LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE

Tuesday, February 14, 2017
8:00 a.m.

Information Items

Recent/Pending Contract Awards: -No new contract awards.

Update on priority projects: -See attached report.

General Business

1.	Vacation of Right of Way at Academy Center of Arts	Rachel Frischeisen
2.	Lease of City Owned Property-3815 Old Forest Road	Clay Simmons
3.	Verbal Report on Indian Hill Road Bridge	Lee Newland
4.	Roll Call	

Pc: Bonnie Svrcek, City Manager
Charles Hartgrove, Deputy City Manager
John Hughes, Assistant City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: March 14, 2017

Lynchburg Capital Projects Greater Than $1 Million(General Fund)

February 14, 2017

Projects of Interest		Phase	Phase Completion		Notes
Timberlake / Logan's Lane Intersection	*	Bidding	February 2017		Project Advertised
Midtown Connector		Construction	August 2016		Punchlist work
Greenview Drive Phase 2		Construction	July 2017		Construction Underway
College Lake Dam	*	Preliminary	March 2017		Preparing for RFP (request for proposals)
One Way Pairs @ 501/221	*	Preliminary	September 2017		Meeting with VDOT to Evaluate Options
Main Street Bridge		Design	August 2017		Design Underway
Odd Fellows Road - Sections A and B1		Construction	August 2018		Construction Underway
Odd Fellows Road - Section B2		Design	November 2017		Design Underway
Downtown Watermain Replacement & Streetscape		Construction	September 2017		Construction Underway -
Liberty Mountain Drive - Phase 2		Construction	April 2017		Construction Underway
City Stadium Field & Parking Improvements - Baseball		Construction	April 2017		Construction to be complete by Baseball Season
Community Market Parking Deck	*	Construction	May 2017		Construction Underway
McConnville Road Culvert Replacement	*	Construction	December 2017		Construction Underway
Wards Ferry Road Improvements @ Heritage	*	Bidding	February 2017		Project Advertised

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 14, 2017- Physical Development Committee** AGENDA ITEM #:

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Vacate a portion of 5th Street

Strategic Pillar(s) Impacted:

_X_Arts & Culture	___Citizen Engagement & Social Capital	___Economic Development	___Healthy & Active Living
___Infrastructure	_X_Land Use	___Lifelong Learning	___Natural Resources
____Neighborhoods	___ Safe Community	___Social Equity	___Transportation
			___Administrative

RECOMMENDATION: Approval of the right-of-way vacation.

SUMMARY: Academy Center of the Arts, Inc., the owner of 600 Main Street and 501 Commerce Street, is petitioning to vacate a small portion of right-of-way located along the frontage of these two properties. The petitioner is requesting this right-of-way vacation to accommodate construction in connection with the restoration of the historic Academy Theater. The total area of the proposed vacation is seventeen thousandths (0.017) of an acre and includes a portion of lawn located adjacent to the curb, behind the sidewalk. The right-of-way vacation would not impact vehicle or pedestrian access along 5th Street.

PRIOR ACTION(S):
November 15, 2016: The Technical Review Committee (TRC) reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: $5,950 Assessed Value

CONTACT(S): Rachel Frischeisen, Planner – 455-3900
Tom Martin, City Planner – 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):
- Ordinance
- Application
- Map

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ALONG 5TH STREET.

WHEREAS, Academy Center of the Arts, Inc., is petitioning to vacate a portion of right-of-way along 5th Street; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way; and

WHERAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Sections 35-71 through 35-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

All that certain tract or parcel of land lying and being situate in the City of Lynchburg, Virginia, containing 0.017 acre, beginning at a point on the southerly right of way for Fifth Street located approximately 121.43' northeasterly from Main Street, thence with the right of way of Fifth Street N. 82° 14' 21" W 31.64', thence leaving the right of way of Fifth Street S. 06° 10' 43" W. 30.00', thence S. 88° 21' 38" W. 17.35', thence N 17° 17' 56" W. 36.23' to the point of beginning.

Provided, however, that any easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg and the construction of a permanent structure over any utility line without the prior written approval of the City is prohibited.

BE IT FURTHER ORDAINED that the Clerk of Council is hereby authorized and directed to deliver a duly certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg, and the City Manager is hereby authorized to sign any documents that may be needed to complete the vacation of the right-of-way.

Adopted:

Certified: _____
Clerk of Council

APPLICATION FOR THE VACATION OF

.017 acres

LOCATED

In the City of Lynchburg, Virginia

The undersigned applicant, the Academy Center of the Arts, Inc., a Virginia corporation, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the Lynchburg City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of right-of-way or unnamed right-of-way described as follows:

All that certain tract or parcel of land lying and being situate in the City of Lynchburg, Virginia, containing 0.017 acre, beginning at a point on the southerly right of way for Fifth Street located approximately 121.43' northeasterly from Main Street, thence with the right of way of Fifth Street N. 82° 14' 21" W 31.64', thence leaving the right of way of Fifth Street S. 06° 10' 43" W. 30.00', thence S. 88° 21' 38" W. 17.35', thence N 17° 17' 56" W. 36.23' to the point of beginning. An annotated copy of that plat of survey entitled "PLAT SHOWING CONSOLIDATION OF THE PROPERTIES OF THE CITY OF LYNCHBURG & THE ACADEMY OF MUSIC THEATRE, INC.", by J.A. Michael Nichols, L.S., of Hurt & Proffitt, dated January 15, 2001 and recorded in the Clerk's Office of the Circuit Court of the City of Lynchburg as Instrument 020010694, is attached to this instrument as Exhibit A for the purposes of generally illustrating the area of the property hereby vacated, which general area has been labelled on the attachment as "VA", which stands for "Vacated Area".

The applicant further requests that the Lynchburg City Council hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on February 14, 2017, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of right-of-way or unnamed right-of-way.

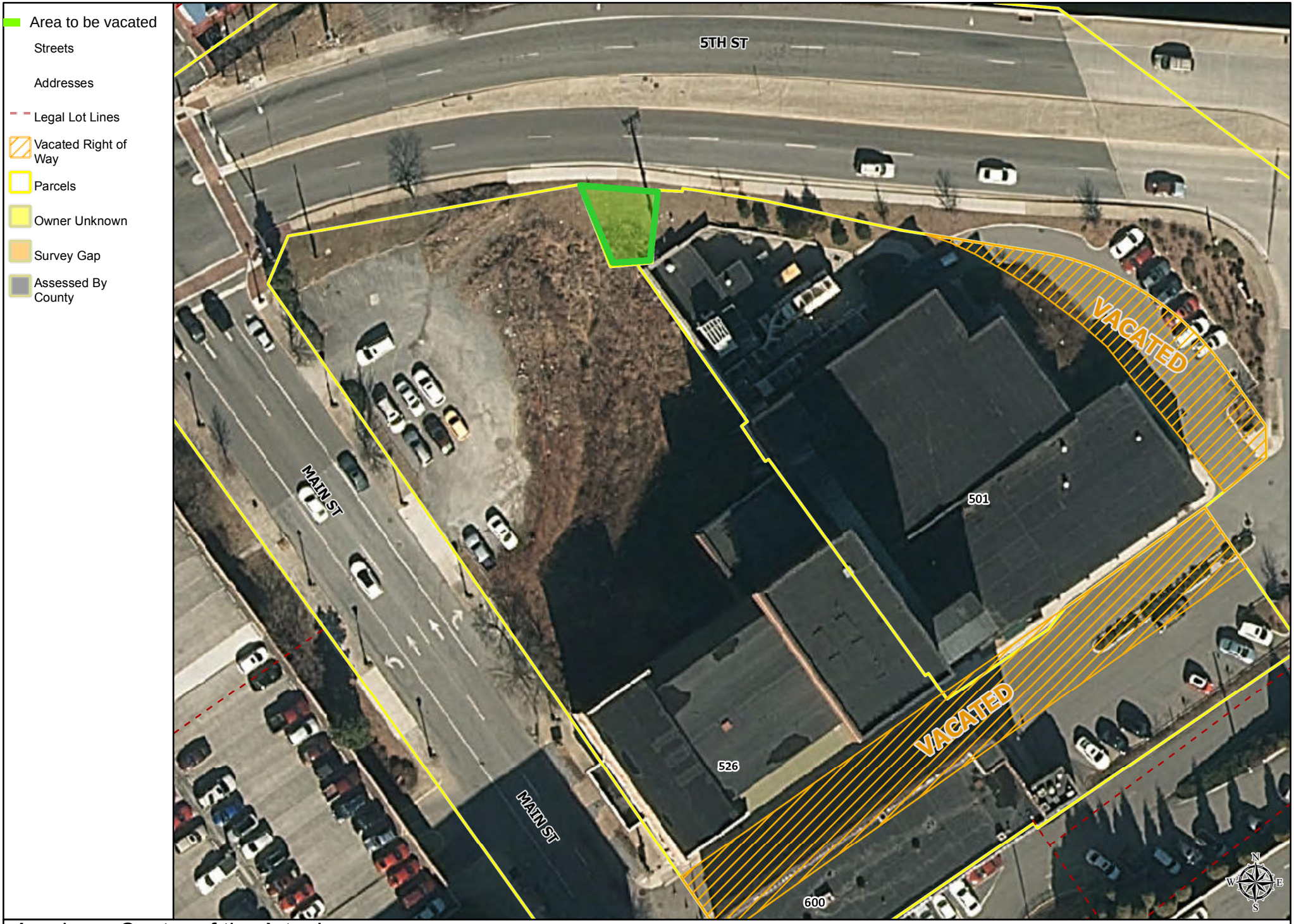
Given under my hand this 19th day of January, 2017.

Geoffrey Kershner, Executive Director of the Academy Center of the Arts, Inc., a Virginia corporation

600 MAIN STREET, LYNCHBURG VA 24504
Address

434-528-3256
Phone Number

WE, THE ADJOINING PROPERTY OWNER(S) ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY: **N/A**



Academy Center of the Arts, Inc.

DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

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1 inch = 50 feet 1:600

PRINTED ON January 24, 2017

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 14, 2017 Physical Development Committee** AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **New Dominion Solar, LLC Request for Lease of City Owned Property at 3815 Old Forest Road.**

RECOMMENDATION:

Hold a public hearing and consider granting New Dominion Solar, LLC a lease agreement on city owned property at 3815 Old Forest Road.

SUMMARY:

New Dominion Solar, LLC has requested a lease of City owned property at 3815 Old Forest Road. They have agreed to pay $8,400 per year with the initial term of 1 year. They would like to have an option for additional 1 year terms upon mutual agreement until the building is ready for demolition as part of the Route 501/221 One Way Pair project (pending VDOT funding approval). By securing this lease the City receives some income from the structure until the roadway project comes through for construction.

New Dominion Solar has also agreed to maintain the premises during the time of the lease.

PRIOR ACTION(S):

None

FISCAL IMPACT:

Potential Income

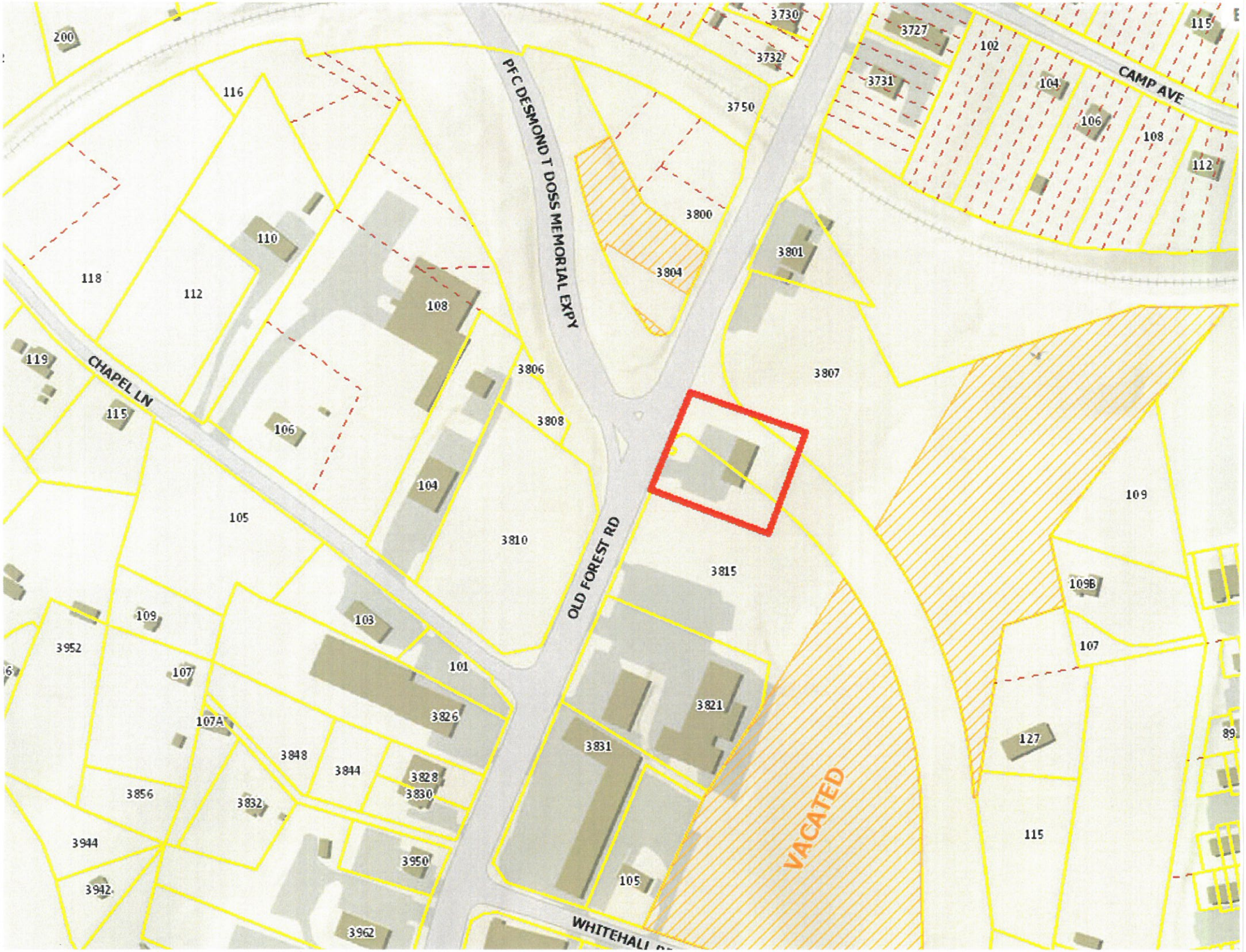
CONTACT(S):

Clay Simmons – Deputy Public Works Director – 455-4443
Lee Newland – City Engineer – 455-3947
Gaynelle Hart – Public Works Director - 455-4406

ATTACHMENT(S):

Map of site
Lease

REVIEWED BY: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THIS LEASE AGREEMENT, made and dated this ____ day of February, 2017, by and between the City of Lynchburg, a municipal corporation of the Commonwealth of Virginia, party of the first part, hereinafter referred to as the "Lessor", and New Dominion Solar, LLC, party of the second part, hereinafter referred to as the "Lessee."

