitted illumination at the property line shall not exceed two (2) footcandles.

(g) **Lighting of Outdoor Display Areas**

1. Outdoor display areas shall have a maximum average of twenty (20) footcandles with a uniformity ratio of 15:1 (maximum to minimum).
2. All light fixtures shall meet the Illuminating Engineering Society of North America (IESNA) definition of Cutoff Fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of way.

### 35.2-65.4 Additional Regulations

Notwithstanding any other provision of this section to the contrary:

(a) No flickering or flashing lights shall be permitted.

(b) Light sources or luminaires shall not be located within a required buffer except along pedestrian walkways.

(c) Measurement

1. Metering equipment. Lighting levels shall be measured in footcandles.
2. Method of measurement. The meter sensor shall at ground level for horizontal footcandles and five (5) feet above ground for vertical footcandles.. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading.
3. Responsibility for Measurement at the Time of Installation. Prior to issuance of a certificate of occupancy, the person installing lighting fixtures shall document compliance with the requirements of the lighting requirements in this section 35.2-65 et seq.

### 35.2-65.5 Lighting Plan Required

As part of the site plan approval process, the applicant shall submit a lighting plan that includes the location of outdoor lighting and a key to the proposed outdoor lighting that provides the following information:

(a) Type and number of luminaire equipment (fixtures), including the "cut off characteristics", indicating manufacturer and model number(s).

(b) Lamp source type (bulb type, i.e. high pressure sodium), lumen output, and wattage. Mounting height with distance noted to the nearest property line for each luminaire.

(c) Types of timing devices used to control the hours set for illumination, as well as the proposed hours when each fixture will be operated.

(d) Total Lumens for each fixture, and total square footage of areas to be illuminated.

(e) Lighting manufacturer-supplied specifications ("cut sheets") that include photographs of the fixtures, indicating the certified "cut off characteristics" of the fixture.

(f) Lighting design shall be submitted showing an average maintained point-by-point analysis of the area and showing the footcandles at the property lines for light trespass analysis.

(g) A statement from a lighting professional that the resulting lighting, including all on-site sources of lighting complies with the standards of this Zoning Ordinance.

(h) A statement that no substitutions, additions, or changes may be made without prior approval by the Zoning Administrator.

## 35.2-66 Access and Visibility at Intersections

### 35.2-66.1 Access to Lots

(a) All driveway entrances and other openings onto streets shall be designed constructed so that:

1. Vehicles can enter and exit from the Lot in question without posing any substantial danger to themselves, pedestrians, cyclists or vehicles traveling in abutting streets; and

2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(b) Requests for new driveway entrances or requests for modifications to existing driveway entrances, when not associated with a rezoning or conditional use permit application shall be reviewed and approved by the City Engineer.

(c) Specifications for spacing and dimensions of driveway entrances are established in the following section.

### 35.2-66.2 Access Standards

[new section incorporates access management provisions from commercial corridor and scenic corridor overlays]

(a) **Purpose**. This section is intended to ensure safe and efficient access to commercial properties and to encourage growth and economic development. These access management standards are intended to minimize disruptive and potentially hazardous traffic conflicts, ensure safe access by emergency vehicles, maximize roadway capacity and promote public safety. The regulations set forth in this section will apply to all urban collector or higher order roads as identified in the Comprehensive Plan, except where access is managed by VDOT.

(b) **Applicability.** The provisions of this section apply to any development or redevelopment subject to site plan approval, subdivision, resubdivision or a traffic study. These standards shall not apply within the B-4 district due to the low traffic speeds, limited setbacks, on-street-parking, wide sidewalks and other pedestrian-oriented design features throughout this zoning district.

(c) **Public and Emergency Vehicle Access**. Access shall be provided to the public street system from all lots, parcels or developments. All subdivisions shall have access from a public street capable of supporting emergency access.

(d) **Minimum Driveway Spacing**. The minimum separation between the nearest edges of pavement between driveways shall be one-hundred and fifty (150) feet along urban collector streets and three-hundred and thirty feet (330) along arterial streets unless a greater separation is determined to be needed for any development requiring a traffic study. The City Engineer may modify these standards to reflect unique site conditions (such as traffic speed, traffic volume, visibility at intersections, turn lanes and topography) that would improve or degrade intersection safety.

(e) **Maximum Number of Driveways Per Lot**. Lots existing at the time of adoption of this ordinance without sufficient frontage to allow the above minimum distance between driveways shall be permitted one (1) driveway per lot and:

1. Where topography prohibits joint access, driveway separation shall be maximized.
2. Where adjacent lots existing at the time of adoption of this ordinance are under separate ownership, one or more of the lots is too narrow to allow for required driveway separations, and one of the property owners does not agree to relocate an existing driveway, the City Engineer shall determine the location of the driveway for the lot being developed or redeveloped based on traffic safety and considerations and the potential for future shared driveways.
3. Where two or more abutting lots are under common ownership or control, the entire frontage of the lot shall be used in determining the number of driveways.

(f) **Access for Corner Tracts**. No driveway approach may be located closer to an intersection than the minimum driveway spacing standard established in paragraph (d) of this section. This measurement shall be taken from the intersection of property lines at the corner and the nearest edge of pavement of driveway. When existing lot sizes do not allow for minimum spacing requirements to be met, the City Engineer shall determine the safest practical access, which may include locating access as far from the intersection as practical, limiting access to side streets and/or limiting turn movements.

(g) **Shared Access**

1. If the applicant requests to create a lot with less frontage than the minimum driveway spacing established in paragraph (d) of this section, the use of shared driveways, cross-access drives, service drives, and similar means of shared access connecting two (2) or more lots or uses shall be required pursuant to subdivision approval.

2. Where shared access is provided for multiple uses, the minimum parking requirement shall be reduced by ten (10) percent for each of the lots providing said shared access.

3. Where shared access is provided for multiple lots pursuant to this section, access easements granting access to adjacent or undeveloped site(s) shall be recorded with the following specifics:

   a. **Location**. New shared driveways, cross-access drives, and service drives shall be aligned with existing drives on adjacent lots.

   b. **Cross-Access Easement**. Shared driveways, cross-access drives, and service drives shall be located within a dedicated access easement that permits traffic circulation between lots, which shall be recorded with the clerk of court.

   c. **Construction and Materials**. Shared driveways, cross-access drives, and service drives shall be paved with concrete, asphalt, similar hard-surfacing materials or porous pavement materials approved by the TRC. The grade of such drives shall be coordinated with existing or planned drives on adjacent lots.

   d. **Maintenance**. The easement area shall remain clear of obstructions, and shall not be used for parking. Each property owner shall be responsible for maintenance of the shared access. A maintenance agreement shall be required by the City Planner, subject to review and approval by the City Attorney.

   e. **Remaining Frontage**. The remaining street frontage on collector and arterial roadways shall have no access.

(h) **Alignment of Access.** Driveways shall be aligned with existing driveways and cross-overs unless otherwise approved by the City Engineer.

(i) **Internal Roads/Rear Access Roads**. Wherever possible, and in consultation with adjacent landowners, developments on collector or arterial streets are encouraged to access sites via internal or rear access roads. Such roads shall provide access for all lots along their route.

### 35.2-66.3 Design of Driveway Access for Collector or Higher Order Streets

The minimum dimensions for curb radii, driveway throat length and driveway widths shall comply with the City's currently adopted Engineering Standards Manual.

### 35.2-66.4 Visibility at Intersections

(a) **Purpose.** To provide adequate visibility for streets and driveways, sight visibility areas shall be maintained at street intersections and at the intersections of streets with driveways serving more than two (2) dwelling units in accordance with this section.

(b) **Visual Obstructions Prohibited**. Sight visibility areas shall be maintained free of visual obstructions to between the height of three (3) and eight (8) feet above street grade. No building, fence, wall, hedge or other structure or planting more than three (3) feet in height other than posts, columns or trees separated by not less than six (6) feet from each other, shall be erected, placed or maintained in these areas.

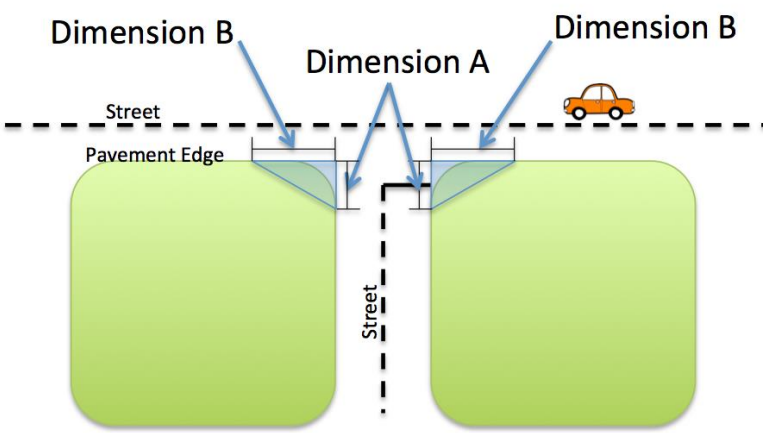
(c) **Visibility Area Dimensions**. The dimensions of visibility areas shall comply with the standards established in Exhibit VI-16. The dimensions in the table correspond with the dimensions in the drawing and are measured from the intersections of the edges of pavement lines to the ends of the hypotenuse of the triangle. The City Engineer may modify these standards based on topographic conditions, speeds and road configurations in accordance with VDOT Access Management Regulations.

(d) **B-4 District Applicability**. In the B-4 district, buildings shall not be required to be set back further than the edge of the property lines.

**Exhibit VI-16: Visibility Areas**

[areas adjusted to reflect traffic volume and speed]

| Intersection Type | Dimension | |
|---|---|---|
| | A | B |
| Any intersection involving only local streets or driveways | 20 feet | 20 feet |
| Any intersection of a local street or driveway with an urban arterial with a speed limit of 30 mph or less | 20 feet along the driveway or local street | 25 feet along the urban collector street or urban arterial street |
| Any intersection of a local street or driveway with an urban collector or urban arterial with a speed limit of 35 mph | 25 feet along the driveway or local street | 40 feet along the urban collector street or urban arterial street |
| Any intersection of two urban collectors or urban arterials with speed limits of 35 mph or less | 30 feet | 30 feet |
| Any intersection of a street or driveway along a street with a speed limit greater than 35 mph. | To be determined by the City Engineer based on compliance with minimum sight distances established by VDOT. | |




## 35.2-67 Sidewalks and Pedestrian Connectivity

[new section]

### 35.2-67.1 Applicability

Sidewalks and walkways that comply with Americans with Disabilities Act requirements shall be provided along all streets for any development subject to site plan review. The Zoning Administrator may lessen or eliminate the requirements of this section when:

(a) There is no existing sidewalk network within one-quarter (1/4) mile of the site and there are no existing transit routes, educational facilities, bikeways, trails, public parks, museums, libraries and other civic uses or institutional uses within one-quarter (1/4) mile of the site; or

(b) Existing slopes in excess of twenty-five (25) percent, stormwater conveyances or other physical constraints render required sidewalk improvements unfeasible.

### 35.2-67.2 Sidewalk Requirements

(a) Sidewalks shall be provided along all streets as provided in Exhibit VI-17. Generally, sidewalks shall be located in the right-of-way adjacent to the property line. However, the City Engineer may approve the installation of sidewalks on private property upon finding that adequate easements have been provided by the property owner and the sidewalk alignment provides adequate connectivity to existing and future sidewalks.

**Exhibit VI-17: Sidewalk Requirements**

| Location | Minimum Width |
|---|---|
| Local and collector streets in residential districts | 5 feet |
| Local and collector streets in B-3, B-5, IN-1, IN-2, I-1, I-2 and I-3 districts | 6 feet |
| Local and collector streets in B-1 districts | 6 feet where buildings are set back more than 10 feet<br>8 feet where buildings are set back 10 feet or less |
| Arterial streets | 6 feet |
| B-4 districts | 8 feet |

(b) Pedestrian connections for multi-family and non-residential development shall provide for a safe, clearly marked and continuous walkway from the sidewalk to the building entrance.

(c) For multi-occupant or multi-occupant commercial centers and institutional uses, the applicant for site plan approval shall provide for a safe, clearly marked and continuous walkway from the sidewalk to the building entrances. Driveways shall have either marked crosswalks that are ADA compliant or continuous ADA compliant sidewalks with aprons for vehicular traffic.

## 35.2-68 Utilities

### 35.2-68.1 Applicability

All new development or redevelopment requiring a building permit shall comply with the City's minimum requirements for provision of public utilities as provided in this section and the other applicable sections of the City Code.

### 35.2-68.2 Additional Requirements

Utility design installation and connection shall comply with adopted policies and regulations, including but not limited to the requirements that:

(a) Utilities shall be extended through the property designed and installed to comply with City standards.

(b) Adequate easements shall be provided to facilitate access for maintenance.

(c) On-site utility distribution and service lines shall be installed underground unless the City Engineer determines that undergrounding utilities for remodeling or partial redevelopment of a site are not practical due to the configuration of existing utilities. This requirement does not apply to:

1. New, redeveloped or modified single family or duplex residences on a lot of record established prior to the adoption of this provision.

2. Additions to structures existing at the time of the adoption of this provision.

(d) Utility distribution and service lines within new subdivisions shall be installed underground.

# Article VII Specific Land Use Standards

## 35.2-70 Generally

### 35.2-70.1 Legislative Intent

Many of the regulations and procedures included in this Ordinance require special attention to individual land uses for which the general standards of height, bulk, density, access, and other limitations cannot provide adequate control. This Article provides explicit standards for uses in structures to be permitted through site plan review and conditional use procedures.

### 35.2-70.2 General Standards

All uses and structures for which a conditional use permit or site plan approval shall conform to review criteria established in Article II, the applicable zoning district standards in Articles IV and V, the site development standards in Article VI and the provisions of this Article, as applicable.

## 35.2-71 Accessory Structures and Uses

Accessory structures and uses shall comply with the applicable zoning district standards established in Articles IV, V and VI as well as the standards established in this section.

### 35.2-71.1 Locations of Accessory Structures

(a) Subject to Section 35.2-71.2, accessory buildings shall be located in rear or side yards only and may occupy not more than thirty (30) percent of the required rear yard.

(b) On through lots (lots having with front and rear property lines abutting street rights of way), accessory buildings shall be prohibited in all required setbacks.

(c) Accessory structures shall be located behind the front building line and at least five (5) feet from any property line.

### 35.2-71.2 Accessory Buildings in Side Yards

Accessory structures within a side yard shall be constructed of materials substantially similar to those of the principal structure.

### 35.2-71.3 Dwellings Units Accessory to Single-household Residences

Dwellings units, which include guest houses, caretakers' cottages and other residential accommodations, may be established accessory to a single-household residence either in the principal dwelling or as a detached accessory structure subject to the following provisions:

(a) Accessory dwelling units shall be located within the principal structure using a common entrance so that the principal structure retains the appearance of a single-household residence, or be located in an accessory structure located in the rear yard and outside required setback lines for principal structures.

(b) The occupancy shall not exceed the limits established in the applicable zoning district.

(c) Detached accessory dwelling units shall be limited to 900 square feet and shall not have more than one bedroom.

(d) Accessory dwellings shall comply with all applicable parking, building coverage and rear yard building coverage requirements.

### 35.2-71.4 Home Occupations

Home occupations may be established subject to the following requirements:

(a) Subject to the performance standards listed in paragraph 2 of this section, home occupations may include:

1. Professional offices for certified, ordained, licensed or registered professions, including, but not limited to offices for an architect, draftsman, attorney-at-law, conveyancer, dentist, surveyor, professional engineer (civil, electrical, mechanical or other), public accountant, minister or teacher residing in the dwelling or dwelling unit in which the office is located;

2. Personal or medical services offered by individuals licensed by the state, such as licensed massage therapists, physicians, osteopaths, healers, dentists, midwives, barbers and hairstylists; and

3. Artists, craftsmen and teachers.

(b) Home occupations shall:

1. Be limited to visiting clients on an appointment basis and shall not offer services to the general public on a drop-by basis;

2. Be conducted by a member of the household residing on the premises except that, in connection with the practice of a profession listed under paragraph 1.a., one (1) person not residing in such dwelling unit may be employed;

3. Not provide services to more than one client at a time for professions listed in paragraph (a) of this section;

4. Allowed one (1) sign not exceeding one (1) square foot in area and fixed flat to the wall of the building shall be permitted for each street on which the lot abuts to identify the home occupation. No artificial lighting shall be used to illuminate the sign or exterior of the building, nor shall any display of products be made which will indicate from the exterior that the building is being used for any purpose other than that of a dwelling;

5. Limited to mechanical equipment that is customary for purely domestic or household purposes;

6. Not have any outside storage of goods or equipment;

7. Not use more than twenty (20) percent of the dwelling floor area for the home occupation; and
8. Be limited to incidental retail sales of goods to customers of the primary service provided.

### 35.2-71.5 Small Family Day Home

Family day home, providing day care only to fewer than six (6) children or adults during a twenty-four (24) hour period and meeting all applicable licensure requirements imposed by the Commonwealth of Virginia.

### 35.2-71.6 Large Family Day Home

(a) The Zoning Administrator may administratively approve up to twelve (12) children or adults in a family day home meeting all applicable licensure requirements imposed by the Commonwealth of Virginia.

(b) Thirty (30) days prior to approving such a facility, notice shall be sent by registered or certified mail to the last known address of each property owner within two hundred (200) feet of the proposed facility.

(c) If no written objections are received from persons so notified within thirty (30) days of the mailing and all other requirements are satisfied, the Zoning Administrator shall approve the use.

(d) Any person aggrieved by the administrative approval of a family day home may appeal the Zoning Administrator's administrative approval to the Board of Zoning Appeals. An appeal must be taken within thirty (30) days after the Zoning Administrator's approval of the family day home.

(e) If the petitioner fails to comply with the applicable requirements of the Zoning Ordinance or the provisions of the state code concerning the operation of the family day home or if family day home is determined to constitute a nuisance the Zoning Administrator may revoke approval after notice and a hearing before the BZA.

(f) If the petitioner is denied an administrative approval or if approval is revoked, the City Council may approve the family day home as a conditional use as provided in section 35.2-11.

### 35.2-71.7 Farm Animals

(a) The raising of farm animals in the R-C district shall comply with the R-C district provisions; the raising of farm animals in any other district shall comply with the following provisions:

| Minimum Requirements for Keeping Farm Animals | |
|---|---|
| Number of animals triggering requirements of this paragraph | Any cattle, goats, horses or other large farm animals with adult weights of 50 lbs. or more; and/or 5 or more poultry or game animals; and/or any rooster or male poultry |
| Minimum lot area for keeping farm animals | Up to 2 horses, cattle, goats horses or other large farm animals may be kept on parcels of 5 acres or more outside the RC district. 3 or more horses, cattle, goats horses or other large farm animals may be kept on parcels of 10 acres or more. |
| Minimum setback for structures for the housing or feeding of farm animals | 200 feet from any street or property line |
| Animal containment required | Livestock and poultry shall be kept within secure enclosures and shall not be allowed to roam at large |
| Prohibited operations | Commercial poultry farm or hog farm |

### 35.2-71.8 Non-Commercial Poultry House

A non-commercial poultry house with up to four (4) birds may be established in a rear yard within the R-C, R-1, R-2 or R-3 district provided that such structure is located at least twenty (20) feet from any street or lot line and that none of the birds is a male.

### 35.2-71.9 Commercial Structures in R-1, R-2 and R-3 Districts

No lot, building or structure shall be used and no building or structure shall be erected that is intended or designed to be used, in whole or in part, for any industrial manufacturing, trade or commercial purposes except as authorized in section 35.2-71 for a home occupation.

### 35.2-71.10 No Accessory Building Prior to A Principal Structure

No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced and no accessory building shall be used unless the main building on a lot is completed and used. [prohibition on use for commercial gain eliminated]

### 35.2-71.11 Recreational Vehicles

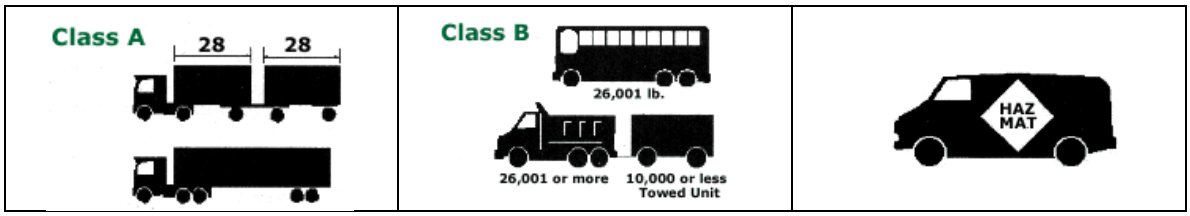
Any owner of a travel trailer, boat and/or boat trailer, truck camper, inhabitable bus or recreational vehicle may park or store, but not inhabit, such equipment providing such equipment is located behind the building line of the main structure on the property and it is not over twenty-two (22) feet in length or eight (8) feet nine (9) inches in height.

### 35.2-71.12 Accessory Food Service in the I-1, I-2 and I-3 Districts

Food service facilities that are located within a building housing a permitted use and serve one or a group of permitted uses are authorized in the I-1, I-2 and I-3 zoning districts.

### 35.2-71.13 Commercial Vehicles in the R-1, R-2, R-3 or R-4 Districts **[new section]**

No commercial vehicle requiring a Class A or Class B license to operate, or that carries hazardous materials may be parked or stored in a R-1, R-2, R-3 or R-4 district.




### 35.2-71.14 Temporary Health Care Structures [new section]

Temporary family health care structures as defined in section 15.2-2292.1 of the Code of Virginia shall be permitted on lots zoned for and developed with single-family detached dwellings, subject to the approval of the Zoning Administrator by issuance of a permit and compliance with the following provisions:

(a) Occupancy of a temporary family health care structure shall be limited to one (1) mentally or physically impaired person, who is a Virginia resident and requires assistance with two (2) or more daily living activities as defined in Sec. 63.2-2200 of the Code of Virginia, or, in the case of a married couple, two (2) occupants, one (1) of whom is mentally or physically impaired and the other requires assistance with one (1) or more daily living activities.

(b) The property on which the temporary family health care structure will be located shall be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property shall be used as the caregiver's primary residence. The adult caregiver shall be related by blood, marriage, or adoption to or the legally appointed guardian of the physically or mentally impaired person(s) occupying the temporary family health care structure.

(c) Only one (1) temporary family health care structure shall be permitted on a lot.

(d) Temporary family health care structures shall be limited to a maximum of 300 square feet of gross floor area and shall meet the minimum yard requirements for single family detached dwellings of the zoning district in which located.

(e) Temporary family health care structures shall not be installed on a permanent foundation.

(f) Temporary family health care structures shall be subject to the Industrialized Building Safety Law and the Virginia Uniform Statewide Building Code.

(g) Temporary family health care structures shall be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property, and shall comply with all applicable Health Department requirements.

(h) No signs promoting or advertising the structure shall be permitted on the structure or on the lot.

(i) The following shall be submitted to the Zoning Administrator with any application for a temporary family health care structure:

1. The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant.
2. Address of the property.
3. Written certification of physical or mental impairment of the proposed occupant, including verification that the person requires assistance with two or more activities of daily living as defined in Sec. 63.2-2200 of the Code of Virginia, by a physician licensed in the Commonwealth of Virginia.
4. Written certification by a physician licensed in the Commonwealth of Virginia that the spouse of the mentally or physically impaired person also requires assistance with one or more activities of daily living as defined in Sec. 63.2-2200 of the Code of Virginia.
5. Three copies of a plat drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), which may be prepared by the applicant, and shall contain the following information:
    a. The dimensions of the lot, the boundary lines thereof, and the area of land contained therein; and
    b. The dimensions, height and distance to all lot lines of any existing structure on the lot and of the proposed temporary family health care structure.

(j) Temporary family health care structures shall be removed from the property within sixty (60) days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for by the caregiver.

(k) A permit for a temporary health care structure may be revoked by the Zoning Administrator due to failure of the applicant to comply with any of the above provisions.

## 35.2-72 Specific Use Standards

For the uses listed in this section, compliance with the applicable provisions shall be required whether the use is allowed by right or as a conditional use.

### 35.2-72.1 Reserved

### 35.2-72.1 Airports

An airfield or other air transportation facility (see LBCS code 4110) may be approved for an airport if the proposed facility meets the following standards:

(a) The proposed facility will meet the standards and requirements of the federal aviation administration.

(b) The airport is of such size, with the runways so located, that the operation thereof, in accordance with the standards and requirements of the federal aviation administration, will not require limitation of the heights of structures on adjacent land to be less than the height limit specifically prescribed for the district in which such land is situated.

(c) Every land area used by any aircraft under its own power shall be provided with a dustless surface.

(d) No area used by any aircraft under its own power shall be located within a distance of two hundred (200) feet from any property line; one thousand (1,000) feet from any public or private institution where airport operations could interfere with the work of the institutions, including schools, hospitals, sanatoriums, and churches; or one thousand (1,000) feet from any residential or commercial zones on the approach and departure ends of the runway. Buildings, hangars, or other structures shall be at least two hundred (200) feet from any property line and no parking of vehicles shall be allowed within one hundred (100) feet of any property line.

(e) The airport shall be surrounded by a fence not less than six (6) feet in height, with suitable gates, effectively controlling access to such area.

(f) Appropriate accessory uses may be permitted, such as restaurants and snack bars, auto rental agencies, airline business offices, and service facilities.

(g) The application shall be referred to the federal aviation administration for the report of such agency as to whether operations relating to such airport will interfere with those of other existing or proposed airports in the vicinity.

(h) Adequate off-street parking and loading spaces shall be provided to serve airport activities and accessory uses. The number of parking and loading spaces to be required shall be determined by the City Planner.

### 35.2-72.2 Arenas, Auditoriums and Stadiums

Arenas, auditoriums and stadiums (see LBCS codes 5170 & 5180), whether principal uses or accessory to another use shall meet the following standards:

(a) Such use shall not draw vehicular traffic to and through local streets in nearby residential areas.

(b) Such use shall not be located within two hundred (200) feet of a residential district if the seating capacity exceeds one thousand (1,000) people.

(c) No racing of automobiles shall be permitted within one (1) mile of any residential district.

(d) Adequate queuing space at the vehicular entrance and sufficient vehicular entrances and exits shall be provided to prevent traffic congestion.

(e) Vehicular entrances and exits for such use shall be provided separately and shall comply with section 35.2-66.3.

(f) Shall be located within ¼ mile of existing or planned transit facilities approved by the City and linked by pedestrian and bicycle facilities.

(g) No automobile parking space shall be located within any required setback area or within fifty (50) feet of any lot line.

(h) The maximum lot coverage shall not exceed fifty per cent (50%) of the lot.

### 35.2-72.3 Automobile Service Stations

Automobile service stations, which are defined in Article XI and provide light automobile repair services pursuant to LBCS functional use code 2117a, are permitted by conditional use permit in B-3, B-4, I-1 and I-2 districts, and shall meet the following standards. These standards shall also be used for automobile service stations in B-5 and I-3 districts.

(a) In addition to the buffer required by section 35.2-63.10, a solid wall or a substantial, solid fence not less than five (5) feet and not more than eight (8) feet in height shall be provided along any property line abutting a residential zoning district. Visibility at intersections shall be as provided for in section 35.2-66.4.

(b) Gasoline pumps or other service appliances shall be located on the lot at least fifteen (15) feet behind required setbacks and canopies over gasoline pumps shall not extend nearer than twenty (20) feet to all the property lines. All service, storage or similar activities in connection with such use shall be conducted entirely within the building. Driveways shall comply with the access management provisions of section 35.2-66.2.

(c) Light automobile repair work may be done at an automobile service station; provided, that no major repairs, spray paint operations or body or fender repair is permitted.

(d) No unlicensed vehicle or junked or wrecked vehicle will be permitted to be parked or stored on the premises, and no trucks, trailers or school buses will be permitted to remain parked or stored upon the premises unless being worked upon or being serviced by employees of the station.

(e) There shall be no uncovered sheds, storage bins or similar facilities erected or permitted to remain on the premises.

(f) The minimum lot size for any automobile service station built under these regulations shall be twenty thousand (20,000) square feet.

### 35.2-72.4 Boardinghouses, Lodging Houses or Rooming Houses

Boardinghouses, lodging houses, or rooming houses as defined in Article XI and listed under LBCS codes 1321 and 1322, are permitted by conditional use permit in certain residential districts subject to the following standards:

(a) The lot must contain the minimum area requirements of the respective district for each household unit, boarder or roomer as follows:

| Zoning District | Minimum Lot Area | Minimum Additional Lot Area per Boarding Unit | Maximum Number of Units per Acre, Including Dwelling and Boarding Units |
|---|---|---|---|
| R-1 | 15,000 sq.ft. | 7,500 sq.ft. | 5.8 |
| R-2 | 10,000 sq.ft. | 5,000 sq.ft. | 8.7 |
| R-3 | 8,000 sq.ft. | 4,000 sq.ft. | 10.89 |
| R-4 | 2,000 sq.ft. | 2,000 sq.ft. | 21.78 |
| B-1 | 6,000 sq.ft. | 1,000 sq.ft. | 43 |

(b) The facility shall not exceed a total of nine (9) boarders or six (6) roomers, except when a resident manager, as defined herein, resides on the premises, in which case the maximum number of roomers shall not exceed nine (9) including the manager. The resident manager shall be a responsible person who is designated to act on the behalf of the owner of a rooming house and shall keep proper order of such premises.

(c) The site must comply with the parking requirements of section 35.2-62 of the Zoning Ordinance, providing one (1) space per boarder or roomer.

(d) The operator of the facility must obtain necessary licenses and inspections.

(e) The conditional use permit shall be granted only to the person or firm who will operate the boardinghouse, lodging house, or rooming house.

(f) The City Council may prescribe any additional conditions that are necessary or desirable in its judgment.

### 35.2-72.5 Cemeteries and Columbaria

In residential and commercial districts, cemeteries and columbaria (see LBCS codes 6722 and 6724) permitted by conditional use permit shall meet the following standards unless they are accessory to a church or other religious institution:

(a) Cemetery plots and urns, shall be located a minimum of fifty (50) feet from the property line of any residential use or district and twenty-five (25) feet from any commercial district, with a vegetative buffer according to the regulations of section 35.2-63.10 (Buffering) of this ordinance.

(b) Structures shall be located a minimum of fifty (50) feet from the property line of any residential use or district and twenty-five (25) feet from any commercial district with a vegetative buffer shall be provided according to the regulations of section 35.2-63.10 (Buffering) of this ordinance.

(c) Driveways and parking areas shall be located a minimum of twenty (20) feet from the property line of any residential use or district and ten (10) feet from any commercial district.

### 35.2-72.6 Churches and Other Places of Worship

Churches and other places of worship (see LBCS code 6600) permitted by conditional use permit shall meet the following standards:

(a) Parking requirements of Section 35.2-62 of this ordinance are met.

(b) Lot building coverage shall not exceed twenty-five (25) per cent of buildable lot area.

(c) Building shall be located at least fifty (50) feet from any residential property line.

(d) The conditional use permit shall establish appropriate conditions to ensure that the impacts of principal and accessory uses are adequately addressed.

(e) A parsonage, pavilion, cemetery or columbarium may be established without the need for modification of the conditional use permit, but the addition of a school, other residences or an increase in seating by more than fifty (50) percent of the approved conditional use permit shall require City Council approval of a modified conditional use permit.

(f) In any district, a church or other place of worship may be erected to a greater height than permitted in the schedule of regulations provided that the front, side and rear setbacks shall be increased one (1) foot for each foot by which such building exceeds the height limitation established for the district in which such building is located.

### 35.2-72.7 Campgrounds

Areas for the temporary location of recreational vehicles, travel trailers, self-propelled campers, tents, and other temporary and movable overnight accommodations (see LBCS code 5400) may be permitted by conditional use permit in B-5 or IN-2 districts if the following conditions are met:

(a) The proposed site shall contain at least ten (10) acres of area, with at least five thousand five hundred (5,500) square feet of land for each trailer site and shall provide at least four thousand (4,000) square feet of area in each vehicle or trailer space, which shall have at least forty (40) feet of frontage on a paved access road at least twenty (20) feet in width leading to a public street. Every vehicle or trailer must be parked at least twenty (20) feet from any other vehicle or trailer.

(b) The site shall be served by water supply and waste disposal systems acceptable to the state department of health.

(c) The site shall have direct access to an arterial road.

(d) Buffering in accordance with section 35.2-63.10 (Buffering) of this Ordinance shall be provided between areas used for the parking of trailers and any adjacent commercial or permanent residential uses.

(e) Trailer courts permitted under this section may not be used for the location of a trailer for more than thirty (30) days.

(f) The following services shall be provided:

1. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and trailer lots within the court. Each lot shall be provided with a cold water tap. Waste from this supply shall be emptied into a drain connected to an approved disposal system.

2. Toilet and other sanitary facilities shall be provided for males and females and shall either be in separate buildings or shall be separated, if in the same building, by soundproof walls; shall be marked with appropriate signs; and shall have doors at least eight (8) feet apart. Each toilet and each shower stall shall be in a private compartment or stall.

3. Toilet facilities for males shall consist of not less than one (1) flush toilet, one (1) urinal, one (1) shower with a dressing compartment with at least nine (9) square feet, and one (1) lavatory for every ten (10) spaces or fraction thereof.

4. Toilet facilities for females shall consist of not less than two (2) flush toilet, one (1) shower with a dressing compartment with at least nine (9) square feet and one (1) lavatory for every ten (10) spaces or fraction thereof.

