

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **11/24/15**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **2016 Medical Benefits Follow-Up**

RECOMMENDATION: Consider additional options for funding increased medical benefit costs.

SUMMARY: A \$1.2M increase in overall medical benefit costs is projected for the 2016 plan year that begins 1/1/16. Multiple options are available to fund the increase including full City funding, full Employee funding and Employees and the City sharing the funding. Council provided input and asked for additional options based on the input.

PRIOR ACTION(S): November 10, 2015 Council Work Session discussion

FISCAL IMPACT: Budget Impact depends upon preferred option (\$0 - \$1.2M)

CONTACT(S): Margaret Schmitt 455-4208

ATTACHMENT(S): 2016 Medical Benefits Follow-up

REVIEWED BY: lkp

132K



Medical Benefit Follow-Up 2016 Plan Year

Lynchburg, Virginia

A Great Place to Live, Work and Play!



Current Issue

- Increases are out-pacing our ability to manage costs as successfully as in recent years.
 - Increasing overall medical costs
 - Increasing administrative and re-insurance costs
 - Increasing pharmacy costs, especially specialty drugs
 - Plan changes that increased preventive care coverage
 - Efficiency plateau from HMP clinic
- To maintain the same plan and contribution rates \$1.2M additional resources needed.
 - Total costs increasing from 10.5M to 11.7M



Funding the Increase

- Two basic options to fund the increase:
 - City funds the increase
 - Shift costs to employees
 - Modify the plan
 - Employees fund full increase
 - Share in funding the increase



What We Heard from Council

- Maintain an affordable plan
- Retain Grandfather status if possible
- Move toward a more standardized structure over time
- Share cost increases with employees
 - Support moderate plan changes
 - Consider an employee contribution for single coverage
 - Increase employee contributions for family member coverage
- Provide additional options



*Proposed Plan Changes

- Deductible: \$500 to \$650.
- Out of Pocket Maximum: \$2,000 to \$2,600
- Primary Care Physician copay: \$20 to \$25
- Specialist copay: \$30 to \$37.50
- Emergency Room copay: \$50 to \$65
- Allergy copay: \$5 to \$6.50

Plan changes result in a \$302,949 savings to City and do not trigger loss of “Grandfather” status.



True Industry Standard Target

(With “employee only” share, plan changes and non-grandfathered)

Active Employees		Total Cost	EE Share	City Share
Employee	(651)	386	39	348
Employee & Spouse	(130)	773	222	551
Employee & Child	(65)	618	149	470
Employee & Children	(73)	889	277	612
Family	(236)	1,275	461	814
Family (Both Employees)	(20)	1,275	316	959
Retirees Under 65		Total Cost	Retiree Share	City Share
Retiree	(131)	386	39.00	444.00
Retiree & Spouse Under 65	(48)	773	290.00	444.00
Retiree & Spouse Under 65 (Both City Retirees)	(1)	773	67.00	444.00
Retiree & Spouse Over 65	(0)	548	139.00	444.00
Retiree & Child	(5)	618	247.00	444.00
Family	(34)	1,275	496.00	444.00
Retirees Over 65		Total Cost	Retiree Share	City Share
Retiree	(184)	162	16.00	444.00
Retiree & Spouse Under 65	(8)	548	211.00	444.00
Retiree & Spouse Over 65	(18)	324	106.00	444.00
Retiree & Child	(1)	394	211.00	444.00
Family	(4)	1,051	259.00	444.00
Additional Premiums (EEs Not Enrolled in HMP)			78.00	0.00
2016 Annual Contributions (Based on Current Enrollments)			2,866,541.00	8,691,234.00
2016 Total Annual Contributions			11,569,475.00	
2016 Amount Needed			11,561,982.00	
2016 Surplus or Deficit			7,492.00	
City Budget Impact			495,594.00	



Option 1

Shared Funding

(without “employee only” share, with plan changes and grandfathered)

