

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**
Tuesday, September 10, 2019
8:00 a.m.

Information Items:

Recent/Pending Contract Awards:

Indian Hill Road Bridge Replacement:

1. English Construction Bid Amount	\$1,939,000
2. Engineer's Estimate	\$1,864,000
3. Budget	\$2,630,000

Priority Projects Update:

Presented by Gaynelle Hart

General Business:

- | | | |
|---------------------------------------|---|------------------|
| 1) Revenue Sharing Applications | - | Gaynelle Hart |
| 2) VDOT and Airport Easements & Deeds | - | Mark Courtney |
| 3) Public Safety Complex Demolition | - | Gaynelle Hart |
| 4) Blackford Street R/W Vacation | - | Victoria Glasgow |
| 5) Bridge Street R/W Vacation | - | Victoria Glasgow |

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: October 8, 2019

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

September 10, 2019

Projects of Interest	Phase	Phase Completion	SOS	DB	Notes
Timberlake / Logan's Lane Intersection	Construction	August 2019			Leesville Turn Lanes - 2 Month Delay in Delivery of New Signal Poles
Liberty Mountain Drive - Phase 3	Construction	August 2019			Projected Finish in September/October due to Tree Planting
John Capron Road	* Construction	June 2020			Counts & Dobyns - NTP in October
Odd Fellows Road - Section B2	Construction	December 2019	V	V	Construction Underway - Bridge Closed - Opening October
Indian Hill Road Bridge	* Construction	August 2020			Low Bidder - English Construction
Main Street Renewal Project	* Bidding	September 2019			Construction Starting 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	Bidding	September 2019			Bidding
One Way Pairs @ 501/221	Design	November 2020			NEPA Document Draft Out in August - Design Underway
Downtown Watermain Replacement & Streetscape 2	Design	May 2019			Design @ 90%. Project Shelved
Police Department Headquarters	Demolition	September 2019			Demolition Underway

LEGEND

Schedule -

Green



0-5% Behind

Yellow



5-10% Behind

Red



> 10% Behind

V



VDOT Managed

Budget -

Green



0-10% Over

Yellow



10-20% Over

Red



> 20% Over

V



VDOT Managed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Virginia Department of Transportation (VDOT) Revenue Sharing Applications

KEY ELEMENTS:

___ Economic Development X Excellent Government X Natural and Built Environment ___ Safe Community ___ Vibrant Community

RECOMMENDATION: Review and consider as additions to the City's CIP Program

SUMMARY: The applications for the FY2021 and FY2022 Revenue Sharing Program are due October 1. Staff submitted the following projects for consideration and will have to make the final submissions of the projects with a resolution from Council before October 1, 2019. Submitted projects are:

Fifth Street Phase 4 additional funding. This is a request for an additional \$2.0M in FY2021 for the completion of this project. 4.0M R.S. funds were requested in FY2020 for design, right of way and some construction, however there were not enough available R.S. funds for the entire project. These funds will allow a complete reconstruction of Fifth Street to remove the concrete pavement and fix the ADA issues with the sidewalks and retaining walls.

Breezewood Drive. This request is for \$6.0M in FY 2022 to complete this project that started in 2005, but was split into phases due to lack of funding and was not completed at that time.

Wards Ferry Turn Lanes at Atlanta Avenue. This request is for \$1.7M in FY2021 to install turn lanes on Wards Ferry Road as proposed in the Council approved Wards Ferry Road Corridor Study. Also included in the corridor study is a roundabout at CVCC Campus Drive. This is not part of this project request because roundabouts score better in SMART SCALE applications which require no additional City funds.

Link Road Intersection Improvements. This request is for \$2.0M in FY2021 to install a right turn lane from Link Road onto Boonsboro Road to improve the flow of traffic and improve the pedestrian features of the intersection.

Lakeside Drive Improvements. This request is for \$2.5M in FY2022 to widen the road, install sidewalks and street trees. This will give room for the delivery trucks to back into the loading docks without blocking the street to through movements.

PRIOR ACTION: July 9, 2019 PDC

FISCAL IMPACT: 50% of required funding of projects:

Project	Total Cost	City Share
Fifth Street Phase 4 **	2.0M	1.0M
Breezewood Drive	6.0M	3.0M
Wards Ferry Turn Lane	1.7M	0.85M
Link Road Intersection	2.0M	1.0M
Lakeside Drive Improv.	<u>2.5M</u>	<u>1.25M</u>
Total	14.2M	7.1M

** Additional request for funding. Total project cost is \$6.0M

CONTACT(S): Gaynelle Hart, Director of Public Works 455-4406

ATTACHMENT(S): None

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019 Physical Development Committee** AGENDA ITEM #:

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: VDOT and Airport Easements and Deed

KEY ELEMENTS:

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

RECOMMENDATION: Receive this information and hold a public hearing to consider the request of Virginia Department of Transportation for utility easements for Appalachian Power Company guy poles and a replacement pole and for additional right-of-way on city owned property (Lynchburg Regional Airport) in Campbell County. Also to authorize the City Manager to sign the necessary deeds and agreements with Virginia Department of Transportation and Appalachian Power Company subject to Federal Aviation Administration approval.

SUMMARY: Virginia Department of Transportation State Project 0029-015-781 is to put in a new north bound bridge on Route 29 just south of the Lynchburg Regional Airport. In order to move the road for this new bridge several utility easements and a small portion of land for additional right-of-way that the City of Lynchburg owns in Campbell County at Lynchburg Regional Airport are needed. On the Airport side of Route 29 Appalachian Power Company will install two new guy poles and one current pole will be removed. On the hotel side of 29 where there is a storm water facility one taller replacement pole will be installed. There is also a small area of additional right-of-way that is needed due to the movement for Route 29. Mark Courtney, Airport Director, reviewed the proposed easements and right-of-way and had no objection.

PRIOR ACTION: None

FISCAL IMPACT: \$7000.00

CONTACT(S): Mark Courtney, Airport Director (455-6089)
Gaynelle Hart, Director of Public Works (455-4406)

ATTACHMENT(S): Resolution
VDOT Letters of Request
Amended Offer
Aerial Map of Locations

REVIEWED BY:

RESOLUTION:

BE IT RESOLVED by the Lynchburg City Council that the City Manager, subject to Federal Aviation Administration approval, is authorized to execute utility easements and right-of-way deed with Virginia Department of Transportation and agreements with Appalachian Power Company for the installation of two guy poles, replacement of a power pole and to obtain additional right-of-way for Route 29 on City owned property in Campbell County, located on the Airport side of Route 29 and on the hotel side of Route 29 because of the new location of Route 29 due to the northern bridge replacement under State Project 0029-015-781, R201.

Adopted: _____

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM #: **16**

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Change Order Approval for the Police Department Headquarters - Demolition Contract

KEY ELEMENTS:

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

RECOMMENDATION: For the completion of the demolition phase of the Police Department Headquarters project, adopt a resolution to approve a change order for \$45,378.

SUMMARY: This phase of the Police Department Headquarters project includes demolition of the former Greater Lynchburg Transit Company administration and garage buildings located at 1301 and 1305 Kemper Street and removal of two identified underground storage tanks (UST). During the demolition work, several items were encountered that were unknown at the time of bid. Those items included a concrete crawlspace (5-6 feet deep) beneath the garage facility, two additional underground storage tanks, additional transite materials in the administration building, and unsuitable soils beneath the existing structures. Change Order #1 was executed in the amount of \$108,798 to account for these items. Because the extent of unsuitable soil materials was unknown, a quantity of 500 cubic yards (CY) was assumed and included in Change Order #1.

The actual quantity of soil material removed, per the Geotechnical Engineer's recommendation, exceeded the assumed quantity by approximately 4,200 CY. In addition, as demolition progressed three additional USTs were discovered and should be removed as part of this phase of the project. After balancing bid quantities to actual quantities and accounting for the volume of unsuitable material encountered and the fifth, sixth and seventh USTs discovered, a Change Order in the amount of \$45,378 is required. The total value of Change Order #1 (executed) and Change Order #2 (proposed) is greater than 25% of the original contract amount; therefore, Council action is required to execute Change Order #2.

Demolition Phase expenditures:

Original Contract	\$441,370
Change Order #1	\$108,798 (Executed)
<u>Change Order #2</u>	<u>\$45,378 (Proposed)</u>
Total:	\$595,546

PRIOR ACTION:

Adopted FY 2018 Capital Improvement Program (CIP):	\$1,500,000
Adopted FY 2019 CIP:	\$1,500,000
Bluffwalk Section 108 Loan Repayment Proceeds, adopted 6/27/2019:	\$1,250,000
Adopted FY 2020 CIP:	\$1,250,000

FISCAL IMPACT: Additional \$35,378 spent on demolition for the Police Department Headquarters project; funds for this work are available in the project budget.

CONTACT(S): Gaynelle Hart, Director of Public Works - 455-4406
Dee Dee Conner, Principal Engineer - 455-3928
E. Thomas Hammock, Jr., Engineering Project Manager - 455-3918

ATTACHMENT(S): Resolution

REVIEWED BY: raw

RESOLUTION:

BE IT RESOLVED THAT a change order up to the amount of \$45,378 is approved to complete demolition work for the Police Department Headquarters project at 1301 and 1305 Kemper Street.

Certified: _____
Clerk of Council

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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019 – Physical Development Committee** AGENDA ITEM #:

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

ITEM TITLE: Vacate a portion of Blackford Street

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 right-of-way vacation includes road and an active water main which would be accessible via a public utility easement. The vacation would not impact vehicle or pedestrian access along Blackford Street.

PRIOR ACTION(S):

July 31, 2019: The Technical Review Committee (TRC) reviewed this petition.

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

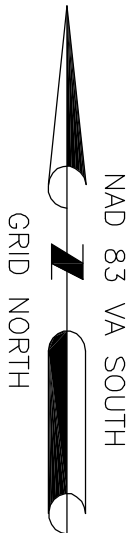
LINE	BEARING	DISTANCE
L1	N 45°17'57" E	6.00'
L2	S 45°17'57" W	6.00'
L3	N 44°42'03" W	40.00'

- 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: _____

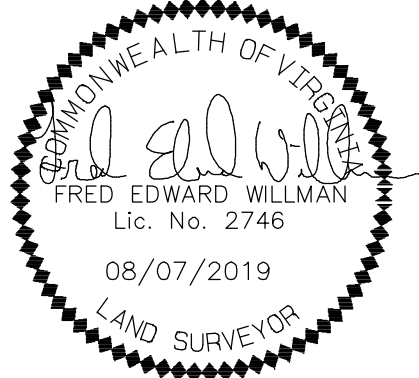
CITY PLANNER: _____

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: **September 10, 2019 – Physical Development Committee** AGENDA ITEM #:

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

ITEM TITLE: Vacate a portion of Bridge Street

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 hundredths (0.116) of an acre.

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):

July 31, 2019: The Technical Review Committee (TRC) reviewed this petition.

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

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OFF 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

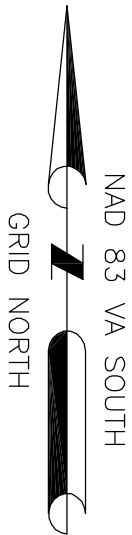
LINE	BEARING	DISTANCE
L1	N 45°17'57" E	6.00'
L2	S 45°17'57" W	6.00'
L3	N 44°42'03" W	40.00'

- 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: _____

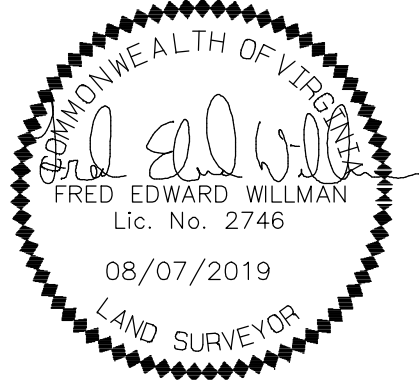
CITY PLANNER: _____

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 written in a cursive, flowing style with some capitalization.

Elizabeth M. Davis, VCTE

A G E N D A
City Council Meeting of September 10, 2019

4:00 P.M. – Work Session
City Council Agenda Items

- #1. Continuation of the discussion regarding Short-term Rental Ordinance
- #2. Capital Improvement Plan Rating System
- #3. Department of Social Services Dashboard Presentation
- #4. Roll Call

7:30 P.M.
City Council Agenda Items

VICE MAYOR DOLAN 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

- #5. Consideration of approving the minutes of the August 13, 2019 meeting
- #6. * Consideration of adopting Resolution #R-19-060 to amend the FY 2019 City/Federal/State Aid Fund Budget to appropriate \$21,293 with resources from the Virginia Wireless E-911 Services Board FY

2019 Public Safety Answering Point (PSAP) Grant Program, which was used to replace aging computer equipment for 12 Computer Aided Dispatch (CAD)

- #7. * Consideration of adopting Resolution #R-19-061 to amend the FY 2020 City/Federal/State Aid Fund Budget and appropriate \$103,920 with resources of \$51,960 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$47,297 from the FY 2020 General Fund Fire Department Budget and \$4,663 from the General Fund Fire Equipment Assigned Fund Balance to purchase three LifePak 15 cardiac monitors for the Fire Department.
- #8. * Consideration of adopting Resolution #R-19-062 to amend the FY 2020 City/Federal/State Aid Fund Budget and appropriate \$15,213 with resources from a grant from the Library of Virginia to preserve Deed Book JJ, 1884, Marriage Bonds A – L, 1835 – 1840 and Marriage Bonds J – Z, 1825 – 1834 at the Lynchburg Circuit Court Clerk’s Office

RECOGNITIONS

- Recognize the Police Department Medal of Valor Recipients

PUBLIC HEARING

- #9. Public hearing regarding the Petition of BHC Rhodes for a conditional use permit at 128 Old Courthouse Turnpike to allow the construction of a utility equipment shelter to support a fiber optic network in an R-4, High Density Residential District.
(File: Community Development) #R-19-063
- #10. Public hearing regarding the Petition of JB Property Group, LLC to rezone approximately sixty-nine thousandths (0.069) of an acre located at 1004 Court Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow uses permitted in the B-1, Limited Business District, and/or up to four (4) residential units in the existing building
(File: Community Development) #O-19-038
- #11. Public hearing regarding the consideration of amending Zoning Ordinance Section 35.2-11.3, Applications concerning proffers. Amendments will conform to the provisions of Va. Code Ann. § 15.2-2303.4, effective July 1, 2019.
(File: City Code) #O-19-039
- #12. Public hearing regarding the consideration of an amended lease of City owned property at 901 Church Street to Community Appointed Special Advocate of Central Virginia (CASA) to increase the leased space.
(File: Public Works) #R-19-064
- #13. Public hearing regarding the request of Virginia Department of Transportation for easements and additional right-of-way and Appalachian Power Company for agreements for utility poles along Route 29 on City owned property (Lynchburg Regional Airport) in Campbell County.
(File: Public Works) #R-19-065

GENERAL BUSINESS

- #14. Consideration of introducing a resolution to amend the FY 2019 General Fund budget and appropriate \$1,415,217 with resources from the Assigned Fund Balance Health Insurance Reserve.
(File: Budget, Assigned Fund Balance) #R-19-068
- #15. Consideration of adopting an ordinance to amend Section 21.2-31 of the City Code regarding Solid Waste Collection and Disposal to reflect the decal fees approved by City Council as part of the Adopted FY 2020 Operating Budget.
(File: City Code) #O-19-041
- #16. Consideration of adopting a resolution to approve a change order for \$45,378 for the completion of the demolition phase of the Police Department Headquarters project.
(File: Budget; Public Works) #R-19-067

- #17. Consideration of introducing a resolution to amend the Fiscal Year (FY) 2019 CSA Fund budget to appropriate \$75,000 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
(File: Budget; CSA Fund) #R-19-066
- #18. Consideration of a closed meeting to discuss appointments to the Building Code Appeals Board, Business Development Center Board, Economic Development Authority, Redevelopment & Housing Authority and Social Services Advisory
- #19 Consideration of a closed meeting for discussion and consideration of the City Manager's and the City Attorney's performance evaluations, pursuant to Section 2.2-3711(A.)(1) 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.

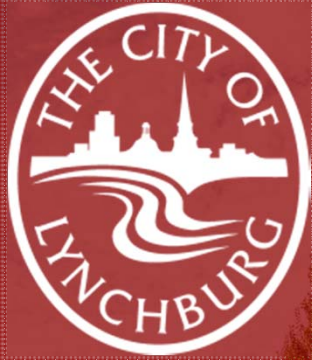
Option 3

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.



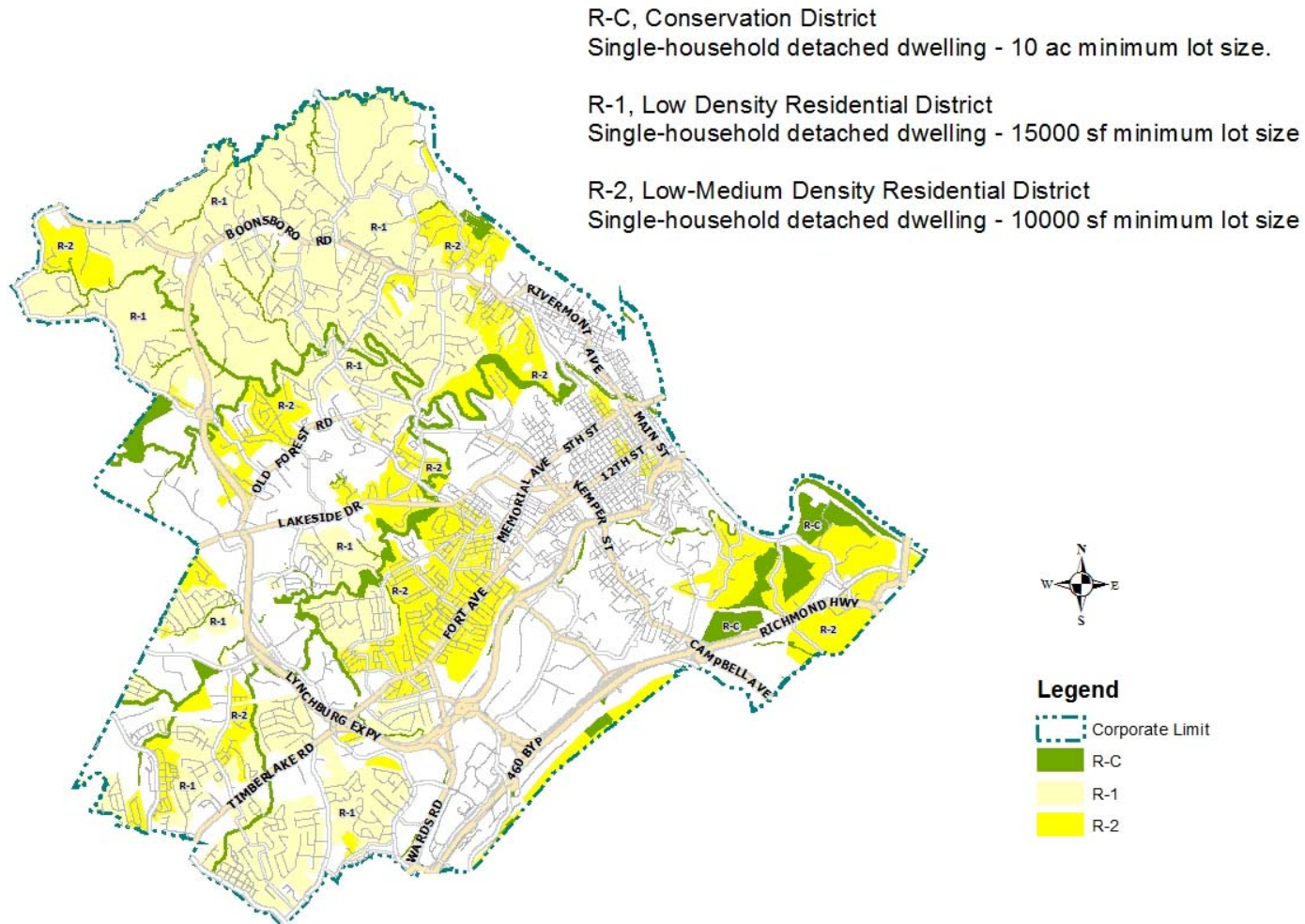
Discussion Topics

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.

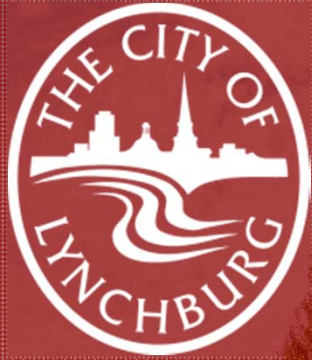


Registration Fee Options

<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.



12

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; 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

35.2-71.16 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.		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>
<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: 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			

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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
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			

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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
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

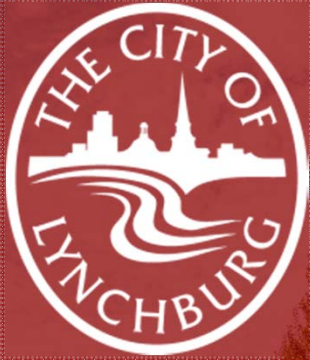
(g) Three (3) violations of state or local laws, ordinances, or regulations as relating to the property offered for short-term rental within a three (3) year period, shall result in the City revoking approval for the subject property to be used or offered as a short-term rental.