W I T N E S S E T H

WHEREAS, the Lessor is the owner of property located at 3815 Old Forest Road in the City of Lynchburg, hereinafter referred to as the "premises," which is more particularly described in Exhibit "A," which is attached hereto and by this reference made a part of this lease.

WHEREAS, the Lessee is aware that the Lessor at a future date intends to demolish the building that is currently located on the property and to use the property to construct road improvements. Being fully aware of the Lessor's plans, the Lessee desires to lease the premises from the Lessor for use as a retail office and warehouse storage space under the following terms and conditions;

NOW, THERFORE, for and in consideration of the premises and the mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

(1) Premises— Lessor does hereby lease to Lessee, for the sole use as retail office and warehouse storage space, the premises at 3815 Old Forest Road, Lynchburg, Virginia.

The Lessee shall not use, store, transport, load, unload, dispose of, or suffer or permit the use, storage, transportation, loading, unloading or disposal of petroleum products or hazardous substances on the premises, other than custodial cleaning supplies and office supplies. However, petroleum products used to operate material/product loading equipment are permitted on the premises.

(2) Term— The lease shall be for a term of one year commencing on January 1, 2017 and shall end at midnight on December 31, 2017.

The Lessor and Lessee shall have the option to renew this leased for additional one year terms upon their mutual consent. The Lessee shall give the Lessor written notice of its desire to extend the lease for additional terms no less than ninety (90) days prior to the expiration of the initial or current term. The initial term, or subsequent terms shall be renewed or extended in accordance with the same terms

and conditions of the initial lease, except for the rent, which will increase by three (3%) percent per year for each renewal term.

(3) Rent— The rent shall be $700.00 per month, which is due at the beginning of each month, without the need for billing by the Lessor, and payable to the City's Billings and Collections Division, City Hall Building, 900 Church Street, Lynchburg, VA 24504, attn. Susan Hargis or to such other person and location as the Lessor may designate in writing from time to time.

(4) Maintenance—The Lessee accepts the premises "as is." Lessee understands and agrees that the City has no obligation to make any alterations, repairs, or changes to the premises during the term of this lease and the Lessee agrees that throughout the term of this lease it will assume sole responsibility for the repair and maintenance of the premises and will maintain the premises in a safe and presentable condition. Such maintenance shall include, , the building, , interior and exterior windows, doors, floor coverings, interior and exterior walls, and ceilings as well as all building systems, all common areas including the parking lot and landscaped areas. Should substantial repairs or extensive maintenance of the foundations, the exterior roof, the structural components of the premises become necessary, and the Lessee feels that the needs are beyond their financial abilities, Lessee shall be released from the lease and may permanently vacate the premises upon notice to the Lessor unless the Lessor should elect to peform said work in order to keep the building occupied. The Lessee shall repair all damages to said premises caused by its agents, employees, guests, and patrons. All repairs and maintenance must comply with federal, state and local building codes, regulations and ordinances.

The Lessee shall be responsible for all of the routine day to day maintenance of the premises, including cleaning, removal of trash, replacement of light bulbs, etc. The Lessee shall regularly remove all trash and garbage from the premises and maintain the premises in a clean and sanitary condition. Such routine day to day maintenance shall include but shall not be limited to removal of snow and ice, grass cutting and landscaping, parking lot repairs, picking up and removing trash and litter, etc.

The Lessor reserves the right to inspect the premises at all reasonable times and to develop a maintenance schedule for mowing, trash/debris removal, the building's outside appearance and do any repairs that affect the safety or violate regulations (subject to cost restrictions mentioned in previous comments) that the Lessee shall follow to properly maintain the premises. In the event the

Lessee fails to follow the maintenance schedule and make the necessary repairs, the Lessor shall have the right to enter the premises, make such repairs and bill the Lessee for the repair costs.

In order to preserve the general appearance of the premises the Lessor shall have the right to approve the outside display or storage of equipment, materials, supplies, etc. on the premises.

(5) Improvements, Additions or Alterations— No improvements, additions or alterations may be made to the premises without the Lessor's prior written approval. Written approval may be in the form of electronic correspondence with the Director of Public Works. This does not preclude the need to obtain any necessary permits for improvements or modifications that would ordinarily require formal permit approval. The Lessee shall be solely responsible for the cost of any improvements, additions or alterations. Since the building is slated for demolition as part of an upcoming roadway project, any improvements, additions or alterations the Lessee adds to the buildings may be removed by the Lessee at the expiration or termination of the lease.

In the event Lessee fails to remove any of the Lessee's property at the Lessee's expense, within thirty (30) days of expiration or termination of the lease, the Lessor may retain same under the Lessor's control or sell at public sale, without notice, any or all of the property not so removed and apply the net proceeds of such sale to the payment of any sum due thereunder or otherwise dispose of such property.

(6) Utilities— The Lessee shall arrange for and pay for all heating, sewer, gas, water, electricity, telephone and other utility services which its use of the premises may require, including all deposits and installation costs of meters and utility services.

(7) Insurance and Indemnity—Lessee agrees to indemnify, hold harmless and defend the City, its employees and officials, from and against any claim, loss, lawsuit, damage or liability occasioned by, growing out of or arising or resulting in any manner whatsoever from the Lessee 's use and occupancy of the premises. Lessee further agrees to:

(a) Insure its furnishings and contents against fire loss and losses commonly insurable by extended coverage to the extent Lessee deems necessary.

b) Lessee agrees to secure tenant's liability insurance in an amount of not less than $1,000,000.00, combined single-limit coverage against general public liability for injuries to

or death of persons or damage to property. Such insurance policy shall also name the City of Lynchburg, its employees and officials, as insured parties.

The insurance required of Lessee herein shall be primary and any insurance or self-insurance maintained by the City are secondary and apply only in excess of and shall not contribute with the insurance obtained by Lessee. Any deductibles or self-insurance retention applicable to the required coverage shall be paid by Lessee and the City shall not be required to participate therewith. Lessee shall deliver to the City a copy of said insurance policy or certificate of insurance with the necessary endorsements to the City's Risk Management Division showing the same to be in full force and effect before occupying the premises; upon each renewal of the lease; and, at other times throughout the term of the lease when the City requests confirmation of insurance coverage. Lessee must give the City ten calendar days advance written notice of any cancellation, nonrenewal, or modification of coverage, and a binder or certificate verifying new coverage in accordance with the requirements herein prior to any change, cancellation or nonrenewal date. In the event of such cancellation or nonrenewal notice, Lessee shall obtain, pay all premiums for the renewal or replacement of the insurance required hereunder. Lessee shall, at least sixty days prior to the expiration of the policies, furnish City with renewals or "binders" for the policies, or City may order the required insurance and charge the cost to Lessee.

Notwithstanding the provisions of Section 12 of this lease, the failure of Lessee to maintain such insurance coverage throughout the term of this lease shall be grounds for the immediate termination hereof. Lessee's responsibility to the City hereunder is not limited to the amount of such insurance coverage. All insurance will be obtained by Lessee from insurance companies authorized by Virginia's State Corporation Commission to do business in Virginia.

(8) Expiration of Lease— Upon the expiration of this lease the Lessee's authority to use the premises shall cease, and Lessee shall, upon such expiration, surrender the same to the Lessor, promptly and in good condition, ordinary wear and tear excepted.

(9) Destruction of Premises--If the premises shall be damaged or destroyed by a fire, the elements, a public enemy or other casualty to the extent that the premises becomes untenantable, this lease shall automatically terminate and the Lessee has no obligation to repair the premises. However, the Lessee shall be responsible for repairing or replacing any damages to the premises caused by the acts

or omissions of the Lessee, its employees, representatives or agents or any other persons the Lessee permits to be on the premises.

(10) Damage to or Loss of Lessee's Property— The Lessor shall not be liable for any damage to or loss of any of the Lessee's property or any of its agents, employees or customers which is brought onto the premises, regardless of how such damage or loss may occur. It is expressly agreed and understood that the Lessee, its agents, employees or customers in placing property in and on the premises, do so at their own risk.

(11) Late Fees and Interest— Any and all payments of rent or other sums due under this lease shall be paid on the due date. If a payment is not made within ten (10) days of the due date, the Lessee shall pay a five percent (5%) late penalty on the amount of the delinquent payment and shall pay interest on the amount of the principal and the penalty at the rate of ten percent (10%) per annum. In the event it becomes necessary for the Lessor to initiate legal proceedings to collect any of the rent and fees payable under this lease, the Lessee agrees to pay reasonable and necessary expenses incurred by the City in such legal proceedings, including reasonable attorney fees.

(12) Termination of the Lease— If the Lessee shall fail to comply with any of the terms and conditions of the lease or any notices given hereunder, and such failure shall continue for a period of not less than 30 days after notice in writing, or if the Lessee shall become insolvent, or shall make an assignment for the benefit of its creditors, or if any of its property to be attached and attachment not promptly released, or if an execution be issued against it, or, if a petition be filed by or against it to have it adjudicated a bankrupt, or if a trustee or receiver shall be created and appointed to take charge of its assets, then or at any time thereafter, the Lessor, may at its option, enter into premises and remove any and all persons therefrom and take and retain possession thereof either with or without process of law.

This Lease shall be terminated if the Lessee shall fail to pay rent past due thirty days after notice from the Lessor to the Lessee.

In the event the Lessee ceases, cancels, or abandons its business operations prior to the expiration of the lease term, this lease shall automatically terminate ninety (90) days from the triggering action specified above

(13) Assignment— The Lessee shall not assign this lease or sublease the premises or any part thereof without the prior written consent of the Lessor.

(14) Notices— All notices by either party to the other shall be made by hand delivery or by depositing such notice in the registered or certified mail, postage prepaid, and such notices shall be deemed to have been delivered and received on the date of such depositing correctly addressed in the registered or certified mail.

All notices to the Lessor shall be mailed to:

City of Lynchburg City Manager
City Hall
900 Church Street
Lynchburg, VA 24505

All notices to the Lessee shall be mailed to:

New Dominion Solar LLC
c/o James M.S. Brady
General Manager/Owner
New Dominion Solar LLC
1149 Vista Park Dr. Ste. A2
Forest, VA 24551
Telephone Number: (434) 238-8985

The parties from time to time may designate in writing changes in the names and addresses stated above.

(15) Signs— All signs erected, placed or maintained by Lessee, or allowed to be erected, placed, or maintain by it, on the premises must be first approved by Lessor and shall relate to the business conducted by Lessee on the premises. This approval shall not be unreasonably withheld, delayed or conditioned. Lessee agrees to keep its signs on the premises in a good state of repair and the Lessee shall not place any sign on the premises in violation of any applicable law, ordinance or rule of any governmental agency.

(16) General Provisions— Lessee agrees to the following conditions concerning the use of the premises:

(a) This lease shall be governed and construed in accordance with the laws of the Commonwealth of Virginia.

(b) The Lessee shall assume responsibility for the security of the premises.

(c) In the event any provision of this lease shall be found to be invalid or unenforceable, the remaining portions shall remain in full force and effect.

(d) The Lessee agrees to observe and obey during the term of this lease all federal, state and local law, ordinances, rules and regulations, currently in force or subsequently adopted that may apply to its use of the premises as a retail office and warehouse storage space.

(e) The Lessee agrees to use this property in a non-discriminatory manner.

(f) The Lessee shall keep the premises free of all environmental, health or safety hazards and/or nuisances of any kind whatsoever.

(g) Lessee shall have the right to keep the Premises open at all such times as it desires.

(h) The City reserves the right to enter upon the premises at any time in case of an emergency and reserves the right to enter upon the premises at any reasonable time for the purpose of conducting inspections to determine if the Lessee is complying with the terms and conditions of this lease.

(i) The Lessee agrees that it will pay all lawfully assessed taxes from which the Lessee is not exempt. For example, business taxes, personal property taxes. This does not include property taxes for the premises themselves.

(j) All terms and conditions with respect to this lease are expressly contained herein, and both parties agree that no representative or agent of Lessor or of Lessee has made any representation or promise with respect to this lease not expressly contained herein.

IN TESTIMONY WHEREOF, the City of Lynchburg has caused its name to be hereunto subscribed by Bonnie M. Svrcek, its City Manager, and its seal affixed and attested by its Clerk of Council; and a duly designated officer of New Dominion Solar, LLC, has sighed the lease on behalf of New Dominion Solar, LLC, all of the day and year first above written.

CITY OF LYNCHBURG

By: _____

Bonnie M. Svrcek, City Manager

ATTEST:

_____
Clerk of Council

NEW DOMINION SOLAR, LLC

By: _____

Its:_____

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 14, 2017** AGENDA ITEM #: **1**

CONSENT: REGULAR: WORK SESSION: **X** CLOSED SESSION:
ACTION: INFORMATION: **X** (Confidential)

ITEM TITLE: Annual Report from the Lynchburg Regional Business Alliance

Strategic Pillar(s) Impacted:

___Arts & Culture	__Citizen Engagement & Social Capital	_X_Economic Development	__Healthy & Active Living
___Infrastructure	___ Land Use	___Lifelong Learning	___Natural Resources
__Neighborhoods	___Safe Community	___Social Equity	___Transportation
			___Administrative

RECOMMENDATION: Hear a presentation from Megan Lucas, Chief Executive Officer of the Lynchburg Regional Business Alliance regarding the Alliance's Annual Report outlining its scope of work and results for 2016.

SUMMARY: The City has a Memorandum of Understanding with the Lynchburg Regional Business Alliance to market the City of Lynchburg as a destination for new business investment, to develop and bring independent verified leads and to support business retention and expansion efforts.

PRIOR ACTION(S): Annual Budget Allocation

FISCAL IMPACT: The FY 2017 budget allocation for the LRBA is $97,343 for the marketing component and $4,600 for Chamber of Commerce dues for a total of $101,943.

CONTACT(S): Bonnie Svrcek, City Manager – 455-3990
Marjette Upshur, Director of Economic Development – 455-4492

ATTACHMENT(S): PowerPoint Presentation

REVIEWED BY: bms

023K

LYNCHBURG REGIONAL BUSINESS ALLIANCE

Chamber & Economic Development

LYNCHBURG REGIONAL
BUSINESS ALLIANCE
Chamber & Economic Development

Opportunity Lynchburg

Partners in Regional Economic Development

OUR CITY PARTNERSHIP

Services provided by the Alliance

1. The CEO of the Alliance and the City of Lynchburg's Director of Economic Development will consult with one another on a regular basis (minimum monthly at regional directors meeting) on matters of mutual interest and impact for business development in the City of Lynchburg.
   a. RED Team meetings are held the third Thursday of the month at 2 p.m.
   b. Periodic meetings with Office of Economic Development.