		Current Rate Structure			Increase Funded by COL	
<u>Active Employees</u>		EE	COL		EE	COL
Employee (651)		0.00	419.00		0.00	444.00
Employee & Spouse (130)		214.00	419.00		257.00	444.00
Employee & Child (65)		178.00	419.00		214.00	444.00
Employee & Children (73)		325.00	419.00		390.00	444.00
Family (236)		385.00	419.00		462.00	444.00
Family (Both Employees) (20)		54.00	838.00		65.00	888.00
<u>Retirees Under 65</u>		EE	COL		EE	COL
Retiree (131)		28.00	419.00		34.00	444.00
Retiree & Spouse Under 65 (48)		242.00	419.00		290.00	444.00
Retiree & Spouse Under 65 (Both City Retirees) (1)		56.00	838.00		67.00	888.00
Retiree & Spouse Over 65 (0)		116.00	419.00		139.00	444.00
Retiree & Child (5)		206.00	419.00		247.00	444.00
Family (34)		413.00	419.00		496.00	444.00
<u>Retirees Over 65</u>		EE	COL		EE	COL
Retiree (184)		0.00	419.00		0.00	444.00
Retiree & Spouse Under 65 (8)		176.00	419.00		211.00	444.00
Retiree & Spouse Over 65 (18)		88.00	419.00		106.00	444.00
Retiree & Child (1)		176.00	419.00		211.00	444.00
Family (4)		216.00	419.00		259.00	444.00
Additional Premiums (EEs Not Enrolled in HMP)		42.00	0.00		44.00	0.00
2016 Annual Contributions						
(Based on Current Enrollments)		2,286,588.00	8,195,640.00		2,728,786.00	8,687,378.00
2016 Total Annual Contributions		10,482,228.00			11,429,364.00	
2016 Amount Needed		11,729,931.00			11,729,931.00	
Savings From Plan Changes*		N/A			302,949.00*	
2016 Surplus or Deficit		(1,247,703.00)			2,382.00	
City Budget Impact					491,738.00	



Option 2 Shared Funding

(With “employee only” share, plan changes and grandfathered)

		Current Rate Structure				Increase Funded by EEs	
		EE	COL			EE	COL
Active Employees							
Employee (651)		0.00	419.00			21.00	444.00
Employee & Spouse (130)		214.00	419.00			241.00	444.00
Employee & Child (65)		178.00	419.00			200.00	444.00
Employee & Children (73)		325.00	419.00			366.00	444.00
Family (236)		385.00	419.00			433.00	444.00
Family (Both Employees) (20)		54.00	838.00			61.00	888.00
Retirees Under 65		EE	COL			Retiree	COL
Retiree (131)		28.00	419.00			21.00	444.00
Retiree & Spouse Under 65 (48)		242.00	419.00			241.00	444.00
Retiree & Spouse Under 65 (Both City Retirees) (1)		56.00	838.00			61.00	888.00
Retiree & Spouse Over 65 (0)		116.00	419.00			97.00	444.00
Retiree & Child (5)		206.00	419.00			200.00	444.00
Family (34)		413.00	419.00			433.00	444.00
Retirees Over 65		EE	COL			Retiree	COL
Retiree (184)		0.00	419.00			21.00	444.00
Retiree & Spouse Under 65 (8)		176.00	419.00			241.00	444.00
Retiree & Spouse Over 65 (18)		88.00	419.00			97.00	444.00
Retiree & Child (1)		176.00	419.00			200.00	444.00
Family (4)		216.00	419.00			243.00	444.00
Additional Premiums (EEs Not Enrolled in HMP)		42.00	0.00			47.00	0.00
2016 Annual Contributions (Based on Current Enrollments)		2,286,588.00	8,195,640.00			2,722,937.00	8,687,378.00
2016 Total Annual Contributions		10,482,228.00				11,424,415.00	
2016 Amount Needed		11,729,931.00				11,729,931.00	
Savings From Plan Changes*		N/A				302,949.00*	
2016 Surplus or Deficit		(1,247,703.00)				(2,567)	
Budget Impact						491,738.00	



Option 3

(Step toward Industry Standard, with “employee only” share includes plan changes and non-grandfathered)