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

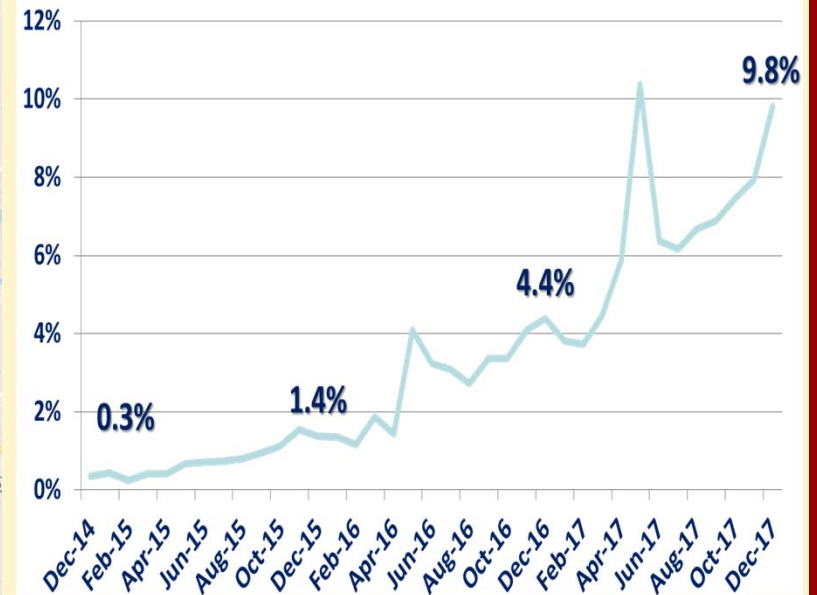
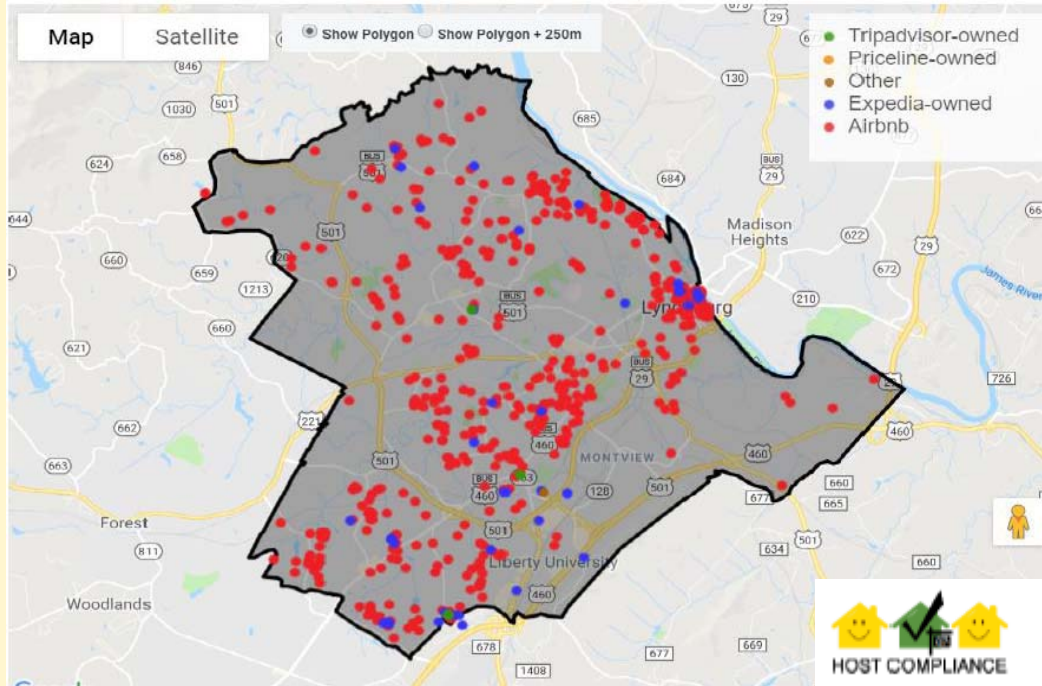


Outline

- 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.



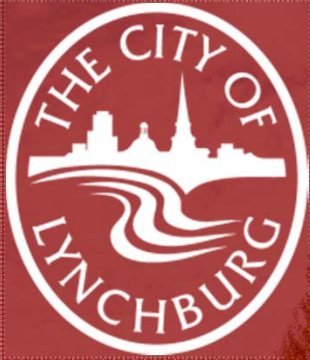
How would the proposed STR ordinance improve enforcement ?

- 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



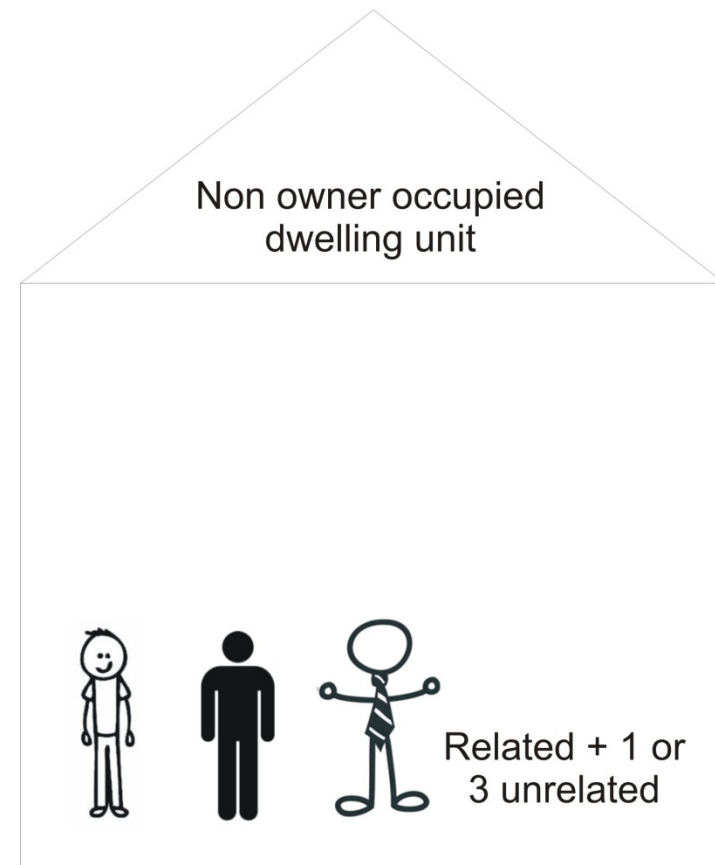
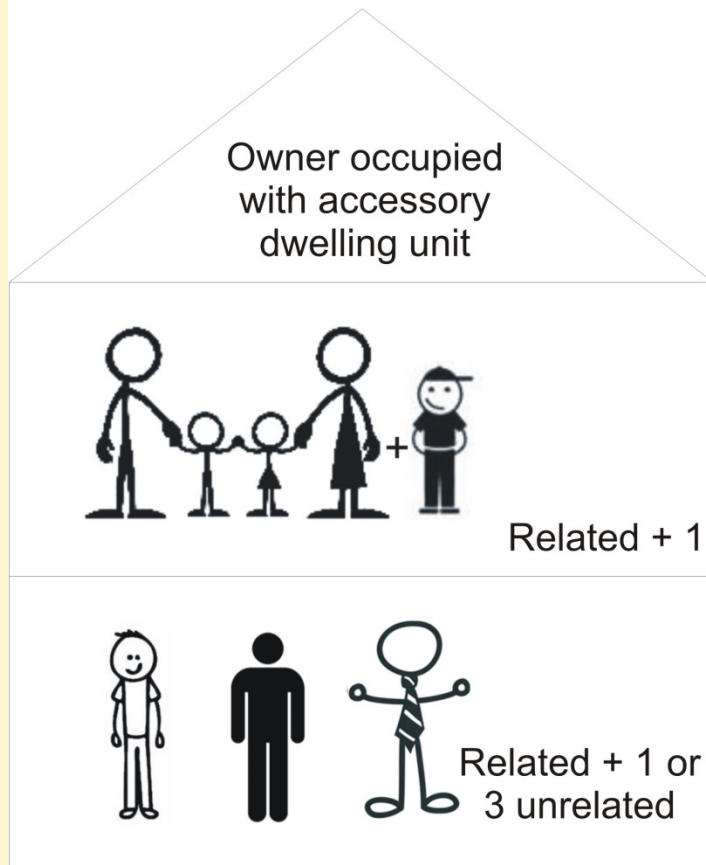
Why Does the STR Ordinance Allow 4 People Instead of 3?

- 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



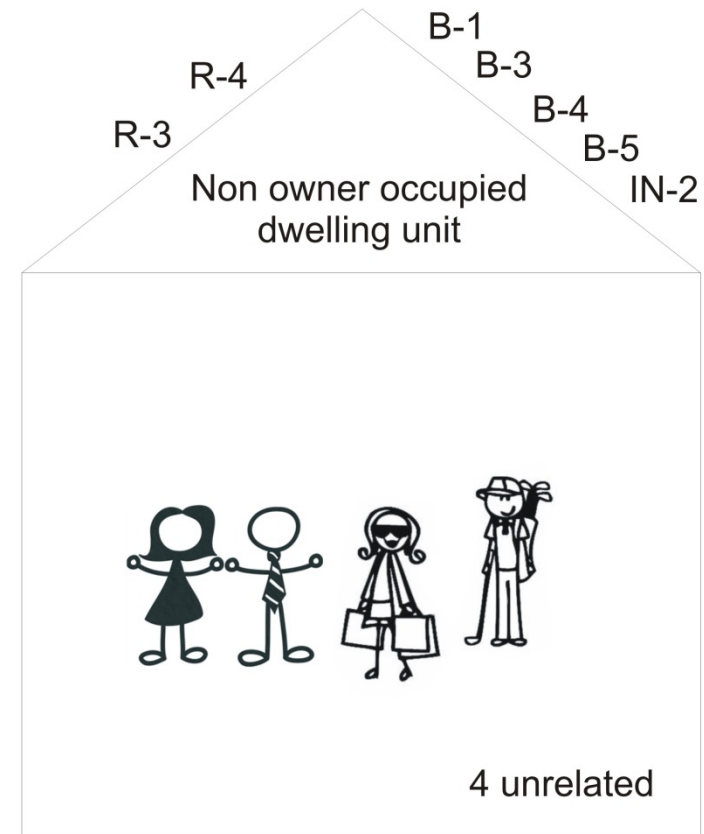
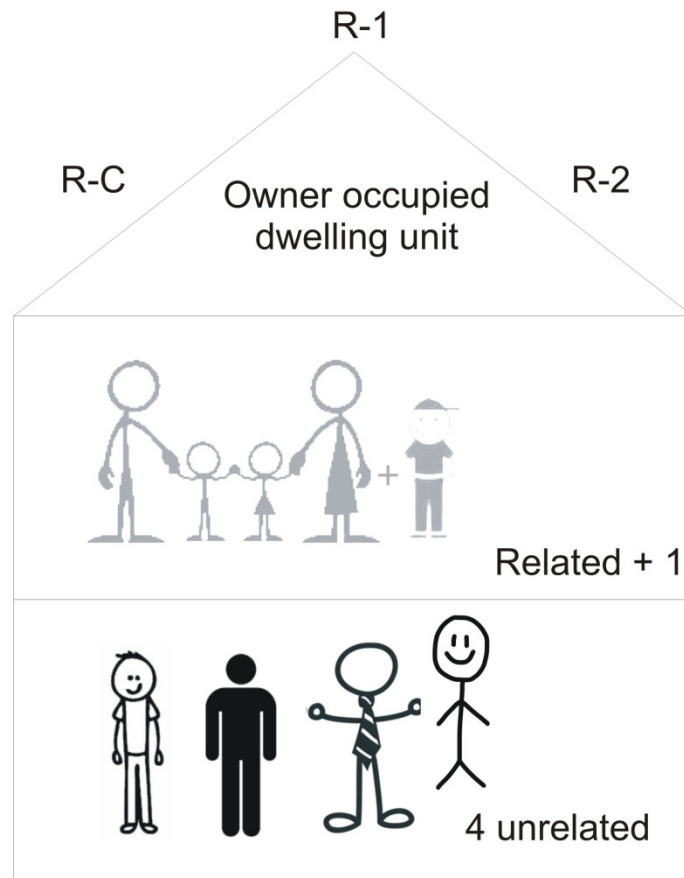
Section 35.2-60.2 (e) Occupancy

... 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

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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.



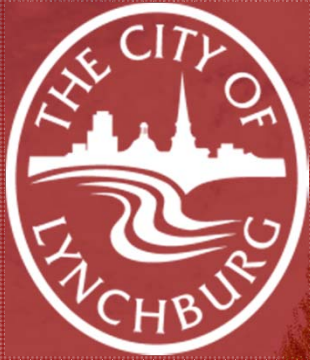
Alternative 2: Voluntary Collection Agreement Return on Investment Estimate

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

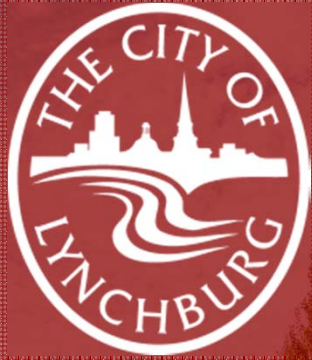
- Permitted “by right” in all zoning districts except industrial and institutional-1.
- Owner occupancy is required in the R-C, R-1, & R-2 single household districts
- Limited to four (4) unrelated guests. An unlimited number of related guests would be allowed but no unrelated guests may accompany them.
- 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 voluntarily 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.

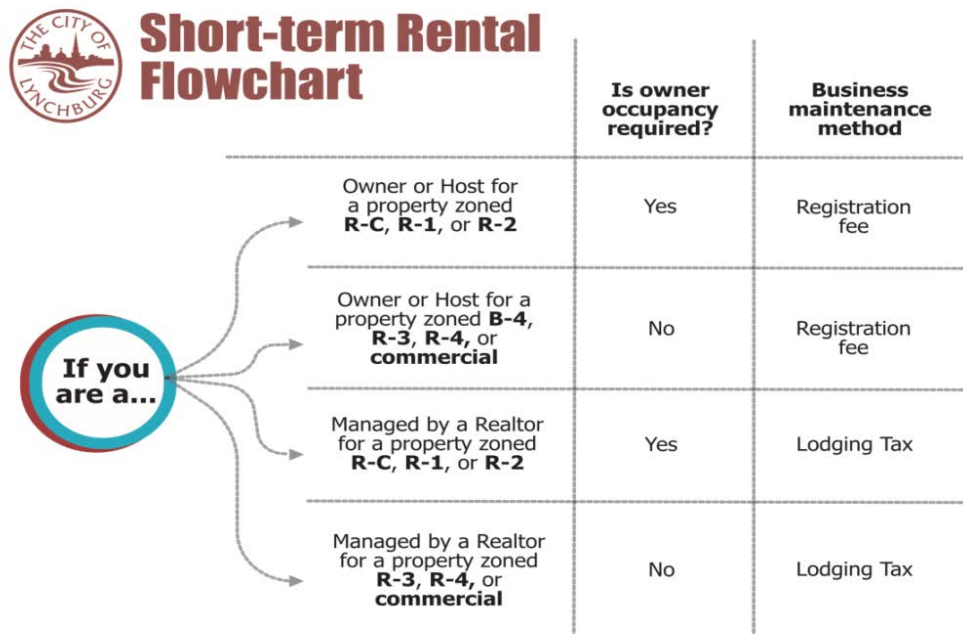
11. ***Is the \$150 annual registration fee excessive to cover staff costs?*** The registration fee was computed using hourly rates of existing City staff to assist with program start-up (initial database setup, transfer to billing system, program advertisement, etc.), database maintenance, inspection, 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 of alteration of any structure.
44.	Building, height of: The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard floor; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; except as otherwise provided in section 35.2-61.2.
45.	Building, main: The building in which is conducted the principal use of the zoning lot on which it is situated in any residential zone; any dwelling shall be deemed to be a main building on the zoning lot on which the same is located if the lot is used primarily for residential purposes.
46.	Building, temporary: Any structure which is intended to be used or occupied for only a limited time or which is not permanently supported by a foundation.
47.	Building: Any structure designed or intended for support, shelter, enclosure or protection of persons, animals, chattels or property.
48.	Business district: A zoning district whose designation begins with the letter "B".

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: 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
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	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			

[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			

[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			

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.



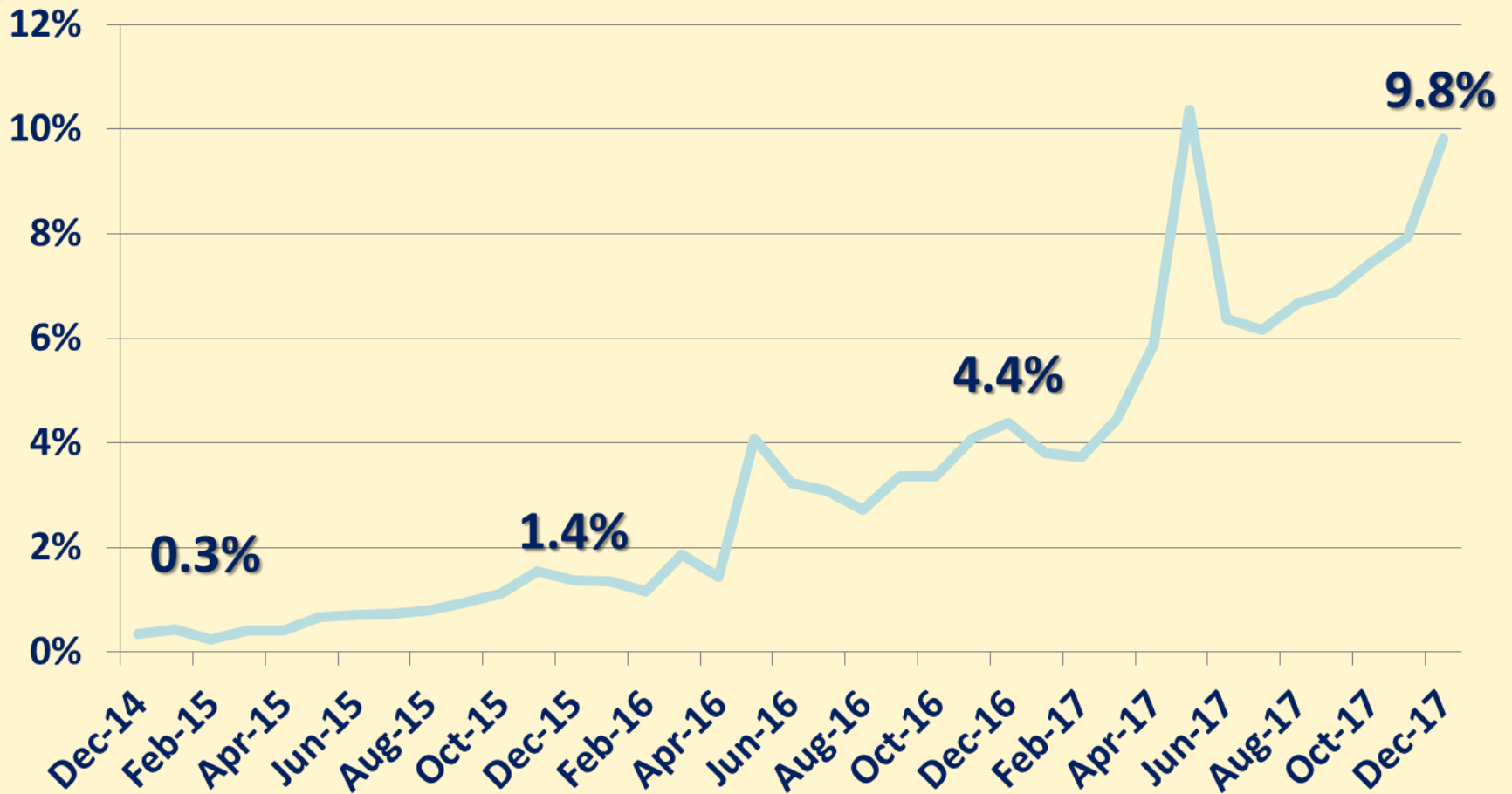
Definition

"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.



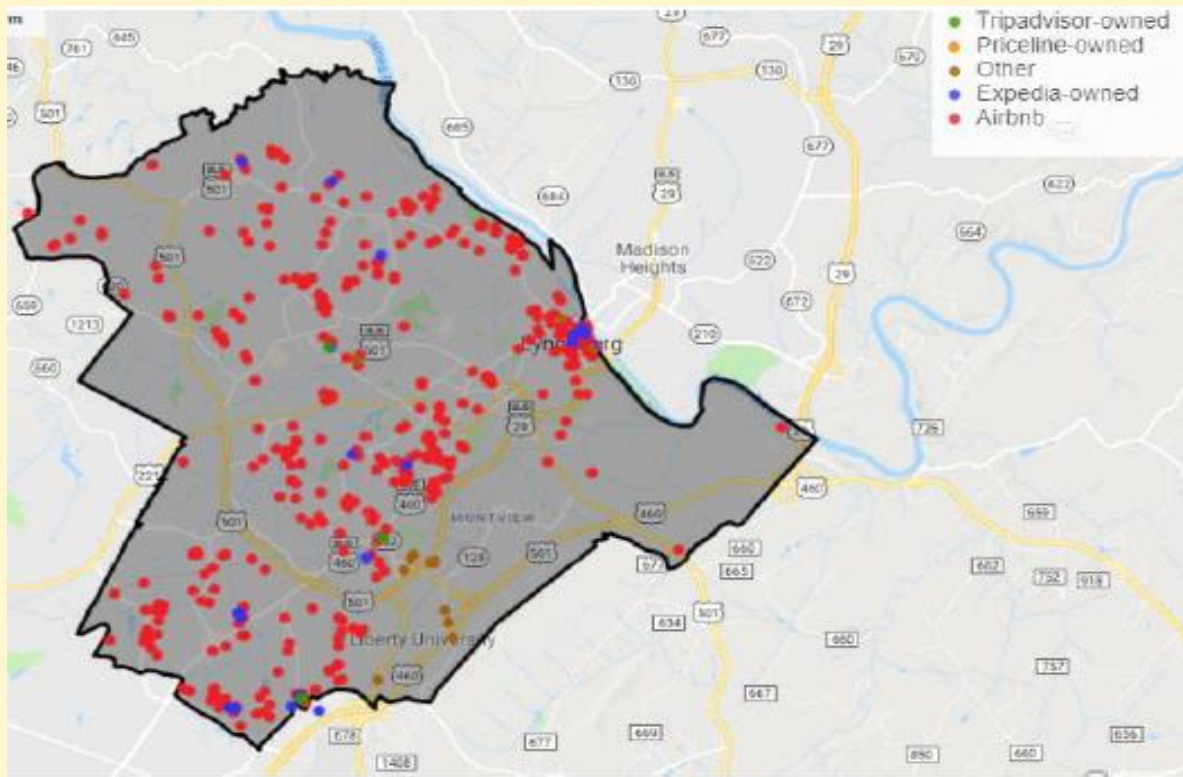
Short-Term Rentals - Growth



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



August 2018 Summary Data

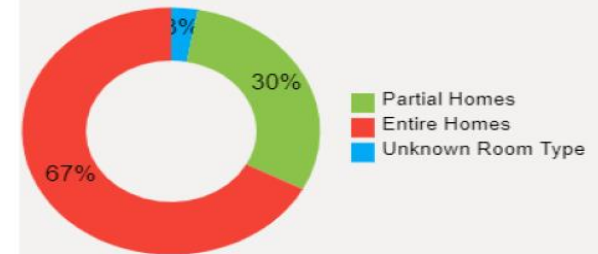


- 403 listings, representing 365 unique rental units
- \$75 estimated median nightly
- 2/3rds of the units were single family homes.
- 2/3rds of the hosts rented the entire home

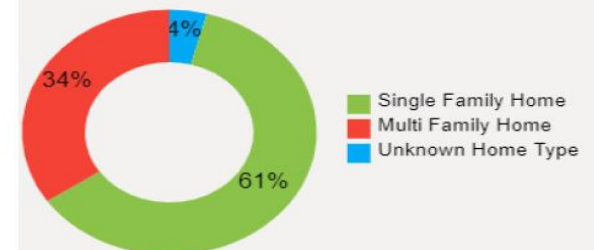


Median Nightly Rate
(USD)
\$75

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	
Hetti Melene	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	

Zoning Amendment Short Term Rentals 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.