5. Suitable laundry facilities shall be provided.

6. An adequate supply of hot and cold running water shall be provided for each shower, lavatory, and laundry.

7. Service buildings housing the toilets and sanitary facilities shall be permanent structures complying with all applicable ordinance and statutes regulating buildings, electrical installation, and plumbing and sanitation systems and shall be located not closer than twenty (20) feet nor further than two hundred (200) feet from any court unit.

8. All service buildings and the grounds of the court shall be maintained by the licensee or his agent and kept free of trash, wastes, standing water or any other condition that will menace the health of any occupant or the public or constitute a nuisance.

9. Waste from showers, bathtubs, flush toilets, urinals, and lavatories in service and other buildings within the court shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in a manner approved by the Department of Health.

(g) Development in campgrounds must meet all other applicable regulations in this ordinance.

### 35.2-72.8 Child and Adult Care Centers

Care centers for children or adults (see LBCS code 6562) shall meet the following standards:

(a) All state health department regulations for adult or child care centers or kindergartens shall be met, as applicable.

(b) For persons over eighteen (18) years of age, there shall be an appropriately enclosed outside recreation area of not less than thirty (30) square feet per person enrolled; for persons eighteen (18) years of age or less, there shall be an appropriately enclosed recreation area of not less than seventy-five (75) square feet per person using the recreation area at any one time.

(c) The movement of traffic through the street on which the facility is located shall be capable of being controlled to the degree necessary to allow ingress and egress by small children.

(d) The minimum area and frontage regulations in Exhibit VII-1 shall apply in all districts except where the center is a part of a multi-household building or group of buildings.

**Exhibit VII-1: Care Center Area and Frontage Requirements**

| Number of Persons Enrolled | Minimum Lot Area (sq.ft.) | Minimum Street Frontage (feet) |
|---|---|---|
| 6 to 10 | 7,000 | 70 |
| 11 to 20 | 10,000 | 100 |
| More than 20 | 500 per person | 200 |

(e) Screening as specified in Section 35.2-63.9 of this ordinance shall be provided, for the other perimeter of the parking and of the recreation area.

(f) If an off-site recreation area is used, there shall be safe pedestrian access between a care center and the recreational area.

(g) Setbacks for the facility shall comply with the applicable zoning regulations of the district in which the facility is located.

(h) Minimum off-street parking and loading space shall be provided as follows:

1. A minimum of two (2) parking spaces is required for each care center; plus
2. Two (2) parking spaces for every thirty (30) persons enrolled.

(i) Additional conditions may be imposed pursuant to the conditional use permit process when applicable.

### 35.2-72.9 Group Homes

The intent of the provisions for group homes (see LBCS codes 6522 and 6523) is to promote housing opportunities for those individuals that have had difficulty in obtaining adequate housing. Group homes, for no more than eight (8) mentally ill persons and no more than four (4) aged, infirm or physically disabled persons are exempt from the provisions of paragraphs (b)

through (i) of this section. It is not the City's intent to suppress and the City will make reasonable efforts to accommodate housing that is protected under the Federal Fair Housing Act. Group homes do not include accommodations for pre-release and post-release individuals who have been incarcerated. Group homes may be permitted by conditional use permit in certain residential districts and in certain non-residential districts if the following requirements are met:

(a) Any applicable state health department regulations or other regulatory licensing for group homes shall be met.

(b) For residents over eighteen (18) years of age, there shall be an appropriately enclosed outside recreation area of not less than thirty (30) square feet per resident enrolled; for residents eighteen (18) years of age or less, there shall be an appropriately enclosed outside recreation area of not less than seventy-five (75) square feet per person using the facility at any one time.

(c) The movement of traffic through the street on which the facility is located shall be capable of being controlled to the degree necessary to allow ingress and egress.

(d) The minimum area and frontage regulations established in Exhibit VII-2 shall apply in all districts except where the group home is a part of a multi-household building or group of buildings.

**Exhibit VII-2: Group Home Area and Frontage Requirements**

| Number of Persons Enrolled | Minimum Lot Area (sq.ft.) | Minimum Street Frontage (feet) |
|---|---|---|
| 4 to 10 | 7,000 | 70 |
| 11 to 20 | 10,000 | 100 |
| More than 20 | 500 per person | 200 |

(e) A facility for fewer than four (4) individuals shall comply with the definition of "household" of the Zoning Ordinance.

(f) Screening as specified in section 35.2-63.9 of this ordinance shall be provided, for the outer perimeter of the recreation area.

(g) Setbacks for the facility shall comply with the applicable zoning regulations of the district in which the facility is located.

(h) Minimum off-street parking and loading space shall be provided as follows:

1. A minimum of two (2) parking spaces is required for each group home; plus
2. One (1) parking space for every eight (8) residents, or one (1) for every resident with a car, which is greater; and
3. One (1) parking space for every three (3) staff members.

(i) Additional conditions may be imposed pursuant to the conditional use permit process when applicable.

### 35.2-72.10 Heliports and Helipads

(a) Heliports (see LBCS code 4110) may be permitted by conditional use permit within I-1 and by right in the I-2 and I-3 district if they meet the following requirements:

1. The heliport is an appropriate use of the land and will not unduly interfere with surrounding land uses.
2. The proposed site will meet the standards and requirements of federal and state agencies concerned.
3. Every land area used by heliports for take-off or landing shall be of a dustproof surface.
4. No area used by any aircraft under its own power shall be located within a distance of two hundred (200) feet from any property line; one thousand (1,000) feet from any public or private institution where airport operations could interfere with the work of the institution, including schools, hospitals, sanatoriums and churches; or one thousand (1,000) feet from any departure ends of the runway. Buildings, hangars, or other structures shall be at least two hundred (200) feet from any property line. No parking of vehicles shall be allowed within one hundred (100) feet of any property line.
5. The Zoning Administrator shall refer the plans for the proposed facility to the Federal Aviation Administration for the report of that agency as to the possible interference of flight operation relating to the proposed facility with those of other existing or programmed airports or heliports and shall certify that no such interference will exist.

(b) A helipad may be allowed by right as an accessory use to an institutional facility in any district or for any other use in any non-residential district provided that any helipad is located at least two hundred (200) feet from the nearest residential district property line.

### 35.2-72.11 Hospitals

Hospitals (see LBCS code 6530) may be permitted by conditional use permit in residential districts if the following conditions are met:

(a) The site is easily accessible to ambulatory and non-ambulatory patients, visitors, staff members, personnel, ambulances, firefighting equipment, and for the delivery of supplies, avoiding congested areas while at the same time not causing congestion.

(b) Certification must be granted by the Virginia Department of Health Office of Licensure and Certifications.

(c) **Accessory Uses**. The Zoning Administrator may permit accessory uses, provided that the following conditions are met:

1. That they will improve the ability of the hospital to function and provide community service.
2. That all potential adverse effects emanating from such uses are prevented.
3. That all requirements of this ordinance applicable to such uses are met, including those governing off-street parking and loading, lot area, setbacks, site plan review, and conditional use procedures.
4. In meeting minimum lot area and setback requirements for different uses, there is no pooling of open space between different uses.
5. Examples of accessory uses which may be allowed on a zoning lot whose principal uses is a hospital are as follows:
    a. Staff residences (single-household, multi-household, dormitory).
    b. Schools (medical, nursing, patient rehabilitation).
    c. Recreation facilities (gymnasium, swimming pool, tennis courts).
    d. Research laboratories.

(d) Site standards—The hospital shall meet all height, bulk, and setback regulations for the district in which it is located, as well as the regulations in Article VI of this ordinance, except that in no case shall any building which is a part of such an institution or an accessory use to such an institution be located within fifty (50) feet of any lot line.

### 35.2-72.12 Kennels and Other Small Animal Raising and Boarding

Facilities for the raising and boarding of pets and small animals (see LBCS code 2722) within the City of Lynchburg shall meet the following standards:

(a) The minimum parcel size shall be one (1) acre in other districts where these facilities are permitted.

(b) No outside pen, run or other off-leash area may be located within two hundred (200) feet of any residential district or within fifty (50) feet of a lot line in any other district.

(c) Buffering outside pens, runs or off-lease areas as specified in section 35.2-63.10 (Buffering) of this Ordinance shall be provided on side and rear lot lines.

(d) Disposal of waste must ensure that streams and underground water will not be polluted by the wastes and that odors and other emissions are not perceptible at lot lines.

### 35.2-72.13 Manufactured Home Communities

(a) Individual manufactured homes (see definition in Article XI) not meeting regular building code regulations, but being certified as complying with HUD's "Manufactured Home

Construction and Safety Standards," must be located in manufactured home park as regulated herein containing not fewer than five (5) manufactured home lots or sites.

(b) Manufactured home communities (see LBCS code 1116) may be permitted in the R-1, R-2, R-3, R-4, and IN-2 districts by conditional use permit if the following standards are met:

1. The site shall contain no less than ten (10) contiguous acres.
2. The site shall be served by public sewerage and water supply adequate for the proposed development, and provision shall be made on each site for the proper connection of each manufactured home to City sewer and water supply lines. All utility lines shall be placed underground.
3. The site shall have access to at least one (1) collector street meeting the City's standards for cross-section and capacity.
4. The site shall be reasonably accessible to schools, shopping, employment, recreation areas, and police and fire protection.
5. The site shall not include conditions of soil, ground water level, drainage or topography that could cause hazards to property or the health or safety of the occupants.
6. Existing trees and shrubbery on the site shall be preserved to the greatest possible extent.
7. Street widths and layouts shall conform to the subdivision ordinance of the City of Lynchburg.
8. All manufactured homes shall be located at least twenty-five (25) feet from any lot line and thirty (30) feet from any street right-of-way. The side and rear setbacks shall provide a buffer as specified in section 35.2-63.10 of this ordinance where it is bounded by residential, commercial, or industrial development.
9. Parking shall be provided in an amount of two (2) spaces per manufactured home unit. At least one (1) space shall be provided within each individual lot.
10. Maximum density shall be that prescribed for the district in which the park is located, except that no manufactured home park shall exceed a density of eight (8) units per acre. No individual lot shall be less than four thousand (4,000) square feet for single-wide units and six thousand (6,000) square feet for double-wide units. Nor shall any lot have frontage of less than forty (40) feet on a paved access road at least twenty (20) feet in width leading to a public street. The minimum spacing between manufactured homes shall be twenty (20) feet.
11. Lot coverage may not exceed thirty (30) percent.

12. In manufactured home parks containing more than twenty (20) units, usable recreation area totaling not less than ten (10) per cent of the total area of the park shall be provided.
13. Each manufactured home lot or space shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. The minimum area shall not be less than three hundred (300) square feet with at least a dimension of fifteen (15) feet and shall include a concrete or other hard surfaced terrace as a patio not less than two hundred (200) feet in area adjacent to the area designated for the manufactured home.
14. No existing manufactured home park shall be extended except in accordance with these regulations.
15. Existing mobile homes shall be considered non-conforming uses and no mobile home may be placed on a lot or space.

(c) **Accessory Structures**. No more than one (1) utility building of one hundred (100) square feet or less shall be permitted for each manufactured home space or lot.

(d) **Signs**. Signs shall comply with the provisions of district regulations as required for R-1, R-2, R-3, and R-4 districts.

### 35.2-72.14 Museums and Art Galleries

Museums, art galleries and similar institutions (see LBCS code 5200) are permitted by conditional use permit in R-C, R-1 and R-2 districts subject to the following requirements:

(a) Relevant regulations of this ordinance, including those for parking, signs, and lighting shall be met.

(b) Streets serving the site shall be adequate to carry the traffic expected to be generated without disruption of residential neighborhoods.

(c) Commercial activities included in museums and art galleries shall be limited to the sale of postcards, prints, books, reproductions of sculpture or handcrafts, films, or similar merchandise related to the exhibitions in the building.

### 35.2-72.15 Nursing Homes

Nursing homes (see LBCS code 1200) may be permitted by conditional use permit in certain residential districts if the following conditions are met:

(a) The nursing home shall meet all requirements of federal, state and other public agencies for physical facilities and administration organization.

(b) The proposed site shall have direct access to at least one (1) collector street or road of higher function but shall not be located on a heavily traveled arterial or freeway unless substantial screening is provided along such heavily traveled road. In general, road

access must be adequate for the traffic expected to be generated by the proposed development.

(c) The minimum area and frontage regulations in Exhibit VII-3 shall apply in all districts except where the center is a part of a multi-household building or group of buildings

**Exhibit VII-3: Nursing Home Area and Frontage Requirements**

| Number of Persons Enrolled | Minimum Lot Area (sq.ft.) | Minimum Street Frontage (feet) |
|---|---|---|
| 4 to 10 | 7,000 | 70 |
| 11 to 20 | 10,000 | 100 |
| More than 20 | 500 per person | 200 |

Note: A facility for fewer than four (4) individuals shall comply with the definition of "household" of the Zoning Ordinance.

(d) Screening as specified in section 35.2-63.9 of this ordinance shall be provided, for the outer perimeter of the parking area.

(e) The nursing home structure shall be at least fifty (50) feet from any lot line.

(f) The design of the facility must be such that no sounds, smells or any other noxious emissions from such activities as kitchens or loading areas will become a nuisance to the community.

(g) Certification must be granted by the Virginia Department of Health Office of Licensure and Certifications.

(h) Additional conditions may be imposed pursuant to the conditional use permit process when applicable.

### 35.2-72.16 Clubs and Fraternal Organizations

Facilities for clubs and fraternal organizations (see LBCS code 6830), excluding residential fraternities and sororities (see LBCS code 1323) that are permitted by conditional use permit in residential districts shall conform to the following regulations:

(a) Residential structures shall comply with the setbacks of underlying zoning district and non-residential structures shall be located at a distance of not less than one hundred (100) feet from the side or rear lot lines from residential parcels. .

(b) All buildings on the site shall not cover, in the aggregate, a ground floor area of more than twenty (20) per cent of the area of the site.

(c) Signs shall comply with section 35.2-64 et. seq.

### 35.2-72.17 Public Uses Owned by the City of Lynchburg

(a) It is the intention of the City to provide public facilities and services adequate to support the continued growth and prosperity of the City, and to that end it is necessary to allow public uses in all districts.

(b) The City will endeavor to follow the development standards for the applicable district and for similar uses allowed within the district except where practical difficulties preclude such compliance.

(c) Sites shall have safe and adequate access to minimize negative impacts on local residential streets.

### 35.2-72.18 Recreation Facilities

Outdoor recreation facilities (see LBCS codes 5372-5374 & 5500), excluding facilities accessory to residential uses and City-owned recreational facilities, shall meet the following conditions:

(a) Applicable requirements of this ordinance, including those relating to signs, lights, and off-street parking, are complied with.

(b) Buffering as specified in section 35.2-63.10 (Buffering) of this Ordinance, is provided between areas to be used for games, athletics, or other active recreation and adjacent residential areas.

(c) Swimming pools, tennis courts, and other facilities presenting potential dangers to the life and limb of children shall be provided with fencing capable of restricting access to such facilities at times when they are not supervised.

(d) Toilet, shower and dressing facilities shall be provided in locations and capacities appropriate to the proposed recreational use and in accordance with applicable standards of the Department of Health.

(e) The use of sound amplifying devices shall be restricted to that necessary for safety purposes.

### 35.2-72.19 Riding Academies and Stables

Riding academies and stables (see LBCS code 5374) shall meet the following requirements:

(a) Access to adequate trails or areas for horseback riding shall be available on the same zoning lot or within six hundred (600) feet of such zoning lot.

(b) The location and operation of such use will not be such as to result in any serious traffic hazards or conflicts on nearby streets.

(c) No stables or riding areas shall be located within one hundred (100) feet of any side or rear lot line.

(d) If not more than two (2) horses are kept, the stable shall be located on a tract of not less than two (2) acres. If three (3) or more horses are kept, the stable shall be located on a tract of not less than ten (10) acres.

### 35.2-72.20 Sanitary or Solid Waste Facilities

Private and public sanitary or solid waste management facilities (see LBCS code 4340) may be permitted by conditional use permit in the I-3 district if the following requirements are met. The expansion of an existing public facility is exempt from these requirements. Existing private facilities may expand by right in any zoning district, provided that the expansion meets all requirements of this section.

(a) Private facilities shall be established only by and for the use of the industry generating the industrial waste.

(b) All state and federal regulations must be complied with, all necessary permits be obtained, and copies of said permits be given to the Building Official, the City Planner, Director of Water Resources, and the City Engineer.

(c) The facility shall be located with direct access onto an arterial or collector street, except that existing private facilities and expansions shall be exempt from this requirement.

(d) Fencing or natural barriers shall completely enclose the disposal area to prevent unauthorized disposal or salvage activities and to prevent waste materials from blowing onto adjacent properties.

(e) The operation shall have a minimum setback of one hundred (100) feet from all adjacent property lines, except where the property abuts a residential zoning district, in which case a minimum setback of two hundred (200) feet shall be maintained.

(f) Within the required setback of one hundred (100) or two hundred (200) feet, all existing vegetation shall remain undisturbed as a buffer, except for the cleared fire-break which is fifty (50) feet in width. Where existing vegetation is sparse or nonexistent, a vegetative buffer shall be provided according to the regulations of section 35.2-63.10 (Buffering) of this Ordinance.

(g) A plan shall be submitted to the City for review and approval indicating (1) how the area will be returned to a stable condition following the closure of the disposal operation, and (2) the intended future use of the site.

(h) A recordation shall be made with the deeds of all parcels on which landfill or other waste treatment or disposal facilities have been located to inform all future owners that the property was used for a sanitary or solid waste management facility, the types of materials disposed there, and the dates of its operation. Certification of such recordation shall be given to the Zoning Administrator at the time of facility closure.

### 35.2-72.21 Schools, Colleges, and Vocational Schools

Schools, colleges, and vocational schools (see LBCS code 6100) permitted by conditional use permit excluding City-owned schools shall conform to the following requirements, unless otherwise approved by the City Council:

(a) **Minimum Area, Frontage and Setback Requirements**.

1. Kindergartens.

| Number of children enrolled | Minimum Lot Area (square feet) | Minimum Lot Frontage (feet) |
|---|---|---|
| **Up to 5** | 5,000 | 50 |
| **6 to 10** | 7,000 | 70 |
| **11 to 20** | 10,000 | 100 |
| **Over 20** | 500 per child | 200 |

2. Elementary schools. Minimum usable lot area: four (4) acres plus one (1) acre for each one hundred (100) pupils; frontage: two hundred (200) feet; setback: twenty-five (25) feet from all lot lines.

3. Middle schools. Minimum usable lot area: ten (10) acres plus one (1) acre for each one hundred (100) pupils; frontage: three hundred (300) feet; setback: fifty (50) feet from all lot lines.

4. Senior high schools. Minimum usable lot area: ten (10) acres plus one (1) acre for each one hundred (100) pupils; frontage: three hundred (300) feet; setback: fifty (50) feet from all lot lines.

5. Colleges, junior colleges and universities with residents.

   a. Minimum usable lot area: fifty (50) acres plus one (1) acre for each one hundred (100) pupils;

   b. Minimum frontage: five hundred (500) feet;

   c. Minimum setbacks: one hundred (100) feet from all lot lines.

   d. Residents shall include students, whether housed in dormitories, fraternity houses or other living quarters; staff members and their families; and caretakers and their families who sleep for any part of the school year on the zoning lot.

6. Sources of potential nuisance factors, including cafeterias; power plants; kitchens; gymnasiums; unloading areas for supplies, food and garbage; and outdoor play areas shall be located a minimum of two hundred (200) feet from any residential zoning lot and shall be provided with buffer areas according to the regulations of section 35.2-63.10 (Buffering) of this Ordinance.

7. Access drives shall be located at least forty (40) feet from any adjacent residential zoning lot.

(b) Schools for specific educational purposes such as for technical or vocational training may be established provided that all operations must be conducted within an enclosed building.

(c) The installation of a temporary modular classroom unit(s) at an existing school may be exempt from obtaining a Conditional Use Permit (CUP) provided that the following conditions are met:

1. The need for the classroom unit(s) shall be of an emergency nature, which need could not have been foreseen enough in advance to follow the usual CUP application/public hearing process;
2. A written request describing the proposal and a site plan shall be submitted to the City Planner;
3. The classroom unit(s) shall be installed on a temporary basis to be in place no longer than the current school year. If, at the end of the current school year, it is determined that there is a continued need for the classroom unit(s) in that location, then a CUP petition shall be submitted; and the established CUP application/public hearing process shall be followed;
4. The unit(s) shall be located on the school property in such a way as to minimize impact on the neighborhood;
5. Adequate landscaping shall be provided to buffer the unit(s) from adjacent residential areas; according to the regulations of section 35.2-63.10 of this ordinance.
6. The exterior lighting for the modular classroom units(s) shall be controlled so that direct illumination shall not be visible beyond the property line; and
7. The proposal shall comply with any additional conditions that are deemed to be necessary or appropriate by the City Planner. The Technical Review Committee (TRC) will review each request and make a recommendation to the City Planner. If the City Planner determines that all of the above conditions have been met, written approval for the installation of the classroom unit(s) shall be granted. In the event of a substantive, later objection from the public, such administrative approval may be revoked by the City Planner with referral of the matter to the Planning Commission and City Council for a decision according to the established CUP application/public hearing process.

### 35.2-72.22 Shooting Ranges

(a) Outdoor shooting ranges, including archery ranges (see LBCS code 5375) may be permitted in conservation districts by conditional use permit...

(b) Indoor shooting ranges, including archery ranges (see LBCS code 5376) may be permitted in B-3, B-5, In-2, I-1 and I-2 districts by conditional use permit, provided the following conditions are met:

1. Building plans certified by a design professional are required. Plans shall include backstops, ventilation, bullet traps, bullet resistant material between each firing

lane, lead abatement and noise buffering to meet or exceed all applicable State and Federal laws and regulations.

2. The operator shall cause a qualified design professional to perform annual inspections to verify continued compliance with all applicable design standards and safety procedures, a report of which shall be filed with the Zoning Administrator.
3. The range operator shall maintain a valid certificate of public liability insurance for not less than $2 million with the City of Lynchburg Risk Management office.

### 35.2-72.23 Temporary Uses

(a) **Generally**. The following uses shall be allowed as temporary uses by the Zoning Administrator subject to the procedures established in section 35.2-14.5 and the provisions of this section.

(b) **Carnivals and Fairs, Temporary**. Temporary carnivals and fairs (see use LBCS code 9921) permitted within the boundaries of the City of Lynchburg shall meet the following standards:

1. A temporary use permit shall be required which shall have a maximum duration of thirty (30) days.
2. Such carnival or fair must be under the sponsorship of a nonprofit organization located within Lynchburg, Amherst, Campbell or Bedford County, or a City or town situated in one of those counties.
3. The location of the carnival or fair shall have direct access to an arterial or collector road.
4. Off-street parking, in amounts to be determined by the City Planner, shall be provided in sodded areas, parking lots ordinarily used for other purposes, or in such other ways that muddy conditions and erosion shall be minimized.
5. Exterior lights shall be shielded from any adjacent residential areas
6. Amplified music or other noise shall cease between the hours of 10:00 p.m. and 9:00 a.m.
7. After the duration of the fair or carnival, all grounds used shall be restored to their condition before the fair or carnival. It shall be the responsibility of the sponsoring organization to perform such restoration.

(c) Temporary Outdoor Promotional Attractions. Temporary outdoor promotional attractions (see LBCS code 9922) incident to a shopping center or other business establishment, such as auto, boat or home shows, pony and hay rides, acrobatic acts and the like, may be permitted by temporary use permit subject in each case to approval by the Zoning Administrator and compliance with the following conditions:

1. Such a permit shall be issued only for use within the B-3, B-4 or B-5 districts.
2. A permit for any such attraction shall not be issued for a longer period than fifteen (15) days, but may be renewed by the Zoning Administrator with or without modification; or may be revoked.
3. A charge may be made for admission to or use of any such attraction.
4. No such attraction shall be located within less than one hundred fifty (150) feet of the nearest lot line of any adjacent dwelling.
5. Lights, music, amplifiers and other noise shall be controlled so as not to be a nuisance to adjacent residents.
6. The hours of operation shall not extend beyond the normal business hours of the business establishments to which such attractions are incident.
7. In the event the Zoning Administrator refuses to issue a permit or revokes a permit previously issued for said promotional attractions, the applicant for such a permit shall have the right of appeal to the Board of Zoning Appeals.

### 35.2-72.24 Recycling Collection Centers

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

### 35.2-72.25 Tourist Homes or Bed and Breakfast Establishments.

Tourist homes or bed and breakfast establishments (see LBCS code 1310) shall meet the following standards:

(a) For R-1 and R-2 districts, not more than three (3) rooms with not more than two (2) persons per room may be offered for transient guests for compensation under the management of the occupants of the dwelling.

(b) For R-3 and R-4 districts, not more than five (5) rooms with not more than four (4) persons per room may be offered for transient guests for compensation under the management of the occupants of the dwelling.

(c) The primary use of the home shall remain as a residence.

(d) The parking requirements of section 35.2-62 et. seq. of this ordinance.

(e) The operator of the facility must obtain a business license.

### 35.2-72.26 Utilities and Services

Public utilities and services, excluding City-owned utilities (see LBCS codes 4120, 4130 and 4300 et. seq.) that are permitted by conditional use permit in residential or business districts shall meet the following conditions:

(a) **General**

1. Public utility uses allowed by conditional use permit in residential or commercial districts shall not include any of the following: Power generating plants; incinerators; non-local area telephone and telegraph dial or repeater stations; public transit or railroad car barns, garages, yards, or shops; construction of building materials yards, service truck dispatching, or storage; or uses not enumerated below.
2. The architecture and landscaping shall be designed so that the uses blend harmoniously with other development in the area.
3. All such uses shall conform to the performance standards applicable to I-1 districts.
4. Appropriate conditions and safeguards may be prescribed to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights, or other artificial illumination or for landscaping or screening.

(b) **Public service establishment**. In all districts, the City Council may permit electric or gas utility substations, limited in each case to a site of not more than ten thousand (10,000) square feet; water or sewage pumping stations; or telephone exchanges or other communications equipment structures; provided, that the following findings are made:

1. That there are serious difficulties in locating the use in a district where it is permitted as of right that make it necessary to locate such use within the proposed district.
2. In the case of electric or gas utility substations or water or sewage pumping stations, that the site for such use has a minimum frontage of fifty (50) feet and a minimum lot area of five thousand seven hundred (5,700) square feet.

(c) **Other public utility facilities**. In all districts, the City Council may permit public utility stations for oil or gas metering or regulating or terminal facilities located at water crossings for access to electric, gas, or steam lines; provided, that the City Council finds that the proposed location, design and method of operation will not have a detrimental effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.

(d) **Public transit, railroad or electric utility substations**. In all residential or commercial districts, the City Council may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited

in each case to a site of not more than forty thousand (40,000) square feet, and in the case of electric utility substations to a site of not less than ten thousand (10,000) square feet, provided that the following findings are made:

1. That such use will serve either the community within which it is proposed to be located and that there are serious difficulties in locating such use in a nearby district where it is permitted as of right.
2. In the case of public transit or railroad electric substations, that the site for such use has a minimum frontage of fifty (50) feet and a minimum lot area of five thousand seven hundred (5,700) square feet.

(e) **Non-local area substations**. The City Council may permit public transit, railroad, or utility electric substations which will serve a larger area than the residential community within which it is proposed to be located or the residential community immediately adjacent; provided, that the other findings enumerated in this section are made and provided that the site is not less than forty thousand (40,000) square feet nor more than ten (10) acres.

(f) **Overhead electric power and energy transmission lines**. Except for facilities under the exclusive jurisdiction of the State Corporation Commission (see 15.2-2232 and 56-46.1 of the Code of Virginia), in all residential and commercial districts, the City Council may permit overhead electric power and energy transmission lines suspended from multi-legged structures; provided, that the following findings are made:

1. That the proposed use does not adversely affect the Comprehensive Plan for the physical development of the district as embodied in this ordinance and in any master plan or portion thereof adopted by the City Council.
2. That the proposed use will not adversely affect the health and safety of residents or workers in the area.
3. That the proposed use at the location selected is necessary for the public convenience and service.
4. That structures will be so located on the zoning lot that their minimum distance from any lot line will equal the maximum height of the structure above ground level.
5. The power lines or structures will not interfere with existing or planned air traffic.
6. That in the balancing of the equities between such convenience and service and any detriment to adjacent properties or the general neighborhood, such overhead line should be permitted at the location selected.

(g) In making the findings in paragraph (f), the fact that heavy storms occasionally cause overhead power lines to break and fall to the ground, causing vulnerability to electrocution and interference with circulation shall be considered. Location of overhead power lines should therefore be evaluated in terms of avoiding proximity of

the line to schools, hospitals, fire-fighting equipment, police stations, employment centers, airports, pedestrian ways, major highways or streets, and other land uses to which a fallen power line would cause a special hazard or interference with an essential service.

### 35.2-72.27 Mobile Food Vehicles

All mobile food vehicles providing retail sales of food (food trucks, food trailers or food carts) shall comply with the regulations of this section. These regulations do not apply to "meals on wheels" program vehicles, ice cream trucks or food home delivery services.

(a) **Districts Where Allowed**

1. Mobile food trucks and trailers for retail sales of food shall be limited to the B-3, B-4, B-5, IN-2, I-1, and I-2 districts.
2. Mobile food carts for retail sales of food shall be limited to the B-1, B-3, B-4, B-5, IN-1 and IN-2 districts. Food carts shall not be self-propelled or exceed four (4) feet in width by ten (10) feet in length or eight (8) feet in height.

(b) **Location Criteria**

1. Food trucks, trailers and carts shall be located a minimum distance of fifteen (15) feet from the edge of any driveway, utility box or vaults, handicapped ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
2. Food trucks, trailers and carts shall not be located within any area of the lot or parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
3. Food trucks, trailers and carts shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business. Nor shall any retail sales - food truck occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.
4. Food trucks, trailers and carts shall not occupy or limit access to any handicap accessible parking space.

(c) **Mobile Food Vehicle Operations**

1. No freestanding signage or audio amplification shall be permitted as part of the mobile food vehicle operations.
2. No mobile food vehicle operations shall make or cause to be made any unreasonable or excessive noise in violation of City's Code.
3. No mobile food vehicle shall use flashing or moving lights as part of its operation.
4. Outside of business hours, the vehicle shall not be stored on the site of its operations.

5. When open for business, the food truck, trailer or cart operator, or his or her designee, must be present at all times, except in cases of an emergency.
6. The food truck, trailer or cart vendor is responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors shall remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary sewer system.
7. All equipment required for the operation shall be contained within, attached to or within twenty (20) feet of the food truck, trailer or cart. All food preparation, storage, and sales-distribution shall be in compliance with all applicable City, State and Federal Health Department sanitary regulations.

(d) **Authorization**

1. A City business license shall be obtained by the vendor prior to operations of a mobile food vehicle and shall be renewed annually.
2. The application shall include a sketch showing the footprint of the mobile food vehicle and all related dining or food service appurtenances.
3. Application approval does not grant or entitle the exclusive use of a location to the mobile food vehicle applicant.
4. The business license application shall include authorization from the property owner for any lot or parcel proposed to accommodate a mobile food vehicle.
5. Prior to issuance of the business license, the vendor shall provide evidence of all necessary permits authorizing the preparation and sales of food within the City of Lynchburg.
6. If at any time evidence is provided that the lot or parcel is being used other than in compliance with these regulations, the property owner may be cited for violation of this zoning ordinance.
7. Copies of the business license and all applicable permits shall be kept in the food truck, trailer or cart at all times.

## 35.2-73 Telecommunications Towers

### 35.2-73.1 Findings

(a) The City has the authority to regulate the placement, construction, and modification of towers, antennas support structures, and telecommunications facilities.

(b) The federal communications act of 1934 as amended by the telecommunications act of 1996 ("the act") grants the federal communications commission ("FCC") exclusive jurisdiction over:

1. The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
2. The regulation of radio signal interference among users of the radio frequency spectrum.

(c) The City's regulation of towers and telecommunications facilities cannot have the effect of prohibiting any person from providing wireless telecommunications services in violation of the act.

### 35.2-73.2 Purposes.

The general purpose of this article is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Lynchburg. Specifically, the purposes of this article are:

(a) To facilitate the provision of wireless telecommunications services to the residents and businesses of the City in an orderly fashion;

(b) To regulate the location of towers and telecommunications facilities in the City;

(c) To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;

(d) To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;

(e) To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;

(f) To avoid potential damage to property caused by towers and telecommunications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound;

(g) To ensure that towers and telecommunications facilities are compatible with surrounding land uses;

(h) To promote the location of towers in industrial and business, rather than residential areas.

### 35.2-73.3 Development and approval of towers.

(a) A tower and associated telecommunications facilities shall be a permitted use of land in business and industrial districts (B-1 through B3, B-5, and I-1 through I-3). A conditional use permit from the City Council shall be required for applicants seeking to locate towers, regardless of height, and related telecommunications facilities, in business districts zoned as B-4 and B-6 and in conservation and residential districts designated R-C through R-5. No structure, regardless of design or material, shall be permitted in any residential district as a telecommunications facility, except small equipment cabinets located on the tower or on the ground immediately adjacent to a telecommunications facility, provided they do not exceed seventy-two cubic feet above ground, and six feet in height. If another company collocates its antenna on the same tower, each company is permitted to have a small equipment cabinet of this size. Any proposal exceeding these parameters shall be subject to review by the City Council as part of a conditional use permit application. Application shall be made to the City Planner in the manner provided in Article II of this Zoning Ordinance. In districts for which a conditional use permit is required, the City Council shall make its decision to grant or deny such permit in writing and in a manner consistent with applicable state and federal law.

