

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

Tuesday, October 8, 2019
8:00 a.m.

Information Items:

Recent/Pending Contract Awards:

N/A

Priority Projects Update:

Attached

- Presented by Lee Newland

General Business:

- 1) Liberty Mountain Drive Acceptance - Presented by Lee Newland

Roll Call:

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

Next Meeting: November 12, 2019

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

October 8, 2019

Projects of Interest		Phase	Phase Completion	SOS	BUD	Notes
Timberlake / Logan's Lane Intersection	*	Construction	August 2019			Leesville Turn Lanes - 3 Month Delay in Delivery of New Signal Poles
Liberty Mountain Drive - Phase 3	*	Construction	August 2019			Opened to Traffic. AEP to Return and Install Streetlights
John Capron Road	*	Construction	June 2020			Counts & Dobyns - Notice To Proceed October 9
Odd Fellows Road - Section B2	*	Construction	December 2019	V	V	Construction Underway - Bridge Closed - Re-Opening Road by End of the Year
Indian Hill Road Bridge	*	Construction	August 2020			Notice to Proceed October 16
Main Street Renewal Project	*	Construction	November 2021			Construction Started September 16
Lakeside Drive Bridge Over Blackwater - Design-Build		Bidding	December 2019			Shortlisted to 4 Firms - Proposals Due December
Trail From Linkhorne to Ed Page Entrance	*	Construction	September 2020			Coleman Adams Low Bidder - \$1,424,463 - Starting in November
One Way Pairs @ 501/221	*	Design	November 2020			NEPA Document Draft Out in October - Public Hearing at Council Meeting October 22 - Design Underway
Downtown Watermain Replacement & Streetscape 2		Design	May 2019			Design @ 90%. Project Shelved
Police Department Headquarters	*	Demolition	September 2019			Demolition Complete

LEGEND

Schedule -

Green ● 0-5% Behind

Yellow ● 5-10% Behind

Red ● > 10% Behind

V V VDOT Managed

Budget -

Green ● 0-10% Over

Yellow ● 10-20% Over

Red ● > 20% Over

V V VDOT Managed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Liberty Mountain Drive Acceptance from the Virginia Department of Transportation (VDOT)

KEY ELEMENTS:

___Economic Development **X**Excellent Government **X**Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Review and consider Liberty Mountain Drive as an addition to the City's Street Inventory.

SUMMARY: VDOT has requested that the City of Lynchburg formally accept into our street maintenance system three sections of road that are currently considered frontage roads in their system. These three sections are (see attached map for specific locations):

- A. Liberty Mountain Drive from Candler's Mountain Road south to Liberty University Drive
- B. A short section of Liberty University Drive from Liberty Mountain Drive to the bridge over 460.
- C. Liberty Mountain Drive from Liberty University Drive south to the City limits with Campbell County

The total length of these three sections is 1.65 miles, which would add 3.3 lane miles to the the City street system. By taking these streets into the City system, we will be responsible for any and all required maintenance including repaving, street lighting, mowing, snow removal, etc. If City Council approves the addition of these street sections, the Commonwealth Transportation Board will take action on this item at a future meeting.

PRIOR ACTION: None

FISCAL IMPACT: This addition will require an increase to City maintenance expenses. However, the City will be reimbursed for the maintenance after July 1, 2020 by VDOT at the approved the lane mileage rate, currently \$12,724.62 per lane mile. In total, this addition would add \$41,991.25 in maintenance reimbursement at the present rate.

CONTACT(S): Lee Newland, City Engineer 455-3947
Gaynelle Hart, Director of Public Works 455-4406

ATTACHMENT(S): Resolution
VDOT Form AM-4.3
Map

REVIEWED BY: raw

RESOLUTION OF THE CITY OF LYNCHBURG, VIRGINIA

WHEREAS, the Lynchburg City Council desires to request that the Commonwealth Transportation Board Convey the frontage Road known as Liberty Mountain Drive, Frontage Route 906 and Frontage Route 907 and that Frontage Road known as Liberty University Drive, F907, from the Virginia Department of Transportation to the City of Lynchburg

WHEREAS, the frontage road along the south side of US 460 has been extended such that the road now connects both ends of the frontage road to a public road; and

WHEREAS, the roadway no longer functions as a frontage road; and

WHEREAS, the roadway is located within the City of Lynchburg corporate limits; and

WHEREAS, under Section 33.2-315 of the Code of Virginia (1950), as amended, a local governing body may request that the Commonwealth Transportation Board transfer such streets as it deems proper from the primary state highway system to the local system of roads operated by a locality receiving payments pursuant to § 33.2-319 or 33.2-366. Upon such transfer, the highways, bridges, and streets so transferred shall become for all purposes parts of the secondary state highway system or the local system of roads operated by a locality receiving payments pursuant to § 33.2-319 or 33.2-366.

NOW, THEREFORE BE IT RESOLVED, the City of Lynchburg, Virginia pursuant to Va. Code Section 33.2-315, hereby requests that the Commonwealth Transportation Board:

Authorize the transfer, from the Primary system of the State Highways to the City of Lynchburg's urban road system, of that section of:

- a. Liberty Mountain Dr, State Route Number F906 -a distance of: 0.40 miles.
 - i. From: UR 6035
 - ii. To: FP 907
- b. Liberty University Drive, State Route Number F907 -a distance of: 0.10 miles.
 - i. From: F906
 - ii. To: UR9
- c. Liberty Mountain Dr, State Route Number F907 -a distance of: 1.15 miles.
 - i. From: FP- 906
 - ii. To: end of maintenance.

BE IT FURTHER RESOLVED THAT: Bonnie Svrcsek, City Manager, is authorized to execute any City State Agreements and documents that may be needed for this transfer.

Adopted: _____

Certified: _____

Clerk of Council

In the City Of Lynchburg

By resolution of the governing body adopted November 12, 2019

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the Urban system of state highways.

A Copy Testee

Signed (City Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Liberty Mountain Drive

Type Change to the Secondary System of State Highways:

Transfer

This Council hereby requests the transfer of the following segment(s) of the Interstate or Primary System to this City's urban system of state highways.

Reason for Change:

Primary to Urban System Transfer

Pursuant to Code of Virginia Statute:

§33.2-315

Street Name and/or Route Number



Liberty Mountain Dr, State Route Number 906

Old Route Number: 0

●From: UR 6035

To: FP 907, a distance of: 0.40 miles.

Street Name and/or Route Number



Liberty University Drive, State Route Number 907

Old Route Number: 0

●From: F906

To: UR9, a distance of: 0.10 miles.

Street Name and/or Route Number



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To: end of maintenance, a distance of: 1.15 miles.

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To: FP 907, a distance of: 0.40 miles.

Street Name and/or Route Number



Liberty University Drive, State Route Number 907

Old Route Number: 0

- From: F906

To: UR9, a distance of: 0.10 miles.

Street Name and/or Route Number



Liberty Mountain Dr, State Route Number 907

Old Route Number: 0

- From: FP- 906

To: end of maintenance, a distance of: 1.15 miles.



Liberty Mountain Drive

A G E N D A
City Council Meeting of October 8, 2019

4:00 P.M. – Work Session – Please note location of work session is the 2nd Floor Training Room
City Council Agenda Items

- #1. Joint Meeting of City Council and the Lynchburg Regional Airport Commission to Discuss the Formation of an Independent Airport Authority
#R-19-081
- #2. Review information on the impact of Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs) on the Police Department.
- #3. Roll Call

7:30 P.M.
City Council Agenda Items

COUNCILMEMBER NELSON WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

Each speaker shall clearly state his or her name and locality of residence.

The City Council agenda is divided into four sections.

CONSENT AGENDA: This section includes routine items. All items may be approved by one vote.

PUBLIC HEARINGS: This section includes all public hearings as required by law or as Council may direct.

Procedure:

- Staff will make a presentation.
- For zoning petitions, the applicant or his or her representative shall have ten (10) minutes to make a presentation.
- Comments will then be solicited from those in favor.
- Comments will then be solicited from those in opposition.

During the public hearing, there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson. After public comments have been received for zoning petitions, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5)-minute time limit for rebuttal. Upon the conclusion of public comments or the applicant's rebuttal, the public hearing will be closed and the matter referred to Council for deliberation.

PUBLIC COMMENT: Public comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council. Individuals may speak up to three (3) minutes; or group spokesperson up to five (5) minutes. Once Council has heard a presentation from a citizen or organization on a particular subject, the citizen or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of Council present and voting.

GENERAL BUSINESS: This section includes items of a general nature to be considered by Council.

City Council may make exceptions to these rules at its discretion. Prior to a meeting, any questions which citizens may have regarding any item on the agenda may be addressed to City Council or the City Administration. The following numbers are provided for the convenience of the citizens:

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

A reasonable charge may be made for copying and other activities related to responding to long and involved inquiries.

CITIZENS OFTEN EXPRESS CONFLICTING AND DIVERSE POSITIONS REGARDING SPECIFIC ISSUES UNDER CONSIDERATION. TO ENCOURAGE CITIZEN PARTICIPATION AND TO AVOID INTIMIDATION TO PERSONS WHO MAY EXPRESS SOMETIMES UNPOPULAR OPINIONS, APPLAUSE, CHEERS, OR JEERS FROM THE AUDIENCE ARE NOT PERMITTED. WHEN APPEARING BEFORE CITY COUNCIL, CITIZENS MAY NOT ENGAGE IN BEHAVIOR THAT INTIMIDATES OR INSULTS OTHERS, ENGAGE IN DISRUPTIVE BEHAVIOR, USE PROFANITY OR VULGAR LANGUAGE, PROMOTE PRIVATE BUSINESS VENTURES OR CAMPAIGN FOR PUBLIC OFFICE.

* **PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL**

C O N S E N T A G E N D A

#4 and #4a. Consideration of approving the minutes of the September 24, 2019 Council retreat and meeting

- #5. * Consideration of adopting Resolution #R-19-074 to amend the FY 2019 Detention Home Fund budget to appropriate \$17,995 for a welding simulator, and \$5,000 for additional supplies for CPP (Community Placement Program) juveniles with resources from the Virginia Department of Juvenile Justice Community Placement Program
- #6. * Consideration of adopting Resolution #R-19-076 to amend the FY 2020 City/Federal/State Aid Fund budget and appropriating \$55,335 with resources of \$36,890 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$15,767 and \$2,678 transferred from the FY 2020 General Fund Police Department budget to provide selective enforcement activities and attend related training.
- #7. * Consideration of adopting Resolution #R-19-077 to amend the FY 2020 City/Federal/State Aid Fund budget and appropriating \$22,575 with resources of \$15,050 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$6,374 and \$1,151 transferred from the FY 2020 General Fund Police Department budget to provide funds for speed enforcement

PUBLIC HEARINGS

- #8. Public hearing regarding the petition of Victoria's Inventory, LLC, to vacate an undeveloped portion of the Bridge Street right-of-way located off of Blackford Street. The total area of the proposed vacation is approximately one hundred sixteen thousandths (0.116) of an acre.
(File: Community Development) #O-19-043
- #9. Public hearing regarding the petition of Victoria's Inventory, LLC, to vacate an undeveloped portion of the Blackford Street right-of-way located off of D Street. The total area of the proposed vacation is approximately eighteen thousandths (0.018) of an acre.
(File: Community Development) #O-19-044
- #10. Public hearing regarding the petition of Richard Oldham to amend the Future Land Use Map from Institutional to Neighborhood Commercial and to rezone approximately three and eighty-nine hundredths (3.89) acres at 221 Wiggington Road from R-2, Low-Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a dentist office and associated parking.
(File: Community Development) #R-19-079
#O-19-045

GENERAL BUSINESS

- #11. Report on the City's Health Insurance Plan effective January 1, 2020.
(File: Budget)
- #12. Consideration of introducing a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriating \$49,210 with resources from the Commonwealth of Virginia, Department of Criminal Justice Services to purchase law enforcement equipment for the Lynchburg Police Department.
(File: Budget) #R-19-080
- #13. Consideration of the Draft 2020 Legislative Agenda
(File: City Council) #R-19-082
- #14. Consideration of adopting *Zoning Ordinance* amendments related to short-term rentals
(File: City Code) #O-19-040
- #15. Consideration of a closed meeting for consultation with legal counsel and briefings by staff members regarding a legal matter requiring the provision of legal advice, specifically legal matters relating to the Region 2000 Services Authority Member Use Agreement for the disposal of solid waste, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM #: **1**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Ordinance Amendments for Short-term Rental

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Adopt the *Zoning Ordinance* amendments for short-term rental uses.

SUMMARY: A short-term rental is defined by State Code as “the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge.” Popular online platforms for this service include Airbnb, VRBO and Flipkey, among many others. Like many other cities, there has been a significant expansion of the availability and use of short-term rentals in the City. At the direction of City Council, Planning Commission and staff have been working for almost a year to provide recommendations on ordinance changes that seek to address concerns raised about short-term rentals in the City.

On May 14, 2019, City Council conducted a public hearing on proposed amendments to the *Zoning Ordinance* that would clarify the rules under which short-term rentals may operate and require that operators register their short-term rental units. At the August 13th work session, Council directed staff to revise the ordinance to (i) remove the requirement for one (1) parking space per short-term rental unit, (ii) remove the provision for owner occupancy in the R-2, Low-Medium Residential Zoning District and (iii) clarify the provision for three (3) violations of local or state code that would prohibit a short-term rental unit apply only to the use (i.e. noise, trash, occupancy, etc.) and not the general condition of the property (i.e. tall grass). Staff was also asked to add a provision to “grandfather” existing operators that have non-owner occupied units in lower density residential zoning districts and provide Council with options to determine the number of guests that may stay in a short-term rental as well as a registration fee to help offset program administration costs. If the proposed ordinance is adopted, staff would enter into a voluntary collection agreement with Airbnb and contract with a vendor to identify short-term rental locations that would need to register by July 1, 2020.

An excerpt of the revised ordinance is provided as the first attachment. This is so that the actual policy changes are easier for City Council to identify. The complete ordinance, which includes the use table for each zoning district where short-term rentals are permitted, the definition for a short-term rental and a listing of short-term rentals in the Table of Authorized Land Uses, is included as a separate attachment.

PRIOR ACTION(S):

- January 9, 2018: Staff presented an overview of local government’s authority to regulate short-term rental uses to City Council.
- October 23, 2018: City Council discussed proposals to regulate short-term rental uses and concurred with staff’s recommendation to bring *Zoning Ordinance* amendments, including a registration fee proposal, for short-term rental uses before the Planning Commission.
- January 23, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses.

February 13, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses.

February 27, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses and directed staff to advertise the draft ordinance for an additional public hearing.

March 27, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses and recommended approval (5-2) of the proposed changes.

May 14, 2019: City Council conducted a public hearing on the *Zoning Ordinance* amendments for short-term rental uses and requested this be discussed at their August 13th work session.

August 13, 2019: City Council conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses and asked staff to make adjustments and return to Council for consideration.

FISCAL IMPACT: At City Council's direction, the City would enter into a voluntary collection agreement with Airbnb for lodging tax collection. Staff initially projects this would generate \$84,000 in annual revenue, although first month sales tax numbers suggest this revenue could be even higher. Staff will also provide registration fee options that would help offset staff costs for registration, billing, collection, and enforcement, which would further increase revenue by the amount listed in the power point presentation.

CONTACT(S): Reid Wodicka, Deputy City Manager – 455-3990; Kent White, Director of Community Development – 455-3900; Mitch Nuckles, Commissioner of the Revenue – 455-3870; Tom Martin, City Planner – 455-3900; Kevin Henry, Zoning Administrator – 455-3900;

ATTACHMENTS:

- Excerpt from Revised Short-Term Rental Ordinance (Section 35.2-71.16)
- Presentation Slides – September 13, 2019
- Ordinance – September 13, 2019 (separate attachment due to file size)
- Short-Term Rental Agenda Summary – August 13, 2019 (separate attachment due to file size)
 - Ordinance
 - Presentation Slides – May 14, 2019
 - Planning Commission Minutes – March 27, 2019
 - Speaker Signup Sheet – March 27, 2019
 - Planning Commission Memorandum – March 27, 2019
 - Planning Commission Minutes – February 27, 2019
 - Planning Commission Memorandum – February 27, 2019
 - Planning Commission Minutes – February 13, 2019
 - Planning Commission Memorandum – February 13, 2019
 - Planning Commission Minutes – January 23, 2019
 - Planning Commission Report – January 23, 2019
 - Speaker Signup Sheet – January 23, 2019

REVIEWED BY: raw

35.2-71.16 Short Term Rental

Short Term Rentals as defined in Section 35.2-113 of this Ordinance shall be an accessory use to a use permitted by right in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2 Districts subject to the following provisions:

- (a) On or before July 1 of each year, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall register the address of any dwelling unit to be used for short term rental. Every person filing registration forms with the Zoning Administrator shall pay an annual registration fee of **one hundred and fifty dollars (\$150)** to defray the cost of processing the registration.
- (b) Any person who fails to register a building to be used as a short term rental by the July 1 deadline shall be subject to a penalty of five hundred dollars (\$500).
- (c)

Option 1

The maximum number of occupants in a dwelling unit offered for short term rental shall not exceed four (4) unrelated individuals. Where two or more related individuals occupy a short term rental unit, only one person unrelated to the related people may occupy the short term rental unit. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.

Option 2

The maximum number of occupants in a dwelling unit offered for short term rental shall not exceed three (3) unrelated individuals. Where two or more related individuals occupy a short term rental unit, only one person unrelated to the related people may occupy the short term rental unit. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.

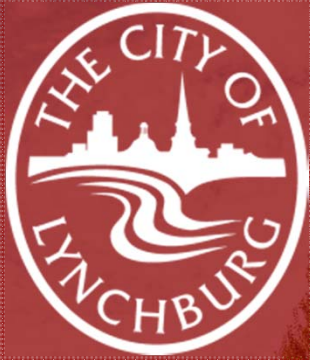
Option 3

The maximum number of occupants in a dwelling unit offered for a short term rental in an R-C, R-1 or R-2 District shall not exceed three (3) rooms with not more than two (2) persons per room. For all other districts the maximum number of occupants in a dwelling offered for short term rental shall not exceed five (5) rooms with not more than four (4) persons per room. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.

- (d) ~~In addition to all parking requirements of Section 35.2-62, Parking and Loading of the Zoning Ordinance, one (1) parking space shall be provided per short term rental. This requirement shall not apply to short term rentals located within the B-4, Urban Commercial District. Short-term rentals shall be exempt from Section 35.2-62, Parking and Loading.~~
- (e) All buildings offered for use as a short term rental shall meet the requirements of the Uniform Statewide Building Code.
- (f) Short term rentals in an R-C, & R-1, ~~& R-2~~, Districts shall meet the following additional requirements:
1. Properties shall be owner occupied; however, the property owner does not have to be present while a property is used as a short term rental.
 2. Short term rentals located within the principle structure shall use a common entrance so that the principal structure retains the appearance of a single-household residence
- (g) Three (3) violations of state or local laws, ordinances or regulations ~~as relating to the~~ for a property offered for short term rental and ~~directly related to the short term rental use~~ within a three (3) year period, shall result in the City revoking approval for the subject property to be used or offered as a short term rental.
1. Prior to revoking approval for a property to be used or offered as a short term rental, the Zoning Administrator shall give written notice to the host describing the violations constituting the basis of the revocation.
 2. Notice shall be given to the host by:
 - a. Posting a copy of the notice in a conspicuous place on the premises.
 - b. First Class mail or e-mail to the addresses listed in the registration form.
- (h) ~~Short term rentals located in R-C and R-1 Districts prior to September 10, 2019, that are not owner-occupied shall be grandfathered and the property owner shall be issued a special use permit by the zoning administrator allowing such use to continue, but the special use permit shall not be transferable to a new owner. It is the~~

responsibility of the property owner to produce satisfactory proof that a dwelling unit in an R-C or R-1 District was used as a short term rental unit and was not owner-occupied prior to September 10, 2019.

106R



Short-Term Rental Ordinance Review

Kent White

Community Development Director

September 10, 2019



Outline

- Purpose: Adopt revised Short Term Rental (STR) ordinance
- Outline
 - Review changes from August 13th work session
 - Remaining Decision Points
 - Owner Occupancy and Grandfathering
 - Number of Guests
 - Registration/Lodging Tax
 - Other Council questions/concerns



Short- Term Rental Ordinance as revised by City Council – August 13th

- STRs permitted “by right” in all zoning districts except Institutional-1 and Industrial (I-1/I-2/I-3).
- Buildings used as STRs must meet building code.
- Owner occupancy required in R-C & R-1 zoning districts. Existing non-owner occupied units would be grandfathered; details to follow.
- Buildings used as STRs in R-C & R-1 must retain the appearance of a home.
- No additional parking spaces would be required.



Short- Term Rental Ordinance Review

City Council – August 13th

- City will sign voluntary collection agreement with Airbnb for lodging tax, estimated to generate \$84,000 in City revenue annually.
- Commissioner of Revenue will work with hosts that list on other platforms to remit taxes.
- Operators must register STRs by July 1, 2020. Those that don't register charged \$500 penalty.
- The City may revoke unit approval for three ordinance violations related specifically to the STR use (trash, occupancy, etc.) in three years.



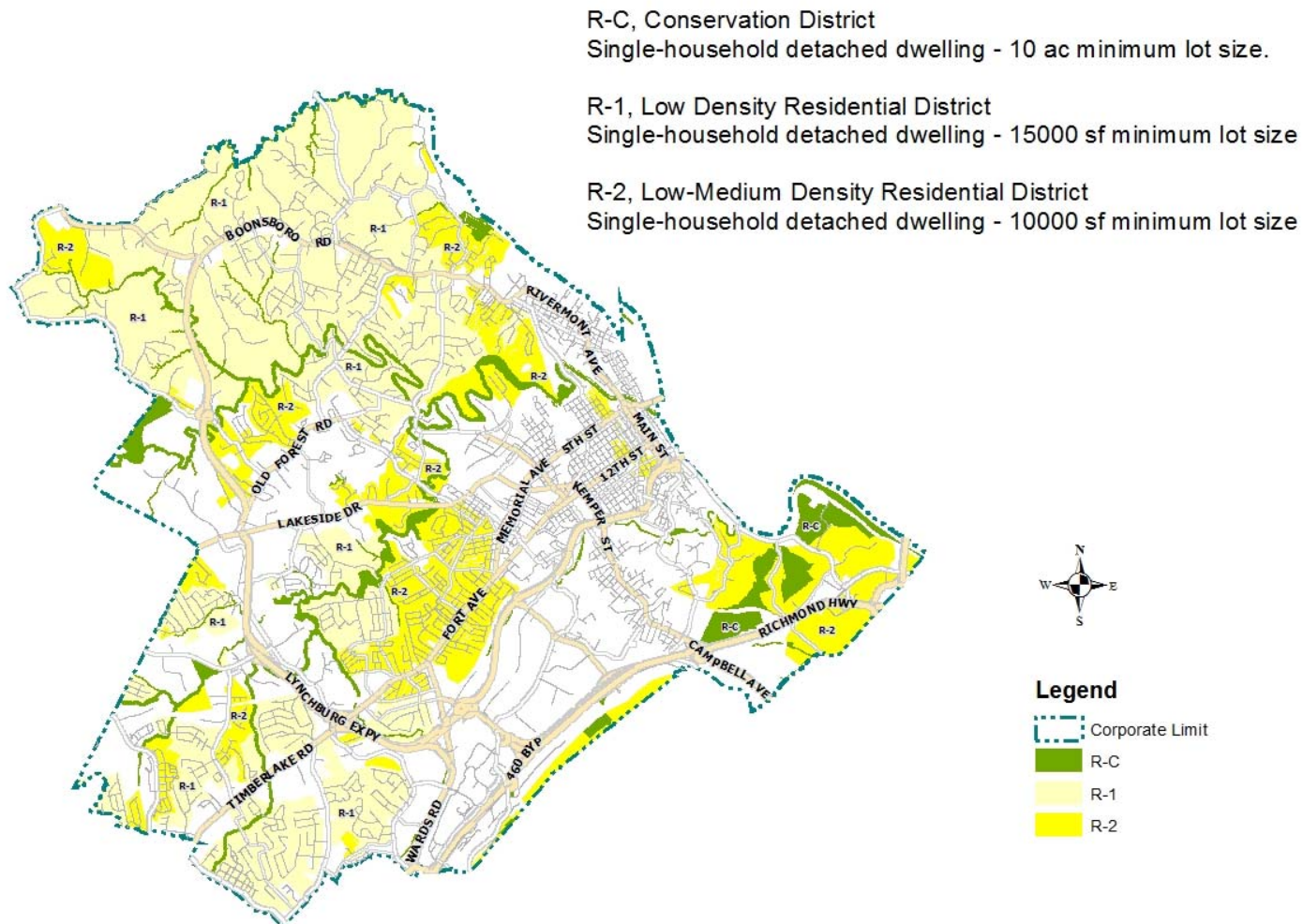
Discussion Topics

Tom Martin, City Planner

Mitch Nuckles, Commissioner of the
Revenue



Owner Occupancy required: R-C and R-1 zoning districts only





Grandfathering Existing Operators

- STRs in R-C & R-1 zoning districts operating prior to ordinance adoption (September 10, 2019) would be exempt from the owner-occupancy requirement.
- The Zoning Administrator would issue an administrative permit for those operators. Operators may need to provide proof of operation prior to ordinance adoption.
- Exemption goes away if property is sold, transferred or the owner is deceased.



Occupancy Option #1

Planning Commission Recommendation

- Maximum number of occupants in a dwelling unit offered for short term rental shall not exceed four (4) unrelated individuals.
- Where two or more related individuals occupy a short term rental unit, only one person unrelated to the related people may occupy the short term rental unit.
- The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.



Occupancy Option #2

Current Occupancy Standard

- The maximum number of occupants in a dwelling unit offered for short term rental shall not exceed three (3) unrelated individuals.
- Where two or more related individuals occupy a short term rental unit, only one person unrelated to the related people may occupy the short term rental unit.
- The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.



Occupancy Option #3

Bed & Breakfast Standard

- The maximum number of occupants in a dwelling unit offered for a short term rental in an R-C, R-1 or R-2 District shall not exceed three (3) rooms with not more than two (2) persons per room.
- In all other districts the maximum number of occupants in a dwelling offered for short term rental shall not exceed five (5) rooms with not more than four (4) persons per room.
- The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.

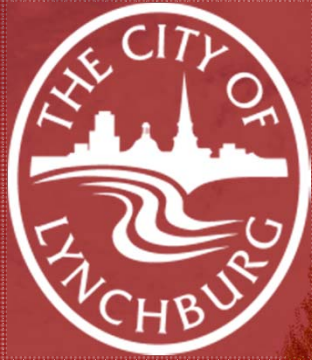


Registration Fee Options

<u>Fee</u>	<u>Revenue</u> *	<u>City Cost</u> **
\$150	\$45,000	\$51,000
\$100	\$30,000	\$51,000
\$50	\$15,000	\$51,000

* Estimated revenue was calculated using a 63% collection rate suggested by third party.

** Estimated cost assumes prorated time for existing staff and contracting with a third party monitoring service at \$13,000/year.



Questions?
Comments?
Observations?

Base Zoning Districts

35.2-40 Conservation District (R-C)

35.2-40.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-1 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-1: Authorized Uses in RC District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
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
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
Markets for farm produce or crafts	2199	Markets and truck gardens. Note that limited to goods produced on site in the RC district.	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Wastewater treatment plants	4348		C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C
shooting ranges, outdoor	5376		C
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
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C

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

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

35.2-41.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-3 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals that may include meals and is owner occupied	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P

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

Land Use	LBCS #	Description	Approval Type
College or university	6130		C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
home day care	6562a	Day care for fewer than six (6) children or adults in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious institutions	6600		C
free-standing cemetery	6722		C
columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section Error! Reference source not found.	C
planned unit development	9953	See section 35.2-83	C

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

35.2-42.2 Authorized Uses

- (a) Exhibit IV-5 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-5 Authorized Uses in R-2 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound, or video, cell towers	C

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

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

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

35.2-43.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-7 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-7 Authorized Uses in R-3 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwelling units separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	C
rooming house	1322	Transient or non-transient lodging that may include meals	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>

Land Use	LBCS #	Description	Approval Type
art galleries	2142b	Excludes art supply sales and retail framing services	P
Parking lot and parking garage	2640	See district standards	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C

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	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C
College or university	6130		C
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home day care	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	C
free-standing cemetery	6722		C
columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P

Land Use	LBCS #	Description	Approval Type
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section Error! Reference source not found.	C
planned unit development	9953	See section 35.2-83	C

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

35.2-44.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-9 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivisions and manufactured home parks with 5 or more lots (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwelling units separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures (see District Use Standards 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)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	C
rooming house	1322	Transient or non-transient lodging that may include meals	C

Land Use	LBCS #	Description	Approval Type
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short Term Rental</u>	1350	Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	P
Parking lot and parking garage	2640	See district standards	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C
College or university	6130		C
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	C
free-standing cemetery	6722		C
columbarium	6724		C

Land Use	LBCS #	Description	Approval Type
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.73	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section Error! Reference source not found.	C
planned unit development	9953	See section 35.2-83	C

35.2-45 Limited Business Districts (B-1)

35.2-45.2 Authorized Uses

- (a) The uses authorized by IV-12 may be established in accordance with the procedures in Article II, the district standards in this article, the site development standards established in Article II and specific use standards established in Article VI, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

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)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	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
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
Bicycles	2113b	New or used bicycle sales, rental and repair	P

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

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
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

Land Use	LBCS #	Description	Approval Type
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards	P
College or university	6130	See district use standards	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
Clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home	6562a	Day care for fewer than six (6) individuals in a residence	P
Small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
Large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
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

35.2-46 Community Business Districts (B-3)

35.2-46.2 Authorized Uses

- (a) The uses authorized by IV-15 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-15 Authorized Uses in B-3 District

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)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	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
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>

Land Use	LBCS #	Description	Approval Type
bicycles	2113b	New or used bicycle sales, rental and repair	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include 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
Markets for farm produce or crafts	2199	Markets and truck gardens.	C

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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	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

Land Use	LBCS #	Description	Approval Type
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
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

Land Use	LBCS #	Description	Approval Type
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding (excludes automobile, dog and horse racing)	C
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

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

Land Use	LBCS #	Description	Approval Type
traditional neighborhood development	9952	See section 35.2-82)	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C

35.2-47 Urban Commercial District (B-4)

35.2-47.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-17 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

Land Use	LBCS #	Description	Approval Type
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	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
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
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P

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

Land Use	LBCS #	Description	Approval Type
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	C
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P
Professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P

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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
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

Land Use	LBCS #	Description	Approval Type
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	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.	C
Other Government Functions	6300	Other government owned establishments not classified elsewhere such as defense and national guard establishments	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans' affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C

Land Use	LBCS #	Description	Approval Type
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
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 General Business District (B-5)

35.2-48.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-19 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-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	1122S	One of two dwellings separated by a party wall, on abutting lots	C
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	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

Land Use	LBCS #	Description	Approval Type
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
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
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P

Land Use	LBCS #	Description	Approval Type
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: 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
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
hiring hall	2423b	Place of assembly for the registration or assignment of employment	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P

Land Use	LBCS #	Description	Approval Type
Services to buildings and dwellings	2450	Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454)	P
packing, crating	2455		P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P
Food service contractor and vending machine operators	2570 & 2580	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service	P
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
linen and uniform supply	2623		P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult 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; dyeing plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning)	P
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P

Land Use	LBCS #	Description	Approval Type
Signs	3440	Manufacturing of signs to be erected or installed (excludes banner printing)	P
Blacksmith		Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	P
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
Warehousing	3620	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
towing and other road and ground services	4138	Tow vehicles	P
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C

Land Use	LBCS #	Description	Approval Type
library or archive	4242	Provide library or archive services	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods	P
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters (excludes drive-ins), film festival exhibitions	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C
Outdoor auditorium/arenas	5180	Outdoor arenas, stadiums and theaters	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
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
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

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

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
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

35.2-50 Institutional District 2 (IN-2)

35.2-50.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-23 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

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
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
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwellings separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures	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

Land Use	LBCS #	Description	Approval Type
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	P
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses	P
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	P
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P

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

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

Land Use	LBCS #	Description	Approval Type
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
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult establishment, retail sales	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P
animal boarding	2722	sitting and boarding	P
pet cemetery	2723		P
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting	P
Textiles, leather and leather substitute products	3130 & 3140	Textile mills, apparel manufacturers and canvas making; dyeing plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning)	P

Land Use	LBCS #	Description	Approval Type
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P
Signs	3440	Manufacturing of signs to be erected or installed (excludes banner printing)	P
Blacksmith		Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	P
Warehousing and Storage Services	3600	Operate warehouse and storage facilities for general merchandise, refrigerated goods	
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
Warehousing	3620	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
school and employee bus transportation	4135	Maintain and dispatch buses and other motor vehicles to transport pupils or employees	P
towing and other road and ground services	4138	Tow vehicles	P
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P

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

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

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

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

35.2-71.16 Short Term Rental

Short Term Rentals as defined in Section 35.2-113 of this Ordinance shall be an accessory use to a use permitted by right in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2 Districts subject to the following provisions:

- (a) On or before July 1 of each year, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall register the address of any dwelling unit to be used for short term rental. Every person filing registration forms with the Zoning Administrator shall pay an annual registration fee of one hundred and fifty dollars (\$150) to defray the cost of processing the registration.
- (b) Any person who fails to register a building to be used as a short term rental by the July 1 deadline shall be subject to a penalty of five hundred dollars (\$500).
- (c)

Option 1

The maximum number of occupants in a dwelling unit offered for short term rental shall not exceed four (4) unrelated individuals. Where two or more related individuals occupy a short term rental unit, only one person unrelated to the related people may occupy the short term rental unit. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.

Option 2

The maximum number of occupants in a dwelling unit offered for short term rental shall not exceed three (3) unrelated individuals. Where two or more related individuals occupy a short term rental unit, only one person unrelated to the related people may occupy the short term rental unit. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.

Option 3

The maximum number of occupants in a dwelling unit offered for a short term rental in an R-C, R-1 or R-2 District shall not exceed three (3) rooms with not more than two (2) persons per room. For all other districts the maximum number of occupants in a dwelling offered for short term rental shall not exceed five (5) rooms with not more than four (4) persons per room. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.

- (d) ~~In addition to all parking requirements of Section 35.2-62, Parking and Loading of the Zoning Ordinance, one (1) parking space shall be provided per short term rental. This requirement shall not apply to short term rentals located within the B-4, Urban Commercial District. Short term rentals shall be exempt from Section 35.2-62, Parking and Loading.~~
- (e) All buildings offered for use as a short term rental shall meet the requirements of the Uniform Statewide Building Code.
- (f) Short term rentals in an R-C & R-1, ~~& R-2~~, Districts shall meet the following additional requirements:
1. Properties shall be owner occupied; however, the property owner does not have to be present while a property is used as a short term rental.
 2. Short term rentals located within the principle structure shall use a common entrance so that the principal structure retains the appearance of a single-household residence
- (g) Three (3) violations of state or local laws, ordinances or regulations ~~as relating to the~~ for a property offered for short term rental and ~~directly related to the short term rental use~~ within a three (3) year period, shall result in the City revoking approval for the subject property to be used or offered as a short term rental.
1. Prior to revoking approval for a property to be used or offered as a short term rental, the Zoning Administrator shall give written notice to the host describing the violations constituting the basis of the revocation.
 2. Notice shall be given to the host by:
 - a. Posting a copy of the notice in a conspicuous place on the premises.
 - b. First Class mail or e-mail to the addresses listed in the registration form.
- (h) ~~Short term rentals located in R-C and R-1 Districts prior to September 10, 2019, that are not owner-occupied shall be grandfathered and the property owner shall be issued a special use permit by the zoning administrator allowing such use to continue, but the special use permit shall not be transferable to a new owner. It is the~~

responsibility of the property owner to produce satisfactory proof that a dwelling unit in an R-C or R-1 District was used as a short term rental unit and was not owner-occupied prior to September 10, 2019.

35.2-113 Definitions

The following terms shall have the meanings established in this section unless specifically modified by provisions of the applicable section of the Zoning Ordinance.

1.	Abut: To adjoin or touch at one or more points along a common boundary.
2.	Accessible: Dwellings that meet prescribed requirements for accessible housing. Mandatory requirements for accessible housing in the Department of Housing and Urban Development's program 202 and 811, section 504, and the Fair Housing Amendments Act requirements. Accessible features in dwellings include items such as wide doors, sufficient clear floor space for wheelchairs, lower countertop segments, lever and loop type handles on hardware, seats at bathing fixtures, grab bars in bathrooms, knee spaces under sinks and counters, audible and visual signals, switches and controls in easily reached locations, entrances free of steps and stairs, and an accessible route through the house. Most "accessible" features are permanently fixed in place and very apparent.
3.	Accessory use or accessory: A use conducted on the same zoning lot as the principal use to which it is related (whether located within the same or an accessory building or other structure, or on an accessory use of land), except that, where specifically provided in the applicable regulations, accessory off-street parking or loading need not be located on the same zoning lot. A use that is clearly incidental to, and customarily found in connection with, such principal use. A use subordinate in area, floor area, intensity, extent and purpose to the principal use. A use either in the same ownership as such principal use, or operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. When "accessory" is used in the text, it shall have the same meaning as "accessory use"
4.	Accessory structure: A structure subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building.
5.	Address sign: A sign displaying only the assigned address of a property or building that is attached to a building or sign structure or part thereof. An address sign shall not be included in the maximum permissible sign area of the district in which it is located.
6.	Adjacent: To abut or be located on the opposite side of a right-of-way or easement.
7.	Administrator or Zoning Administrator: the official charged with the enforcement of this zoning ordinance except where responsibility is specifically delegated.
8.	Agriculture: Any use of land which involves the tilling of soil, the growing of crops or plant growth of any kind, or the raising of livestock or poultry for profit. "For profit" means in excess of what a household would normally grow or raise for its own use or consumption, and shall include the processing and retail sale, in a farm produce stand, or otherwise on the premises, of the products of only the farm on which such processing is conducted.

9.	Airport elevation: The highest point on any usable landing surface expressed in feet above mean sea level.
10.	Airport or air landing field: Any area of land or water designated and set aside for the landing or taking-off of aircraft, the discharge or receiving of cargoes and/or passengers, or the repair, fueling or storage of aircraft.
11.	Airport: Lynchburg Regional Airport and/or Falwell Airport.
12.	Alteration: Any change, modification or addition to a part of or all of the exterior of any building or structure.
13.	Amend or amendment: Any repeal, modification or addition to a regulation; any new regulation; any change in the numbers, shape, boundary, or area of a district or any repeal or abolition of any map, part thereof, or addition thereto.
14.	Antenna support structure: Any building or other structure thirty (30) feet in height or taller other than a tower which can be used for location of telecommunications facilities.
15.	Apartment house: See dwelling, multi-household.
16.	Apartment: A room or suite of two (2) or more rooms, which is designed or intended for residential occupancy by, or which is occupied by, one (1) household doing its cooking therein.
17.	Applicant: Any person who applies for any development approval.
18.	Application or development application: Means the process by which the owner, or the owner's legal representative, of a plot of land within the City submits a request to develop approval. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning such a request.
19.	Approach surface: A surface, whose design standards are referenced in section 35.2-57.3, longitudinally centered on the extended runway centerline, extending outward and upward from end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in section 35.2-57.4. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
20.	Approach, transitional, horizontal, and conical zones: the airspace zones as set forth in section 35.2-57.4.
21.	Arcade: A public or private pedestrian walkway that is open to the street and covered by the upper floors of a building front.
22.	Arterial or arterial street: A public street currently classified in the comprehensive plan functional classification map as an arterial.
23.	Automobile graveyard: Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this definition shall begin with the first day that the vehicle is placed on the subject property.

24.	Automobile service station: A location providing light automobile repairs as listed in LBCS functional use code 2117a. A building, lot, or both, in or upon which gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other: 1. Sales and servicing of spark plugs, batteries, and distributors and distributor parts. 2. Tire servicing and repair, but not recapping or regrooving. 3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like. 4. Radiator cleaning and flushing. 5. Washing and polishing, and sale of automotive washing and polishing materials. 6. Greasing and lubrication. 7. Providing and repairing fuel pumps, oil pumps and lines. 8. Electrical system repairs 9. Adjusting and repairing brakes. 10. Minor motor adjustments not involving racing the motor. 11. Retail sales of convenience goods. 12. Virginia state inspection station. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.
25.	Awning: A permanent roof like structure that projects from the wall of a building, covered with any material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building.
26.	Banner: A sign consisting of a piece of fabric or any other material, other than a flag or pennant, used to advertise a business, service, product, goods, special promotion, activity or event.
27.	Base flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
28.	Base flood elevation: The Federal Emergency Management Agency designated one hundred (100) year water surface elevation.
29.	Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.
30.	Bed and breakfast or tourist home: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.

31.	Billboard or poster panel: Any exterior sign or advertising structure or portion thereof, including any sign painted directly on any exterior wall, roof, or part of a building or other object, displaying any information other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products sold, manufactured, processed or available thereon.
32.	Block face: The edge of a block fronting on a street.
33.	Block: An area of land bounded by streets providing access to such area.
34.	Board of Zoning Appeals: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance as described in this ordinance and regulated by the Code of Virginia.
35.	Boardinghouse or lodging house: A residence where the owner resides in which, for compensation, lodging, or meals, or both, are furnished to transient or non-transient guests. A boardinghouse shall not be deemed a home occupation.
36.	Boarding unit or lodging unit: Any building or part thereof constituting a separate, independent transient accommodation that is physically separated from other such units so as to provide secure and private temporary accommodations.
37.	Buffer: An area of land, including landscaping, or combination of landscaping berms, solid fences and/or walls that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use.
38.	Building, accessory: A building subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building.
39.	Building envelope: The area in which a building may be constructed, which is bounded by the minimum front, side and rear setbacks and the maximum building height.
40.	Building group: A group of two (2) or more main buildings and any buildings accessory thereto occupying a single zoning lot.
41.	Building line or setback: A line drawn parallel to a lot line at a distance therefrom equal to the depth of a required setback.
42.	Building mounted sign: A permanently attached sign, erected or painted on the outside wall, window, or door of a building.
43.	Building permit: A document issued by the City of Lynchburg to permit the construction, erection or alteration of any structure.
44.	Building, height of: The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard floor; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; except as otherwise provided in section 35.2-61.2.
45.	Building, main: The building in which is conducted the principal use of the zoning lot on which it is situated in any residential zone; any dwelling shall be deemed to be a main building on the zoning lot on which the same is located if the lot is used primarily for residential purposes.
46.	Building, temporary: Any structure which is intended to be used or occupied for only a limited time or which is not permanently supported by a foundation.
47.	Building: Any structure designed or intended for support, shelter, enclosure or protection of persons, animals, chattels or property.
48.	Business district: A zoning district whose designation begins with the letter "B".

49.	Business incubator: A facility that provides start-up or emerging businesses with space and shared office equipment, support and business development services, such as management and marketing assistance, for a limited period of time. A business incubator shall meet the following criteria: (1) It shall contain uses authorized in the applicable zoning district under one roof with a minimum of six (6) tenant spaces. (2) Companies housed in a business incubator shall either provide services or support to existing basic industries, or shall conduct light manufacturing or distribution businesses. (3) Display rooms for retail sales shall not exceed ten percent (10%) of the gross floor area of the tenant space. (4) A tenant shall not be allowed to occupy the facility for more than forty-eight (48) months.
50.	Caliper: Trunk diameter of a tree measured six (6) inches from the ground. If the caliper is greater than four (4) inches, the measurement is taken twelve (12) inches from the ground.
51.	Campus – A designated area of land including the buildings and grounds of institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches. A campus may be divided by public or private rights-of-way.
52.	Care center: A day nursery, nursery school, day camp, summer camp or other place where reception or care is provided with or without compensation, of persons of any age and the primary use of the facility where said reception or care is provided is not a residence.
53.	Cemetery: A place used for the permanent commercial interment of dead bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments or a combination thereof.
54.	Certificate of appropriateness (COA): The approval statement signed by the historic preservation commission chair and/or the secretary that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building or structure within a historic district, subject to the issuance of all other permits needed for the matter sought to be accomplished.
55.	Certificate of Occupancy: Authorization granted by the City for use of a lot or structure.
56.	Changeable copy sign: A sign, or part of a sign, with copy that can be changed by manual, mechanical, or electronic means. Copy may not change more than once every six (6) seconds. Changeable copy signs include electronic message centers.
57.	Channel enclosure: Continuous c-shaped metal, or similar opaque material, surrounding three-quarters of the circumference of neon tubing of a sign.
58.	Channel: A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water.
59.	Civic uses: Public or quasi-public uses serving the needs of the community that promote human interaction, such as: care centers, religious institutions, civic clubs and fraternal organizations, community swimming pools, libraries, museums, art galleries, public buildings, meeting halls, public or community recreational facilities, parks, schools and colleges.
60.	Collector street: A public street currently classified as a collector street in the functional classification map of the Comprehensive Plan.
61.	Commercial amusement (temporary): A temporary outdoor amusement center, bazaar, circus, carnival, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales or small-scale games.

62.	Commercial amusement: The provision of entertainment or games of skill to the general public for a fee, including but not limited to a bowling alley, video arcade, dance hall, billiard parlor, golf driving range, skating rinks, swimming pools or miniature golf course. This use does not include circuses, carnivals, race tracks, or shooting ranges.
63.	Commercial building: A building used only for a commercial use.
64.	Commercial recreation: The provision of entertainment or games of skill to the general public for a fee, with higher noise and safety restrictions than a commercial amusement. A facility designed or used for shooting at targets with firearms and/or archery and which is completely enclosed within a building or structure. Does not include outdoor shooting or archery ranges.
65.	Commercial use: Any use involving in part or in whole the storage of merchandise, sale of merchandise, materials or services, but not including home occupations.
66.	Community facility use: A public use in private or public ownership run on a nonprofit basis. Examples are: churches, welfare centers, voluntary hospitals, or privately-endowed museums or libraries. Facilities of private, nonprofit membership organizations for use only by members thereof are also community facilities. Examples may be country clubs, golf courses or community swimming pools.
67.	Comprehensive Zoning Map amendment: An amendment to the official Zoning Map where any of the following conditions exist: (1) The area to be rezoned constitutes an entire neighborhood as defined in the Comprehensive Plan, or a group of such neighborhoods. (2) The area to be rezoned includes at least four hundred (400) acres of ground. (3) The area to be rezoned includes at least five (5) lots, except where all of the said lots are included in a subdivision to be developed as a whole by one developer.
68.	Community owned: Facilities owned and operated by a public, non-profit or not-for-profit entity and open to the general public.
69.	Concept Plan – (1) A plan that establishes the general layout and intensity of proposed development in enough detail to demonstrate compliance with the applicable development approval criteria for discretionary approvals by the City Council. (2) A generalized, illustrative plan for the IN-1 and IN-2 districts, indicating how off site impacts such as traffic, water and sanitary sewer availability/capacity, stormwater management, lighting and noise are mitigated and providing an assessment of existing and future development of the institution's campus, including buildings, parking areas, recreational facilities, open space and access points to City streets.
70.	Conditional use: A permit to grant restricted use of property for uses other than those permitted by right.
71.	Conditional zoning or zone: A zoning district or portion thereof, which has been established pursuant to provisions this Zoning Ordinance and which is subject to reasonable conditions proffered in writing by the owner of the subject property and agreed to by the City Council in a zoning map amendment to which such conditions are applicable in addition to those regulations provided for that particular zoning district, or portion thereof, by the overall Zoning Ordinance.
72.	Conical surface: An imaginary surface, whose design standards are referenced in extending and sloping horizontally and vertically from the periphery of the horizontal surface of an airport flight path.

73.	Conservation: Any action designed to keep a structure, area containing structures, or places from being damaged, lost or wasted.
74.	Construction sign: A temporary sign that notifies the public of a specific building or development under construction or reconstruction or to be constructed or reconstructed within the next three (3) months. The sign may also identify the architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.
75.	Construction, start of: The date the building permit was issued for new construction or substantial improvements, meaning the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date.
76.	Contributing property: Those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the historic district in which they are located.
77.	Coverage, lot: The proportion of a lot covered by the maximum horizontal projected area of a building and its accessory buildings, including overhangs and projections.
78.	Decorative landscape stone: Stone that has natural or manmade distinguishing characteristics such as color and shape. Decorative landscape stone may be used as mulch.
79.	Delineated wetland: An area delineated by the U.S. Army Corps of Engineers as a wetland.
80.	Demolition: The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.
81.	Depth of lot: The mean horizontal distance between the front lot line and rear lot line of a lot.
82.	Detached building: A building surrounded by yards or other open area on the same zoning lot.
83.	Development – Any man-made change to improved or unimproved real estate, including, but not limited to, the erection, placement or modification of buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations; storage of equipment or materials; or the establishment or expansion of a use on a site.
84.	Development approval: Any City approval required for development.
85.	Development area / disturbed area: All areas shown within the limits of clearing and grading on a concept plan or final site plan.
86.	Development pattern: See land use development pattern
87.	Digital sign or electronic message center: An electrically activated changeable copy sign with a variable message and/or graphic presentation capability that can be electronically programmed by computer from a remote location or at the sign. These signs typically use arrays of LED lights to create an illuminated message.
88.	Directional sign: An on-premises sign whose message is exclusively limited to guiding the circulation of pedestrian or vehicular traffic, such as enter, exit, or one-way.
89.	Dwelling: A building containing one (1) or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.
90.	Dwelling unit: One (1) or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one (1) or more persons living together and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

91.	Dwelling, cluster or cluster development: A development pattern defined in Article VIII of this Zoning Ordinance characterized by small lots and the retention of common open space.
92.	Dwelling, detached: A building containing only dwelling units surrounded by yards or other open area on the same zoning lot.
93.	Dwelling, group: A building group consisting only of dwellings occupying a parcel of land in one (1) ownership and having any yard or service area in common.
94.	Dwelling, multi-household for the elderly: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include a cooperative apartment house. Provided further, that all occupants of said residential units must be (a) persons sixty-two (62) years of age or older; (b) married couples either of which is sixty-two (62) years of age or older; or (c) handicapped persons under sixty-two (62) years of age who have physical impairments which are expected to be of long-continued or indefinite duration, and which substantially impede the ability of such person to live independently.
95.	Dwelling, multi-household: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include cooperative apartment houses.
96.	Dwelling, semi-detached: One (1) of two (2) buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.
97.	Dwelling, single-household: A building containing not more than one (1) dwelling unit and occupied by not more than one (1) household.
98.	Dwelling, townhouse, or row house: One (1) of a series of three (3) or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.
99.	Dwelling, two-household (duplex): A building located on one (1) zoning lot containing not more than two (2) dwelling units, arranged one above the other, front to back, or side by side, and occupied by not more than two (2) households.
100.	Easement: A grant by a property owner of the use of a designated part of his land by another party for a specified purpose and for a specified time, which shall be included in the conveyance of land by such easement.
101.	Eave: The underside of the projection of a roof beyond the outer wall of a building.
102.	Electrical engineer: An electrical engineer licensed by the Commonwealth of Virginia.
103.	Electronic message center (EMC): see digital sign
104.	Elevated building: A non-basement building built to have the lowest floor elevated about the ground level by means of fill, solid foundation perimeter walls, pilings or columns (posts and piers).
105.	Encroachment , floodplain: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

106.	Encroachment lines: The lateral limits or line drawn along each side of and generally parallel to a watercourse or body of water, to preserve the flood carrying capacity of the stream or other body of water and its floodplain, and to assure attainment of the basic objective of improvement plans that may be considered or proposed. Their location along a stream should be such that the floodways between them will effectively carry and discharge a flood not less than the magnitude of the one hundred (100) year flood.
107.	Enlargement, or to enlarge: An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.
108.	Equal degree of encroachment: A standard applied in determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a channel are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.
109.	Evergreen tree: A tree or shrub that has foliage that persists and stays green throughout the year.
110.	Existing tower: A telecommunications tower that is in existence or is being constructed on December 9, 1997
111.	Extension, or to extend: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.
112.	Exterior architectural features: The architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, details, features or elements.
113.	Façade: The outer surface of a building.
114.	Fall zone: That area within a prescribed radius (equal to the height of the tower) as measured from the base of a tower. A fall zone is based on physical phenomena that can result in a hazard beneath a tall structure and is the area within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.
115.	Family day home: A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, when at least one (1) child receives care for compensation and meets the requirements of Article 63.2-100 of the Code of Virginia. The term shall not include any family-type facility which provides child care to not more than five (5) children placed by order of any court of competent jurisdiction, or by any public welfare department or other government agency having responsibility of placing children for care.
116.	Final site plan: A site plan that when approved in accordance with this ordinance enables an applicant to apply for a building permit.
117.	Fire district: The territory defined and limited by the provisions of the BOCA Basic Building Code for the restriction of types of construction to ensure adequate fire protection.
118.	Flag pole: A freestanding structure or a structure attached to a building or the roof of a building for the sole purpose of displaying flags.
119.	Flag: Any fabric or any other flexible material attached to or designed to be flown from a flagpole or similar device.

120.		Flashing sign: A sign that involves motion or rotation of any part of the structure, moving reflective disks, running animation or video, or displays an intermittent light or lights. Signs that display an on-premise message changed by electronic means or remote control, programmed or sequenced to change no more than once every six (6) seconds shall not be considered a flashing sign.
121.		Flea market: A market, whether held indoors or outdoors, where antiques, used household goods, curios and similar items are sold or traded by or on behalf of multiple vendors.
122.		Flood hazard area: The maximum area of the one hundred (100) year flood plain (as defined in regulations for the national flood insurance program) which is likely to be flooded, or for which mudslides can be reasonably anticipated.
123.		Flood or flooding: 1. A general or temporary condition or partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or, the unusual and rapid accumulation or runoff of surface waters from any source. 2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual an unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.
124.		Floodplains: The areas of land adjoining a watercourse that have in the past, or can be reasonably expected in the future, to be covered temporarily by flood waters.
125.		Flood-prone area: Any land area susceptible to being inundated by water from any source.
126.		Floodproofing: Combinations of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in the regulatory flood plain.
127.		Floodway fringe: That portion of the one hundred (100) year flood plain outside of the floodway.
128.		Floodway: The channel of a river or other watercourse and those portions of the adjoining flood plains which are reasonably required to discharge the water of the one hundred (100) year flood (base flood), without causing a more than one (1) foot rise at any point in the City as shown in the City's flood insurance study published by the Federal Emergency Management Agency.

129.	Floor area: The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two (2) buildings. In particular, floor area includes: 1. Basement space, except such space in a basement which has at least one-third (1/3) of its height below curb level, and which is located in a residential building with not more than two (2) stories entirely above curb level. 2. Elevator shafts or stairwells at each floor. 3. Floor space in penthouses. 4. Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more. 5. Floor space in interior balconies or mezzanines. 6. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed. 7. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded. 8. Floor space in accessory buildings except for floor space used for accessory off-street parking. Floor area of a building shall not include: 1. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths. 2. Elevator or stair bulkheads, accessory water tanks or cooling towers. 3. Uncovered steps. 4. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet. 5. Floor space in open or roofed terraces, exterior balconies, breezeways or porches, provided that not more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed. 6. Unenclosed floor space used for permitted or required accessory off-street parking spaces. 7. Floor space used for accessory off-street loading berths. 8. Floor space used for mechanical equipment.
130.	Floor area ratio: The total floor area on a zoning lot, divided by the lot area of that zoning lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zoning lot of ten thousand (10,000) square feet has a floor area ratio of 2.0.)
131.	Floor plate: The floor area of the ground floor or footprint of a building.
132.	Food Establishment: A business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.
133.	Foundation planting: Trees and shrubs planted along and adjacent to the perimeter of a building.
134.	Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

135.		Freestanding sign: A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.
136.		Frontage: The horizontal length of the front lot line of a zoning lot abutting a public street, road, or highway, or rural right-of-way.
137.		Gambrel roof: A roof gable roof, each sloping side of which has two sloping planes, with the lower plane being steeper than the upper plane (e.g., barn roof)
138.		Garden apartment units: Group multiple dwellings consisting of more than one (1) main building containing more than one (1) unit per building for single-household occupancy.
139.		Gasoline station: See Automobile service station.
140.		Graphic: Any logo, emblem, insignia, or text, formed by writing, drawing, painting or engraving.
141.		Ground cover: Any evergreen or broadleaf plant that does not generally attain a mature height of more than one (1) foot, characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seeding shall be considered an appropriate ground cover.
142.		Group Home: A residential facility wherein (a) the operator is not legally related to the individuals supervised and may be licensed by the state, and wherein (b) four (4) or more individuals are provided with room, board, specialized and distinctive care, and daily supervision. For the purpose of the Zoning Ordinance, a facility providing care to less than four (4) persons shall not be considered a group home. The term "Group Home" would include but not be limited to such groups as: foster family homes, homes for adults, abused women, individuals with mental illness, intellectual disability, or developmental disabilities, or physically handicapped. This definition does not include pre-release or post-release individuals who have been incarcerated. 1. A residential facility in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. For the purposes of this section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the code of Virginia. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. This type of residential facility shall be deemed to be any group home or other residential facility for which the department of behavioral health and developmental services is the licensing authority pursuant to this code. 2. A residential facility, in which no more than four (4) aged, infirm or physically disabled persons reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. No conditions, more restrictive than those imposed on residences occupied by persons related by blood, marriage or adoption shall be imposed on such a facility. For purposes of the Zoning Ordinance, "residential facility" means any group home or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Virginia department of social services is the licensing authority pursuant to the Code of Virginia.
143.		Guest: Any person hiring and occupying a room for sleeping purposes.

144.	Hazard to air navigation: An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.
145.	Hazardous materials: Includes any substance or material could adversely affect the safety of the public, handlers or carriers during transportation, including, but not limited to materials that require a Hazardous Materials Endorsement by the United States Patriot Act and the Virginia Department of Motor Vehicles.
146.	Heat island effect: An elevated temperature over an urban area caused by pavement, buildings, other infrastructure and pollutant emissions
147.	Height of building: See Building, height of.
148.	Height of sign: The distance to the topmost extent of the sign structure when measured from and perpendicular to the elevation of the edge of pavement of the closest adjacent roadway on which the sign is located. In no instance shall the sign structure be required to be less than ten (10) feet in height, except as otherwise specifically required by the Zoning Ordinance.
149.	Height: for the purpose of determining the height limits affected by airport operations in all zones set forth in section 35.2-57.4 and shown on the Zoning Map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.
150.	Helipad: Landing facility for up to two (2) helicopters that may be lit, but does not include facilities for storage, fueling or servicing of helicopters.
151.	Heliport: Facilities for the landing helicopters that may include facilities for storage, servicing and/or fueling one or more helicopters at a time.
152.	Historic area, historic place, or historic structure: 1. Any structure, area containing structures, or place in which historic events occurred; or having special public value because of notable architectural or other features, relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation. 2. Any structure that is: a. listed individually in the national register of historic places (a listing maintained by the department of the interior) as meeting the requirements for individual listing on the national register; b. certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; c. individually listed on a state inventory or historic places in states with historic preservation programs which have been approved by the secretary of the interior; or d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: i. by an approved state program as determined by the secretary of the interior or ii. directly by the secretary of the interior in states without approved programs.
153.	Historic building map: The map of Lynchburg indicating certain structures as historic buildings.

154.	Historic district: A geographically defined area consisting of public and/or private property within the City, possessing a significant concentration, linkage, or continuity of sites, buildings or structures, areas of unique architectural value, landmarks or encompassing parcels of contiguous land united by past events or aesthetically by plan or physical development. A district may also comprise individual buildings or structures separated geographically but linked by association or history. A historic district shall further mean an area designated by City Council as a historic district pursuant to the criteria established in (d)(1) of this ordinance. The historic district overlay zone defines the area in which the requirements of the historic districts ordinance shall apply. The historic district overlay zone shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the historic district overlay zone shall also lie within one or more of the other zoning districts provided by this ordinance.
155.	Home occupation: An accessory use which: 1. Is clearly incidental to or secondary to the residential use of a dwelling unit. 2. Is customarily and traditionally carried on within a dwelling unit by one (1) or more occupants of such dwelling unit, except that, in connection with the practice of a profession, one (1) person not residing in such dwelling unit may be employed. 3. Occupies not more than twenty-five (25) per cent of the total floor area of such dwelling unit, and in no event more than five hundred (500) square feet of floor area.
156.	Home owners' or property owners' association: An incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or property owner in a planned unit or other described land area is automatically a member; and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the home association's activities, such as common property maintenance.
157.	Horizontal surface: An imaginary horizontal plane, whose design standards are referenced in section 35.2-57.3 above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
158.	Hospitals: An institution receiving in-patients and rendering medical, surgical, and/or obstetrical care to private and charity patients, and usually including research and training activities. This shall include general hospitals and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, tuberculosis, chronic disease and obstetrics. Hospital patients generally require intensive care for periods generally not exceeding several months.
159.	Hotel: A building or part thereof containing five (5) or more guest rooms, without kitchens, where lodging is provided for compensation, excluding a fraternity or sorority house, a school or college dormitory, or a tourist home.
160.	Household: The occupants of a single dwelling unit, which shall not exceed three (3) unrelated individuals unless otherwise permitted by this Zoning Ordinance.
161.	Identification sign: A sign that is permanently attached to or painted on a building and contains only the building name. (Example, the "Allied Arts" Building.) Identification signs shall not be included in the maximum permissible sign area of the district in which it is located.
162.	Illegal use: Any use, whether of a building or other structure or of a tract of land, in which a violation of any provision of the Zoning Ordinance has been committed or shall exist.
163.	Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
164.	Industrial district: Includes the I-1, I-2 and I-3 zoning districts.

165.		Institutional district: Any district whose designation begins with the letters IN”.
166.		Inflatable item: Any item that is capable of being expanded by air, water or other means that exceeds twenty-four (24) inches in diameter, used to advertise a business, service, product, goods, special promotion, activity or event.
167.		Inventory, historic: The inventory of historic landmarks, buildings and structures as prepared by the board of historic and architectural review.
168.		Junk yard: The use of any space, whether inside or outside a building, for the abandonment, storage, keeping, collection, disassembling or bailing of paper, rags, scrap metal, or other scrap or discarded materials, or for the abandonment, demolition, dismantling, or salvaging of automobiles or other vehicles or machinery or parts thereof; provided, that this definition shall not apply to any such use conducted solely as an accessory use and occupying not more than one hundred (100) square feet of the area of any lot other than any portion of that half thereof that adjoins any street.
169.		Kennel: Any building, enclosure, structure, establishment and/or land where dogs, cats, household pets or any other domestic animals are sheltered, fed or watered, groomed, shown, trained, bred, boarded and exercised, cared for or sold for either commercial gain or in exchange for a fee.
170.		Land Use Development Pattern or Development Pattern: One or more uses arranged to create a specific type of development that are defined in Article VIII of this ordinance and that may be allowed by right or conditional use permit pursuant to LBCS classifications 9950 et. seq.
171.		Land with minor improvements: For purposes of the City’s floodplain regulations, a tract of land which: 1. Does not include any building or other structure. 2. Includes a building or other structure with a floor area of less than four hundred (400) square feet.
172.		Landscape island: An area containing a shade tree and other required landscaping not less than one hundred eight (108) square feet for a parking row or two hundred sixteen (216) square feet for a parking bay.
173.		Large deciduous tree. A large deciduous tree shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet. A minimum caliper of at least two and one-half (2-1/2) inches at the time of planting shall be required.
174.		Large farm animal. An animal with an adult weight of 50 pounds or more that may be kept for agricultural purposes, including, but not limited to horses, cattle, goats, llamas, alpacas, ostriches, emus, ponies and bison, but not including dogs.
175.		Large scale retail establishment: retail establishments having a cumulative gross floor area of seventy-five thousand (75,000) square feet or greater in floor area, whether such gross floor area is contained entirely within a freestanding building or is within two (2) or more buildings, whether located on a single lot or contiguous lots owned or operated as associated, integrated or cooperative business enterprises.
176.		Level of Service (LOS) – A scale that measures the amount of traffic that a roadway or intersection can effectively and efficiently accommodate, based on such factors as volume, capacity, queues and delay. LOS is graded on a scale of A through F, where LOS-A is free-flowing traffic and LOS-F is a condition where traffic flow is unstable and excessive delay and queuing is expected.

177.		Limited Access Highway or Freeway: A public highway to which access is forbidden except at interchanges with other public highways and, in some cases, at specially designed facilities providing automobile, restaurant and other similar services to motorists using the highway.
178.		Limited time: A period of time assumed to be not more than one year unless otherwise specified by the Zoning Ordinance or development approval.
179.		Loading berth: A space measuring at least ten (10) feet wide by thirty-five (35) feet long that is used for the loading or unloading of vehicles.
180.		Local street: A public street not classified as a freeway, arterial or collector street under the definitions in this section.
181.		Lodging house: See Boardinghouse.
182.		Logo: Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both.
183.		Lot: 1. A lot of record existing on the effective date of the Zoning Ordinance or any applicable subsequent amendment thereto. 2. A tract of land, either unsubdivided or consisting of two (2) or more contiguous lots of record, located within a single block which on the effective date of the Zoning Ordinance or any applicable amendment thereto was in single ownership or control. 3. A tract of land located within a single block, which at the time of filing for a Building Permit (or, if no Building Permit is required, at the time of filing for a Certificate of Occupancy), is designated by its owner or developers as a tract all of which is to be used, developed or built upon as a unit under single ownership or control.
184.		Lot area per dwelling unit: That portion of the lot area required for each dwelling unit located on a zoning lot.
185.		Lot area: The area of a lot; provided, that if that lot includes any part of the area of a street closed subsequent to the effective date of the Zoning Ordinance, not more than one-half (1/2) the area of such closed street shall be counted as lot area for purposes of determining the maximum floor area ratio or the required lot area per dwelling unit or lot area per room for such zoning lot.
186.		Lot, corner: Either a lot bounded by streets on two or more sides or a lot in which the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines forms an angle of one hundred thirty-five (135) degrees or less.
187.		Lot coverage: See Coverage, lot.
188.		Lot depth: See Depth of lot.
189.		Lot, interior: Any lot neither a corner lot nor a through lot.
190.		Lot line, front: A street line determined by the Zoning Administrator to be the front of the lot based on prevailing lot patterns and lot dimensions.
191.		Lot line, rear: The lot line, opposite or furthest from the front lot line. For triangular lots, the rear lot line shall be the lot line that does not follow a street right-of-way.
192.		Lot line, side: Any lot line that is not a front lot line or a rear lot line.
193.		Lot line: A boundary of a lot.
194.		Lot of record: A lot which is part of a subdivision recorded in the office of the City clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
195.		Lot width: The horizontal distance between the side lot lines of a zoning lot at the building line.

196.		Lot, through: Any lot, not a corner lot, which adjoins two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other.
197.		Low explosives: Substances that deflagrate (burn) rather than detonate (explode). These are primarily used as propellants. The cut-off speed between high and low explosives is 3,300 fps (feet per second). An example of a low explosive is black powder. High explosives are designed to shatter (brisance) rather than push. Detonation velocities for high explosives range from 3,300 fps to 29,900 fps. Blasting caps, dynamite, TNT, plastic explosives, binaries and blasting agents are examples of high explosives.
198.		Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
199.		Lumen per Square Foot: a measure of illuminance equal to one foot-candle
200.		Lynchburg commercial historic districts design review guidelines: A publication adopted by City Council, that gives detailed guidance to property owners of the commercial historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the commercial guidelines document and all amendments thereto are automatically adopted and incorporated into the City code.
201.		Lynchburg residential historic districts design review guidelines: A publication adopted by City Council, that gives detailed guidance to property owners of the residential historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the residential guidelines document and all amendments thereto are automatically adopted and incorporated into the City code.
202.		Mansard roof: A roof having two slopes on all sides with the lower slope steeper than the upper one
203.		Manufactured home: 1. A structure, transportable in one (1) or more sections that is certified as complying with HUD's "Manufactured Home Construction and Safety Standards," which is built after 1978 on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. 2. For flood plain management purposes the term "manufactured home" also includes mobile homes, park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
204.		Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home spaces or lots for rent or sale.
205.		Market for agricultural products: A market selling produce, or other edible products made from and entirely processed on the site of an agricultural operation.
206.		Medical or dental clinics: Any building or group of buildings occupied by two (2) or more medical or dental practitioners for the purpose of providing health services to people on an out-patient basis.
207.		Medical practitioner: A licensed physician, dentist, osteopath, chiropractor, chiroprapist (podiatrist), psychologist or optometrist (but not optician).

208.		Medium shrubs. Shrubs and hedge forms having a minimum height of at least two (2) feet at the time of planting.
209.		Metes and bounds: The specific boundaries of an area as measured between geographical points.
210.		Minor map amendment: A change in the official Zoning Map that is not included in the definition of comprehensive Zoning Map amendment.
211.		Mobile food cart: A mobile food establishment that is up to ten (10) feet long and five (5) feet wide and is designed to be pushed by hand or pedaled.
212.		Mobile food trailer: A mobile food establishment that is less than twenty (20) feet long by eight (8) feet wide and is designed to be towed behind a vehicle and capable of vending foods without being connected to another vehicle.
213.		Mobile food truck: A self-propelled food establishment that is up to twenty-six (26) feet long and eight (8) feet wide.
214.		Mobile Food Vehicle: A Food Establishment that is located upon a vehicle including cars, trucks, carts, motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared, or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks.
215.		Mobile Home: A structure built on a permanent chassis that is designed for use with or without a permanent foundation that does not comply with the HUD's Manufactured Home Construction standards or that was built prior to 1978.
216.		Modified sign: A sign that is allowed to deviate from the standards set forth in the Zoning Ordinance pursuant to a certificate of appropriateness issued by the historic preservation commission.
217.		Modular home or industrialized building: A prefabricated homes or industrialized buildings that consist of one or more sections that do not have axles or frames and typically are transported to their site by means of flat-bed trucks.
218.		Monument sign: A permanent structure built on-grade in which the sign and the structure are an integral part of one another, not a pole(s) mounted sign.
219.		Motel or tourist cabin: A building or group of buildings containing ten (10) or more guest rooms or suites designed or intended to be used, let or hired out which: 1. Contain living or sleeping accommodations used primarily for transient occupancy. 2. Have individual entrances from outside the building to serve each such living or sleeping unit.
220.		Mulch: A protective covering, usually of organic matter placed around plants to prevent evaporation, root freezing and weed growth.
221.		Mural: A painting, fresco, or mosaic applied to a wall for the sole purposes of decoration or artistic expression. A mural is not considered a sign unless it includes words or graphics that advertise the products or service of any entity.
222.		Naturalized planting area: Any area planted for bio-retention containing native or indigenous species that mimics local natural surroundings and is allowed to grow undisturbed. Naturalized planting areas require minimal maintenance.
223.		Neighborhood norm: A measure of the average or typical setbacks along two opposing block faces or for three abutting lots (see Sec. 35.2-61.3(f))
224.		Neon tubing: A vacuum tight transparent tube not exceeding one inch (1") in diameter containing, but not limited to neon, argon, helium, xenon, or krypton that produces light when connected to an electrical current.

225.		New construction: 1. Any construction within a historic district that is independent and exclusive of an existing building or structure or part thereof in the historic district. 2. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the City.
226.		Non-conforming use: any preexisting structure or object of natural growth that is inconsistent with the provisions of this section or any amendment to this section.
227.		Non-contributing property: A property so designated on the inventory map of historic districts and properties which are adopted as a part of this ordinance, being generally those properties which by reason of age, condition, amount of alterations, form, materials, architectural details and relation to surrounding properties do not contribute favorably to the general character of the part of the historic district in which they are located.
228.		Nonconforming: Any lawful use, whether of a building or other structure or of a tract of land, which does not conform to the applicable use regulations of the district in which it is located, either on the effective date of the Zoning Ordinance, or as a result of any subsequent amendment thereto. A nonconforming use shall result from failure to conform to the applicable district regulations on either permitted uses or performance standards. However, no existing use shall be deemed nonconforming solely because of any of the following: 1. The existence of less than the required accessory off-street parking spaces or loading berths. 2. The existence of nonconforming accessory signs.
229.		Normal business hours: means those hours during which most businesses in the community are open to serve customers, which shall be considered from 8:00am to 6:00pm unless otherwise specified herein.
230.		Nursing homes: Rest homes and convalescent homes devoted primarily to the maintenance and operation of residential facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but do require care in excess of room and board and who need medical, nursing, convalescent or chronic care. Institutions primarily for the treatment and care of mental patients, alcoholics or drug addicts, and facilities serving less than four (4) persons shall not, for the purpose of the Zoning Ordinance, be considered to be a nursing home. (See also Medical clinics, Hospitals and Sanatorium).
231.		Obstruction: 1. For purposes of floodplain regulations, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or flood hazard area which may impede, retard or change the direction of flow of water, either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to the damage of life or property. 2. For purposes of airport overlay zoning, any structure, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in section 35.2-57.4.
232.		Off-site directional sign: A sign that directs traffic to a site other than the site on which the sign is located.

233.	Off-street loading berth – A space for temporarily parking vehicles for loading or unloading that measures at least 30 feet in length by 12 feet wide and having at least 14 feet of clearance.
234.	Official Zoning Map: That map dividing the City into specific zones or districts.
235.	One hundred (100) year flood (base flood): A flood that has one (1) chance in one hundred (100) or a one (1) per cent chance of being equaled or exceeded in any given year.
236.	Open Space: Any land or area, the preservation of which would: conserve and enhance scenic resources, protect streams, promote conservation of soils or provide for passive or active recreational space. Open spaces may include plaza areas, provided they contain a landscaped component. Required setback areas may be included in the computation of required open space.
237.	Opinion sign: A sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view.
238.	Ornamental tree: Deciduous tree that grows to a mature height of less than thirty (30) feet with flowering or other distinguishing characteristics.
239.	Outdoor storage: 1. For residential properties, anything that is not normally found in residential yards and on porches, including, but not limited to indoor furniture, construction materials, auto parts, appliances and the clutter of various personal items, inoperable vehicles or stacks of containers in plain view. Equipment regularly used for lawn maintenance, outdoor furniture, children's toys, bicycles and neatly stacked firewood are not generally considered to be outdoor storage, however an excess of those items, or equipment in disrepair may be considered illegal outdoor storage. 2. For non-residential and mixed-use properties, the outdoor storage includes the storage of goods, materials, inoperable vehicles, appliances or other materials that are not a specifically authorized outdoor display.
240.	Outparcel: A parcel located on the outside perimeter of a commercial development fronting a right of way.
241.	Owner: means any person with fee simple title to any plot of land within the City who desires to develop, construct, build, modify, or erect a tower upon such land.
242.	Parapet wall: A wall that extends above the top of a flat roof or flat portion of a roof.
243.	Parcel: is considered to be that plot of land described by property lines. When multiple parcels are owned and used by the same party, the grouping may be considered to constitute the parcel.
244.	Parking area, off-street: An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least three hundred (300) square feet of parking area per parking space and the required number of usable parking spaces.
245.	Parking bay: Two (2) parking rows abutting one another or separated by ten (10) feet or less.
246.	Parking garages: A building occupied by a public, community, commercial or private establishment providing space for the temporary storage of six (6) or more automobiles and other vehicles, where service or repair facilities are not permitted. A parking garage shall not be considered an accessory use, nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk, nor shall the sale of automobiles or trailers take place within it unless otherwise permitted by the Zoning Ordinance.
247.	Parking lot: An open lot serving the functions defined above for a parking garage.

248.		Parking row: One (1) single line of parking spaces.
249.		Parking space: 1. An off-street space available for the parking of one (1) motor vehicle on a transient basis and having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet, exclusive of passageways and driveways appurtenant thereto and having direct usable access to the street. 2. An on-street space available for the parking of one motor vehicle on a transient basis, having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet.
250.		Pedestrian facility: A sidewalk, walking path, bike path or transit / shuttle stop.
251.		Pennant: Any lightweight plastic, fabric or other similar material, whether or not containing copy suspended from a rope, wire, or string, usually in series, designed to move in the wind.
252.		Permanent sign: Any sign attached to the ground or any structure, intended to exist for the life of the structure or use, and which cannot be removed without involving any structural or support changes.
253.		Permeable or Porous: Capable of allowing water to be conducted through a material, as in permeable surfaces such as grass or soils and porous pavement.
254.		Person: Except as provided in section 35.2-60.2(e) a person is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
255.		Phasing Plan: A plan for the development in more than one stage or phase in accordance with section 35.2-11.4.
256.		Planned unit development or PUD: A multiple-unit residential development of at least five (5) acres arranged in harmony with purposes, provisions and procedures for the planned unit development.
257.		Pole mounted sign: A sign that is mounted on one or more freestanding poles or similar supports.
258.		Political sign: A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a government election.
259.		Porch: an area elevated above grade that adjoins an entry to a building that may be covered or open.
260.		Portable sign: A sign which is movable without involving any structural or support changes, not permanently attached to the ground, a structure or any other sign not an integral part of a building to which it is accessory. This category includes, but is not limited to, an A-frame sign, a sign attached to or placed on a vehicle, which is used primarily for the purpose of display, and similar devices used to attract attention. This shall not include bumper stickers or identification signs directly applied to or painted on vehicles identifying the owner of the vehicle, a business name, logo or emblem.
261.		Preservation: Any activity designed to prevent deterioration or destruction of a structure, a group of structures, or an area or a district.
262.		Primary surface: An imaginary surface, whose design standards are referenced in section 35.2-57.3 longitudinally centered on an airport runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

263.		Private recreational facilities: A facility such as a swimming pool, tennis court or basketball court which is an accessory use located on a residential lot, the use of which is restricted to the occupants of the principal use and guests for whom no admission or membership fees are charged.
264.		Programmed: For the purposes of the Zoning Ordinance, the word "programmed" shall refer to a public facility which has been formally scheduled for construction within the following ten (10) years. Such formal scheduling may be in terms of an approved capital improvements program, an officially adopted thoroughfare, public utilities or community facilities plan specifying the approximate date of construction of the facility, or a similar official plan or program.
265.		Projecting sign: A sign that is attached to and projects at an angle and extends more than fifteen (15) inches from the face of the wall of a building.
266.		Property ownership: For purposes of the occupancy requirements of this ordinance, the owner who resides on the lot shall be: a. An individual who owns at least a 50% interest in the lot by deeded title and who resides on the lot as his or her primary residence; or b. An individual who owns at least a 50% interest in a corporation, a limited liability company, or a similar legal entity that owns a 100% interest in the lot by deeded title and who resides on the lot as his or her primary residence; or c. An individual who is a beneficiary of a trust that owns a 100% interest in the lot by deeded title and who resides on the lot as his or her primary residence.
267.		Public utility: A public utility is an activity, or a building housing such an activity, which operates to serve the community as a whole, or a portion of the community, which is publicly run or subject to special government controls and which is overseen by the State Corporation Commission.
268.		Public: Any land, structure or building owned, used or maintained by the City government, or a regional authority of which the City is a member, or their agencies.
269.		Radio frequency engineer: means a professional engineer licensed by the Commonwealth of Virginia with appropriate documented expertise in radio frequency engineering.
270.		Raising: Providing vertical clearance under tree canopy by using appropriate pruning techniques.
271.		Re-facing: The replacement of a sign face, regardless of change in copy, of equal size to the original, without altering the sign box, sign frame or sign structure.
272.		Reach: Longitudinal segments of a river or stream, which will be affected by the placement of an obstruction in a floodway or floodway fringe.
273.		Real estate sign: A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house.
274.		Reconstruction: Any activity designed to rebuild entirely, or partially, a structure.
275.		Recreation facility, active: A field, court building or other structure designed for a specific range of sports or other physical activities, including but not limited to ball fields, tennis courts, swimming pools, gyms and other indoor athletic facilities and playground equipment.

276.	Recreation facility, passive: An open field, woods, trail or other public open space that may be used for a wide range of activities, including, but not limited to hiking, biking, picnicking or playing a variety of different sports. Passive recreation facilities may include picnic tables, water fountains and surfaced trails, but do not include buildings or structures devoted to limited ranges of sports activities.
277.	Recreational vehicle – A vehicle which is: 1. built on a single chassis; 2. four hundred (400) square feet or less when measured at the largest horizontal projection; 3. designed to be self-propelled or permanently towable by a light duty truck; and, 4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel or seasonal use.
278.	Regulatory flood protection level: That level delineated by the one hundred (100) year flood.
279.	Rehabilitation: Any activity designed to place a structure into a usable condition with or without architectural change.
280.	Religious Institution: A church, synagogue, temple, mosque, convent, monastery or other place of worship
281.	Related People: Related individuals include people who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care.
282.	Renovation: Any activity relating to the updating and/or the modernization of an older structure involving architectural change.
283.	Repairs in like material and like design: Any work or all work involving the replacement of existing material with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction design.
284.	Residence: 1. A building or part of a building containing dwelling units or rooming units, including single-household or two-household houses, multiple dwellings, boarding or rooming houses or apartment hotels. Residences do not include the following: a. Such transient accommodations as transient hotels, motels, tourist cabins or trailer courts. b. Dormitories, fraternity or sorority houses, monasteries or convents. c. In a mixed building, that part of the building used for any nonresidential uses, except accessory to residential uses. 2. For the purposes of determining setback and/or height requirements for IN-1 District, a residence shall not include any properties owned, leased, or used by the institution regardless of zoning or land use.
285.	Residence, single-household: A building containing only one (1) dwelling unit.
286.	Residential: Pertaining to one or more residences.
287.	Residential district: Any district whose designation begins with the letter "R".
288.	Residential Street – any local City street where the majority of land use on one or both sides of the street within the block is residential.
289.	Restoration: Any or all work connected with the returning to or restoring of a building, or part of any building, to its original condition through the use of original or nearly original materials.

290.	Retail establishment: A commercial enterprise that provides a combination of goods and / or services directly to the consumer, where the principal use is providing goods that are available for immediate small quantity purchase and removal from the premises by the purchaser.
291.	Riding stable: Any zoning lot used or designed for the boarding, breeding or care of horses or ponies, other than for farming or agricultural purposes, either with or without instruction in riding.
292.	Riprap: A permanent, large, loose angular stone generally used for erosion and sediment control in concentrated high velocity flow areas.
293.	Roof sign: A sign installed or constructed upon or above a roof.
294.	Rooming house: A dwelling consisting of one (1) single building in which, for compensation, lodging or meals, or both, are furnished to transient or non-transient guests. A rooming house shall not be deemed a home occupation.
295.	Runway: a specified area on an airport prepared for landing and takeoff of aircraft.
296.	Sanitary or solid waste management facility, private: A sanitary or solid waste management facility that is not a public sanitary or solid waste management facility, and which is owned and operated by a private entity for the purpose of handling sanitary or solid waste generated only by such private entity.
297.	Sanitary or solid waste management facility, public: A sanitary or solid waste management facility owned or operated by or on behalf of the City of Lynchburg or a regional solid waste management authority of which the City of Lynchburg is a member.
298.	Sanitary or solid waste management facility: Any facility or zoning lot used for: (i) the disposal of solid waste materials by abandonment, discarding, dumping, reduction, burial, incineration or any other means, including accessory uses such as recycling, cogeneration, and methane recovery, or (ii) a transfer station for solid waste storage or collection at which solid waste is transferred from collection vehicles to haulage vehicles, including but not limited to trucks, trains, and tandem trailers, for transportation to a central solid waste management facility for disposal or resource recovery. This definition does not include transportable waste receptacles of commercial solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, motels, hotels, multiple residences, picnic grounds and day-use recreation areas. This definition also does not include recycling bins.
299.	School: An institution, including kindergartens providing full-time day instruction and a course of study that meets the requirements of the laws of the State of Virginia.
300.	Screening: A method of visually shielding or obscuring items such as a structure, receptacle, parking area, equipment, or stormwater management pond by densely planted landscaping, or a combination of landscaping, berms, solid fences and/or walls.
301.	Service station: See Automobile service station.
302.	Setback: See building line.
303.	Shade tree: Deciduous tree that grows to be more than thirty (30) feet at maturity and planted chiefly to provide shade from sunlight.
304.	Shallow flooding area – A special flood hazard area with the base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

305.		<u>Short Term Rental:</u> The primary, accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.
<u>306.</u>	305.	Shrub, large: A shrub with a minimum height of three (3) feet at planting.
<u>307.</u>	306.	Shrub medium: A shrub with a minimum height of two (2) feet at planting.
<u>308.</u>	307.	Shrub small: A shrub with a minimum height of one (1) foot at planting.
<u>309.</u>	308.	Shrub: A woody plant deciduous or evergreen that generally exhibits several erect, spreading stems with a bushy appearance growing to a height of no more than fifteen (15) feet.
<u>310.</u>	309.	Sign base: The area below any writing, pictorial representation, emblem or any other figure of similar character on a sign face. This shall include solid bases, poles, supports, uprights, skirts and/or enclosures.
<u>311.</u>	310.	Sign box: A structure that encloses the sign face(s) and any internal illumination.
<u>312.</u>	311.	Sign face: The area or display surface used for the message, not including the sign frame or sign structure.
<u>313.</u>	312.	Sign frame: The enclosure and/or embellishment that surround the sign face.
<u>314.</u>	313.	Sign structure: An assembly of material used to support a sign face and/or sign frame.
<u>315.</u>	314.	Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark) or any other figure or graphic of similar character for the purpose of communicating information to the public which is: 1. Attached to or painted on a structure, or in any other manner represented on a building, other structure or motor vehicle; 2. Used to announce, direct attention to, or advertise; 3. Visible from the outside of a building. A sign shall include writing, pictorial representation, emblem or any other figure of similar character within a building when located less than twelve (12) inches away from the inside face of an exterior window pane; and 4. Accessory to the permitted uses in the zoning district.
<u>316.</u>	315.	Slope: The deviation of a surface from the horizontal.
<u>317.</u>	316.	Solid waste: Any discarded material, including, but not limited to, garbage, trash, refuse, junk, debris, leaves, brush, land clearing debris, demolition materials, ash, sludge, spoil, used or waste oil, and machinery or vehicles or parts thereof.
<u>318.</u>	317.	Stable, riding: See Riding stable.
<u>319.</u>	318.	Standard project flood limit (SPFL): That portion of land inside the floodplain that would be required to carry forty (40) per cent to sixty (60) per cent of the maximum probable flood, and normally could be expected to occur at a five hundred (500) year frequency.

<u>320.</u>	319.	Start of construction: The date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of the property accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
<u>321.</u>	320.	State: means the Commonwealth of Virginia.
<u>322.</u>	321.	Stealth: means any tower or telecommunications facility that is designed to blend into the surrounding environment through the use of camouflage or other appropriate landscaping or construction techniques.
<u>323.</u>	322.	Story: That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. However, a cellar is not a story.
<u>324.</u>	323.	Streamer: Any long narrow strip of cloth, paper, plastic or other material.
<u>325.</u>	324.	Street line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If, on the master plan of streets and highways duly adopted by the City, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line.
<u>326.</u>	325.	Street width: The distance between street lines, measured at right angles to the center line of the street.
<u>327.</u>	326.	Street, center line of: A line established as a center line of a street by any state, City or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map. If there is no official center line of a street, the center line shall be a line lying midway between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the City Engineer or, in the absence of a determination by the department of public works, shall be assumed to be a line midway between the edges of such pavement or traveled way.
<u>328.</u>	327.	Street: A street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct, or any segment thereof, lying within a public right-of-way at least twenty (20) feet in width.
<u>329.</u>	328.	Structural engineer: means a structural engineer licensed by the Commonwealth of Virginia.
<u>330.</u>	329.	Structure: 1. Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, poles and electric lines of overhead transmission routes, and flag poles. 2. For purposes of floodplain regulation, anything constructed, set, placed or erected on the ground or attached to the ground including, but not limited to, buildings, factories, sheds, cabins, manufactured homes and other similar items which shall be anchored and floodproofed within the flood plain.

<u>331.</u>	330.	Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two (2) or more zoning lots; or any improvement of land by two (2) or more principal buildings for the purpose, whether immediate or future, of building development for rental, lease or sale, which may include changes in street or lot lines; provided, however, that this definition of a subdivision shall not include the divisions of land into ten (10) acres or more for agricultural uses.
<u>332.</u>	331.	Substantial damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damaged occurred.
<u>333.</u>	332.	Substantial improvement: 1. For purposes of the historic district, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the <i>start of construction</i> of the improvement. The term includes structures which have incurred <i>substantial damage</i> regardless of the actual repair work performed. The term does not, however, include either: a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a <i>historic structure</i>. 2. For purposes of floodplain regulation, a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) per cent of the market value of the structure either: i. before the improvement or repair is started; or ii. if the structure has been damaged, and is being restored, before the damage occurred. b. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: i. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or ii. any alteration of a structure listed on the national register of historic places or a state inventory of historic places. c. The repair, reconstruction or improvement of the streets, utilities and pads in a manufactured home park or manufactured home subdivision which equals or exceeds fifty (50) per cent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

<u>334.</u>	333.	Surface area of sign: The entire area of the sign within a single continuous perimeter including the extreme limits of writing, pictorial representation, emblem, figure, graphic, or any figure of similar character. The sign base, box, frame, and/or structure shall not be considered the surface area of a sign unless there is writing or internal illumination on such sign components. For the purpose of computing, the surface area of a double-faced sign or a V-type sign shall be considered a single structure; provided, that the interior angle of the V-type sign does not exceed forty-five (45) degrees.
<u>335.</u>	334.	Swimming pool, commercial: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, open to the general public and operated for profit.
<u>336.</u>	335.	Swimming pool, community: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, operated by members of more than two (2) families for the benefit of such group and not open to the general public, whether incorporated or unincorporated, whether organized as a club or cooperative or association, providing that it is not organized for profit and that the right to use said pool is restricted to such families and their guests. A swimming pool and/or wading pool operated as part of a multiple dwelling is also a community swimming pool, providing that it is not operated for profit, and that the right to use said pool is restricted to tenants of the multiple dwelling and their guests.
<u>337.</u>	336.	Swimming pool, private: See private recreational facilities.
<u>338.</u>	337.	Telecommunications facilities: means any cables, wires, lines, wave guides, antennas, and any other equipment associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or has installed upon or near a tower or antenna support structure. The term telecommunications facilities shall not include: 1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or 2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or 3. Any federally-licensed amateur radio station operators.
<u>339.</u>	338.	Temporary sign: A sign designed or intended to be displayed for a limited period of time as indicated in the Zoning Ordinance.
<u>340.</u>	339.	Thrift store: A store selling used items, particularly clothing for the benefit of a charitable organization.
<u>341.</u>	340.	Topping: An inappropriate practice of making heading cuts to plants through a stem more than two (2) years old that drastically reduces tree height, destroys tree architecture and results in discoloration, decay of the cut stem, or death of the tree.
<u>342.</u>	341.	Tourist home or bed and breakfast: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.
<u>343.</u>	342.	Tower owner: means the person that owns or controls a telecommunications tower.
<u>344.</u>	343.	Tower: means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.
<u>345.</u>	344.	Townhouse: One of a series of from three (3) to nine (9) attached dwelling units separated from one another by common vertical walls with no openings; provided, that the maximum density permitted hereunder shall not be exceeded.

<u>346.</u>	345.	Trailer: A residence, house car, camp car or any portable or mobile vehicle on wheels, skids or rollers, not structurally anchored to a foundation, either self-propelled or propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used for residential, commercial, recreational, hauling or storage purposes.
<u>347.</u>	346.	Transitional surfaces: Imaginary surfaces for airport operations, whose design standards are referenced in section 35.2-57.3 which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
<u>348.</u>	347.	Tree, small deciduous. A small deciduous tree shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least one and three-fourths (1-3/4) inches at the time of planting shall be required.
<u>349.</u>	348.	Unified and coordinated building mounted signs: Signs that are similar in construction technique, but not including font, or color.
<u>350.</u>	349.	Unified Ownership or Control - The interest in title to a unit of land legally or beneficially held or controlled by one or more individual persons or entities related by a common business organization or other type of organization, as indicated by the fact that all land abutting such unit is owned or controlled by persons or entities who do not differ to any extent in identity or interest held.
<u>351.</u>	350.	Use, accessory: See accessory use.
<u>352.</u>	351.	Use: 1. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied. 2. Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land. 3. The term "permitted use," or its equivalent, shall not be deemed to include any nonconforming use.
<u>353.</u>	352.	Utility line, distribution – A utility line that has the primary purpose of distributing services within easements or rights of way and connecting to service utility lines.
<u>354.</u>	353.	Utility line, service – A utility line providing a connection between a utility distribution line and the end user.
<u>355.</u>	354.	Utility line, transmission – A utility line intended to convey high capacities of services through the community and between communities from the source of the services (treatment or generation plant) to a substation connecting to the distribution system.
<u>356.</u>	355.	Wall plane projections: An architectural feature or wall jutting out at least three (3) feet from the primary plane of a building wall.
<u>357.</u>	356.	Water feature: A stormwater management structural measure such as a stormwater retention pond, bio-retention, forebay, or landscape garden pond that is wet permanently or intermittently during rain events and contains landscaping that is hydric or water tolerant.
<u>358.</u>	357.	Water surface profiles: The elevations in relation to the mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points along a stream.
<u>359.</u>	358.	Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
<u>360.</u>	359.	Window sign: A sign attached to, applied directly to, or located within twelve (12) inches from a door or window.

<u>361.</u>	360.	Yard Sale: Permitted in Zoning Districts used for residential purposes provided the following is adhered to: 1. A total of two (2) sales permitted per calendar year per street address. 2. A sale shall not exceed two (2) consecutive days. 3. Sale shall consist primarily of those personal items accumulated and used by the occupant of the premises. 4. There shall be a minimum interval of four (4) months between sales. 5. One sign not exceeding three (3) square feet in area will be permitted on premises the day of the sale and shall be promptly removed at end of each sale day. 6. Signs advertising a sale are prohibited on street right-of-ways. 7. Permitted sale shall not create adverse conditions such as noise, nor impede pedestrian or vehicular traffic.
<u>362.</u>	361.	Yard, front: The area between the front lot line and the front of the building and extending from the front corners of the building to the side property lines.
<u>363.</u>	362.	Yard, rear: An area between the rear of the building and the rear property line and extending from the rear corners of the building to the side property lines.
<u>364.</u>	363.	Yard, side: The area between the side of a building and the side property lines
<u>365.</u>	364.	Zone, airport: For purposes of the airport overlay district, all areas, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces.
<u>366.</u>	365.	Zoning district: The base or overlay zoning designation assigned to each parcel of land within the City of Lynchburg.
<u>367.</u>	366.	Zoning maps: Maps designating the adopted base and overlay zoning district designations for each parcel of land within the City of Lynchburg.

Appendix A: Table of Authorized Land Uses

Green highlight indicates use was allowed in one of two consolidated districts. Blue highlight indicates a new use in a district.

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels														
Detached Units	1110S															
single-household detached	1111S	Typical single-household dwelling	P	P	P	P	P	P	P		C		P			
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P	P	P	P	P	P	P		C		P			
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								C		C			
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)		C	C	C	C						C			
Attached Units	1120S															
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units				P	P	C	C		C		P			
single-household semi-detached	1122S	One of two dwellings separated by a party wall, on abutting lots				P	P				C		P			
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered				C	P	C	C	P	C		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Multi-household structures (see district regulations for limitations)	1200S	Includes triplexes, four-plexes, and other multi-household dwellings					P	C	C	P	C		P			
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors					P	P	P	P	P		P			
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)		C	C	C	C	P	P	P	P	P	P			
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers														
Bed and Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C	C	C	C	C	P	P	P	P		P			
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members														
boarding house	1321	Transient or non-transient lodging that may include meals and is owner occupied		C	C	C	C	P	P	P	P		P			
rooming house	1322	Transient or non-transient lodging that may include meals				C	C	P	P	P	P		P			
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university		C	C	C	C	C	C	C	C	P	P			
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels							P	P	P		P	C		
Other traveler accommodations	1350	Youth hostels and similar short-term lodging	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of establishments associated with commercial land use														
Retail Sales or Service and Repair	2100	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair. Auctions are allowed where sales of items to be auctioned are allowed pursuant to applicable district regulations.														
Automobile sales or service establishment	2110	Motor vehicle and parts dealers including repair and maintenance														
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses									P		P			
bicycles	2113b	New or used bicycle sales, rental and repair						P	P	P	P		P			
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services								P	P		P			
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.							P	P	P		P			
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair, and heavy auto repair							P	C	P		P			C
automotive repair and maintenance	2117	Repair garages, body and paint shops, oil change, car wash														
light auto repair (automobile service station)	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales.							C	C	P		P		P	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.								C	P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
truck stop	2118	Retailing fuels primarily to trucks or in combination with activities such as providing repair or food services														
Heavy consumer goods sales or service	2120	Heavy or durable goods sales or services														
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.							P	P	P		P			
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)									P		P		P	P
Durable consumer goods sales and service	2130	Wide range of product lines such as apparel, appliances, hardware, jewelry, etc.														
computer and software	2131	Computers and prepackaged software including repair, support, and training							P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
beer, wine, and liquor store	2155							P	P	P	P		P			
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements						P	P	P	P		P			
Markets for farm produce or crafts	2199	Markets and truck gardens. Note that limited to goods produced on site in the RC district.	P						C	C	P		P			
Finance and Insurance	2200															
Bank, credit union, or savings institution	2210	Central banking functions						P	P	P	P		P			
Credit and finance businesses	2220															
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing						P	P	P	P		P			
pawn shops	2222								P	P	P		P			
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less							P	P	P		P			
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)							P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries						P	P	P	P		P			
Real Estate, Rental and Leasing	2300	Rent, lease or occasionally sell assets														
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices						P	P	P	P		P			
Property management services	2320	Manage real property for others									P		P			
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators														
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided							C		P		P			
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles								P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: a) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing) personal and household-type goods and a range of equipment geared toward consumers									P		P		P	P
heavy equipment rental	2337	Includes construction vehicles with gross weights exceeding 26,000 pounds and agricultural vehicles													P	P
Business, Professional, Scientific, and Technical	2400	Perform professional, scientific, and technical services														
Professional services	2410	b) Services provided depend on worker skills and knowledge rather than equipment														
Professional offices	2411- 2414	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design						P	P	P	P		P			
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues						P	P	P	P		P	P		
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.						P	P	P	P		P	P		

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.							P	P	P		P	P		
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners							C	P	P		P			
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts						P	P	P	P		P			
Administrative services	2420	Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)														
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning						P	P	P	P		P	P		
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.						P	P	P	P		P	P		
employment agency	2423a	Provide employee placement, temporary help						P	P	P	P		P			
hiring hall	2423b	Place of assembly for the registration or assignment of employment									P		P			
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners						P	P	P	P		P	P		
collection agency	2425	Collect payments, compile credit information, repossess tangible assets						P	P	P	P		P			

Land Use	LBSC #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services						P	P	P	P		P			
Dry cleaning and laundry	2620															
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services						P	P	P	P		P			
linen and uniform supply	2623							P	P	P	P		P		P	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.						P	P	P	P		P			
Parking lot and parking garage	2640	See district standards				C	C	P	P	P	P		P	P	P	P
Special Services	2650															
licensed massage therapist	2651							P	P	P	P		P			
tattoo parlor	2652	Tattoos by a licensed professional							P	P	P		P			
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods							P	P	P		P			
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking														
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies							P	P	P		P			
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)														
animal services	2721	grooming and training							P	P	P		P			
animal boarding	2722	sitting and boarding							C		P		P			

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Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Transportation Services	4100	Serve passengers and cargo movements														
Air transportation	4110	Provide transportation for passengers or cargo using aircraft (see section 35.2-72.10 for rules related to heliports and helipads)												C	P	P
Rail transportation	4120	Provide passenger and freight transportation and rail transportation support; use this category for establishments providing both transportation and support services, otherwise use the more specific subcategory														
rail passenger transportation	4121	Passenger stations only								P	P		P	P	P	P
rail freight transportation	4122	Rail yards for freight systems; excludes accessory sidings allowed within the I-2 and I-3 districts														
rail transportation support establishment	4123	Provide specialized services such as repair, maintenance, loading and unloading														
Road, ground passenger, and transit transportation	4130	Urban transit systems, charter and school bus transportation, taxis														
local transit systems-- bus, special needs, sightseeing, taxi and limousine services	4133 - 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services								P	P		P		P	P
school and employee bus transportation	4135	Maintain and dispatch buses and other motor vehicles to transport pupils or employees											P		P	P
towing and other road and ground services	4138	Tow vehicles									P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage									C		C		P	P
Marine and water transportation	4150	Provide transportation of passengers and cargo using watercraft														
marine and sightseeing transportation	4151	Provide water transportation, including scenic and sightseeing, for passengers								P						
Pipeline transportation	4170	Use transmission lines to transport products, such as crude oil or natural gas														
Postal services	4180	Operate the national postal service, including establishments that sort, route, and deliver on a contract basis														
national post office	4181							P	P	P	P		P			
retail courier and package delivery	4182	Retail courier, package drop-off and mail services						P	P	P	P		P		P	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)									P		P		P	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography									P		P	P	P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings (includes indoor movie but excludes drive-in movie theaters)							P	P	P		P	P	P	P
Telecommunications and broadcasting	4230	Provide point-to-point communications; if multiple services are shared between the same facilities,														
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs							P	P	P		P	P	P	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C	C	C	C	C	P	P	P	P		P	P	P	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P	P	P	P	P	P	P	P	P		P	P	P	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C	C	C	C	C	C	C	C	C	C	P	C	P	P
Information services and data processing and management industries	4240	News syndicates and information data processing and management services														
library or archive	4242	Provide library or archive services		C	C	P	P	P	P	P	P		P	P	P	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media								P	P		P	P	P	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging						P	P	P	P		P	P	P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
solid waste collection, combustion, landfills or separation/sorting of recyclable materials from non-hazardous waste streams	4343 - 4347	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials; operate waste transfer stations; landfill, incineration or composting of non-hazardous solid waste, recycling facilities; septic tank installation and maintenance														C
Wastewater treatment plants	4348		C													C
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods									P		P	P	P	P
ARTS, ENTERTAINMENT, AND RECREATION	5000															
Performing Arts or Supporting Establishments	5100	Produce or organize and promote live presentations, excludes nightclubs														
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers						P	P	P	P		P			
Motion picture viewing and exhibition services	5111	Operate movie theaters (excluding drive-ins), film festival exhibitions						P	P	P	P		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	P	P	P		P	P	P	
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities							C	C	C		C	C	C	C
Outdoor auditorium/arenas	5180	Outdoor arenas and theaters								C	C		C	C	C	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C	C	C	P	P	P	P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Camps, Camping, and Related Establishments	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles									C		C			
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P	P	P	P	P	P	P	P	P	P	P	P	P	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	Note that City-owned facilities are not subject to zoning district use standards														
Educational Services	6100	Offer teaching and learning														
Nursery or preschool	6110	See district standards		P	P	P	P	P	P	P	P	P	P			
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district standards		P	P	P	P	P	P	P	P	P	P			
College or university	6130	See district standards		P	P	P	P	P	P	P	P	P	P			
Technical, trade, or other specialty school	6140 & 6568	Offer vocational and technical training as well as vocational rehabilitation services														
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities				C	C		P	C	P	P	P			
driving education	6144								P		P		P			
flight training	6146	Offer aviation and flight training											P			

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Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Funeral home and services	6710	Includes funeral homes combined with crematories						P	P	P	P		P			
Cemetery or cremation services	6720															
free-standing cemetery	6722			C	C	C	C	C	P		P		P			
columbarium	6724			C	C	C	C	C	C	P	P		P			
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.							P	P	P		P		P	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries														
Crop Production	9100															
Vegetable farming or growing	9120	Includes private fields and community gardens	P	P	P	P	P	P	P	P	P	P	P			
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P	P	P	P	P	P	P		P	P	P			
Greenhouse Production	9140															
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P	P	P	P	P		P	P	P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Greenhouse – sales of products grown on premises	9142		P						P	P	P		P		P	P
Greenhouse – sales of products and related accessory products	9143								P	P	P		P		P	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Unclassifiable or No Function	9900	Temporary placeholder until a code can be assigned														
Temporary uses	9920															
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses (see section 35.2-72.23)		P	P	P	P	P	P	P	P		P	P	P	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)							P	P	P		P			
Land Use Development Patterns	9950															
residential cluster development	9951	See section 35.2-80		P	P	P	P									
traditional neighborhood development	9952	See section 35.2-82		C	C	C	C	C	C	C	C		C			
planned unit development	9953	See section 35.2-83		C	C	C	C									
large scale retail establishments	9954	See section 35.2-84							P	P	P		P			
cluster commercial development	9955	See section 35.2-85						C	C	C	C		C			
flex space development	9956	See section 35.2-86									C		C	P	P	
corporate campus	9957	See section 35.2-87									C		C	P	P	

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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2019**

AGENDA ITEM #: **2**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Continued Discussion Regarding Ordinance Amendments for Short-term Rentals

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Continue discussion regarding *Zoning Ordinance* amendments for short-term rental uses and adopt amendments as proposed.