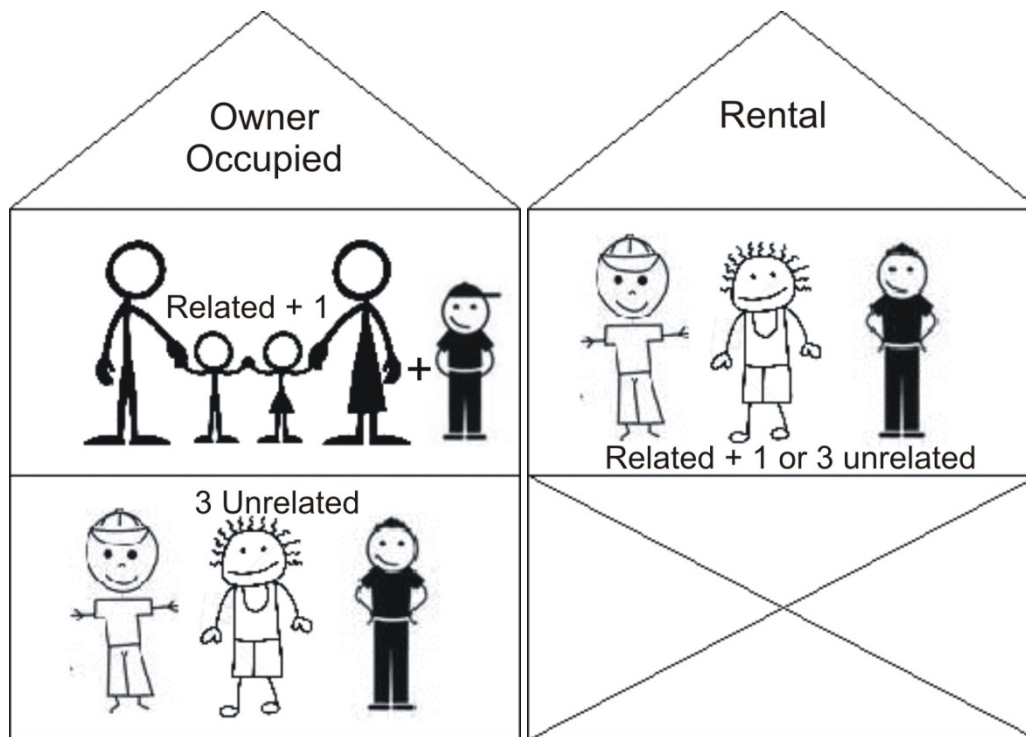
The *Zoning Ordinance* requires owner occupancy in the R-1 & R-2 Districts to allow the use of an accessory dwelling unit. The accessory dwelling may be established in the principal dwelling unit, provided there is one (1) main entrance located in the front of the building and the building has no outside 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: **September 10, 2019**

AGENDA ITEM #: **2**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Capital Improvement Prioritization Rating System

KEY ELEMENTS:

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

RECOMMENDATION: Review information on the City's capital improvement program selection criteria and weighting.

SUMMARY: At the request of City Council, Department of Public Works staff has developed a capital improvement project rating system for transportation and building maintenance projects. This presentation will primarily focus on the transportation project criteria. This rating system was presented to the Physical Development Committee (PDC) on July 9, 2019. PDC made suggestions on the selection criteria, weighting, and the potential to add a cost benefit analysis to this process. The following are changes to the selection process recommended by PDC:

1. Include Parks and Recreation trail projects and ensure that the rating criteria sufficiently address the role that trails play in our transportation system.
2. Delete a second cost-benefit analysis method option (PDC considered two options and recommended the option presented in the attached presentation).
3. Add notation on the scoring sheet to identify projects that are critical needs, but may not have a high score, allowing for subjectivity in the final funding decisions.
4. Provide notation on the scoring sheet noting whether or not that project was included in a Council-approved planning document.
5. Provide clear definitions of rating criteria.

PDC also recommended that the rating system be presented to full City Council for information.

In the process of developing the City's rating system, in addition to developing a system based on staff's own professional expertise, staff also researched capital improvement rating systems from other organizations for suggestions on how this process can work. In addition to the weighted rating system, during the presentation staff will discuss other factors that are taken into account while developing the capital improvement program submission.

PRIOR ACTION:

July 9, 2019:

Physical Development Committee Review

FISCAL IMPACT:

No direct impact; however, this system will affect capital project funding decisions in the future

CONTACT(S):

Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S):

Powerpoint – Capital Improvement Prioritization
Sample Capital Improvement Project Rating Sheet

REVIEWED BY: raw



Capital Improvement Prioritization

City Council Work Session
September 10, 2019





Objectives

- Purpose: Provide an overview of the City's Capital Improvement Program (CIP) transportation projects prioritization method
 - Discuss long-range planning guiding documents
 - Review the City's capital project selection criteria
 - Review examples of other organizations' methods of prioritization
 - Explain additional considerations which impact prioritization



Long Range Planning Documents

- Referencing Document examples:
 - Virginia Department of Transportation (VDOT) Studies
 - Strategically Targeted Affordable Roadway Solutions (STARS) Program
 - Various Corridor Studies



Long Range Planning Documents (*continued*)

- Referencing Document examples:
 - Central Virginia Metropolitan Planning Organization (CVMPO) Studies
 - 2040 Long Range Transportation Plan
 - Atlanta Avenue Corridor Study
 - Wards Ferry Road Corridor Study



Long Range Planning Documents *(continued)*

- Referencing Document examples:
 - City Studies
 - Tinbridge Hill Neighborhood Plan
 - Downtown 2040
 - Bridge Condition Assessment
 - Pavement Condition Index
 - Parks and Recreation Trail Plans
 - City Comprehensive Plan, Chapter 12



Lynchburg Selection Criteria and Weighting

Selection Criteria	Weighting
1. Safety and Structural Deficiency	21%
2. Congestion	15%
3. Maintenance and Rehabilitation	15%
4. Community Impact	13%
5. Economic Development	11%
6. Better Streets, Multi-modal, Trails and Accessibility	6%
7. Environmental Issues and Beautification	6%
8. Functionally Obsolete – Improvements	8%
9. Functional Roadway Classification	5%



Lynchburg Selection Criteria and Weighting (*continued*)

Selection Criteria:

1. **Safety and Structural Deficiency** – 21%; the rating is a reflection of the impact the project will have on improving safety and/or correcting structural deficiencies.
2. **Congestion** – 15%; congestion most often relates to an excess of vehicles on a portion of roadway at a particular time resulting in speeds that are slower than normal and often means stopped or stop-and-go traffic. The rating reflects the extent to which the project reduces congestion.
3. **Maintenance and Rehabilitation** – 15%; the rating indicates the degree to which the project addresses preserving, maintaining, and/or extending the life of the transportation infrastructure.
4. **Community Impact** – 13%; this criterion factors in the impact a project has beyond the transportation element. The rating is a reflection of the transformative nature of the project, taking into consideration the number of citizens/businesses affected, improved livability, partnerships, community engagement/empowerment, community cohesion, building civic pride.
5. **Economic Development** – 11%; this criterion assesses the effect of the completed project on economic development.



Lynchburg Selection Criteria and Weighting (*continued*)

Selection Criteria (continued):

6. **Better Streets, Multimodal, Trails & Accessibility** – 6%; the rating gauges the impact the project will have on all users including drivers, pedestrians, bicyclists, public transportation riders, etc.
7. **Environmental Issues & Beautification** – 6%; this criterion takes into account the degree to which the project addresses stormwater requirements, stream impacts, green infrastructure, added/improved landscaping, street trees, etc.

Criteria 1-7 are rated based on the following sliding scale:

- 1: Little to no problem; small impact; good to excellent condition; routine improvement
- 5: Somewhat of a problem; medium impact; fair to good condition; needing maintenance and repair
- 10: Major/significant problem; huge impact; badly needing repair/rehabilitation; transformative



Lynchburg Selection Criteria and Weighting (*continued*)

Selection Criteria (continued):

8. **Functionally Obsolete – Improvements** – 8%; the rating reflects the condition of the infrastructure/asset, if it is at the end of its useful life, and whether it meets current design and technology standards.
9. **Functional Roadway Classification** – 5%; this criterion is determined based on the federal, State, and local designation of roadways.

Criterion 8 is rated based on the following:

Higher ratings are given to projects that include adding sidewalk, eliminating span wire, widening lanes, and/or widening sidewalk.

Criterion 9 is rated based on the following:

- 2: Non-road
- 4: Residential
- 6: Collector
- 8: Arterial
- 10: Primary Arterial/National Highway System



Example – Bedford Water Authority

CAPITAL IMPROVEMENTS RATING SHEET			
Project / Purchase: _____			
Estimated Cost: _____			
Considerations	Examples	Score Range	Score
Priority Classification			
Mandatory	Protection of life or public health & safety, or legally required	10	
Maintenance	Continuation of services, or finishing of partially completed projects	7	
Improve Efficiency	Replacement of obsolete facilities or improvement of facilities	5	
New Service	Expansion of services / provision of new services	2	
Priority Ranking			
Very High	0 - 2 years	10	
High	2 - 3 years	7	
Medium	3 - 5 years	5	
Low	5 years and beyond	2	
Expected Useful Life			
20+ years	Estimated life of the project and/or equipment	10	
10-19 Years		5	
5-9 Years		2	
<5 years		0	
Failure Potential			
High	Failures experienced; clay pipe; exceeding capacity	10	
Medium	Functioning but problematic; AC pipe; at or near capacity	5	
Low	Beginning to show potential for problems, but problems not experienced yet	2	
N/A		0	
Benefit Potential / Effect of Failure			
High	Critical customers, businesses, and/or many customers affected if failure	10	
Medium	Some customers and/or small businesses affected	5	
Low	Few customers possibly affected, no businesses	2	
N/A		0	
Effect on Operating & Maintenance Costs			
Reduce Cost	Reduced personnel time, material/chemical costs, reporting requirements, etc.	10	
Cost Unchanged		5	
Increase Cost	Additional time, material/chemical costs, flushing, etc.	2	
Effect on Revenue			
Increase Revenue		10	
Unchanged		5	
Decrease Revenues		2	
Environmental Impact			
High	Overflows travel to waterways; loss of water service experienced	10	
Medium	Overflows to grass	5	
Low / None		0	
Total Score:		<u>0</u>	



Example – City of Martinsville

CIP Funding Request		FY19	New Project Form	
Section A				
Project Name:		Date:		
Department/Division:		Prepared by:		
Project Manager:		☐ New	☐ Replacement	
Section B				
Goal/Initiative:	☐ Economy	☐ Effective Gov't.	☐ Infrastructure	
Dept's Ranking*:		Committee Ranking:		
Project Description:				
# of years replacement has been requested:		Quantity:		Projected Start/Finish Dates:
Purpose/Justification:				
Project's relation to Goal/Initiative as indicated above:				
Effects on Future Operational Budgets:				
Coordination with Other Capital Projects:				

Section C	
Total Estimated Project Costs & Funding Sources	
Capital Expenditures	Non-Capital Expenditures
Project Management:	Professional Services:
Land Acquisition:	Repairs:
Site Development:	Other:
Construction:	Total Estimated Costs:
Consult/Arch/Engineer:	
Permits & Inspections:	Project Funding Sources:
Communication:	A. Capital Funds:
Utilities/Infrastructure:	B. Debt Proceeds:
Equip/Furn/Fixtures:	C. State Aid:
Contingency:	D. Federal Aid:
Other:	E. Other:
Total Estimated Costs:	Total Funding Req'd:
Proposed line time to use: (name & number)	
Department Ranking Criteria and Codes:	
1. Protection of life	
2. Maintenance of public health	
3. Protection of property	
4. Maintenance of physical prope	
5. Provision of public services	
6. Replacement of obsolete facilities	
7. Reduction of operating costs	
8. Public convenience and comfort	
9. Promotion of econ. Development	
A. Urgent	
B. Necessary	
C. Desirable	
D. Deferrable	
*Please rank this project by choosing the most appropriate numbered item and the most appropriate lettered item to form your ranking. For example, if the project is for the protection of property (3.) and the need is urgent (A.), your ranking would be "3 A.". (see box above "Dept's Ranking")	

FORMS MUST BE ACCOMPANIED BY A REASONABLY ACCURATE QUOTE.
REQUESTS SUBMITTED WITHOUT A QUOTE WILL NOT BE ACCEPTED.



Example – SMART SCALE



Purpose

SMART SCALE is a statewide program that distributes funding based on a transparent and objective evaluation of projects that will determine how effectively they help the state achieve its transportation goals.

Funding

There are two main pathways to funding within the SMART SCALE process—the Construction District Grant Program (DGP) and the High Priority Projects Program (HPPP). A project applying for funds from the DGP is evaluated against other projects within the same construction district. A project applying for funds from the HPPP is evaluated against projects statewide. The Commonwealth Transportation Board (CTB) then makes a final decision on which projects to fund.

Eligible Projects

Projects must address improvements to a Corridor of Statewide Significance, Regional Network, or Urban Development Area (UDA) that meet a need identified in the statewide multimodal long-range transportation plan, VTrans. Project types can include highway improvements such as widening, operational improvements, access management, intelligent transportation systems, transit and rail capacity expansion, and transportation demand management, including park and ride facilities. Projects may also address a documented safety need.

Eligible Applicants

Applications may be submitted through the SMART SCALE regional entities including Metropolitan Planning Organizations (MPOs) and Planning District Commissions (PDCs), along with public transit agencies, and counties, cities, and towns that maintain their own infrastructure. Projects pertaining to UDAs and safety needs can only be submitted by localities. Applications may be for eligible project types only and sufficiently developed such that benefits can be calculated.

Evaluation Criteria

There are five factors evaluated for all projects: Safety, Congestion Mitigation, Accessibility, Environmental Quality, and Economic Development. Projects in MPOs with a population greater than 200,000 are also evaluated by a land use factor.

Funding Cycle

Beginning with the FY2018-FY2023 SYIP Update, the application cycle will alternate every other year with funding generally applied to projects in the last two years of the SYIP. Applications are generally accepted beginning in the Spring through July. Approximately \$500-600 million in each program is expected to be available per cycle. Funding includes both state and federal sources. Projects that can be developed as federal projects will follow the federal process.

Website

<http://www.vasmartscale.org/>



Example – Central Virginia Planning District Long Range Transportation Plan

Theme	Goals	Weight
Mobility and Accessibility: Provide a transportation system that facilitates the efficient movement of people and goods	Make it Flow, Make it Accessible	20%
Safety: Provide a safe and secure transportation system	Make it Safe	25%
Economy: Retain and increase business and employment opportunities	Promote Vitality, Make it Efficient	25%
Community and Nature: Improve the quality of life and protect the environment	Sustain Quality	15%
Efficiency: Preserve the existing transportation system and promote efficient system management	Make it Function, Coordinate Investments, Balance Priorities	15%
Total		100%

Theme	Performance Factors	Weight Relative to Goal
Mobility and Accessibility: Provide a transportation system that facilitates the efficient movement of people and goods	A. Congestion	37%
	B. Traffic Volume	23%
	C. Freight	20%
	D. Alternative Transportation	20%
	Total	100%
Safety: Provide a safe and secure transportation system	A. Accident Rate	61%
	B. Safety Features	39%
	Total	100%
Economy: Retain and increase business and employment opportunities	A. Economic Development Plans	25%
	B. Commuter Travel	44%
	C. Surrounding Employment Density	31%
	Total	100%
Community and Nature: Improve the quality of life and protect the environment	A. Cultural and Environmental Resources	30%
	B. Corridor Beautification	30%
	C. Right of Way Sufficiency	40%
	Total	100%
Efficiency: Preserve the existing transportation system and promote efficient system management	A. VDOT Functional Roadway Classification	20%
	B. Plan Coordination	38%
	C. Distribution of Benefits	42%
	Total	100%



Grant Funding Considerations

- Very little local funding available for transportation projects
- Engineering staff strives to maximize federal and State funding opportunities
 - SMART SCALE
 - Revenue Sharing
 - Transportation Alternatives Program
 - Highway Safety Improvement Program
 - State of Good Repair



Grant Funding Considerations (continued)

- Federal and State grant funding criteria change with frequency
- Need to rely on federal and state funds for large projects, supplemented by local funds
- Need to plan for local match to Revenue Sharing as well as other grants



Financing Considerations

- Prior and future large projects (ex: Heritage High School, College Lake Dam, Police Headquarters) limit funds available for debt service
- Spread large projects out unless largely funded by an outside source
- To spread out fiscal impact, need to schedule small, medium, and large projects that include trails, bridges, and culvert projects



Additional Considerations

- Some subjective decision making is required – the weighted total is a guideline
 - Scoring is part of the planning process; there will be times when events or situations occur that create a critical need, i.e. College Lake Dam, Indian Hill Bridge
- Limited staff to manage projects
- A cost-benefit factor is included as part of the analysis



Cost-Benefit Factor

- Use a multiplier based on the percent of local funding needed

If the percent of required local funding is:	Multiplier:
0%	1.0
1% - 25%	0.9
26% - 50%	0.8
51% - 75%	0.7
74% - 99%	0.6
100%	0.5

- For example, a project with a weighted total of 100.0 requiring 25% local funding would drop to a Final Cost-Benefit Score of 90.0 (*Final Score = 100.0 x 0.9*)



QUESTIONS or COMMENTS?

Project Name	Description/Notes	Planning Level Budget	Referencing Document	Council Approved Guidance Document (Yes or No)	Potential Funding Source									Selection Criteria													
					Smart Scale (prev. HB2)	Revenue Sharing	Transprt. Alternat. Program (TAP)	Highway Safety Improvmt Program (HSIP)	State of Good Repair	CDBG	Local Highway Maint.	Local Funding - Pay-As-You-Go/Bonds	Private	Weight %	1. Safety & Structural Deficiency	2. Congestion	3. Maintenance & Rehabilitation	4. Community Impact	5. Economic Development	6. Better Streets, Multimodal, Trails & Accessibility	7. Environmental Issues & Beautification	8. Functionally Obsolete - Improvements	9. Functional Roadway Classification	Weighted Total (100%)	Required Local Funding Multiplier	Cost-Benefit Score (Weighted Total x Local Funding Multiplier)	Critical Need
															21%	15%	15%	13%	11%	6%	6%	8%	5%	100%			
Rt 501/221 One Way Pair	Existing Rt 501 S of 221 to Northwest Expressway (One Way Pair). Application submitted for SMART SCALE for FY 2018.	\$22,425,000	MPO, Comp. Plan	Yes	✓							✓			9	10	0	10	10	7	5	9	10	77.3	0.9	69.6	
Downtown Streetscape	Waterline replacement & streetscape	\$5,000,000	Downtown Master Plan	Yes		✓				✓		✓			10	6	10	10	10	8	6	8	8	87.8	0.7	61.5	
College Lake Dam Improvements	Remove dam, replace with bridge	\$28,500,000	Comprehensive Plan	Yes		✓						✓			10	4	10	5	0	5	8	10	10	69.3	0.8	55.4	✓
Indian Hill Bridge	Replacement	\$3,500,000	Comprehensive Plan	Yes		✓						✓			10	0	10	4	0	3	2	10	6	55.2	0.8	44.2	✓
Old Forest Road (US-501 to Link Road)	Pedestrian improvements & possible access management - Kings Dr. to bridge over railroad; railroad bridge to Fresh Market with One Way Pair)	\$1,100,000	Staff Recommendation	No				✓				✓			7	2	0	7	2	5	2	4	8	40.4	0.9	36.4	
Bikeway Bridge to Linkhorne Schools	Build walkway/deck, trail to Linkhorne parking lot	\$1,200,000	Comprehensive Plan	Yes			✓					✓			6	3	2	6	2	6	2	4	0	38.1	0.8	30.5	
John Capron Road	Construct new roadway to Odd Fellows Road	\$3,500,000	Comprehensive Plan	Yes		✓						✓			0	6	0	3	7	5	3	2	6	30.0	0.8	24.0	

The Required Local Funding Multiplier is determined as follows:

If the percent of Required Local Funding is:	Multiplier:
0%	1
1% - 25%	0.9
26% - 50%	0.8
51% - 75%	0.7
74% - 99%	0.6
100%	0.5

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: September 10, 2019

AGENDA ITEM #: **3**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Lynchburg Social Services 3rd Quarter Dashboard Data**

KEY ELEMENTS:

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

RECOMMENDATION: Review Lynchburg Division of Social Services 3rd quarter Dashboard data.