(b) Existing towers are exempt from the maximum height restrictions of the districts where located. New towers shall not exceed a maximum height of fifty (50) feet in any residential district, one hundred (100) feet in a B-1 district, or one hundred fifty (150) feet in any other commercial or industrial district, unless the City Council approves a conditional use permit authorizing a maximum height in excess of these limits

(c) The City may authorize the use of City property in appropriately zoned districts in accordance with the procedures of the City charter and code. The City shall have no obligation whatsoever to use City property for such purposes.

(d) No new tower shall be built, constructed, or erected in the City unless such tower, including the ground area for associated telecommunications facilities, is capable of supporting another person's operating telecommunications facilities comparable in weight, size, and surface area to the applicant's telecommunications facilities. For purposes of this section, the "applicant's facilities" shall mean those installed within six months of completion of tower construction. These provisions are encouraged for, but need not apply to, towers no greater than 50 feet in height.

(e) An application to develop a tower shall include:

1. The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner, and the name, address, telephone number of the owner, shall

be evidenced in the application. The application shall also contain an affirmative statement indicating that both the owner and applicant are aware of and agree to comply with the provisions in section 35.2-73.19 of this Zoning Ordinance regarding abandonment.

2. The legal description, valuation map number, and address of the parcel of land upon which the tower is situated.
3. The names, addresses, and telephone numbers of all tower owners with towers or usable antenna support structures within a one (1) mile radius of the proposed new tower site, including City-owned property.
4. Written documentation that the applicant made diligent, but unsuccessful, efforts for permission to install or collocate the applicant's telecommunications facilities on City-owned towers or usable antenna support structures located within a one (1) mile radius of the proposed tower site.
5. Written documentation that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on existing or proposed towers, and their ground area, or usable support structures owned by other persons located within a one (1) mile radius of the proposed tower site.
6. Written, technical evidence from a radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within a one (1) mile radius of the proposed tower site and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.
7. Written, technical evidence from a structural engineer that the proposed structure meets the standards set forth in this code, including but not limited to the requirements set forth in sections Article I35.2-73.3(d) and 35.2-73.6.
8. Written, technical evidence from a radio frequency engineer that the proposed facilities meet the standards set forth in this code, including, but not limited to, the requirements set forth in section 35.2-73.4.
9. Written, technical evidence from an electrical engineer that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
10. A map of the City and the first half-mile of all bordering communities showing the design of the applicant's entire existing or proposed wireless telecommunications network. Such map shall, at minimum, indicate the general location of all proposed

or existing tower and antenna sites, their dimensions, specifications, and signal area coverage.

11. Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property or properties and from adjacent roadways.
12. An application fee that represents the site plan fee and conditional use fee otherwise required. The City reserves the right to employ an outside consultant to review any application. The applicant shall reimburse the City for the reasonable expenses related to such review as an additional application fee.
13. A site plan, including a description of the lot lines, setbacks, location of adjacent structures, proposed location of the tower, separation distances, proposed tower height, landscaping, screening, access, parking, and security.
14. An acknowledgment that the applicant currently complies and will continue to comply with all FCC standards, including reporting requirements regarding radio frequency emissions.
15. When seeking approval of a telecommunication tower or facility, the applicant shall furnish written documentation that:

    a. The proposed communication tower is reasonably necessary to serve an adjacent residential area or areas;

    b. Any variance (or conditional use permit) sought is the minimum necessary to address the need for the variance (or conditional use permit), subsequent to exploring all reasonable siting alternatives;

    c. The location of the communication tower in relation to the existing structures, trees and other visual buffers shall minimize, to the greatest extent reasonably practicable under the circumstances, any impact on affected residentially zoned property;

    d. The location of the communication tower will not have a significant detrimental impact on adjacent property values; and

    e. Any other factors that the applicant deems to be relevant to the City's consideration of a tower or facility siting.

    f. All information submitted with an application that is trade secret information or is for other reasons proprietary shall be clearly marked as such when submitted with an application. The City shall not disclose publicly, or to any third party, proprietary information unless compelled to do so by federal, state, or local law.

### 35.2-73.4 Interference with Public Safety Radio Services

In order to ensure that the City's public safety radio services will be free from harmful or destructive interference, all applicants requesting a permit to site a tower or telecommunications facilities must:

(a) Demonstrate compliance with good engineering practices;

(b) Provide the City a copy of all intermodulation studies submitted to the FCC;

(c) Not induce harmful or destructive interference to the City's public safety radio services;

(d) Comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI); and

(e) In the case of co-location of telecommunications facilities either in the same location or on the same tower as the City's, comply with FCC emissions requirements and not radiate any RFI or any electromagnetic interference (EMI) that may interfere with the City's public safety radio services.

### 35.2-73.5 Setbacks and Fall Zones

(a) **Setbacks**

1. All towers and any telecommunications facilities in any business and industrial zoning districts shall be set back on all sides a distance equal to the underlying building setback requirement in the applicable zoning district. All towers in residential zoning districts shall be set back on all sides a distance equal to the tower height. In addition, in order to preserve the aesthetics of residential areas and to maintain property values, whenever a tower is located in a residential district, the tower shall be located a distance at least equal to twice the height of the tower from any adjacent property lines. When a tower is located in a commercial district or industrial district, the tower shall be located a distance at least equal to twice the height of the tower from any residential district.

2. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel on which it is located.

(b) **Fall Zones**

1. Every tower shall be designed to fall within the boundaries of the parcel on which the tower is located. The applicant shall submit written certification and supporting documentation from a structural engineer that a tower proposed for a residential area will fall within the specified fall zone. In the case of towers located in commercial or industrial areas that are specified and certified by a structural

engineer to be collapsible or incapable of failure, the Zoning Administrator may reduce the fall zone accordingly.

2. In those instances in which there is a conflict between the required setback and the required fall zone, the greater distance shall apply.

### 35.2-73.6 Structural Requirements

All towers must be designed and certified by a structural engineer to be structurally sound and, at minimum, in conformance with the statewide uniform building code, and any other standards outlined in this article.

### 35.2-73.7 Separation or Buffer Requirements

(a) Towers shall be separated from all residentially zoned lands and all residences (irrespective of zoning classification) by a minimum distance equal to one hundred percent (100%) of the height of the proposed tower.

(b) Tower separation distances for the purpose of compliance with this article shall be measured from the base of a tower to the closest point of a designated area. The minimum tower separation distance shall be calculated and applied irrespective of City and county jurisdictional boundaries.

### 35.2-73.8 Method of Determining Tower Height

Measurement of tower height for the purpose of determining compliance with all requirements of this article shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend over the top of the tower structure itself. Tower height shall be measured from grade.

### 35.2-73.9 Illumination

Towers shall not be artificially lighted except as required by the federal aviation administration ("FAA"). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance equal to the height of the tower from the tower, and when required by federal law, dual mode lighting shall be requested from the FAA.

### 35.2-73.10 Exterior Finish

Towers not requiring FAA painting or marking shall be painted a neutral color (galvanized finish is considered a neutral color).

### 35.2-73.11 Landscaping

All landscaping on parcels containing towers, antenna support structures, or telecommunications facilities shall be designed to screen the tower, antenna support structure, and telecommunications facilities to a height of at least six (6) feet from grade. This requirement may be waived at the discretion of the inspections division if the base of the tower and facilities

to be screened are not located in and not visible from any business or residential districts or visible from public streets. All landscaping must be continually maintained in a healthy and attractive manner.

### 35.2-73.12 Security

All towers must be reasonably posted and secured to protect against trespass.

### 35.2-73.13 Access

All parcels upon which towers are located must provide access during normal business hours to at least one (1) paved vehicular parking space(s) on site.

### 35.2-73.14 Certifications and Inspections

(a) All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the City building code and all other construction standards set forth by the City code and federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to section 35.2-73.3(e) and every five (5) years thereafter; for existing monopole towers, such certification shall be submitted within sixty (60) days of the effective date of this article and then every five (5) years thereafter; for new lattice or guyed towers, such certification shall be submitted with an application pursuant to section 35.2-73.3(e) and every two (2) years thereafter; and for existing lattice or guyed towers, such certification shall be submitted within sixty (60) days of the effective date of this article and then every two (2) years thereafter. The tower owner may be required by the City to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

(b) The City and its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the statewide building code and all other construction standards provided by the City code and federal and state law.

(c) (The City reserves the right to conduct such reasonable and necessary inspections, upon reasonable notice to the tower owner. All expenses by the City related to such inspections shall be borne by the tower owner if any unresolved defects exist.

(d) The tower or telecommunication facilities owner shall certify to the City on an annual basis that it is in compliance with all of the requirements of this article, including the requirements set forth in Sec. 35.2-73.15.

### 35.2-73.15 Maintenance

(a) Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for

preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(b) Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the national electric safety code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.

(c) All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

(d) All telecommunication facilities shall maintain compliance with current radio frequency emission standards of the FCC.

(e) In the event the use of a tower is discontinued by the tower owner, or in the event a tower owner files notice to the FCC of its interest to cease operating the tower owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

### 35.2-73.16 Stealth

All towers and telecommunications facilities in business and residential districts shall be of stealth design.

### 35.2-73.17 Telecommunications Facilities on Antenna Support Structures

(a) Any telecommunications facilities which are not attached to a tower may be permitted as an accessory use to any antenna support structure at least thirty (30) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures.

(b) The owner of such structure or telecommunication facilities shall, by written certification, graphic representation, and detailed plans to the technical review committee verify that:

1. The antenna support structure and telecommunications facilities comply with the statewide building code;

2. Any telecommunications facilities and their appurtenances, located upon the roof of an antenna support structure, are set back a distance at least equal to the height of the telecommunications facilities. However, this setback requirement shall not apply to telecommunications facilities and their appurtenances, located above the roof of an antenna support structure, if such facilities are appropriately screened from view through the use of screening techniques that are compatible with the surrounding built environment and approved by the City. Setback requirements shall not apply to stealth antennas which are mounted to the exterior of antenna

support structures below the roof, but which do not protrude more than twenty-four (24) inches from the side of such an antenna support structure; and

3. All applicable standards of this article are being met.

### 35.2-73.18 Existing Towers

(a) An existing tower may be modified or demolished and rebuilt to accommodate collocation of additional telecommunications facilities as follows:

1. Application for a permit shall be made to the division of inspections which shall have the authority to issue a permit without further approval by the City Council.
2. The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the lesser of the height of the existing tower or the maximum height for towers allowed under this article.
3. A tower which is being rebuilt to accommodate the collocation of additional telecommunications facilities may be relocated on the same parcel subject to the setback requirements of this article. However, if it is impossible for the tower to be rebuilt in compliance with the setback requirements of this article, such set back requirements shall require approval of a variance from the Board of Zoning Appeals to allow the tower to be rebuilt in its exact previous location.

### 35.2-73.19 Abandonment

(a) If the City receives notice pursuant to section 35.2-73.15, or if any tower shall cease to be used for a period of three hundred sixty-five (365) consecutive days, the division of inspection shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the division of inspection that such site has been abandoned. The owner shall have thirty (30) days from receipt of said notice to show by a preponderance of the evidence that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the division of inspection shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within seventy-five (75) days, dismantle and remove the tower. If an owner fails to remove an abandoned tower within seventy-five (75) days of the final determination of abandonment, the City may dismantle and remove the tower and recover the costs of the same from the owner or by accessing the bond set forth below. For the purposes of this section, removal includes all physical improvements associated with towers, including foundation and tower grounding.

(b) To secure the obligation set forth above, the owner shall post a bond or provide a letter of credit in an amount to be determined by the City's risk manager based on the anticipated cost of removal of the tower.

### 35.2-73.20 Reservation of Rights

The City reserves the right to impose any other reasonable conditions it determines are necessary for the proper placement, construction, or modification of towers or facilities, and/or to impose any other reasonable conditions on the issuance of a conditional use permit for placement, construction, or modification of a tower or facilities.

# Article VIII Land Use Development Patterns

## 35.2-80 Residential Cluster Subdivisions

### 35.2-80.1 Applicability

Authorized residential cluster subdivision development (see LBCS code 9951) may be approved in the R-1, R-2, R-3 and R-4 zoning districts subject to compliance with the requirements of this section and applicable subdivision regulations.

### 35.2-80.2 Density

Net density on the site shall not exceed that permitted in the underlying zoning district.

### 35.2-80.3 Authorized Uses

Uses shall comply with the use regulations of the applicable zoning district.

### 35.2-80.4 Site Development Standards

Unless otherwise provided in this section, cluster development shall comply with regulations of the applicable zoning district governing setbacks, height, parking, landscaping, signs, lighting, access and public improvements.

### 35.2-80.5 Internal Access Required

Access to individual lots shall be provided via an internal circulation system, which may include public streets, alleys or private drives. Private drives shall not serve more than five (5) dwelling units.

### 35.2-80.6 Common Areas

Where clustering of dwellings is employed common open space, properties and facilities shall be placed in the ownership and control of a property owners' association capable of providing adequate maintenance in accordance section 35.2-10.15 of this Zoning Ordinance.

### 35.2-80.7 Single-Household and Duplex Development Standards

Single-household and duplex cluster development shall comply with the standards established in Exhibit VIII-1.

**Exhibit VIII-1: Standards for Single-Household and Duplex Clusters**

| Design Element | Standards |
|---|---|
| **Minimum Size of Cluster Development** | 2 acres |
| **Minimum Lot Area** | 50% of minimum lot area for applicable zoning district |
| **Minimum Lot Width** | 50% of minimum lot width for applicable zoning district |
| **Minimum Lot Width if Abutting a Conforming Single Family or Duplex Use Zoned R-1 or R-2** | 80% of the minimum lot width for the district applicable to the abutting lot, unless the lots are separated by an open space area measuring at least 50 feet in width |
| **Minimum Open Space** | 30% |

## 35.2-81 Townhouse Development

### 35.2-81.1 Townhouse Development Standards

Development of townhouse lots (see LBCS code 1113) shall comply with the lot development standards established in Exhibit VIII-2 in addition to the standards established for parking, landscaping and other site improvements established in Article VI.

**Exhibit VIII-2: Standards for Townhouse Development**

| Design Element | Standards | Additional Standards |
|---|---|---|
| **Minimum size of townhouse development** | 2 acres | |
| **Minimum lot area** | 1,200 sq.ft. | Excludes driveways, parking areas, common areas, sidewalks and required setbacks |
| **Minimum unit width** | 16 ft. | |
| **Front setback** | 10 feet | Measured between the building front and the front of lot, common area, driveways or parking areas. Not more than three (3) abutting units may have the same front setback |
| **Exterior side setback** | 16 feet | Applies to distances separating units that are not attached, and between units and right-of-way, driveways or side parking areas |
| **Rear setback** | 25 feet | |
| **Minimum side and rear perimeter setbacks when abutting a single-household district** | 50 feet | |
| **Building access** | | A paved walkway shall connect each unit with common areas, parking areas and public right-of-way |
| **Maximum number of attached townhouse units** | 9 units | |

### 35.2-81.2 Common Areas

Open space and common areas provided in conjunction with a townhouse development shall comply with the standards established in section 35.2-80.6.

## 35.2-82 Traditional Neighborhood Development

### 35.2-82.1 Purpose

Traditional neighborhood development (TND) (see LBCS code 9952) provides opportunities for the creation of new neighborhoods designed along the traditions of small town and urban neighborhood development prevalent in the United States from colonial times until the 1940's. These design traditions created neighborhoods and communities that fostered strong connections between people as they lived, worked, shopped, learned, recreated and worshiped. Because TNDs are tightly knit and incorporate an integrated mix of uses, they do not meet the development standards of the City's existing zones. Therefore, this TND section is provided to offer a flexible set of land use and design regulations based on performance standards that will allow traditional neighborhood development subject to site-specific City review. Where TNDs are deemed appropriate by the City Council, all dimensional specifications, setback, buffering, and landscaping requirements, and location of parking facilities and recreation facilities prescribed elsewhere in this ordinance are herein replaced by an approval process in which the approved TND plan and design guidelines become the basis for continuing land use controls.

### 35.2-82.2 Objectives

To carry out the intent of this section, a TND shall achieve the following objectives:

(a) The design of the neighborhood allows residents to work, shop, and carry out many of life's other activities within the neighborhood.

(b) A mix of land uses is provided. The proximity of uses allows residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school.

(c) A variety of housing types is provided at a range of densities, types (multi-household, townhouse, and single-household), and costs. Neighborhoods are heterogeneous mixes of residences in close proximity to commercial and employment uses.

(d) The neighborhood includes a retail, office, employment, services, and/or entertainment core to provide economic and social vitality and a major focus and meeting place in the community.

(e) The circulation system serves many modes of transportation and provides choices for alternative transportation routes. Streets, alleys, and pedestrian and bike paths connect to the surrounding area to the extent possible. Streets and alleys generally follow a grid pattern to provide these route choices and connections. Traffic calming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety.

(f) The overall intensity of development is designed to be high enough to support transit service.

(g) A system of parks, open spaces, civic, public, and institutional uses is included to create a high quality of life and civic identity for the community.

(h) The cluster concept is embraced so as to concentrate development in environmentally suitable areas and to preserve and protect important environmental and cultural resources.

### 35.2-82.3 General Requirements for Traditional Neighborhood Developments

(a) **Minimum Area**. The minimum area required to qualify for a traditional neighborhood development shall be thirty (30) contiguous acres of land. Where the applicant can demonstrate that the characteristics of a proposed project site will meet the objectives of this article, the City Council may consider projects of less acreage when considering a TND application.

(b) **Location of Traditional Neighborhood Developments**. A traditional neighborhood development may be established by a conditional use permit in the R-C, R-1, R-2, R-3 and R-4 residential districts and the B-1 and B-3 business districts, where the applicant can demonstrate that the characteristics of the property will meet the objectives of this section and are consistent with the Comprehensive Plan of the City of Lynchburg.

(c) **Management and Ownership of Common Open Space, Common Property and Other Common Facilities in Traditional Neighborhood Developments**. All common open space properties and common facilities, such as alleys, not deeded to the City shall be preserved for their intended purpose as expressed in the approved concept plan. The developer shall provide for the establishment of a property owners' association to ensure the maintenance of all common open space properties and common facilities. The property owners' association shall be established in accordance section 35.2-10.15 of this Zoning Ordinance

(d) **Fee schedule for traditional neighborhood development review**. The fees for TND review and action shall be the same as those for planned unit developments.

### 35.2-82.4 Permitted Uses in Traditional Neighborhood Developments

All uses within a traditional neighborhood development are determined by the provisions of this section and the approved conditional use permit for the project.

(a) Residential uses.

1. A variety of residential uses shall be provided in the traditional neighborhood development. Residences may be of any design and type, though the range of styles and materials shall be set by architectural design guidelines submitted with the TND

application and made a part of the specific regulations governing the development of the TND.

2. In developing a balanced community, the provision of housing with a broad range of prices shall be deemed to be most in compliance with the intent of this article.
3. Generally, high density housing types (multi-household and single-household attached housing) shall be located within one-quarter (1/4) mile of the core of the Development. Satellite high density residential areas are permitted if used to provide a transition between the neighborhood and abutting off-site high density housing areas, non-residential areas, or major transportation corridors. Satellite areas may include a commercial area or civic uses.
4. A maximum of eighty percent (80%) of the net development area shall be designated for residential uses. The total land area designated for residential use shall be equal to or exceed the total area designated for commercial/service and restricted industrial combined.
5. Of the total number of residential units to be constructed, no more than seventy (70) percent shall be in one of the following categories:
   a. Single-household detached (see LBCS code 1111)
   b. Single-household attached (duplexes and townhouses) (see LBCS codes 1120 and 1113)
   c. Multi-household (see LBCS code 1130)
6. The maximum net density as measured in dwelling units per acre in the traditional neighborhood development shall not exceed the maximum net density set in the R-4 district. The acreage to be included in this calculation shall be all land area devoted to residential, associated park and open space uses, and associated alleys.

(b) **Commercial and Service Uses**

1. Each traditional neighborhood development neighborhood shall have a core made up primarily of the uses permitted in the B-1 and B-3 districts and located within one quarter (1/4) mile of the identified center of the community. Small-scale satellite commercial/service uses are also permitted in the TND neighborhood outside the core area as long as in total they comprise less than one-third (1/3) the gross commercial/service building square footage of the core.
2. In addition to B-1 and B-3 permitted uses, the following conditional, commercial and service uses shall be permitted if specifically included in the approved TND plan, otherwise they will be conditional uses once a TND plan is approved:
   a. Automobile service stations (see LBCS code 2117a);

b. Commercial recreation establishments, such as dancing, bowling, billiards and the like, when located in enclosed buildings (see LBCS codes 5320, 5340, 5371, 5380 and 5390);

c. Temporary fairs, exhibitions, and circuses (see LBCS code 9921);

d. Tourist homes or bed and breakfasts (see LBCS code 1310); and

e. Veterinarian hospitals without outdoor kennels, including facilities for the sale and care of animals normally kept as pets but not farm animals (see LBCS code 2721).

3. The maximum floor plate for any commercial/service building shall be twenty thousand (20,000) square feet, though this limitation may be waived during the conditional use permit approval process upon determination that a larger building as designed will not dominate the neighborhood or its streetscape.

4. A minimum of five percent (5%) and a maximum of thirty percent (30%) of the net development area shall be designated for commercial/service uses.

(c) **Restricted Industrial Uses**

1. Traditional neighborhood developments may include industrial uses permitted under the I-1, restricted industrial district.

2. A maximum of thirty percent (30%) of the net development area may be designated for restricted industrial uses.

3. The maximum floor plate for any industrial building shall be twenty thousand (20,000) square feet, though this limitation may be waived during the concept plan approval process upon determination that a larger building as designed will not dominate the neighborhood or its streetscape.

(d) **Civic Uses**

1. The following civic uses shall be permitted if specifically included in the approved traditional neighborhood development plan, otherwise they will be conditional uses once a TND plan is approved:

a. Child and adult care centers (see LBCS code 6562);

b. Cemeteries and columbaria (see LBCS codes 6722 and 6744; note that these uses are allowed by right if accessory to a church or other place or worship);

c. Churches and other places of worship, including parish houses and educational buildings (see LBCS code 6600);

d. Clubs and fraternal organizations (see LBCS code 6830);

e. Community swimming pools (see LBCS codes 5371 and 5372);

f. Convents and monasteries (see LBCS code 6600);

g. Group homes (see LBCS code 6522);

h. Hospitals (see LBCS code 6530);

i. Libraries (see LBCS code 4242);

j. Museums and art galleries (see LBCS code 5200);

k. Nursing homes and assisted living facilities (see LBCS code 1200);

l. Public buildings, such as branch governmental centers, meeting halls, post offices (see LBCS codes 4180 and 6300; note that City-owned buildings are allowed by right);

m. Public or community recreational facilities not operated for profit (see LBCS codes 5371 and 5372);

n. Schools and colleges for general education (see LBCS codes 6110, 6120 and 6130); and

o. Other community facilities and civic uses defined in Article XI.

2. A minimum of two (2) percent of the net development area shall be designated for civic uses. Public utility uses shall not be included in this percentage.

(e) **Parks, Squares and Other Open Space**

1. Since net densities of individual blocks may be high in a traditional neighborhood development, ample community open space shall be provided in parks, squares, and common open space distributed throughout the TND. In order for a parcel to be considered a park, a square, or common open space, it must be at least one quarter (1/4) acre in size. No residential unit of the neighborhood shall be located more than one quarter (1/4) mile (1,320 feet) from the boundary of a park, square, or common open space property. This requirement may be waived by City Council during the conditional use permit approval process in instances of unusual parcel shapes, the provision of ample private open space, or other mitigating factors.

2. A minimum of ten percent (10%) of the net development area shall be designated for park, square, and/or common open space uses. At least 1.0 acre total of parks or squares shall be provided in the core area of the TND.

(f) **Accessory and Other Associated Uses**. The following accessory uses and structures are permitted within a traditional neighborhood development:

1. Private and public garages (see LBCS code 2640);
2. Private and public parking lots or structures (see LBCS code 2640);
3. Signs in commercial/service and restricted industrial areas according to section 35.2-64 et. seq. and the approved traditional neighborhood development design guidelines, provided no sign shall exceed the number and maximum area as established in Section 35.2-64.14.
4. Signs in residential, civic, and public use areas according to section 35.2-64.12.

### 35.2-82.5 Setbacks in Traditional Neighborhood Developments

In a traditional neighborhood development, the fronts of buildings face on the public realm of the community (the sidewalks, streets, public parks and squares), while private yards and off-street parking are located to the rear. Therefore, buildings are to have minimal setbacks from the front property line. Commercial/service, multi-household residential, and single-household attached residential buildings are generally recommended to have front setbacks of 0 to 10 feet, and single-household detached residential buildings, front setbacks of 0 to 25 feet. The TND design guidelines shall set forth the required minimum and maximum setbacks for proposed TND buildings.

**Exhibit VIII-3: Summary of TND Size, Land Use, Setback, Density, and Bulk Standards**

| Design Factor | Standard | Additional Provisions |
|---|---|---|
| Minimum Neighborhood Size | 30 Acres | Council may approve smaller area if bounded by an area having similar development patterns |
| **Land Use Mix** | **Minimum/Maximum** | |
| Parks, squares, & open space | 10%/none | |
| Civic | 2%/none | |
| Commercial | 5%/30% | |
| Industrial | None/30% | |
| Residential | No less than commercial and industrial combined/80% | No more than 70% of the total residential units may be single-household, townhouse, or multi-household units |
| Proximity to parks or squares | Each residential unit must be located within 1,320 feet of a park or square | Minimum park or square area in the TND core is 1 acre |
| Recommended Front Setbacks | Minimum/Maximum (feet) | To be established at the time of CUP and concept plan approval |
| Single-household detached | 0/25 | |
| Single-household attached and multi-household and commercial | 0/10 | |
| Maximum Residential Density | 29.04 du/a | Residential density is measured based on the total acreage of lots designated for residential or mixed-use structures |
| Maximum floor plate for any commercial, service or industrial use | 20,000 square feet | |

### 35.2-82.6 Streets, Alleys, Paths, and Block Patterns in Traditional Neighborhood Developments

(a) The transportation system in traditional neighborhood developments shall be modeled on a grid street and alley pattern modified to accommodate the topography of the site and parcel shape. Cul-de-sacs should be avoided to the extent possible and shall not exceed twenty percent (20%) of the total length of streets in the traditional neighborhood development, excluding alleys.

(b) Private streets and alleys, built to standards as approved by the technical review committee, are permitted in TNDs. Such private streets and alleys are permitted to serve multiple lots and uses. In other words, lots and uses are not required to have their own separate entrance on to a public street and may share a private street or alley entrance on to a public street. Private streets and alleys shall be maintained by the home owners association.

(c) All lots shall front on a public or private street or on a square. Alleys shall serve only the rear or sides of lots or uses.

(d) In the TND core area, the blocks created by the grid of streets shall have a maximum block perimeter of one thousand six hundred (1,600) feet. Where slopes exceed ten (10) percent, the block perimeter may exceed one thousand six hundred (1,600) feet to reduce the number of streets constructed perpendicular to the steep slopes provided that pedestrian access is provided across any block that exceeds five hundred (500) feet in length. Such access shall be provided within an easement of not less than ten (10) feet in width.

(e) In areas where multi-household residential, commercial/service, and restricted industrial uses predominate, sidewalks shall be provided on both sides of the street. In single-household detached and single-household attached residential areas, sidewalks shall be provided on at least one side of the street.

(f) Pedestrian and/or bicycle routes, lanes, or paths shall be provided to connect all uses and reduce motor vehicle use. Street design shall provide for the safety of pedestrians and bicyclists.

### 35.2-82.7 Parking Requirements in Traditional Neighborhood Developments.

(a) Parking and loading spaces shall be provided as required in section 35.2-62 et. seq. of the City code except that on-street as well as off-street parking spaces shall be counted toward satisfaction of the requirements. On-street parking spaces assigned to a building or use shall be those spaces directly abutting the lot containing that building or use. All required handicapped parking spaces shall be provided off-street.

(b) Shared parking shall be permitted in accordance with the shared parking provisions of section 35.2-62.4(d).

(c) Off-street parking and loading spaces shall be located behind or to the side of buildings and may be served directly or indirectly by alleys. The TND design guidelines shall specify how off-street parking and loading areas shall be landscaped and screened from public streets.

### 35.2-82.8 Traditional Neighborhood Development Application and Review

Traditional neighborhood developments are permitted only by conditional use permit as established in section 35.2-11 of this ordinance.

### 35.2-82.9 Traditional Neighborhood Development Site Plans

Prior to securing a Building Permit for any construction in a traditional neighborhood development, approval of a concept plan and final site plan shall be obtained. The final site plan shall conform to the conditions of the TND conditional use permit and may be submitted for the entire site, or a portion of the site if the development is to be phased. Procedures for review of the final site plan shall be the same as those established in section 35.2-14.2.

### 35.2-82.10 Traditional Neighborhood Development Changes and Appeals

The procedures of section 35.2-12 of the Zoning Ordinance shall be followed if changes to the traditional neighborhood development conditional use permit are requested or if the applicant wishes to appeal any decision of any City official.

## 35.2-83 Planned Unit Developments

### 35.2-83.1 Purpose

Planned Unit Developments (PUDs) (see LBCS code 9953) provide flexible land use and design regulations through the use of performance criteria so that small-to-large scale neighborhoods or portions thereof may be developed within the City that:

(a) Incorporate a variety of residential types meeting the full range of needs by Lynchburg residents;

(b) Contain both individual building sites and common property which are planned and developed as a unit;

(c) Are designed and organized to be capable of use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood;

(d) Incorporate innovations in residential development so that the growing demands for housing at all economic levels may be met by greater variety in type, design, and siting of dwellings;

(e) Encourage conservation and more efficient use of land;

(f) Provide economies in the construction, maintenance and the provision of services;

(g) Provide amenities for occupants and the general public;

(h) Improve mobility for all modes of transportation; and

(i) Preserve natural conditions and facilitate innovative environmental design.

### 35.2-83.2 Applicability

Planned Unit Developments may be established by conditional use permit in the R-1, R-2, R-3 and R-4 districts.

### 35.2-83.3 Findings

The City recognizes that while the standard zoning and the subdivision regulations are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls can represent a type of pre-regulation, regulatory rigidity and uniformity. Thus, where development flexibility is deemed appropriate by the City Council, all dimensional specifications, setback requirements, buffering requirements, landscaping requirements, location of off-street parking facilities and location of recreation facilities elsewhere in this ordinance are herein replaced by an approval process in which an approved concept plan becomes the basis for continuing land use controls.

### 35.2-83.4 Objectives

To carry out the purposes of this section, a planned unit development shall achieve the following objectives:

(a) A choice in types of environment; occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing); types of housing (e.g., detached, attached, small houses); lot sizes (e.g., conventional and clustered lots); and community facilities available to existing and potential residents at all economic levels.

(b) More usable open space and recreation areas.

(c) The preservation of trees, outstanding natural topography and geologic features and prevention of soil erosion.

(d) A creative use of land and related physical development which allows an orderly transition of undeveloped land to urban areas.

(e) An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering housing costs.

(f) A development pattern in harmony with the objectives of the Lynchburg Comprehensive Plan.

(g) A more desirable environment than would be possible through the strict application of other articles of the Zoning Ordinance.

### 35.2-83.5 General Requirements for Planned Unit Developments

(a) **Minimum Area**. Generally, the minimum area required to qualify for a Planned Unit Development shall be five (5) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article, the City Council may consider projects with less acreage.

(b) **Ownership**. The tract of land for a project may be owned, leased, controlled or under option by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in the project or by the property owner's authorized agent with the power of attorney to sign the petition. In case of multiple ownership, the approved conditional use permit shall be binding on all owners.

(c) **Location of Planned Unit Developments**. A Planned Unit Development may be established by a conditional use permit in any residential district of the City where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article and is consistent with the Comprehensive Plan of the City of Lynchburg.

(d) **Management and Ownership of Common Open Space, Property and Facilities in Planned Unit Developments**. All privately owned common open space designated in the approved final site plan shall be permanently preserved and maintained as open space. All deeds for property in a Planned Unit Development shall include appropriate restrictions to ensure that all open space is permanently preserved as open space as shown on the approved conditional use permit. The property owner's association shall be established in accordance section 35.2-10.15 of this Zoning Ordinance.

### 35.2-83.6 Permitted Uses in Planned Unit Developments

All uses within an area designated as a Planned Unit Development are determined by the approved conditional use permit of the project concerned in accordance with the provisions of this section.

(a) **Residential Uses**. Residences may be of any variety and type. In developing a balanced community, the use of a variety of housing types shall be deemed to be most in compliance with the intent of this article. However, at least twenty (20) percent of the total number of dwelling units within any Planned Unit Development shall be in single-household, detached structures. City Council may reduce or eliminate the mandatory single-household detached structure requirement.

(b) **Accessory Commercial, Service and Other Nonresidential Uses**. Commercial, service and other nonresidential uses may be permitted (or required) where such uses are designed to serve the residents of the Planned Unit Development. The following proportions are deemed to be in keeping with the overall intent of the Planned Unit Development concept:

1. Where the Planned Unit Development contains one hundred (100) or more dwelling units, a maximum of twenty-four hundred (2,400) square feet of floor area for every one hundred (100) dwelling units may be used for limited commercial and/or service purposes. Such commercial or service area may be in separate buildings or incorporated within two-household or multi-household structures or in a suitable combination of these alternatives.
2. Where the Planned Unit Development contains three hundred (300) or more dwelling units, a maximum of one-half (1/2) acre of land for every one hundred (100) dwelling units may be used for commercial and/or service purposes.