		Current Costs		Restructured Costs	
		EE	COL	EE	COL
Active Employees					
Employee (651)		0.00	419.00	19.00	367.00
Employee & Spouse (130)		214.00	419.00	246.00	527.00
Employee & Child (65)		178.00	419.00	187.00	431.00
Employee & Children (73)		325.00	419.00	341.00	548.00
Family (236)		385.00	419.00	443.00	832.00
Family (Both Employees) (20)		54.00	838.00	112.00	1163.00
Retirees Under 65		EE	COL	Retiree	COL
Retiree (131)		28.00	419.00	19.00	367.00
Retiree & Spouse Under 65 (48)		242.00	419.00	246.00	527.00
Retiree & Spouse Under 65 (Both City Retirees) (1)		56.00	838.00	86.00	678.00
Retiree & Spouse Over 65 (0)		116.00	419.00	133.00	415.00
Retiree & Child (5)		206.00	419.00	187.00	618.00
Family (34)		413.00	419.00	443.00	832.00
Retirees Over 65		EE	COL	Retiree	COL
Retiree (184)		0.00	419.00	8.00	154.00
Retiree & Spouse Under 65 (8)		176.00	419.00	185.00	364.00
Retiree & Spouse Over 65 (18)		88.00	419.00	92.00	232.00
Retiree & Child (1)		176.00	419.00	202.00	191.00
Family (4)		216.00	419.00	248.00	802.00
Additional Premiums (EEs Not Enrolled in HMP)		42.00	0.00	58.00	0.00
Total 2016 Annual Contributions (Based on Current Enrollments)		2,286,588.00	8,195,640.00	2,683,040.00	8,874,735.00
2015/2016 Total Annual Contributions		10,482,228.00		11,569,475.00	
2016 Amount Needed		11,729,931.00		11,561,982.00	
2016 Surplus or Deficit		(1,247,703.00)		7,492.00	
Budget Impact				679,095.00	



Changes to Employee Monthly Contributions by Option

	Current Rates	Option 1 Changes		Option 2 Changes		Option 3 Changes	
		\$ Increase	% Increase	\$ Increase	% Increase	\$ Increase	% Increase
EE Only	0	0	0	\$21	-	\$19	
+ Spouse	\$214	\$43	20%	\$27	13%	\$32	15%
+ Child	\$178	\$36	20%	\$22	12%	\$9	5%
+ Children	\$325	\$65	20%	\$41	13%	\$16	5%
Family	\$385	\$77	20%	\$48	13%	\$58	15%
Family/2EE	\$54	\$11	20%	\$7	13%	\$58	107%
Total City Contributions	8,195,640	\$8,687,378 (6% increase)		\$8,687,378 (6% increase)		\$8,874,735 (8% increase)	



Next Steps

- Make final decisions today
- Develop final rate structure by 11/25/15
- Communicate to all employees ASAP
- Start Open Enrollment 12/1/15



Questions?



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 24, 2015**

AGENDA ITEM NO.: 2

CONSENT: REGULAR: WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Zoning Ordinance Rewrite**

RECOMMENDATION: Review proposed changes to the Zoning Ordinance.

SUMMARY: City Council conducted a work session and public hearing concerning the proposed Zoning Ordinance Revisions on November 10, 2015. After the public hearing, Council directed staff to place the item on the November 24, 2015 work session agenda. The attached memorandum lists outstanding issues, recommendations by staff or options for consideration by Council.

PRIOR ACTION(S):

November 10, 2015: City Council public hearing.

November 10, 2015: City Council work session.

October 27, 2015: City Council work session.

October 13, 2015: City Council work session.

September 23, 2015: The Planning Division recommended approval of the revised Zoning Ordinance.

The Planning Commission recommended approval of the Zoning Ordinance (5-0 with one vacancy and one absence, Mays).