SUMMARY: The Virginia Department of Social Services (VDSS) has developed a Local Dashboard for each local department of social services, which will be provided on a quarterly basis. The Dashboard contains a subset of measures and performance data for Benefit Programs, Family Services and Child Care, as well as Human Resources and financial information which may be useful in understanding locality strengths, challenges, and opportunities of the City's social services functions.

This presentation will outline a variety of metrics and identify areas in which there are resource gaps that are key to meeting mandated standards.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Tamara Rosser, Director of Human Services, 455-5794

ATTACHMENT(S):
Power point presentation

REVIEWED BY: raw

114R



Lynchburg Division of Social Services Quarterly Dashboard

3rd Quarter Report/FY19





BACKGROUND

- The Virginia Department of Social Services (VDSS) operates under a "state supervised, locally administered" model.
- The state provides guidance and monitors local Department of Social Services performance.
- VDSS developed the “dashboard” for each local department of social services (LDSS).
 - Benefit Programs and Family Services



PURPOSE

- Provide City Council an overview of Lynchburg Division of Social Services Dashboard data.
- Identify gaps in staffing that are key to meeting mandated measures.



OVERVIEW

Data is provided in four areas:

- 1. Public Assistance** – the timeliness in which applications for Medicaid (MA), Supplemental Nutrition Program (SNAP), Temporary Assistance to Needy Families (TANF) and Child Care are processed;
- 2. Family Services** – the number of children in foster care, timeliness of first contact; the percentage of congregate care placements; the percentage of kinship placements;



OVERVIEW

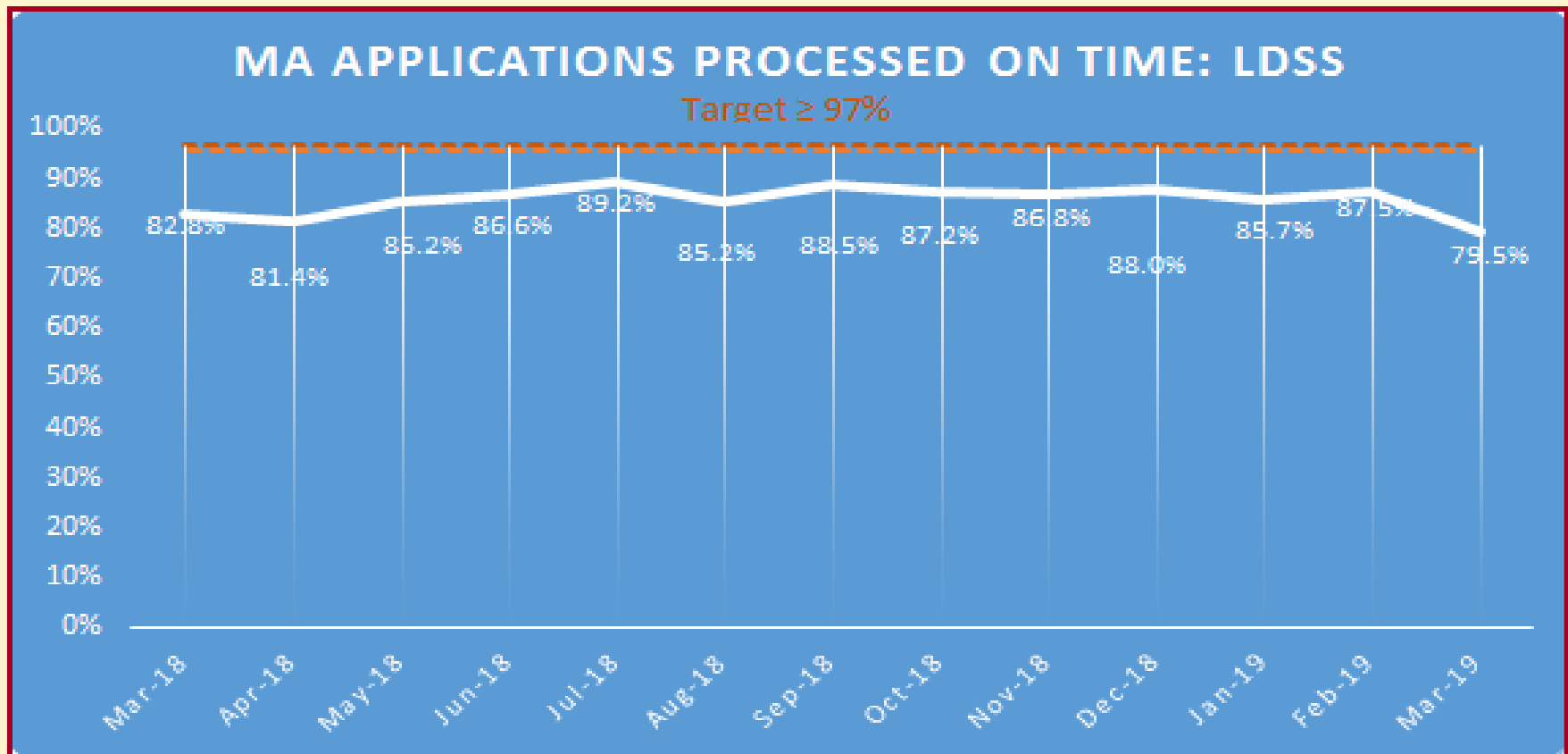
3. Human Resources – the number of targeted positions as reported in the Local Employee Tracking System(LETS), the number of filled positions, separations, vacancy and turnover rates.

4. Finance – the budget, funding sources and percentage of funds remaining.



PUBLIC ASSISTANCE

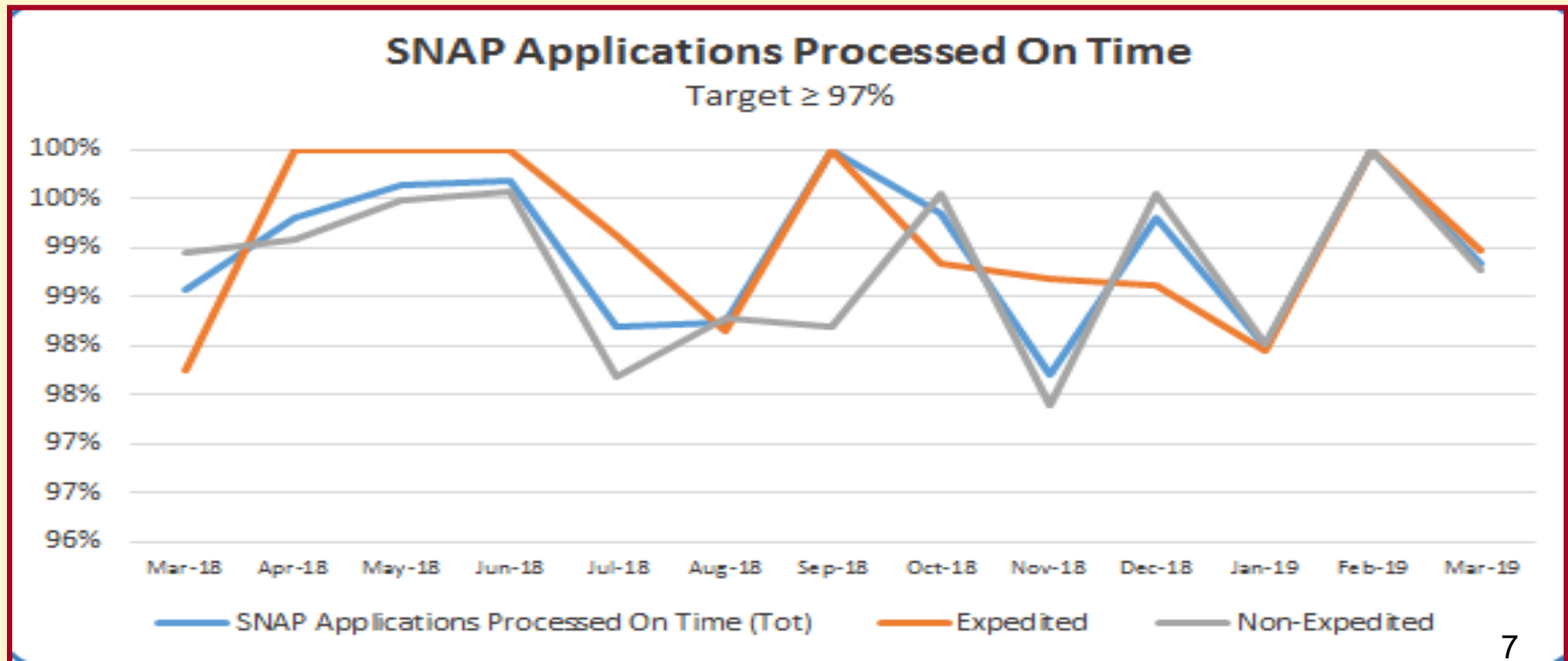
Medicaid Assistance (MA)





PUBLIC ASSISTANCE

Supplemental Nutrition Assistance Program(SNAP)





PUBLIC ASSISTANCE

Percent of Applications Processed on Time

<i>Public Assistance: Percent of Applications Processed On Time</i>		
Measure	Target $\geq 97.0\%$	
	Prior Quarter	Current Quarter
Medical Assistance (MA): LDSS	87.4%	84.2%
Supplemental Nutrition Assistance Program (SNAP)	98.8% 	98.9%
Temporary Assistance for Needy Families (TANF)	100.0% 	96.9%
Child Care (CC)*	98.2% 	98.9%

0.0%	SNAP Error Rate
Target $\leq 6\%$	Oct 2018 - Nov 2018

**	MA Error Rate
** Under Development	



Public Assistance

Monthly Trend Data

PUBLIC ASSISTANCE	Target	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18
% MA Apps Processed On Time: LDSS	≥ 97%	82.8%	81.4%	85.2%	86.6%	89.2%	85.2%	88.5%
% MA Apps Processed On Time: Cover VA		75.0%	64.6%	82.5%	82.4%	69.5%	90.0%	91.5%
% MA Apps Processed On Time: FFM		58.3%	66.7%	80.6%	93.3%	75.9%	100.0%	78.9%
SNAP Applications Processed On Time (Tot)	≥ 97%	98.6%	99.3%	99.6%	99.7%	98.2%	98.2%	100.0%
SNAP Expedited Apps Processed On Time		97.8%	100.0%	100.0%	100.0%	99.1%	98.1%	100.0%
SNAP Non-Exp Apps Processed On Time		99.0%	99.1%	99.5%	99.6%	97.7%	98.3%	98.2%
TANF Applications Processed On Time	≥ 97%	95.6%	98.3%	95.1%	93.2%	100.0%	100.0%	100.0%

PUBLIC ASSISTANCE	Target	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19
% MA Apps Processed On Time: LDSS	≥ 97%	87.2%	86.8%	88.0%	85.7%	87.5%	79.5%
% MA Apps Processed On Time: Cover VA		80.3%	88.8%	91.1%	71.4%	65.7%	60.9%
% MA Apps Processed On Time: FFM		84.6%	100.0%	97.9%	77.1%	47.8%	41.5%
SNAP Applications Processed On Time (Tot)	≥ 97%	99.4%	97.7%	99.3%	98.0%	100.0%	98.8%
SNAP Expedited Apps Processed On Time		98.8%	98.7%	98.6%	98.0%	100.0%	99.0%
SNAP Non-Exp Apps Processed On Time		99.6%	97.4%	99.5%	98.0%	100.0%	98.8%
TANF Applications Processed On Time	≥ 97%	100.0%	100.0%	100.0%	95.0%	100.0%	96.2%



Public Assistance

Quarterly Results

PUBLIC ASSISTANCE	Target	January 2019	February 2019	March 2019	SFY19 3rd QTR AVG
% MA Apps Processed On Time: LDSS	≥ 97%	85.7%	87.5%	79.5%	84.2%
% MA Apps Processed On Time: Cover VA		71.4%	65.7%	60.9%	65.1%
% MA Apps Processed On Time: FFM		77.1%	47.8%	41.5%	58.4%
SNAP Applications Processed On Time (Tot)	≥ 97%	98.0%	100.0%	98.8%	98.9%
SNAP Expedited Apps Processed On Time		98.0%	100.0%	99.0%	99.0%
SNAP Non-Exp Apps Processed On Time		98.0%	100.0%	98.8%	98.9%
TANF Applications Processed On Time	≥ 97%	95.0%	100.0%	96.2%	96.9%
VaCMS Downtime				0.00%	0.00%
*Systems that integrate with VaCMS experienced downtime. MMIS was down for approximately 22.5 hours and eDRS was down for 42 hours					



CHILD CARE

Monthly Trend Data

CHILD CARE	Target	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18
Child Care Applications Processed On Time	≥ 97%	100.0%	97.3%	100.0%	98.2%	97.9%	98.3%	98.5%
# Children Served (All Budget Lines)		258	247	243	241	232	243	257
# Children Served (Budget Line 883 Fee/CC)		155	164	163	159	153	161	176
# Children on Wait List		0	0	0	0	0	0	0

CHILD CARE	Target	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19
Child Care Applications Processed On Time	≥ 97%	100.0%	100.0%	92.6%	100.0%	100.0%	96.4%
# Children Served (All Budget Lines)		237	263	276	279	282	291
# Children Served (Budget Line 883 Fee/CC)		169	186	202	194	196	207
# Children on Wait List		0	0	0	0	0	0



CHILD CARE

Quarterly Results

CHILD CARE	Target	January 2019	February 2019	March 2019	SFY19 3rd QTR AVG
Child Care Apps Processed On Time	≥ 97%	100.0%	100.0%	96.4%	98.9%
# Children Served (All Budget Lines)		279	282	291	284.0
# Children Served (Budget Line 883 Fee/CC)		194	196	207	199.0
# Children on Wait List		0	0	0	0.0



FAMILY SERVICES

Foster Care/Child Protective Services

<i>Family Services</i>			
Measure	Result		Target
	Prior Quarter	Current Quarter	
Timeliness of First Contact	77.6%	 84.7%	≥ 95%
Congregate Care Placements	12.5%	 16.4%	≤ 16%
Transcription Usage	3.3%	 18.3%	≥ 85%

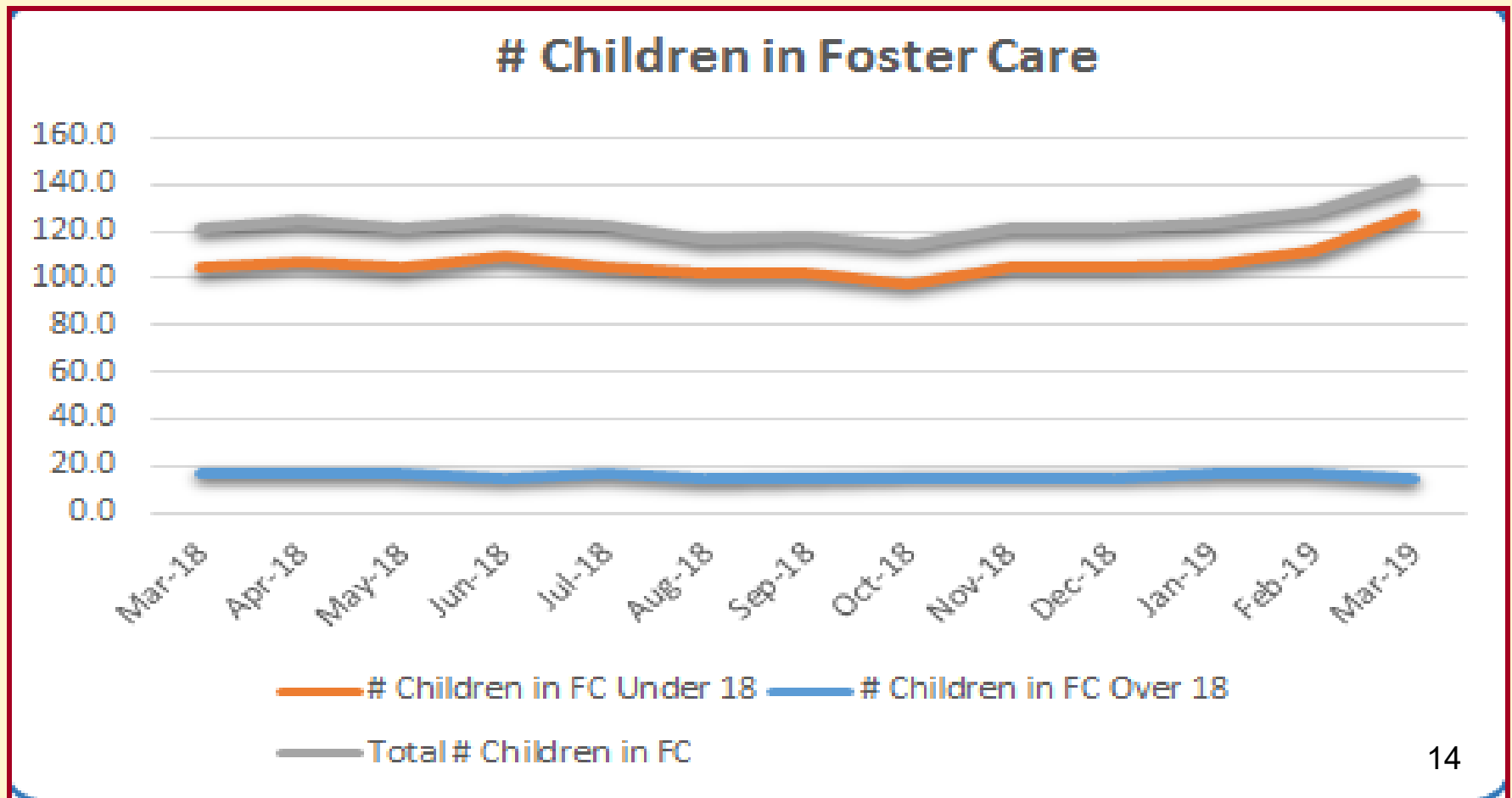
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FAMILY SERVICES