OUR CITY PARTNERSHIP

Services provided by the Alliance

2. The Alliance will develop an annual work plan in cooperation with the Alliance's Economic Developer's Committee and present goals and activities to the Lynchburg Economic Development Authority annually or before the beginning of the Alliance's fiscal year (Jan. 1) each year.

   a. The Alliance provides a marketing plan to the Regional Economic Development Team by fourth quarter of each year for approval by the committee.
   b. Local Economic Developers and municipalities participated in the development of the Comprehensive Economic Development Strategy which identifies the five-year regional strategy for economic development.
   c. Economic Development Team executed and approved the Regional Target Industry Analysis.

OUR CITY PARTNERSHIP

Services provided by the Alliance

3. The Alliance will provide a quarterly report (April, July, October, December) of metrics and results associated with the annual work plan to the City's Office of Economic Development.

   a. Quarterly reports provided to Economic Development Director on July 2016 (Second Quarter), November 2016 (Third Quarter) and January 2017 (Fourth Quarter).

   b. City Manager receives quarterly update at Board of Directors meeting and monthly updates at Executive Board of Directors meeting.

OUR CITY PARTNERSHIP

Services provided by the Alliance

4. The Alliance will lead and assist in new business recruitment in the Region.
    a. The Alliance executes a new business recruitment that includes:
        - National Advertising
        - New site selection specific website (YesLynchburgRegion.org)
        - Website includes available City sites and buildings
        - Distributes City data on all national marketing missions (14 trips for 2017)
        - Hosted SiteLink, bringing 40 economic development professionals, including seven site selectors to the City
        - Multiple engagement opportunities with Virginia Econ Dev Partnership
        - All prospect requests provided to Office of Economic Development
        - Development of drone video to market LynchPin

LYNCHBURG REGIONAL
BUSINESS ALLIANCE
Chamber & Economic Development

OUR CITY PARTNERSHIP

Services provided by the Alliance

5. The Alliance will support the City, as appropriate, in applications for funding of identified projects from entities which may provide assistance for project advancement.

   a. The Alliance provides letters of support for grant opportunities as requested from the Office of Economic Development.
   b. Provides data as requested for projects. The Alliance has purchased analytic software, such as Implan, JobsEQ, and Location Advisors to better assist the City with requested data.

6. The Alliance will represent and respond to inquiries from all businesses located in the City of Lynchburg regardless of membership status with the Alliance or Chamber organization.

   a. The Alliance recognizes and separates its Economic Development responsibilities from the Chamber of Commerce membership.

OUR CITY PARTNERSHIP

Services provided by the Alliance

7. The Alliance will collaborate with the Office of Economic Development on the preparation of an annual legislative agenda.

    a. Advocacy issues related to economic development are evaluated on a case by case basis (ex. Central VA Training Center, transportation funding, ETC) with input from Office of Economic Development.

8. The Alliance will provide notification of meetings with businesses within the City of Lynchburg and make every effort to coordinate such visits and follow-up with the Office of Economic Development when appropriate.

    a. The Alliance completed two retention visits with the Office of Economic Development, notified the RED Team of the current capital campaign where visits will be made to businesses throughout the region, and communicated requests back to the Office of Economic Development as obtained in Alliance meetings.

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Services provided by the Alliance

9. The Alliance will present an annual report to the City of Lynchburg Council outlining its annual scope of work and results.

    a. The Alliance annual report will be presented to membership on February 15, 2017 at the Annual Meeting and a copy is provided to City Council at this meeting.

2016 ECONOMIC DEVELOPMENT ACTIVITIES

619 New Jobs*

$48.6 million Capital Investment*

$85 million Transportation Funding

127 Site Selector Meetings

10 Prospect Requests

369 LEGO participants

3 Familiarization Tours

** In partnership with local economic development offices*

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

Five Strategic Goals

1. Projecting a positive image and cultivating our distinct identity
2. Facilitating the growth and expansion of our business community
3. Educating and developing a sustainable workforce
4. Investing in the connectivity of our region
5. Supporting the vitality of our diverse communities and downtowns

TARGET INDUSTRY ANALYSIS

Food & Beverage
Steel and Metal Manufacturing
Nuclear Technology
Wireless Infrastructure & Communications
Financial and Business Support Services

ATTRACTION AND RECRUITMENT

How do we attract new business for Lynchburg?

- National marketing trips
- Hosting regional tours and conferences
- Partnership with Allies
- YesLynchburgRegion.org
- National Advertising

LYNCHBURG REGIONAL
BUSINESS ALLIANCE
Chamber & Economic Development

OUR PARTNERSHIP

Regional Economic Development Team

- Intercity Visit to Baltimore
- Assistance with data/research – Customer Care Centers
- Grant Support Letter
- SiteLink Conference
  - City Hotels/Restaurants
  - Helicopter Tour of LynchPin

OUR PARTNERSHIP

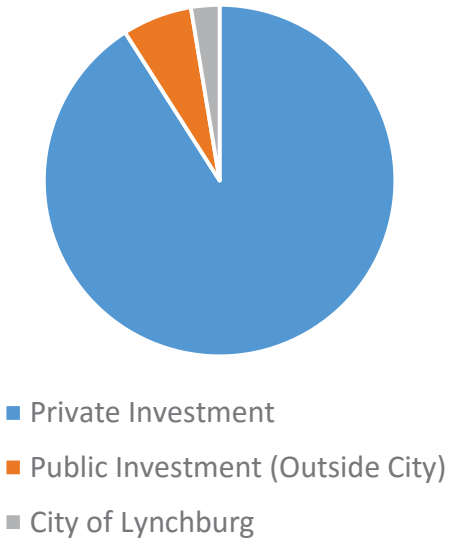
Regional Economic Development Team

- Visibility at trade shows
- Event participation/VEDP
- Inclusion in prospect request
- One-on-One Site Selector meetings – specifically TechHire
- Sponsorship of Lynchburg Innovation Week
- Radio show promotion

YOUR INVESTMENT

GETTING THE MOST FOR YOUR DOLLARS

Regional Economic Investments
2017-2021



Results in

CAPITAL CAMPAIGN GOALS

2500 Direct Jobs
2046 Indirect Jobs
Four New Projects
$400 million in Capital Investment
10% College Graduate Retained

POOLING ECONOMIC DEVELOPMENT DOLLARS MAKES ALL THE DIFFERENCE.

Questions?

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 14, 2017** AGENDA ITEM #: **2**

CONSENT: REGULAR: WORK SESSION: **X** CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Zoning Ordinance Amendments

Strategic Pillar(s) Impacted:

___Arts & Culture	___Citizen Engagement & Social Capital	___Economic Development	___Healthy & Active Living
___Infrastructure	_X_Land Use	___Lifelong Learning	_X_Natural Resources
_X_Neighborhoods	___Safe Community	___Social Equity	___Transportation
			_X_Administrative

RECOMMENDATION: Approval of the Zoning Ordinance amendments.

SUMMARY: City Council adopted the Zoning Ordinance on February 23, 2016. As discussed during the Zoning Ordinance revision process, clarifications and corrections would be necessary as staff, the development community and citizens start working with the document. On January 10, 2017, City Council reviewed each of the proposed changes at a work session and identified five items to discuss in greater detail at a subsequent work session.

The attached slides will be used on February 14th to discuss each of the identified items. Note that text in black is the current ordinance language and the text denoted in red indicates the proposed change. Each slide also contains an explanation of the issue.

Per discussion on January 10th, the ordinance will be adopted in two motions: one for the revisions to section 35.2-33.1 Determination of Boundaries which deals with how to apply zoning for right-of-way vacations, and one for all of the remaining corrections/clarifications.

PRIOR ACTION(S):

February 23, 2016:	City Council adopted the Zoning Ordinance
July 13, 2016:	Planning Commission initiated corrections and clarifications to the Zoning Ordinance
October 12, 2016:	Planning Commission recommended approval (6-0, with 1 vacancy) of the Zoning Ordinance amendments
November 8, 2016:	City Council heard a presentation on the proposed corrections and held a public hearing.
January 10, 2017:	City Council discussed the proposed corrections and identified five (5) changes to discuss in greater detail.

FISCAL IMPACT: N/A

CONTACT(S): Anne Nygaard, Planner II – 455-3900
Tom Martin, City Planner – 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):
- Presentation Slides – February 14, 2017
- Ordinance
- Planning Commission Minutes – October 12, 2016
- Planning Commission Memorandum – October 12, 2016

REVIEWED BY: bms
020K

Zoning Ordinance Amendments

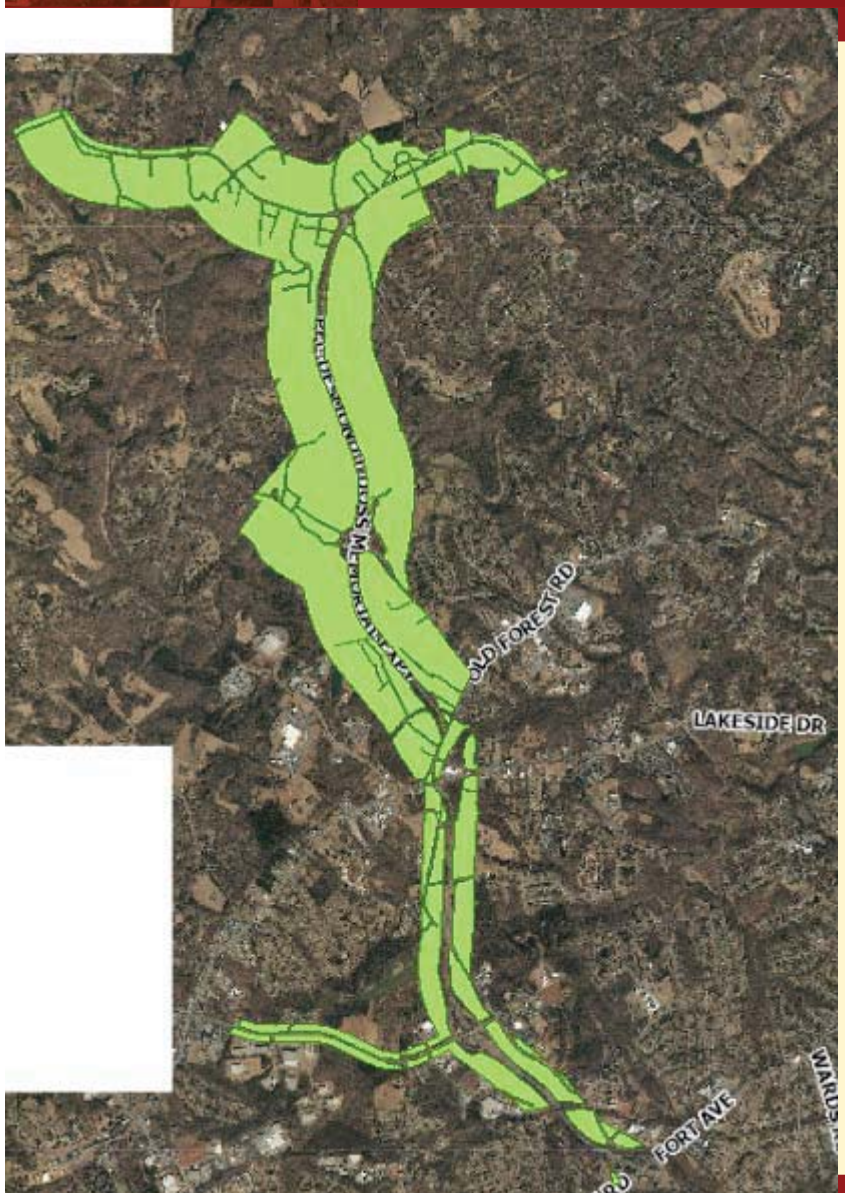
February 14, 2017

City Council Work Session

"Flagged" Items

- **Scenic Corridor** (setbacks from limited access highways)
- **Home Occupations** (number of permitted business vehicles)
- **Violations** (time allowed to correct)
- **Access to Ground Floor Residential** (in business districts)
- **Lot width requirements**

Scenic Corridor Development Standards (section 35.2-56.7 (a)) p176



Code Change:

(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.~~

Why:

City Council's review in February 2016 resulted in removing the city-wide 50' limited access highway setback.

This change inadvertently alters the character of the Scenic Corridor.

Home Occupations (section 35.2-71.4 (b) 6.) p255

Code Change:

(b) Home occupations shall:

...

6. Not have any outside storage of goods or equipment other than one (1) business vehicle and one (1) trailer per lot, providing said trailer 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;

...

Why:

Currently open to interpretation but read literally, it sounds like no business vehicles should be permitted. Including this language codifies a long-term interpretation from Zoning Administrators and applies the same standards recreational vehicles follow.

Example of business trailers in a residential district

Violations (section 35.2-102.1(b)-(d)) p340

Code Changes:

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)~~(c) Every written notice of violation or written order of the Administrator shall include a statement informing the recipient that he or she ~~may have~~has 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.

Why:

- This is a City-imposed restriction on the amount of time given to correct a violation.
- Zoning violations range from issues that will be easy to correct like sign violations to occupancy violations which involve evictions and take much longer to remedy. Due to the wide range of issues, staff recommends allowing the Zoning Administrator to set a “reasonable time period” to correct a violation.

Ground Floor Residential (in business districts)
(sections 35.2-45.3 (e) [B-1], 46.3 (g) [B-3], 48.3 (f) [B-5])
p97, 106, 129

Code Changes:

B-1 (e) Except~~ing~~ authorized single household ~~homes~~ dwellings and other residential uses permitted by conditional use permit, 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.

B-3 (g) Except authorized single household dwellings and other residential uses permitted by conditional use permit, 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.

B-5 (f) Except residential uses specifically permitted by conditional use permit, 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.

Why:

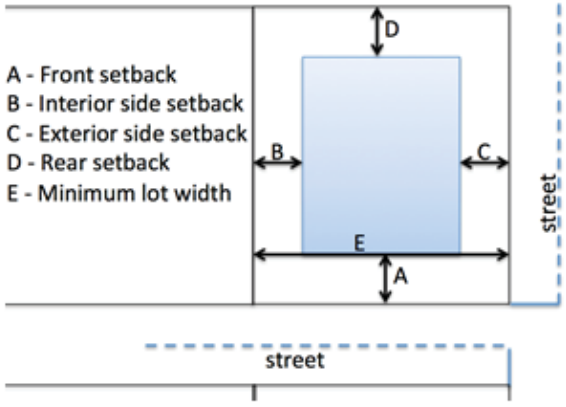
This standard led to confusion about whether residential uses approved by City Council as part of a conditional use permit (CUP) require access from a side street.

This change clarifies that if a project receives CUP approval from City Council, access from a side street will not necessarily be required.