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Memorandum – Zoning Ordinance Workshop – November 24, 2015

REVIEWED: lkp

131K

TO: Mayor Gillette and City Council
FROM: Michael Lauer, AICP – Principal
DATE: November 24, 2015
RE: Zoning Ordinance Workshop

8900 State Line Road, Suite 406
 Leawood, Kansas 66206
 Tel: 913.341.8800
 Fax: 913.341.8810

2105 South River Road
 Melbourne Beach, Florida 32951

603 Farnham Circle
 Richmond, Virginia 23236

This memo responds to unresolved concerns raised by the Council during the October and November work sessions in addition to responding to comments from the November 10 public hearing. The suggested language is provided to resolve these and is subject to revision based on the Council's decisions during the work session or following the public hearing.

Farm Animals

The Council suggested that if any changes to existing standards are made, they should recognize the relative density of large farm animals and poultry so that owners of larger lots would not be subject to the same limitations as the owners of smaller urban lots. Many communities address the keeping of farm animals through nuisance ordinances as opposed to zoning ordinances, but those that do address non-commercial raising of farm animals through zoning tend to include provisions addressing the factors in the table below. The recommended standards below should apply to keeping of 20 or more hens, any roosters, more than 4 dwarf, miniature or pygmy goats, or 3 large farm animals on parcels of 10 acres or less.

Farm Animals	Zoning Provisions	Recommendation	Comments/Options
Poultry	Definition	includes any bird with an adult weight of 30 lbs. or less	Limit to any of the following: chickens, pigeons, ducks, geese, turkeys
	Distance of enclosure from nearest residence and/or property lines	20 feet from property line for 4 or fewer hens 20 feet from property line and 100 feet from nearest residence if more than 4 hens are kept - Located behind front building line	Distances vary widely between communities
	Maximum number of hens	4 hens on lots of 15,000 sq.ft or smaller plus 1 hen for every additional 5,000 sq.ft. of lot area	Consider maximum of 12 hens
	Keeping of roosters	prohibited	
Goats	Definition	Miniature, pygmy, or dwarf goats, but not any greater than 24 inches in height at the shoulder or more than 100 pounds in weight, and not any that have not been de-horned, or any un-neutered adult male goats that are older than 6 weeks.	
	Maximum number of goats & distance from property line.	2 small animals on lots less than 10 ac. - Minimum lot size of 15,000 sf. - Located behind front building line 20 feet from property line.	

Farm Animals	Zoning Provisions	Recommendation	Comments/Options
Large farm animals	Definition	Any animal with an adult weight of 101 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.	This is the City's existing standard for horses
	Accommodations	Enclosures required and must be located at least 200 feet from any property line Located behind front building line	

Other Farm Animal Provisions:

- Swine - keeping of swine prohibited
- Commercial production – Any production of eggs, milk or meat for sale is prohibited on lots smaller than 10 acres.

Bicycle Parking

The Council suggested that bicycle parking, if required, should be revised to account for large scale uses where the proposed standard would require far more bicycle spaces than would seem logical or necessary. Additionally, staff proposes including standards to ensure the racks are functional and an option for placing racks within City right-of-way.

Option 1: maintain the 5% bicycle parking requirement originally proposed, but place a cap of fifteen (15) racks, or whatever cap Council sees fit. While this is similar to what was originally proposed, staff does not recommend this option because demand for bicycle parking is not directly related to demand for car parking. Places where we would see reduced demand for car parking may also be the places where bicycle parking demand is higher.

Option 2: base the amount of parking required on the suggestions from the Association of Pedestrian and Bicycle Professionals (APBP) for localities with less than 5% mode share. These standards typically base ratios on square feet of buildings, which is more in tune with what may actually be needed. Their suggestions based on nonstandard site plan information have been revised to reflect similar amounts but calculated via standard site plan information. To address the outliers, like a Wal-mart, where large amounts of bike parking would still be required, adopt a cap of fifteen (15) racks, which can be adjusted as needed in the future.

The following provisions are consistent with best planning practices, adjust the number of spaces to be more consistent with the proposed use, establish a maximum number of required parking spaces, create standards to ensure functionality of the racks, and provide an option for racks to be placed within the City's right-of-way.

While other racks are permitted if they meet basic standards, the standard rack should look like the image to the right.