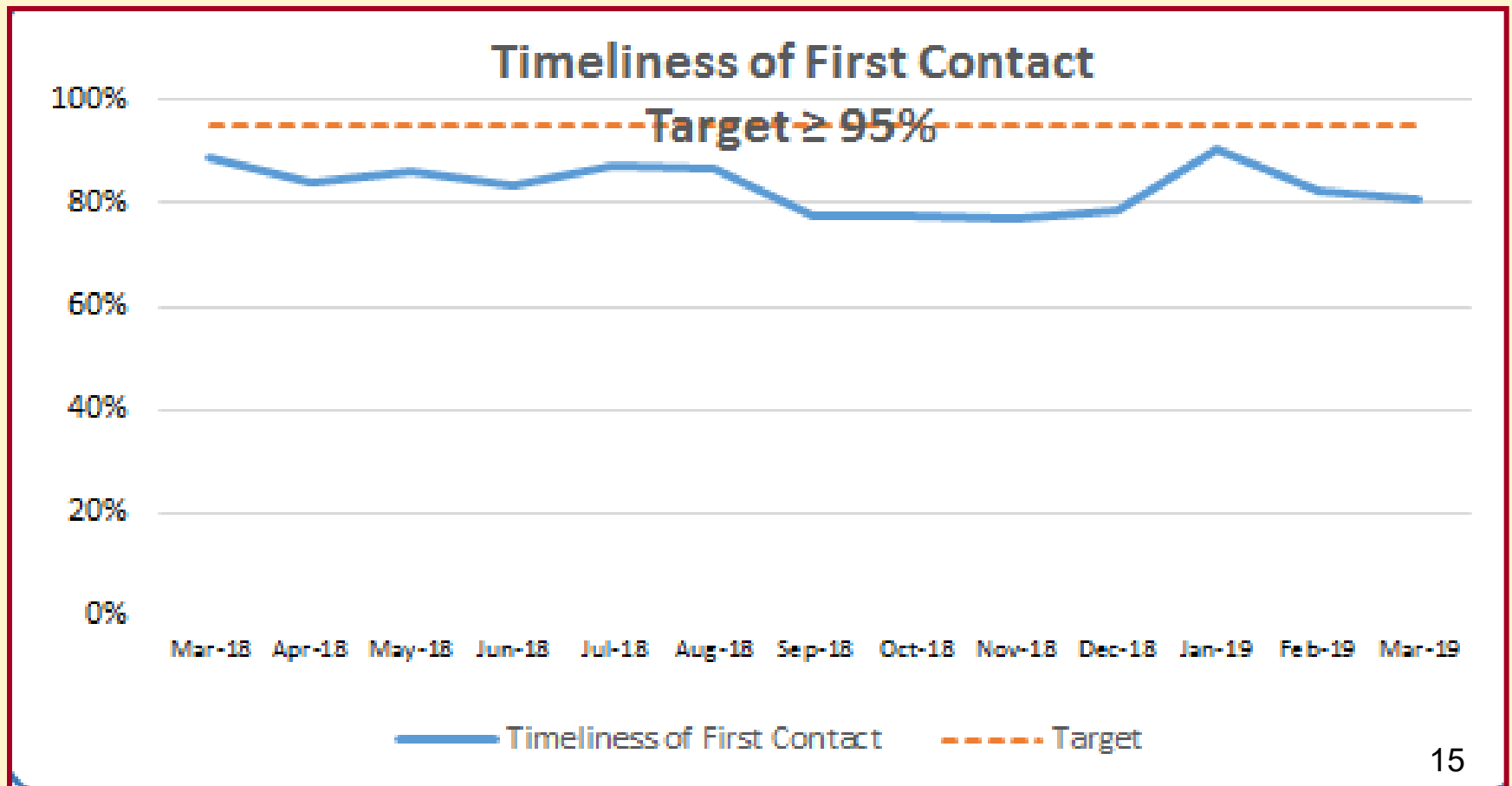
Foster Care





FAMILY SERVICES

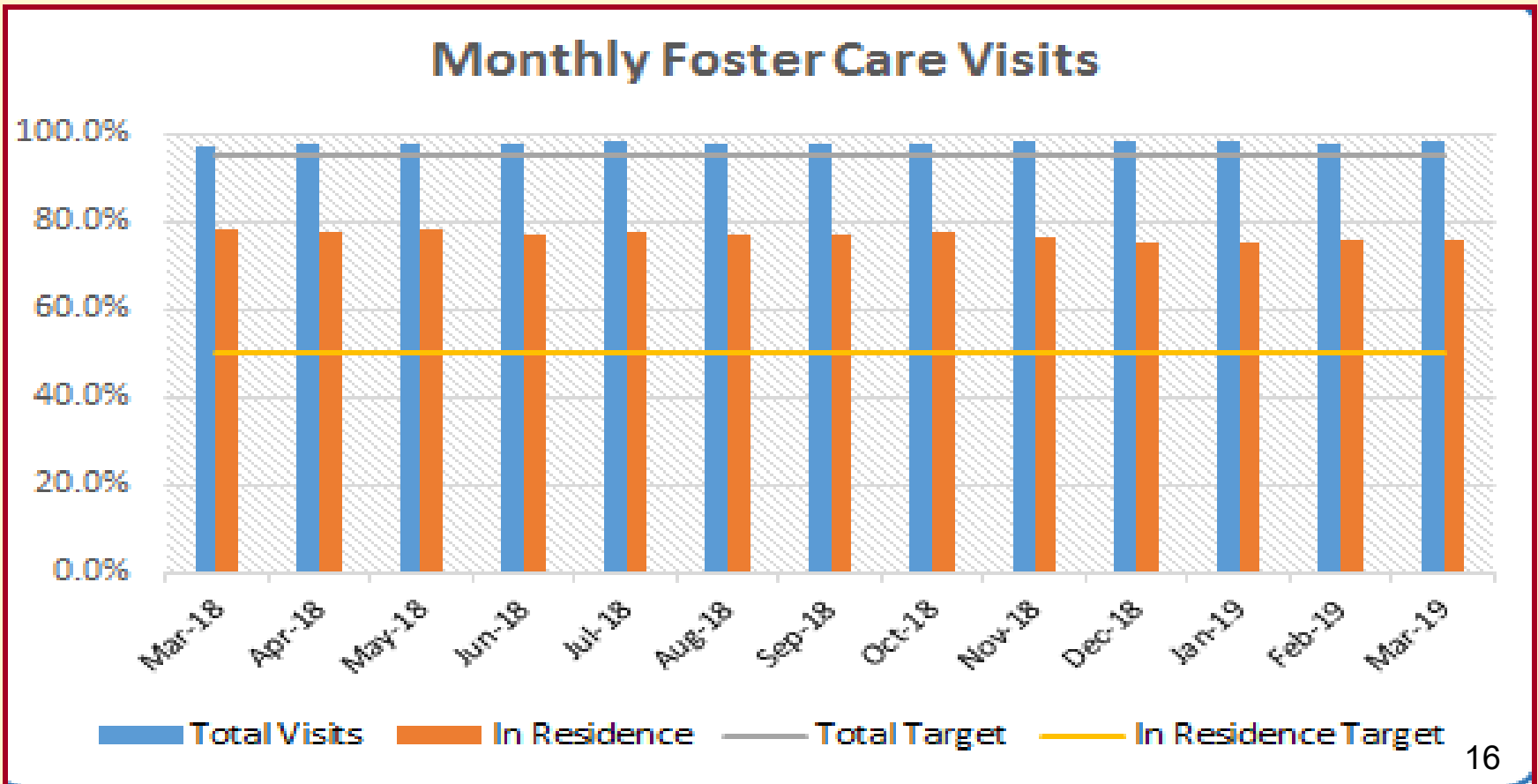
Child Protective Services





FAMILY SERVICES

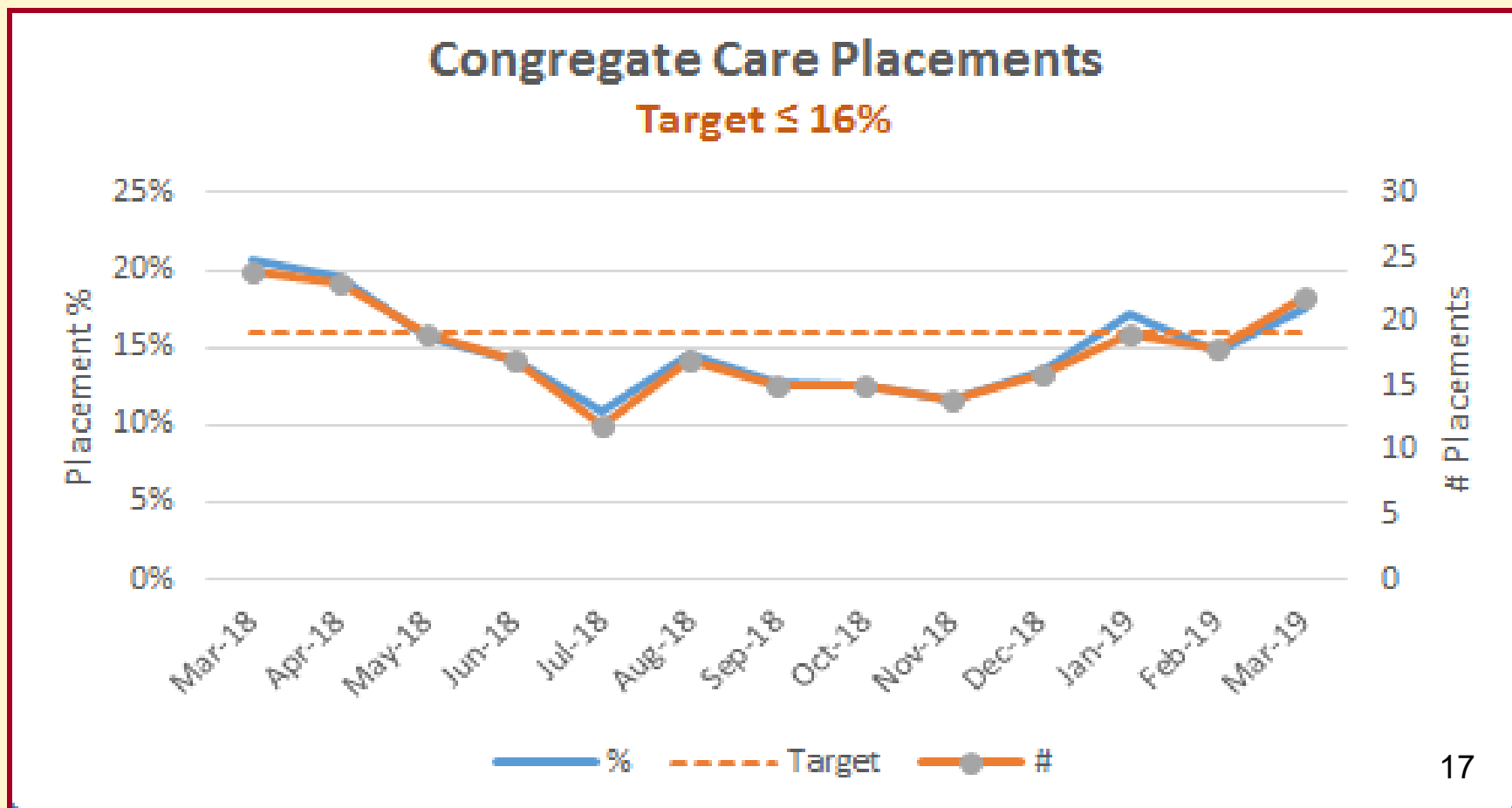
Foster Care





FAMILY SERVICES

Foster Care





FAMILY SERVICES

Monthly Trend Data (continued on next slide)

FAMILY SERVICES	Target	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18
Timeliness of First Contact (# On Time)	≥ 95%	56	53	63	51	54	70
Timeliness of First Contact (% On Time)		88.9%	84.1%	86.3%	83.6%	87.1%	86.4%
Congregate Care Placements (#)	≤ 16%	24	23	19	17	12	17
Congregate Care Placements (%)		20.7%	19.5%	15.7%	14.2%	10.8%	14.7%
Kinship Care Placements (#)		16	17	18	14	11	11
Kinship Care Placements (%)	≥ 25%	15.8%	16.8%	17.6%	13.9%	12.0%	11.2%
Monthly Foster Care Visits	≥ 95%	97.3%	97.7%	97.8%	97.9%	98.2%	97.9%
Monthly Foster Care Visits: In Residence	≥ 50%	78.4%	77.6%	78.2%	77.3%	77.8%	77.2%
FPMs: Concurrent Planning (%)	≥ 75%	0.0%	6.7%	0.0%	0.0%	0.0%	0.0%
FPMs: Placement Changes (%)	≥ 75%	0.0%	0.0%	11.8%	4.2%	0.0%	0.0%
Children in Foster Care > 24 months		73	37	39	39	34	32
Children in Foster Care > 36 months		20	20	22	26	23	24
Children in Foster Care > 48 months		13	13	14	16	14	14
AFCARS-Approved Court Hearing Status (#)		86	94	89	88	88	94
AFCARS-Approved Court Hearing Status (%)	≥ 95%	87%	90%	90%	90%	92%	93%
TPR Status		32	39	37	33	31	182
Transcription Usage (%)	≥ 85%	3.3%	13.9%	4.0%	7.6%	10.4%	6.1%



FAMILY SERVICES

Monthly Trend Data

FAMILY SERVICES	Target	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19
Timeliness of First Contact (# On Time)	≥ 95%	58	65	50	44	57	38	55
Timeliness of First Contact (% On Time)		77.3%	77.4%	76.9%	78.6%	90.5%	82.6%	80.9%
Congregate Care Placements (#)	≤ 16%	15	15	14	16	19	18	22
Congregate Care Placements (%)		12.7%	12.5%	11.7%	13.4%	17.1%	14.8%	17.5%
Kinship Care Placements (#)		15	14	15	14	17	18	18
Kinship Care Placements (%)	≥ 25%	14.6%	13.6%	14.6%	14.6%	17.2%	15.9%	15.3%
Monthly Foster Care Visits	≥ 95%	98.0%	98.1%	98.3%	98.2%	98.2%	98.0%	98.2%
Monthly Foster Care Visits: In Residence	≥ 50%	77.2%	77.5%	76.3%	75.1%	75.5%	76.2%	76.0%
FPMs: Concurrent Planning (%)	≥ 75%	0.0%	0.0%	0.0%	6.3%	0.0%	0.0%	0.0%
FPMs: Placement Changes (%)	≥ 75%	0.0%	10.0%	5.3%	30.8%	0.0%	11.1%	0.0%
Children in Foster Care > 24 months		32	32	33	33	31	28	26
Children in Foster Care > 36 months		23	23	25	23	23	21	20
Children in Foster Care > 48 months		14	14	17	17	16	14	13
AFCARS-Approved Court Hearing Status (#)		84	85	92	93	101	99	107
AFCARS-Approved Court Hearing Status (%)	≥ 95%	89%	89%	89%	90%	94%	93%	93%
TPR Status		30	30	28	26	25	23	22
Transcription Usage (%)	≥ 85%	5.6%	5.3%	2.8%	2.0%	11.8%	19.2%	23.8%



FAMILY SERVICES

Quarterly Results

FAMILY SERVICES	Target	Jan-19	Feb-19	Mar-19	SFY19 3rd QTR AVG
Timeliness of First Contact (# On Time)	≥ 95%	57	38	55	50.0
Timeliness of First Contact (% On Time)		90.5%	82.6%	80.9%	84.7%
Congregate Care Placements (#)	≤ 16%	19	18	22	19.7
Congregate Care Placements (%)		17.1%	14.8%	17.5%	16.4%
Kinship Care Placements (#)	≥ 25%	17	18	18	17.7
Kinship Care Placements (%)		17.2%	15.9%	15.3%	16.1%
Monthly Foster Care Visits	≥ 95%	98.2%	98.0%	98.2%	98.1%
Monthly Foster Care Visits: In Residence	≥ 50%	75.5%	76.2%	76.0%	75.9%
FPMs: Concurrent Planning (%)	≥ 75%	0%	0%	0%	0%
FPMs: Placement Changes (#)	≥ 75%	0%	11%	0%	4%
Children in Foster Care > 24 months		31	28	26	28
Children in Foster Care > 36 months		23	21	20	21
Children in Foster Care > 48 months		16	14	13	14
AFCARS-Approved Court Hearing Status (#)	≥ 95%	101	99	107	102.3
AFCARS-Approved Court Hearing Status (%)		93.5%	93.4%	93.0%	93.3%
TPR Status		25	23	22	0
Transcription Usage (%)	≥ 85%	11.8%	19.2%	23.8%	18.3%



HUMAN RESOURCES

Monthly Trend Data

HUMAN RESOURCES	Target	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18
Filled Positions - Administrative	33	29	29	29	29	29	29
Filled Positions - Benefit Programs	82	67	66	65	68	67	66
Filled Positions - Family Services	60	45	45	45	46	46	46
Total Filled Positions	175	141	140	139	143	142	141
Separations		1	1	1	0	4	2
Monthly Turnover Rate					0%	3%	3%
Vacancy Rate					17%	17%	18%

HUMAN RESOURCES	Target	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19
Filled Positions - Administrative	33	29	28	28	28	28	29
Filled Positions - Benefit Programs	82	68	69	69	69	69	70
Filled Positions - Family Services	60	44	44	44	46	46	46
Total Filled Positions	175	141	141	141	143	143	145
Separations		2	0	0	1	1	1
Monthly Turnover Rate		1%	0%	0%	0%	1%	1%
Vacancy Rate		20%	20%	20%	19%	18%	17%



HUMAN SERVICES

Quarterly Results

HUMAN RESOURCES	Target	Jan-19	Feb-19	Mar-19	SFY19 3rd QTR AVG
Filled Positions - Administrative	33	28	28	29	28.3
Filled Positions - Benefit Programs	82	69	69	70	69.3
Filled Positions - Family Services	60	46	46	46	46.0
Total Filled Positions	175	143	143	145	143.7
Separations		1	1	1	1.0
Monthly Turnover Rate		0%	1%	1%	
Vacancy Rate		19%	18%	17%	
Employees with Current Evaluation (%)	100%	96%	96%	95%	



MEETING THE STANDARD

- Dashboard data is only a piece of a very large puzzle of data, mandates, standards and reviews;
- Over the past years positions have been eliminated while the responsibilities and mandates have increased;
- While we are making some progress, we will be challenged to meet the minimum standards with current staff;
- The consequences of not meeting standards may result in not receiving full reimbursement of funds or having to repay funds.



HOW DO WE COMPARE?

	TIMELINESS OF SNAP APPLICATIONS (4TH QTR AVG) Target – 97%	TIMELINESS OF FIRST CONTACT (4TH QTR AVG) Target – 95%
LYNCHBURG	99%	93%
DANVILLE	99%	79%
ROANOKE CITY	98%	89%
BEDFORD COUNTY	98%	96%
CAMPBELL COUNTY	99%	97%
CHARLOTTESVILLE	95%	95%



QUESTIONS?

Happy to answer any questions.

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of August, 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, Sterling A. Wilder,
Beau Wright, Treney Tweedy 7

Absent: 0

// On motion of Councilmember Perrow, seconded by Vice Mayor Dolan, by the following recorded vote elected to hold a closed meeting for discussion of plans to protect the safety and security of the members of City Council while they are in City Hall, because discussion in an open meeting would jeopardize such safety and security plans, pursuant to Section 2.2-3711(A.)(19.) of the Code of Virginia:

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

Noes: 0

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

// Councilmember Helgeson made the following motion:

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

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

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

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

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

Noes: 0

// In the matter of Community Development, Zoning Amendments, Short-term Rentals, Agenda Item #2, Ms. Bonnie Svrcek reminded them that a public hearing had been conducted on May 14, 2019. Council had requested the item be held over to a work session. Dr. Reid Wodicka reminded them that short-term rentals are being operated ultimately under a zoning interpretation rather than a very clear ordinance. The hope is that we come up with a very clear definition of our policies that can be codified. Mr. Kent White gave a presentation. He commented that short-term rentals represent approximately 10 percent of the City's total lodging revenue. Host Compliance, a third party monitoring site, gave them an updated assessment of short-term rentals in May 2019. It identified 483 unique rental units resulting in 529 rental listings. The estimated median nightly rate is \$77. Three quarter of the units were single-family homes and three quarters of the hosts rented the entire home.

Digital platforms have created an opportunity for residents to showcase Lynchburg to the world. Short-term rentals increase lodging choices and create great opportunities for individuals to generate additional income, as well

as highlight distinct area of the City. Conversely, short-term rentals have raised questions of fairness. The 22 hotels and four bed and breakfasts in the City must obtain business licenses and remit taxes. Neighborhood impacts are also a concern. Some reported issues include transiency, occupancy, parking, noise and trash.

Last year, Council heard two updates on short-term rentals. 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 the 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 the following short-term rental recommendations for Council's consideration: 1) Short-term rentals would be permitted by right in all zoning districts, except industrial and institutional 1; 2) owner occupancy is required in the R-C, R-1, and R-2 single-family districts; 3) Occupancy is limited to four unrelated guests. An unlimited number of related guests would be allowed but no unrelated guests may accompany them; 4) One additional parking space would be required per short-term rental except in the B-4 district; 5) All units must register and pay an annual \$150 fee; 6) The City may revoke unit approval for three ordinance violations related to the short-term rental in three years.

Staff provided answers to questions posed by the public and City Council. 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? 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 three 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, up to five months, to meet notification requirements, if they go to court. There were 11 zoning cases for short-term rentals in 2018. Some cases were based on multiple complaints about a specific property.

How would the proposed short-term rental ordinance improve enforcement? It would provide clearly defined rules. Registry would provide location information for short-term rentals. It would also allow for due process for the zoning administrator to address complaints without requiring staff to take each individual violation to court. Three code violations related to short-term in three years would prohibit that rental.

What would be the impact of prohibiting short-term rentals in R-1 and R-2? There are potentially hundreds of short-term rental operators in violation. City does not currently have the resources to enforce. There might be reduced transiency in neighborhoods but there would be lessened lodging/tourism options. There could also be General Assembly action.

Mr. Tom Martin addressed the following questions: Why does the short-term ordinance allow four unrelated people instead of three? It was originally proposed to limit short-term rental occupancy to three people. Planning Commission proposed raising the number of guests to four unrelated people to allow two couples to rent a short-term rental together. An unlimited number of related individuals may rent a short-term rental just like they can with 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. Council would need to make this change to the current draft ordinance if it would like one unrelated person to be allowed to accompany a group of related guests.

In answer to a question about the requirements for a bed and breakfast, staff provided the following definition: A dwelling, occupied as such, in which sleeping accommodations in less than six rooms with not more than four 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. In residentially zoned districts, a conditional use permit is required; business license and lodging tax is required, as well one parking space per room. It is managed by the occupants of the building and the primary use of the home shall remain a residence. In R-1 and R-2 districts, it is restricted to three rooms with up to two persons per room. In R-3 and R-4 districts, it is restricted to five rooms with up to four persons per room.

In commercially zoned districts, bed and breakfasts are permitted by right in B-1, B-3, B-4, B-5 and IN-2. Business license and lodging tax are required. It is managed by the occupants of the building and up to five rooms are allowed with no more than four persons per room.

The definition of a hotel is a building or part thereof containing five 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. They are permitted by right in B-3, B-4, B-5 and IN-2. They are allowed by conditional use permit in the I-1 district. A parking space for each room is required, as well as a business license and lodging taxes.

How is owner defined as it relates to owner occupancy? Related people are related individuals including people who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care. This would prohibit corporate entities from purchasing residences in the City's lower density residential neighborhoods and converting them to strictly short-term rentals.

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 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 (ten percent or higher) residential living space rented on a short-term basis. They cause impacts on the character of a neighborhood and the cost of housing. It is not yet identified as an issue in Lynchburg and the owner occupancy requirement provides some protection. When we talk about neighborhoods, we need to look at what the City's *Comprehensive Plan* lists, which is a City of strong neighborhoods as a guiding principle of the vision. Specifically, the *Comprehensive Plan* says the City's reputation as a good place to live and work will grow from the quality of its many neighborhoods with their distinctive characters, histories and natural settings. Lynchburg neighborhoods will provide residents safe, healthy environments and strong senses of identity and ownership. The short-term ordinance as proposed today would help maintain that sense of ownership in our low-density residential districts.

Can neighbor address short-term rental 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 short-term rental. "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 homeowners association (HOA) to address issues with short-term rentals? HOAs typically cover the maintenance of common areas; however, they can include additional restrictions on private property. They are typically created during the original development of the neighborhood. All property owners would have to agree to the HOA. HOA regulations are solely a civil matter and local government plays no role in their enforcement. Councilmember Perrow asked if an existing HOA could make a change and Mr. Martin said it would still have to have 100 percent owner agreement to do so.

Mr. Mitch Nuckles addressed the registration fee and tax collection options. 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 that currently pays lodging tax. The proposed fee would cover the equivalent of thirty days of lodging tax for a host. Concerns about the registration fee include high startup costs, which might exclude some from the market and low cost recovery for occasional rentals.

Is the \$150 annual registration fee excessive to cover staff costs? It was computed using hourly rates for existing staff plus equipment. First year City costs are estimated at \$51,000, which assumes \$13,000 for third party monitoring of short-term rental locations. It includes startup (database, billing system, program advertisement, etc.), database maintenance, inspection, registration/collection and enforcement. If third party monitoring is not used to identify short-term rental locations, additional full-time staff would be required. It is estimated that \$45,000 can be collected through the registration fee, which means a loss of \$6,000 to the City.

Are realtors exempt from the registry? What requirements do they have? State code exempts the following from registering short-term rentals: 1) persons licensed by the Real Estate Board; 2) property owners represented by a real estate licensee; 3) persons registered with Virginia Real Estate Time-Share Act; 4) Entities licensed or registered with the Department of Health for provision of room or space for lodging; and 5) persons or entities registered with the locality related to the rental or management of real property (hotels, motels, campgrounds, bed and breakfasts). 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.

Why don't we just charge short-term 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 short-term rentals.