SUMMARY: On May 14, 2019, City Council conducted a public hearing on proposed amendments to the *Zoning Ordinance* that would clarify the rules under which short-term rentals may operate and require that operators register their short-term rental units. While a number of speakers raised concerns during the meeting, two recurring themes were the registration program and the provision for occupancy. In light of the concerns related to the registration program, staff has identified several alternatives to the original registration fee proposal, which will be discussed during the presentation. Staff also identified other questions/statements made during the meeting and provided written responses in the attached memo. Highlights of these questions/responses will be included in the staff presentation and PowerPoint.

A short-term rental is defined by State Code as “the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge.” Popular online platforms for this service include Airbnb, VRBO and Flipkey, among many others. Like many other cities, there has been a significant expansion of the availability and use of short-term rentals in the City. At the direction of City Council, Planning Commission and staff have been working for several months to provide recommendations on ordinance changes that seek to address concerns raised about short-term rentals in the City.

An excerpt of the ordinance is provided as the first attachment. This is so that the actual policy changes are easier for City Council to locate. The complete ordinance, which includes the use table for each zoning district where short-term rentals are permitted, defines short-term rentals as part of the list of definitions. The ordinance also lists short-term rentals in the Table of Authorized Land Uses which is included as a separate attachment as part of the May 14, 2019 City Council packet.

PRIOR ACTION(S):

- January 9, 2018: Staff presented an overview of local government’s authority to regulate short-term rental uses to City Council.
- October 23, 2018: City Council discussed proposals to regulate short-term rental uses and concurred with staff’s recommendation to bring *Zoning Ordinance* amendments, including a registration fee proposal, for short-term rental uses before the Planning Commission.
- January 23, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses.
- February 13, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses.

- February 27, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses and directed staff to advertise the draft ordinance for an additional public hearing.
- March 27, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses and recommended approval (5-2) of the proposed changes.
- May 14, 2019: City Council conducted a public hearing on the *Zoning Ordinance* amendments for short-term rental uses and requested this be discussed at their August 13th work session.

FISCAL IMPACT: Based on the unit estimate provided in May 2019, the proposed \$150 registration fee is projected to generate \$45,000 in annual revenue. The fee would allow the City to contract with a vendor to identify short-term rental locations and help offset staff costs to assist staff with billing, collection, and enforcement.

Staff will also discuss an alternative for the City to enter into a voluntary collection agreement with Airbnb and manage a “no fee” registration program. This option is projected to generate \$84,000 in annual revenue. Staff recommends a portion of that revenue also be used to contract with a vendor to identify short-term rental locations.

CONTACT(S): Reid Wodicka, Deputy City Manager – 455-3990; Kent White, Director of Community Development – 455-3900; Mitch Nuckles, Commissioner of the Revenue – 455-3870; Tom Martin, City Planner – 455-3900; Kevin Henry, Zoning Administrator – 455-3900;

ATTACHMENTS:

- Excerpt from Short-Term Rental Ordinance (Section 35.2-71.16)
- Presentation Slides – August 13, 2019
- City Council Memorandum – August 8, 2019
- Short-Term Rental Agenda Summary – May 14, 2019 (separate attachment due to file size)
 - o Ordinance
 - o Presentation Slides – May 14, 2019
 - o Planning Commission Minutes – March 27, 2019
 - o Speaker Signup Sheet – March 27, 2019
 - o Planning Commission Memorandum – March 27, 2019
 - o Planning Commission Minutes – February 27, 2019
 - o Planning Commission Memorandum – February 27, 2019
 - o Planning Commission Minutes – February 13, 2019
 - o Planning Commission Memorandum – February 13, 2019
 - o Planning Commission Minutes – January 23, 2019
 - o Planning Commission Report – January 23, 2019
 - o Speaker Signup Sheet – January 23, 2019

REVIEWED BY: raw

095R

35.2-71.16 Short-term Rental

Short-term Rentals as defined in Section 35.2-113 of this Ordinance shall be an accessory use to a use permitted by right in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2 Districts subject to the following provisions:

- (a) On or before July 1 of each year, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall register the address of any dwelling unit to be used for short-term rental. Every person filing registration forms with the Zoning Administrator shall pay an annual registration fee of one hundred and fifty dollars (\$150) to defray the cost of processing the registration.
- (b) Any person who fails to register a building to be used as a short-term rental by the July 1 deadline shall be subject to a penalty of five hundred dollars (\$500).
- (c) The maximum number of occupants in a dwelling unit offered for short-term rental shall not exceed four (4) unrelated individuals. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.
- (d) In addition to all parking requirements of Section 35.2-62, Parking and Loading of the Zoning Ordinance, one (1) parking space shall be provided per short-term rental. This requirement shall not apply to short-term rentals located within the B-4, Urban Commercial District.
- (e) All buildings offered for use as a short-term rental shall meet the requirements of the Uniform Statewide Building Code.
- (f) Short-term rentals in an R-C, R-1, & R-2, Districts shall meet the following additional requirements:
 - 1. Properties shall be owner-occupied; however, the property owner does not have to be present while a property is used as a short-term rental.
 - 2. Short-term rentals located within the principal structure shall use a common entrance so that the principal structure retains the appearance of a single-household residence

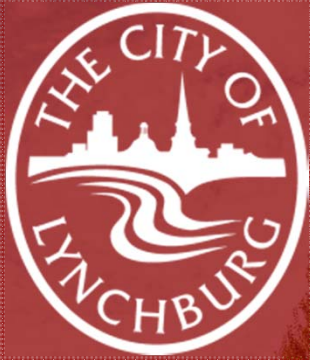
(g) Three (3) violations of state or local laws, ordinances, or regulations as relating to the property offered for short-term rental within a three (3) year period, shall result in the City revoking approval for the subject property to be used or offered as a short-term rental.

1. Prior to revoking approval for a property to be used or offered as a short-term rental, the Zoning Administrator shall give written notice to the host describing the violations constituting the basis of the revocation.

2. Notice shall be given to the host by:

a. Posting a copy of the notice in a conspicuous place on the premises.

b. First Class mail or e-mail to the addresses listed in the registration form.



Continued Discussion of the Proposed Short-Term Rental Ordinance

Kent White

Director of Community Development

August 13, 2019

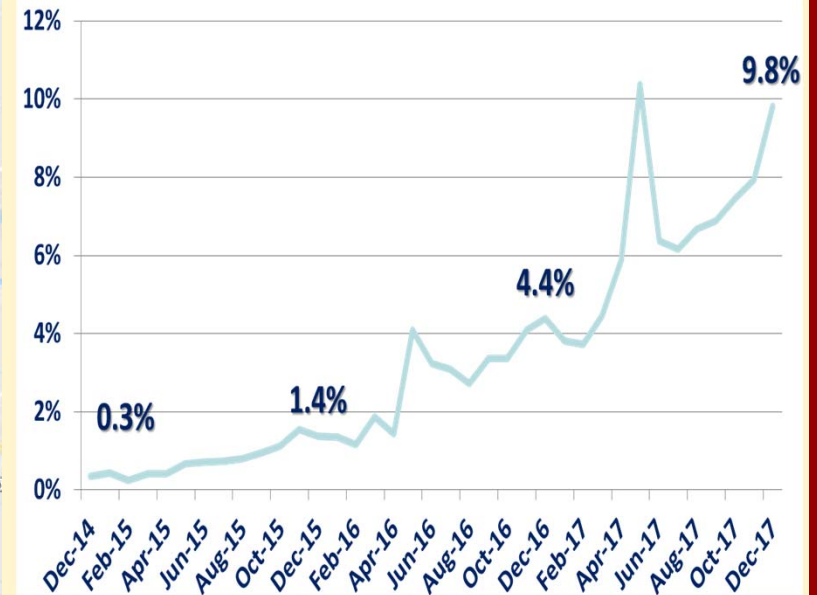
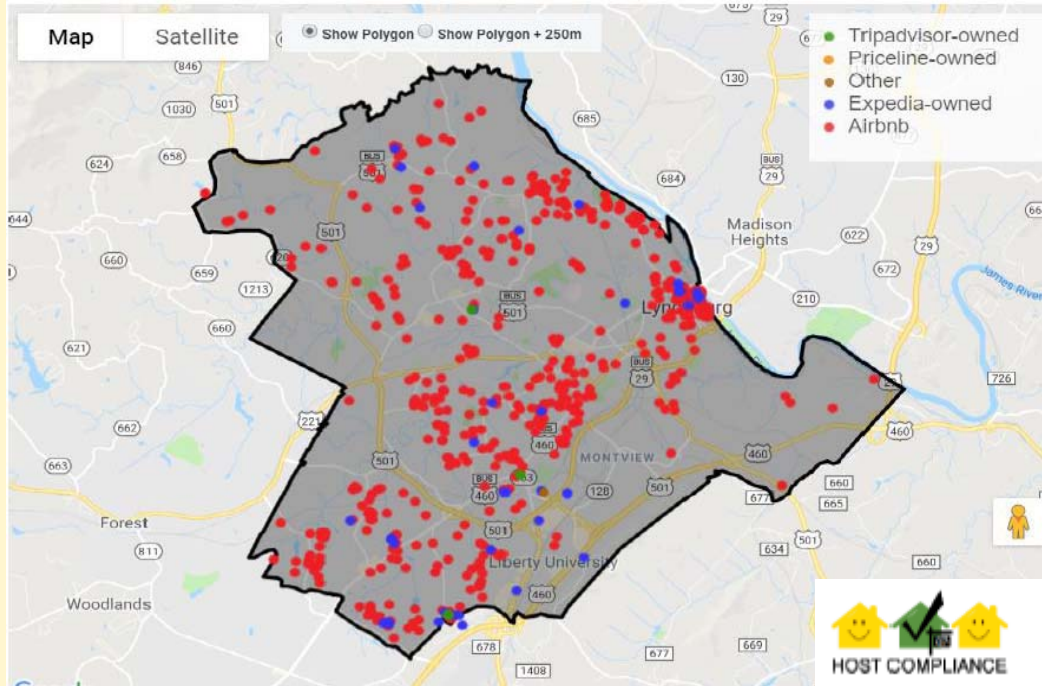


Outline

- Purpose: Discuss recommended ordinance amendments related to Short Term Rentals (STRs) and provide answers to questions raised during the public hearing on this issue in May 2019.
- Outline
 - Review Background and Data
 - Questions from May 14th meeting
 - Recommendation and Alternative



Lynchburg Summary Data



Source: Commissioner of Revenue, City of Lynchburg and AirDNA data received in January 2018, excluding shared rooms

May 2019 Snapshot

- 529 listings, with 483 unique rental units
- \$77 estimated median nightly
- 3/4s of the units were single family homes.
- 3/4s of the hosts rented the entire home



Balancing the Growth

Opportunities

- Tourism /Lodging Options
- Supplemental Income

Issues

- Fairness to Lodging Businesses
- Neighborhood Concerns





Background

- Last year, Council heard 2 updates on STRs. In October, Council directed staff to prepare code changes that allow for the use while balancing lodging industry equity and neighborhood protections.
- Staff presented recommendations to Planning Commission on January 23, 2019. The Commission held a total of four meetings, including two public hearings, as they sought to balance the issues Council previously defined in their ordinance recommendation.



Planning Commission's Proposed STR Ordinance - May 14th Council meeting

- Permitted “by right” in all zoning districts except industrial and institutional-1.
- Owner occupancy is required in the R-C, R-1, & R-2 single household districts
- Limited to four (4) unrelated guests. An unlimited number of related guests would be allowed but no unrelated guests may accompany them.
- One additional parking space would be required per short-term rental except in the B-4 District (downtown).
- All units must register and pay an annual \$150 fee.
- The City may revoke unit approval for three ordinance violations related to the short-term rental in three years.



Responses to Questions from the May 14th Council Meeting



Does State Code Allow the City to adopt the Proposed Ordinance?

Yes, State Code Title 15.2, Chapter 9, Section 15.2-983 allows the City's proposed ordinance.



How Are Complaints Addressed Based on the Current Policy?

- STRs are permitted in business zoned districts “by right.”
- Occupancy standards for residential zoning apply for STR uses. Occupancy is limited to 3 unrelated people per dwelling unit or, when two or more related people reside there, only one unrelated guest.
- In residentially zoned districts, the owner must also be present during the guests’ stay.
- Occupancy cases often take significant time (~ 5 months) to meet notification requirements if they go to court.
- 11 zoning cases for STRs in 2018. Some cases were based on multiple complaints about a specific property.



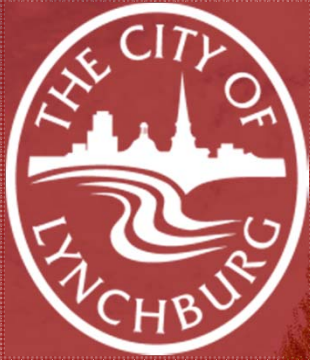
How would the proposed STR ordinance improve enforcement ?

- Clearly defined rules.
- Registry would provide location information for STRs.
- Due process without requiring staff to take each individual violation to court.
- 3 code violations related to STR in 3 years would prohibit that rental.



What would be the impact of prohibiting STRs in R1/R2?

- Potentially hundreds of STR operators in violation.
- City does not currently have the resources to enforce.
- Reduced transiency in neighborhoods vs lessened lodging/tourism options.
- General Assembly action.



Occupancy and Neighborhoods

Tom Martin
City Planner



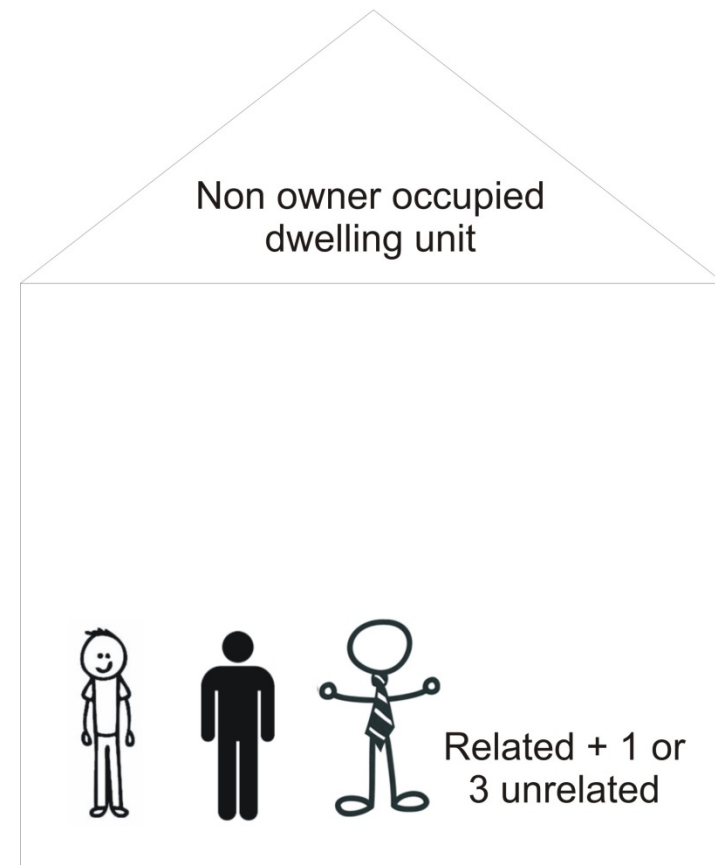
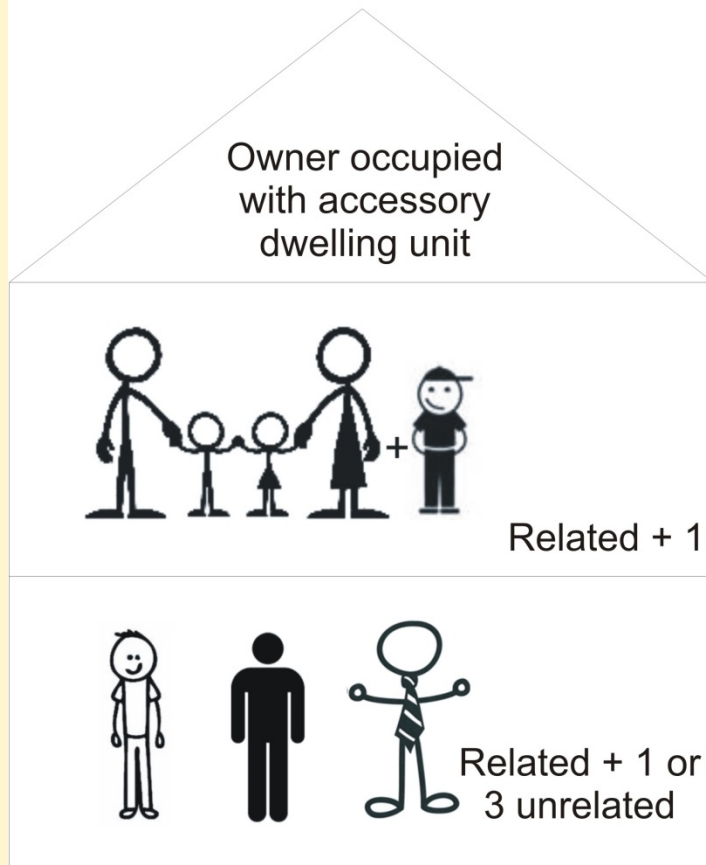
Why Does the STR Ordinance Allow 4 People Instead of 3?

- Originally proposed limiting STR occupancy to 3 people.
- Planning Commission proposed raising the number of guests to 4 unrelated people (i.e. 2 couples could rent).
- An unlimited number of related individuals may rent a STR just like they can a long-term rental.
- For long-term rentals, where two or more related people reside in a dwelling unit, one person unrelated to the related people may reside in the dwelling unit.
- The STR ordinance **does not** include the provision for the related guests to have an unrelated guest.



Residential Occupancy: Long-Term

Long-term occupancy



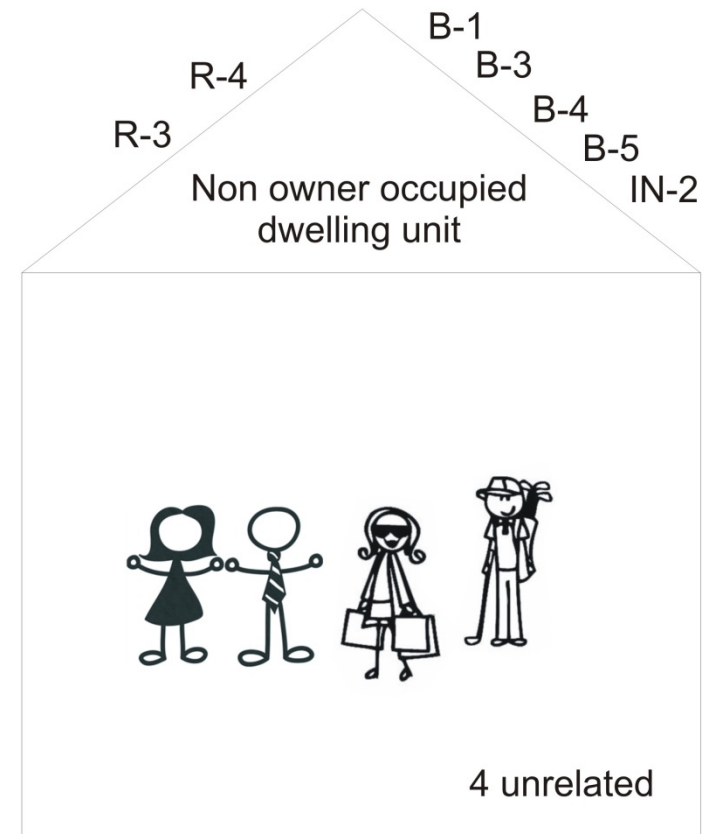
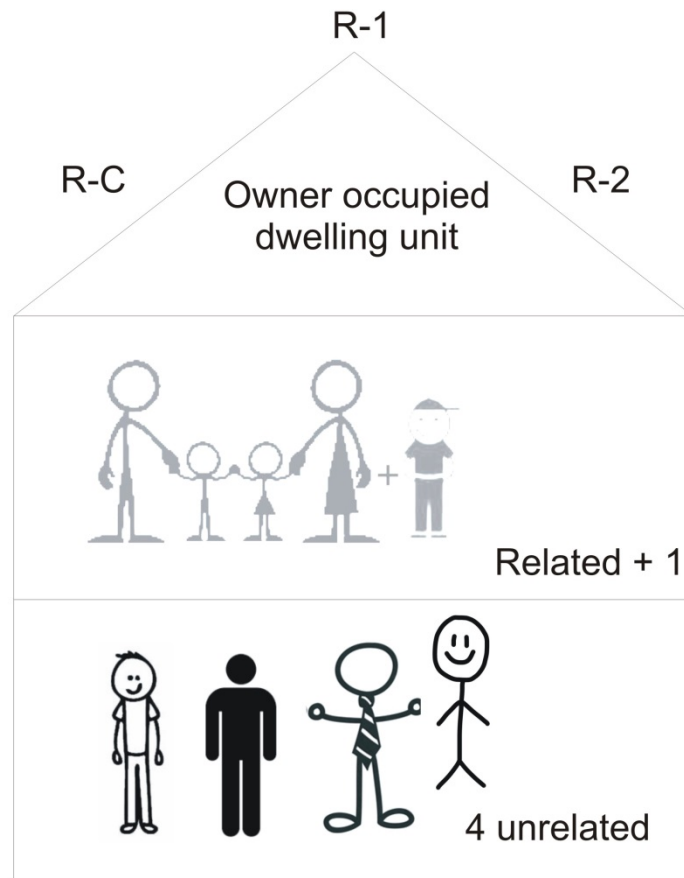
Section 35.2-60.2 (e) Occupancy

... No dwelling unit or boarding unit may be occupied by more than three (3) unrelated people. Where two or more related people reside in a dwelling unit, only one person unrelated to the related people may reside in the dwelling unit.



Residential Occupancy: *proposed* Short-Term

Short-term Rental



Proposed Section 35.2-71.16 (f)

Short term rentals in an R-C, R-1 & R-2 Districts shall meet the following additional requirements.

1. Properties shall be owner occupied; however, the property owner does not have to be present while a property is used as a short term rental.



Requirements for a Bed & Breakfast

A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.



Requirements for a Bed & Breakfast

Residentially Zoned Districts

- Conditional Use Permit required in residential districts
- Business License and Lodging Tax Required
- Managed by the occupants of the building
- Primary use of the home shall remain a residence

R-1 & R-2 District

- 5 Rooms
- 2 Persons per room

R-3 & R-4 Districts

- 3 Rooms
- 4 Persons per room

Commercially Zoned Districts

- Permitted by right in B-1, B-3, B-4, B-5 and IN-2
- Business License and Lodging Tax Required
- Managed by the occupants of the building
- Up to 5 rooms with no more than 4 persons per room



Requirements for a Hotel

A building or part thereof containing five (5) or more guest rooms, without kitchens, where lodging is provided for compensation, excluding a fraternity or sorority house, a school or college dormitory, or a tourist home.

- Permitted by right in B-3, B-4, B-5, & IN-2
- Permitted by CUP in I-1, District



How is Owner Defined as it Relates to Owner Occupancy?

Related People: Related individuals include people who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care.

Occupancy: Except as allowed by conditional use permit or for non-conforming duplex or multi-household dwellings, no dwelling unit or boarding unit may be occupied by more than three (3) unrelated people. Where two or more related people reside in a dwelling unit, only one person unrelated to the related people may reside in the dwelling unit.



What are Airbnb deserts? What are the concerns about affordability?

- “Airbnb deserts” are neighborhoods with significant (i.e. 10% or higher) residential living space rented on a short-term basis.
- Impacts
 - Character of neighborhood
 - Cost of housing
- Not yet identified as an issue in Lynchburg
- Owner occupancy requirement provides some protection.



Can neighbors address STR concerns through the host's rental platform?

- Yes, however, it is unclear how, when and if the concern raised by a neighbor gets to the owner of the STR.
- “Airbnb Neighbors” allows people other than operators and guests to file complaints. Follow-up with neighbors and operators varies based on whether the complaint includes the web address of the listing or the street address.
- Other platforms typically refer neighbors to local governments for complaints and occupancy standards.



Does the Airbnb platform perform background checks on its guests?

Not typically. Although they reserve the right to do so, Airbnb does not typically perform background checks other than verifying that the guest is who they say they are at time of registration.



Can't neighbors just create a HOA to address issues with STRs?

- Home Owners' Associations (HOAs) typically cover the maintenance of common areas; however, they can include additional restrictions on private property.
- Typically created during the original development of the neighborhood.
- **ALL** property owners would have to agree to HOA.
- HOA regulations are solely a civil matter and local government plays no role in their enforcement.



Registration and Tax Collection Options

Mitch Nuckles

Commissioner of the Revenue



Original Proposal: Registration Fee

- Registration fees can only be used to offset City program costs.
- The annual short-term rental registration fee was proposed as a way to help recoup some staff costs to administer the program and provide some level of equity with the lodging industry (i.e. hotels, bed and breakfasts, etc.) that currently pay lodging tax.
- The proposed fee would cover the equivalent of 30-days of lodging tax for a host.
- Concerns about the registration fee include high startup costs (i.e. exclusion from market) and low cost recovery for occasional rentals (i.e. graduation weekend only) .



Is the \$150 annual registration fee excessive to cover staff costs?

- Computed using hourly rates for existing staff plus equipment.
- First year City costs estimated at \$51,000; assumes \$13,000 for third party monitoring of STR locations.
- Includes start-up (database, billing system, program advertisement, etc.), database maintenance, inspection, registration/collection and enforcement.
- If third party monitoring not used to identify STR location would require additional full-time staff.



Are realtors exempt from the registry? What requirements do they have?

- State Code exempts the following from registering STRs
 - persons licensed by the Real Estate Board
 - property owners represented by a real estate licensee
 - persons registered with Virginia Real Estate Time-Share Act
 - entities licensed or registered with the Department of Health for provision of room or space for lodging; and
 - persons or entities registered with the locality related to the rental or management of real property (i.e. hotels, motels, campgrounds, bed and breakfast establishments, etc.)
- These entities must remit lodging tax and all other taxes associated with their businesses.



What about the security of data used by a third-party monitoring service?

Any owner or location data the City would provide to a third-party monitoring service is already publicly available through the City's Geographic Information System.



Original Proposal: Registration Fee Return on Investment (ROI) Estimate

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Registration Fee

- Registration fee: \$150/unit/year, based on \$77 nightly rental rate for average of 30 nights

Component	Revenue/(Costs)
Estimated Collection (63% of 483 rental units)	\$45,000
Estimated Costs*	(\$51,000)
Net ROI	(\$6,000)

*cost estimate assumes using existing staff and contracting with third party monitoring service at \$13,000/year



Why don't we just charge STR operators lodging tax ?

- Taxes are revenue sources that can be used for purposes other than solely offsetting City program costs.
- Collecting lodging tax from short-term rentals is equitable with the lodging industry. Some platforms provide hosts with statements indicating how much they should remit.
- Staff does not recommend requiring hosts to voluntarily remit lodging tax due to low collection rates experienced by other localities, difficulty determining rental receipts and the need for additional staff to assist with collection.
- Providing for the voluntary remittance of the lodging taxes without additional staff necessary to determine rental receipts would create disparity among the STRs.



What about an exception for infrequent occurrences?

Offering an exception for the registration fee or voluntary lodging tax remittance with infrequent occurrences would be very difficult since the City does not have the ability to determine the individual nights that short-term rentals are occupied.



Alternative 1: Lodging Tax Return on Investment Estimate

Option 1: Voluntary Lodging Tax + no fee Registry

- 6.5% lodging tax + \$1/room/night; \$0 registration fee
- Estimated \$77 nightly rental rate for average of 30 nights ~ \$87,000/ year, estimate 15% collection rate

Component	Revenue/(Costs)
Estimated Collection (15% voluntary remittance)	\$13,000
Estimated Costs*	(\$51,000)
Net ROI	(\$38,000)

*cost estimate assumes using existing staff and contracting with third party monitoring service at \$13,000/year



Alternative 1: Lodging Tax Return on Investment Estimate

33

Option 2: Enhanced Lodging Tax Collection + no fee Registry

- 6.5% lodging tax + \$1/room/night; \$0 registration fee
- Estimated \$77 nightly rental rate for average of 30 nights ~ \$87,000/ year, estimate 75% collection rate

Component	Revenue/(Costs)
Estimated Collection (75% enhanced collection)	\$65,000
Estimated Costs*	(\$91,000)
Net ROI	(\$26,000)

* cost estimate assumes hiring additional City staff to assist with tax collection and contracting with third party monitoring service at \$13,000/year



Is there an alternative for collecting lodging tax that is less staff intensive?

- Airbnb is currently the only platform that offers voluntary collection agreements with localities.
- The agreement allows Airbnb to collect the locality's lodging tax as part of the guest reservation process. Airbnb then remits the tax directly to the City.
- Staff initially had concerns with this process because Airbnb does not allow the City to audit their collections and does not release information about hosts.
- Effective July 1, 2019, Airbnb now remits sales tax to the Commonwealth of Virginia. The ability to compare the lodging tax received to that sales tax information assists the City in ensuring compliance.



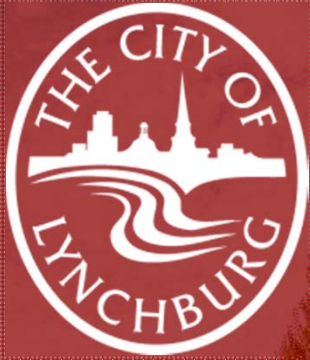
Alternative 2: Voluntary Collection Agreement Return on Investment Estimate

Airbnb Agreement + no fee Registry

- 6.5% lodging tax + \$1/room/night; \$0 registration fee
- Estimated that 96% of 483 rental units use Airbnb; hosts on other platforms would voluntarily remit to the Commissioner of the Revenue

Component	Revenue/(Costs)
Estimated Collection (96% of 483 rental units)	\$84,000
Estimated Costs*	(\$51,000)
Net ROI	\$33,000

*cost estimate assumes using existing staff and contracting with third party monitoring service at \$13,000/year



Recommendation and Alternative

Kent White

Director of Community Development



Recommendation

- Adopt the ordinance as recommended by the Planning Commission with the provision “where two or more related people reside in a dwelling unit, one person unrelated to the related people may reside in the dwelling unit.”
- This would be consistent with the City’s occupancy standard and current zoning interpretation for STRs.



Planning Commission's Proposed Short-Term Rental Ordinance

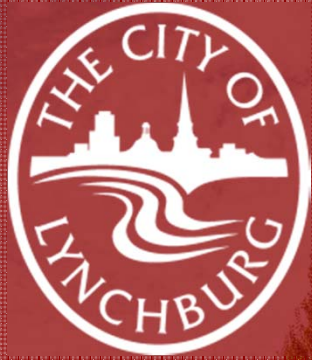
- Permitted “by right” in all zoning districts except industrial and institutional-1.
- Owner occupancy is required in the R-C, R-1, & R-2 single household districts
- Limited to four (4) unrelated guests. An unlimited number of related guests would be allowed but no unrelated guests may accompany them.
- One additional parking space would be required per short-term rental except in the B-4 District (downtown).
- All units must register and pay an annual \$150 fee.
- The City may revoke unit approval for three ordinance violations related to the short-term rental in three years.



Alternative Recommendation

If Council prefers that the City collect lodging tax in lieu of charging the registration fee:

- Direct staff to negotiate a collection agreement with Airbnb.
- Establish a short-term rental registration program without an annual registration fee. The only cost associated with the registry would be a \$500 penalty for failing to register as a host.
- Staff would contract with a third-party monitoring service to identify the location of short-term rentals in Lynchburg.
- The Commissioner of the Revenue would monitor Airbnb lodging tax remittance and work with hosts that list on other platforms to voluntary remit their lodging tax.
- The registry would help the City follow up on zoning concerns.



Questions?
Comments?
Observations?



Memorandum

Community Development

900 Church Street

Lynchburg, Virginia 24504

P 434-455-3900

To: City Council

From: Kent White, Community Development Director; Mitch Nuckles, Commissioner of the Revenue; Tom Martin, City Planner; Kevin Henry, Zoning Administrator

C: Bonnie Svrcek, City Manager; Walter Erwin, City Attorney; Reid Wodicka, Deputy City Manager; Donna Witt, Chief Financial Officer; Marjette Upshur, Director of Economic Development and Tourism; Jeff Bandy, City Assessor

Date: August 8, 2019

Re: Continued Discussion of Proposed Short-Term Rental Ordinance Amendments

A short-term rental is defined by State Code as “the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge.” Popular online platforms for this service include Airbnb, VRBO (Vacation Rental By Owner) and Flipkey, among many others. Like other cities, there has been a significant expansion of the availability and use of short-term rentals in Lynchburg. At the direction of City Council, Planning Commission and staff have been working for several months to provide recommendations on ordinance changes that seek to address concerns raised about short-term rentals in our City.

On May 14, 2019, City Council conducted a public hearing on proposed amendments to the *Zoning Ordinance* that would clarify the rules under which short-term rentals may operate and require that operators register their short-term rental units. While a number of speakers raised concerns during the meeting, the two recurring themes were the registration program fee and the provision for occupancy. Staff identified questions/statements made during the public hearing and has provided written responses to those below. City Council voted to table discussion of the ordinance until their August 13th work session and staff will review those issues in more detail during the meeting.

In addition to those copied, we would like to acknowledge the significant contributions of Anna Bentson (Deputy Director of Economic Development & Tourism), Starlette Early (Budget Analyst), Victoria Glasgow (Planner), Maggie Mace (Recreation Services Manager) and Denise Musgrove (Business Auditor) to the development of this ordinance and the responses.

Questions that emerged during City Council’s May 14, 2019 Public Hearing on Proposed Amendments to the Zoning Ordinance Regarding Short-Term Rentals include:

1. ***Does State Code allow the City to adopt the proposed ordinance?*** Yes. During the public hearing, questions were raised as to whether the proposed City ordinance is allowed by State Code. Staff has verified that State Code Title 15.2, Chapter 9, Section 15.2-983 allows the provisions of the City’s proposed ordinance. The confusion may result from some of the speakers’ references to Senate Bill (SB) 416 which was much more restrictive than the bill that was ultimately adopted by the General Assembly. Although SB 416 was approved by

the Virginia General Assembly in 2016, the requirements of the bill were stayed until a work group appointed by the Virginia Housing Commission reviewed the issues. In 2017, the General Assembly ultimately approved SB 1578 which (i) defined an operator and a short-term rental, (ii) allowed localities to create a registry and require operators to register annually/pay a fee, (iii) exempted realtors (or those represented by real estate licensee or provisions of the time share act) from registering, (iv) allowed penalties for not registering, and (v) allowed the locality to prohibit a host from renting if the unit had three (3) violations of local or state ordinances. SB 1578 also did not limit local government's land use controls or zoning authority.

2. ***How are complaints about short-term rentals addressed based on the current zoning interpretation?*** The City's *Comprehensive Plan 2013-2030* places a strong value on protection of its neighborhoods. Since the *Lynchburg Zoning Ordinance* does not currently define short-term rental uses, it defaults to the Zoning Administrator for interpretation. In residentially zoned districts, the default standard is based on the City's occupancy requirements¹. This standard allows no more than 3 unrelated people per dwelling unit, or when two or more related people reside in a dwelling unit only one additional unrelated person is permitted. The interpretation also requires the operator to be present during the guests' stay. Currently, the most common violations are exceeding the permitted occupancy of the dwelling, the owner is not present during the guests' stay, or both.

The City addresses violations of the *Zoning Ordinance* on a complaint-basis. Once a complaint has been made about a particular property, a case file is started. While the City may receive subsequent complaints about a particular property, typically those complaints are addressed through the same initial case until the violation is abated. Although the City had 11 zoning cases related to short-term rentals in 2018, many of the individual cases were based on multiple complaints about a specific property.

Short-term rental zoning cases are generally considered occupancy-related complaints. While the number of short-term rental cases is relatively low, overall occupancy complaints average fifty-five (55) cases or forty-five (45%) of all zoning enforcement actions or investigations annually. Occupancy cases are one of the most difficult zoning violations to prove. City staff often has to invest significant time researching and investigating each complaint. In the instance of short-term rental complaints, most often staff is receiving the complaints after the guests have already vacated the property (i.e. weekend stay). Even if a zoning violation is substantiated, staff first issues a verbal warning that includes a grace period for compliance. If the violation persists past the grace period, staff will issue a notice of violation. Typically the operator will be given a month to comply. If the violation has not been corrected after that time period elapses, the City may pursue resolution through the court system. If the case must be taken to court it is most likely a minimum of five (5)

¹ City Code Section 35.2-60.2(e)

months from the time the complaint is made to the time the court renders a decision on the case.

3. ***How would the proposed ordinance improve enforcement of short-term rental violations?***

The proposed ordinance would require all operators to register their short-term rental. The ordinance would also spell out the requirements to operate the short-term rental so that operators, guests, and residents have access to the requirements, rather than having to call staff for the current interpretation.

The current system requires staff to pursue each individual violation through the zoning complaint process, which includes verbal warnings, written notice and potentially court proceedings. Although many operators address concerns immediately, occasionally some repeat offenders use the legal notification process to delay enforcement. The proposed ordinance streamlines the process by allowing staff to continue to issue verbal warnings and violation notices for violations of City Code related to short-term rentals (i.e. owner occupancy, parking, etc.) but does not require that each offense go to court. As with any zoning violation, zoning determinations may be appealed to the Board of Zoning Appeals as a means to provide due process. If three (3) founded violations occur in three (3) years, the City may revoke the operator's short-term rental use. Additional violations of the ordinance would result in staff pursuing the zoning violation based on unauthorized use, which is often less challenging to prove than occupancy.

4. ***What would be the impact of prohibiting short-term rentals in lower density residential zoning districts (R1/R2)?*** If short-term rentals were to be prohibited in R-1 and/or R-2 zoning districts, it could potentially equate to hundreds of short-term rental operators being in violation. City Council would have to decide whether or not to proactively enforce this using a third-party vendor to notify staff of the various locations in the City. This would be a huge endeavor that the City does not currently have the resources to enforce. Staff currently handles 115-150 zoning cases annually. If the City decided to enforce prohibition of short-term rentals within R-1 and R-2 zoning districts, staff estimates the number of cases would potentially triple and additional staff resources would be required.

5. ***Why is the recommended maximum number of people allowed in a short-term rental 4 and not 3 like it is for a long-term rental? Is this arbitrary?*** The limit for three (3) unrelated persons was originally included in the City's *Zoning Ordinance* to address the long-term occupancy of residential dwellings. The first version of the short-term rental ordinance presented to the Planning Commission listed the maximum occupancy for a short-term rental as three (3) people. This was consistent with the current occupancy standards of no more than three (3) unrelated people per dwelling unit. This topic was discussed at length in the Planning Commission meetings and the Commission decided to raise the number of guests to four (4) unrelated so as to allow two (2) couples to rent a short-term rental. The number of four (4) unrelated individuals is not arbitrary as it was chosen in order to provide some flexibility for short-term rental uses.

Nothing in the proposed amendments would prevent an unlimited number of related individuals from renting a short-term rental unit, which is also consistent with the City's current occupancy standard. The City's occupancy standard provides "where two or more related people reside in a dwelling unit, only one person unrelated to the related people may reside in the dwelling unit." This provision is **not** included in the proposed short-term rental ordinance so a group of related guests would not be permitted to have an individual that is not related by blood, marriage or substantially similar relationship stay with them. If Council wishes to allow an unrelated guest to stay with a related group, staff recommends including this provision of the City's occupancy standard in the short-term rental ordinance amendments.

6. ***How is an owner defined, as it relates to owner occupancy in the Zoning Ordinance?*** The definition of owner relates to three terms:

- The City's *Zoning Ordinance* defines a "person" as follows: "Except as provided in Section 35.2-60.2(e), a person is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit." Section 35.2-60.2(e) of the ordinance states "except as allowed by conditional use permit or for non-conforming duplex or multi-household dwellings, no dwelling unit or boarding unit may be occupied by more than three (3) unrelated people. Where two or more related people reside in a dwelling unit, only one person unrelated to the related people may reside in the dwelling unit."
- The City's *Zoning Ordinance* defines an "owner" as follows: "Any person with fee simple title to any plot of land within the City who desires to develop, construct, build, modify, or erect a tower upon such land."
- The *Zoning Ordinance* does not specifically define "occupied." When terms are not expressly defined, the *Zoning Ordinance* refers to the definition listed in Merriam-Webster's Collegiate Dictionary, Eleventh Edition. Merriam-Webster defines "occupied" as "to reside in as owner or tenant." Merriam-Webster defines "reside" as "to dwell permanently or continuously; occupy a place as one's legal domicile."

The draft ordinance recommended by the City's Planning Commission on March 27, 2019 would require properties in R-C Conservation, R-1 Low Density Residential, and R-2 Low-Medium Density Residential Districts to be owner occupied. The property owner does not have to be present while a property is used as a short-term rental; however, it would need to be the owner's legal domicile. This means that an owner could allow the use of their home as a short-term rental while out of town on vacation. Staff interprets the phrase "owner occupied" as any person or public/private legal entity with fee simple title that resides as the owner permanently or continuously as one's legal domicile. It is unlikely that an entity other than an individual owner would reside in a dwelling. The proposed ordinance would prohibit any structures in the R-C, R-1, or R-2 District from being used as a short-term rental unless the owners live there. This section would prevent corporate entities from purchasing multiple residences within the City's low density districts and converting them to strictly short-term rental properties. This provision of the proposed ordinance is intended to protect

the City's low density neighborhoods from becoming used largely for transient dwelling purposes, similar to how they are currently protected from business uses.

7. *What are Airbnb deserts? What are the concerns other cities have about affordability?*

Some cities have experienced the formation of "Airbnb deserts." This term typically references neighborhoods where there is significant (i.e. 10% or higher) residential living space being rented on a short-term basis. In these instances, the character of the neighborhood changes because vacationing residents live differently than permanent residents. For example, a vacationing resident or family may not take as much pride in caring for the property or be as conscious of neighborhood values as a permanent resident.

Housing affordability for both owners and renters can also be impacted in situations where neighborhoods are transitioning to short-term occupancy. Often landlords receive more money per day from a short-term rental than what a permanent renter would pay, which in turn drives up rents for long-term rental units. A Los Angeles study indicated that, in 2014, almost half of Airbnb listings were clustered in seven (7) neighborhoods, where rents increased three times more quickly than the city average². The same is true for homeowners. When a house goes on the market for sale in a neighborhood where short-term rentals are prevalent, the homes often become less affordable for owner occupancy due to their higher value as a short-term rental. Although this can have significant financial benefits to individual operators, it can also diminish the character of the overall neighborhood.

To date, this situation has not been identified as an issue in Lynchburg, since the greatest influx of people is associated with our anchor institution graduation weekends or the recent State Games of America events. However, the balance is fragile, and because our world changes quickly, staff recommends maintaining neighborhood protections such as the owner occupancy requirement in the ordinance.

8. *Can neighbors address concerns about hosts through short-term rental host platforms?*

Yes, however, it is unclear how, when and if the concern raised by a neighbor gets to the owner of the short-term rental. During the public hearing process, short-term rentals were often described as "self-regulating." A review of a discussion thread on the VRBO platform indicates that in the majority of localities, issues related to complaints and occupancy standards are regulated by the local government.

Reviews on the Airbnb site are written by hosts or travelers (renters) and are posted to the guest or host account page. Complaints from neighbors do not appear on a host's profile or the listing page. Instead, Airbnb offers an opportunity for neighbors to file a complaint through "Airbnb Neighbors." The types of complaints that can be filed include such items as noise, parties, disturbances, common spaces, parking, trash, general concerns, personal safety, or criminal concerns. The website states after a complaint is filed, Airbnb will review

² <https://www.bbc.com/news/business-45083954>

the complaint. If the complaint is matched with an active listing, the complaint will be sent to the host **when possible**. If the listing's web address is provided, Airbnb will follow up with the complainant. If only a street address is provided, Airbnb will not follow up with the complainant, but **may** send the message to the host.³ The Airbnb platform also lists suggestions for hosts in dealing with or preventing complaints from neighbors such as listing house rules such as no parties. While the relationship between host and guest may be self-regulating, the relationship between host and neighbors appear to be more voluntary.

9. ***Does the Airbnb platform perform background checks on its guests?*** Although they reserve the right to do so, Airbnb does not typically perform background checks other than verifying that the guest is who they say they are at time of registration.
10. ***Can't neighbors just create a Home Owners' Association to address issues with short-term rentals or prohibit them outright in specific neighborhoods?*** Home Owners' Associations (HOAs) are typically put in place to cover the cost of maintenance of common areas like private entrance drives or other common property; however, the restrictions can go much further such as regulating house color, size, architecture, fences, vegetation, etc. HOA regulations are solely a civil matter and local government plays no role in their enforcement.

The City's *Zoning Ordinance* lists the definition of a Home Owners' or Property Owners' Association as an incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or property owner in a planned unit or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of expenses for the home association's activities, such as common property maintenance. An HOA is typically created during the original development of a neighborhood and becomes part of deed restrictions prior to any properties being sold. Most owners that opt to live in a neighborhood with an HOA understand the requirements prior to purchasing property and are aware of restrictions. While it may be possible to create an HOA after lots have been sold, **all property owners** in the area would have to agree. It is unrealistic to expect that every property owner would agree to the creation of an HOA after the fact. For example, some owners may be reluctant to create an association that could charge fees while others may object to the power to regulate aesthetics of properties. Obviously anyone who is currently using or planning to use their property as a short-term rental would be reluctant to sign on to invoke restrictions or prohibitions.

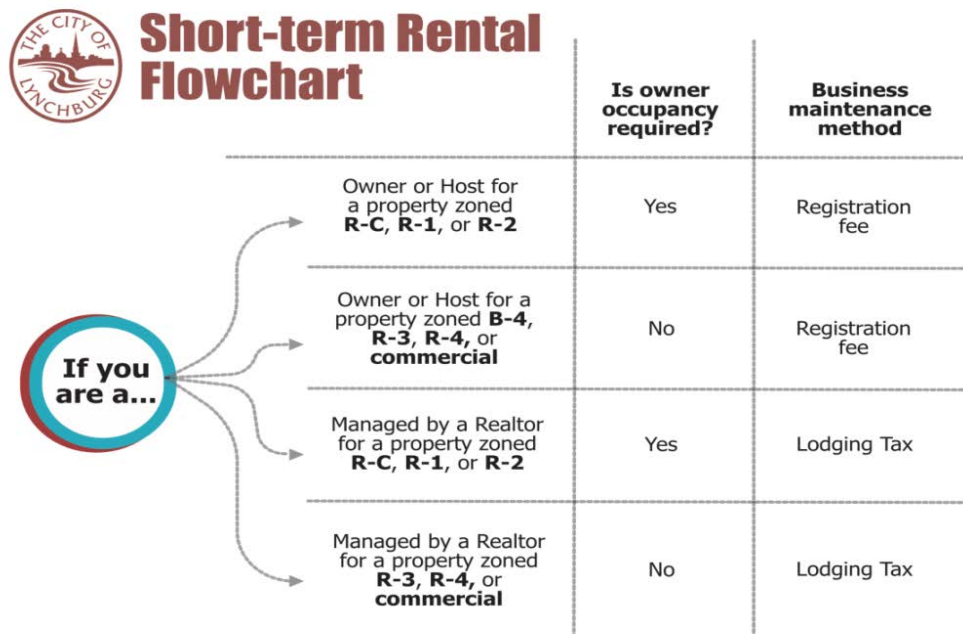
11. ***Is the \$150 annual registration fee excessive to cover staff costs?*** The registration fee was computed using hourly rates of existing City staff to assist with program start-up (initial database setup, transfer to billing system, program advertisement, etc.), database maintenance, inspection, registration/collection and enforcement. Staff estimates the first year costs to run the registration program are \$51,000. The estimate assumes location data provided through third-party service at an estimated cost of \$13,000. If a third-party service

³ <https://www.airbnb.com/neighbors>

is not used to identify locations of the rentals, additional full-time staff would be required to administer the program at a minimum estimated cost of \$50,000 (i.e. salary/benefits for full time equivalent staff position, computer, vehicle/fuel costs, etc.).

Staff projected a 63% first year collection rate to account for attrition and those hosts who are represented by a real estate professional. The \$150 annual registration fee for 483 short-term rental units (estimated in May 2019) would generate approximately \$45,000 in City revenue annually. The proposed registration fee was not intended to fully offset staff costs. Instead, the program is designed to meet Council’s direction of providing some measure of equity among short-term rentals and the lodging industry as well as provide an additional measure of protection for residential neighborhoods.

12. **Why are realtors exempt from the registry? What are the requirements for those that are exempted?** Virginia Code Title 15.2, Chapter 9, Section 15.2-983 exempts persons licensed by the Real Estate Board, property owners represented by a real estate licensee, those persons registered under the Virginia Real Estate Time-Share Act (§ [55-360](#) et seq.), entities licensed or registered with the Department of Health for provision of room or space for lodging and those persons or entities registered with the locality related to the rental or management of real property (i.e. hotels, motels, campgrounds, bed and breakfast establishments, etc.) from the City’s short-term rental registry. These entities must instead remit lodging tax and all associated taxes (meals, business license, etc.) for their business to the Commissioner of the Revenue. Although they are not required to register or pay a registration fee, realtors and owners represented by a real estate licensee that operate short-term rentals would still be required to meet the other provisions of the proposed short-term rental ordinance.



13. ***What about the security of host data that would be released to third-party monitoring service?*** Any owner or location data the City would provide to a third-party monitoring service is already publicly available through the City's Geographic Information System.
14. ***Why don't we just charge operators lodging tax like we do hotels/bed and breakfast establishments? What about an exception for infrequent occurrences based on the number of nights?*** Asking that hosts voluntarily remit lodging taxes each month will likely lead to very limited compliance. Based on collection rates in other localities, the City's Commissioner of the Revenue estimates only 15% of operators would remit taxes voluntarily. Many operators feel like they are simply supplementing their income and do not consider themselves operating a business. The Commissioner's office does not have staff available to pursue collection of lodging taxes for such a large number of operators, which is not equitable to the other members of the City's lodging industry. The proposed \$150 registration fee would eliminate the need for short-term rental operators to collect and remit lodging tax. Offering an exception for the registration fee or voluntary lodging tax remittance with infrequent occurrences would be difficult since the City does not have the ability to determine the individual nights that short-term rentals are occupied.
15. ***Is there an alternative that allows the collection of lodging tax that is not as staff intensive?*** If City Council prefers that operators remit lodging tax, the preferred alternative would be that Council direct staff to negotiate a Voluntary Collection Agreement (VCA) with Airbnb. In this case Airbnb collects and remits the tax from the operator just like a hotel and the fees are charged directly to the guests when they register. Based on the May 2019 data, it is estimated that over 90% of Lynchburg hosts use Airbnb. Staff initially had concerns with this option because Airbnb does not allow local governments to audit their collections and does not release information about hosts. However, effective July 1, 2019, Airbnb now remits sales tax to the Commonwealth of Virginia which improves the City's ability to provide oversight and ensure compliance.

At present, Airbnb is the only platform that offers a voluntary collection agreement with localities. This option is not currently offered through VRBO, Flipkey, etc. Staff would still contract with a third-party monitoring service to identify the location of short-term rentals in Lynchburg and the Commissioner of the Revenue Office would work with hosts that list on other platforms to voluntarily remit their lodging tax.

Even with the VCA alternative, staff recommends establishing a short-term rental registration program without an annual registration fee to assist with zoning enforcement. The only cost associated with the registry would be a \$500 penalty for failing to register as a host.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2019**

AGENDA ITEM #: **16**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Ordinance Amendments for Short-term Rental

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Adopt the *Zoning Ordinance* amendments for short-term rental uses.

SUMMARY: A short-term rental is defined by State Code as “the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge.” Popular online platforms for this service include Airbnb, VRBO and Flipkey, among many others. Like many cities, there has been a significant expansion of the availability and use of short-term rentals in the City. At the direction of City Council, Planning Commission and staff have been working for several months to provide recommendations on ordinance changes that seek to address concerns raised about short-term rentals in the City.

Staff recommends that Council adopt ordinance amendments to clarify the rules under which short-term rentals may operate and require that operators register their short-term rental units. The recommended changes have the following effects:

1. Allow short-term rentals as a “by right” use in residential and commercially zoned districts and provide additional occupancy and appearance requirements in lower density residential areas
2. Require owner occupancy, but not necessarily presence, in short-term rental units in lower density residential areas
3. Require an additional parking space for a dwelling used for short-term rentals in all zoning districts except for B-4, Urban Commercial District
4. Require short term rentals to meet the statewide building code
5. Establish the maximum number of unrelated people to occupy a short-term rental
6. Establish registration fees, timelines, and penalties for violations

These amendments would provide clear expectations to hosts, guests, and neighborhood residents, assist staff with the enforcement of rentals that fail to operate within the required parameters, and generate revenue to help offset program costs.

Because this is such a lengthy agenda item, the attached code section changes that have been included are out of order in this document. This is so that the actual policy changes are easier for City Council to locate. The remainder of the ordinance attachment adds short term rentals to permitted uses in various zoning districts, adds a short term rental definition into the list of definitions, and makes an addition to the Table of Authorized Land Uses.

PRIOR ACTION(S):

January 9, 2018: Staff presented an overview of local government’s authority to regulate short-term rental uses to City Council.

October 23, 2018: City Council discussed proposals to regulate short-term rental uses and concurred with staff’s recommendation to bring *Zoning Ordinance* amendments, including a registration fee proposal, for short-term rental uses before the Planning Commission.

- January 23, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses.
- February 13, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses.
- February 27, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses and directed staff to advertise the draft ordinance for an additional public hearing.
- March 27, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses and recommended approval (5-2) of the proposed changes.
- FISCAL IMPACT: The proposed \$150 registration fee is projected to generate \$36,000 in annual revenue. The fee would allow the City to contract with a vendor to identify short-term rental locations and help offset staff costs to assist staff with billing, collection, and enforcement.
- CONTACT(S): Reid Wodicka, Deputy City Manager – 455-3990; Tom Martin, City Planner – 455-3900; Kent White, Director of Community Development – 455-3900; Walter Erwin, City Attorney – 455-3980; Mitch Nuckles, Commissioner of the Revenue – 455-3870; Donna Witt, Director of Financial Services – 455-4220; Starlette Early, Budget Analyst – 455-4220; Anna Bentson, Assistant Director of Economic Development and Tourism – 455-4490; Kevin Henry, Zoning Administrator – 455-3900; Denise Musgrove, Business Auditor – 455-3870

ATTACHMENTS:

- Ordinance
- Presentation Slides – May 14, 2019
- Planning Commission Minutes – March 27, 2019
- Speaker Signup Sheet – March 27, 2019
- Planning Commission Memorandum – March 27, 2019
- Planning Commission Minutes – February 27, 2019
- Planning Commission Memorandum – February 27, 2019
- Planning Commission Minutes – February 13, 2019
- Planning Commission Memorandum – February 13, 2019
- Planning Commission Minutes – January 23, 2019
- Planning Commission Report – January 23, 2019
- Speaker Signup Sheet – January 23, 2019

REVIEWED BY: raw

062A

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY AMENDING SECTIONS 35.2-40, CONSERVATION DISTRICT (R-C), SECTION 35.2-41, LOW DENSITY RESIDENTIAL DISTRICT (R-1), SECTION 35.2-42, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2), SECTION 35.2-43, MEDIUM DENSITY RESIDENTIAL DISTRICT (R-3), SECTION 35.2-44, HIGH DENSITY RESIDENTIAL DISTRICT (R-4), SECTION 35.2-45, LIMITED BUSINESS DISTRICT (B-1), SECTION 35.2-46, COMMUNITY BUSINESS DISTRICT (B-3), 35.2-47, URBAN COMMERCIAL DISTRICT, (B-4), SECTION 35.2-48, GENERAL BUSINESS DISTRICT (B-5), SECTION 35.2-50, INSTITUTIONAL DISTRICT 2, (IN-2), SECTION 35.2-113, DEFINITIONS, APPENDIX A: TABLE OF AUTHORIZED LAND USES OF THE CODE OF THE CITY OF LYNCHBURG, 1981 AND BY ADDING THERETO A NEW SECTION NUMBERED SECTION 35.2-71.16, SHORT-TERM RENTAL.

WHEREAS, the City Council directed City staff to prepare Ordinance Amendments related to short-term rental uses on October 23, 2018.

WHEREAS, the Planning Commission held a public hearing to consider and address the proposed Ordinance Amendments and to receive public comment on January 23, 2019, and an additional public hearing on March 27, 2019.

WHEREAS, the City Council held a public hearing to consider and address the proposed Ordinance Amendments and to receive public comment on May 14, 2019.

WHEREAS, the City Council finds that this Ordinance should be adopted in order to promote the public necessity, convenience, welfare and good zoning practice.

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

1. That Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential District (R-1), Section 35.2-42, Low-Medium Density Residential District (R-2), Section 35.2-43, Medium Density Residential District (R-3), Section 35.2-44, High Density Residential District (R-4), Section 35.2-45, Limited Business District (B-1), Section 35.2-46, Community Business District (B-3), 35.2-47, Urban Commercial District, (B-4), Section 35.2-48, General Business District (B-5), Section 35.2-50, Institutional District 2, (IN-2), Section 35.2-113, Definitions, Appendix A: Table of Authorized Land Uses of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows and the and the Code of the City of Lynchburg, 1981, is further amended and reenacted by adding thereto a new section, numbered Section 35.2-71.16, Short-term Rental as follows:

35.2-71.16 Short-term Rental

Short-term Rentals as defined in Section 35.2-113 of this Ordinance shall be an accessory use to a use permitted by right in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2 Districts subject to the following provisions:

- (a) On or before July 1 of each year, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall register the address of any dwelling unit to be used for short-term rental. Every person filing registration forms with the Zoning Administrator shall pay an annual registration fee of one hundred and fifty dollars (\$150) to defray the cost of processing the registration.
- (b) Any person who fails to register a building to be used as a short-term rental by the July 1 deadline shall be subject to a penalty of five hundred dollars (\$500).
- (c) The maximum number of occupants in a dwelling unit offered for short-term rental shall not exceed four (4) unrelated individuals. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.
- (d) In addition to all parking requirements of Section 35.2-62, Parking and Loading of the Zoning Ordinance, one (1) parking space shall be provided per short-term rental. This requirement shall not apply to short-term rentals located within the B-4, Urban Commercial District.
- (e) All buildings offered for use as a short-term rental shall meet the requirements of the Uniform Statewide Building Code.
- (f) Short-term rentals in an R-C, R-1, & R-2, Districts shall meet the following additional requirements:
 - 1. Properties shall be owner-occupied; however, the property owner does not have to be present while a property is used as a short-term rental.
 - 2. Short-term rentals located within the principal structure shall use a common entrance so that the principal structure retains the appearance of a single-household residence

(g) Three (3) violations of state or local laws, ordinances, or regulations as relating to the property offered for short-term rental within a three (3) year period, shall result in the City revoking approval for the subject property to be used or offered as a short-term rental.

1. Prior to revoking approval for a property to be used or offered as a short-term rental, the Zoning Administrator shall give written notice to the host describing the violations constituting the basis of the revocation.

2. Notice shall be given to the host by:

- a. Posting a copy of the notice in a conspicuous place on the premises.
- b. First Class mail or e-mail to the addresses listed in the registration form.

Base Zoning Districts

35.2-40 Conservation District (R-C)

35.2-40.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-1 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-1: Authorized Uses in RC District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
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
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
Markets for farm produce or crafts	2199	Markets and truck gardens. Note that limited to goods produced on site in the RC district.	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Wastewater treatment plants	4348		C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C
shooting ranges, outdoor	5376		C
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
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C

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

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

35.2-41.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-3 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals that may include meals and is owner-occupied	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P

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

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

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

35.2-42.2 Authorized Uses

- (a) Exhibit IV-5 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-5 Authorized Uses in R-2 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound, or video, cell towers	C

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

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

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

35.2-43.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-7 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-7 Authorized Uses in R-3 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwelling units separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	C
rooming house	1322	Transient or non-transient lodging that may include meals	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>

Land Use	LBCS #	Description	Approval Type
art galleries	2142b	Excludes art supply sales and retail framing services	P
Parking lot and parking garage	2640	See district standards	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C

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	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C
College or university	6130		C
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home day care	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	C
free-standing cemetery	6722		C
columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P

Land Use	LBCS #	Description	Approval Type
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section 35.2-82	C
planned unit development	9953	See section 35.2-83	C

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

35.2-44.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-9 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivisions and manufactured home parks with 5 or more lots (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwelling units separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures (see District Use Standards 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)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	C
rooming house	1322	Transient or non-transient lodging that may include meals	C

Land Use	LBCS #	Description	Approval Type
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short-term Rental</u>	1350	Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	P
Parking lot and parking garage	2640	See district standards	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C
College or university	6130		C
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	C
free-standing cemetery	6722		C
columbarium	6724		C

Land Use	LBCS #	Description	Approval Type
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.73	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section Error! Reference source not found.	C
planned unit development	9953	See section 35.2-83	C

35.2-45 Limited Business Districts (B-1)

35.2-45.2 Authorized Uses

- (a) The uses authorized by IV-12 may be established in accordance with the procedures in Article II, the district standards in this article, the site development standards established in Article II and specific use standards established in Article VI, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

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)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	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
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
Bicycles	2113b	New or used bicycle sales, rental and repair	P

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

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
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

Land Use	LBCS #	Description	Approval Type
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards	P
College or university	6130	See district use standards	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
Clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home	6562a	Day care for fewer than six (6) individuals in a residence	P
Small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
Large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
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

35.2-46 Community Business Districts (B-3)

35.2-46.2 Authorized Uses

- (a) The uses authorized by IV-15 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-15 Authorized Uses in B-3 District

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)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	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
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>

Land Use	LBCS #	Description	Approval Type
bicycles	2113b	New or used bicycle sales, rental and repair	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include 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
Markets for farm produce or crafts	2199	Markets and truck gardens.	C

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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	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

Land Use	LBCS #	Description	Approval Type
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
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

Land Use	LBCS #	Description	Approval Type
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding (excludes automobile, dog and horse racing)	C
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

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

Land Use	LBCS #	Description	Approval Type
traditional neighborhood development	9952	See section 35.2-82)	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C

35.2-47 Urban Commercial District (B-4)

35.2-47.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-17 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

Land Use	LBCS #	Description	Approval Type
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	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
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
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P

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

Land Use	LBCS #	Description	Approval Type
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	C
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P
Professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P

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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
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

Land Use	LBCS #	Description	Approval Type
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	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.	C
Other Government Functions	6300	Other government owned establishments not classified elsewhere such as defense and national guard establishments	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans' affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C

Land Use	LBCS #	Description	Approval Type
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
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 General Business District (B-5)

35.2-48.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-19 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-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	1122S	One of two dwellings separated by a party wall, on abutting lots	C
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	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

Land Use	LBCS #	Description	Approval Type
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
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
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P

Land Use	LBCS #	Description	Approval Type
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: b) 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	c) Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	P
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
hiring hall	2423b	Place of assembly for the registration or assignment of employment	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P

Land Use	LBCS #	Description	Approval Type
Services to buildings and dwellings	2450	Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454)	P
packing, crating	2455		P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P
Food service contractor and vending machine operators	2570 & 2580	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service	P
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
linen and uniform supply	2623		P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult 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

Land Use	LBCS #	Description	Approval Type
Signs	3440	Manufacturing of signs to be erected or installed (excludes banner printing)	P
Blacksmith		Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	P
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
Warehousing	3620	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
towing and other road and ground services	4138	Tow vehicles	P
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C

Land Use	LBCS #	Description	Approval Type
library or archive	4242	Provide library or archive services	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods	P
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters (excludes drive-ins), film festival exhibitions	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C
Outdoor auditorium/arenas	5180	Outdoor arenas, stadiums and theaters	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
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
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

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

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
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

35.2-50 Institutional District 2 (IN-2)

35.2-50.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-23 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

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
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
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwellings separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures	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

Land Use	LBCS #	Description	Approval Type
boarding house	1321	Non-transient lodging that may include meals and is owner-occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	P
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short-term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses	P
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	P
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P

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

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

Land Use	LBCS #	Description	Approval Type
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
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult establishment, retail sales	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P
animal boarding	2722	sitting and boarding	P
pet cemetery	2723		P
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting	P
Textiles, leather and leather substitute products	3130 & 3140	Textile mills, apparel manufacturers and canvas making; dyeing plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning)	P

Land Use	LBCS #	Description	Approval Type
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P
Signs	3440	Manufacturing of signs to be erected or installed (excludes banner printing)	P
Blacksmith		Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	P
Warehousing and Storage Services	3600	Operate warehouse and storage facilities for general merchandise, refrigerated goods	
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
Warehousing	3620	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
school and employee bus transportation	4135	Maintain and dispatch buses and other motor vehicles to transport pupils or employees	P
towing and other road and ground services	4138	Tow vehicles	P
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P

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

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

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

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

35.2-113 Definitions

The following terms shall have the meanings established in this section unless specifically modified by provisions of the applicable section of the Zoning Ordinance.

1.		Abut: To adjoin or touch at one or more points along a common boundary.
2.		Accessible: Dwellings that meet prescribed requirements for accessible housing. Mandatory requirements for accessible housing in the Department of Housing and Urban Development's program 202 and 811, section 504, and the Fair Housing Amendments Act requirements. Accessible features in dwellings include items such as wide doors, sufficient clear floor space for wheelchairs, lower countertop segments, lever and loop type handles on hardware, seats at bathing fixtures, grab bars in bathrooms, knee spaces under sinks and counters, audible and visual signals, switches and controls in easily reached locations, entrances free of steps and stairs, and an accessible route through the house. Most "accessible" features are permanently fixed in place and very apparent.
3.		Accessory use or accessory: A use conducted on the same zoning lot as the principal use to which it is related (whether located within the same or an accessory building or other structure, or on an accessory use of land), except that, where specifically provided in the applicable regulations, accessory off-street parking or loading need not be located on the same zoning lot. A use that is clearly incidental to, and customarily found in connection with, such principal use. A use subordinate in area, floor area, intensity, extent and purpose to the principal use. A use either in the same ownership as such principal use, or operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. When "accessory" is used in the text, it shall have the same meaning as "accessory use"
4.		Accessory structure: A structure subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building.
5.		Address sign: A sign displaying only the assigned address of a property or building that is attached to a building or sign structure or part thereof. An address sign shall not be included in the maximum permissible sign area of the district in which it is located.
6.		Adjacent: To abut or be located on the opposite side of a right-of-way or easement.
7.		Administrator or Zoning Administrator: the official charged with the enforcement of this zoning ordinance except where responsibility is specifically delegated.
8.		Agriculture: Any use of land which involves the tilling of soil, the growing of crops or plant growth of any kind, or the raising of livestock or poultry for profit. "For profit" means in excess of what a household would normally grow or raise for its own use or consumption, and shall include the processing and retail sale, in a farm produce stand, or otherwise on the premises, of the products of only the farm on which such processing is conducted.
9.		Airport elevation: The highest point on any usable landing surface expressed in feet above mean sea level.
10.		Airport or air landing field: Any area of land or water designated and set aside for the landing or taking-off of aircraft, the discharge or receiving of cargoes and/or passengers, or the repair, fueling or storage of aircraft.

11.	Airport: Lynchburg Regional Airport and/or Falwell Airport.
12.	Alteration: Any change, modification or addition to a part of or all of the exterior of any building or structure.
13.	Amend or amendment: Any repeal, modification or addition to a regulation; any new regulation; any change in the numbers, shape, boundary, or area of a district or any repeal or abolition of any map, part thereof, or addition thereto.
14.	Antenna support structure: Any building or other structure thirty (30) feet in height or taller other than a tower which can be used for location of telecommunications facilities.
15.	Apartment house: See dwelling, multi-household.
16.	Apartment: A room or suite of two (2) or more rooms, which is designed or intended for residential occupancy by, or which is occupied by, one (1) household doing its cooking therein.
17.	Applicant: Any person who applies for any development approval.
18.	Application or development application: Means the process by which the owner, or the owner's legal representative, of a plot of land within the City submits a request to develop approval. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning such a request.
19.	Approach surface: A surface, whose design standards are referenced in section 35.2-57.3, longitudinally centered on the extended runway centerline, extending outward and upward from end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in section 35.2-57.4 In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
20.	Approach, transitional, horizontal, and conical zones: the airspace zones as set forth in section 35.2-57.4.
21.	Arcade: A public or private pedestrian walkway that is open to the street and covered by the upper floors of a building front.
22.	Arterial or arterial street: A public street currently classified in the comprehensive plan functional classification map as an arterial.
23.	Automobile graveyard: Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this definition shall begin with the first day that the vehicle is placed on the subject property.

24.	Automobile service station: A location providing light automobile repairs as listed in LBCS functional use code 2117a. A building, lot, or both, in or upon which gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other: 1. Sales and servicing of spark plugs, batteries, and distributors and distributor parts. 2. Tire servicing and repair, but not recapping or regrooving. 3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like. 4. Radiator cleaning and flushing. 5. Washing and polishing, and sale of automotive washing and polishing materials. 6. Greasing and lubrication. 7. Providing and repairing fuel pumps, oil pumps and lines. 8. Electrical system repairs 9. Adjusting and repairing brakes. 10. Minor motor adjustments not involving racing the motor. 11. Retail sales of convenience goods. 12. Virginia state inspection station. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.
25.	Awning: A permanent roof like structure that projects from the wall of a building, covered with any material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building.
26.	Banner: A sign consisting of a piece of fabric or any other material, other than a flag or pennant, used to advertise a business, service, product, goods, special promotion, activity or event.
27.	Base flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
28.	Base flood elevation: The Federal Emergency Management Agency designated one hundred (100) year water surface elevation.
29.	Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.
30.	Bed and breakfast or tourist home: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.

31.	Billboard or poster panel: Any exterior sign or advertising structure or portion thereof, including any sign painted directly on any exterior wall, roof, or part of a building or other object, displaying any information other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products sold, manufactured, processed or available thereon.
32.	Block face: The edge of a block fronting on a street.
33.	Block: An area of land bounded by streets providing access to such area.
34.	Board of Zoning Appeals: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance as described in this ordinance and regulated by the Code of Virginia.
35.	Boardinghouse or lodging house: A residence where the owner resides in which, for compensation, lodging, or meals, or both, are furnished to transient or non-transient guests. A boardinghouse shall not be deemed a home occupation.
36.	Boarding unit or lodging unit: Any building or part thereof constituting a separate, independent transient accommodation that is physically separated from other such units so as to provide secure and private temporary accommodations.
37.	Buffer: An area of land, including landscaping, or combination of landscaping berms, solid fences and/or walls that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use.
38.	Building, accessory: A building subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building.
39.	Building envelope: The area in which a building may be constructed, which is bounded by the minimum front, side and rear setbacks and the maximum building height.
40.	Building group: A group of two (2) or more main buildings and any buildings accessory thereto occupying a single zoning lot.
41.	Building line or setback: A line drawn parallel to a lot line at a distance therefrom equal to the depth of a required setback.
42.	Building mounted sign: A permanently attached sign, erected or painted on the outside wall, window, or door of a building.
43.	Building permit: A document issued by the City of Lynchburg to permit the construction, erection or alteration of any structure.
44.	Building, height of: The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard floor; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; except as otherwise provided in section 35.2-61.2.
45.	Building, main: The building in which is conducted the principal use of the zoning lot on which it is situated in any residential zone; any dwelling shall be deemed to be a main building on the zoning lot on which the same is located if the lot is used primarily for residential purposes.
46.	Building, temporary: Any structure which is intended to be used or occupied for only a limited time or which is not permanently supported by a foundation.
47.	Building: Any structure designed or intended for support, shelter, enclosure or protection of persons, animals, chattels or property.
48.	Business district: A zoning district whose designation begins with the letter "B".

49.	Business incubator: A facility that provides start-up or emerging businesses with space and shared office equipment, support and business development services, such as management and marketing assistance, for a limited period of time. A business incubator shall meet the following criteria: (1) It shall contain uses authorized in the applicable zoning district under one roof with a minimum of six (6) tenant spaces. (2) Companies housed in a business incubator shall either provide services or support to existing basic industries, or shall conduct light manufacturing or distribution businesses. (3) Display rooms for retail sales shall not exceed ten percent (10%) of the gross floor area of the tenant space. (4) A tenant shall not be allowed to occupy the facility for more than forty-eight (48) months.
50.	Caliper: Trunk diameter of a tree measured six (6) inches from the ground. If the caliper is greater than four (4) inches, the measurement is taken twelve (12) inches from the ground.
51.	Campus – A designated area of land including the buildings and grounds of institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches. A campus may be divided by public or private rights-of-way.
52.	Care center: A day nursery, nursery school, day camp, summer camp or other place where reception or care is provided with or without compensation, of persons of any age and the primary use of the facility where said reception or care is provided is not a residence.
53.	Cemetery: A place used for the permanent commercial interment of dead bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments or a combination thereof.
54.	Certificate of appropriateness (COA): The approval statement signed by the historic preservation commission chair and/or the secretary that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building or structure within a historic district, subject to the issuance of all other permits needed for the matter sought to be accomplished.
55.	Certificate of Occupancy: Authorization granted by the City for use of a lot or structure.
56.	Changeable copy sign: A sign, or part of a sign, with copy that can be changed by manual, mechanical, or electronic means. Copy may not change more than once every six (6) seconds. Changeable copy signs include electronic message centers.
57.	Channel enclosure: Continuous c-shaped metal, or similar opaque material, surrounding three-quarters of the circumference of neon tubing of a sign.
58.	Channel: A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water.
59.	Civic uses: Public or quasi-public uses serving the needs of the community that promote human interaction, such as: care centers, religious institutions, civic clubs and fraternal organizations, community swimming pools, libraries, museums, art galleries, public buildings, meeting halls, public or community recreational facilities, parks, schools and colleges.
60.	Collector street: A public street currently classified as a collector street in the functional classification map of the Comprehensive Plan.
61.	Commercial amusement (temporary): A temporary outdoor amusement center, bazaar, circus, carnival, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales or small-scale games.

62.	Commercial amusement: The provision of entertainment or games of skill to the general public for a fee, including but not limited to a bowling alley, video arcade, dance hall, billiard parlor, golf driving range, skating rinks, swimming pools or miniature golf course. This use does not include circuses, carnivals, race tracks, or shooting ranges.
63.	Commercial building: A building used only for a commercial use.
64.	Commercial recreation: The provision of entertainment or games of skill to the general public for a fee, with higher noise and safety restrictions than a commercial amusement. A facility designed or used for shooting at targets with firearms and/or archery and which is completely enclosed within a building or structure. Does not include outdoor shooting or archery ranges.
65.	Commercial use: Any use involving in part or in whole the storage of merchandise, sale of merchandise, materials or services, but not including home occupations.
66.	Community facility use: A public use in private or public ownership run on a nonprofit basis. Examples are: churches, welfare centers, voluntary hospitals, or privately-endowed museums or libraries. Facilities of private, nonprofit membership organizations for use only by members thereof are also community facilities. Examples may be country clubs, golf courses or community swimming pools.
67.	Comprehensive Zoning Map amendment: An amendment to the official Zoning Map where any of the following conditions exist: (1) The area to be rezoned constitutes an entire neighborhood as defined in the Comprehensive Plan, or a group of such neighborhoods. (2) The area to be rezoned includes at least four hundred (400) acres of ground. (3) The area to be rezoned includes at least five (5) lots, except where all of the said lots are included in a subdivision to be developed as a whole by one developer.
68.	Community owned: Facilities owned and operated by a public, non-profit or not-for-profit entity and open to the general public.
69.	Concept Plan – (1) A plan that establishes the general layout and intensity of proposed development in enough detail to demonstrate compliance with the applicable development approval criteria for discretionary approvals by the City Council. (2) A generalized, illustrative plan for the IN-1 and IN-2 districts, indicating how off site impacts such as traffic, water and sanitary sewer availability/capacity, stormwater management, lighting and noise are mitigated and providing an assessment of existing and future development of the institution's campus, including buildings, parking areas, recreational facilities, open space and access points to City streets.
70.	Conditional use: A permit to grant restricted use of property for uses other than those permitted by right.
71.	Conditional zoning or zone: A zoning district or portion thereof, which has been established pursuant to provisions this Zoning Ordinance and which is subject to reasonable conditions proffered in writing by the owner of the subject property and agreed to by the City Council in a zoning map amendment to which such conditions are applicable in addition to those regulations provided for that particular zoning district, or portion thereof, by the overall Zoning Ordinance.
72.	Conical surface: An imaginary surface, whose design standards are referenced in extending and sloping horizontally and vertically from the periphery of the horizontal surface of an airport flight path.

73.	Conservation: Any action designed to keep a structure, area containing structures, or places from being damaged, lost or wasted.
74.	Construction sign: A temporary sign that notifies the public of a specific building or development under construction or reconstruction or to be constructed or reconstructed within the next three (3) months. The sign may also identify the architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.
75.	Construction, start of: The date the building permit was issued for new construction or substantial improvements, meaning the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date.
76.	Contributing property: Those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the historic district in which they are located.
77.	Coverage, lot: The proportion of a lot covered by the maximum horizontal projected area of a building and its accessory buildings, including overhangs and projections.
78.	Decorative landscape stone: Stone that has natural or manmade distinguishing characteristics such as color and shape. Decorative landscape stone may be used as mulch.
79.	Delineated wetland: An area delineated by the U.S. Army Corps of Engineers as a wetland.
80.	Demolition: The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.
81.	Depth of lot: The mean horizontal distance between the front lot line and rear lot line of a lot.
82.	Detached building: A building surrounded by yards or other open area on the same zoning lot.
83.	Development – Any man-made change to improved or unimproved real estate, including, but not limited to, the erection, placement or modification of buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations; storage of equipment or materials; or the establishment or expansion of a use on a site.
84.	Development approval: Any City approval required for development.
85.	Development area / disturbed area: All areas shown within the limits of clearing and grading on a concept plan or final site plan.
86.	Development pattern: See land use development pattern
87.	Digital sign or electronic message center: An electrically activated changeable copy sign with a variable message and/or graphic presentation capability that can be electronically programmed by computer from a remote location or at the sign. These signs typically use arrays of LED lights to create an illuminated message.
88.	Directional sign: An on-premises sign whose message is exclusively limited to guiding the circulation of pedestrian or vehicular traffic, such as enter, exit, or one-way.
89.	Dwelling: A building containing one (1) or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.
90.	Dwelling unit: One (1) or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one (1) or more persons living together and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

91.	Dwelling, cluster or cluster development: A development pattern defined in Article VIII of this Zoning Ordinance characterized by small lots and the retention of common open space.
92.	Dwelling, detached: A building containing only dwelling units surrounded by yards or other open area on the same zoning lot.
93.	Dwelling, group: A building group consisting only of dwellings occupying a parcel of land in one (1) ownership and having any yard or service area in common.
94.	Dwelling, multi-household for the elderly: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include a cooperative apartment house. Provided further, that all occupants of said residential units must be (a) persons sixty-two (62) years of age or older; (b) married couples either of which is sixty-two (62) years of age or older; or (c) handicapped persons under sixty-two (62) years of age who have physical impairments which are expected to be of long-continued or indefinite duration, and which substantially impede the ability of such person to live independently.
95.	Dwelling, multi-household: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include cooperative apartment houses.
96.	Dwelling, semi-detached: One (1) of two (2) buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.
97.	Dwelling, single-household: A building containing not more than one (1) dwelling unit and occupied by not more than one (1) household.
98.	Dwelling, townhouse, or row house: One (1) of a series of three (3) or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.
99.	Dwelling, two-household (duplex): A building located on one (1) zoning lot containing not more than two (2) dwelling units, arranged one above the other, front to back, or side by side, and occupied by not more than two (2) households.
100.	Easement: A grant by a property owner of the use of a designated part of his land by another party for a specified purpose and for a specified time, which shall be included in the conveyance of land by such easement.
101.	Eave: The underside of the projection of a roof beyond the outer wall of a building.
102.	Electrical engineer: An electrical engineer licensed by the Commonwealth of Virginia.
103.	Electronic message center (EMC): see digital sign
104.	Elevated building: A non-basement building built to have the lowest floor elevated about the ground level by means of fill, solid foundation perimeter walls, pilings or columns (posts and piers).
105.	Encroachment , floodplain: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

106.	Encroachment lines: The lateral limits or line drawn along each side of and generally parallel to a watercourse or body of water, to preserve the flood carrying capacity of the stream or other body of water and its floodplain, and to assure attainment of the basic objective of improvement plans that may be considered or proposed. Their location along a stream should be such that the floodways between them will effectively carry and discharge a flood not less than the magnitude of the one hundred (100) year flood.
107.	Enlargement, or to enlarge: An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.
108.	Equal degree of encroachment: A standard applied in determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a channel are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.
109.	Evergreen tree: A tree or shrub that has foliage that persists and stays green throughout the year.
110.	Existing tower: A telecommunications tower that is in existence or is being constructed on December 9, 1997
111.	Extension, or to extend: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.
112.	Exterior architectural features: The architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, details, features or elements.
113.	Façade: The outer surface of a building.
114.	Fall zone: That area within a prescribed radius (equal to the height of the tower) as measured from the base of a tower. A fall zone is based on physical phenomena that can result in a hazard beneath a tall structure and is the area within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.
115.	Family day home: A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, when at least one (1) child receives care for compensation and meets the requirements of Article 63.2-100 of the Code of Virginia. The term shall not include any family-type facility which provides child care to not more than five (5) children placed by order of any court of competent jurisdiction, or by any public welfare department or other government agency having responsibility of placing children for care.
116.	Final site plan: A site plan that when approved in accordance with this ordinance enables an applicant to apply for a building permit.
117.	Fire district: The territory defined and limited by the provisions of the BOCA Basic Building Code for the restriction of types of construction to ensure adequate fire protection.
118.	Flag pole: A freestanding structure or a structure attached to a building or the roof of a building for the sole purpose of displaying flags.
119.	Flag: Any fabric or any other flexible material attached to or designed to be flown from a flagpole or similar device.

120.		Flashing sign: A sign that involves motion or rotation of any part of the structure, moving reflective disks, running animation or video, or displays an intermittent light or lights. Signs that display an on-premise message changed by electronic means or remote control, programmed or sequenced to change no more than once every six (6) seconds shall not be considered a flashing sign.
121.		Flea market: A market, whether held indoors or outdoors, where antiques, used household goods, curios and similar items are sold or traded by or on behalf of multiple vendors.
122.		Flood hazard area: The maximum area of the one hundred (100) year flood plain (as defined in regulations for the national flood insurance program) which is likely to be flooded, or for which mudslides can be reasonably anticipated.
123.		Flood or flooding: 1. A general or temporary condition or partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or, the unusual and rapid accumulation or runoff of surface waters from any source. 2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual an unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.
124.		Floodplains: The areas of land adjoining a watercourse that have in the past, or can be reasonably expected in the future, to be covered temporarily by flood waters.
125.		Flood-prone area: Any land area susceptible to being inundated by water from any source.
126.		Floodproofing: Combinations of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in the regulatory flood plain.
127.		Floodway fringe: That portion of the one hundred (100) year flood plain outside of the floodway.
128.		Floodway: The channel of a river or other watercourse and those portions of the adjoining flood plains which are reasonably required to discharge the water of the one hundred (100) year flood (base flood), without causing a more than one (1) foot rise at any point in the City as shown in the City's flood insurance study published by the Federal Emergency Management Agency.

129.	Floor area: The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two (2) buildings. In particular, floor area includes: 1. Basement space, except such space in a basement which has at least one-third (1/3) of its height below curb level, and which is located in a residential building with not more than two (2) stories entirely above curb level. 2. Elevator shafts or stairwells at each floor. 3. Floor space in penthouses. 4. Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more. 5. Floor space in interior balconies or mezzanines. 6. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed. 7. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded. 8. Floor space in accessory buildings except for floor space used for accessory off-street parking. Floor area of a building shall not include: 1. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths. 2. Elevator or stair bulkheads, accessory water tanks or cooling towers. 3. Uncovered steps. 4. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet. 5. Floor space in open or roofed terraces, exterior balconies, breezeways or porches, provided that not more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed. 6. Unenclosed floor space used for permitted or required accessory off-street parking spaces. 7. Floor space used for accessory off-street loading berths. 8. Floor space used for mechanical equipment.
130.	Floor area ratio: The total floor area on a zoning lot, divided by the lot area of that zoning lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zoning lot of ten thousand (10,000) square feet has a floor area ratio of 2.0.)
131.	Floor plate: The floor area of the ground floor or footprint of a building.
132.	Food Establishment: A business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.
133.	Foundation planting: Trees and shrubs planted along and adjacent to the perimeter of a building.
134.	Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

135.		Freestanding sign: A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.
136.		Frontage: The horizontal length of the front lot line of a zoning lot abutting a public street, road, or highway, or rural right-of-way.
137.		Gambrel roof: A roof gable roof, each sloping side of which has two sloping planes, with the lower plane being steeper than the upper plane (e.g., barn roof)
138.		Garden apartment units: Group multiple dwellings consisting of more than one (1) main building containing more than one (1) unit per building for single-household occupancy.
139.		Gasoline station: See Automobile service station.
140.		Graphic: Any logo, emblem, insignia, or text, formed by writing, drawing, painting or engraving.
141.		Ground cover: Any evergreen or broadleaf plant that does not generally attain a mature height of more than one (1) foot, characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seeding shall be considered an appropriate ground cover.
142.		Group Home: A residential facility wherein (a) the operator is not legally related to the individuals supervised and may be licensed by the state, and wherein (b) four (4) or more individuals are provided with room, board, specialized and distinctive care, and daily supervision. For the purpose of the Zoning Ordinance, a facility providing care to less than four (4) persons shall not be considered a group home. The term "Group Home" would include but not be limited to such groups as: foster family homes, homes for adults, abused women, individuals with mental illness, intellectual disability, or developmental disabilities, or physically handicapped. This definition does not include pre-release or post-release individuals who have been incarcerated. 1. A residential facility in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. For the purposes of this section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the code of Virginia. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. This type of residential facility shall be deemed to be any group home or other residential facility for which the department of behavioral health and developmental services is the licensing authority pursuant to this code. 2. A residential facility, in which no more than four (4) aged, infirm or physically disabled persons reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. No conditions, more restrictive than those imposed on residences occupied by persons related by blood, marriage or adoption shall be imposed on such a facility. For purposes of the Zoning Ordinance, "residential facility" means any group home or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Virginia department of social services is the licensing authority pursuant to the Code of Virginia.
143.		Guest: Any person hiring and occupying a room for sleeping purposes.

144.		Hazard to air navigation: An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.
145.		Hazardous materials: Includes any substance or material could adversely affect the safety of the public, handlers or carriers during transportation, including, but not limited to materials that require a Hazardous Materials Endorsement by the United States Patriot Act and the Virginia Department of Motor Vehicles.
146.		Heat island effect: An elevated temperature over an urban area caused by pavement, buildings, other infrastructure and pollutant emissions
147.		Height of building: See Building, height of.
148.		Height of sign: The distance to the topmost extent of the sign structure when measured from and perpendicular to the elevation of the edge of pavement of the closest adjacent roadway on which the sign is located. In no instance shall the sign structure be required to be less than ten (10) feet in height, except as otherwise specifically required by the Zoning Ordinance.
149.		Height: for the purpose of determining the height limits affected by airport operations in all zones set forth in section 35.2-57.4 and shown on the Zoning Map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.
150.		Helipad: Landing facility for up to two (2) helicopters that may be lit, but does not include facilities for storage, fueling or servicing of helicopters.
151.		Heliport: Facilities for the landing helicopters that may include facilities for storage, servicing and/or fueling one or more helicopters at a time.
152.		Historic area, historic place, or historic structure: 1. Any structure, area containing structures, or place in which historic events occurred; or having special public value because of notable architectural or other features, relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation. 2. Any structure that is: a. listed individually in the national register of historic places (a listing maintained by the department of the interior) as meeting the requirements for individual listing on the national register; b. certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; c. individually listed on a state inventory or historic places in states with historic preservation programs which have been approved by the secretary of the interior; or d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: i. by an approved state program as determined by the secretary of the interior or ii. directly by the secretary of the interior in states without approved programs.
153.		Historic building map: The map of Lynchburg indicating certain structures as historic buildings.

154.	Historic district: A geographically defined area consisting of public and/or private property within the City, possessing a significant concentration, linkage, or continuity of sites, buildings or structures, areas of unique architectural value, landmarks or encompassing parcels of contiguous land united by past events or aesthetically by plan or physical development. A district may also comprise individual buildings or structures separated geographically but linked by association or history. A historic district shall further mean an area designated by City Council as a historic district pursuant to the criteria established in (d)(1) of this ordinance. The historic district overlay zone defines the area in which the requirements of the historic districts ordinance shall apply. The historic district overlay zone shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the historic district overlay zone shall also lie within one or more of the other zoning districts provided by this ordinance.
155.	Home occupation: An accessory use which: 1. Is clearly incidental to or secondary to the residential use of a dwelling unit. 2. Is customarily and traditionally carried on within a dwelling unit by one (1) or more occupants of such dwelling unit, except that, in connection with the practice of a profession, one (1) person not residing in such dwelling unit may be employed. 3. Occupies not more than twenty-five (25) per cent of the total floor area of such dwelling unit, and in no event more than five hundred (500) square feet of floor area.
156.	Home owners' or property owners' association: An incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or property owner in a planned unit or other described land area is automatically a member; and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the home association's activities, such as common property maintenance.
157.	Horizontal surface: An imaginary horizontal plane, whose design standards are referenced in section 35.2-57.3 above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
158.	Hospitals: An institution receiving in-patients and rendering medical, surgical, and/or obstetrical care to private and charity patients, and usually including research and training activities. This shall include general hospitals and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, tuberculosis, chronic disease and obstetrics. Hospital patients generally require intensive care for periods generally not exceeding several months.
159.	Hotel: A building or part thereof containing five (5) or more guest rooms, without kitchens, where lodging is provided for compensation, excluding a fraternity or sorority house, a school or college dormitory, or a tourist home.
160.	Household: The occupants of a single dwelling unit, which shall not exceed three (3) unrelated individuals unless otherwise permitted by this Zoning Ordinance.
161.	Identification sign: A sign that is permanently attached to or painted on a building and contains only the building name. (Example, the "Allied Arts" Building.) Identification signs shall not be included in the maximum permissible sign area of the district in which it is located.
162.	Illegal use: Any use, whether of a building or other structure or of a tract of land, in which a violation of any provision of the Zoning Ordinance has been committed or shall exist.
163.	Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
164.	Industrial district: Includes the I-1, I-2 and I-3 zoning districts.

165.		Institutional district: Any district whose designation begins with the letters IN”.
166.		Inflatable item: Any item that is capable of being expanded by air, water or other means that exceeds twenty-four (24) inches in diameter, used to advertise a business, service, product, goods, special promotion, activity or event.
167.		Inventory, historic: The inventory of historic landmarks, buildings and structures as prepared by the board of historic and architectural review.
168.		Junk yard: The use of any space, whether inside or outside a building, for the abandonment, storage, keeping, collection, disassembling or bailing of paper, rags, scrap metal, or other scrap or discarded materials, or for the abandonment, demolition, dismantling, or salvaging of automobiles or other vehicles or machinery or parts thereof; provided, that this definition shall not apply to any such use conducted solely as an accessory use and occupying not more than one hundred (100) square feet of the area of any lot other than any portion of that half thereof that adjoins any street.
169.		 kennel: Any building, enclosure, structure, establishment and/or land where dogs, cats, household pets or any other domestic animals are sheltered, fed or watered, groomed, shown, trained, bred, boarded and exercised, cared for or sold for either commercial gain or in exchange for a fee.
170.		Land Use Development Pattern or Development Pattern: One or more uses arranged to create a specific type of development that are defined in Article VIII of this ordinance and that may be allowed by right or conditional use permit pursuant to LBCS classifications 9950 et. seq.
171.		Land with minor improvements: For purposes of the City’s floodplain regulations, a tract of land which: 1. Does not include any building or other structure. 2. Includes a building or other structure with a floor area of less than four hundred (400) square feet.
172.		Landscape island: An area containing a shade tree and other required landscaping not less than one hundred eight (108) square feet for a parking row or two hundred sixteen (216) square feet for a parking bay.
173.		Large deciduous tree. A large deciduous tree shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet. A minimum caliper of at least two and one-half (2-1/2) inches at the time of planting shall be required.
174.		Large farm animal. An animal with an adult weight of 50 pounds or more that may be kept for agricultural purposes, including, but not limited to horses, cattle, goats, llamas, alpacas, ostriches, emus, ponies and bison, but not including dogs.
175.		Large scale retail establishment: retail establishments having a cumulative gross floor area of seventy-five thousand (75,000) square feet or greater in floor area, whether such gross floor area is contained entirely within a freestanding building or is within two (2) or more buildings, whether located on a single lot or contiguous lots owned or operated as associated, integrated or cooperative business enterprises.
176.		Level of Service (LOS) – A scale that measures the amount of traffic that a roadway or intersection can effectively and efficiently accommodate, based on such factors as volume, capacity, queues and delay. LOS is graded on a scale of A through F, where LOS-A is free-flowing traffic and LOS-F is a condition where traffic flow is unstable and excessive delay and queuing is expected.

177.		Limited Access Highway or Freeway: A public highway to which access is forbidden except at interchanges with other public highways and, in some cases, at specially designed facilities providing automobile, restaurant and other similar services to motorists using the highway.
178.		Limited time: A period of time assumed to be not more than one year unless otherwise specified by the Zoning Ordinance or development approval.
179.		Loading berth: A space measuring at least ten (10) feet wide by thirty-five (35) feet long that is used for the loading or unloading of vehicles.
180.		Local street: A public street not classified as a freeway, arterial or collector street under the definitions in this section.
181.		Lodging house: See Boardinghouse.
182.		Logo: Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both.
183.		Lot: 1. A lot of record existing on the effective date of the Zoning Ordinance or any applicable subsequent amendment thereto. 2. A tract of land, either unsubdivided or consisting of two (2) or more contiguous lots of record, located within a single block which on the effective date of the Zoning Ordinance or any applicable amendment thereto was in single ownership or control. 3. A tract of land located within a single block, which at the time of filing for a Building Permit (or, if no Building Permit is required, at the time of filing for a Certificate of Occupancy), is designated by its owner or developers as a tract all of which is to be used, developed or built upon as a unit under single ownership or control.
184.		Lot area per dwelling unit: That portion of the lot area required for each dwelling unit located on a zoning lot.
185.		Lot area: The area of a lot; provided, that if that lot includes any part of the area of a street closed subsequent to the effective date of the Zoning Ordinance, not more than one-half (1/2) the area of such closed street shall be counted as lot area for purposes of determining the maximum floor area ratio or the required lot area per dwelling unit or lot area per room for such zoning lot.
186.		Lot, corner: Either a lot bounded by streets on two or more sides or a lot in which the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines forms an angle of one hundred thirty-five (135) degrees or less.
187.		Lot coverage: See Coverage, lot.
188.		Lot depth: See Depth of lot.
189.		Lot, interior: Any lot neither a corner lot nor a through lot.
190.		Lot line, front: A street line determined by the Zoning Administrator to be the front of the lot based on prevailing lot patterns and lot dimensions.
191.		Lot line, rear: The lot line, opposite or furthest from the front lot line. For triangular lots, the rear lot line shall be the lot line that does not follow a street right-of-way.
192.		Lot line, side: Any lot line that is not a front lot line or a rear lot line.
193.		Lot line: A boundary of a lot.
194.		Lot of record: A lot which is part of a subdivision recorded in the office of the City clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
195.		Lot width: The horizontal distance between the side lot lines of a zoning lot at the building line.

196.	Lot, through: Any lot, not a corner lot, which adjoins two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other.
197.	Low explosives: Substances that deflagrate (burn) rather than detonate (explode). These are primarily used as propellants. The cut-off speed between high and low explosives is 3,300 fps (feet per second). An example of a low explosive is black powder. High explosives are designed to shatter (brisance) rather than push. Detonation velocities for high explosives range from 3,300 fps to 29,900 fps. Blasting caps, dynamite, TNT, plastic explosives, binaries and blasting agents are examples of high explosives.
198.	Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
199.	Lumen per Square Foot: a measure of illuminance equal to one foot-candle
200.	Lynchburg commercial historic districts design review guidelines: A publication adopted by City Council, that gives detailed guidance to property owners of the commercial historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the commercial guidelines document and all amendments thereto are automatically adopted and incorporated into the City code.
201.	Lynchburg residential historic districts design review guidelines: A publication adopted by City Council, that gives detailed guidance to property owners of the residential historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the residential guidelines document and all amendments thereto are automatically adopted and incorporated into the City code.
202.	Mansard roof: A roof having two slopes on all sides with the lower slope steeper than the upper one
203.	Manufactured home: 1. A structure, transportable in one (1) or more sections that is certified as complying with HUD's "Manufactured Home Construction and Safety Standards," which is built after 1978 on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. 2. For flood plain management purposes the term "manufactured home" also includes mobile homes, park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
204.	Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home spaces or lots for rent or sale.
205.	Market for agricultural products: A market selling produce, or other edible products made from and entirely processed on the site of an agricultural operation.
206.	Medical or dental clinics: Any building or group of buildings occupied by two (2) or more medical or dental practitioners for the purpose of providing health services to people on an out-patient basis.
207.	Medical practitioner: A licensed physician, dentist, osteopath, chiropractor, chiroprapist (podiatrist), psychologist or optometrist (but not optician).

208.		Medium shrubs. Shrubs and hedge forms having a minimum height of at least two (2) feet at the time of planting.
209.		Metes and bounds: The specific boundaries of an area as measured between geographical points.
210.		Minor map amendment: A change in the official Zoning Map that is not included in the definition of comprehensive Zoning Map amendment.
211.		Mobile food cart: A mobile food establishment that is up to ten (10) feet long and five (5) feet wide and is designed to be pushed by hand or pedaled.
212.		Mobile food trailer: A mobile food establishment that is less than twenty (20) feet long by eight (8) feet wide and is designed to be towed behind a vehicle and capable of vending foods without being connected to another vehicle.
213.		Mobile food truck: A self-propelled food establishment that is up to twenty-six (26) feet long and eight (8) feet wide.
214.		Mobile Food Vehicle: A Food Establishment that is located upon a vehicle including cars, trucks, carts, motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared, or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks.
215.		Mobile Home: A structure built on a permanent chassis that is designed for use with or without a permanent foundation that does not comply with the HUD's Manufactured Home Construction standards or that was built prior to 1978.
216.		Modified sign: A sign that is allowed to deviate from the standards set forth in the Zoning Ordinance pursuant to a certificate of appropriateness issued by the historic preservation commission.
217.		Modular home or industrialized building: A prefabricated homes or industrialized buildings that consist of one or more sections that do not have axles or frames and typically are transported to their site by means of flat-bed trucks.
218.		Monument sign: A permanent structure built on-grade in which the sign and the structure are an integral part of one another, not a pole(s) mounted sign.
219.		Motel or tourist cabin: A building or group of buildings containing ten (10) or more guest rooms or suites designed or intended to be used, let or hired out which: 1. Contain living or sleeping accommodations used primarily for transient occupancy. 2. Have individual entrances from outside the building to serve each such living or sleeping unit.
220.		Mulch: A protective covering, usually of organic matter placed around plants to prevent evaporation, root freezing and weed growth.
221.		Mural: A painting, fresco, or mosaic applied to a wall for the sole purposes of decoration or artistic expression. A mural is not considered a sign unless it includes words or graphics that advertise the products or service of any entity.
222.		Naturalized planting area: Any area planted for bio-retention containing native or indigenous species that mimics local natural surroundings and is allowed to grow undisturbed. Naturalized planting areas require minimal maintenance.
223.		Neighborhood norm: A measure of the average or typical setbacks along two opposing block faces or for three abutting lots (see Sec. 35.2-61.3(f))
224.		Neon tubing: A vacuum tight transparent tube not exceeding one inch (1") in diameter containing, but not limited to neon, argon, helium, xenon, or krypton that produces light when connected to an electrical current.