Lot Width Requirements
(Exhibits IV-2 [R-C], IV-4 [R-1], IV-6[R-2], IV-8 [R-3], IV-10 [R-4], IV-14 [B-1])
p69, 74, 79, 84, 89, 98

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 property line and 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%	35.2-61.4



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

Why:

Read literally, it looks like a lot could have no frontage requirement as long as it met lot width at the setback line. This could lead to irregularly shaped lots, too many driveways, and incohesive neighborhood design.

Example of issues with lot width

Review

- **Scenic Corridor** (setbacks from limited access highways)
- **Home Occupations** (number of permitted business vehicles)
- **Violations** (time allowed to correct)
- **Access to Ground Floor Residential** (in business districts)
- **Lot Width Requirements**

- **One ordinance, two motions** (separate determination of boundaries)

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981 BY AMENDING ZONING ORDINANCE SECTIONS:

- 35.2-14.2, SITE PLANS
- 35.2-33.1, DETERMINATION OF BOUNDARIES
- 35.2-34, AUTHORIZED USES
- 35.2-40, CONSERVATION DISTRICT (R-C)
- 35.2-41, LOW DENSITY RESIDENTIAL DISTRICT (R-1)
- 35.2-42, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)
- 35.2-43, MEDIUM DENSITY RESIDENTIAL DISTRICT (R-3)
- 35.2-44, HIGH DENSITY RESIDENTIAL DISTRICT (R-4)
- 35.2-45, LIMITED BUSINESS DISTRICT (B-1)
- 35.2-46, COMMUNITY BUSINESS DISTRICT (B-3)
- 35.2-47, URBAN COMMERCIAL DISTRICT (B-4)
- 35.2-48, GENERAL BUSINESS DISTRICT (B-5)
- 35.2-56.7, SCENIC CORRIDOR DEVELOPMENT STANDARDS
- 35.2-63.9, UTILITY SCREENING
- 35.2-71.4, HOME OCCUPATIONS
- 35.2-71.7, FARM ANIMALS
- 35.2-72.23, TEMPORARY USES
- 35.2-80, RESIDENTIAL CLUSTER SUBDIVISIONS
- 35.2-84, RETAIL ESTABLISHEMENTS, LARGE SCALE
- 35.2-102, VIOLATIONS, ENFORCEMENTS AND PENALTIES

BE IT ORDAINED BY THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice, to plan for future development of the City as recommended by the Comprehensive Plan 2013-2030 that:

1. Sections, 35.2-14.2, 35.2-33.1, 35.2-34, 35.2-40, 35.2-41, 35.2-42, 35.2-43, 35.2-44, 35.2-45, 35.2-46, 35.2-47, 35.2-48, 35.2-56.7, 35.2-63.9, 35.2-71.4, 35.2-71.7, 35.2-72.23, 35.2-80, 35.2-84, and 35.2-102 are hereby amended and reenacted as follows:

35.2-14.2 Site Plans

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	✓	✓

Application Submittal Requirements	Concept	Final
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 (metes and bounds illustrated for rezonings)	✓	✓
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 of regulatory floodplains and floodways		✓
Proposed dust control and phasing for erosion and sediment control measures	✓	
Generalized stormwater management measures	✓	
Final erosion and sediment control and stormwater management plans		✓
Location of existing and proposed utility lines, indicating where they already exist	✓	✓
Documentation (on plan) of capacity and availability of water, sanitary sewer, and stormwater facilities	✓	
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		✓

Application Submittal Requirements	Concept	Final
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: a. Proposed Uses; b. Distance between buildings; c. Number of stories; d. Area in square feet of each floor; e. Number of dwelling units or guestrooms; and f. Maximum heights of structures	✓	✓
Elevations of buildings to be built or altered on site		✓
Proposed location and type of outdoor lighting	✓	
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)		✓
Illustrative cross-sections of streets, showing the general distribution of space for various transportation modes and amenities	✓	
Detailed cross-sections and profiles of streets, showing full design specifications		✓
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*)		✓
Location and type of proposed landscaping and specifically note any situation where requirements of landscape ordinance will not be met	✓	

Application Submittal Requirements	Concept	Final
Landscaping plan with the following information: a. The location, size, height at planting, and botanical name of all required landscaping 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 c. The dimensions of all required landscape islands d. Calculations of the minimum landscape area and the number of plants required. e. 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. f. View Tree Protection Details g. A planting detail for all trees, shrubs, and ground cover used to satisfy the requirements of the landscaping ordinance. h. 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. i. 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: a. Identify core areas, transitional areas, neighborhood edge areas and satellite areas, b. Identify the locations of proposed parks, squares, common open spaces and civic user sites; c. Tabulate the minimum and maximum dwelling units by residential type and the minimum and maximum non-residential square footage by type; 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 e. Include written and illustrated set of guidelines that shall include dimensional and qualitative specifications for Building height, setback, and bulk standards by land use type and general area; 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); Descriptions and illustrations of screening/buffering/transitions to be provided between residential and commercial/service/industrial uses. 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. 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. 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; g. A written description of how the site plan demonstrates compliance with the applicable development pattern objectives; h. Architectural renderings of each structure type; i. A statement regarding the timing of construction of common or public facilities; and 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: 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; b. A written description of how the site plan demonstrates compliance with the applicable development pattern objectives; c. Architectural renderings of each structure type; d. A statement regarding the timing of construction of common or public facilities; and 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

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 official 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 adjacent zoning district boundary shall be ~~construed~~ reconfigured 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.

35.2-34.1 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 structur~~eal~~ codes for certain residential uses (indicated with "S" next to code number) and function codes for other uses.

Exhibits in the regulations for 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.***

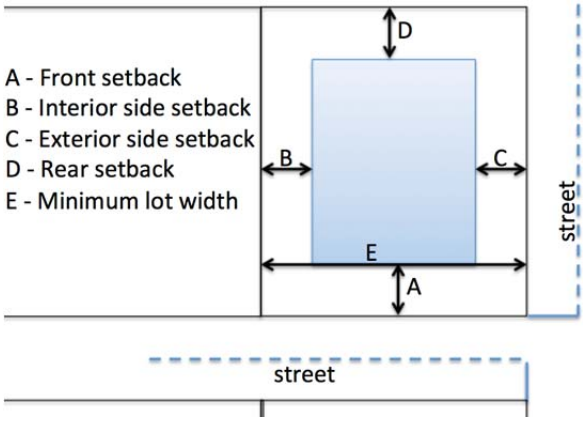
(c) **Conditional Uses**. A "C" indicates the listed use is allowed within the respective zoning district only after approval of a Conditional Use Permit.

(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.

35.2-40.4 R-C District Development Standards

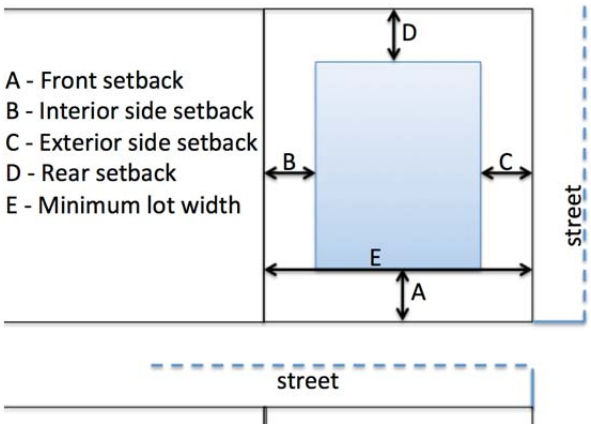
Exhibit IV-2: Summary of R-C Development Standards

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 property line and 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	

35.2-41.4 R-1 District Development Standards

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 property line and 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%	35.2-61.4

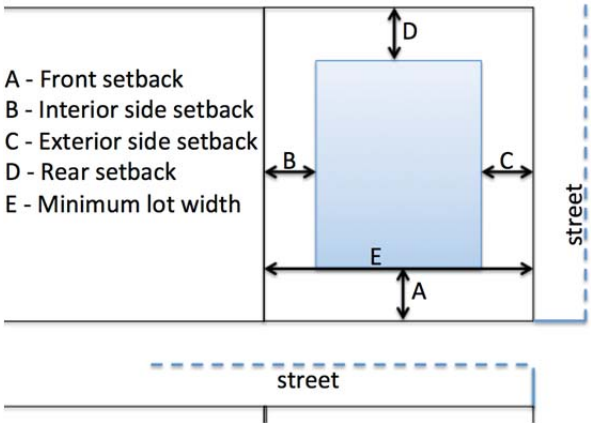


Letters in drawing to the left correspond with dimensions cited in the design element column

35.2-42.4 R-2 District Development Standards

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 (dimension C)	30’	35.2-61.3
Minimum rear setback (dimension D)	30’	35.2-61.3
Minimum lot width at front property line and front setback line (dim E)	75’	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



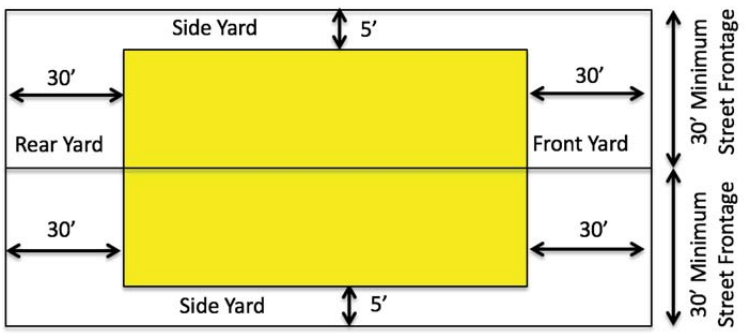
Letters in drawing to the left correspond with dimensions cited in the design element column

35.2-43.4 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 or Detached Dwellings**. For semi-detached or 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 five (5) feet except that there is no minimum side setback required along the party wall between adjoining units (see illustration below). Semi-detached or detached dwellings located on lots less than eight thousand (8,000) square feet are not permitted accessory units.

Semi-detached Dwellings

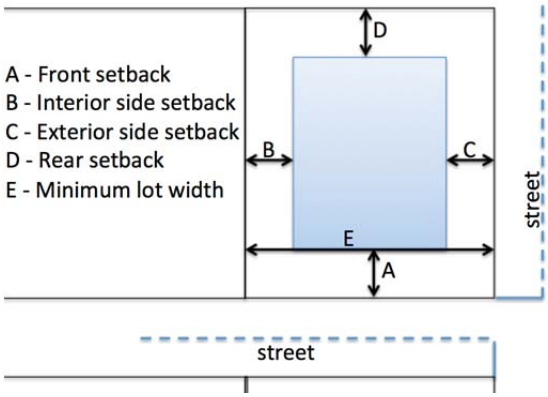


(c) **Neighborhood Norms**. Front and side setbacks may be reduced in accordance with the neighborhood norm provisions of section 35.2-61.3.

(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 property line and front setback line (dimension E)	60’, 30’ per 43.4(b)	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

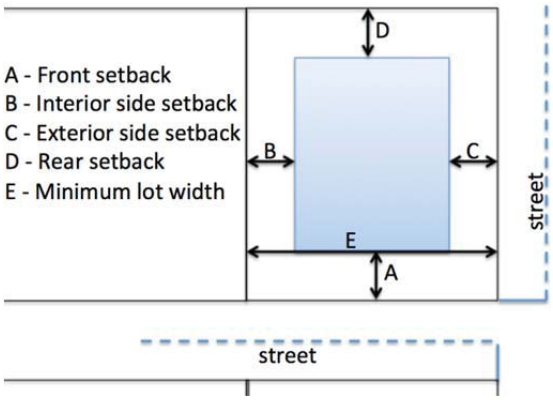


Letters in drawing to the left correspond with dimensions cited in the design element column

35.2-44.4 R-4 District Development Standards

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 front property line and front setback line (dimension E)	50’, 30’ for detached or semi detached dwellings	35.2-61.4
Minimum lot size (square feet)	~~6~~4,000, 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

35.2-45.2 Authorized Uses

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

Land Use	LBCS #	Description	Approval Type
single-household detached	**1111S**	Typical single-household dwelling	P
modular home	**1114S**	A prefabricated home without axles or frames (see definitions)	P
Two-household (duplex)	**1121S**	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
single-household attached (townhouse)	~~1113~~ **1140S**	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households ~~(allowed only as part of a mixed-use development)~~	~~1130~~ **1200S**	Includes triplexes, four-plexes, and other multi-household dwellings	~~P~~C
Mixed-use residential structures (see district regulations for limitations)	**1201S**	Typically commercial uses on lower floors and residential uses on upper floors	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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
retail courier and package delivery	**4182**	Retail courier, package drop-off and mail services	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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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) Except~~ing~~ authorized single household ~~homes~~ dwellings and other residential uses permitted by conditional use permit, 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.

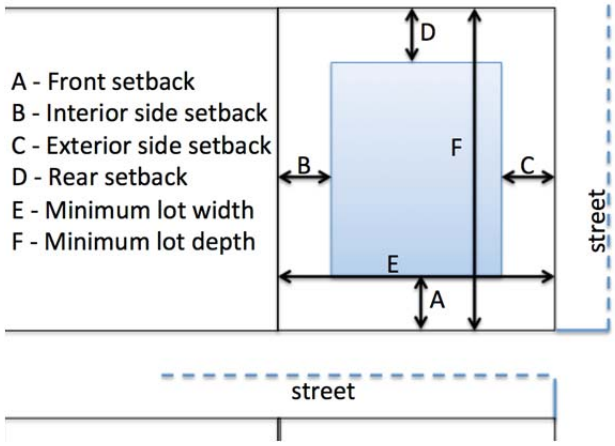
(f) Schools for general education with maximum enrollments of twenty-five (25) or fewer students shall only be allowed subject to the setbacks for other uses allowed in the district. Schools with maximum enrollments in excess of twenty-five (25) students shall be subject to approval of a conditional 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

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 at front property line and front setback line (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
	Letters in drawing to the left correspond with dimensions cited in the design element column	

35.2-46.2 Authorized Uses

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

Land Use	LBCS #	Description	Approval Type
single-household detached	**1111S**	Typical single-household dwelling	P
modular home	**1114S**	A prefabricated home without axles or frames (see definitions)	P
Two-household (duplex)	**1121S**	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
single-household attached (townhouse)	~~**1113**~~ **1140S**	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households ~~**(allowed only as part of a mixed-use development)**~~	~~**1130**~~ **1200S**	Includes triplexes, four-plexes, and other multi-household dwellings	~~P~~C
Mixed-use residential structures (see district regulations for limitations)	**1201S**	Typically commercial uses on lower floors and residential uses on upper floors	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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
Parking lot and parking garage	**2640**	See district standards	P
licensed massage therapist	**2651**		P

Land Use	LBCS #	Description	Approval Type
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

Land Use	LBCS #	Description	Approval Type
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
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	

Land Use	LBCS #	Description	Approval Type
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**		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

Land Use	LBCS #	Description	Approval Type
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) Except authorized single household dwellings and other residential uses permitted by conditional use permit, 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 or set behind the front building line on all street frontages.