(c) **Accessory and Associate Uses**. Customary accessory or associated uses such as private garages, storage spaces, recreational and community activities, churches, and schools shall also be permitted as appropriate to the Planned Unit Development as provided in section 35.2-71and the terms of the conditional use permit approval.

### 35.2-83.7 Residential Density in Planned Unit Developments

(a) **Basic Density Calculations**. The total number of dwelling units permitted shall be based on the densities established in the Comprehensive Plan for the applicable future land use category. Land designated for mixed-use development in the Comprehensive Plan shall not exceed residential densities of twenty-four (24) dwellings per acre except as provided in paragraph (b).

(b) **Density Bonus for Design Elements**. The number of dwelling units permitted may be increased through the density bonus provisions established for the R-4 district in section 35.2-44.4(b) (Density and Height Bonuses).

## 35.2-84 Retail Establishments, Large Scale

### 35.2-84.1 Purpose

Large scale retail establishments (see LBCS code 9954) are critical to the economic vitality of the City, convenience of citizens and ensuring that the City maintains its position as the economic center of the region. While retail establishments are important, their size can greatly impact the general health, safety and welfare of the City in terms of aesthetics, stormwater management, air pollution, light pollution, traffic, walkability and neighborhood compatibility. It is the intent of this ordinance to promote economic development and redevelopment which utilizes high-quality site, building design and land use to further the goals and objectives of creating accessible and attractive commercial districts, sustaining nature in the City, reinforcing neighborhood character, promoting a diverse, vital economy and providing effective support systems as stated in the City's Comprehensive Plan.

### 35.2-84.2 Applicability

(a) The provisions of this ordinance shall apply to large scale retail establishments having a cumulative gross floor area of seventy-five thousand (75,000) new square feet or greater in floor area at time of site plan approval, whether such new gross floor area is contained entirely within a freestanding building or is within two (2) or more buildings, whether located on a single lot or contiguous lots owned or operated as associated, integrated or cooperative business enterprises.

(b) The requirements of this ordinance shall be in addition to all other applicable ordinances, regulations and requirements, such as the erosion & sediment control ordinance, stormwater management ordinance, landscaping ordinance and sign ordinance. In the event that this ordinance and other applicable regulations of the Zoning Ordinance differ, the regulations of this ordinance shall apply.

### 35.2-84.3 Transportation

(a) The applicant shall submit a traffic study detailing impacts on the City's road network and traffic circulation for the site. The traffic study shall be prepared by a firm qualified to conduct traffic engineering studies. The methodology for the required traffic study shall be approved by the City's transportation engineer prior to commencement of the study. Technical guidelines for traffic studies may be obtained from the City's transportation engineer.

(b) The findings and recommendations for needed improvements as determined by the traffic study shall be made by the developer. Needed improvements may include but are not limited to: right and left turn lanes, sidewalks, new or modification of existing signals, trails or trail connections, sight distance improvements, street lighting, bus stops or transit pullout bays, access management techniques, and transportation systems management. Only those improvements where a clearly demonstrated nexus between the development and the need for the improvement exist shall be required.

(c) Shared direct access and internal vehicle circulation: [cross reference access standards in Article VI if adopted and delete the following provisions]

1. All developments shall be designed to achieve direct and convenient vehicular access between adjacent commercial properties including outparcels, subject to the provisions of this ordinance.

2. The shared direct access and/or internal vehicular circulation provisions shall apply to all properties, including outparcels, owned or controlled by the owner of the development or that are the subject to a single site plan or plan of development.

3. In determining whether a site plan meets the requirements of this section, the City Planner and the technical review committee shall consider the characteristics of the proposed development, the information in the traffic study prepared pursuant to

this section, the existing uses on adjacent properties, and the foreseeable development of adjacent properties based on the existing uses, existing zoning designations, Comprehensive Plan designations, physical site factors and development patterns in the area, and may grant exemptions on the basis of the foregoing considerations.

4. The shared direct access provisions of this ordinance shall not be required to provide primary access to a public street for an adjacent commercial property not owned or controlled by the owner of the development or subject to a single site plan or plan of development that would not otherwise exist. An owner shall not be required to provide primary access through the shared direct access provisions to a public street to benefit an adjacent commercial property not owned or controlled by the owner of the development or subject to a single site plan or plan of development that would not otherwise exist.

5. An owner shall not be required to construct any improvements allowing shared direct access with adjacent commercial properties other than on property owned or controlled by the owner or subject to a single site plan or plan of development in order to meet this standard. An owner shall not be required to dedicate any property or property interest to the City to meet this standard.

6. In the event that an owner of adjacent commercial property will not consent to a design allowing shared direct access at the time of development, the development shall be designed and constructed to allow for the establishment of shared direct access with adjoining commercial properties in the future should the consent of the adjacent owner or owners become available.

(d) Truck traffic shall be separated to the greatest extent possible from vehicular, pedestrian and bicyclist traffic.

1. Entrances to the site shall be designed to maximize pedestrian, bicyclist and vehicular safety, maximize efficient traffic circulation and minimize the impact on adjacent neighborhoods.

2. Adequate stacking for vehicles shall be provided at the access points to and from parking areas.

3. Provisions for mass transit shall be made in the form of appropriately placed benches and shelters within the development or along public streets.

4. Pedestrian walkways shall be provided between all buildings and between buildings and parking areas and all out parcels. Walkways within parking areas shall be located in a manner to provide safe efficient movement of pedestrians. Walkways shall be located in a manner so that no parking space is further than one hundred twenty (120) feet from a walkway. Walkways and crosswalks shall be distinguishable from drive aisles.

5. All pedestrian walkways shall be designed to provide safe efficient access for people with disabilities. Ramps shall be provided between all walkways and all crosswalks.

### 35.2-84.4 Sidewalks

Sidewalks shall be provided along the property frontage of all public streets. Connections between the sidewalk and internal walkways shall be provided.

### 35.2-84.5 Lighting

(a) All exterior lighting shall be glare shielded and designed to prevent illumination beyond the property line.

(b) In no instance shall light poles exceed thirty-five (35) feet in height.

(c) No exterior lighting shall radiate above a level that is five degrees (5°) below horizontal. [delete if other lighting provisions are adopted]

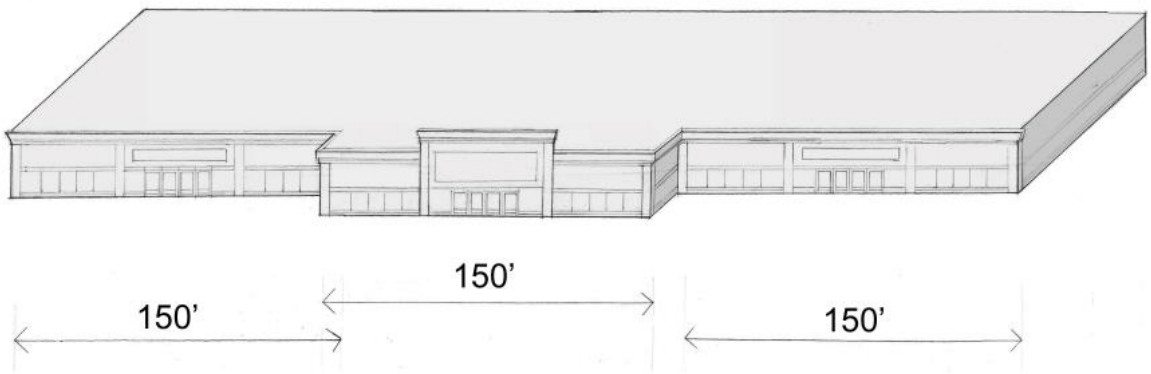
### 35.2-84.6 Building Design and Sustainability

(a) Roofs. Parapets shall conceal flat roofs and all rooftop equipment such as heating ventilation and air conditioning (HVAC) units from street level view.

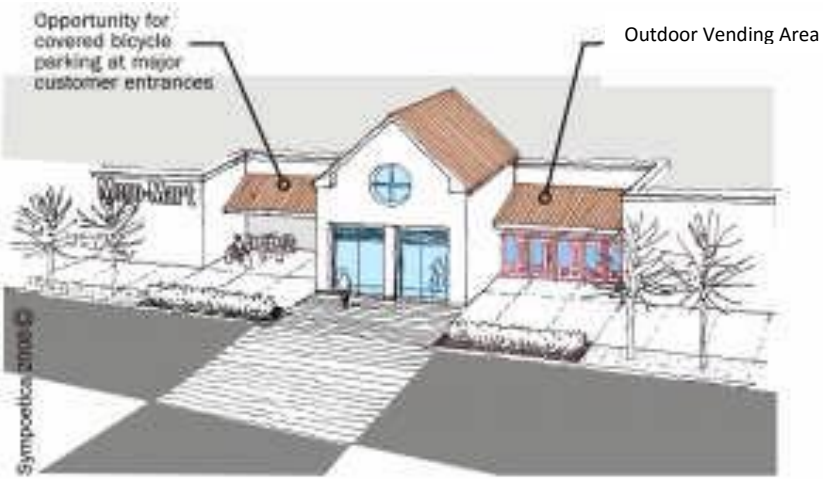
(b) Entryways. The building shall have clearly defined, highly visible entryways.

(c) Building façade. Building facades greater than 150 feet in length measured horizontally and visible from a public street, shall incorporate wall plane projections or

recesses having a depth of at least three (3) feet to break up the expansiveness of the exterior. All recesses shall be properly lit to encourage a safe environment.




(d) Outdoor vending areas. Outdoor vending areas shall be incorporated into the facade of the building.




(e) Service areas incorporated into overall plan. Loading docks, truck parking, outside storage, cargo containers, trash collection, utility meters, HVAC equipment, trash collection, and other service functions shall be incorporated into the overall design and landscaping so that the visual and acoustical impacts of these functions screened from view of public / private streets and all adjacent properties (unless those adjacent uses are other loading areas, truck parking areas and storage areas) and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscaping.

(f) Buildings and sites shall be designed using crime prevention through environmental design (CPTED) strategies.

(g) In all parking areas that are in excess of that required by section 35.2-62 et. seq., off-street parking and loading shall implement practices that will allow twenty-five percent (25%) of the stormwater attributable to the parking area to infiltrate to the soil below.

## 35.2-85 Cluster Commercial Development

### 35.2-85.1 Purpose

Cluster Commercial Developments (CCDs) (see LBCS code 9955) are intended to provide for flexibility in the planning of certain tracts of land, under single or multiple ownership, through the modification of certain lot, setback, and use restrictions. Developments under these regulations should provide for increased amenity, safety, and other public and private benefits, as well as reduced public and private costs. CCDs are generally characterized by a unified or planned clustering of development served by common parking areas with a common means of ingress and egress. These Developments should be designed to mitigate potential increases in traffic congestion through enhanced pedestrian access between uses within the CCD and to reduce distractions from such sources as signs and artificial lighting.

### 35.2-85.2 Prohibited Uses

Within any cluster commercial development, no lot, building, or structure shall be used and no building shall be erected that is intended or designed to be used in whole or in part for any industrial or manufacturing purpose.

### 35.2-85.3 Uses Permitted

Subject the prohibitions in section 35.2-85.2, uses permitted by right in the R-3 through B-5 districts will be permitted through the Conditional Use Permit approval process in accordance with regulations contained herein.

### 35.2-85.4 Permitted Locations

Cluster commercial development districts may be established in accordance with the regulations of this section and section 35.2-11, Applications Requiring Public Hearings Before City Council in locations that:

(a) Are consistent with the Comprehensive Plan of the City of Lynchburg and located in areas designated for the following future land uses: Neighborhood Commercial, Community Commercial, Mixed Use and Institution;

(b) Located in any B-1, B-3, B-5, and IN-2 zoning district by conditional use permit;

(c) Are located within one-quarter (1/4) mile of an existing or planned transit route and have direct pedestrian access to the route.

### 35.2-85.5 Cluster Commercial Development Approvals Required

(a) **CUP and Concept Plan Required**. No development, including the filing of a subdivision plat, within this a cluster commercial development shall be commenced until a Concept Plan and Conditional Use Permit have been approved by the City Council pursuant to section 35.2-11 (Applications Requiring Public Hearings Before City Council). Final approval of the conditional use permit is contingent upon approval of the final site plan.

(b) **Final Site Plan Required**. Before any permit shall be issued for the erection of a permanent building in a proposed cluster commercial development may be issued, final site plan approval shall be required in accordance with section 35.2-14.2. (Site Plans).

### 35.2-85.6 Cluster Commercial Development Standards

(a) **General Standards**. Cluster commercial developments shall comply with the site development standards established in Exhibit VIII-4 and subsequent provisions of this section.

**Exhibit VIII-4: Cluster Commercial Development Standards**

| Design Element | Standard | Additional Provisions |
|---|---|---|
| **Minimum average lot area** | 6,000 sq.ft. | |
| **Maximum building coverage** | 75 percent | Measured for each lot |
| **Maximum floor area ratio** | 0.75 | Measured for the entire development |
| **Maximum height** | 40 ft. | Exceptions applicable within the B-1 district in section 35.2-61.2(c) shall apply |
| **Setbacks** | See B-1 standards in section 35.2-45 et. seq. | Setbacks may be modified through the conditional use permit approval process |
| **Signs** | See B-1 standards in section 35.2-64.13 | |
| **Parking and loading** | See parking and loading standards in section 35.2-62 et. seq. | Additional standards are established in paragraph (b) below |
| **Minimum area for amenities** | 5% of gross development area Amenities may include open space, parks, playgrounds and trails. | This minimum may be reduced or eliminated by the City Council through the CUP process if no need for such space is found within the CCD |

(b) **Parking Requirements**

1. Required parking spaces shall be provided within the perimeter of the cluster commercial development and no further than five hundred (500) feet from the facilities to be served. Off-street parking and loading areas shall be screened from

residential areas and shall be designed to produce the minimum possible interference with pedestrian circulation within the development.

2. On-street parking shall be encouraged and shall count towards required parking for uses on abutting sites.

3. Parking lots shall be located in the middle of blocks and shall be located behind the front building lines of structures.

4. Shared parking shall be encouraged in accordance with the shared parking provisions of section 35.2-62.4(d).

(c) **Access and Circulation.**

1. Interior vehicular circulation and access shall comply with the provisions of section 35.2-66 et. seq. A CCD shall be subject to the intersection visibility standards of the B-4 district where buildings are located within five (5) feet of streets.

2. To improve connectivity between uses within the CCD, maximum block length within the CCD shall be 400 feet unless convenient and safe pedestrian cross-block access will be provided to mitigate the impacts of longer blocks.

3. Sidewalks are required pursuant to section 35.2-67.

(d) **Utilities.** All utilities within a CCD shall be located underground.

(e) **Concentration of Development**. Building entrances along streets shall be separated by no more than 150 feet from the next building entrance along a block face.

## 35.2-86 Flexible Space Development

### 35.2-86.1 Purpose

As described in the City's Comprehensive Plan, the demand for industrial and commercial space is changing. At this time, the demand is for concentrations of industrial, office, and technology uses where the owners of one business can interact with other complementary businesses in close proximity. By encouraging the clustering of complementary and related uses in flexible space developments (see LBCS code 9956), the City seeks to preserve and expand the City's employment base, concentrate infrastructure investment, and minimize potential use conflicts. While limited commercial uses may be appropriate to serve the needs of employers and employees in these developments, retail and service uses should be limited.

### 35.2-86.2 Objectives

To carry out the intent of this section, a flexible space development shall achieve the following objectives:

(a) These developments are intended to promote the efficient use of developable lands by clustering similar and complementary land uses in close proximity to one another. A

flexible space development shall resemble and function like a well-planned business park.

(b) These developments shall be substantially consistent with the goals and objectives of City's Comprehensive Plan and the Future Land Use Map.

(c) Land uses incorporated in these developments will generate moderate levels of truck traffic and be minimal sources of noise, vibration, dust, air and water pollution, or other nuisances so as to limit impacts on neighboring areas.

(d) Circulation patterns will, to the greatest extent feasible, separate truck traffic from automobiles, bicycles, and pedestrians.

(e) Natural buffer zones shall be preserved and/or created, as needed, between flexible space developments and surrounding residential areas.

(f) Preservation of trees, outstanding natural topography, and geologic features is strongly encouraged. Soil erosion is to be prevented.

(g) Regional stormwater management practices shall be followed.

(h) Large-scale retail uses are not permitted in flexible space developments.

(i) Provision of at least one amenity to encourage business development is required. Examples include, but are not limited to, bike paths, health trails, outdoor recreation areas, sidewalks, and other amenities.

(j) Environmentally sustainable development through green building design and innovative site design is encouraged.

(k) Renovation and adaptive reuse of existing structures and/or developments through redesign, renovation, and repositioning are encouraged.

(l) Isolated residential uses remaining in areas covered by these developments shall gradually be removed or relocated.

### 35.2-86.3 General Regulations for Flexible Space Developments

(a) **Minimum Area**. Generally, the minimum area required to qualify for a flexible space development shall be five (5) contiguous acres of land. Where the project proponent can demonstrate that the characteristics of a proposed project site will meet the objectives of this article, the City Council may consider projects of less acreage.

(b) **Location of Flexible Space Developments**. Flexible space developments are permitted by right in I-1, restricted industrial districts, and I-2, light industrial districts. Flexible space developments are permitted in B-5, general business districts, by conditional use permit (CUP), where the project proponent can demonstrate that the characteristics of the property will meet the objectives of this section and are consistent with the City's Comprehensive Plan.

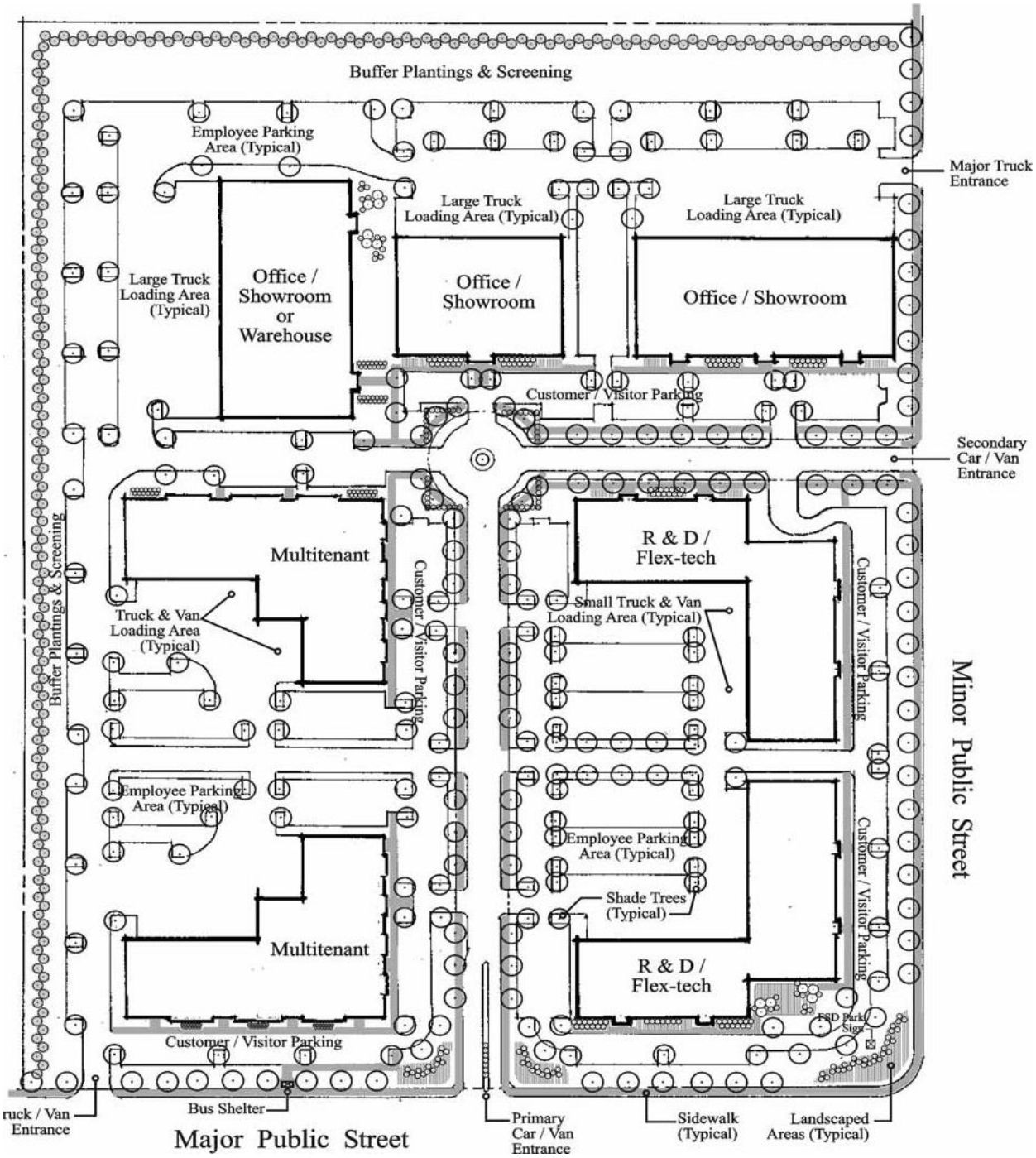
(c) **Ownership**. The tract of land for a flexible space development may be owned, leased, controlled, or under option by a single person or by a corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in the development or by the property owner's authorized agent with the power of attorney to sign the application. In case of multiple ownership, the approved site plan shall be binding on all owners.

(d) **Concept Plan**. A concept plan for the overall site will be prepared and submitted for review by the planning division and the technical review committee (TRC). Once the concept plan has been approved by the City Council or City Planner, a final site plan will be submitted to the City Planner for review and approval. This final site plan may be prepared for each phase of a phased development. Final site plans shall be in substantial compliance with the concept plan.

(e) **Management and Ownership of Common Open Space and Other Common Facilities**. All privately owned common open space and common facilities designated in the approved final site plan shall be permanently preserved and maintained as open space or common facilities. All deeds for property in a flexible space development shall include appropriate restrictions to ensure that all open space and common facilities are permanently preserved as open space as shown on the approved final site plan.. The property owners association shall be established pursuant to section 35.2-80.6 of the this Zoning Ordinance. Flexible space developments with one owner will not require a property owners association.

(f) **Fee Schedule for Flexible Space Development Review**. The fees for flexible space development review and action shall be the same as those for planned unit developments.

**Exhibit VIII-5: Illustration of a Hypothetical Flexible Space Development**



### 35.2-86.4 Permitted Uses in Flexible Space Developments

All uses within a flexible space development are determined by the provisions of this section and the approved site plan of the project.

(a) Permitted uses by right include any use that meets the objectives of section 35.2-86.2 including, but not limited to, the manufacturing, assembly, distribution, repair, and servicing of:

1. Apparel and accessories (see LBCS codes 3130 and 3140);
2. Artisan and craft work (see LBCS codes 3410-3430);
3. Automobile and truck parts (see LBCS code 3370);
4. Building and construction materials, supplies, and equipment (see LBCS codes 3320, 3330, 3240 and 3350);
5. Carpentry and cabinet making shops (see LBCS code 7310);
6. Computers, business machines, parts, and accessories (see LBCS code 3360);
7. Contractors' establishments, offices, and display rooms, but not equipment storage yards or plants, or rental equipment (see LBCS code 7300);
8. Data switching and processing equipment and services (see LBCS code 4244);
9. Electrical appliances, lighting, testing, transmission, and distribution equipment (see LBCS code 3350);
10. Employment service or agency (see LBCS code 2423a);
11. Engineering, professional, research, and scientific instruments and equipment, photographic and optical goods, watches and clocks, parts and supplies (see LBCS code 2410);
12. Fabric products and supplies (see LBCS code 3130);
13. General hardware and hand tools (see LBCS codes 3350 and 3450);
14. Home and office furnishings, fixtures, and equipment (see LBCS codes 3230 and 3430);
15. Medical equipment, instruments, and supplies (see LBCS code 3360);
16. Metal products and machinery, metal finishing (see LBCS codes 3350 and 3450);
17. Musical instruments and parts (see LBCS code 3420);
18. Office buildings with a minimum of 7,200 square feet each of gross floor area (see LBCS code 2400);
19. Optical equipment (see LBCS codes 3330 and 3360);
20. Packaging and paper products (see LBCS code 3220);

21. Personal care products (e.g., cosmetics, toiletries) (see LBCS code 3320);
22. Plastics (see LBCS code 3310);
23. Printing, publishing, copying, and binding (see LBCS code 3220)
24. Research, development, testing, medical, and dental laboratories (see LBCS codes 2410 and 6513);
25. Signs and advertising displays (see LBCS code 3440);
26. Sporting and athletic equipment, toys, and games (see LBCS code 3420);
27. Static transformer stations, transmission lines, gas and water mains, conduits for the transmission of electric energy including telephone, telegraph, and noncommercial radio and television poles and appurtenances thereto (see LBCS codes 3320-3360); and
28. Telephone exchanges (see LBCS code 4240).

(b) **Permitted Accessory Uses**. The following uses are permitted when serving as an accessory use to one or more of the by-right uses listed in section 35.2-86.4:

1. Banks, credit unions, and similar establishments (see LBCS code 2110);
2. Bus and other transit stations (see LBCS code 4151-4154);
3. Convenience and service establishments, such as, but not limited to, barber shops, beauty parlors, convenience stores, drycleaning/laundry establishments, medical clinics, newsstands, and tailors. Automobile gas stations or other establishments with gas pumps are not permitted. Convenience and service establishments shall not exceed twenty (20) percent of the gross floor area of all buildings in the development (see LBCS codes 2151-2154 and 2510-2530);
4. Daycare centers for employer-sponsored child day or adult day care intended to serve employees of businesses in the development (see LBCS code 6562);
5. Depositories for the storage of office records, microfilm, computer tapes, or similar records (see LBCS code 4240)
6. Janitorial or exterminating service (see LBCS code 2422);
7. Mailing and shipping outlets intended to serve businesses and employees in the development (see LBCS codes 2455, 4180 and 4190);
8. Motor freight terminals (see LBCS code 4140);
9. Off-street parking garages and lots incidental to businesses in this development (see LBCS code 2640)
10. Offices, general, directly related to primary use;

11. Recreational facilities for employees of businesses in the development (see LBCS code 5370);
12. Retail showrooms for products of the businesses in the development;
13. Residential quarters for bona fide caretakers or watchmen and their families, when essential for the operation of the business;
14. Restaurants and food service facilities (see LBCS codes 2510-2530);
15. Security service office or station;
16. Telecommunications towers and facilities, when collocated on existing structures as an accessory use (see Article XI. Telecommunications towers and facilities); and
17. Warehouses and storage (see LBCS code 3600).

(c) **Uses That May Be Allowed by Conditional Use Permit**

1. Cluster commercial development (see LBCS code 9955);
2. Hotels and motels intended to serve visitors to businesses in the development (see LBCS code 1330);
3. Radio and television broadcasting stations, studios, or offices;
4. Trade expositions (see LBCS code 5240);
5. Trade or business school (see LBCS code 6140); and
6. Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems in accordance with Article VII of this ordinance.

### 35.2-86.5 Development Standards for Flexible Space Developments

(a) **Area Regulations**. The minimum lot area in flexible space developments shall be twenty thousand (20,000) square feet.

(b) **Site Development Requirements.** The minimum setback and frontage requirements for flexible space developments shall comply with Exhibit VIII-6.

**Exhibit VIII-6: Site Development Requirements for Flexible Space Developments**

| Design Element | Requirement | Additional Provisions |
|---|---|---|
| Minimum front setback | 20 feet | This provision shall not be applicable to limited access highways. |
| Minimum setback abutting a residential district | 100 feet | |
| Minimum side setback | 15 feet | |
| Minimum rear setback | 15 feet | |
| Minimum separation between buildings on the same lot | 30 feet | |
| Minimum lot width | 100 feet | |
| Maximum area covered by buildings, other structures, parking and paved areas | 75% | |

(c) **Utilities**

1. Utilities shall be located underground.
2. Rooftop mechanical equipment shall be located or screened so that it is not visible from the street.
3. Transformers, utility meters, junction boxes, conduits, and connections shall be enclosed or screened from view.
4. HVAC equipment mounted on the ground shall be screened so that it is not visible from the street.
5. Dumpsters shall not be located in front or exterior side yards and shall be screened from view with opaque fences, walls, or evergreen plantings.

(d) **Traffic and Pedestrian Circulation**

1. Separate entrances to and separate roadways within the flexible space development shall be provided for trucks and automobiles, unless, in the opinion of the City Engineer, the number and size of trucks expected to serve the uses in the development can be accommodated safely on the road network used by automobiles. Separate entrances shall be clearly marked.
2. Each occupant of a flexible space development shall have access only onto interior roadways.
3. The development shall be laid out so that individual buildings have access onto interior streets. Individual buildings or occupants shall not be provided with separate access points onto exterior roadways. Entrance(s) to the development shall serve all occupants and visitors.
4. The interior road circulation network shall be laid out to discourage cut-through traffic from adjacent developments or residential areas.

5. Pedestrian and/or bicycle routes, lanes, or paths shall be provided within the development to accommodate pedestrian and/or bicycle traffic between transit stops, parking areas, and buildings. Street design shall provide for the safety of pedestrians and bicyclists by clearly marking routes with striping and/or delineating them through the use of contrasting materials (e.g., bricks or pavers).
6. Where a flexible space development abuts a street with transit service past the development, the development shall include a bus stop with shelter, unless the general manager of the Greater Lynchburg Transit Company, or its successor company, determines that a bus stop is not appropriate.
7. The number of curb cuts onto interior roadways that serve as entrances to parking lots shall be limited to no more than two (2) per parking lot.

(e) **Parking and Loading Requirements**

1. Parking spaces shall be provided as required in section 35.2-62 et. seq. of this Zoning Ordinance.
2. Handicapped and visitor/client/customer parking may be provided near the front entrance(s) of buildings. All other parking (i.e., employees, service personnel) shall be located at the side or the rear of the buildings.
3. Parking shall be shared among occupants to the maximum extent feasible.
4. No paving or parking facilities shall be located with twenty-five (25) feet of any residential district.
5. Truck loading areas or docks shall be located on the side of the building away from public view or screened with landscaping, opaque fences, walls, or doors.

(f) **Signs**. Signs shall comply with the applicable requirements for the underlying district(s).

(g) **Exterior lighting**. Exterior lighting shall be controlled or glare-shielded so that no direct illumination will occur beyond any property line. [delete if lighting provisions adopted]

(h) **Landscaping**

1. Where a flexible space development abuts a limited access highway, the area of the development abutting the highway shall be landscaped according to the requirements of section 35.2-56.7(c) (Building Bulk Softening).

(i) **Building Types and Materials**

1. Types of buildings located in a flexible space development include: flex-tech, multitenant, office, and showroom, with space for storage, distribution, and related uses. These buildings are to be laid out in a business park or campus-like setting.
2. Vegetative buffering as provided in section 35.2-63.10 (Buffering) of this ordinance shall be required between buildings in the flex space development and adjoining

public right-of-way, single-household districts and two-household districts except where:

a. Individual buildings are designed so they can be converted to other uses and reused;

b. The main entrances of buildings are oriented toward the interior roadways, except for those buildings that are sited between the main exterior street and an interior roadway. These buildings may be oriented toward the exterior street. For buildings oriented toward an exterior street, the rear of the building shall be designed to complement the facades of adjacent buildings. A second entrance to accommodate employees and visitors may be provided on the side of the building facing the interior street;

c. No portion of a building constructed of unadorned cinderblock or corrugated and/or sheet metal is visible from any exterior or interior roadway or from any adjacent residential or commercial development; and

d. Buildings are designed to use to the greatest extent feasible building materials that are compatible with a business park or campus type of development, such as rock, stone, brick, and/or wood.

3. No outdoor storage or processing shall be permitted in a flexible space development.

(j) **Erosion and Sediment Control**. All flexible space developments shall comply with the requirements given in Article 16.1, of the City code.

(k) **Stormwater Management**. All flexible space developments shall comply with the requirements given in Article 16.2 of the City code.

### 35.2-86.6 Flexible Space Development Site Plans

Prior to securing a Building Permit for any construction in a flexible space development, approval of a concept and final site plan shall be obtained. The final site plan shall conform to the concept plan approved for the flexible space development, and may be submitted for the entire site or a portion of the site if the development is to be phased. Procedures for review shall be the same as those outlined in section 35.2-14.2 of this Zoning Ordinance.

## 35.2-87 Corporate Campus Development

### 35.2-87.1 Purpose

A corporate campus (see LBCS code 9957) is a master planned mixed-use development under unified ownership or control that permits offices and industrial space, with retail, restaurants, lodging and residences as secondary support uses by right in an I-1 or I-2 district or through the

Conditional Use Permit process in the B-5 or IN-2 districts. Limited residential development may be located in mixed-use buildings or in transitional areas abutting residential districts as provided herein.

### 35.2-87.2 Uses Permitted

No building, structure or land shall be used for any purpose except the following:

(a) Residential development within mixed-use buildings (see LBCS code 1130).

(b) Professional, medical, scientific and technical offices/services (see LBCS codes 2400 and).

(c) Manufacturing, processing or product assembly where all operations are contained within a structure. Warehousing and distribution facilities are allowed as an accessory to these uses (see LBCS code 3100, 3200, 3320-3370 and 3400).