225.		New construction: 1. Any construction within a historic district that is independent and exclusive of an existing building or structure or part thereof in the historic district. 2. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the City.
226.		Non-conforming use: any preexisting structure or object of natural growth that is inconsistent with the provisions of this section or any amendment to this section.
227.		Non-contributing property: A property so designated on the inventory map of historic districts and properties which are adopted as a part of this ordinance, being generally those properties which by reason of age, condition, amount of alterations, form, materials, architectural details and relation to surrounding properties do not contribute favorably to the general character of the part of the historic district in which they are located.
228.		Nonconforming: Any lawful use, whether of a building or other structure or of a tract of land, which does not conform to the applicable use regulations of the district in which it is located, either on the effective date of the Zoning Ordinance, or as a result of any subsequent amendment thereto. A nonconforming use shall result from failure to conform to the applicable district regulations on either permitted uses or performance standards. However, no existing use shall be deemed nonconforming solely because of any of the following: 1. The existence of less than the required accessory off-street parking spaces or loading berths. 2. The existence of nonconforming accessory signs.
229.		Normal business hours: means those hours during which most businesses in the community are open to serve customers, which shall be considered from 8:00am to 6:00pm unless otherwise specified herein.
230.		Nursing homes: Rest homes and convalescent homes devoted primarily to the maintenance and operation of residential facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but do require care in excess of room and board and who need medical, nursing, convalescent or chronic care. Institutions primarily for the treatment and care of mental patients, alcoholics or drug addicts, and facilities serving less than four (4) persons shall not, for the purpose of the Zoning Ordinance, be considered to be a nursing home. (See also Medical clinics, Hospitals and Sanatorium).
231.		Obstruction: 1. For purposes of floodplain regulations, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or flood hazard area which may impede, retard or change the direction of flow of water, either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to the damage of life or property. 2. For purposes of airport overlay zoning, any structure, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in section 35.2-57.4.
232.		Off-site directional sign: A sign that directs traffic to a site other than the site on which the sign is located.

233.	Off-street loading berth – A space for temporarily parking vehicles for loading or unloading that measures at least 30 feet in length by 12 feet wide and having at least 14 feet of clearance.
234.	Official Zoning Map: That map dividing the City into specific zones or districts.
235.	One hundred (100) year flood (base flood): A flood that has one (1) chance in one hundred (100) or a one (1) per cent chance of being equaled or exceeded in any given year.
236.	Open Space: Any land or area, the preservation of which would: conserve and enhance scenic resources, protect streams, promote conservation of soils or provide for passive or active recreational space. Open spaces may include plaza areas, provided they contain a landscaped component. Required setback areas may be included in the computation of required open space.
237.	Opinion sign: A sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view.
238.	Ornamental tree: Deciduous tree that grows to a mature height of less than thirty (30) feet with flowering or other distinguishing characteristics.
239.	Outdoor storage: 1. For residential properties, anything that is not normally found in residential yards and on porches, including, but not limited to indoor furniture, construction materials, auto parts, appliances and the clutter of various personal items, inoperable vehicles or stacks of containers in plain view. Equipment regularly used for lawn maintenance, outdoor furniture, children's toys, bicycles and neatly stacked firewood are not generally considered to be outdoor storage, however an excess of those items, or equipment in disrepair may be considered illegal outdoor storage. 2. For non-residential and mixed-use properties, the outdoor storage includes the storage of goods, materials, inoperable vehicles, appliances or other materials that are not a specifically authorized outdoor display.
240.	Outparcel: A parcel located on the outside perimeter of a commercial development fronting a right of way.
241.	Owner: means any person with fee simple title to any plot of land within the City who desires to develop, construct, build, modify, or erect a tower upon such land.
242.	Parapet wall: A wall that extends above the top of a flat roof or flat portion of a roof.
243.	Parcel: is considered to be that plot of land described by property lines. When multiple parcels are owned and used by the same party, the grouping may be considered to constitute the parcel.
244.	Parking area, off-street: An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least three hundred (300) square feet of parking area per parking space and the required number of usable parking spaces.
245.	Parking bay: Two (2) parking rows abutting one another or separated by ten (10) feet or less.
246.	Parking garages: A building occupied by a public, community, commercial or private establishment providing space for the temporary storage of six (6) or more automobiles and other vehicles, where service or repair facilities are not permitted. A parking garage shall not be considered an accessory use, nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk, nor shall the sale of automobiles or trailers take place within it unless otherwise permitted by the Zoning Ordinance.
247.	Parking lot: An open lot serving the functions defined above for a parking garage.

248.		Parking row: One (1) single line of parking spaces.
249.		Parking space: 1. An off-street space available for the parking of one (1) motor vehicle on a transient basis and having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet, exclusive of passageways and driveways appurtenant thereto and having direct usable access to the street. 2. An on-street space available for the parking of one motor vehicle on a transient basis, having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet.
250.		Pedestrian facility: A sidewalk, walking path, bike path or transit / shuttle stop.
251.		Pennant: Any lightweight plastic, fabric or other similar material, whether or not containing copy suspended from a rope, wire, or string, usually in series, designed to move in the wind.
252.		Permanent sign: Any sign attached to the ground or any structure, intended to exist for the life of the structure or use, and which cannot be removed without involving any structural or support changes.
253.		Permeable or Porous: Capable of allowing water to be conducted through a material, as in permeable surfaces such as grass or soils and porous pavement.
254.		Person: Except as provided in section 35.2-60.2(e) a person is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
255.		Phasing Plan: A plan for the development in more than one stage or phase in accordance with section 35.2-11.4.
256.		Planned unit development or PUD: A multiple-unit residential development of at least five (5) acres arranged in harmony with purposes, provisions and procedures for the planned unit development.
257.		Pole mounted sign: A sign that is mounted on one or more freestanding poles or similar supports.
258.		Political sign: A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a government election.
259.		Porch: an area elevated above grade that adjoins an entry to a building that may be covered or open.
260.		Portable sign: A sign which is movable without involving any structural or support changes, not permanently attached to the ground, a structure or any other sign not an integral part of a building to which it is accessory. This category includes, but is not limited to, an A-frame sign, a sign attached to or placed on a vehicle, which is used primarily for the purpose of display, and similar devices used to attract attention. This shall not include bumper stickers or identification signs directly applied to or painted on vehicles identifying the owner of the vehicle, a business name, logo or emblem.
261.		Preservation: Any activity designed to prevent deterioration or destruction of a structure, a group of structures, or an area or a district.
262.		Primary surface: An imaginary surface, whose design standards are referenced in section 35.2-57.3 longitudinally centered on an airport runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

263.		Private recreational facilities: A facility such as a swimming pool, tennis court or basketball court which is an accessory use located on a residential lot, the use of which is restricted to the occupants of the principal use and guests for whom no admission or membership fees are charged.
264.		Programmed: For the purposes of the Zoning Ordinance, the word "programmed" shall refer to a public facility which has been formally scheduled for construction within the following ten (10) years. Such formal scheduling may be in terms of an approved capital improvements program, an officially adopted thoroughfare, public utilities or community facilities plan specifying the approximate date of construction of the facility, or a similar official plan or program.
265.		Projecting sign: A sign that is attached to and projects at an angle and extends more than fifteen (15) inches from the face of the wall of a building.
266.		Property ownership: For purposes of the occupancy requirements of this ordinance, the owner who resides on the lot shall be: a. An individual who owns at least a 50% interest in the lot by deeded title and who resides on the lot as his or her primary residence; or b. An individual who owns at least a 50% interest in a corporation, a limited liability company, or a similar legal entity that owns a 100% interest in the lot by deeded title and who resides on the lot as his or her primary residence; or c. An individual who is a beneficiary of a trust that owns a 100% interest in the lot by deeded title and who resides on the lot as his or her primary residence.
267.		Public utility: A public utility is an activity, or a building housing such an activity, which operates to serve the community as a whole, or a portion of the community, which is publicly run or subject to special government controls and which is overseen by the State Corporation Commission.
268.		Public: Any land, structure or building owned, used or maintained by the City government, or a regional authority of which the City is a member, or their agencies.
269.		Radio frequency engineer: means a professional engineer licensed by the Commonwealth of Virginia with appropriate documented expertise in radio frequency engineering.
270.		Raising: Providing vertical clearance under tree canopy by using appropriate pruning techniques.
271.		Re-facing: The replacement of a sign face, regardless of change in copy, of equal size to the original, without altering the sign box, sign frame or sign structure.
272.		Reach: Longitudinal segments of a river or stream, which will be affected by the placement of an obstruction in a floodway or floodway fringe.
273.		Real estate sign: A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house.
274.		Reconstruction: Any activity designed to rebuild entirely, or partially, a structure.
275.		Recreation facility, active: A field, court building or other structure designed for a specific range of sports or other physical activities, including but not limited to ball fields, tennis courts, swimming pools, gyms and other indoor athletic facilities and playground equipment.

276.	Recreation facility, passive: An open field, woods, trail or other public open space that may be used for a wide range of activities, including, but not limited to hiking, biking, picnicking or playing a variety of different sports. Passive recreation facilities may include picnic tables, water fountains and surfaced trails, but do not include buildings or structures devoted to limited ranges of sports activities.
277.	Recreational vehicle – A vehicle which is: 1. built on a single chassis; 2. four hundred (400) square feet or less when measured at the largest horizontal projection; 3. designed to be self-propelled or permanently towable by a light duty truck; and, 4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel or seasonal use.
278.	Regulatory flood protection level: That level delineated by the one hundred (100) year flood.
279.	Rehabilitation: Any activity designed to place a structure into a usable condition with or without architectural change.
280.	Religious Institution: A church, synagogue, temple, mosque, convent, monastery or other place of worship
281.	Related People: Related individuals include people who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care.
282.	Renovation: Any activity relating to the updating and/or the modernization of an older structure involving architectural change.
283.	Repairs in like material and like design: Any work or all work involving the replacement of existing material with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction design.
284.	Residence: 1. A building or part of a building containing dwelling units or rooming units, including single-household or two-household houses, multiple dwellings, boarding or rooming houses or apartment hotels. Residences do not include the following: a. Such transient accommodations as transient hotels, motels, tourist cabins or trailer courts. b. Dormitories, fraternity or sorority houses, monasteries or convents. c. In a mixed building, that part of the building used for any nonresidential uses, except accessory to residential uses. 2. For the purposes of determining setback and/or height requirements for IN-1 District, a residence shall not include any properties owned, leased, or used by the institution regardless of zoning or land use.
285.	Residence, single-household: A building containing only one (1) dwelling unit.
286.	Residential: Pertaining to one or more residences.
287.	Residential district: Any district whose designation begins with the letter "R".
288.	Residential Street – any local City street where the majority of land use on one or both sides of the street within the block is residential.
289.	Restoration: Any or all work connected with the returning to or restoring of a building, or part of any building, to its original condition through the use of original or nearly original materials.

290.	Retail establishment: A commercial enterprise that provides a combination of goods and / or services directly to the consumer, where the principal use is providing goods that are available for immediate small quantity purchase and removal from the premises by the purchaser.
291.	Riding stable: Any zoning lot used or designed for the boarding, breeding or care of horses or ponies, other than for farming or agricultural purposes, either with or without instruction in riding.
292.	Riprap: A permanent, large, loose angular stone generally used for erosion and sediment control in concentrated high velocity flow areas.
293.	Roof sign: A sign installed or constructed upon or above a roof.
294.	Rooming house: A dwelling consisting of one (1) single building in which, for compensation, lodging or meals, or both, are furnished to transient or non-transient guests. A rooming house shall not be deemed a home occupation.
295.	Runway: a specified area on an airport prepared for landing and takeoff of aircraft.
296.	Sanitary or solid waste management facility, private: A sanitary or solid waste management facility that is not a public sanitary or solid waste management facility, and which is owned and operated by a private entity for the purpose of handling sanitary or solid waste generated only by such private entity.
297.	Sanitary or solid waste management facility, public: A sanitary or solid waste management facility owned or operated by or on behalf of the City of Lynchburg or a regional solid waste management authority of which the City of Lynchburg is a member.
298.	Sanitary or solid waste management facility: Any facility or zoning lot used for: (i) the disposal of solid waste materials by abandonment, discarding, dumping, reduction, burial, incineration or any other means, including accessory uses such as recycling, cogeneration, and methane recovery, or (ii) a transfer station for solid waste storage or collection at which solid waste is transferred from collection vehicles to haulage vehicles, including but not limited to trucks, trains, and tandem trailers, for transportation to a central solid waste management facility for disposal or resource recovery. This definition does not include transportable waste receptacles of commercial solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, motels, hotels, multiple residences, picnic grounds and day-use recreation areas. This definition also does not include recycling bins.
299.	School: An institution, including kindergartens providing full-time day instruction and a course of study that meets the requirements of the laws of the State of Virginia.
300.	Screening: A method of visually shielding or obscuring items such as a structure, receptacle, parking area, equipment, or stormwater management pond by densely planted landscaping, or a combination of landscaping, berms, solid fences and/or walls.
301.	Service station: See Automobile service station.
302.	Setback: See building line.
303.	Shade tree: Deciduous tree that grows to be more than thirty (30) feet at maturity and planted chiefly to provide shade from sunlight.
304.	Shallow flooding area – A special flood hazard area with the base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

305.		Short Term Rental: The primary, accessory, or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.
<u>306.</u>	305.	Shrub, large: A shrub with a minimum height of three (3) feet at planting.
<u>307.</u>	306.	Shrub medium: A shrub with a minimum height of two (2) feet at planting.
<u>308.</u>	307.	Shrub small: A shrub with a minimum height of one (1) foot at planting.
<u>309.</u>	308.	Shrub: A woody plant deciduous or evergreen that generally exhibits several erect, spreading stems with a bushy appearance growing to a height of no more than fifteen (15) feet.
<u>310.</u>	309.	Sign base: The area below any writing, pictorial representation, emblem or any other figure of similar character on a sign face. This shall include solid bases, poles, supports, uprights, skirts and/or enclosures.
<u>311.</u>	310.	Sign box: A structure that encloses the sign face(s) and any internal illumination.
<u>312.</u>	311.	Sign face: The area or display surface used for the message, not including the sign frame or sign structure.
<u>313.</u>	312.	Sign frame: The enclosure and/or embellishment that surround the sign face.
<u>314.</u>	313.	Sign structure: An assembly of material used to support a sign face and/or sign frame.
<u>315.</u>	314.	Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark) or any other figure or graphic of similar character for the purpose of communicating information to the public which is: 1. Attached to or painted on a structure, or in any other manner represented on a building, other structure or motor vehicle; 2. Used to announce, direct attention to, or advertise; 3. Visible from the outside of a building. A sign shall include writing, pictorial representation, emblem or any other figure of similar character within a building when located less than twelve (12) inches away from the inside face of an exterior window pane; and 4. Accessory to the permitted uses in the zoning district.
<u>316.</u>	315.	Slope: The deviation of a surface from the horizontal.
<u>317.</u>	316.	Solid waste: Any discarded material, including, but not limited to, garbage, trash, refuse, junk, debris, leaves, brush, land clearing debris, demolition materials, ash, sludge, spoil, used or waste oil, and machinery or vehicles or parts thereof.
<u>318.</u>	317.	Stable, riding: See Riding stable.
<u>319.</u>	318.	Standard project flood limit (SPFL): That portion of land inside the floodplain that would be required to carry forty (40) per cent to sixty (60) per cent of the maximum probable flood, and normally could be expected to occur at a five hundred (500) year frequency.

<u>320.</u>	319.	Start of construction: The date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of the property accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
<u>321.</u>	320.	State: means the Commonwealth of Virginia.
<u>322.</u>	321.	Stealth: means any tower or telecommunications facility that is designed to blend into the surrounding environment through the use of camouflage or other appropriate landscaping or construction techniques.
<u>323.</u>	322.	Story: That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. However, a cellar is not a story.
<u>324.</u>	323.	Streamer: Any long narrow strip of cloth, paper, plastic or other material.
<u>325.</u>	324.	Street line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If, on the master plan of streets and highways duly adopted by the City, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line.
<u>326.</u>	325.	Street width: The distance between street lines, measured at right angles to the center line of the street.
<u>327.</u>	326.	Street, center line of: A line established as a center line of a street by any state, City or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map. If there is no official center line of a street, the center line shall be a line lying midway between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the City Engineer or, in the absence of a determination by the department of public works, shall be assumed to be a line midway between the edges of such pavement or traveled way.
<u>328.</u>	327.	Street: A street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct, or any segment thereof, lying within a public right-of-way at least twenty (20) feet in width.
<u>329.</u>	328.	Structural engineer: means a structural engineer licensed by the Commonwealth of Virginia.
<u>330.</u>	329.	Structure: - Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, poles and electric lines of overhead transmission routes, and flag poles. - For purposes of floodplain regulation, anything constructed, set, placed or erected on the ground or attached to the ground including, but not limited to, buildings, factories, sheds, cabins, manufactured homes and other similar items which shall be anchored and floodproofed within the flood plain.

331.	330.	Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two (2) or more zoning lots; or any improvement of land by two (2) or more principal buildings for the purpose, whether immediate or future, of building development for rental, lease or sale, which may include changes in street or lot lines; provided, however, that this definition of a subdivision shall not include the divisions of land into ten (10) acres or more for agricultural uses.
332.	331.	Substantial damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damaged occurred.
333.	332.	Substantial improvement: 1. For purposes of the historic district, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the <i>start of construction</i> of the improvement. The term includes structures which have incurred <i>substantial damage</i> regardless of the actual repair work performed. The term does not, however, include either: a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a <i>historic structure</i>. 2. For purposes of floodplain regulation, a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) per cent of the market value of the structure either: i. before the improvement or repair is started; or ii. if the structure has been damaged, and is being restored, before the damage occurred. b. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: i. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or ii. any alteration of a structure listed on the national register of historic places or a state inventory of historic places. c. The repair, reconstruction or improvement of the streets, utilities and pads in a manufactured home park or manufactured home subdivision which equals or exceeds fifty (50) per cent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

<u>334.</u>	333.	Surface area of sign: The entire area of the sign within a single continuous perimeter including the extreme limits of writing, pictorial representation, emblem, figure, graphic, or any figure of similar character. The sign base, box, frame, and/or structure shall not be considered the surface area of a sign unless there is writing or internal illumination on such sign components. For the purpose of computing, the surface area of a double-faced sign or a V-type sign shall be considered a single structure; provided, that the interior angle of the V-type sign does not exceed forty-five (45) degrees.
<u>335.</u>	334.	Swimming pool, commercial: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, open to the general public and operated for profit.
<u>336.</u>	335.	Swimming pool, community: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, operated by members of more than two (2) families for the benefit of such group and not open to the general public, whether incorporated or unincorporated, whether organized as a club or cooperative or association, providing that it is not organized for profit and that the right to use said pool is restricted to such families and their guests. A swimming pool and/or wading pool operated as part of a multiple dwelling is also a community swimming pool, providing that it is not operated for profit, and that the right to use said pool is restricted to tenants of the multiple dwelling and their guests.
<u>337.</u>	336.	Swimming pool, private: See private recreational facilities.
<u>338.</u>	337.	Telecommunications facilities: means any cables, wires, lines, wave guides, antennas, and any other equipment associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or has installed upon or near a tower or antenna support structure. The term telecommunications facilities shall not include: 1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or 2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or 3. Any federally-licensed amateur radio station operators.
<u>339.</u>	338.	Temporary sign: A sign designed or intended to be displayed for a limited period of time as indicated in the Zoning Ordinance.
<u>340.</u>	339.	Thrift store: A store selling used items, particularly clothing for the benefit of a charitable organization.
<u>341.</u>	340.	Topping: An inappropriate practice of making heading cuts to plants through a stem more than two (2) years old that drastically reduces tree height, destroys tree architecture and results in discoloration, decay of the cut stem, or death of the tree.
<u>342.</u>	341.	Tourist home or bed and breakfast: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.
<u>343.</u>	342.	Tower owner: means the person that owns or controls a telecommunications tower.
<u>344.</u>	343.	Tower: means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.
<u>345.</u>	344.	Townhouse: One of a series of from three (3) to nine (9) attached dwelling units separated from one another by common vertical walls with no openings; provided, that the maximum density permitted hereunder shall not be exceeded.

<u>346.</u>	345.	Trailer: A residence, house car, camp car or any portable or mobile vehicle on wheels, skids or rollers, not structurally anchored to a foundation, either self-propelled or propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used for residential, commercial, recreational, hauling or storage purposes.
<u>347.</u>	346.	Transitional surfaces: Imaginary surfaces for airport operations, whose design standards are referenced in section 35.2-57.3 which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
<u>348.</u>	347.	Tree, small deciduous. A small deciduous tree shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least one and three-fourths (1-3/4) inches at the time of planting shall be required.
<u>349.</u>	348.	Unified and coordinated building mounted signs: Signs that are similar in construction technique, but not including font, or color.
<u>350.</u>	349.	Unified Ownership or Control - The interest in title to a unit of land legally or beneficially held or controlled by one or more individual persons or entities related by a common business organization or other type of organization, as indicated by the fact that all land abutting such unit is owned or controlled by persons or entities who do not differ to any extent in identity or interest held.
<u>351.</u>	350.	Use, accessory: See accessory use.
<u>352.</u>	351.	Use: 1. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied. 2. Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land. 3. The term "permitted use," or its equivalent, shall not be deemed to include any nonconforming use.
<u>353.</u>	352.	Utility line, distribution – A utility line that has the primary purpose of distributing services within easements or rights of way and connecting to service utility lines.
<u>354.</u>	353.	Utility line, service – A utility line providing a connection between a utility distribution line and the end user.
<u>355.</u>	354.	Utility line, transmission – A utility line intended to convey high capacities of services through the community and between communities from the source of the services (treatment or generation plant) to a substation connecting to the distribution system.
<u>356.</u>	355.	Wall plane projections: An architectural feature or wall jutting out at least three (3) feet from the primary plane of a building wall.
<u>357.</u>	356.	Water feature: A stormwater management structural measure such as a stormwater retention pond, bio-retention, forebay, or landscape garden pond that is wet permanently or intermittently during rain events and contains landscaping that is hydric or water tolerant.
<u>358.</u>	357.	Water surface profiles: The elevations in relation to the mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points along a stream.
<u>359.</u>	358.	Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
<u>360.</u>	359.	Window sign: A sign attached to, applied directly to, or located within twelve (12) inches from a door or window.

<u>361.</u>	360.	Yard Sale: Permitted in Zoning Districts used for residential purposes provided the following is adhered to: 1. A total of two (2) sales permitted per calendar year per street address. 2. A sale shall not exceed two (2) consecutive days. 3. Sale shall consist primarily of those personal items accumulated and used by the occupant of the premises. 4. There shall be a minimum interval of four (4) months between sales. 5. One sign not exceeding three (3) square feet in area will be permitted on premises the day of the sale and shall be promptly removed at end of each sale day. 6. Signs advertising a sale are prohibited on street right-of-ways. 7. Permitted sale shall not create adverse conditions such as noise, nor impede pedestrian or vehicular traffic.
<u>362.</u>	361.	Yard, front: The area between the front lot line and the front of the building and extending from the front corners of the building to the side property lines.
<u>363.</u>	362.	Yard, rear: An area between the rear of the building and the rear property line and extending from the rear corners of the building to the side property lines.
<u>364.</u>	363.	Yard, side: The area between the side of a building and the side property lines
<u>365.</u>	364.	Zone, airport: For purposes of the airport overlay district, all areas, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces.
<u>366.</u>	365.	Zoning district: The base or overlay zoning designation assigned to each parcel of land within the City of Lynchburg.
<u>367.</u>	366.	Zoning maps: Maps designating the adopted base and overlay zoning district designations for each parcel of land within the City of Lynchburg.

Appendix A: Table of Authorized Land Uses

Green highlight indicates use was allowed in one of two consolidated districts. Blue highlight indicates a new use in a district.

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels														
Detached Units	1110S															
single-household detached	1111S	Typical single-household dwelling	P	P	P	P	P	P	P		C		P			
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P	P	P	P	P	P	P		C		P			
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								C		C			
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)		C	C	C	C						C			
Attached Units	1120S															
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units				P	P	C	C		C		P			
single-household semi-detached	1122S	One of two dwellings separated by a party wall, on abutting lots				P	P				C		P			
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered				C	P	C	C	P	C		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Multi-household structures (see district regulations for limitations)	1200S	Includes triplexes, four-plexes, and other multi-household dwellings					P	C	C	P	C		P			
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors					P	P	P	P	P		P			
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)		C	C	C	C	P	P	P	P	P	P			
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers														
Bed and Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C	C	C	C	C	P	P	P	P		P			
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members														
boarding house	1321	Transient or non-transient lodging that may include meals and is owner-occupied		C	C	C	C	P	P	P	P		P			
rooming house	1322	Transient or non-transient lodging that may include meals				C	C	P	P	P	P		P			
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university		C	C	C	C	C	C	C	C	P	P			
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels							P	P	P		P	C		
Other traveler accommodations	1350	Youth hostels and similar short-term lodging	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of establishments associated with commercial land use														
Retail Sales or Service and Repair	2100	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair. Auctions are allowed where sales of items to be auctioned are allowed pursuant to applicable district regulations.														
Automobile sales or service establishment	2110	Motor vehicle and parts dealers including repair and maintenance														
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses									P		P			
bicycles	2113b	New or used bicycle sales, rental and repair						P	P	P	P		P			
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services								P	P		P			
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.							P	P	P		P			
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair, and heavy auto repair							P	C	P		P			C
automotive repair and maintenance	2117	Repair garages, body and paint shops, oil change, car wash														
light auto repair (automobile service station)	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales.							C	C	P		P		P	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.								C	P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
truck stop	2118	Retailing fuels primarily to trucks or in combination with activities such as providing repair or food services														
Heavy consumer goods sales or service	2120	Heavy or durable goods sales or services														
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.							P	P	P		P			
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)									P		P		P	P
Durable consumer goods sales and service	2130	Wide range of product lines such as apparel, appliances, hardware, jewelry, etc.														
computer and software	2131	Computers and prepackaged software including repair, support, and training							P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
beer, wine, and liquor store	2155							P	P	P	P		P			
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements						P	P	P	P		P			
Markets for farm produce or crafts	2199	Markets and truck gardens. Note that limited to goods produced on site in the RC district.	P						C	C	P		P			
Finance and Insurance	2200															
Bank, credit union, or savings institution	2210	Central banking functions						P	P	P	P		P			
Credit and finance businesses	2220															
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing						P	P	P	P		P			
pawn shops	2222								P	P	P		P			
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less							P	P	P		P			
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)							P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries						P	P	P	P		P			
Real Estate, Rental and Leasing	2300	Rent, lease or occasionally sell assets														
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices						P	P	P	P		P			
Property management services	2320	Manage real property for others									P		P			
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators														
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided							C		P		P			
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles								P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: c) 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		P		P	P
heavy equipment rental	2337	Includes construction vehicles with gross weights exceeding 26,000 pounds and agricultural vehicles													P	P
Business, Professional, Scientific, and Technical	2400	Perform professional, scientific, and technical services														
Professional services	2410	d) Services provided depend on worker skills and knowledge rather than equipment														
Professional offices	2411- 2414	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design						P	P	P	P		P			
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues						P	P	P	P		P	P		
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.						P	P	P	P		P	P		

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.							P	P	P		P	P		
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners							C	P	P		P			
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts						P	P	P	P		P			
Administrative services	2420	Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)														
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning						P	P	P	P		P	P		
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.						P	P	P	P		P	P		
employment agency	2423a	Provide employee placement, temporary help						P	P	P	P		P			
hiring hall	2423b	Place of assembly for the registration or assignment of employment									P		P			
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners						P	P	P	P		P	P		
collection agency	2425	Collect payments, compile credit information, repossess tangible assets						P	P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services						P	P	P	P		P			
Dry cleaning and laundry	2620															
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services						P	P	P	P		P			
linen and uniform supply	2623							P	P	P	P		P		P	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.						P	P	P	P		P			
Parking lot and parking garage	2640	See district standards				C	C	P	P	P	P		P	P	P	P
Special Services	2650															
licensed massage therapist	2651							P	P	P	P		P			
tattoo parlor	2652	Tattoos by a licensed professional							P	P	P		P			
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods							P	P	P		P			
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking														
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies							P	P	P		P			
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)														
animal services	2721	grooming and training							P	P	P		P			
animal boarding	2722	sitting and boarding							C		P		P			

[illegible]

[illegible]

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Transportation Services	4100	Serve passengers and cargo movements														
Air transportation	4110	Provide transportation for passengers or cargo using aircraft (see section 35.2-72.10 for rules related to heliports and helipads)												C	P	P
Rail transportation	4120	Provide passenger and freight transportation and rail transportation support; use this category for establishments providing both transportation and support services, otherwise use the more specific subcategory														
rail passenger transportation	4121	Passenger stations only								P	P		P	P	P	P
rail freight transportation	4122	Rail yards for freight systems; excludes accessory sidings allowed within the I-2 and I-3 districts														
rail transportation support establishment	4123	Provide specialized services such as repair, maintenance, loading and unloading														
Road, ground passenger, and transit transportation	4130	Urban transit systems, charter and school bus transportation, taxis														
local transit systems-- bus, special needs, sightseeing, taxi and limousine services	4133 - 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services								P	P		P		P	P
school and employee bus transportation	4135	Maintain and dispatch buses and other motor vehicles to transport pupils or employees											P		P	P
towing and other road and ground services	4138	Tow vehicles									P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage									C		C		P	P
Marine and water transportation	4150	Provide transportation of passengers and cargo using watercraft														
marine and sightseeing transportation	4151	Provide water transportation, including scenic and sightseeing, for passengers								P						
Pipeline transportation	4170	Use transmission lines to transport products, such as crude oil or natural gas														
Postal services	4180	Operate the national postal service, including establishments that sort, route, and deliver on a contract basis														
national post office	4181							P	P	P	P		P			
retail courier and package delivery	4182	Retail courier, package drop-off and mail services						P	P	P	P		P		P	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)									P		P		P	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography									P		P	P	P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings (includes indoor movie but excludes drive-in movie theaters)							P	P	P		P	P	P	P
Telecommunications and broadcasting	4230	Provide point-to-point communications; if multiple services are shared between the same facilities,														
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs							P	P	P		P	P	P	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C	C	C	C	C	P	P	P	P		P	P	P	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P	P	P	P	P	P	P	P	P		P	P	P	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C	C	C	C	C	C	C	C	C	C	P	C	P	P
Information services and data processing and management industries	4240	News syndicates and information data processing and management services														
library or archive	4242	Provide library or archive services		C	C	P	P	P	P	P	P		P	P	P	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media								P	P		P	P	P	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging						P	P	P	P		P	P	P	P

[illegible]

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
solid waste collection, combustion, landfills or separation/sorting of recyclable materials from non-hazardous waste streams	4343 - 4347	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials; operate waste transfer stations; landfill, incineration or composting of non-hazardous solid waste, recycling facilities; septic tank installation and maintenance														C
Wastewater treatment plants	4348		C													C
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods									P		P	P	P	P
ARTS, ENTERTAINMENT, AND RECREATION	5000															
Performing Arts or Supporting Establishments	5100	Produce or organize and promote live presentations, excludes nightclubs														
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers						P	P	P	P		P			
Motion picture viewing and exhibition services	5111	Operate movie theaters (excluding drive-ins), film festival exhibitions						P	P	P	P		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	P	P	P		P	P	P	
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities							C	C	C		C	C	C	C
Outdoor auditorium/arenas	5180	Outdoor arenas and theaters								C	C		C	C	C	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C	C	C	P	P	P	P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Camps, Camping, and Related Establishments	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles									C		C			
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P	P	P	P	P	P	P	P	P	P	P	P	P	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	Note that City-owned facilities are not subject to zoning district use standards														
Educational Services	6100	Offer teaching and learning														
Nursery or preschool	6110	See district standards		P	P	P	P	P	P	P	P	P	P			
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district standards		P	P	P	P	P	P	P	P	P	P			
College or university	6130	See district standards		P	P	P	P	P	P	P	P	P	P			
Technical, trade, or other specialty school	6140 & 6568	Offer vocational and technical training as well as vocational rehabilitation services														
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities				C	C		P	C	P	P	P			
driving education	6144								P		P		P			
flight training	6146	Offer aviation and flight training											P			

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Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Funeral home and services	6710	Includes funeral homes combined with crematories						P	P	P	P		P			
Cemetery or cremation services	6720															
free-standing cemetery	6722			C	C	C	C	C	P		P		P			
columbarium	6724			C	C	C	C	C	C	P	P		P			
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.							P	P	P		P		P	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries														
Crop Production	9100															
Vegetable farming or growing	9120	Includes private fields and community gardens	P	P	P	P	P	P	P	P	P	P	P			
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P	P	P	P	P	P	P		P	P	P			
Greenhouse Production	9140															
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P	P	P	P	P		P	P	P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Greenhouse – sales of products grown on premises	9142		P						P	P	P		P		P	P
Greenhouse – sales of products and related accessory products	9143								P	P	P		P		P	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Unclassifiable or No Function	9900	Temporary placeholder until a code can be assigned														
Temporary uses	9920															
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses (see section 35.2-72.23)		P	P	P	P	P	P	P	P		P	P	P	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)							P	P	P		P			
Land Use Development Patterns	9950															
residential cluster development	9951	See section 35.2-80		P	P	P	P									
traditional neighborhood development	9952	See section 35.2-82		C	C	C	C	C	C	C	C		C			
planned unit development	9953	See section 35.2-83		C	C	C	C									
large scale retail establishments	9954	See section 35.2-84							P	P	P		P			
cluster commercial development	9955	See section 35.2-85						C	C	C	C		C			
flex space development	9956	See section 35.2-86									C		C	P	P	
corporate campus	9957	See section 35.2-87									C		C	P	P	

[illegible]

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council



Short-Term Rental Ordinance

City Manager's Office

Commissioner of the Revenue

City Attorney's Office

Department of Community Development

Department of Financial Services

Office of Economic Development & Tourism

May 14, 2019



Outline

- Purpose: Review Planning Commission's recommended ordinance amendments related to Short Term Rentals
- Outline
 - Background, Definitions, and Data
 - Current Policy and Challenges
 - Proposed Policy Changes



Background

- January 9, 2018: City Council heard a staff presentation on short-term rentals.
 - Following the presentation, Council requested an update on this topic following the Virginia General Assembly's legislative session.
- October 23, 2018: City Council received an update on short-term rentals
 - Directed staff to prepare code updates that allow for the use while balancing equity with the lodging industry and neighborhood protections.



Background

- January 23, 2019: Planning Commission conducted a public hearing on proposed amendments to the City's Zoning Ordinance to define the rules under which short-term rentals can operate.
- Following two additional work session meetings Planning Commission held an additional public hearing on March 27th.
- Planning Commission sought to balance the issues Council previously defined. Their recommendation was not unanimous, but they reached consensus on the majority of the ordinance provisions.



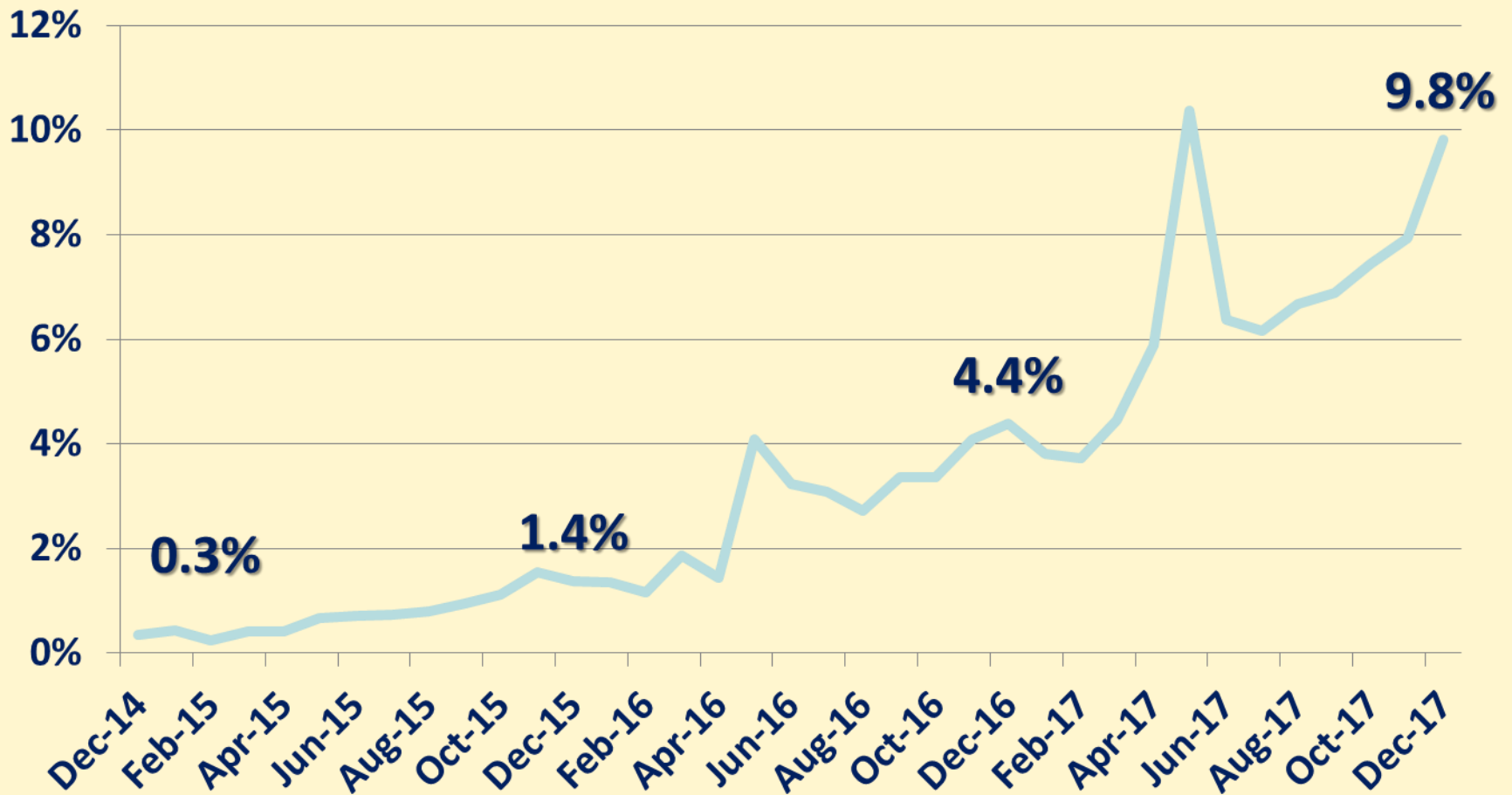
Definition

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Code of Virginia Chapter 9, Article V, § 15.2-983. A.



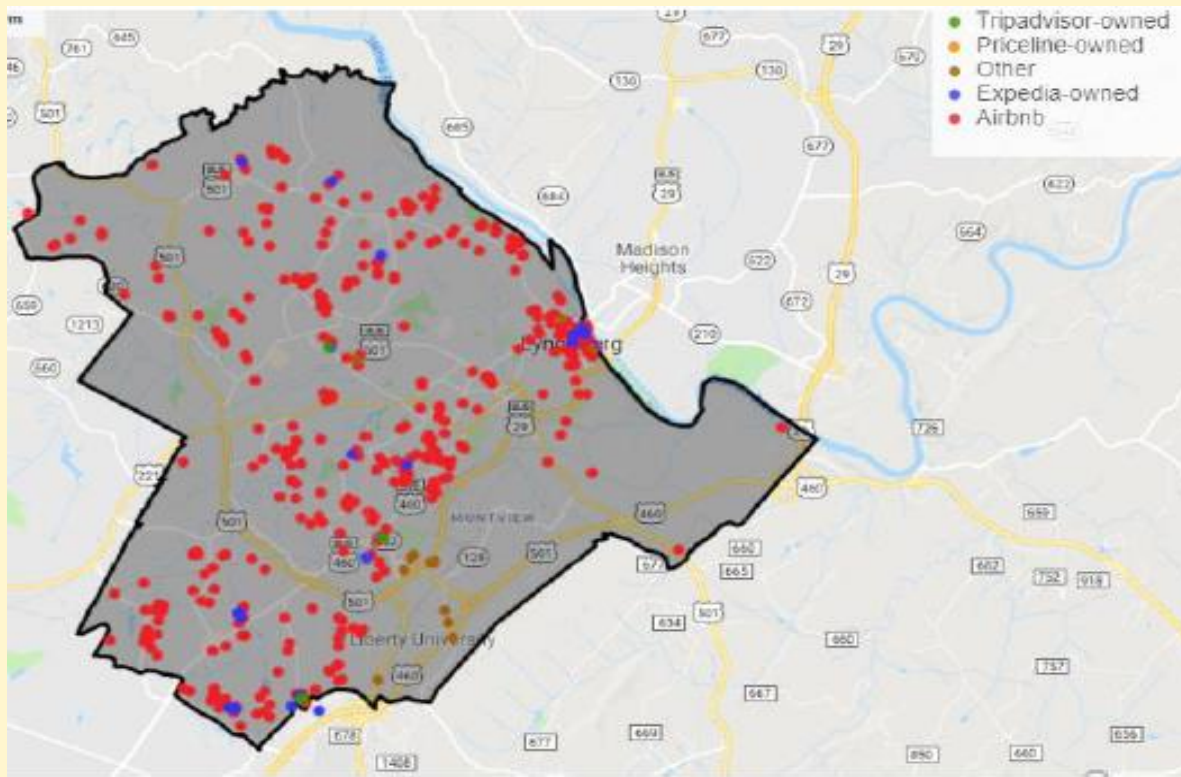
Short-Term Rentals - Growth



Source: Commissioner of Revenue, City of Lynchburg and AirDNA data received in January 2018, excluding shared rooms



August 2018 Summary Data

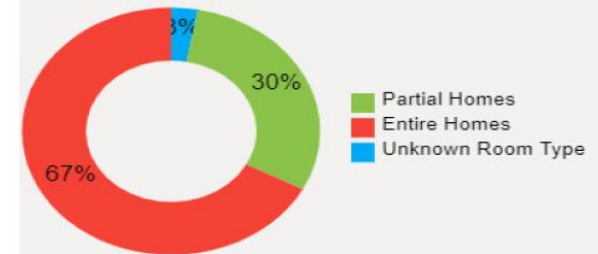


- 403 listings, representing 365 unique rental units
- \$75 estimated median nightly
- 2/3rds of the units were single family homes.
- 2/3rds of the hosts rented the entire home

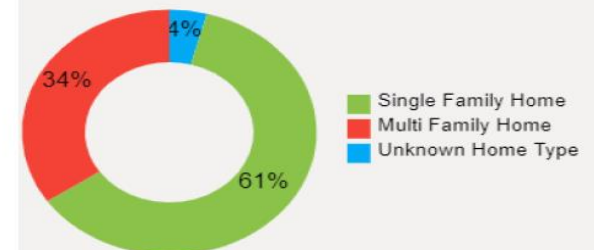


Median Nightly Rate
(USD)
\$75

Unit Types



Listing Types





Current Policy

- Short-term rentals are permitted in business zoned districts “by right.”
- Occupancy standards for residential zoning apply for short-term rental uses. Occupancy is limited to 3 unrelated people per dwelling unit or, when two or more related people reside there, only one unrelated guest.
- In residentially zoned districts, the owner must also be present during the guests’ stay.
- Owners that wish to operate short-term rentals with higher occupancy or when they are not present must have a conditional use permit from Council.



Current Challenges

- Community Development staff investigates unpermitted short-term rentals on a complaint basis.
- Occupancy cases are difficult and often take significant time to research, prove and meet notification requirements.
- The various online platforms are making it increasingly difficult to verify short-term rental locations.
- If there is sufficient evidence that a short-term rental is operating illegally, staff pursues resolution through the zoning process and, if necessary, the court system.



Balancing the Growth

Opportunities

- Tourism /Lodging Options
- Supplemental Income



Issues

- Fairness to Lodging Businesses
- Neighborhood Concerns



<u>Options</u>	<u>Pros</u>	<u>Cons</u> 11
Registration program	- Improved operator information - User fee creates modest equity - Stronger enforcement for hosts that repeatedly violate code	- Would require additional vendor monitoring - Difficult to identify condos and apartment short-term rentals
Voluntary collection agreement with airbnb	- Airbnb charges tax when guest registers; voluntarily remits - Airbnb platform has majority of Lynchburg market share - No additional staff/monitoring	- Not equitable; does not include other platforms - Airbnb does not provide host info for enforcement - Taxes cannot be audited
Hosts required to remit lodging tax	- Equitable to lodging industry and other platforms - Improved operator information for enforcement	- Would require additional staff and vendor monitoring - Hosts submit taxes monthly - Difficult to verify lodging tax remitted by hosts
Additional land use or inspection requirements (i.e. prohibit, require public hearing, rental unit inspection)	- Use is clearly defined - Additional measure of safety for guests and residents (smoke detectors, extinguishers, etc.)	May require additional staff and vendor monitoring - Difficult to enforce - Loss of revenue and tourism - General Assembly action (?)
No action	- No additional staff/monitoring - Limited number of complaints	- Difficult to identify/enforce - Equity to lodging industry



Proposed Short- Term Rental Ordinance

- The ordinance would define a short-term rental as: “The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.”
- Short-term rental uses would be permitted “by right” in the following districts:

R-C, Conservation

R-1, Low Density Residential

R-2, Low-Medium Density Residential

R-3, Medium Density Residential

R-4, High Density Residential

B-1, Limited Business District

B-3, Community Business District

B-4, Urban Commercial District

B-5, General Business District

IN-2, Institutional District



Proposed Short- Term Rental Ordinance

- Owner occupancy would be required in the R-C, R-1, & R-2 Districts to allow a short-term rental.
- The owner would not have to be present while the property was in use as a short-term rental.
- Short-term rentals would be limited to no more than four (4) unrelated individuals. **Currently no more than three (3) unrelated individuals may occupy a dwelling unit.**
- The number of dwelling units shall not exceed that of the underlying zoning district.



Proposed Short- Term Rental Ordinance

- Structures offered as short-term rental in the R-C, R-1 & R-2 Districts would be required to retain the appearance of a single-household dwelling.
- One (1) additional parking space would be required per short-term rental. The B-4, Urban Commercial District would be exempt from this requirement.
- All buildings offered for short-term rental would be required to meet the Uniform Statewide Building Code.



Proposed Short- Term Rental Ordinance

- A \$150 registration fee would be required for all units used as a short-term rental.
- Failure to register a property as a short-term rental would result in a penalty of \$500.
- Three (3) violations of state, or local laws, ordinances or regulations related to the short-term rental within a three (3)-year period would result in revocation of approval for a short-term rental.



Evolution of Ordinance Recommendations

Staff Initial Recommendation	Final Commission Recommendation
Require that owner be present during guest's stay in RC, R1, R2 & R3	Remove requirement for owner to be present during guest's stay (all districts)
Owner occupancy required in RC, R1, R2 & R3	Remove owner occupancy requirement from R3
Buildings used for short-term rentals must maintain appearance of single-household home in RC, R1, R2 & R3	Remove requirement for short-term rental to appear as single-household home in R3
Allow a maximum of 3 individuals to stay in a short-term rental unit	Increase occupancy to 4 unrelated individuals in a short term rental unit
3 violations of local or state code may prohibit short-term rental use	3 violations of local or state code in 3 years may prohibit short-term rental use

*** Planning Commission also clarified that the number of dwelling units matches the underlying zoning district, removed parking requirement from B4 and removed their original limitation of 120-days per year that a host can operate a short-term rental. ***



Questions?
Comments?
Observations?



MINUTES OF THE MARCH 27, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Continuation of the consideration of amending Zoning Ordinance Section 35.2-113 Definitions by adding "short-term rental" defined as "the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) days":

Mr. Tom Martin had the following summary for the commissioners. He explained that currently the Zoning Ordinance does not define short-term rental (STR). At this time, the Zoning Administrator has interpreted that STRs are permitted by right in business districts and in owner-occupied residential district properties subject to occupancy standards, which is no more than 3 unrelated individuals. There are approximately 365 STR listings currently identified within the City. It is estimated that STRs have increased by 37% in the City between 2016 and 2017.

On October 23, 2018, City Council directed staff to prepare amendments to allow STRs in the City. On January 23, 2019, Planning Commission conducted a public hearing and requested a work session to discuss each aspect of the draft ordinance in greater detail. On February 13, 2019, Planning Commission conducted a work session and developed consensus on amendments to the draft ordinance. On February 27, 2019, Planning Commission conducted a work session, further revised the draft and directed staff to advertise the draft ordinance for a second public hearing.

Mr. Martin explained that the draft ordinance proposes to define a STR as: "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days." STR uses would be permitted in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 and IN-2 zoning districts.

The draft ordinance proposes that owner occupancy would be required in the R-C, R-1, and R-2 districts in order to do STR. The owner would not have to be present while the property was in use as a STR. Structures offered as STRs in the R-C, R-1, and R-2 districts would be required to retain the appearance of a single-house dwelling.

Mr. Martin explained that the Zoning Ordinance defines "related people" as "Related individuals" which "include(s) people who are related by blood, are married to each other or are in a substantially similar relationship and children under their care." No more than three unrelated individuals may occupy a dwelling unit. The commission had directed staff to state that no more than four individuals may occupy a STR. In addition, the number of dwelling units shall not exceed that of the underlying zoning district.

One parking space would be required in addition to what is normally required, which is 1 space per unit. The Planning Commission decided to exempt the B-4, Urban Commercial District, from this requirement because that district is exempt from parking requirements.

The draft ordinance proposes a \$150 registration fee for all units used as a STR. Failure to register a property as a STR would result in a penalty of \$500.

All buildings offered for STR would be required to meet the requirements of the Uniform Statewide Building Code for residential dwellings. Three violations of state, or local laws, ordinances or regulations related to the STR would result in revocation of approval for a STR.

Chair Rogers asked for anyone who wished to speak in favor of the ordinance. No one came forward. He asked for anyone who wished to speak in opposition of the ordinance.

Mr. Chris Feraldi representing the Lynchburg Regional Business Alliance came forward to speak. The Alliance is dedicated to advocating for pro-business and economic development friendly policies that would better our community. Based on analysis by the Alliance's Government Relations Committee, it seems that the policies being discussed would hinder STR almost to the point of making the City a "no go" zone for entrepreneurs. While removing the 120-day operational limit is recommended and applauded, there are still some policies to which the Alliance would suggest some amendments or revisions. The committee raised concerns regarding the policy that the owner must be present in some of the zoning districts. (Note: This is not the way the draft was worded for the public hearing; this reference was likely to an earlier draft of the ordinance.) The owner occupancy policy would also stamp out any possibility of an entrepreneur to purchase, develop and maintain multiple properties within the City.

The committee would like to keep the policies as consistent as possible across the City, as this would alleviate any confusion and assist the City in the potential policing of these properties. Members of the committee recommended striking the policy of no more than 4 unrelated individuals occupying a unit. The policy does not take into consideration the size or the dwelling unit. The Alliance would suggest a policy of allowing 2 persons per bedroom.

The committee concluded that the Airbnb platform is very apt to self-regulate due to their strict policies and very public rating systems for the hosts and the guests. This is evident because there have only been 17 complaints out of 365 STR units in the last 2 years. They would suggest that the 3 violations be collected on an annual basis and not just 3 violations in total.

Commissioner Light asked Mr. Feraldi to explain the makeup of the committee that reviewed the ordinance and how the review came about. Mr. Feraldi explained that the Government Relations Commission is the legislative arm of the Chamber of Commerce and Economic Development Office, which we call the Alliance. It is comprised of approximately 10 to 12 business people with various backgrounds. The committee meets on a monthly basis and discusses local, state and federal legislative issues. The Chamber felt the STR ordinance should be discussed and it reviewed all the documents it could find to date.

Ms. Amy Corbett came forward to speak. She mentioned that one of her guests from Williamsburg has decided to relocate to Lynchburg. She has hosted people displaced by flooding and Christian weekend retreats, as well a group of 8 ladies who have an annual knitting retreat. This was in a 5-bedroom home that was not owner-occupied, so it would be illegal under the current draft ordinance. She mentioned that the home she purchased on Norwood Street had many more than 17 complaints on it before they purchased and renovated it. It had been vacant for 40 years and it currently assesses at 10 times its purchase price. They keep the property impeccably maintained so they do not receive bad reviews from guests.

She would suggest that neighborhoods that are concerned about STR form homeowners associations to regulate their neighborhoods and not legislate an entire City. She would be willing to serve on a subcommittee or task force to continue the collaboration on STR.

Mr. Jason Phelps came forward to speak. He would like to see all STRs treated equally and feels there should not be a requirement for owner-occupancy only in certain districts. He pointed out that the number of complaints on long-term rentals far exceeds those against STRs. An example of this is the number of trash complaints due to a tenant from a long-term rental. The trash blocks the right-of-way for days or weeks. The complaints from STRs are fewer and have less impact on other City residents and staff.

Mr. Phelps is not aware of any STR owners approaching the City for money for startup capital loans, loan payments or tax incentives that some hotels across the City have enjoyed at taxpayer expense. To be treated equally, the STR owners should have the same access to money. This ordinance places STR

in the same box as long-term rentals or hotels, and it just does not fit. He would suggest they do what some other localities are doing, which is defining STR as home sharing. He would also be willing to serve on a community task force to fully develop a proposal that solves actual problems. That would allow the City to shine as an example of citizens and government coming together and continue to make Lynchburg a great place to live, work, and play.

Ms. Andrea Garbee came forward to speak. She and her husband are Airbnb hosts. They plan to use rental properties they have acquired as STR to supplement their income. They have a 5-star rating and she reiterated that the STR rental business is self-regulating. They are asking the Planning Commission to recommend to City Council that the STR hosts be allowed to continue to use their property as an income stream without additional restrictions. They pay real estate taxes and taxes on the income. Additional restrictions put an unnecessary burden on the owner and deny visitors to the City the opportunity to make a personal connection with the people that live here.

Mr. John Mettle came forward to speak. He lives in Amherst. He stayed in a downtown Airbnb while visiting family here and fell in love with Lynchburg. He feels that STRs are clean and the people that run them are professional and highly attentive to the client's needs. Their stay could not have been more positive in terms of exposing them to what Lynchburg has to offer. He would like them to take a second look at being positive toward Airbnbs.

Ms. Hannah Richardson came forward to speak. Being an Airbnb host has allowed her to earn some income while being a stay-at-home mother. The reason Airbnb is so popular is because it benefits endless communities. They have made home improvements and used local contractors. They recommend local business and restaurants to the guests, which boosts the economy. Guests get a personal hospitality experience from a host that wants to serve them.

Mr. Clifton Eaten came forward to speak. He agrees with all the comments that have been made by the other Airbnb hosts here today. They moved here from Baltimore, Maryland 2.5 years ago. They have other long-term rentals but find that Airbnb is their most dependable source of income and the least hassle. They put most of their attention into it because they live in the home. They make recommendations for restaurants and find it gratifying when the guests report back favorably on their experience. Travelers want Airbnb and it has become as commonplace as Uber.

Ms. Lori Ruff came forward to speak. She mentioned that when the flooding happened last year in North Carolina, she hosted guests for free as an Airbnb disaster relief host. She has hosted guests that are here to see where their college students will be living. She recently hosted a widow until she was financially stable. STR is an important service and does need to have regulations around it. It affects people's lives in many ways. Every choice the commission makes is going to have a ripple effect and unintended consequences.

Chair Rogers wanted to clarify the scope of the discussion. At the risk of everyone coming up and sharing the Airbnb story, it is a great business model. The commission is really looking at the R-C, R-1 and R-2 areas because they are very different from the B-4 district. He would like their discussion to focus on the differences so they can use their time wisely.

Mr. Phil Albin came forward to speak. He and his wife are young and the reason they were able to buy their home was the knowledge that they could make income through Airbnb. He knows others his age are looking to buy homes, which means they plan to stay long term. He would like to see STR be treated equally across the board. He would like to see it be easier across the board for younger people to enter a market that they may not understand.

Mr. Demetrius Alexander came forward to speak. He did about \$15,000 in renovations in order to rent it as a STR. It made his property value go up as well as his neighbor's. His neighbor was able to list his home for more money as a result of Mr. Alexander's improvements. His father managed his STR

while Mr. Alexander was deployed in the military, which helped him supplement his income. His math of 365 rentals times 100 stays a year means 36,500 stays per year. The total number of complaints does not justify what he sees proposed here today.

Mr. Alexander believes that private property refers to the right of ownership and their possessions. We can speak of a person owning a land and using it but what the owner in fact possesses is the right to perform certain actions with what he owns. These rights to perform physical actions called private property constitute the real factors of production and the real articles of trade.

Mr. Derek Hart came forward to speak. He and his wife operate an Airbnb as well as managing some for other people. They also own a cleaning business. The majority of their business comes from Airbnb turnover cleanings, most of which are not owner-occupied. They have hired people and are looking to hire someone to manage Airbnb rentals, which will be restricted if this proposal is adopted. If adopted, he would have to lay off personnel and he knows there are other cleaning businesses that would be affected as well. Mr. Hart has found that the STR guests are far more respectful of their properties, the neighbors, keeping down the noise and keeping the properties clean than long-term renters. They have cameras installed and the neighbors have his phone number to contact in case there are any problems.

He would recommend the owner-occupied restriction be removed and to allow the property owner the right to rent their homes to long-term or short-term guests. If there are multiple complaints, those issues can be worked out on a case-by-case basis.

Ms. Patti McCue came forward to speak. She is not an Airbnb host and has some concerns as a resident. Their role as a Planning Commission is to serve in an advisory capacity to City Council. She thinks they have heard largely from those in favor of STR. 13 years ago she bought a home in a small neighborhood. There are only 42 homes. They enjoy a close knit neighborhood without a lot of turnover. They know each other, look out for each other and genuinely care about each other. Someone moved in recently and starting operating an Airbnb in their basement. They began to experience some problems with noise and trash. The owners were out of town. The next door neighbors were approached by the renters to ask if they knew the access code to get into the STR. They reported their concerns to the City and had a couple of meetings with the Zoning Administrator. She would agree that STR may be a benefit for the community at large but it does not benefit her as a homeowner. She would ask the commission to rethink the proposal for R-1, single-family neighborhoods.

Ms. Melissa Phelps came forward to speak. While the Virginia General Assembly did provide a framework by which local governments may now regulate STR, they are asking them to please not impose any new regulations at this time. Doing so will hinder the strategic goals of the City as laid out in the Blueprint for Opportunity by hindering entrepreneurship and limiting safe and affordable housing options for our visitors. Developing regulations just for the sake of having regulations is simply unnecessary. She would like them to develop regulations that solve both a clearly defined problem and that are enforceable. She agrees that residents should be able to enjoy their community free from disruptions or harmful behavior of others. That is why noise, trash and parking ordinances were put in place and that is why we have law enforcement. Are the problems created by STRs merely preferences that could be defined by a homeowners association?

Ms. April Tucker came forward to speak. She is not an Airbnb host and has firsthand knowledge of the impact an Airbnb can have on an R-1 single-family neighborhood. She thinks there is a place for STR and a place where it does not belong. She lives next door to an Airbnb and would estimate it was rented approximately 200 nights last year. Her main concern is with safety. She has had people come to her when she was home alone and ask her how to get into the rental. Her children have told her they do not feel safe walking to their friend's house because they do not recognize the people coming and going next door.

She notes that the *Comprehensive Plan* has a goal to preserve the City's single-family neighborhoods. In her opinion, that should be of the utmost importance. She bought her home 12 years ago and it never occurred to her that there would be a nightly hotel being run in her neighborhood. She feels the commission is being lobbied by a very small, well-organized, vocal minority who are very good at making their voices heard. They have mentioned the impact to their businesses. She would point out that they are running businesses in residential neighborhoods without business licenses.

In her estimation of the 30,000 taxable parcels in the City, the approximately 400 STR account for 1.33% of them. About 16,000 of those taxable parcels are located in R-1 and R-2 districts. That would leave almost half of the taxable parcels in the City that would be eligible to run Airbnbs. She feels they can reach a compromise and she encourages them to consider all the taxpaying homeowners that live in the single-family districts above tourism and above business and above economic growth. We are the people that live here and we are the community. She would encourage them to go back to some form of restricting the number of nights a person can rent out a STR in single-family neighborhoods. That will not inhibit tourism or people visiting Lynchburg at all because it leaves plenty of areas of the City to be available for STR.

Ms. Jennifer Redmond came forward to speak. She and her husband own a STR but it is not owner-occupied. They put their money into fixing it up and previously it had been the neighborhood eyesore. They used local contractors to do the work. The data from the number of complaints versus the estimated number of visitors using Airbnb shows you that this is a nonexistent problem. Why would you overregulate a system that is bringing positive visitors and money to our City? The situations brought up by the ladies in the single-family neighborhood are an example of a poorly-run Airbnb. They are unfortunate but they are not the norm.

Mr. Jim Rufus came forward to speak. He is a real estate broker as well as a property owner association president at 51 11th Street. That project probably never would have happened if it had not been for the possibility of STR. If this is over-restricted, it would affect the property values across the board in several of the downtown areas. Let's not stop the economic development that is going on downtown.

Ms. Johanna Culfee came forward to speak. She and her husband have been renovating parts of Lynchburg for the last 15 years. She pointed out that the two ladies who spoke against Airbnb live in the same neighborhood. She would like the commissioners to not let a few voices in the same neighborhood disqualify the many across the City. Those that have had challenges are really dealing with a neighbor to neighbor issue. She also pointed out that the neighborhoods that do not want STR could develop a neighborhood ordinance to exclude them. Lynchburg has prided itself on progress, insight, growth and on welcoming those from the outside. She thinks they would be doing a disservice to not try and seek solutions in all neighborhoods across the board to allow Airbnb to flourish throughout the City.

Ms. Dominique Gendrin came forward to speak. She would like to address the comments that have been made about some of the challenges that are posed by Airbnb. As Airbnb hosts, they should feel extremely responsible for what they are doing and how their actions are impacting the neighborhood. She would say that 99% of them are really great hosts and are impacting the neighborhoods in a positive way.

Ms. Ginger Christmas came forward to speak. She loved Lynchburg enough to move here from Maine. She does have an Airbnb and she has some concerns as a business woman after reading the proposed STR ordinance. She thinks they may be a little shortsighted and she does not want the commission or City Council to act quickly. It would be her recommendation that they would consider a task force or a steering committee that would look at how STR can benefit Lynchburg. She gave them the example of Louisville, Kentucky. It partnered with Airbnb to collect lodging taxes. The city expected to collect \$500,000 in the first year; it collected over \$1.1 million. She would like them to consider the economic impact that Airbnb could have on Lynchburg. She has done hours of research and would be

happy to share that information with the committee. She thinks that Lynchburg could really set the bar for the whole state of Virginia.

Mr. Joe Payne came forward to speak. He and his wife are in support of the R-1 regulation as proposed for annual registration and for owner occupancy. A house in their neighborhood with a pool sold and he noticed it was placed on Airbnb. The second occupant resulted in a police raid at 1:00 a.m. for a pool party gone wild. That is the first time in his 27 years living there that there has been a police raid of any sort. They had problems with other large pool parties as well as trash cans being put out too soon. The trash cans were not returned to the house and he had to wheel them back up to the house. The yard was not maintained as the others were; the property simply was not maintained as an owner-occupied home. He thinks STR needs to be regulated because it does not self-regulate itself.

Ms. Emily Rymer came forward to speak. She is an Airbnb host with 5 properties. She feels Airbnb is set up to self-regulate and does so very effectively. She feels there are already systems in place to address the complaints expressed here today. They do not want a few hosts to reflect badly on the City or the rest of the Airbnb hosts but this proposal is not specifically the answer. The violations section is vague. There is no opportunity to rectify them and no statute of limitations. She would suggest they create a task force and have City officials and Airbnb hosts work together to determine what is best for the City.

Ms. Sarah Blanchette came forward to speak. She is entering her fourth year of hosting an owner-occupied STR. The home was vacant for 12 years and was involved in a very lengthy lawsuit with the City. They have had to do a great deal of improvements to the property and people in the neighborhood have thanked them for fixing it up. They also used local contractors for all the work. She has a long-term rental in the neighborhood and has a lot more issues that require her attention than the STR. It has been nothing but a positive experience for her and her family and for the neighborhood as well.

Mr. Karl Miller came forward to speak. He has 2 non-owner-occupied STRs in residential districts. As a real estate agent, he represents buyers who are investing in homes in the City both as owner occupants and as investors. He thinks it is important to remember that in R-1 and R-2 districts, it is legal to operate long-term rentals. He has never had any complaints on his STRs but has had multiple complaints on his long-term rentals. He has dealt with costly evictions and costly repairs from long-term renters.

Mr. Miller feels that STR hosts spend thousands of dollars on their properties and maintain them very nicely. The people that have had bad experiences with STRs are probably an anomaly. He would suggest they put together a task force to study this issue. The proposal they are presenting would have some long-term negative effects. He thinks there is a way to make this a win-win for the City instead of just squashing the opportunity for hosts to have non-owner-occupied units. He would also suggest that they look into collecting lodging tax. It could easily bring in \$150,000 and there is a way to do it wisely and smartly.

Ms. Dawn Decker came forward to speak. She is a teacher for the City of Lynchburg. She had to look for another way to supplement her income because her teacher's salary has been frozen for a number of years. She had bad experiences with long-term rentals. Doing STR has given her the opportunity to fix up several properties. Her properties are in R-1 neighborhoods and those are the neighborhoods where we need to bring up property values. Ms. Decker mentioned that Airbnb also offers a huge insurance policy. It offers property damage coverage as well as liability coverage.

Ms. Tiffany Cummings came forward to speak. She is not a resident of Lynchburg. She was a part of the debacle in Lexington when the City went back and forth with their STR rules. They started scaling it down because they were concerned about parking. The City required the STR hosts to get business licenses and have their units inspected by the building official. She does not think it is fair that people can rent out their homes as long-term rentals and not live in them. She does not think that Airbnb brings

in people that will commit crimes. If people have to turn to Craigslist to rent out their units, there is a lot less scrutiny on that site and that will be more likely to bring in criminal activity.

Mr. James Mashburn came forward to speak. He and his wife took properties that were eyesores and rehabbed them and are renting them as STRs. One of his units is in a townhouse complex next to the homeowner association president. She was skeptical of it being used for STR but there have been no problems. One of his units has 4 bedrooms. They host families that could not afford to come to Lynchburg otherwise because they could not afford multiple hotel rooms.

Mr. Peter Alexander came forward to speak. He has experience rehabbing homes as well as experience as the president of a homeowner's association. He agrees with the recommendation that the owner does not have to be present while the unit is being rented. He also agrees with no maximum number of related individuals being allowed to rent a unit. He disagrees with limiting it to 4 unrelated individuals and thinks that should depend on the number of bedrooms in a property. He thinks the \$150 registration fee is reasonable.

Mr. Alexander remarked that the STR owners have an entrepreneur spirit. They have vision and motivation. They are dedicated and willing to do what it takes to get this done. He reiterated that the STR owners invest in their properties and maintain them. The guests spend their money in local businesses. He pointed out that it brings in an element of cultural exchange as well.

Chair Rogers asked if there was anyone else who wished to speak. No one came forward and he closed the public hearing portion of the petition.

Commissioner Light asked Mr. Martin if they know how many of the STRs in the City are in R-C, R-1 and R-2 neighborhoods. Mr. Martin said they were not able to get actual addresses so it would just be speculation based on dots on a map.

Commissioner Light suggested they go down the list of items in Mr. Martin's memorandum. The first item deals with defining a STR as being for a period of fewer than 30 days. Commission Marion thinks that some people will use them longer than 30 days. She also pointed that Airbnbs do not fit in a little box very well. They are not hotels or single-family homes or long-term rentals. Chair Rogers pointed out that anything over 30 days would be a long-term rental. Commissioner Marion commented that the number of unrelated people is different for a STR versus a long-term rental and that is one of the reasons she is not sure why they have to define it as fewer than 30 days.

Commissioner Bowden remarked that there is currently no structure for STRs. The issues that have been complained about today have happened without any recourse for enforcement. One of the things the commission is tasked with doing is preserving neighborhoods. Private property rights are a big deal and how one uses their assets. How do we preserve the neighborhoods while allowing people the STR opportunity? This proposal is not perfect but it does provide a beginning point for some structure.

Chair Rogers asked Mr. Martin to explain the reasoning behind the 30-day STR definition. Mr. Martin said it came from state code. Mr. Martin thinks it is reasonable to go through each item on the memorandum. He would suggest they start their discussion on what constitutes a business. He thinks they should hear from the Commissioner of Revenue on what that means in terms of taxes that are not being collected. Some people have admitted to renting out their homes for 90% of the year. That means thousands of dollars in income for which no tax is being collected. Mr. Mitch Nuckles pointed out they would have to pay a \$30 business license fee if they make over \$10,000 a year. Mr. Martin asked them to consider if they are going to open up their residential neighborhoods for this type of business what might be next. What other types of businesses do they want to open up their residential neighborhoods for?

Mr. Martin also asked them to consider the number of unrelated people that can occupy a STR. If they are going to make that number 4, why would they not change it for every other dwelling unit in the City? Where is the equity in that?

The commissioners reached a consensus on the definition of a STR. They were also in agreement on the districts where STRs would be a permitted use.

Mr. Nuckles explained that the 30 days is coming from copying the lodging tax. The lodging tax is restricted to 30 consecutive days or fewer.

Chair Rogers asked Mr. Feraldi if the hotels were consulted as to how they weigh in on this conversation. Mr. Feraldi indicated they were not consulted for any opinions.

Collecting lodging tax from Airbnb was brought up for discussion again. Mr. Martin reminded them there is no way for the Commissioner of the Revenue to audit Airbnb. If the Commissioner of Revenue has to collect the lodging tax, you are talking about a tremendous amount of staff time. Commissioner Light would prefer to collect lodging tax as opposed to the \$150.00 registration fee. He thinks the City could reap the benefit that other cities have seen and it would level the playing field with the hotels. He has gotten an earful from the hotel owners about the inequality of the STRs not collecting lodging tax. Mr. Nuckles reminded them that they can enter into an agreement with Airbnb to collect lodging tax. There are some horror stories out there about doing so but it is possible. Other platforms do not offer such an agreement.

Chair Rogers feels strongly about the owner occupancy rule in the R-C, R-1 and R-2 districts. Their role as a commission is not to develop business in the City but rather to look at the way the land is used. He feels strongly about protecting the single-family neighborhoods. If we are going to say this about property owner rights, then that argument would say that we should allow anybody to do whatever they want with their house and no one in here would say that is right. It is not a true argument because we do restrict uses and zoning is constitutional.

Commissioner Bowden said he cannot think of a better way to control a bad experience than to require that STRs in R-C, R-1 and R-2 districts be owner-occupied.

Commissioner Marion noted there are 2 Airbnbs in her neighborhood. One is owner-occupied; the other is not owner-occupied. She has not had any problems with either of them. However, she acknowledged that if someone wanted to buy multiple properties in her neighborhood and turn them into STRs, the single-family feeling of her neighborhood would go away. On the other hand, she does not want to restrict anyone from owning multiple properties in single-family neighborhoods.

Commissioner Marion would suggest they set up a separate category for non-owner-occupied STRs and have some restrictions such as how many there can be in a neighborhood and their proximity to each other. That would prevent all the houses on the street from being turned into STRs. She thinks non-owner-occupied and owner-occupied STRs should be treated differently.

Commissioner Johnson did not agree previously with the owner occupancy requirement in R-C, R-1 and R-2. She thinks this restricts an owner's property rights. That owner can rent his property for 6 months but not for fewer than 30 days. Requiring them to be registered will allow the City to handle any violations that may happen. The 3 violation rule will weed out the problem STRs. Commissioner Light agrees with everything she said and he is not in favor of the owner occupancy provision either.

Commissioner Perault commented that one of the things he looks at when they get a petition is if it will change the character of a neighborhood. If it does so dramatically, he typically does not support the petition even though that means that someone is not going to make money. He feels that allowing non-owner-occupied STRs in the single-family neighborhoods will change the character of the neighborhoods.

He is not saying the change would be good or bad. It would just be different. When people buy into a neighborhood, they have a right to maintain that character. If you buy in a neighborhood that already has a number of long-term rentals or STRS, you know what you are getting, but to change things after the fact does not respect the property rights of the other owners.

Commissioner Johnson pointed out that homes can become long-term rentals at any time. Commissioner Perault said they are not discussing long-term rentals today. Commissioner Marion pointed out that long-term renters in her neighborhood are part of the neighborhood. You will not have that same feeling from someone that is only staying a couple of weeks. Commissioner Perault does not think it is their job to try and change each other's minds. The commission does not send every petition to Council with a unanimous vote. There will be parts of this ordinance that will not have a unanimous vote. He thinks that will identify the important issues that Council has to explore in more depth.

Mr. Martin noted that when they send their recommendation to Council, it will be on the entire ordinance. If it is not a unanimous vote, that is fine. Are the commissioners opposed to certain sections so opposed that they will vote against the entire ordinance? The Council members will be able to read the minutes but staff was not planning on sending a separate vote on each section to Council.

Commissioner Marion would like to see the non-owner-occupied STRs in the single-family neighborhoods be required to go through the conditional use permit process. That would allow their neighbors to be a part of the process. If the owner has a good reputation for maintaining his or her properties, there will probably be no pushback from the neighbors. If there begins to be too many STRs in one neighborhood, there would likely be pushback at that time. These owners are buying the properties to run them as a business and she thinks they can go to the expense of getting a conditional use permit. Chair Rogers pointed out that the owners would then not be restricted as to the number of occupants except by the limitation of the number of bedrooms. The neighbors would also get to voice their opinion at a public hearing.

Mr. Martin noted that a bed and breakfast or tour home is defined as "a dwelling, occupied as such, in which sleeping accommodations in fewer than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation." The occupancy standards vary according to the zoning district but it always has to have an occupant that is managing it.

Commissioner Bowden pointed out that you may like the owner of a bed and breakfast but the property is sold and the new owner does not manage it as well. Commissioner Marion thought there could be a different process then because she would not want the conditional use permit to transfer with the property. Mr. Martin asked if they would want to hear 365 conditional use permit petitions. Commissioner Marion suggested it could be streamlined. It would still have to be advertised to the neighbors and perhaps there could be a limit on the number of them in a particular neighborhood.

Commissioner Light remarked that this is an evolving process for them. He would not like to see Airbnb deserts like they have in places like Paris. Paris recently passed an ordinance that an owner could not rent out an Airbnb for more than 25% of the year because the neighborhoods had changed so drastically.

Commissioner Johnson asked what will happen to the people that already own multiple STRs in the single-family neighborhoods. Will they be grandfathered in? Should they be grandfathered in? It could be financially devastating depending on how many they own. Commissioner Perault noted that it can make or break a developer if they can put in an apartment complex or not and the commission does not consider that factor.

Mr. Martin noted that the Zoning Administrator has issued the opinion that STRs are permitted by right in business districts and in owner-occupied residential district properties subject to occupancy standards. If people have bought properties in the single-family districts and are operating them as STRs, they are not in compliance with the Zoning Administrator's opinion. Mr. Martin acknowledged for Commission Johnson that it is not an actual ordinance but it is the Zoning Administrator's interpretation of the existing language in the Zoning Ordinance.

Mr. Kevin Henry commented that he has been using this opinion for approximately 3 years. There is a grace period for the owners to register their properties once the ordinance goes into effect. Commissioner Johnson asked for clarification that they would have to cease using multiple properties for STRs and begin renting them out long-term. Mr. Henry indicated that would be correct or they can sell the properties. Commissioner Light remarked that they may also choose to sue the City.

There was some discussion about possibly stating that if a STR in an R-1, R-2 or R-C district is not owner-occupied, there can only be 3 unrelated individuals in it. If it is owner-occupied, the number can go up to 4 unrelated individuals. That will not make everyone happy but nothing will.

Commissioner Lowe acknowledged the constitutional right to own property and we should be able to do what we want on our property. Likewise, his next door neighbor has the right to expect privacy on their property. We have people that have bought homes in R-1 neighborhoods and they expected them to remain as single-family neighborhoods. He does not think they should be subjected to a constantly changing neighborhood makeup. He can compromise though and say that a STR in a single-family neighborhood is fine if it is owner-occupied because the owner will be maintaining its single-family feeling.

Even though he thinks this ordinance is not enforceable, he understands the reason they have to do it. If we do not have something established to set parameters, everything will run amuck. He thinks people will be renting to 4 college students. Each one will say they are renting it for 30 days. Commissioner Marion pointed out that would be very expensive. Commissioner Lowe thought it might be no more expensive than dormitory housing.

Commissioner Rogers would like the language to say that it is 4 unrelated individuals and not just 4 individuals. That would allow families that are larger than 4 to stay in a home. He also wanted to note that they have backed down on some items since they started this process. Originally, they had said that the owner had to be present while the unit was being rented. They changed it to it just needs to be the owner's primary residence. The other commissioners had thought it was supposed to say 4 unrelated individuals as well because that had been the consensus at the last meeting.

Mr. Martin reminded them that when the Zoning Ordinance was being rewritten, the majority of the discussion centered on the number of unrelated individuals in a unit. Mr. Martin also indicated that although there may not be a lot of complaints on STRs, the majority of the zoning complaints are about the number of unrelated people in a unit. Mr. Henry indicated that most of his zoning complaints have to do with rooming houses, too many unrelated people in a long-term rental and complaints dealing with STRs. He groups them into a general category of occupancy complaints. Those types of complaints account for 45% of his zoning complaints. The next closest category is 20% and it deals with illegal businesses.

Commissioner Marion pointed out that STRs are so different from long-term rentals. A STR host can control the number of guests that are allowed to stay. Mr. Henry indicated the occupancy complaints are a result of the same things people are complaining about regarding STRs. They have to do with parking, noise, and trash.

At this point, Mr. Martin clarified for the commission that the bullet point on the slide and his memorandum was incorrect. The draft ordinance and the legal notice both say occupancy is limited to 4

unrelated individuals. Mr. Martin also noted that Mr. Henry will likely not have enough time to build a case on the occupancy standards of a STR. The occupants will likely have left; it takes Mr. Henry at least 45 days to build a case to take to court for occupancy standards. Commissioner Rogers noted that that there are many issues in the City that do not have good enforcement bodies that can manage them so having the framework is really important. It is not a good argument, in his opinion, to not have something in place because it is not enforceable.

Commissioner Marion would like to suggest that there could be an administrative approval process. A person signs up and pays their \$150 registration fee. They indicate they have 5 bedrooms so they better have 5 available parking spaces. The Zoning Administrator would have the ability to disapprove the application until the owner can provide enough parking spaces. If there is no impact on the neighbors from a STR, she does not understand why they are making it illegal for them to do it.

Commissioner Light suggested the number could be based on the number of bedrooms with no more than 2 persons per bedroom and not to exceed 10 people in total. The requirement for them to be unrelated would be removed. This would allow something like the knitting group or a retreat to take place in a single-family district. Mr. Martin asked why a person would petition for a conditional use permit for a bed and breakfast then because if they had a 5-bedroom house in an R-1 neighborhood, they would be restricted to 6 people. They would be required to get a business license as well. Commissioner Marion suggested a person getting a license to do an Airbnb for 10 people should have to pay more than the \$150 registration fee.

Mr. Martin commented that the problem is the transient occupancy coming in and out of the neighborhoods that your *Comprehensive Plan* says that you are going to protect. It should be a progression of what you allow by right and what requires a conditional use permit. Right now the ordinance says a bed and breakfast in an R-1 neighborhood can have no more 6 guests and it must be under management. If you are going to suggest doing something different for STRs, the bed and breakfast part of the ordinance should be changed as well. The STR regulations should fall somewhere between what is allowed by right and what requires a conditional use permit; otherwise, the whole ordinance gets out of balance.

Commissioner Marion finds STRs to be different than long-term rentals. Mr. Martin asked her how they are different from a bed and breakfast. She does not see them as being much different than a bed and breakfast except in terms of their numbers. We do not have 365 bed and breakfasts in the City. We have owners that only want to rent their home a few times a year. Not everyone wants to do STR as a business. She does not think we should try to lump everything into one box. In Mr. Martin's opinion, they should not be recommending something by right that goes beyond what requires a conditional use permit. Commissioner Marion stated she would fine with a person wanting to do a five-bedroom STR to have to get a conditional use permit.

The discussion moved to three violation rule. Commissioner Light would like to say that it is within a 1-year period or some such time frame rather than three violations in any given time frame and you are no longer allowed to have a STR. Commissioner Light thinks the current wording is too vague and therefore is not enforceable. Mr. Henry pointed out that the person being cited with the violation has the opportunity to appeal it to the Board of Zoning Appeals. After further discussion, there was consensus for three violations within a three-year period.

The commissioners decided they wanted to vote on each item individually so that City Council could see the outcome for each item. They would then take a vote on their recommendation for the entire ordinance.

Mr. Martin called for a vote on No. 1 in the memorandum: Short-term Rental would be defined as the following: "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host

to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.”

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on No. 2 in the memorandum: Short-term Rental uses would be a permitted use in the following zoning districts: R-C, Conservation; R-1, Low Density Residential; R-2, Low-Medium Density Residential; R-3, Medium Density Residential; R-4, High Density Residential; B-1, Limited Business District; B-3, Community Business District; B-4, Urban Commercial District; B-5, General Business District; IN-2, Institutional 2 District

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on the following: A short-term rental would require owner occupancy in the R-C, R-1, & R-2 Districts.

AYES:	Bowden, Lowe, Perault, and Rogers	4
NOES:	Johnson, Light, and Marion	3
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on the following: The owner would not have to be present while the property is in use as a short-term rental.

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on No. 4 in the memorandum: Structures offered as short-term rentals in the R-c, R-1 and R-2 districts would be require to retain the appearance of a single-household residence.

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on the following: The maximum number of occupants in a short-term rental would not exceed four (4) unrelated individuals.

AYES:	Bowden, Lowe, Perault, and Rogers	4
NOES:	Johnson, Light, and Marion	3
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on the following: The number of dwelling units shall not exceed that of the underlying zoning district:

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on No. 6 in the memorandum: One (1) additional parking space per short-term rental would be required. This parking space would be in addition to any other required parking spaces. The B-4, Urban Commercial District would be exempt from the parking requirement.

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on No. 7 in the memorandum: An annual registration would be required of all units to be used as a short-term rental. A \$150 registration fee would be required.

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on No. 8 in the memorandum: Failure to register a building as a short-term rental would result in a penalty of \$500:

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on No. 9 in the memorandum: All buildings offered for short-term rental must meet requirements of the Uniform Statewide Building Code.

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin called for a vote on No. 10 in the memorandum: Three (3) violations within a three (3)-year period of state or local laws, ordinances or regulations would result in revocation of approval for a short-term rental.

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

Commissioner Bowden made a motion to recommend to City Council approval of the entire draft short-term rental ordinance. The motion was seconded by Commissioner Lowe and passed by the following vote:

AYES:	Bowden, Lowe, Marion, Perault, and Rogers	5
NOES:	Johnson and Light	2
ABSTENTIONS:		0

ABSENT:

0

Chair Rogers encouraged the citizens to come to the City Council public hearing. He also asked them to remember this is not about limiting business. There are actually a lot of areas in the City where this is allowed. It may seem that the commission undervalues the business aspect. He pointed out that there are several business people on the commission and it is highly valued. The members of the commission understand the importance of having visitors come to the City.



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Bonnie Svrcek, City Manager, Reid Wodicka, Deputy City Manager, Walter Erwin, City Attorney, Kent White, Director Community Development, Kevin Henry, Zoning Administrator, Mitch Nuckles, Commissioner of the Revenue

Date: March 27, 2019

Re: Draft Short Term Rental Ordinance

On October 23, 2018, City Council directed staff to prepare *Zoning Ordinance* amendments that would allow Short Term Rental (STR) uses in the City. The Planning Commission has discussed the draft ordinance on the following dates:

- January 23, 2019 – Public Hearing
- February 13, 2019 – Work Session
- February 27, 2019 – Work Session

On February 27, 2019, the Planning Commission directed staff to advertise the draft ordinance for another public hearing to give interested parties a further opportunity to comment. The Planning Commission also directed staff to make further amendments to the draft ordinance.

The following is a synopsis of the ordinance as currently drafted with the most recent direction by the Planning Commission:

1. Short Term Rental would be defined as the following: “The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.”
2. Short Term Rental uses would be a permitted use in the following zoning districts:
 - R-C, Conservation
 - R-1, Low Density Residential
 - R-2, Low-Medium Density Residential
 - R-3, Medium Density Residential
 - R-4, High Density Residential
 - B-1, Limited Business District
 - B-3, Community Business District

- B-4, Urban Commercial District
 - B-5, General Business District
 - IN-2, Institutional 2 District
3. A short term rental would require owner occupancy in the R-C, R-1, & R-2 Districts. The owner would not have to be present while the property is in use as a short term rental.
 4. Structures offered as short term rentals in the R-C, R-1, & R-2 Districts would be required to retain the appearance of a single-household residence.
 5. The maximum number of occupants in a short term rental would not exceed four (4) unrelated individuals. The number of dwelling units shall not exceed that of the underlying zoning district.
 6. One (1) additional parking space per short term rental would be required. This parking space would be in addition to any other required parking spaces. The B-4, Urban Commercial District would be exempt from the parking requirement.
 7. An annual registration would be required of all units to be used as a short term rental. A \$150 registration fee would be required.
 8. Failure to register a building as a short term rental would result in a penalty of \$500.
 9. All buildings offered for short term rental must meet requirements of the Uniform Statewide Building Code.
 10. Three (3) violations of state or local laws, ordinances or regulations would result in revocation of approval for a short term rental.

If you have questions, please contact me at (434) 455-3909 or tom.martin@lynchburgva.gov.

**Zoning Amendment
Short Term Rentals
March 27, 2019**

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Chris Farnid's	Lundo Place			X	
Amy Corbett	Norwood St			X	
Jason Phelps	17 Wedgewood			X	
Alphon Baker					
John Mottla	2 Izady Wofke			X	
Harriet Dickson	Woodruff Cir.			X	
GEORGE EATON	8 Whistlewood Ct			X	
Lori Rupp	12 Timberlake Rd				I support X your consideration of this amendment
Phil Albini	Man Sotell Dr			X	
Demetrius Alexander	5 Denver Ave			X	
Perrek Hart	1 Old Bonstone			X	
Patricia Melrose	6 Bethel Park Dr		4X	X	
Melissa Phelps	7 Wedgewood R			X	
April Tucker	Bethel Park Dr		X		
Jen Redmond	Dumas			X	
Jim Ruff	1 Fort Ave 21			X	
Johanna Culfee	Church St.			X	
D. Gendrin					
Ginger Christinas	1 Radcliffe				
Emily Zymer	Carsing Ave			X	
Sarah Blanchette	0 Meadowbrook Rd			X	
Karl Miller	Manning Rd 2-7009				
Dawn Decker	E Brandt			X	

March 27, 2019

PLEASE PRINT

[illegible]

MINUTES OF THE FEBRUARY 27, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Continuation of the discussion regarding short-term rentals (STR): Chair Rogers indicated that this is not a public hearing. This is a continuation of the discussion and an opportunity to make their recommendation to City Council, if they are ready to do so.

Commissioner Light would not vote in favor of the proposal as it is written today. He has concerns with some of the provisions in it. He acknowledged he was not at the February 13, 2019 meeting and does not have the full benefit of that discussion. He has had some City Council members reach out to him and express that they would like to see a more refined document be presented to them. They expressed concern with what they have heard so far and would like to see some of the issues resolved before the ordinance is sent to them. Commissioner Light made a motion to hold another public hearing that would allow for public input. Commissioner Johnson seconded the motion. Mr. Martin indicated the public hearing could not occur until March 27, 2019.

Commissioner Johnson said she could not agree with the owner occupancy requirement in R-1 and R-2 districts. She also has concerns with the 120-day limit on the number of days that a host can rent out their property. They have received a lot of feedback since that meeting from hosts that would be severely impacted financially by that limitation. Since the General Assembly has not mandated them to set a requirement, she would like them to consider removing that provision. Mr. Martin indicated that the law they are referring to was going to set a limit on the number of days for Fairfax County only.

Mr. Martin presented to them the background on where they are with the STR ordinance and the recommendations they have reached a consensus on at this point. Mr. Martin indicated the commission can continue their discussion knowing the issues on which they have not received consensus, they can forward the ordinance to Council as it is today, or there is a motion on the floor to hold another public hearing.

The motion to hold another public hearing on March 27, 2019 passed by the following vote:

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

After extensive discussion, the commissioners were in consensus to remove the 120-day limit on the number of days a STR could be rented in a year. The commissioners felt that there were enough ordinances in place that deal with noise and trash and other impacts to take care of the impacts from them. They also felt that it was an item that could not really be enforced as it would be very difficult to determine how many days a STR is rented each year. There is also the rule that states owners will no longer allowed to have the STR if they reach three violations, which will protect the neighbors as well.

The commissioners also reviewed the requirement for one additional parking space per short-term rental that is required in addition to other required parking spaces. Following discussion, the commissioners agreed the B-4, Urban Commercial District should be exempt from the short-term rental parking requirement since there are no other parking requirements in that zoning district.

The other sections of the draft ordinance will be advertised as they exist today and further discussion will be held at the public hearing on March 27, 2019.



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Bonnie Svrcek, City Manager; Reid Wodicka, Deputy City Manager; Walter Erwin, City Attorney; Kent White, Director Community Development; Kevin Henry, Zoning Administrator; Mitch Nuckles, Commissioner of the Revenue

Date: February 27, 2019

Re: Short-term Rental Discussion

On October 23, 2018, City Council directed staff to prepare *Zoning Ordinance* amendments that would allow Short-term rental (STR) uses in the City. The Planning Commission conducted a public hearing on January 23, 2019 and directed staff to place the amendments on a future agenda for further discussion. The Planning Commission conducted a work session on February 13, 2018 and developed consensus on a draft ordinance; however, a motion to recommend the ordinance to City Council was not considered. The Planning Commission directed staff to make the following amendments (denoted in **bold**) to the draft ordinance:

1. Short-term rental would be defined as the following: "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days."

THE PLANNING COMMISSION DIRECTED THAT LANGUAGE BE ADDED INDICATING A SHORT-TERM RENTAL COULD BE OPERATED NO MORE THAN ONE HUNDRED TWENTY (120) DAYS PER CALENDAR YEAR.

2. Short-term Rental uses would be a permitted use in the following zoning districts:

- R-C, Conservation
- R-1, Low Density Residential
- R-2, Low-Medium Density Residential
- R-3, Medium Density Residential
- R-4, High Density Residential
- B-1, Limited Business District
- B-3, Community Business District
- B-4, Urban Commercial District
- B-5, General Business District
- IN-2, Institutional 2 District

NO CHANGE

3. A short-term rental would require owner-occupancy and the owner to be present while the unit is offered for rental in the R-C, R-1, R-2 & R-3 Districts

THE PLANNING COMMISSION DIRECTED THAT THE R-3 DISTRICT BE REMOVED FROM THE OWNER OCCUPANCY REQUIREMENT. THE PLANNING COMMISSION DIRECTED THAT THE REQUIREMENT FOR THE OWNER TO BE PRESENT BE REMOVED.

4. Short-term Rentals offered in the R-C, R-1, R-2 & R-3 Districts would require owner-occupancy while the unit is offered for short-term rental and the building would be required to retain the appearance of a single-household residence.

THE PLANNING COMMISSION DIRECTED THAT THE R-3 DISTRICT BE REMOVED FROM THE REQUIREMENT FOR MAINTAINING THE APPEARANCE OF A SINGLE-HOUSEHOLD RESIDENCE.

5. The maximum number of occupants in a short-term rental would not exceed three (3) individuals.

THE PLANNING COMMISSION DIRECTED THAT THE OCCUPANCY BE INCREASED TO NOT EXCEED FOUR (4) UNRELATED INDIVIDUALS. THE PLANNING COMMISSION DIRECTED THAT THE NUMBER OF DWELLING UNITS SHALL NOT EXCEED THE UNDERLYING ZONING DISTRICT.

6. One (1) additional parking space per short-term rental would be required. This parking space would be in addition to any other required parking spaces.

NO CHANGE

7. An annual registration would be required of all units to be used as a short-term rental. A \$150 registration fee would be required.

NO CHANGE

8. Failure to register a building as a short-term rental would result in a penalty of \$500.

NO CHANGE

9. All buildings offered for short-term rental must meet requirements of the Uniform Statewide Building Code.

NO CHANGE

10. Three (3) violations of state or local laws, ordinances, or regulations would result in revocation of approval for a short-term rental.

NO CHANGE

MINUTES OF THE FEBRUARY 13, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Continuation of the consideration of amending Zoning Ordinance Section 35.2-113 Definitions by adding "Short-term rental" defined as the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) days:

Mr. Tom Martin had the following summary for the commissioners. He explained that currently the Zoning Ordinance does not define short-term rental (STR). At this time, the Zoning Administrator has interpreted that STRs are permitted by right in business districts and in owner-occupied residential district properties subject to occupancy standards, which is no more than three unrelated individuals.

There are approximately 365 STR listings identified within the City. It is estimated that STRs have increased by 37% in the City between 2016 and 2017. If the national trend of STR has increased by 800% since 2011, they will continue to increase in the coming years.

On October 13, 2018, City Council directed staff to prepare amendments to allow STR in the City. On January 23, 2019, Planning Commission conducted a public hearing and requested a work session to discuss each aspect of the draft ordinance in greater detail.

Mr. Martin explained that the purpose of the ordinance is to clarify that STR is a permitted use subject to development standards. The ordinance would require owner occupancy in the R-C, R-1, R-2 and R-3 districts. Owner occupancy would not be required in R-4, B-1, B-3, B-4, B-5 and IN-2. The building would be required to retain the appearance of single-household in R-C, R-1, R-2 and R-3 districts. The maximum number of occupants would not exceed three individuals and one parking space per STR would be required.

The ordinance also proposes an annual registration fee of \$150 and a penalty of \$500 for failure to register. The STR must meet the requirements of the Uniform Statewide Building Code. Three violations related to an STR could result in the revocation of approval.

Mr. Martin commented that they have heard quite a bit from people that support STR and the commission has received a lot of emails from people that do not support them.

The first question he would suggest they discuss is if STR should be allowed by the City. He reminded them that a primary goal of the City's *Comprehensive Plan* is to improve the livability of the City's neighborhoods through conservation, stabilization, and revitalization. Mr. Martin indicated his role will be to act as a facilitator or moderator between the commission, the Director of Community Development (Mr. Kent White), the Zoning Administrator (Mr. Kevin Henry), and the Commissioner of the Revenue (Mr. Mitch Nuckles).

Mr. White explained that the state code definition for a short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than 30 consecutive days in exchange for a charge for the occupancy. Short-term rentals continue to be an extremely popular lodging and tourism option. Since 2011, this market has grown 800% nationwide. Although Airbnb is projected to have 62% of the current short-term rental market nationally, a number of new platforms are appearing as a result of Airbnb's success.

Commissioner Marion indicated she thinks they should be allowed. Commissioner Johnson said she thinks so as well. She has done a lot of reading and could find only 1 locality that was not allowing them. She thinks that the trend of Airbnb and other STR platforms are such that we have to allow them with some restrictions. Commissioner Perault does not have a problem. He thinks that if the City did not want them that the negative publicity would be really big. He is not even sure about the legality of not

allowing them. Commissioner Rogers commented that STRs are nice to have as an option, especially during large events when there are no available hotel rooms available. People that attend graduations, for example, spend a lot of their money outside of the City. We can capture some of that revenue by having people stay in town. It can be a good competitive advantage if a locality has a nice stock of STRs. He noted that there could end up being too many of them. One of the concerns is people buying several properties and making them exclusively STR. The regulation of them is very important. Commissioner Lowe thinks that a homeowner has an inherent right to use their property as an STR. He is in support of allowing them with some restrictions.

Mr. Martin clarified that the commission is saying that it is a use that should be allowed in the City. The next point of discussion will be to define an STR. The draft ordinance defines it as the accessory or secondary use of a residential dwelling unit or portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days. The commission should discuss whether or not the 30-day window is appropriate and whether or not there should be a limit on the number of days a year a STR can be rented.

Commissioner Rogers asked if someone needs to stay longer than 30 days if it reverts to a regular rental. Mr. Henry said that is correct. Commissioner Marion asked if the unit would then need to be inspected by the City since it is a long-term rental. Mr. Henry indicated the City does have a rental inspection program for certain areas of the City. Mr. White commented that it includes areas where our oldest housing and greatest concentrations of converted single-family homes are located. The program is specifically enabled by state code.

Commissioner Perault indicated he did not consider 30 days as being short-term. Commissioner Johnson noted that in her reading she found that most localities use 30 days as their definition. Mr. Henry noted that this is not typically an issue for the citizens in terms of zoning complaints. If someone stayed longer than 30 days, he thinks neighbors would welcome it. Mr. Nuckles commented that the Virginia tax code defines transient as 30 days or fewer. Mr. Martin clarified that there is a consensus from the commission that 30 days or fewer is how they would like to define STR.

Mr. Martin asked them if they would like to put a limit on the number of days a unit can be rented as an STR. Currently, there is no limit. The commissioners noted that the General Assembly is discussing passing a code that put a limit of 180 days. Commissioner Marion thought that 180 days is a lot. Commissioner Rogers noted that the people he has been talking to are not renting their STR nearly that many days. After further discussion, the commissioners felt that 120 days was a good number. Mr. White noted that if the General Assembly passes amendments, they will just have to modify the ordinance. Mr. White also commented that staff feels they are well equipped to figure out where these are located but it will be much harder to know how many times guests are staying or the rate guests are paying. Mr. Martin clarified with the commission that they would like the limit to be 120 days.

Mr. Martin wanted to talk about the different zoning districts in the City. RC, Conservation District is very low intensity development. They are on large lots and typically without water or sewer availability. R-1 is the typical single-family neighborhoods with single-family household dwellings on 15,000 square foot lots. In the R-1 district, if it is owner-occupied, you can have an accessory unit. The R-2 district is also single-family and you can have an owner-occupied accessory unit. The main difference is the lot size, which is 10,000 square feet in the R-2 district. In the R-3 district, duplexes are allowed on 4,000 square foot lots. Townhomes are permitted by conditional use permit. In the R-4 district, apartments are permitted on 2,000 square foot lots.

Mr. Martin summarized the business districts. B-1, Limited Business District allows office, retail, restaurant and service uses. Residential is allowed as part of mixed-use by right. B-3, Community Business District allows offices, retail, restaurant and a wider range of commercial uses. Single-household and residential is allowed as part of mixed use by right. B-4, Urban Commercial allows a wide range of commercial and residential uses permitted by right. B-5, General Business allows a wide variety

of commercial uses. It is the most intense business district. Residential uses are permitted as part of mixed-use by right. IN-2, Institutional District is for institutions such as schools, colleges, universities, senior living facilities and medical facilities. Residential uses operated by the institution are permitted by right.

Mr. Martin would like the commissioner to consider the districts in which STR should be allowed. Commissioner Rogers said he would lean toward allowing them in all districts because the idea behind STR is that they are in all types of neighborhoods not just in neighborhoods with apartments or mixed use areas. Commissioner Rogers pointed out that long-term rentals are already allowed in all the zoning districts. Some people have told him that they prefer to rent out their home as an STR as opposed to a long-term rental because the STR guests take good care of the unit. The other commissioners were in consensus that they should be allowed in all districts.

Commissioner Perault asked staff if they have any idea of the breakdown of the 365 units. Mr. White said they do not at this point and will not know until they hire a third party assessment service. Commissioner Perault asked Mr. Martin if long-term rentals are allowed in all of these districts currently. Mr. Martin indicated that they are and clarified with the commission that they would like to allow STR in all zoning districts.

Mr. Martin explained that currently an accessory unit can be rented in the R-1 and R-2 district if the main dwelling is owner-occupied. It also needs to maintain the appearance of a single-family dwelling. An owner can rent the whole house but if they want to rent a second accessory unit, it must be owner-occupied. He would like the commission to discuss whether or not the owner needs to be present in the R-C, R-1, R-2 and R-3 districts in order to rent an STR. Commissioner Rogers thinks that if you make that rule, then you are naturally cutting people out of this opportunity and he thinks that is a shame. In the last meeting, Commissioner Light had mentioned that a guest typically does not want the owner to be present. Typically, the owner leaves and rents out his house for a weekend or longer.

Commissioner Johnson thinks that is limiting a property owner's rights by telling them they must be present in order to rent it as STR. She is inclined to say that it should not be a requirement. She acknowledged that we would not want them renting out more than one unit if they did happen to have a basement apartment, guest house or apartment over the garage. The owner should not be allowed to leave and rent out more than one unit. Mr. Henry said that a person is already limited in how many units they may rent out long-term in the R-1 and R-2 districts. If they choose not to live there, they may only rent out the main house, not the main house and a guest cottage, for example. R-3 does not require owner occupancy in order to rent out more than 1 unit.

Mr. Martin suggested they talk about the number of people that are allowed in a unit because that might help them answer this question. He reminded them that related people is defined as related individuals, including people that are related by blood, are married to each other or are in a substantially similar relationship and children under their care. Mr. Martin explained that if a dwelling is owner-occupied, the main unit can be occupied by your family plus one unrelated individual. The other unit can be occupied by a family or no more than three unrelated individuals. The dwelling needs to maintain the appearance of a single-family structure. If you move out, you can rent out the whole house to a family or no more than three unrelated individuals.