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

35.2-47.2 Authorized Uses

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

Land Use	LBCS #	Description	Approval Type
single-household attached (townhouse)	~~1113~~ 1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
~~Three or More Households~~ Multi-household structures	~~1130~~ 1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors	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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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

35.2-48.2 Authorized Uses

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

Land Use	LBCS #	Description	Approval Type
single-household detached	**1111S**	Typical single-household dwelling	C
modular home	**1114S**	A prefabricated home without axles or frames (see definitions)	C
manufactured home	**1115S**	A structure, transportable in one (1) or more sections, built after 1978 on a permanent chassis, and designed for use with or without a permanent foundation when connected to the required utilities (see definitions)	C
Two-household (duplex)	**1121S**	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
single-household semi-detached	~~**1112**~~ **1122S**	One of two dwellings separated by a party wall, on abutting lots	C
single-household attached (townhouse)	~~**1113**~~ **1140S**	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Three or More Households	~~**1130**~~ **1200S**	Includes triplexes, four-plexes, and other multi-household dwellings	C
Mixed-use residential structures (see district regulations for limitations)	**1201S**	Typically commercial uses on lower floors and residential uses on upper floors	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
dormitory, sorority or fraternity house	**1323**	Allowed only as accessory uses to and owned by a college or university	C

Land Use	LBCS #	Description	Approval Type
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

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
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

Land Use	LBCS #	Description	Approval Type
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
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) 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**	b) 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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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 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

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
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
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) Except residential uses specifically permitted by conditional use permit, 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, which is permitted as an accessory to a principal use, shall be screened in accordance with section 35.2-63.9 (Utility Screening).

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) linear feet of building and at least one evergreen tree for each thirty (30) linear feet shall be planted.

    b. At least one medium shrub for each twenty (20) linear 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) linear feet and at least one evergreen tree for each thirty (30) linear feet shall be planted.

    b. At least one small deciduous tree for each fifty (50) linear feet shall be planted.

c. At least one medium shrub for each twenty (20) linear 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.

35.2-63.9 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 wood or vinyl fence or a masonry wall constructed of the same materials as the principal structure. The fence or wall enclosure shall screen the dumpster and be at least six (6) feet and no more than eight (8) feet in height.

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. Be 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. Be limited to mechanical equipment that is customary for purely domestic or household purposes;
6. Not have any outside storage of goods or equipment other than one (1) business vehicle and one (1) trailer per lot, providing said trailer 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;
7. Not use more than twenty (20) percent of the principal dwelling's gross floor area for the home occupation, regardless of whether the home occupation is conducted in the principal dwelling or an accessory building; and
8. Be limited to incidental retail sales of goods to customers of the primary service provided.

35.2-71.7 Farm Animals

Exhibit VII-1: Standards for Farm Animals

Farm Animals	Zoning Provisions	Standards
All farm animals	Commercial Production	Any production of eggs, milk, meat or other farm animal products for sale is prohibited on lots smaller than 10 acres
Poultry	Definition	Any free-ranging, domesticated fowl, with an adult weight no greater than 30 lbs.
	Minimum distance of enclosure from nearest residence and/or property lines and location	• 20 feet from property line for 4 or fewer hens • 100 feet from nearest residence if more than 4 hens are kept • Located behind front building line
	Maximum number of fowl	• 4 fowl on lots of 15,000 sq.ft. or smaller plus • 1 fowl for every additional 5,000 sq.ft. of lot area • Maximum of 40 fowl
Small farm animals	Definition	Any domesticated farm animal used for the production of food and food products, with an adult weight no greater than 150 lbs.
	Maximum number of small farm animals & distance from property line.	• 2 small animals on lots less than 10 ac. • Minimum lot size of 15,000 sq.ft. • 1 additional small farm animal per additional acre of lot area • Located behind front building line • 20 feet from property line.
	Maximum number of goats by area	• On lots of 15,000 sq.ft. or larger in area, 2 goats may be kept • One additional goat may be kept for each acre of land area in excess of 15,000 square feet
	Keeping of swine	Prohibited
Large farm animals	Definition	Any animal with an adult weight of 151 lbs. or greater
	Maximum number of animals	• 2 acres minimum for keeping of up to 2 large animals. Keeping of 3 or more large farm animals shall require 10 acres of land.
	Accommodations	• Enclosures, not including fences, are required ~~and must~~ to be located at least 200 feet from any property line • Located behind front building line

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.~~1. 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.~~2. A charge may be made for admission to or use of any such attraction.

~~4.~~3. No such attraction shall be located less than one hundred fifty (150) feet of the nearest lot line of any adjacent dwelling, except multi-household or mixed use residential structures.

~~5.~~4. Lights, music, amplifiers and other noise shall be controlled so as not to be a nuisance to adjacent residents.

~~6.~~5. The hours of operation shall not extend beyond the normal business hours of the business establishments to which such attractions are incident.

~~7.~~6. 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.

35.2-80 Residential Cluster Subdivisions

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.

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, Maximum lot coverage shall not apply
Minimum Lot Width	50% of minimum lot width for applicable zoning district, not to be reduced below 30 feet
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
Setbacks	50% of setback for applicable zoning district except that side setbacks shall not be less than 5 feet
Minimum Open Space	30%

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 for the 1-year storm to infiltrate to the soil below. In cases where soil quality or other limiting factors will not allow for adequate infiltration, filtering practices with underdrains may be used as an alternative, subject to approval by the Zoning Administrator.

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)~~(c) Every written notice of violation or written order of the Administrator shall include a statement informing the recipient that he or she ~~may have~~has 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)~~(d) An appeal from the Administrator's written notice of violation or written order shall be in writing and shall state the grounds thereof.

~~(f)~~(e) 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.

2. That this ordinance shall become effective upon adoption.

Adopted: February 14, 2017

Certified: _____
Clerk of Council

MINUTES OF THE OCTOBER 12, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Public Hearing Regarding Amendments to the Zoning Ordinance: Ms. Nygaard explained that the items she will be presenting are clarifications to the Zoning Ordinance adopted in February 2016. Anne went through each item on the summary. Only the items that had any discussion are noted.

Home Occupations (page 254): With regard to allowing one business vehicle per home based occupation, Ms. Nygaard clarified that this will deal with vehicles parked on private property. If trailers or commercial vehicles are parking on the street, it becomes a police matter.

Mobile Food Trucks (page 281): Staff wanted the commission's feedback on whether retail trucks should be added to this section. The Zoning Administrator, Kevin Henry, has been receiving requests lately for mobile retail trucks. Staff has concerns with adding them to this section. Peddlers are already allowed within the City's right-of-way. They typically move around from place to place. Food trucks are typically in a location for a couple of hours. The retail trucks would be similar to vendors you see in cities selling clothing and souvenir items. They might set up in a parking lot and stay all day.

Commissioner Bowden asked if they are limited where they can locate because they are a commercial use. Mr. Henry said they are limited to commercial areas of the City; however, one of staff's concerns is that a retail truck could set up right next to a "bricks and mortar" building that is paying taxes for their property. Commissioner Marion said the same is true for food trucks. They locate next to businesses that pay taxes.

Mr. Martin noted that food trucks tend to come to a location for a couple of hours and serve people that are walking around the area. Retail trucks might set up in a parking lot or the City's right-of-way and stay all day. Mr. Martin commented that staff is having difficulty recommending this change and wanted to open it up for discussion. Staff is leaning toward leaving them out of the ordinance.

Commissioner Marion asked if they leave retail trucks out if it would make them illegal. Mr. Martin said if left out, they would fall under peddlers or solicitors, which is part of the City Code and enforced by the police. The trucks would be going from place to place and not setting up shop for hours at a time.

Chair Perault asked what staff feels are the downsides to including them. Mr. Martin said it will be difficult to enforce and to ensure they have business licenses. We are also talking about the appearance of our business districts. It would give them a lot of latitude that he is not sure will be beneficial to the City.

Commissioner Light said he is inclined not to change it. If staff has not had people coming in saying they would like clarification, he thinks they might be opening a can worms if they change it. Chair Perault noted that they will continue making adjustments to the Zoning Ordinance in the future. If in doubt, he thinks they should not make the change. He does not want to see it changed and in six months, it is removed. Commissioner Rogers pointed out that retail trucks can go to the flea markets. It is not like they are restricting them from doing business at all. If it needs to come up again, staff can bring it back to them. Commissioner Bowden noted they have enough things on the books that are difficult to enforce. This change would just add another.

Violations (page 339): With regard to allowing a reasonable time to correct a zoning violation, Chair Perault asked why they did not make it thirty days, which is the period a person has to appeal the Zoning Administrator's ruling. Mr. Henry stated that sometimes 30 days is not enough. For example, enforcing the occupancy limits means people have to move out and 30 days might not be enough time. Typically, he does set a 30 day time limit for most general zoning violations.

Chair Perault noted that Ms. Nygaard's summary was a nice way to present this to them and he appreciated it very much.

Commissioner Rogers made a motion to recommend approval of these changes with the removal of the section on retail trucks. The motion was seconded by Commissioner Light and passed by the following vote:

AYES:	Bowden, Light, Lowe, Marion, Perault and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0
VACANCY:		1

Memorandum

Planning Division • Community Development
900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Lynchburg Planning Commission

From: Planning Division Staff

CC: Bonnie Svrcek, Kent White, Walter Erwin

Date: October 12, 2016

Re: Zoning Ordinance Corrections

Lynchburg's Zoning Ordinance was adopted by City Council on February 23, 2016. On July 13, 2016, Planning Commission initiated the process of correcting and clarifying sections of the ordinance staff had found to be unclear during the first few months of use. A summary of the proposed changes, as well as a copy of the draft revised ordinance is attached.

After reviewing the proposed text, staff recommends forwarding the proposed changes to City Council for adoption. This is the first of what is expected to be a few rounds of corrections and clarifications to the new ordinance.

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of January, 2017, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Absent: Dolan 1

// City Manager Bonnie Svrcek introduced consultants Ian Reeves with Architecture Design Group (Winter Haven, Florida) and Lauren Dianich with Atelier 11 (Lynchburg, Virginia) and they provided a presentation on the facility and space needs for the Police Department, Circuit Court and General District Court. The funding for this assessment was approved by City Council on September 8, 2015. Mr. Reeves first presented the Police Department challenges with the existing facilities:

- Lack of parking
- Lack of operational space and storage
- Lack of adequate space for specialized equipment
- Lack of functional training areas
- Lack of appropriate ventilation systems
- Lack of space for modern technologies in crime scene processing laboratories
- Lack of community meeting spaces
- Existing West Building has multiple structural and envelope deficiencies

Next he discussed the detailed spatial needs assessment process:

- Have conducted two rounds of on-site interviews with the Lynchburg Police Department key personnel and two additional program reviews and reductions to the overall program by identifying shared space and multi-purpose space opportunities.
- Have developed descriptions of existing spatial and operational needs and characteristics.
- Have toured the existing Lynchburg Police Department properties to assess the facilities and their conditions.
- Police facility cost and a community gym.
- Site development planning considerations.
- Development Concepts “A”, “B” and “C” site selection criteria. (Provided information on the three options A, B, and C with projected “hard costs” and projected “soft costs” for each option).

Ms. Dianich discussed the General District Court estimate of probable cost with development conceptual Option “A” and Option “B”. The two options were explained with information on the projected “hard costs” and the projected “soft costs” for each option. She explained the Lynchburg Circuit Court operational challenges with existing facilities:

- Lack of parking.
- Lack of operational space and storage in Clerks area.
- Lack of space for proper security checkpoint.

Lack of proper flow from Court to Clerks area.

- Lack of separation of circulation of staff and public.
- Lack of Americans with Disabilities Act (ADA) accessibility to Judges bench
- Public entrance and restrooms not ADA accessible.

The Lynchburg Circuit Court provided development concepts “A” and “B” with projected “hard costs” and projected “soft costs” for each option. The Lynchburg Police and Court facilities scope of services discussion included the following:

- Spatial Needs Assessment development process
- Understanding the Police Department facilities operational issues
- Understanding the General District Court and Circuit Court facilities operational issues
- Special considerations – security and technology
- Site development considerations

// Anne Nygaard, Planner II reviewed the Zoning Ordinance Amendments with Council. City Council adopted the Zoning Ordinance on February 23, 2016. As discussed during the Zoning Ordinance revision process, clarifications and corrections may be necessary as staff, the development community and citizens start working with the Zoning document. Ms. Nygaard stated that the Zoning Ordinance Corrections/Clarifications 2016 Summary of Changes outlines the Zoning Ordinance Section, each proposed change and the reason for the proposed change. During the discussion of the Zoning Ordinance five items were flagged for additional information:

- Scenic Corridor (setbacks from limited access highways)
- Home Occupation (number of permitted business vehicles)
- Violations (time allowed to correct)
- Access to Ground Floor Residential (in business districts)
- Lot width requirements

Council directed City staff to correct and clarify the sections that were flagged and present the changes at the February 14, 2017 work session.

// During roll call Mayor Foster made the following announcements:

- Dedication and Reopening of Fire Station #6 (Miller Park) – Thursday, January 12, 2017 at 9:00 a.m.
- Dr. Martin Luther King, Jr. Birthday Breakfast (Phase 2) – Monday, January 16, 2017 at 8:30 a.m.
- Town and Gown meeting (Central Virginia Community College) – Wednesday, January 18, 2017 at 12 noon.
- Council/School Board Joint Meeting (Lynchburg Main Library Community Room located at 2315 Memorial Avenue) Tuesday, February 7, 2017 from 5:30 – 8:00 p.m.

// City Manager Bonnie Svrcek reported that there was very preliminary paving/sealing and installation of light poles on 8th Street.