(d) Scientific laboratories and research enterprises/facilities (see LBCS code 2416 and 6514).

(e) Finance, insurance, management, administrative and support offices and services (see LBCS codes 2210 and 2230-2250).

(f) Support uses, including hotels, motels and restaurants, provided that no such use may be established unless included in a phasing plan and that the square footage of such uses shall not exceed ten (10) percent of the total floor area of the project at any time (see LBCS codes 1330, 2116, 2151-2154 and 2510-2530).

### 35.2-87.3 Development Intensity/Density

(a) Exhibit VIII-7 establishes the maximum potential density and the maximum floor area ratio. The achievable density or intensity permitted for any particular lot may be limited by site conditions or other standards set forth in this Zoning Ordinance.

(b) Density is the number of dwelling units per gross acre of lot area on the lot on which the residential units are located. If open space is reserved adjacent to and accessible to residential units, the open space area may be used in the calculation of residential density.

(c) Floor area ratio shall apply to all non-residential uses excluding lodging and residences. It is measured by dividing the total building floor area (excluding lodging units and dwelling units) by the lot area. Lodging unit intensity is measured by the number of lodging units per acre of the lot on which the units are located.

(d) For buildings with dwelling units or lodging units located above non-residential floor area, maximum residential unit or lodging accommodation unit density and the floor area ratio shall be calculated using the total lot area. For example: a one acre lot would be allowed to have up to 43,560 square feet (1 acre) of non-residential floor area plus twenty-four (24) lodging units plus twelve (12) dwelling units.

**Exhibit VIII-7: Intensity/Density Standards**

| Maximum Non-Residential Floor Area | Maximum Lodging Units per Acre | Maximum Dwelling Units per Acre |
|---|---|---|
| **1.0** | 24 | 12 |

### 35.2-87.4 Corporate Campus Development Standards

(a) **Height**. The maximum building height shall be one-hundred (100) feet.

(b) **Height Transitions Abutting Residential Districts**. Where a lot abuts a residential zoning district or a mixed-use project, the maximum building height shall be no taller than the maximum height of the abutting district within one hundred (100) feet of the property line. The building height may be increased by one (1) foot for each additional one (1) foot for the applicable portion of the building separated from the property line.

(c) **Building Orientation and Entries**. In corporate campus developments entrances shall be located on the front of the building. All buildings shall have clearly defined, visible entrances, featuring no fewer than three (3) of the following:

1. Canopies or porticos
2. Awnings
3. Overhangs
4. Recesses/projections
5. Arcades
6. Raised corniced parapets over the door
7. Peaked roof forms or arches
8. Outdoor patios
9. Display windows

(d) **Building Materials**. Vegetative buffering as provided in section 35.2-63.10 (Buffering) of this ordinance shall be required between buildings in the corporate campus and adjoining public right-of-way, single-household districts and two-household districts except where

1. Predominant wall materials have the appearance of brick, stucco or textured masonry;
2. Predominant wall materials shall cover at least 80 percent of walls, exclusive of windows and doors; and
3. Materials with the appearance of concrete block, smooth concrete, corrugated or standing seam metal are prohibited.

(e) **Building Articulation**. Front and street-facing side facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade.

(f) **Rooflines**

1. Rooflines shall be varied in height at least every 100 linear feet. Hips, gables or changes in parapet elevation shall be used to provide relief in height.
2. Gable and hip roofs, and parapets with cornices shall be used to conceal flat roofs and rooftop mechanical equipment from public view.
3. The parapet design shall be a minimum of 3 feet in height and shall incorporate a three-dimensional cornice treatment.

(g) **Building Setbacks**. Building setbacks shall be established at the time of concept plan and conditional use permit approval by the City Council.

(h) **Landscaping**. Landscaping shall comply with the provisions of section 35.2-63 et. seq. except as otherwise modified through the conditional use permit approval process.

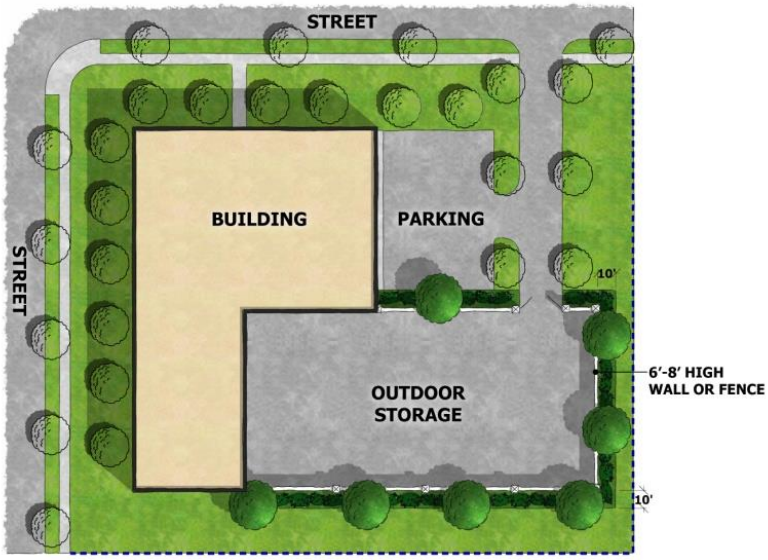
(i) **Common and Civic Areas**. Common and civic areas shall be established as follows:

1. At least ten (10) percent of the total project area shall be devoted to common and civic areas, which may include courtyards, plazas and landscape/buffering areas. Retention ponds with a minimum 4:1 (run to rise) side slopes, with walkways and seating areas may be counted towards the required common and civic areas.
2. Formal clusters of small deciduous trees shall be planted in civic areas to provide shade.
3. At least one (1) small deciduous tree shall be planted for every 200 square feet of civic area.
4. At least one (1) large deciduous tree shall be planted for every 800 square feet of civic area.

**Illustrations of Common and Civic Areas**

(j) **Outdoor Storage**. Outdoor storage, where authorized by the conditional use permit shall be screened as provided in this section.

1. The storage of bulk commodities shall be consolidated into a single area located in a rear or side yard and visually screened by buildings, walls, fences and/or landscaping. Outdoor storage is prohibited within 50 feet of any street or residential zoning district.
2. Screening shall include an opaque wall or fence enclosure measuring at least 6 feet high and no more than 8 feet high.
3. A minimum 10 feet wide planting strip shall be provided along the wall with the following plant materials:
   a. Minimum 1 evergreen tree for every 40 linear feet of wall; and
   b. Minimum 1 shrub for every 3 linear feet of wall.




(k) **Fences and Walls**. No fence or wall shall be established in any front or street side yard except as established in this section. Where used, masonry walls shall have graffiti-resistant paint or finishes.

1. Wrought-iron or metal picket fencing with a maximum height of 3 feet may be used to delineate outdoor patios/eating areas in any location on a lot.
2. Masonry wall finishes shall match the principal building material; decorative wall cap and offsets or columns shall be provided every 50 linear feet.

**Illustrations of Allowed Fences**

(l) **Parking and Loading**. Parking and loading shall be located as required in Section 35.2-62 except as modified by this section**.**

1. Parking lots which accommodate more than one hundred (100) vehicles shall be divided into a series of connected smaller lots and separated by roads, open areas, structures or landscape strips measuring at least ten (10) feet in width and having at least one large deciduous tree planted every forty (40) linear feet.
2. Pedestrian walkways shall be provided between all buildings and between buildings and parking areas and all out parcels. Walkways within parking areas shall be located in a manner to provide safe efficient movement of pedestrians. Walkways shall be located in a manner so that no parking space is further than one hundred twenty (120) feet from a walkway. Walkways and crosswalks shall be distinguishable from drive aisles.
3. All pedestrian walkways shall be designed to provide safe efficient access for people with disabilities. Ramps shall be provided between all walkways and all crosswalks.
4. Truck access and parking areas shall be separate from car parking areas and located in the rear yard.
5. Parking spaces shall not be located between buildings and a front or side street.
6. Parking structures shall be located behind the primary structure.
7. Required off-street parking shall be provided within a five-minute (one-quarter mile) radius of the site that it serves.

**Illustrations of Parking Areas**

(m) **Loading**. Loading standards shall comply with section 35.2-62.5 and the following standards.

1. Loading and service dock areas shall be located to the rear or sides of a building, away from the main building entrance, or related high visibility areas.
2. Loading docks shall not be located between a building and a residential zoning district unless there is a minimum 100 feet setback between the loading dock and the residential district and the setback includes a landscape buffer and masonry wall.
3. Loading spaces, their access drives and maneuvering areas shall be located and designed so that their use does not impede the normal use of parking spaces and access drives.
4. Loading and service docks shall be screened by a masonry wall measuring not less than 6 feet in height and not more than 8 feet in height or a landscape screen consisting of evergreen hedge that will measure at least 5 feet in height within 1 year of planting.

**Loading Area Illustrations**

(n) **Bicycles**

1. Internal bicycle circulation systems and easements shall be integrated into site design and connect to existing and future bicycle routes and trails.
2. Bicycle lanes shall be provided along all collector or arterial streets internal to the development and shall be at least three (3) feet in width. This provision may be waived where multi-purpose trails are provided.
3. Bicycle racks shall be provided in accordance with section 35.2-62.6 of this Ordinance.

# Article IX Non-Conforming Situations

## 35.2-90 Non-Conforming Uses

### 35.2-90.1 Legislative Intent

There are a number of land uses and activities on land that existed prior to the enactment of the Zoning Ordinance and that do not conform to the regulations herein. These non-conforming uses are, in most cases, incompatible with their surrounding uses, since the objective of district regulations is to permit compatible uses. Therefore, some limitations on the continued operation of non-conforming uses are appropriate in the public interest. While they are generally permitted to remain, the regulations herein restrict their further intensification or expansion and provide for their prohibition, if they are discontinued for a two (2) year period of time.

### 35.2-90.2 Continuing Existing Uses

Except as otherwise provided in the Zoning Ordinance, the lawfully permitted use of land, buildings or structures existing at the time of the adoption of the Zoning Ordinance may be continued, although such use does not conform to the standards specified by this ordinance for the zone in which such land or building is located. Said uses shall be deemed non-conforming uses.

### 35.2-90.3 Existing Conditional Uses

Any use lawfully existing at the time of the adoption of the Zoning Ordinance, or of any amendment thereto, in the district in which such use is classified herein as a conditional use, shall continue as a conditional use in such district.

### 35.2-90.4 Non-Conforming Use of Land with Minor Improvements

Where no building is involved, the non-conforming use of land with minor improvements may be continued; provided, however:

(a) That no such non-conforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of the Zoning Ordinance, unless specifically allowed by other provisions in this ordinance.

(b) That no such non-conforming use be moved, in whole or in part, to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of the adoption of the Zoning Ordinance and no non-conforming building or structure may be moved to any other lot which is not properly zoned to permit such non-conforming use.

(c) That if such non-conforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than two (2) years or is changed to a conforming use,

any future use of the land shall be in conformity with the provisions of the Zoning Ordinance.

(d) That no non-conforming use of land shall be changed to another non-conforming use.

### 35.2-90.5 Non-conforming Use of Buildings and Structures

The following standards apply to buildings or structures used for purposes that do not conform to the use regulations of the applicable zoning district.

(a) **Enlargements or Extensions**. The building or a structure shall not be enlarged, extended, reconstructed or structurally altered, unless the use therein is changed to a conforming use or the use in the enlargement or extension is a conforming use.

(b) **Structural Alterations**. The building or structure shall not be reconstructed or structurally altered, unless such reconstruction or alterations are required by law.

(c) **Change of Use**. If no structural alterations are made, any non-conforming use of a building or structure may, as a conditional use after public notice and hearing in accordance with section 35.2-11, be changed to another non-conforming use; provided that the City Council, either by general rule or by making findings in the specific case, shall find that the proposed use is equally or more restrictive than the existing non-conforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

(d) **Discontinuing, Moving**. If any non-conforming use of a building or structure ceases for any reason for a continuous period of more than two (2) years or is changed to a conforming use or if the building or structure in which such use is conducted or maintained is moved for any distance whatever, for any reason, then any future use of such building shall be in conformity with the standards specified by this ordinance for the district in which such building is located. If any building or structure in which any non-conforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located, and the subsequent use of any building or structure thereon, shall be in conformity with the standards specified by the Zoning Ordinance for the district in which such land or building is located.

## 35.2-91 Non-Conforming Structures

### 35.2-91.1 Intent

A building that is conforming in use, but does not conform to the height, setback, land coverage, parking or loading requirements of the Zoning Ordinance, shall not be considered to be non-conforming within the meaning of this section (Non-Conforming Structures). However, no development approval shall be issued that will result in the increase of any such nonconformity.

### 35.2-91.2 Completion of Buildings Under Construction

Any building, the construction of which has been started pursuant to plans on file with the division of inspections and for which a lawful Building Permit was issued before the effective date of the Zoning Ordinance or of an amendment thereto, and the ground story framework of which, including the second tier of beams, has been completed within one (1) year after the adoption of this ordinance or amendment thereto, may be completed in accordance with said plans on file with the division of inspections; provided that such construction is diligently prosecuted and the building is completed within two (2) years of the adoption of the Zoning Ordinance.

### 35.2-91.3 Restoration of Damaged Building and Structures

(a) **Damage 50% or More of Value**. Except as provided in paragraph (d) of this section, if any non-conforming building or structure is damaged to an extent of fifty (50) percent or more of the value of the structure above the foundation, as determined by the Zoning Administrator, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all the regulations of this Zoning Ordinance for the district in which it is located. If the structure is not restored, it must be removed at the owner's expense within sixty (60) days.

(b) **Damage Less Than 50% of Value.** Where the destruction of such non-conforming structure is less than fifty percent (50%), as described above, it may be restored in substantially the same location and the non-conforming use continued. Nothing in the Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any wall declared to be unsafe by the Building Official.

(c) **Unsafe Buildings.** Any unsafe building or structure shall be made safe through compliance with the building code or shall be taken down and removed if determined necessary by the Building Official.

(d) **Acts of God**.

1. If a residential or commercial building is damaged or destroyed by a natural disaster or other act of God, such building may be repaired, rebuilt or replaced to eliminate or reduce the non-conforming features to the extent possible, without the need to obtain a variance as provided in section 35.2-12 of this Zoning Ordinance.

2. If such building cannot be repaired, rebuilt or replaced except to restore it to its original non-conforming condition, the owner shall have the right to do so. The owner shall apply for a Building Permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the building code and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the flood plain regulations.

3. Unless such building is repaired or rebuilt within two (2) years of the date of the natural disaster or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the Zoning Ordinance.
4. If the non-conforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have a total of four (4) years to repair, rebuild or replace said building in accordance with all other regulations listed above.

### 35.2-91.4 Non-Conforming Signs

(a) All signs that do not conform with any of the sign regulations of the Zoning Ordinance, including regulations governing size, height, installation, location, and lighting, shall be deemed non-conforming and may be continued so long as the existing use continues and is not discontinued for more than two (2) years, and so long as the non-conforming sign is maintained in its then structural condition.

(b) Except as provided in sections 35.2-64 et. seq. whenever a non-conforming sign is enlarged, extended, reconstructed or structurally altered it shall conform to the existing zoning regulations. However, a non-conforming sign may be re-faced without losing its non-conforming status.

(c) Whenever a non-conforming sign requires repairs in a dollar amount greater than fifty percent (50%) of the replacement cost of the entire sign such sign shall be brought into compliance with the existing zoning regulations. A non-conforming sign shall not be moved on the same lot or to any other lot that is not properly zoned to permit such non-conforming sign.

(d) To make repairs to a non-conforming billboard sign, the owner shall make a written request to the commonwealth transportation commissioner as provided in Section 33.2-1219 of the Code of Virginia and submit the documentation required by 24 VAC 30-120-170. The commissioner shall review the written request and if the commissioner determines that the cost of requested repairs does not exceed a dollar amount greater than fifty (50) percent of the current replacement cost of the entire billboard sign or structure, the commissioner shall provide the owner of the billboard sign with a letter approving the billboard sign repairs. However, in no case shall a non-conforming billboard sign be replaced or rebuilt if the cost of the replacement or rebuilding exceeds fifty (50) percent of the current replacement cost. The owner of the billboard sign shall apply for a Building Permit from the City and provide a copy of the approval letter from the commissioner as part of the application for the Building Permit. The commissioner's determination as to whether the owner of the billboard sign has complied with this section shall be binding upon the City, unless the City’s building official, for good cause shown, submits to the commissioner documentation objecting to the commissioner's

determination, within thirty (30) days of the Building Permit application, with a copy of such documentation being provided to the billboard sign owner. The commissioner shall consider any documentation submitted by the building official and shall reissue a determination in accordance with this section, which determination shall be binding upon the City, unless the City's Zoning Administrator appeals such decision in accordance with the provisions of the administrative process act.

## 35.2-92 Non-conforming Lot or Site

Provisions for development of lots with less than the minimum required area are established in section 35.2-61.4 of this Zoning Ordinance.

# Article X Administration

## 35.2-100 Responsibilities for Administration

### 35.2-100.1 City Manager

The City Manager or the Manager's designee shall be responsible for appointing the City Planner, Zoning Administrator, City Engineer and Transportation Engineer.

### 35.2-100.2 City Planner

The City Planner shall be appointed by the City Manager or the Manager's designee and shall, serving as the agent of the Zoning Administrator, have responsibility for managing the Site Plan approval process, granting of exceptions related to site plan approvals, and coordinating activities of the Technical Review Committee. The City Planner also shall serve as the secretary to the Historic Preservation Commission and the Planning Commission.

### 35.2-100.3 Zoning Administrator

The Zoning Administrator shall be appointed by the City Manager or the Manager's designee and shall have all of the responsibilities, duties and powers set forth in Title 15.2, Article 22, Article 7, and in particular, Section 15.2-2286 of the Code of Virginia, and any successors or amendments thereto except where otherwise designated to another person or committee by this Zoning Ordinance. The City shall also employ such zoning officials as may be necessary to assist the Zoning Administrator in the administration and enforcement of the Zoning Ordinance. The Zoning Administrator also serves as the secretary to the Board of Zoning Appeals.

### 35.2-100.4 City Engineer and Transportation Engineer

The City Engineer and Transportation Engineer shall be appointed by the City Manager or the Manager's designee and shall, serving as the agent of the Zoning Administrator, have the responsibility for reviewing all plans related to sanitary or solid waste facilities; waiving undergrounding requirements for on-site utilities; reviewing sidewalk designs and alignments; reviewing and modifying driveway and intersections designs; and approving alternative parking surface materials and any other responsibilities set forth in this Zoning Ordinance.

### 35.2-100.5 Technical Review Committee

The Technical Review Committee members shall be appointed by the City Manager and shall have responsibility for reviewing and making recommendations on concept plan and final site plans, plans for floodplain development, minor exceptions and temporary use permits.

### 35.2-100.6 City Council

The City Council shall be the approval body for amendments to the Comprehensive Plan text or maps, amendments to the Zoning Ordinance text and the Official Zoning Map, approval of

conditional rezonings and related proffers, approval of conditional use permits and other responsibilities assigned by this Zoning Ordinance.

### 35.2-100.7 Planning Commission

(a) **Composition**. The City Planning Commission shall be composed of seven (7) members.

(b) **Appointment**. The members of the City Planning Commission shall be appointed by the City Council. In December of each year, the Council shall appoint three (3) or two (2) members, as the case may be, to the City Planning Commission for terms beginning the succeeding January, to take the place of those whose terms expire. All members appointed to the Commission shall serve from the January first succeeding their appointment for a term of three (3) years, or until their successors are duly appointed and qualified.

(c) **Secretary**. The City Planner shall serve as the Planning Commission's secretary. The secretary shall keep such records and perform such duties as may be assigned him by the Commission.

(d) **Duties and Powers**. In addition to the powers granted under Title 15.2 of the Code of Virginia, the Planning Commission shall advise with the various department heads of the City as to the location of projected thoroughfares, streets and avenues, parks, and public playgrounds, their enlargement, widening, etc.; review the capital improvements program; make suggestions as to the location and character of public buildings and public improvements generally; work and advise with any expert who may be employed by the City dealing with such questions; recommend to Council their approval or disapproval of plans for subdivisions; recommend the opening and closing of streets, the widening of the same and the establishment of setback building lines; make plans looking to the future development of the city, both within and without the present corporate limits; and generally act in an advisory capacity to the Board of Zoning Appeals and the City Council with reference to plans for the development of the City.

### 35.2-100.8 Board of Zoning Appeals

The Board of Zoning Appeals is established pursuant to section 15.2-2308 of the Code of Virginia.

(a) **Organization**

1. The Board of Zoning Appeals shall consist of five (5) residents of the City of Lynchburg, appointed by the circuit court of the City of Lynchburg. Their terms of office shall be five (5) years, with the term of one (1) member expiring in each year. The secretary of the board shall notify the court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

Members of the board shall hold no other public office in the City except that one (1) may be a member of the planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

2. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all members of the board. The Board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the City of Lynchburg, Virginia, and general laws of the commonwealth for the conduct of its affairs. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the City Council at least once each year.

3. The Zoning Administrator shall serve as the secretary to the Board.

(b) **Powers and Duties**

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance. No such appeal shall be heard by the Board except in accordance with section 35.2-12.

2. To authorize upon appeal or original application in specific cases a variance as defined in Article XI of this ordinance, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in Article XI and the criteria established in section 35.2-12.

3. To hear and decide applications for appeals to the Zoning Administrator's interpretation of the Official Zoning Map where there is an uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by any such question, and after public hearings with notice, the Board may interpret the Official Zoning Map in such a way as to carry out the intent and purpose of the ordinance for the particular section or district in question as specified in Section 35.2-12. The Board shall not have the power, however, to rezone property or to change the locations of district boundaries as established by ordinance.

4. No provisions of this section shall be construed as granting the Board the power to rezone property or grant a conditional use permit.

(c) **Rules, Hearings, Records and Minutes**

The Board shall adopt from time to time such rules and regulations as it may deem necessary to interpret and carry into effect the provisions of this ordinance. Meetings shall be held at the call of the Chair and at such other times as the board may determine. Such Chair or, in the Chair's absence, the Vice Chair, may administer oaths

and compel the attendance of witnesses. All hearings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. A copy of the minutes of each meeting shall be sent to the secretary of the planning commission. The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance, or to affect any variation in this ordinance.

### 35.2-100.9 Historic Preservation Commission

There is hereby created and established a historic preservation commission pursuant to section 15.2-2306 of the Code of Virginia, hereinafter referred to as the HPC, formerly known as the board of historic and architectural review, which shall consist of seven (7) members.

(a) **Role**. The role of the HPC is to administer the City's historic districts ordinance and to provide professional assistance and guidance to property owners in achieving appropriate alterations to their historic properties.

(b) **Composition**. Composition. The members of the HPC shall be appointed by City Council and shall be residents of the City of Lynchburg. At least one (1) member of the HPC shall be an architect or an architectural historian and at least one (1) member shall be an owner and a resident of property in a historic district that is defined as a neighborhood but excludes single-structure districts. Not more than one (1) person shall be appointed who is principally engaged in the buying and selling of, or investment in, real estate. All members shall have a demonstrated interest, competence and knowledge in historic preservation. At least two (2) members shall have professional training in or equivalent experience in any of the following disciplines: architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualifications used by the National Park Service and published in the Code of Federal Regulations, 36 CFR Part 61.

(c) **Terms of Office**. All appointments shall be made for a term of three (3) years until they are reappointed or their successors are appointed. No member shall serve for more than three (3) consecutive terms.

(d) **Organization; officers; meetings**

1. The HPC shall elect a chair and a vice-chair. The department of community development shall designate an administrative liaison to act as the secretary to the HPC.

2. A permanent record shall be kept of the resolutions, transactions, and determinations of the HPC. This record shall be kept and maintained in the department of community development.
3. The HPC is authorized to adopt rules of procedure for its meetings and the administration of the historic districts ordinance.

## 35.2-101 Fees

Fees shall be adopted by resolution of the City Council from time to time.

## 35.2-102 Violations, Enforcement and Penalties

### 35.2-102.1 Notice of Violation.

(a) The Zoning Administrator shall have the responsibility for enforcing the provisions of this Zoning Ordinance. The Zoning Administrator may, as necessary, solicit the assistance of other local and state officials and agencies to assist with this enforcement.

(b) Property owners, permit applicants, and/or establishment owners/managers, as applicable, shall be notified in writing of violations of the provisions of this Zoning Ordinance. The Administrator shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The Administrator may establish a reasonable time period for the correction of the violation; however, in no case shall such time period exceed fifteen (15) days from the date of written notification, except that the Administrator may allow a longer time period to correct the violation if the correction would require the structural alteration of a building or structure.

(c) If the violation is not corrected within the time period specified in the first notification, a second written notice shall be sent. The second notification shall request compliance with these provisions within a period not to exceed seven (7) days.

(d) Every written notice of violation or written order of the Administrator shall include a statement informing the recipient that he or she may have a right to appeal the notice of zoning violation or written order within thirty (30) days in accordance with this Section, and that the decision shall be final and unappealable if not appealed within thirty (30) days. If a second notice of violation is given as provided for in subsection (c) above, the thirty (30) day appeal period is not extended. The thirty (30) day appeal period begins when the first notice of violation is provided under subsection (b) above. The notice of violation or written order shall also include the amount of the appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal.

(e) An appeal from the Administrator's written notice of violation or written order shall be in writing and shall state the grounds thereof.

(f) An appeal shall stay all proceedings in furtherance of the action appealed unless the Administrator certifies to the Board of Zoning Appeals that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and notice to the Administrator and for good cause shown.

(g) Notwithstanding the above, the appeal period shall be ten (10) days for a notice of violation involving the maximum occupancy limitations of a residential dwelling unit or lot.

### 35.2-102.2 Criminal Penalties

(a) The owner or general agent of the building or premises where a violation of any provisions of this Zoning Ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000.00).

(b) If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the Zoning Ordinance, within a time period established by the court. Failure to remove or abate a Zoning Ordinance within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than one thousand dollars ($1,000.00), and any such failure during any succeeding thirty (30) day period shall constitute a separate misdemeanor offense for each thirty (30) day period punishable by a fine of not more than one thousand dollars ($1,000.00).

(c) However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to two thousand dollars ($2,000.00). Failure to abate the violation within the specified time period shall be punishable by a fine of up to two thousand dollars ($2,000.00), and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten (10) day period punishable by a fine of up to two thousand five hundred dollars ($2,500.00). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

### 35.2-102.3 Civil Enforcement Procedures

The Zoning Administrator is authorized to bring legal action, including injunction, abatement, or other appropriate action or proceeding. This remedy is in addition to, and not in lieu of, any other remedy available to the Administrator.

### 35.2-102.4 Civil Penalties

Any owner or general agent of the building or premises where a violation of any provisions of this Zoning Ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be punishable by a civil penalty.

(a) Any violation of the following provisions of the Zoning Ordinance shall be subject to a civil penalty of two hundred dollars ($200.00) for the first violation, a civil penalty of three hundred fifty dollars ($350.00) for the second violation and a civil penalty of five hundred dollars ($500.00) for each additional violation thereafter arising from the same set of operative facts:

1. Occupancy of a dwelling unit or lot.
2. Any erection, construction, reconstruction, moving, adding to, or alteration of any structure, or the establishment of any land use without approvals required in Article II of this Zoning Ordinance
3. Any violation of a proffer, or a planned development application plan, conditional use permit, variance, site plan, certificate of zoning compliance, or any condition related thereto.
4. Any violation of Article VI, which regulates site development.
5. Each use of a lot, including the use of any structure thereon, not authorized either as a matter of right or by conditional use permit by the zoning regulations applicable to the district in which the lot is located.

(b) Designation of a particular violation of this Zoning Ordinance shall be in lieu of criminal sanctions, except when such violation results in injury to any person or persons.

(c) Each day during which a violation is found to exist shall be a separate offense. However, the same scheduled violation arising from the same operative set of facts may be charged not more than once in a ten (10) day period, and the total civil penalties from a series of such violations arising from the same set of operative facts shall not exceed five thousand dollars ($5,000.00).

(d) The Zoning Administrator may issue a civil summons for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance

in person or in writing by mail to the department of finance prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offence charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

(e) If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

(f) No provision herein shall be construed to allow the imposition of civil penalties for activities related to land development or for violation of any provision of this Zoning Ordinance relating to the posting of signs on public property or public rights-of-way.

(g) No civil penalty shall accrue or be assessed during the pendency of the applicable appeal period.

### 35.2-102.5 Prevention of Illegal Proceedings

(a) In case any building or structure is erected, constructed, altered, repaired or converted or any building, structure or land is used in violation of this ordinance, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair or conversion, or restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

(b) When a Building Permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the Zoning Ordinance, by suit filed within fifteen (15) days after the start of construction by a person who had no actual notice of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the Board of Zoning Appeals.

### 35.2-102.6 Inspection Warrants

(a) As provided by Section 15.2-2286(15) of the Code of Virginia and for the purpose of enforcing the provisions of this chapter in instances directly related to:

1. Non-permitted uses; or
2. Any violation of the occupancy limits in a residential dwelling unit, the zoning administrator, or his duly authorized agent, shall have the authority to apply for the issuance of inspection warrants by a court of competent jurisdiction.

(b) The zoning administrator or his agent, after notice to the owner and tenants of the premises sought to be inspected, may present sworn testimony to a court of competent jurisdiction. Such notice to the owner and tenant shall state:

1. The time and location of the court where such testimony will be presented and
2. That the owner and tenant may appear and testify before that court or, in lieu of that appearance, offer a written statement to that court setting forth any reasons for the court not granting the requested inspection warrant.

(c) If such sworn testimony, together with the testimony or written statement(s) provided by the owner and/or tenant, establishes probable cause that a Zoning Ordinance violation has occurred, the court shall grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling during a specified period of time during daylight business hours and for the purpose of determining whether violations of the Zoning Ordinance exist.

(d) If such inspection warrant is issued, the zoning administrator or his agent shall make a reasonable effort to notify the owner or tenant of the premises that an inspection will be conducted. That notice must include the date and time period of the inspection. The notices required herein shall include but are not necessarily limited to (i) mailing that notice to the last known postal address of the owner(s) and (ii) posting it at the front door of the premises no less than five (5) business days prior to the court hearing and five(5) business days before the day of the inspection, as the case may be. The zoning administrator or his agent shall make any and all other reasonable efforts to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

(e) It shall be a violation of the Zoning Ordinance for any owner, managing agent, tenant, occupant or other person, to deny the zoning administrator, or his duly authorized agent, access to any dwelling after the zoning administrator, or his duly authorized agent have obtained an inspections warrant from a court of competent jurisdiction and the foregoing notice requirements have been satisfied.

# Article XI Definitions

## 35.2-110 Rules of Construction

The following rules of construction apply to the text of the Zoning Ordinance:

(a) The particular shall control the general.

(b) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(c) Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates otherwise. Words used in the masculine shall include the feminine (e.g., his/her, he/she)

(d) A "building" or "structure" includes any part thereof.

(e) The word "person" includes an individual, corporation, a partnership, an incorporated association or any other similar entity.

(f) Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions or events connected by conjunctions, such conjunctions shall be interpreted as follows:

1. "And" indicates that all the connected words or phrases shall apply.
2. "Or" indicates that the connected words or phrases may apply singly or in any combination.
3. "Either...or" indicates that the connected words or phrases shall apply singly but not in combination.

(g) The words "includes" or "including" shall not limit a term to the specified examples but are intended to extend its meaning to all other instances or circumstances of like, kind or character.

(h) The word "state" means the Commonwealth of Virginia, and the word "city" means the City of Lynchburg, Virginia.

## 35.2-111 Interpretations

Words and phrases used in this Zoning Ordinance shall be interpreted as follows:

(a) The Zoning Ordinance shall be interpreted by considering, among others:

1. The intent of the City Council when adopting this Zoning Ordinance; the occasion and necessity for the provision; the circumstances under which it was enacted;
2. The threat to the public health, safety and welfare to be remedied;

3. The former provision, if any, including other provisions upon the same or similar subjects;
4. The consequences of a particular interpretation;
5. Legislative, administrative, and City Attorney interpretations of the provision.

(b) Every provision shall be construed, if possible, to give effect to all its terms. When the words of a provision in its application to an existing situation are clear and free from all ambiguity, the letter of the provision shall not be disregarded under the pretext of pursuing the spirit.

(c) General words are construed to be restricted in their meaning by particular and specific words. When a general provision is in conflict with a specific provision, the two shall be construed, if possible, to give effect to both meanings. If irreconcilable, the specific shall prevail and be construed as an exception to the general, unless the general was enacted as a later amendment to the Zoning Ordinance.

(d) In the case of a difference in meaning or implication between the text of the Zoning Ordinance and the captions for each section, the text shall control.

(e) Where an amendment is adopted and conflicts with or overlooks a provision of the Zoning Ordinance, the two shall be interpreted together, if possible, and effect shall be given to each. If the amendment is irreconcilable, the most recent amendment shall prevail.

(f) When the Zoning Ordinance has been amended more than once, the latest amendment shall be read into the Zoning Ordinance as amended and not as originally adopted.

(g) Words and phrases are construed according to the rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined by this Zoning Ordinance, are construed according to the special meaning or their definition.

(h) All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended. Terms that are not specifically defined in this section or elsewhere in the Zoning Ordinance will have the meaning as defined in Merriam-Webster Collegiate Dictionary, Eleventh Edition, Merriam-Webster, Inc, 2003 (ISBN-13: 008-1413008074).