Commissioner Lowe noted that if they do not require owner occupancy, the City could run the risk of having Airbnb "deserts" where the properties are being bought just for the purpose of renting them as STR. Commissioner Rogers noted that if there is a restriction around time, there is not enough of a value for it. Mr. Martin said this requirement would mean that people that want to buy multiple houses in a single-family district and convert them to be used solely as STR would not be able to do it.

Commissioner Perault asked staff about the logic behind not being consistent with the long-term rental policy in the R-3 district. Mr. Martin noted that staff had an analysis done by GIS and the majority

of the structures in the R-3 district were actually single-family dwellings and not duplexes. Mr. Henry thought it was close to 80% of them were actually single-family dwellings.

Commissioner Rogers thinks requiring the owner to be present in R-1 and R-2 districts while renting as an STR will mean that people will just break the law. People want to rent out their homes for graduation week, for example, and they cannot be present while it is being rented to a family. Mr. Martin thought they might want to discuss what owner occupancy does in the R-1 and R-2 districts. The majority of the people that are opposed to STR are opposed to it because of noise, trash, traffic, parking and safety issues. The commission has talked about Airbnb "deserts." You could potentially create neighborhoods that are nothing but houses that are purchased and used for STR periodically. If owner occupancy is required, someone will be there to clean up and control the noise and make the neighbors feel safer.

Commissioner Marion said it is a big hurdle for her to distinguish between owner occupancy and owner presence while the unit is rented. In her opinion, it is different for her to rent out her house for graduation week and going away for the week versus not living in the house at all and renting it out as much as she can. She will be back to take care of any issues and will have to see her neighbors when she gets back and listen to any complaints. Mr. Martin said they could do this for 29 days at a time; Commissioner Rogers pointed out they could only do that four times a year and they would reach the maximum number of 120 days. Commissioner Rogers suggested they say it has to be the owner's primary residence in the R-1 and R-2 districts.

Commissioner Perault asked for clarification that an owner would be in violation if he left his house overnight. Mr. Henry said the owner would be if they pass the ordinance saying the owner needs to be present. Commissioner Perault noted an owner can leave his house if he is renting out an accessory unit long-term. Mr. Henry said that is correct but you might not have the transient nature that you might have with STR where there are multiple people coming and going at different times during the month.

Commissioner Johnson said she understands the logic behind requiring the owner to be present but she still struggles with limiting a property owner's rights to be able to rent out his home. She is concerned that there are investors that have bought more than one property and are renting them out for STR. The owner cannot live in all of them and now we are going to tell him he can no longer do this unless he rents them out for longer than 30 days at a time. Commissioner Marion noted they can still buy houses in other districts and use them for STR. Commissioner Marion thinks that in R-1, and R-2 neighborhoods people have an expectation that they are going to know their neighbors for more than 30 days. In R-3, it is a little different.

Commissioner Rogers asked if those that already own properties and rent them out as STR (not owner-occupied) will be grandfathered in as nonconforming uses. Mr. Henry said that is a good question but he does not think so. He thinks that with the adoption of this ordinance, they are going to have to meet the code. Mr. White reminded them staff is working from an interpretation right now. There is currently no ordinance governing STR. Commissioner Johnson wondered why they are supposed to say to people that purchased homes strictly for STR. Commissioner Perault pointed out that the profit side is probably better on the long-term rental side than the STR side. Commissioner Johnson and Marion acknowledged that they have both stayed in Airbnbs but they were not in neighborhoods.

Mr. Henry indicated that there would be a grace period after the ordinance is adopted. Notices will be sent to owners after staff has received a list from the monitoring service. The notice will probably give about three months to come into compliance with the ordinance. City Council will set that grace period. The commissioners acknowledged the owners could convert them to long-term rentals or go through the conditional use permit process to allow them to be used as bed and breakfasts.

Commissioner Perault asked if all these recommendations are being made because they are supported by staff. Mr. White indicated that Council has directed them to come to the Planning

Commission and hold a public hearing and receive the commission's recommendations. They will take staff's recommendations to City Council, along with the commission's recommendations for any changes and let Council consider them.

Commissioner Marion noted that in her neighborhood there is a STR that is owner-occupied and one that is not owner-occupied. She has not seen any problems with either one of them. However, she acknowledged that if there was a large group making a lot of noise in an STR next to her in her R-2 neighborhood, she would not be happy.

Commissioner Johnson said that if they make this recommendation and Council passes it, it is essentially taking single-family homes off the STR market. Commissioner Perault asked if removing the R-3 district from having this requirement would make it more palatable. It is hard for him to move away from what exists in the ordinance currently for long-term rentals in the R-3 district.

Commissioner Rogers said he would be more comfortable saying that primary residency is required in R-1 and R-2 but not that the owner has to be there all the time. Mr. Martin said that currently the ordinance is written: "The property shall be owner-occupied and the owner shall be present while a property is used as a short-term rental." Mr. Martin asked them about the R-3 district. There was consensus to drop that requirement from the R-3 district to make this ordinance consistent with current long-term rental standards. Commissioner Lowe indicated he is fine with that but would like the owner to be present in the R-C, R-1, and R-2 districts. Mr. Martin received consensus that the commission would like the requirement removed from the R-3 district.

Mr. Martin asked the commissioners if the STR has to be owner-occupied in R-C, R-1, and R-2. All commissioners agreed with that except Commissioner Johnson. Commissioner Perault asked if it is a problem to send it to Council without consensus. Mr. Martin said that what is going to Council is coming as a commission. They can take a vote on each aspect but he was trying to get them to be in consensus where a commissioner might not like it but he or she could live with it.

Mr. Martin asked them if the owner has to be present while it is being rented as an STR. Commissioner Lowe thought that was the spirit of this when it started so he says yes. Commissioners Perault, Rogers, Johnson and Marion said no.

The commissioners were in consensus that the principal structure should use a common entrance so that it retains the appearance of a single-household residence in the R-C, R-1, and R-2 districts.

Mr. Martin asked them to discuss the number of individuals that can occupy a STR. Commissioner Johnson noted that the trend is to use an STR for a girls' weekend or wedding parties, so she has a problem with limiting it to three individuals. Commissioner Rogers suggested that Blacksburg has set it as six. It's not ten as Commission Light had suggested at the January 23rd meeting but it's not 3. Mr. Martin asked them to consider why they would allow the occupancy standards for STR to be different than the occupancy standard everywhere in the City for long-term rentals. There was extensive discussion about allowing the number to be higher to allow couples or families to use STR. The reason people are coming to Lynchburg is for events and they will not be here for longer than a weekend or maybe a week.

Commissioner Rogers suggested they say two guests per bedroom and have a cap of a certain number like six. He pointed out these rentals are competing with hotels and you can have four people in a hotel room. Mr. Martin said staff had considered the number of four individuals. Mr. Martin pointed out it will be difficult for the Zoning Administrator to justify to a long-term rental landlord why he is not allowed to have six unrelated individuals in his unit but someone doing STR may do so. The commission would be going against every occupancy standard in the City of Lynchburg. They are essentially turning the single-family districts into hotels. If they are comfortable with that, that is fine, but that is not what the *Comprehensive Plan* says that the City wants to do. Commissioner Marion said they have already

agreed they are allowed to be turned into hotels by allowing STR. Mr. Martin said that have said STR should be allowed but they have not recommended an increase in the occupancy above what would normally be allowed yet.

Commissioner Perault noted that this was the biggest issue by far from the public when the Zoning Ordinance was rewritten. He is still arguing for consistency and the number of unrelated people allowed in any district in the City is currently three. Commissioner Rogers suggested that if the guests are all related, that would be fine for the number to be higher because that is what is currently in the ordinance for long-term rentals.

Commissioner Marion commented that when a long-term rental is rented to three unrelated people, it is never just three people living there because they have girlfriends or boyfriends spending the night. No one really knows how many people are living there. In her opinion, it is different to rent a unit long-term to three people and renting an STR with three bedrooms to three couples. Mr. Henry said it goes back to the illustration Mr. Martin gave earlier. A group that is related can have plus one unrelated individual living with them. Two couples would be over that occupancy standard.

Chair Perault indicated that if he is in an R-1 neighborhood, he does not want a unit to be allowed to have eight guests just because it has four bedrooms. The owner can petition to turn it into a bed and breakfast.

Commissioner Lowe would like to stick with three individuals because they have already created enough turmoil in our R-1 districts. He would like to see them keep it consistent across the board with our current occupancy standards. It was pointed out that our current occupancy standards allow for larger numbers if they are all related. Commissioner Lowe thinks they are making it too difficult. He would prefer it to be three individuals per STR unit.

There was further discussion in order to try and reach a consensus. Commissioner Lowe changed his mind to three unrelated individuals or a family. Commissioner Johnson and Marion would like to see it by at least four unrelated individuals so two couples could travel together. Commissioner Johnson said she was very conflicted because that is not the trend. Mr. Martin said just because it is a trend does not mean that it is correct for Lynchburg.

Commissioner Rogers changed his mind to allow up to four unrelated individuals because he tends to like less restriction. In his opinion, there is a difference between STR and long-term rental. Commissioner Rogers asked Mr. Henry how many complaints he has received regarding long-term rentals. Mr. Henry commented that 45% of all our zoning violation complaints are occupancy related. That is probably approximately 60 or so of our cases in a year. He received 11 complaints last year regarding STR, so maybe that is 20 to 25% of the zoning complaints. That is a rough number.

Commissioner Perault noted that he often votes against petitions because it changes the character of a neighborhood. That is why he is fine with leaving it at three unrelated individuals. Commissioner Lowe agreed with him. Mr. Martin clarified that there are three votes for four unrelated individuals and two votes for three unrelated individuals. All commissioners were in agreement that the number can be higher if they are all related. That mirrors the current occupancy standards of the City for long-term rentals.

Mr. Martin asked them to discuss if the STR occupancy be part of existing occupancy standards or in addition. For example, if an owner is living in the house and also rents out an accessory unit long-term, is an owner also allowed to have a STR unit? Staff would like an owner to not be allowed to have both. An owner does not get to do both long-term and short-term. It is an either/or situation. Because if it is not limited, an owner could have three unrelated people that are renting long-term and four unrelated people renting short-term in the same accessory unit. Commissioner Marion thought it could be okay to do so if your home is very large. She has a very large house with an apartment and thinks it could also

be okay to do STR. She is in an R-2 neighborhood. Her neighborhood has huge houses. Mr. Martin reminded her that Garland Hill came in and asked to be downzoned so the houses could not be converted into multi-family units.

Mr. Martin wanted to be clear that the commission is not saying that a person can have their main dwelling plus rent out an accessory unit long-term, and also be allowed to rent out another unit like a guest house or garage apartment for STR as well. Or, a person could leave for the weekend and rent the upstairs as an Airbnb while the accessory unit is being rented out long-term.

Commissioner Marion thought that if she lives in her home and rents out her apartment, it should be okay for her to rent out some rooms in her home as STR while she is present in the home. Mr. Martin said that would be basically be taking a single-family home and turning it into a triplex. That is fine if the commission would like to recommend that but he does not think that is right for the low density areas of the City.

Commissioner Lowe agreed with Mr. Martin and felt that is in conflict with the spirit of the STR ordinance. Commissioner Rogers, Perault and Johnson agreed with staff. Commissioner Marion said it is right in 99% of the cases but she does think there are exceptions.

Mr. Martin began the discussion about parking. Currently, you have to have one parking space per dwelling unit and one per accessory unit. Staff would like to know if they feel that there should be a parking space dedicated for the STR use. On-street parking may count for that space if it is within 1,000 feet and connected by sidewalk. The commissioners were in consensus that what Mr. Martin just described should apply to STR.

The next questions Mr. Martin would like them to consider is whether or not a registration be required and should a registration fee be charged for STR. Registration would allow the City to identify and monitor the locations of the STR. The registration fee of \$150 would offset vendor and staff costs. The registration fee is based on the equivalent of a 30-day stay times a typical \$75 night rate times 6.5% lodging tax.

Commissioner Rogers thinks it is harder to pass the registration fee along to the renter. If the City enters into an agreement with Airbnb, that cost can be paid directly by the renter. Mr. Martin suggested if they are so concerned about the \$150 registration fee, the host can charge \$78 a night instead of \$75 a night. Mr. Martin explained why staff did not suggest lodging tax, even though approximately 17 of the localities they looked at charge lodging tax. There is no accurate way of determining number of nights or the price. Even if the City gets the monitoring service, there is no accurate way to know these two items. In addition, not all the platforms will remit lodging tax. Additionally, collecting lodging tax would result in increased staff being required in the Commissioner of Revenue's office.

Commissioner Nuckles explained that a lot of individuals doing STR are not looking at the money they make as income. The income is not typically reported because the owners are just trying to make some supplemental income. If they were able to conduct an audit, there is just no way for them to get a legitimate number for what is occurring at these establishments. When people are faced with paying the registration fee, they might stop but then they might start doing it without following the rules. Commissioner Nuckles said these are some of the things that we are going to be faced with if we start to charge the lodging tax.

Commissioner Nuckles said they currently have about 400 businesses that remit meals, lodging and amusement tax. They have difficulties with about 20 businesses every single month. Sometimes, they have to levy an assessment, which they really do not like doing. If we impose a lodging tax on approximately 350 STR operators, the Commissioner of Revenue will have to rely on them to remit to them monthly the lodging tax they collect. If they have trouble collecting the tax from 400 businesses

that know they are a business, he would estimate that they will have trouble collecting from about 50% of the hosts.

Commissioner Nuckles said he has contacted the 17 localities that collect lodging tax. Five localities say they have fewer than five STR. One of those is Norfolk, so Commissioner Nuckles does not think they have a handle of how many they actually have in their locality. The localities do not have the staff to enforce the collection of the tax. In talking with other localities, he has been told that the City would need at least 1 full-time person just to monitor the STR activity.

The commissioners were in consensus that there should be a registration program. Commissioner Johnson thought the fee might be comparatively higher than some of the other localities. Mr. Martin commented that other localities are charging a registration fee and also collecting lodging tax. Commissioner Johnson asked if they are willing to enter into an agreement with Airbnb just to see what we can collect. Mr. White said they will take that recommendation to City Council if that is the commissioner's recommendation. The \$150 registration fee will cover our existing staff costs. Commissioner Nuckles said it would not be any additional work for them to collect from Airbnb and it would be "pennies from heaven." However, Airbnb is the only one willing to do this and there are several others out there that do not remit the tax. The Commissioner of the Revenue's office would like to treat everyone the same. He also reminded them that Airbnb will not give them any information about where the money is coming from and there will be no way to audit them.

Commissioner Rogers thought the fee might be too high for those that are only doing STR three or four times a year. Mr. Martin said it might be but they have the opportunity to do it more often. Staff believes that the \$150 registration fee is the fairest way. Commissioner Perault said with a number like \$150, it will be people that are serious about doing STR. It will make some people think twice about whether or not they want to do a STR, and he thinks that is a good thing. Commissioner Perault also pointed out that if they rent out their home on popular weekends, they can definitely recoup that \$150.

Commissioner Rogers asked how quickly a host could get registered to rent out an STR. Mr. White said it should be an online process that a person should be able to very quickly. For example, if you registered on July 15, you should definitely be able to rent out an STR by July 30. Commissioner Marion thinks collecting the lodging tax is too cumbersome for staff. She wishes all the platforms would collect the tax for the localities. She would presume that there will be some people that only rent out their STR a couple of times a year that are not going to register and just hope they do not get caught. However, those that will be doing it a lot will not run that risk for fear that they will be turned in by their neighbors. The \$150 number is as good as any and she is okay with the fee.

Mr. Martin noted that local governments have to and are expected to provide the same levels of service without the same levels of revenue. The environment that is being created puts localities at a severe disadvantage both by these platforms and the General Assembly. The General Assembly is saying that localities have to do STR and now they are going to dictate how many days you can do it, etc. Commissioner Lowe was not sure the \$150 fee was enough because there will be a full-time employee necessary to monitor STR. Commissioner Nuckles said that is not the case if they do the fee rather than collecting lodging tax. The commissioners were in consensus that the \$150 registration fee is an acceptable amount. The commissioners were also in consensus that there should not be any lodging tax collected on top of the registration fee.

Mr. White clarified for the commission that Council has directed staff to implement a program without any additional staff. For that reason, they will not proactively be going into the units to inspect them. The units can be inspected on a complaint basis. Mr. White also wished to clarify that the City has not officially selected Host Compliance as its monitoring service. There are multiple vendors out there and it is their intent to shop around for the one they want to use.

Another point of discussion was whether or not there should be a \$500 penalty for not registering their STR. Commissioner Perault suggested that a person should have a grace period like seven days, for instance, to register their STR after they are notified before the fine is assessed. Commissioner Lowe did not think a person should get a grace period because they have been running a business illegally and they should have registered it. Commissioner Lowe noted that this will be on the news and they will also be notified by letter by the Commissioner of the Revenue that they need to register their STR. There should be no grace period. Other commissioners thought there should be a penalty but \$500 might be too steep. After further discussion, the commissioners were in consensus that \$500 is an acceptable amount to charge for the penalty.

The commissioners were in consensus that the STR needs to be in compliance with the applicable building code.

Mr. Martin asked if the ordinance should provide for revoking approving of STR if three violations are received related to the STR. The commissioners were in agreement to placing this provision in the ordinance.

Commissioner Johnson had a suggestion that she would like to see implemented. In some of her reading she saw that there are some localities that require hosts to have items such as smoke detectors, carbon monoxide detectors and fire extinguishers, for example. She wondered if there could be a list of requirements given to the host at the time of registration that he or she agrees to provide and acknowledgements he or she is made aware of such as the noise ordinance and the need to provide a parking space. Mr. Martin said that was a very good point. It probably does not have to be put in the ordinance but it could be made a part of the registration process.

Commissioner Rogers acknowledged the members of the public in attendance at today's meeting. He reminded them they have a chance to speak at City Council's public hearing. There is no perfect framework but there are definitely some necessary measures the City has to take to make STR a legal use. He thinks it is important that we are doing it. He would encourage them to continue sending their letters and to attend the City Council meeting.



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Bonnie Svrcek, City Manager; Reid Wodicka, Deputy City Manager; Walter Erwin, City Attorney; Kent White, Director Community Development; Kevin Henry, Zoning Administrator; Mitch Nuckles, Commissioner of the Revenue

Date: February 13, 2019

Re: Short-term Rental Discussion

BACKGROUND:

- Three hundred sixty-five (365) short-term rental listings have been identified by a short-term rental monitoring service within the City of Lynchburg.
- It is estimated that short-term rentals have increased thirty-seven percent (37%) between 2016 and 2017. There has been an eight hundred percent (800%) growth in short-term rentals nationwide since 2011.
- The *Zoning Ordinance* does not currently define "short-term rental." The Zoning Administrator has interpreted short-term rental as a permitted use in the City's Business Districts and in owner-occupied residential district properties subject to occupancy standards.
- On October 23, 2018, City Council directed staff to prepare *Zoning Ordinance* amendments that would allow short-term rental uses in the City.
- The Planning Commission conducted a public hearing on January 23, 2019. After closing the public hearing, the Planning Commission directed staff to place the amendments on a future agenda for further discussion. The Planning Commission requested that each aspect of the proposed amendments be discussed.

The proposed *Zoning Ordinance* amendments would clarify that short-term rental is a permitted use in the City's residential and commercial districts subject to specific development standards:

1. A short term rental would require owner-occupancy in the R-C, R-1, R-2 & R-3 Districts.
2. A short-term rental would not require owner-occupancy in the R-4, B-1, B-3, B-4, B-5 & IN-2 Districts.

3. Short-term Rentals offered in the R-C, R-1, R-2 & R-3 Districts would require owner occupancy while the unit is offered for short-term rental and the building would be required to retain the appearance of a single-household residence.
4. The maximum number of occupants in a short-term rental would not exceed three (3) individuals.
5. One (1) additional parking space per short-term rental would be required. This parking space would be in addition to any other required parking spaces.
6. An annual registration would be required of all units to be used as a short-term rental. A \$150 registration fee would be required.
7. Failure to register a building as a short-term rental would result in a penalty of \$500.
8. All buildings offered for short-term rental must meet requirements of the Uniform Statewide Building Code.
9. Three (3) violations of state or local laws, ordinances or regulations would result in revocation of approval for a short-term rental.

Draft Ordinance:

A primary goal of the City's Comprehensive Plan is to improve the livability of the City's neighborhoods through conservation, stabilization, and revitalization. The Planning Commission has heard from supporters of short-term rentals who feel that they are a method of supplementing income, increase tourism in the City, and provide alternatives to typical short-term lodging such as hotels. The Planning Commission has also heard from opposition to short-term rentals, citing property value, safety, noise, and trash concerns.

Discussion: Should the City allow short-term rentals?

The *Zoning Ordinance* amendment would define a short-term rental as the following: "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days."

Discussion: Is the requirement for occupancy fewer than thirty (30) days appropriate?

The proposed Zoning Ordinance amendment would permit short-term rentals by right subject to development standards in the following districts:

R-C, Conservation District. This district is intended to provide for very low intensity development in areas not served by City sewer and water supply systems and areas with special natural characteristics

that limit land uses and development to protect the City's environmental health. The R-C District permits single-family homes on ten (10) acre lots.

R-1, Low Density Residential District. The R-1 District is intended to provide for residential development at low densities, together with public uses, institutional uses, and private recreational facilities that are in scale with single-household residences. The R-1 District permits single-household dwellings on fifteen thousand (15,000) square foot lots. Densities of up to two and nine tenths (2.9) dwellings per acre are permitted by right.

R-2, Low-Medium Density Residential District. The R-2 district is intended to provide for residential development at low densities, together with public uses, institutional uses, and private recreational facilities that are in scale with single-household residences. This district is intended to allow higher densities than the R-1 district where supported by adequate infrastructure and compatible with site conditions. The R-2 District permits single-household dwellings on ten thousand (10,000) square foot lots. Densities of up to four and thirty-five hundredths (4.35) dwellings per acre are permitted by right.

R-3, Medium Density Residential District. The R-3 district is intended to provide for residential development and other compatible uses at medium densities in areas with adequate infrastructure and access to public and commercial services. In addition to small-lot single-household development, duplexes and other compatible housing types may be allowed, as are public and institutional uses that are in scale with neighborhood uses. The R-3 District permits single-household dwellings and duplexes with four thousand (4,000) square feet per dwelling unit. Townhomes are permitted in the R-3 District upon approval of a conditional use permit. Densities of up to ten and eighty-nine hundredths (10.89) units per acre are permitted by right.

R-4, High Density Residential District. The R-4 district is intended to provide for residential and other compatible uses at high densities in locations with adequate infrastructure and proximity to necessary services and employment. R-4 districts may include any type of housing, as well as public uses, institutional uses, private recreation and limited retail and service uses, when accessory to a multi-household development. The R-4 District permits single-household dwellings, duplexes, townhomes and apartments with two thousand (2,000) square feet per dwelling unit. Minimum lot size is four thousand (4,000) square feet. Densities of up to twenty-one and seventy-eight hundredths (21.78) units per acre are permitted by right.

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

to residential areas. Single-household dwellings and residential as part of a mixed-use development are permitted by right. All other residential uses require approval of a conditional use permit. A minimum lot size of six thousand (6,000) square feet is required. In addition to the minimum lot size, one thousand (1,000) square feet of additional lot area is required per dwelling unit.

B-3, Community Business District. The B-3 district is intended to provide for office, retail, and service uses meeting the needs of the community as a whole. Residential uses are limited to upper floors of mixed-use buildings or in transitional buildings between commercial and residential uses in mixed-use developments. They will include a wide range of business uses and other uses compatible with a moderate-sized business area, at densities lower than those permitted in the central business area. New districts of this type will be strongly encouraged to develop as fully planned entities. Single-household dwellings and residential as part of a mixed use development are permitted by right. All other residential uses require approval of a conditional use permit. One thousand (1,000) square feet of lot area is required per dwelling unit.

B-4, Urban Commercial District. The B-4 district is intended to: (a) Provide for a wide range of residential, commercial, and other sales and service operations, serving the entire metropolitan area in Downtown Lynchburg and other mixed use centers throughout the City; (b) Encourage a compatible mix of multi-household residences, business, and related activities of relatively high densities and with adequate services where appropriate; and (c) Assure public access to the James River for recreational purposes and to protect the aesthetic qualities of the riverfront. All types of residential uses are permitted by right with no minimum requirements for lot sizes.

B-5, General Business District. The B-5 district is intended to provide for a variety of commercial and similar uses that require large sites and which often produce substantial nuisance effects. The location of these districts should provide for a high level of access, relatively large amounts of level land, and opportunities to shield adjacent residential districts from nuisance effects. Residential uses as part of a mixed-use development are permitted by right. All other residential uses require approval of a conditional use permit. A minimum lot size of six thousand (6,000) square feet is required. In addition to the minimum lot size, one thousand (1,000) square feet of additional lot area is required per dwelling unit.

IN-2, Institutional 2 District. The IN-2 district is intended to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. This district provides flexibility for institutions while identifying areas intended for future development. IN-2 districts are for larger institutional campuses located primarily adjacent to districts other than residential districts. All types of residential uses are permitted by right if operated by the institution. Residential uses not operated by the institution require approval of a conditional use permit. There are no minimum lot size requirements.

Discussion: Should short-term rentals be allowed in the districts indicated?

R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2.

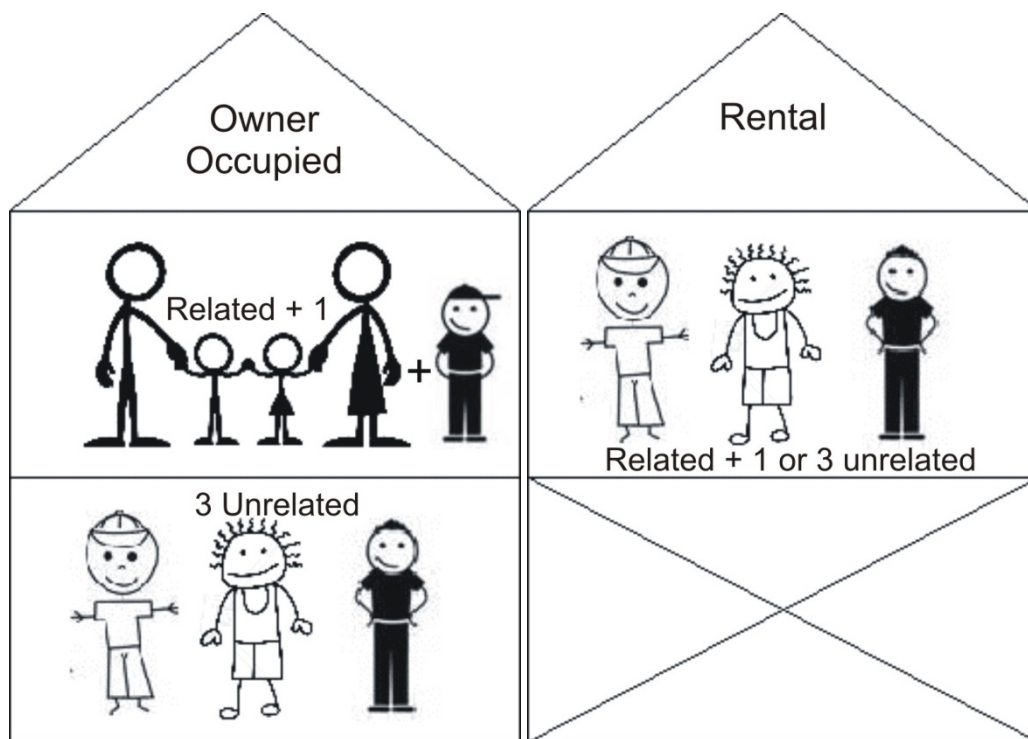
The *Zoning Ordinance* requires owner occupancy in the R-1 & R-2 Districts to allow the use of an accessory dwelling unit. The accessory dwelling may be established in the principal dwelling unit, provided there is one (1) main entrance located in the front of the building and the building has no outside characteristics, such as stairs, other than those common to a single-household dwelling. The accessory dwelling may also be established in an accessory building provided it is no more than nine hundred (900) square feet and has no more than one (1) bedroom.

Discussion: Should owner occupancy be a required in the R-C, R-1, R-2 & R-3 Districts in order to allow short-term rental uses?

Discussion: Should the principle structure use a common entrance so that it retains the appearance of a single-household residence?

The *Zoning Ordinance* defines “Related People” as: “Related individuals include people who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care.”

The *Zoning Ordinance* sets occupancy standards of no more than three (3) unrelated individuals per dwelling unit unless authorized by a conditional use permit.



Discussion: Should short-term rentals be limited to no more than three (3) individuals?

Discussion: Should short-term rental occupancy be part of existing occupancy standards or in addition to existing occupancy standards?

The *Zoning Ordinance* requires one (1) parking space per dwelling unit. An accessory dwelling unit would require one (1) additional parking space. Off-street parking spaces are required to be located on the same lot with the structure. On-street parking located within one thousand (1,000) feet and connected by pedestrian facilities may be used to satisfy parking requirements.

Discussion: Should an additional parking space be required per short-term rental unit?

The draft ordinance would require an annual registration of properties used as a short-term rental. An assessment provided by “Host Compliance” (a short-term rental monitoring service) identified three hundred sixty-five (365) individual short-term rental listings in the City during August 2018. City staff has no method of identifying where short-term rental listings are occurring without the use of a host compliance service. Currently city staff can only identify properties being used for short-term rental after a complaint has been received.

The registration requirement would allow city staff to identify properties being used as short-term rental and provide for monitoring. The proposed \$150 registration fee would be used to help offset the City’s cost to contract with a vendor to identify short-term rental locations along with staff costs for billing, collection, and enforcement. The fee is the equivalent of collecting the City’s six and five tenths percent (6.5%) lodging tax if the property is being used for short-term rental for thirty (30) days per year at an estimated \$75 per night.

$$\$75 \text{ per night} \times 30 \text{ days} \times 6.5\% = \$146.25$$

The collected registration fees would offset host compliance fees and costs associated with monitoring the registrations.

Out of seventeen (17) Virginia localities surveyed where short-term rentals are permitted by right, all localities require a registration fee. Fees range from \$25 to \$100 annually. In addition to the registration fee, all localities surveyed charge a two percent (2%) to eight and five tenths percent (8.5%) lodging tax.

The current proposal does not recommend charging a lodging tax as the City has no accurate way of determining the number of nights or price charged per night for a short-term rental. One listing platform (Airbnb) would collect lodging tax and remit to the city; however, other platforms such as VRBO will not. Collecting lodging tax would also result in an increased amount of staff time for the Commissioner of Revenue’s Office.

Discussion: Should registration for short-term rentals be required and should a registration fee be charged?

In addition to or in lieu of a registration fee, should a lodging tax be charged for short-term rentals?

Should failure to register a short-term rental result in a \$500 penalty?

The proposed ordinance would require that all units listed as short-term rental comply with the requirements of the Uniform Statewide Building Code. One of the most important aspects of any *Zoning Ordinance* is to ensure the general, health, safety, and welfare of the locality's residents and visitors. While the requirement would not result in annual inspections of the short-term rental units, the requirement could result in ceasing a short-term rentals use in case of violations.

Discussion: Should short-term rental units comply with applicable building codes?

The draft ordinance proposes a “three strikes” provision. If a property used as a short-term rental is documented with three violations of any local or state ordinance related to the short-term rental use, such as noise, trash, parking issues, etc., this provision would allow the city to revoke approval for the short-term rental. This provision would aid in protecting the city’s neighborhoods beyond typical zoning enforcement.

Discussion: Should the ordinance provide for revoking approval for short-term rentals if three (3) violations are documented?

MINUTES OF THE JANUARY 23, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Consideration of amending Zoning Ordinance Section 35.2-113 Definitions by adding "Short-Term Rental" defined as the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) days, adding Section 35.2-71.16 Short-Term Rental which would set development standards for and require registration of Short-Term Rentals, and amending the authorized uses of Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential Districts (R-1), Section 35.2-42, Low-Medium Density Residential Districts (R-2), Section 35.2-43, Medium Density Residential Districts (R-3), Section 35.2-44, High Density Residential Districts (R-4), Section 35.2-45, Limited Business Districts (B-1), Section 35.2-46, Community Business Districts (B-3), Section 35.2-47, Urban Commercial District (B-4), Section 35.2-48, General Business District, Section 35.2-50, Institutional District 2 (IN-2) and Appendix A: Table of Authorized Land Uses to allow Short-Term Rentals as a use permitted by right.

Mr. Kent White had the following summary for the commissioners. Last year, City Council requested information on local government's authority to regulate short-term rentals. This was a collaborative effort between the City Manager's office, the Commissioner of the Revenue, the City Attorney's Office, the Department of Finance and Financial Services, the Office of Economic Development and Tourism, and the Department of Community Development. At the conclusion of their October 23, 2018 meeting, Council concurred with staff's recommendation to bring a proposed use requirement and registration fee for short-term rentals before the Planning Commission. The Planning Commission is being asked to consider the Zoning Ordinance amendments that provide for that use and an owner registration program.

Mr. White explained that the state code definition for a short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping or lodging purposes for a period of fewer than 30 consecutive days in exchange for a charge for the occupancy. Short-term rentals continue to be an extremely popular lodging and tourism option. Since 2011, this market has grown 800 percent nationwide. Although Airbnb is projected to have 62% of the current short-term rental market nationally, a number of new platforms are appearing as a result of Airbnb's success.

Lynchburg has witnessed similar growth in this industry. One assessment suggests that the number of short-term rentals in Lynchburg increased by 37% in just a year between 2016 and 2017. Mr. White presented a chart showing that short-term rentals represent about 10% of Lynchburg's total lodging revenue. The Commissioner of the Revenue Association of Virginia and the Virginia Municipal League, among others, are encouraging local governments to plan for an industry that has demonstrated both growth and staying power.

Short-term rentals in Lynchburg have increased lodging options and created opportunities for individuals to generate additional income. They also provide an opportunity to showcase distinct areas of the City. Conversely, short-term rentals have raised questions of fairness. Our 22 hotels and 4 bed and breakfast establishments permitted to operate in the City must obtain a business license and remit lodging taxes. Neighborhood impacts are also a concern. Staff observed an increased number of complaints last year, albeit the total is still low in comparison to other zoning issues. For context, in 2017 six complaints were received on short-term rentals. Last year, 11 complaints were received for short-term rentals.

Mr. White explained that the City's Zoning Ordinance currently does not define short-term rental uses. It defaults to the Zoning Administrator for interpretation. In business zoned districts, the use is permitted by right. In residentially zoned districts, the Zoning Administrator's interpretation is that it defaults to the City's occupancy standards. Those standards say that one can have no more three unrelated people per dwelling unit or when two or more related people reside in a dwelling unit, only one

additional unrelated person is permitted. This has created a gray area. You can imagine a situation where we have an owner-occupied duplex versus a bed and breakfast establishment where you have a host with guests coming and going. Our interpretation is based on whether the operator is present during the guest's stay.

The City's zoning cases are handled on a complaint basis. Occupancy complaints continue to be challenging to prove and often require significant staff research and court proceedings to resolve. No matter the outcome of the investigation, it is staff-intensive and a time-consuming process. In addition to just the time it takes to gather evidence, get approval from the magistrate, talk to the residents and neighbors about a complaint, it typically takes between 45 and 60 days to provide the proper legal notifications to bring a new case to court.

Consistent proactive enforcement of short-term rentals has proven to be difficult in other localities. Mr. White provided a slide that illustrates one of the challenges. It shows a screenshot of a short-term rental location and was pulled from one of the more popular platforms. One can see how it does not show an address or the owner-operator information. The majority of the platforms do not even show this level of detail in the early stages when a person is searching for a short-term rental. Further complicating it, the search criteria is based on availability. Neighbors often call wondering why staff cannot locate the same unit they just saw the day before.

Many sites do not provide the key identifier, so one cannot see exterior photos. There is no address, owner information or directions given until you have actually booked. The Commissioner of the Revenue experimented by booking reservations and canceling and was blocked as a result. These platforms are very adept at hiding the operator information. As a result, many localities have turned to a monitoring service to help identify the location and the number of short-term rental units operating in their locality. An assessment completed by a monitoring service called Host Compliance identified 365 individual units operating in Lynchburg during the month of August 2018. Some owners will list on multiple platforms, so that takes our total to just over 400 when that is taken into account.

The spot data assessment estimated the median nightly rate was \$75 and approximately two thirds of the units were single-family homes. The majority of those homeowners rented the entire house. Mr. White wanted to make an important distinction. These monitoring services are very good at identifying location information. For estimates on rates, number of nights and types of units, they are using algorithms. They are pulling together like-sized communities, similar features, and are interpolating the data. That creates variability. It makes the task of proving the number of times the unit is rented and the amount charged extremely difficult to determine.

Mr. White showed the commission a table that provides à la carte options that were presented to City Council as decisions that other localities have used to manage short-term rentals. Staff has evaluated over 25 different Virginia localities to get a picture of what they are doing to regulate short-term rentals. There are a variety of options and a variety of pros and cons. One of the most common ones is a voluntary collection agreement, specifically with the provider Airbnb. Airbnb offers to collect lodging tax when the guest registers. Obviously, that provides the highest collection potential and the least staff impact. However, there are issues. This is a collection agreement with just this platform and they consider their information proprietary. They do not release any host information or addresses nor even the actual tax information, so it cannot be audited.

Collecting lodging tax is an option and a lot of localities attempt to do so. Some are more successful than others. Mr. Mitch Nuckles, the City's Commissioner of the Revenue is available today if they have any questions for him. Communities that have vacation rentals and property management associations are much more successful at collecting lodging taxes than an average locality. Staff's thinking is that it is too time-consuming and staff-intensive to collect lodging tax. At the same time, they have seen a lot of localities add land use requirements or prohibit them. Of course, the zoning and building codes have a lot of prohibitions. Some require annual inspections. Some just try to eliminate them completely. The

sense that staff got from City Council is to try and find a way to make short-term rentals work because there are thoughts on them across the spectrum.

Ultimately, staff's recommendation is to require a registration fee. City Council concurred with staff's recommendation to bring that idea to the Planning Commission. This option provides the City with information about the number and location of units. Staff thinks this gives us some measure of neighborhood protection and some standard of equity. Before bringing recommendations to the commission, Council also specifically asked that staff research several items including safety and parking requirements.

The proposed ordinance recommends that we continue to allow short-term rentals as a by-right use with specific stipulations. They include an age requirement of at least 18 years of age, an additional parking space for the short-term rental and that the short-term rental meets building code. In R-1, R-2 and R-3 zoning districts (the lower density residential districts), there would be a requirement that the owner be present while the building is used as a short-term rental, a maximum of three individuals in the short-term rental unit in residentially zoned districts and prohibiting any major alterations of houses in lower density residential districts that would alter the appearance of it from a single-household unit.

The ordinance also proposes to require that all operators register and pay the \$150 registration fee by July 1 of each year; no lodging tax collection is proposed. It proposes a \$500 penalty for failing to register. It proposes to allow the City to revoke approval for a short-term rental following three violations of state or local laws relating to the short-term rental use. The fees from the registration fee would be used to support third party identification and staff the program.

Chair Rogers asked if there was anyone who wished to speak in favor of the ordinance. Ms. Dawn Decker of 1100 East Grand Avenue came forward to speak. She is a teacher for the Lynchburg City Schools system. Their pay has been frozen for 15 years and she began to look for other sources of income to prepare for retirement. She has been refurbishing homes and renting them. She had a lot of problems with long term renters such as non-payment of rent and destruction of property. She began using Airbnb and likes the fact that it uses a scoring system to rate renters and operators. There is also an option to purchase additional insurance. The renters take very good care of the property in order to get good ratings. It also made it necessary for her to keep her units in very good condition in order to get good ratings. She does not rent out her units all the time for short-term rentals. There are others that she rents to such as the Hillcats coaches and sometimes she allows family to use them. She is concerned with the requirement to have her home up to building code because she is not familiar with the code and because one of her units is an older home that might not be up to current building code.

Chair Rogers asked if there was anyone else that wished to speak in favor of the ordinance. He mentioned that Ms. Decker's remarks were really more in opposition. Ms. Decker noted that she was looking at it as being in favor of short-term rentals and not as in being in favor of the City's proposal. No one else came forward to speak in favor. He asked for anyone who wished to speak in opposition to the ordinance.

Ms. Jennifer Woofert of 1919 Rivermont Avenue came forward to speak. She has been an Airbnb host since 2014. She thinks there is a real positive economic impact from short-term rentals on the overall hospitality and lodging in the City. She does not think the ordinance is making a distinction between those people that are renting out short-term rentals almost all the time and those that are doing it very infrequently. For instance, since 2014, they have rented out their unit for a total of 41 nights for a total of \$5,540. If she had to pay a \$150 registration form, that is a tax of 10.8 percent close to double the Lynchburg hotel tax of 6.5 percent.

She is also concerned with the occupancy standard and the provision that the owner must be present when the unit is rented. She thinks the provision that the owner must be present seems unreasonable. If they have to be home, then there can only be one other unrelated person in the short-term rental

according to the City's current occupancy standard. She thinks there needs to be a distinction between those that are renting out their entire home on a regular basis intended for short-term rentals and those that have a spare room or guest suite and rent it out infrequently.

Ms. Amy Corbett came forward to speak. It is her livelihood to rent out short-term rental units. One is owner-occupied and one is in the county. She has five clients in other cities and counties. It is her goal to expand her business by managing people's properties. She laughed at the 11 complaints last year for short-term rentals. She wonders how many complaints the City got for long-term rentals last year. She is sure it was a lot more than 11. She thinks short-term rentals are self-regulated because of the review system.

She is located downtown and sees her business as being an ambassador for the City. She thinks we want to show off our City. They provide dining recommendations. It is part of her mission to help them see the beauty and experience a connection with the City. She thinks the taxing is understandable because this is such a growing business and understands why cities want to regulate them. She does not agree that the best way to do it is to penalize the hosts. It would make sense to her to have it collected per reservation and have the guest pay the tax. It is very complex for the hosts so she would like the City to work directly with Airbnb to have the guest pay the tax and the City collects from Airbnb.

She also does not agree with allowing only three individuals in a unit. She often has families coming in and that number would easily be exceeded.

Mr. Jason Phelps came forward to speak. He does have an owner-occupied short-term rental unit. When they chose their home, it was important to them that have space to host family and friends that come from out of town. However, since they provide hospitality to paying guests, he finds himself in front of the commission today.

He computes the number of short-term rental complaints to be 2.5 percent. It seems then that zoning complaints should not be a valid reason for adding restrictions and fees. He reiterated that Airbnb has a two-way rating system to rate both renters and hosts. A host can recommend a guest and other hosts use that as a screening tool. If a guest has not been recommended by other hosts, then they will not rent to them. The main reason he would see for the proposed changes would be revenue generation. They are essentially proposing a tax in the form of a fee to people that are mainly offering rentals in May and June for graduations. If a family rents out a part of their home for \$500, for instance, for one weekend and has to pay the \$150 fee, they are paying the equivalent of a 30 percent tax for the privilege of renting out their own home. He pointed out there is no ordinance designed to regulate for children's sleepovers, Super Bowl parties, or yard sales. Those activities generate noise and traffic and we already have ordinances to deal with those issues. It seems that respects homeowner's property rights. He feels the same should be true with short-term rentals as well.

Mr. Jerry Sutton came forward to speak. For purposes of full disclosure, he acknowledged that four of the complaints last year were regarding his house. He suspects--and forgive him for being pejorative on this--it was because they were African American. He has some questions on the ordinance as it is proposed. Most families have more than one child and that would put them over the limit of three individuals per unit. He also thinks it would be more judicious to say that the unit needs to be the owner's primary residence as opposed to requiring the owner to be present during the rental. It is almost impossible to verify if the owner is present or not during the rental.

Mr. Sutton also wanted to know who is going to enforce the violations. The City is already understaffed and it will be very difficult to verify some of these requirements. If a complaint is filed, what will be the recourse is the complaint is built on inaccurate or false data? Mr. Sutton indicated that when complaints were filed against them, they did not know about them until they received the notice. The complaint was not because they had a student stay for four days, which is typically what they do. It was because they had a family that stayed over the weekend. They did not know about the complaint

until they received the notice that said they needed to cease and desist or there might be criminal consequences. He did not take that very kindly. He thinks they need to rethink the proposal as it is written and thinks they are better off to ask Airbnb to collect the tax on their behalf. The City would have less involvement and more money.

Chair Rogers closed the public hearing portion of the petition. He requested Mr. White return to discuss the comments made by the public. Regarding the question of owner occupancy, he explained that there is a provision in the Zoning Ordinance to request a conditional use permit for a bed and breakfast where one can operate a lodging location and not have to be present. Those entities have a business license and remit lodging tax.

Commissioner Johnson noted that if you live in a single-family neighborhood and rent out your basement, an owner does not have to always be present. Mr. White explained that the proposed short-term rental ordinance requires the owner to be present. It is certainly the commission's prerogative to say that it just needs to be the owner-occupied housing. However, there have been a lot of questions and emails from citizens that are concerned about people residing in a home when the owner is not present. As recently as last week, Virginia Beach initiated an ordinance that is requiring the operator host to be there while the unit is being rented. Mr. White clarified that staff is not talking about instances where the owner went to the store and came back, for example, but the owner needs to be in the area while the unit is being rented.

Commissioner Lowe noted that if an owner has three Airbnb properties, he or she would need to be present at all three of the houses at the same time. Mr. White said that is correct. He pointed out that some localities are saying the owner must be present. Some localities are saying the owner may only have one short-term rental in the lowest density residential districts. Mr. White also wanted to emphasize that this requirement is only being proposed for the R-1, R-2 and R-3 districts. Mr. White said it is the intent that when an owner is hosting guests that they are present; they did not go away on vacation.

Chair Rogers thought that the number of individuals being capped at three has been a sticking point. Mr. White said the ordinance has been patterned off of conversations with City Council and the current occupancy standard. Mr. White noted that Roanoke's ordinance allows as high as ten or five per bedroom. Some localities manage it as a certain number of individuals per bedroom. Six to eight individuals is probably a common number. He reminded them that City Council and Planning Commission wrestled a lot with occupancy requirements when they evaluated the Zoning Ordinance changes a few years ago. Staff needs to be sure the number they choose is enforceable.

Commissioner Marion asked for clarification that if your own family consists of five people, you can still rent your short-term rental to up to three individuals. Mr. White said that is correct. This question was to clarify that an interpretation earlier by a citizen that her family could only have one additional guest. The short-term rental will be treated the same as an owner-occupied duplex. Currently, the owners may have up to three unrelated individuals in the accessory unit. Commissioner Johnson asked if there was any distinction if the guests were related. Mr. White said as it is written, it is talking about three individuals and does not differentiate if they are related or not.

Commissioner Johnson asked Mr. White to explain what type of tax the City is proposing to collect besides what Airbnb might collect. Mr. White called on Mr. Nuckles to answer this question. Mr. Nuckles indicated they have no plans to collect any lodging tax. Commissioner Johnson asked what the people are referring to then in terms of a tax. Mr. Nuckles said they must be referring to the \$150 registration fee. Commissioner Johnson asked for clarification that this is an annual fee and Mr. Nuckles said that is correct. The citizens that have spoken are characterizing it as a tax. Chair Rogers asked if Airbnb is collecting the state tax and Mr. Nuckles said it is not. Mr. Nuckles clarified that some localities, for instance, the City of Alexandria, have entered into agreements with Airbnb to collect lodging tax from guests and remitting it to them in a periodic lump sum.

Commissioner Light mentioned that he has stayed in Airbnbs in the United States and other countries and has always seen a specific line item for lodging tax. Sometimes there is even a tourist tax on top of the actual lodging tax. He is not sure about registration fees in those localities. That to him was a lot more transparent. Commissioner Light acknowledged that he is certain that Commissioner Nuckles has thought through many questions that have not even come to their minds. Commissioner Nuckles said a lot of larger metropolitan cities, for example, Virginia Beach, have a huge presence with the management companies. Those companies were already collecting and remitting even though they were providing Airbnb service. So it makes sense in the larger metropolitan areas for them to enter into an agreement with Airbnb to collect the lodging tax.

Commissioner Johnson asked Commissioner Nuckles if the City plans to enter into an agreement with Airbnb. Commissioner Nuckles indicated that is part of what the commission needs to discuss today. Commissioner Nuckles wanted to address the issue of those that are only doing short-term rentals very infrequently. If a person does not have gross receipts of over \$10,000, there is no business license required. At \$75 a night, a person would have to rent out a unit over 133 times before they went over \$10,000. There is nothing in their system that would trigger them to notice that a person is not doing over \$10,000 a year but they need to remit lodging tax. If a person is required to apply for a license for a lodging business, it automatically triggers the lodging tax element.

Chair Rogers asked about the cost of a business license. Commissioner Nuckles indicated that if a business exceeds \$10,000 but less than \$50,000, it is a \$30 fee. From \$50,000 to \$100,000 gross receipts, it is a \$50 fee. Gross receipts from \$100,000 to \$150,000, it is a \$160 fee. The rate schedule comes into play after gross receipts exceed \$150,000. Commissioner Nuckles explained that the \$150 registration fee was arrived at by computing an average nightly fee of \$75 multiplied by 30 night stays multiplied by 6.5 percent lodging tax.

Commissioner Marion noted that Blacksburg recently entered into an agreement with Airbnb. In 2017, they collected \$13,400 on all short-term rentals including Airbnb. In 2018, they collected \$32,800. She is not sure how they collected the lodging tax prior to entering into an agreement with Airbnb but that number is well over double after entering into the agreement.

Commissioner Marion noted that entering into an agreement with Airbnb would help the owner that is only renting his unit occasionally for graduations and similar events. She acknowledged that unless there is a complaint, there is currently no way to know the identity of the short-term rentals. Mr. White indicated enforcement is handled on a complaint basis. However, staff has been asked by City Council to bring the commission a proposal that starts to look at this issue in a more proactive way.

Commissioner Lowe asked if the registration fee will go toward staffing costs. Mr. White explained that the monitoring service will cost between \$10,000 and \$13,000 a year. Staff does not expect to receive full collection and has estimated possible collections to be \$36,000 a year. The fees would cover the monitoring service and part-time assistance to manage the registry.

Commissioner Bowden commented that it seems like staff is interested in enforcement first and foremost. Mr. White indicated that their objective currently is to try and figure out where the short-term rentals are located. The really good hosts can continue to operate. Where there are issues, there is a provision in the proposed code that talks specifically about repeat occurrences of complaints.

Commissioner Bowden thinks there is a difference between an owner renting out his basement and a person buying houses specifically for short-term rentals. He thinks there needs to be a distinction between these two types of uses. Mr. White said if they can figure out what they want for the smaller operator, there is already a provision in the ordinance for the larger operator, which is the bed and breakfast provision. That treats it more like an enterprise and does not require the owner to be present. There are a set number of guests allowed by the conditional use permit and you are remitting your lodging tax and paying a business license fee because you are operating as a business. This proposed

ordinance is trying to manage those that are not operating directly as a business that give them the ability to operate by right and also provides them a way to know the location of the rentals.

Commissioner Bowden appreciated that clarification. In his opinion, when you get into a commercial operation, there are building codes to consider that might not apply to a residence. Commissioner Marion noted that this ordinance is proposing that the rentals have to comply with building codes. Mr. White said they are not proposing that the units will be inspected by City staff. They are putting that responsibility on the owner. Mr. White pointed out that some of Commissioner Bowden's concerns about the safety of guests would likely be addressed by limiting the number of guests as they are proposing. One does not have to be concerned about whether a deck can handle ten guests if the number of guests is limited to three individuals, for example. Commissioner Marion asked about the operating fees for a bed and breakfast. Commissioner Nuckles said the business license fee depends on the gross receipts and the business owner is responsible for remitting lodging tax.

Commissioner Marion noted that it may seem that the logical thing to do is to enter into an agreement with Airbnb to collect lodging tax. However, there are many other platforms out there that hosts are using that do not offer the same service. Mr. White said that some localities collect both lodging tax and a registration fee and enter into an agreement with Airbnb. Localities are looking at this with a number of different lenses. Staff has given them the proposal based on the research they have done of other localities, what staff has heard and the standards that we currently enforce.

Commissioner Marion said she would like to see a lower fee and the Airbnb tax being collected. She asked if a person does not have off-street parking, does that preclude them from doing a short-term rental. Mr. White said there are provisions for reducing parking based on proximity to transit in certain districts. However, in the lower density residential districts, the parking space should match the residential use. Mr. Martin said that was accurate; in this case it would be either off-site or on-street. Commissioner Marion clarified on-street parking could count and Mr. Martin said the Zoning Ordinance allows one to count on-street parking.

Mr. Martin reminded the Commission that when they created the *Comprehensive Plan*, it put a strong value on protecting the City's single-family neighborhoods. That is a theme that is carried throughout the entire document. When the Zoning Ordinance update was done in 2016, the majority of the discussion centered on the number of unrelated individuals in a unit. The reason for that was the impact on single-family neighborhoods. When this ordinance was drafted, staff tried to strike a balance between protecting the neighborhoods and what the commission and Council had said in the past in terms of occupancy standards.

They have heard from people today that is a self-regulated industry. They need to consider whether or not they are comfortable with the industry self-regulating the City's neighborhoods. Staff could forward them a synopsis of other localities' short-term rental ordinances. All of them but one requires a registration; the majority of them require registration and a fee. All of them but one requires a lodging tax.

Mr. Martin pointed out that the difference between this and someone having a sleepover or Super Bowl party is that a person is not charging for those activities. A person is running a type of business out of your home and that has an impact on your neighbors.

Commissioner Light commended staff for the starting point and said it is obvious they have put a lot of time and careful thought into the ordinance. He wanted to share his experience staying in a number of Airbnbs in the United States and abroad because it is different in a number of ways from the draft ordinance and more consistent with the comments from the public today. The registration fee seems disproportionate for most people versus the fees they are collecting. He does think it is in everyone's best interest to have a registration process. He would suggest something like \$25 to \$30 to cover the cost of the paperwork. Commissioner Light noted that all the locations where he has booked Airbnbs

have all had some type of lodging tax. It was a very transparent process. He assumes it has been properly remitted back to the locality. It is appropriate to have a user fee for the use of the City's amenities.

Commissioner Light also mentioned that he knows some of the hotel owners in the area and it is a very touchy subject. They complain to him about it or he hears it in casual conversations all the time that they have to pay a lodging tax but the short-term rentals in the City do not have to pay it. He thinks there is an issue of equity that could be addressed by having Airbnb collecting the lodging tax.

With regard to the number of individuals being allowed in a unit, he thinks three is too low. They often stay with other couples in an Airbnb unit. He thinks that, realistically, they have to allow more than three individuals. He would think six to maybe as many as eight individuals. If there were an Airbnb on his street and someone occasionally had six to eight people in the house on a rental basis, he thinks he would feel relatively comfortable with it. Mr. Martin commented that the ordinance defines short-term rental as up to 30 days, so six to ten people could be next door to him for 30 days. Commissioner Light thinks that short-term rentals are usually a week or less, maybe two weeks at the most. Commissioner Light said he would like to see a little bit more data on the length of stays, if it is available. Mr. Martin commented that there could be more individuals in a short-term rental if it is a district zoned R-4 or commercial.

Commissioner Light noted that there are a lot of controls within the Airbnb industry. In his experience, the hosts are more attentive than a number of the hotels where he has stayed. He has had owners pick him up from the train station and take him to the airport, all completely unsolicited. He is not overly concerned that the owner would not be present in the house while it is being rented. He would not be inclined to require that the property be owner-occupied.

Commissioner Light did not see it in the ordinance but noted that in many of the places where he has stayed, there has been a limit on the number of nights in a year that you can rent out your unit. Paris, for example, has adopted a 25% percent rule. You cannot rent your units for more than 25% percent of the years. This is due to the fact that some of their neighborhoods have turned into Airbnb "deserts." He is not sure that would be an issue in Lynchburg. He has stayed in some of these neighborhoods and they have been eviscerated. He could see that possibly happening in some of the City's neighborhoods and they might want to consider setting a cap on the number of days a person can rent out their unit.

Commissioner Light does think that short-term rentals are a great thing for a City to have for the reasons pointed out by the members of the public that spoke today. This ordinance is a nice start for a dialogue with some of the refinements that have been discussed. He acknowledged that we do need to get some kind of handle on the number and how they are operating so we make certain that it is not being abused.

Mr. White explained that Airbnb will enter into an agreement with a locality to collect the lodging tax. They will then send the locality an amount at whatever time under the terms of your agreement. However, there is no provision to audit it. That is why you are only seeing this being done by 2 localities of the 25 they researched. If they would like to make that part of their recommendation, staff will certainly take that forward to City Council. They see the benefit of it but their lack of transparency has created a number of issues in other localities. Commissioner Nuckles acknowledged the Commissioner of the Revenue Association has said something similar but we are in a new economy. He thinks they may start seeing more localities entering into an agreement with Airbnb. With regard to Virginia Beach, the City receives the lodging tax directly from the property management companies that manage its short-term rentals.

Commissioner Bowden commented that if they can try to come up with something that manages the short-term rentals, it is not like they have to live with it forever. It can be tweaked and changed as needed. He thinks they need to find something that manages and maintains the integrity of our

neighborhoods. We should do something that allows people to use their property by right without being too restrictive. He would like to see two separate distinctions, one for owner operators and one for business operators. Chair Rogers thinks they are trying to apply one ordinance to both situations and make it cover both situations, which is really difficult. He heard from someone that wants to buy properties for short-term rentals but because of this ordinance, they said they will never buy property in Lynchburg again. If you take it to the extreme, someone could buy up one side of the street for short-term rentals and the other side of the street has no one renting them out. No one would want to live in that situation. But then you have people only doing it infrequently and that's the difficult thing for them to balance.

There was some discussion about how the hosts could collect the lodging tax. If they used Airbnb, they could ask Airbnb to collect the tax. If the guest used a different platform, the host could add the tax directly to the reservation and remit it to the City. Commissioner Nuckles said what they are proposing creates a labor issue for his department. If they wanted to allow people to remit the tax quarterly instead of monthly, the City code would have to be amended.

Commissioner Marion said this is too big to vote on today and she would like to continue the discussion at another meeting. She commented on the number of people that should be allowed to occupy a unit. There are a couple of houses in her neighborhood where the owner has moved out and is renting them out as short-term rentals. She is kind of in favor of the occupied house in R-1, R-2 and R-3 neighborhoods because if you have too many owners moving out of their homes and renting them out as short-term rentals, it is going to be a problem for a neighborhood. In the R-4 district and commercial districts, she thinks it should be different because those are more of rental situations as opposed to family neighborhoods. She thinks the number may be too small. You might have two couples or a family renting a very large house, it would be nice to allow more than three individuals in a unit.

Commissioner Johnson struggles with someone in any residential district being able to rent out the entire house to long-term renters. You are telling someone who they can and cannot allow to rent their property. There are plenty of investors that buy properties to rent and we are telling them they can only to people for longer than 30 days. She is hearing from people that the short-term renters take better care of the properties than long-term renters. Someone can rent out their property long-term to a family with ten children and the City cannot control it. She does not have a problem with the \$150 registration fee so the City has some accountability for the owners that are doing short-term rentals.

Commissioner Light suggested that when the commission meets again, they might have to vote on each issue separately as opposed to reaching a consensus.

Mr. Martin agreed they should break it down into manageable pieces. He suggested they start with whether or not short-term rentals should be allowed, period. The commission has received emails from citizens not here today with petitions that they plan on presenting to City Council asking that they not be allowed in their neighborhood. Commissioner Bowden noted that some citizens may have a homeowners association and he is not sure how that contract can be changed or enforced. It may invalidate an existing contract to do short-term rentals. He is fearful of entering another variable at this juncture. Mr. White noted they will be talking about it in terms of zoning districts. Obviously, neighborhood covenants and associations can supersede the ordinance.

Commissioner Lowe said they all have great ideas and he is fully in favor of tabling this because we have a lot more to discuss, especially enforcement. Staff has already acknowledged it cannot be enforced. He is not sure why they are going to put together an ordinance that no one is going to enforce. He is not sure why they are doing this if the industry is already self-regulating and the City is not going to enforce it. Commissioner Marion pointed out it is handled on a complaint basis. Commissioner Lowe said if the hosts are doing such a great job, there will not be any complaints. Commissioner Bowden noted that if there is an ordinance in place, then you have something to discuss as opposed to there is nothing in the code about it.

Commissioner Lowe also wondered if all the short-term rentals are going to meet the ADA code and is the City going to enforce it. Mr. White wanted to clarify that staff will enforce the Zoning Ordinance. What they define in this ordinance needs to be enforceable. For example, the number of times a unit can be rented is going to be difficult to prove. Commissioner Lowe commented that the fee they are proposing is not even going to be enough to pay a person to enforce it. Chair Rogers asked if non-enforcement is a reason not to have structure though. Mr. Martin noted that Mr. White did not say we were not going to enforce it. What he said is that upon a complaint it took 45 to 60 days to formulate the legal basis to actually be able to do something about it.

Mr. Martin asked how it is even possible to understand if they are meeting requirements if the City does not even know where the short-term rentals are located. Mr. Martin would suggest that they consider how to make this ordinance fair and equitable. The hotel industry has been very vocal about the fact that it is not equitable at this point to everyone. Mr. Martin pointed out that if this ordinance is passed, the third party agency will tell us where the short-term rentals are located. Mr. White commented that the third party agency is very good at giving locations down to an address point. Mr. White noted that the General Assembly has stated that if a short-term rental owner violates the standards that a locality has set on three occasions, they can be prohibited from operating. That is a different case than taking someone to court for violating the City's occupancy standards.

Commissioner Johnson asked if the short-term rentals should be under the Virginia Landlord and Tenant Act. Mr. White said that right now that is not what the General Assembly has designated. They are categorizing it as a business use and, in some cases, a home occupation.

Commissioner Bowden made a motion to table this item until the next meeting. The motion was seconded by Commissioner Marion. The motion passed by the following vote:

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

Commissioner Light commented to the owners that had taken the time to come to the meeting that the commission is trying to make certain that they are responsive in a responsible way to the concerns that they have made today. In his years on the commission and interactions with staff, staff has tried to be responsive in a common sense way to legitimate concerns. There is a need to know and understand the environment in a more comprehensive fashion. They now have an understanding of the basic problems and they will try to come up with a solution that is practical and user friendly from the short-term rental hosts perspective but also addresses legitimate regulatory concerns.

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: January 23, 2019

Re: *Zoning Ordinance* Amendments – Short-term Rental:

Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential District (R-1), Section 35.2-42, Low-Medium Density Residential District (R-2), Section 35.2-43, Medium Density Residential District (R-3), Section 35.2-44, High Density Residential District (R-4), Section 35.2-45, Limited Business District (B-1), Section 35.2-46, Community Business District (B-3), 35.2-47, Urban Commercial District, (B-4), Section 35.2-48, General Business District (B-5), Section 35.2-50, Institutional District 2, (IN-2), New Section 35.2-71.16, Short-term Rental, Section 35.2-113, Definitions, Appendix A: Table of Authorized Land Uses

I. PETITIONER

City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504

Representative(s): Mr. Kent White, Director of Community Development, Mr. Tom Martin, AICP, City Planner

II. LOCATION

The *Zoning Ordinance* Amendments would allow short-term rentals in the City's Residential and Business Districts subject to specific development standards.

Property Owner: N/A

III. PURPOSE

The Zoning Ordinance Amendment would define a "short-term rental" as "The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days." Short-term Rentals would be a use permitted by right in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2 Districts, subject to the proposed Development Standards.

IV. SUMMARY

- Short-term rentals are a popular lodging and tourism option and have seen an eight hundred percent (800%) growth nationwide since 2011.
- It is estimated that short-term rentals in the City of Lynchburg increased thirty-seven percent (37%) between 2016 and 2017. Short-term Rentals represent nine and eight tenths percent (9.8%) of the City of Lynchburg lodging revenue.
- The Zoning Ordinance does not currently define short-term rental. The Zoning Administrator has interpreted short-term rental is permitted in the City's Business Districts and in owner-occupied residential district properties subject to occupancy standards.
- The proposed amendments would define short-term rental, set development standards, and require an annual registration.
- On October 23, 2018, City Council directed staff to prepare *Zoning Ordinance* Amendments that would allow short-term rental uses.

The Planning Division recommends approval of the *Zoning Ordinance Amendments*.**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** A primary goal of the *Comprehensive Plan* is to improve the livability of the City's neighborhoods through conservation, stabilization, and revitalization. The proposed *Zoning Ordinance* amendments attempt to balance this goal with opportunities for increased lodging choice and opportunities for individuals to generate additional income.
2. **Zoning.** The *Zoning Ordinance* does not currently define a "short-term rental." The Zoning Administrator has interpreted that the use is permitted by right in the City's Business Districts and normal occupancy standards apply in the City's Residential Districts. Occupancy in the City's Residential Districts is limited to no more than three (3) unrelated individuals per dwelling unit or where two (2) or more related people reside, no more than one (1) unrelated individual. An assessment completed by "Host Compliance" (a short-term rental monitoring service) identified three hundred sixty-five (365) individual short-term rental listings in the City during August 2018. Despite the large number of unit listings, complaints associated with the use are relatively low compared to other zoning issues: Six (6) complaints in 2017; eleven (11) complaints in 2018.

The proposed *Zoning Ordinance* amendments would clarify that short-term rental is a permitted use in the City's residential and commercial districts subject to specific development standards:

1. An annual registration would be required of all units to be used as a short-term rental. A \$150 registration fee would be required.
2. Failure to register a building as a short-term rental would result in a penalty of \$500.
3. The maximum number of occupants in a short-term rental would not exceed three (3) individuals.
4. One (1) additional parking space per short-term rental would be required. This parking space would be in addition to any other required parking spaces.
5. All buildings offered for short-term rental must meet requirements of the Uniform Statewide Building Code.
6. Short-term Rentals offered in the R-C, R-1, R-2 & R-3 Districts would require owner occupancy while the unit is offered for short-term rental and the building would be required to retain the appearance of a single-household residence.
7. Three (3) violations of state or local laws, ordinances or regulations would result in revocation of approval for a short-term rental.

The proposed short-term rental use should not be confused with a bed and breakfast use. A conditional use permit approved by City Council is required for a bed and breakfast in the City's residential districts. There is no requirement for owner occupancy and the number of rooms and guests are higher than what is proposed for short-term rental. R-1 & R-2 Districts allow up to three (3) rooms with two guests per room and R-3 & R-4 Districts permit up to five (5) rooms with up to four (4) people per room.

3. **Board of Zoning Appeals (BZA).** N/A
4. **Surrounding Area.** N/A
5. **Site Description.** N/A

6. **Proposed Use of Property** N/A
 7. **Traffic, Parking and Public Transit.** The proposed amendment would require the provision of one (1) parking space per short-term rental.
 8. **Stormwater Management.** N/A
 9. **Emergency Services:** N/A
 10. **Impact.** The proposed amendment would allow the City to track short-term rental uses by providing for a registration program and set development standards for the use. Owner occupancy requirements in the R-C, R-1, R-2 & R-3 Districts should reduce any negative impacts from the use.
 11. **Technical Review Committee.** N/A
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of amending Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential District (R-1), Section 35.2-42, Low-Medium Density Residential District (R-2), Section 35.2-43, Medium Density Residential District (R-3), Section 35.2-44, High Density Residential District (R-4), Section 35.2-45, Limited Business District (B-1), Section 35.2-46, Community Business District (B-3), 35.2-47, Urban Commercial District, (B-4), Section 35.2-48, General Business District (B-5), Section 35.2-50, Institutional District 2, (IN-2), New Section 35.2-71.16, Short-term Rental, Section 35.2-113, Definitions, Appendix A: Table of Authorized Land Uses.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Mitch Nuckles, Commissioner of the Revenue

VII. ATTACHMENTS

1. *Zoning Ordinance Amendments*

Zoning Ordinance Amendment Short Term Rentals January 23, 2019

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019**

AGENDA ITEM #: **2**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Emergency Custody Orders (ECO) & Temporary Detention Orders (TDO) Update

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Review information on the impact of Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs) on the Police Department.

SUMMARY: At the request of City Council, the Police Department has prepared an overview of the impact of Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs) on City resources. This presentation will provide an understanding of what ECOs and TDOs are, information on both the staff and fiscal strains that current state law places on local assets, and offer suggestions for legislative changes.

PRIOR ACTION(S): None.

FISCAL IMPACT: Varies based on number of ECO's and TDO's; historical range for ECO's in the past 4 years is roughly a low of \$65,000 to a high of \$121,000 and for TDO's costs ranged from a low of \$11,500 in 2016 to a high for the first eight months of 2019 of \$69,600.

CONTACT(S): Chief Ryan M. Zuidema, 434-455-6171

ATTACHMENT(S): PowerPoint – ECO-TDO presentation

REVIEWED BY: bms



Emergency Custody Orders (ECOs) & Temporary Detention Orders (TDOs)

October 8, 2019



Agenda

- Definitions
- Local Impact
- Legislative Agenda



Definitions

- Emergency Custody Order (ECO)
 - A civil process that allows officers to involuntarily take custody of someone exhibiting concerning mental health behavior, who is a risk to himself or others, and who is unwilling to volunteer or incapable of volunteering to seek treatment
 - Can last up to **8** hours, with an option for a **4** hour extension



Definitions

- Temporary Detention Order (TDO)
 - A civil process that allows the patient to be involuntarily held for additional mental health treatment (up to 72 hours)
 - Requires officers to transport a mental health patient anywhere in the state for treatment, based upon available beds
 - Requires two officers per patient



Local Impact

- These are public health issues
- State law requires local law enforcement to serve both ECOs and TDOs
- This amounts to an unfunded state mandate



Local Impact

ECOs 2015 to Present			
Year	Total ECOs	Total 12-hour Shifts	Cost*
2015	534	307	\$79,230.64
2016	499	253	\$65,223.25
2017	533	380	\$97,965.19
2018	637	469	\$120,967.64
2019 (Jan - Aug)	495	364	\$93,803.28
Projected Increase from 2015 to 2019		36%	

**Cost is calculated utilizing a base hourly rate of \$21.50; overtime was not calculated.*



Local Impact

TDOs 2015 to Present			
Year	Total TDOs	Total 12-hour Shifts	Cost*
2015	91	64	\$16,429.39
2016	66	45	\$11,552.21
2017	71	81	\$20,955.32
2018	72	69	\$17,712.94
2019 (Jan - Aug)	235	270	\$69,555.55
Projected Increase from 2015 to 2019		345%	

**Cost is calculated utilizing a base hourly rate of \$21.50; overtime was not calculated.*



Local Impact

Top 10 ECO Patients 2010 to Present	
ID	# of ECOs
Patient 1	29
Patient 2	28
Patient 3	17
Patient 4	13
Patient 5	10
Patient 6	10
Patient 7	8
Patient 8	8
Patient 9*	8
Patient 10	8
Total	139

**Patient 9 barricaded himself with a weapon two times in less than 72 hours.
This requires a significant deployment of PD resources.*



Legislative Agenda

- There are no easy or quick solutions
- Law enforcement is dealing with this all over VA
- Virginia Association of Chiefs of Police (VACP) is working with the General Assembly
- Alternative transportation pilot is coming in 2020 (will only handle ~40%)



Legislative Agenda

- We support a long-term overhaul of the mental health system related to law enforcement mandates
- In the interim, funding for reimbursement of TDO transports is needed from the state
- More local beds for mental health patients are needed to avoid out-of-town transports



Questions?



Minutes of Council Retreat of 9/24/19:

Members Present: Mayor Treney Tweedy, Vice Mayor Mary Jane Dolan, Councilmember Beau Wright, Councilmember Sterling Wilder, Councilmember Jeff Helgeson, Councilmember Turner Perrow, Councilmember Randy Nelson, Deputy City Manager Reid Wodicka, Assistant City Manager John Hughes, Robin Craig, Donna Witt, Joann Martin, Jenny Jones, Kent White, Marjette Upshur and Tamara Rosser. Retreat began at 1:00 p.m.

Dr. Reid Wodicka gave an overview and reminded them they met about a year ago for a retreat and discussed a variety of issues they felt were important for the City to discuss. Staff met at GLTC in November 2018 and came up with goals that Council said were important for the community. They wanted to articulate it in a way that was meaningful to everyone and make it operational for the next number of years. The Lynchburg plan is a work plan and they hope it shows the vision that City Council has for what Lynchburg is and what it can be for a long time into the future. Staff believes it is important that the elected body have the opportunity to weigh in on the things they think will operationalize and achieve the things that they said they wanted staff to do.

Dr. Wodicka explained the plan is divided into four priority areas. The City can help the City develop a thriving and prosperous private sector. Workforce development is tremendously important. With a City that has a relatively high poverty rate and a relatively low employment participation rate, we have to be thinking about the disconnect. Staff has heard from businesses that they have jobs to fill and cannot find people to fill them.

Infrastructure, such as the water and road systems, is tremendously important to developing a thriving and prosperous private sector.

We have to actively partner and manage the partnerships that we have with various community partners that can make some of these things happen.

We need to have great neighborhoods and strong families and need to do everything we can to make sure that people thrive in those environments. Our public services have to be extremely effective and we need to be thinking about how we capture that in reasonable data.

The success of the City relies very heavily on the City as an organization. It needs to have long term viability and be resilient and agile and work on continually making ourselves better. We need to be a highly competitive employer and make sure the people we are hiring are the best people we can possibly hire. Financially, we need to focus on making ourselves viable in the long range.

Council really talked about schools. However, the school system is developing its own strategic plan and there is a task force. We probably do not need a third document that is saying what the school system should be doing.

Dr. Wodicka said today is the beginning of having Council weigh in to say whether the things that staff has indicated in this plan are the right things and if they will lead the City in the direction Council wants it to go. They would like Council to not necessarily look at little individual things in the plan but look at

the big picture. They will break up into groups and each group will take responsibility for one of the three priority areas. A councilmember from each of the groups will report out at the end of the hour. Dr. Wodicka said they will discuss each priority area as a group because as Councilmember Helgeson pointed out, they each have opinions on each of the priority areas.

Mr. John Hughes commented that staff is also asking them to consider whether the language is palatable for those reading it and that it is not too “highbrow.” The Economy group consisted of Reid Wodicka, Marjette Upshur, Vice Mayor Dolan and Councilmember Perrow. The Families and Neighborhoods group consisted of Kent White, Jenny Jones, Tamara Rosser, Councilmember Wilder, Councilmember Nelson and Mayor Tweedy. The Organization group consisted of Donna Witt, Joann Martin, Councilmember Helgeson and Councilmember Nelson.

A summary of the points from the group “Priority 1: The City’s Growing and Redeveloping Economy:”

Goal 1 - Expanding and Coordinating Workforce:

- A key goal in strengthening our families and neighborhoods, as well as increasing our median income and lifting people out of poverty (Dolan)
- Staff did a great job in putting this together; would like them to be more specific on deliverables (Dolan)
- Some of the studies need to be done in a more timely manner like maybe one year (Dolan)
- Thought that Pre-K should be included and not just K-12 education (Dolan)
- Thought that the reactive versus proactive discussion was interesting. Marjette had said that they have to meet company’s needs so they can put together a plan (Dolan and Perrow)
- On the human resources side, they can be very proactive (example, KDC). It is a balance. (Perrow)
- Thinks this goal is key by design or by chance. It is the number one goal of the number one priority. (Perrow)
- This does not mean finding jobs for people but making sure people are prepared for a job and the companies are prepared to bring them in (Perrow)
- This goal affects so many other goals (Wilder)
- It is important to let our citizens know what resources are available to them (Wilder)
- We are missing a couple of initiatives that need to be rolled up into a broader study phase that happens earlier and then we need to implement the results of that study and hopefully that will achieve the success definition
- Our poverty rate is high and our labor participation rate is low. We have people that can work so are we incentivizing poverty too much (Helgeson)
- It will be hard for us to attract companies unless there is a willing and able work force (Helgeson)
- He thinks we took away a barrier to a large employer in Lynchburg (Liberty) when we gave them institutional zoning and they hired a lot more people due to the growth. He thinks the City can get out of the way or not be a disincentive for employers (Helgeson)
- This is not a “cookie cutter” approach, but all the employers have similar problems. The State workforce development board met here last week. The state is now creating a program to

incentivize work and make up the difference of some things such as the cost of day care. There can be plenty of jobs available but we still have to address the barriers and challenges of those that need work or need a progressive path. (Tweedy)

- Add something about evaluating those structural characteristics and barriers that make it difficult for potential employees (Wodicka)
- Are we doing anything that encourages a decreased employment participation rate because we should stop that (Perrow)
- Agree with the Pre-K readiness piece because a child needs to be ready for kindergarten so he or she does not start out failing and then sets himself or herself for continued failure (Nelson and Wright)
- The poverty numbers include the working poor not just those people that are not working (Dolan)
- If the schools are turning out people that are not ready to work after K-12 education, how will adding another year of education help? We have to be careful not to throw out stuff that just sounds nice but actually makes an impactful difference (Helgeson)
- The people that are not ready for work or able to find work spans all kinds of demographics (Wright)
- Instead of arguing about Pre-K, we can say education is critically important (Perrow)
- Preparing a child for kindergarten does not mean it has to be undertaken by the government (Nelson)
- We could add a statement about the educational environment (Wodicka)
- The document is long and what is the market? (Helgeson). Others thought it was not that long and easy to read.

Goal 2 – Investing in Infrastructure & Connectivity:

- We need a clear plan to guide investment in public infrastructure and it needs to be a priority driven methodology. It was noted that this rating system will be talked about in work session today. (Perrow)
- The group disagreed about and thought one of the trends was unclear--equitable distribution of infrastructure spending across census tracts (Perrow)
- The group thought that staff was suggesting that they need to be mindful that all the spending is not happening in specific areas of the City (Perrow)
- The operational initiatives are all very good (Perrow)
- We need to be ahead of the curve with water and sewer services as well as traffic needs (Perrow)
- We need to look at growth areas in the City and doing public infrastructure at the edges of the growth areas. For instance, if the Heritage High School area is determined to be a growth area, put sidewalks in Richland Hills to make it more attractive or putting infrastructure uphill into the neighborhood areas around downtown to make them more attractive for reinvestment (Perrow)
- The last sentence under “Evaluation of Present Conditions” is really part of “Our Definition of Success” because it is a forward looking statement (Perrow)
- The first initiative seems to be the same as number seven (Wright). It was pointed out that the time frame of the Capital Improvement Plan is multi year but it could be combined (Perrow)

- Broadband access and affordability is mentioned but not Smart City technology (Wright). We are already doing a lot of that. When his group was talking about this, it was more of public availability to high speed internet. Could we do 5G planning? (Perrow)
- We may be doing some Smart City things, but it might be an area where we could develop a coherent strategy (Wodicka)
- Sustainability is not really mentioned in the initiatives even though long term environmental impacts are mentioned in the “Intended Community Outcomes.” We should be thinking about the City’s environmental footprint in the next 20 to 30 years. (Wright)
- We talk about evaluating consistent problem areas in terms of storms and flooding, which is really our threat but we did not talk about taking steps to reduce our carbon footprint but that is a low priority for him as he does not think they have a meaningful impact (Perrow)
- How we decide what goes in the document if we disagree on an item? (Wright). We need more than an hour to discuss it. (Helgeson). There was no suggestion this would be adopted today and it will be brought back to them for further discussion (Wodicka). We need to adopt something from which staff can operate (Tweedy)
- Spending should be based upon need and not our desires or feelings (Helgeson).
- He would hope some of these items would be removed from the plan more than added to it (Helgeson). We need a document that is broad to address many things that are affecting us (Tweedy)
- If we keep in the initiative to implement the downtown plan, which is one square mile, that takes away from equitable distribution of infrastructure to other parts of the City (Helgeson)
- It should be about tangible results (Helgeson and Perrow)
- Equity does not mean equality. The word equity is based on need and conditions versus equality, which would mean that every neighborhood gets exactly the same thing. We can change the wording but that is the intent. (Wodicka)
- The initiative that says “Implement projects to activate the Downtown 2040 Master Plan” could be changed to say “Implement projects that do not frustrate (or complement or facilitate) the Downtown 2040 Master Plan.” We do not have to activate the plan when we have other things on our plate. We hope it is developed a great deal through private investment. Not wordsmithing but that is a big difference. (Nelson) Agreed and good distinction (Wodicka and Helgeson)
- There are many neighborhoods like Dearington and Tyreeanna that have the lack of infrastructure (Tweedy). There are points in the neighborhood sections about that issue. (Wodicka)
- Having all trails connected by 2022 is not a priority to him. (Helgeson). That is a goal as to when to have a plan developed (Wodicka). Others liked the connectivity and have had citizens say they would like even more connections. (Perrow and Tweedy). This would make Lynchburg a more livable City. (Tweedy and Wilder)
- Sustainability also means fiscal sustainability (Helgeson). That is why we will need to set our priorities (Wilder).

Goal 3 – Developing & Growing Partnerships:

- We are pretty successful in this area already. We need to reinforce and continue to build those partnerships. The outcomes of the partnerships all lead to economic development and growth of the City and enable employers to connect with the City. (Perrow)
- They were not sure what “increasing equitably by need” meant in terms of “changes in total taxable real estate value by census tract” and would like that defined a little bit better. (Perrow)
- The initiatives in this section are all good but it is all about growing our community and making it more business friendly (Perrow)
- With regard to the initiative about building a relationship with the local realtor association to encourage advocacy, investors are looking at \$1.11 per thousand versus \$0.43. (Helgeson)
- What do you get for \$1.11 in Richland Hills that you do not get a mile down the street? You might get trash pickup and faster emergency service, but if the City could invest a little infrastructure, people will see the benefit of living in the City versus the counties (Perrow).
- First time we were invited to the realtor association breakfast. There was an economist there from D.C. that said the City could be very attractive to more people if there were more homes in the 100K to 200K housing market. Lynchburg has a great quality of life and product to sell but not enough affordable homes. (Tweedy)
- Selling all the positive things we have to offer to realtors just makes our City more marketable. We can be the cheerleaders for our City. (Wilder)
- We need to look at the big picture – safety, cleanliness, infrastructure and schools. Some of these other items are ancillary (Helgeson). Some of those things are all linked together and addressed in this plan (Tweedy and Wilder).

Priority 2: Exceptional Neighborhoods, Strong Families:

Goal 4: Assessing & Understanding Neighborhood Strengths and Challenges:

- Group thought this section covered the main areas and included what Council has been saying over the past year since its last retreat. (Tweedy)
- The group does not want to get into the weeds but thinks staff can delve deeper into the layers based on the format of this report (Tweedy)
- How and what are we measuring? People need to understand all focus areas, as well as resources and paths to success. (Tweedy)
- The plan can be overwhelming but that is where we need to keep staff aware of all the moving parts, which helps staff have ownership of their areas. The document gets us to being result oriented. It also minimizes competition between departments. (Tweedy)
- Some citizens do not understand all the resources available to them and there needs to be more navigation. (Tweedy)
- Some demographics are not impacted by poverty reduction, such as the disabled and elderly, and we need to have an intentional focus on them when we are talking about poverty strategies. (Tweedy)

- Some of the census tracts will have not have a high rate of poverty but we still want to see a reduction (in other words, it might already be lower than 25% but it would still be good to see if there is a trend to less poverty in those areas. (Nelson)
- They would like to see the crime rates broken out by adult and juvenile crime rates (Tweedy)
- What can we do to help the character of neighborhoods when there are property owners not keeping up their properties? We may need to talk to our state representatives as advocates to get some of the laws changed because we have nothing in our laws on which to cite owners (for example, overgrowth of shrubs). (Tweedy) Government should not get into dictating aesthetics though because what is offensive to someone might not be offensive to someone else. The items should deal with health and safety. (Nelson)
- They would like “absentee” property owners changed to “all” property owners. This is not wordsmithing. It is making all property owners accountable for the condition of their properties. (Nelson)
- We need a stronger definition of success on this one. How do we quantify our “ability to develop strong relationships with members of our community?” (Perrow) It should be evident in property values. (Helgeson)
- We can make sure neighborhoods are safe and make sure we have excellent public safety and backing our prosecutors when they put criminals behind bars. (Helgeson) What would he suggest be put in the document that is not otherwise captured? (Wright) He thinks they do all the initiatives on this goal already. (Helgeson) We could say that we are going to “right size” the police force. (Perrow) It could be added that we evaluate the size of the police department. (Wodicka)
- Are we looking at the historical buildup of our neighborhoods and the historical preservation of neighborhoods throughout the City? (Tweedy)
- Zoning is another item. We have a contract with our neighborhoods and we should stick with it unless there is a really compelling reason. On one side we are trying to prevent people from renting out their home for one night. Tonight they will be deciding on a rezoning that allows 87 permanent rentals (townhomes) in an R-1 neighborhood. How is that protecting neighborhoods? (Helgeson). He makes a good point but this topic may be covered in Goal 5. (Perrow) How would we operationalize this here as an initiative? He thinks Council and staff already do that with the *Future Land Use Map*. (Wright) Maybe we need to restrain staff from pushing something that may be counter to what the neighbors really want. (Helgeson) Maybe we need to update the *Future Land Use Map* (Perrow). That might be the initiative that needs to be put in here. (Wodicka) The *Future Land Use Map* was adopted with the *Comprehensive Plan* in 2013. (Kent White). We are actively changing the *Future Land Use Map* with some of the rezoning petitions and he would like them to be mindful of how that affects neighborhoods. (Helgeson). That argument is brought up every time a rezoning request is made and he does not think we need to incorporate that concept into this plan. We cannot bar or tie the hands of future Councils. (Nelson)
- What can we do to have a cleaner City and not have piles of bulk trash and brush left out for long periods of time? (Helgeson) We are going to be bringing recommendations for how to totally reengineer the refuse collection next month. (Wodicka) We could talk about it in Goals 5 and 6 –

Beautification of neighborhoods and Public Safety Delivery and add it as an initiative. (Helgeson and Wodicka)

Goal 5 – Creating & Reimagining Beautiful Neighborhoods:

- We have seniors and disabled that do not have the means or are not physically able to fix up their homes. We could identify those areas and do a public/private partnership with churches and other organizations to help them in a more meaningful way. (Tweedy)
- There have been many plans over the years and there have been many nuance changes. It may be time for wholesale changes. (Helgeson). Wholesale changes are coming. (Wodicka)
- Citizens have complained about the paving of streets in the historical neighborhoods where the push is to maintain the cobblestone but there are still serious potholes and issues with these streets. (Tweedy) Some neighborhoods want them and some do not. (Wodicka)
- Likes one of the definitions of success as growing the tax base created by the programs provided through public-private partnerships. We need to be careful on the metric of public dollars expended on beautification efforts by census tract because he thinks it should be need based. If we can make a small investment that will make a substantial increase in the assessed values, then we should do it. (Perrow). There are some areas that have been oppressed since 1786 or systems have been set in place by government leaders or agencies to keep an area oppressed. (Tweedy). You do not want to do paving and curb and gutter and sidewalks in an area where you do not have growth and development. (Perrow). But do you have growth and development if you never do those improvements? (Tweedy) We need to do the infrastructure on the fringes of the growth areas so we can get a return on investment. (Perrow) But are we determining where we will be getting the return on investment? Gentrification comes up for her. When we look at the traditional systems that have built around decreasing property values (such as redlining) then we say this is an area that will not be an economic boon so we are not going to invest in infrastructure. (Tweedy) She is throwing in a lot of things that are historically inaccurate. Downtown Lynchburg used to have some of the wealthiest people in the City even the country. Redlining could have been based on race but it was based on an area and was done away with eighty years ago. (Helgeson). Those areas still have not caught up economically. There needs to be some intentionality of investment of infrastructure to correct things going forward. (Tweedy) The return on investment might not be as evident as we want it to be and sometimes we might have to lead the investment by taking a risk. There may be potential or it might have had underinvestment. (Wright). Measuring success by public dollars spent is a little artificial and distorted. We may spend very few public dollars in some of the high end neighborhoods because the amenities were put in by private developers. (Nelson). We need to be sure we are not doing something like sewer in Richland Hills or WyndSOR Hills just because they do not have it because those people knew what they buying. (Helgeson). That section will be rewritten. (Wodicka)
- One of the initiatives here needs to be defining the neighborhoods. There are Assessor neighborhoods, Planning neighborhoods and he thinks another one. We need to be working off the same sheet of music. (Perrow)

- Before we look at the lead abatement program again, he would like them to look at the history of the previous grants the City had and how they were run. (Helgeson)

Goal 6 – Creating a Culture of Exceptional Public Service Delivery:

- Establish a baseline for underserved neighborhoods so it is not just inner City or the impoverished. We have underserved parks and food deserts. (Tweedy)

Dr. Wodicka summarized that this plan will be brought back to them again to finish it up and once the initiatives have been decided upon, staff will be bringing them updates (possibly quarterly) on how it is doing implementing them.

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of September, 2019 at 4:00 p.m. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following Members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Beau Wright,	
Treney Tweedy	6
Absent: Wilder (he arrived during the first presentation)	1

// In the matter of Budget, Capital Improvement Program (CIP) Prioritization, Agenda Item #1, Dr. Wodicka noted that Public Works has been working on developing an objective and comprehensive Capital Improvement Program rating system. It is important that we have a very clear way of evaluating our capital projects. They will show them the transportation component today and there is a comparable building side as well. There is a parallel process in the Finance department to update how we are managing the data on the financial side of the capital improvement plan process. They are moving from a manual system to a technological system to make the planning process much more robust.

Ms. Hart explained that for long range planning they use VDOT's STARS program, which stands for Strategically Targeted Affordable Roadway Solutions. VDOT has looked at safety on all the expressway entrances and exits and done various corridor studies. They also have several studies from the Central Virginia Metropolitan Planning Organization such as the 2040 Long Range Transportation Plan, the Atlanta Avenue Corridor Study and the Wards Ferry Road Corridor Study. We do our own City studies and condition assessments as well.

Ms. Hart covered some of the selection criteria and mentioned that these have been reviewed by the Physical Development Committee (PDC). Staff from Economic Development, Community Development and Water Resources assisted Public Works in coming up with the criteria. The criteria will be rated on a scale from 1 to 10 with 10 being major or significant problem. PDC suggested only using 1, 5 or 10 but staff decided to only define 1, 5 and 10 and use the entire scale for rating a project.

Another thing they consider when they develop the CIP is other sources of funding. Engineering staff strives to maximize federal and state funding opportunities. They try to match revenue sharing every year. They get \$20 million over a two-year period (\$10 million local and \$10 million state). Prior and future large projects have limited funds available for debt service. They try to spread large projects out unless they are largely funded by an outside source. They try to spread small, medium and large projects throughout the five-year CIP.

There is some subjective decision making that has to happen in the process and things change and happen that take priority over projects that are in a plan. We have limited staff to manage projects. PDC recommended that cost benefits be a factor. PDC chose one of the options developed by staff. If you get 100% funding, the rating criteria remains the same. If it is 50 percent funded, about 20% of the score is removed. Ms. Hart had provided Council with a spreadsheet showing a completed project.

Councilmember Perrow noted that when Council looks at this, they should think of it as a guide. With any rating system, you can game the system. This system will show a subjective ranking of the project. If you think that something is inconsistent with what you think the rating should be, he would suggest you go back and look at the individual scores. He does not mean to sound derogatory when he says things could be gamed, things could be

made more important than possibly what they should be or not as important. If you shift outside funding from one project into another project, it will raise or lower those projects. He remarked that this is not a hard and fast system but is a guide to help them individually frame decisions and beliefs about what projects are important. He hopes it gives them a taste of reality about where projects align as far as the importance from the perspective of the City.

Councilmember Helgeson appreciates having some metrics and recognizes the subjectivity of it. He thinks a \$10 million sidewalk project from last year's CIP probably would not have scored very well. He is glad staff is responding and looking at actual structural deficiencies and congestion. He thinks items 6 and 7 might be able to be put together with number 4. That would give a 25% weight that could be above the actual structural deficiency and congestion items. Because when he looks at better streets and multimodal he thinks of Campbell Avenue where he heard from staff that maybe it needs to go on a "road diet." He has yet to hear a citizen that would like a vehicular lane removed on this main arterial road. He would like to see items 6 and 7 completely removed from the weighting.

Councilmember Helgeson asked how staff would interpret the relationship between two competing projects when one is a building and one is transportation. Ms. Hart said it is always a balance and they plan to use this as a guideline. It is not like SMART scale where there is an absolute score. They try to balance small, medium and large projects, so it could be a sidewalk project gets in because they can fit it in the funding, it is needed and it has been on the list for many, many years. She thinks it will always be subjective how you weigh a building project versus a transportation project versus a park project. The City Manager will bring them a CIP that he or she thinks Council can support.

Dr. Wodicka said this is a three-year revamping of how they do capital improvement planning. Next year they are hoping to add a much more robust staff discussion. It is multi-year updating of how they are doing business.

Councilmember Helgeson asked if there was any kind of scoring system last year when the CIP was adopted a few months ago. Ms. Hart said there was a scoring mechanism. It was a rebuilding year on CIP. The Deputy City Manager was trying to work with the funding part of it. They used it for one year and then skipped a year due to last year's changes. They think they have the financial piece down now and it will be easier for departments to submit their CIP projects for consideration.

Councilmember Helgeson noted that the \$10 million sidewalk was still recommended last year even though they had critical projects to fund such as the College Lake Dam. If this new system would have been in place, he would imagine that the scoring system would have nixed the Florida Avenue sidewalk system, except for political reasons, from a quantitative analysis. Ms. Hart said not necessarily. It could be that all of your top projects are very expensive. It is very possible that a sidewalk project would score well against another sidewalk project.

Dr. Wodicka equated it to putting a puzzle together. You have to pick projects that might be lower down the list because we have the bond capacity to do them. It is probably too simplistic to compare one project to another.

Vice Mayor Dolan is happy to see number 6 and 7 in there. We talk about livability and we really need to consider our environmental footprint and we want better streets, nice roads and attractive places for people to walk, drive and ride their bikes.

Councilmember Wilder likes having a standard system and acknowledges that there is no perfect rating system.

Councilmember Nelson said he respects and recognizes the expertise of staff that came together to establish this system. It has about a 16% differential between the highest and lowest weighted items. He wondered why community impact was weighted higher than economic impact. She said they arrived at that after much debate. She respects that maybe those should be flipped and that is something they could examine. She cannot explain it succinctly but could say that it was arrived at based on staff expertise. Councilmember Nelson asked if there was discussion about lowering the weighting of some of the other items so both items could be 13%.

She pointed out that 6 and 7 might be considered beautification but some of it is actually required in VDOT standards. Councilmember Nelson said he was not talking about eliminating a category but lowering the percentage of a category so it could be added to economic impact. She said they can think about changing it but for this year, they are running out of time because the CIP is due at the end of October.

Councilmember Wright does not think there is anything soft about number 6 and 7 and that they are really important elements. He wondered how they arrive at the score for community impact. Ms. Hart thinks they were under a strategic plan with 12 pillars in it. Some of those pillars were pulled into community impact. She noted they are still operating under that plan until the Lynchburg Plan is approved.

There was consensus to switch Agenda Items 2 and 3.

// In the matter of Fire Department, Standard of Cover, Agenda Item #3, Chief Greg Wormser gave a presentation of the department's standard of cover and community risk assessment. This is instrumental in assuring the department can move forward in the accreditation process. The standard of cover is a document that supports what the department does every day. The standard of cover was first adopted in Council in 2006. It is a data based and service driven methodology. It evaluates our system benchmarks and baselines. He noted that our current baseline is 2 minutes and 30 seconds and they would obviously like to be well below the baseline. This is all graded on what they have to do 90 percent of the time.

Chief Wormser remarked that this has a huge community risk reduction aspect to it. They want to be properly telling their story and delivering the service that the citizens need. He also remarked that it is a changing, living document. Councilmember Perrow asked if they are using some software to keep up with the data. Chief Wormser said it is currently a manual process. One of the things identified has been that the department needs a better system for analyzing their data.

Chief Wormser explained that they are currently in the applicant phase of the accreditation process. They hope to move to candidate status soon and be fully accredited by March 2020. Chief Wormser reported that the highlights of the analysis are that the department is providing an incredibly prompt, skilled and efficient service. Call volume is trending up. Response times are generally trending down and service delivery outcomes remain strong.

Councilmember Perrow asked if the number of structure calls is consistent, increasing or decreasing. Chief Wormser said they are consistent, which means an increase of less than 50. They have seen the largest increase in their EMS calls. Councilmember Perrow wondered if this should affect our policy making. If we are going to use this document for policy making, then the data needs to be adjusted for other factors such as structure fires are now considered both building and cars. However, this is the way the data is being reported for accreditation purposes.

Chief Wormser explained that with regard to low risk EMS calls, they made a complete change in Emergency

Medical Dispatching (EMD) at the end of 2017. They were able to more properly articulate, using a resource allocation model to make sure they are getting the right equipment to the right call. They are still running more calls but they are of a different nature code.

Councilmember Helgeson remarked that if a person calls 911 but the fire department is not called for five minutes, it should not count against the fire department's response time. Chief Wormser said Emergency Services has had its own share of challenges. One thing they did to narrow that gap is that we no longer tone all the stations individually. We tone them together, which saved about 28 seconds.

Chief Wormser noted one of the things they are very proud of is their return of circulation rate. It is 52 percent, which is twice the national average. If you have a heart attack, you have a 52 percent chance of surviving it.

When Chief Wormser discussed the busiest census tracts for calls (one contains Florida Avenue and Campbell Avenue), Councilmember Helgeson noted the scoring system should reflect areas that need good access for emergency vehicles. It should have a scoring category for public safety. It is another good reason not to put Campbell Avenue on a "road diet" because the emergency vehicles are responding there quite often.

Dr. Wodicka noted that the chief and his team did not just check off boxes. They went above and beyond so they could be self reflective to use this tool to make our service better. It was noted that this item should come to them once a year for an update.

Chief Wormser explained that there are lots of reasons that the department is not accredited currently. Councilmember Helgeson thought it was more of a paperwork issue than it is a safety and standard issue. Chief Wormser thinks it is both. There were some challenges in the department and the standards have changed. In answer to Councilmember Helgeson's questions about its benefits, Chief Wormser said it validates what they do every day and helps them to improve every year.

Councilmember Nelson wanted to know why an EMS call takes longer than a fire call. Chief Wormser said all the call types are coupled together. They can tell the difference in their high hazard EMS calls versus their low hazard EMS calls. Councilmember Nelson noted that the topography and streams in the City also present challenges in response times and Chief Wormser said that is correct.

Councilmember Perrow asked him when he returns next year to take more of a policy focus. He would like to see the data in the forms of trends. Councilmember Perrow made a motion to approve the resolution, which was seconded by Councilmember Nelson and passed by the following vote:

AYES: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
NOES:	0

The councilmembers were in consensus that the short term rental ordinance item should be deferred to the October 8th meeting so that they can give the Thriving City item due diligence.

// In the matter of Thriving City update, Agenda Item #2, Mr. John Hughes was available to give them a presentation. He reminded them that they collapsed several City plans into the Thriving City plan in January 2018. They are there to give Council an update on Lynchburg's poverty reduction efforts, as well as the Economic Development Blueprint for Opportunity, the Downtown 2040 Master Plan and Reimagining Neighborhood Centers.

Mr. Hughes explained that there are known barriers to our citizens who are striving to get out of poverty. Task

forces from Bridges to Progress have been formed to address them and they are Faith, Early Childhood Care and Education, Workforce, Legal, Education, Housing, Food Disparity, Transportation, Community and Health/Mental Health.

The Faith Task Force has been galvanizing the faith community to address poverty by developing Bridges training for faith communities, creating mentoring programs and drafting resource guides, hosting a poverty simulation, participating in Juneteenth and hosting community dinners at neighborhood centers. They held educational forums for the faith community on various subjects: poverty statistics, community policing, workforce development, and Legal Aid presentation, to name a few. The Early Childhood Care and Education Task Force drafted a strategic plan and is moving forward on a discussion on quality child care. It evaluated enrollment of Head Start and Virginia Initiative programs in the area, collaborated with neighborhood centers on distribution of preschool information and developed an interactive data map of childcare providers and preschool programs.

The Workforce Task Force: Virginia Career Works (VCW) is serving as the primary backbone of workforce-related interventions by working closely with community partners focused on employment. There were 6,738 VCW visits in 2018-20189 (3,432 in the City). They are developing a career essentials program in collaboration with multiple agencies.

The Legal Task Force is primarily assisting persons reentering the community from incarceration with the Welcome Backpack project, First Steps Reentry Guide, community programs such as “The Law and Our Community” and creating a partnership with local adult detention centers.

The Education Task Force’s initial goal was to provide coordinated tutor assistance and training to tutors in organizations throughout the City. It is channeled through the University of Lynchburg’s Center for Education and Leadership. It created modules on asset assessment, relationship and positive behavior intervention. It was a successful pilot program with 3.5 hours of training for 15 City neighborhood center staff. They plan to offer full-day training with five modules.

The Housing Task Force: Joint efforts with the Housing Collaborative and City related to affordable housing and home ownership. It participated in the Collaborative on Homelessness at the University of Lynchburg. LYNCAg’s First Time Homebuyer program had 15 individuals complete the program. Six of these are prequalified or have purchased a home. Three are in the City.

Councilmember Helgeson asked if the housing program is funded by CDBG money because those people are supposed to live in certain census tracts. Councilmember Helgeson noted that three of the recipients were from Campbell County. Mr. Hughes said he would look into that for Councilmember Helgeson.

The Transportation Task Force has focused on a greater transportation survey, goal implementation and assessment continues along with the development of the Move Up application. It expanded the Transportation Task Force and identified six goals for progress and ongoing transportation needs. It is researching data associated with closing transportation gaps in Lynchburg.

The Community Task Force sponsored “The Listening” and facilitated Community Dialogue sessions on poverty. It is rebuilding a team of partners with representatives from Open Table, the City, Virginia Career Works, Interfaith Outreach and the Central Virginia Health District. Its goal is to provide a pathway for participants to excel

through the continuum of services available with these partners.

The Food Task Force most recently supported the OASIS group in reducing food deserts in Lynchburg. It conducted education on food desert implementation and is currently reassessing the available alternatives to brick and mortar grocery stores. It continued collective work through local agencies, Blue Ridge Area Food Bank, Lynchburg Feeds and others. Councilmember Helgeson asked if the poverty initiative money went for funding the study. Mr. Hughes said they had a couple of studies done and had a study done with the poverty initiative money as well. Councilmember Perrow wondered if they could reduce the effect of food deserts and combine efforts with Transportation and deliver food to food deserts. Mr. Hughes noted that suggestion. Councilmember Helgeson would like to know how much was spent on the studies.