Proposed bicycle parking standards:

A. Quantity.

- a. Exhibit XX includes quantity requirements for bicycle parking.
- b. Under no circumstances will a building with a single use be required to provide more than fifteen (15) racks, with one (1) rack accommodating two (2) spaces each.
- c. If calculation results in an odd number and a fraction, round up. If calculation results in an even number and a fraction, round down. This is because standard bike racks can hold two bicycles.

Exhibit XX: Required Bicycle Parking Spaces

USE	Requirement	Examples
RESIDENTIAL		
single household dwellings	none	
Multi household dwellings	One (1) space for every six (6) dwelling units. Minimum requirement is 2 spaces.	
CIVIC: CULTURAL/RECREATIONAL		
Non-assembly cultural (library, government buildings, museum)	One (1) space for each 10,000 s.f. of floor area. Minimum requirement is 2 spaces. (APBP)	• City Hall would require 8 spaces (4 racks) • The public library on Memorial Avenue would require 6 spaces (3 racks)
Assembly (church, theaters, stadiums, parks)	5% of provided vehicular spaces	• Riverside Park would require 4 spaces (2 racks)
Health care / hospitals	1 space for each 20,000 s.f. of floor area. Minimum of 2 spaces (APBP)	• Lynchburg General would require 35 spaces, but would hit the cap and require 30 (15 racks). Other offices on Thompson Drive would require 2 each (1 rack)
COMMERCIAL / INDUSTRIAL		
Food sales or groceries (includes restaurants)	1 space for each 2,000 s.f. of floor area. Minimum requirement is 2 spaces. (APBP)	• Applebees on Old Forest would require 2 spaces (1 rack) • Food Lion on Bedford Avenue would require 16 spaces (8 racks)
General retail	1 space for each 5,000 s.f. of floor area. Minimum requirement is 2 spaces. (APBP)	• Riverside Runners would require 2 spaces (1 rack) • Barnes & Noble on Wards Road would be required to have 4 spaces (2 racks)
Office	1 space for each 20,000 s.f. of floor area. Minimum requirement is 2 spaces. (APBP)	• Hurt & Proffitt on Langhorne Road would require 2 spaces (1 rack) • Areva on Old Forest would require 6 spaces (3 racks)
Auto-related uses (sales, rental, repair, etc.)	1 space for each 20,000 s.f. of floor area. Minimum requirement is 2 spaces. (APBP)	• O'Rielly's on Old Forest Road would require 2 spaces. (1 rack) • Berglund on Wards would require 2 spaces (1 rack)
Manufacturing and production	1 space for each 15,000 s.f. of floor area. Minimum requirement is 2 spaces. (can be long-term and not publicly available) (APBP)	• FritoLay would require 12 spaces (6 racks) • CB Fleet would require 16 spaces (8 racks)

****Schools, daycares, colleges, universities and any other uses that do not fit into the categories above are not required to provide bicycle parking, but are encouraged to provide spaces according to their need.**

- B. Required bicycle racks must be permanently anchored. (Blacksburg)
- C. Bicycle Racks shall be located in a safe, accessible area within fifty (50) feet of the building entrance.
- D. Required bicycle racks should be of inverted U construction and adequately spaced to accommodate multiple bicycles. Other types of construction are allowed as approved by the Zoning Administrator provided they meet the following standards:
 - a. Provide stable support for a bicycle locked against it with at least two points of contact with a typical adult or child's bicycle frame.
 - b. Do not hold or otherwise place stress upon the bicycle's wheels.
 - c. Allow the user to lock both the bike frame and one wheel to the rack using a standard u-lock.
 - d. Bike racks are not grid/radiator, wheel block, or wave/ribbon style.
- E. Single racks may provide spaces for multiple bicycles.
- F. Special provisions when buildings are set back fewer than twenty (20) feet from the right-of-way.
 - a. The applicant for site plan approval may, subject to the City Traffic Engineer's approval, voluntarily pay for the City to install a required rack(s) within the public right-of-way.
 - b. Racks placed within City right-of-way must be within two hundred (200) feet of the building and connected by pedestrian facilities.
 - c. When the City Traffic Engineer determines that no space exists to place a new rack, existing racks within City right-of-way and connected by pedestrian facilities may count towards the required bicycle parking.