## 35.2-112 **Abbreviations**

The following abbreviations shall have the meanings established in this section.

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| 1. | **AFP** – approximated flood plain district |
| 2. | **AS** – airport safety overlay district |
| 3. | **B-1** – limited business district (Combined with B-2) |

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| 4. | **B-3** – community business district |
| 5. | **B-4** – urban commercial district (Combined with B-6) |
| 6. | **B-5** – general business district |
| 7. | **BZA –** City of Lynchburg Board of Zoning Appeals |
| 8. | **CC** – commercial corridor overlay district |
| 9. | **CCD** – cluster commercial development pattern |
| 10. | **CUP** – conditional use permit |
| 11. | **FEMA** – Federal Emergency Management Agency |
| 12. | **FF** – floodway fringe district |
| 13. | **FSC** – Fifth Street corridor overlay district |
| 14. | **Ft** or ’ – foot |
| 15. | **FW** – floodway district |
| 16. | **HD** – historic district |
| 17. | **HPC** – Historic Preservation Commission |
| 18. | **HUD** – United States Department of Housing and Urban Development |
| 19. | **I-1** – restricted industrial district |
| 20. | **I-2** – light industrial district |
| 21. | **I-3** – heavy industrial district |
| 22. | **IN-1** – institutional district 1 |
| 23. | **IN-2** – institutional district 2 |
| 24. | **LBCS** – Land Based Classification Structure |
| 25. | **PUD** – Planned Unit Development pattern |
| 26. | **R-1** – low-density residential district |
| 27. | **R-2** – low-medium density residential district |
| 28. | **R-3** – medium-density residential district |
| 29. | **R-4** – medium-high density residential district (Combined with R-5) |
| 30. | **R-C** – conservation district |
| 31. | **SC** – scenic corridor overlay district |
| 32. | **Sq.ft.** – square feet |
| 33. | **TND** – Traditional Neighborhood Development pattern |
| 34. | **TND** – Traditional Neighborhood Development pattern |
| 35. | **TRC** – Technical Review Committee |

## 35.2-113 Definitions

The following terms shall have the meanings established in this section unless specifically modified by provisions of the applicable section of the Zoning Ordinance.

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| 1. | **Abut**: To adjoin or touch at one or more points along a common boundary. |
| 2. | **Accessible**: Dwellings that meet prescribed requirements for accessible housing. Mandatory requirements for accessible housing in the Department of Housing and Urban Development's program 202 and 811, section 504, and the Fair Housing Amendments Act requirements. Accessible features in dwellings include items such as wide doors, sufficient clear floor space for wheelchairs, lower countertop segments, lever and loop type handles on hardware, seats at bathing fixtures, grab bars in bathrooms, knee spaces under sinks and counters, audible and visual signals, switches and controls in easily reached locations, entrances free of steps and stairs, and an accessible route through the house. Most "accessible" features are permanently fixed in place and very apparent. |
| 3. | **Accessory use or accessory**:<br>1. A use conducted on the same zoning lot as the principal use to which it is related (whether located within the same or an accessory building or other structure, or on an accessory use of land), except that, where specifically provided in the applicable regulations, accessory off-street parking or loading need not be located on the same zoning lot.<br>2. A use that is clearly incidental to, and customarily found in connection with, such principal use.<br>3. A use subordinate in area, floor area, intensity, extent and purpose to the principal use.<br>4. A use either in the same ownership as such principal use, or operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use.<br>5. When "accessory" is used in the text, it shall have the same meaning as "accessory use" |
| 4. | **Accessory structure:** A structure subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building. |
| 5. | **Address sign**: A sign displaying only the assigned address of a property or building that is attached to a building or sign structure or part thereof. An address sign shall not be included in the maximum permissible sign area of the district in which it is located. |
| 6. | **Adjacent**: To abut or be located on the opposite side of a right-of-way or easement. |
| 7. | **Administrator or Zoning Administrator**: the official charged with the enforcement of this zoning ordinance except where responsibility is specifically delegated. |
| 8. | **Agriculture**: Any use of land which involves the tilling of soil, the growing of crops or plant growth of any kind, or the raising of livestock or poultry for profit. "For profit" means in excess of what a household would normally grow or raise for its own use or consumption, and shall include the processing and retail sale, in a farm produce stand, or otherwise on the premises, of the products of only the farm on which such processing is conducted. |

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| 9. | **Airport elevation**: The highest point on any usable landing surface expressed in feet above mean sea level. |
| 10. | **Airport or air landing field**: Any area of land or water designated and set aside for the landing or taking-off of aircraft, the discharge or receiving of cargoes and/or passengers, or the repair, fueling or storage of aircraft. |
| 11. | **Airport**: Lynchburg Regional Airport and/or Falwell Airport. |
| 12. | **Alteration**: Any change, modification or addition to a part of or all of the exterior of any building or structure. |
| 13. | **Amend or amendment**: Any repeal, modification or addition to a regulation; any new regulation; any change in the numbers, shape, boundary, or area of a district or any repeal or abolition of any map, part thereof, or addition thereto. |
| 14. | **Antenna support structure**: Any building or other structure thirty (30) feet in height or taller other than a tower which can be used for location of telecommunications facilities. |
| 15. | **Apartment house**: See dwelling, multi-household. |
| 16. | **Apartment**: A room or suite of two (2) or more rooms, which is designed or intended for residential occupancy by, or which is occupied by, one (1) household doing its cooking therein. |
| 17. | **Applicant**: Any person who applies for any development approval. |
| 18. | **Application or development application**: Means the process by which the owner, or the owner's legal representative, of a plot of land within the City submits a request to develop approval. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning such a request. |
| 19. | **Approach surface**: A surface, whose design standards are referenced in section 35.2-57.3., longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in section 35.2-57.4. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone. |
| 20. | **Approach, transitional, horizontal, and conical zones**: the airspace zones as set forth in section 35.2-57.4. |
| 21. | **Arcade:** A public or private pedestrian walkway that is open to the street and covered by the upper floors of a building front. |
| 22. | **Arterial or arterial street**: A public street currently classified in the comprehensive plan functional classification map as an arterial. |
| 23. | **Automobile graveyard**: Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this definition shall begin with the first day that the vehicle is placed on the subject property. |

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| 24. | **Automobile service station**: A location providing light automobile repairs as listed in LBCS functional use code 2117a. A building, lot, or both, in or upon which gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other:<br>1. Sales and servicing of spark plugs, batteries, and distributors and distributor parts.<br>2. Tire servicing and repair, but not recapping or regrooving.<br>3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.<br>4. Radiator cleaning and flushing.<br>5. Washing and polishing, and sale of automotive washing and polishing materials.<br>6. Greasing and lubrication.<br>7. Providing and repairing fuel pumps, oil pumps and lines.<br>8. Electrical system repairs<br>9. Adjusting and repairing brakes.<br>10. Minor motor adjustments not involving racing the motor.<br>11. Retail sales of convenience goods.<br>12. Virginia state inspection station.<br>Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. |
| 25. | **Awning**: A permanent roof like structure that projects from the wall of a building, covered with any material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building. |
| 26. | **Banner**: A sign consisting of a piece of fabric or any other material, other than a flag or pennant, used to advertise a business, service, product, goods, special promotion, activity or event. |
| 27. | **Base flood**: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. |
| 28. | **Base flood elevation**: The Federal Emergency Management Agency designated one hundred (100) year water surface elevation. |
| 29. | **Basement:** Any area of the building having its floor sub-grade (below ground level) on all sides. |
| 30. | **Bed and breakfast or tourist home**: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation. |
| 31. | **Billboard or poster panel**: Any exterior sign or advertising structure or portion thereof, including any sign painted directly on any exterior wall, roof, or part of a building or other object, displaying any information other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products sold, manufactured, processed or available thereon. |
| 32. | **Block face:** The edge of a block fronting on a street. |
| 33. | **Block**: An area of land bounded by streets providing access to such area. |

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| 34. | **Board of Zoning Appeals**: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance as described in this ordinance and regulated by the Code of Virginia. |
| 35. | **Boardinghouse or lodging house**: A residence where the owner resides in which, for compensation, lodging, or meals, or both, are furnished to transient or non-transient guests. A boardinghouse shall not be deemed a home occupation. |
| 36. | **Boarding unit or lodging unit:** Any building or part thereof constituting a separate, independent transient accommodation that is physically separated from other such units so as to provide secure and private temporary accommodations. |
| 37. | **Buffer**: An area of land, including landscaping, or combination of landscaping berms, solid fences and/or walls that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use. |
| 38. | **Building, accessory**: A building subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building. |
| 39. | **Building envelope:** The area in which a building may be constructed, which is bounded by the minimum front, side and rear setbacks and the maximum building height. |
| 40. | **Building group**: A group of two (2) or more main buildings and any buildings accessory thereto occupying a single zoning lot. |
| 41. | **Building line or setback**: A line drawn parallel to a lot line at a distance therefrom equal to the depth of a required setback. |
| 42. | **Building mounted sign**: A permanently attached sign, erected or painted on the outside wall, window, or door of a building. |
| 43. | **Building permit**: A document issued by the City of Lynchburg to permit the construction, erection of alteration of any structure. |
| 44. | **Building, height of**: The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard floor; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; except as otherwise provided in section 35.2-61.2. |
| 45. | **Building, main**: The building in which is conducted the principal use of the zoning lot on which it is situated in any residential zone; any dwelling shall be deemed to be a main building on the zoning lot on which the same is located if the lot is used primarily for residential purposes. |
| 46. | **Building, temporary**: Any structure which is intended to be used or occupied for only a limited time or which is not permanently supported by a foundation. |
| 47. | **Building**: Any structure designed or intended for support, shelter, enclosure or protection of persons, animals, chattels or property. |
| 48. | **Business district**: A zoning district whose designation begins with the letter "B". |

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| 49. | **Business incubator**: A facility that provides start-up or emerging businesses with space and shared office equipment, support and business development services, such as management and marketing assistance, for a limited period of time. A business incubator shall meet the following criteria:<br>(1) It shall contain uses authorized in the applicable zoning district under one roof with a minimum of six (6) tenant spaces.<br>(2) Companies housed in a business incubator shall either provide services or support to existing basic industries, or shall conduct light manufacturing or distribution businesses.<br>(3) Display rooms for retail sales shall not exceed ten percent (10%) of the gross floor area of the tenant space.<br>(4) A tenant shall not be allowed to occupy the facility for more than forty-eight (48) months. |
| 50. | **Caliper**: Trunk diameter of a tree measured six (6) inches from the ground. If the caliper is greater than four (4) inches, the measurement is taken twelve (12) inches from the ground. |
| 51. | **Campus** – A designated area of land including the buildings and grounds of institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches. A campus may be divided by public or private rights-of-way. |
| 52. | **Care center**: A day nursery, nursery school, day camp, summer camp or other place where reception or care is provided with or without compensation, of persons of any age and the primary use of the facility where said reception or care is provided is not a residence. |
| 53. | **Cemetery**: A place used for the permanent commercial interment of dead bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments or a combination thereof. |
| 54. | **Certificate of appropriateness (COA)**: The approval statement signed by the historic preservation commission chair and/or the secretary that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building or structure within a historic district, subject to the issuance of all other permits needed for the matter sought to be accomplished. |
| 55. | **Certificate of Occupancy**: Authorization granted by the City for use of a lot or structure. |
| 56. | **Changeable copy sign**: A sign, or part of a sign, with copy that can be changed by manual, mechanical, or electronic means. Copy may not change more than once every six (6) seconds. Changeable copy signs include electronic message centers. |
| 57. | **Channel enclosure**: Continuous c-shaped metal, or similar opaque material, surrounding three-quarters of the circumference of neon tubing of a sign. |
| 58. | **Channel**: A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water. |
| 59. | **Civic uses:** Public or quasi-public uses serving the needs of the community that promote human interaction, such as: care centers, religious institutions, civic clubs and fraternal organizations, community swimming pools, libraries, museums, art galleries, public buildings, meeting halls, public or community recreational facilities, parks, schools and colleges. |
| 60. | **Collector street**: A public street currently classified as a collector street in the functional classification map of the Comprehensive Plan. |
| 61. | **Commercial amusement (temporary):** A temporary outdoor amusement center, bazaar, circus, carnival, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales or small-scale games. |

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| 62. | **Commercial amusement**: The provision of entertainment or games of skill to the general public for a fee, including but not limited to a bowling alley, video arcade, dance hall, billiard parlor, golf driving range, skating rinks, swimming pools or miniature golf course. This use does not include circuses, carnivals, race tracks, or shooting ranges. |
| 63. | **Commercial building**: A building used only for a commercial use. |
| 64. | **Commercial recreation**: The provision of entertainment or games of skill to the general public for a fee, with higher noise and safety restrictions than a commercial amusement. A facility designed or used for shooting at targets with firearms and/or archery and which is completely enclosed within a building or structure. Does not include outdoor shooting or archery ranges. |
| 65. | **Commercial use**: Any use involving in part or in whole the storage of merchandise, sale of merchandise, materials or services, but not including home occupations. |
| 66. | **Community facility use**: A public use in private or public ownership run on a nonprofit basis. Examples are: churches, welfare centers, voluntary hospitals, or privately-endowed museums or libraries. Facilities of private, nonprofit membership organizations for use only by members thereof are also community facilities. Examples may be country clubs, golf courses or community swimming pools. |
| 67. | **Comprehensive Zoning Map amendment**: An amendment to the official Zoning Map where any of the following conditions exist:<br>(1) The area to be rezoned constitutes an entire neighborhood as defined in the Comprehensive Plan, or a group of such neighborhoods.<br>(2) The area to be rezoned includes at least four hundred (400) acres of ground.<br>(3) The area to be rezoned includes at least five (5) lots, except where all of the said lots are included in a subdivision to be developed as a whole by one developer. |
| 68. | **Community owned:** Facilities owned and operated by a public, non-profit or not-for-profit entity and open to the general public. |
| 69. | **Concept Plan** –<br>(1) A plan that establishes the general layout and intensity of proposed development in enough detail to demonstrate compliance with the applicable development approval criteria for discretionary approvals by the City Council.<br>(2) A generalized, illustrative plan for the IN-1 and IN-2 districts, indicating how off site impacts such as traffic, water and sanitary sewer availability/capacity, stormwater management, lighting and noise are mitigated and providing an assessment of existing and future development of the institution's campus, including buildings, parking areas, recreational facilities, open space and access points to City streets. |
| 70. | **Conditional use**: A permit to grant restricted use of property for uses other than those permitted by right. |
| 71. | **Conditional zoning or zone**: A zoning district or portion thereof, which has been established pursuant to provisions this Zoning Ordinance and which is subject to reasonable conditions proffered in writing by the owner of the subject property and agreed to by the City Council in a zoning map amendment to which such conditions are applicable in addition to those regulations provided for that particular zoning district, or portion thereof, by the overall Zoning Ordinance. |
| 72. | **Conical surface**: An imaginary surface, whose design standards are referenced in extending and sloping horizontally and vertically from the periphery of the horizontal surface of an airport flight path. |
| 73. | **Conservation**: Any action designed to keep a structure, area containing structures, or places from being damaged, lost or wasted. |

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| 74. | **Construction sign**: A temporary sign that notifies the public of a specific building or development under construction or reconstruction or to be constructed or reconstructed within the next three (3) months. The sign may also identify the architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located. |
| 75. | **Construction, start of**: The date the building permit was issued for new construction or substantial improvements, meaning the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. |
| 76. | **Contributing property**: Those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the historic district in which they are located. |
| 77. | **Coverage, lot:** The proportion of a lot covered by the maximum horizontal projected area of a building and its accessory buildings, including overhangs and projections. |
| 78. | **Decorative landscape stone**: Stone that has natural or manmade distinguishing characteristics such as color and shape. Decorative landscape stone may be used as mulch. |
| 79. | **Delineated wetland**: An area delineated by the U.S. Army Corps of Engineers as a wetland. |
| 80. | **Demolition**: The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto. |
| 81. | **Depth of lot**: The mean horizontal distance between the front lot line and rear lot line of a lot. |
| 82. | **Detached building**: A building surrounded by yards or other open area on the same zoning lot. |
| 83. | **Development** – Any man-made change to improved or unimproved real estate, including, but not limited to, the erection, placement or modification of buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations; storage of equipment or materials; or the establishment or expansion of a use on a site. |
| 84. | **Development approval**: Any City approval required for development. |
| 85. | **Development area** / disturbed area: All areas shown within the limits of clearing and grading on a concept plan or final site plan. |
| 86. | **Development pattern:** See land use development pattern |
| 87. | **Digital sign or electronic message center**: An electrically activated changeable copy sign with a variable message and/or graphic presentation capability that can be electronically programmed by computer from a remote location or at the sign. These signs typically use arrays of LED lights to create an illuminated message. |
| 88. | **Directional sign**: An on-premises sign whose message is exclusively limited to guiding the circulation of pedestrian or vehicular traffic, such as enter, exit, or one-way. |
| 89. | **Dwelling**: A building containing one (1) or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy. |
| 90. | **Dwelling unit**: One (1) or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one (1) or more persons living together and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof. |
| 91. | **Dwelling, cluster or cluster development**: A development pattern defined in Article VIII of this Zoning Ordinance characterized by small lots and the retention of common open space. |
| 92. | **Dwelling, detached**: A building containing only dwelling units surrounded by yards or other open area on the same zoning lot. |

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| 93. | **Dwelling, group**: A building group consisting only of dwellings occupying a parcel of land in one (1) ownership and having any yard or service area in common. |
| 94. | **Dwelling, multi-household for the elderly**: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include a cooperative apartment house. Provided further, that all occupants of said residential units must be (a) persons sixty-two (62) years of age or older; (b) married couples either of which is sixty-two (62) years of age or older; or (c) handicapped persons under sixty-two (62) years of age who have physical impairments which are expected to be of long-continued or indefinite duration, and which substantially impede the ability of such person to live independently. |
| 95. | **Dwelling, multi-household**: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include cooperative apartment houses. |
| 96. | **Dwelling, semi-detached**: One (1) of two (2) buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides. |
| 97. | **Dwelling, single-household**: A building containing not more than one (1) dwelling unit and occupied by not more than one (1) household. |
| 98. | **Dwelling, townhouse, or row house**: One (1) of a series of three (3) or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof. |
| 99. | **Dwelling, two-household (duplex**): A building located on one (1) zoning lot containing not more than two (2) dwelling units, arranged one above the other, front to back, or side by side, and occupied by not more than two (2) households. |
| 100. | **Easement**: A grant by a property owner of the use of a designated part of his land by another party for a specified purpose and for a specified time, which shall be included in the conveyance of land by such easement. |
| 101. | **Eave**: The underside of the projection of a roof beyond the outer wall of a building. |
| 102. | **Electrical engineer**: An electrical engineer licensed by the Commonwealth of Virginia. |
| 103. | **Electronic message center (EMC):** see digital sign |
| 104. | **Elevated building**: A non-basement building built to have the lowest floor elevated about the ground level by means of fill, solid foundation perimeter walls, pilings or columns (posts and piers). |
| 105. | **Encroachment , floodplain**: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. |
| 106. | **Encroachment lines**: The lateral limits or line drawn along each side of and generally parallel to a watercourse or body of water, to preserve the flood carrying capacity of the stream or other body of water and its floodplain, and to assure attainment of the basic objective of improvement plans that may be considered or proposed. Their location along a stream should be such that the floodways between them will effectively carry and discharge a flood not less than the magnitude of the one hundred (100) year flood. |
| 107. | **Enlargement, or to enlarge**: An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement. |

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| 108. | **Equal degree of encroachment**: A standard applied in determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a channel are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments. |
| 109. | **Evergreen tree**: A tree or shrub that has foliage that persists and stays green throughout the year. |
| 110. | **Existing tower**: A telecommunications tower that is in existence or is being constructed on December 9, 1997 |
| 111. | **Extension, or to extend**: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension. |
| 112. | **Exterior architectural features**: The architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, details, features or elements. |
| 113. | **Façade**: The outer surface of a building. |
| 114. | **Fall zone**: That area within a prescribed radius (equal to the height of the tower) as measured from the base of a tower. A fall zone is based on physical phenomena that can result in a hazard beneath a tall structure and is the area within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback. |
| 115. | **Family day home**: A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, when at least one (1) child receives care for compensation and meets the requirements of Article 63.2-100 of the Code of Virginia. The term shall not include any family-type facility which provides child care to not more than five (5) children placed by order of any court of competent jurisdiction, or by any public welfare department or other government agency having responsibility of placing children for care. |
| 116. | **Final site plan**: A site plan that when approved in accordance with this ordinance enables an applicant to apply for a building permit. |
| 117. | **Fire district**: The territory defined and limited by the provisions of the BOCA Basic Building Code for the restriction of types of construction to ensure adequate fire protection. |
| 118. | **Flag pole**: A freestanding structure or a structure attached to a building or the roof of a building for the sole purpose of displaying flags. |
| 119. | **Flag**: Any fabric or any other flexible material attached to or designed to be flown from a flagpole or similar device. |
| 120. | **Flashing sign**: A sign that involves motion or rotation of any part of the structure, moving reflective disks, running animation or video, or displays an intermittent light or lights. Signs that display an on-premise message changed by electronic means or remote control, programmed or sequenced to change no more than once every six (6) seconds shall not be considered a flashing sign. |
| 121. | **Flea market**: A market, whether held indoors or outdoors, where antiques, used household goods, curios and similar items are sold or traded by or on behalf of multiple vendors. |
| 122. | **Flood hazard area**: The maximum area of the one hundred (100) year flood plain (as defined in regulations for the national flood insurance program) which is likely to be flooded, or for which mudslides can be reasonably anticipated. |

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| 123. | **Flood or flooding**:<br>1. A general or temporary condition or partial or complete inundation of normally dry land areas from:<br>a. the overflow of inland or tidal waters; or,<br>b. the unusual and rapid accumulation or runoff of surface waters from any source.<br>2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual an unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition. |
| 124. | **Floodplains**: The areas of land adjoining a watercourse that have in the past, or can be reasonably expected in the future, to be covered temporarily by flood waters. |
| 125. | **Flood-prone area**: Any land area susceptible to being inundated by water from any source. |
| 126. | **Floodproofing**: Combinations of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in the regulatory flood plain. |
| 127. | **Floodway fringe**: That portion of the one hundred (100) year flood plain outside of the floodway. |
| 128. | **Floodway**: The channel of a river or other watercourse and those portions of the adjoining flood plains which are reasonably required to discharge the water of the one hundred (100) year flood (base flood), without causing a more than one (1) foot rise at any point in the City as shown in the City's flood insurance study published by the Federal Emergency Management Agency. |

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| 129. | **Floor area**: The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two (2) buildings. In particular, floor area includes:<br>1. Basement space, except such space in a basement which has at least one-third (1/3) of its height below curb level, and which is located in a residential building with not more than two (2) stories entirely above curb level.<br>2. Elevator shafts or stairwells at each floor.<br>3. Floor space in penthouses.<br>4. Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more.<br>5. Floor space in interior balconies or mezzanines.<br>6. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed.<br>7. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded.<br>8. Floor space in accessory buildings except for floor space used for accessory off-street parking.<br>Floor area of a building shall not include:<br>1. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.<br>2. Elevator or stair bulkheads, accessory water tanks or cooling towers.<br>3. Uncovered steps.<br>4. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet.<br>5. Floor space in open or roofed terraces, exterior balconies, breezeways or porches, provided that not more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed.<br>6. Unenclosed floor space used for permitted or required accessory off-street parking spaces.<br>7. Floor space used for accessory off-street loading berths.<br>8. Floor space used for mechanical equipment. |
| 130. | **Floor area ratio**: The total floor area on a zoning lot, divided by the lot area of that zoning lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zoning lot of ten thousand (10,000) square feet has a floor area ratio of 2.0.) |
| 131. | **Floor plate**: The floor area of the ground floor or footprint of a building. |
| 132. | **Food Establishment:** A business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption. |
| 133. | **Foundation planting**: Trees and shrubs planted along and adjacent to the perimeter of a building. |
| 134. | **Freeboard** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. |

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| 135. | **Freestanding sign**: A non-movable sign supported by structures or supports in or upon the ground and not attached to a building. |
| 136. | **Frontage**: The horizontal length of the front lot line of a zoning lot abutting a public street, road, or highway, or rural right-of-way. |
| 137. | **Gambrel roof:** A roof gable roof, each sloping side of which has two sloping planes, with the lower plane being steeper than the upper plane (e.g., barn roof) |
| 138. | **Garden apartment units**: Group multiple dwellings consisting of more than one (1) main building containing more than one (1) unit per building for single-household occupancy. |
| 139. | **Gasoline station**: See Automobile service station. |
| 140. | **Graphic**: Any logo, emblem, insignia, or text, formed by writing, drawing, painting or engraving. |
| 141. | **Ground cover**: Any evergreen or broadleaf plant that does not generally attain a mature height of more than one (1) foot, characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seeding shall be considered an appropriate ground cover. |
| 142. | **Group Home**: A residential facility wherein (a) the operator is not legally related to the individuals supervised and may be licensed by the state, and wherein (b) four (4) or more individuals are provided with room, board, specialized and distinctive care, and daily supervision. For the purpose of the Zoning Ordinance, a facility providing care to less than four (4) persons shall not be considered a group home. The term "Group Home" would include but not be limited to such groups as: foster family homes, homes for adults, abused women, individuals with mental illness, intellectual disability, or developmental disabilities, or physically handicapped. This definition does not include pre-release or post-release individuals who have been incarcerated.<br>1. A residential facility in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. For the purposes of this section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the code of Virginia. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. This type of residential facility shall be deemed to be any group home or other residential facility for which the department of behavioral health and developmental services is the licensing authority pursuant to this code.<br>2. A residential facility, in which no more than four (4) aged, infirm or physically disabled persons reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. No conditions, more restrictive than those imposed on residences occupied by persons related by blood, marriage or adoption shall be imposed on such a facility. For purposes of the Zoning Ordinance, “residential facility” means any group home or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Virginia department of social services is the licensing authority pursuant to the Code of Virginia. |
| 143. | **Guest**: Any person hiring and occupying a room for sleeping purposes. |
| 144. | **Hazard to air navigation**: An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth. |

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| 145. | **Hazardous materials:** Includes any substance or material could adversely affect the safety of the public, handlers or carriers during transportation, including, but not limited to materials that require a Hazardous Materials Endorsement by the United States Patriot Act and the Virginia Department of Motor Vehicles. |
| 146. | **Heat island effect**: An elevated temperature over an urban area caused by pavement, buildings, other infrastructure and pollutant emissions |
| 147. | **Height of building**: See Building, height of. |
| 148. | **Height of sign**: The distance to the topmost extent of the sign structure when measured from and perpendicular to the elevation of the edge of pavement of the closest adjacent roadway on which the sign is located. In no instance shall the sign structure be required to be less than ten (10) feet in height, except as otherwise specifically required by the Zoning Ordinance. |
| 149. | **Height**: for the purpose of determining the height limits affected by airport operations in all zones set forth in section 35.2-57.4 and shown on the Zoning Map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified. |
| 150. | **Helipad:** Landing facility for up to two (2) helicopters that may be lit, but does not include facilities for storage, fueling or servicing of helicopters. |
| 151. | **Heliport:** Facilities for the landing helicopters that may include facilities for storage, servicing and/or fueling one or more helicopters at a time. |
| 152. | **Historic area, historic place, or historic structure**:<br>1. Any structure, area containing structures, or place in which historic events occurred; or having special public value because of notable architectural or other features, relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.<br>2. Any structure that is:<br>a. listed individually in the national register of historic places (a listing maintained by the department of the interior) as meeting the requirements for individual listing on the national register;<br>b. certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;<br>c. individually listed on a state inventory or historic places in states with historic preservation programs which have been approved by the secretary of the interior; or<br>d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:<br>i. by an approved state program as determined by the secretary of the interior or<br>ii. directly by the secretary of the interior in states without approved programs. |
| 153. | **Historic building map**: The map of Lynchburg indicating certain structures as historic buildings. |

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| 154. | **Historic district**: A geographically defined area consisting of public and/or private property within the City, possessing a significant concentration, linkage, or continuity of sites, buildings or structures, areas of unique architectural value, landmarks or encompassing parcels of contiguous land united by past events or aesthetically by plan or physical development. A district may also comprise individual buildings or structures separated geographically but linked by association or history. A historic district shall further mean an area designated by City Council as a historic district pursuant to the criteria established in (d)(1) of this ordinance. The historic district overlay zone defines the area in which the requirements of the historic districts ordinance shall apply. The historic district overlay zone shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the historic district overlay zone shall also lie within one or more of the other zoning districts provided by this ordinance. |
| 155. | **Home occupation**: An accessory use which:<br>1. Is clearly incidental to or secondary to the residential use of a dwelling unit.<br>2. Is customarily and traditionally carried on within a dwelling unit by one (1) or more occupants of such dwelling unit, except that, in connection with the practice of a profession, one (1) person not residing in such dwelling unit may be employed.<br>3. Occupies not more than twenty-five (25) per cent of the total floor area of such dwelling unit, and in no event more than five hundred (500) square feet of floor area. |
| 156. | **Property owners' association**: An incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or property owner in a planned unit or other described land area is automatically a member; and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the home association's activities, such as common property maintenance. |
| 157. | **Horizontal surface**: An imaginary horizontal plane, whose design standards are referenced in section 35.2-57.3, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone. |
| 158. | **Hospitals**: An institution receiving in-patients and rendering medical, surgical, and/or obstetrical care to private and charity patients, and usually including research and training activities. This shall include general hospitals and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, tuberculosis, chronic disease and obstetrics. Hospital patients generally require intensive care for periods generally not exceeding several months. |
| 159. | **Hotel**: A building or part thereof containing five (5) or more guest rooms, without kitchens, where lodging is provided for compensation, excluding a fraternity or sorority house, a school or college dormitory, or a tourist home. |
| 160. | **Household**: The occupants of a single dwelling unit, which shall not exceed three (3) unrelated individuals unless otherwise permitted by this Zoning Ordinance. |
| 161. | **Identification sign**: A sign that is permanently attached to or painted on a building and contains only the building name. (Example, the "Allied Arts" Building.) Identification signs shall not be included in the maximum permissible sign area of the district in which it is located. |
| 162. | **Illegal use**: Any use, whether of a building or other structure or of a tract of land, in which a violation of any provision of the Zoning Ordinance has been committed or shall exist. |
| 163. | **Illuminated sign**: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. |
| 164. | **Industrial district**: Includes the I-1, I-2 and I-3 zoning districts. |
| 165. | **Institutional district**: Any district whose designation begins with the letters IN". |

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| 166. | **Inflatable item**: Any item that is capable of being expanded by air, water or other means that exceeds twenty-four (24) inches in diameter, used to advertise a business, service, product, goods, special promotion, activity or event. |
| 167. | **Inventory, historic**: The inventory of historic landmarks, buildings and structures as prepared by the board of historic and architectural review. |
| 168. | **Junk yard**: The use of any space, whether inside or outside a building, for the abandonment, storage, keeping, collection, disassembling or bailing of paper, rags, scrap metal, or other scrap or discarded materials, or for the abandonment, demolition, dismantling, or salvaging of automobiles or other vehicles or machinery or parts thereof; provided, that this definition shall not apply to any such use conducted solely as an accessory use and occupying not more than one hundred (100) square feet of the area of any lot other than any portion of that half thereof that adjoins any street. |
| 169. | **Kennel**: Any building, enclosure, structure, establishment and/or land where dogs, cats, household pets or any other domestic animals are sheltered, fed or watered, groomed, shown, trained, bred, boarded and exercised, cared for or sold for either commercial gain or in exchange for a fee. |
| 170. | **Land Use Development Pattern or Development Pattern:** One or more uses arranged to create a specific type of development that are defined in Article VIII of this ordinance and that may be allowed by right or conditional use permit pursuant to LBCS classifications 9950 et. seq. |
| 171. | **Land with minor improvements**: For purposes of the City's floodplain regulations, a tract of land which:<br>1. Does not include any building or other structure.<br>2. Includes a building or other structure with a floor area of less than four hundred (400) square feet. |
| 172. | **Landscape island**: An area containing a shade tree and other required landscaping not less than one hundred eight (108) square feet for a parking row or two hundred sixteen (216) square feet for a parking bay. |
| 173. | **Large deciduous tree**. A large deciduous tree shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet. A minimum caliper of at least two and one-half (2-1/2) inches at the time of planting shall be required. |
| 174. | **Large farm animal.** An animal with an adult weight of 50 pounds or more that may be kept for agricultural purposes, including, but not limited to horses, cattle, goats, llamas, alpacas, ostriches, emus, ponies and bison, but not including dogs. |
| 175. | **Large scale retail establishment**: retail establishments having a cumulative gross floor area of seventy-five thousand (75,000) square feet or greater in floor area, whether such gross floor area is contained entirely within a freestanding building or is within two (2) or more buildings, whether located on a single lot or contiguous lots owned or operated as associated, integrated or cooperative business enterprises. |
| 176. | **Level of Service (LOS)** – A scale that measures the amount of traffic that a roadway or intersection can effectively and efficiently accommodate, based on such factors as volume, capacity, queues and delay. LOS is graded on a scale of A through F, where LOS-A is free-flowing traffic and LOS-F is a condition where traffic flow is unstable and excessive delay and queuing is expected. |
| 177. | **Limited Access Highway or Freeway**: A public highway to which access is forbidden except at interchanges with other public highways and, in some cases, at specially designed facilities providing automobile, restaurant and other similar services to motorists using the highway. |