The Health/Mental Health Task Force is managing goals of improved access to care, community awareness, Medicaid expansion-related services, holistic treatment and implementation of Crisis Intervention Training. It focused on partnering with other Bridges to Progress Task Forces and is planning health/mental health-related outreach on trauma, substance abuse and family issues.

The Temporary Assistance for Needy Families (TANF) Grant is primarily being used for the Getting Ahead in A Just Getting By World classes and the TechHire Initiative. New Cohort started in September 2019. There were 13 participants that attended two eight-week sessions at Parkview Mission. There is case management with follow-up of previous graduates. There are monthly support groups for graduates and referral to TechHire for educational programs and other progressive services focused on resiliency.

Councilmember Helgeson noted that the TANF grants have been several hundred thousand dollars each. Were there hundreds of people employed from these grants or is it the number noted here, which appears to be seven. Mr. Hughes said they can look at that in a couple of ways in terms of success. The employers are looking for soft skills and we are focusing on intergenerational poverty. We need data but we also have to consider that it is not going to be a short term fix. We are looking at data long-term but there are metrics that we have to report to the state. The goals of the TANF grant besides the actual words in the name of the grant are also to end the dependence of needy parents by promoting job preparation, work and marriage, prevent and reduce out of wedlock pregnancy and to encourage the formation and maintenance of two parent families. He does not think he ever pointed out those goals to Council but that is what they are trying to work on and Councilmember Perrow noted those tenets are very, very important.

The City is actively on TANF/collaborative programming that supports soft skill development with a pathway to employment. Some examples are Home Essentials at Parkview Community Mission, career coaching/mentoring, targeted outreach into the urban core, contracting with Employment Service Organization (ESOs) and internships.

The next steps are to continue community outreach and support of Bridges to Progress Task Force work; direct all program initiative graduates toward specific empowerment pathways and keep post-secondary education, family dynamics and career objectives relevant. They need to consider the impact of all programming to affect the bottom line goals to raise median household income and lower the poverty rate.

Councilmember Nelson asked Mr. Hughes how he would characterize the local employers that would be hiring the graduates and those that complete the program. Mr. Hughes said a good example would be the recent KDC job

fair. Mr. Hughes' experience is that the businesses have been on board. He just spoke with Bank of the James today. The world is navigated well by Marjette Upshur and her team but things change. Mr. Hughes noted that looking at the five-year estimates for poverty rates, the poverty rate has gone down and the median household income has grown. The unemployment rate has gone down and our graduation rate has gone up as well. He thinks they are making a Bridge to Progress.

Councilmember Helgeson would like to know what the percentages are for people receiving food stamps for the same time periods Mr. Hughes just mentioned for the other percentages.

Mayor Tweedy noted that she thinks the housing program is all VHDA funds in answer to Councilmember Helgeson's earlier question.

Ms. Charlotte Lester from Parks and Recreation was present to give them an overview for the Reimagining Neighborhood Centers. Mayor Tweedy noted that she will need to leave to go to another meeting and Vice Mayor Dolan will be taking over the meeting for a short time. Ms. Lester said the 2020 goals are to renew six neighborhood center facilities, invest in staff and partnerships and feature programs and services which support family, work and education. The College Hill Center and Daniels Hill Center were completed in Fall of 2018. The Diamond Hill Center will be completed in September 2019. The Jefferson Park Center is slated for completion by December 2019. The Fairview Heights Center and Yoder Center will be completed by Spring and Summer of 2020.

The investment in staff and partnerships is done by bolstering staff development around safety, enhancing staff training around key services and deepening partnerships to meet community needs.

The goal for featured programs and services to support the family is done by increasing access to effective parenting education, exploring Stronger Families, Brighter Futures Program and providing relevant workshops and classes. They connect with youth and young adults with Beacon of Hope, the Youth Futures Coordinator and Virginia Career Works Services.

Councilmember Wright asked if 3 Ridge Organics is on line to begin providing produce to the centers by October 2019. Ms. Lester said they have met with them and are making sure they are getting the produce that the people would like to receive. There will be an educational piece to it as well.

The support for education is done through expanding the preschool playgroup programs, supporting social emotional learning and creating a culture of reading.

Councilmember Nelson said he is very, very pleased to see what is going on in the community centers, especially since they are located in very strategic areas of the City. He wanted to know if the parents are actively involved in the reading program. Ms. Lester said they are establishing their center libraries and are developing that program. They recognize the value of reading to children as early and as often as possible. They are trying to include the schools, the centers and after school programs and also the parents. They are trying to go in the direction of connecting all those components as often as possible. Councilmember Nelson noted the schools and libraries will be happy to participate but the involvement of the parent will be the key to the child's success.

Councilmember Nelson wanted to know the enrollment capacity of the effective parenting education class and if it is reached. Ms. Lester said they do not have a class active at this point in time. She said they have found success with the preschool playgroup. The peer support the parents receive there helps to guide the parent and the

playgroup helps to socialize the children and prepare them for school. The playgroup is available at two centers and they hope to expand it to all centers as resources allow.

Councilmember Helgeson left the meeting at this point.

Councilmember Perrow asked how they are doing in terms of the consistency of the hours of operations of the centers. Ms. Lester said they have enough staff to run the programs adequately. Councilmember Perrow said he would be interested in seeing the number of children taking part in programs and the trends and how effective each of the centers is in terms of reaching children. He hated to lose the Boys and Girls Club because they had volunteers to provide additional contact and education time with reading. However she would like to present that date, he would be interested in seeing how effective they are being in terms of reaching children educationally because that is critical. Ms. Lester noted the numbers have been impacted by the centers being closed but she can certainly provide them with data from approximately a five-year period of time.

Councilmember Wilder thought the centers had been afforded the opportunity to apply for funds from the poverty initiative funds and he wondered how that was coming along. Mr. Hughes noted there was a memorandum attached to the Mayor/Vice Mayor notes that went out this week and it outlines what an applicant needs to do in order to apply for the funds. City departments may apply for funds.

Ms. Marjette Upshur came forward to present on Economic Development and Tourism and the museum system. She went over the goals of the Blueprint for Opportunity and its vision statement.

She went over some of the accomplishments pertaining to the goals of this plan. They have conducted 20 in person/on site business visits with City employers in our industry clusters; conducted a headquarter visit to Pacific Life; hosted Senator Warner for Opportunity Zone roundtable; put out an Enterprise Zone Annual Report; conducted an Edison Welding Institute and BWXT working groups; audited and made revisions to Local Enterprise Zone Redevelopment Program; planning for Create Virginia 2020 and began the Fall 2020 CO.STARTERS Cohort in September.

Pertaining to goal 2 of the plan they conducted an Anchor Kickoff Event, participated in the State Games of American 2019; conducted an Anchor Working Group; finalized the Entrepreneurship program with Empowerment Academy, Riverviews and Vector Space for Fall 2019; staff was appointed to Mechatronics Advisory Board for CVCC.

Pertaining to goal 3 of the plan, there was a rapid response to the close of LSC Communications; hired a new TechHire Navigator; supporting Vector Space in a Women in Machining program; supported statewide Level Up Summit for young professionals and participated in the KDC/One Community Employer Event in September 2019.

Pertaining to goal 4 of the plan, they completed a Sports Strategic Plan, renovated the Visitor Center and reopened it in June 2019; implemented new City gateway signs; presented at Virginia Brownfields Conference in July 2019; sent out an air service survey in partnership with LRBA in September 2019 and are partnering on Downtown 2040 implementation.

Pertaining to goal 5 of the plan, they hired a Lynchburg Experience Manager and Visitor Center staff; had Lynchburg Business coverage of the sports strategic plan; presented at City Nation Place Americas Conference; updated advertising at Lynchburg Regional Airport; implementing annual tourism and economic development

advertising strategy and Lynchburg is listed as Virginia's city "set to boom" on MSN.

Councilmember Wright said this is all very impressive and he is very excited to see all the progress and accomplishments. Councilmember Wilder noted he appreciates seeing what the staff is doing to meet the needs of local businesses and doing it with such enthusiasm.

Mr. Kent White went over some of the highlights since the last update for the Downtown 2040 Master Plan include Donna Park, Midtown parking deck maintenance, storefront occupancy count, the Visitor Center reopening and the beginning of the Main Street renewal project. There has been new wayfinding signage, business meetups and classes, Virginia Main Street Conference, many successful events have been held and the Lynchburg Community Market is continuing to thrive. Looking ahead there will be a loading zone pilot, construction signage and art, fall events, Riverfront Park playground and "First Sundays" at the Market. In answer to Councilmember Perrow's questions, Mr. White said the market will be open from 1:00 to 3:00 on the first Sunday of each month and the Kiwanas Club is sponsoring the playground at the park.

// In the matter of Roll Call, Councilmember Wright had no items. Councilmember Wilder thanked KDC and Economic Development for holding the job fair at the Jubilee Center. He also thanked the Blue Ridge Food Bank for holding a senior food drive at the Clearbrook Apartments. The dedication of the Emergency Services Building in memory of Barry Martin was a highlight that day as well. Councilmember Perrow asked Mr. White to look into a mountain of trash bags at the Cheese Park Trailer Park. Councilmember Nelson noted the 10 Miler this weekend and thanked staff and all the sponsors for the event. Vice Mayor Dolan noted there will be streets closed for that event. The Amazing Mile Children's Run is September 27th from 1:00 to 5:00. There will be streets closed for that event as well. The Economic Development Annual Report will be Thursday, September 26th from 5:00 to 6:30 p.m. at the Academy Center of the Arts, Ann White Gallery.

// The meeting was recessed at 6:56 p.m.

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

// The following members were present:

Present:	Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling Wilder, Beau Wright,	6
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Absent:	Treney Tweedy (arrives later in the meeting, so noted later in minutes)	1
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// Councilmember Perrow gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Dwayne Tuggle, Mayor of Amherst and Chairman of the Central Virginia Planning District (formerly Region 2000) was present to invite them to the annual meeting on October 17. They each should have received a survey asking them what they would like to see them do as a region. They would like to come up with a plan for the next three to five years and maybe beyond that when says Central Virginia something pope into their mind. There will be refreshments at 5:00 and the meeting will start at 5:30. Everyone will be home by 7:30. He hopes by the end of the meeting they will have a "to do" list and a set of goals. He handed each Councilmember a personal invitation to the public meeting that will be held at the Business Alliance. Mayor Tweedy is in the town of Bedford tonight to extend their invitations.

// Copies of the minutes of the September 10, 2019 meeting, having been previously furnished Council, reading was

dispensed with, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, by the following recorded vote approved the minutes as presented.

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

// In the matter of Budget, Resolution #R-19-068, laid over from the September 10, 2019 meeting, was again presented and read, on motion of Councilmember Helgeson and seconded by Councilmember Wilder, the FY 2019 General Fund budget was amended and \$1,415,217 was appropriated with resources from the Assigned Fund Balance Health Insurance Reserve.

// In the matter of Budget, Resolution #R19-066, laid over from the September 10, 2019 meeting, was again presented and read, on motion of Councilmember Helgeson and seconded by Councilmember Wilder, the Fiscal Year (FY) 2019 CSA Fund budget was amended and \$75,000 was appropriated in additional funding for increases in the CSA program, specifically increases in special education placements in private day schools and residential special education facilities with resources from the CSA fund balance and the Virginia Department of Education.

// In the matter of Budget, Agenda Item #8, a public hearing was conducted for the purpose of amending the Fiscal Year 2020 Budget to reflect the carry forward of appropriations for ongoing activities not expended in FY 2019, and appropriating supplemental funds and rescinding appropriations for both the Capital and Operating Budgets for the twelve month period beginning July 1, 2019 and ending June 30, 2020. Ms. Donna Witt explained that each year staff requests needed adjustments to the adopted budget based on items to be carried forward and the cleanup of current budget items. She went over the adjustments with Council. Vice Mayor Dolan asked for anyone who wished to speak in favor or in opposition. No one came forward. She closed the public hearing portion of the request.

Councilmember Helgeson noted the transfer of \$260,000 for medical insurance. They just had the second reading of the \$1.4 million from the health insurance reserve. Does this \$260,000 make us whole or are we still behind? Ms. Witt said the \$1.4 million was for FY2019. This \$260,000 will help us with FY 2020. She is a little concerned and thinks they will be looking at possible rate increases in January. Staff is working on those figures now.

Councilmember Perrow made a motion to approve the resolution, which was seconded by Councilmember Wilder. It passed by the following vote:

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

// In the matter of Budget, Agenda Item #9, a public hearing to receive comments regarding the Program Year 2018 (FY 2019) Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Program and adopt a Resolution approving the CAPER for submission to the U. S. Department of Housing and Urban Development.

Ms. Melva Walker summarized the report for Council including a Powerpoint presentation with some of the highlights of how the CDBG and HOME funds were expended this past year. She also mentioned that Councilmembers Nelson and Wright are members of the Community Development Advisory Committee. Ms. Walker explained that the CAPER is an annual performance report that is submitted to the U.S. Department of Housing and Urban Development (HUD). This report provides the accomplishments that have been made by the various subrecipients and City departments for the Community Development Block Grant (CDBG) and HOME Program funds that have been expended in Program Year (PY) 2018/Fiscal Year 2019. As a component of the City's Citizen Participation Plan (CPP) City staff is required to provide an overview of these accomplishments to City Council and the public on an annual basis. All accomplishments are provided in the CAPER document. The following are highlights of the City's accomplishments for Fiscal Year (FY) 2019. Ms. Walker went over some of the major components and showed how the City had met all its goals in terms of required percentages.

Ms. Walker explained that a total of \$102,473 in HOME funds as expended by Greater Lynchburg Habitat for Humanity (GLHFH) and Lynchburg Community Action Group (LYNCAG) for Homeownership Homebuyer projects this program year by providing down payment assistance and gap financing to six (6) households. This included match credit from GLHFH of \$260,424 for the construction of the HOME assisted housing units. This match was accrued through volunteer labor and construction material costs. LYNCAAG expended \$116,802 of HOME Program funds and completed the rehabilitation of four (4) homeowner units. As a direct result of these improvements, the neighborhoods retain and attract residents thereby positively affecting the stability of the neighborhood and increasing the property values.

Rush Homes completed the construction of Old Forest Village Apartments. There are 28 new housing units for persons with disabilities. There was \$150,000 of HOME funds invested to assist with gap financing for this project. The total project costs were \$6,068,374.

Lynchburg Redevelopment and Housing Authority (LRHA) expended CDBG Program funds in the amount of \$41,842 for the rehabilitation of one (1) public housing unit with ADA accessible amenities. This housing unit is located at Langview Apartments and provided affordable, accessible rental housing for one (1) person. LRHA through its Rental Rehabilitation Program expended \$7,412 of CDBG funds for the rehabilitation of two (2) housing units. These rehabilitations were completed by private landlords and the housing units are occupied by low-income persons.

\$148,025 in CDBG funds for the design fees and rehabilitation contract was expended for the College Hill Neighborhood Center. \$176,945 in CDBG funds for the design fees and rehabilitation contract was expended for the Daniel's Hill Neighborhood Center and each rehabilitation included upgrades to the kitchen, computer/work room, bathroom, flooring, ceiling, walls and site amenities.

Coordinated Homeless Intake and Access (CHIA) Homeless Response System diverts households from homelessness through the use of a uniform assessment tool. This tool helps determine the client's need and eligibility for the various housing and service programs. LRHA provides office space and oversees the CHIA Coordinator. Through CHIA in this program year, there were 517 persons assisted, which included 222 families and

197 children. The clients served were potentially homeless and/or homeless persons seeking affordable housing. LRHA expended \$60,165 of CDBG funds for program support.

CDBG funds were expended by LRHA for the operation of the Affordable Housing Resource Center (AHRC). The AHRC is staffed with a housing navigator to provide a centralized access point to all affordable housing resources and programs available in the City of Lynchburg. This project is a collaboration of the Lynchburg Housing Collaborative, the Central Virginia Continuum of Care (CVCOC), the City of Lynchburg and LRHA. During this program year, the staff has assisted approximately 415 persons through visits to the AHRC, telephone calls and email. There was \$41,343 expended on salaries, benefits and operations for the staff at LRHA.

LYNCAG continued its housing counseling program and provided assistance to 206 clients. This program provides housing and fair housing counseling to clients seeking to finance, maintain, rent or own a home. There were \$1,182 of CDBG funds expended during this program year for the distribution of a fair housing flyer to 24,000 households and businesses through the City's April 2019 water bill inserts.

LYNCAG purchased EmpowOR software. The software tracks clients served by LYNACAG and agencies in the Bridges to Progress Initiative. The data tracked is demographics, services and housing assistance. There were 1,626 persons served and \$18,064 of CDBG funds expended for the activity.

Ms. Walker remarked that the public comment period began on September 6, 2019 and ends with tonight's public hearing. City staff has not received any public comments.

Vice Mayor Dolan called for anyone who wished to speak either in favor or opposition of the CAPER. No one came forward and the public hearing portion of the petition was closed.

Councilmember Helgeson inquired about the percentages on the slide dealing with percentages. It looks like it is the same denominator but there is only a difference of about \$6,000 between the two amounts expended but the percentage spent is almost double. Ms. Walker said there is a worksheet from HUD where she puts in a variety of numbers and that worksheet balances. Councilmember Helgeson said it appeared to him from the bullet points to be the same denominator and Ms. Walker said she would need to research those percentages and get back to him.

Councilmember Nelson said he did not know the answer but it sounds like the two numbers are amounts spent on two different items, one is Planning and Administration and one is Public Service. Ms. Walker said that is correct. Councilmember Nelson said two amounts very close in number could constitute substantially different percentages. Ms. Donna Witt said the denominator is not the same. Councilmember Helgeson said he could understand that, however, the wording of the two bullets is exactly the same. Dr. Wodicka said staff will clarify those percentages and denominators for Council and respond back to them. Vice Mayor asked if they will need to wait on that information before voting and there was no consensus to wait. (Mayor Tweedy had arrived at the meeting at 7:33 p.m.)

Councilmember Wright made a motion to approve the resolution, which was seconded by Councilmember Nelson. Councilmember Nelson said he was satisfied that the reasoning for the difference between the two simply explains the percentage of one category of funding and what is a very similar amount of explains the percentage of another category of funding. Ms. Walker said it is correct that each amount is not going to the same funding. Councilmember Helgeson asked Ms. Walker if she feels the numbers are accurate and she said she knows they are

because the worksheet balances. Councilmember Wilder thanked Ms. Walker and her staff and all the partners for the work they are doing in the community. These programs are so crucial for the citizens of Lynchburg, especially as we are addressing poverty and other issues.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// In the matter of Community Development – Zoning Amendments, Agenda Item #10, continuation of the discussion regarding the petition of Lynchburg Renting, LLC to rezone approximately eight (8) acres at 710 and 714 Leesville Road from R-1, Low Density Residential District and R-3, Medium Density Residential District to R-3C, Medium Density Residential District (Conditional) and for a conditional use permit to allow the construction of an eighty-seven (87)-unit townhome community. Mr. Tom Martin summarized the request for Council. The main thing that has changed since Council heard this petition on July 9 and deferred its vote, mainly due to concerns with stormwater management, the petitioner has proffered to do a 30% runoff improvement factor instead of the required 20% runoff improvement factor. Council had also directed staff to assess stormwater runoff impacts on the residents of the Lakeland subdivision from the drainage areas that include the Wyndsor Place and Wexford townhouse development projects. The assessment was completed by Water Resources and Community Development staff. There are five detention ponds in this approximately 92 acre area. Four ponds are being maintained. One was constructed prior to our stormwater management ordinance and is not being maintained; however, staff is working with the owner to bring that pond into compliance with the code that was in place at the time of its construction. The drainage area converges into a drainage pipe that flows under Lakeland Drive prior to entering the lake. This pipe was replaced in 2014 and was designed to contain a 10-year storm. A site inspection conducted in August 2019 verified that this pipe remains in good condition, shows no signs of overtopping and the City has received no complaints regarding this pipe since its replacement. The assessment indicates that there are other factors that contribute to localized flooding that are not unique to the Lakeland subdivision such as seeps and water tables that contribute to some of leaking basements. The assessment concluded that the proposed development would not have an appreciable impact on the downstream development.

Councilmember Nelson will be abstaining from the discussion and vote because he has represented a number of residents in Lakeland. He is aware of the problems they have had with an earthen dam and the sedimentation of the lake from upstream development that has been ongoing since the 1980s. He has also been counsel for the petitioner. This came before Council with a slightly different site plan some years ago and it was denied. Councilmember Nelson had abstained from that discussion and vote as well. The petitioner approached Councilmember Nelson as a councilmember and asked him what Councilmember Nelson thought would make an improvement in this request. He gave the petitioner a list of four items: 1) Resolve the objections of a resident whose home was next to the proposed entrance to the subdivision on Leesville Road; 2) Increase the vegetative buffers; 3) Comply with the City's connectivity policies and connect to Middle Street for safety reasons; 4) Substantially increase the degree in which stormwater runoff was reduced below the levels of its natural state. He does not feel he can be objective so he will be abstaining from the discussion and vote tonight.

Councilmember Wright said he has been to the Lakeland subdivision a few times. One was in August during a storm. There is no question that there are serious water issues in the neighborhood. The neighbors have rightly raised stormwater runoff as a concern in terms of how it runs across their properties and regarding the lake and dam. He asked staff for an explanation of the 30% runoff factor improvement proffer. Mr. Kent White answered that the state's stormwater regulations changed the method of calculating runoff to something called the energy balance. The 30% improvement factor is based on the amount of area that is disturbed. Based on the size of the development, the developer would be required to hold back the amount of water that ran off the development pre-development plus an additional 10 to 20 percent. The petitioner is proffering to add an additional 10 percent. This is for the one-year design storm.

Councilmember Wright clarified that the developer is obligated through water management techniques to hold back 30 percent of the water that would otherwise be flowing off the property. Mr. White said it is based on a particular design storm. They have to calculate it at the one, two and ten year storms. Councilmember Wright asked how the water would move from this development to the lake. Mr. White said there is a map in their packets that shows general flow paths. The flow path on the far right of that map would be the place where this development's water would go. Councilmember Wright asked if it was a dedicated pipe. Mr. White said it is an open channel. There is a dedicated pipe where it crosses the street right across from the lake.

Councilmember Wright indicated that one of the neighbors thought the developer had to get an easement from neighbors. Mr. White said that with the changes to the stormwater regulations, if you meet those conditions for the energy balance, then you are not required to get easements from downstream property owners. Councilmember Wright asked for clarification that an open channel is fine, if presumably 30 percent more water is being held back from the site. Mr. White said that is correct. Councilmember Wright asked if the City is attesting that this development will have no adverse effect on neighbors and the lake. Mr. White said that is correct for those specific designed storms. Based on the requirements that any other development would have to meet, this one is doing more and that impact would be negligible.

Councilmember Wright asked if they were able to determine if the runoff from Wexford or the other townhome development mentioned had negatively impacted the neighborhood. Mr. White said they found five ponds. Four were being maintained and one was not being maintained. City code requires that if you have a stormwater basin that it has to be maintained to the standards that were in effect at that time. City staff is working with that property owner to maintain that existing pond.

Councilmember Wright asked how the neighbors can be assured that the situation will be remedied in a way that does not involve a civil action if a developer does not meet his or her legal obligations in terms of stormwater management. Mr. White said first staff has to approve the developer's site plan, which sets the thresholds for the volume of water that could be released. Staff would monitor construction and at the end of the project, a licensed professional engineer would have to certify through what is known as an "as built" that the pond is built according to the design. Councilmember Wright asked if that is an independent engineer and who hires the engineer. Mr. White said it can be any licensed engineer and he or she is hired by the developer. Staff then has to confirm the "as built" calculations and design. The developer has to sign a stormwater maintenance agreement and the project is

under perpetual maintenance. If it is not functioning properly, it has to be cleaned out to work at the levels that were part of the original design. Mr. White said the ordinance and agreement gives the City the right to enter the property and do any maintenance that the property owner fails to do and then bill the owner for the cost of the maintenance. The neighbors could enter into a civil dispute if they incur any damages.

Councilmember Wright asked if the developer has to post a bond. Mr. White said the bond is in place during construction. When there is 80 percent stabilization of the site, the City can consider releasing the bond. Mr. White mentioned that the laws have evolved over time (three times since the first phase of townhomes for this developer). One of the things that has changed is that we have dedicated staff in place who follow up and ensure the maintenance. Councilmember Wright asked if that stays in place for the perpetuity of the property and Mr. White said that is correct.

Councilmember Wright asked if a downstream party is allegedly harmed by activity upstream if that would be a civil matter. Mr. White deferred to the City Attorney. Mr. Erwin said that given the laws it would be very difficult for the owner of the lake to be able to take any action against upstream developers. A person cannot prove exactly which upstream developer contributed how much. If there is a problem with silt buildup, it is going to fall on the property owner to remove the silt. The law has not evolved to the point where you can hold developers upstream liable. Councilmember Wright had wanted to establish whether the City is in fact culpable for silt buildup in the lake. One of the neighbors had said they felt the City had not protected them. It sounds like the answer to that is no and Mr. Erwin said the answer is no.

Councilmember Wright asked how much we should have as a community that the dam is considered high hazard. Are people below the dam at risk and how serious if this risk? Mr. Tim Mitchell, the Director of Water Resources, came forward to answer that question. He is not sure if this dam is in compliance with the dam safety regulations. The owners of the lake and the dam would be responsible for ensuring compliance, which is regulated by the State Department of Conservation and Recreation. They are required to have an emergency action plan and inundation zone downstream is supposed to be mapped. If it is in compliance, then the hazards should be alleviated. The City should have a copy of the emergency action plan but as far as the regulations related to the dam, those are state regulations.

Councilmember Helgeson said he did not vote against this just because of stormwater runoff. We have looked at this over the years. The first time we denied it when there were 76 townhomes. The petitioner came back with 68 townhomes and that was denied. Now it is 87 townhomes. A priority of Council is to protect neighborhoods and the Lakeland neighbors are asking them to protect its R-1 neighborhood. He appreciates the questions and details and answers but this is an R-1 neighborhood. Council has heard from the neighbors over the years that they would like their R-1 neighborhood protected and he has not heard a compelling reason to change the zoning. The dam issues are serious and the density issues are real.

Councilmember Perrow made a motion to approve the ordinance. The motion was seconded by Councilmember Wilder. Councilmember Perrow thought they were pretty well settled on the matter of whether this is an appropriate development or not and seemingly it was. The discussion focused mainly around stormwater. Councilmember Wright reiterated many of the points Councilmember Perrow brought up at the last meeting. He

thinks adjusting the factor to 30% is significant. It is 50% above what is statutorily required. Less water is supposed to be leaving the property post development, which should improve the condition of the lake.

He wanted to address Councilmember Wright's question about the certification from the engineer. No engineer would risk their livelihood and misrepresent the case for one developer because they will lose their license. As professional engineers, they stand on their seals. Part of the business of engineering is integrity.

Councilmember Wilder supports the motion because the developer has made certain concessions and raised the runoff factor to 30%. It cannot be shown that runoff from this property will add to the issues of the Lakeland subdivision.

Councilmember Wright said he was not questioning the integrity of the engineering profession but wanted to have the conversation of the impartiality of who was offering that assessment. Councilmember Perrow did not think that he was but had wanted to bring up the point that an engineer could lose his or her certification.

Councilmember Helgeson reiterated that they said this afternoon at their retreat that it was a priority of Council to protect neighborhoods and they should protect these neighbors living in an R-1 neighborhood from the high density development of 87 new townhomes.

Vice Mayor Dolan was not initially in favor of this development because of the stormwater runoff issues; however, with the increased runoff factor and City staff's assessment, she thinks she would support it now.

Mayor Tweedy will support this as staff has looked at the lake issues and the runoff from the other developments. She is satisfied with staff's assessment and the City Attorney's assessment of their legal obligations.

Ayes:	Dolan, Perrow, Tweedy, Wilder, Wright	5
Noes:	Helgeson	1
Abstentions:	Nelson	1

Councilmember Perrow made a motion to approve the conditional use permit. The motion was seconded by Councilmember Wilder and passed by the following vote:

Ayes:	Dolan, Perrow, Tweedy, Wilder, Wright	5
Noes:	Helgeson	1
Abstentions:	Nelson	1

// In the matter of Budget, Council reviewed transportation projects and considered them for additions to the City's Capital Improvement Program (CIP) Program and considered approving a resolution authorizing the submission of an application to VDOT to include these projects in the FY 2021 and FY 2022 Revenue Sharing (RS) program. Mr. Lee Newland said this is a request for five projects. This has been to PDC twice and Councilmember Perrow reported that the dollars in projects seemed in alignment. We have the right to make adjustments in the future but we need to get the application in, so PDC agreed that this needs to be put forward to the state. Councilmember Perrow made that motion on behalf of PDC.

Councilmember Helgeson noted this is the fourth phase of 5th Street funding and he asked what this phase will do and how much of the \$2 million is coming from local taxpayers. Mr. Newland said this is for Taylor Street to Fillmore Street and is mainly ADA improvements and a maintenance reconstruction project with sidewalk work. The total cost is \$6 million and this application will ask for \$2 million. All requests are a 50/50 split, so the

taxpayers pay \$3 million and the state pays \$3 million. With it being a continuing project that has already been funded once, it will be a top tier project, so the likelihood of it being funded is very great. Councilmember Helgeson asked if the scope went up or the cost. Mr. Newland explained that the \$4 million requested previously was the maximum we could request. Councilmember Helgeson asked if the \$2 million requested could be requested for other projects. Mr. Newland said the projects they request money for are the projects we are telling the state we are trying to get done. Mr. Newland said the five projects on the application total \$7.1 million. \$10 million is the maximum they are allowed to request in a two-year cycle. Councilmember Wilder is glad to see they are getting to the sidewalk portion because he gets many calls from people that the sidewalks are so uneven. Councilmember Perrow noted there are retaining walls at a 45 degree angle so there is a significant amount of grading and retaining wall work that needs to be done. The work, specifically the infrastructure work, needs to be done. It will be great if we can get VDOT to pay for half of it.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// In the matter of Budget, Council considered adopting a resolution to amend the FY 2019 Detention Home Fund budget to appropriate \$17,995 for a welding simulator, and \$5,000 for additional supplies for CPP (Community Placement Program) juveniles with resources from the Virginia Department of Juvenile Justice Community Placement Program. Ms. Tamara Rosser explained the students will receive a certification from Central Virginia Community College (CVCC) upon completion of the program. The program is designed to enhance skills and employability.

The chair of the Finance Committee, Councilmember Helgeson, made a motion on behalf of the Finance Committee to approve the resolution. Councilmember Wilder said he is hearing that businesses need welders and he is glad to see them capitalizing on that need. Ms. Rosser said they receive a modified certificate from CVCC but she is not sure how long the certificate takes to complete. Councilmember Wilder requested more information from her to see if it is something they could do at the Jubilee Center. Ms. Rosser said they are certified for eight participants in the CPP program. She can find out the total number of participants in response to a question from Vice Mayor Dolan. Ms. Rosser mentioned that the detention center would also like a barber program because that is another marketable skill. In response to a question from Mayor Tweedy, Ms. Rosser said there is a case manager for the program to help them be successful after completing the certification. Councilmember Nelson said he is pleased with this request as it meshes with and conforms to our Bridges to Progress policies and initiatives.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// In the matter of Budget, Council considered adopting a resolution authorizing the submittal of an application for the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$34,930 to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney. Chief Ryan Zuidema summarized the items this grant money would cover and

explained it is an annual grant for which they apply. Councilmember Helgeson, on behalf of the Finance Committee, remarked that they hope they receive this grant and made a motion to authorize the submittal of the application.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// In the matter of Budget, Council considered adopting a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriating \$55,335 with resources of \$36,890 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$15,767 and \$2,678 transferred from the FY 2020 General Fund Police Department budget to provide selective enforcement activities and attend related training. Chief Zuidema explained this is also an annual grant for which they apply and the money that is required for a match is already accounted for in our current budget. Councilmember Helgeson, on behalf of the Finance Committee, made a motion to authorize the appropriation of the funds.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// In the matter of Budget, Council considered adopting a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriating \$22,575 with resources of \$15,050 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$6,374 and \$1,151 transferred from the FY 2020 General Fund Police Department budget to provide funds for speed enforcement activities. Chief Zuidema explained this is also an annual grant for which they apply and the money that is required for a match is already accounted for in our current budget. Councilmember Helgeson, on behalf of the Finance Committee, made a motion to authorize the appropriation of the funds.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// In the matter of Budget, Council considered authorizing staff to expend \$2,600 of the available FY 2020 General Fund Non-Departmental Poverty Initiative Budget to support the training and community awareness facets of the City's ongoing poverty reduction effort. Funding is requested for Bridges Out of Poverty facilitator training for two persons scheduled to begin October 9, 2019 (online). Mr. John Hughes explained this will pay for two people to attend online training to become Bridges Out of Poverty facilitators. The City typically pays for the facilitators to come and do the training at a cost of approximately \$3,000. This is lifetime training. Councilmember Wilder made a motion to approve the resolution. The motion was seconded by Councilmember Wright. In response to a question from Councilmember Helgeson, Mr. Hughes said the training is six days of online training.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
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September 24, 2019

AGENDA ITEM #: 4a

Noes:

0

// The meeting was adjourned at 8:53 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

For reference for
Agenda Items #5-7

MEETING DATE: September 24, 2019

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: FY 2019 Appropriation for a Welding Simulator at the Juvenile Detention Home

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2019 Detention Home Fund budget to appropriate \$17,995 for a welding simulator, and \$5,000 for additional supplies for CPP (Community Placement Program) juveniles with resources from the Virginia Department of Juvenile Justice Community Placement Program.

SUMMARY: The Welding Simulator Program is designed to teach students basic welding skills and techniques. Students will receive a certificate from CVCC (Central Virginia Community College) when they have completed the course. The program is designed to enhance skills and employability in the workforce when students re-enter the community. The additional supplies are needed to provide uniforms and personal care items for the CPP residents.

PRIOR ACTION(S): September 24, 2019 Finance Committee

FISCAL IMPACT: None, no local match required

CONTACT(S): Tamara Rosser, Director of Human Services, 455-5794

ATTACHMENT(S)
Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that FY 2019 Detention Fund budget is amended and \$22,995 is appropriated with resources from the Virginia Department of Juvenile Justice for the welding simulator and supplies for the Community Placement Program.

Introduced: September 24, 2019

Adopted:

Certified:

Clerk of Council

121R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 24, 2019**

AGENDA ITEM #: **14**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 2019 DMV Highway Safety Grant – DUI (Alcohol) Enforcement

KEY ELEMENTS:

___ Economic Development ___ Excellent Government ___ Natural and Built Environment **X** Safe Community ___ Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate \$55,335 with resources of \$36,890 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$15,767 and \$2,678 transferred from the FY 2020 General Fund Police Department budget to provide selective enforcement activities and attend related training.

SUMMARY: The Department of Motor Vehicles Highway Safety Program has awarded the City a \$36,890 grant. The funds will be used for selective DUI activities, alcohol testing equipment and attendance to related training.

The grant excludes reimbursement of FICA (Medicare and Social Security) benefit costs associated with the allotted overtime; however, funding of \$2,678 is available for transfer from the FY 2020 Police Department budget to cover this expense.

An in-kind match of \$15,767 in police equipment and services is part of the grant agreement.

PRIOR ACTION(S): Finance Committee; September 24, 2019

FISCAL IMPACT: The grant requires the Police Department to pay the FICA (Medicare and Social Security) benefits associated with the allotted overtime funds; \$2,678 from the FY 2020 General Fund Police Department budget will be used to cover this expense.

CONTACT(S): Chief Ryan M. Zuidema, 455-6171
Amy Lowe, Administrative Manager, 455-6128

ATTACHMENT(S):
Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2020 City/Federal/State Aid Fund budget is amended and \$55,335 is appropriated with resources of \$36,890 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$15,767, and \$2,678 transferred from the FY 2020 General Fund Police Department budget to provide selective enforcement activities, alcohol testing equipment and attend related training.

Introduced: September 24, 2019

Adopted:

Certified:

Clerk of Council

124R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 24, 2019**

AGENDA ITEM #: **15**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 2020 DMV Highway Safety Grant – Speed Enforcement

KEY ELEMENTS:

___ Economic Development ___ Excellent Government ___ Natural and Built Environment X Safe Community ___ Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate \$22,575 with resources of \$15,050 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$6,374 and \$1,151 transferred from the FY 2020 General Fund Police Department budget to provide funds for speed enforcement activities.

SUMMARY: The Department of Motor Vehicles Highway Safety Program has awarded the City a \$15,050 grant. The funds will be used for speed enforcement activities.

The grant excludes reimbursement of FICA (Medicare and Social Security) benefit costs associated with the allotted overtime; however, funding of \$1,151 is available for transfer from the FY 2020 Police Department budget to cover this expense.

An in-kind match of \$6,374 in police equipment and services is part of the grant agreement.

PRIOR ACTION(S): Finance Committee September 24, 2019

FISCAL IMPACT: The grant requires the Police Department to pay the FICA (Medicare and Social Security) benefits associated with the allotted overtime funds; \$1,151 from the FY 2020 General Fund Police Department budget will be used to cover this expense.

CONTACT(S): Chief Ryan M. Zuidema, 455-6171
Amy Lowe, Administrative Manager, Police Department, 455-6128

ATTACHMENT(S):
Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2020 City/Federal/State Aid Fund budget is amended and \$22,575 is appropriated with resources of \$15,050 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$6,374 and \$1,151 transferred from the FY 2020 General Fund Police Department budget to provide funds for speed enforcement activities.

Introduced: September 24, 2019

Adopted:

Certified:

Clerk of Council

123R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Bridge Street Right-of-Way Vacation

KEY ELEMENTS:

___Economic Development ___Excellent Government ___**X**_Natural and Built Environment ___Safe Community ___Vibrant Community

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

SUMMARY: Victoria's Inventory, LLC, is petitioning to vacate an undeveloped portion of the Bridge Street right-of-way located off of Blackford Street. The total area of the proposed vacation is approximately one hundred sixteen thousandths (0.116) of an acre. The area to be vacated would become part of the 301 Rivermont Avenue property and would be used for a parking lot.

The right-of-way vacation contains a telephone pole with no other improvements and would be accessible via a public utility easement. The vacation would not impact vehicle or pedestrian access along Bridge Street.

PRIOR ACTION(S):

September 10, 2019: The Physical Development Committee (PDC) recommended approval of this petition.

July 31, 2019: The Technical Review Committee (TRC) reviewed this petition.

February 12, 2019: City Council approved a rezoning from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow an increased number of apartment units at 301 Rivermont Avenue.

FISCAL IMPACT: Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to range from \$1,160 to \$3,480.

CONTACT(S): Victoria Glasgow, Neighborhood Planning Coordinator – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Plat
- Title work
- Proposed Parking Lot Site Plan

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY KNOWN AS BRIDGE STREET.

WHEREAS, Victoria's Inventory, LLC, is petitioning to vacate a portion of right-of-way known as Bridge Street; and

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

WHEREAS, 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:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF BRIDGE STREET AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF RIVERMONT AVENUE; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 40.39', WITH A RADIUS OF 905.93', WITH A CHORD BEARING OF S36°44'39"E, WITH A CHORD LENGTH OF 40.39';, THENCE S45°17'57"W A DISTANCE OF 122.98'; THENCE N44°42'03"W A DISTANCE OF 40.00'; THENCE N45°17'57"E A DISTANCE OF 128.57'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.116ACRES, MORE OR LESS.

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

A portion of Bridge Street

LOCATED

Between Blackford St and Rivermont Ave adjacent to property located at 301 Rivermont Ave and 200 Bridge Street

The undersigned applicant, Victoria's Inventory, LLC, 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 City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Bridge Street described as follows:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF BRIDGE STREET AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF RIVERMONT AVENUE; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 40.39', WITH A RADIUS OF 905.93', WITH A CHORD BEARING OF S36°44'39"E, WITH A CHORD LENGTH OF 40.39'; THENCE S45°17'57"W A DISTANCE OF 122.98'; THENCE N44°42'03"W A DISTANCE OF 40.00'; THENCE N45°17'57"E A DISTANCE OF 128.57'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.116ACRES, MORE OR LESS.

The applicant further requests the Lynchburg City Council to 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 September 10, 2019, 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 Jackson Street.

Given under my hand this 22nd day of July, 2019.

Victoria's Inventory, LLC
Applicant

2600 Memorial Ave Ste LL1
Lynchburg VA 24501
Address

434-401-4962
Phone Number

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

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	905.93'	40.39'	40.39'	S 36°44'39" E	2°33'17"

NANCY B MARION
311 RIVERMONT AVE
PARCEL ID 02327001
DEED BOOK 968 PAGE 471

BLOCK 1,
LOT 5

301 RIVERMONT AVE
VICTORIA'S INVENTORY
INSTR # 110001873
PARCEL ID 02327002
3-STORY APARTMENT
COMPLEX

0.0183 ACRES
(PORTION OF
BLACKFORD STREET
TO BE VACATED)
SEE NOTE #5

BLOCK 1,
LOT 4

BLOCK 1,
LOT 3

24' INGRESS/EGRESS
EASEMENT BENEFITING
THE CITY OF LYNCHBURG
FOR BRIDGE REPAIR,
INSPECTION AND
MAINTENANCE PURPOSES

0.116 ACRES
(PORTION OF BRIDGE
STREET TO BE VACATED)

RECENTLY
DEMOLISHED
BUILDING

200 BRIDGE STREET
VICTORIA'S INVENTORY
INSTR # 160004412
PARCEL ID 02328008

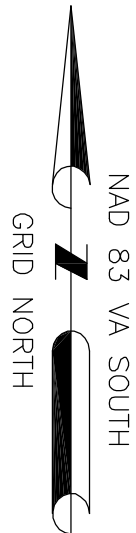
LINE	BEARING	DISTANCE
L1	N 45°17'57" E	6.00'
L2	S 45°17'57" W	6.00'
L3	N 44°42'03" W	40.00'

- NOTES:
1. THIS PLAT WAS PREPARED AT THE REQUEST OF VICTORIAS INVENTORY, INC.
 2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
 3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP.
 4. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 5. THE VACATED PORTION OF BLACKFORD STREET WILL BE RESERVED AS A PUBLIC UTILITY EASEMENT.

CLERK OF COUNCIL: _____

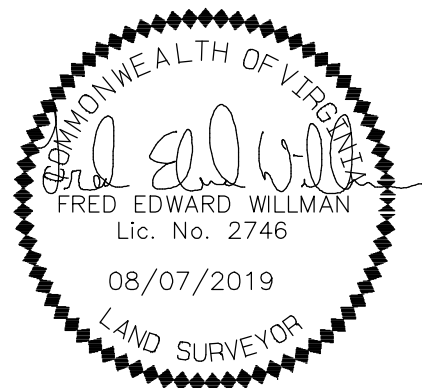
CITY PLANNER: _____

CITY ENGINEER: _____



STREET VACATION PLAT
FOR PORTIONS OF
BLACKFORD STREET &
BRIDGE STREET

CITY OF LYNCHBURG, VA



ACCUPOINT
SURVEYING & DESIGN
SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS
950 AIRPORT ROAD, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

SCALE:	1" = 20'
ASD JOB#	2018-350
FILE #:	2018-350.DWG
DATE:	AUGUST 7, 2019
REV:	AUGUST 29, 2019

SHEET 1 OF 1

Elizabeth M. Davis, VCTE
950 Airport Rd.
Lynchburg, VA 24502
edavis@accupointsurveying.com

City Planning and Community Development
900 Church St.
Lynchburg, VA 24504

August 8, 2019

To whom it may concern,

Victoria's Inventory, LLC secured my services to investigate the title to an undeveloped and unimproved portion of Bridge Street lying adjacent to and between properties located at 301 Rivermont Avenue and 200 Bridge Street in the City of Lynchburg, to determine ownership of the currently platted streets.

Whereas, the right of way for Bridge Street was created by a subdivision plat entitled "Plan A, The Rivermont Company Lynchburg, VA" made by R. Taylor Gleaves, Engineer, dated April, 1891 and recorded in the Clerk's Office of the Circuit Court of Campbell County, Virginia in Deed Book 55 Page 1.

Whereas, Per deed dated May 25, 1891 recorded in deed book UU page 7 in Clerk's Office of the Circuit Court of Lynchburg, Virginia, The Rivermont Company conveys to Rivermont Investment & Construction Company Lot 1, Block 1, "Plan A", Rivermont and others but ". . . reserved the fee in all streets and alleys now or hereafter to be located upon its property, to be subject to the use of the said company for the purposes of constructing therein railroads, to be run either by steam, electricity, horses, or other motive power; of locating therein water pipes, gas pipes, steam pipes, hot air pipes, cold air pipes, street lamps, sewers, culverts, conduits and all wires and poles necessary for illuminating purpose, fire alarms, telephones, and for the conveyance of electric currents or other power for all other uses and purposes; but apart from these rights, the same shall be free to the public for all the purposes of a highway."

Whereas, Per deed dated March 20, 1906 recorded in deed book 74 page 231 in Clerk's Office of the Circuit Court of Lynchburg, Virginia, The Rivermont Company, by Trustee conveys to The Rivermont Realty Company, Inc. "...all real estate and interests in real estate, whether legal or equitable, rights, properties and franchises, lying and being in the City of Lynchburg, and in the County of Campbell, Virginia, . . . and all rights created by the Charter of The Rivermont Company.

Whereas, Per deed dated October 18, 1907 recorded in deed book 78 page 599 in Clerk's Office of the Circuit Court of Lynchburg, Virginia, The Rivermont Realty Company, Inc. conveys to City of Lynchburg all of grantors rights, privileges and franchises, in the streets and alleys within the present corporate limits of the City of Lynchburg, as laid out by the Rivermont Company upon its map called Plan A, of record in the Clerk's Office of Campbell County in Deed Book No. 55, at page1; these being a portion of the same rights conveyed to the said Rivermont Realty Company, Inc., by Wm. V. Wilson, Jr., Trustee of The Rivermont Company by deed dated 3-20-1906, at Campbell County Deed Book 79, page 4 and Lynchburg Deed Book 74, page 231.

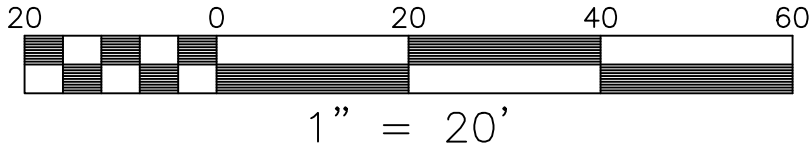
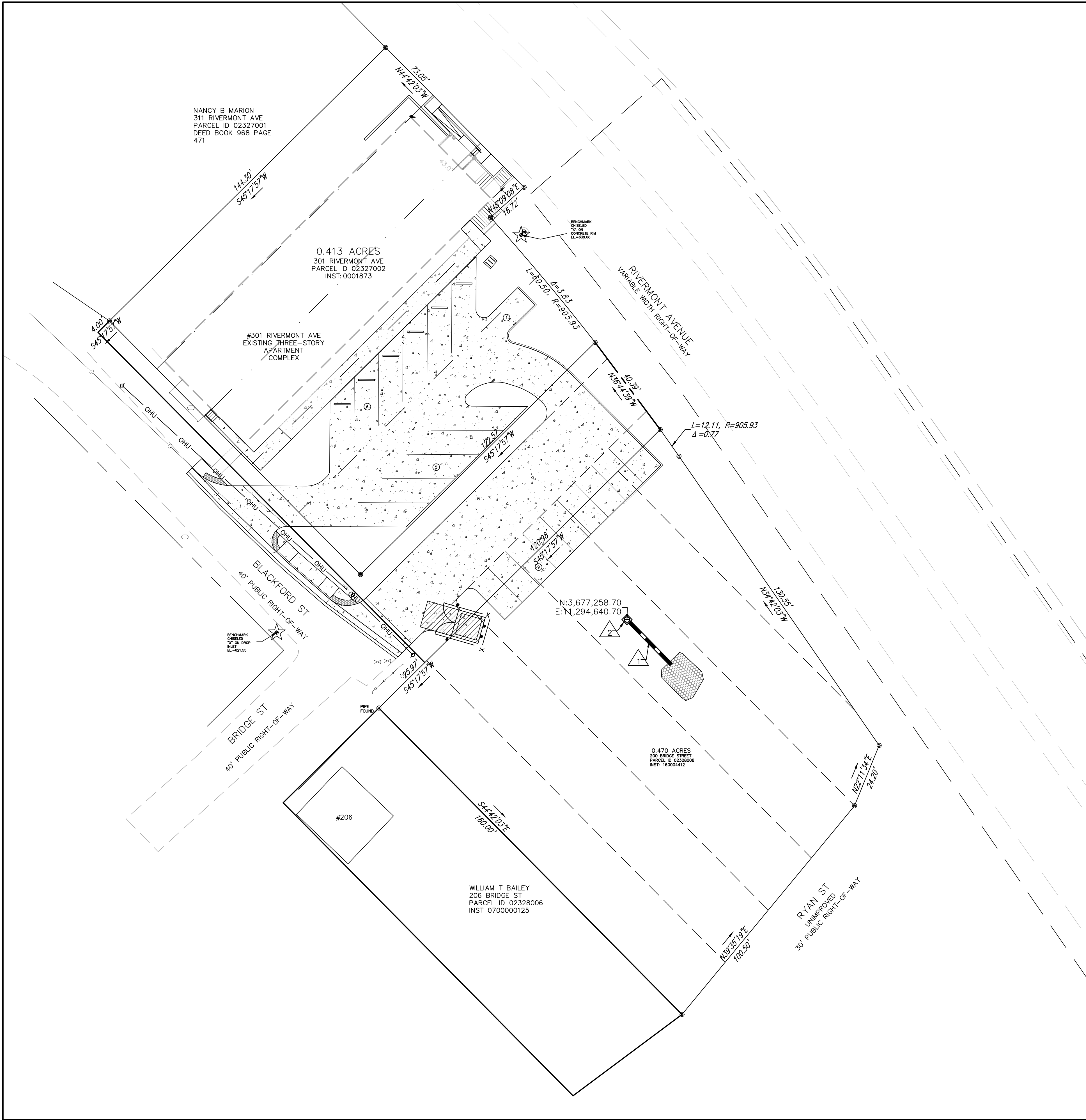
Therefore, it is my opinion in this matter that the title to the unimproved portion of Bridge Street is vested in the City of Lynchburg. It is also my opinion when the council vacates the aforesaid property, the property shall pass in fee to those landowners whose properties abut the vacated property, subject to any permanent easement for the purpose of accessing and maintaining public utilities.

Please let me know if there are any questions.

Best regards,

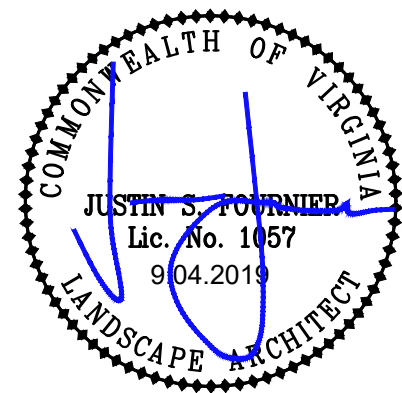
A handwritten signature in black ink, appearing to read "Elizabeth M. Davis". The signature is fluid and cursive, with the first name "Elizabeth" written in a larger, more prominent script than the last name "Davis".

Elizabeth M. Davis, VCTE



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Lynchburg, VA 24504
434.528.5184



301 RIVERMONT - APARTMENTS

OVERALL PLAN

LYNCHBURG, VIRGINIA

DRAWN BY SKM
DESIGNED BY JSF
CHECKED BY JSF
DATE 7.12.2019
SCALE 1"=20'
REVISIONS
9.04.2019

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Blackford Street Right-of-Way Vacation

KEY ELEMENTS:

___Economic Development ___Excellent Government ___**X**_Natural and Built Environment ___Safe Community ___Vibrant Community

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

SUMMARY: Victoria's Inventory, LLC, is petitioning to vacate an undeveloped portion of the Blackford Street right-of-way located off of D Street. The total area of the proposed vacation is approximately eighteen thousandths (0.018) of an acre. The area to be vacated would become part of the 301 Rivermont Avenue property and would be used for a sidewalk.

The right-of-way vacation includes road and a water meter which would be accessible via a public utility easement. The vacation would not impact vehicle access and would improve pedestrian access along Blackford Street.

PRIOR ACTION(S):

September 10, 2019: The Physical Development Committee (PDC) recommended approval of this petition.

July 31, 2019: The Technical Review Committee (TRC) reviewed this petition.

February 12, 2019: City Council approved a rezoning from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow an increased number of apartment units at 301 Rivermont.

FISCAL IMPACT: Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to range from \$2,745 to \$5,490.

CONTACT(S): Victoria Glasgow, Neighborhood Planning Coordinator – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Plat
- Title Work

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OFF WAY KNOWN AS BLACKFORD STREET.

WHEREAS, Victoria's Inventory, LLC, is petitioning to vacate a portion of right-of-way known as Blackford Street; and

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

WHEREAS, 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:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF BRIDGE STREET AND THE NORTHEASTERLY RIGHT OF WAY LINE OF BLACKFORD STREET; THENCE S45°17'57"W A DISTANCE OF 6.00'; THENCE N44°42'03"W A DISTANCE OF 132.50'; THENCE N45°17'57"E A DISTANCE OF 6.00'; THENCE S44°42'03"E A DISTANCE OF 132.50'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.018ACRES, MORE OR LESS

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

A portion of Blackford Street

LOCATED

A strip of land 6 feet in width along the easterly right of way line of Blackford Street and adjacent to the rear property line of 301 Rivermont Ave

The undersigned applicant, Victoria's Inventory, LLC, 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 City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Bridge Street described as follows:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF BRIDGE STREET AND THE NORTHEASTERLY RIGHT OF WAY LINE OF BLACKFORD STREET; THENCE S45°17'57"W A DISTANCE OF 6.00'; THENCE N44°42'03"W A DISTANCE OF 132.50'; THENCE N45°17'57"E A DISTANCE OF 6.00'; THENCE S44°42'03"E A DISTANCE OF 132.50'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.018ACRES, MORE OR LESS

The applicant further requests the Lynchburg City Council to 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 September 10, 2019, 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 Jackson Street.

Given under my hand this 22nd day of July, 2019.

Victoria's Inventory, LLC
Applicant

2600 Memorial Ave Ste LL1
Lynchburg VA 24501
Address

434-401-4962
Phone Number

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

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	905.93'	40.39'	40.39'	S 36°44'39" E	2°33'17"

NANCY B MARION
311 RIVERMONT AVE
PARCEL ID 02327001
DEED BOOK 968 PAGE 471

BLOCK 1,
LOT 5

BLOCK 1,
LOT 4

BLOCK 1,
LOT 3

301 RIVERMONT AVE
VICTORIA'S INVENTORY
INSTR # 110001873
PARCEL ID 02327002
3-STORY APARTMENT
COMPLEX

0.0183 ACRES
(PORTION OF
BLACKFORD STREET
TO BE VACATED)
SEE NOTE #5

24' INGRESS/EGRESS
EASEMENT BENEFITING
THE CITY OF LYNCHBURG
FOR BRIDGE REPAIR,
INSPECTION AND
MAINTENANCE PURPOSES

0.116 ACRES
(PORTION OF BRIDGE
STREET TO BE VACATED)

RECENTLY
DEMOLISHED
BUILDING

200 BRIDGE STREET
VICTORIA'S INVENTORY
INSTR # 160004412
PARCEL ID 02328008

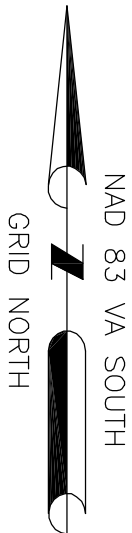
LINE	BEARING	DISTANCE
L1	N 45°17'57" E	6.00'
L2	S 45°17'57" W	6.00'
L3	N 44°42'03" W	40.00'

- NOTES:
1. THIS PLAT WAS PREPARED AT THE REQUEST OF VICTORIAS INVENTORY, INC.
 2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
 3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP.
 4. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 5. THE VACATED PORTION OF BLACKFORD STREET WILL BE RESERVED AS A PUBLIC UTILITY EASEMENT.

CLERK OF COUNCIL: _____

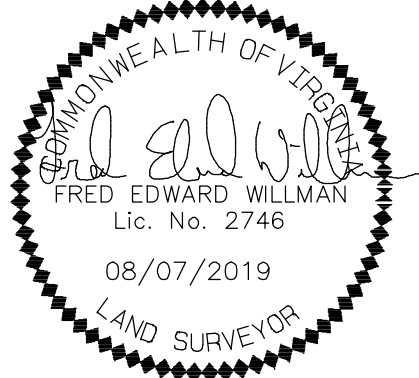
CITY PLANNER: _____

CITY ENGINEER: _____



STREET VACATION PLAT
FOR PORTIONS OF
BLACKFORD STREET &
BRIDGE STREET

CITY OF LYNCHBURG, VA



ACCUPOINT
SURVEYING & DESIGN
SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS
950 AIRPORT ROAD, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

SCALE: 1" = 20'

ASD JOB# 2018-350

FILE #: 2018-350.DWG

DATE: AUGUST 7, 2019

REV: AUGUST 29, 2019

SHEET 1 OF 1

Elizabeth M. Davis, VCTE
950 Airport Rd.
Lynchburg, VA 24502
edavis@accupointsurveying.com

City Planning and Community Development
900 Church St.
Lynchburg, VA 24504

August 8, 2019

To whom it may concern,

Victoria's Inventory, LLC secured my services to investigate the title to an unimproved portion of Blackford Street lying adjacent to property located at 301 Rivermont Avenue in the City of Lynchburg, to determine ownership of the currently platted street.

Whereas, the right of way for Blackford Street was created by a subdivision plat entitled "Plan A, The Rivermont Company Lynchburg, VA" made by R. Taylor Gleaves, Engineer, dated April, 1891 and recorded in the Clerk's Office of the Circuit Court of Campbell County, Virginia in Deed Book 55 Page 1.

Whereas, Per deed dated May 25, 1891 recorded in deed book UU page 7 in Clerk's Office of the Circuit Court of Lynchburg, Virginia, The Rivermont Company conveys to Rivermont Investment & Construction Company Lot 1, Block 1, "Plan A", Rivermont and others but ". . . reserved the fee in all streets and alleys now or hereafter to be located upon its property, to be subject to the use of the said company for the purposes of constructing therein railroads, to be run either by steam, electricity, horses, or other motive power; of locating therein water pipes, gas pipes, steam pipes, hot air pipes, cold air pipes, street lamps, sewers, culverts, conduits and all wires and poles necessary for illuminating purpose, fire alarms, telephones, and for the conveyance of electric currents or other power for all other uses and purposes; but apart from these rights, the same shall be free to the public for all the purposes of a highway."

Whereas, Per deed dated March 20, 1906 recorded in deed book 74 page 231 in Clerk's Office of the Circuit Court of Lynchburg, Virginia, The Rivermont Company, by Trustee conveys to The Rivermont Realty Company, Inc. "...all real estate and interests in real estate, whether legal or equitable, rights, properties and franchises, lying and being in the City of Lynchburg, and in the County of Campbell, Virginia, . . . and all rights created by the Charter of The Rivermont Company.

Whereas, Per deed dated October 18, 1907 recorded in deed book 78 page 599 in Clerk's Office of the Circuit Court of Lynchburg, Virginia, The Rivermont Realty Company, Inc. conveys to City of Lynchburg all of grantors rights, privileges and franchises, in the streets and alleys within the present corporate limits of the City of Lynchburg, as laid out by the Rivermont

Company upon its map called Plan A, of record in the Clerk's Office of Campbell County in Deed Book No. 55, at page 1; these being a portion of the same rights conveyed to the said Rivermont Realty Company, Inc., by Wm. V. Wilson, Jr., Trustee of The Rivermont Company by deed dated 3-20-1906, at Campbell County Deed Book 79, page 4 and Lynchburg Deed Book 74, page 231.

Therefore, it is my opinion in this matter that the title to the unimproved portion of Blackford Street is vested in the City of Lynchburg. It is also my opinion when the council vacates the aforesaid property, the property shall pass in fee to those landowners whose properties abut the vacated property, subject to any permanent easement for the purpose of accessing and maintaining public utilities.

Please let me know if there are any questions.

Best regards,

A handwritten signature in black ink, appearing to read "Elizabeth M. Davis". The signature is written in a cursive, flowing style with some capitalization.

Elizabeth M. Davis, VCTE

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Future Land Use Map (FLUM)*: Institutional to Neighborhood Commercial Rezoning – R-2, Low-Medium Density Residential District to B-1C, Limited Business District (Conditional) – 221 Wiggington Road

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of the *Future Land Use Map (FLUM)* amendment from Institutional to Neighborhood Commercial and rezoning from R-2, Low-Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a dentist office.

SUMMARY: Dr. Richard Oldham is petitioning to amend the *FLUM* from Institutional to Neighborhood Commercial and to rezone approximately three and eighty-nine hundredths (3.89) acres at 221 Wiggington Road to allow the construction of a dentist office.

The existing institutional building would be demolished and there would be a reduction in impervious area on the property.

The petitioner has revised the concept plan since Planning Commission reviewed the request on August 28, 2019. The original concept plan showed a future building addition, while the revised concept plan shows a future detached building.

PRIOR ACTION(S):

August 28, 2019:

The Planning Division recommended approval of the FLUM amendment and rezoning petitions.

The Planning Commission recommended approval of the FLUM amendment and rezoning petitions (5-0, with 2 members absent; Bowden, Perault).

FISCAL IMPACT:

N/A

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Ordinance
- Revised Concept Plan – September 23, 2019
- Planning Commission Minutes – August 28, 2019
- Planning Commission Packet – August 28, 2019
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Architectural Examples
 - o Property Photograph
 - o Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION:

#R-19-079

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 221 WIGGINGTON ROAD FROM INSTITUTIONAL TO NEIGHBORHOOD COMMERCIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Dr. Richard Oldham, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Institutional to Neighborhood Commercial for a certain area located at 221 Wiggington Road is hereby approved.

Adopted:

Certified: _____
Clerk of Council

131R

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 221 WIGGINGTON ROAD FROM R-2, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT TO B-1C, LIMITED BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54. __ which shall read as follows:

Section 35.2-54. __. Change of a certain area located at 221 Wiggington Road from R-2, Low-Medium Density Residential District to B-1C, Limited Business District (Conditional).

The area embraced within the following boundaries:

That certain tract or parcel of land containing 3.89 acres, more or less, located in the City of Lynchburg, Virginia, more particularly described by plat of survey dated October 11, 1955, by Charles H. Kirkland, C.C.S., a copy of which plat is recorded in the Clerk's Office of the Circuit Court of Campbell County in Deed Book 270, page 91, and being more particularly described by reference to said plat as follows: BEGINNING at a point approximately on Wiggington Road corner with the land now or formerly owned by Rush E. Burnett at set iron; thence S. 28° 32 min. East 100 feet and S. 41° 52 min. East 100 feet; thence leaving said road a new line South 51° 11 min. 840 feet to stake; thence North 52° 40 min. West 200 feet to post; thence N. 50° 56 min. East 899.7 feet to the point of BEGINNING.

...is hereby changed from R-2, Low-Medium Density Residential District to B-1C, Limited Business District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner Dr. Richard Oldham, to wit:

1. A future site plan will be submitted to the City for approval prior to the use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for professional office use, dentistry.
2. The site will be developed in substantial compliance with the concept plan as submitted for the rezoning application.
3. The buildings to be built on the property will be similar in appearance to the photographs submitted with the TRC review package. The photos are of the current dental practice at 115 Wiggington Road, which is in the same neighborhood of the property.
4. The following uses allowed by B-1 zoning will not be permitted on the site:
 - a. Grocery, supermarket, or bakery, convenience store, specialty food store #2151-2154
 - b. Beer, wine, liquor store #2155
 - c. Restaurants, cafeterias, snack bars #2510-2530
 - d. Laundromat and dry cleaning #2621 & 2622
 - e. Parking lot and parking garage #2640
 - f. Wireless communications transmission #4233
 - g. Electric substations #4316

And the City Planner shall forthwith cause the "Official Zoning Map of the City of Lynchburg, Virginia" referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council



NOTES:

- 1) PARCEL ID: 22611001
- 2) OWNER: JOHN LYNCH LODGE #34 FRATERNAL OF POLICE, INC.
ADDRESS: 221 WIGGINGTON RD., LYNCHBURG, VA 24502
- 3) EXISTING USE: EXEMPT (NON GOVT)
PROPOSED USE: PROFESSIONAL OFFICE (DENTISTRY)
- 4) EXISTING ZONING: R-2
PROPOSED ZONING: B-1C
FUTURE LAND USE MAP: FROM INSTITUTION TO NEIGHBORHOOD COMMERCIAL
- 5) REQUIRED PARKING: (2 SPACES/1,000SF)
PHASE 1 - 3,000SF GROSS FLOOR AREA
(3000/1000 = 3 x 2 = 6 SPACES REQUIRED)
PHASE 2 - 3,000SF GROSS FLOOR AREA
(3000/1000 = 3 x 2 = 6 SPACES REQUIRED)
PROVIDED SPACES = 30 INCLUDING 2 HANDICAP SPACES

NOTE: THE AREAS SHOWN FOR PARKING ARE EXISTING LOTS THAT WERE USED BY THE PREVIOUS OWNER, FRATERNAL ORDER OF POLICE. THE SPACES WILL BE REMARKED AFTER A NEW PAVED SURFACE IS ADDED. BASE INFORMATION TAKEN FROM THE CITY OF LYNCHBURG GIS, PLAN SUBJECT TO CHANGE.

RECEIVED

SEP 23 2019

COMMUNITY DEVELOPMENT

20 10 0 20 40
GRAPHIC SCALE IN FEET
1" = 40'

MINUTES OF THE AUGUST 28, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Dr. Richard Oldham to amend the Future Land Use Map from Institutional to Neighborhood Commercial and to rezone approximately three and eighty-nine hundredths (3.89) acres at 221 Wiggington Road from R-2, Low-Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a dentist office and associated parking.

Mr. Tom Martin, City Planner provided the following summary to the Commission. This property is the former Fraternal Order of Police Lodge but the Fraternal Order of Police are looking to sell it. It is currently recommended for Institutional uses on the FLUM (Future Land Use Map) and is currently zoned R-2, Low-Medium Density Residential. It is in close proximity to the Crosswhite Athletic Club on Davis Cup Road, which is zoned B-5C, General Business District (Conditional). The existing building and parking area were constructed somewhere around 1952 but will be demolished to make way for the construction of the proposed facility. The new facility will be a three thousand (3,000) square foot dentist office. The impervious area of the property will be reduced because the majority of the existing parking area will be removed and turned into grass. There was concern that approval of this petition will set precedent for the rest of Wiggington Road to change to commercial use but looking at the FLUM, nearby Richeson Drive, a much more residential area than Wiggington Road, is recommended for neighborhood commercial use. Because of this, the Planning Division considers the proposed land use and rezoning acceptable for this area. The petitioner submitted renderings of what the building will look like and revised proffers saying that the building will be constructed to look similar to the submitted materials. The Planning Division recommends approval of the FLUM (Future Land Use Map) amendment and the rezoning with the revised proffers.

Chair Rogers asked who was present to speak on behalf of the petition.

Mr. Trent Warner, with Hurt and Proffitt, addressed the Commission. Dr. Oldham's current dentist office is located at 115 Wiggington Road, in the commercial use area. The submitted photographs are of Dr. Oldham's current office but he'd like to move his business to a different location on the same road. The Fraternal Order of Police Lodge was historically a weekend venue but using the property as a dentist office will prevent that and be more in line with day-to-day business operations. This will be an improvement and allow the property to fit more with the residential area. The new facility will be built with a pitched roof to give it a residential look. The existing building will not be renovated but instead will be demolished.

Chair Rogers asked if there was anyone present who wished to speak in favor or opposition of the petition. When no one came forward, Chair Rogers closed the public hearing for discussion amongst the Commission.

Commissioner Marion asked if the pad of the new building will be on the same pad as the existing building.

Mr. Warner responded that it will generally be on the same pad but there will be some differences. The two buildings are nearly the same shape but the new building will be shorter on the right side and the rear of the building will have a different shape.

Commissioner Marion asked if the new building will be oriented toward the street, making it resemble a residential building.

Mr. Warner responded that the building will be oriented toward the street.

Commissioner Marion referenced the submitted renderings and asked if the new building will resemble them. She also asked if there will be parking in the front of the building and where the entrance will be.

Mr. Warner responded that the building will resemble the renderings. The entrance will be on the side of the building. He noted that the office Dr. Oldham currently operates out of has parking in the front of the building but the pictures of that were included only as an example for what the new building will look like.

Commissioner Marion stated that this will be an improvement for the neighborhood. A dentist office is a neighborhood convenience and traffic will not be greatly impacted by it. There seems to be no neighborhood opposition and she has no opposition to it.

Commissioner Marion stated that Wiggington Road should have been neighborhood commercial like Richeson Drive. She then noted that approval of this petition would not mean that future petitions for rezoning on Wiggington Road would have to be approved. If the purpose of the rezoning did not fit well with the residential areas, it would not be approved.

Mr. Martin shared agreement and noted that future approval should generally stay in the B-1, Limited Business, uses for this area.

Chair Rogers noted that the building next to 221 Wiggington Road is owned by the City and asked if it fits into a R-2, Low-Medium Density Residential, zoning by right.

Mr. Martin responded that the building is the senior center and that type of institutional use can fit in to that zoning.

Chair Rogers stated that there are seven (7) houses between this property and a larger commercial development and there are developments on the other side of the property as well. Business uses are scattered among the residential areas already so the addition of a dentist office makes sense.

Commissioner Lowe stated that he likes that the proposed dentist office and associated parking will create more green space than exists currently. Normally, proposed development takes away green space. He noted that he is on Wiggington Road often and his only concern with this petition is the traffic. People often use Wiggington Road as a means of crossing between roads in the mornings and the evenings.

Mr. Warner responded that Dr. Oldham already has a dentist office on Wiggington Road so it will be the same clients and same amount of traffic. Dr. Oldham is just looking to move his business to a different location on the same road and believes it will be an improvement to what was previously there.

Chair Rogers asked if the current office is located in the commercial center.

Mr. Warner responded that it is.

Commissioner Lowe noted that the commercial center is older so it makes sense that Dr. Oldham wants to move his dentist office somewhere more modern as the practice expands.

Chair Rogers shared examples of similar patterns on Richeson Drive.

Commissioner Marion made the following motion, seconded by Commissioner Lowe, and passed by the following vote:

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Dr. Richard Oldham to amend the Future Land Use Map from Institutional to Neighborhood Commercial at 221 Wiggington Road.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Dr. Richard Oldham to rezone approximately three and eighty-nine hundredths (3.89) acres located at 221 Wiggington Road from R-2, Low-Medium Density Residential District to B-1C, Limited Business District (Conditional) subject to the following voluntarily submitted proffers:

- 1. A future site plan will be submitted to the City for approval prior to the use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for professional office use, dentistry.**
- 2. The site will be developed in substantial compliance with the concept plan as submitted for the rezoning application.**
- 3. The buildings to be built on the property will be similar in appearance to the photographs submitted with the TRC review package. The photos are of the current dental practice at 115 Wiggington Road, which is in the same neighborhood of the property.**
- 4. The following uses allowed by B-1 zoning that will not be permitted on this site:**
 - a. Grocery, supermarket or bakery, convenience store, specialty food store #2151-2154.**
 - b. Beer, wine, liquor store #2155**
 - c. Restaurants, cafeterias, snack bars #2510-2530**
 - d. Laundromat and dry cleaning #2621 & 2622**
 - e. Parking lot and parking garage #2640**
 - f. Wireless communications transmission #4233**
 - g. Electric substations # 4316”**

AYES:	Johnson, Light, Lowe, Marion, and Rogers	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Bowden and Perault	2

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: August 28, 2019

Re: *Future Land Use Map (FLUM)* Amendment: – Institutional to Neighborhood Commercial
Rezoning: R-2, Low-Medium Density Residential to B-1C, Limited Business District
(Conditional) – 221 Wiggington Road

I. PETITIONER

Dr. Richard Oldham, 115 Wiggington Road, Lynchburg, Virginia 24502

II. LOCATION

The subject property contains approximately three and eighty-nine hundredths (3.89) acres located at 221 Wiggington Road.

Property Owner: John Lynch Lodge #34 Fraternal of Police Inc., et al, 221 Wiggington Road, Lynchburg, Virginia 24502

III. PURPOSE

The purpose of the petitions is to amend the *FLUM* from Institutional to Neighborhood Commercial and to rezone the property from R-2, Low-Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a dentist office.

IV. SUMMARY

- The existing institutional building would be demolished to allow the construction of a new dentist office.
- The amount of impervious area existing on site would be reduced.
- The proposed use should be an acceptable use in the area; however, future conversion of properties to the east towards Old Forest Road to commercial may be requested.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

- 1. Comprehensive Plan.** The Comprehensive Plan recommends an Institutional Use for the subject property. The City's institutions include the religious, educational, and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (*p. 76*)

The petition proposes to amend the *FLUM* to Neighborhood Commercial. Neighborhood Commercial areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. They are comprised of individual businesses, clusters of businesses, or small shopping centers. Neighborhood shopping centers meet the day-to-day needs of a limited residential trade area of 2,500 to 10,000 people and average about 50,000 square feet of space. A small grocery store or drug store is often the anchor for a neighborhood shopping center. Office uses should be relatively small-scale with building floor areas not exceeding 20,000 square feet and heights not exceeding four stories. Residential uses may be

established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (p.75)

The proposed Neighborhood Commercial land use designation should be acceptable due to its proximity to Neighborhood Commercial land uses on Old Forest Road, (proposed) Neighborhood Commercial land uses on Richeson Drive and adjacent B-5, General Business District zoning (Crosswhite Athletic Club) located at 118 Davis Cup Road.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density Residential District zoning was established in 1978.
3. **Proffers.** The petitioner has submitted the following proffer with the rezoning application:
 1. A future site plan will be submitted to the City for approval prior to the use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for professional office use, dentistry.
 2. The site will be developed in substantial compliance with the concept plan as submitted for the rezoning application.
 3. The following uses allowed by B-1, zoning that will not be permitted on this site:
 - a. Grocery, supermarket or bakery, convenience store, specialty food store #2151-2154.
 - b. Beer, wine, liquor store #2155
 - c. Restaurants, cafeterias, snack bars #2510-2530
 - d. Laundromat and dry cleaning #2621 & 2622
 - e. Parking lot and parking garage #2640
 - f. Wireless communications transmission #4233
 - g. Electric substations # 4316
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On December 12, 1979, City Council adopted the Old Forest Road Area Study.
 - On February 12, 1980, City Council approved the petition of Old Forest Road Baptist Church for a Conditional Use Permit to allow the operation of a day care center at 3630 Old Forest Road.
 - On April 8, 1980, City Council approved the petition of Old Forest Road Baptist Church for a Conditional Use Permit to allow the construction of an educational building at 3630 Old Forest Road.
 - On October 11, 1983, City Council approved the rezoning petition of Banks Conner, Cary Angus and Charles Tull to rezone approximately two (2) acres at 3708 Old Forest Road from B-1, Limited Business District to B-3C, Community Business District (Conditional) to allow the construction of a sporting goods store.

- On August 14, 1984, City Council approved the rezoning petition of Central Virginia Indoor Tennis, Inc., and Mr. Frank G. Davidson, III to rezone approximately twenty (20) acres on Davis Cup Road from R-2, Low-Medium Density Residential to B-5C, General Business District (Conditional) to allow the expansion of a sports facility.
 - On April 14, 1998, City Council approved the rezoning petition of Thomas Gerdy, to rezone 3622 Old Forest Road from R-5, High Density Residential to B-3C, Community Business District (Conditional) to allow the construction of a retail sales building.
 - On July 14, 1992, City Council approved the petition of Old Forest Road Baptist Church for a Conditional Use Permit to allow the construction of a parking area at 3630 Old Forest Road.
 - On April 13, 1999, City Council approved the petition of Milton & Neal for a Conditional Use Permit at 3701 Old Forest Road to allow the construction of a parking area.
 - On July 13, 1999, City Council approved the petition of Dr. James Stanley for a Conditional Use Permit to allow the construction of a cluster commercial development at 3712 Old Forest Road.
 - On June 12, 2001, City Council approved the petition of Kim Yuille for a Conditional Use Permit at 225 Wiggington Road to allow the operation of a childcare facility.
 - On July 10, 2001, City Council approved the petition of Scott Zechini for a Conditional Use Permit to allow the construction of a cluster commercial development at 3712 Old Forest Road.
 - On June 8, 2010, City Council approved the petition of Old Forest Road Baptist Church for a Conditional Use Permit to allow the construction of a pavilion and recreational facility at 3630 Old Forest Road.
6. **Site Description.** The subject property is approximately three and eighty-nine hundredths (3.89) acres located at 221 Wiggington Road. The property contains a one story, three thousand seven hundred ninety (3,790) square foot building constructed in 1952. The building had been used as a commercial lodge for the Fraternal Order of Police. The property also contains a nine hundred eighty-four (984) square foot steel building constructed in 1952 and twenty-six thousand one hundred (26,100) square feet of paving.
7. **Proposed Use of Property.** If approved the existing buildings and paving would be demolished. The site would be redeveloped into a three thousand (3,000) square foot dentist office with a future three thousand (3,000) square foot addition. The property would contain thirty (30) parking spaces which exceeds the two (2) parking spaces per one thousand (1,000) square foot requirement of the *Zoning Ordinance*. Overall impervious areas would be reduced.
8. **Traffic, Parking and Public Transit.** A traffic impact study was not required by the City Engineer. The submitted concept plan indicates the construction of thirty (30) parking spaces, which exceeds the requirements of the *Zoning Ordinance*.

The property is not served by the Greater Lynchburg Transit Company (GLTC). This closest bus stop is approximately one thousand three hundred fifty (1,350) feet away located in front of 3700 Old Forest Road. There are no sidewalks currently in the area.

9. **Stormwater Management.** The development as proposed would result in a net decrease of impervious area. This may result in detention facilities not being required.
10. **Emergency Services.** The City Fire Marshal provided comments related to the 2015 Virginia Statewide Fire Prevention Code and the City of Lynchburg Site Design Requirements. These comments would be addressed prior to an occupancy permit being issued for the property. The City's Police Department had no comments of concern related to the proposed use.
11. **Impact.** The rezoning of the property would facilitate the development of a three thousand (3,000) square foot building to be used as a dentist office with associated parking. A future three thousand (3,000) square foot building is also proposed. After redevelopment a net decrease in impervious area is expected.

The *FLUM* recommends an institutional use for the property with Medium Density Residential uses to the north and south and east, and neighborhood commercial uses to the west (along Richeson Drive and extending along Old Forest Road). It seems more logical for the properties fronting the south side of Wiggington Road to evolve into neighborhood commercial uses than those on Richeson Drive. Richeson Drive is primarily single-household dwellings as it moves away from Old Forest Road. The proposed neighborhood land use designation is reasonable given the adjacent institutional use (Templeton Senior Center) and the Crosswhite Athletic Club.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the concept plan on August 6, 2019. Comments from the Technical Review Committee have or will be addressed by the petitioner prior to any final approvals.

VI. PLANNING DIVISION RECOMMENDED MOTION(s):

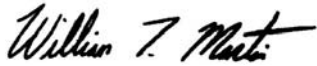
Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Richard Oldham to amend the Future Land Use Map from Institutional to Neighborhood Commercial at 221 Wiggington Road.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Richard Oldham to rezone approximately three and eighty-nine hundredths (3.89) acres located at 221 Wiggington Road from R-2, Low-Medium Density Residential District to B-1C, Limited Business District (Conditional) subject to the following voluntarily submitted proffers:

1. A future site plan will be submitted to the City for approval prior to the use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for professional office use, dentistry.
2. The site will be developed in substantial compliance with the concept plan as submitted for the rezoning application.
3. The following uses allowed by B-1 zoning that will not be permitted on this site:

- a. **Grocery, supermarket or bakery, convenience store, specialty food store #2151-2154.**
- b. **Beer, wine, liquor store #2155**
- c. **Restaurants, cafeterias, snack bars #2510-2530**
- d. **Laundromat and dry cleaning #2621 & 2622**
- e. **Parking lot and parking garage #2640**
- f. **Wireless communications transmission #4233**
- g. **Electric substations # 4316**

This matter is respectfully offered for your consideration.



William T. Martin, AICP

City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Dr. Richard Oldham, Petitioner
Mr. Trent Warner, Representative

VII. ATTACHMENTS

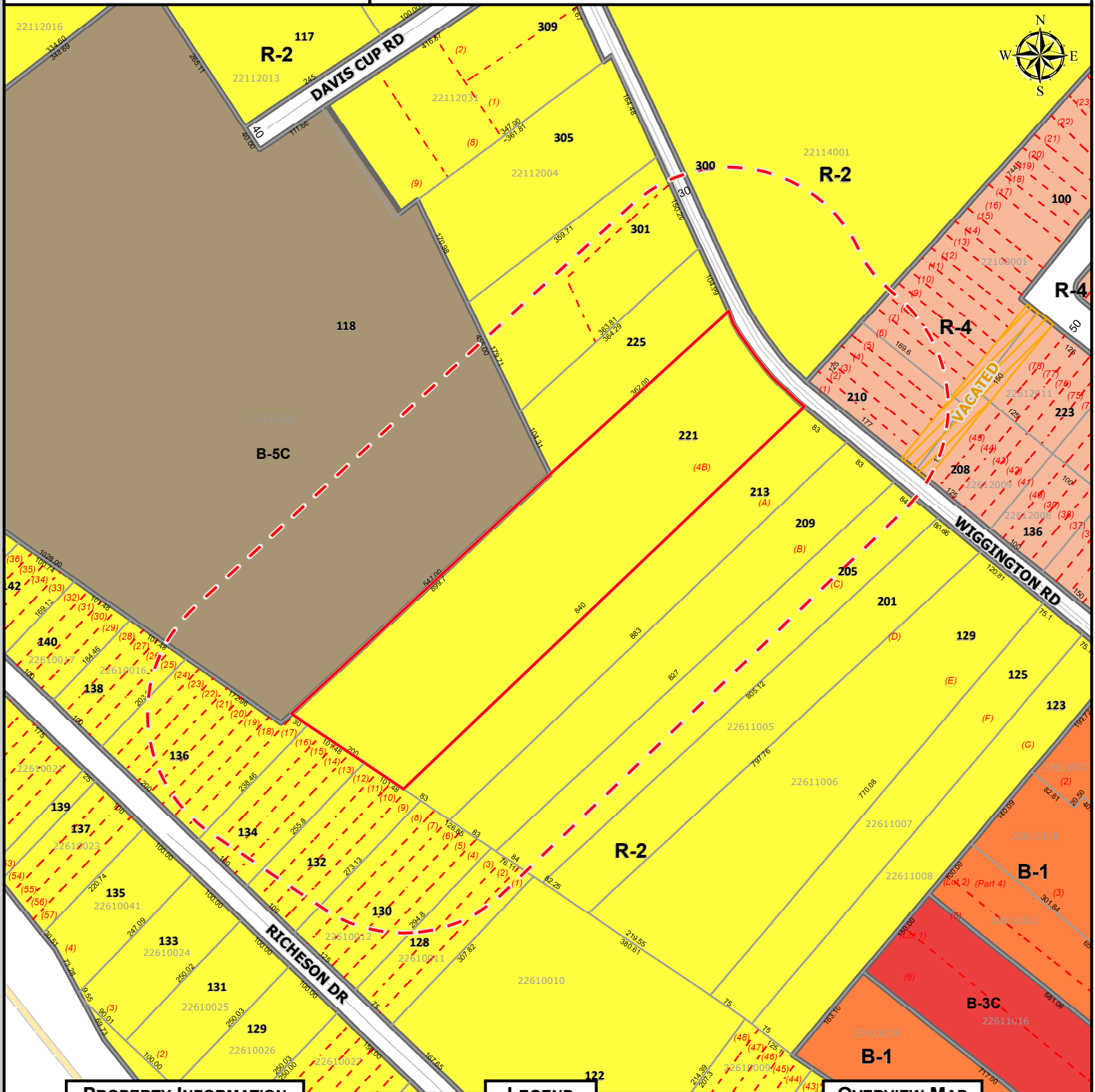
- 1. Zoning Map with Adjoining Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Architectural Examples**
- 6. Property Photograph**

Zoning-TRC Map

221 WIGGINGTON ROAD

TRC

Richard Oldham



PROPERTY INFORMATION

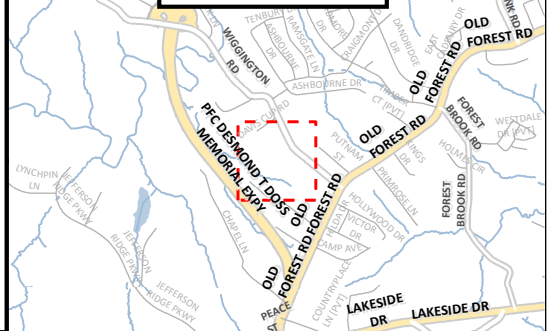
PARCEL ID	ADDRESS
22611001	221 WIGGINGTON RD

LEGEND

 	Subject Property
 	215' Buffer
	B-1
	B-3
	B-4
	B-5
	R-C
	I-1
	I-2
	I-3
	IN-1
	IN-2
	R-1
	R-2
	R-3
	R-4

MAP SCALE: 1" = 200' DATE PRINTED: 7/24/2019

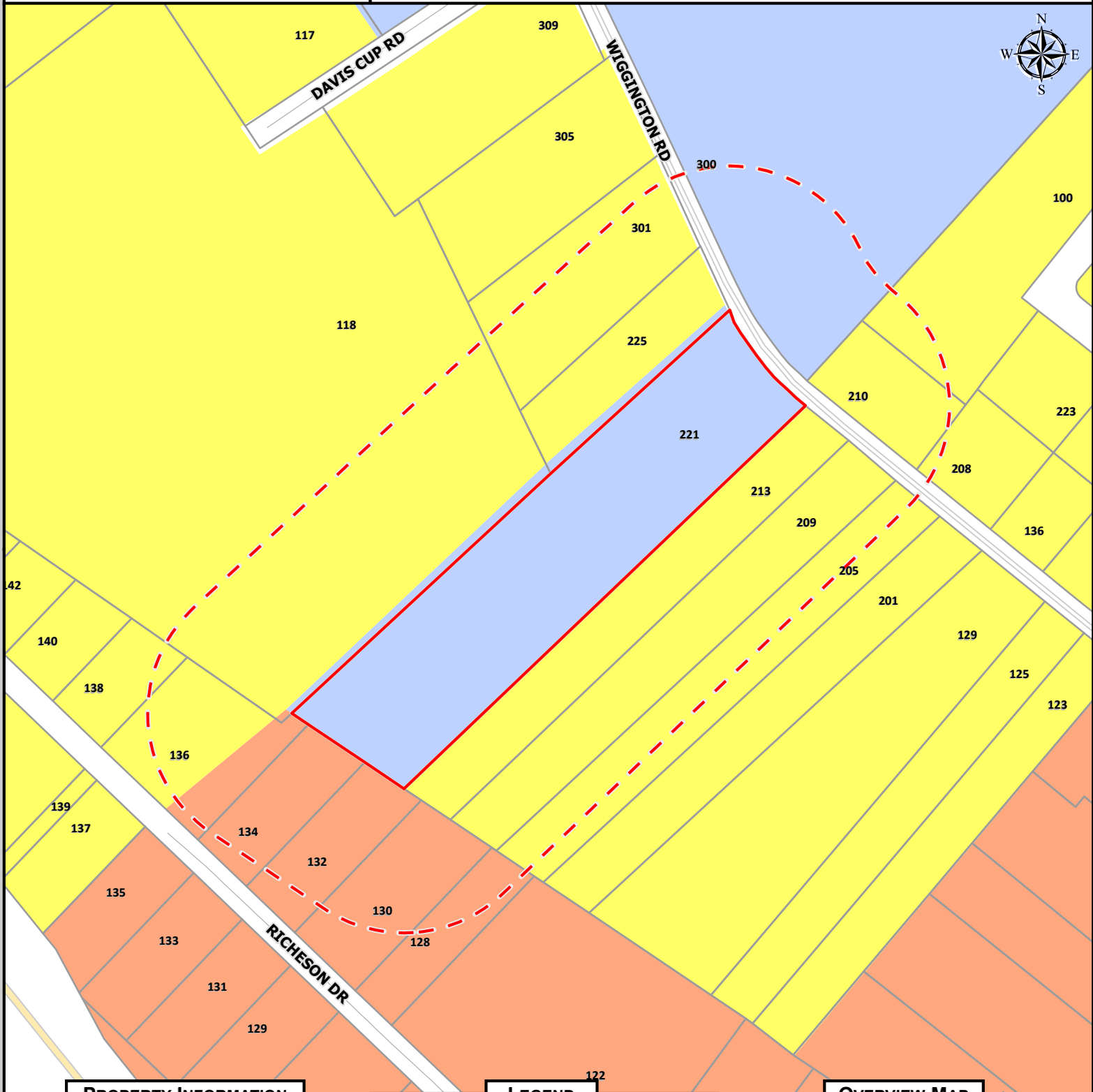
OVERVIEW MAP



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.

221 Wiggington Road

Parcel ID	Address	Owner
22108001	100 ROBBINS ST	OLD FOREST ROAD BAPTIST CHURCH TRS
22112001	225 WIGGINGTON RD	CITY OF LYNCHBURG
22112002	301 WIGGINGTON RD	RICE, RALPH E & SHERRY H
22112005	118 DAVIS CUP RD	CROSSWHITE ATHLETIC CLUB LLC
22114001	300 WIGGINGTON RD	LYNCHBURG BAPTIST CEMETERY ASSOC
22610011	128 RICHESON DR	LYNCHBURG RENTING LLC
22610012	130 RICHESON DR	EDWARDS, RICHARD A & KAREN
22610013	132 RICHESON DR	GRAY, KEVIN T & MARLENE S
22610014	134 RICHESON DR	LUCY, DONALD A & BARBARA P
22610015	136 RICHESON DR	LUCY, DONALD A & BARBARA P
22610016	138 RICHESON DR	LUCY, DONALD A & BARBARA P
22611001	221 WIGGINGTON RD	JOHN LYNCH LODGE #34 FRATERNAL
22611002	213 WIGGINGTON RD	HLK PROPERTIES LLC
22611003	209 WIGGINGTON RD	HLK PROPERTIES LLC
22611004	205 WIGGINGTON RD	HLK PROPERTIES LLC
22612009	208 WIGGINGTON RD	RICE, RALPH & SHERRY H
22612010	210 WIGGINGTON RD	OLD FOREST ROAD BAPTIST CHURCH TRS



PROPERTY INFORMATION

PARCEL ID

ADDRESS

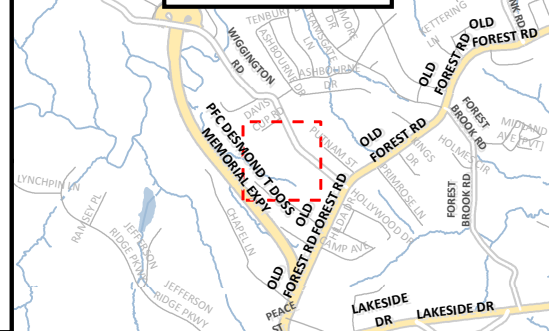
22611001 221 WIGGINGTON RD

LEGEND

- | | |
|----------------------------|-----------------------|
| Local Historic District | Employment 1 |
| Traditional Residential | Employment 2 |
| Low Density Residential | Downtown |
| Medium Density Residential | Institution |
| High Density Residential | Public Use |
| Neighborhood Commercial | Public Parks |
| Community Commercial | Resource Conservation |
| | Mixed Use |

MAP SCALE: 1" to 200' DATE PRINTED: 7/24/2019

OVERVIEW MAP





PROPERTY INFORMATION

PARCEL ID	ADDRESS
22611001	221 WIGGINGTON RD

LEGEND

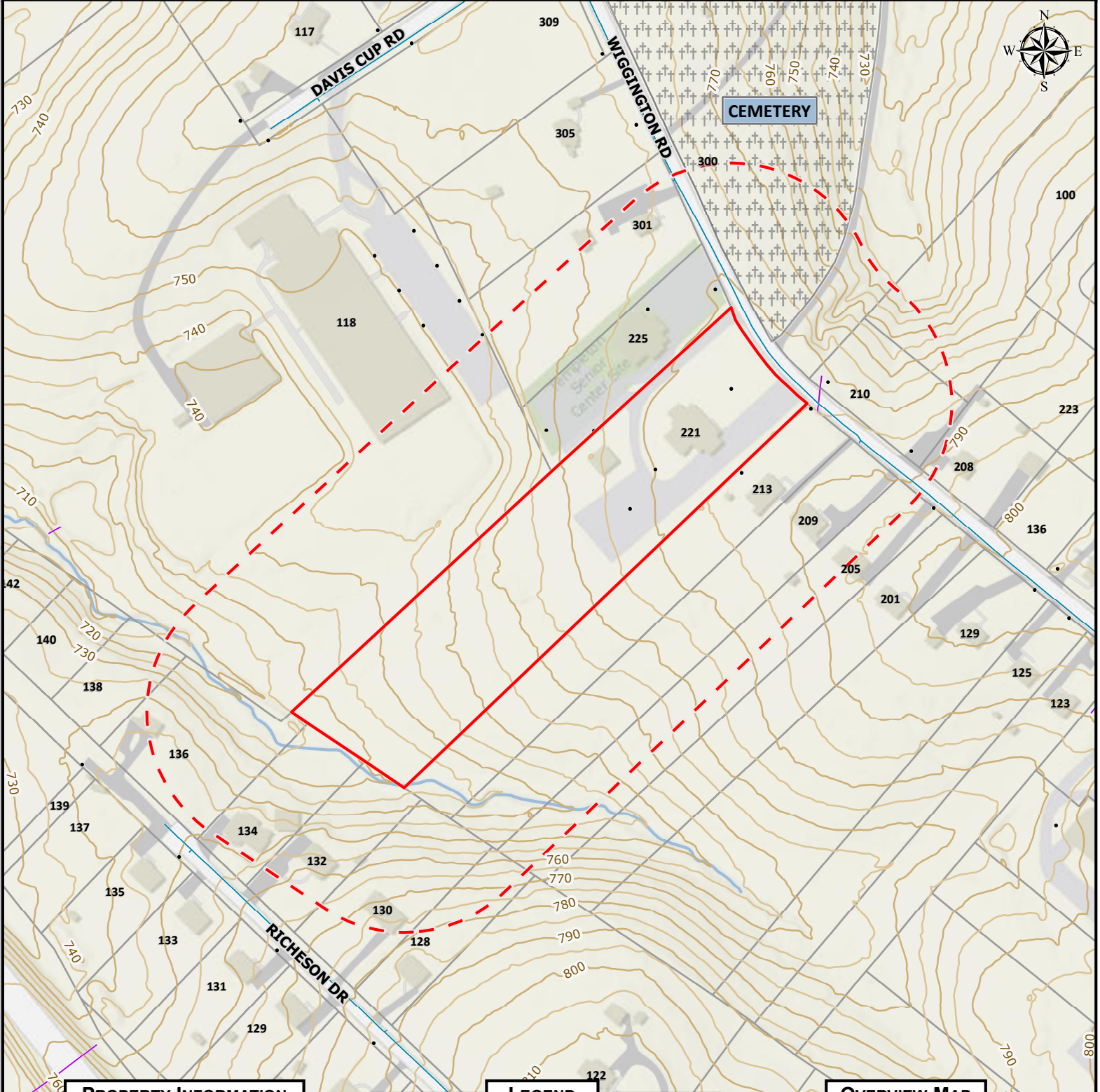
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1" to 200' DATE PRINTED: 7/24/2019

OVERVIEW MAP



Cheese Creek-Ivy Creek



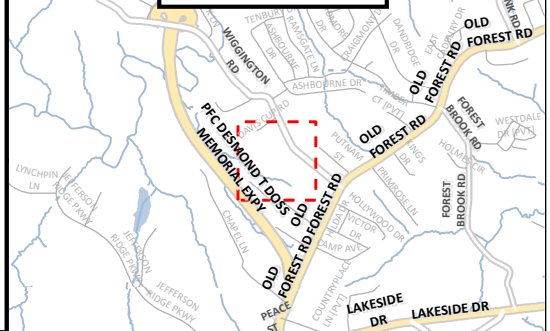
PROPERTY INFORMATION

PARCEL ID	ADDRESS
22611001	221 WIGGINGTON RD

LEGEND

	Active	Proposed	Abandoned
Utilities	Water (blue solid line)	Sanitary (green dashed line)	Storm (purple dashed line)
Structure	Structure (brown solid line)		
Roadway	Roadway (grey solid line)		
Planimetrics	Parking (dark grey solid line)	Sidewalk (light grey solid line)	Driveway (medium grey solid line)
Towers & Trans. Lines	Elec. Trans. (yellow solid line)	Trans. Tower (black square)	Comm. Tower (red circle)
		Other (black square)	Pole Cemetery (black dot)
			Contours (brown lines with labels: 100', 50', 20', 10', 5', 1')

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 7/24/2019

THIS SHEET IS INTENDED TO BE REPRODUCED AT 24"X36". REPRODUCTION OF THIS SHEET AT A DIFFERENT SIZE THAN INTENDED SHALL VOID THE SCALE SHOWN ON THE SHEET.

Aug 14, 2019 - 4:09pm \\DAT\001\Projects\2019\20190755\Engineering\CAD\CONCEPT PLAN.dwg



STORMWATER MANAGEMENT NARRATIVE:

WE EXPECT THAT SINCE THE IMPERVIOUS AREA WILL BE LESS THAN PRE-DEVELOPMENT THAT STORMWATER DETENTION MAY NOT BE NECESSARY; HOWEVER, SHOULD SITE PLAN DEVELOPMENT REQUIRE DETENTION, IT WILL LIKELY BE VIA A DETENTION POND AND RELEASED THROUGH A LEVEL SPREADER. ANY WATER QUALITY REQUIREMENTS WILL LIKELY BE DONE THROUGH THE PURCHASE OF NUTRIENT CREDITS.

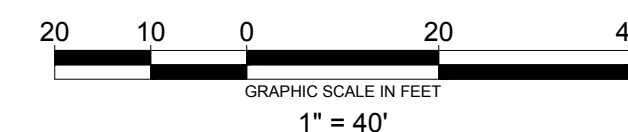
B-1 DEVELOPMENT STANDARDS:

MAXIMUM HEIGHT: 40'
FRONT SETBACK: 0'
SIDE SETBACK: 0'
REAR SETBACK: 25'
MINIMUM LOT WIDTH: 50'
MINIMUM LOT DEPTH: 100'
MINIMUM LOT SIZE: 6,000 SF, TOTAL MINIMUM 1,000 SF PER DWELLING

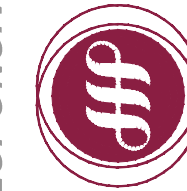
SITE NOTES:

- 1) PARCEL ID: 22611001 ACREAGE: 3.89
- 2) OWNER: JOHN LYNCH LODGE #34 FRATERNAL OF POLICE, INC.
ADDRESS: 221 WIGGINGTON RD.,
LYNCHBURG, VA 24502
- 3) APPLICANT/PETITIONER: OLDHAM DENTISTRY
RICHARD OLDHAM
PHONE: (804) 938-4414
- 4) EXISTING USE: EXEMPT (NON GOVT)
PROPOSED USE: PROFESSIONAL OFFICE (DENTISTRY)
- 5) EXISTING ZONING: R-2
PROPOSED ZONING: B-1C
FUTURE LAND USE MAP: FROM INSTITUTION TO NEIGHBORHOOD COMMERCIAL

- 6) REQUIRED PARKING: (2 SPACES/1,000SF)
PHASE 1 - 3,000SF GROSS FLOOR AREA
 $(3000/1000 = 3 \times 2 = 6 \text{ SPACES})$
REQUIRED
PHASE 2 - 3,000SF GROSS FLOOR AREA
 $(3000/1000 = 3 \times 2 = 6 \text{ SPACES})$
REQUIRED
PROVIDED SPACES = 30 INCLUDING 2 HANDICAP SPACES
- 7) THE AREAS SHOWN FOR PARKING ARE EXISTING LOTS THAT WERE USED BY THE PREVIOUS OWNER, FRATERNAL ORDER OF POLICE. THE SPACES WILL BE REMARKED AFTER A NEW PAVED SURFACE IS ADDED. BASE INFORMATION TAKEN FROM THE CITY OF LYNCHBURG GIS.