// City Council recessed the meeting at 6:11 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Absent: Dolan 1

Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the December 13, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as amended:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: 0

Absent: Dolan 1

// In the matter of Academy Center of the Arts, Resolution #R-16-135 to amend the FY 2017 General Fund budget and appropriate $200,000 with resources from the Academy Center of the Arts Committed Fund Balance reserve for payment to the Academy Center of the Arts, laid over from the December 13, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: 0

Absent: Dolan 1

// In the matter of Registrar, Resolution #R-16-136 to amend the FY 2017 General Fund budget and appropriate $12,200 with resources from the General Fund Reserve for Contingencies to provide funding to the Electoral Board/Registrar's Office for estimated cost for the January 10, 2017 Senate of Virginia Special Election, laid over from the December 13, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: 0

Absent: Dolan 1

// In the matter of Emergency Services – General, Resolution #R-16-137 to amend the FY 2017 City/Federal State Aid Fund budget and appropriate $2,800 with funding from the Virginia Wireless E-911 Services Board FY 2015 Public Safety Answering Point Grant Program to install Centralized Automatic Message Accounting (CAMA) module card equipment and configure two (2) trunks at the Department of Emergency Services Emergency Communications Center, laid over from the December 13, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: 0

Absent: Dolan 1

// In the matter of Emergency Services – General, Resolution #R-16-138 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $42,150 with funding from the 2016 Hazardous

Materials Emergency Preparedness Grant to conduct a commodity flow study on the hazardous materials transported through the City, laid over from the December 13, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Emergency Services – General, Resolution #R-16-139 to amend the FY 2017 City/Federal/State Aid Fund budget to appropriate $150,000 with funding from the Virginia Wireless E-911 Services Board FY 2017 Public Safety Answering Point Grant Program to upgrade the existing Call Handling Equipment (CHE) system at the Department of Emergency Services, laid over from the December 13, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Police – General, Resolution # R-16-140 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $35,000 with resources from the Virginia Department of Emergency Management (VDEM) 2016 State Homeland Security Program (SHSP) to purchase a Crisis Response Throw Phone System for the Lynchburg Police Department Crisis Negotiations Team (CNT), laid over from the December 13, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Schools, a public hearing was held regarding City Council Report #11 for the appointment of an individual to fill a vacancy that exists in School District II on the Lynchburg School Board. Mayor Foster read into the record the names of the volunteers for School District II; Keith R. Anderson, Gregory M. Crivello, Eyvonne Harvey-McCoy Green, Lewis Lee, Jr., Kimberly A. Sinha and James W. Tolbert. The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board – Keith R. Anderson and Kimberly A. Sinha. One individual spoke on behalf of Eyvonne Harvey-McCoy Green. Lewis Lee, Jr. submitted a letter to Council. There was no one else present who wished to speak to this item. Council Members discussed and reached consensus to close the public hearing and schedule interviews. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following

recorded vote closed the public hearing and after the regular meeting will select candidates in a closed meeting to interview for the School Board:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Dolan 1

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #12 outlining the petition of Centra Health, Incorporated for a Conditional Use Permit (CUP) at 1331 Oak Lane to allow the relocation and expansion of Virginia Baptist Hospital's closed door/post-acute pharmacy in an R-2, Low-Medium Density Residential District. Council Member Helgeson made the following statement. "My wife is an employee of Centra Health, which makes me the spouse of an employee of Centra Health, a group that has more than three members. Even though my wife is an employee of Centra Health, I am able to participate in this matter fairly, objectively, and in the public interest. Therefore, I will participate in the discussion of and vote on Centra Health's application of a conditional use permit." City Planner Tom Martin gave an overview of the request and stated the Planning Commission recommended approval of the CUP petition. Mr. Randall Puckett, Director of Pharmacy at Centra Health asked Council to approve the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-17-001, as presented, granting the Conditional Use Permit at 1331 Oak Lane to allow the relocation and expansion of Virginia Baptist Hospital's closed door/post-acute pharmacy in an R-2, Low-Medium Density Residential District:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Dolan 1

// In the matter of Community Development, a public hearing was held regarding City Council Report #13 for the Community Development Block Grant (CDBG) and HOME Program and adoption of a Resolution regarding Housing and Non-Housing Goals for the 2017-2018 Annual Action Plan. Grants Manager Melva Walker provided an overview of the Community Development Block Grant (CDBG) and HOME Program. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-17-002, as presented, granting the Housing Non-Housing Goals for the 2017-2018 Annual Action Plan:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Dolan 1

// In the matter of Public Works, a public hearing was held regarding City Council Report #14 on the adoption of a Resolution authorizing the City Attorney to initiate condemnation proceedings to acquire right-of-way and a temporary easement on the parcel of land owned by Mr. Clarence S. Early and Ms. Naomi E. Cecil, located at 3150 Wards Ferry Road. Transportation Engineer Maggie Cossman provided a

summary of the Wards Ferry Road Project. She stated that the Wards Ferry Road improvement project is necessary for the City to acquire additional right-of-way and temporary slope and construction easements to widen Wards Ferry Road from Timberlake Road to Water Gate Drive. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-17-003, as presented, authorizing the City Attorney to initiate condemnation proceedings to acquire right-of-way and a temporary easement on the parcel of land owned by Mr. Clarence S. Early and Ms. Naomi E. Cecil, located at 3150 Wards Ferry Road:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Dolan 1

// Council Member Perrow made a motion, seconded by Council Member Helgeson to add "Item Not on the Agenda to the Agenda as Agenda Item #14.A. Council by the following recorded vote agreed to add Agenda Item #14.A to the Agenda:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Dolan 1

// In the matter of City Council, Hashem Abedzadeh spoke before Council requesting a conditional use permit to build on his property at 7140 Morton Drive.

// In the matter of Community Development, City Council Report #15 was considered. On motion of Council Member Perrow, Chair of the Physical Development Committee (PDC), who stated this item came before PDC and it was recommendation to forward the request to City Council. There was no second required and Council by the following recorded vote adopted Resolution #R-17-004, as presented, to rename seven (7) private streets on Liberty University campus: Champion Circle, Demoss Drive, Evans Boulevard, Hershey-Esbenshade Drive, Mountain View Road, Regents Parkway and Williams Stadium Drive:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Dolan 1

// In the matter of Fire, City Council Report #16 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-005, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $27,700 with resources from the 2016 State Homeland Security Program (SHSP) grant from U. S. Department of Homeland Security (DHS) to fund equipment for the Fire Department Hazardous Materials (Haz-Mat) Team:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Dolan 1

// In the matter of Fire, City Council Report #17 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-006, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $50,000 with resources from the 2016 State Homeland Security Program (SHSP) grant from U. S. Department of Homeland Security (DHS) to fund equipment and training for the Fire Department Technical Rescue Team:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for the discussion and consideration of candidate interviews for appointment to the School Board, District II:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// The meeting was re-opened to the public.

// Council Member Nelson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Perrow and Council by the following recorded vote adopted the motion:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// The meeting was adjourned at 9:10 P.M.

_____
Clerk of Council

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 18th day of January, 2017, at 2:00 p.m. in the Council Chamber, City Hall, Joan Foster, President, presiding. The purpose of the meeting was to interview candidates interested in serving on the Lynchburg School Board. The following members were present:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., to interview candidates interested in serving on the Lynchburg School Board, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Nelson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Perrow, and Council by the following recorded vote adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// The meeting was adjourned at 5:15 P.M.

_____

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of January, 2017, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Absent: Helgeson 1

// The City Clerk Tawny Hays with the General District Court provided City Council with a very extensive tour of their building. The following are issues that Ms. Hays stated during the tour as concerns they are facing in the General District Court building:

- Entrance into the General District Court building is very unsafe
- Counter for payment is at a disadvantage to citizens that are conducting business
- Need some type of mirrors in the clerk's area
- No access to the Court for Judge Samuel D. Eggleston
- Noise in both courtrooms
- Fire alarm issues
- Americans with Disabilities Act (ADA) compliance
- Video in courtroom "B"
- Stairs
- No elevator in the Courts

// City Council recessed the meeting at 4:50 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Absent: Helgeson 1

Council Member Wilder gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster presented a Proclamation and a statue of the Water Bearer to Sally Ann Schneider, former Executive Director of the Historical Foundation. The proclamation proclaims "Sally Ann Schneider Day," and along with the Lynchburg community Mayor Foster thanked her for her tireless efforts and wished her a rewarding and well-deserved retirement.

// In the matter of Fire, Resolution #R-17-005 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $27,700 with resources from the 2016 State Homeland Security Program (SHSP) grant from U. S. Department of Homeland Security (DHS) to fund equipment for the Fire Department Hazardous Materials (Haz-Mat) Team, laid over from the January 10, 2017 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: 0

Absent: Helgeson 1

// In the matter of Fire, Resolution #R-17-006 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $50,000 with resources from the 2016 State Homeland Security Program (SHSP) grant from U. S. Department of Homeland Security (DHS) to fund equipment and training for the Fire Department Technical Rescue Team, laid over from the January 10, 2017 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Helgeson 1

// In the matter of Public Works, a public hearing was held regarding City Council Report #4 regarding granting Appalachian Power Company an easement on city-owned property (Heritage High School) at 3101 Wards Ferry Road. City Engineer Lee Newland provided a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that the request was considered by the PDC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote adopted Resolution # R-17-007, as presented, granting an easement located at 3101 Wards Ferry Road for the extension of electric service to the new Heritage High School project:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Helgeson 1

// In the matter of Public Works, a public hearing was held regarding City Council Report #5 regarding granting a License Agreement to Shentel Communications, LLC to place approximately 2,550 feet of underground and aerial fiber optic cable in City-owned right-of-way along Wards Ferry Road from College Park Drive to Heritage High School. City Engineer Lee Newland provided a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that the request was considered by the PDC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote adopted Resolution # R-17-008, as presented, granting a License Agreement to Shentel Communications, LLC to place approximately 2,550 feet of underground and aerial fiber optic cable in City-owned right-of-way along Wards Ferry Road from College Park Drive to Heritage High School:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Helgeson 1

// In the matter of Courts, City Council Report #6 was considered. On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted Resolution

#R-17-009, as presented, authorizing the City Manager to execute the Memorandum of Understanding (MOU) between the Office of the Clerk of the Circuit Court and the City of Lynchburg:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Helgeson 1

// In the matter of Police, City Council Report #7 was considered. Council Member Nelson, a member of the Finance Committee (FC), stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-010, as presented, amending the FY 2017 City/Federal/State Aid budget and appropriating $20,000 with resources from the 2016-17 Department of Criminal Justice Services (DCJS) Policing in the 21st Century Grant and $2,000 in-kind match to expand upon the Street Smart Program in partnership with the Boys and Girls Club and the Lynchburg City Schools:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Helgeson 1

// In the matter of Fire, City Council Report #8 was considered. Council Member Nelson, a member of the Finance Committee (FC), stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-011, as presented, amending the FY 2017 City/Federal/State Aid Fund budget and appropriating $98,387 with resources of $49,837 from the Virginia Office of Emergency Medical Services and $25,000 transferred from the FY 2017 General Fund Fire Department budget and $23,550 appropriated from the General Fund Fire Equipment Assigned Fund Balance to purchase two LifePak 15 cardiac monitors and two Power Pro stretchers for the Fire Department:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Helgeson 1

// In the matter of Water Resources, City Council Report #9 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-012, as presented, amending the FY 2017 Stormwater Capital Projects Fund budget and appropriating $1,705,275 with resources from a Stormwater Local Assistance Fund (SLAF) Grant to reimburse costs associated with five stormwater quality improvement projects needed to meet Phase II Municipal Separate Storm Sewer System (MS4) permit compliance by FY 2018:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Helgeson 1

// On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council appointed Boards and Commissions, i.e., School Board, pursuant to Section 2.2-3711(A)(1), of the Code of Virginia, 1950, as amended:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Helgeson	1

// The meeting was re-opened to the public.

// Council Member Perrow made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Wilder, and Council by the following recorded vote adopted the motion:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Helgeson	1

// In the matter of Appointments, and on nomination of Council Member Nelson, seconded by Council Member Dolan, Council by the following recorded vote appointed Kimberly A. Sinha to serve on the Lynchburg School Board, District II to fill an unexpired term to end June 30, 2017:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Helgeson	1

// The meeting was adjourned at 8:38 P.M.

_____

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 14, 2017** AGENDA ITEM #: **10**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Vacate a portion of 5th Street

Strategic Pillar(s) Impacted:

_X_Arts & Culture	___Citizen Engagement & Social Capital	___Economic Development	___Healthy & Active Living
___Infrastructure	_X_Land Use	___Lifelong Learning	___Natural Resources
____Neighborhoods	___ Safe Community	___Social Equity	___Transportation
			__Administrative

RECOMMENDATION: Approval of the right-of-way vacation.

SUMMARY: Academy Center of the Arts, Inc., the owner of 600 Main Street and 501 Commerce Street, is petitioning to vacate a small portion of right-of-way located along the frontage of these two properties. The petitioner is requesting this right-of-way vacation to accommodate construction in connection with the restoration of the historic Academy Theater The total area of the proposed vacation is seventeen thousandths (0.017) of an acre and includes a portion of lawn located adjacent to the curb, behind the sidewalk. The right-of-way vacation would not impact vehicle or pedestrian access along 5th Street.

PRIOR ACTION(S):

November 15, 2016: The Technical Review Committee (TRC) reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

February 14, 2017: The Physical Development Committee will review this item at their meeting.

FISCAL IMPACT: $5,950 Assessed Value

CONTACT(S): Rachel Frischeisen, Planner – 455-3900
Tom Martin, City Planner – 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Map

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ALONG 5TH STREET.

WHEREAS, Academy Center of the Arts, Inc., is petitioning to vacate a portion of right-of-way along 5th Street; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way; and

WHERAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Sections 35-71 through 35-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

All that certain tract or parcel of land lying and being situate in the City of Lynchburg, Virginia, containing 0.017 acre, beginning at a point on the southerly right of way for Fifth Street located approximately 121.43' northeasterly from Main Street, thence with the right of way of Fifth Street N. 82° 14' 21" W 31.64', thence leaving the right of way of Fifth Street S. 06° 10' 43" W. 30.00', thence S. 88° 21' 38" W. 17.35', thence N 17° 17' 56" W. 36.23' to the point of beginning.

Provided, however, that any easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg and the construction of a permanent structure over any utility line without the prior written approval of the City is prohibited.

BE IT FURTHER ORDAINED that the Clerk of Council is hereby authorized and directed to deliver a duly certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg, and the City Manager is hereby authorized to sign any documents that may be needed to complete the vacation of the right-of-way.

Adopted:

Certified: _____
Clerk of Council

021K

APPLICATION FOR THE VACATION OF

.017 acres

LOCATED

In the City of Lynchburg, Virginia

The undersigned applicant, the Academy Center of the Arts, Inc., a Virginia corporation, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the Lynchburg City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of right-of-way or unnamed right-of-way described as follows:

All that certain tract or parcel of land lying and being situate in the City of Lynchburg, Virginia, containing 0.017 acre, beginning at a point on the southerly right of way for Fifth Street located approximately 121.43' northeasterly from Main Street, thence with the right of way of Fifth Street N. 82° 14' 21" W 31.64', thence leaving the right of way of Fifth Street S. 06° 10' 43" W. 30.00', thence S. 88° 21' 38" W. 17.35', thence N 17° 17' 56" W. 36.23' to the point of beginning. An annotated copy of that plat of survey entitled "PLAT SHOWING CONSOLIDATION OF THE PROPERTIES OF THE CITY OF LYNCHBURG & THE ACADEMY OF MUSIC THEATRE, INC.", by J.A. Michael Nichols, L.S., of Hurt & Proffitt, dated January 15, 2001 and recorded in the Clerk's Office of the Circuit Court of the City of Lynchburg as Instrument 020010694, is attached to this instrument as Exhibit A for the purposes of generally illustrating the area of the property hereby vacated, which general area has been labelled on the attachment as "VA", which stands for "Vacated Area".