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. Of the \$87,000 (estimation) that staff should collect, they anticipate a 15% collection rate. It would net an estimated \$13,000. \$51,000 is the estimated cost of monitoring the program, which would mean a \$38,000 loss for the City. Another option would be to hire additional staff, which would mean the cost is \$91,000 a year and the collection rate is expected to be 75 percent, or \$65,000. That would mean a \$26,000 loss for the City.

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. It is estimated that 96 percent of the City's short-term rental hosts use Airbnb. 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. With the alternative and no registration fee, the City estimates it would collect \$84,000 and have a cost of \$51,000. It would net an increase in \$33,000. Alexandria has an agreement with Airbnb. It estimated it would collect \$100,000 and collected \$350,000 this fiscal year.

Mr. White summarized the recommendation of staff and Planning Commission to 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 short-term rentals. An alternative recommendation if Council prefers that the City collect lodging tax in lieu of charging the registration fee. Council should 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 voluntarily remit their lodging tax. The registry would help the City follow up on zoning concerns.

Councilmember Nelson asked Mr. Martin if the ordinance will require a short-term rental to be owned by a natural person and not an entity. Mr. Martin would not say it is requiring it but it would be very difficult for an entity to occupy a structure and maintain occupancy there. If two people formed an LLC and bought four or five houses, they obviously could not maintain legal domicile in all four of those houses. It would not prevent an entity from owning them but it would prevent an entity from doing short-term rentals. Councilmember Nelson noted that the ordinance would have to implicitly require that it be owned by a natural person who does physically in their own

right occupy it in those districts where owner occupancy is required. Mr. Martin does believe that is correct. Councilmember Nelson could imagine a situation where an entity may, as a part of the rental fee, have the short-term resident become a temporary owner of the business and then submit a damage deposit. If they want their damage deposit back, they have to surrender that interest. Then it gets very complicated. Mr. Martin said it would be very difficult and unrealistic. It may be possible in theory but he thinks it would be very difficult to do. Councilmember Nelson thinks the conclusion is that in order for the ordinance to be enforceable with owner occupancy, it has to be owned by a natural person not a person as otherwise defined in our code, which can be a business entity. Mr. Martin believes that is fair.

Councilmember Perrow noted that developers will intentionally have a different LLC for each property. Then you have a one-to-one relationship and you could not prove otherwise. He asked Councilmember Nelson if a natural person is a legally definable term. Councilmember Nelson said if we use person or owner, we need to tailor it very specifically in the context of this ordinance and not our general definition of owners or persons that otherwise exists in the City code. Mr. Martin believes the end result is the same but we could be clearer on it. Councilmember Perrow pointed out that an entity such as BB&T owns and occupies several buildings. Mr. Martin indicated they are not residing in them; they are not dwellings. That would be the differentiation.

Councilmember Nelson noted that we make exceptions in the zoning ordinance for yard sales and fundraising activities. There is a limit on those activities before they have to remit sales tax. He would like to know what the difference is here and say, for example, that seven days of short-term rentals in a year would be considered an infrequent use. Mr. Nuckles indicated that three fundraising activities by an organization in a year are exempt from sales tax. Those events are usually advertised and the Commissioner of Revenue can monitor them. They have no way to monitoring the number of nights a person rents out a short-term rental. Councilmember Nelson thinks the neighbors would keep pretty close tabs on it and someone will call someone to complain. In terms of public relations and with the number of colleges we have in the City, there are times in the year where we need a lot more residential short-term space than we have available in the commercial market. He would like to see an allowance for infrequent use in the ordinance. Mr. Nuckles would agree that there is no doubt it could be done. There was some discussion about the fact that Airbnb would still collect the lodging tax from the renter. Mr. Nuckles indicated that collecting the lodging tax from Airbnb was to be in lieu of the \$150 registration fee. He clarified that the lodging tax is not paid by the host; it is paid by the guest.

Councilmember Nelson asked why we would waive the registration fee if we collect the lodging tax from Airbnb. Why would we not collect both? Mr. Martin said that at the time this draft ordinance was first being proposed, staff was not comfortable with not being able to audit Airbnb. With the state code change that went into effect on July 1, 2019, they are now submitting receipts to the state, so they can compare numbers. The \$150 registration fee was to try and recoup staff time. If the City collected lodging tax, you would not need to require a registration fee as well. Councilmember Nelson asked if they are prohibited from doing so by state law. Mr. Martin indicated they are not. Councilmember Nelson thinks the registration fee is one component of the overhead cost. Then the lodging tax collected from short-term rentals is the same as hotels and motels have to pay. He does not see the logic with not requiring both a registration fee and the collection of lodging tax and he would like to see all

lodging entities treated the same in terms of collecting lodging tax. The registration fee is a means to offset overhead costs of staff time. Mr. White clarified that registration fees collected cannot exceed the cost of staff time involved in setting up and maintaining a registration program. The registration fee could be a lesser amount if Council would prefer. Mr. Martin clarified for Councilmember Nelson that most of the operators in the City are using Airbnb, which will remit the tax directly to the City. That will reduce the load for the Commissioner of Revenue in terms of collecting lodging tax from operators that use other platforms.

Councilmember Wright indicated that it seems they are being asked to weigh in on where short-term rentals occur and how, the reporting requirement and then how the lodging tax is collected. Mr. White indicated that assessment is correct as well as staff would like Council to weigh in on the number of people that may occupy a short-term rental.

Councilmember Wright said the owner occupancy requirement is troubling him and wondered if staff had any idea how many units there are in the residential zones. Staff indicated they have only been given dots on a map at this point. Councilmember Wright noted that if this goes into effect, there could potentially be several hundred units in violation. Mr. Martin clarified that the zoning administrator's interpretation is that short-term rentals need to be owner occupied in the R-1, R-2 and R-C districts. Therefore, they would not be in violation if Council passes that part of the ordinance. If they are owned by an entity, those entities are already in violation and will continue to be in violation.

Councilmember Wright asked how other localities are handling the owner occupancy issue. Mr. White said staff surveyed 28 localities and they were really all completely different. Mr. White clarified that when staff said there would be hundreds in violation in its presentation, they were referring to if Council prohibited them outright in residential districts. That is not staff's recommendation.

Councilmember Helgeson pointed out that we have just applied for wealth building grants. When you look historically, the best way to build wealth is private property rights. People used the homesteading act to acquire property and there was no interference with what they did with the land. Obviously, there should be some jurisdiction because you do not want a pig farm to disrupt your neighbors. When government helps to enforce that a private property owner maintains his private property rights, it helps to build wealth. When there is a free exchange, it helps build wealth. A stable money also helps build wealth, which local government has nothing to with that but can help with the other two things. They can really help build wealth by having solid property rights and not interfering on every little thing.

Councilmember Helgeson pointed out that we have more money than we anticipated in sales and use tax because the hotels were full. We also had more money in meals tax than we anticipated. We should figure out the best way to have as many people come here and stay here, even when the hotels are full, so they do not stay somewhere else like Charlottesville. Granted it should not interfere on the neighbors. Would we have more meals tax and sales tax if we say you cannot rent out your home? Probably not. Sometimes with these decisions, the hardest thing to do is figure out the unintended consequences. If you have to occupy the house in order to rent it, what is that going to do? There are a lot of negative unintended consequences that can happen.

Councilmember Helgeson thinks the best thing they can easily go with is to collect lodging tax through Airbnb

and no registration fee. That would be easier than exempting people that only do it infrequently. There were eleven complaints in a City of 80,000 and 20,000 to 25,000 individual property units is not a lot of complaints. He would agree with Councilmember Wright that the units should not have to be owner occupied.

As far as the number of people that can occupy a short-term rental, Councilmember Helgeson pointed out that if three people occupy a regular rental unit and they have guests stay overnight, that number can go to twelve very quickly without being in violation of the zoning ordinance. Mr. Martin thinks the difference is that he is talking about one instance where the residents might have had a party as opposed to it happening up to 365 days a year. Councilmember Helgeson thinks it is an economic decision between the person who owns the property and the person who is renting the property. Councilmember Helgeson would not be willing to have 20 people stay in his house for \$77 a night. He thinks the owners will do a better job of protecting their property than government thinking about how they could protect their property.

Councilmember Perrow suggested they look at Planning Commission's list and go down each item and determine if they agree on the recommendation or want to discuss it. From what he has heard, the second, third and fifth bullet points are items they want to discuss further.

Council began with the recommendation "permitted by right in all zoning districts except industrial and institutional 1." Mr. Martin explained that by right means a person can establish a short-term rental, subject to whatever provisions are in the ordinance, without having to come to Council for approval. The council members were in agreement on item number one.

Council discussed the recommendation "one additional parking space would be required per short-term rental except in the B-4 district." Councilmember Helgeson would like to see consistency here. Either there is no additional parking required anywhere or it is also required in the B-4 district. Mr. Martin explained that the rationale here is that there is no parking required in the B-4 district for any other uses and there is nowhere else in the City where there are parking decks or places to lease parking or the space to create massive off street parking lots. In the residential districts, the required parking can be in your driveway or it can be on street parking, if on street parking is available. Councilmember Helgeson would let the market decide because if a host does not have available parking, he does not think there will be many people staying in it. Mr. Martin said they would not get an argument from staff about a minimum parking requirement. They agree that the market should decide.

Councilmember Perrow noted that the way he is thinking about these issues is that unless there is a compelling reason otherwise, he will err on the side of liberty. He would rather not restrict at this point but if it had to come back in a year, they can reevaluate it. Councilmember Nelson noted that if he were a resident next door to a short-term rental and Council had said they do not have to provide any additional parking for the commerce you are inviting in, he would be upset. But he also agrees with Councilmember Perrow and staff that it will be very difficult to enforce. If there is a four-person limit on occupancy, there will not be many cars there at all. Councilmember Helgeson pointed out that a person who owns in and resides in their own home can be just as much of a problem if they and their children own several cars and they all park on the street. Councilmember Nelson also pointed out that many of the streets where there are no driveways or parking lots are permitted parking and the owner will have to have some sort of permit parking for the short-term renter.

Councilmember Wright commented that given this is our first attempt to regulate an evolving industry, the lighter touch here by the City, the better until we fully understand the implications. Once we have more information and more feedback from neighborhoods, we can then tailor our approach, if it becomes a problem.

Councilmember Helgeson would like them to clearly define for those in the Airbnb business that we are not going to double the charges or make them build a garage a year from now. Part of the law and policy is making sure we are protecting their private property rights as much as we can. They should have a clearly defined set of parameters that let the private property owners know they are not going to keep nibbling away at them or they will never improve the property to begin with. Council members were in agreement to remove the requirement for one additional parking space.

Council discussed the recommendation “The City may revoke unit approval for three ordinance violations related to the short-term rental in three years.” Councilmember Nelson agreed with that recommendation. Councilmember Helgeson did not agree with this recommendation because he thought it was arbitrary. Council did not have to grant them permission to do it because it is by right, so he does not know how they can “ungrant” it due to someone complaining about it. If it is an issue with noise, that is handled by the City’s noise ordinance. If the grass is not mowed, that has nothing to do with short-term rentals and is handled by the City’s weed ordinance. Issues with the maintenance of the house would be handled by the property maintenance ordinance. Mr. Martin clarified that it is says “three violations of state or local laws or ordinances or regulations as relating to the property,” which could pertain to gutters falling off the house or grass that is not mowed. Councilmember Helgeson reiterated that he does not agree with this provision as there are already mechanisms in place to handle things of this nature pertaining to the property.

Vice Mayor Dolan thought they should be clear that short-term rental is a business and there are ordinances for other businesses. Why can they not have an ordinance for them in terms of how they behave? Councilmember Perrow thinks that is reasonable.

Councilmember Perrow is not how we can enforce this. Would the City complain to Airbnb or pull their listing with Airbnb? He would suggest there might be a fee or a penalty associated with violations as opposed to revoking approval. Mr. White clarified that the intent of this is to have it apply to the operation of the short-term rental. A noise violation when it is being operated as a short-term rental could be deemed one of the three violations. Frequently violating the standards that are set forth in the City code as it pertains to operating as a short-term rental would constitute one of the three violations. It would not be a matter of pulling the Airbnb listing; it would be going to court just like we do for any other zoning violations. Having something so that the zoning administrator could just write a Notice of Violation still provides for due process and makes it easier for staff to enforce and provides greater clarity. Councilmember Perrow asked him about a penalty fee. Mr. White said state code allows you to prohibit the use based on three violations. It does not provide for a fee.

Councilmember Helgeson does not know how staff will separate out violations pertaining to the use of the unit as a short-term rental. A gutter could fall or paint could start chipping during the time it is being used as a short-term rental. Mr. Martin said the reason this provision was put in there was to give the existing neighborhoods some level of protection. All we have been talking about is deregulating what the Vice Mayor said was a business making

it easier for them, but we are doing nothing to protect the existing neighborhoods. Council is talking about removing the requirement for owner occupancy. They removed the requirement for an additional parking space. They are talking about increasing the number of unrelated occupants. Where is the protection for the existing neighborhoods as their *Comprehensive Plan* says? He would hope they think about that.

Councilmember Helgeson pointed out there were eleven violations last year out of 25,000 properties. 25,000 properties times 365 days a year is a lot of ability for things to happen. Mr. Martin pointed out that the eleven complaints were related to the approximately 400 short-term rental units in that year, not 25,000 properties.

Councilmember Helgeson does not think they have a lot of problems with short-term rentals and there are already a lot of protections in place for neighborhoods and there are actually improvements to neighborhoods. Councilmember Helgeson pointed out that long-term rentals are also a business. He would love nothing better than if his neighbor's house was no longer a long-term rental and became a short-term rental. He would prefer people come from far away, pay more money, stay the night and go as opposed to long-term rentals which can cause property values to decline. There are lots of positive aspects and he thinks they need to look at the unintended consequences.

Councilmember Nelson asked Mr. Martin if he is referring to the state's enabling statute or was he reading from the recommendation of the Planning Commission. Mr. Martin said he was reading from the recommendation of the Planning Commission. Councilmember Nelson said they could change the language to make the violations tied to the short-term rental ordinance. Mr. Martin said absolutely; his job is to make sure they understand what they are passing and the way it is written. Councilmember Nelson said it makes sense to him that the right to conduct a short-term rental is lost if there are three violations of the provisions of the short-term rental ordinance within a three-year period. Mr. Martin said he would agree with Councilmember Helgeson in that the host of a short-term rental is going to fix things like gutters and keep his grass cut because he or she wants to get a good review. In that sense, they are self regulating, but the ordinance is not written to address things directly related to its use as a short-term rental (noise, trash, etc.) Councilmember Nelson would like it clarified in two ways. If there are violations directly related to the short-term rental ordinance or if there are other violations, such as noise or trash, that occur during the time it is being rented as a short-term rental. Those are the things we want to protect the neighbors from so it is very much related to its use as a short-term rental. He does not think peeling paint is going to be one of the issues a neighbor is going to raise. If someone wants to use their house as a short-term rental and they do not comply with the regulations, Councilmember Nelson thinks it makes sense to take away that privilege just like a landlord might take away a tenant's right to use their home if they do not comply with the terms of the lease.

Councilmember Perrow asked for clarification that it would be a court proceeding and Mr. White said that is correct. Mr. White said the owner would be notified that his or her right to use it as a short-term rental is revoked because of three violations within a three-year period. If the use continued, it would go to court for the judge to enforce that provision. Councilmember Nelson noted that the owner would have an opportunity and due process to argue his case before the court. Councilmember Perrow would like to take a look at tweaking the language as recommended by Councilmember Nelson.

Councilmember Helgeson pointed out that this is not holding the person responsible who made the noise or

made the trash (the guest) but instead are going to go against a person who did not do it (the host or owner). Councilmember Helgeson pointed out that if there are 529 short-term rentals in the City times 365 days a year, there is a possibility for 193,000 complaints and we had eleven last year. He agrees with Councilmember Perrow that the more they can decide on the side of liberty, the better.

Mayor Tweedy asked if there was any consensus to either remove this recommendation entirely or to work up some language as suggested by Councilmember Nelson. The language would provide for violations related to the short-term rental and violations that occur while it is being used as a short-term rental. Council was in consensus that they would like staff to come back with some revised language for their consideration. Staff indicated they understood and would come back with some rewritten language along the lines of what Councilmember Nelson had suggested. Mr. Martin indicated he understood the language they are looking for staff to draft for their consideration.

The discussion moved to owner occupancy in single-family neighborhoods. Vice Mayor Dolan indicated that in order to support the integrity of neighborhoods, she would support owner occupancy in single-family neighborhoods. Allowing short-term rentals in single-family neighborhoods in other cities in the country has really destroyed the fabric of the neighborhoods. Councilmember Helgeson had mentioned unintended consequences and she thinks they need to think about what could happen to their single-family neighborhoods.

Councilmember Wright noted that point but is concerned with putting a number of listings in violation if they pass this requirement. Although they are already in violation, this requirement would codify it even further. He does not know the answer; he suggested maybe a person or company only be allowed to own a certain number of short-term rentals in single-family neighborhoods.

Mayor Tweedy asked who a person would call if there is a problem with a short-term rental. She noted that hotels have staff on site 24/7. Mr. White indicated that bed and breakfasts require on site management. In the case of short-term rentals, staff would have to go back to the owner of the property. Councilmember Helgeson noted that if there is a party going on, the police are going to deal with the guests and not the owner. Mr. White indicated that Charlottesville has a provision that the owner has to leave a contact number on site for emergencies and complaints.

Councilmember Helgeson noted that when he was part of the CDBG application process, he really pushed for people to own their own homes because that is absolutely the best thing for neighborhoods. But he does not think they have to say that the owner has to live there because we do not have that requirement if a person wants to do long-term rental. This would be treating short-term rentals very unequally. Especially during special events, he thinks short-term rentals are good because they allow more people to stay in the City, which generates more meals and sales taxes.

Mayor Tweedy wondered if the owner occupancy requirement could be required moving forward but that those that already own short-term rentals in single-family neighborhoods could be grandfathered. Mr. Martin said he is trying to verify that hundreds of units would be in noncompliance if Council passes an owner occupancy requirement. Mr. White said he is referring to hundreds of them being in noncompliance if Council does not allow short-term rentals at all. Councilmember Wright noted that if they pass an owner occupancy requirement, law abiding, conscientious short-term rental owners will pull down their listings. Mr. White noted that this requirement

could change a business owner's business model in a number of different ways.

Councilmember Helgeson asked if there is the same provision for owner occupancy in the ordinance for long-term rentals because they are now getting down to defining a time frame. Things are easier now to rent short-term because of technology. Mr. Martin acknowledged that the ordinance does not address owner occupancy in single-family neighborhoods for long-term rentals. Councilmember Helgeson thinks businesses are not being treated fairly because long-term rentals are a business too. Mr. Martin thinks the difference is the transient occupancy that is coming and going potentially every day. A long-term renter is there typically for a year lease or longer. The renters become known in the neighborhood and that was the thought behind making the differentiation. Councilmember Helgeson said he understood the thought process but out of a possible 193,000 iterations, there were only eleven complaints. Mr. Martin noted that it was eleven cases. There could have been multiple complaints on one property.

Mayor Tweedy asked Councilmember Nelson if they can put a limit on the number of homes in a neighborhood that could become short-term rentals. Councilmember Nelson indicated they could not do so.

Councilmember Nelson noted that the purpose for the owner occupancy requirement is to encourage relationships and neighborhood continuity and not have a highly transient environment. This requirement would essentially limit the number of short-term rentals. Councilmember Nelson thinks the registration process will solve the issue of being able to contact an owner in the case of a problem as contact information can be a part of the information he or she needs to provide. Councilmember Nelson said he is not inclined to require owner occupancy as it is not required for long-term rentals. He thinks there is not an equal protection there in terms of having rules applied differently.

Councilmember Wilder thinks the provision is in there because short-term rentals bring more challenges. He has heard complaints from people about short-term rentals due to parking issues and different people coming and going. He likes the owner occupied piece because he feels short-term rental is different than renting a house for a year.

Councilmember Perrow said he struggles with this provision because he does not think it is appropriate to have businesses in residential neighborhoods. He is not as concerned with an owner who does it infrequently or only has one but that runs straight into conflict with people who are welcome to have a business in long-term rental. He does not think it should be required in the R-2 or R-C districts. He leans toward being consistent with how long-term rentals are treated in the R-1 district and not require owner occupancy in that district as well.

Vice Mayor Dolan said her concern is that young people and families that bought homes hoping to raise their families in a stable neighborhood now has transiency in the neighborhood. She has heard multiple complaints from her neighbors about problems with short-term rentals in her neighborhood. Even after the owner was contacted and told he was in violation, he continued to put his listing on Airbnb. She is adamant that certain neighborhoods need to be protected for people that are trying to raise their children in a stable environment. Councilmember Perrow suggested she make that as a motion and see if it passes or not in order to resolve this item.

Vice Mayor Dolan made a motion to require owner occupancy in the R-C and R-1 districts. The motion was seconded by Councilmember Wilder. Councilmember Nelson asked if she meant to include grandfathering in existing short-term rentals (no enforcement against those that would otherwise be out of compliance.) She said that

is correct. Mr. Martin indicated that the current owners need to register as soon as this ordinance is adopted. A year or two from now, staff does not want to be trying to prove or disprove that they were operating it prior to the adoption of the ordinance. Councilmember Nelson clarified that even though they are grandfathered in, the non-owner occupied short-term rentals that exist today will need to register and comply with all the other requirements of the short-term rental ordinance.

Councilmember Helgeson thinks that is going to be a complete mess and Mr. Martin said probably but staff will get through it. You are artificially limiting someone's property rights and how will this be equal protection under the law. My neighbor can do it but I cannot because I did not start prior to this ordinance. Councilmember Helgeson said he wholeheartedly wish that he had an Airbnb next to him rather than a long-term rental. They are looking at a very little number of complaints and he wondered how many complaints were on owner occupied units. Mr. Kevin Henry said eight of them were on owner occupied units. They were not informed about the number of complaints on long-term rentals. He feels this would be giving different people different property rights and he does not know how they can do that.