HURT & PROFFITT
INSPIRED / RESPONSIVE / TRUSTED



434.847.7796
2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
LAND DEVELOPMENT
ENGINEERING
GEOLOGICAL
CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

CONCEPT PLAN FOR RICHARD OLDHAM DENTISTRY OFFICES LYNCHBURG, VIRGINIA

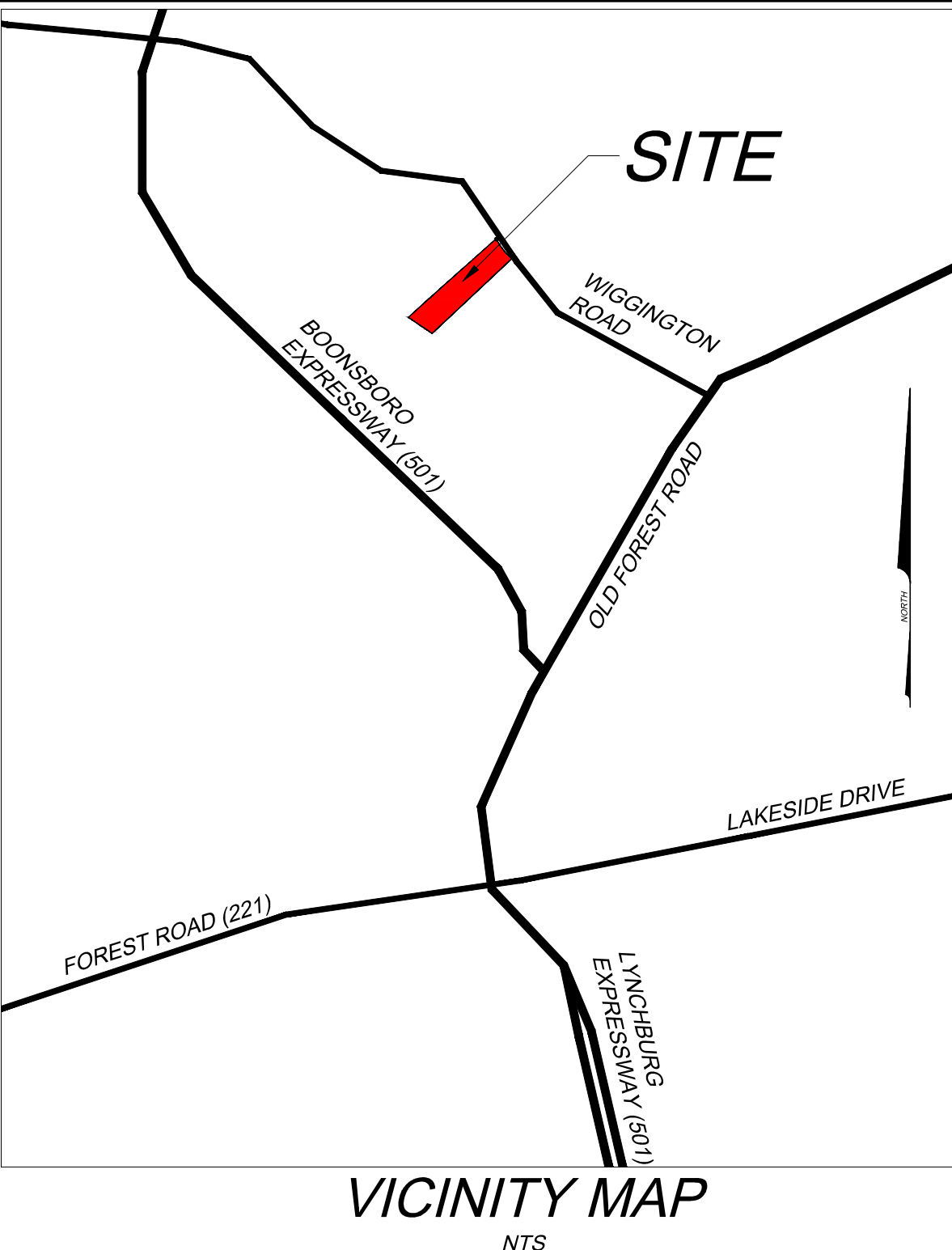
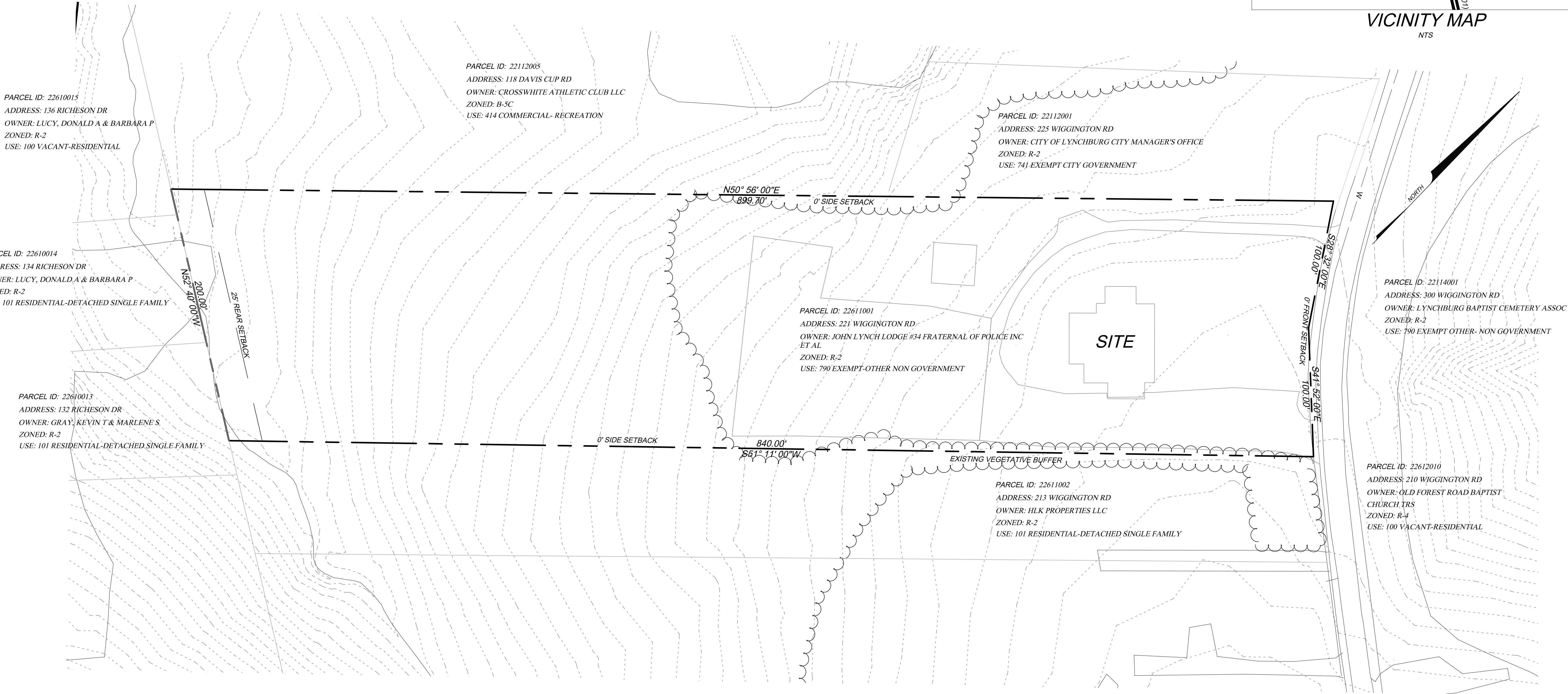
PROJECT NO. 20190755
LAT. 37.40840°
LONG. -79.22360°
DATE 08/15/2019
DRAWN BY: ELC
CHECKED BY: TJW



HURT & PROFFITT
SHEET NO. 1 of 2
REV.

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434.847.7796
2524 LANGHORNE ROAD
LYNCHBURG, VA 24501

HANDP.COM
LYNCHBURG, VA 24501

ENGINEERING SURVEYING LAND DEVELOPMENT ENVIRONMENTAL
GEOLOGICAL CONSTRUCTION TESTING & INSPECTION CULTURAL RESOURCES

EXISTING CONDITIONS
FOR
RICHARD OLDHAM DENTISTRY OFFICES
LYNCHBURG, VIRGINIA

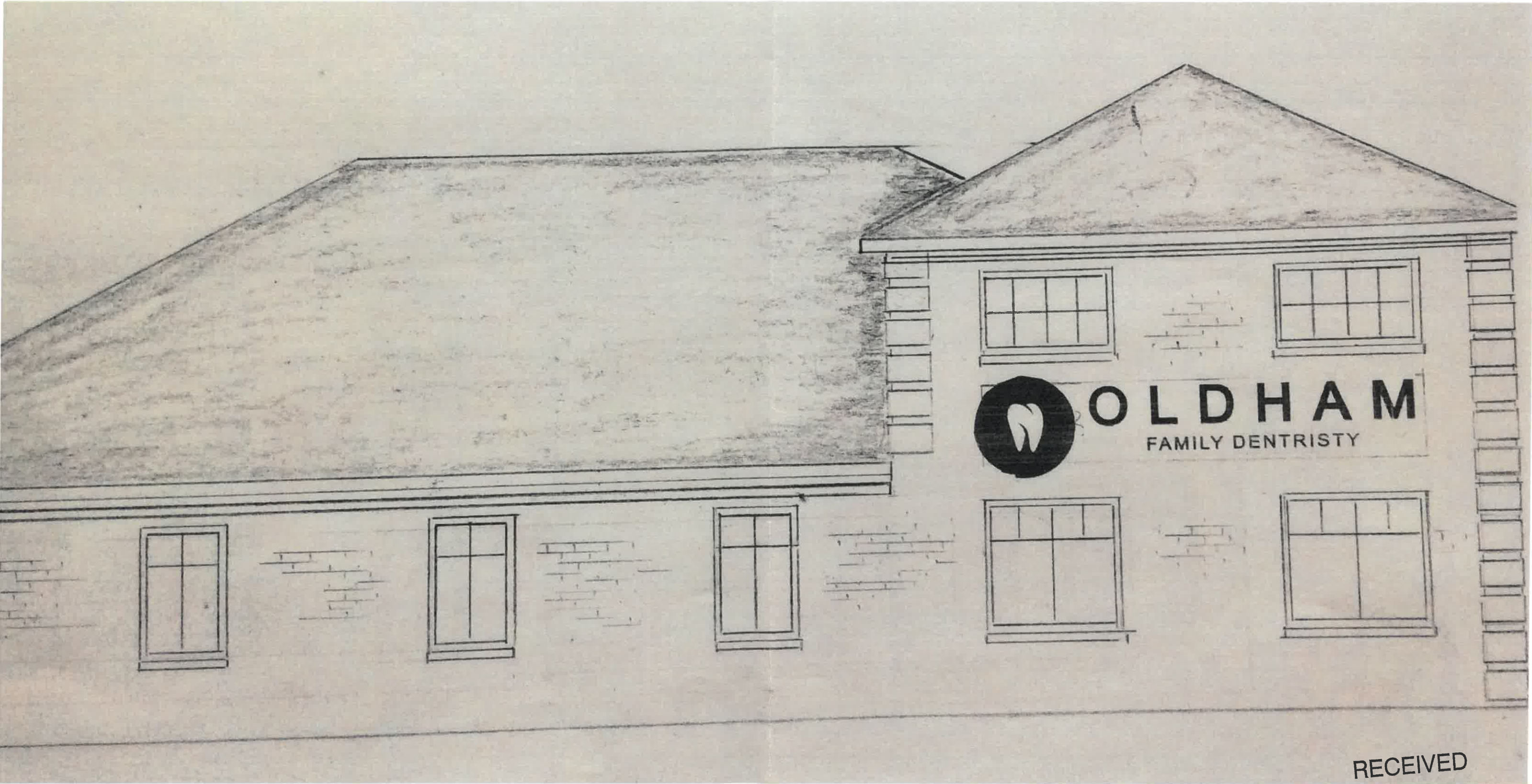
PROJECT NO.	20190755
LAT.	37.40840°
LONG.	-79.22360°
DATE:	08/15/2019
DRAWN BY:	ELC
CHECKED BY:	TJW

PROFESSIONAL ENGINEER

HURT & PROFFITT

SHEET NO.
2 of 2

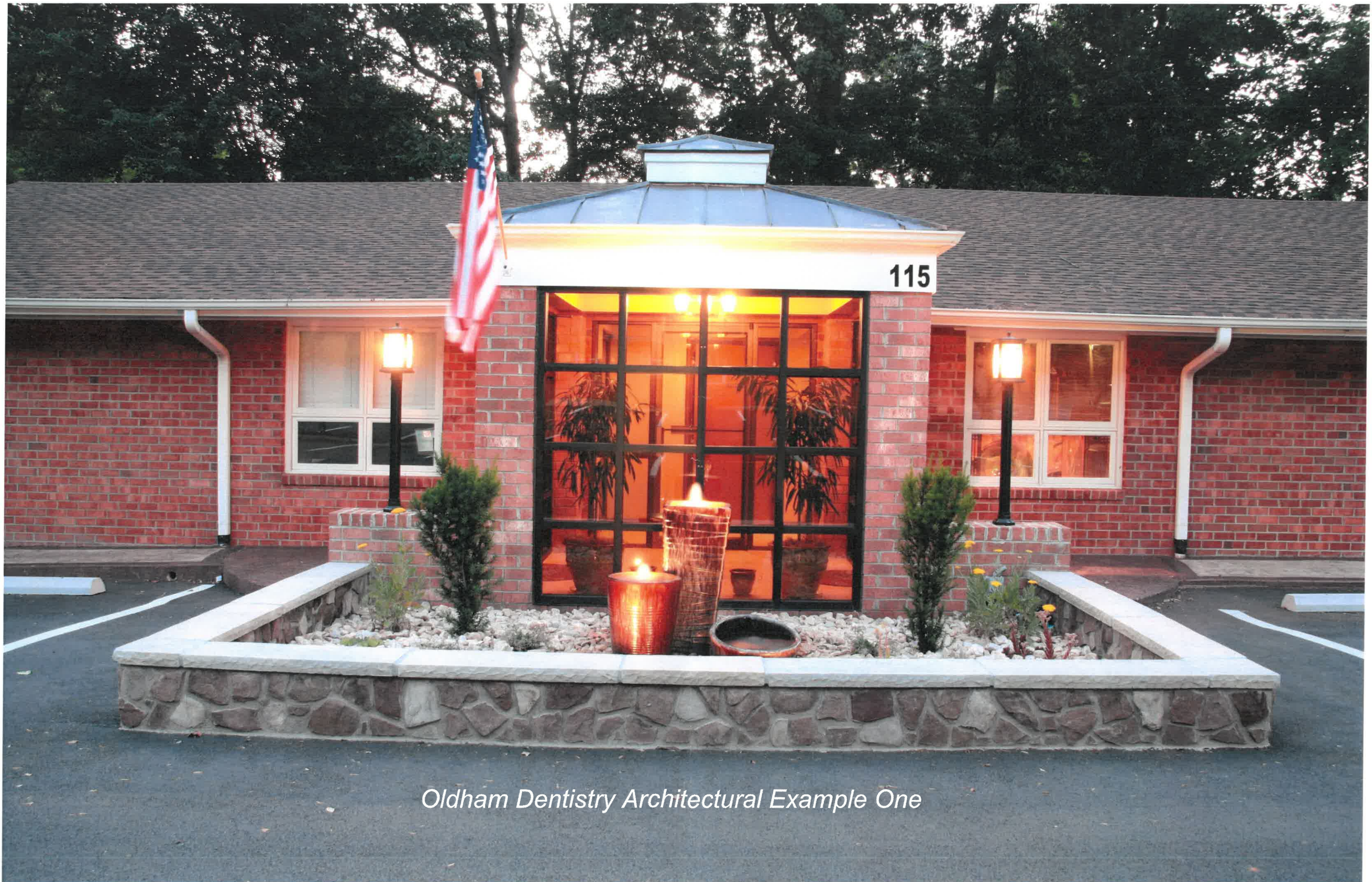
REV.



RECEIVED

AUG 14 2019

COMMUNITY DEVELOPMENT



Oldham Dentistry Architectural Example One



Oldham Dentistry Architectural Example Two

RECEIVED
AUG 14 2019
COMMUNITY DEVELOPMENT



**221 Wiggington Road
R-2 to B-1C
Rezoning
August 28, 2019**

PLEASE PRINT CLEARLY[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019**

AGENDA ITEM #: **11**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION:

INFORMATION: X

(Confidential)

ITEM TITLE: City of Lynchburg Medical Coverage January – December 2020

KEY ELEMENTS:

___ *Economic Development* ☒ Excellent Government ___ Natural and Built Environment ___ Safe Community ___ Vibrant Community

RECOMMENDATION: Hear a report on the City's Health Insurance Plan effective January 1, 2020.

SUMMARY: Presentation concerning City's Health Plan and rate increases effective 1/1/2020.

PRIOR ACTION(S): None

FISCAL IMPACT: See attached presentation.

CONTACT(S): James Lowe, Director of Human Resource, 434-455-4205

ATTACHMENT(S): PowerPoint Slide Presentation

REVIEWED BY: bms

132R



Medical Coverage January – December 2020

City Council
October 8, 2019



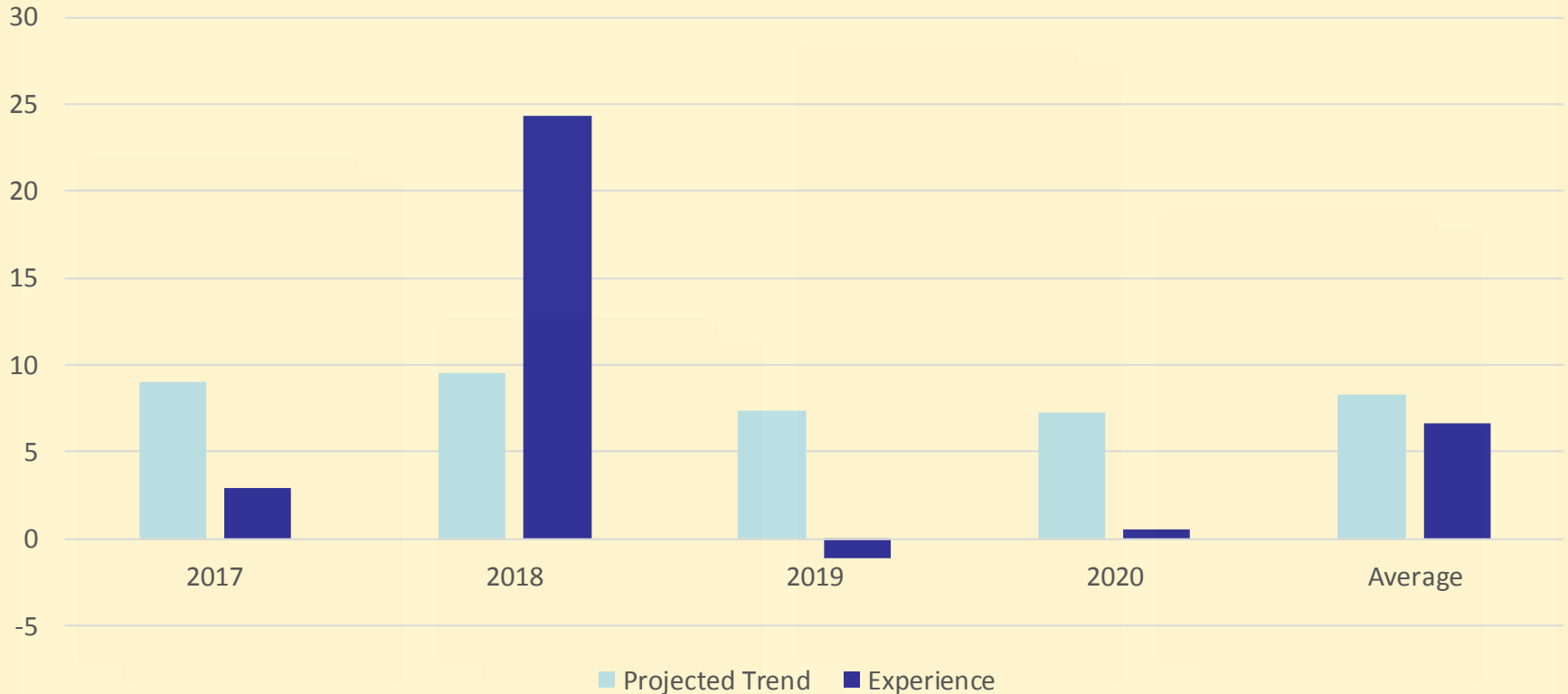
Purpose of Presentation

- To inform Council on the 2020 Health Insurance Program for City Employees, Dependents, and Retirees
- Focus on:
 - Trends in Medical Costs
 - Budget vs Actual
 - Cost-sharing Model
 - Monthly Rates
 - Going Forward



Trends in Medical Costs

Percent



Note: *Trend* is Anthem's projection of increase in claims cost for following year.

Note: There were no employee contribution increases in 2017 and 2018.



Budget vs. Actual

Calendar Year (Plan Year)	2016	2017	2018	2019 (projected)	2020 (projected)
Actual Expenses	\$11,074,533	\$11,398,600	\$14,171,272	\$14,014,253	\$14,083,000
Contributions	\$11,399,052	\$11,141,316	\$11,141,316	\$12,486,294	\$14,453,152
Variance	\$324,519	(\$257,284)	(\$3,029,956)	(\$1,527,959)	\$370,152

This chart reflects CALENDAR YEAR, which is the PLAN YEAR, not Fiscal Year.



Cost-sharing Model

Tier	City Contribution	Employee Contribution
Employee	95%	5%
Employee & Child	68%	32%
Employee & Children	68%	32%
Employee & Spouse	68%	32%
Family	68%	32%
Family (Married City Employees)	91%	9%

- This model was implemented in 2016
- 2016 was the first year in which employee contribution was required for single employee coverage



Active Employees & Pre-96 Retirees <65 Monthly Rates

	2019			2020		
Tier	EE	ER	Total	EE	ER	Total
EE	\$25	\$466	\$490	\$26	\$489	\$515
EE & Child	\$251	\$534	\$785	\$264	\$561	\$825
EE & Children	\$361	\$768	\$1,129	\$379	\$806	\$1,185
EE & Spouse	\$314	\$668	\$982	\$330	\$701	\$1,031
Family	\$518	\$1,101	\$1,619	\$544	\$1,156	\$1,700
Family (Married City EEs)*	\$146	\$1,473	\$1,619	\$153	\$1,547	\$1,700

***Not available to new enrollees after 1/1/16**

EE = Employee ER = Employer



Retiree > 65 Monthly Rates

	2019			2020		
Tier	EE	ER	Total	EE	ER	Total
Retiree	\$10	\$195	\$206	\$11	\$205	\$216
Ret & Child	\$163	\$346	\$509	\$171	\$363	\$534
Ret & Sp <65	\$228	\$484	\$712	\$239	\$508	\$747
Ret & Sp >65	\$132	\$280	\$411	\$139	\$294	\$433
Family	\$438	\$931	\$1,369	\$460	\$978	\$1,438

EE = Employee ER = Employer



Cost Containment

- Researching the following:
 - Utilize a third-party auditor to review a sample of claims for accuracy of coding and billing of medical services delivered
 - Hire a Health Insurance ombudsman to serve as a resource for employees regarding complex medical bills and insurance
- Active Employee Wellness Committee



Going Forward

- Provide cost-effective, high-quality health plan
- Smooth future increases
- Build a margin for adverse experience
- Fund at Anthem projection plus 2.5% until a 8%-10% fund is established
- No Plan changes proposed
- Bidding out insurance for 2021 Plan Year



Questions?

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Funding opportunity from Commonwealth of Virginia, Department of Criminal Justice Services

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate \$49,210 with resources from the Commonwealth of Virginia, Department of Criminal Justice Services to purchase law enforcement equipment for the Lynchburg Police Department.

SUMMARY: The City of Lynchburg is eligible to receive \$49,210 from the Commonwealth of Virginia, Department of Criminal Justice Services (DCJS). Funding will be utilized by the Lynchburg Police Department (LPD) to purchase eleven (11) Panasonic Tough Books (laptop computers) and required accessories that will be installed into police vehicles. Total equipment cost is \$49,210 which is fully reimbursable by DCJS. No local matching funds are required.

On September 27, 2019, Chief Zuidema was contacted by DCJS and advised of unspent grant funds they had from an older Edward Byrne Memorial Justice Assistance Grant (JAG). They offered to designate the LPD to be reimbursed from those funds up to \$50,000 for efforts supporting local law enforcement. A memorandum of understanding explaining the terms was sent to the LPD that evening and has subsequently been reviewed and signed by both parties. There is a short turnaround time for these funds and the project. The funding had to be obligated by means of a project designation, by September 30, 2019. The equipment must be purchased and the LPD must complete a drawn down reimbursement with DCJS using a paid receipt for the full \$49,210 on or before November 30, 2019.

PRIOR ACTION(S): None. This funding opportunity was received on September 27, 2019 and required immediate action due to time constraints within the memorandum of understanding.

FISCAL IMPACT: None, no local match is required.

CONTACT(S): Chief Ryan M. Zuidema, 434-455-6171
Amy Lowe, Administrative Manager, Police Department, 455-6128

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

#R-19-080

BE IT RESOLVED that the FY 2020 City/Federal/State Aid Fund budget is amended and \$49,210 is appropriated with resources from the Commonwealth of Virginia, Department of Criminal Justice Services to purchase law enforcement equipment for the Lynchburg Police Department.

Introduced:

Adopted:

Certified:

Clerk of Council

133R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019**

AGENDA ITEM #: **13**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Consideration of Draft 2020 General Assembly Legislative Agenda

KEY ELEMENTS:

☒ Economic Development ☒ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☒ Vibrant Community

RECOMMENDATION: Provide input on the Draft 2020 General Assembly Legislative Agenda.

SUMMARY: It is time to review and update City Council's Legislative Agenda in preparation for the 2020 session of the Virginia General Assembly. Attached is an annotated copy of the adopted 2019 Legislative Agenda with suggested revisions as proposed by staff. Staff would appreciate receiving Council's input so the draft can be finalized for adoption at Council's meeting on October 22, 2019. A clean copy of the 2020 Legislative Agenda will be included in your October 22nd Agenda packet as well as a copy noting changes and additions based on today's discussion.

The Virginia First Cities (VFC) Draft Legislative Agenda is currently under development and will be considered by the VFC Board at its Annual Meeting in December.

Highlights of the 2020 Proposed Legislative Agenda include:

- Updated language regarding the potential impact of changes in legislation that could eliminate the Machinery and Tools and/or Business License taxes.
- A significantly enhanced section on Economic Development which clarifies the importance of funding from the Commonwealth for business attraction, retention, and expansion.
- Updated language relating to recent amendments regarding proffers.
- New language regarding support for an overhaul of the mental health system and particularly support for funding for temporary detention order transports. Support for additional local beds for mental health patients to avoid out-of-town transports.
- New language regarding support for various transportation initiatives.
- A significant update to the section formerly labeled Water Quality and Environment and now labeled Drinking Water, Water Quality and Environment.

PRIOR ACTION(S): None

FISCAL IMPACT: To be determined.

CONTACT(S): Bonnie Svrcek, City Manager, 455-3990; Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S): Draft Resolution; Draft 2020 Legislative Agenda

REVIEWED BY: bms

BE IT HEREBY RESOLVED that the Lynchburg City Council adopts its 2020 Legislative Agenda and directs the Clerk of Council to forward it to the City's General Assembly delegation for information and action, as appropriate.

Adopted:

Certified: _____
Clerk of Council

134R

DRAFT
CITY OF LYNCHBURG
2019 2020 LEGISLATIVE AGENDA

Adopted November 13, 2018

~~The City of Lynchburg is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations.~~ The City of Lynchburg 20192020 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council asks that legislators keep the following principles in mind as they evaluate and vote on legislation and the budget.

PRINCIPLES

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.
- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered serves.
- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.
- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.
- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.
- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.

- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.

201920 LEGISLATIVE PRIORITIES

Filing of Items with Local Fiscal Impact: Support legislation that requires members of the General Assembly to file bills with local fiscal impacts as early as possible and no later than the first day of the legislative session, so that the appropriate fiscal impact analysis can be completed and reported in a timely manner.

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools tax. The loss of ~~\$5,136,658~~ \$4,850,000 in revenue from the Machinery and Tools Tax would equate to a 10.2 9.3 cent increase in the City's Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of ~~\$8,349,271~~ \$9,067,804 in revenue from the Business License Tax would equate to a ~~16.6~~ 17.5 cent increase in the City's Real Property Tax rate.

Children's Services Act (CSA): CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

Comprehensive Poverty Reduction: Support continued funding of the Community Wealth Building state matching fund which partners with local programs that target intractable long-term pockets of poverty through combined education and job training, housing and transportation resources, mentoring and prisoner re-entry, childcare and early education, and workforce training and other programs that break the cycle of poverty. Preparing people for jobs in the new workforce is extremely important to a healthy community continuum. Prioritize the use of "Go Virginia" funding to create jobs for those in poverty.

Disposal of Property Due to Eviction: Support legislation to require that evicted tenants' personal property must remain inside the premises for a specified period time after which it becomes that landlord's responsibility to remove and properly dispose of the tenants' property at the landlord's expense.

The state code outlines what a landlord must do with an evicted tenant's personal property. Currently the state code says when evicting a tenant the landlord must set the tenant's personal property on the public right-of-way for at least 24 hours so that the evicted person may obtain their belongings. The code also says that tenants shall have 24 hours to remove the property and if the tenant does not remove the personal property within 24 hours, the landlord must remove the property within 48 hours. If the landlord fails to remove the property within 48 hours, the City can remove the property and bill the

landlord for the removal costs. The 24 hour and 48 hour removal periods are required by state law. This places an undue burden on localities to collect and dispose of this debris from the public right-of way and causes unsightly and unsanitary conditions in neighborhoods. Landlords should be treated as businesses.

Economic Development: Preserve existing incentive and grant funds offered by the Virginia Economic Development Partnership, the Virginia Department of Agriculture and Consumer Services, the Department of Housing and Community Development, the Department of Environmental Quality, Virginia Tourism Corporation, and Virginia Commission for the Arts.

A Skilled and Available Workforce – The future of Virginia’s economic development success is talent attraction, retention, and development. For the Commonwealth to be viewed as the top state for a skilled and available workforce, training programs must be in place and well-funded.

- **Innovative Partnerships with Higher Education and the Business Community** – Support enhanced partnerships between Virginia’s colleges and universities and the business community to commercialize research and development; create innovative ideas and new technologies; support Virginia’s entrepreneurial ecosystem; and meet the growing demand for talent in the Commonwealth.

Support the continued funding of the Tech Talent Investment Program to build technology-educated talent in the Commonwealth.

- **Credentials for High-Demand Occupations** – Support additional funding to build on the success of the Workforce Credential Grant (Fast Forward), a pay-for-performance initiative that creates and sustains a demand-driven supply of credentialed workers to fill occupations where demand outstrips supply in Virginia. The grant makes attainment of credentials in high-demand fields more affordable to Virginians through the Virginia Community College System.

- **Workforce Solutions** – Virginia currently has two critical and complementary programs that provide economic development projects with critical workforce training support.

- Restore funding for the Virginia Jobs Investment Program (VJIP) program to its previous funding level of \$5.7 million. VJIP is the most frequently used economic development program, as it is accessible to companies of all sizes in every corner of the Commonwealth. The program helps offset recruitment and training costs, thus reducing companies’ human resource development expenses and reinvesting these funds in the people of Virginia.

- ii. Support increased funding for the Custom Workforce Program to continue the program's development and growth to the capacity of Virginia's competitor states. Virginia's new service-based workforce incentive will rapidly re-skill a workforce to the exact requirements of a new or expanding employer through training that is fully customized to an employer's unique processes, equipment and procedures. This will attract more high-growth industries, including manufacturers which are most likely to create jobs in rural areas.

Site Development - Support increased funding for the Virginia Business Ready Sites (VBRS) program and other efforts to develop new sites for those businesses looking to locate or expand in the Commonwealth. Funding for site characterization and development is an investment in the foundation of economic development. Site readiness is important to Virginia's economic development efforts. Currently, Virginia has the lowest number of buildable/certified sites among competing states.

Transportation – Support policies to invest in infrastructure to enhance the state's competitiveness and the effective spending of funding. The City has long held that Virginia's transportation network (air, highways, rail, and the port) is an essential component of the state's economic development success.

Energy – Support policies that allow for the timely development of needed energy infrastructure investments across the Commonwealth. A sustainable, reliable and cost-effective energy supply is critical to the attraction of new companies and the retention of existing businesses, particularly in the energy-intensive manufacturing and Information Technology (IT) sectors.

GO Virginia - Office of Economic Development & Tourism supports maintaining the funding for GO Virginia to encourage collaboration among Virginia's localities to support economic growth and diversification and leads to higher-paying jobs. The GO Virginia effort makes strategic investments in regional projects to achieve that goal and should continue in a way that complements the state's broader economic goals.

Incentives – Support transparency and accountability with the use and management of incentives, but such measures should not restrict the state's ability to be responsive and flexible to the needs of business. Among Virginia's most important tools to be competitive are economic development incentives. Virginia must increase funding to the economic development incentives that deliver success for the Commonwealth, with a clear return on investment and mitigated risk for the State.

- **Commonwealth Opportunity Fund (COF)** – Support the COF as it remains Virginia's flagship economic development incentive program and the state's premier deal closing fund. Virginia will only remain competitive

to make the short list of site selection projects by maintaining funding for the program.

- **Enterprise Zones** – Support additional funds to serve existing zones and future zones, if the number of zones is expanded. This long-standing program has helped both urban and rural communities revitalize distressed areas. The grants offered through this program are modest, but recent budget cuts have resulted in caps on funding for the program, which means amounts promised to companies making investments in these zones end up being prorated.
- **Agriculture and Forestry Industries Development Fund (AFID)** - Support continued funding for the program. AFID is a critical tool for localities to support two of Virginia's largest industries: agriculture and forestry. This performance-based grant is available to companies that create jobs and investment, add value to Virginia-grown products, and commit to sourcing Virginia-grown agricultural and forest products – creating additional marketplaces for Virginia's farmers and forestland owners.
- **Opportunity Zones** – Support the effective positioning of Opportunity Zones to align with economic development strategies of the Commonwealth to maximize investment and job creation. Opportunity Zones are an important federal tool to spur vitality in economic growth in communities across Virginia. These Zones allow investors to receive tax benefits on currently unrealized capital gains by investing those gains in qualified census tracts or *Opportunity Zones*.
- **Data Center and Manufacturing Incentives** – Support the recommendations made by the Joint Legislative Audit & Review Commission (JLARC) in its 2019 report *Data Center and Manufacturing Incentives*. The availability of data center sales and use tax exemptions is among the top few site-selection considerations for data centers and has been a major contributor to the Commonwealth's success in data center locations.

Economic Development Marketing & Lead Generation - Support enhancing the Virginia Economic Development Partnership's (VEDP) marketing budget, while keeping our current economic development tools whole, to effectively differentiate Virginia from its global competitors. Even a great business climate and fully-funded incentives are of limited use if we do not have the resources or the people to tell the Virginia story. This, however, is the area where past budget cuts and/or stagnant funding have hit the hardest. Virginia must reengage business leaders globally to ensure top of mind awareness of the state as a great place to do business.

Economic/Industrial Development Authorities (EDAs/IDAs) – Support the current structure of EDAs/IDAs as an important economic development tool. EDAs/IDAs were authorized decades ago by the General Assembly and exist to permit localities to have a flexible tool to support economic development in their communities.

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SQQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but simply transfers additional costs to local governments, and ultimately to the local real estate tax base.

Emergency Management: Support a dedicated revenue stream for the Virginia Department of Emergency Management's local support functions. Recent budgetary constraints have threatened pass-through funding available to localities from VDEM. Loss of local assistance funding would result in the City of Lynchburg's inability to maintain its Emergency Operations Plan, reduce readiness to open its Emergency Operation Center, and would limit the City's ability to engage in community outreach and disaster management.

Historic Rehabilitation Tax Credits: Support this financing tool which supports the development and redevelopment of historic buildings.

Local Law Enforcement Funding: The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

Proffers: Request that the General Assembly monitor the impact ~~the adoption of recent amendments to~~ Section 15.2-2303.4 of the State Code ~~will have on the use of proffers in conditional residential rezonings, with an eye towards identifying any uncertainties or confusion resulting from the implementation of the new legislation,~~ and consider any amendments ~~to Section 15.2-2304.4~~ that may be needed to further clarify the appropriate use of proffers in conditional residential rezonings.

Revenue Sharing: Preserve the Revenue Sharing program administered by the Virginia Department of Transportation. This program allows localities to leverage funds for needed projects that have no other source of funding.

Sidewalks: Support the General Assembly granting local governments the authority to enter into agreements with developers to have a payment in-lieu-of option for sidewalk installation. These agreements would be initiated at the request of the developer and include language allowing the locality to install a sidewalk that is required as part of a development project somewhere else that is beneficial to the community.

Temporary Detention Orders and Mental Health: Support a long-term overhaul of the mental health system related to law enforcement mandates. In the interim, funding for reimbursement of TDO transports is needed from the State. In addition, more local beds for mental health patients are needed to avoid out-of-town transports.

Transportation Initiatives: Support various transportation initiatives as noted below:

- Support expansion of Amtrak rail service including a second Northeast Regional Train anchored in Lynchburg.
- Support efforts to expand air service from Lynchburg Regional Airport to northern destinations, including air service to Dulles International Airport.
- Support connectivity efforts that attract and retain a skilled and educated workforce.
- Support access management strategies that preserve and improve corridors of statewide significance.

Water Quality and Environment: The City continues to face significant financial burdens in its efforts to comply with water quality regulations. The management of all the related water quality programs imposes high costs on sewer and stormwater rate payers. Continued Federal and State assistance is required to avoid an unreasonable economic burden on City residents and businesses. The City urges support for the following positions:

- **College Lake and College Lake Dam:** Support a request for an appropriation of \$8.0 million for the environmental restoration and improvement and dam removal components of the damage to College Lake and College Lake Dam resulting from the August 2, 2018 rain storm which has been estimated to be an approximately 150-year storm event. Preliminary estimates to replace the bridge and associated roadway work resulting from the same storm event exceed \$25.0 million.
- **Ammonia Reduction Phased Implementation:** Support legislation to further the implementation of SB 344 (2018) which authorized long-term phase-in of ammonia-related nitrogen requirements under consideration now by the State Water Control Board.
- **Wastewater Compliance Schedule Rule:** Conform Virginia's Compliance Schedule Rule to the Federal Rule for consistency to remove the 5-year ceiling on allowed schedules and instead adopt the Environmental Protection Agency's "As soon as possible" provision that allows for longer compliance schedules when appropriate.
- **Periodic Water Quality Improvement Fund (WQIF) & Stormwater Local Assistance Fund (SLAF) Grant Needs Assessment:** Support the Department of Environmental Quality (DEQ) conducting periodic WQIF and

~~SLAF Needs Assessment and reporting results to the General Assembly to improve information supporting WQIF and SLAF appropriations.~~

- ~~• **Grant Funding:** Support appropriations for WQIF (Wastewater) and SLAF (Stormwater) grants to localities and related program enhancements including: (a) Annual Pay for Performance WQIF Grants for Additional Nutrient Removal and (b) Competitive Grants for Voluntary "Enhanced State of the Art" Wastewater Chesapeake Bay Projects.~~
- ~~• Support efforts to fund the Stormwater Local Assistance Fund in the amount of at least \$50 million to help localities offset some of the multi-billion dollar cost attributed to stormwater through the Chesapeake Bay TMDL.~~
- ~~• Oppose any efforts to exempt certain properties from stormwater utility fees. Additionally oppose efforts to provide reduced stormwater fees for certain properties or situations. Equitable distribution of stormwater program costs is essential to meeting regulatory requirements and minimizing stormwater rates.~~
- ~~• Oppose any efforts to increase DEQ's penalty authority against localities.~~
- ~~• Oppose any efforts to shorten Sanitary Sewer Overflow reporting deadlines. Currently the requirement is to notify DEQ within 24 hours of an overflow. A shorter timeline would significantly impact staffing needs.~~
- ~~• Oppose more stringent requirements and regulations associated with the land application of biosolids.~~

Drinking Water, Water Quality, and Environment: The City continues to face significant financial burdens in our efforts to comply with water quality and drinking water regulations and legislation. Coupled with the effort to renew and replace failing infrastructure this places a significant burden on our citizens through high water, sewer and stormwater rates. The City supports state and federal funding assistance for these programs to minimize the impacts to citizens and businesses. Additionally, the City opposes legislative efforts that place additional requirements and burdens on our utilities that are not scientifically based and place additional burden on our rate payers. Further, the City opposes additional fees and enforcement authority that would further reduce funding and available resources to address the needs of our water programs. As a result the City urges strongly endorses the following positions:

- **Local Utility Rates** – Oppose legislation that would restrict local legislative discretion or mandate preferences or exemptions in local rate structures for allocating various costs of service to local ratepayers for water-related utilities.
- **Water Quality Improvement Fund (WQIF)** – Support appropriations for the Water Quality Improvement Fund (WQIF) in a sum sufficient to sustain additional voluntary Wastewater Treatment Plant improvements for nutrient and ammonia-nitrogen reductions and related program improvements, including synchronizing state appropriations with local project needs and limiting State requirements that are more stringent than the EPA Chesapeake Bay TMDL.
- **Stormwater Local Assistance Fund (SLAF)** - Support appropriations for Stormwater Local Assistance Fund (SLAF) grants to localities at VIRGINIAforever's recommended level of \$80 million annually.
- **Pollution Control Equipment Tax Exemption** –Support legislation to streamline the approval process and maximize applicability of the existing state and local tax exemption (Va. Code § 58.1-3660) for pollution control equipment and facilities acquired by local governmental entities.
- **Permit Fee Increases on Local Water Infrastructure** – Oppose transferring State

operating expenses to local government by increasing fees (other than normal inflation-based adjustments) charged by DEQ or VDH for permits the State requires for operation of local water, wastewater and stormwater systems.

- **DEQ Enforcement and Penalties Against Localities** – Oppose increasing DEQ's enforcement and penalty authority as applied against local governments and local authorities, except for inflation adjustments.
- **Recycling of Reclaimed Water & Biosolids** – Oppose legislation further limiting or restricting options for recycling reclaimed water and biosolids that are treated and applied in accordance with applicable regulations.
- **Regulation of Municipal Water Withdrawals** – Oppose legislation imposing new restrictions on grandfathered water withdrawal rights associated with municipal water supplies.
- **Emerging Contaminants** – Support scientific research and the development of national standards for emerging contaminants of concern in lieu of state-by-state regulation.

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Communications Sales and Use Tax: . The Virginia Communication Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communication sales and services. The City supports setting the tax rate at the same level as the state sales tax rate of 5.3 percent, and broadening the coverage of the tax to include audio and video streaming services and prepaid calling services.

Exemptions: Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

FOIA Exemption on the Release of Information Pertaining to Closed Criminal Justice Case Files: Oppose legislative action to remove the current FOIA exemption on the release of information pertaining to closed criminal justice case files. While not preventing the disclosure of information from closed criminal case files, the exemption allows law enforcement agencies the option to decline disclosure in situations where such disclosure is deemed likely to compromise ongoing criminal investigations; to identify at-risk witnesses, informants or victims; or to otherwise jeopardize public safety. Beyond the scope of endangering witnesses, informants or victims in certain cases, indiscriminate release of all closed case information would significantly hamper current criminal investigations involving the same suspect, similar modus operandi, etc. A primary reason for keeping investigative details from public knowledge is to preserve investigators' ability to evaluate the validity of information gathered from various sources.

Law Enforcement Data Collection and Retention: The collection of data on citizen activities in the public rights of way is a sensitive matter and should be addressed with due caution to respect individual privacy rights. Access to data collected by devices such as Automatic License Plate Readers should be only for legitimate law enforcement purposes after a crime has been committed.

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, support efforts to implement the recommendations of the 2014 Joint Legislative Audit and Review Commission (JLARC) "Line of Duty Act Report".

Prevention: Restore state funds for prevention services.

Reimbursement for Political Party Primaries: Support the full reimbursement to localities for the costs related to political party primaries.

Reimbursement for General Registrar and Electoral Board Expenses: Support the full reimbursement by the State to the localities for the compensation and expenses of the General Registrar and Electoral Board.

Reimbursement for the Retrieval of Cellular Phone Information: The General Assembly should amend §19.2-70.3 of the Code of Virginia to provide reimbursement for the costs of retrieving historic cellular tower information through a search warrant. Code of Virginia §19.2-70.2 has language in section G that allows localities to seek reimbursement for costs related to obtaining pen register information authorized through a court order. Such orders are traditionally used for real-time cellular phone information (pen register and trap & trace). Code of Virginia §19.2-70.3 does not currently have language to allow localities to seek reimbursement. This code section requires a search warrant for cellular phone information related to real-time location data (pinging a phone) or historic subscriber and billing information. United States v. Graham, decided August 5th by the 4th Circuit Court of Appeals, held that a search warrant is necessary for historic cellular tower information. This sort of information shows where a phone was at any relevant point in time. Without the reimbursement language being added to §19.2-70.3, localities will end up spending thousands of dollars a year through investigations involving the need for cellular phone information obtained through search warrants.

Short-term Rentals: Oppose short-term rental legislation that limits local government authority to require property owners to register locally and insure accessibility, zoning and life safety protections and equal taxing of all lodging facilities.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining Virginia Initiative for Employment not Welfare (VIEW) staff and funding in Social Services. This program has successfully helped Temporary Assistance for Needy Families (TANF) recipients secure and maintain jobs.

State Aid to Public Libraries: Restore state aid for libraries to at least FY 2010 levels. Public libraries serve as resources for early childhood education and for the unemployed seeking job opportunities.

Substance Abuse Treatment: Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as "The Healing Place" or other pilot programs.

Tax on Electronic Cigarettes and Vapor: Support legislation to allow localities to tax electronic cigarettes and vapor in a manner similar to traditional cigarettes.

Taxes on Local Services: Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

Telecommunications and Wireless Infrastructure Regulation: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights-of-way for telecommunications. Refrain from adopting any additional legislation that preempts local regulation of the placement of wireless infrastructure in the public rights-of-way or on public property.

Workers Compensation Medical Fees: Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases, instead of the prevailing community rate standard now used. This will make providing workers' compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

October 8, 2019

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019**AGENDA ITEM #: **14**CONSENT:
ACTION: **X**REGULAR:
INFORMATION:WORK SESSION: **X**CLOSED SESSION:
(Confidential)**ITEM TITLE: Ordinance Amendments for Short-term Rental****KEY ELEMENTS:****X** Economic Development ___ Excellent Government **X** Natural and Built Environment **X** Safe Community ___ Vibrant Community**RECOMMENDATION:** Adopt the *Zoning Ordinance* amendments for short-term rental uses.

SUMMARY: A short-term rental is defined by State Code as “the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge.” Popular online platforms for this service include Airbnb, VRBO, and Flipkey, among many others. Like many other cities, there has been a significant expansion of the availability and use of short-term rentals in the City. At the direction of City Council, Planning Commission and staff have been working for almost a year to provide recommendations on ordinance changes that seek to address concerns raised about short-term rentals in the City.

On May 14, 2019, City Council conducted a public hearing on proposed amendments to the *Zoning Ordinance* that would clarify the rules under which short-term rentals may operate and require that operators register their short-term rental units. At the August 13th work session, Council directed staff to revise the ordinance to (i) remove the requirement for one (1) parking space per short-term rental unit, (ii) remove the provision for owner occupancy in the R-2, Low-Medium Residential Zoning District, and (iii) clarify the provision for three (3) violations of local or state code that would prohibit a short-term rental unit applies only to the use (i.e. noise, trash, occupancy, etc.) and not the general condition of the property (i.e. tall grass). Staff was also asked to add a provision to “grandfather” existing operators that have non-owner occupied units in lower density residential zoning districts and provide Council with options to determine the number of guests that may stay in a short-term rental as well as a registration fee to help offset program administration costs.

After additional consideration during the September 10th work session, Council (i) removed the requirement for owner occupancy in all zoning districts, (ii) established a maximum of four (4) unrelated guests that can stay in the short-term rental, and (iii) set a one-time registration fee of one hundred fifty (\$150) dollars per owner. If the proposed ordinance is adopted, staff would enter into a voluntary collection agreement with Airbnb and contract with a vendor to identify short-term rental locations that would need to register by July 1, 2020.

An excerpt of the revised ordinance is provided as the first attachment. This is so that the actual policy changes are easier for City Council to identify. The complete ordinance, which includes the use table for each zoning district where short-term rentals are permitted, the definition for a short-term rental, and a listing of short-term rentals in the Table of Authorized Land Uses, is included as a separate attachment.

PRIOR ACTION(S):

January 9, 2018: Staff presented an overview of local government’s authority to regulate short-term rental uses to City Council.

October 23, 2018: City Council discussed proposals to regulate short-term rental uses and concurred with staff’s recommendation to bring *Zoning Ordinance* amendments, including a registration fee proposal, for short-term rental uses before the Planning Commission.

- January 23, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses.
- February 13, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses.
- February 27, 2019: Planning Commission conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses and directed staff to advertise the draft ordinance for an additional public hearing.
- March 27, 2019: Planning Commission conducted a public hearing concerning the *Zoning Ordinance* amendments for short-term rental uses and recommended approval (5-2) of the proposed changes.
- May 14, 2019: City Council conducted a public hearing on the *Zoning Ordinance* amendments for short-term rental uses and requested this be discussed at their August 13th work session.
- August 13, 2019: City Council conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses.
- September 10, 2019: City Council conducted a work session concerning the *Zoning Ordinance* amendments for short-term rental uses.

FISCAL IMPACT: The City would enter into a voluntary collection agreement with Airbnb for lodging tax collection. Staff initially projects this would generate \$84,000 in annual revenue, although first month sales tax numbers suggest this revenue could be even higher. Owners would also pay a one-time registration fee of \$150. The net first year revenue from the registration fee is undetermined since multiple units may be owned by a single entity.

CONTACT(S): Reid Wodicka, Deputy City Manager – 455-3990; Kent White, Director of Community Development – 455-3900; Mitch Nuckles, Commissioner of the Revenue – 455-3870; Tom Martin, City Planner – 455-3900; Kevin Henry, Zoning Administrator – 455-3900

ATTACHMENTS:

- Excerpt from Revised Short-Term Rental Ordinance (Section 35.2-71.16)
- Presentation Slides – October 8, 2019
- Ordinance – October 8, 2019 (separate attachment due to file size)
- Short-Term Rental Agenda Summary – September 10, 2019 (separate attachment due to file size)
 - Ordinance
 - Presentation Slides – May 14, 2019
 - Planning Commission Minutes – March 27, 2019
 - Speaker Signup Sheet – March 27, 2019
 - Planning Commission Memorandum – March 27, 2019
 - Planning Commission Minutes – February 27, 2019
 - Planning Commission Memorandum – February 27, 2019
 - Planning Commission Minutes – February 13, 2019
 - Planning Commission Memorandum – February 13, 2019
 - Planning Commission Minutes – January 23, 2019
 - Planning Commission Report – January 23, 2019
 - Speaker Signup Sheet – January 23, 2019

REVIEWED BY: raw

35.2-71.16 Short Term Rental

Short Term Rentals as defined in Section 35.2-113 of this Ordinance shall be ~~an accessory use~~ to a use permitted by right in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2 Districts subject to the following provisions:

- (a) On or before July 1 of each year, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall register the address of any dwelling unit to be used for short term rental. ~~The form used for registration may include multiple addresses under single ownership.~~

Every person filing registration forms with the Zoning Administrator shall pay ~~an annual~~ a one-time registration fee of one hundred and fifty dollars (\$150) ~~per form~~ to defray the cost of processing the registration.

~~On or before July 1 of each year, the owner or managing agent or a duly authorized representative of a dwelling previously and continuing to be used as a short term rental shall provide the City with updated contact information.~~

- (b) Any person who fails to register a building to be used as a short term rental by the July 1 deadline shall be subject to a penalty of five hundred dollars (\$500).
- (c) The maximum number of occupants in a dwelling unit offered for short term rental shall not exceed four (4) unrelated individuals. Where two or more related individuals occupy a short term rental unit, only one person unrelated to the related people may occupy the short term rental unit. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.
- ~~(d) In addition to all parking requirements of Section 35.2-62, Parking and Loading of the Zoning Ordinance, one (1) parking space shall be provided per short term rental. This requirement shall not apply to short term rentals located within the B-4, Urban Commercial District. Short-term rentals shall be exempt from Section 35.2-62, Parking and Loading~~
- (d) All buildings offered for use as a short term rental shall meet the requirements of the Uniform Statewide Building Code.

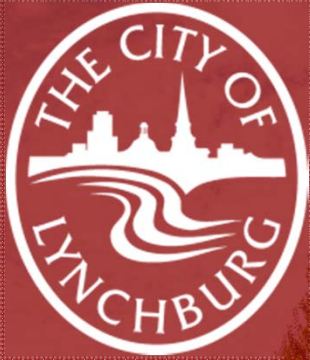
~~(e) Short term rentals in an R-C, R-1, & R-2, Districts shall meet the following additional requirements:~~

- ~~1. Properties shall be owner occupied; however, the property owner does not have to be present while a property is used as a short term rental.~~
- ~~2. Short term rentals located within the principle structure shall use a common entrance so that the principal structure retains the appearance of a single-household residence~~

~~(f) Three (3) violations of state or local laws, ordinances or regulations as relating to the for a property offered for short term rental and directly related to the short term rental use within a three (3) year period, shall result in the City revoking approval for the subject property to be used or offered as a short term rental.~~

- ~~1. Prior to revoking approval for a property to be used or offered as a short term rental, the Zoning Administrator shall give written notice to the host owner describing the violations constituting the basis of the revocation.~~
- ~~2. Notice shall be given to the host owner by:~~
 - ~~a. Posting a copy of the notice in a conspicuous place on the premises.~~
 - ~~b. First Class mail or e-mail to the addresses listed in the registration form.~~

~~(g) Short term rentals located in an R-C, R-1 & R-2 Districts prior to September 10, 2019 shall be considered a legal nonconforming use and shall be exempt from Section 35.2-71.16 (f) of this Ordinance.~~



Short-Term Rental Ordinance Review

Kent White

Community Development Director

October 8, 2019



Outline

- Purpose: Adopt revised Short Term Rental (STR) ordinance
- Outline
 - Review changes from September 10th work session. For items you have previously discussed/voted or that are already required by code, a notation is provided in parentheses.
 - Discuss Council questions/concerns



Short- Term Rental Ordinance as revised by City Council – September 10th

- STRs permitted “by right” in all zoning districts except Institutional-1 and Industrial (I-1/I-2/I-3). (*consensus*)
- Owner occupancy (requirement for building to be owner’s primary residence) would not be required in any zoning district. (*owner occupancy in R-C/R-1 originally approved 5-2; motion to reconsider approved 5-2; approved 4-3*)
- In R-C, R-1, and R-2 zoning districts, the STR would retain the appearance of a single household dwelling. (*required by underlying zoning district*)



Short- Term Rental Ordinance as revised by City Council – September 10th

- Buildings used as STRs must meet building code. (*required by state code*)
- A maximum of 4 unrelated individuals would be allowed to stay in an STR. (*approved 6-1*) An unlimited number of related individuals would be allowed. Where two or more related individuals occupy a short term rental unit, only one person unrelated to the related people may occupy the short term rental unit.
- No additional parking spaces would be required. (*consensus*)



Short- Term Rental Ordinance as revised by City Council – September 10th

- City will sign a voluntary collection agreement with Airbnb for lodging tax, estimated to generate \$150,000 in City revenue annually.
- Commissioner of Revenue will work with hosts that list on other platforms to remit taxes.
- Operators must register their STRs by July 1 and pay a one-time registration fee of \$150.
(approved 5-2) Operators are required to notify the City when their contact information changes.



Short- Term Rental Ordinance as revised by City Council – September 10th

- Owners of multiple STR properties must register all their properties but are only required to pay a single, one-time \$150 registration fee. (***approved 5-2***)
- Operators that do not register by July 1 charged a \$500 penalty.
- The City may revoke unit approval for three ordinance violations related specifically to the STR use (trash, noise, occupancy) in three years. (***consensus for staff to clarify ordinance to provide that this only applies to STR use***)



Staff Follow-up

- STRs become permitted uses when the ordinance is adopted. Future “more restrictive” code changes would not apply to existing STRs.
 - Would be considered a legal nonconforming use. Nonconforming uses allowed if the property is sold, transferred, or owner is deceased, unless it ceases to operate for 2 years.
 - Nonconforming uses have staying power.
 - This is different than “grandfathering” the existing use where the current owner can operate but the exemption goes away if the property is sold, etc.



Staff Follow-up

- Accessory units (i.e. garage apartments) can be used as STRs.
 - In R-1 or R-2 zoning districts, the dwelling must be owner occupied in order to have an accessory unit. If the main dwelling is owner occupied, the accessory unit can be used as an STR.
 - In R-C, R-3, and R-4 zoning districts, owner occupancy is not required to have the accessory unit. The underlying density of the zoning district applies.



Staff Follow-up

- Staff cannot track exemptions for STR hosts to operate a limited number of times without registering or paying lodging tax.
 - Staff's intent is to determine if operators intend to operate their STR annually.
 - If an exemption is set, the default would be for staff to assume non-registered units are operating with an exemption; proving otherwise would be difficult.
 - The Airbnb collection agreement does not provide for exemptions. This would create inequity among hosts that list on different platforms.



Staff Follow-up

- The registration program streamlines enforcement.
 - Registry provides contact information for owner so staff can follow-up as needed.
 - 3 code violations related to a STR in 3 years would prohibit that rental; provides due process without requiring staff to take individual violations to court.
 - Would apply to unrelated guests, noise, trash, and those who don't maintain their registry info.
 - Unrelated guests and noise still difficult to prove.
 - Staff costs for tax collection on STRs that do not list on Airbnb would significantly increase without the registry (i.e. estimated \$63,000 vs \$51,000).



Questions?
Comments?
Observations?

Base Zoning Districts

35.2-40 Conservation District (R-C)

35.2-40.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-1 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-1: Authorized Uses in RC District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
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
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
Markets for farm produce or crafts	2199	Markets and truck gardens. Note that limited to goods produced on site in the RC district.	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Wastewater treatment plants	4348		C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C
shooting ranges, outdoor	5376		C
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
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C

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

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

35.2-41.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-3 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals that may include meals and is owner occupied	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P

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

Land Use	LBCS #	Description	Approval Type
College or university	6130		C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
home day care	6562a	Day care for fewer than six (6) children or adults in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious institutions	6600		C
free-standing cemetery	6722		C
columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section Error! Reference source not found.	C
planned unit development	9953	See section 35.2-83	C

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

35.2-42.2 Authorized Uses

- (a) Exhibit IV-5 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-5 Authorized Uses in R-2 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound, or video, cell towers	C

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

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

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

35.2-43.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-7 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-7 Authorized Uses in R-3 District

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwelling units separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	C
rooming house	1322	Transient or non-transient lodging that may include meals	C
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>

Land Use	LBCS #	Description	Approval Type
art galleries	2142b	Excludes art supply sales and retail framing services	P
Parking lot and parking garage	2640	See district standards	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C

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	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C
College or university	6130		C
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home day care	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	C
free-standing cemetery	6722		C
columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P

Land Use	LBCS #	Description	Approval Type
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section Error! Reference source not found.	C
planned unit development	9953	See section 35.2-83	C

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

35.2-44.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-9 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

Land Use	LBCS #	Description	Approval Type
single-household detached	1111S	Typical single-household dwelling	P
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P
manufactured home community	1116S	Includes manufactured home subdivisions and manufactured home parks with 5 or more lots (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwelling units separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures (see District Use Standards 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)	C
Bed & Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	C
rooming house	1322	Transient or non-transient lodging that may include meals	C

Land Use	LBCS #	Description	Approval Type
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
<u>Short Term Rental</u>	1350	Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)	<u>P</u>
art galleries	2142b	Excludes art supply sales and retail framing services	P
Parking lot and parking garage	2640	See district standards	C
pet cemetery	2723		C
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	C
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	C
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	C
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		C
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere	C
College or university	6130		C
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	C
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
home	6562a	Day care for fewer than six (6) individuals in a residence	P
small	6562b	Day care for six (6) to twelve (12) individuals in a residence	C
large	6562c	Provide care for more than 12 individuals	C
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	C
free-standing cemetery	6722		C
columbarium	6724		C

Land Use	LBCS #	Description	Approval Type
Vegetable farming or growing	9120	Includes private fields and community gardens	P
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/ transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.73	P
residential cluster development	9951	See section 35.2-80	P
traditional neighborhood development	9952	See section Error! Reference source not found.	C
planned unit development	9953	See section 35.2-83	C

35.2-45 Limited Business Districts (B-1)

35.2-45.2 Authorized Uses

- (a) The uses authorized by IV-12 may be established in accordance with the procedures in Article II, the district standards in this article, the site development standards established in Article II and specific use standards established in Article VI, as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

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)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	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
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
Bicycles	2113b	New or used bicycle sales, rental and repair	P

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

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
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

Land Use	LBCS #	Description	Approval Type
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards	P
College or university	6130	See district use standards	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
Clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home	6562a	Day care for fewer than six (6) individuals in a residence	P
Small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
Large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
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

35.2-46 Community Business Districts (B-3)

35.2-46.2 Authorized Uses

- (a) The uses authorized by IV-15 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-15 Authorized Uses in B-3 District

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)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	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
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>

Land Use	LBCS #	Description	Approval Type
bicycles	2113b	New or used bicycle sales, rental and repair	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include 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
Markets for farm produce or crafts	2199	Markets and truck gardens.	C

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
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
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	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

Land Use	LBCS #	Description	Approval Type
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C
library or archive	4242	Provide library or archive services	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
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

Land Use	LBCS #	Description	Approval Type
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games	C
Commercial Amusements	5320, 5380, 5390	Operate arcades and other commercial amusements as defined herein	P
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding (excludes automobile, dog and horse racing)	C
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

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

Land Use	LBCS #	Description	Approval Type
traditional neighborhood development	9952	See section 35.2-82)	C
large scale retail establishments	9954	See section 35.2-84	P
cluster commercial development	9955	See section 35.2-85	C

35.2-47 Urban Commercial District (B-4)

35.2-47.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-17 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

Land Use	LBCS #	Description	Approval Type
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	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
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
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P

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

Land Use	LBCS #	Description	Approval Type
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements.	P
Markets for farm produce or crafts	2199	Markets and truck gardens.	C
Bank, credit union, or savings institution	2210	Central banking functions	P
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing	P
pawn shops	2222		P
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less	P
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)	P
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries	P
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P
Professional offices	2411-2014	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design	P
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	P
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.	P
advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.	P
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners	P
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts	P

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

Land Use	LBCS #	Description	Approval Type
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
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

Land Use	LBCS #	Description	Approval Type
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
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

Land Use	LBCS #	Description	Approval Type
Country Club	5340 & 6830	Operate private country clubs, with tennis courts and golf courses along with dining facilities and other recreational facilities; includes civic, social and fraternal organizations without dwellings	P
fitness and recreational sports center	5371	Aerobic dance or exercise center, gymnasium, physical fitness center, health and athletic club, indoor handball, racquetball, volleyball, tennis, or swimming facilities conducted inside a building	P
outdoor recreation	5372, 5373 & 5374	Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding	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.	C
Other Government Functions	6300	Other government owned establishments not classified elsewhere such as defense and national guard establishments	C
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans' affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
medical or diagnostic laboratory; blood/organ bank	6513 - 6514	Provide analytic or diagnostic services including medical imaging	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C

Land Use	LBCS #	Description	Approval Type
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
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 General Business District (B-5)

35.2-48.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-19 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in Article VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

Exhibit IV-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	1122S	One of two dwellings separated by a party wall, on abutting lots	C
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	C
Multi-household structures	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

Land Use	LBCS #	Description	Approval Type
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	C
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
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
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices	P
Property management services	2320	Manage real property for others	P
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided	P
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles	P

Land Use	LBCS #	Description	Approval Type
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: 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
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.	P
employment agency	2423a	Provide employee placement, temporary help	P
hiring hall	2423b	Place of assembly for the registration or assignment of employment	P
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners	P
collection agency	2425	Collect payments, compile credit information, repossess tangible assets	P
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	P
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths	P

Land Use	LBCS #	Description	Approval Type
Services to buildings and dwellings	2450	Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454)	P
packing, crating	2455		P
Restaurants, cafeterias, snack bars & catering	2510-2530 & 2560	Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.	P
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	P
Food service contractor and vending machine operators	2570 & 2580	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service	P
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services	P
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services	P
linen and uniform supply	2623		P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult 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; dyeing plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning)	P
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P

Land Use	LBCS #	Description	Approval Type
Signs	3440	Manufacturing of signs to be erected or installed (excludes banner printing)	P
Blacksmith		Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	P
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
Warehousing	3620	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
towing and other road and ground services	4138	Tow vehicles	P
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C

Land Use	LBCS #	Description	Approval Type
library or archive	4242	Provide library or archive services	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging	P
Public Utilities Services, Major	4315, 4329, 4339, 4349	Includes transmission lines for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission of a regional nature and normally entail the construction of new buildings or structures such as electrical switching facilities and stations or substations, electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead transmission lines are included in this definition.	C
Public Utilities Service Minor	4315, 4329, 4339, 4349	Includes distribution or collection lines and appurtenances for water, wastewater, stormwater, electricity, natural gas or telecommunications services regulated by the State Corporation Commission that are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations, and wireless communication antennas attached to existing buildings or structures.	P
electric substations	4316		C
Water treatment plants and utility facilities	4331 – 4333,	Water treatment plants, pumping stations and lift stations	C
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods	P
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers	P
Motion picture viewing and exhibition services	5111	Operate movie theaters (excludes drive-ins), film festival exhibitions	P
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers	P
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities	C
Outdoor auditorium/arenas	5180	Outdoor arenas, stadiums and theaters	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	P

Land Use	LBCS #	Description	Approval Type
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
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

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

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
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

35.2-50 Institutional District 2 (IN-2)

35.2-50.2 Authorized Uses

- (a) The uses authorized by Exhibit IV-23 may be established in accordance with the procedures established in Article II, the district standards in this article, the site development standards established in Article VI and specific use standards established in VII as well as other applicable rules and regulations.
- (b) Uses may also be limited by overlay standards established in Article V of this Zoning Ordinance.
- (c) See Article III for the rules of interpreting authorized uses and Appendix A for a complete listing of land uses allowed in every zoning district.
- (d) Uses designated “P” are permitted by right and uses designated “C” require issuance of a conditional use permit.

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

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
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
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)	C
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units	P
single-household semi-detached	1122S	One of two dwellings separated by a party wall, on abutting lots	P
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered	P
Multi-household structures	1200S	Includes triplexes, four-plexes, and other multi-household dwellings	P
Mixed-use residential structures	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

Land Use	LBCS #	Description	Approval Type
boarding house	1321	Non-transient lodging that may include meals and is owner occupied	P
rooming house	1322	Transient or non-transient lodging that may include meals	P
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university	P
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	P
<u>Short Term Rental</u>	<u>1350</u>	<u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u>	<u>P</u>
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses	P
bicycles	2113b	New or used bicycle sales, rental and repair	P
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services	P
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.	P
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair	P
light auto repair	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.	P
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.	P
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)	P
computer and software	2131	Computers and prepackaged software including repair, support, and training	P
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.	P

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

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

Land Use	LBCS #	Description	Approval Type
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
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.	P
Parking lot and parking garage	2640	See district standards	P
licensed massage therapist	2651		P
tattoo parlor	2652	Tattoos by a licensed professional	P
adult establishment, retail sales	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods	P
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	P
animal services	2721	grooming and training	P
animal boarding	2722	sitting and boarding	P
pet cemetery	2723		P
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting	P
Textiles, leather and leather substitute products	3130 & 3140	Textile mills, apparel manufacturers and canvas making; dyeing plants and dry cleaning plants; leather and leather substitutes such as rubber footwear (excluding leather tanning)	P

Land Use	LBCS #	Description	Approval Type
Furniture and related products	3230	Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures	P
Signs	3440	Manufacturing of signs to be erected or installed (excludes banner printing)	P
Blacksmith		Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items	P
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	P
Warehousing and Storage Services	3600	Operate warehouse and storage facilities for general merchandise, refrigerated goods	
Office and warehousing	3610	Storage of goods related to on-site office or retail use	P
Warehousing	3620	Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies	P
rail passenger transportation	4121	Passenger stations only	P
local transit systems--bus, special needs, sightseeing, taxi and limousine services	4133 – 4134 & 4136 - 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services	P
school and employee bus transportation	4135	Maintain and dispatch buses and other motor vehicles to transport pupils or employees	P
towing and other road and ground services	4138	Tow vehicles	P
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage	C
national post office	4181		P
retail courier and package delivery	4182	Retail courier, package drop-off and mail services	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography	P
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings	P

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

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

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

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

35.2-71.16 Short Term Rental

Short Term Rentals as defined in Section 35.2-113 of this Ordinance shall be ~~an accessory use~~ to a use permitted by right in the R-C, R-1, R-2, R-3, R-4, B-1, B-3, B-4, B-5 & IN-2 Districts subject to the following provisions:

- (a) On or before July 1 of each year, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall register the address of any dwelling unit to be used for short term rental. ~~The form used for registration may include multiple addresses under single ownership.~~

Every person filing registration forms with the Zoning Administrator shall pay ~~an annual~~ a one-time registration fee of one hundred and fifty dollars (\$150) ~~per form~~ to defray the cost of processing the registration.

~~On or before July 1 of each year, the owner or managing agent or a duly authorized representative of a dwelling previously and continuing to be used as a short term rental shall provide the City with updated contact information.~~

- (b) Any person who fails to register a building to be used as a short term rental by the July 1 deadline shall be subject to a penalty of five hundred dollars (\$500).
- (c) The maximum number of occupants in a dwelling unit offered for short term rental shall not exceed four (4) unrelated individuals. Where two or more related individuals occupy a short term rental unit, only one person unrelated to the related people may occupy the short term rental unit. The number of dwelling units shall not exceed that which is permitted in the underlying zoning district.
- ~~(d) In addition to all parking requirements of Section 35.2-62, Parking and Loading of the Zoning Ordinance, one (1) parking space shall be provided per short term rental. This requirement shall not apply to short term rentals located within the B-4, Urban Commercial District. Short-term rentals shall be exempt from Section 35.2-62, Parking and Loading~~
- (d) All buildings offered for use as a short term rental shall meet the requirements of the Uniform Statewide Building Code.

~~(e) Short term rentals in an R-C, R-1, & R-2, Districts shall meet the following additional requirements:~~

- ~~1. Properties shall be owner occupied; however, the property owner does not have to be present while a property is used as a short term rental.~~
- ~~2. Short term rentals located within the principle structure shall use a common entrance so that the principal structure retains the appearance of a single-household residence~~

~~(f) Three (3) violations of state or local laws, ordinances or regulations as relating to the for a property offered for short term rental and directly related to the short term rental use within a three (3) year period, shall result in the City revoking approval for the subject property to be used or offered as a short term rental.~~

- ~~1. Prior to revoking approval for a property to be used or offered as a short term rental, the Zoning Administrator shall give written notice to the host owner describing the violations constituting the basis of the revocation.~~
- ~~2. Notice shall be given to the host owner by:~~
 - ~~a. Posting a copy of the notice in a conspicuous place on the premises.~~
 - ~~b. First Class mail or e-mail to the addresses listed in the registration form.~~

~~(g) Short term rentals located in an R-C, R-1 & R-2 Districts prior to September 10, 2019 shall be considered a legal nonconforming use and shall be exempt from Section 35.2-71.16 (f) of this Ordinance.~~

35.2-113 Definitions

The following terms shall have the meanings established in this section unless specifically modified by provisions of the applicable section of the Zoning Ordinance.

1.	Abut: To adjoin or touch at one or more points along a common boundary.
2.	Accessible: Dwellings that meet prescribed requirements for accessible housing. Mandatory requirements for accessible housing in the Department of Housing and Urban Development's program 202 and 811, section 504, and the Fair Housing Amendments Act requirements. Accessible features in dwellings include items such as wide doors, sufficient clear floor space for wheelchairs, lower countertop segments, lever and loop type handles on hardware, seats at bathing fixtures, grab bars in bathrooms, knee spaces under sinks and counters, audible and visual signals, switches and controls in easily reached locations, entrances free of steps and stairs, and an accessible route through the house. Most "accessible" features are permanently fixed in place and very apparent.
3.	Accessory use or accessory: A use conducted on the same zoning lot as the principal use to which it is related (whether located within the same or an accessory building or other structure, or on an accessory use of land), except that, where specifically provided in the applicable regulations, accessory off-street parking or loading need not be located on the same zoning lot. A use that is clearly incidental to, and customarily found in connection with, such principal use. A use subordinate in area, floor area, intensity, extent and purpose to the principal use. A use either in the same ownership as such principal use, or operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. When "accessory" is used in the text, it shall have the same meaning as "accessory use"
4.	Accessory structure: A structure subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building.
5.	Address sign: A sign displaying only the assigned address of a property or building that is attached to a building or sign structure or part thereof. An address sign shall not be included in the maximum permissible sign area of the district in which it is located.
6.	Adjacent: To abut or be located on the opposite side of a right-of-way or easement.
7.	Administrator or Zoning Administrator: the official charged with the enforcement of this zoning ordinance except where responsibility is specifically delegated.
8.	Agriculture: Any use of land which involves the tilling of soil, the growing of crops or plant growth of any kind, or the raising of livestock or poultry for profit. "For profit" means in excess of what a household would normally grow or raise for its own use or consumption, and shall include the processing and retail sale, in a farm produce stand, or otherwise on the premises, of the products of only the farm on which such processing is conducted.
9.	Airport elevation: The highest point on any usable landing surface expressed in feet above mean sea level.
10.	Airport or air landing field: Any area of land or water designated and set aside for the landing or taking-off of aircraft, the discharge or receiving of cargoes and/or passengers, or the repair, fueling or storage of aircraft.

11.	Airport: Lynchburg Regional Airport and/or Falwell Airport.
12.	Alteration: Any change, modification or addition to a part of or all of the exterior of any building or structure.
13.	Amend or amendment: Any repeal, modification or addition to a regulation; any new regulation; any change in the numbers, shape, boundary, or area of a district or any repeal or abolition of any map, part thereof, or addition thereto.
14.	Antenna support structure: Any building or other structure thirty (30) feet in height or taller other than a tower which can be used for location of telecommunications facilities.
15.	Apartment house: See dwelling, multi-household.
16.	Apartment: A room or suite of two (2) or more rooms, which is designed or intended for residential occupancy by, or which is occupied by, one (1) household doing its cooking therein.
17.	Applicant: Any person who applies for any development approval.
18.	Application or development application: Means the process by which the owner, or the owner's legal representative, of a plot of land within the City submits a request to develop approval. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning such a request.
19.	Approach surface: A surface, whose design standards are referenced in section 35.2-57.3, longitudinally centered on the extended runway centerline, extending outward and upward from end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in section 35.2-57.4 In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
20.	Approach, transitional, horizontal, and conical zones: the airspace zones as set forth in section 35.2-57.4.
21.	Arcade: A public or private pedestrian walkway that is open to the street and covered by the upper floors of a building front.
22.	Arterial or arterial street: A public street currently classified in the comprehensive plan functional classification map as an arterial.
23.	Automobile graveyard: Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this definition shall begin with the first day that the vehicle is placed on the subject property.

24.	Automobile service station: A location providing light automobile repairs as listed in LBCS functional use code 2117a. A building, lot, or both, in or upon which gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other: 1. Sales and servicing of spark plugs, batteries, and distributors and distributor parts. 2. Tire servicing and repair, but not recapping or regrooving. 3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like. 4. Radiator cleaning and flushing. 5. Washing and polishing, and sale of automotive washing and polishing materials. 6. Greasing and lubrication. 7. Providing and repairing fuel pumps, oil pumps and lines. 8. Electrical system repairs 9. Adjusting and repairing brakes. 10. Minor motor adjustments not involving racing the motor. 11. Retail sales of convenience goods. 12. Virginia state inspection station. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.
25.	Awning: A permanent roof like structure that projects from the wall of a building, covered with any material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building.
26.	Banner: A sign consisting of a piece of fabric or any other material, other than a flag or pennant, used to advertise a business, service, product, goods, special promotion, activity or event.
27.	Base flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
28.	Base flood elevation: The Federal Emergency Management Agency designated one hundred (100) year water surface elevation.
29.	Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.
30.	Bed and breakfast or tourist home: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.

31.	Billboard or poster panel: Any exterior sign or advertising structure or portion thereof, including any sign painted directly on any exterior wall, roof, or part of a building or other object, displaying any information other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products sold, manufactured, processed or available thereon.
32.	Block face: The edge of a block fronting on a street.
33.	Block: An area of land bounded by streets providing access to such area.
34.	Board of Zoning Appeals: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance as described in this ordinance and regulated by the Code of Virginia.
35.	Boardinghouse or lodging house: A residence where the owner resides in which, for compensation, lodging, or meals, or both, are furnished to transient or non-transient guests. A boardinghouse shall not be deemed a home occupation.
36.	Boarding unit or lodging unit: Any building or part thereof constituting a separate, independent transient accommodation that is physically separated from other such units so as to provide secure and private temporary accommodations.
37.	Buffer: An area of land, including landscaping, or combination of landscaping berms, solid fences and/or walls that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use.
38.	Building, accessory: A building subordinate to, and located on, the same zoning lot with a main building, the use of which is clearly incidental to that of the main building or to the principal use of the land, and which is not attached by any part of a common wall or a common roof to the main building.
39.	Building envelope: The area in which a building may be constructed, which is bounded by the minimum front, side and rear setbacks and the maximum building height.
40.	Building group: A group of two (2) or more main buildings and any buildings accessory thereto occupying a single zoning lot.
41.	Building line or setback: A line drawn parallel to a lot line at a distance therefrom equal to the depth of a required setback.
42.	Building mounted sign: A permanently attached sign, erected or painted on the outside wall, window, or door of a building.
43.	Building permit: A document issued by the City of Lynchburg to permit the construction, erection or alteration of any structure.
44.	Building, height of: The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard floor; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; except as otherwise provided in section 35.2-61.2.
45.	Building, main: The building in which is conducted the principal use of the zoning lot on which it is situated in any residential zone; any dwelling shall be deemed to be a main building on the zoning lot on which the same is located if the lot is used primarily for residential purposes.
46.	Building, temporary: Any structure which is intended to be used or occupied for only a limited time or which is not permanently supported by a foundation.
47.	Building: Any structure designed or intended for support, shelter, enclosure or protection of persons, animals, chattels or property.
48.	Business district: A zoning district whose designation begins with the letter "B".

49.	Business incubator: A facility that provides start-up or emerging businesses with space and shared office equipment, support and business development services, such as management and marketing assistance, for a limited period of time. A business incubator shall meet the following criteria: (1) It shall contain uses authorized in the applicable zoning district under one roof with a minimum of six (6) tenant spaces. (2) Companies housed in a business incubator shall either provide services or support to existing basic industries, or shall conduct light manufacturing or distribution businesses. (3) Display rooms for retail sales shall not exceed ten percent (10%) of the gross floor area of the tenant space. (4) A tenant shall not be allowed to occupy the facility for more than forty-eight (48) months.
50.	Caliper: Trunk diameter of a tree measured six (6) inches from the ground. If the caliper is greater than four (4) inches, the measurement is taken twelve (12) inches from the ground.
51.	Campus – A designated area of land including the buildings and grounds of institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches. A campus may be divided by public or private rights-of-way.
52.	Care center: A day nursery, nursery school, day camp, summer camp or other place where reception or care is provided with or without compensation, of persons of any age and the primary use of the facility where said reception or care is provided is not a residence.
53.	Cemetery: A place used for the permanent commercial interment of dead bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments or a combination thereof.
54.	Certificate of appropriateness (COA): The approval statement signed by the historic preservation commission chair and/or the secretary that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building or structure within a historic district, subject to the issuance of all other permits needed for the matter sought to be accomplished.
55.	Certificate of Occupancy: Authorization granted by the City for use of a lot or structure.
56.	Changeable copy sign: A sign, or part of a sign, with copy that can be changed by manual, mechanical, or electronic means. Copy may not change more than once every six (6) seconds. Changeable copy signs include electronic message centers.
57.	Channel enclosure: Continuous c-shaped metal, or similar opaque material, surrounding three-quarters of the circumference of neon tubing of a sign.
58.	Channel: A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water.
59.	Civic uses: Public or quasi-public uses serving the needs of the community that promote human interaction, such as: care centers, religious institutions, civic clubs and fraternal organizations, community swimming pools, libraries, museums, art galleries, public buildings, meeting halls, public or community recreational facilities, parks, schools and colleges.
60.	Collector street: A public street currently classified as a collector street in the functional classification map of the Comprehensive Plan.
61.	Commercial amusement (temporary): A temporary outdoor amusement center, bazaar, circus, carnival, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales or small-scale games.

62.		Commercial amusement: The provision of entertainment or games of skill to the general public for a fee, including but not limited to a bowling alley, video arcade, dance hall, billiard parlor, golf driving range, skating rinks, swimming pools or miniature golf course. This use does not include circuses, carnivals, race tracks, or shooting ranges.
63.		Commercial building: A building used only for a commercial use.
64.		Commercial recreation: The provision of entertainment or games of skill to the general public for a fee, with higher noise and safety restrictions than a commercial amusement. A facility designed or used for shooting at targets with firearms and/or archery and which is completely enclosed within a building or structure. Does not include outdoor shooting or archery ranges.
65.		Commercial use: Any use involving in part or in whole the storage of merchandise, sale of merchandise, materials or services, but not including home occupations.
66.		Community facility use: A public use in private or public ownership run on a nonprofit basis. Examples are: churches, welfare centers, voluntary hospitals, or privately-endowed museums or libraries. Facilities of private, nonprofit membership organizations for use only by members thereof are also community facilities. Examples may be country clubs, golf courses or community swimming pools.
67.		Comprehensive Zoning Map amendment: An amendment to the official Zoning Map where any of the following conditions exist: (1) The area to be rezoned constitutes an entire neighborhood as defined in the Comprehensive Plan, or a group of such neighborhoods. (2) The area to be rezoned includes at least four hundred (400) acres of ground. (3) The area to be rezoned includes at least five (5) lots, except where all of the said lots are included in a subdivision to be developed as a whole by one developer.
68.		Community owned: Facilities owned and operated by a public, non-profit or not-for-profit entity and open to the general public.
69.		Concept Plan – (1) A plan that establishes the general layout and intensity of proposed development in enough detail to demonstrate compliance with the applicable development approval criteria for discretionary approvals by the City Council. (2) A generalized, illustrative plan for the IN-1 and IN-2 districts, indicating how off site impacts such as traffic, water and sanitary sewer availability/capacity, stormwater management, lighting and noise are mitigated and providing an assessment of existing and future development of the institution's campus, including buildings, parking areas, recreational facilities, open space and access points to City streets.
70.		Conditional use: A permit to grant restricted use of property for uses other than those permitted by right.
71.		Conditional zoning or zone: A zoning district or portion thereof, which has been established pursuant to provisions this Zoning Ordinance and which is subject to reasonable conditions proffered in writing by the owner of the subject property and agreed to by the City Council in a zoning map amendment to which such conditions are applicable in addition to those regulations provided for that particular zoning district, or portion thereof, by the overall Zoning Ordinance.
72.		Conical surface: An imaginary surface, whose design standards are referenced in extending and sloping horizontally and vertically from the periphery of the horizontal surface of an airport flight path.

73.	Conservation: Any action designed to keep a structure, area containing structures, or places from being damaged, lost or wasted.
74.	Construction sign: A temporary sign that notifies the public of a specific building or development under construction or reconstruction or to be constructed or reconstructed within the next three (3) months. The sign may also identify the architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.
75.	Construction, start of: The date the building permit was issued for new construction or substantial improvements, meaning the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date.
76.	Contributing property: Those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the historic district in which they are located.
77.	Coverage, lot: The proportion of a lot covered by the maximum horizontal projected area of a building and its accessory buildings, including overhangs and projections.
78.	Decorative landscape stone: Stone that has natural or manmade distinguishing characteristics such as color and shape. Decorative landscape stone may be used as mulch.
79.	Delineated wetland: An area delineated by the U.S. Army Corps of Engineers as a wetland.
80.	Demolition: The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.
81.	Depth of lot: The mean horizontal distance between the front lot line and rear lot line of a lot.
82.	Detached building: A building surrounded by yards or other open area on the same zoning lot.
83.	Development – Any man-made change to improved or unimproved real estate, including, but not limited to, the erection, placement or modification of buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations; storage of equipment or materials; or the establishment or expansion of a use on a site.
84.	Development approval: Any City approval required for development.
85.	Development area / disturbed area: All areas shown within the limits of clearing and grading on a concept plan or final site plan.
86.	Development pattern: See land use development pattern
87.	Digital sign or electronic message center: An electrically activated changeable copy sign with a variable message and/or graphic presentation capability that can be electronically programmed by computer from a remote location or at the sign. These signs typically use arrays of LED lights to create an illuminated message.
88.	Directional sign: An on-premises sign whose message is exclusively limited to guiding the circulation of pedestrian or vehicular traffic, such as enter, exit, or one-way.
89.	Dwelling: A building containing one (1) or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.
90.	Dwelling unit: One (1) or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one (1) or more persons living together and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

91.	Dwelling, cluster or cluster development: A development pattern defined in Article VIII of this Zoning Ordinance characterized by small lots and the retention of common open space.
92.	Dwelling, detached: A building containing only dwelling units surrounded by yards or other open area on the same zoning lot.
93.	Dwelling, group: A building group consisting only of dwellings occupying a parcel of land in one (1) ownership and having any yard or service area in common.
94.	Dwelling, multi-household for the elderly: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include a cooperative apartment house. Provided further, that all occupants of said residential units must be (a) persons sixty-two (62) years of age or older; (b) married couples either of which is sixty-two (62) years of age or older; or (c) handicapped persons under sixty-two (62) years of age who have physical impairments which are expected to be of long-continued or indefinite duration, and which substantially impede the ability of such person to live independently.
95.	Dwelling, multi-household: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include cooperative apartment houses.
96.	Dwelling, semi-detached: One (1) of two (2) buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.
97.	Dwelling, single-household: A building containing not more than one (1) dwelling unit and occupied by not more than one (1) household.
98.	Dwelling, townhouse, or row house: One (1) of a series of three (3) or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.
99.	Dwelling, two-household (duplex): A building located on one (1) zoning lot containing not more than two (2) dwelling units, arranged one above the other, front to back, or side by side, and occupied by not more than two (2) households.
100.	Easement: A grant by a property owner of the use of a designated part of his land by another party for a specified purpose and for a specified time, which shall be included in the conveyance of land by such easement.
101.	Eave: The underside of the projection of a roof beyond the outer wall of a building.
102.	Electrical engineer: An electrical engineer licensed by the Commonwealth of Virginia.
103.	Electronic message center (EMC): see digital sign
104.	Elevated building: A non-basement building built to have the lowest floor elevated about the ground level by means of fill, solid foundation perimeter walls, pilings or columns (posts and piers).
105.	Encroachment , floodplain: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

106.	Encroachment lines: The lateral limits or line drawn along each side of and generally parallel to a watercourse or body of water, to preserve the flood carrying capacity of the stream or other body of water and its floodplain, and to assure attainment of the basic objective of improvement plans that may be considered or proposed. Their location along a stream should be such that the floodways between them will effectively carry and discharge a flood not less than the magnitude of the one hundred (100) year flood.
107.	Enlargement, or to enlarge: An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.
108.	Equal degree of encroachment: A standard applied in determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a channel are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.
109.	Evergreen tree: A tree or shrub that has foliage that persists and stays green throughout the year.
110.	Existing tower: A telecommunications tower that is in existence or is being constructed on December 9, 1997
111.	Extension, or to extend: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.
112.	Exterior architectural features: The architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, details, features or elements.
113.	Façade: The outer surface of a building.
114.	Fall zone: That area within a prescribed radius (equal to the height of the tower) as measured from the base of a tower. A fall zone is based on physical phenomena that can result in a hazard beneath a tall structure and is the area within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.
115.	Family day home: A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, when at least one (1) child receives care for compensation and meets the requirements of Article 63.2-100 of the Code of Virginia. The term shall not include any family-type facility which provides child care to not more than five (5) children placed by order of any court of competent jurisdiction, or by any public welfare department or other government agency having responsibility of placing children for care.
116.	Final site plan: A site plan that when approved in accordance with this ordinance enables an applicant to apply for a building permit.
117.	Fire district: The territory defined and limited by the provisions of the BOCA Basic Building Code for the restriction of types of construction to ensure adequate fire protection.
118.	Flag pole: A freestanding structure or a structure attached to a building or the roof of a building for the sole purpose of displaying flags.
119.	Flag: Any fabric or any other flexible material attached to or designed to be flown from a flagpole or similar device.

120.		Flashing sign: A sign that involves motion or rotation of any part of the structure, moving reflective disks, running animation or video, or displays an intermittent light or lights. Signs that display an on-premise message changed by electronic means or remote control, programmed or sequenced to change no more than once every six (6) seconds shall not be considered a flashing sign.
121.		Flea market: A market, whether held indoors or outdoors, where antiques, used household goods, curios and similar items are sold or traded by or on behalf of multiple vendors.
122.		Flood hazard area: The maximum area of the one hundred (100) year flood plain (as defined in regulations for the national flood insurance program) which is likely to be flooded, or for which mudslides can be reasonably anticipated.
123.		Flood or flooding: 1. A general or temporary condition or partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or, the unusual and rapid accumulation or runoff of surface waters from any source. 2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual an unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.
124.		Floodplains: The areas of land adjoining a watercourse that have in the past, or can be reasonably expected in the future, to be covered temporarily by flood waters.
125.		Flood-prone area: Any land area susceptible to being inundated by water from any source.
126.		Floodproofing: Combinations of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in the regulatory flood plain.
127.		Floodway fringe: That portion of the one hundred (100) year flood plain outside of the floodway.
128.		Floodway: The channel of a river or other watercourse and those portions of the adjoining flood plains which are reasonably required to discharge the water of the one hundred (100) year flood (base flood), without causing a more than one (1) foot rise at any point in the City as shown in the City's flood insurance study published by the Federal Emergency Management Agency.

129.	Floor area: The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two (2) buildings. In particular, floor area includes: 1. Basement space, except such space in a basement which has at least one-third (1/3) of its height below curb level, and which is located in a residential building with not more than two (2) stories entirely above curb level. 2. Elevator shafts or stairwells at each floor. 3. Floor space in penthouses. 4. Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more. 5. Floor space in interior balconies or mezzanines. 6. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed. 7. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded. 8. Floor space in accessory buildings except for floor space used for accessory off-street parking. Floor area of a building shall not include: 1. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths. 2. Elevator or stair bulkheads, accessory water tanks or cooling towers. 3. Uncovered steps. 4. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet. 5. Floor space in open or roofed terraces, exterior balconies, breezeways or porches, provided that not more than fifty (50) per cent of the perimeter of such terrace, balcony, breezeway or porch is enclosed. 6. Unenclosed floor space used for permitted or required accessory off-street parking spaces. 7. Floor space used for accessory off-street loading berths. 8. Floor space used for mechanical equipment.
130.	Floor area ratio: The total floor area on a zoning lot, divided by the lot area of that zoning lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zoning lot of ten thousand (10,000) square feet has a floor area ratio of 2.0.)
131.	Floor plate: The floor area of the ground floor or footprint of a building.
132.	Food Establishment: A business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.
133.	Foundation planting: Trees and shrubs planted along and adjacent to the perimeter of a building.
134.	Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

135.		Freestanding sign: A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.
136.		Frontage: The horizontal length of the front lot line of a zoning lot abutting a public street, road, or highway, or rural right-of-way.
137.		Gambrel roof: A roof gable roof, each sloping side of which has two sloping planes, with the lower plane being steeper than the upper plane (e.g., barn roof)
138.		Garden apartment units: Group multiple dwellings consisting of more than one (1) main building containing more than one (1) unit per building for single-household occupancy.
139.		Gasoline station: See Automobile service station.
140.		Graphic: Any logo, emblem, insignia, or text, formed by writing, drawing, painting or engraving.
141.		Ground cover: Any evergreen or broadleaf plant that does not generally attain a mature height of more than one (1) foot, characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seeding shall be considered an appropriate ground cover.
142.		Group Home: A residential facility wherein (a) the operator is not legally related to the individuals supervised and may be licensed by the state, and wherein (b) four (4) or more individuals are provided with room, board, specialized and distinctive care, and daily supervision. For the purpose of the Zoning Ordinance, a facility providing care to less than four (4) persons shall not be considered a group home. The term "Group Home" would include but not be limited to such groups as: foster family homes, homes for adults, abused women, individuals with mental illness, intellectual disability, or developmental disabilities, or physically handicapped. This definition does not include pre-release or post-release individuals who have been incarcerated. 1. A residential facility in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. For the purposes of this section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the code of Virginia. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. This type of residential facility shall be deemed to be any group home or other residential facility for which the department of behavioral health and developmental services is the licensing authority pursuant to this code. 2. A residential facility, in which no more than four (4) aged, infirm or physically disabled persons reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. No conditions, more restrictive than those imposed on residences occupied by persons related by blood, marriage or adoption shall be imposed on such a facility. For purposes of the Zoning Ordinance, "residential facility" means any group home or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Virginia department of social services is the licensing authority pursuant to the Code of Virginia.
143.		Guest: Any person hiring and occupying a room for sleeping purposes.

144.		Hazard to air navigation: An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.
145.		Hazardous materials: Includes any substance or material could adversely affect the safety of the public, handlers or carriers during transportation, including, but not limited to materials that require a Hazardous Materials Endorsement by the United States Patriot Act and the Virginia Department of Motor Vehicles.
146.		Heat island effect: An elevated temperature over an urban area caused by pavement, buildings, other infrastructure and pollutant emissions
147.		Height of building: See Building, height of.
148.		Height of sign: The distance to the topmost extent of the sign structure when measured from and perpendicular to the elevation of the edge of pavement of the closest adjacent roadway on which the sign is located. In no instance shall the sign structure be required to be less than ten (10) feet in height, except as otherwise specifically required by the Zoning Ordinance.
149.		Height: for the purpose of determining the height limits affected by airport operations in all zones set forth in section 35.2-57.4 and shown on the Zoning Map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.
150.		Helipad: Landing facility for up to two (2) helicopters that may be lit, but does not include facilities for storage, fueling or servicing of helicopters.
151.		Heliport: Facilities for the landing helicopters that may include facilities for storage, servicing and/or fueling one or more helicopters at a time.
152.		Historic area, historic place, or historic structure: 1. Any structure, area containing structures, or place in which historic events occurred; or having special public value because of notable architectural or other features, relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation. 2. Any structure that is: a. listed individually in the national register of historic places (a listing maintained by the department of the interior) as meeting the requirements for individual listing on the national register; b. certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; c. individually listed on a state inventory or historic places in states with historic preservation programs which have been approved by the secretary of the interior; or d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: i. by an approved state program as determined by the secretary of the interior or ii. directly by the secretary of the interior in states without approved programs.
153.		Historic building map: The map of Lynchburg indicating certain structures as historic buildings.

154.	Historic district: A geographically defined area consisting of public and/or private property within the City, possessing a significant concentration, linkage, or continuity of sites, buildings or structures, areas of unique architectural value, landmarks or encompassing parcels of contiguous land united by past events or aesthetically by plan or physical development. A district may also comprise individual buildings or structures separated geographically but linked by association or history. A historic district shall further mean an area designated by City Council as a historic district pursuant to the criteria established in (d)(1) of this ordinance. The historic district overlay zone defines the area in which the requirements of the historic districts ordinance shall apply. The historic district overlay zone shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the historic district overlay zone shall also lie within one or more of the other zoning districts provided by this ordinance.
155.	Home occupation: An accessory use which: 1. Is clearly incidental to or secondary to the residential use of a dwelling unit. 2. Is customarily and traditionally carried on within a dwelling unit by one (1) or more occupants of such dwelling unit, except that, in connection with the practice of a profession, one (1) person not residing in such dwelling unit may be employed. 3. Occupies not more than twenty-five (25) per cent of the total floor area of such dwelling unit, and in no event more than five hundred (500) square feet of floor area.
156.	Home owners' or property owners' association: An incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or property owner in a planned unit or other described land area is automatically a member; and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the home association's activities, such as common property maintenance.
157.	Horizontal surface: An imaginary horizontal plane, whose design standards are referenced in section 35.2-57.3 above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
158.	Hospitals: An institution receiving in-patients and rendering medical, surgical, and/or obstetrical care to private and charity patients, and usually including research and training activities. This shall include general hospitals and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, tuberculosis, chronic disease and obstetrics. Hospital patients generally require intensive care for periods generally not exceeding several months.
159.	Hotel: A building or part thereof containing five (5) or more guest rooms, without kitchens, where lodging is provided for compensation, excluding a fraternity or sorority house, a school or college dormitory, or a tourist home.
160.	Household: The occupants of a single dwelling unit, which shall not exceed three (3) unrelated individuals unless otherwise permitted by this Zoning Ordinance.
161.	Identification sign: A sign that is permanently attached to or painted on a building and contains only the building name. (Example, the "Allied Arts" Building.) Identification signs shall not be included in the maximum permissible sign area of the district in which it is located.
162.	Illegal use: Any use, whether of a building or other structure or of a tract of land, in which a violation of any provision of the Zoning Ordinance has been committed or shall exist.
163.	Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
164.	Industrial district: Includes the I-1, I-2 and I-3 zoning districts.

165.		Institutional district: Any district whose designation begins with the letters IN”.
166.		Inflatable item: Any item that is capable of being expanded by air, water or other means that exceeds twenty-four (24) inches in diameter, used to advertise a business, service, product, goods, special promotion, activity or event.
167.		Inventory, historic: The inventory of historic landmarks, buildings and structures as prepared by the board of historic and architectural review.
168.		Junk yard: The use of any space, whether inside or outside a building, for the abandonment, storage, keeping, collection, disassembling or bailing of paper, rags, scrap metal, or other scrap or discarded materials, or for the abandonment, demolition, dismantling, or salvaging of automobiles or other vehicles or machinery or parts thereof; provided, that this definition shall not apply to any such use conducted solely as an accessory use and occupying not more than one hundred (100) square feet of the area of any lot other than any portion of that half thereof that adjoins any street.
169.		Kennel: Any building, enclosure, structure, establishment and/or land where dogs, cats, household pets or any other domestic animals are sheltered, fed or watered, groomed, shown, trained, bred, boarded and exercised, cared for or sold for either commercial gain or in exchange for a fee.
170.		Land Use Development Pattern or Development Pattern: One or more uses arranged to create a specific type of development that are defined in Article VIII of this ordinance and that may be allowed by right or conditional use permit pursuant to LBCS classifications 9950 et. seq.
171.		Land with minor improvements: For purposes of the City’s floodplain regulations, a tract of land which: 1. Does not include any building or other structure. 2. Includes a building or other structure with a floor area of less than four hundred (400) square feet.
172.		Landscape island: An area containing a shade tree and other required landscaping not less than one hundred eight (108) square feet for a parking row or two hundred sixteen (216) square feet for a parking bay.
173.		Large deciduous tree. A large deciduous tree shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet. A minimum caliper of at least two and one-half (2-1/2) inches at the time of planting shall be required.
174.		Large farm animal. An animal with an adult weight of 50 pounds or more that may be kept for agricultural purposes, including, but not limited to horses, cattle, goats, llamas, alpacas, ostriches, emus, ponies and bison, but not including dogs.
175.		Large scale retail establishment: retail establishments having a cumulative gross floor area of seventy-five thousand (75,000) square feet or greater in floor area, whether such gross floor area is contained entirely within a freestanding building or is within two (2) or more buildings, whether located on a single lot or contiguous lots owned or operated as associated, integrated or cooperative business enterprises.
176.		Level of Service (LOS) – A scale that measures the amount of traffic that a roadway or intersection can effectively and efficiently accommodate, based on such factors as volume, capacity, queues and delay. LOS is graded on a scale of A through F, where LOS-A is free-flowing traffic and LOS-F is a condition where traffic flow is unstable and excessive delay and queuing is expected.

177.		Limited Access Highway or Freeway: A public highway to which access is forbidden except at interchanges with other public highways and, in some cases, at specially designed facilities providing automobile, restaurant and other similar services to motorists using the highway.
178.		Limited time: A period of time assumed to be not more than one year unless otherwise specified by the Zoning Ordinance or development approval.
179.		Loading berth: A space measuring at least ten (10) feet wide by thirty-five (35) feet long that is used for the loading or unloading of vehicles.
180.		Local street: A public street not classified as a freeway, arterial or collector street under the definitions in this section.
181.		Lodging house: See Boardinghouse.
182.		Logo: Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both.
183.		Lot: 1. A lot of record existing on the effective date of the Zoning Ordinance or any applicable subsequent amendment thereto. 2. A tract of land, either unsubdivided or consisting of two (2) or more contiguous lots of record, located within a single block which on the effective date of the Zoning Ordinance or any applicable amendment thereto was in single ownership or control. 3. A tract of land located within a single block, which at the time of filing for a Building Permit (or, if no Building Permit is required, at the time of filing for a Certificate of Occupancy), is designated by its owner or developers as a tract all of which is to be used, developed or built upon as a unit under single ownership or control.
184.		Lot area per dwelling unit: That portion of the lot area required for each dwelling unit located on a zoning lot.
185.		Lot area: The area of a lot; provided, that if that lot includes any part of the area of a street closed subsequent to the effective date of the Zoning Ordinance, not more than one-half (1/2) the area of such closed street shall be counted as lot area for purposes of determining the maximum floor area ratio or the required lot area per dwelling unit or lot area per room for such zoning lot.
186.		Lot, corner: Either a lot bounded by streets on two or more sides or a lot in which the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines forms an angle of one hundred thirty-five (135) degrees or less.
187.		Lot coverage: See Coverage, lot.
188.		Lot depth: See Depth of lot.
189.		Lot, interior: Any lot neither a corner lot nor a through lot.
190.		Lot line, front: A street line determined by the Zoning Administrator to be the front of the lot based on prevailing lot patterns and lot dimensions.
191.		Lot line, rear: The lot line, opposite or furthest from the front lot line. For triangular lots, the rear lot line shall be the lot line that does not follow a street right-of-way.
192.		Lot line, side: Any lot line that is not a front lot line or a rear lot line.
193.		Lot line: A boundary of a lot.
194.		Lot of record: A lot which is part of a subdivision recorded in the office of the City clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
195.		Lot width: The horizontal distance between the side lot lines of a zoning lot at the building line.