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| 178. | **Limited time**: A period of time assumed to be not more than one year unless otherwise specified by the Zoning Ordinance or development approval. |
| 179. | **Loading berth:** A space measuring at least ten (10) feet wide by thirty-five (35) feet long that is used for the loading or unloading of vehicles. |
| 180. | **Local street**: A public street not classified as a freeway, arterial or collector street under the definitions in this section. |
| 181. | **Lodging house**: See Boardinghouse. |
| 182. | **Logo**: Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both. |
| 183. | **Lot:**<br>1. A lot of record existing on the effective date of the Zoning Ordinance or any applicable subsequent amendment thereto.<br>2. A tract of land, either unsubdivided or consisting of two (2) or more contiguous lots of record, located within a single block which on the effective date of the Zoning Ordinance or any applicable amendment thereto was in single ownership or control.<br>3. A tract of land located within a single block, which at the time of filing for a Building Permit (or, if no Building Permit is required, at the time of filing for a Certificate of Occupancy), is designated by its owner or developers as a tract all of which is to be used, developed or built upon as a unit under single ownership or control. |
| 184. | **Lot area per dwelling unit**: That portion of the lot area required for each dwelling unit located on a zoning lot. |
| 185. | **Lot area**: The area of a lot; provided, that if that lot includes any part of the area of a street closed subsequent to the effective date of the Zoning Ordinance, not more than one-half (1/2) the area of such closed street shall be counted as lot area for purposes of determining the maximum floor area ratio or the required lot area per dwelling unit or lot area per room for such zoning lot. |
| 186. | **Lot, corner**: Either a lot bounded by streets on two or more sides or a lot in which the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines forms an angle of one hundred thirty-five (135) degrees or less. |
| 187. | **Lot coverage**: See Coverage, lot. |
| 188. | **Lot depth**: See Depth of lot. |
| 189. | **Lot, interior**: Any lot neither a corner lot nor a through lot. |
| 190. | **Lot line, front**: A street line determined by the Zoning Administrator to be the front of the lot based on prevailing lot patterns and lot dimensions. |
| 191. | **Lot line, rear**: The lot line, opposite or furthest from the front lot line. For triangular lots, the rear lot line shall be the lot line that does not follow a street right-of-way. |
| 192. | **Lot line, side**: Any lot line that is not a front lot line or a rear lot line. |
| 193. | **Lot line**: A boundary of a lot. |
| 194. | **Lot of record**: A lot which is part of a subdivision recorded in the office of the City clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded. |
| 195. | **Lot width**: The horizontal distance between the side lot lines of a zoning lot at the building line. |
| 196. | **Lot, through**: Any lot, not a corner lot, which adjoins two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other. |

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| 197. | **Lowest floor**: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3. |
| 198. | **Lumen per Square Foot:** a measure of illuminance equal to one foot-candle |
| 199. | **Lynchburg commercial historic districts design review guidelines**: A publication adopted by City Council, that gives detailed guidance to property owners of the commercial historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the commercial guidelines document and all amendments thereto are automatically adopted and incorporated into the City code. |
| 200. | **Lynchburg residential historic districts design review guidelines**: A publication adopted by City Council, that gives detailed guidance to property owners of the residential historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the residential guidelines document and all amendments thereto are automatically adopted and incorporated into the City code. |
| 201. | **Mansard roof:** A roof having two slopes on all sides with the lower slope steeper than the upper one |
| 202. | **Manufactured home**:<br>1. A structure, transportable in one (1) or more sections that is certified as complying with HUD's "Manufactured Home Construction and Safety Standards," which is built after 1978 on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.<br>2. For flood plain management purposes the term "manufactured home" also includes mobile homes, park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. |
| 203. | **Manufactured home park or subdivision**: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home spaces or lots for rent or sale. |
| 204. | **Market for agricultural products:** A market selling produce, or other edible products made from and entirely processed on the site of an agricultural operation. |
| 205. | **Medical or dental clinics**: Any building or group of buildings occupied by two (2) or more medical or dental practitioners for the purpose of providing health services to people on an out-patient basis. |
| 206. | **Medical practitioner**: A licensed physician, dentist, osteopath, chiropractor, chiropodist (podiatrist). psychologist or optometrist (but not optician). |
| 207. | **Medium shrubs**. Shrubs and hedge forms having a minimum height of at least two (2) feet at the time of planting. |
| 208. | **Metes and bounds**: The specific boundaries of an area as measured between geographical points. |
| 209. | **Minor map amendment**: A change in the official Zoning Map that is not included in the definition of comprehensive Zoning Map amendment. |
| 210. | **Mobile food cart:** A mobile food establishment that is up to ten (10) feet long and five (5) feet wide and is designed to be pushed by hand or pedaled. |

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| 211. | **Mobile food trailer:** A mobile food establishment that is less than twenty (20) feet long by eight (8) feet wide and is designed to be towed behind a vehicle and capable of vending foods without being connected to another vehicle. |
| 212. | **Mobile food truck:** A self-propelled food establishment that is up to twenty-six (26) feet long and eight (8) feet wide. |
| 213. | **Mobile Food Vehicle**: A Food Establishment that is located upon a vehicle including cars, trucks, carts, motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared, or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks. |
| 214. | **Modified sign**: A sign that is allowed to deviate from the standards set forth in the Zoning Ordinance pursuant to a conditional use permit issued by City Council or a certificate of appropriateness issued by the historic preservation commission. |
| 215. | **Modular home or industrialized building:** A prefabricated homes or industrialized buildings that consist of one or more sections that do not have axles or frames and typically are transported to their site by means of flat-bed trucks. |
| 216. | **Monument sign**: A permanent structure built on-grade in which the sign and the structure are an integral part of one another, not a pole(s) mounted sign. |
| 217. | **Motel or tourist cabin**: A building or group of buildings containing ten (10) or more guest rooms or suites designed or intended to be used, let or hired out which:<br>1. Contain living or sleeping accommodations used primarily for transient occupancy.<br>2. Have individual entrances from outside the building to serve each such living or sleeping unit. |
| 218. | **Mulch**: A protective covering, usually of organic matter placed around plants to prevent evaporation, root freezing and weed growth. |
| 219. | **Mural**: A painting, fresco, or mosaic applied to a wall for the sole purposes of decoration or artistic expression. A mural is not considered a sign unless it includes words or graphics that advertise the products or service of any entity. |
| 220. | **Naturalized planting area**: Any area planted for bioretention containing native or indigenous species that mimics local natural surroundings and is allowed to grow undisturbed. Naturalized planting areas require minimal maintenance. |
| 221. | **Neighborhood norm**: A measure of the average or typical setbacks along two opposing block faces or for three abutting lots (see Sec. 35.2-61.3(f)). |
| 222. | **Neon tubing**: A vacuum tight transparent tube not exceeding one inch (1") in diameter containing, but not limited to neon, argon, helium, xenon, or krypton that produces light when connected to an electrical current. |
| 223. | **New construction**:<br>1. Any construction within a historic district that is independent and exclusive of an existing building or structure or part thereof in the historic district.<br>2. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the City. |
| 224. | **Non-conforming use**: any preexisting structure or object of natural growth that is inconsistent with the provisions of this section or any amendment to this section. |

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| 225. | **Non-contributing property**: A property so designated on the inventory map of historic districts and properties which are adopted as a part of this ordinance, being generally those properties which by reason of age, condition, amount of alterations, form, materials, architectural details and relation to surrounding properties do not contribute favorably to the general character of the part of the historic district in which they are located. |
| 226. | **Nonconforming**: Any lawful use, whether of a building or other structure or of a tract of land, which does not conform to the applicable use regulations of the district in which it is located, either on the effective date of the Zoning Ordinance, or as a result of any subsequent amendment thereto.<br>A nonconforming use shall result from failure to conform to the applicable district regulations on either permitted uses or performance standards. However, no existing use shall be deemed nonconforming solely because of any of the following:<br>1. The existence of less than the required accessory off-street parking spaces or loading berths.<br>2. The existence of nonconforming accessory signs. |
| 227. | **Normal business hours**: means those hours during which most businesses in the community are open to serve customers, which shall be considered from 8:00am to 6:00pm unless otherwise specified herein. |
| 228. | **Nursing homes**: Rest homes and convalescent homes devoted primarily to the maintenance and operation of residential facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but do require care in excess of room and board and who need medical, nursing, convalescent or chronic care. Institutions primarily for the treatment and care of mental patients, alcoholics or drug addicts, and facilities serving less than four (4) persons shall not, for the purpose of the Zoning Ordinance, be considered to be a nursing home. (See also Medical clinics, Hospitals and Sanatorium). |
| 229. | **Obstruction**:<br>1. For purposes of floodplain regulations, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or flood hazard area which may impede, retard or change the direction of flow of water, either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to the damage of life or property.<br>2. For purposes of airport overlay zoning, any structure, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in section 35.2-57.4. |
| 230. | **Off-site directional sign**: A sign that directs traffic to a site other than the site on which the sign is located. |
| 231. | **Off-street loading berth –** A space for temporarily parking vehicles for loading or unloading that measures at least 30 feet in length by 12 feet wide and having at least 14 feet of clearance. |
| 232. | **Official Zoning Map**: That map dividing the City into specific zones or districts. |
| 233. | **One hundred (100) year flood (base flood):** A flood that has one (1) chance in one hundred (100) or a one (1) per cent chance of being equaled or exceeded in any given year. |

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| 234. | **Open Space**: Any land or area, the preservation of which would: conserve and enhance scenic resources, protect streams, promote conservation of soils or provide for passive or active recreational space. Open spaces may include plaza areas, provided they contain a landscaped component. Required setback areas may be included in the computation of required open space. |
| 235. | **Opinion sign**: A sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view. |
| 236. | **Ornamental tree**: Deciduous tree that grows to a mature height of less than thirty (30) feet with flowering or other distinguishing characteristics. |
| 237. | **Outdoor storage:**<br>1. For residential properties, anything that is not normally found in residential yards and on porches, including, but not limited to indoor furniture, construction materials, auto parts, appliances and the clutter of various personal items, inoperable vehicles or stacks of containers in plain view. Equipment regularly used for lawn maintenance, outdoor furniture, children's toys, bicycles and neatly stacked firewood are not generally considered to be outdoor storage, however an excess of those items, or equipment in disrepair may be considered illegal outdoor storage.<br>2. For non-residential and mixed-use properties, the outdoor storage includes the storage of goods, materials, inoperable vehicles, appliances or other materials that are not a specifically authorized outdoor display. |
| 238. | **Outparcel**: A parcel located on the outside perimeter of a commercial development fronting a right of way. |
| 239. | **Owner**: means any person with fee simple title to any plot of land within the City who desires to develop, construct, build, modify, or erect a tower upon such land. |
| 240. | **Parapet wall**: A wall that extends above the top of a flat roof or flat portion of a roof. |
| 241. | **Parcel**: is considered to be that plot of land described by property lines. When multiple parcels are owned and used by the same party, the grouping may be considered to constitute the parcel. |
| 242. | **Parking area, off-street**: An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least three hundred (300) square feet of parking area per parking space and the required number of usable parking spaces. |
| 243. | **Parking bay**: Two (2) parking rows abutting one another or separated by ten (10) feet or less. |
| 244. | **Parking garages**: A building occupied by a public, community, commercial or private establishment providing space for the temporary storage of six (6) or more automobiles and other vehicles, where service or repair facilities are not permitted. A parking garage shall not be considered an accessory use, nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk, nor shall the sale of automobiles or trailers take place within it unless otherwise permitted by the Zoning Ordinance. |
| 245. | **Parking lot**: An open lot serving the functions defined above for a parking garage. |
| 246. | **Parking row**: One (1) single line of parking spaces. |

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| 247. | **Parking space**:<br>1. An off-street space available for the parking of one (1) motor vehicle on a transient basis and having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet, exclusive of passageways and driveways appurtenant thereto and having direct usable access to the street.<br>2. An on-street space available for the parking of one motor vehicle on a transient basis, having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet. |
| 248. | **Pedestrian facility**: A sidewalk, walking path, bike path or transit / shuttle stop. |
| 249. | **Pennant**: Any lightweight plastic, fabric or other similar material, whether or not containing copy suspended from a rope, wire, or string, usually in series, designed to move in the wind. |
| 250. | **Permanent sign**: Any sign attached to the ground or any structure, intended to exist for the life of the structure or use, and which cannot be removed without involving any structural or support changes. |
| 251. | **Permeable or Porous:** Capable of allowing water to be conducted through a material, as in permeable surfaces such as grass or soils and porous pavement. |
| 252. | **Person**: is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit. |
| 253. | **Phasing Plan:** A plan for the development in more than one stage or phase in accordance with section 35.2-11.4. |
| 254. | **Planned unit development or PUD**: A multiple-unit residential development of at least five (5) acres arranged in harmony with purposes, provisions and procedures for the planned unit development. |
| 255. | **Pole mounted sign**: A sign that is mounted on one or more freestanding poles or similar supports. |
| 256. | **Political sign**: A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a government election. |
| 257. | **Porch:** an area elevated above grade that adjoins an entry to a building that may be covered or open. |
| 258. | **Portable sign**: A sign which is movable without involving any structural or support changes, not permanently attached to the ground, a structure or any other sign not an integral part of a building to which it is accessory. This category includes, but is not limited to, an A-frame sign, a sign attached to or placed on a vehicle, which is used primarily for the purpose of display, and similar devices used to attract attention. This shall not include bumper stickers or identification signs directly applied to or painted on vehicles identifying the owner of the vehicle, a business name, logo or emblem. |
| 259. | **Preservation**: Any activity designed to prevent deterioration or destruction of a structure, a group of structures, or an area or a district. |
| 260. | **Primary surface**: An imaginary surface, whose design standards are referenced in section 35.2-57.3, longitudinally centered on an airport runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. |
| 261. | **Private recreational facilities**: A facility such as a swimming pool, tennis court or basketball court which is an accessory use located on a residential lot, the use of which is restricted to the occupants of the principal use and guests for whom no admission or membership fees are charged. |

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| 262. | **Programmed**: For the purposes of the Zoning Ordinance, the word "programmed" shall refer to a public facility which has been formally scheduled for construction within the following ten (10) years. Such formal scheduling may be in terms of an approved capital improvements program, an officially adopted thoroughfare, public utilities or community facilities plan specifying the approximate date of construction of the facility, or a similar official plan or program. |
| 263. | **Projecting sign**: A sign that is attached to and projects at an angle and extends more than fifteen (15) inches from the face of the wall of a building. |
| 264. | **Public utility**: A public utility is an activity, or a building housing such an activity, which operates to serve the community as a whole, or a portion of the community, which is publicly run or subject to special government controls and which is overseen by the State Corporation Commission. |
| 265. | **Public**: Any land, structure or building owned, used or maintained by the City government, or a regional authority of which the City is a member, or their agencies. |
| 266. | **Radio frequency engineer**: means a professional engineer licensed by the Commonwealth of Virginia with appropriate documented expertise in radio frequency engineering. |
| 267. | **Raising**: Providing vertical clearance under tree canopy by using appropriate pruning techniques. |
| 268. | **Re-facing**: The replacement of a sign face, regardless of change in copy, of equal size to the original, without altering the sign box, sign frame or sign structure. |
| 269. | **Reach**: Longitudinal segments of a river or stream, which will be affected by the placement of an obstruction in a floodway or floodway fringe. |
| 270. | **Real estate sign**: A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house. |
| 271. | **Reconstruction**: Any activity designed to rebuild entirely, or partially, a structure. |
| 272. | **Recreation facility, active:** A field, court building or other structure designed for a specific range of sports or other physical activities, including but not limited to ball fields, tennis courts, swimming pools, gyms and other indoor athletic facilities and playground equipment. |
| 273. | **Recreation facility, passive:** An open field, woods, trail or other public open space that may be used for a wide range of activities, including, but not limited to hiking, biking, picnicking or playing a variety of different sports. Passive recreation facilities may include picnic tables, water fountains and surfaced trails, but do not include buildings or structures devoted to limited ranges of sports activities. |
| 274. | **Recreational vehicle** – A vehicle which is:<br>1. built on a single chassis;<br>2. four hundred (400) square feet or less when measured at the largest horizontal projection;<br>3. designed to be self-propelled or permanently towable by a light duty truck; and,<br>4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel or seasonal use. |
| 275. | **Regulatory flood protection level**: That level delineated by the one hundred (100) year flood. |
| 276. | **Rehabilitation**: Any activity designed to place a structure into a usable condition with or without architectural change. |
| 277. | **Religious Institution**: a church, synagogue, temple, mosque, convent, monastery or other place of worship |
| 278. | **Renovation**: Any activity relating to the updating and/or the modernization of an older structure involving architectural change. |

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| 279. | **Repairs in like material and like design**: Any work or all work involving the replacement of existing material with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction design. |
| 280. | **Residence**:<br>1. A building or part of a building containing dwelling units or rooming units, including single-household or two-household houses, multiple dwellings, boarding or rooming houses or apartment hotels. Residences do not include the following:<br>a. Such transient accommodations as transient hotels, motels, tourist cabins or trailer courts.<br>b. Dormitories, fraternity or sorority houses, monasteries or convents.<br>c. In a mixed building, that part of the building used for any nonresidential uses, except accessory to residential uses.<br>2. For the purposes of determining setback and/or height requirements for IN-1 District, a residence shall not include any properties owned, leased, or used by the institution regardless of zoning or land use. |
| 281. | **Residence, single-household**: A building containing only one (1) dwelling unit. |
| 282. | **Residential**: Pertaining to one or more residences. |
| 283. | **Residential district**: Any district whose designation begins with the letter "R". |
| 284. | **Residential Street** – any local City street where the majority of land use on one or both sides of the street within the block is residential. |
| 285. | **Restoration**: Any or all work connected with the returning to or restoring of a building, or part of any building, to its original condition through the use of original or nearly original materials. |
| 286. | **Retail establishment**: A commercial enterprise that provides a combination of goods and / or services directly to the consumer, where the principal use is providing goods that are available for immediate small quantity purchase and removal from the premises by the purchaser. |
| 287. | **Riding stable**: Any zoning lot used or designed for the boarding, breeding or care of horses or ponies, other than for farming or agricultural purposes, either with or without instruction in riding. |
| 288. | **Riprap**: A permanent, large, loose angular stone generally used for erosion and sediment control in concentrated high velocity flow areas. |
| 289. | **Roof sign**: A sign installed or constructed upon or above a roof. |
| 290. | **Rooming house**: A dwelling consisting of one (1) single building in which, for compensation, lodging or meals, or both, are furnished to transient or non-transient guests. A rooming house shall not be deemed a home occupation. |
| 291. | **Runway**: a specified area on an airport prepared for landing and takeoff of aircraft. |
| 292. | **Sanitary or solid waste management facility, private**: A sanitary or solid waste management facility that is not a public sanitary or solid waste management facility, and which is owned and operated by a private entity for the purpose of handling sanitary or solid waste generated only by such private entity. |
| 293. | **Sanitary or solid waste management facility, public**: A sanitary or solid waste management facility owned or operated by or on behalf of the City of Lynchburg or a regional solid waste management authority of which the City of Lynchburg is a member. |

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| 294. | **Sanitary or solid waste management facility**: Any facility or zoning lot used for: (i) the disposal of solid waste materials by abandonment, discarding, dumping, reduction, burial, incineration or any other means, including accessory uses such as recycling, cogeneration, and methane recovery, or (ii) a transfer station for solid waste storage or collection at which solid waste is transferred from collection vehicles to haulage vehicles, including but not limited to trucks, trains, and tandem trailers, for transportation to a central solid waste management facility for disposal or resource recovery. This definition does not include transportable waste receptacles of commercial solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, motels, hotels, multiple residences, picnic grounds and day-use recreation areas. This definition also does not include recycling bins. |
| 295. | **School**: An institution, including kindergartens providing full-time day instruction and a course of study that meets the requirements of the laws of the State of Virginia. |
| 296. | **Screening**: A method of visually shielding or obscuring items such as a structure, receptacle, parking area, equipment, or stormwater management pond by densely planted landscaping, or a combination of landscaping, berms, solid fences and/or walls. |
| 297. | **Service station**: See Automobile service station. |
| 298. | **Setback**: See building line. |
| 299. | **Shade tree**: Deciduous tree that grows to be more than thirty (30) feet at maturity and planted chiefly to provide shade from sunlight. |
| 300. | **Shallow flooding area** – A special flood hazard area with the base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. |
| 301. | **Shrub, large**: A shrub with a minimum height of three (3) feet at planting. |
| 302. | **Shrub medium**: A shrub with a minimum height of two (2) feet at planting. |
| 303. | **Shrub small**: A shrub with a minimum height of one (1) foot at planting. |
| 304. | **Shrub:** A woody plant deciduous or evergreen that generally exhibits several erect, spreading stems with a bushy appearance growing to a height of no more than fifteen (15) feet. |
| 305. | **Sign base**: The area below any writing, pictorial representation, emblem or any other figure of similar character on a sign face. This shall include solid bases, poles, supports, uprights, skirts and/or enclosures. |
| 306. | **Sign box**: A structure that encloses the sign face(s) and any internal illumination. |
| 307. | **Sign face**: The area or display surface used for the message, not including the sign frame or sign structure. |
| 308. | **Sign frame**: The enclosure and/or embellishment that surround the sign face. |
| 309. | **Sign structure**: An assembly of material used to support a sign face and/or sign frame. |

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| 310. | **Sign**: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark) or any other figure or graphic of similar character for the purpose of communicating information to the public which is:<br>1. Attached to or painted on a structure, or in any other manner represented on a building, other structure or motor vehicle;<br>2. Used to announce, direct attention to, or advertise;<br>3. Visible from the outside of a building. A sign shall include writing, pictorial representation, emblem or any other figure of similar character within a building when located less than twelve (12) inches away from the inside face of an exterior window pane; and<br>4. Accessory to the permitted uses in the zoning district. |
| 311. | **Slope**: The deviation of a surface from the horizontal. |
| 312. | **Solid waste**: Any discarded material, including, but not limited to, garbage, trash, refuse, junk, debris, leaves, brush, land clearing debris, demolition materials, ash, sludge, spoil, used or waste oil, and machinery or vehicles or parts thereof. |
| 313. | **Stable, riding**: See Riding stable. |
| 314. | **Standard project flood limit (SPFL):** That portion of land inside the floodplain that would be required to carry forty (40) per cent to sixty (60) per cent of the maximum probable flood, and normally could be expected to occur at a five hundred (500) year frequency. |
| 315. | **Start of construction**: The date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of the property accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. |
| 316. | **State**: means the Commonwealth of Virginia. |
| 317. | **Stealth**: means any tower or telecommunications facility that is designed to blend into the surrounding environment through the use of camouflage or other appropriate landscaping or construction techniques. |
| 318. | **Story**: That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. However, a cellar is not a story. |
| 319. | **Streamer**: Any long narrow strip of cloth, paper, plastic or other material. |
| 320. | **Street line**: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If, on the master plan of streets and highways duly adopted by the City, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line. |
| 321. | **Street width**: The distance between street lines, measured at right angles to the center line of the street. |

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| 322. | **Street, center line of**: A line established as a center line of a street by any state, City or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map. If there is no official center line of a street, the center line shall be a line lying midway between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the City Engineer or, in the absence of a determination by the department of public works, shall be assumed to be a line midway between the edges of such pavement or traveled way. |
| 323. | **Street**: A street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct, or any segment thereof, lying within a public right-of-way at least twenty (20) feet in width. |
| 324. | **Structural engineer**: means a structural engineer licensed by the Commonwealth of Virginia. |
| 325. | **Structure**:<br>1. Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, poles and electric lines of overhead transmission routes, and flag poles.<br>2. For purposes of floodplain regulation, anything constructed, set, placed or erected on the ground or attached to the ground including, but not limited to, buildings, factories, sheds, cabins, manufactured homes and other similar items which shall be anchored and floodproofed within the flood plain. |
| 326. | **Subdivision**: The division of any tract or parcel of land, including frontage along an existing street or highway, into two (2) or more zoning lots; or any improvement of land by two (2) or more principal buildings for the purpose, whether immediate or future, of building development for rental, lease or sale, which may include changes in street or lot lines; provided, however, that this definition of a subdivision shall not include the divisions of land into ten (10) acres or more for agricultural uses. |
| 327. | **Substantial damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damaged occurred. |

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| 328. | **Substantial improvement**:<br>1. For purposes of the historic district, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the *start of construction* of the improvement. The term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:<br>a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or<br>b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.<br>2. For purposes of floodplain regulation,<br>a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) per cent of the market value of the structure either:<br>i. before the improvement or repair is started; or<br>ii. if the structure has been damaged, and is being restored, before the damage occurred.<br>b. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:<br>i. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or<br>ii. any alteration of a structure listed on the national register of historic places or a state inventory of historic places.<br>c. The repair, reconstruction or improvement of the streets, utilities and pads in a manufactured home park or manufactured home subdivision which equals or exceeds fifty (50) per cent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced. |
| 329. | **Surface area of sign**: The entire area of the sign within a single continuous perimeter including the extreme limits of writing, pictorial representation, emblem, figure, graphic, or any figure of similar character. The sign base, box, frame, and/or structure shall not be considered the surface area of a sign unless there is writing or internal illumination on such sign components. For the purpose of computing, the surface area of a double-faced sign or a V-type sign shall be considered a single structure; provided, that the interior angle of the V-type sign does not exceed forty-five (45) degrees. |
| 330. | **Swimming pool, commercial**: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, open to the general public and operated for profit. |

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| 331. | **Swimming pool, community**: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, operated by members of more than two (2) families for the benefit of such group and not open to the general public, whether incorporated or unincorporated, whether organized as a club or cooperative or association, providing that it is not organized for profit and that the right to use said pool is restricted to such families and their guests. A swimming pool and/or wading pool operated as part of a multiple dwelling is also a community swimming pool, providing that it is not operated for profit, and that the right to use said pool is restricted to tenants of the multiple dwelling and their guests. |
| 332. | **Swimming pool, private**: See private recreational facilities. |
| 333. | **Telecommunications facilities**: means any cables, wires, lines, wave guides, antennas, and any other equipment associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or has installed upon or near a tower or antenna support structure. The term telecommunications facilities shall not include:<br>1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or<br>2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or<br>3. Any federally-licensed amateur radio station operators. |
| 334. | **Temporary sign**: A sign designed or intended to be displayed for a limited period of time as indicated in the Zoning Ordinance. |
| 335. | **Thrift store**: A store selling used items, particularly clothing for the benefit of a charitable organization. |
| 336. | **Topping**: An inappropriate practice of making heading cuts to plants through a stem more than two (2) years old that drastically reduces tree height, destroys tree architecture and results in discoloration, decay of the cut stem, or death of the tree. |
| 337. | **Tourist home or bed and breakfast**: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation. |
| 338. | **Tower owner**: means the person that owns or controls a telecommunications tower. |
| 339. | **Tower**: means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC. |
| 340. | **Townhouse:** One of a series of from three (3) to nine (9) attached dwelling units separated from one another by common vertical walls with no openings; provided, that the maximum density permitted hereunder shall not be exceeded. |
| 341. | **Trailer**: A residence, house car, camp car or any portable or mobile vehicle on wheels, skids or rollers, not structurally anchored to a foundation, either self-propelled or propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used for residential, commercial, recreational, hauling or storage purposes. |
| 342. | **Transitional surfaces**: Imaginary surfaces for airport operations, whose design standards are referenced in section 35.2-57.3, which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. |

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| 343. | **Tree, small deciduous**. A small deciduous tree shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least one and three-fourths (1-3/4) inches at the time of planting shall be required. |
| 344. | **Unified and coordinated building mounted signs**: Signs that are similar in construction technique, but not including font, or color. |
| 345. | ***Unified Ownership or Control*** - The interest in title to a unit of land legally or beneficially held or controlled by one or more individual persons or entities related by a common business organization or other type of organization, as indicated by the fact that all land abutting such unit is owned or controlled by persons or entities who do not differ to any extent in identity or interest held. |
| 346. | **Use, accessory**: See accessory use. |
| 347. | **Use**:<br>1. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied.<br>2. Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.<br>3. The term "permitted use," or its equivalent, shall not be deemed to include any nonconforming use. |
| 348. | **Utility line, distribution** – A utility line that has the primary purpose of distributing services within easements or rights of way and connecting to service utility lines. |
| 349. | **Utility line, service** – A utility line providing a connection between a utility distribution line and the end user. |
| 350. | **Utility line, transmission** – A utility line intended to convey high capacities of services through the community and between communities from the source of the services (treatment or generation plant) to a substation connecting to the distribution system. |
| 351. | **Wall plane projections**: An architectural feature or wall jutting out at least three (3) feet from the primary plane of a building wall. |
| 352. | **Water feature**: A stormwater management structural measure such as a stormwater retention pond, bioretention, forebay, or landscape garden pond that is wet permanently or intermittently during rain events and contains landscaping that is hydric or water tolerant. |
| 353. | **Water surface profiles**: The elevations in relation to the mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points along a stream. |
| 354. | **Watercourse:** A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. |
| 355. | **Window sign**: A sign attached to, applied directly to, or located within twelve (12) inches from a door or window. |

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| 356. | **Yard Sale**: Permitted in Zoning Districts used for residential purposes provided the following is adhered to:<br>1. A total of two (2) sales permitted per calendar year per street address.<br>2. A sale shall not exceed two (2) consecutive days.<br>3. Sale shall consist primarily of those personal items accumulated and used by the occupant of the premises.<br>4. There shall be a minimum interval of four (4) months between sales.<br>5. One sign not exceeding three (3) square feet in area will be permitted on premises the day of the sale and shall be promptly removed at end of each sale day.<br>6. Signs advertising a sale are prohibited on street right-of-ways.<br>7. Permitted sale shall not create adverse conditions such as noise, nor impede pedestrian or vehicular traffic. |
| 357. | **Yard, front**: The area between the front lot line and the front of the building and extending from the front corners of the building to the side property lines. |
| 358. | **Yard, rear**: A area between the rear of the building and the rear property line and extending from the rear corners of the building to the side property lines. |
| 359. | **Yard, side**: The area between the side of a building and the side property lines |
| 360. | **Zone, airport**: For purposes of the airport overlay district, all areas, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces. |
| 361. | **Zoning district:** The base or overlay zoning designation assigned to each parcel of land within the City of Lynchburg. |
| 362. | **Zoning maps**: Maps designating the adopted base and overlay zoning district designations for each parcel of land within the City of Lynchburg. |

# Appendix A: Table of Authorized Land Uses

Green highlight indicates use was allowed in one of two consolidated districts. Blue highlight indicates a new use in a district.