Councilmember Wright wondered if they could limit an owner to a certain number of non-owner occupied short-term rentals, say three to five, in single-family neighborhoods. Mr. Martin does not think this would be permissible under state code. It can be discussed with the City Attorney. Mr. Martin pointed out owners can just set up different LLCs and have each LLC own three to five units. Councilmember Helgeson pointed out that if an owner is doing it well, you want more of them, not to restrict them.

Councilmember Wright thought that whatever they do, they want to have a grace period for operators because many of them could have booking out as far as a year from now.

Mayor Tweedy is not sure how the registration process will be a mess. Mr. White said they don't know what they don't know but staff will have to get the third party data, see where they are and compare it against owners that register. It might not be as clean as everyone would like but staff will try to implement the ordinance that Council puts forward. Mayor Tweedy commented that the motion is on the table for a vote but they will wait for Councilmember Wilder. She also commented that staff will propose a grace period for implementation of the ordinance and bring that back to them for discussion.

Councilmember Nelson noted that as properties are sold, the pool of those that are not owner occupied should shrink. It is also difficult anytime you start something new but you have to start somewhere if it is a good idea. He thinks this ordinance is a good idea.

Councilmember Helgeson remarked that typically zoning follows a property not an owner. Conditional use permits go with a property. Also, if we like that property values have increased for those that have done it and we get more lodging and meals tax, let try to have more of it done if it is done well. Councilmember Nelson replied that zoning also pertains to the use of a property. Councilmember Nelson commented that the undesirable activity they would be trying to minimize with owner occupancy is the transiency of a neighborhood.

Before the vote was taken, Councilmember Perrow asked Vice Mayor Dolan if she meant to include the R-2 district. She said she did not. The motion passed by the following vote:

AYES: Dolan, Nelson, Tweedy, Wilder, Wright

5

NOES: Helgeson, Perrow

2

The discussion moved to the number of unrelated guests allowed to rent a short-term rental. Councilmember Helgeson noted that a nanny could not accompany a family if the provision that no unrelated persons may accompany a family is included in the ordinance.

Councilmember Perrow asked how short-term rentals are handled in vacation destinations such as Virginia Beach. He wondered if they could develop some commonality between the two. Mr. White said occupancy standards are really all over the place all over Virginia, just as it is for long-term rentals. Councilmember Helgeson thinks this will be difficult for the zoning administrator to enforce because the guests will be gone by the time he investigates a complaint. He would like to have laws that are not making good people bad.

Vice Mayor Dolan wonders if this could not be regulated by the owner of the property. When you rent a property at the beach, the owner will say the number of guests that are allowed. Councilmember Helgeson pointed out that if a person has a one-bedroom to rent, he does not think that 12 people will be staying there. Mr. White noted that the occupancy standard City wide is three unrelated people. If Council does not establish the occupancy standard, it would default to three unrelated people no matter the size of the unit. Councilmember Helgeson pointed out the occupancy standard was created for people living there not for people having guests. Mr. Martin reminded them that in 2016 when they adopted the new zoning ordinance that besides the number of chickens, their main discussion centered on the number of unrelated people that could occupy a rental unit. He reminded them that the number of people being determined by the number of bedrooms was discussed during the rewriting of the zoning ordinance. Mr. Martin pointed out that an astute property owner could just convert all of his long-term rentals to short-term leases of less than 30 days and rent them to six, seven or eight college students. The number of unrelated people occupying a long-term rental is the number one complaint that the zoning administrator gets from citizens.

Councilmember Perrow suggested that staff come back with some recommendations and list the pros and cons of each for their consideration. Mayor Tweedy acknowledged that staff's information to this point has been very thorough. Mr. Martin and Mr. White were clear on what type of recommendations they would like staff to bring back to them at a future work session.

The discussion moved to whether or not to require a \$150.00 registration fee. Councilmember Nelson does not think it necessarily needs to be \$150.00 but he would like a registration fee in addition to entering into an agreement with Airbnb to collect lodging tax. The City will incur costs to establish the registry and a registration fee will help to recoup some of those costs. In his opinion, there is no reason not to have a combination of a fee and a collection of lodging tax. Councilmember Helgeson would suggest that they do not have a registry and just let Airbnb send them a check for lodging tax. He reminded Council that a while ago, it did away with some business license fees because it cost a fortune to keep up with the paperwork. If someone is doing a de minimus of short-term rentals, he does not feel they need to register. He does not think they have 529 short-term rentals in the City that are renting them out every day. Councilmember Nelson said that to the extent that it is a deterrent to be operating businesses in residential areas, he thinks it is appropriate to have a fee. Councilmember Nelson acknowledged that long-term rentals are also a business, as pointed out by Councilmember Helgeson, but the difference is the impact on the

residential neighborhood.

Councilmember Wright would like to see a combination of a fee and collecting lodging tax from Airbnb. It is appropriate to recoup some of the staff costs for establishing and maintaining a registry. Councilmember Nelson made a motion to calculate the registration fee based on the projected staff costs. The motion was seconded by Councilmember Wright and passed by the following vote:

AYES:	Dolan, Nelson, Perrow, Tweedy, Wilder, Wright	6
NOES:	Helgeson	1

Ms. Svrcek asked for clarification that the grandfathering provision would not transfer with the sale of the property. Mr. Henry and Mr. Martin felt that it would be allowed to transfer with the property as other grandfathered uses are allowed to by state code. Mr. Martin clarified that if the use ceases for two years, the grandfathering of the uses ceases.

// In the matter of Roll Call, Councilmember Wright wished the school system a happy first week of school, which begins tomorrow. Councilmember Wilder noted that they are doing the annual Men to School event where men in the community greet our kids on their first day of school. The captains at each school can go over the guidelines with men that would like to volunteer tomorrow. Councilmember Nelson said he appreciated all the thoughts and prayers and good wishes that were extended to him from Council, staff and the general public while he out for surgery last month. Vice Mayor Dolan asked everyone to be mindful of the school busses.

Mayor Tweedy has the following announcements. 1. Congratulations to Parks & Recreation for a feature article in National Parks and Recreation Magazine entitled “The Ties that Bind,” a new sibshop program that provides support for siblings of special needs children. 2. Thank you and congratulations to all employees who assisted in the success of the State Games of America Main Games. Special props to the City’s Tourism Division and Parks & Recreation. This is a small but mighty group of employees who worked tirelessly to exhibit the best of what the City has to offer. Also, heartfelt thanks to Liberty University for its partnership with the City on this national event. Liberty’s stellar facilities were a constant comment among spectators and athletes. 3. Great National Night Out at Riverfront Park. She wondered if there was some way to have the event and still have busses going to the neighborhoods. She noticed there were fewer neighborhood watch groups there. In future planning, she would like to look at both aspects because she feels it was appreciated when groups of them came out to the neighborhoods. Not all neighborhoods want to have a cookout or something but some of them do. 4. She thanked the schools for their back to school event on Saturday. Lynchburg City Schools opens tomorrow. Reminder to everyone to be alert and slow down, particularly in school zones.

// The meeting was recessed at 6:21 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, Treney Tweedy	7
Absent:		0

// Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Budget, Resolution #R-19-056, laid over from the July 23, 2019 meeting, was again presented and read, on motion of Councilmember Perrow and seconded by Councilmember Wilder, the FY 2019 City/Federal/State Aid Fund Budget was amended and to appropriate \$18,638 as the in-kind match to the \$163,204 appropriated with resources from the Temporary Assistance for Needy Families (TANF) Community Wealth Building (CWB) Grant. This grant is administered by the Virginia Department of Social Services (VDSS):

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// Copies of the minutes of the June 25, 2019 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Perrow, seconded by Councilmember Wilder, by the following recorded vote approved the minutes as presented.

Ayes:	Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	6
Noes:		0
Abstentions:	Dolan	1

// Copies of the minutes of the July 9, 2019 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Perrow, seconded by Councilmember Wilder, by the following recorded vote approved the minutes as presented.

Ayes:	Dolan, Helgeson, Perrow, Tweedy, Wilder, Wright	6
Noes:		0
Abstentions:	Nelson	1

// In the matter of Citizen Comment, Agenda Item #8, Mr. Frank Forest was present to address Council. He wanted to discuss the issue of traffic on 221 and Enterprise Drive and Dillard Drive leading into J Crew that occurs in the months of November and December. It can take up to an hour and a half to go one mile. He has spoken to VDOT and they said they could consider it a public safety hazard if they see the need. He spoke to Bedford County and they said they could provide a public safety officer at \$40 an hour. Mr. Forest figures it would cost the City and the County each approximately \$7,200 to provide a police officer for the two-month period. He is asking them to consider this as he does not think a person should have to wait an hour and a half to go a mile to get to work,

// In the matter of Community Development – Zoning Amendments, Agenda Item #9, a public hearing was held regarding the petition of 434 Center, LLC at 2009 Enterprise Drive, 1001 and 1009 Dillard Drive to amend the *Future Lane Use Map (FLUM)* from Employment 2 to Mixed Use to rezone approximately fifteen (15) acres from I-2, Light Industrial District and I-2C, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional) and for a conditional use permit to allow the construction of commercial and multi-family buildings. Mr. Tom Martin summarized the report for Council. Mr. Scott Beasley of Hurt & Proffitt was present to represent the petitioner. He clarified one point from Mr. Martin's summary. Left turns out of the development will be restricted on to Enterprise Drive not left turns into the development. He mentioned he is not the engineer for the project but did do the traffic study. The owner Gary Schmincke was also present to answer any questions. Mr. Beasley noted that the traffic study showed no adverse impact to the local street system. It did show that left and right turn lanes were warranted on Enterprise Drive. No turn lanes were warranted on Dillard Drive but they

worked with the former City Transportation Engineer and came up with some improvements that are good practice in lengthening the turn lane--widening the road down to provide a significantly longer left turn lane westbound on Dillard Drive on to southbound Enterprise Drive. At the same time, they are also providing a short left turn lane into the development so that a car can get off into a turn lane and not restrict the flow down towards J Crew. This should help with the seasonal traffic issue that was brought up by Mr. Forest.

The developer Gary Schmincke came forward to speak, in favor of the petition. He explained the first phase of the development will be a fitness center with an indoor turf area. There will also be a multi-use venue space for trade shows and concerts as well as basketball/volleyball courts. They will be able to host travel teams and there is a lot of use locally for this type of facility. Marjette Upshur and Lisa Meriwether seem very excited about this project as it adds another component for athletic events in the City. There is always a need for practice facilities for local sports. The commercial areas and apartments will be built in a second phase. They love the mixed use environment and feel everything complements each other.

Mr. Rick Reed with Coldwell Banker was present to speak in favor of the petition. He said he has been working with Buzzy Coleman on this property since the 1980s. He knows there is concern about rezoning industrial land to commercial but with the development of Enterprise Drive and Wyndhurst the whole complexion of the area has changed dramatically. The value of this property has priced itself beyond industrial to probably four times what your typical industrial site sells for in the City. This property has been on and off the market for eight years and he has only had one industrial prospect but once price was discussed, they were not interested. Everyone that has looked at and been interested has been for commercial uses. He goes up and down Enterprise Drive all day long and has experienced maybe a 15 to 20 minute delay during a shift change. The turning lane should help that situation a lot and the developer has voluntarily agreed to install it.

There was no else that wished to speak in favor or in opposition to the petition. Mayor Tweedy closed the public hearing portion of the petition.

Councilmember Perrow asked Mr. Martin if this widening will help the situation on Dillard Drive during shift changes at J Crew. Mr. Martin said it is adding extra storage capacity at the light which would allow more through movement. The traffic just backs up right now in one lane. Councilmember Perrow had wanted that restated since they are not able to discuss public comments items during the public comment period.

Councilmember Perrow asked Ms. Upshur to address a question. He does not believe in rezoning industrial property because we are landlocked and have limited industrial space. Councilmember Perrow asked Ms. Upshur why she is supportive of this project and to try to convince him why he should support it. He likes the idea but is very concerned about industrial space. Ms. Upshur noted that the land has been for sale for a very long time. She has marketed the land on the state's website and the City's website. She has only had one interested party and that was a church. The cost of the property is prohibitive for an industrial use and the neighborhood has changed drastically with the development of Wyndhurst. She is always concerned about the industrial neighbors and how they feel and a member of Wexco that backs up to this property came to the Planning Commission meeting. He had questions but seemed to have no issues with this site plan. Councilmember Perrow asked her if she thinks this development will detract from any of the industries in the area and she indicated she did not think it would. The

fitness center and apartments might benefit the employees that work in the industrial areas. From a tourism standpoint, the gym and the way they are proposing to attract travel teams would mean tax revenue for the City.

Councilmember Perrow noted he hears there are not enough basketball courts in the area and indoor soccer could be played as well. Ms. Upshur said they have just completed a sports tourism strategic plan to try and determine how they leverage the unbelievable assets of Liberty University but they cannot always access those facilities. She noted that Virginia Beach has built a business off of attracting youth sports. The same people developing this project own the Kinetix Gym in Fort Hill. It is so full and this fitness center would be a complement to the area.

Councilmember Perrow asked her if there is still marketable industrial property that can be preserved. Ms. Upshur said the EDA has two sites and the extension of John Capron Road will probably open up two or three additional sites. There are more sites on Odd Fellows Road. For some industrial prospects, a 15 acre site will not even be enough. They just finished a site characterization plan for the state for any sites over 25 acres. There is also another site of some good size behind Home Depot. Councilmember Perrow if she thinks it will be a detriment to the City if they let this go to commercial. She stated, in her opinion, no.

Councilmember Perrow made a motion to change the *FLUM* from Employment 2 to Mixed Use. The motion was seconded by Councilmember Nelson. Councilmember Wilder said he supports the project. He was concerned with traffic but he thinks the road improvements will ease that issue. He likes the mixed use and he understands the need for more gym space. He knows that there is always a need for places of a size that can facilitate AAU tournaments. This should bring in more tax revenue to the City. Since this site has been for sale for several years and the project is supported by Economic Development, he will support it as well.

Councilmember Nelson noted that Councilmember Perrow covered many of his concerns and points very well. It is hard to find a facility that will have all the amenities that this facility would purportedly have. There is tremendous stress on the school gymnasiums for sports uses. To the extent that it will take some of that stress off the school facilities, this would be a tremendous boon. He likes that the residential use is in the back and it backs up to the Forestdale subdivision and Graves Drive and he feels it makes a good transition from residential to commercial. The elements of the development being able to serve employees of the industrial uses is a plus. This should be complementary to other uses up and down Enterprise Drive. He agrees that they need to preserve their industrial sites and is normally hesitant to downzone industrial to commercial but there are good reasons to do adopt this proposal and he thinks it will be successful.

Councilmember Helgeson noted that they have been talking about the gym but there will be 116 more apartments here. When Wyndhurst was built people felt they built way too many apartments and townhomes there and not bigger grocery stores or more anchor type institutions such as banks and pharmacies. He does not mind going from industrial to commercial because it still provides employment but there are always apartments thrown in with mixed use. He asked Mr. Schmincke to address that topic. Mr. Schmincke said they felt it was a good mix. The president of Wexco had liked the idea that some of his employees might live in them and be able to walk to work. A representative of Azdel came to their office and echoed the same thing. They feel it works in that environment. They have done studies and people see it as a benefit to have residential uses mixed with the

other uses they are proposing. The developers like the idea of the apartments tucked in the back for privacy but residents can still walk to the gym, restaurant and venue. They are not trying to build a housing development. They are just trying to bring everything to benefit everyone.

Councilmember Helgeson brought up the Kemper Street apartments that came to them recently. That had started as industrial and went to 20 percent apartments and 80 percent commercial. Council approved a change in a proffer to allow them to have almost 80 percent apartments because the commercial piece was too large. The owner needed more apartments in order to make the project economically feasible. Mr. Schmincke said he agreed with what Councilmember Helgeson is saying about having more anchors in Wyndhurst. He said if they can go more commercial on that side, they have the spirit to do so. Councilmember Helgeson asked him if the apartments will all be built in Phase 2 and Mr. Schmincke indicated that is correct. Mr. Schmincke said it is their desire to do the commercial with a small amount of apartments. Councilmember Helgeson said that allows them to up the ante on the rents. Mr. Schmincke acknowledged that was part of their study. He said it allows them to build a better place because you can walk across the parking lot and get to a gym and restaurant and get into Wyndhurst. They do want to keep the apartments high end and they have built them for plenty of people and know how to do it. Councilmember Helgeson thanked him for a compelling presentation.

Vice Mayor Dolan asked him to orient her to where J Crew is located in relation to this project. She asked him how quickly they will build Phase 2 and he said as soon as Phase 1 is finished.

Councilmember Wilder said he hears from people that work at J Crew that it is hard to find an apartment they can afford in that area. He asked what the price point of these apartments will be. Mr. Schmincke said when he says high end he means high end in how they are built, not necessarily in price. Two bedrooms will be \$850 and three bedrooms will be \$950. He does not see them going any higher because of the market and what is already available. When you have amenities and a fair price, people are going to stay. He has seen people try to reach the top end of rent prices and fail.

Mayor Tweedy asked Ms. Upshur to clarify what industrial prospects are looking for because Mayor Tweedy said she has heard in meetings that they are looking for pad ready sites. Ms. Upshur said this site is probably in better shape than most if someone wanted because it is flatter but for all these years they have had no industrial interest. The one interested prospect they had a church. Because of its location and price it is not going to sell for industrial purposes. The owner would have to cut the price significantly and that is not what the market bears out.

Councilmember Helgeson asked Mr. Martin to explain the traffic improvements that will help, especially with additional cars coming in and out of this development. Mr. Martin said the extra lane will come from the intersection of Enterprise Drive down to their entrance. It would allow for a through and a right turn and left turn dedicated movement where now there is only one lane. The main entrance to the development is off Dillard Drive and it will allow right turns and left turns in and right turns out only. Councilmember Helgeson asked Mr. Beasley if the entrance is not too far from the signalized interchange at Dillard and Enterprise Drives. Normally it is said to have limited access to avoid queuing or accidents. He wondered how the site is going to work based on the engineering. Mr. Beasley said they felt that because of the proximity of the entrance to the signal if you have southbound traffic waiting to turn left onto Dillard Drive and they back up beyond that entrance then you are

impeding people to take a left out of there anyway. It would be safer just to prohibit a left turn and make people turn right out of it. Cars will be in the left lane to turn in and will not be blocking traffic. Mr. Beasley clarified for Council that there is already a two-way left turn lane on Enterprise Drive into the development and a left turn lane for drivers onto Dillard Drive. Councilmember Helgeson asked for more clarification on the left turn lane into the development from Dillard Drive. Mr. Beasley said that perhaps during the seasonal traffic it could be an issue but he does not think you would want to prohibit lefts into the development. There are 300 plus feet from Dillard Drive to that entrance. The traffic study showed left turn queues less than 300 feet. The study was done during the school year so it did pick up school traffic but did not account for seasonal traffic. Councilmember Helgeson asked Mr. Martin if he thinks 300 feet is long enough to avoid queuing because Mr. Martin had seemed surprised by the left turn in to the development. Mr. Martin said he was surprised by it but he is not a traffic engineer and cannot speak to how well it will help ease queuing. Mr. Beasley said it would take a lot of traffic turning left to cause a backup. You do not see that during typical everyday operations. Councilmember Perrow asked Mr. Martin if staff could be this is all addressed at site plan review and analyzed and ensure that the warrants are met for the turning movements. Mr. Martin said the Planning Commission minutes say that the City is looking to prohibit left turns into the development. He would prefer to get the City Engineer's opinion and he thinks it can be handled through a traffic study. Councilmember Helgeson thinks the left turn in would actually be helpful because it will not exacerbate the problem on the corner of Enterprise Drive and Dillard Drive. Mr. Beasley said he had many discussions with the former Transportation Engineer about that particular entrance. One of the things he recommended was a modular product that can be placed in the median that will prevent left turns out but not into the development. He does not think that Mr. Martin was a part of those discussions. Mr. Martin said this can be handled at the site plan review process but the concept plan is approved as part of the rezoning, as Councilmember Helgeson has pointed out. This is also a conditional use permit for the apartments and they could add a condition that the left hand turn movement has to be approved by the City Engineer.

Mayor Tweedy called for a vote on the *FLUM* amendment and it passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:	Helgeson	0

Councilmember Perrow made a motion, which was seconded by Commissioner Wright, to rezone approximately fifteen (15) acres from I-2, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional). The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// In the matter of Budget, Agenda Item #10, a resolution was introduced to amend the FY2019 City/Federal/State Aid Fund budget to appropriate \$21,293 with resources from the Virginia Wireless E-911 Services Board FY2019 Public Safety Answering Point (PSAP) Grant Program, which was used to replace aging computer equipment for 12 Computer Aided Dispatch (CAD). Ms. Melissa Foster explained this was a grant and no matching funds were required. Councilmember Helgeson, on behalf of the Finance Committee explained that the grant was done and the

computers were purchased. It is just now a matter of an allocation. Councilmember Helgeson made a motion on behalf of the Finance Committee to approve the resolution. The motion passed by the following vote:

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

Noes: 0

// In the matter of Budget, Agenda Item #11, a resolution was introduced to amend the FY 2020 City/Federal/State Aid budget and appropriate \$103,920 with resources of \$51,960 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$47,297 from the FY 2020 General Fund Fire Department budget and \$4,663 from the General Fund Fire Equipment Assigned Fund Balance to purchase three LifePak 15 cardiac monitors for the Fire Department. Fire Chief Greg Wormser explained that they apply for this grant twice a year. These are upgrades to monitors that have met their useful life. Councilmember Helgeson, on behalf of the Finance Committee, commended Chief Wormser because originally they had applied to get an 80/20 match and were told they could only get a 50% match. In the past, Chiefs have asked for the match to come from the fund for contingencies but Chief Wormser found it in his budget. Councilmember Helgeson made a motion on behalf of the Finance Committee to approve the resolution. The motion passed by the following vote:

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

Noes: 0

// In the matter of Budget, Agenda Item #12, a resolution was introduced to amend the FY2020 City/Federal/State Aid Fund budget and appropriate \$15,213 with resources from a grant from the Library of Virginia to preserve Deed Book JJ, 1884, Marriage Bonds A – L, 1835-1840, and Marriage Bonds J – Z, 1825 – 1834 at the Lynchburg Circuit Court Clerk’s Office. Mr. Eugene Wingfield said this grant will allow his office to continue to preserve some of the historical documents. Councilmember Helgeson, on behalf on the Finance Committee, commented that it nice to see a lot of our old records being preserved for a long period of time. He is delighted that the grant is 100 percent without a matching requirement. Hopefully, they will keep coming. On behalf of the Finance Committee, Councilmember Helgeson recommended approval of the resolution. It passed by the following vote:

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

Noes: 0

// In the matter of Budget, Agenda Item #13, consideration of approving the donation of a surplus vehicle to Central Virginia Community College (CVCC) for use by students in the administration of justice program. Ms. Bonnie Svrcek commented that the President, John Capps, has asked the City to donate a recently surplused Crown Victoria to its administration of justice program. It will be used by students in the defensive driving and officer survival training components of the program. The vehicle will replace one previously donated to CVCC by Campbell County that has reached the end of its useful life. Staff recommends the donation of the vehicle as students from this program become strong candidates for employment in local and regional law enforcement agencies. The City Charter requires five votes to pass this resolution.