196.		Lot, through: Any lot, not a corner lot, which adjoins two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other.
197.		Low explosives: Substances that deflagrate (burn) rather than detonate (explode). These are primarily used as propellants. The cut-off speed between high and low explosives is 3,300 fps (feet per second). An example of a low explosive is black powder. High explosives are designed to shatter (brisance) rather than push. Detonation velocities for high explosives range from 3,300 fps to 29,900 fps. Blasting caps, dynamite, TNT, plastic explosives, binaries and blasting agents are examples of high explosives.
198.		Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
199.		Lumen per Square Foot: a measure of illuminance equal to one foot-candle
200.		Lynchburg commercial historic districts design review guidelines: A publication adopted by City Council, that gives detailed guidance to property owners of the commercial historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the commercial guidelines document and all amendments thereto are automatically adopted and incorporated into the City code.
201.		Lynchburg residential historic districts design review guidelines: A publication adopted by City Council, that gives detailed guidance to property owners of the residential historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the residential guidelines document and all amendments thereto are automatically adopted and incorporated into the City code.
202.		Mansard roof: A roof having two slopes on all sides with the lower slope steeper than the upper one
203.		Manufactured home: 1. A structure, transportable in one (1) or more sections that is certified as complying with HUD's "Manufactured Home Construction and Safety Standards," which is built after 1978 on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. 2. For flood plain management purposes the term "manufactured home" also includes mobile homes, park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
204.		Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home spaces or lots for rent or sale.
205.		Market for agricultural products: A market selling produce, or other edible products made from and entirely processed on the site of an agricultural operation.
206.		Medical or dental clinics: Any building or group of buildings occupied by two (2) or more medical or dental practitioners for the purpose of providing health services to people on an out-patient basis.
207.		Medical practitioner: A licensed physician, dentist, osteopath, chiropractor, chiroprapist (podiatrist), psychologist or optometrist (but not optician).

208.		Medium shrubs. Shrubs and hedge forms having a minimum height of at least two (2) feet at the time of planting.
209.		Metes and bounds: The specific boundaries of an area as measured between geographical points.
210.		Minor map amendment: A change in the official Zoning Map that is not included in the definition of comprehensive Zoning Map amendment.
211.		Mobile food cart: A mobile food establishment that is up to ten (10) feet long and five (5) feet wide and is designed to be pushed by hand or pedaled.
212.		Mobile food trailer: A mobile food establishment that is less than twenty (20) feet long by eight (8) feet wide and is designed to be towed behind a vehicle and capable of vending foods without being connected to another vehicle.
213.		Mobile food truck: A self-propelled food establishment that is up to twenty-six (26) feet long and eight (8) feet wide.
214.		Mobile Food Vehicle: A Food Establishment that is located upon a vehicle including cars, trucks, carts, motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared, or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks.
215.		Mobile Home: A structure built on a permanent chassis that is designed for use with or without a permanent foundation that does not comply with the HUD's Manufactured Home Construction standards or that was built prior to 1978.
216.		Modified sign: A sign that is allowed to deviate from the standards set forth in the Zoning Ordinance pursuant to a certificate of appropriateness issued by the historic preservation commission.
217.		Modular home or industrialized building: A prefabricated homes or industrialized buildings that consist of one or more sections that do not have axles or frames and typically are transported to their site by means of flat-bed trucks.
218.		Monument sign: A permanent structure built on-grade in which the sign and the structure are an integral part of one another, not a pole(s) mounted sign.
219.		Motel or tourist cabin: A building or group of buildings containing ten (10) or more guest rooms or suites designed or intended to be used, let or hired out which: 1. Contain living or sleeping accommodations used primarily for transient occupancy. 2. Have individual entrances from outside the building to serve each such living or sleeping unit.
220.		Mulch: A protective covering, usually of organic matter placed around plants to prevent evaporation, root freezing and weed growth.
221.		Mural: A painting, fresco, or mosaic applied to a wall for the sole purposes of decoration or artistic expression. A mural is not considered a sign unless it includes words or graphics that advertise the products or service of any entity.
222.		Naturalized planting area: Any area planted for bio-retention containing native or indigenous species that mimics local natural surroundings and is allowed to grow undisturbed. Naturalized planting areas require minimal maintenance.
223.		Neighborhood norm: A measure of the average or typical setbacks along two opposing block faces or for three abutting lots (see Sec. 35.2-61.3(f))
224.		Neon tubing: A vacuum tight transparent tube not exceeding one inch (1") in diameter containing, but not limited to neon, argon, helium, xenon, or krypton that produces light when connected to an electrical current.

225.		New construction: 1. Any construction within a historic district that is independent and exclusive of an existing building or structure or part thereof in the historic district. 2. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the City.
226.		Non-conforming use: any preexisting structure or object of natural growth that is inconsistent with the provisions of this section or any amendment to this section.
227.		Non-contributing property: A property so designated on the inventory map of historic districts and properties which are adopted as a part of this ordinance, being generally those properties which by reason of age, condition, amount of alterations, form, materials, architectural details and relation to surrounding properties do not contribute favorably to the general character of the part of the historic district in which they are located.
228.		Nonconforming: Any lawful use, whether of a building or other structure or of a tract of land, which does not conform to the applicable use regulations of the district in which it is located, either on the effective date of the Zoning Ordinance, or as a result of any subsequent amendment thereto. A nonconforming use shall result from failure to conform to the applicable district regulations on either permitted uses or performance standards. However, no existing use shall be deemed nonconforming solely because of any of the following: 1. The existence of less than the required accessory off-street parking spaces or loading berths. 2. The existence of nonconforming accessory signs.
229.		Normal business hours: means those hours during which most businesses in the community are open to serve customers, which shall be considered from 8:00am to 6:00pm unless otherwise specified herein.
230.		Nursing homes: Rest homes and convalescent homes devoted primarily to the maintenance and operation of residential facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but do require care in excess of room and board and who need medical, nursing, convalescent or chronic care. Institutions primarily for the treatment and care of mental patients, alcoholics or drug addicts, and facilities serving less than four (4) persons shall not, for the purpose of the Zoning Ordinance, be considered to be a nursing home. (See also Medical clinics, Hospitals and Sanatorium).
231.		Obstruction: 1. For purposes of floodplain regulations, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or flood hazard area which may impede, retard or change the direction of flow of water, either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to the damage of life or property. 2. For purposes of airport overlay zoning, any structure, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in section 35.2-57.4.
232.		Off-site directional sign: A sign that directs traffic to a site other than the site on which the sign is located.

233.	Off-street loading berth – A space for temporarily parking vehicles for loading or unloading that measures at least 30 feet in length by 12 feet wide and having at least 14 feet of clearance.
234.	Official Zoning Map: That map dividing the City into specific zones or districts.
235.	One hundred (100) year flood (base flood): A flood that has one (1) chance in one hundred (100) or a one (1) per cent chance of being equaled or exceeded in any given year.
236.	Open Space: Any land or area, the preservation of which would: conserve and enhance scenic resources, protect streams, promote conservation of soils or provide for passive or active recreational space. Open spaces may include plaza areas, provided they contain a landscaped component. Required setback areas may be included in the computation of required open space.
237.	Opinion sign: A sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view.
238.	Ornamental tree: Deciduous tree that grows to a mature height of less than thirty (30) feet with flowering or other distinguishing characteristics.
239.	Outdoor storage: 1. For residential properties, anything that is not normally found in residential yards and on porches, including, but not limited to indoor furniture, construction materials, auto parts, appliances and the clutter of various personal items, inoperable vehicles or stacks of containers in plain view. Equipment regularly used for lawn maintenance, outdoor furniture, children's toys, bicycles and neatly stacked firewood are not generally considered to be outdoor storage, however an excess of those items, or equipment in disrepair may be considered illegal outdoor storage. 2. For non-residential and mixed-use properties, the outdoor storage includes the storage of goods, materials, inoperable vehicles, appliances or other materials that are not a specifically authorized outdoor display.
240.	Outparcel: A parcel located on the outside perimeter of a commercial development fronting a right of way.
241.	Owner: means any person with fee simple title to any plot of land within the City who desires to develop, construct, build, modify, or erect a tower upon such land.
242.	Parapet wall: A wall that extends above the top of a flat roof or flat portion of a roof.
243.	Parcel: is considered to be that plot of land described by property lines. When multiple parcels are owned and used by the same party, the grouping may be considered to constitute the parcel.
244.	Parking area, off-street: An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least three hundred (300) square feet of parking area per parking space and the required number of usable parking spaces.
245.	Parking bay: Two (2) parking rows abutting one another or separated by ten (10) feet or less.
246.	Parking garages: A building occupied by a public, community, commercial or private establishment providing space for the temporary storage of six (6) or more automobiles and other vehicles, where service or repair facilities are not permitted. A parking garage shall not be considered an accessory use, nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk, nor shall the sale of automobiles or trailers take place within it unless otherwise permitted by the Zoning Ordinance.
247.	Parking lot: An open lot serving the functions defined above for a parking garage.

248.		Parking row: One (1) single line of parking spaces.
249.		Parking space: 1. An off-street space available for the parking of one (1) motor vehicle on a transient basis and having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet, exclusive of passageways and driveways appurtenant thereto and having direct usable access to the street. 2. An on-street space available for the parking of one motor vehicle on a transient basis, having a minimum width of nine (9) feet and an area of not less than one hundred sixty-two (162) square feet.
250.		Pedestrian facility: A sidewalk, walking path, bike path or transit / shuttle stop.
251.		Pennant: Any lightweight plastic, fabric or other similar material, whether or not containing copy suspended from a rope, wire, or string, usually in series, designed to move in the wind.
252.		Permanent sign: Any sign attached to the ground or any structure, intended to exist for the life of the structure or use, and which cannot be removed without involving any structural or support changes.
253.		Permeable or Porous: Capable of allowing water to be conducted through a material, as in permeable surfaces such as grass or soils and porous pavement.
254.		Person: Except as provided in section 35.2-60.2(e) a person is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
255.		Phasing Plan: A plan for the development in more than one stage or phase in accordance with section 35.2-11.4.
256.		Planned unit development or PUD: A multiple-unit residential development of at least five (5) acres arranged in harmony with purposes, provisions and procedures for the planned unit development.
257.		Pole mounted sign: A sign that is mounted on one or more freestanding poles or similar supports.
258.		Political sign: A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a government election.
259.		Porch: an area elevated above grade that adjoins an entry to a building that may be covered or open.
260.		Portable sign: A sign which is movable without involving any structural or support changes, not permanently attached to the ground, a structure or any other sign not an integral part of a building to which it is accessory. This category includes, but is not limited to, an A-frame sign, a sign attached to or placed on a vehicle, which is used primarily for the purpose of display, and similar devices used to attract attention. This shall not include bumper stickers or identification signs directly applied to or painted on vehicles identifying the owner of the vehicle, a business name, logo or emblem.
261.		Preservation: Any activity designed to prevent deterioration or destruction of a structure, a group of structures, or an area or a district.
262.		Primary surface: An imaginary surface, whose design standards are referenced in section 35.2-57.3 longitudinally centered on an airport runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

263.		Private recreational facilities: A facility such as a swimming pool, tennis court or basketball court which is an accessory use located on a residential lot, the use of which is restricted to the occupants of the principal use and guests for whom no admission or membership fees are charged.
264.		Programmed: For the purposes of the Zoning Ordinance, the word "programmed" shall refer to a public facility which has been formally scheduled for construction within the following ten (10) years. Such formal scheduling may be in terms of an approved capital improvements program, an officially adopted thoroughfare, public utilities or community facilities plan specifying the approximate date of construction of the facility, or a similar official plan or program.
265.		Projecting sign: A sign that is attached to and projects at an angle and extends more than fifteen (15) inches from the face of the wall of a building.
266.		Property ownership: For purposes of the occupancy requirements of this ordinance, the owner who resides on the lot shall be: a. An individual who owns at least a 50% interest in the lot by deeded title and who resides on the lot as his or her primary residence; or b. An individual who owns at least a 50% interest in a corporation, a limited liability company, or a similar legal entity that owns a 100% interest in the lot by deeded title and who resides on the lot as his or her primary residence; or c. An individual who is a beneficiary of a trust that owns a 100% interest in the lot by deeded title and who resides on the lot as his or her primary residence.
267.		Public utility: A public utility is an activity, or a building housing such an activity, which operates to serve the community as a whole, or a portion of the community, which is publicly run or subject to special government controls and which is overseen by the State Corporation Commission.
268.		Public: Any land, structure or building owned, used or maintained by the City government, or a regional authority of which the City is a member, or their agencies.
269.		Radio frequency engineer: means a professional engineer licensed by the Commonwealth of Virginia with appropriate documented expertise in radio frequency engineering.
270.		Raising: Providing vertical clearance under tree canopy by using appropriate pruning techniques.
271.		Re-facing: The replacement of a sign face, regardless of change in copy, of equal size to the original, without altering the sign box, sign frame or sign structure.
272.		Reach: Longitudinal segments of a river or stream, which will be affected by the placement of an obstruction in a floodway or floodway fringe.
273.		Real estate sign: A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house.
274.		Reconstruction: Any activity designed to rebuild entirely, or partially, a structure.
275.		Recreation facility, active: A field, court building or other structure designed for a specific range of sports or other physical activities, including but not limited to ball fields, tennis courts, swimming pools, gyms and other indoor athletic facilities and playground equipment.

276.		Recreation facility, passive: An open field, woods, trail or other public open space that may be used for a wide range of activities, including, but not limited to hiking, biking, picnicking or playing a variety of different sports. Passive recreation facilities may include picnic tables, water fountains and surfaced trails, but do not include buildings or structures devoted to limited ranges of sports activities.
277.		Recreational vehicle – A vehicle which is: 1. built on a single chassis; 2. four hundred (400) square feet or less when measured at the largest horizontal projection; 3. designed to be self-propelled or permanently towable by a light duty truck; and, 4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel or seasonal use.
278.		Regulatory flood protection level: That level delineated by the one hundred (100) year flood.
279.		Rehabilitation: Any activity designed to place a structure into a usable condition with or without architectural change.
280.		Religious Institution: A church, synagogue, temple, mosque, convent, monastery or other place of worship
281.		Related People: Related individuals include people who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care.
282.		Renovation: Any activity relating to the updating and/or the modernization of an older structure involving architectural change.
283.		Repairs in like material and like design: Any work or all work involving the replacement of existing material with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction design.
284.		Residence: 1. A building or part of a building containing dwelling units or rooming units, including single-household or two-household houses, multiple dwellings, boarding or rooming houses or apartment hotels. Residences do not include the following: a. Such transient accommodations as transient hotels, motels, tourist cabins or trailer courts. b. Dormitories, fraternity or sorority houses, monasteries or convents. c. In a mixed building, that part of the building used for any nonresidential uses, except accessory to residential uses. 2. For the purposes of determining setback and/or height requirements for IN-1 District, a residence shall not include any properties owned, leased, or used by the institution regardless of zoning or land use.
285.		Residence, single-household: A building containing only one (1) dwelling unit.
286.		Residential: Pertaining to one or more residences.
287.		Residential district: Any district whose designation begins with the letter "R".
288.		Residential Street – any local City street where the majority of land use on one or both sides of the street within the block is residential.
289.		Restoration: Any or all work connected with the returning to or restoring of a building, or part of any building, to its original condition through the use of original or nearly original materials.

290.		Retail establishment: A commercial enterprise that provides a combination of goods and / or services directly to the consumer, where the principal use is providing goods that are available for immediate small quantity purchase and removal from the premises by the purchaser.
291.		Riding stable: Any zoning lot used or designed for the boarding, breeding or care of horses or ponies, other than for farming or agricultural purposes, either with or without instruction in riding.
292.		Riprap: A permanent, large, loose angular stone generally used for erosion and sediment control in concentrated high velocity flow areas.
293.		Roof sign: A sign installed or constructed upon or above a roof.
294.		Rooming house: A dwelling consisting of one (1) single building in which, for compensation, lodging or meals, or both, are furnished to transient or non-transient guests. A rooming house shall not be deemed a home occupation.
295.		Runway: a specified area on an airport prepared for landing and takeoff of aircraft.
296.		Sanitary or solid waste management facility, private: A sanitary or solid waste management facility that is not a public sanitary or solid waste management facility, and which is owned and operated by a private entity for the purpose of handling sanitary or solid waste generated only by such private entity.
297.		Sanitary or solid waste management facility, public: A sanitary or solid waste management facility owned or operated by or on behalf of the City of Lynchburg or a regional solid waste management authority of which the City of Lynchburg is a member.
298.		Sanitary or solid waste management facility: Any facility or zoning lot used for: (i) the disposal of solid waste materials by abandonment, discarding, dumping, reduction, burial, incineration or any other means, including accessory uses such as recycling, cogeneration, and methane recovery, or (ii) a transfer station for solid waste storage or collection at which solid waste is transferred from collection vehicles to haulage vehicles, including but not limited to trucks, trains, and tandem trailers, for transportation to a central solid waste management facility for disposal or resource recovery. This definition does not include transportable waste receptacles of commercial solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, motels, hotels, multiple residences, picnic grounds and day-use recreation areas. This definition also does not include recycling bins.
299.		School: An institution, including kindergartens providing full-time day instruction and a course of study that meets the requirements of the laws of the State of Virginia.
300.		Screening: A method of visually shielding or obscuring items such as a structure, receptacle, parking area, equipment, or stormwater management pond by densely planted landscaping, or a combination of landscaping, berms, solid fences and/or walls.
301.		Service station: See Automobile service station.
302.		Setback: See building line.
303.		Shade tree: Deciduous tree that grows to be more than thirty (30) feet at maturity and planted chiefly to provide shade from sunlight.
304.		Shallow flooding area – A special flood hazard area with the base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

305.		Short Term Rental: <u>The primary, accessory or secondary use of a residential dwelling unit or a portion thereof by the owner or a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) consecutive days.</u>
<u>306.</u>	305.	Shrub, large: A shrub with a minimum height of three (3) feet at planting.
<u>307.</u>	306.	Shrub medium: A shrub with a minimum height of two (2) feet at planting.
<u>308.</u>	307.	Shrub small: A shrub with a minimum height of one (1) foot at planting.
<u>309.</u>	308.	Shrub: A woody plant deciduous or evergreen that generally exhibits several erect, spreading stems with a bushy appearance growing to a height of no more than fifteen (15) feet.
<u>310.</u>	309.	Sign base: The area below any writing, pictorial representation, emblem or any other figure of similar character on a sign face. This shall include solid bases, poles, supports, uprights, skirts and/or enclosures.
<u>311.</u>	310.	Sign box: A structure that encloses the sign face(s) and any internal illumination.
<u>312.</u>	311.	Sign face: The area or display surface used for the message, not including the sign frame or sign structure.
<u>313.</u>	312.	Sign frame: The enclosure and/or embellishment that surround the sign face.
<u>314.</u>	313.	Sign structure: An assembly of material used to support a sign face and/or sign frame.
<u>315.</u>	314.	Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark) or any other figure or graphic of similar character for the purpose of communicating information to the public which is: 1. Attached to or painted on a structure, or in any other manner represented on a building, other structure or motor vehicle; 2. Used to announce, direct attention to, or advertise; 3. Visible from the outside of a building. A sign shall include writing, pictorial representation, emblem or any other figure of similar character within a building when located less than twelve (12) inches away from the inside face of an exterior window pane; and 4. Accessory to the permitted uses in the zoning district.
<u>316.</u>	315.	Slope: The deviation of a surface from the horizontal.
<u>317.</u>	316.	Solid waste: Any discarded material, including, but not limited to, garbage, trash, refuse, junk, debris, leaves, brush, land clearing debris, demolition materials, ash, sludge, spoil, used or waste oil, and machinery or vehicles or parts thereof.
<u>318.</u>	317.	Stable, riding: See Riding stable.
<u>319.</u>	318.	Standard project flood limit (SPFL): That portion of land inside the floodplain that would be required to carry forty (40) per cent to sixty (60) per cent of the maximum probable flood, and normally could be expected to occur at a five hundred (500) year frequency.

<u>320.</u>	319.	Start of construction: The date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of the property accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
<u>321.</u>	320.	State: means the Commonwealth of Virginia.
<u>322.</u>	321.	Stealth: means any tower or telecommunications facility that is designed to blend into the surrounding environment through the use of camouflage or other appropriate landscaping or construction techniques.
<u>323.</u>	322.	Story: That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. However, a cellar is not a story.
<u>324.</u>	323.	Streamer: Any long narrow strip of cloth, paper, plastic or other material.
<u>325.</u>	324.	Street line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If, on the master plan of streets and highways duly adopted by the City, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line.
<u>326.</u>	325.	Street width: The distance between street lines, measured at right angles to the center line of the street.
<u>327.</u>	326.	Street, center line of: A line established as a center line of a street by any state, City or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map. If there is no official center line of a street, the center line shall be a line lying midway between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the City Engineer or, in the absence of a determination by the department of public works, shall be assumed to be a line midway between the edges of such pavement or traveled way.
<u>328.</u>	327.	Street: A street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct, or any segment thereof, lying within a public right-of-way at least twenty (20) feet in width.
<u>329.</u>	328.	Structural engineer: means a structural engineer licensed by the Commonwealth of Virginia.
<u>330.</u>	329.	Structure: 1. Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, poles and electric lines of overhead transmission routes, and flag poles. 2. For purposes of floodplain regulation, anything constructed, set, placed or erected on the ground or attached to the ground including, but not limited to, buildings, factories, sheds, cabins, manufactured homes and other similar items which shall be anchored and floodproofed within the flood plain.

331.	330.	Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two (2) or more zoning lots; or any improvement of land by two (2) or more principal buildings for the purpose, whether immediate or future, of building development for rental, lease or sale, which may include changes in street or lot lines; provided, however, that this definition of a subdivision shall not include the divisions of land into ten (10) acres or more for agricultural uses.
332.	331.	Substantial damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damaged occurred.
333.	332.	Substantial improvement: 1. For purposes of the historic district, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the <i>start of construction</i> of the improvement. The term includes structures which have incurred <i>substantial damage</i> regardless of the actual repair work performed. The term does not, however, include either: a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a <i>historic structure</i>. 2. For purposes of floodplain regulation, a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) per cent of the market value of the structure either: i. before the improvement or repair is started; or ii. if the structure has been damaged, and is being restored, before the damage occurred. b. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: i. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or ii. any alteration of a structure listed on the national register of historic places or a state inventory of historic places. c. The repair, reconstruction or improvement of the streets, utilities and pads in a manufactured home park or manufactured home subdivision which equals or exceeds fifty (50) per cent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

<u>334.</u>	333.	Surface area of sign: The entire area of the sign within a single continuous perimeter including the extreme limits of writing, pictorial representation, emblem, figure, graphic, or any figure of similar character. The sign base, box, frame, and/or structure shall not be considered the surface area of a sign unless there is writing or internal illumination on such sign components. For the purpose of computing, the surface area of a double-faced sign or a V-type sign shall be considered a single structure; provided, that the interior angle of the V-type sign does not exceed forty-five (45) degrees.
<u>335.</u>	334.	Swimming pool, commercial: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, open to the general public and operated for profit.
<u>336.</u>	335.	Swimming pool, community: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, operated by members of more than two (2) families for the benefit of such group and not open to the general public, whether incorporated or unincorporated, whether organized as a club or cooperative or association, providing that it is not organized for profit and that the right to use said pool is restricted to such families and their guests. A swimming pool and/or wading pool operated as part of a multiple dwelling is also a community swimming pool, providing that it is not operated for profit, and that the right to use said pool is restricted to tenants of the multiple dwelling and their guests.
<u>337.</u>	336.	Swimming pool, private: See private recreational facilities.
<u>338.</u>	337.	Telecommunications facilities: means any cables, wires, lines, wave guides, antennas, and any other equipment associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or has installed upon or near a tower or antenna support structure. The term telecommunications facilities shall not include: 1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or 2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or 3. Any federally-licensed amateur radio station operators.
<u>339.</u>	338.	Temporary sign: A sign designed or intended to be displayed for a limited period of time as indicated in the Zoning Ordinance.
<u>340.</u>	339.	Thrift store: A store selling used items, particularly clothing for the benefit of a charitable organization.
<u>341.</u>	340.	Topping: An inappropriate practice of making heading cuts to plants through a stem more than two (2) years old that drastically reduces tree height, destroys tree architecture and results in discoloration, decay of the cut stem, or death of the tree.
<u>342.</u>	341.	Tourist home or bed and breakfast: A dwelling, occupied as such, in which sleeping accommodations in less than six (6) rooms with not more than four (4) persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.
<u>343.</u>	342.	Tower owner: means the person that owns or controls a telecommunications tower.
<u>344.</u>	343.	Tower: means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.
<u>345.</u>	344.	Townhouse: One of a series of from three (3) to nine (9) attached dwelling units separated from one another by common vertical walls with no openings; provided, that the maximum density permitted hereunder shall not be exceeded.

<u>346.</u>	345.	Trailer: A residence, house car, camp car or any portable or mobile vehicle on wheels, skids or rollers, not structurally anchored to a foundation, either self-propelled or propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used for residential, commercial, recreational, hauling or storage purposes.
<u>347.</u>	346.	Transitional surfaces: Imaginary surfaces for airport operations, whose design standards are referenced in section 35.2-57.3 which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
<u>348.</u>	347.	Tree, small deciduous. A small deciduous tree shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least one and three-fourths (1-3/4) inches at the time of planting shall be required.
<u>349.</u>	348.	Unified and coordinated building mounted signs: Signs that are similar in construction technique, but not including font, or color.
<u>350.</u>	349.	Unified Ownership or Control - The interest in title to a unit of land legally or beneficially held or controlled by one or more individual persons or entities related by a common business organization or other type of organization, as indicated by the fact that all land abutting such unit is owned or controlled by persons or entities who do not differ to any extent in identity or interest held.
<u>351.</u>	350.	Use, accessory: See accessory use.
<u>352.</u>	351.	Use: 1. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied. 2. Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land. 3. The term "permitted use," or its equivalent, shall not be deemed to include any nonconforming use.
<u>353.</u>	352.	Utility line, distribution – A utility line that has the primary purpose of distributing services within easements or rights of way and connecting to service utility lines.
<u>354.</u>	353.	Utility line, service – A utility line providing a connection between a utility distribution line and the end user.
<u>355.</u>	354.	Utility line, transmission – A utility line intended to convey high capacities of services through the community and between communities from the source of the services (treatment or generation plant) to a substation connecting to the distribution system.
<u>356.</u>	355.	Wall plane projections: An architectural feature or wall jutting out at least three (3) feet from the primary plane of a building wall.
<u>357.</u>	356.	Water feature: A stormwater management structural measure such as a stormwater retention pond, bio-retention, forebay, or landscape garden pond that is wet permanently or intermittently during rain events and contains landscaping that is hydric or water tolerant.
<u>358.</u>	357.	Water surface profiles: The elevations in relation to the mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points along a stream.
<u>359.</u>	358.	Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
<u>360.</u>	359.	Window sign: A sign attached to, applied directly to, or located within twelve (12) inches from a door or window.

<u>361.</u>	360.	Yard Sale: Permitted in Zoning Districts used for residential purposes provided the following is adhered to: 1. A total of two (2) sales permitted per calendar year per street address. 2. A sale shall not exceed two (2) consecutive days. 3. Sale shall consist primarily of those personal items accumulated and used by the occupant of the premises. 4. There shall be a minimum interval of four (4) months between sales. 5. One sign not exceeding three (3) square feet in area will be permitted on premises the day of the sale and shall be promptly removed at end of each sale day. 6. Signs advertising a sale are prohibited on street right-of-ways. 7. Permitted sale shall not create adverse conditions such as noise, nor impede pedestrian or vehicular traffic.
<u>362.</u>	361.	Yard, front: The area between the front lot line and the front of the building and extending from the front corners of the building to the side property lines.
<u>363.</u>	362.	Yard, rear: An area between the rear of the building and the rear property line and extending from the rear corners of the building to the side property lines.
<u>364.</u>	363.	Yard, side: The area between the side of a building and the side property lines
<u>365.</u>	364.	Zone, airport: For purposes of the airport overlay district, all areas, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces.
<u>366.</u>	365.	Zoning district: The base or overlay zoning designation assigned to each parcel of land within the City of Lynchburg.
<u>367.</u>	366.	Zoning maps: Maps designating the adopted base and overlay zoning district designations for each parcel of land within the City of Lynchburg.

Appendix A: Table of Authorized Land Uses

Green highlight indicates use was allowed in one of two consolidated districts. Blue highlight indicates a new use in a district.

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels														
Detached Units	1110S															
single-household detached	1111S	Typical single-household dwelling	P	P	P	P	P	P	P		C		P			
modular home	1114S	A prefabricated home without axles or frames (see definitions)	P	P	P	P	P	P	P		C		P			
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								C		C			
manufactured home community	1116S	Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)		C	C	C	C						C			
Attached Units	1120S															
Two-household (duplex)	1121S	A building located on one (1) zoning lot containing not more than two (2) dwelling units				P	P	C	C		C		P			
single-household semi-detached	1122S	One of two dwellings separated by a party wall, on abutting lots				P	P				C		P			
single-household attached (townhouse)	1140S	Each unit on a separate lot; fire wall may protrude from roof or roofs may be staggered				C	P	C	C	P	C		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Multi-household structures (see district regulations for limitations)	1200S	Includes triplexes, four-plexes, and other multi-household dwellings					P	C	C	P	C		P			
Mixed-use residential structures (see district regulations for limitations)	1201S	Typically commercial uses on lower floors and residential uses on upper floors					P	P	P	P	P		P			
Housing Services	1200	Housing and custodial services for those who cannot care for themselves. Includes nursing and retirement homes, congregate living, assisted and continuing care living, but excludes rehab uses in LBCS #6520)		C	C	C	C	P	P	P	P	P	P			
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers														
Bed and Breakfast and Tourist Homes	1310	Guest rooms in a private home or accessory building to a private home	C	C	C	C	C	P	P	P	P		P			
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members														
boarding house	1321	Transient or non-transient lodging that may include meals and is owner occupied		C	C	C	C	P	P	P	P		P			
rooming house	1322	Transient or non-transient lodging that may include meals				C	C	P	P	P	P		P			
dormitory, sorority or fraternity house	1323	Allowed only as accessory uses to and owned by a college or university		C	C	C	C	C	C	C	C	P	P			
Hotel, motel, or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels							P	P	P		P	C		
Other traveler accommodations	1350	Youth hostels and similar short-term lodging	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of establishments associated with commercial land use														
Retail Sales or Service and Repair	2100	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair. Auctions are allowed where sales of items to be auctioned are allowed pursuant to applicable district regulations.														
Automobile sales or service establishment	2110	Motor vehicle and parts dealers including repair and maintenance														
car, motorcycle, manufactured homes or RV dealer	2111-2113	New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses									P		P			
bicycles	2113b	New or used bicycle sales, rental and repair						P	P	P	P		P			
boat or marine craft dealer	2114	New or used boats sales, rental and related repair services								P	P		P			
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores.							P	P	P		P			
gasoline service	2116	Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair, and heavy auto repair							P	C	P		P			C
automotive repair and maintenance	2117	Repair garages, body and paint shops, oil change, car wash														
light auto repair (automobile service station)	2117a	Oil change, light auto repair and car wash. May include gasoline and other retail sales.							C	C	P		P		P	P
heavy auto repair	2117b	Auto repair, paint and body shops. May include gasoline and other retail sales.								C	P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
truck stop	2118	Retailing fuels primarily to trucks or in combination with activities such as providing repair or food services														
Heavy consumer goods sales or service	2120	Heavy or durable goods sales or services														
furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances	2121-2125	Furniture, flooring, bedding stores; home building and repair supplies, painting supplies, farm goods, lighting supply, window treatment; nursery and garden products predominantly grown elsewhere, power equipment sales or services; large variety stores; household-type appliances, television, stereos, including repair shops and cell phone stores.							P	P	P		P			
lumber yard and building materials; heating and plumbing equipment; heavy equipment	2126-2128	Lumber yards and heavy building materials; heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category; construction equipment and vehicles; includes authorized storage (3650)									P		P		P	P
Durable consumer goods sales and service	2130	Wide range of product lines such as apparel, appliances, hardware, jewelry, etc.														
computer and software	2131	Computers and prepackaged software including repair, support, and training							P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies	2132-2135	Primarily retail cameras and photographic supplies or retail with repair and film developing; clothing (including shoe repair and tailoring, sporting goods, toys, musical instruments, kitchen goods, books, magazines, music, videos, stationary, greeting cards, seasonal decorations, office and school supplies.						P	P	P	P	P	P			
Consumer goods, other	2140	Establishments that retail merchandise (except groceries or health items) not included in preceding codes														
florist, art supplies, tobacco products	2141-2143	Florists, art supplies and art dealers, frame shops, tobacco products						P	P	P	P	P	P			
art galleries	2142b	Excludes art supply sales and retail framing services		C	C	P	P	P	P	P	P	P	P			
mail order or direct selling establishment	2144	Retailing other than through locations where shoppers physically visit								P	P		P		P	P
antique shop	2145	Antique shops, (excludes flea markets, thrift stores and pawn shops)						P	P	P	P		P			
flea markets and thrift stores	2145b	Flea markets, consignment shops and thrift stores							P	P	P		P			
Grocery, food, beverage, dairy	2150	Retail food and beverage merchandise from fixed point-of-sale locations														
grocery store, supermarket, or bakery, convenience store, specialty food stores	2151-2154	Included are grocery stores, convenience stores, meat, seafood and produce markets, coffee, confections, variety goods and general stores, and delicatessens. Excludes stores with fuel pumps (see 2116 for fuel sales)						P	P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
beer, wine, and liquor store	2155							P	P	P	P		P			
Health and personal care	2160	Retail prescription or nonprescription drugs; retail cosmetics, perfumes, toiletries; prescription or nonprescription eyeglasses; prescription or nonprescription health and convalescent aids; medical devices, retail food supplement products such as vitamins, nutrition supplements, and body enhancing supplements						P	P	P	P		P			
Markets for farm produce or crafts	2199	Markets and truck gardens. Note that limited to goods produced on site in the RC district.	P						C	C	P		P			
Finance and Insurance	2200															
Bank, credit union, or savings institution	2210	Central banking functions						P	P	P	P		P			
Credit and finance businesses	2220															
credit card and other financing	2221	Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing						P	P	P	P		P			
pawn shops	2222								P	P	P		P			
short-term loans	2223	Pay-day lenders and other businesses providing loans with terms of 45 days or less							P	P	P		P			
precious metal buyers	2224	Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)							P	P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment	2230-2250	Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries						P	P	P	P		P			
Real Estate, Rental and Leasing	2300	Rent, lease or occasionally sell assets														
Real estate services	2310	Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices						P	P	P	P		P			
Property management services	2320	Manage real property for others									P		P			
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators														
vehicles	2331 & 2332	Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided							C		P		P			
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles								P	P		P			

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
commercial, industrial or consumer machinery and equipment rental	2334 - 2335	Rent or lease: a) office machinery and equipment; heavy equipment without operators used for construction, well-drilling; other machinery and equipment for uses such as manufacturing or telecommunications; operators not included (note: see 2337 for heavy equipment leasing) personal and household-type goods and a range of equipment geared toward consumers									P		P		P	P
heavy equipment rental	2337	Includes construction vehicles with gross weights exceeding 26,000 pounds and agricultural vehicles													P	P
Business, Professional, Scientific, and Technical	2400	Perform professional, scientific, and technical services														
Professional services	2410	b) Services provided depend on worker skills and knowledge rather than equipment														
Professional offices	2411- 2414	Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design						P	P	P	P		P			
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues						P	P	P	P		P	P		
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.						P	P	P	P		P	P		

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Advertising, media and photography services	2417	Includes advertising, marketing and public relations agencies, photographic studios and photographic services.							P	P	P		P	P		
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners							C	P	P		P			
other professional offices	2419, 6810, 6820	Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts						P	P	P	P		P			
Administrative services	2420	Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)														
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning						P	P	P	P		P	P		
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.						P	P	P	P		P	P		
employment agency	2423a	Provide employee placement, temporary help						P	P	P	P		P			
hiring hall	2423b	Place of assembly for the registration or assignment of employment									P		P			
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners						P	P	P	P		P	P		
collection agency	2425	Collect payments, compile credit information, repossess tangible assets						P	P	P	P		P			

Land Use	LBSC #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Personal care	2610	Hair, nail, and skin care and related personal care, barbers, beauty shops, dieting and weight loss, tanning, hair removal, hair weaving, ear piercing and similar services						P	P	P	P		P			
Dry cleaning and laundry	2620															
laundromat and dry cleaning	2621 & 2622	Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services						P	P	P	P		P			
linen and uniform supply	2623										P		P		P	P
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.						P	P	P	P		P			
Parking lot and parking garage	2640	See district standards				C	C	P	P	P	P		P	P	P	P
Special Services	2650															
licensed massage therapist	2651							P	P	P	P		P			
tattoo parlor	2652	Tattoos by a licensed professional							P	P	P		P			
adult retail establishment	2653	Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods							P	P	P		P			
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking														
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies							P	P	P		P			
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)														
animal services	2721	grooming and training							P	P	P		P			
animal boarding	2722	sitting and boarding							C		P		P			

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Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Transportation Services	4100	Serve passengers and cargo movements														
Air transportation	4110	Provide transportation for passengers or cargo using aircraft (see section 35.2-72.10 for rules related to heliports and helipads)												C	P	P
Rail transportation	4120	Provide passenger and freight transportation and rail transportation support; use this category for establishments providing both transportation and support services, otherwise use the more specific subcategory														
rail passenger transportation	4121	Passenger stations only								P	P		P	P	P	P
rail freight transportation	4122	Rail yards for freight systems; excludes accessory sidings allowed within the I-2 and I-3 districts														
rail transportation support establishment	4123	Provide specialized services such as repair, maintenance, loading and unloading														
Road, ground passenger, and transit transportation	4130	Urban transit systems, charter and school bus transportation, taxis														
local transit systems-- bus, special needs, sightseeing, taxi and limousine services	4133 - 4136 & 4137	Single-mode local and non-local transit systems other than rail; excludes transit stops, which are allowed in all districts. Includes sightseeing, taxi and limousine services								P	P		P		P	P
school and employee bus transportation	4135	Maintain and dispatch buses and other motor vehicles to transport pupils or employees											P		P	P
towing and other road and ground services	4138	Tow vehicles									P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles and temporary storage									C		C		P	P
Marine and water transportation	4150	Provide transportation of passengers and cargo using watercraft														
marine and sightseeing transportation	4151	Provide water transportation, including scenic and sightseeing, for passengers								P						
Pipeline transportation	4170	Use transmission lines to transport products, such as crude oil or natural gas														
Postal services	4180	Operate the national postal service, including establishments that sort, route, and deliver on a contract basis														
national post office	4181							P	P	P	P		P			
retail courier and package delivery	4182	Retail courier, package drop-off and mail services						P	P	P	P		P		P	P
Courier and messenger services	4190	Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)									P		P		P	P
Publishing	4210 & 4221	Issue copies of works for which they usually possess copyright, including printing plants, motion picture and audio publishing. Includes newspaper publishing, greeting card printing and lithography									P		P	P	P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings (includes indoor movie but excludes drive-in movie theaters)							P	P	P		P	P	P	P
Telecommunications and broadcasting	4230	Provide point-to-point communications; if multiple services are shared between the same facilities,														
radio and television broadcasting	4231, 4232 & 4241	Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs							P	P	P		P	P	P	P
wireless telecommunications transmission	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound or video, see section 35.2-73 for telecommunications towers	C	C	C	C	C	P	P	P	P		P	P	P	P
telephone and other wired telecommunications	4234	Operate telephone networks – excludes switching stations	P	P	P	P	P	P	P	P	P		P	P	P	P
Telecommunications switching stations/exchanges	4239	Telecommunications switching stations and exchanges with no on-site employees	C	C	C	C	C	C	C	C	C	C	P	C	P	P
Information services and data processing and management industries	4240	News syndicates and information data processing and management services														
library or archive	4242	Provide library or archive services		C	C	P	P	P	P	P	P		P	P	P	P
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media								P	P		P	P	P	P
data processing and management, hosting and related services	4244	Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging						P	P	P	P		P	P	P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
solid waste collection, combustion, landfills or separation/sorting of recyclable materials from non-hazardous waste streams	4343 - 4347	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials; operate waste transfer stations; landfill, incineration or composting of non-hazardous solid waste, recycling facilities; septic tank installation and maintenance														C
Wastewater treatment plants	4348		C													C
recycling collection centers	4349	Drop-off facilities for the collection of recycled goods									P		P	P	P	P
ARTS, ENTERTAINMENT, AND RECREATION	5000															
Performing Arts or Supporting Establishments	5100	Produce or organize and promote live presentations, excludes nightclubs														
Theater, dance or music establishment	5110 & 5160	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers						P	P	P	P		P			
Motion picture viewing and exhibition services	5111	Operate movie theaters (excluding drive-ins), film festival exhibitions							P	P	P		P			
Promoter of sports, performing arts, similar events and management services	5140 - 5150	Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers						P	P	P	P		P	P	P	
Indoor auditorium or arena	5170	Indoor auditoriums, arenas, conference centers, or multipurpose facilities							C	C	C		C	C	C	C
Outdoor auditorium/arenas	5180	Outdoor arenas and theaters								C	C		C	C	C	C
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, and similar establishments	C	C	C	P	P	P	P	P	P		P			

[illegible]

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Camps, Camping, and Related Establishments	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, spaces for overnight parking or recreational vehicles									C		C			
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P	P	P	P	P	P	P	P	P	P	P	P	P	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	Note that City-owned facilities are not subject to zoning district use standards														
Educational Services	6100	Offer teaching and learning														
Nursery or preschool	6110	See district standards		P	P	P	P	P	P	P	P	P	P			
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district standards		P	P	P	P	P	P	P	P	P	P			
College or university	6130	See district standards		P	P	P	P	P	P	P	P	P	P			
Technical, trade, or other specialty school	6140 & 6568	Offer vocational and technical training as well as vocational rehabilitation services														
general technical schools	6141-6143, 6145, 6147	Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities				C	C		P	C	P	P	P			
driving education	6144								P		P		P			
flight training	6146	Offer aviation and flight training											P			

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Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Funeral home and services	6710	Includes funeral homes combined with crematories						P	P	P	P		P			
Cemetery or cremation services	6720															
free-standing cemetery	6722			C	C	C	C	C	P		P		P			
columbarium	6724			C	C	C	C	C	C	P	P		P			
CONSTRUCTION-RELATED BUSINESSES	7000	Contractors who can build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services. This category also includes the manufacture of industrial buildings, manufactured homes, modular homes, storage buildings and similar structures. Note that district standards may limit or preclude manufacturing, outdoor operations, outdoor storage of commercial vehicles and materials.							P	P	P		P		P	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries														
Crop Production	9100															
Vegetable farming or growing	9120	Includes private fields and community gardens	P	P	P	P	P	P	P	P	P	P	P			
Commercial orchards	9130	Includes fruit and nut trees for commercial production	P	P	P	P	P	P	P		P	P	P			
Greenhouse Production	9140															
Greenhouse – no on-premises sales	9141	Commercial greenhouse production	P	P	P	P	P		P	P	P		P		P	P

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Greenhouse – sales of products grown on premises	9142		P						P	P	P		P		P	P
Greenhouse – sales of products and related accessory products	9143								P	P	P		P		P	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Unclassifiable or No Function	9900	Temporary placeholder until a code can be assigned														
Temporary uses	9920															
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses (see section 35.2-72.23)		P	P	P	P	P	P	P	P		P	P	P	P
temporary outdoor promotional attractions	9922	Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)							P	P	P		P			
Land Use Development Patterns	9950															
residential cluster development	9951	See section 35.2-80		P	P	P	P									
traditional neighborhood development	9952	See section 35.2-82		C	C	C	C	C	C	C	C		C			
planned unit development	9953	See section 35.2-83		C	C	C	C									
large scale retail establishments	9954	See section 35.2-84							P	P	P		P			
cluster commercial development	9955	See section 35.2-85						C	C	C	C		C			
flex space development	9956	See section 35.2-86									C		C	P	P	
corporate campus	9957	See section 35.2-87									C		C	P	P	

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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 8, 2019**

AGENDA ITEM #: **1**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Joint Meeting of City Council and the Lynchburg Regional Airport Commission to Discuss the Formation of an Independent Airport Authority

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Hear a report regarding the merits of Lynchburg Regional Airport converting to an independent airport authority model based on the results of the August 28, 2019 *LYH Authority Governance Model Review and Analysis* report conducted by airport consultant Steven Baldwin and Associates; engage in a discussion with the Lynchburg Regional Airport Commission; and, adopt a resolution that reflects Council's decision to convert or not convert from a City-governed airport to an independent authority governed airport.

SUMMARY: As a follow-on to earlier efforts, City and airport officials began to explore the idea of Lynchburg Regional Airport transitioning from a City-run airport to an independent airport authority in the early 2000s. Initial efforts focused primarily on the creation of an "Air Commerce Park" and envisioned a partnership between the City of Lynchburg and Campbell County to develop an approximately 150-acre site southwest of the airfield. Essentially, the goal was to integrate the City's and County's separately-owned properties on the site into a combined industrial park and commercial service regional airport, which would then be governed by an independent airport authority.

As part of that process, an ad hoc committee was formed in 2003 to initially explore the concept, with the committee ultimately evolving into an Airport Authority Advisory Committee in 2006. This renamed committee was comprised of the Lynchburg City Manager, County Administrators from Amherst, Bedford and Campbell Counties, along with officials from the City and Amherst, Bedford and Campbell County Economic Development Departments and representatives from the City, Amherst County and Campbell County Industrial Development Authorities. Since the creation of such an independent governmental body requires Virginia General Assembly legislative action to authorize its creation, the airport director (with direction from the advisory committee) solicited the assistance of Delegate Kathy Byron and secured her willingness to serve as patron for a bill known as *Virginia's Region 2000 Airport Authority Act*. The bill was introduced in the House of Delegates early in 2007 and, after numerous sub-committee and committee reviews by both the House and the Senate, was passed in March of 2007 and signed into law by the governor that April.

As passed, *Virginia's Region 2000 Airport Authority Act* enables the "City of Lynchburg and the governing bodies of one or more of the Counties of Amherst, Appomattox, Bedford, and Campbell by resolution declare that there is a need for an airport authority to be created for the purpose of establishing or operating an airport for such participating political subdivisions...." The Act stipulates that, "Prior to becoming a participating political subdivision, each political subdivision shall enter into a contract with the Authority...setting forth the participation arrangements..." of the parties. "The powers of the Authority shall be vested in the directors thereof in office..." and the participating localities shall appoint the number of directors, as agreed by the participating localities. Each locality *shall also have the power to remove at any time, without cause, any director appointed by it and appoint a successor.*

Since 2007, a number of airline industry and other airport-specific developments contributed to very little progress being made in moving an airport authority initiative forward. In late 2018, however, at the direction of its chairman, Bert Dodson, the Lynchburg Regional Airport Commission agreed to renew efforts to convert the airport's governance to an independent airport authority model, and requested the airport director to include the issue on the Commission's January meeting agenda for discussion. Prior to that meeting, the airport director developed and distributed a white paper which outlined the background, components and major benefits of the airport converting to an authority model. Following discussion at its January meeting, the Commission then

instructed the airport director to further research the fiscal elements of converting to an airport authority and to schedule a special Commission meeting in February to present and discuss the results. A pro forma airport operating budget was then presented to the Commission at a special meeting on February 25, 2019 that identified significant cost savings under an authority model. Consequently, the Commission recommended that staff obtain the services of a qualified airport management consulting firm to validate staff findings to date.

The airport director subsequently secured the services of consultant Steven Baldwin, a national expert on airport governance and performance benchmarking, to conduct an analysis and evaluation of the airport with an emphasis on determining what benefits would be derived to stakeholders of an independent airport authority. A draft report was completed in July 2019 and was presented by Steven Baldwin Associates to the Airport Commission at a Special Commission Meeting on August 1, 2019. Following Commission discussion and clarification of the draft report, the consultant finalized the report and the Commission accepted it with minor edits at its August 26, 2019 regular Commission meeting. The Commission then considered, and passed unanimously (the City Manager and Commission Member Debra Allen were absent), a motion to recommend to Lynchburg City Council that Lynchburg Regional Airport convert to an independent airport authority. Following the meeting, a joint meeting was scheduled between the Airport Commission and City Council to be held on October 8, 2019 at its Council Work Session, and the consultant's final report was distributed to Council for review prior to that meeting on September 26, 2019.

PRIOR ACTION(S): October 10, 2006 City Council Resolution wherein Council: 1) expressed its support for the adoption of legislation by the 2007 General Assembly to enable area localities to create a regional airport authority should it be in their best interest; and 2) directed that support for the legislation be included in its legislative agenda for the 2007 session of the Virginia General Assembly.

October 27, 2009 Council heard a report regarding a "Timeline for Establishing a Regional Airport Authority"

FISCAL IMPACT: Decrease in the City's assessment of indirect service charges of \$162,506 to the airport for current city-provided administrative and other support services, and savings to the airport of approximately 10 percent from lower VRS rates. Combined, this would result in direct, net savings to the airport's operating budget of approximately \$108,727.

CONTACT(S): Mark F. Courtney, Airport Director, 455-6089

ATTACHMENT(S):

Resolution A and Resolution B

August 2019 LYH Authority Governance Model Review and Analysis

January 2019 Lynchburg Regional Airport White Paper

August 26, 2019 Airport Commission Minutes (Authority Agenda portion)

October 27, 2009 City Council Agenda Item Summary

October 10, 2006 City Council Agenda Item Summary

REVIEWED BY: bms

RESOLUTION:

Resolution A – BE IT RESOLVED That the Lynchburg City Council hereby approves the Lynchburg Regional Airport Commission's recommendation to form an independent airport authority as the governing body of Lynchburg Regional Airport and directs the City Administration to take the necessary steps to form such an authority as authorized by the Virginia General Assembly bill known as *Virginia's Region 2000 Airport Authority Act* as passed in March 2007 and effective July 1, 2007.

Adopted:

Certified:

Clerk of Council

Resolution B – BE IT RESOLVED That the Lynchburg City Council hereby denies the Lynchburg Regional Airport Commission's recommendation to form an independent airport authority as the governing body of Lynchburg Regional Airport.

Adopted:

Certified:

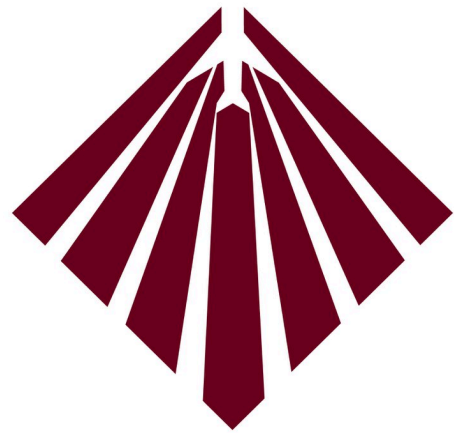
Clerk of Council

LYH Authority Governance Model Review and Analysis

Final Report

August 2019

Revised 08-28-2019



Submitted by:



STEVEN BALDWIN
ASSOCIATES

Airport Management Consultants



**Lynchburg Regional Airport
Benefits of an Authority Governance Model: Final Report**

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**Lynchburg Regional Airport
Benefits of an Authority Governance Model: Final Report**

Executive Summary

This executive summary provides a summary of key information of the Lynchburg Regional Airport (LYH) “Benefits of an Authority Governance Model” study final report, highlighting the most important content and including significant findings, conclusions, and recommendations. Additional details and insights are provided in the full report.

About Steven Baldwin Associates

Steven Baldwin Associates (SBA) provides a wide array of airport management consulting services with expertise in governance review, performance benchmarking, strategic planning, economic development, and other core aviation management services. The Principals of SBA bring more than 100 years of combined airport management experience to assignments. SBA has performed the most recent FAA approved airport governance transfers in the U.S., resulting in newly-created independent, regional airport authorities. SBA is the nation’s foremost aviation consulting firm working in the area of airport governance review and transfer.

Summary Overview

The Lynchburg Regional Airport (LYH) provides \$180 million of economic impact and is a key strategic asset to the region. In general, the most successful and prosperous airports in the country are those governed by an independent Airport Authority. Key points regarding an Authority governance model at LYH include:

- The Authority model is the nationally proven model for growth, and LYH would benefit from this structure.
- Now is an advantageous time for a governance change for LYH as the Airport has shown financial stability and is forecasted to continue to do so into the foreseeable future.
- LYH should expand into non-aeronautical business opportunities for long-term sustainability; these can be better facilitated under an Authority.
- Successful Air Service Development needs a nimble, proactive business organization, which can be better supported by an Authority structure.
- With an Authority governance model, the City Council would not lose any of its current control of the Airport.
 - As a result of its ability to directly appoint Board members (negotiated with participating Counties while developing the Articles of Incorporation), the City would maintain its ability to guide strategic direction and initiatives at the Airport.

Currently owned by the City of Lynchburg, but physically situated in Campbell County, the time is ripe at LYH for a transition to a regional governance model which 1) would facilitate a focus on air service development and sustainable growth, and 2) would provide a single point of operations with a business mindset for growth.

Key Findings

Key findings of the analysis include:

- **The Airport contributes substantial economic impact to the region and the potential for increased impact is significant.** The Virginia Airports Economic Impact Study of 2017, underwritten by the state Department of Aviation, found that the Airport produces an economic impact of \$180 million in the City of Lynchburg and the Counties of Amherst, Appomattox, Bedford, and Campbell, and supports 1,774 jobs, with wages totaling more than \$61 million, and provides State and local taxes of \$3.2 million. This demonstrates the vital importance of the Airport to the regional economy. The Airport enriches the lives and economy of the core City and four-County catchment area for everyone, even those who do not use the Airport directly. Moreover, the potential for the Airport to grow and contribute on an even greater level to the regional economy is significant. A governance model that reflects a regional perspective would only help to increase the Airport's regional economic impact.
- **Transitioning LYH to an Airport Authority governance model would significantly increase efficiencies, support a business mindset, and enhance business and revenue opportunities.** Multiple opportunities to improve business operations and increase revenues are potentially available to the Airport with an Authority governance model. This study found several opportunities to improve business operations and to help the fiscal situation of the Airport which is currently running an operating surplus of approximately \$225,899 in FY 2018 and a projected operating surplus of \$260,000 in FY 2019.
 - Potential strategies to improve operations include 1) instituting more competitive rates for parking, 2) adjusting "rates and charges" and hangar rents to better align with industry norms, and 3) continued review of the terms of the Fixed Based Operator lease which may afford additional revenue for the Airport through the addition of new services and adjustment of rates, fees, and charges for current services.
 - Other strategies include investing in marketing and business development, particularly regarding corporate fleets, GA activity, aviation educational opportunities, air service development, and non-aviation business development.

To thrive, the Airport must be run with a business mindset and efficient business processes must pervade all operations and policies. To achieve this, the Airport needs a governance model that has the Airport and its business success as the sole focus. The most effective way to achieve this is through transitioning the Airport's governance model from being owned and operated by the City of Lynchburg (which manages the Airport essentially as infrastructure, as one of its multiple departments) to being operated by an independent, regional Airport Authority whose sole focus is the Airport's success.

- **Air Service Development is key to the sustainability and growth of the Airport, and Authority governance structures significantly enhance an airport's ability to pursue and obtain new service.** As a one-carrier airport with a singular destination, Air Service Development is crucial to the long-term sustainability and growth of LYH. A second carrier would help immensely in capturing current leakage to other airports by offering an additional destination and more flight options. Moreover, should the current carrier ever reduce or remove service, it is not possible for the current airport governance structure to quickly find an alternative air service nor bring in a commercial business to help defray airport expenses. An Authority governance structure would be able to work with the

community to develop and implement enhanced air service incentives to attract new service and respond more quickly to evolving airline needs at LYH.

- **This is an opportune time to transition LYH to a business-focused Authority governance model.** The enabling Virginia legislation for an Authority governance is already in place and currently LYH is the only commercial airport in the state that has not yet taken advantage of it. This places the Airport at a significant disadvantage in the marketplace. The time is advantageous to undertake the transition as the Airport is financially stable with new infrastructure and minimal debt. Moreover, an Authority structure would help make LYH more competitive with other commercial airports, both in the state and in its regional catchment market. Moving to an Authority governance model is a national trend and there are established guidelines for undergoing the process, which generally takes about a year to complete and obtain approval from the FAA. During the process, Airport Authority sponsors (e.g., the City of Lynchburg and participating Counties such as Campbell) must approve a resolution to enter negotiations about how the Airport will be managed and operated. These negotiations are codified in the Articles of Incorporation for the new Airport Authority.

Key Observations and Recommendations

Key observations and recommendations include:

- **The current Municipal governance model gives rise to multiple operational inefficiencies and hinders the Airport from achieving its full potential.** Current policies and procedures under the Municipal model of governance present inefficiencies to Airport operations, administration, and revenue optimization. The existing governance model requires that, like other City departments, any successful business negotiation conducted by the Airport management team must be reviewed by internal City departments (e.g., finance, legal, etc.) and approved by the City Council before it can be finalized and executed. This includes all leases, operating and capital budgets, projects, and any other private-sector agreements. This presents a significant impediment to fostering an agile and effective business process (and comes at a real financial cost to the Airport in terms of both staff time and missed business opportunities), and it also places LYH at a significant disadvantage with its regional peer competitors. The Airport as a City department must navigate this process, while at the same time 1) following industry specific Federal regulations and 2) operating in a highly-competitive, rapidly-evolving, and revenue-driven environment against extremely motivated and capable peer airports operating under a private sector business model providing the same or superior services to a shared pool of potential customers.
- **Different governance models have different strengths and LYH needs a proactive business model.** The decision-making process required by the City for all of its departments, including the Airport, is not unusual for a municipality; it is simply a core element of the Municipal governance model. When this approach is applied to the operations of a City government, it is typically effective in achieving its intended objectives. The Municipal governance model is designed to allow and encourage community representative governing bodies the flexibility to reach agreement through compromise and consensus. That is its key strength and what has made it a successful governance model for the equitable allocation of limited resources within large and diverse communities. However, this governance model is not effective when utilized to manage the operations of an airport. The reason for this is simple: the Municipal governance model is based upon the principle that compromise in order to achieve consensus is the preferred path to rational decision-making. Unfortunately, Airport management and operations are governed by a highly detailed and strictly enforced set of Federal laws, regulations, and guidelines. The Airport management has neither the authority nor discretion to selectively comply with the Federal regulations regarding scheduled

commercial service airports—a situation with which the Municipal governance model can be at odds.

- **Continue Air Service Development Efforts with Additional Airlines.** Regarding Air Service Development (ASD), LYH should continue current efforts to market toward other airlines (e.g., United) and adding other destinations (e.g., Washington Dulles, Chicago, and Philadelphia).
 - Obtaining increased air service and securing an additional carrier are key strategies of sustaining and growing LYH operations. ***The Airport Authority model would facilitate this and numerous examples across the country have shown that the ability to secure additional air service significantly increases after transition to an Authority model.*** The three airports that most recently transferred to an Authority governance model—Asheville Regional Airport (NC), Gerald R. Ford International (MI), and Syracuse Hancock International Airport (NY)—have each experienced significant growth in air service and overall passenger traffic as a result of transitioning to an Authority.
- **Airport operations and services should be aligned with industry best practices.** Other airports comparable to LYH typically provide additional services and receive greater remuneration. Airport operations and services should be reviewed and put into alignment with industry standards and best practices. The Airport Authority model would facilitate pursuit of opportunities because it is a model whose sole focus is promoting the business of the airport. For example:
 - **Enhanced FBO Operations and Services.** Analysis of FBO operations—and Airport revenue derived from the FBO—should be reviewed with an emphasis on possible additional services as well as generating greater remuneration from current FBO related services. Possible options to this situation could include a renegotiation of the lease with the current FBO, with terms more favorable to the Airport and more in alignment with industry standards. Closer alignment with more equitable, industry-standard terms could bring in additional revenue. The Airport Authority model would make it more efficient to negotiate new leases and contracts.
- **Airpark Development.** One of the most important elements of the enabling legislation was the authorization to establish an Airpark to be managed by the Airport Authority. One of the most valuable commodities the Airport has to offer is developable property. There is potential for a number of businesses or an investment consortium which could underwrite the development of an industrial park. The leases, easements, and property enhancements such a project would entail could potentially provide a stable revenue stream for the Airport. These efforts would require the attention and oversight of the Airport management and consultants with specific expertise with commercial real estate and FAA land use issues will be critical to success. The Airport Authority model would facilitate pursuit of this opportunity.
- **Land Parcel Aeronautical and Non-Aeronautical Use.** The area surrounding the Airport is almost the only remaining flat, undeveloped commercial property in or near the City. It is recommended that the Airport work with a commercial real estate broker to market Airport land parcels for their highest value and best use, either aeronautical or non-aeronautical. The Airport Authority model would facilitate pursuit of this opportunity by making it more efficient to engage outside consultants and as well as negotiate any resulting leases and contracts.

- **Marketing, Business Development, and Staffing.** Current Airport marketing and business development is expanding and should continue to do so. To strengthen the Airport's position, it is necessary to further prioritize and enhance consumer awareness of the existence of the Airport and its current flights, chiefly because increased demand on the local level is key for airlines to consider investing in additional service. As with other areas of potential development, the Airport Authority model would facilitate pursuit of this opportunity by making it more efficient to engage outside consultants and by helping increase revenues which could be applied to marketing, business development, and staffing.
- **Focus on General Aviation and Corporate Fleets to Increase Operations.** There is a need to focus on marketing and services for general aviation and corporate fleets. With an enhanced current FBO, or a second FBO providing competitive services and fuel prices, there is a potential of expanding service for current general aviation and corporate tenants as well as attracting new tenants. New tenants would result in increased revenue for the Airport both directly through hangar rentals and indirectly through a percentage of FBO sales and other remunerations. The Airport Authority model would facilitate pursuit of such opportunities by making it more efficient to negotiate new leases and contracts and to engage in business development and marketing activities supporting increased corporate operations.

In general, the most successful airports in the country are those governed by an independent Airport Authority. Much of this success can be traced to the greater freedom and emphasis on private-sector business principles in management that is made possible due to a de-emphasis on government bureaucracy and cumbersome processes and procedures. In a deregulated and consolidated airline environment, it is clear that the dynamic nature of the industry points to the need for innovation and efficiency in order to compete with other airports already operating under an Authority structure.

Industry Standards and the Overall Benefits of an Authority Model of Governance

The concept of an Airport Authority governance model has long been recognized in the industry and by experts as an effective vehicle for managing operations and governance of airport infrastructure. Indeed, over the last two decades the Authority governance model has become the industry standard for airport operators precisely because it supports the business focus and decision-making agility needed in today's extremely competitive aviation business market.

Within the last 25 years, the aviation industry has seen a clear trend of moving toward Authority models of governance. The overwhelming majority of FAA approved governance transfers in that time have been from a municipal, county, and/or state governance model to an Authority model. The reasons for this are many, but tend to center on issues of operational efficiency and performance, business nimbleness, regional impact, and stakeholder interests.

To provide an understanding of why the Authority model has become the industry standard, below are the primary overall benefits associated with the model which generally apply to all airports.

Primary Benefits of the Authority Model

- **Singular Airport Enterprise Focus** — The Authority form of governance gives an airport more flexibility to develop policies and procedures attuned specifically to the needs of the airport, and it also allows for and fosters the business-focused nimbleness needed to stay relevant in an extremely competitive aviation sector.

- **Strengthens Regional Coordination and Economic Contribution** — An Authority can help foster stronger regional participation in airport affairs by establishing a governance structure which explicitly includes a non-resident outside the bounds of the local appointing governments on the Board. This helps enhance the airport's ability to function as a full partner in regional economic development initiatives regardless of geographic lines. In general, airports are regional economic assets and being governed by an Authority Board with regional representation and participation will reinforce and strengthen its position as such.
- **Creates a Stronger Platform for Economic Development** — An Authority facilitates a greater emphasis on proactive commercial revenue development, innovative financing, and closer coordination with broader regional economic development organizations and initiatives fostered by a business-oriented leadership. This emphasis will 1) diversify and strengthen the airport revenue base, 2) reduce reliance on airline rates as a primary revenue source, 3) lower airline costs by creating more funding from non-airline sources, which in turn will help attract new airline service, and 4) improve the airport's competitiveness.

In general, transitioning to an autonomous, independent regional Airport Authority as its operator will position an airport to maintain and strengthen its growth and vitality, all while providing it with the independence and nimbleness needed to enhance commercial and customer service activities as well as regional economic development. Many airports could benefit from creating an independent, regional Airport Authority dedicated solely to developing their facility as a first-class transportation and economic development asset.

Overall, Authority governance models help support the **drivers of success** most associated with **best-in-class airports**:

- **Alignment of strategy and strategic initiatives** by creating an empowered, singular focus Board to set clear vision and goals, while in support of aligning with stakeholder interests and providing public accountability.
- **Increases financial strength** by supporting innovative funding approaches, competitive rate structures, and emphasizing non-aeronautical revenue.
- **Maintaining a commercial and customer focus** by supporting an air service development emphasis, strong concessions/retail, enhancing the role of economic development, and fostering a strong sense of place.
- **Promotes effective leadership** by empowering management, providing tools for succession, and supporting compensation incentives.
- **Committing resources to staffing and administration** thus promoting the ability to recruit and retain top talent (especially for upper management positions) and motivate the workforce at all levels.
- **Fostering a proactive business culture** with a performance focus, utilizing innovative and competitive strategies.
- **Utilizing effective systems and processes** that are attuned to business needs, enable rapid decisions, and are nimble and adaptable to dynamic business and economic environments.

While public entities (e.g., cities, counties, and states) can function as effective owners and operators of airports, transitioning to an Authority model often helps propel a facility to the next level and enable it to function as a more effective platform for future growth, accelerating economic drivers not only for the airport itself, but for the entire region it serves and impacts.

In short, Authorities help airports operate less like governmental utilities and more like entrepreneurial commercial businesses.

Executive Summary Conclusion

One of the most fundamental and important responsibilities entrusted to community leaders is that they make decisions in the present that will position the community for a successful and prosperous future. Such is the case with selecting the best governance model for the Lynchburg Regional Airport.

A transition to an Airport Authority form of governance at LYH would provide numerous benefits without exposing the Airport, its current Sponsor, and key stakeholders to any significant risk. The current stability and financial strength of the Airport can support a governance change, and an independent Authority rightly centers the Airport as a regional asset serving the entire area.

The primary benefit would be the establishment of a governing body with a singular airport enterprise focus and significant efficiencies in policy and process to achieve self-sustaining business goals, increased revenue, enhanced air service. This singular focus is necessary to 1) foster a pervasive business and customer service mindset, 2) support efficient policies and procedures to ensure financial stability and customer satisfaction, and 3) increase the economic impact of this important regional economic engine.

The ability to singularly advocate on behalf of the Airport is not within City resources to accomplish adequately, as the Airport is one of many City departments and for practical purposes regarded and maintained essentially as utilitarian infrastructure. But the Airport serves important functions far beyond mere infrastructure, as its \$180 million economic impact shows.

The aggregate magnitude of the Airport's economic benefit to the region should not be overlooked by stakeholders. It is important for stakeholders to assume a "big picture" perspective of past investment, in terms of subsidies that the City has made to the Airport. ***The Airport is a vital asset for the City and larger regional community and the cumulative \$8 million investment over approximately 18 years has resulted in a return on investment (ROI) of literally billions of dollars in combined economic impact. According to a 2016-2017 study by the Virginia Department of Aviation, the local economic activity generated annually by the Airport is \$180 million. That figure multiplied over 18 years is approximately \$3.2 billion dollars. This figure of \$3.2 billion dollars is a significant return on an investment of \$8 million in subsidies made from 1997 (when the Airport Enterprise Fund was established) to 2015 (when the Airport began to produce an operational surplus).***

Finally, it should be emphasized that a transition to an Authority governance model does not interfere with the City's ability to provide oversight and direction. The mechanism for appointing members of the Authority Board—the number of members, how they are appointed, and the criteria for qualifications, etc.—are negotiated during the transition process. Thus, the City could maintain its ability to provide strategic guidance and input into Airport initiatives and goals, while at the same time releasing the Airport from its internal decision-making processes which often present a hinderance to the Airport's ability to enhance operations and revenue.

For these reasons and others enumerated in the body of the report, it is concluded that the Airport, its Sponsor, key stakeholders, and the regional community would all benefit from a transition to an Authority governance model. While there are costs in terms of time, resources, and funds associated with such a transition—including a comprehensive FAA approval process—the investment would be well worth it for LYH and the communities it serves.



Lynchburg Regional Airport Benefits of an Authority Governance Model: Final Report

Chapter 1. The Historical Context that Prompted the Study

INTRODUCTION

Since the early 2000s, there has been a growing interest by the leadership of **Lynchburg Regional Airport** (LYH or Airport) in considering options for enhancing business development opportunities for the Airport. Like many other small, regional airports, the desired goal is to increase revenues by establishing a leaner and more agile Airport management structure capable of seeking out and acting on emergent business opportunities.

This desire led LYH and its Airport Sponsor, the **City of Lynchburg**, to conduct research to determine if a transition to an Airport Authority governance model might help establish a more business agile posture for the Airport. The result of these inquiries led, in 2007, to the passage of the *Virginia's Region 2000 Airport Authority Act* by the Virginia General Assembly. This enabling legislation authorized the "City of Lynchburg and the governing bodies of one or more of the Counties of Amherst, Appomattox, Bedford, and Campbell by resolution declare that there is a need for an airport authority to be created for the purpose of establishing or operating an airport for such participating political subdivisions...."

This Act established the legislative foundation for adoption of the airport governance model, but more work remained before the transition could be seriously considered by the Airport's key stakeholders. Over the intervening decade, several innovative fiscal initiatives were implemented to stabilize the Airport's finances, enabling it to achieve and maintain a self-sufficient financial position, culminating in Fiscal Year (FY) 2016 when it produced its first revenue surplus since becoming an Enterprise Fund in 1997.

LYH has maintained a positive cash flow since then and is projecting to do so over the next two fiscal years and beyond. Although this is a positive accomplishment, Airport leadership remains concerned that the surplus generated over the past three years is a sufficient indicator of continued fiscal stability or that it can be enhanced sufficiently to provide for long-term sustainability of the Airport.

This state of affairs should be understood within the context of the national outlook for similar regional, non-hub airports. That is, LYH is facing the same issues that all regional airports in the U.S. face, which include changes in the way airlines manage their route structures since 9/11 and the 2008 recession which caused extensive consolidation within the industry.

In response to this and other conditions, the Lynchburg Regional Airport Commission (Commission), the Airport's leadership, and key community stakeholders decided to re-visit the Airport Authority governance model option as an alternative to better position LYH, which would potentially establish the type of business-oriented organizational structure required to aggressively seek and successfully pursue business opportunities for the Airport. The recent and current financial self-sufficiency of the Airport provides a window of stability where this type of inquiry can receive thorough consideration, and if pursued, implemented under conditions conducive for transition to the new model.

Given the long-standing interest in the governance model and the Airport's likely economic growth under an Authority model, earlier this year the Airport issued a Request for Proposals for a general exploration and evaluation of the Airport's current and future revenue potential, with an emphasis on what benefits would be derived to stakeholders (i.e., the Airport, the City, the participating County or Counties, and the region at large) if an independent, regional Airport Authority was formed.

Steven Baldwin Associates, LLC was engaged to conduct the study which is reported upon here in this report. The following analysis, then, has focused on 1) the benefits an Authority governance model could bring to the Airport, 2) evaluating the current fiscal condition of LYH, and 3) assessing the future financial outlook for the Airport based upon the data reviewed, stakeholder input, and by examining recent governance trends within the region and the industry as a whole. It was found that the near-term business plan for the Airport appears sound and the management team has done a commendable job of identifying and maximizing available revenue sources to achieve the current fiscal stability. Our research also reviewed the most logical and effective options to sustain the positive financial trends and to augment them with additional revenue streams to enhance and assure the long-term sustainability and stability of the Airport.

ANALYSIS OVERVIEW

Project Purpose & Goal

The Lynchburg Regional Airport is a significant and important transportation and economic asset in central Virginia which provides primary non-hub, commercial air service to business and leisure travelers, offers year-round services for General Aviation and corporate jets, air medical services, a state police aviation unit, and houses the Liberty University Flight School. Given its economic and transportation importance to the region, the Airport, its operators, and the local and regional business communities continue to seek to increase the Airport's vitality and economic impact to the four-county region. Stakeholders have requested an analysis to determine if the transition to an Airport Authority governance model might better position the Airport to seek out and successfully develop and implement innovative business initiatives to maximize revenue generation and advance the Airport into the future with a sound fiscal foundation.

The objective of the assessment is to use a variety of analyses (e.g., economic, financial, and organizational assessment, etc.), to determine if the adoption of an Airport Authority governance model would be more effective and efficient than the current Municipal governance model in developing business strategies that will allow the Airport to maintain and grow financial self-sufficiency and further expand its economic impact on the region.

The study is part of the stakeholder's on-going efforts to review the Airport and improve its market share, as well as improve other matters that factor into the overall financial and operational stability of the Airport. Stakeholders will use the information within this report to assess the benefits of adopting the Airport Authority governance model of the Airport and take appropriate action, where needed, to ensure that the Airport is able to: 1) maintain a stable condition of financial self-sufficiency, 2) develop and implement innovative business initiatives to position the facility for long-term fiscal health and revenue growth, and 3) establish and maintain operational sustainability in order to maintain the facility as a vibrant multi-modal transportation hub and economic engine for the region.

Analysis Activities

During the course of the Airport Authority Governance Model analysis, assessment of the Airport and its operations was conducted with specific focus on the context of its economic importance to the region. The analysis was comprised of several components, including:

- Gathering, collecting, and analyzing inventories of **historical, economic, financial, and airport-related data** and information;
- Conducting **interviews** with a variety of stakeholders, aviation users, and relevant community members, and business partners;
- Conducting **analysis** of LYH's regional peer airports to discern patterns, trends, and areas of competitive disadvantage relating to those airports;
- Conducting an **organizational assessment** of the LYH's Airport's operations, policies, and structure;
- Conducting a **financial review** of the Airport's operations and revenue;
- Reviewing a recent statewide airport **economic impact analysis** regarding LYH's overall contribution and that of its regional competition, and
- Conducting a review of the aviation **facilities and land use** opportunities and constraints.

In order to properly assess an alternative governance model, stakeholders and the community at large will need to adopt a broad perspective and understand that positioning the Airport for continued growth, self-sufficiency, and long-term sustainability is an important goal for the everyone in the region, whether they live in the City of Lynchburg or not, or whether they use the Airport's service directly or not. As an engine of economic growth that significantly benefits the entire four-county region, it is in everyone's best interest to support the mechanisms that allow the Airport to reach its greatest potential. Due consideration of any structural organizational improvements, including the adoption of a more Airport-centric Authority governance model, should be evaluated to determine if they can better position LYH to achieve its primary objectives. The task, then, for LYH's stakeholders is to determine if adoption of any organizational improvements, including an Airport-centric governance model, can better situate the Airport to achieve those goals and reap the benefits from the strategies recommended in this report.

Chapter 2. Airport Background

Overview

Lynchburg Regional Airport is the only regional airport with direct access to "Region 2000," a 2000-square-mile district in the heart of Virginia. Lynchburg Regional Airport plays a key role in the region's growth, serving as a convenient global gateway for the area's international corporations, manufacturing plants, research and development firms, and institutions of higher education. The Airport's proximity to three major highways, US 29, US 501, and US 460, provides ready access to destinations throughout the region, from business complexes to scenic and historic attractions.

Passenger traffic at Lynchburg Regional Airport finished strong in the last half of 2018, bringing total passenger boardings up 2.1 percent, despite being down by nearly 6 percent mid-year. That represents LYH's highest yearly passenger count in eight years, reflecting upgraded regional jet equipment, increased flight frequency, and added seat capacity. Moreover, LYH finished the year tied with last year's all-time yearly load factor record of 81.8 percent of seats filled on 2 percent more departure seats. LYH has 24 employees, with a FY 2017 operating budget of \$2.7 million dollars.

Image 1. LYH in Geographic Relation to the City of Lynchburg



LYH Operational Profile

Lynchburg Regional Airport is structured as a separate department of the City of Lynchburg and is classified by the Federal Aviation Administration (FAA) as a primary, non-hub commercial service airport. Operationally, the Airport is a full-service facility, with a wide range of aviation services from retail fuel sales, aircraft maintenance, and charter services to flight training, aircraft sales, and storage. LYH is also the home of Liberty University's School of Aeronautics' flight operations center for the various professional pilot programs it offers. The Virginia State Police maintain an aviation unit at LYH, and Centra Health offers a complete emergency medical helicopter service based at the Airport. In terms of commercial airline flights, the Airport offers scheduled service from the regional affiliates of American Airlines, the largest airline in the world, to Charlotte, North Carolina. Charlotte is home to one of American's mega-hubs which offers a total of 657 daily departures to 157 nonstop destinations.

In July 2018, LYH reached a milestone by becoming an “all-jet” airport, and by May 2019 was offering a total of 12 departing and arriving regional jet flights per day through a combination of 50-seat and 65-seat (dual class) aircraft. Moreover, daily seat capacity grew to 350 departure seats for an impressive 19.3 percent increase in monthly seat capacity compared to the same month in 2018. Total passenger traffic in 2018 at LYH reached 165,428, amounting to a 2.1 percent increase in passenger boardings over last year. In 2018, aircraft operations totaled some 90,070 with a mix of airline, military, and general aviation aircraft.

As a City Enterprise Fund, LYH is operated as a stand-alone entity with on-site management fully responsible for performing all Airport functions, including:

- FAA Part 139 Air Carrier operations and maintenance
- Transportation Security Administration 49 CFR Part 1542 airport security
- Public safety, including Airport Police and Aircraft Rescue and Fire Fighting
- Airport finance and accounting
- Airport planning
- Capital projects financial planning and construction engineering and administration
- Federal grant, state grant, and Passenger Facility Charge administration
- Properties planning and administration
- Air service development and airline retention/recruitment
- Airport marketing and communications
- Federal and state government affairs
- Custodial and support services
- Various other administrative functions

LYH Financial Profile

The Airport’s operating and capital budgets are individually developed and completely separate from the City’s General and Capital Funds. Dedicated revenues derived from airline fees and terminal rents, aeronautical tenant leases, aircraft hangar rents, parking fees, rental cars and other airport-generated revenues fully support the Airport’s operating expenses with no support from the City. The Airport’s Capital Fund is supported through a combination of FAA Airport Improvement Program (AIP) grant funds, state entitlement funds, and airport-generated Passenger Facility Charges (PFCs). Since 2000, the Airport has not received any capital funding from the City’s Capital Fund. During that same time, the Airport has:

- Completed capital infrastructure, facilities, and equipment projects totaling \$54 million;
- Planned for an estimated \$15.5 million in future projects currently at various stages of development;
- In 2018, generated a \$225,899 surplus for an 8 percent net profit margin;
- After nearly two decades of operating deficits, seen combined operating surpluses from FY 2016 through FY 2019 grow to a projected \$880,000; and,
- Lowered its outstanding debt to \$1,091,731, and reduced debt service expense to just 5 percent of 2019 operating revenues.

With recent surpluses projected to continue (and potentially increase) into the foreseeable future, the Airport stands at an opportune time to accelerate its growth and increase its operational efficiencies by moving to a governance model more conducive to its financial and operational health and vitality.

LYH: An Important Regional Asset

While the main focus of the study was to assess the possible financial and economic advantages of an Authority governance model, it should also be noted that the Airport as it currently stands serves as a valuable and important regional asset, supporting tourism and business development in the Lynchburg and surrounding regional area, and provides \$180 million in economic impact to the four-county region. The Airport's assets position it as an extremely valuable local and regional resource. This study found that an Authority governance model would help protect and sustain the existence of the Airport—an asset so valuable that without the Airport the local community would be immeasurably poorer and would lose \$180 million in economic impact, with the nearest alternative airport over an hour's drive away. Because of the loss of Delta and the continued consolidation of the airline industry, the Airport remains vulnerable to changes, reductions, and/or losses in air service development, especially under its current governance model. As discussed in the body of the study, an Authority model of governance would provide the best operational structure to 1) mitigate against further losses in air service and 2) actively support efforts to increase current service.

Chapter 3. Industry Standards and the Overall Benefits of an Authority Model of Governance

The concept of an Airport Authority governance model has long been recognized in the industry and by experts as an effective vehicle for managing operations and governance of airport infrastructure. Indeed, over the last two decades the Authority governance model has become the industry standard for airport operators precisely because it supports the business focus and decision-making agility needed in today's extremely competitive aviation business market.

For several years, the Airport, City, and various stakeholders including surrounding counties, have discussed the formation of a regional authority for LYH, but have been unable to agree upon a solution or justification for the change that was acceptable to all parties. Essentially, more information about the feasibility, especially the economic benefits, of such an arrangement was needed.

To provide an understanding of why the Authority model has become the industry standard, this section offers overall benefits associated with the Authority model which generally apply to all airports. The following section details some specific ways an Authority model would benefit LYH in particular.

Overall Benefits of the Industry Standard Authority Model

Within the last 25 years, the aviation industry has seen a clear trend on moving toward Authority models of governance. The overwhelming majority of FAA approved governance transfers in that time have been from a municipal, county, and/or state governance model to an Authority model. The reasons for this are many, but tend to center on issues of operational efficiency and performance, business nimbleness, regional impact, and stakeholder interests.

Below are some of the primary reasons why the Authority model has become the industry standard for airport governance:

PRIMARY BENEFITS

- **Singular Airport Enterprise Focus** — The Authority form of governance gives an airport more flexibility to develop policies and procedures attuned specifically to the needs of the airport, and it also allows for and fosters the business-focused nimbleness needed to stay relevant in an extremely competitive aviation sector.
- **Strengthens Regional Coordination and Economic Contribution** — An Authority can help foster stronger regional participation in airport affairs by establishing a governance structure which explicitly includes a non-resident outside the bounds of the local appointing governments on the Board. This helps enhance the airport's ability to function as a full partner in regional economic development initiatives regardless of geographic lines. In general, airports are regional economic assets and being governed by an Authority Board with regional representation and participation will reinforce and strengthen its position as such.
- **Creates a Stronger Platform for Economic Development** — An Authority facilitates a greater emphasis on proactive commercial revenue development, innovative financing, and closer coordination with broader regional economic development organizations and initiatives fostered by a business-oriented leadership. This emphasis will 1) diversify and strengthen the airport revenue base, 2) reduce reliance on airline rates as a primary revenue source, 3) lower airline costs by creating more funding from non-airline sources, which in turn will help attract new airline service, and 4) improve the airport's competitiveness.

ADDITIONAL BENEFITS

- **Fostering a Business & Customer Service Focus** — An explicitly business-focused Authority Board that creates commercially-oriented policies and procedures will encourage a greater emphasis on developing an entrepreneurial and proactive business and hospitality focus, which is more conducive to operational best practices and efficiency, enhanced customer service, and increased air service development.
- **Uphold Leadership Standards** — Transitioning to a truly autonomous and independent Authority strengthens leadership capability by 1) establishing a Board whose selection is based on a stronger emphasis of business-related credentials and qualifications, 2) establishing nationally competitive compensation programs for staff in order to attract and retain top talent going forward, 3) strengthening the ability to solve management succession issues, and 4) forging stronger links with the local and regional business communities.
- **Checks and Balances** — Authority control by its sponsors is maintained by the manner in which it is structured through its enabling legislation and its articles of incorporation, as well as by the process stipulated for making appointments to the Board. In addition, the Authority is required to conduct business in accordance with the Authority enabling act, and to take other measures that are consistent with good government.
- **Coordination with Local Governments** — The Authority model helps alleviate pressures with local governments now and into the future, especially regarding: 1) meeting the needs of an enterprise fund operating in an increasingly competitive environment, and 2) the need for

consistency and compliance with general policies, procedures, and systems with local government bodies. Moreover, the Authority model facilitates an airport's ability to serve the entire region as opposed to trying to comply with multiple, and possibly contradictory, broad-based policies and procedures of various local governments.

In general, transitioning to an autonomous, independent regional Airport Authority as its operator will position an airport to maintain and strengthen its growth and vitality, all while providing it with the independence and nimbleness needed to enhance commercial and customer service activities as well as regional economic development. Many airports could benefit from creating an independent, regional Airport Authority dedicated solely to developing their facility as a first-class transportation and economic development asset.

Overall, Authority governance models help support the **drivers of success** most associated with **best-in-class airports**:

- **Alignment of strategy and strategic initiatives** by creating an empowered, singular focus Board to set clear vision and goals, while in support of aligning with stakeholder interests and providing public accountability.
- **Increases financial strength** by supporting innovative funding approaches, competitive rate structures, and emphasizing non-aeronautical revenue.
- **Maintaining a commercial and customer focus** by supporting an air service development emphasis, strong concessions/retail, enhancing the role of economic development, and fostering a strong sense of place.
- **Promotes effective leadership** by empowering management, providing tools for succession, and supporting compensation incentives.
- **Committing resources to staffing and administration** thus promoting the ability to recruit and retain top talent (especially for upper management positions) and motivate the workforce at all levels.
- **Fostering a proactive business culture** with a performance focus, utilizing innovative and competitive strategies.
- **Utilizing effective systems and processes** that are attuned to business needs, enable rapid decisions, and are nimble and adaptable to dynamic business and economic environments.

While public entities (e.g., cities, counties, and states) can function as effective owners and operators of airports, transitioning to an Authority model can often help propel a facility to the next level and enable it to function as a more effective platform for future growth, accelerating economic drivers not only for the airport itself, but for the entire region it serves and impacts. Authorities help airports operate less like governmental utilities and more like entrepreneurial commercial businesses.

The operating environments for airports will only continue to follow the trends of the last several years:

- **Uncertainty concerning Federal funding for airport development** will place more emphasis on self-sufficiency and innovative approaches to local funding of capital programs.
- **Airline consolidation and resulting route rationalization** will require airports to compete more aggressively, both to retain and attract new air service. Experience shows that marketing

“partnerships” between the local business community and airlines is one of the most attractive air service development strategies.

- **Shift in emphasis to non-airline revenue sources** will demand a more proactive approach to commercial development, with airports operating more like “developers” of all Airport assets to reduce dependence on airline rents and fees and federal and state grants.
- **Increased competition between airports for funding, for service, and for commercial development** will require adoption of business-focused strategies, policies, and procedures that support flexibility and agility.

To meet these challenges, and others that are emerging, an airport must be a high-performance organization, delivering high value to all stakeholders, with governance structure emphasis on:

- **Commercial focus and entrepreneurship** – to maximize the revenue generating potential of the enterprise via proactive commercial development strategies.
- **Innovation/creativity** – to develop funding strategies to replace the eroding value of federal programs.
- **Partnerships with private sector/business** – to leverage funding, air service marketing, and development opportunities.
- **Agility/flexibility** – to respond rapidly to opportunities and changing circumstances.
- **Competitiveness** – is key. Like the free enterprise market, LYH will have to actively compete for passengers, air service, and funding.
- **Leadership** – recognizing that achievement of “best-in-class” status will require the attraction/retention of top airport management talent from a national/global talent pool.

The Authority model of governance provides the structure to address and achieve these desired characteristics.

In general, an Authority provides a “single-focus” entity to operate an airport more commercially in a dynamic business environment characterized by greater uncertainty, reduced Federal funding, and increased competition for airline service.

Authority governance models are the industry standard and will continue to be in a globally competitive marketplace where airline consolidation continues unabated, and where non-hubs and small-hubs must use all means available to stay relevant and attract air service.

Chapter 4. Lynchburg Regional Airport and the Specific Benefits of an Authority Model of Governance

In addition to the reasons listed above in support of the Authority model of governance which apply to most airports, there are also several conditions specific to LYH that make it a good candidate for an Authority model.

Geography

A fundamental reason an Authority model would increase efficiency at LYH is the basic geography of where the Airport is situated. Owned and operated by the City, the Airport sits at the edge of the City on land located in Campbell County. This creates a situation where the Airport structures, facilities, and land are owned by the City, but the land is physically situated in the County. The City owning land that is situated in a different jurisdiction makes the Airport less able to take advantage of business opportunities. Additionally, it could be a negative factor to potential developers, when property tax rates applied to their new construction on Airport property are set by the neighboring county, and not the Airport Sponsor municipality with whom they have the business relationship.

This geographic anomaly can also make it difficult to conduct business at the Airport and thus be an obstacle for business development. For instance, for construction projects permission is needed from the City (i.e., the City controls contracts), yet permits are needed from the County. A single business entity would be more streamlined and business development would benefit from economies of scale.

Land Development & Economic Growth

An Authority governance structure would also benefit the Airport regarding non-aeronautical land development. One of the challenges of the City is that a significant percentage of the population exists at poverty levels. The City could benefit from economic growth and increased job creation; however, the City faces a logistical problem in that there is little to no available desirable land available to attract and locate new and larger businesses. However, the Airport controls some of the only remaining desirable land in the region for development and business attraction. With the right strategic development plans—facilitated by the business focus of an Authority model—the Airport’s land parcels could be used to attract business development, especially with an eye toward job creation. This is a situation that could help alleviate the persistent levels of poverty in the area: by marketing the land for business development that would generate revenue for the Airport via leases and would generate jobs for the community.

For the City to receive jobs and economic growth, thus combatting overall rates of poverty, as a result of the Airport making the most of its non-aeronautical land development is a win for the Airport, the City, and the residents who would benefit economically directly from the jobs and indirectly when the people with those new jobs spend their earnings in the region. This is just one example of the economic benefits of becoming an Authority.

The City, bound as it is geographically between the James River and its own City limits of 50 square miles, has essentially run out of flat, developable land to grow businesses and has been in that position for years. The Airport, however, has approximately 200 acres of developable land available for development. And while investment would be needed to develop infrastructure on this land to make it attractive to businesses, the likelihood of significant economic development and benefits to be had as a result is high.

Competition

Authority governance models support increased competitive abilities with their streamlined processes and efficiencies gained through a single-focus governing body. This is vitally important in the state of Virginia where all commercial airports except LYH operate under the business-focused model of an

Authority. As the only commercial service airport in the state that does not operate under the singular focus of a business mindset, LYH is at a distinct competitive disadvantage to its peers and regional competition. This means that airports and communities smaller than LYH, such as Shenandoah, are operating at a competitive advantage. LYH would certainly have an increased ability to be competitive with its peers and regional competitors if it was not the only Airport in the state operating without the benefits of an Authority governance structure.

Politics and Influence

One of the reasons that Authority models of governance have become the industry standard is that the single focus of the economic development and improved business nimbleness can help de-politicize the Airport from undue influence. These are factors which currently affect the Airport and its ability to operate and conduct business development. An Authority model would help alleviate this situation.

Inefficiencies

The inefficiencies experienced by the Airport in trying to conform its FAA highly-regulated operations to the intricacies of the City public entity approval process are significant. The Municipal processes and how they create significant inefficiencies for Airport operations are discussed in the Appendix section on finances and City processes.

Expertise

With a Municipal form of governance, there is typically a large knowledge gap in the requirements needed to proficiently run an airport. Municipal officials seldom have expertise in the complex operations of running an Airport, especially in the context of an increasingly competitive business environment, in addition to knowing and adhering to complex FAA regulations and Grant Assurances. This requires professional specialization and a depth of knowledge and experience that can only be acquired through formal education and years of practical application. As is the case in most municipalities, Lynchburg City administrators have no such training, experience, nor expertise in running a commercial service airport. As a result, Airport management and Subject Matter Experts must spend time and resources explaining and educating public government administrators on the best practices and FAA regulations that the Airport must abide by. The City creates its policies and procedures for effectively running a public entity for the good of the residents of Lynchburg. But many of the City's administrative requirements, while helpful and useful for administering tax dollars for the public good, end up being arbitrary requirements for Airport operations that are imposed upon the Airport by the City. The Municipal governance model and the Airport operation model are completely different models. The Airport needs to run on a business model in order to effectively compete in a high-stakes airline business environment and it must do so in a way that adheres to all FAA guidelines and Grant Assurances. The expertise to do this lies with Subject Matter Experts in the Airport's management ranks. The Airport operates in a free market environment (complicated by the rigorous FAA guidelines and rules) which is very different from the municipal model under which the City operates—a municipal model which is not nimble, has many layers and bureaucratic procedures, and is not business development focused in nature.

If an Authority were established, primarily for the benefits of increased economic development, then the appointed Board members could be specified to have knowledge of aviation and finance. Board members with a required level of expertise would be making informed decisions for the advancement of

the Airport. Currently, with the Municipal model, City Council members have dozens of issues to review and act upon on a wide variety of subjects; they are public servants concerned with the public good, but typically they do not have the necessary level of expertise and specific aviation knowledge to be able to effectively weigh in on important matters.

Compliance with City Policies – Revenue that Could Be Put to Other Economic Development Uses

When the Airport is forced to comply with City policies—where if left to its own decisions, it would choose differently—it becomes an issue of revenue allocation and priorities. One example is regarding the City retirement contribution. Because of compliance requirements with City policy, the Airport is mandated to pay employee retirement contributions at the City rate, which is 18.79%. If the Airport were governed by an Authority model, it could choose a retirement rate more in line with industry standards (approximately 9%) as at other airports within Virginia. For instance, the retirement contribution at Shenandoah Valley Airport is 6.4% and at Charlottesville is 8.33%. Based on an employee payroll of between \$600,000 and \$700,000, this would result in substantial savings. (For example, based on an 8% contribution rate, this would amount to a yearly savings of approximately \$52,000.) Under an Authority that savings could be applied to marketing land parcels, investing in air service development, or leveraging a \$260,000 state grant project—all priorities for economic growth strategies at the Airport.

Loss of Commercial Service

One aspect of air service that stakeholders are often reluctant to consider is the possibility of losing all existing commercial service. Delta ended service at LYH in 2010, leaving U.S. Airways as the sole commercial carrier. While there may be no immediate threat that American would leave the LYH market, as consolidation in the industry continues and major carriers rethink their regional markets, it would be prudent for stakeholders to at least consider the possibility of the loss of American and remediation if that were to occur. If LYH were to lose American service and become a GA facility, it would be a devastating setback for the entire community and region. Governance under an Authority with its business focus, and prospects for increased revenue streams which could be used to underwrite air service development is an important consideration. The stronger and healthier the Airport (which is typically the case with a move to an Authority), then greater the likelihood that American stays in LYH as a carrier, and possibly add new service or increase current service as well.

It is also important to note that Airport management has already prepared for this scenario and currently has a reasoned approach in place should the Airport ever lose commercial service. Airport management has developed a plan that provides a cushion of at least one year of operations without commercial service, with the intent to try to regain commercial service during this time; but if that is not possible, then the plan allows for the Airport to be self-sustaining thereafter as a General Aviation (GA) facility. Again, in this unfortunate and hopefully unlikely scenario, contingency plans would be better served under an Authority governance model because of the critical need to be extremely responsive to a dynamic situation, where quick decision-making in the timeframe of days and weeks (rather than City processes of weeks and months) could spell the success or failure of the enterprise.

Industrial Airpark

There have been discussions and preliminary efforts—including a formal study entitled *Airpark Planning Study* issued in December 2016 by consultants Kimley-Horn—to develop a regional industrial park with the 100+ acres purchased by Campbell County approximately 20 years ago. In order to properly develop

the park, it would be ideal if there was an entity to oversee it. But instead of creating another autonomous body, along the lines of an Economic Development Authority (EDA) or Industrial Development Authority (IDA), it would make more sense to have a newly-created Airport Authority exercise jurisdiction over it—for example, a special committee of the Airport Authority that would manage and operate the industrial park as a through-the-fence operation. While there are many details to be worked out regarding the development of such a park—who would prospective tenants be?; who would pay for the significant investment in infrastructure up front to make the park viable and attractive?; how would that money be raised?; etc.—the project is certainly worth continued pursuit and discussions would be facilitated if a Authority governance model is chosen for the Airport.

In general, the most successful and prosperous airports in the country are those governed by an independent Airport Authority. Much of this success can be traced to the greater freedom and emphasis on private-sector business principles in management that is made possible due to a de-emphasis on government bureaucracy and cumbersome processes and procedures. With a deregulated and consolidated airline environment it is clear that the dynamic nature of the industry points to the need for innovation and efficiency in order to compete with other airports already operating under an Authority structure.

LYH Specific Benefits of an Authority

For Lynchburg Regional Airport, some of the key benefits and advantages of a regional, independent governing body can be summarized as follows.

- **Regionalism.** An independent Authority rightly centers the Airport as a regional asset serving the entire area. A regional approach provides the opportunity for the City and surrounding Counties to benefit from the future growth and economic development potential of this vital part of the region's public transportation, while offering an element of control in the management and future direction of the Airport.
 - This combines with the fact that LYH is providing access to a national and international air system; the Airport is the only area government service that is not duplicated by other government entities; no other community in the region has a commercial service airport.
 - LYH is serving the economic development needs and growth needs of the entire region—it is a multi-modal transportation option that is available locally to the residents and visitors of Region 2000.
 - LYH works in partnership with other economic development entities in the City and Campbell County, as well as others such as the Regional Business Alliance.
- **An Authority Best Fits the Unique Airport Business Model.** Airports operate in an economic environment that is dominated by a private-sector, free-market business model. Consequently, an Airport Authority form of governance can better align the Airport with the various private-sector tenants and aviation service providers it serves and relies upon.
 - An Authority will allow LYH to be able to respond to business opportunities in a more timely manner; LYH operates by design and intent with a corporate mindset and would be better supported by systems and procedures from an Authority model that support that mindset.

- An Authority model is more conducive of a free market, private sector business approach. The Airport management has Profit & Loss (P&L) responsibilities in order to operate the Airport in manner that is as self-sustaining as possible. No other City department has those constraints except water/sewer, which essentially acts as a monopoly and does not have the competitive constraints that the Airport does.
- An issue reflected in the unique business model of the Airport that doesn't apply to the rest of the City departments, is that the Airport also needs to have wage and salary scales that reflect comparable airport industry positions. Certain positions at the Airport must compete nationally with industry market rates, and the internal equity issues of the City do not allow for any mechanism to account for that. Specifically, there are national markets that the Airport needs to compete with, especially for executive management positions, that cannot be compared to a local market. An Authority model would give the Airport the freedom and flexibility needed to set competitive national industry rates for key positions.
- **Improved Operating Environment.** Airports provide public services that are generally not thought of as "traditional" government services. As a result, airports—more than any other government function—need to operate as a business and avoid being forced into a lower-statured role as compared with other "higher priority" City departments.
 - The Airport is the only City department that is governed by a completely different regulatory and reporting structure. No other department is directly responsible to a Federal Agency for its compliance with a detailed and strictly enforced set of regulations. These regulatory compliance requirements are non-negotiable. But because these regulations and requirements apply only to the Airport, the City Administration can be unaware of the compliance requirements and the penalties assessed for non-compliance. As a result, Airport needs are frequently relegated to lower priorities when competing for scarce resources with other City departments which often take priority. This can place the Airport Sponsor (i.e., the City) in jeopardy of violating FAA regulations.
 - Since other departments of the City do not have to adhere to FAA regulations—which are quite different from other generic Federal regulations—the Airport is often not adequately understood by other City departments and suffers as a result. The Airport is subject to complex industry specific Federal rules and regulations that must be adhered to—or risk losing Federal grants, funds, and certifications—yet decision makers within the City and the City Council may not have adequate knowledge and understanding of that.
 - In the final call, the Airport management is responsible for all Airport financial and operational activities per FAA rules and regulations, not the City or City Council members. If a regulation is not adhered to, the FAA seeks correction with the Airport, not the City. On occasion, directives from the City and the City Council are at odds with FAA rules and regulations, leaving Airport management caught between following directives from its Sponsor and being in violation of Federal Grant Assurances and regulations.
 - Airport employees are Subject Matter Experts in the context of their complex and highly-regulated field and an Authority model of governance would recognize and support their ability to act in the best interest of the Airport to create the greatest good for the communities and region it serves.

- **Greater Efficiency.** Running an airport under the traditional City-government model creates inherent inefficiencies due to differing departmental missions and an Airport's unique operating environment. A smaller, self-contained organizational structure of an Authority could create greater autonomy which would foster heightened efficiency.
 - Working through the inter-departmental administrative process and procedural intricacies of the City (e.g., HR, procurement, finance/budget, legal) is cumbersome and time consuming, and often involves multiple iterations of the same documents, requests, contracts, etc.
 - An Authority model of governance would allow critical decisions to be made more quickly since departmental supervisors and managers would report to the Airport CEO for input—without going through City departments—thus allowing for changes in priorities in order to get things done better and faster. The ability to foster business agility is one of the main benefits of an Authority structure.
 - With an Authority structure, in-house Airport staff, possessing specific aviation and airport management expertise, could negotiate and execute more lucrative contracts with more efficiency than the current process allows.
 - Other aspects of Airport management that an Authority structure would benefit include fostering increased autonomy, as well as allowing Airport staff to establish goals, timelines, and milestones specifically to support Airport projects and initiatives that are completely independent of the City administrative process. This would eliminate delays while the Airport “waits its turn” for “first come, first served” administrative services from City departments that the Airport could provide for itself. Relatively routine administrative actions in support of Human Resources, procurement, lease agreements, and Airport specific projects, for example, could all be processed internally in less time and at reduced expense.
- **Clearer Lines of Authority.** An Airport Authority structure establishes a clear and direct line of authority between the Airport Authority Board and the duties and responsibilities of the Airport's CEO (or Airport Director). That, in turn, provides for a direct line of authority between the Airport CEO and the various airport operational and support departments.
 - This function of having clear lines of authority established also helps increase efficiency and effectiveness. ***(It is important to remember that issues of efficiency are associated with real dollar costs as the value of each employee's time can be calculated to an hourly rate based on salary and benefits.)***
 - Currently, the lines of authority are somewhat disjointed as the Airport Director reports to the City Manager, who in turn brings issues and policies to the City Council for review and approval. These lines of authority can create an iterative process when requests arrive at the City Council and are returned with instructions for revisions, which then sets the approval process in motion again through the various sub-departments before winding its way up the chain of command back to the City Manager and Council. This iterative process can span over weeks and months. This is especially cumbersome and inefficient for Airport operations since the Airport must seek Council approval at all levels of operations including contracts and leases, use of any public property easement, right of way, sale/lease of equipment or other items, etc. Certain requests can trigger a public hearing process further extending the process of approval.