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **RESIDENCE OR ACCOMMODATION FUNCTIONS** | **1000** | Homes, apartments, housing for the elderly, and hotels | | | | | | | | | | | | | | |
| **Private Dwelling** | **1100** | Single-Household homes, doubles, apartments, Condominiums, manufactured homes, Townhouses; excludes households with special provisions | | | | | | | | | | | | | | |
| **Single-household** | **1110** | | | | | | | | | | | | | | | |
| **single-household detached** | **1111** | Typical single-household dwelling | P | P | P | P | P | P | P | | C | | P | | | |
| **single-household semi-detached** | **1112** | One of two dwellings separated by a party wall | | | | P | P | | | | C | | P | | | |
| **single-household attached (townhouse)** | **1113** | Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered | | | | C | P | C | C | P | C | | P | | | |
| **modular home** | **1114** | | P | P | P | P | P | P | P | | C | | P | | | |
| **manufactured home** | **1115** | | C | | | | | | | | C | | C | | | |
| **manufactured home community** | **1116** | Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites | | C | C | C | C | | | | | | C | | | |
| **Two-household (duplex)** | **1120** | | | | | P | P | C | C | | C | | P | | | |
| **Three or More Households (see district regulations for limitations)** | **1130** | Includes triplexes, four-plexes, and other multi-household dwellings | | | | | P | C | C | P | C | | P | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Housing Services** | **1200** | Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520) | | C | C | C | C | P | P | P | P | P | P | | | |
| **Hotels, Motels, or Other Accommodation Services** | **1300** | Lodging and short-term accommodation for travelers | | | | | | | | | | | | | | |
| **Bed and Breakfast and Tourist Homes** | **1310** | Guest rooms in a private home or accessory building to a private home | C | C | C | C | C | P | P | P | P | | P | | | |
| **Rooming and boarding** | **1320** | Dormitory, fraternity or sorority house or other specific group of members | | | | | | | | | | | | | | |
| **boarding house** | **1321** | Transient or non-transient lodging that may include meals and is owner occupied | | C | C | C | C | P | P | P | P | | P | | | |
| **rooming house** | **1322** | Transient or non-transient lodging that may include meals | | | | C | C | P | P | P | P | | P | | | |
| **dormitory, sorority or fraternity house** | **1323** | Allowed only as accessory uses to and owned by a college or university | | C | C | C | C | C | C | C | C | P | P | | | |
| **Hotel, motel, or tourist court** | **1330** | Hotels that do not have gambling services; includes extended-stay hotels | | | | | | | P | P | P | | P | C | | |
| **Other traveler accommodations** | **1350** | Youth hostels and similar short-term lodging | | | | | | | | | | | | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **GENERAL SALES OR SERVICES** | **2000** | Comprises the vast majority of establishments associated with commercial land use | | | | | | | | | | | | | | |
| **Retail Sales or Service and Repair** | **2100** | Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair. Auctions are allowed where sales of items to be auctioned are allowed pursuant to applicable district regulations. | | | | | | | | | | | | | | |
| **Automobile sales or service establishment** | **2110** | Motor vehicle and parts dealers including repair and maintenance | | | | | | | | | | | | | | |
| **car, motorcycle, manufactured homes or RV dealer** | **2111-2113** | New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses | | | | | | | | | P | | P | | | |
| **bicycles** | **2113b** | New or used bicycle sales, rental and repair | | | | | | P | P | P | P | | P | | | |
| **boat or marine craft dealer** | **2114** | New or used boats sales, rental and related repair services | | | | | | | | P | P | | P | | | |
| **parts, accessories, or tires** | **2115** | Automotive parts and supply stores, automotive stereo stores. | | | | | | | P | P | P | | P | | | |
| **gasoline service** | **2116** | Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair, and heavy auto repair | | | | | | | P | C | P | | P | | | C |
| **automotive repair and maintenance** | **2117** | Repair garages, body and paint shops, oil change, car wash | | | | | | | | | | | | | | |
| **light auto repair (automobile service station)** | **2117a** | Oil change, light auto repair and car wash. May include gasoline and other retail sales. | | | | | | | C | C | P | | P | | P | P |
| **heavy auto repair** | **2117b** | Auto repair, paint and body shops. May include gasoline and other retail sales. | | | | | | | | C | P | | P | | P | P |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **truck stop** | **2118** | Retailing fuels primarily to trucks or in combination with activities such as providing repair or food services | | | | | | | | | | | | | | |
| **Heavy consumer goods sales or service** | **2120** | Heavy or durable goods sales or services | | | | | | | | | | | | | | |
| **furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances** | **2121-2125** | Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores. | | | | | | | P | P | P | | P | | | |
| **lumber yard and building materials; heating and plumbing equipment; heavy equipment** | **2126-2128** | Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650) | | | | | | | | | P | | P | | P | P |
| **Durable consumer goods sales and service** | **2130** | Wide range of product lines such as apparel, appliances, hardware, jewelry, etc. | | | | | | | | | | | | | | |
| **computer and software** | **2131** | Computers and prepackaged software including repair, support, and training | | | | | | | P | P | P | | P | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies** | **2132-2135** | Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies. | | | | | | P | P | P | P | P | P | | | |
| **Consumer goods, other** | **2140** | Establishments that retail merchandise (except groceries or health items) not included in preceding codes | | | | | | | | | | | | | | |
| **florist, art supplies, tobacco products** | **2141-2143** | Florists, art supplies and art dealers, frame shops, tobacco products | | | | | | P | P | P | P | | P | | | |
| **art galleries** | **2142b** | Excludes art supply sales and retail framing services | | C | C | P | P | P | P | P | P | | P | | | |
| **mail order or direct selling establishment** | **2144** | Retailing other than through locations where shoppers physically visit | | | | | | | | P | P | | P | | P | P |
| **antique shop** | **2145** | Antique shops, (excludes flea markets, thrift stores and pawn shops) | | | | | | P | P | P | P | | P | | | |
| **flea markets and thrift stores** | **2145b** | Flea markets, consignment shops and thrift stores | | | | | | | P | P | P | | P | | | |
| **Grocery, food, beverage, dairy** | **2150** | Retail food and beverage merchandise from fixed point-of-sale locations | | | | | | | | | | | | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **grocery store, supermarket, or bakery, convenience store, specialty food stores** | **2151-2154** | Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales) | | | | | | P | P | P | P | | P | | | |
| **beer, wine, and liquor store** | **2155** | | | | | | | P | P | P | P | | P | | | |
| **Health and personal care** | **2160** | Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements | | | | | | P | P | P | P | | P | | | |
| **Markets for farm produce or crafts** | **2199** | Markets and truck gardens. Note that limited to goods produced on site in the RC district. | P | | | | | | C | C | P | | P | | | |
| **Finance and Insurance** | **2200** | | | | | | | | | | | | | | | |
| **Bank, credit union, or savings institution** | **2210** | Central banking functions | | | | | | P | P | P | P | | P | | | |
| **Credit and finance businesses** | **2220** | | | | | | | | | | | | | | | |
| **credit card and other financing** | **2221** | Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing | | | | | | P | P | P | P | | P | | | |
| **pawn shops** | **2222** | | | | | | | | P | P | P | | P | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **short-term loans** | **2223** | Pay-day lenders and other businesses providing loans with terms of 45 days or less | | | | | | | P | P | P | | P | | | |
| **precious metal buyers** | **2224** | Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers) | | | | | | | P | P | P | | P | | | |
| **Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment** | **2230-2250** | Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries | | | | | | P | P | P | P | | P | | | |
| **Real Estate, Rental and Leasing** | **2300** | Rent, lease or occasionally sell assets | | | | | | | | | | | | | | |
| **Real estate services** | **2310** | Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices | | | | | | P | P | P | P | | P | | | |
| **Property management services** | **2320** | Manage real property for others | | | | | | | | | P | | P | | | |
| **Rental and leasing** | **2330** | Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators | | | | | | | | | | | | | | |
| **vehicles** | **2331 & 2332** | Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided | | | | | | | C | | P | | P | | | |
| **recreational goods rental** | **2333** | Rent skis, canoes, bicycles, sailboats, motorcycles | | | | | | | | P | P | | P | | | |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **commercial, industrial or consumer machinery and equipment rental** | **2334 - 2335** | Rent or lease: a) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing) b) personal and household-type goods and a range of equipment geared toward consumers | | | | | | | | | P | | P | | P | P |
| **heavy equipment rental** | **2337** | Includes construction vehicles with gross weights exceeding 26,000 pounds and agricultural vehicles | | | | | | | | | | | | | P | P |
| **Business, Professional, Scientific, and Technical** | **2400** | Perform professional, scientific, and technical services | | | | | | | | | | | | | | |
| **Professional services** | **2410** | Services provided depend on worker skills and knowledge rather than equipment | | | | | | | | | | | | | | |
| **Professional offices** | **2411-2414** | Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design | | | | | | P | P | P | P | | P | | | |
| **consulting services (management, environmental technical)** | **2415** | Advise and assist businesses on management, scientific, and technological issues | | | | | | P | P | P | P | | P | P | | |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **scientific research and development services** | **2416** | Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices. | | | | | | P | P | P | P | | P | P | | |
| **Advertising, media and photography services** | **2417** | Includes advertising, marketing and public relations agencies, photographic studios and photographic services. | | | | | | | P | P | P | | P | P | | |
| **veterinary services** | **2418** | Veterinary medicine, testing services for veterinary practitioners | | | | | | | C | P | P | | P | | | |
| **other professional offices** | **2419, 6810, 6820** | Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts | | | | | | P | P | P | P | | P | | | |
| **Administrative services** | **2420** | Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing) | | | | | | | | | | | | | | |
| **office administrative services** | **2421** | Office administration such as billing, record keeping, personnel, organizational planning | | | | | | P | P | P | P | | P | P | | |
| **facilities support services** | **2422** | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc. | | | | | | P | P | P | P | | P | P | | |
| **employment agency** | **2423a** | Provide employee placement, temporary help | | | | | | P | P | P | P | | P | | | |
| **hiring hall** | **2423b** | Place of assembly for the registration or assignment of employment | | | | | | | | | P | | P | | | |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **copy center, private mail center, other business support services** | **2424** | Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners | | | | | | P | P | P | P | | P | P | | |
| **collection agency** | **2425** | Collect payments, compile credit information, repossess tangible assets | | | | | | P | P | P | P | | P | | | |
| **Travel arrangement and reservation services** | **2430** | Promote or sell travel, includes convention and visitors' bureaus | | | | | | P | P | P | P | | P | | | |
| **Investigation and security services** | **2440** | Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths | | | | | | | P | P | P | | P | | | |
| **Services to buildings and dwellings** | **2450** | Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454) | | | | | | | | | P | | P | | | |
| **packing, crating** | **2455** | | | | | | | | | | P | | P | | P | P |
| **Food Services** | **2500** | Prepare meals, snacks, and beverages | | | | | | | | | | | | | | |
| **Restaurants, cafeterias, snack bars & catering** | **2510-2530 &2560** | Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards. | | | | | | P | P | P | P | | P | C | | |
| **Mobile food services** | **2550** | Prepare and serve meals and snacks for immediate consumption from motorized vehicles | | | | | | | P | P | P | | P | P | P | P |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Food service contractor and vending machine operators** | **2570 & 2580** | Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service | | | | | | | | P | P | | P | | P | P |
| **Personal Services** | **2600** | Category for personal service establishments not classified elsewhere such as bail bonding, wedding planning, psychic services, etc. | | | | | | | | | | | | | | |
| **Personal care** | **2610** | Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services | | | | | | P | P | P | P | | P | | | |
| **Dry cleaning and laundry** | **2620** | | | | | | | | | | | | | | | |
| **laundromat and dry cleaning** | **2621 & 2622** | Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services | | | | | | P | P | P | P | | P | | | |
| **linen and uniform supply** | **2623** | | | | | | | | | | P | | P | | P | P |
| **Photofinishing** | **2630** | Primarily engaged in developing film or making slides, etc. | | | | | | P | P | P | P | | P | | | |
| **Parking lot and parking garage** | **2640** | See district standards | | | | C | C | P | P | P | P | | P | P | P | P |
| **Special Services** | **2650** | | | | | | | | | | | | | | | |
| **licensed massage therapist** | **2651** | | | | | | | P | P | P | P | | P | | | |
| **tattoo parlor** | **2652** | Tattoos by a licensed professional | | | | | | | | P | P | | P | | | |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **adult retail establishment** | **2653** | Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods | | | | | | | P | P | P | | P | | | |
| **Pet and Animal Sales or Service (except Veterinary)** | **2700** | Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking | | | | | | | | | | | | | | |
| **Pet or pet supply store** | **2710** | Retail pets, pet foods, pet supplies | | | | | | | P | P | P | | P | | | |
| **Animal and pet services and kennels** | **2720** | Boarding, grooming, sitting, and training (except veterinary and horse boarding) | | | | | | | | | | | | | | |
| **animal services** | **2721** | grooming and training | | | | | | | P | P | P | | P | | | |
| **animal boarding** | **2722** | sitting and boarding | | | | | | | C | | P | | P | | | |
| **pet cemetery** | **2723** | | | C | C | C | C | C | P | | P | | P | | | |
| **MANUFACTURING AND WHOLESALE TRADE** | **3000** | When captive services such as accounting are provide by a separate establishment, they are classified in the appropriate function code and not in manufacturing | | | | | | | | | | | | | | |
| **Foods, Textiles, and Related Products** | **3100** | Produce food, tobacco, textiles, and leather | | | | | | | | | | | | | | |
| **Food and beverages** | **3110** | Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting | | | | | | | | P | P | | P | | P | P |
| **Tobacco manufacturing** | **3120** | | | | | | | | | | | | | | P | P |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Textiles, leather and leather substitute products** | **3130 & 3140** | Textile mills, apparel manufacturers and canvas making; dying plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning) | | | | | | | | | P | | P | P | P | P |
| **Wood, Paper, and Printing Products** | **3200** | | | | | | | | | | | | | | | |
| **Wood products** | **3210** | Except furniture | | | | | | | | | | | | | P | P |
| **Paper and printing materials** | **3220** | Manufactures paper and offer printing-related products | | | | | | | | | | | | | P | P |
| **Furniture and related products** | **3230** | Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures | | | | | | | | P | P | | P | | P | P |
| **Chemicals, and Metals, Machinery, and Electronics Manufacturing** | **3300** | Transform or refine chemicals or metals, and manufacture products from chemicals or metals | | | | | | | | | | | | | | |
| **Petroleum products** | **3310** | Transform crude petroleum into usable products | | | | | | | | | | | | | | |
| **liquid petroleum gas storage / sales** | **3311** | This category addresses wholesale services and does not apply to incidental sales for home use | | | | | | | | | | | | | | P |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Chemicals, plastic and rubber products; non-metallic mineral products, primary metal manufacturing; transportation equipment manufacture** | **3320 – 3340 & 3370** | Manufacture inorganic chemicals, plastic or rubber products, adhesives, pharmaceuticals, wax products, insulation, bricks, ceramics, glass, cement, concrete, statuary, stone products, basic metal products, such as bars, rods, wires, and castings or finished products; produce equipment for transporting people and goods | | | | | | | | | | | | | P | P |
| **Machinery , electrical equipment, appliance, and components manufacturing** | **3350 & 3360** | Make machinery for particular applications, such as construction, ventilation, heating and cooling; manufacture computers, communication equipment, lighting equipment, batteries, motors, appliances, household goods and medical equipment | | | | | | | | | | | | P | P | P |
| **Transportation equipment and automobiles** | **3370** | Produce equipment for transporting people and goods. Includes tire retreading and rebuilding. Although transportation equipment is a type of machinery, assembly tends to be distinct from the production processes common in the machinery manufacturing subsector, so these establishments are classified separately. | | | | | | | | | | | | | P | P |
| **Miscellaneous Manufacturing** | **3400** | Use for manufacturing establishments not classified elsewhere | | | | | | | | | | | | | | |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Jewelry and silverware, sporting goods, toys, games and office supplies** | **3410-3430** | Jewelry, silverware, sporting goods, toys, musical instruments, office supplies, including inks. Excludes paper mills and businesses primarily engaged in on-premises retail sales | | | | | | | | | | | | P | P | P |
| **Signs** | **3440** | Manufacturing of signs to be erected or installed (excludes banner printing) | | | | | | | | | P | | P | P | P | P |
| **Blacksmith** | **3450** | Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items | | | | | | | | | P | | P | | P | P |
| **Wholesale Trade Establishment** | **3500** | Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses | | | | | | | | | P | | P | | P | P |
| **Warehousing and Storage Services** | **3600** | Operate warehouse and storage facilities for general merchandise, refrigerated goods | | | | | | | | | | | | | | |
| **Office and warehousing** | **3610** | Storage of goods related to on-site office or retail use | | | | | | | | P | P | | P | P | P | P |
| **Warehousing** | **3620** | Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies | | | | | | | | | P | | P | | P | P |
| **Tank farm** | **3630** | An area used for bulk storage of oil and other petrochemicals in above ground tanks | | | | | | | | | | | | | | |
| **Underground Petroleum Storage** | **3640** | An area used for bulk storage of oil and other petrochemicals in underground tanks | | | | | | | | | | | | | | P |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES** | **4000** | | | | | | | | | | | | | | | |
| **Transportation Services** | **4100** | Serve passengers and cargo movements | | | | | | | | | | | | | | |
| **Air transportation** | **4110** | Provide transportation for passengers or cargo using aircraft (see section 35.2-72.10 for rules related to heliports and helipads) | | | | | | | | | | | | C | P | P |
| **Rail transportation** | **4120** | Provide passenger and freight transportation and rail transportation support; use this category for establishments providing both transportation and support services, otherwise use the more specific subcategory | | | | | | | | | | | | | | |
| **rail passenger transportation** | **4121** | Passenger stations only | | | | | | | | P | P | | P | P | P | P |
| **rail freight transportation** | **4122** | Rail yards for freight systems; excludes accessory sidings allowed within the I-2 and I-3 districts | | | | | | | | | | | | | | |
| **rail transportation support establishment** | **4123** | Provide specialized services such as repair, maintenance, loading and unloading | | | | | | | | | | | | | | |
| **Road, ground passenger, and transit transportation** | **4130** | Urban transit systems, charter and school bus transportation, taxis | | | | | | | | | | | | | | |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **local transit systems--bus, special needs, sightseeing, taxi and limousine services** | **4133 – 4134 & 4136 - 4137** | Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services | | | | | | | | P | P | | P | | P | P |
| **school and employee bus transportation** | **4135** | Maintain and dispatch buses and other motor vehicles to transport pupils or employees | | | | | | | | | | | P | | P | P |
| **towing and other road and ground services** | **4138** | Tow vehicles | | | | | | | | | P | | P | | P | P |
| **Truck and freight transportation services** | **4140** | Provide over-the-road transportation of cargo using motor vehicles and temporary storage | | | | | | | | | C | | C | | P | P |
| **Marine and water transportation** | **4150** | Provide transportation of passengers and cargo using watercraft | | | | | | | | | | | | | | |
| **marine and sightseeing transportation** | **4151** | Provide water transportation, including scenic and sightseeing, for passengers | | | | | | | | P | | | | | | |
| **Pipeline transportation** | **4170** | Use transmission lines to transport products, such as crude oil or natural gas (legal question) | | | | | | | | | | | | | | |
| **Postal services** | **4180** | Operate the national postal service, including establishments that sort, route, and deliver on a contract basis | | | | | | | | | | | | | | |
| **national post office** | **4181** | | | | | | | P | P | P | P | | P | | | |
| **retail courier and package delivery** | **4182** | Retail courier, package drop-off and mail services | | | | | | P | P | P | P | | P | | P | P |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Courier and messenger services** | **4190** | Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services | | | | | | | | | P | | P | | P | P |
| **Publishing** | **4210 & 4221** | Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography | | | | | | | | | P | | P | P | P | P |
| **Motion pictures and sound recording** | **4220** | Produce and distribute motion pictures and sound recordings (includes indoor movie but excludes drive-in movie theaters | | | | | | | P | P | P | | P | P | P | P |
| **Telecommunications and broadcasting** | **4230** | Provide point-to-point communications; if multiple services are shared between the same facilities, | | | | | | | | | | | | | | |
| **radio and television broadcasting** | **4231, 4232 & 4241** | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs | | | | | | | P | P | P | | P | P | P | P |
| **wireless telecommunications transmission** | **4233** | Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers | C | C | C | C | C | P | P | P | P | | P | P | P | P |
| **telephone and other wired telecommunications** | **4234** | Operate telephone networks – excludes switching stations | P | P | P | P | P | P | P | P | P | | P | P | P | P |
| **Telecommunications switching stations/exchanges** | **4239** | Telecommunications switching stations and exchanges with no on-site employees | C | C | C | C | C | C | C | C | C | C | P | C | P | P |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Information services and data processing and management industries** | **4240** | News syndicates and information data processing and management services | | | | | | | | | | | | | | |
| **library or archive** | **4242** | Provide library or archive services | | C | C | P | P | P | P | P | P | | P | P | P | P |
| **news syndicate** | **4243** | Supply information such as news reports, articles, pictures and features to the news media | | | | | | | | P | P | | P | P | P | P |
| **data processing and management, hosting and related services** | **4244** | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging | | | | | | P | P | P | P | | P | P | P | P |
| **Utilities and Utility Services** | **4300** | Provide utility services such as electric power, gas, water and sewage removal. Note that City-owned utilities are not subject to zoning district use standards | | | | | | | | | | | | | | |
| **Public Utilities Services, Major** | **4315, 4329, 4339, 4349** | Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition. | C | C | C | C | C | C | C | C | C | C | C | C | P | P |

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| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Public Utilities Services, Minor** | **4315, 4329, 4339, 4349** | Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures. | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| **Electric power** | **4310** | Provide electric power generation, transmission, control, and distribution | | | | | | | | | | | | | | |
| **power generation** | **4315** | | | | | | | | | | | | C | | C | C |
| **electric substations** | **4316** | | C | C | C | C | C | C | C | C | C | C | P | P | P | P |
| **Water treatment plants and utility facilities** | **4331 – 4333,** | Water treatment plants, pumping stations and lift stations | C | C | C | C | C | C | C | C | C | C | P | P | P | P |
| **Wastewater treatment plants** | **4348** | | C | | | | | | | | | | | | | C |
| **Solid waste, and related services** | **4340** | Collect, treat, and dispose of waste materials | | | | | | | | | | | | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **hazardous waste processing, storage, treatment or disposal** | **4341 & 4342** | Operate treatment and disposal facilities for hazardous waste, combine, collect, or haul hazardous waste materials, including businesses cleaning contaminated buildings, soil or groundwater | | | | | | | | | | | | | | |
| **solid waste collection, combustion, landfills or separation/sorting of recyclable materials from non-hazardous waste streams** | **4343 - 4347** | Collect or haul hazardous waste, non-hazardous waste, or recyclable materials, operate waste transfer stations; landfill, incineration or composing of non-hazardous solid waste, recycling facilities; septic tank installation and maintenance | | | | | | | | | | | | | | C |
| **recycling collection centers** | **4349** | Drop-off facilities for the collection of recycled goods | | | | | | | | | P | | P | P | P | P |
| **ARTS, ENTERTAINMENT, AND RECREATION** | **5000** | | | | | | | | | | | | | | | |
| **Performing Arts or Supporting Establishments** | **5100** | Produce or organize and promote live presentations, excludes nightclubs | | | | | | | | | | | | | | |
| **Theater, dance or music establishment** | **5110 & 5160** | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers | | | | | | P | P | P | P | | P | | | |
| **Motion picture viewing and exhibition services** | **5111** | Operate movie theaters (excluding drive-ins), film festival exhibitions | | | | | | | P | P | P | | P | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Promoter of sports, performing arts, similar events and management services** | **5140 - 5150** | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers | | | | | | P | P | P | P | | P | P | P | |
| **Indoor auditorium or arena** | **5170** | Indoor auditoriums, arenas, conference centers, or multipurpose facilities | | | | | | | C | C | C | | C | C | C | C |
| **Outdoor auditorium/arenas** | **5180** | Outdoor arenas and theaters | | | | | | | | C | C | | C | C | C | C |
| **Museums and Other Special Purpose Recreational Institutions** | **5200** | Public and private museums, historical sites, and similar establishments | C | C | C | P | P | P | P | P | P | | P | | | |
| **Amusement, Sports, or Recreation Establishment** | **5300** | Operate facilities offering activities and provide services | | | | | | | | | | | | | | |
| **Amusement or theme park establishment** | **5310** | Operate a variety of attractions such as mechanical rides, water rides, games | | | | | | | C | C | C | | C | | | |
| **Commercial Amusements** | **5320, 5380, 5390** | Operate arcades and other commercial amusements as defined herein | | | | | | | P | C | P | | P | | | |
| **Country Club** | **5340 & 6830** | Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings | | C | C | C | C | P | P | P | P | | P | | | |
| **Fitness, recreational sports, gym, athletic club** | **5370** | Operate fitness and recreational sports facilities or provide services for fitness or recreational sports teams, clubs, or individual activities | | | | | | | | | | | | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **fitness and recreational sports center** | **5371** | Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building | | | | C | C | P | P | P | P | | P | C | C | |
| **outdoor recreation** | **5372, 5373 & 5374** | Includes golf courses, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding. Excludes automobile, dog and horse racing facilities. May include lighted outdoor facilities. | | C | C | C | C | C | C | C | P | | P | | | |
| **shooting ranges, indoor** | **5375** | | | | | | | | C | C | C | | C | C | C | |
| **shooting ranges, outdoor** | **5376** | | C | | | | | | | | | | | | | |
| **Camps, Camping, and Related Establishments** | **5400** | Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles | | | | | | | | | C | | C | | | |
| **Natural and other Recreational Parks** | **5500** | All parks without special economic functions, other than limited concessions | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| **EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS** | **6000** | Note that City-owned facilities are not subject to zoning district use standards | | | | | | | | | | | | | | |
| **Educational Services** | **6100** | Offer teaching and learning | | | | | | | | | | | | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Nursery or preschool** | **6110** | See district standards | | P | P | P | P | P | P | P | P | P | P | | | |
| **Grade school** | **6120** | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district standards | | P | P | P | P | P | P | P | P | P | P | | | |
| **College or university** | **6130** | See district standards | | P | P | P | P | P | P | P | P | P | P | | | |
| **Technical, trade, or other specialty school** | **6140 & 6568** | Offer vocational and technical training as well as vocational rehabilitation services | | | | | | | | | | | | | | |
| **general technical schools** | **6141-6143, 6145, 6147** | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities | | | | C | C | | P | C | P | P | P | | | |
| **driving education** | **6144** | | | | | | | | P | | P | | P | | | |
| **flight training** | **6146** | Offer aviation and flight training | | | | | | | | | | | P | | | |
| **Other Government Functions** | **6300** | Other government owned establishments not classified elsewhere such as defense and national guard establishments | | | | | | | | C | P | | P | | C | C |
| **Public Safety** | **6400** | Government-owned establishments providing fire and rescue, police, and emergency response services | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| **Health and Human Services** | **6500** | Provide health care, social assistance, and associated services | | | | | | | | | | | | | | |
| **Ambulatory or outpatient care services** | **6510** | Offer health care services directly to patients without providing inpatient services | | | | | | | | | | | | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **clinic** | **6511 & 6567** | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services | | | | | | P | P | P | P | P | P | | | |
| **outpatient care clinic** | **6512** | Provide outpatient family planning services and outpatient care | | | | | | P | P | P | P | P | P | | | |
| **medical or diagnostic laboratory; blood/organ bank** | **6513 - 6514** | Provide analytic or diagnostic services including medical imaging | | | | | | | P | P | P | P | P | | | |
| **Nursing, supervision and other rehabilitative services, except** | **6520** | Provide inpatient nursing and rehabilitative services and can accommodate patients for extended care, includes alcoholism or drug addiction rehabilitation, mental health Halfway Houses, group homes, and psychiatric convalescent homes see 1200 for nursing homes and long-term congregate care | | | | | | | | | | | | | | |
| **halfway house** | **6521** | Residential services for pre- or post release of convicted individuals | | | | | | | | | | | | | | |
| **group home small** | **6522** | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities | P | P | P | P | P | P | P | P | P | P | P | | | |
| **group home large** | **6523** | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities | C | C | C | C | C | P | P | P | P | C | P | | | |
| **rehabilitation centers** | **6524** | See sanitarium for definition | | | | | | | | | | | | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Hospital** | **6530** | | | C | C | C | C | C | C | C | P | | P | | | |
| **Social assistance, welfare, and charitable services** | **6560** | Provide social assistance directly to individuals, do not offer residential or accommodation services | | | | | | | | | | | | | | |
| **child and youth services** | **6561** | Offer services such as adoption, foster care, drug prevention services | | | | | | | | | | P | P | | | |
| **child and adult day care** | **6562** | Provide day care for children and adults | | | | | | | | | | | | | | |
| **home** | **6562a** | Day care for fewer than six (6) individuals in a residence | P | P | P | P | P | P | P | P | P | P | P | | | |
| **small** | **6562b** | Day care for six (6) to twelve (12) individuals in a residence | | C | C | C | C | P | P | P | P | P | P | | | |
| **large** | **6562c** | Provide care for more than 12 individuals | | C | C | C | C | P | P | P | P | P | P | | | |
| **care services community food services** | **6563 - 6566** | Includes community food services, emergency and relief services, services for the elderly and disabled other family services; does not include on-site provision of housing | | | | | | | | | | P | P | | | |
| **Religious Institutions** | **6600** | Churches, temples, synagogues, mosques, convents and monasteries | | C | C | C | C | P | P | P | P | P | P | | | |
| **Death Care Services** | **6700** | Funeral homes, crematories, cemeteries, undertakers | | | | | | | | | | | | | | |
| **Funeral home and services** | **6710** | Includes funeral homes combined with crematories | | | | | | P | P | P | P | | P | | | |
| **Cemetery or cremation services** | **6720** | | | | | | | | | | | | | | | |
| **free-standing cemetery** | **6722** | | | C | C | C | C | C | P | | P | | P | | | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **columbarium** | **6724** | | | C | C | C | C | C | C | P | P | | P | | | |
| **CONSTRUCTION-RELATED BUSINESSES** | **7000** | Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials. | | | | | | | P | P | P | | P | | P | P |
| **AGRICULTURE, FORESTRY, FISHING, AND HUNTING** | **9000** | Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries | | | | | | | | | | | | | | |
| **Crop Production** | **9100** | | | | | | | | | | | | | | | |
| **Vegetable farming or growing** | **9120** | Includes private fields and community gardens | P | P | P | P | P | P | P | P | P | P | P | | | |
| **Commercial orchards** | **9130** | Includes fruit and nut trees for commercial production | P | P | P | P | P | P | P | | P | P | P | | | |
| **Greenhouse Production** | **9140** | | | | | | | | | | | | | | | |
| **Greenhouse – no on-premises sales** | **9141** | Commercial greenhouse production | P | P | P | P | P | | P | P | P | | P | | P | P |
| **Greenhouse – sales of products grown on premises** | **9142** | | P | | | | | | P | P | P | | P | | P | P |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Greenhouse – sales of products and related accessory products** | **9143** | | | | | | | | P | P | P | | P | | P | P |
| **Animal Production** | **9300** | Keep, graze, breed or feed animals (see district standards) | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| **Unclassifiable or No Function** | **9900** | Temporary placeholder until a code can be assigned | | | | | | | | | | | | | | |
| **Temporary uses** | **9920** | | | | | | | | | | | | | | | |
| **tent revival meetings/transient amusements** | **9921** | Includes temporary carnivals and circuses (see section 35.2-72.23) | | P | P | P | P | P | P | P | P | | P | P | P | P |
| **temporary outdoor promotional attractions** | **9922** | Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23) | | | | | | | P | P | P | | P | | | |
| **Land Use Development Patterns** | **9950** | | | | | | | | | | | | | | | |
| **residential cluster development** | **9951** | See section 35.2-80 | | P | P | P | P | | | | | | | | | |
| **traditional neighborhood development** | **9952** | See section 35.2-82 | | C | C | C | C | C | C | C | C | | C | | | |
| **planned unit development** | **9953** | See section 35.2-83 | | C | C | C | C | | | | | | | | | |
| **large scale retail establishments** | **9954** | See section 35.2-84 | | | | | | | P | P | P | | P | | | |
| **cluster commercial development** | **9955** | See section 35.2-85 | | | | | | C | C | C | C | | C | | | |
| **flex space development** | **9956** | See section 35.2-86 | | | | | | | | | C | | C | P | P | |
| **corporate campus** | **9957** | See section 35.2-87 | | | | | | | | | C | | C | P | P | |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

| Land Use | LBCS # | Description | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Billboards** | **9990** | Billboards and other signs advertising goods and services not available on the site where the sign is located | | | | | | | | | P | | P | | P | P |

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

# Appendix B: Summary of Building Envelope Standards

| Building Envelope Standard | Zoning Districts | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | R-C | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
| Maximum Height (ft.) | (1) | 40 | 40 | 40 | 40 (2) | 40 (2) | 40 (2) | none (3) | none (2)(3) | none (2) | none (2) | none (2) | none (2) | none (2) |
| Front Setback (ft.) | 50 | 40 (4) | 30 (4) | 30 (4) | 30 | 0 | 0 | none | none | none | none | none | none | none |
| Minimum Side Setback, Interior (ft.) | 50 | 15 (4) | 8 (4) | 5 (4) | 5 (4) (5) | 0 | 0 (5) | none | none (5) | none (5) | none (5) | none (5) | none (5) | none (5) |
| Minimum Side Setback, Exterior (ft.) | 50 | 40 | 30 | 30 | 30 | 0 | 10 | none | none | none | none | none | none | none |
| Minimum Rear Setback (ft.) | 50 | 50 | 35 | 30 | 25 (5) | 25 | 0 (5) | none | none (5) | none (5) | none (5) | none (5) | none (5) | none (5) |
| Maximum Coverage, Lot | 10% | 20% | 20% | 30% | 30% | none | none | none | none | none | none | none | none | none |

(1) No portion of a building shall exceed 1 foot above average grade at the foundation of the building for each 2 feet from the property line.

(2) See Section 35.2-61-2 for additional height regulations when abutting property zoned R-1, R-2 or R-3.

(3) Buildings may be erected to any height, provided that the height of the portion of the building in excess of twice the width of the right-of-way that it abuts may be increased by up to 10 feet for each additional foot of setback. For purposes of this provision, no right-of-way shall be considered less than 40 feet nor more than 60 feet. When a building abuts two streets, the street that permits the greatest height shall be used as a basis of measurement.

(4) See neighborhood norm provisions setback exceptions in section 35.2-61.3.

(5) See section 35.2-61.3 for additional setback regulations when abutting property zoned R-1, R-2 or R-3.

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*

# Appendix C: Summary of Lot Dimension and Density Standards

| Zoning District | Minimum Lot Area | Minimum Area per Unit (1) | Minimum Lot Width (2) | Minimum Lot Depth | Maximum Density |
|---|---|---|---|---|---|
| **R-C** | 10 acres | 5 acres | 150’ | none | |
| **R-1** | 15,000 sf | 7,500 sf | 100’ | none | 2.9/5.8 (3) |
| **R-2** | 10,000 sf | 5,000 sf | 75’ | none | 4.35/8.7 (3) |
| **R-3** | 8,000 sf | 4,000 sf | 60’ | none | 5.45/10.89 (3) |
| **R-4** | 6,000 sf | 2,000 | 50’ | none | 7.26/21.78 (3)(4) |
| **B-1** | 6,000 sf | 1,000 | none | none | none |
| **B-3** | 6,000 sf | none | none | none | none |
| **B-4** | none | none | none | none | none |
| **B-5** | none | none | none | none | none |
| **IN-1** | none | none | none | none | none |
| **IN-2** | none | none | none | none | none |
| **I-1** | none | none | none | none | none |
| **I-2** | none | none | none | none | none |
| **I-3** | none | none | none | none | none |

*Exhibit Notes:*

*(a) Subject to minimum lot area requirements.*

*(b) Minimum lot width is measured at the front setback line.*

*(c) The first number is the number of single-household dwelling units per acre; the second number is the total number of dwelling units allowed per acre.*

(d) *See density bonus provisions in the R-4 district provisions in section 35.2-44.4(a)*

*Note: Conditions for uses may be established for permitted uses in the zoning district standards in Articles IV and V, the specific use standards or Article VII or through specific development approvals pursuant to Article II.*