Sidewalks

While there was one suggestion to eliminate transit proximity from the list of factors enabling the waiver or reduction of sidewalks and Liberty University suggested that sidewalk design be addressed by proffers to the Zoning Administrator, the consensus of the City Council in the workshop seemed to be to eliminate the provisions for the waiver or reduction of sidewalks based on locational factors but to keep the flexibility to modify the design or eliminate the requirement of sidewalks as necessitated by steep cross-slopes, drainage features or other constraints. The modifying section 35.2-67.1 to state the following achieves these objectives:

Applicability

Sidewalks and walkways that comply with Americans with Disabilities Act requirements shall be provided along all streets for any development subject to site plan review. The Zoning Administrator may lessen or eliminate the requirements of this section when existing slopes in excess of twenty-five (25) percent, stormwater conveyances or other physical constraints render required sidewalk improvements unfeasible.

Cluster Commercial Development

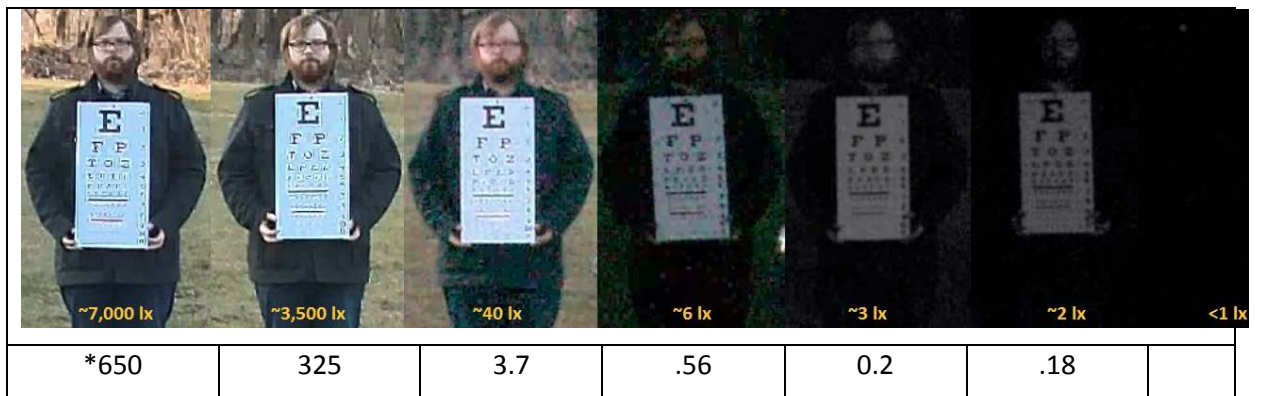
The City did not receive any testimony at the public hearing, but received comments prior to the hearing questioning the requirement that parking in cluster commercial development be located behind front building lines. The purpose of this conditional use is to provide greater intensity and design flexibility in order to create more pedestrian-oriented commercial and mixed-use development centers. The applicant is

provided increased opportunity for the use of shared parking and is credited with on-street parking. Staff does not recommend allowing for conventional front-loaded parking lots because they are inconsistent with the purposes of this use. Cluster commercial is an optional development pattern and existing districts already allow for conventional commercial development by right. Cluster commercial incentives should not be provided for conventional development that does not satisfy this development patterns purposes.

Outdoor Lighting

Two concerns were raised at the public hearing about outdoor lighting. First, that the introductory paragraph requires shielding for all fixtures except unshielded luminaires. While this sounds like a contradiction in isolation, the draft proceeds to establish more stringent lighting standards for unshielded luminaires. Staff recommends inserting a reference to the following paragraph in this section.

The second request was to reduce light spillover levels at residential property lines. The outdoor lighting levels were increased to 0.5 footcandles pursuant to discussion with AEP and reflect the lighting levels of other communities. While the proposed lighting levels are higher than those used for Dark Skies communities, they are not unreasonable lighting levels. For reference, the following pictures show the relative brightness in footcandles and provide a descriptive chart.