- With this iterative and complex City approval process for all levels of Airport operations, what might take two to three weeks for approval under an Authority structure often ends up taking from six to eight weeks, or more depending on the issue, for the City approval process (and approval isn't always the end result for Airport requests). Along the way, Airport management often is in the position of educating its various oversight bodies (i.e., the Airport Commission, the City sub-department heads, the City Manager and the City Council, etc.) regarding FAA and industry specific items, rules, regulations, etc.
- **Enhanced Decision Making.** With the Airport competing with other traditional, higher priority City departments, the workload associated with local government deliberations and decision making often creates an environment where City officials and City Council members simply do not have the time to become sufficiently knowledgeable about any given airport or aviation related subject. Conversely, an Airport Authority governance structure allows its Board to focus solely on the Airport and allows sufficient time to make informed decisions that are in the long-term interest of the Airport, its customers, and the entire region it serves.
 - Aviation by its nature is a technically complicated and uniquely demanding industry where employees—especially managers—need high levels of education and training specific to the industry. Knowledgeable people on staff at the Airport who are Subject Matter Experts are best equipped to make informed decisions about how to most effectively and efficiently operate the Airport in full compliance with the FAA regulatory structure that governs it. An Authority governance model is the most effective structure to support these Subject Matter Experts in their operating of a complex quasi-public/private entity regulated by various Federal mandates and yet operating in a highly competitive business environment.
 - Overall, the Authority structure helps ensure that the oversight of the Airport and its decision-making process is in the hands of Board members who are well qualified in the knowledge of aviation and its unique business prospects (i.e., leasing, non-aeronautical land development, concessions, air service development, competitive aviation marketing, etc.). With multiple competing interests from 18 separate departments, City officials often do not have the ability to become educated on all the nuanced aspects of running and operating a Federally regulated and highly competitive aviation business entity.
- **Higher Productivity.** With a leaner organizational structure, a more efficient management decision-making process, and less government bureaucracy, Airport departments generally exhibit considerable productivity gains under an Airport Authority form of governance.
 - In their current capacity under Municipal governance, the Airport Director and Deputy Airport Director spend a significant amount of their time in administrative tasks required by the City's policies and procedures for approval of initiatives. The Airport management's productivity would certainly increase under an Authority structure where these top managers could delegate some of the more routine administrative tasks—tasks that themselves would be more efficient if kept in-house with Subject Matter Experts rather than be reviewed by City officials who often need education and contextual information on the

matters brought to sub-departments and decision chains.

- Some examples of how an Authority structure could increase productivity include:
 - HR and procurement could be completed in-house by a management employee hired and trained for those specific aviation-related functions.
 - Some currently contracted services could be reallocated to Airport staff who have the necessary expertise to perform those functions; and for the functions where Airport in-house staff is neither trained nor qualified, they could be contracted out with the Airport maintaining direct oversight.
 - Under an Authority model, the Subject Matter Experts in a given issue would weigh in on the decision-making process, as opposed to a Municipal process where decision makers sometimes need extensive education, background, and context on the matters brought before them.
- **Eliminates Administrative Conflicts.** A Municipal governance model similar to Lynchburg's generally utilizes a system whereby other City departments provide a range of administrative support services to the Airport department. This creates a day-to-day operating environment where City departments lack the level of airport, airline, and aviation industry knowledge necessary to understand the unique characteristics of airport operations and FAA regulatory constraints and Federal grant obligations. This is further compounded by City administrative departments exercising a degree of authority over critical Airport functions and budgetary decisions at the Airport without any concomitant accountability for the outcome.
 - While the Airport exists as a separate Enterprise Fund from other City accounts, the City maintains final approval over the finances and budget of the Airport. So under the current system, while the Airport is responsible for balancing its own books (and has maintained a surplus the past several years), the City has ultimate authority over day-to-day operating decisions (such as creating a new position and hiring for it; conducting construction at the Airport, etc.). However, complicating this scenario of City control over operating decisions is the mandate that the Airport must abide by state and Federal aviation rules and regulations, and be the entity held responsible for any violations—even if those violations are the result of direction by City decision makers regarding Airport operations.
 - The Authority model rectifies this situation by having clear lines of authority and responsibility between the Board and the Airport's management—with all stakeholders aware of the state and Federal regulatory mandates and with a clear commitment to abide by them and operate within them. The City can still guide the direction and strategic vision of the Airport under an Authority by virtue of the members it appoints to the Authority Board, members who by agreement must have the necessary aviation and/or business knowledge to make informed decisions on Airport matters.

- **Lowens Direct Costs.** In addition to the cost savings inherent through greater efficiency and higher productivity, other direct cost savings could be realized through the elimination of some of the administrative services currently implemented under a City-run structure. One example is the City's imposition of certain "indirect cost allocations" that are charged to the Airport for a range of City-required services. In fact, total indirect cost allocation charges to LYH for City-required administrative services in FY 2020 are budgeted at \$162,506. That represents a 42.4 percent increase since 2017 in these charges, while the Airport's total operating expenses increased by just over 2 percent during the same period. Through a combination of added staffing and the use of competitively obtained contract services, those same services could be secured through an Authority in a more cost-effective process.
- **Financial Incentives to Attract More Air Service.** Through direct cost savings and other savings resulting from enhanced efficiencies, the recouped funds could be used for financial incentives such as the short-term waiving of rents and reduced fees for new-entrant airlines (i.e., United to Dulles), or to encourage the existing carrier to add new destinations (i.e., American to Chicago or Philadelphia).
 - While the Airport's management can create strategic plans to enhance air service and propose innovative solutions such as applying surplus funds to waive landing fees for airlines, such plans and innovations can still be refused or rejected at the City level.
 - In a similar scenario, the Airport management could invest valuable time and effort into negotiating the terms of an important contract or lease, only to have it face obstacles with various City processes. Even if the contract passes through these points in the process, the City Manager could decline to bring the matter before the City Council, or the City Council after reviewing the matter could decline to approve the contract/lease. This represents a loss of time and resources not only on the part of the Airport management, but also with a potential business partner which may adversely affect the ability to engage that party with revised terms or in the future with other business propositions.
 - Under an Authority structure, these types of scenarios would not occur, and the Airport could pursue the business opportunities that the Subject Matter Experts found most favorable and viable. Moreover, with an Authority structure, the recovered funds making up the surplus could be used for a variety of business investments deemed favorable by in-house Subject Matter Experts, such as increased marketing, additional ASD consultants, and/or increasing Airport presence at air service and other important industry conferences.
- **Air Service Market Responsiveness.** As an independent Authority, the Airport would be in a much better position to respond more effectively to rapidly changing market and industry conditions, while enabling it to compete more aggressively with other, similarly structured, airports. For example, the U.S. Department of Transportation's Small Community Air Service Development Program provides Federal grant funds annually to 40 smaller communities enabling them to attract new airline service. The program typically attracts upwards of 170 applications, creating tremendous competition among these airports.
 - Currently the Airport is not as business nimble as it needs to be in order to stay competitive in an increasingly consolidated aviation industry. Under an Authority model where the Airport and its Subject Matter Experts could have direct control over its

- budget and how to allocate its surplus funds, LYH could hire additional Air Service Development consultants and/or engage in additional marketing or hiring marketing consultants or staff. No approval process through City policies and procedures would be necessary and thus strategies could be developed enabling swift and decisive actions.
- Moreover, anecdotal evidence shows that on a case-by-case basis other airports that have transitioned to an Authority model garner an increased ability to compete for and win grants and other discretionary funds from state and Federal agencies. For example, one small hub airport won Federal grant monies \$40M and another small-hub airport won state funds for \$60M. In each case, neither Airport would have been eligible to receive these funds as a Municipal department.
 - Also, obtaining increased air service and securing an additional carrier are key strategies of sustaining and growing Airport operations. The Airport Authority model would facilitate this and numerous examples across the country have shown that the ability to secure additional air service significantly increases after transition to an Authority model. The three airports that most recently transferred to an Authority governance model—Asheville Regional Airport (NC), Gerald R. Ford International (MI), and Syracuse Hancock International Airport (NY)—have each experienced significant growth in air service and overall passenger traffic as a result of transitioning to an Authority.
- **Innovation.** Airports are unique public enterprises that operate within an increasingly complex political and commercial environment. The wide array of aeronautical services offered at regional airports like LYH places increasing demands on Airport management to innovate in order to be successful in a highly competitive marketplace. Airports must anticipate the future, rely less on local government oversight of day-to-day functions, while recognizing the commercial realities of today's highly volatile airline industry.
 - Part of being keeping abreast of innovation in the aviation industry is to stay attuned and aware of the newest and best technologies. This is something that Airport management, as Subject Matter Experts, should do as good stewards of the Airport and which an Authority model could enhance and support, but it is not necessarily within the purview of City officials to stay abreast of the latest and most innovative aviation-related technologies, especially those needed for operational excellence.
 - In the aviation industry, cutting-edge, specialty technologies abound from the art of flying aircraft to the science of surveillance and security. Other financial technologies are key for vital functions such as financial planning, capital planning, and concessions point of sale tracking. Subject Matter Experts need to know and test out these innovative, emergent technologies which can increase revenue by streamlining operations, providing much needed intel on operations and finances, and helping protect the public the Airport serves. The greater autonomy of an Authority structure would enhance the ability of Airport management and staff Subject Matter Experts to pursue these innovations.
 - **SASO Growth and Educational Opportunities.** LYH enjoys a unique position in its location as a neighbor of Liberty University. Already hosting the University's flight department, the potential exists that an expansion of that relationship could be forged to bring more of the classroom instruction onto the Airport and possibly interesting the University and corporate sponsors to underwrite a local Center of Excellence to house aviation educational programming.

- An Aviation Educational Consortium could be established with the University and local key stakeholders to add additional educational programs to augment the flight instruction already offered by the University. This could provide an educational center for training in the three most viable programmatic focuses: 1) aviation management, 2) piloting, and 3) vocational technology focusing on aircraft maintenance for turbine, piston, and small engines.
- This could also serve as an important precursor resource, and a powerful marketing tool, to support and advance the development of a **Maintenance, Repair and Overhaul (MRO)** Facility at LYH. The creation of aviation educational programs could create additional revenue for the Airport through 1) leasing of airport space and facilities, 2) student flight training programs and associated activity, and 3) partnerships with airlines. Regarding the latter, some airlines have recently built educational training facilities, particularly to create a pilot pipeline to address an industry-wide shortage, at other university-supported or affiliated airports resulting in revenue streams for building and facility rental fees. The Airport Authority model would facilitate pursuit of this opportunity by increasing efficiencies in negotiating business deals and by providing additional revenue to support such activities.

Chapter 5. Financial Analysis and City Structure Process Analysis & Assessment

NOTE: *This section provides an overview of some key financial aspects. A detailed review of Airport finances and the City's decision-making process is contained in the attached Appendix.*

A component of the comprehensive review performed to determine the benefits of an Airport Authority governance model included an assessment of the fiscal dimension of the transition. Firstly, there will be a cost associated with the transition process, itself, but those are non-recurring expenses that will be expensed as a one-time event and not a recurring amount applied to the Airport Authority fund projection or proposed Airport Authority budget.

One of the first benefits that adoption of the Airport Authority governance model will provide is immediate availability of funds currently expended by the Airport for City services. These funds will be retained in the Airport fund as discretionary revenue to apply towards currently unfunded priorities and initiatives.

Depicted in the tables below are the 1) Airport fund projection and 2) the current Airport organizational chart (which is being modified to eliminate the Deputy Director position and create two new Assistant Airport Director positions). The Airport fund projection table has been developed to illustrate the structural and financial benefits of adoption of an Authority governance model. After recouping the funds previously allocated to the City for services, minus the increased contracting cost projected to replace those services and the budgeted salary for two new Assistant Airport Director positions, the Airport fund still retains a baseline surplus of approximately \$270,000, per year.

This amount of discretionary cash on hand can be immediately and beneficially re-invested in the Airport, providing resources to pursue heretofore unfunded, but critically important long-range, strategic planning initiatives necessary to chart a sustainable course for the future of the Airport. The ability to hire consultants to provide essential expertise and support in specialized areas of air service development, aeronautical and non-aeronautical business development, commercial real estate and

Airport land reutilization, environmental protection, and other projects, could mean the difference between success and failure for these initiatives.

In addition to hiring experts for specific tasks leading to successful execution of strategic projects, there would also be resources to add permanent staff to the Airport management team. One that would certainly be of immediate benefit would be a new Assistant Airport Director to take up more of the daily, administrative duties currently being performed by current Airport management, freeing them up to focus on higher level, long-range planning and implementation. Moreover, the addition of the two new Assistant Airport Director positions would further enable the Airport Director to devote more time to pursuing strategic objectives, business development opportunities, and interfacing with state and local officials in addition to coordinating with regional and national FAA officials to maximize acquisition of available state and Federal grants.

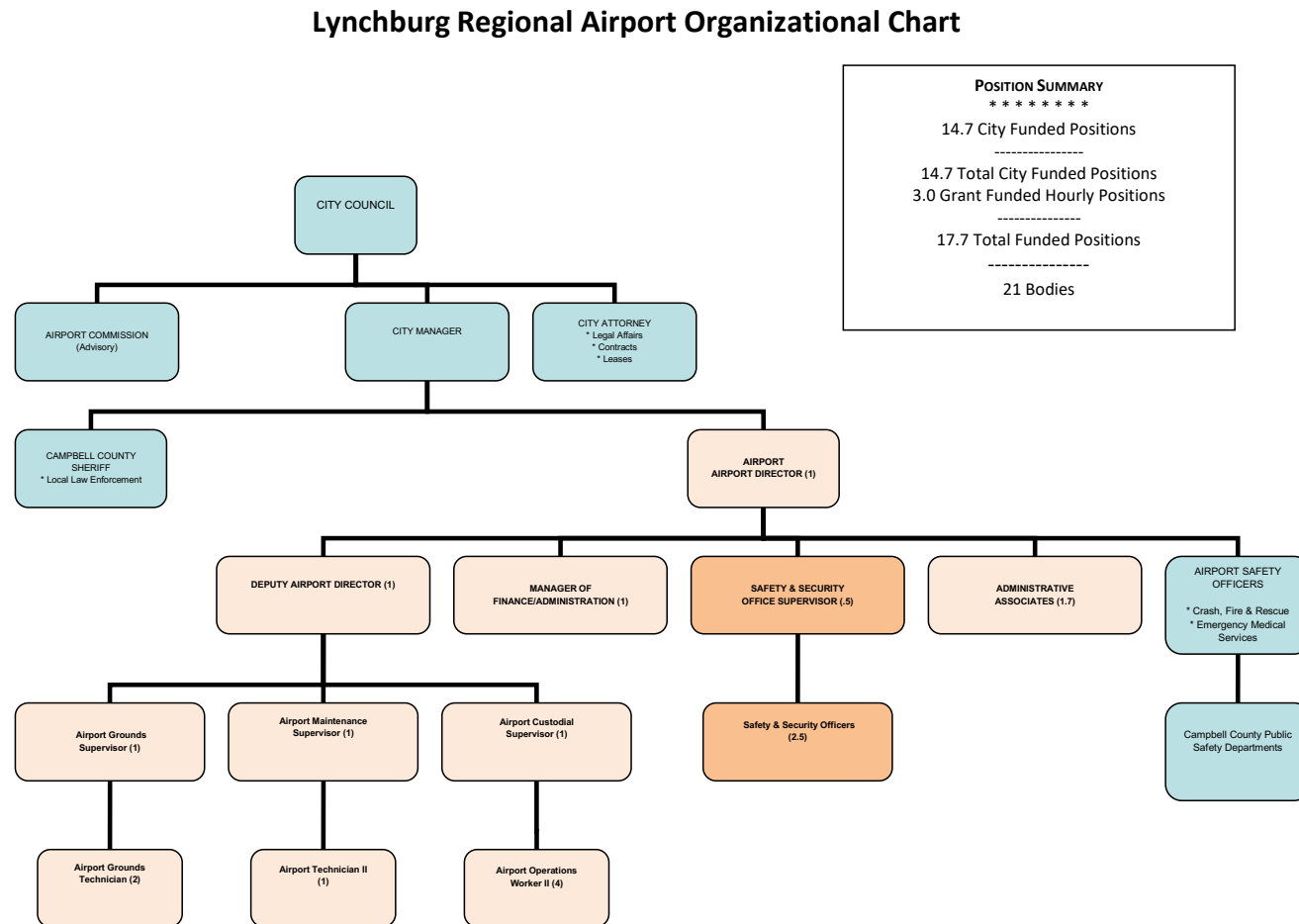
Finally, a portion of the funds will be allocated to enhance the Airport's current strategic communication, marketing, and advertising plan that focuses on a multi-media Airport awareness campaign. This is a vital element to support all the other initiatives to ensure that the competitive qualities of the Airport are effectively communicated to its regional target demographic and beyond. This will enable the Airport to compete more effectively with its regional peer competition and begin to recover lost market-share.

These initiatives all become possible with the elimination of replaceable services currently being provided by the City (and with increased revenue from new business opportunities). If the Airport can retain control of these indirect allocation funds and contract only those services it requires, at reduced cost, the funds can immediately be reinvested to enhance the facility's self-sufficiency and long-term sustainability.

Table 1. Budget with Authority Savings

Airport Fund Categories	Actual	Adopted	Department	Manager's	Column1	Projected	Explanation for any differences between FY2020 and FY2021
	FY 2018	FY 2019	Submitted FY 2020	Proposed FY 2020		Authority FY 2021	
AIRPORT FUND POSITION SUMMARY							
City Funded Full-Time	14.0	14.0	14.0	14.0		15.0	Reflects net addition of one full-time, Ass't Director position
City Funded Part-Time	0.7	0.7	0.7	0.7		0.7	
City Funded Hourly	0.0	0.0	0.6	0.6		0.6	
Grant Funded Hourly	3.0	3.0	3.0	3.0		3.0	
TOTAL FTE	17.7	17.7	18.3	18.3		19.3	
AIRPORT FUND SUMMARY							
BEGINNING NET ASSETS	\$36,977,478						
Less: Invested in Capital Assets, net of related debt	(36,717,501)						
Less: Prior Period Adjustment, GASB75 Insurance	(907,483)						
BEGINNING UNRESTRICTED NET ASSETS	(\$647,506)	\$250,000	\$250,000	\$250,000		\$250,000	
USE OF RESERVES							
Transfer to Capital Fund	(\$500,000)	\$0	\$0	\$0		\$0	
TOTAL USE OF RESERVES	(\$500,000)	\$0	\$0	\$0		\$0	
REVENUES							
Airfield	\$101,875	\$101,000	\$110,000	\$110,000		\$110,000	
Terminal	1,517,825	1,495,383	\$1,512,783	1,512,783		1,512,783	
General Aviation	558,048	523,857	562,500	562,500		562,500	
Other Leased Property	272,001	372,200	386,400	386,400		386,400	
State Airport Aid	212,824	120,000	122,500	122,500		122,500	
Federal Security Aid	87,260	85,000	85,000	85,000		85,000	
Interest and Other	115,545	33,000	36,000	36,000		40,420	
TOTAL REVENUES	\$2,865,377	\$2,730,440	\$2,815,183	\$2,815,183		\$2,819,603	
EXPENDITURES							
Airfield Operations	\$313,471	\$306,726	\$311,812	\$311,812		\$288,160	
Terminal Operations	579,317	550,708	587,818	587,818		572,373	
General Aviation	71,068	63,760	65,017	65,017		62,305	
Administration	757,028	772,969	785,826	785,826		718,908	
Airport Public Safety	446,268	424,939	428,647	428,647		428,647	
Other Operations	67,288	72,500	72,500	72,500		72,500	
Snow Removal	30,478	22,930	22,930	22,930		22,930	
Debt Service	126,595	139,568	103,205	103,205		103,205	
Miscellaneous and Transfers	247,968	212,068	280,336	280,336		280,336	
TOTAL EXPENDITURES	\$2,639,481	\$2,566,168	\$2,658,091	\$2,658,091		\$2,549,364	TOTAL PROJECTED AUTHORITY SAVINGS: \$108,727
ENDING UNRESTRICTED NET ASSETS	(\$921,610)	\$414,272	\$407,092	\$407,092		\$520,239	TOTAL PROJECTED AUTHORITY SURPLUS INCREASE: \$113,147
							Op Surplus \$270,239 (Includes one additional Ass't Director position)
Note: Ending Unrestricted Net Assets for FY 2018 does not agree to Beginning Unrestricted Net Assets for FY 2019 as Amended due to the difference in reporting							

Table 2. Current Organizational Chart



Chapter 6. Stakeholder Concerns

As part of the analysis, interviews were held with a variety of stakeholders and in the course of those discussions some concerns were raised. This section attempts to address some of those concerns directly.

Concern 1: A transition to an Authority could result in more time focused on governance issues rather than other pressing priorities such as air service development.

Response 1: There is certainly an initial investment in terms of time, focus, and resources to apply to the FAA for approval of a governance transfer and to negotiate the particulars of the arrangement between the parties (for example, the City and Campbell County). However, the result of operating as an Authority is greatly reduced administrative time, effort, and resources to comply with City policies and procedures, and a very likely increase in new or expanded revenue opportunities including air service and non-aeronautical development such as the Airpark. In fact, an Authority structure has been shown to support managers in addressing pressing priorities such as air service development and non-aeronautical land development. Additional revenue recouped under an Authority could be used in a variety of ways, including making investments in air service development, marketing, and land development. Also, Airport management will be relieved of City compliance administration burdens and can then use that freed-up time to apply their expertise to other revenue generation activities as well as other priorities.

Concern 2: Some stakeholders are concerned that other outside entities could influence or commandeer the Authority for their own agenda.

Response 2: It is important for stakeholders, particularly the City and the City Council, to understand that in the course of setting up the Authority, they will retain the ability to craft a Board Charter and Articles of Incorporation. Consistent with the enabling legislation, the Articles of Incorporation—as negotiated by the sponsoring parties—will determine the size, composition, terms and appointing process governing the selection of Authority Board members. Many configurations are possible (e.g., three members appointed by the City, one member appointed by a participating County, and one at-large member from the region) and the final composition of the Board will be a result of the criteria and structure agreed upon by the sponsoring parties. The City does not have to agree to any configuration that they view is not in their and the Airport’s best interests.

Concern 3: The City has made a large investment in the Airport over time and moving to an Authority would undermine that investment.

Response 3: An Authority model of governance would not negate nor interfere with the City’s ability to provide oversight, guidance, and direction to the Airport. What it would do, is uncouple the Airport from the City’s bureaucratic procedures and allow Airport management more time to devote to Airport specific concerns. Furthermore, the number of seats on the Authority Board and other stipulations for membership are negotiated between the parties when the Authority is formed. For instance, the City could negotiate that the percentage of Board seats allocated to each participating sponsor is determined by their level of investment in the Airport, to date.

Concern 4: How will an Authority help promote or increase economic development and the Airport's overall economic impact to the region?

Response 4: While under the direction and oversight of the Board, helping formulate strategic initiatives and measuring performance, the Authority model will allow the Airport to act more rapidly to emergent and fleeting business opportunities. In general, the Authority governance model will help accomplish the following:

- **Provide a Singular Airport Enterprise Focus** – An Authority would allow LYH to have more flexibility to develop policies and procedures specifically attuned to meet the needs of an increasingly competitive environment, as opposed to trying to comply with the City's broad-based policies and procedures.
- **Strengthen Regional Coordination and Economic Contribution** – LYH is a regional economic asset and being governed by an Authority Board with regional representation and participation will reinforce and strengthen its position as such.
- **Create a Stronger Platform for Economic Development** – A singularly business-focused Board with commercially-oriented policies will encourage a more entrepreneurial and business management focus that is more conducive to customer service and air service development.

Concern 5: Over the years, the City has made a significant investment in the form of subsidies to keep the Airport solvent (approximately \$8 million between 1997 and 2015, when the Airport started producing an operating surplus). Some stakeholders feel that the City should be able to recoup its investment before handing over the Airport to an Authority governance structure.

Response 5: The first assumption here is that the City would lose its control over the Airport under an Authority governance model. However, the City would presumably be one of the participating entities in an Authority model (likely with one or more surrounding Counties) and thus could negotiate the ability to appoint a majority number of Authority Board members. These are details that would be negotiated and worked out during the period of creating the Authority agreements between the parties. As a result of its direct appointment of a certain number of Board members, the City would maintain its ability to guide the strategic direction and initiatives at the Airport. Secondly, it is important for stakeholders to take-on a “big picture” perspective of investment. ***The Airport is a vital asset for the City and larger regional community and the cumulative \$8 million investment over approximately 18 years has resulted in literally billions of dollars in combined economic impact. According to a 2016-2017 study by the Virginia Department of Aviation, the local economic activity generated annually by the Airport is \$180 million. That figure multiplied over 18 years is approximately \$3.2 billion dollars. This figure of \$3.2 billion dollars is a significant return on an investment of \$8 million.*** Moreover, the transition to an Authority—with its streamlined procedures, policies, and processes that will free up additional funds and resources to develop additional revenue sources—will very likely increase the Airport's annual economic impact. Investment in air service development which results in expanded or new flight options would benefit City and regional coffers both directly and indirectly. Leasing land parcels to new businesses that bring jobs and economic growth would benefit City and regional coffers both directly and indirectly. And additional resources devoted to marketing and business development could result in increased GA and corporate operations which would benefit City and regional coffers both directly and indirectly. It would be beneficial for stakeholders to adopt a perspective that sees the Airport's success as the City's and region's success. Transition to an Authority governance model will not negate the City's

prior investments in the Airport, but will augment these investments by allowing the Airport to continue to operate with a surplus and then direct those additional funds to further business development and economic growth—which benefits everyone in the region.

Concern 6: Some stakeholders, particularly current Airport employees may be concerned about the transition to an Authority and how it may affect their job status, salary, and/or retirement accounts.

Response 6: Understandably, a change to a new governance model would mean changes and differences to Airport operations and certain job procedures and duties. Change in and of itself can be of concern. But, typically, in these types of transitions employee disruption is kept to a minimum. Furthermore, the agreements put in place when creating the Authority can guarantee that employees will not need to worry about their retirement accounts or VRS pensions being placed in jeopardy. Agreements can guarantee that employees are able to transition their retirement accounts and/or VRS pensions to the new governance structure and that their positions are secured. Moreover, it is often the case that a transition to an Authority model will result in increases in salaries and benefits in order to conform to industry standards, something that is more difficult to do while adhering to the rules and regulations of Municipal policies.

Chapter 7. Conclusion

As noted above, there are many benefits to an Authority form of governance, but one significant one is to have a governing body with a singular airport enterprise focus. This singular focus is necessary to foster a pervasive business and customer service mindset, along with facilitating the policies and procedures needed to ensure financial stability, continued growth, and customer satisfaction. Moreover, an Authority can serve as a guiding champion for the Airport. This ability to singularly champion and exclusively advocate for the Airport is not within City resources to accomplish adequately, as the Airport is one department of 18 City departments and for practical purposes regarded and maintained essentially as utilitarian infrastructure.

But the Airport serves important functions far beyond mere infrastructure. For these reasons and others enumerated in the body of the report, it is recommended that the Airport transition to an Authority governance model. While there are costs in terms of time, resources, and funds associated with such a transition—including a comprehensive FAA approval process—the analysis suggests that the investment would be well worth it for LYH and the communities it serves. A transition to an Authority governance model would bring forth significant return in terms of stabilizing the Airport’s finances and spreading strategic input and support of the Airport over a greater regional area which is commensurate to the four-county area that benefits the most from the Airport’s significant economic impact of \$180 million dollars annually.

Appendix. Finances and City Structure Process Analysis & Assessment

Introduction and Background

This section of the report provides an overview of the operating and capital finances at the Airport to provide a foundation for the comparison between the Airport's current governance model and the Airport Authority alternative under consideration. This assessment will 1) cover the current financial structure and fiscal health of the Airport, 2) provide an evaluation of the efficiency and effectiveness of the Airport's current governance model with that of the proposed Airport Authority model, and finally, 3) offer observations and recommendations to increase the Airport's administrative and operational efficiency to enhance the financial self-sufficiency of the Airport for the long-term.

Structure

Lynchburg Regional Airport (LYH) is classified by the Federal Aviation Administration's (FAA) National Plan of Integrated Airport Systems (NPIAS) as a primary, non-hub commercial service airport which is owned and operated by the City of Lynchburg. The Airport is one of several municipal utility departments within the City's organizational framework that are charged with delivering a broad range of services to its citizens. In the case of the Airport, however, the catchment area extends beyond the City to include the resident populations of the four surrounding counties, as well (i.e., Amherst, Appomattox, Bedford, and Campbell). Additionally, the Airport, while owned by the City, is physically located south of the City, in neighboring Campbell County.

Section 14 of the City Charter requires the City Manager to act as Budget Commissioner and serves as the fiscal agent for the Airport, responsible for maintaining its budgetary records as well as its revenue and expenditure accounts. The City also maintains discrete financial records to account for the itemized revenues and expenses of the Airport. The City's fiscal year (FY) runs from July 1st to June 30th and the budgets for the Airport—along with the General, Sewer, Water, Stormwater, Capital Projects and all Special Revenue Funds—are prepared in accordance with the City Charter on a modified accrual basis of accounting. Modified accrual accounting recognizes revenues when they become available and measurable and, with a few exceptions, recognizes expenditures when liabilities are incurred.

The annual budget serves as the foundation of the City's financial planning and control. The appropriated budget is prepared by fund, department, and program; and all City departments, including the Airport, are required to submit requests for appropriation to the City Manager in January of each year. Typically, in early March, the City Manager submits to the City Council a proposed operating budget for the fiscal year starting July 1st and ending June 30th of the following year.

The City Council studies the proposed budget at work sessions throughout the months of March and April and holds a public hearing to receive comments from the public. The Council makes final budget decisions and adopts the budget through passage of an appropriations resolution during the month of May. By July 1st, the beginning of the fiscal year, the City Manager prepares and distributes the budget based on City Council deliberations and adoption of a budget resolution.

In 1997, the Lynchburg Regional Airport Operating Fund was created, removing the Airport from the City General Fund. Using this organizational template, the Airport functions as an independent Enterprise Fund within the City's fiscal and administrative structure. The overall intent of this approach is to ensure that the revenue generated by the Airport is retained to meet the operations and maintenance (O&M)

expenses of the facility. If, however, revenue generation fails to meet annual O&M expenses, then the City must address the shortfall through a subsidy to the Airport. See Table 1 and Chart 1 below for the yearly amount of the subsidy or surplus.

Table 1. City of Lynchburg Airport Subsidies or Surpluses (FY 1997 – 2020)

City of Lynchburg Airport Subsidies/Surplus: FY 1997-FY 2020		
Fiscal Year (FY)	Dollar Amount (\$)	(Subsidy)/Surplus
FY 1997	\$582,892	(Subsidy)
FY 1998	\$719,891	(Subsidy)
FY 1999	\$504,149	(Subsidy)
FY 2000	\$529,474	(Subsidy)
FY 2001	\$548,610	(Subsidy)
FY 2002	\$614,530	(Subsidy)
FY 2003	\$577,933	(Subsidy)
FY 2004	\$490,831	(Subsidy)
FY 2005	\$419,980	(Subsidy)
FY 2006	\$398,485	(Subsidy)
FY 2007	\$367,337	(Subsidy)
FY 2008	\$359,364	(Subsidy)
FY 2009	\$295,850	(Subsidy)
FY 2010	\$261,260	(Subsidy)
FY 2011	\$259,950	(Subsidy)
FY 2012	\$421,362	(Subsidy)
FY 2013	\$336,330	(Subsidy)
FY 2014	\$218,809	(Subsidy)
FY 2015	\$96,600	(Subsidy)
FY 2016	\$205,492	Surplus
FY 2017	\$248,675	Surplus
FY 2018	\$225,899	Surplus
FY 2019	\$260,000 (Projected)	Surplus
FY 2020	\$169,592 (Budgeted)	Surplus
FY 1997-2015	\$8,003,637	Total Subsidies

Data Source: City of Lynchburg

Image 1. City of Lynchburg Airport Subsidies or Surpluses (FY 1997 – 2020)

Data Source: City of Lynchburg

Establishment of the Airport Operating Fund, combined with astute management and strict fiscal discipline, resulted in reduced operating expenses, increased revenue, and steadily decreasing annual subsidies required from the City. This trend continued, with only minor deviations, until FY 2016, when the Airport generated an annual surplus for the first time since 1997. This budgetary surplus has continued through the present and is projected to continue through FY 2020 and, barring any unforeseen destabilizing economic circumstances, is anticipated to continue into the foreseeable future.

In contrast to the commercially generated revenue streams funding Airport O&M expenses, the primary source of funding for capital improvement projects is through intergovernmental grants. Specifically, the FAA Airport Improvement Program (AIP) provides the bulk of these grants augmented by similar, though much smaller, entitlement programs through the state of Virginia. Additionally, restricted sources from user fees such as the Passenger Facility Charge (PFCs) on airfares are another source of funding for Airport capital improvements, resulting in a cumulative annual average of approximately \$3 million. Utilizing this formula, the Airport Capital Improvement fund has accrued adequate resources to fully finance and complete over \$54 million in critical infrastructure projects, in the past 16 years.

In addition to completed capital improvement work, the Airport has already earmarked an additional \$15.5 million for future projects that are in various stages of planning, design, and execution. It should be noted that since FY 2000, every capital improvement project—i.e., those already completed as well as the projects which are still pending—have been fully financed utilizing the Airport capital improvement fund, exclusively. This has eliminated the necessity for any additional fiscal contributions from the City.

Currently, the Airport has an annual operating budget of \$2.8 million and averages approximately \$3.0 million in capital improvement funding each Fiscal Year. The Airport carries less than \$1.1 million in outstanding debt and its revenue-to-debt ratio is at 5%. In each of the past three years, the Airport has posted a FY surplus ranging from a low of \$205,492 to a high of \$248,675. The fact that the Airport is no longer operating at a deficit is a substantial achievement. The reality is that many, if not most, small

municipal commercial service airports operate at a deficit and many have incurred debt to supplant decreasing revenue and steadily increasing operations and maintenance costs.

In November 2017, the Virginia Department of Aviation (DOAV) published the results of a study conducted in 2016 to ascertain the economic impact of the state's airports. The report concluded that Virginia's **commercial service airports** generated 95%, or \$21.8 of the \$23 billion in total economic activity produced throughout the entire state airport system that year. The data specific to LYH revealed that it had contributed \$180 million of that \$21.8 billion figure. This is a significant contribution for a small, regional commercial service airport, confirming the Airport's value as a vibrant economic engine and essential financial resource for the community, as well as the state at large. ***It also emphasizes the Airport's critical role as a key component in the region's overall economic well-being and the implied imperative to preserve this important regional asset.***

The stable financial posture currently enjoyed at LYH enables the Airport management team to engage in long-range strategic planning, resource allocation, and budgetary decisions to further enhance the stability and long-term self-sufficiency of the facility. To that end, ***they have investigated numerous innovative approaches to streamline their administrative processes*** and increase the revenue generation capability of the facility through the adoption of more efficient and effective business practices. In order to maintain and strengthen their current fiscal position, ***the management team recognizes that they must: 1) encourage business agility through a condensed decision cycle, 2) diversify and broaden their economy-resistant revenue streams to reduce risk, and 3) position the Airport to compete effectively with regional peers in a rapidly evolving marketplace.***

One of the keys to accomplishing all three of these objectives is to migrate the facility to a more modern, Airport-centric and business-oriented governance model. The Municipal governance model currently in use—although possessing ***the benefits of being methodical, reliable, and familiar—has become obsolete when compared to the Airport Authority governance model*** that has become the industry standard over the last 10-15 years. This industry standard governance model (i.e., an independent Authority) places the Airport at the center of the process and focuses all attention, effort, and resources on the long-term viability and sustainability of the facility without any distractions from competing entities (such as other municipal departments, for example).

Airport Authority vs. Municipal Governance Model

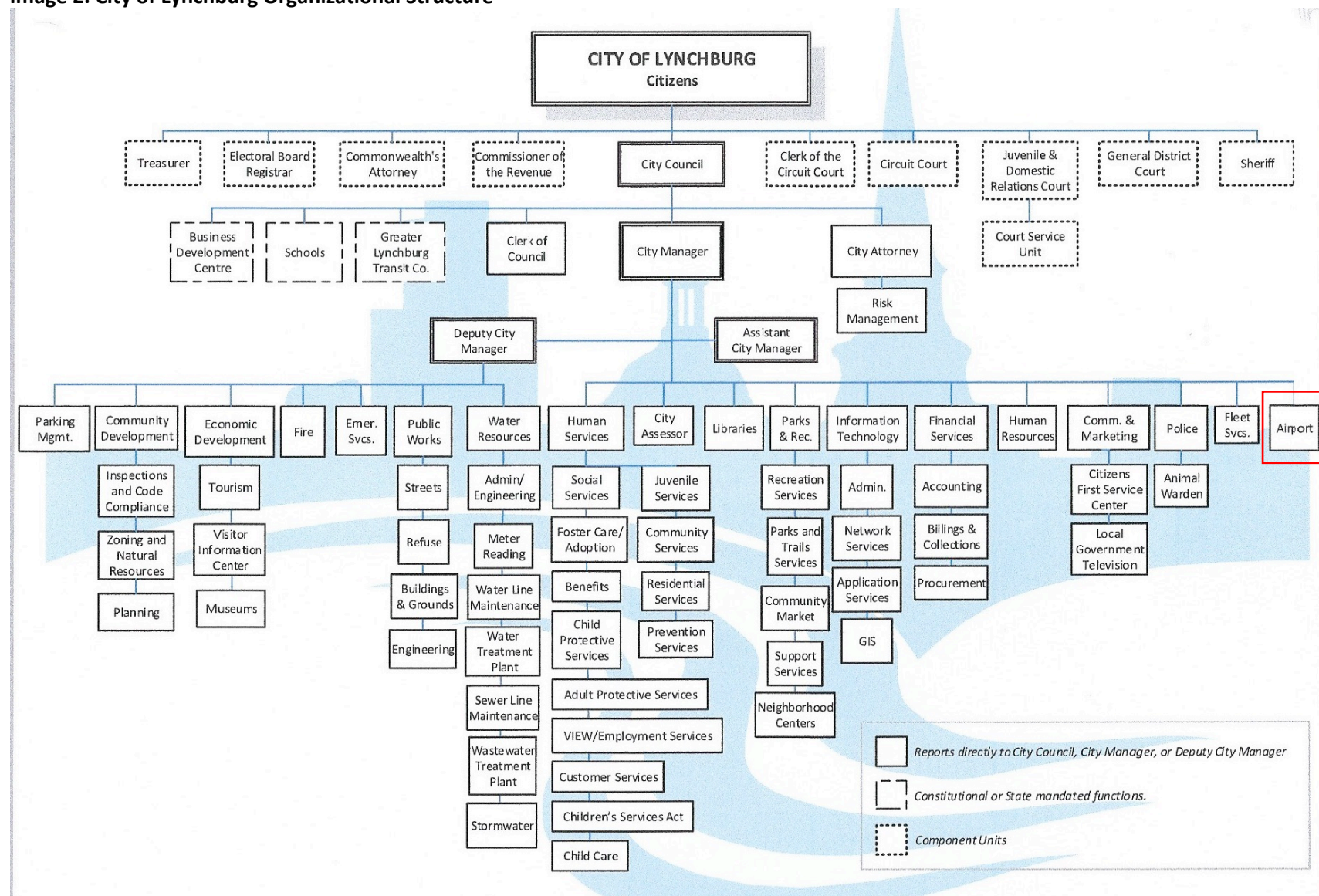
Due to its size, complexity, operating expense, and specialized regulatory environment, an independent, stand-alone Authority governance model would offer substantial benefits to LYH to ensure that it is effectively managing its resources in order to achieve long-term self-sufficiency and sustainability. An Authority model would also help the Airport to adequately compete with 1) its local and regional competitors and 2) the industry in general. This enhanced ability to operate requires a dedicated staff of highly-trained and experienced aviation management professionals focusing their time, effort, and resources on meeting the Airport's myriad operational, fiscal, administrative, and regulatory demands. These demands include those required to fulfill the FAA's mandate to maintain the Airport in a safe and efficient operating condition at all times and to provide the most robust services to the region the Airport serves.

As noted, the Airport has been established as a separate City Enterprise Fund, within the administrative and financial structure of its current Municipal governance model. As such, the Airport develops its own operations and capital budgets and must generate the necessary revenue through assessed fees,

charges, and grants to meet the entirety of its expenses. In the current Municipal model, any deficit between revenue and expenses must be addressed by the City through a subsidy to the Airport (which, as noted, has not been necessary since 2016 and is projected not to be necessary in the foreseeable future).

Having adopted this fiscal framework, it would seem logical that the Airport must adopt a business-oriented Profit and Loss (P&L) operational foundation to ensure that it can compete effectively with its regional peer airports and meet its current and future financial obligations. In order to do this successfully in a rapidly evolving, highly competitive marketplace, the Airport must be permitted to operate as an innovative, aggressively opportunistic, moderately risk tolerant, and commercially agile business concern. However, under the current governance model, this is not the case. Under its Municipal governance conditions, the Airport is effectively another department within the City of Lynchburg's operating structure, constrained by and subject to the Municipal policies and procedures. See Image 2 below for the City's organizational structure and the Airport's placement within it.

Image 2. City of Lynchburg Organizational Structure



As the City's organizational chart depicts, the Airport is one of 18 co-equal departments within the City government, and the Airport Director one of nine department heads reporting directly to the City Manager. The Municipal Governance model is not a business agile or commercially opportunistic approach to airport management. ***In fact, it is by design a much slower, methodical, and deliberative process than that of a P&L driven business model.***

The Municipal Governance process is intentionally structured to provide multiple, overlapping layers of oversight and review to ensure that the expenditure of public funds is fully compliant with all laws and regulations and to prevent the misappropriation of those funds. ***It is intentionally structured to resist urgency and rapid decision-making in favor of a bureaucratically regulated, multiple step, linear, sequential, "first come, first served" process.***

The Airport must attempt to navigate this Municipal process, while at the same time operating in a highly-competitive, rapidly-evolving, and revenue-driven environment against extremely motivated and capable peer competitors providing the same or superior services to a shared pool of potential customers. In fact, as of this date, LYH is the only commercial service airport in the state of Virginia that has not made the transition to the more business friendly Airport Authority governance model, as shown in Table 2 below. This places the Airport at a significant disadvantage in the marketplace.

Table 2. Governance Model of Commercial Airports in Virginia

Code	Commercial Airports	Governance	Enplanements
RIC	Richmond International Airport	Authority/Commission	1,822,486
ORF	Norfolk International Airport	Authority	1,694,329
CHO	Charlottesville–Albemarle Airport	Authority	334,347
ROA	Roanoke Regional Airport	Authority/Commission	309,341
PHF	Newport News/Williamsburg International Airport	Authority/Commission	197,994
LYH	Lynchburg Regional Airport	City	82,489
SHD	Shenandoah Valley Regional Airport	Authority/Commission	6,605

No other City of Lynchburg Enterprise Fund is required to meet its fiscal and budgetary obligations under such market competitive conditions. ***The other City utilities operate in a more traditional and stable Municipal service environment without the need to vie with competitors for a common customer pool.*** Moreover, the City utilities are, in effect, a monopoly within the confines of the City, and can predict with a large degree of accuracy their revenue and profit margins based on set rates, fees, and population density.

If conditions change or unexpected expenses do arise, the City Council has the discretion to adjust rates and, in certain circumstances, levy additional taxes to raise the necessary revenue to meet operational needs. The Airport does not have a similar operating environment, as any increase in rates and fees must comply with FAA regulations, while also running the risk of creating a corresponding reduction in customers who could turn to less expensive competitors.

As currently devised and implemented, the existing governance model requires that, like the other City departments, any successful business negotiation conducted by the Airport management team must be reviewed and approved by the City Council before it can be finalized and executed. This includes all leases, operating and capital budgets, contracts, and any other private-sector agreements, subjecting

them to the same administrative processes required of the other departments within the Municipal government. In effect, the Airport functions as an operational division of the City. This is a significant impediment to fostering an agile and effective business process, and it also places LYH at a significant disadvantage with its regional peer competitors—all of which operate as independent Authorities.

With an awareness of this set of circumstances, any party interested in doing business with the Airport, but unwilling to accept the negotiating position or terms proposed by the Airport management, could appeal directly to the City Manager or City Council in the hopes of receiving a more sympathetic hearing with the goal of circumventing and ultimately overriding Airport management.

This process contradicts the effort and expense the City has invested in seeking out highly trained and experienced airport management professionals to plan, implement, and supervise Airport operations. Although there appears to be recognition and consensus within the City leadership of the need for such professionals to oversee the specialized and highly-regulated Airport operational environment, that cognizance does not always extend to the fiscal or business elements of the industry.

Finances and Decision-Making Analysis

It is critical to ensure that the Airport can accomplish its mission, meeting the needs of its customers as a modern transportation resource for the community. In doing so, the Airport must also meet its current financial obligations, fulfilling its potential as an important economic engine for the local and regional economy, while concurrently setting the conditions for sustained self-sufficiency and continued service to the region for the foreseeable future and beyond.

In order to accomplish this, there must be a synergistic approach to planning and complimentary decision-making that is aligned and supportive of the overall objectives for the Airport. No decision regarding the Airport is made in a vacuum. City Council decisions affecting the Airport can have lasting and far reaching effects on seemingly unrelated goals and objectives. The City leaders should, with input and advice from their Subject Matter Experts (SMEs) on the Airport management team, set the primary organizational objectives for the facility and provide guiding oversight and support as necessary. Once this has been accomplished, the City has met its responsibilities regarding the Airport, save one: specifically, the City must fully empower their aviation experts and designated airport management professionals with the necessary authority to develop plans, implement projects, and make decisions regarding resource allocation and intermediate goals in order to achieve the overarching objectives set by the City leadership. Failure to delegate the necessary authority to the Airport leadership team will effectively constrain management's ability to utilize their specialized skill set to achieve the stated objectives.

As the City's Subject Matter Expert (SME) on the highly specialized Federal regulatory structure governing airport management and operational procedure, the Airport Director already performs or oversees a significant portion of the Airport's administrative, human resource, and procurement work himself. Despite this, he is still required to route all Airport specific documentation through the corresponding City departments for review and assent prior to their passage to the City Manager and then, as required, the City Council for final approval. Although there is significant redundancy inherent in this procedural requirement, insufficient benefit is derived to justify the costs incurred in time and labor expended through this process.

The primary reason for this is that the City administrative personnel tasked with reviewing the Airport's requests and recommendations are not trained in the highly specialized Federal regulatory structure governing airport management and operation. This can undermine any oversight value their participation in the approval process is intended to provide because of the lack of expertise needed to provide meaningful input regarding the material reviewed. The additional processing time and expense of the Airport's management team's resources contribute to a level of inefficiency for the Airport—which undermines the Airport's ability to compete effectively with peer competition in the regional marketplace. These inefficiencies also have a dollar value in terms of staff time and resources.

The Airport Authority governance alternative would eliminate the inefficiencies woven into the administrative structure of the Municipal governance model and would distill the guidance and supervisory oversight of the Airport to just three overarching principles:

- 1) that the Airport meet its FAA mandated Grant Assurance Obligations to maintain the facility in a safe and efficient operational condition, at all times;
- 2) that the Airport meet the current and future expectations of its customer base by providing an efficient and cost-effective transportation hub fulfilling regional travel, business, and economic needs, and;
- 3) that the conditions be set through careful planning and execution to maintain the Airports' viability by achieving a sustainable level of self-sufficiency that will enable it to meet the community's needs now and for the foreseeable future.

The need for a governance model that fosters a singular focus on the current and future needs of the Airport to ensure its long-term viability and service to the community cannot be overstated. The current Governance model presents procedural inefficiencies that, although unintentional, essentially prevents the Airport management team from effectively planning and implementing resource allocation and fiscal policy meant to stabilize and sustain the facility for the long term. If the long-term health and vitality of the Airport are stakeholder's primary concern, then it is necessary to objectively identify and eliminate inefficient processes in favor of a more cost-effective and sustainable alternative.

The Virginia Airport System Economic Impact Study Technical Report—underwritten by the Virginia Department of Aviation in 2017, with funding provided by the FAA—presented a broad range of airport related economic and operational data for the period encompassing 2010-2016, inclusive. This information provided the statistical foundation for an accurate assessment of each airport's economic impact on the communities they served as well as a cumulative and precise performance evaluation of the system as a whole.

The detailed analysis of numerous Key Economic Indicators contained in the data produced a statistical baseline for each airport that enabled development of accurate assessments of current performance as well as trends which could be utilized to extrapolate reliable forecasts of future economic viability. The comprehensive information gathered also provided insight into air carrier operational trends that developed over the period and revealed indicators of industry patterns that could provide the basis for future decisions regarding aircraft acquisition, configuration, and basing.

Table 3. Changes in Departures and Available Seat Capacity, 2016 vs. 2010

All Flights	2010		2016		Change		% Change	
Airport	Departures	Seats	Departures	Seats	Departures	Seats	Departures	Seats
Charlottesville Albemarle	6,879	290,226	7,103	365,570	224	75,344	3%	26%
Lynchburg Regional	2,579	126,766	2,068	103,037	(511)	(23,729)	-20%	-19%
Newport News-Williamsburg International	9,716	763,506	4,313	260,264	(5,403)	(503,242)	-56%	-66%
Norfolk International	29,604	2,377,523	24,396	2,061,863	(5,208)	(315,660)	-18%	-13%
Richmond International	29,128	2,194,404	26,019	2,211,964	(3,109)	17,560	-11%	1%
Roanoke-Blacksburg Regional	9,190	458,227	7,107	393,050	(2,083)	(65,177)	-23%	-14%
Ronald Reagan Washington National	137,183	12,864,371	148,164	14,892,475	10,981	2,028,104	8%	16%
Shenandoah Valley Regional	1,304	39,120	953	32,022	(351)	(7,098)	-27%	-18%
Washington Dulles International	144,146	14,857,191	113,419	13,362,145	(30,727)	(1,495,046)	-21%	-10%
Total	369,729	33,971,334	333,542	33,682,390	(36,187)	(288,944)	-10%	-1%

Source: InterVISTAS analysis of industry T-100 data available via the Diio online portal.

The statistics in this table indicate that, despite a 10% overall reduction in departures, the number of available seats only declined by 1%. This seems to indicate an ongoing process of consolidation by the airlines to reduce the number of single aisle aircraft flights from small and non-hub airports in favor of wide body aircraft with additional seating from one Large and one Medium-Hub airport. This was quite probably initiated as a reaction to the recession of 2008 and undoubtedly was the catalyst for Delta Airlines decision to terminate service at LYH in January 2010. Fortunately, for the Airport and the City, U.S. Airways stepped in during 2011 and increased service at LYH.

Table 4. Consolidated Total Economic Impacts of Virginia's Commercial Service Airports

(dollars in millions)

Airport	Consolidated Total Impacts			
	Jobs	Wages	GDP	Output
Charlottesville Albemarle	2,223	\$105	\$166	\$300
Lynchburg Regional	1,774	\$61	\$92	\$179
Newport News - Williamsburg International	2,492	\$121	\$205	\$411
Norfolk International	14,924	\$602	\$972	\$1,804
Richmond International	15,761	\$692	\$1,178	\$2,088
Roanoke - Blacksburg Regional	3,047	\$136	\$246	\$479
Shenandoah Valley Regional	425	\$22	\$34	\$63

The Airport Director is the lone individual who is legally responsible and liable for ensuring that the airport operates in a safe and efficient manner at all times. This is accomplished by 1) maintaining and preserving critical infrastructure; 2) planning, implementing, and supervising capital construction projects; 3) and managing the workforce to achieve all planned and unplanned maintenance necessary to maintain the Airport Operating Certificate (AOC) and sustaining the airport in an operational condition as defined by Title 14, Code of Federal Regulations (CFR), Federal Aviation Regulations (FAR) Part 139 (14 CFR (FAR) Part 139) which regulated commercial service airports, and to fulfill the Grant

Assurance Obligations imposed by the FAA and accepted by the airport sponsor, in this case the City of Lynchburg.

In addition to fulfilling these responsibilities, the Airport Director is also the primary responsible agent for air service development, business development, revenue generation, grant applications, and a myriad of other administrative procedures necessary to fund airport operations and capital projects, while remaining compliant with all applicable Federal regulations.

In consideration of the rigorous Federal regulatory environment the Airport is already operating in, the imposition of an additional layer of bureaucratic process and oversight at the Municipal level becomes an administrative barrier to the efficient operation of the Airport.

Treating the Airport as just another of the 18 City departments overlooks the fact that the additional workload necessary to comply with the City's administrative process adds an additional burden on an already overtasked Airport management team, preventing them from identifying and pursuing emerging business opportunities. Rather than spending limited time on important activities such as air service development or exploring new business opportunities, the Airport management is responding to process requests from City staffers that take priority over other business critical Airport activities.

When attempting to operate successfully in a dynamic and evolving business environment, this additional administrative burden is a barrier to achieving greater success in a marketplace where the competition has no similar handicap (i.e., other Virginia airports are governed by Authorities not Municipalities).

It is recommended that there be an ongoing effort to eliminate inefficiency at all levels of the current Airport governance model—ideally, paring down the Airport's administrative and managerial framework to only those practices and procedures necessary to fulfill the active Grant Assurance Obligations and meet the regulatory requirements outlined by the FAA. ***If the current airport governance model cannot be divested of these administrative inefficiencies, then it should seriously consider transitioning to an Authority model whose sole focus would be on the financial viability, fiscal self-sufficiency, and long-term sustainability of the Airport.***

Current Airport Governance Model – Decision Making Processes

Any business proposals, contractual agreements, or financial decisions made by or recommended by the Airport management must be ratified through the City's administrative evaluation process and gain approval from the City Council after the City Manager has evaluated and agreed to place it on the Council's calendar. The diagram, below, provides a visual depiction of the current process and the steps involved in introducing and implementing new or updated policies at the Airport. Some requests and recommendations are completed once they have received initial approval by the City Council, such as capital equipment purchases, while others must go through the entire cycle before receiving final approval in a modified form that can be approved by the City Council. This is a time-consuming and labor-intensive process.

Each step in the process can take anywhere from 5 to 60 business days, depending upon the number of questions generated, requests to Airport management for clarification, additional justification or modifications to make the recommended course of action or proposal more suitable to the City. Even uncontentious proposals can be bogged down for months as they move through the process because

proposals are considered on a first-come, first-served basis in competition with other administrative documentation submitted for review by the other 17 City departments.

Following the current City decision-making process flow chart is a diagram that illustrates the more streamline process associated with an Authority.

Image 3. Current City Decision Making Process

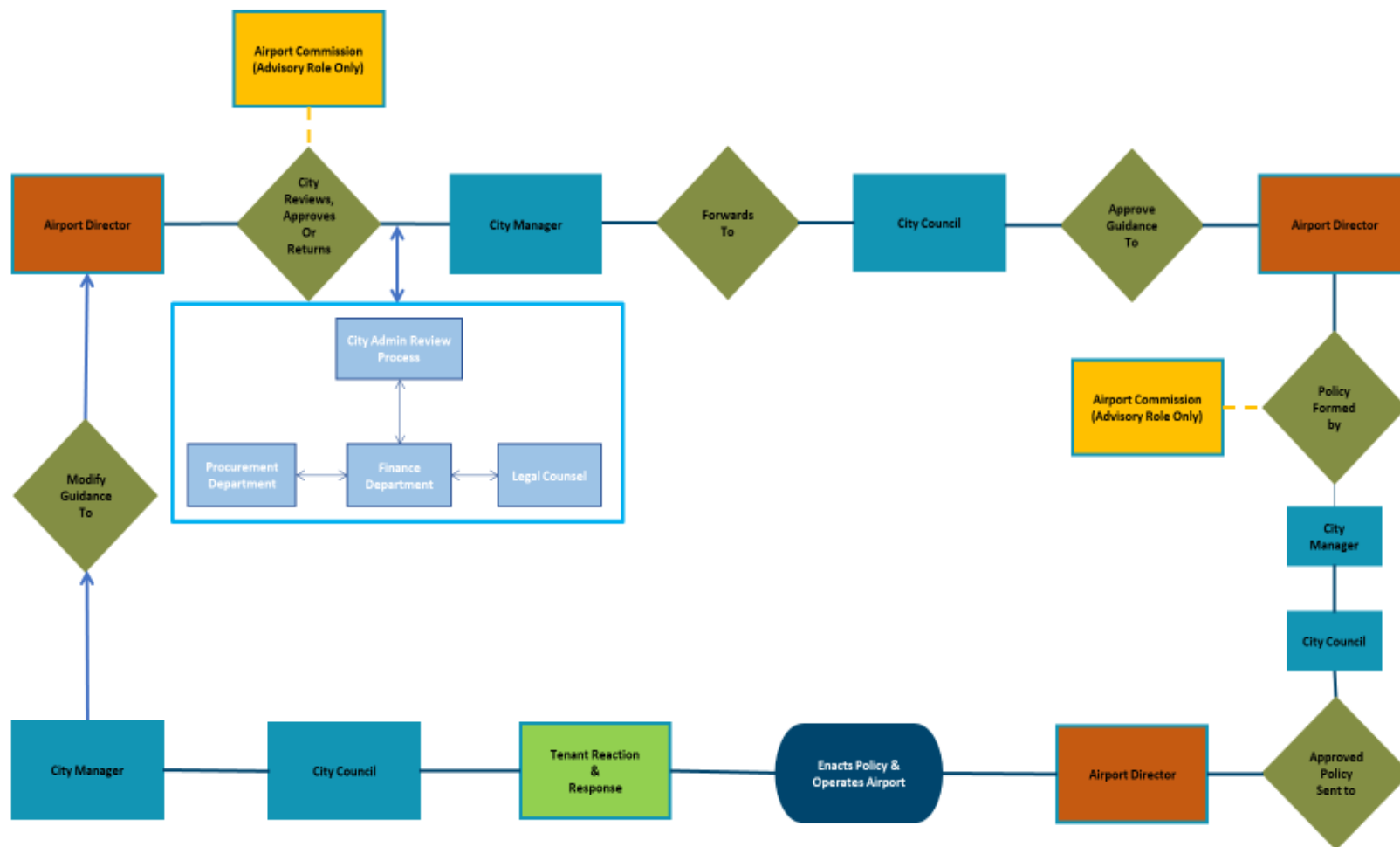
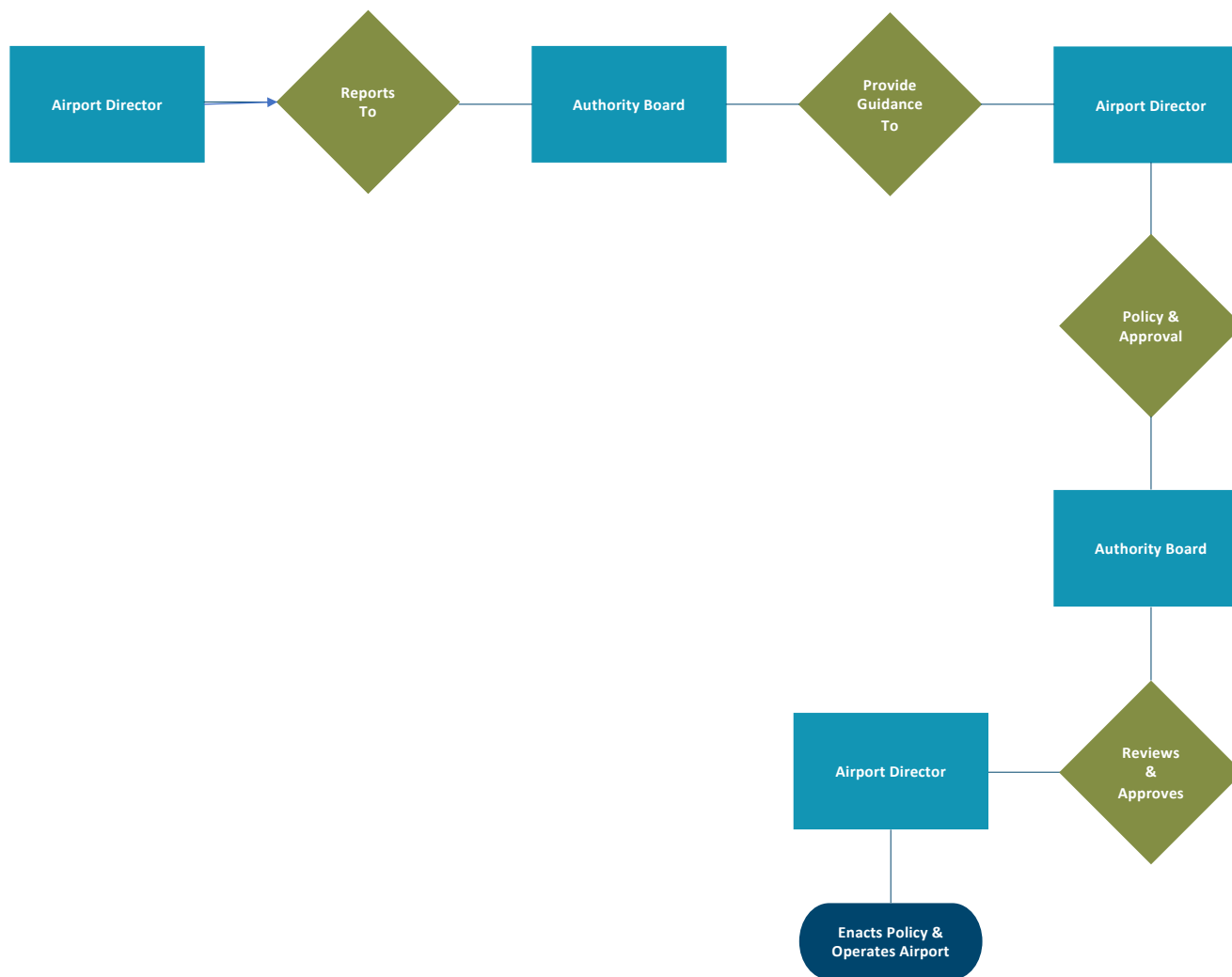


Image 4. Authority Decision Making Process



Shortcomings of the Municipal Model / Benefits of the Authority Model

Numerous examples have shown how the Municipal governance model is sometimes inefficient regarding operation of the Airport and its long-term growth potential. It's also illustrative of why the Airport Authority model has gained so much support over the past 25 years and has become the industry standard for airport governance. With shrinking municipal budgets, vastly reduced tax bases, and crumbling infrastructure, the temptation to under-fund airports in order to shift those resources to other municipal priorities makes the Airport Authority governance model a critical element in the long-term sustainability of many of the remaining municipal airports in the country.

Charge Back Data

In addition to submitting and seeking approval for all their requests through the City's administrative process, the Airport is also charged for the City services used during this process. Although Airport management performs most of the administrative functions in-house, LYH is charged by each City department in the decision-making chain for the service. In addition, the Airport is required to use and pay a charge-back fee for other administrative support services such as Information Technology, Procurement, and Human Resources. The Table 5, below, depicts the total charge-back by Department for Fiscal Years 2010-2019.

Table 5. Charge-Back Info

	FY2010	FY2011	FY 2012	FY2013	FY2014	FY 2015	FY 2016	(FY14 Exp) Budget FY2017	(FY15 Exp) Budget FY 2018	(FY16 Exp) Budget FY2019	
City Manager's Office	10,892	12,713	12,466	9,446	10,180	10,892	8,542	9,484	8,207	9,850	
Fringe Benefits	466	221	366	326				52	3,626	2,019	
Organizational Development											
Building Maintenance				2,299	2,397	138	113	1,679			
Data Processing											
Info Technology	22,823	23,677	28,789	21,402	32,207	30,269	32,721	38,319	47,723	43,482	
Technology Fund	3,046	6,100	5,174	4,968	7,992	9,829	7,000	6,171	7,671	11,168	
Budget	5,247	7,270	6,634	9,013	5,133	4,594	4,143	3,217	2,792	1,789	
Procurement	10,793	19,745	25,425	21,088	15,740	24,720	19,066	17,225	18,077	18,636	
City Attorney	6,991		5,712	3,335	3,335	5,046	5,238	6,112	6,124	4,469	
Human Resources	15,269	13,672	14,021	13,319	15,283	12,622	12,781	12,032	10,688	11,974	
Finance Director	4,910	2,229	2,420	1,806	1,609	1,706	1,248	1,359	14,189	17,967	
Accounting	16,238	19,402	16,715	13,817	11,142	10,974	10,598	10,955	23,931	31,369	
Communications/Marketing	6,205	6,199	8,029	5,365	5,398	6,188	5,772	5,471	6,113	5,140	
Risk Management	2,411	1,949	2,092	2,538	2,473		2,678	1,101	4,962	2,526	(1)
Fleet Management	691	655	2,098	601	602	1,325	1,691	931	1,398	742	
Internal Audit	3,969	48	173	8,429							
Total	109,950	113,879	130,114	117,752	113,489	118,303	111,591	114,108	155,501	161,131	(2)
Risk Management	45,169	42,547	38,670	38,670	38,670	38,670	43,662	43,662	41,076	38,902	(3)
	155,119	156,426	168,784	156,422	152,159	156,973	155,253	157,770	196,577	200,033	

1) most risk management related expenses were taken out of the Indirect Cost process beginning in FY 04

2) based on Maximus A87 (OMB) version draft

3) budget amount provided by Risk Management department

For the FY 2019 Budget, the total projected charge-back is calculated to be \$200,033. Although some of the services that the Airport is charged for appear to be necessary and valid, there is little support from the Airport to pay for services they neither need nor want and, at the outset, appear to be somewhat over-priced. In fact, in many cases, the requirement to use over-burdened City services on a “first come, first served” basis with 17 other competing departments, can make the task of managing the facility more, rather than less, challenging.

This is exacerbated by the fact that the Airport Director is required to perform the administrative functions requiring specialized airport specific knowledge himself, while still being required to respond to requests for clarification of procedural and regulatory guidelines governing the submitted documentation from the City staff tasked with overseeing it.

In addition to the total expense charged-back to the Airport for these City provided services, the Airport Director spends approximately 20% of his total available man-hours creating, submitting, modifying, and tracking Airport documentation through the approval process to ensure that the process continues to move forward. The Airport Director also expends time meeting with City administrative staff, the City Manager and when required, the City Council to support his initiatives and requirements when additional justification is required to gain support and approval. This expenditure of his time equates to approximately \$38,800 per year in man-hours and accrued benefits.

This expense is further compounded by the fact that, while expending valuable time attempting to navigate this administrative process in order to acquire City support for the Airport initiatives, the Airport Director is not engaged in other important activities necessary to achieve the primary objective of ensuring the long-term financial viability of the Airport. These are highly specialized tasks that only a Subject Matter Expert is qualified to perform, such as conducting Air Service Development, developing grant applications, pursuing additional business for revenue as well as developing aeronautical and non-aeronautical airport property. All of these are critical elements in charting a strategic path to attaining the Airport’s primary objective and are receiving less consideration and coordinated action than the current and future fiscal outlook demand.

As a City Enterprise Fund, the Airport’s Operations & Maintenance expenses are currently being met by the revenue generated at the facility. If the Airport were approved to divest itself from the City’s administrative structure and exercise independent control over its own budget (but under the guidance of an Authority Board), the approximately \$200,000 annual surplus could be re-invested in the Airport. Additionally, the time the Airport management currently expend in navigating the City’s administrative process could also be re-invested in order to pursue additional revenue generating opportunities to enhance the Airports’ financial self-reliance.

The Airport Director has submitted a budget proposal based on this alternative Authority based budget to show how the surplus funds could be re-invested in the Airport. The proposal demonstrates that the Airport could contract for all required support services, hire an additional full-time employee, and still have an additional \$96,000 per year by FY 2021 to invest in specialized projects. These could involve contracting for expert assistance in Air Service Development or land parcel development.

An additional full-time employee could be hired and trained as an Assistant Airport Director for Finance and Administration to discharge many of the purely administrative tasks the Airport Director is now performing. The benefit here is twofold; first, this will release the Airport Director from certain duties, enabling him to devote that time to strategic planning and revenue generation. Second, as the Assistant

Airport Director F&A becomes more experienced, they will be able to accept more aviation specific tasks formerly performed by the Airport Director.

Additionally, the Assistant Airport Director for Finance and Administration will be able to fulfill the administrative support functions now performed by three or four separate City departments, including those involving oversight of procurement and finance required by state and local legislation. This will also provide the added advantage of retaining the accrued, specialized knowledge developed through practical application to the continuing benefit the Airport for years to come.

With control of the annual surplus funds, Airport management will also have the discretion to incentivize superior performance by the Airport workforce through raises or in the form of bonuses for individuals whose sustained contributions to the Airport entitle them to special recognition. This is a powerful tool to motivate and reward the Airport staff for expending the extra effort necessary to set high performance standards and exceed them. A motivated workforce will go the extra mile to enhance customer service and passenger satisfaction which will help set the Airport apart from its peer competitors. All of these are factors that will increase the likelihood of the Airport succeeding and surviving in a consumer-oriented and competitive economy.

In this regard, the Airport Director should be perceived as a high value resource available to enable the City to achieve the long-term self-sufficiency and financial viability necessary to ensure the Airport is a stable regional transportation resource for the community. Instead, the Airport Director is positioned as an extension of the City Leadership, expected to operate the Airport in a manner consistent with local, contemporary Municipal considerations as the primary criteria for decision-making.

The political dimension to the Municipal decision-making process described above is not unusual or in any way out of the ordinary; it is simply a core element of the Municipal governance model. Although it may seem somewhat counter-intuitive, when this approach is applied to the operations of a City government, it is remarkably effective in achieving its intended objectives. This governance model is designed to allow and encourage community representative governing bodies the flexibility to reach agreement through compromise and consensus on routine as well as contentious issues. That is its key strength and what has made it such a successful governance model for the equitable allocation of limited resources within large and diverse communities.

This governance model is, however, misapplied when utilized to manage the operations of an airport. The reason for this is simple: the Municipal governance model is based upon the principle that compromise in order to achieve consensus is the preferred path to rational decision-making acceptable to the community. Unfortunately, Airport management and operations are governed by a detailed and strictly enforced set of Federal laws, regulations, and guidelines. The Airport Director has neither the authority nor discretion to selectively comply with Federal aviation regulations. Once the Airport Sponsor accepted Grant Funding through the FAA's Airport Improvement Program (AIP), they also accepted the Grant Assurance Obligations that were a condition of the agreement.

In this Federal aviation context, compromise is not only not encouraged, it is against the law. Strict compliance with the established regulatory structure is not only expected, it is vigorously enforced. Federal Aviation Regulations (FARs) are put in place to protect the individual as well as everyone else utilizing the National Airspace. Failure to comply not only exposes the individual violating the rules to additional risk, but all those operating around them in this high-risk, collaborative environment, as well. The reason our national aviation system works so well is that the individual executive (i.e., an Airport

Director) is extremely well trained to comply with the many regulations guiding the safe operation of an airport.

The reason for this is equally simple; laws and regulations governing aviation have been “written in blood.” That is, almost every law, rule, regulation, guideline, recommendation, or note regarding aviation techniques and procedures was developed over the past 115 years to prevent someone from repeating an action that at one time or another managed to endanger passengers. In fact, the primary consideration for almost all of the FAA’s regulatory structure is to impose systematized standardization across the industry to achieve and maintain extremely high standards for safety. That is why the aviation system created within the United States is the safest in the world and the model for all other aviation organizations and air traffic control systems around the globe.

When politicians or government officials attempt to convince aviation professionals and Airport management to compromise on a project or initiative related to safety, there is a fundamental misunderstanding built into the impasse. The politician or government official is doing exactly what their training and experience tell them is the appropriate means to reach a consensus on the allocation and sequencing of limited resources. When an airport manager resists to what a politician considers to be “a reasonable delay” or “fair and equitable distribution of resources,” there may be a natural inclination to perceive the manager as “uncooperative” when they resist the politician’s argument. However, the crux of the impasse is not that the airport manager is unwilling to compromise, but rather, that they are unable to compromise. FAA Regulations regarding the status of the airfield are clear and unambiguous; the Airport “must be maintained in a safe and operable condition at all times” in accordance with Federal aviation regulations. This point is non-negotiable, so when, for example, the approach lighting system fails and requires a \$35,000 repair, it must be done as soon as possible, not when the funds can be made available.

An aviation manager’s insistence on repairing the inoperative system immediately, is not a discretionary decision they are empowered to make. It is mandated by FAA regulations and neither the manager nor a municipal office holder have the authority to hold Federal Aviation Regulations in abeyance. The airport manager not only has a professional obligation to maintain the Airport in a safe and operable condition, but a legal one, as well. The aviation manager can be held personally liable for FAA infractions, in either civil or criminal proceedings, depending upon the nature of the violation and the result of the non-compliant or negligent condition.

Given all this, the Authority governance model has proven to be a far more effective method of providing supervisory control for an airport facility than the Municipal model. No governance model is immune from poor leadership or inconsistent oversight, however, and a poorly run or inadequately supervised Airport Authority can be just as damaging to the institution as any other form. In this case, however, it seems clear that the benefits that many other airports have found in this model are also applicable at LYH. The ability to provide effective leadership, oversight, and administrative and fiscal supervision, while allowing the Airport to function as a more agile and business-oriented entity has positive elements that simply cannot be ignored.

The fiscal benefits, alone, would seem to indicate that the Airport Authority governance model is worthy as a potential alternative to the Municipal Governance model currently in use. The immediate increase in discretionary funds available to allow the addition of permanent staff as well as consultants to provide specialized expertise as required to advance initiatives is a powerful incentive. Perhaps the most valuable element of the Authority model is the ability to re-orient the Airport management team to

spend more of their time on strategic planning and pursuit of business opportunities and investments that will result in the introduction of new and self-sustaining revenue streams.

Selecting the Best Governance Model for the Airport

One of the misconceptions that needs to be dispelled, however, is that of which governance model can generate the most revenue for the Airport Sponsor? This is an unrealistically narrow perspective and any such expectation is sure to bring disappointment. A regional, non-hub commercial service airport is not a money-making facility for an Airport Sponsor. Rather, it is a unique, regional transportation resource and economic engine that should be regarded as part of the regional asset inventory. A realistic goal for this type of facility is to produce enough revenue to achieve and maintain a stable level of self-sufficiency.

The actual financial benefit to the Sponsor is the Airport itself, with the real revenue generation capacity being in the secondary and tertiary economic impact. The overall benefit of the Airport resides with the businesses that locate to the community because of its proximity to the aviation resources. It is the thousands of residents that are employed by those businesses and the businesses that grow up in the community to sell goods and services to those employed residents. The financial benefits to the Airport Sponsor are the taxes those employed citizens pay to the City which finds its way back into the community through civic services and projects funded by those taxes.

The incentive here is for the Airport Sponsor to select the governance model that best enables the Airport to achieve its primary objectives of operational viability, fiscal self-sufficiency, and long-term sustainability in order to maintain it as a critical regional multi-modal transportation hub and as an essential economic engine for the region, now and into the future. ***This is one of the most fundamental and important responsibilities entrusted to community leaders: that they make decisions, in the present that will position the community for a successful and prosperous future. Any competing priorities should be eliminated as being counter-productive to these overarching principles.***

In that context, the numerous benefits offered by the Authority governance model are difficult to ignore. For those whose only lingering objection is concern that the City would “lose control” of the Airport, nothing could be further from the truth. If centralized control is the only reason to oppose transitioning to the Authority governance model, the structure, size and composition of an Airport Authority Board is designed to provide the key stakeholders with adequate input into determining the guidance and direction of the Airport’s strategic vision and mission.

Although the Authority governance model invests the Airport management team with delegated authority commensurate with their responsibilities and expertise, it still requires management to solicit and secure the approval of the Authority Board for direction and goals. The Airport management’s first task will be submission of a Strategic Plan, crafted by the management team in conjunction with key internal and external stakeholders that expresses the vision and objectives of all parties for the future of the Airport.

Once the Authority Board has accepted the Strategic Plan, they should withdraw into the background and allow the Airport management to execute the plan under their expertise. The Board’s duty at that point is to actively support the Airport management team and to consider and approve modifications to the plan if or when it should become necessary.



Lynchburg Regional Airport The Case for an Independent Airport Authority

**Prepared by:
Mark F. Courtney, A.A.E.
Airport Director
Lynchburg Regional Airport**

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Introduction

Lynchburg Regional Airport (LYH) is the primary commercial service airport serving the City of Lynchburg and its four surrounding counties. The airport is owned and operated by the City, but is physically located within the borders of Campbell County at the southern edge of the City. With an annual operating budget of \$2.8 million and a capital budget that averages \$3 million annually, Lynchburg Regional Airport is responsible for a total of 1,770 jobs and generates some \$180 million in economic activity annually throughout the area.

As a small commercial service airport, LYH operates in an increasingly complex and business-driven environment. With an economically deregulated marketplace, LYH faces numerous financial and operational challenges as a result of mergers within the airline industry, fleet consolidation, reduced competition and other factors that disproportionately impact the quality and quantity of its airline service. Along with a constantly growing state and federal regulatory environment, smaller commercial service airports like LYH must continue to evolve to be more innovative and business savvy in order to survive.

To address these challenges, trends in the airport industry have pointed to the independent airport authority business model as the preferred form of public airport governance in the United States. In Virginia, for example, LYH is the **only** commercial service airport in the state that is **not** governed by an independent airport authority. On a broader level, the preference for this form of governance at commercial service airports can be further demonstrated by the lack of any known historical evidence that an independent airport authority, once established, has **ever** reverted back to direct, local government control.

Simply put: An independent airport authority business model has become widely regarded as the most effective, efficient and competitive method of governance for these vital public assets. Accordingly, this paper is intended to provide an overview of the various benefits and management efficiencies made possible through the formation of an independent airport authority as the governing body overseeing Lynchburg Regional Airport.

Background

In the early years of the airline industry, airports reflected a public-utility mentality that was brought about by an era of government control of air transportation markets, fares and frequency. Following deregulation of the airline industry in 1978 and the resulting proliferation of new airlines and new business models, however, airports across the country gradually faced a competitive business environment unlike any in the public sector.

While the similarities to public utilities continue to dictate a government-provided airport infrastructure, the free-market, private-enterprise nature of the aviation industry of today demands a

more flexible and innovative approach to airport governance. As a result, many local governments across the country turned to the formation of independent airport authorities to make possible the kind of creative management strategies and innovative approaches necessary to be successful in the competitive, private-sector airline market environment that continues to exist today.

Starting in the early 2000s, City and airport officials began to explore the idea of Lynchburg Regional Airport transitioning from a city-run airport to an independent airport authority. Initial efforts focused primarily on the creation of an “Air Commerce Park” and envisioned a partnership between the City of Lynchburg and Campbell County to develop an approximately 150-acre site southwest of the airfield. Essentially, the goal was to integrate the City’s and County’s separately-owned properties on the site into a combined industrial park and commercial service regional airport, which would then be governed by an independent airport authority. Tax revenue generated by the Air Commerce Park could also be shared by both the City and Campbell County through the formation of a special taxing district.

As part of that process, an ad hoc committee was formed, first structured as an Air Commerce Park Advisory Committee in 2003, and later in 2006 as an Airport Authority Advisory Committee. This renamed committee was comprised of the Lynchburg City Manager, County Administrators from Amherst, Bedford and Campbell Counties, along with officials from the City and Amherst, Bedford and Campbell County Economic Development Departments and representatives from the City, Amherst County and Campbell County Industrial Development Authorities. This name change occurred in order to pursue the requisite state approval necessary to form an independent airport authority to control and operate Lynchburg Regional Airport and an adjoining Air Commerce Park.

Virginia General Assembly Action

Overview of Authorizing Legislation

The creation of any independent governmental body like an airport authority requires Virginia General Assembly legislative action to authorize its creation. Accordingly, in order to develop the necessary legislation the LYH airport director obtained representative copies of the authorizing airport authority legislation from other commercial service airports throughout the Commonwealth. Following a discussion with the respective executive directors from those airports regarding constraining or problematic language in their legislation, the LYH airport director developed an initial legislative draft for consideration by the Airport Authority Advisory Committee.

Concurrent with that effort, the airport director solicited the assistance of Delegate Kathy Byron (in whose House District the airport is located), and secured her willingness in serving as patron for the bill throughout its General Assembly approval process. Consequently, House Bill 2800, known as *Virginia’s Region 2000 Airport Authority Act* was introduced in the House of Delegates early in 2007 and, after numerous sub-committee and committee reviews by both the House and the Senate, was passed in March of 2007 and signed into law by the governor that April.

As passed, *Virginia’s Region 2000 Airport Authority Act* enables the “City of Lynchburg and the governing bodies of one or more of the Counties of Amherst, Appomattox, Bedford, and Campbell by resolution declare that there is a need for an airport authority to be created for the purpose of establishing or operating an airport for such participating political subdivisions....” The legislation grants broad powers to the Region 2000 Airport Authority (the “Authority”), including the power of eminent domain, the ability to establish a business/industrial park, the creation of a foreign trade

zone, and the right to form its own police department, set rates and fees, issue bonds and various other powers in order to operate in the public interest as a fully independent governmental body.

Since the time of its passage in 2007, very little progress has been made in the second phase of the process: to secure the commitment of the City and one or more surrounding counties in the formation of an independent airport authority to operate Lynchburg Regional Airport.

Airport Authority Structure

The Act stipulates that, "Prior to becoming a participating political subdivision, each political subdivision shall enter into a contract with the Authority...setting forth the participation arrangements..." of the parties. "The powers of the Authority shall be vested in the directors thereof in office..." and the ***participating localities shall appoint the number of directors***, as agreed by the participating localities. Each locality ***shall also have the power to remove at any time, without cause, any director appointed by it and appoint a successor***.

While airport authority boards throughout the state have varying sizes depending upon the number of participating localities, below is the make-up of two near-by airport authority boards.

- **Roanoke Regional Airport Authority.** The City of Roanoke and Roanoke County participate in the Roanoke airport authority, with the board consisting of three representatives from the City and two from the County. All are appointed by their respective local government elected officials.
- **Charlottesville Albemarle Airport Authority.** The City of Charlottesville and Albemarle County participate in that airport's authority, with the board consisting of one representative from the City of Charlottesville, one from Albemarle County, and the third selected by the two appointees to the board. A slight twist is that the number of members and the method for selecting the third is specified by state statute, whereas the Region 2000 Airport Authority Act provides greater flexibility.

In Lynchburg Regional Airport's case, its physical location in Campbell County combined with its close proximity to the southern border of the City of Lynchburg would make an airport authority partnership between the City and Campbell County a natural pairing, particularly if other surrounding counties declined to participate.

Lynchburg Regional Airport Profile

Operational Profile

Lynchburg Regional Airport is structured as a separate department of the City of Lynchburg and is classified by the Federal Aviation Administration (FAA) as a primary, non-hub commercial service airport. Operationally, the airport is a full-service facility, with a wide range of aviation services from retail fuel sales, aircraft maintenance and charter services to flight training, aircraft sales and storage. LYH is also the home of Liberty University's School of Aeronautics' flight operations center for the various professional pilot programs it offers. The Virginia State Police maintain an aviation unit at LYH, and Centra Health offers a complete emergency medical helicopter service based at the airport.

In terms of commercial airline flights, the airport offers scheduled service from the regional affiliates of American Airlines, the largest airline in the world, to Charlotte, North Carolina. Charlotte is home to one of American's mega-hubs offering a total of 657 daily departures to some 157 nonstop destinations.

In July 2018, LYH reached a milestone by becoming an "all-jet" airport, and by May 2019 will offer a total of 12 departing and arriving regional jet flights per day through a combination of 50-seat and 65-seat (dual class) aircraft. Moreover, daily seat capacity will grow to 350 departure seats for an impressive 19.3 percent increase in monthly seat capacity compared to the same month in 2018. Total passenger traffic in 2018 at LYH reached 165,428, amounting to a 2.1 percent increase in passenger boardings over last year. In 2018, aircraft operations totaled some 90,070 with a mix of airline, military and general aviation aircraft.

As a City Enterprise Fund, LYH is operated as a stand-alone entity with on-site management fully responsible for performing all airport functions, including:

- FAA Part 139 Air Carrier operations and maintenance
- Transportation Security Administration 49 CFR Part 1542 airport security
- Public safety, including Airport Police and Aircraft Rescue and Fire Fighting
- Airport finance and accounting
- Airport planning
- Capital projects financial planning and construction engineering and administration
- Federal grant, state grant and Passenger Facility Charge administration
- Properties planning and administration
- Air service development and airline retention/recruitment
- Airport marketing and communications
- Federal and state government affairs
- Custodial and support services
- Various other administrative functions

Financial Profile

The airport's operating and capital budgets are individually developed and completely separate from the City's General and Capital Funds. Dedicated revenues derived from airline fees and terminal rents, aeronautical tenant leases, aircraft hangar rents, parking fees, rental cars and other airport-generated revenues fully support the airport's operating expenses with no support from the City. The airport's Capital Fund is supported through a combination of FAA Airport Improvement Program (AIP) grant funds, state entitlement funds and airport-generated Passenger Facility Charges (PFCs). Since 2000, the airport has not received any capital funding from the City's Capital Fund. During that same timespan, the airport has:

- Completed capital infrastructure, facilities and equipment projects totaling \$54 million;
- Planned for an estimated \$15.5 million in future projects currently at various stages of development;
- In 2018 generated a \$225,899 surplus for an 8 percent net profit margin;
- After nearly two decades of operating deficits, seen combined operating surpluses from FY 2016 through FY 2019 grow to a projected \$880,000; and,
- Lowered its outstanding debt to \$1,091,731, and reduced debt service expense to just 5 percent of 2019 operating revenues.

Benefits of an Independent Airport Authority

Authorities Reflect Governance of Regional Airport Services

Airports are truly unique enterprises which embrace a wide range of interrelated products and services. Most commercial service airports today are one-of-a-kind regional assets that represent a government-provided public service that is not duplicated by any other local government entity in a given region. As a result, airports are natural candidates for “regionalism” which is a reflection of their vital role as a key contributor to economic development and job creation for a given airport’s regional service area. Consequently, as the only airport with scheduled airline service within the Region 2000 area, the argument for a **regional** approach to operating this vital **regional** asset is an understandable one.

In general, the most successful and prosperous airports in the country are those governed by an independent airport authority. Much of this success can be traced to the greater freedom and emphasis on private-sector business principles in management that is made possible due to a de-emphasis on government bureaucracy and red tape. As noted earlier, with a deregulated airline environment it is clear that the dynamic nature of the industry points to the need for innovation and efficiency in order to compete with other airports operating under an authority structure.

For Lynchburg Regional Airport, therefore, some of the key benefits and advantages of an independent, regional governing body can be summarized as follows.

- **Regionalism.** An independent authority rightly centers the airport as a regional asset serving the entire area. A regional approach provides the opportunity for the surrounding counties to benefit from the future growth and economic development potential of this vital part of the region’s public infrastructure, while offering an element of control in the management and future direction of the airport.
- **Authority Fits Unique Airport Business Model.** Airports operate in an economic environment that is dominated by a private-sector, free-market business model. Consequently, an airport authority form of governance can better align the airport with the various private-sector tenants and aviation service providers it serves and relies upon.
- **Improved Operating Environment.** Airports provide public services that are generally not thought of as “traditional” government services. As a result, airports – more than any other government function – need to operate as a business and avoid being forced into a lower-statured role as compared with other “higher priority” city departments.
- **Greater Efficiency.** Running an airport under the traditional city-government model creates inherent inefficiencies due to differing departmental missions and an airport’s esoteric operating environment. With a smaller, self-contained organizational structure and leaner management, an independent governing body creates greater autonomy that fosters heightened efficiency.
- **Clearer Lines of Authority.** An airport authority structure establishes a clear and direct line of authority between the airport authority board and the duties and responsibilities of the airport’s executive director. That in turn provides for a direct line of authority between the executive director and the various airport operational and support departments.

- **Enhanced Decision Making.** With the airport competing with other traditional, higher priority city departments, the workload associated with local government deliberations and decision making creates an environment whereby city officials and city council members simply do not have the time to become sufficiently knowledgeable of any given airport/airline/aviation subject. Conversely, airport authority governance allows its board to focus solely on the airport and allows sufficient time to make informed decisions that are in the long-term interest of the airport, its customers and the entire region it serves.
- **Higher Productivity.** With a leaner organizational structure, a more efficient management decision-making process and less government bureaucracy, airport departments generally exhibit considerable productivity gains under an airport authority form of governance.
- **Eliminates Administrative Conflicts.** City-government models similar to Lynchburg's generally utilize a system whereby other city departments provide a range of administrative support services to the airport department. This creates a day-to-day operating environment whereby city departments lack the level of airport, airline and aviation industry knowledge necessary to understand the unique characteristics of airport operations and FAA regulatory constraints and federal grant obligations. This is further compounded by city administrative departments exercising a degree of authority over critical airport functions and budgetary decisions at the airport without any concomitant accountability for the outcome.
- **Lowers Direct Costs.** In addition to the cost savings inherent through greater efficiency and higher productivity, other direct cost savings could be realized through the elimination of some of the mandated administrative services under a city-run structure. One example is the City's imposition of certain "indirect cost allocations" that are charged to the airport for a range of City-required services. In fact, total indirect cost allocation charges to LYH for City-required administrative services in FY 2020 are budgeted at \$162,506. That represents a 42.4 percent increase since 2017 in these charges, while the airport's total operating expenses increased by just over 2 percent during the same period. Through a combination of added staffing and the use of competitively obtained contract services, those same services could be secured through an authority in a more cost-effective manner.
- **Financial Incentives to Attract More Air Service.** Through direct cost savings and other savings through enhanced efficiencies, the resulting funds could be used for short-term financial incentives such as the short-term waiving of rents and fees for new-entrant airlines (i.e. United to Dulles), or to encourage existing airlines to add new markets out of LYH (i.e. American to Chicago or Philadelphia).
- **Air Service Market Responsiveness.** As an independent authority, the airport would be in a much better position to respond more quickly to changing market and industry conditions, while enabling it to more effectively compete with other, similarly structured, airports. For example, the U.S. Department of Transportation's Small Community Air Service Development Program provides federal grant funds annually to 40 smaller communities to attract new airline service to their communities. The program typically attracts upwards of 170 applications, creating tremendous competition among the airports.
- **Innovation.** Airports are unique public enterprises that operate within an increasingly complex political and commercial environment. The wide array of aeronautical services offered at larger regional airports like LYH places increasing demands on airport management to innovate in order to be successful. Airports must anticipate the future, rely less on local government

oversight of day-to-day functions, while recognizing the commercial realities of today's highly volatile airline industry.

Conclusion

The fact that Lynchburg Regional Airport remains the only commercial service airport in the Commonwealth of Virginia that is **not** governed by an independent airport authority speaks for itself. Combine that with the lack of any evidence that could be found of an independent airport authority, once established, has **ever** reverted back to direct local government control becomes an even stronger argument for such a governing structure.

Without a doubt, an independent airport authority model as the governing body for commercial service airports has become widely regarded as the most effective method of operating these vital public assets. That's partly due to the recognition that under a city-government model an airport is not a **core** city service which, as a result, creates an environment whereby the airport is unable to compete with other higher priority, traditional city departments.

Even more revealing, as one of the only government-provided public services that is not duplicated by other area governments, Lynchburg Regional Airport serves a truly unique role in providing vital transportation resources and services for the entire region, and as such the time may once again be right for Lynchburg Regional Airport to live up to its name.

Sources

Barrow, C., & Borges, D. (1997, November), Regional Commercial Airports: Governance and Marketing, (R.L. Calhoun, Contr.), *ICMA MLS Report, Volume 29, Number 11*, 1-20.

Tarry, S.E. (2000). *Innovation in the Administration of Public Airports*. Carbondale, IL: The PricewaterhouseCoopers Endowment for The Business of Government.

Oliver Wyman. (2013). *Charlotte Airport Governance Study Final Report*. Charlotte, NC: Marsh & McLennan Companies.

**MINUTES OF
THE
LYNCHBURG REGIONAL AIRPORT COMMISSION MEETING
Monday August 26, 2019
4:00 p.m.**

PRESENT:

Mike Davidson
Massie Ware
Bob Day
Bert Dodson
Lynch Christian
Charles Nowlin
Jones Stanley

ABSENT:

Debra Allen
Bonnie Svrcek

STAFF PRESENT:

Mark Courtney, Airport Director
Andrew La Gala, Deputy Airport Director
Wes Campbell, Finance Director

(1) CALL TO ORDER:

The meeting was called to order at 4:00 p.m. by Mr. Bert Dodson. It was noted that Debby Allen and Bonnie Svrcek were not in attendance; however Reed Wodika was in attendance for Bonnie Svrcek.

[AIRPORT AUTHORITY AGENDA PORTION BELOW]

(5) Commission review of consultant Steve Baldwin Associates' final report regarding the conversion of Lynchburg Regional Airport to an independent airport authority

Recommended Action: Consideration of a motion to recommend to Lynchburg City Council that Lynchburg Regional Airport convert to an independent airport authority

Mr. Dodson said there was a draft report by Steve Baldwin that was presented at the last Commission meeting that generated various comments from Commission Members. That resulted in staff being instructed to reconcile those comments into a final report that is before the Commission today. He asked if there were any questions about the report as presented. He said he would start with Mr. Jones Stanley.

Mr. Stanley said he thought they did a good job with it overall, especially in shortening it and addressing some of the tone of the report. He said he thought the final report reemphasizes the points we were trying to make.

Mr. Dodson asked Mr. Massie Ware what he thought. Mr. Ware said the only thing that he was wondering was whether the FAA can allow the airport to return money back to the locality that was provided as a subsidy. He said that he did not remember seeing that in there per se but is that something that the Commission addressed during the work session.

Mr. Courtney said that had been addressed several times with City Council since we began to generate a surplus, but that he thought that Council generally understands that now. He said that requirement is an absolute with the FAA in that all revenues received by the airport are required to stay with the airport. Mr. Dodson asked if it should be directed toward the City Attorney and Mr. Courtney replied that yes, he could weigh in because it is all in our federal grant contractual obligations known as Sponsor Assurances. Mr. Dodson said it may be clear to Mr. Courtney but we might want to have the City Attorney give a letter verifying what he is saying. A further discussion ensued.

Mr. Bob Day said he had two thoughts: one administrative and one technical. He said he had found a couple of words that were incorrect and we could go ahead and fix those. Mr. Day said it should have said "the City owns the airport in Campbell County" not "the City owns the land in Campbell County."

Mr. Charles Nowlin said that all he would really need is the seven pages and he also did not think that we needed the Appendix. He then said that within the proposed organizational chart he did not understand the dotted line. There followed a brief discussion on the organizational chart as included in the report. It was decided that the new organizational chart should be taken out since it didn't really apply to the airport authority issue directly.

Mr. Dodson thanked everyone for their hard work and then said it was very personal to him and went on to explain why. He said if we recommend it to City Council today, the Commission will have a joint meeting with City Council at a future work session. He said if we approve it today he would encourage everyone to be there to answer questions. He said the meeting would be in the third floor training room.

Having said that, Mr. Dodson stated that he would entertain a motion. Mr. Bob Day said he would like to recommend to City Council that the Lynchburg Regional Airport convert to an Independent Airport Authority. Mr. Massie Ware seconded the motion.

Mr. Dodson called for a vote and the motion passed unanimously.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 10, 2006**

AGENDA ITEM NO.: **17**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Regional Airport Authority Enabling Legislation**

RECOMMENDATION: Adopt a resolution in support of proposed legislation that would allow Region 2000 localities to create a regional airport authority to own and operate the Lynchburg Regional Airport.

SUMMARY: For some time an ad hoc group representing the City of Lynchburg and the counties of Amherst, Bedford and Campbell have been working toward the establishment of a regional airport authority to own and operate the Lynchburg Regional Airport. This effort arose out of past interest expressed by previous City Councils, support from the Chamber of Commerce, and the belief that an authority was the best mechanism for the governance of the regional airport and an adjacent commerce park. City Council has been supportive of this exploration. In recent months, the focus of the group has been on drafting legislation that would allow for the creation of a regional airport authority should the local governments decide that to be a prudent step.

Attached is a draft of the proposed resolution. Please note that since this is enabling legislation it does not address a number of specific issues that would have to be resolved in any contract between the localities to form a regional airport authority. As such, the legislation uses general language to allow greater flexibility. Much of the language is similar to that in other legislation previously adopted by the General Assembly to allow for the creation of regional airport authorities in other parts of the state.

PRIOR ACTION(S): Lynchburg 2020 Strategic Plan includes the prioritization of "start" items from a City Council goal setting session on October 15, 1999; the establishment of a Regional Airport Authority was #7 of eight priorities on one list. August 30, 2005—discussed at City Council Retreat. November 22, 2005 work session—staff directed to continue discussions regarding the establishment of a regional airport authority.

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990; Mark Courtney, 455-6089

ATTACHMENT(S): Resolution; Draft Legislation

REVIEWED BY: lkp

RESOLUTION:

#R-06-142

BE IT RESOLVED that the Lynchburg City Council hereby expresses its support for the adoption, by the 2007 General Assembly, of legislation enabling area localities to create a regional airport authority to own and operate the Lynchburg Regional Airport should they decide it to be in their mutual best interest, and

BE IT FURTHER RESOLVED That the Lynchburg City Council directs that support for this legislation be included in its legislative agenda, and asks that it be included in the Region 2000 legislative agenda for the 2007 session of the Virginia General Assembly.

Adopted: October 10, 2006

Certified: Courtney W. Kost
Clerk of Council

139L

cc: K. Payne
~~M. Courtney~~

RECEIVED

OCT 24 2006

AVIATION DIVISION

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 27, 2009**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Timeline for Establishing a Regional Airport Authority**

RECOMMENDATION: N/A

SUMMARY: The Airport Commission asked Airport Manager Mark Courtney to prepare a timeline for establishing a regional airport authority and to share it with City Council and other area governments. Although little progress has been made since the General Assembly adopted legislation authorizing the creation of the Lynchburg Regional Airport Authority this initiative remains a priority with the Airport Commission.

Accordingly, Mark has prepared the attached timeline and will attend Council's work session to review the timeline and answer any questions.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Mark Courtney, 455-6089

ATTACHMENT(S): Timeline

REVIEWED BY: lkp

Lynchburg Regional Airport Airport Authority Implementation Plan September 1, 2009

I. Background

Over a period of more than 10 years, the possibility of Lynchburg Regional Airport becoming an independent airport authority has been explored and pursued. More recently, an ad hoc committee, first structured as an Air Commerce Park Advisory Committee and, later, as an Airport Authority Advisory Committee, was formed. This group eventually established as a goal the passage of legislation by the Virginia General Assembly that would authorize the formation of an independent airport authority to own and operate Lynchburg Regional Airport.

Draft legislation was subsequently developed throughout 2006, introduced in the House of Delegates early in 2007 and, after numerous sub-committee and committee reviews by both the House and the Senate, was passed in March of 2007 and signed into law by the governor in April 2007. Since that time, very little progress has been made in the second phase of the process: to secure the commitment of surrounding counties, localities and the City of Lynchburg in the actual formation of an independent airport authority.

II. Overview of Authorizing Legislation

HB 2800, *Virginia's Region 2000 Airport Authority Act*, authorizes the City of Lynchburg and the Counties of Amherst, Appomattox, Bedford, and Campbell to create an authority for the purpose of establishing, operating and maintaining an airport and an adjacent business/industrial park and related facilities for such participating city and counties. The legislation grants broad powers to the authority, including the power of eminent domain, in order to effectively operate the airport in the public interest as a fully independent governmental body.

III. Situation Analysis

Part of the delay in moving forward in the process has been the state of the airline industry and the resulting effect on airline service at Lynchburg Regional Airport. Following a series of reductions in domestic flights and seat capacity industry wide during the months after the legislation passed, air service levels at LYH continued to decline as well.

With the broader downturn in economic activity as a result of the recent recession, however, smaller communities became areas of opportunity for traditional legacy carriers like those that serve Lynchburg Regional Airport. The result was the introduction of a much more competitive airfare structure in July of 2008 that stimulated local air travel significantly and allowed the airport to re-capture passenger traffic that had previously been driving to other nearby airports. This stimulation in turn led to additional flights being introduced by both Delta and US Airways, bringing about further passenger growth that, in recent months, has resulted in a doubling of local passenger traffic.

At the same time, airport revenues also increased significantly from the subsequent growth in both direct and indirect airline-generated revenues, resulting in the airport's operating budget deficit being reduced from over \$600,000 annually in 2002 to just \$295,850 in 2009. Moreover, if current levels continue, airport officials now project that the airport could be self-sustaining by as early as FY 2012.

Consequently, it was determined that the time was right to once again pursue participation by surrounding counties and the City in a regional airport authority. In preparation for this effort, airport staff developed a comprehensive presentation for regional officials highlighting the various airline and airport developments that have contributed to recent growth at the airport, along with the continued improvement in the airport's finances and operating budget. Presentations before officials of the various localities were conducted throughout the spring and summer of 2009, and were augmented with presentations to area economic development agencies, business organizations and civic groups.

IV. Lynchburg Regional Airport Commission Action

An initial draft of this implementation plan was developed and circulated to the Lynchburg Regional Airport Commission in early June 2009. The commission subsequently reviewed and discussed the draft at its August 31, 2009 meeting, with the recommendation that it next be presented to Lynchburg City Council for discussion at a future work session.

V. Strategic Plan

The following timeline outlines the major steps and critical path involved in forming an independent airport authority by the target date of July 2011.

<u>TARGET DATE</u>	<u>ACTION ITEM</u>
June 2009	Implementation plan distributed to Airport Commission
July 2009	Commission discussion of plan
August 2009	Implementation plan finalized
September 2009	Initiate airport economic impact study in cooperation with the Virginia Department of Aviation with special emphasis on the airport's economic impact on each locality
October 2009	Report to City Council on plan and timetable
Nov 2009 - Jan 2010	Develop framework for financial sharing between participating localities and authority structure and make-up
Jan 2010 – Mar 2010	Develop draft proposal for presentation to localities
March 2010	Present draft proposal to Commission for discussion
April 2010	Finalize proposal
May 2010	Present proposal to City Council
June 2010	Finalize proposal based on City Council input
July 2010	Develop proposals for other localities. Integrate economic impact results into proposals

September 2010	Finalize proposals
September 2010	Hold public hearing
Sept – Dec 2010	Present proposals to prospective participating localities
January 2011	Develop draft authority contract
February 2011	Finalize contract
Mar – May 2011	Present contracts to authority participants for approval
April – June 2011	Develop transition plan for authority and schedule of services needed once independent
July 1, 2011	Formal transition to airport authority begins with FY 2012 budget

FOR MORE INFORMATION CONTACT:

Mark F. Courtney, A.A.E.
 Airport Director
 Lynchburg Regional Airport
 (434) 455-6089
 (434) 444-3363 (c)
mark.courtney@lynchburgva.gov