The applicant further requests that the Lynchburg City Council hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on February 14, 2017, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of right-of-way or unnamed right-of-way.

Given under my hand this 19th day of January, 2017.

Geoffrey Kershner, Executive Director of the Academy Center of the Arts, Inc., a Virginia corporation

600 MAIN STREET, LYNCHBURG VA 24504
Address

434-528-3256
Phone Number

WE, THE ADJOINING PROPERTY OWNER(S) ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY: **N/A**

Exhibit A

84

1. SIXTH STREET BETWEEN MAIN STREET AND COMMERCE STREET HAS BEEN VACATED BY THE BY AN ORDINANCE ADOPTED BY THE CITY COUNCIL ON NOVEMBER 14, 2000 AND RECORDE PG. 232 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.
2. THE OFF-RAMP BETWEEN FIFTH STREET AND COMMERCE STREET HAS BEEN VACATED BY T LYNCHBURG BY ORDINANCE O-01-142, ADOPTED BY THE CITY COUNCIL ON JULY 10, 2001
3. THIS PROPERTY IS LOCATED IN ZONE 'C' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZO A 100 YEAR FLOOD AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP DATED SEPTE
4. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
5. THE PROPERTY SHOWN IS COMPRISED OF TAX MAP PARCELS #24-17-01, #24-17-02, #24-17-04, #24-17-05, #24-17-06, #24-17-07, #24-17-08 #24-17-09, #24-17-10, #24-32-01, & #24-32-02.
6. THIS DRAWING HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT.
7. IRON PINS ON PARCEL "A" TO BE SET UPON THE COMPLETION OF CONSTUCTION FOR THE ACADEMY OF MUSIC.
8. MUNICIPAL WATER AND SEWER SERVICE TO BE PROVIDED BY THE CITY OF LYNCHBURG.
9. EXISTING & PROPOSED UTILITIES WILL BE OVERHEAD AND UNDERGROUND.
10. ALL INTERIOR, DASHED PROPERTY LINES ARE HEREBY VACATED

0.932 AC.	– ACADEMY O
0.253 AC.	– ACADEMY O
0.427 AC.	– CITY OF LYN
0.184 AC.	– SIXTH ST.
± 0.133 AC.	– PARCEL "A"
1.929 AC.	– TOTAL COM

HURT & PROFFITT INCORPORATED
ENGINEERS » SURVEYORS » PLANNERS
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.347.4904 TOLL FREE
804.847.7796 MAIN
804.847.0047 FAX

Virginia: In the Clerk's Office of the Circuit Court of the City of Lynchburg The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgement annexed, admitted to record this 5th day of Oct., 2002, at 11:05 o'clock A. M.

TESTE: Clerk

	Tax
	City Tax
3.00	TFTF
15.00	Fee
18.00	TOTAL

Examined And Recorded In

Person Consulting Services LLC.

020010694 PC 7 Slide 122

SOURCE OF TITLE: T.M. #24-17-02 (#519 COMMERCE ST.)
THE AREA SHOWN WAS ACQUIRED BY ACADEMY OF MUSIC THEATRE, INC. FROM RUSSELL W. & REBA M. TYREE BY DEED DATED AUGUST 15, 2000 AS RECORDED IN D.B. 1145, PG. 572A OF THE CIRCUIT COURT CLERKS OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.

SOURCE OF TITLE: T.M. #24-17-04 (#105-#107 SIXTH ST.)
THE AREA SHOWN WAS ACQUIRED BY ACADEMY OF MUSIC THEATRE, INC. FROM RUSSELL W. & REBA M. TYREE BY DEED DATED AUGUST 15, 2000 AS RECORDED IN D.B. 1145, PG. 572A OF THE CIRCUIT COURT CLERKS OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.

SOURCE OF TITLE: T.M. #24-17-05/06/07 (#524-#526, #514-#518 MAIN ST.)
THE AREA SHOWN WAS ACQUIRED BY ACADEMY OF MUSIC THEATRE, INC. FROM LIBERTY UNIVERSITY, INC. BY DEED DATED MARCH 29, 1984 AS RECORDED IN D.B. 881, PG. 752 OF THE CIRCUIT COURT CLERKS OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.

SOURCE OF TITLE: T.M. #24-32-01/02 (#600 MAIN ST./#601 COMMERCE ST.)
THE AREA SHOWN WAS ACQUIRED BY ACADEMY OF MUSIC THEATRE, INC. FROM 600 MAIN STREET, L.L.C. BY DEED DATED SEPTEMBER 6, 2000 AS RECORDED IN D.B. 1148, PG 641 OF THE CIRCUIT COURT CLERKS OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.

SOURCE OF TITLE: T.M. #24-17-01(#500 MAIN ST.)
THE AREA SHOWN WAS ACQUIRED BY THE CITY OF LYNCHBURG, VIRGINIA FROM C. LYNCH CHRISTIAN, JESSIE D. CHRISTIAN, ET.ALS. BY DEED DATED JUNE 30, 1980 AS RECORDED IN D.B. 587, PG. 508 OF THE CIRCUIT COURT CLERKS OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.

SOURCE OF TITLE: T.M. #24-17-08/09 (#512 MAIN ST./#510 MAIN ST.)
THE AREA SHOWN WAS ACQUIRED BY THE CITY OF LYNCHBURG, VIRGINIA FROM CUTHRIE G. CRAWFORD, WALLACE D. SIMPSON, & CALVIN D. CANDLER BY DEED DATED APRIL 4, 1979 AS RECORDED IN D.B. 564, PG. 341 OF THE CIRCUIT COURT CLERKS OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.

SOURCE OF TITLE: T.M. #24-17-10 (#506-#508 MAIN ST.)
THE AREA SHOWN WAS ACQUIRED BY THE CITY OF LYNCHBURG, VIRGINIA FROM ROBERT HAYES GILES & EDITH P. GILES BY DEED DATED JUNE 20, 1984 AS RECORDED IN D.B. 845, PG. 163 OF THE CIRCUIT COURT CLERKS OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.

THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

OWNER — DATE 3/4/02
OWNER — DATE 3/31/02

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/CITY OF Lynchburg
I, Debbi Campbell, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID DO HEREBY CERTIFY THAT THE OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE ACKNOWLEDGED THE SAME BEFORE ME THIS 31 DAY OF March 2002. MY COMMISSION EXPIRES 04-30-04

NOTARY PUBLIC

SUBDIVISION APPROVED
CITY ENGINEER 3/31/02
CITY PLANNER 3/31/02

1. SIXTH STREET BETWEEN MAIN STREET AND COMMERCE STREET HAS BEEN VACATED BY THE CITY OF LYNCHBURG BY AN ORDINANCE ADOPTED BY THE CITY COUNCIL ON NOVEMBER 14, 2000 AND RECORDED IN D.B. 1160, PG. 232 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.
2. THE OFF-RAMP BETWEEN FIFTH STREET AND COMMERCE STREET HAS BEEN VACATED BY THE CITY OF LYNCHBURG BY ORDINANCE O-01-142, ADOPTED BY THE CITY COUNCIL ON JULY 10, 2001.
3. THIS PROPERTY IS LOCATED IN ZONE 'C' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP DATED SEPTEMBER 1, 1978.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
5. THE PROPERTY SHOWN IS COMPRISED OF TAX MAP PARCELS #24-17-01, #24-17-02, #24-17-04, #24-17-05, #24-17-06, #24-17-07, #24-17-08 #24-17-09, #24-17-10, #24-32-01, & #24-32-02.
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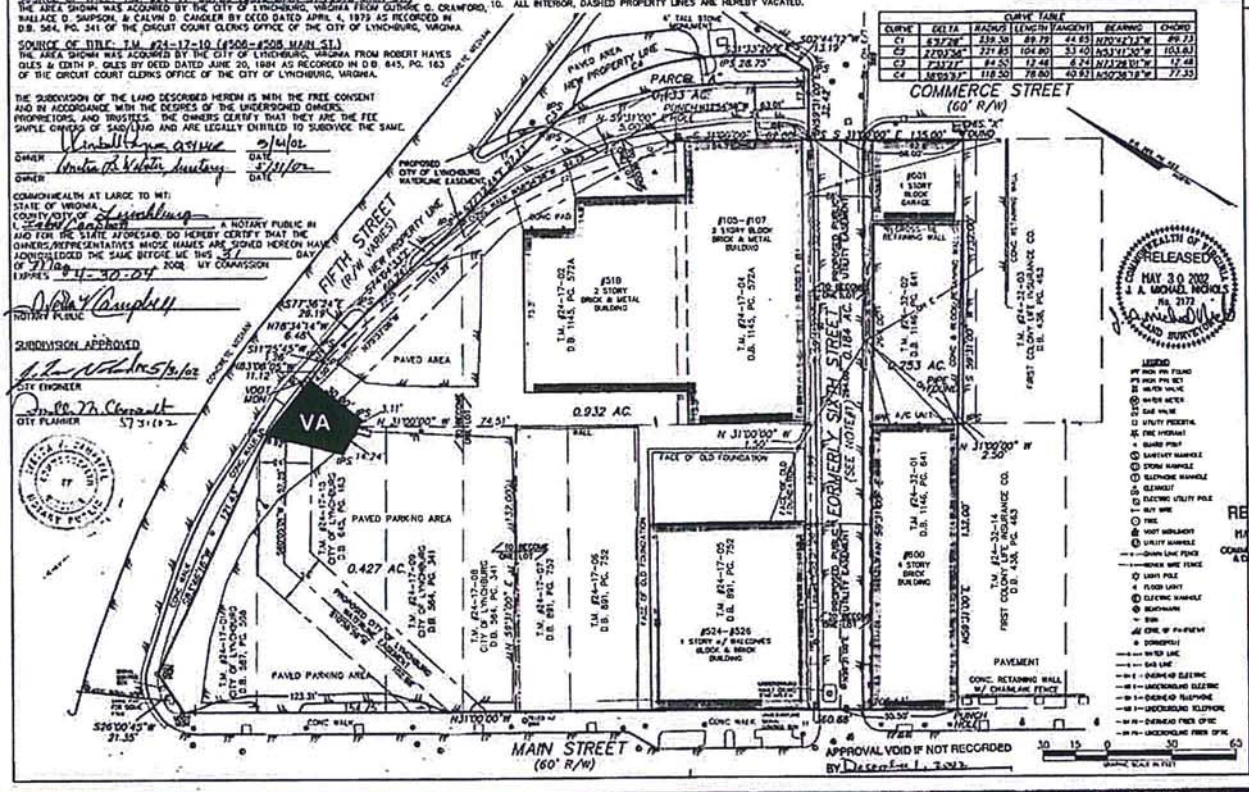
9. EXISTING & PROPOSED UTILITIES WILL BE OVERHEAD AND UNDERGROUND.
10. ALL INTERIOR, DASHED PROPERTY LINES ARE HEREBY VACATED.

0.932 AC. – ACADEMY OF MUSIC PROPERTY
0.253 AC. – ACADEMY OF MUSIC PROPERTY
0.427 AC. – CITY OF LYNCHBURG PROPERTY
0.184 AC. – SIXTH ST.
± 0.133 AC. – PARCEL "A"
1.929 AC. – TOTAL COMBINED LOT

VICINITY MAP

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	BEARING	CHORD
C1	63°27'26"	339.50	89.79	44.85	N70°42'13"W	89.23
C2	21°09'36"	279.85	104.80	53.40	N53°11'30"W	103.82
C3	2°33'21"	84.50	12.48	6.24	N32°28'01"W	12.48
C4	45°59'37"	118.50	78.80	40.92	N50°38'18"W	77.35



LEGEND
IRON PIN FOUND
IRON PIN SET
WATER VALVE
WATER METER
GAS VALVE
UTILITY PEDESTAL
FIRE HYDRANT
GUARD POST
SANITARY MANHOLE
STORM MANHOLE
TELEPHONE MANHOLE
CLEANOUT
ELECTRIC UTILITY POLE
GUY WIRE
TREE
YOKE MONUMENT
UTILITY MANHOLE
CHAIN LINK FENCE
WOVEN WIRE FENCE
LIGHT POLE
FLOOD LIGHT
ELECTRIC MANHOLE
BOLLARD
SIGN
CONC. RETAINING WALL
GAS LINE
OVERHEAD ELECTRIC
UNDERGROUND ELECTRIC
OVERHEAD TELEPHONE
UNDERGROUND TELEPHONE
OVERHEAD FIBER OPTIC
UNDERGROUND FIBER OPTIC

PLAT SHOWING
CONSOLIDATION OF THE PROPERTIES OF
THE CITY OF LYNCHBURG & THE ACADEMY OF MUSIC THEATRE, INC.
CITY OF LYNCHBURG, VIRGINIA

REVISED: 1/30/02
REVISED: 12/27/01
PROJECT NO. 20010069
G.L. NO. 229-16-023.5
FILE NO. SL 9333
DATE: 01/15/01
DRAWN BY: ABC
CHECKED BY: JMM

HURT & PROFFITT

SHEET NO.
1 OF 1

HURT & PROFFITT
INCORPORATED
ENGINEERS • PLANNERS • SURVEYORS
LYNCHBURG, VA 24501
(434) 239-1501 TOLL FREE (800) 296-1501
FAX (434) 239-2727

RC 7-122

Academy Center of the Arts, Inc.

DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

0 50 100 ft

1 inch = 50 feet 1:600

PRINTED ON January 24, 2017

2-6-17

To Whom it May Concern,

I respectfully request to speak at the next Lynchburg City Council meeting 2/14/17, regarding a traffic matter at the Rivermont / Main St. intersection (163 ~~North~~ South bound to 5th Street) for which I have an idea for improvement.

Thank you.

Sincerely,

Rebecca Sedingham
(434) 841-2576
P.O. Box 1295
Madison Heights, VA
24572

RECEIVED
FEB - 6 2017
Council/Manager
Offices

022K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 14, 2017** AGENDA ITEM #: 12

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Virginia Department of Health Donation – "We Got The Beet" Campaign

Strategic Pillar(s) Impacted:

_X_Arts & Culture	_X_Citizen Engagement & Social Capital	___Economic Development	_X_Healthy & Active Living
___Infrastructure	___Land Use	_X_Lifelong Learning	___Natural Resources
___Neighborhoods	___Safe Community	_X_Social Equity	___Transportation
			___Administrative

RECOMMENDATION: Adopt a resolution to amend the FY 2017 General Fund budget and appropriate $49,686 with resources from the Virginia Department of Health to the Parks and Recreation Fees budget for a donation to the "We Got The Beet" campaign at the Lynchburg Community Market.