*Footcandles

Locality Comparison	Light Trespass
Lynchburg Proposed	.5 fc
Augusta County	.5 fc
Bedford County	.5 fc
Blacksburg	.5 fc
Clarke County	.2 fc
Loudon County	.25 fc
Rocky Mount	.5 fc
Prince William County	.5 fc
Roanoke County	.5f c
Warrenton County	1 fc

	Condition	Light Level (LUX)	Foot Candles (FC)
Day Time	Sunlight	107,527	10,000
	Daylight	10,752.70	1,000
	Overcast Day	1,075.30	100
	Very Dark Day	107.53	10
	Twilight	10.75	1
Night Time	Deep Twilight	1.08	0.1
	Full Moon	0.108	0.01
	Quarter Moon	0.0108	0.001
	Starlight	0.0011	0.0001
	Overcast Night	0.0001	0.00001

Solar Panels

Solar panels would be allowed in the proposed ordinance provided height limitations within the particular zoning district are met. There are height exceptions listed for certain structures as provided in Section 35.2-61.2 (b):

1. The height limitations shall not apply to the following features projecting above the roof line: flag poles, church spires/steeple, belfries, cupolas and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads or similar features, radio and television antennas for the use of residents of dwelling units in apartments, and necessary mechanical appurtenances (including, but not limited to plumbing vents, exhaust vents, HVAC equipment, electrical connections, lightning rods and telecommunications connections) usually carried above the roof level provided that:
 - a. Such a feature shall be erected only to a height necessary to accomplish the purpose it is intended to serve, but in no case more than fifteen (15) feet above its lowest point of contact with the roof.
 - b. The total area covered by such features shall not exceed in horizontal cross-sectional area fifteen (15) percent of the area of the plane of roof upon which they are located.
 - c. Such features as water tanks, cooling towers and bulkheads shall be enclosed within walls constructed of the same material as the main walls of the building on which they are located.

Staff believes that solar panels would be included in “necessary mechanical appurtenances”, however; it has been requested that solar panels be listed in the section for clarity.

Responses to Comments from Liberty University

The following responses correspond with the comments included in the November 10 letter from Jerry Falwell.

Article	Item Number	Topic	Response
I	1	Information Requirements	No change recommended. The zoning ordinance does not list all information that may be required to assess compliance, particularly information required to assess compliance with conditions established by the Council subject to conditional zoning or a conditional use permit
I	2	Vesting against future stormwater requirements	No change recommended. The City cannot vest against compliance with state or federal standards. Additionally, local stormwater requirements are not established in the zoning ordinance
II	1	Defining cause for continuance	No change recommended. The City Council should retain the flexibility to determine whether the reasons for a requested continuance are appropriate.
II	2	Allowing amendments to proffers at the City Council hearing	No change recommended. The City Council should retain the right to consider additional voluntary proffers, deletions and or amendments to proffers offered as part of the conditional zoning request.
II	3	Cash proffers	No change recommended. While the City is eligible to accept cash proffers, these have not been included as a condition of conditional zoning in the draft zoning ordinance. The provision authorizing the hearing body to consider other factors relevant to the application under Commonwealth law is an existing provision that allows the Council to consider all factors authorized by state law when evaluating conditional zoning requests.
IV R-C	1 & 2	Subjective criteria for conditional uses in the R-C district	No change recommended. When evaluating a conditional use permit application, it is reasonable for the Council to consider whether development will minimize negative impacts on the volume and quality of stormwater runoff from land disturbance vegetation removal or parking lots. The finding will depend on the existing and proposed site conditions as well as the solutions proposed by the applicant.
IV R-C & R-1	3	Occupancy and grandfathering	See above discussion for occupancy. Defining occupancy based on bedrooms is problematic because any house may be carved up into far more bedrooms than are consistent with the neighborhood and still comply with building codes. For large houses, there is the option to establish rooming or boarding houses by CUP.
IV B-1	1	Drive-through windows	No change recommended. For reasons discussed at the workshop, side-yard drive-through windows create conflicts with pedestrians. It is not uncommon for drug stores and banks to use rear drive-through windows, though this is typically done on corner lots.
IV B-1	2	Sidewalks	See above discussion. The Zoning Administrator can't accept proffers and the draft regulations do provide some flexibility in the design of sidewalks based on topography, drainage or other constraints.