SUMMARY:

The Lynchburg Community Market (LCM), Virginia Department of Health and the Virginia Cooperative Extension share the goal of contributing to a healthy and educated community through providing more access to fresh and locally grown food alternatives. Toward this goal, the three entities have worked together over the past several years to further participation in the Supplemental Nutrition Assistance Program (SNAP) at the Market

The Virginia Department of Health has agreed to contribute $49,686 to the City of Lynchburg to fund the We Got The Beet campaign at the Lynchburg Community Market. The goal of this campaign, which will be coordinated with the three agencies listed above, is to educate the public on the benefits and accessibility of healthy and fresh food alternatives available at the LCM and increase participation in the Supplemental Nutrition Assistance Program.

The funds will be used to hire a temporary project manager, develop and produce all campaign branding and materials, materials and fees paid to local chefs for teaching and other demonstrations, wellness educational materials, and the general public promotion of the campaign, the Community Market and local food producers.

All funds will be provided through bi-weekly payments of no more than $5,000 until all funds are exhausted.

PRIOR ACTION(S): None

FISCAL IMPACT: No local match is required.

CONTACT(S): Jennifer Jones, 455-5868
John Ramsey, 455-5869
Jennifer Kennedy, 455-4486

ATTACHMENT(S):
Virginia Department of Health Award Notification
Memorandum of Understanding – We Got The Beet Campaign

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2017 General Fund budget is amended and $49,686 is appropriated with resource from the Virginia Department of Health to the Parks and Recreation Fees budget for a donation to the We Got The Beet campaign at the Lynchburg Community Market.

Introduced: Adopted:

Certified: _____
Clerk of Council

024K

COMMONWEALTH *of* VIRGINIA

DEPARTMENT OF HEALTH

CENTRAL VIRGINIA HEALTH DISTRICT
307 ALLEGHANY AVENUE
LYNCHBURG, VA 24501

PHONE: (434) 477-5900

SERVING THE COUNTIES OF
AMHERST
APPOMATTOX
BEDFORD
CAMPBELL
and the
CITY OF LYNCHBURG

January 31, 2017

Jennifer Kennedy
Market Manager, Lynchburg Community Market
1219 Main Street
Lynchburg, VA 24504

Dear Jennifer Kennedy,

Central Virginia Health District, Virginia Department of Health has awarded $49,686 to the City of Lynchburg to implement the We Got the Beet campaign at the Lynchburg Community Market. Details of the agreement are outlined in the memorandum of understanding signed by the Virginia Department of Health, Virginia Cooperative Extension, and City of Lynchburg.

Congratulations,

Kerry Gateley, M.D., MPH, CPE
Director, Central Virginia Health District

Memorandum of Understanding

between the LYNCHBURG COMMUNITY MARKET (an acting agent of the City of Lynchburg), the CENTRAL VIRGINIA HEALTH DISTRICT, Virginia Department of Health and the VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY through its VIRGINIA COOPERATIVE EXTENSION

I. PURPOSE

The purpose of this agreement is to provide for a working agreement between the Lynchburg Community Market (LCM), the Central Virginia Health District (CVHD) and the Virginia Cooperative Extension (VCE) for the We Got the Beet Campaign, a sponsored program to be implemented through LCM at 1219 Main Street, Lynchburg. This agreement is to formalize the local government and non-government partnership, and to set forth the general terms and conditions that will guide these agencies/organizations and individuals in establishing and sustaining a long-term working relationship.

II. BACKGROUND

The LCM is a well established component of the City of Lynchburg Parks & Recreation Department whose mission is to contribute to a healthy, active, and educated community, providing stewardship and management of parklands, trails and civic facilities and creating opportunities for all people to participate in a rich variety of recreational activities. CVHD and VCE have a previously established working partnership with LCM in the interest of furthering participation in the Supplemental Nutrition Assistance Program (SNAP) at the Market to provide individuals and families with access to healthy and fresh food alternatives.

III. BENEFITS

By partnering on the We Got the Beet Campaign, all parties will further their effect on social equity by extending patronage at LCM to reach more SNAP eligible households. In turn, increased patronage promotes shopping directly with producers and strengthens

the local economy. Lastly, program participants will gain wellness knowledge to sustain a lifelong journey that encourages better choices.

IV. TERMS

The parties acknowledge that a long-term, sustained relationship is essential to the benefit of all for the public good. In consideration of the efforts of all parties, the operating agreement between LCM, CVHD, and VCE shall be for a period of nine (9) months from the date of this Agreement, during which time this Agreement may be terminated only by written notice, given 30 days prior. Any disputes regarding the interpretation or implementation of this MOU will be resolved only by consultation among the participants and will not be referred to a national or international tribunal or other third party for settlement.

V. LCM AGREES TO/RESPONSIBILITIES

a. Hiring and training Project Manager and Locavore Chefs
b. Coordinating and effectuating We Got the Beet activities
c. Creating and implementing marketing strategies
d. Delivering general oversight of program activities including financial management and vendor payments
e. Providing City of Lynchburg resources, to include additional staff, facility usage, and administrative provisions as necessary
f. Assisting with data collection and analysis
g. Respecting the confidentiality of SNAP-Ed participants and following the rules of confidentiality as required by Virginia's Family Nutrition Program and the Department of Social Services and Federal regulations at 7 CFR 272.1(c) to protect privacy and to act in a professional manner

VI. CVHD AGREES TO/RESPONSIBILITIES

a. Maintaining communication between CVHD headquarters and project partners
b. Filing initial gift documentation and progress reports
c. Providing support to LCM and VCE as needed
d. Assisting with data collection and analysis
e. Promptly paying invoices of no more than $5,000, to be sent from LCM on a biweekly basis, until the total amount of $49,686 is fulfilled
f. Respecting the confidentiality of SNAP-Ed participants and following the rules of confidentiality as required by Virginia's Family Nutrition Program and the Department of Social Services and Federal regulations at 7 CFR 272.1(c) to protect privacy and to act in a professional manner

VII. VCE AGREES TO/RESPONSIBILITIES

a. Performing cooking demonstrations
b. Delivering wellness curriculum
c. Assisting PM with knowledge of wellness education resources and instructors
d. Providing health supplies, promotions, and targeted program marketing
e. Respecting the confidentiality of SNAP-Ed participants and following the rules of confidentiality as required by Virginia's Family Nutrition Program and the Department of Social Services and Federal regulations at 7 CFR 272.1(c) to protect privacy and to act in a professional manner

VIII. NON DISCRIMINATION

LCM, CVHD and VCE agree that they will not, on the grounds of race, color, religion, sex, disability or national origin or permit discrimination against any person or any groups of persons.

IX. COMPLIANCE WITH FEDERAL AND STATE RULES AND REGULATIONS

LCM, CVHD, and VCE, in conformance with all applicable state and federal laws and regulations, shall perform all activities specified in this MOU.

I. EFFECTIVE DATE

This agreement is effective immediately upon endorsement by LCM, VDH and VCE and the appropriation of associated funds by Lynchburg City Council. Should the City Council fail to appropriate the necessary funding, the LCM may terminate this Agreement or any unfunded portion of this Agreement without incurring any penalty, liability or additional costs whatsoever.

II. COMPLETION

The relationship of the LCM, CVHD, and VCE is ongoing and dynamic. All organizations recognize the fluid nature of the agreement and anticipate an on-going partnership that pertains to a nine-month contracted period for the implementation of the We Got The Beet campaign.

III. CHANGES TO THIS AGREEMENT

LCM, CVHD, and VCE may agree in writing to modify this Agreement at any time. The Agreement will be reviewed on a yearly basis by representatives from all organizations at a formal meeting.

IV. INDEMNIFICATION

LCM, CVHD, and VCE are independent entities and no party will be responsible for the actions of the other parties or their employees or agents.

WITNESS the following duly authorized signatures and seals:

Bonnie Svrcek _____ 2/1/2017

Bonnie Svrcek — Date
City Manager
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

_____ _____

Kerry Gateley, M.D., MPH, CPE — Date
Health Director
Central Virginia Health District, Virginia Department of Health
307 Alleghany Avenue
Lynchburg, VA 24501

_____ _____

Edwin J. Jones, Ph.D. — Date
Director, **Virginia Cooperative Extension**
Associate Dean, **College of Agriculture and Life Sciences**
101 Hutcheson Hall (0402)
Virginia Tech
Blacksburg, VA 24061

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 14, 2017** AGENDA ITEM #: **13**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Appropriation of Fund Balance from FY 2016 Unexpended Schools Operating Fund

Strategic Pillar(s) Impacted:

___Arts & Culture	___Citizen Engagement & Social Capital	___Economic Development	___Healthy & Active Living
___Infrastructure	___Land Use	___Lifelong Learning	___Natural Resources
___Neighborhoods	___Safe Community	___Social Equity	___Transportation
			_X_Administrative

RECOMMENDATION: Adopt a resolution to amend the FY 2017 General Fund budget and appropriate $767,779 with resources from unexpended FY 2016 Schools Operating Fund appropriations for transfer to the FY 2017 Schools Operating Fund ($567,779) and to the Schools Capital Fund ($200,000) to fund needs as approved by the School Board.

Also, amend the FY 2017 General Fund budget and authorize $591,176 to increase the Schools Health Insurance Reserve ($500,000) and the Schools Textbook Reserve ($91,176) with resources from unexpended FY 2016 Schools Operating appropriations.

SUMMARY: This action is requested in accordance with an agreement signed by the Lynchburg City Council and the Lynchburg City School Board dated December 14, 1993. This agreement provides for the creation and maintenance of a Schools Operating Fund fund balance for "the purpose of underwriting any occasional shortfalls from the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board."

The FY 2016 Schools audit identified $1,358,955 as available fund balance to be returned to City Schools. These funds are requested by the School Board to be used to purchase Finance/Human Resources software ($400,000), replenish the maintenance reserve ($200,000), renovation of the Empowerment Academy ($100,000), purchase of all terrain fork lift ($35,000), and purchase custodial equipment ($32,779). Also requested is for $91,176 to be placed in the Schools Textbook Reserve and $500,000 to be placed in the Health Insurance Reserve.

The total to be transferred to City Schools is $1,358,955 with $567,779 being transferred to the Schools Operating Fund and $200,000 being transferred to the Schools Capital Fund and $591,176 remaining in the General Fund to increase the Schools Textbook Reserve and the Schools Health Insurance Reserve.

PRIOR ACTION(S): December 14, 1993 Agreement with Schools regarding the Return of Fund Balance.

FISCAL IMPACT: Transfer of available fund balance in the amount of $767,779 to the Schools Operating ($567,779) and Capital Funds ($200,000). Also $591,176 increase to the General Fund for the Schools Health Insurance Reserve ($500,000) and the Schools Textbook Reserve ($91,176).

CONTACT(S): Donna S. Witt, Director of Financial Services, 455-3968
Dr. Scott Brabrand, Superintendent, Lynchburg City Schools, 515-5070
Anthony Beckles, Chief Financial Officer, Lynchburg City Schools, 515-5010

ATTACHMENT(S): Resolution
Request from Dr. Scott Brabrand, Superintendent, dated December 9, 2016
Letter of Agreement between Lynchburg City Council and Lynchburg Board of School Trustees, dated December 20, 1993

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2017 General Fund budget is amended $767,779 is appropriated with resources from unexpended FY 2016 Schools Operating Fund appropriations for transfer to the FY 2017 Schools Operating Fund ($567,779) and to the Schools Capital Fund ($200,000) to fund needs as approved by the School Board.

BE IT FURTHER RESOLVED that the FY 2017 General Fund budget is amended and $591,176 is authorized to increase the Schools Health Insurance Reserve ($500,000) and the Schools Textbook Reserve ($91,176) with resources from unexpended FY 2016 Schools Operating appropriations.

Introduced: Adopted:

Certified: _____
Clerk of Council

019K

A TRADITION OF EXCELLENCE FOR ALL

LCS

LYNCHBURG CITY SCHOOLS

SCHOOL ADMINISTRATION BUILDING

915 Court Street
Post Office Box 2497
Lynchburg, VA 24505-2497
www.lcsedu.net

RECEIVED
JAN - 3 2017
Council/Manager
Offices

December 9, 2016

Bonnie Svrcek
City Manager
900 Church Street
Lynchburg, Virginia 24504

Dear Mrs. Svrcek:

I am requesting permission to use the LCS fund balance for FY2016 in the amount of $1,358,955 for the following purposes:

Return of funds to Health Insurance Reserve	$ 500,000
Purchase of Finance/HR software	$ 400,000
Replenishment of Maintenance Reserve	$ 200,000
Renovation of Empowerment Academy	$ 100,000
Textbooks Reserve	$ 91,176
Purchase of all terrain fork lift	$ 35,000
Purchase of custodial equipment	$ 32,779
	$1,358,955

Thank you for your attention to this matter. Please call if you have questions.

Sincerely,

Scott S. Brabrand, Ed.D.
Superintendent

SSB/wls

cc: Anthony E. Beckles, Sr., Chief Financial Officer

LETTER OF AGREEMENT

BETWEEN LYNCHBURG CITY COUNCIL

AND LYNCHBURG BOARD OF SCHOOL TRUSTEES

In accordance with the attached, duly-adopted Resolution, the Lynchburg City Council and the Lynchburg Board of School Trustees hereby agree that the creation and maintenance of a School Operating Fund Balance is desirable to the long-range financial interests of both entities and, even more importantly, to the citizens and the community which both bodies represent. Accordingly, the City Council supports such approach by indicating its willingness to reappropriate to such Fund Balance any duly-budgeted, non-debt service local funding which the Schools manage to avoid spending by the close of each fiscal year. Similarly, the School Board expresses its intention of continuing to exercise cautiousness in the expenditure of all budgeted, appropriated local funding to the Schools, and further understands that any such unexpended, non-debt service monies would become part of a Schools Operating Fund Balance.

The separate, above-mentioned Fund Balance would be maintained in the accounting records of the Lynchburg City Schools for the purpose of underwriting any occasional shortfalls from any of the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board. For informational purposes, the Lynchburg City School Board would advise City Council annually as to amount of funding in such School Operating Fund Balance as of July 1 of each fiscal year; and such information would be reflected in the overall financial information of the City of Lynchburg along with other customary fiscal data for the Lynchburg City Schools.

Based upon this understanding, the creation of the above-referenced Fund Balance would occur promptly and would include any unexpended, duly-budgeted, non-debt service local funding at the close of the current 1992-1993 fiscal year. It is understood that such practice would remain active in the years thereafter.

Lynchburg City Council

By: _____
Julian R. Adams
Mayor

Date: 12/14/93

Lynchburg City School Board

By: _____
Julius A. Sigler, Jr.
Chairman

Date: December 20, 1993