Article	Item Number	Topic	Response
IV B-1	4	Underground utilities	No change recommended.
IV IN-2	1	Authorized Uses	No additional changes recommended. These comments were previously addressed with Liberty University representatives. Outdoor gun ranges are not allowed in the B-5 or IN-2 districts. Day care has been and continues to be allowed. Corporate campus uses have been added as a conditional use to the B-5 and IN-2 districts
IV IN-2	2	Residential uses	Agree to delete this provision. The existing requirement for a CUP for residences that are not owned and operated by the applicable institution is an existing provision that may be deleted.
IV IN-2	3	Temporary construction and storage yards	No change recommended. Temporary construction yards and storage of materials is routinely allowed as necessary and accessory to any construction activity. No change is needed to authorize this activity.
VI	1	Setbacks from limited access highways	No change recommended. This provision has previously been discussed by the Council
VI	2	Sign regulations	Agree to clarify that the Zoning Administrator should not base sign setbacks on distances from unimproved streets.
VI	3	Lighting	Change previously made. The draft ordinance allows the flexibility for an applicant to submit a lighting plan for a larger area that demonstrates compliance with spillover lighting standards. To ensure compliance with the draft provisions, the City asks the lighting consultant who provides the lighting to certify compliance with the standards. Deletion of this requirement would eliminate the City's ability to effectively enforce the standards.
VI	4	Internal Access	Agree that the proposed language should be modified. While internal roads are encouraged, this is not a mandate. This encouraging language can be deleted without modifying the effect of the code.
VII	1	Manufactured homes in IN-2	No change recommended. The City Council has discussed this matter and directed staff to put this item on a list of future amendments for discussion.
VII	2	Modification of requirements for outdoor recreation facilities	Previously agreed to clarifications, no additional change recommended. In a previous memo discussed at a Council work session, the staff and consultant presented clarifications to these provisions that do not require buffering internal to the district and require bathroom and shower facilities for swimming pools only.
VII	3	Riding Stables in IN-2	No change recommended. The standards for riding stables are reasonable and consistent with those for the B-5 district.
IX	1	Non-conformities	No change recommended. The IN-2 district clearly authorizes all lawful non-conforming uses at the time of the formation of an IN-2 district as uses allowed by right excepting non-conforming signs and billboards. No changes have been made from the prior zoning ordinance.

Article	Item Number	Topic	Response
Use Changes	1	Mobile Home parks, trailer parks, campgrounds, active recreation facilities, schools and colleges in R-C	No additional changes recommended. Campgrounds have been added as a conditional use in the R-C district, but the other uses were specifically removed due to their inherent incompatibility with the purposes of the district. Any property owner has the right to request a rezoning of property that is currently zoned R-C and the Council may approve such change if it finds that the property can be developed for other purposes without compromising the purposes of the zoning ordinance and comprehensive plan.

Occupancy Standards

35.2-60.2 Buildings, Uses and Lots

(e) Occupancy.

On February 13, 1990, Council amended the definition of family to reduce the number of unrelated individuals from 5 to 3. *The concern throughout the zoning process has been the number of unrelated individuals residing in a structure within single-family districts and certain instances where more than three unrelated individuals have been legally allowed to occupy a structure.*

Proposed: Except as allowed by conditional use permit or for non-conforming duplex and multi-household dwellings, no single lot in an R-C, R-1 or R-2 district and no dwelling unit or boarding unit in any other district may be occupied by more than three (3) unrelated people. In other zoning districts, no dwelling unit or boarding unit may be occupied by more than three (3) unrelated people.

Option: Maintain current Zoning Ordinance standards for occupancy as no more than 3 unrelated individuals and define ownership as majority (51%) to allow an accessory unit.

It is important to note that there is no permit required to rent a single-family structure and enforcement of occupancy standards is limited to a complaint basis.