Councilmember Perrow made a motion to approve the resolution, which was seconded by Councilmember Wright. Councilmember Perrow said if this can help Chief Zuidema in recruiting he thinks it is a worthwhile investment. Councilmember Helgeson asked Chief Zuidema how this vehicle will be used to help recruit. He said

students at CVCC will be sponsored to go through the police academy. The police academy does not provide vehicles. The host agency for that candidate or whoever employs that candidate has to provide a vehicle. If they are sponsored through CVCC, this vehicle will allow a candidate to complete the academy. Obviously, CVCC will let the candidate which agency provided the vehicle. In his opinion, this is a better use for vehicle as opposed to the minimal amount they would receive from auctioning it. The motion passed by the following vote:

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

Noes: 0

// On motion of Councilmember Perrow, seconded by Vice Mayor Dolan, by the following recorded vote elected to hold a closed meeting for discussion of plans to protect the safety and security of the members of City Council while they are in City Hall, because discussion in an open meeting would jeopardize such safety and security plans, pursuant to Section 2.2-3711(A.)(19.) of the Code of Virginia:

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

Noes: 0

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

// Councilmember Helgeson made the following motion:

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

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

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

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

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

Noes: 0

// On motion of Councilmember Wilder, seconded by Councilmember Perrow, by the following recorded vote elected to hold a closed meeting for discussion of and consideration of the City Manager's and the City Attorney's performance evaluations, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

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

Noes: 0

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

// Councilmember Helgeson made the following motion:

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

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

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

The Motion was seconded by Vice Mayor Dolan, and Council by the following recorded vote adopted the motion:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// The meeting was adjourned at 9:15 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

For reference for
Agenda Items #6
through #8

MEETING DATE: **August 13, 2019**

AGENDA ITEM #: **#10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: FY 2019 Virginia E-911 Services Board Grant Appropriation

KEY ELEMENTS:

___Economic Development ___Excellent Government ___Natural and Built Environment **X** Safe Community ___Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2019 City/Federal/State Aid Fund budget to appropriate \$21,293 with resources from the Virginia Wireless E-911 Services Board FY 2019 Public Safety Answering Point (PSAP) Grant Program, which was used to replace aging computer equipment for 12 Computer Aided Dispatch (CAD) workstations.

SUMMARY: The Department of Emergency Services utilizes Computer Aided Dispatch (CAD) workstations to manage the information needed to operate the City's public safety answering point, otherwise known as our 911 center. Prior to the receipt of this grant, the CAD workstations were previously installed in FY 2015 and were running the Windows 7 operating system. This operating system will no longer be supported after January 2020. This grant has allowed us to replace all work stations at our primary and backup 911 centers. Grant funds were received in FY 2019, money has been expended, and reimbursement of \$21,293 has been received. As such, it is necessary for City Council to amend the FY 2019 City/Federal/State Aid Fund budget to reflect the receipt of this grant.

PRIOR ACTION(S):

September 26, 2017: Finance Committee approved grant submittal

August 13, 2019: Considered by Finance Committee

FISCAL IMPACT:

None, no local match is required.

CONTACT(S):

Melissa Foster, Director of Emergency Services, 455-4285
Elizabeth Slaughter, Alarm Coordinator, 455-4286

ATTACHMENT(S):

Resolution
Award Letter

REVIEWED BY: raw

RESOLUTION:

#R-19-060

BE IT RESOLVED that the FY 2019 City/Federal/State Aid Fund budget is amended and \$21,293 is appropriated with resources from the Virginia Wireless E-911 Services Board FY19 Public Safety Answering Point (PSAP) Grant Program that has been used to replace aging computer equipment for 12 Computer Aided Dispatch (CAD) workstations.

Introduced: August 13, 2019

Adopted:

Certified:

Clerk of Council

99R



COMMONWEALTH of VIRGINIA

Virginia E-911 Services Board

January 11, 2018

Dorothy Spears-Dean
PSC Coordinator
(804) 416-6201

Terry D. Mayo
Board Administrative
Assistant
(804) 416-6197

Jeffrey D. Stern
Chairman
VDEM

James Junkins
Vice Chairman
Harrisonburg-Rockingham
ECC

David A. Von Moll
Treasurer State of Virginia
Comptroller

Danny Garrison
Richmond Ambulance
Authority

Robert Layman
AT & T

Jeffrey Merriman
Verizon Communication

Diane Harding
Verizon Wireless

Anthony McDowell
Fire Chief
Henrico County

Nelson P. Moe
CIO - VITA

Kathleen Seay
Hanover County

Dennis E. Hale
Chief of Fire and EMS
Dinwiddie County

Kevin W. Hall
Sheriff of the City of
Covington

Jolena Young
Twin County

Dep Secretary Adam Thiel
Office of the Governor
Advisor

Dear Lynchburg PSAP:

Thank you for submitting a FY19 PSAP Grant Program application. Your application meets the current Grant Guidelines and was recommended for funding by the PSAP Grant Committee. I am pleased to advise you that the Virginia E-911 Services Board has approved your request. You have been awarded \$26,400 for your Individual PSAP NVS CAD project, grant ID 62.

Funding for this grant award will be available on a reimbursement basis beginning July 1, 2018. Reimbursements will only be made for items allowable under the current Grant Guidelines. All funding requests must be submitted on the Public Safety Grant Payment Request Form, which is available on the ISP website. The receipt(s) that substantiates the amount requested must be attached to the request at the time of submission.

Finally, in order for a funding request to be processed, the PSAP must have already submitted any required financial and grant progress reports for any previous fiscal years by the identified deadline. This includes required submission of any true-ups and supporting documentation.

If you have any questions, please do not hesitate to contact your Regional Coordinator or me via email.

Congratulations on your grant award!

Sincerely,

Lisa Nicholson
Public Safety Program Manager

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2019**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant to purchase three LifePak 15 cardiac monitors.

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 \$103,920 with resources of \$51,960 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$47,297 from the FY 2020 General Fund Fire Department budget and \$4,663 from the General Fund Fire Equipment Assigned Fund Balance to purchase (3) LifePak 15 cardiac monitors for the Fire Department.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services.

The Fire Department has been awarded RSAF grant funds to purchase (3) LifePak 15 cardiac monitors. The LifePak 15 cardiac monitors will replace three LifePak 12 in-service units purchased in 2008 and 2009. The monitors have remained in service through a preventative maintenance contract; however, have significantly exceeded the useful life recommended by the manufacturer. The LifePak 12 monitors are no longer supported.

The grant requires a local match. The Fire Department applied for these funds under a Hardship Request, which would have required the locality to pay 20 percent and RSAF would have paid 80 percent. However, the RSAF funds were awarded with a required 50 percent match. One LifePak 15 cardiac monitor costs \$34,640. With a total cost of \$103,920, the required local match is \$51,960. The match will be funded from the FY 2020 Fire Department budget (\$47,297) and the General Fund Fire Equipment Assigned Fund Balance (\$4,663).

PRIOR ACTION(S):

August 13, 2019: Considered by Finance Committee

FISCAL IMPACT:

\$51,960 in matching funds will be provided from the Fire Department's FY 2020 budget and the General Fund Fire Equipment Assigned Fund Balance; no additional appropriation is required. Future funds will be needed for periodic maintenance of the equipment.

CONTACT(S):

Fire Chief Greg Wormser, 455-6340
Battalion Chief Danny Williams, 455-6360
Annette Pettyjohn, Fire Administrative Manager, 455-6368

ATTACHMENT(S):

Resolution

REVIEWED BY: raw

RESOLUTION:

#R-19-061

BE IT RESOLVED that the FY 2020 City/Federal/State Aid Fund budget is amended and \$103,920 is appropriated with resources of \$51,920 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF), \$47,297 from the FY 2020 Fire Department's budget, and \$4,663 from the General Fund Fire Equipment Assigned Fund Balance to purchase (3) LifePak 15 cardiac monitors for the Fire Department.

Introduced: August 13, 2019

Adopted:

Certified:

Clerk of Council

100R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2019**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Grant to Preserve Deed Book JJ, 1884, Marriage Bonds A - L, 1835 – 1840, and Marriage Bonds J - Z, 1825 – 1834 at the Circuit Court Clerk's Office

KEY ELEMENTS:

___Economic Development ___**X**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 \$15,213 with resources from a grant from the Library of Virginia to preserve Deed Book JJ, 1884, Marriage Bonds A – L, 1835 – 1840, and Marriage Bonds J – Z, 1825 – 1834 at the Lynchburg Circuit Court Clerk's Office.

SUMMARY: The Library of Virginia allows Circuit Court Clerks' Offices to submit applications for grant funding. Staff submitted a grant application to The Library of Virginia to preserve records held at the Circuit Court Clerk's Office. The approved grant funding of \$15,213 will allow Deed Book JJ, 1884, Marriage Bonds A – L, 1835 – 1840, and Marriage Bonds J – Z, 1825 – 1834 to be reformatted and preserved.

The grant covers 100% for total of preservation work; no local match is required of this grant.

PRIOR ACTION(S): Finance Committee, August 13, 2019

FISCAL IMPACT: None – no local match is required.

CONTACT(S): Eugene Wingfield, Circuit Court Clerk, 455-2611

ATTACHMENT(S):

Resolution

Library of Virginia Grant Agreement Number 2020FY-44, July 30, 2019

REVIEWED BY: bms

RESOLUTION:

#R-19-062

BE IT RESOLVED that the FY 2020 City/Federal/State Aid Fund budget is amended and \$15,213 is appropriated with resources from a grant from the Library of Virginia to preserve Deed Book JJ, 1884, Marriage Bonds A – L, 1835 – 1840, and Marriage Bonds J – Z, 1825 – 1834 at the Lynchburg Circuit Court Clerk's Office.

Introduced: August 13, 2019

Adopted:

Certified:

Clerk of Council

101R



LIBRARY OF VIRGINIA

Sandra Gioia Treadway
Librarian of Virginia

July 30, 2019

The Honorable Eugene Wingfield
Clerk of the Circuit Court
City of Lynchburg
P.O. Box 4
Lynchburg, VA 24505

Grant Agreement Number: 2020FY-44

Dear Mr. Wingfield,

The Circuit Court Records Preservation Grants Review Board met on Friday, July 26th, 2019 to consider ninety-four applications submitted from ninety-one localities. It is our pleasure to inform you that your Item Conservation grant application to the Virginia Circuit Court Records Preservation Program has been **approved at a reduced amount of \$15,212.50**, due to funding requests for this cycle exceeding the award amount available. The following item(s) have been approved by the Review Board: **Deed Book JJ, 1884; Marriage Bonds A-L, 1835-1840; Marriage Bonds J-Z, 1825-1834**. We encourage you to resubmit items that were not approved this cycle during the next grant cycle. This grant is subject to the stated amount, availability of funds, and any provisos listed in this letter or on the enclosed CCRP Grants Program Application Certification form. Please review these provisos carefully to determine the scope and/or limitations of the project.

You will find the Award Certification form enclosed. This agreement, along with the original grant application, details the term of your project, the portion of your project supported with grant funds, and the specific work that is to be accomplished. It will also indicate your fiscal and program reporting requirements. Please read the agreement carefully and return it **within fifteen days of receipt** to Michelle Washington at the Library of Virginia in the prepaid envelope included in this mailing. Contact your item conservation vendor representative to make arrangements for them to collect the approved items. If you have any questions regarding this award or agreement, please contact Greg Crawford at (804) 692-3505.

Please accept our congratulations on the approval of your application. We appreciate your interest in preserving Virginia's documentary heritage and extend our best wishes for a successful project.

Sincerely,

Michael Strom
State Archivist and Director of Government Records Services

PSMoore

Patricia S. Moore
President, Virginia Court Clerks' Association

CCRP GRANTS PROGRAM AWARD CERTIFICATION FORM

Locality: City of Lynchburg

Date of Award: 7/26/2019

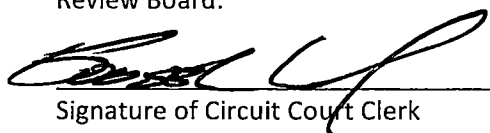
Grant No: 2020FY-44

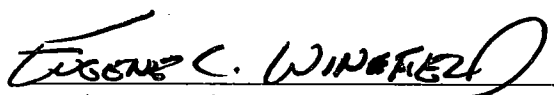
Amount of Grant Award:
\$15,212.50

Grant Category: Item Conservation

Amount of Grant Request: \$20,850.00

By signing this document, I agree to the three statements below, as well as the decision of the CCRP Grants Review Board:


Signature of Circuit Court Clerk


Typed or Printed Name of Circuit Court Clerk

Statement regarding expenditure of funds:

I will abide by applicable state and local procurement rules and agree that funds granted under the Virginia Circuit Court Records Preservation Program will be spent only in accordance with the plan of work and budget statement presented in this application, and that any changes in the submitted proposal of work and/or budget will be submitted in writing to the grants office for approval in advance. I understand that grant funds will only be released upon receipt of verification form indicating that the proposal of work has been fully completed. I will ensure that any agreements for goods or services to be paid for with grant funds will be consistent with the project requirements set forth in the CCRP Program Manual.

Statement regarding archival and records management policies and procedures:

I agree to comply with all policies and procedures required by the *Code of Virginia*, and the decisions of the Circuit Court Records Preservation Grants Review Board and the Library of Virginia concerning the management, preservation, reproduction, and storage of public records, as well as those pertaining to the official recording of such records in government offices, whether on paper, microfilm, digital image, or any other medium.

Statement regarding project status and financial expenditure reports:

I agree to submit program status and financial expenditure reports as required by the Library of Virginia. I also agree to account for all grant funds, to maintain separate financial and programmatic records on this project, and to retain such source documentation as canceled checks, paid bills, payroll, or other accounting documentation, in conjunction with the fiscal office of this locality, that would facilitate an audit. I understand that failure to submit the status and financial reports will result in grant funds not being released and this office becoming ineligible to receive future grant funding, until such time that the delinquent reports have been successfully submitted.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM # **9**:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit – Utility Equipment Shelter – 128 Old Courthouse Turnpike

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of the Conditional Use Permit to allow the construction of a utility equipment shelter to support a long-haul fiber optic route.

SUMMARY: BHC Rhodes is petitioning for a Conditional Use Permit at 128 Old Courthouse Turnpike to allow the construction of a utility equipment shelter in an R-4, High Density Residential District. The facility would support a long-haul fiber optic route in the region.

PRIOR ACTION(S):

July 24, 2019:

The Planning Division recommended approval of the Conditional Use Permit.

The Planning Commission recommended approval of the Conditional Use Permit (4-0, with 3 members absent; Bowden, Light, Lowe)

FISCAL IMPACT:

N/A

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – July 24, 2019
- Planning Commission Packet – July 24, 2019
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph
 - Speaker Sign in Sheet

REVIEWED BY: raw

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO BHC RHODES IN AN R-4, HIGH DENSITY RESIDENTIAL DISTRICT AT 128 OLD COURTHOUSE TURNPIKE TO ALLOW THE CONSTRUCTION OF A UTILITY EQUIPMENT SHELTER TO SUPPORT A LONG-HAUL FIBER OPTIC NETWORK.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of BHC Rhodes for a Conditional Use Permit at 128 Old Courthouse Turnpike to allow the construction of a utility equipment shelter in an R-4, High Density Residential District is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. No towers shall be constructed on the property.

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE JULY 24, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of BHC Rhodes for a conditional use permit at 128 Old Courthouse Turnpike to allow the construction of a utility equipment shelter to support a fiber optic network in an R-4, High Density Residential District.

Mr. Tom Martin, City Planner provided the following summary to the Commission. The property is in an R-4, High Density Residential District but would be out of the way. The R-4 zoning would not change, the facility would be screened from view, and there would be no towers associated with the development. The Planning Division recommends approval.

Chair Rogers asked who was present to speak on behalf of the petition.

Mr. John Tucker, with BHC Rhodes, addressed the Commission. BHC Rhodes is designing a long haul fiber optic route in Virginia for Middle Mile Infrastructure, LLC. Approximately every fifty (50) miles, a booster station is required. The shelter at 128 Old Courthouse Turnpike will function as one of those booster stations. There will be fiber coming from the right-of-way to the building and then leaving the building to go back into the right-of-way. The fiber will be located underground and there will be no towers. The building will be approximately ten (10) feet high.

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 stated that the proposed equipment shelter seemed non-invasive and she did not see any problems with it.

Commissioner Perault agreed and noted that similar projects have come before Planning Commission before and when they do, there are generally not many people in attendance. He then asked Mr. Tucker to describe the above ground access.

Mr. Tucker responded that the above ground building will be approximately five hundred fifty (550) square feet.

Chair Rogers asked how much noise would be associated with the utility equipment shelter.

Mr. Tucker responded that this question is common. There will be a backup generator that may turn on when needed. When this occurs, the noise will be similar to "a next-door neighbor running a lawn mower".

Commissioner Marion asked if there will be a lot of human traffic at the property.

Mr. Tucker responded that there won't be many people on site once the utility equipment shelter is built but once a month maintenance will need to be performed.

Chair Rogers asked if the generator will come on automatically.

Mr. Tucker responded that the generator will come on automatically approximately once a week for twenty (20) minutes and can be scheduled for any time.

Commissioner Perault stated that based on the uses in the area and allowed in the current zoning, this proposal fits right in.

Commissioner Johnson noted that she sees no issue with the petition and others shared agreement.

Commissioner Johnson made the following motion, seconded by Commissioner Marion, and passed by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the Conditional Use Permit petition of BHC Rhodes to allow the construction of a utility equipment shelter at 128 Old Courthouse Turnpike subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the submitted concept plan.**
- 2. No towers shall be constructed on the property."**

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

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: July 24, 2019
Re: **Conditional Use Permit (CUP) – Utility Equipment Shelter – 128 Old Courthouse Turnpike**

I. PETITIONER

BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210

Representative: Mr. Chris Schepmann, Project Manager, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210

Property Owner: Lawrence W. Falwell Family Limited Partnership and W. Calvin Falwell Family Limited Partnership II, 3900 Campbell Avenue, Lynchburg, Virginia 24501

II. LOCATION

The subject property is approximately six and six tenths (6.6) acres located at 128 Old Courthouse Turnpike.

III. PURPOSE

The purpose of the petition is to allow the construction of a utility equipment shelter to support a long-haul fiber optic route in the region.

IV. SUMMARY

- The City's Comprehensive Plan 2013-2030 recommends a Neighborhood Commercial use for the property.
- The *Zoning Ordinance* classifies the proposed use as a Major Public Utility Service. These uses are permitted upon approval of a Conditional Use Permit in an R-4, High Density Residential District.
- There would be no towers constructed as part of the project.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Neighborhood Commercial use for the property. Neighborhood Commercial areas are intended to consist primarily of office, retail, personal service and restaurant uses that are scale and designed to be compatible with and serve their immediate neighborhoods. (p. 75)
2. **Zoning.** The subject property was annexed into the City in 1976. The existing High Density Residential zoning was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On July 13, 1982, City Council approved the rezoning petition of the Farm Credit service to rezone 4303 Campbell Avenue from R-3, Medium Density Residential to B-1, Limited Business District to allow the construction of an office building.
 - On April 24, 2013, City Council approved the Campbell Avenue / Odd Fellows Road Land Use & Corridor Master Plan.
 - On January 14, 2014, City Council amended the Future Land Use for the property located at 128 Old Courthouse Turnpike from Office to Neighborhood Commercial.
 - On January 12, 2016, City Council approved the rezoning request of Liberty University & Thomas Road Baptist Church to rezone 219 Top Ridge Road from R-4, High Density Residential District to IN-2, Institutional 2 District.
5. **Site Description.** The subject property is a tract of approximately six and six tenths (6.6) acres located at 128 Old Courthouse Turnpike. The property is currently vacant.
 6. **Proposed Use of Property.** If the petition is approved, a seven thousand five hundred (7,500) square foot area would be used as a compound for utility equipment shelters to support a fiber optic network. There would be no telecommunication towers constructed.
 7. **Traffic, Parking and Public Transit.** Parking associated with the proposed use would occur within the enclosed compound. The City Engineer did not require a traffic study for the proposed use.
The area is not served by the Greater Lynchburg Transit Company (GLTC).
 8. **Stormwater Management.** A stormwater management / Erosion & Sediment Control Plan will be required prior to final site plan approval.
 9. **Emergency Services:** The City's Fire Marshal requested that fire hydrant locations be indicated on the final plan. A fire hydrant exists in front of the subject property. The City's Police Department had no comments of concern.
 10. **Impact.** The construction of the compound and equipment shelters should have little to no impact on the area.
 11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on May 21, 2019. Comments will be addressed prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the Conditional Use Permit petition of BHC Rhodes to allow the construction of a utility equipment shelter at 128 Old Courthouse Turnpike subject to the following conditions:

1. The property shall be developed in substantial compliance with the submitted concept plan.

2. No towers shall be constructed on the property.

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 Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Chris Schepmann, Petitioner

VII. ATTACHMENTS

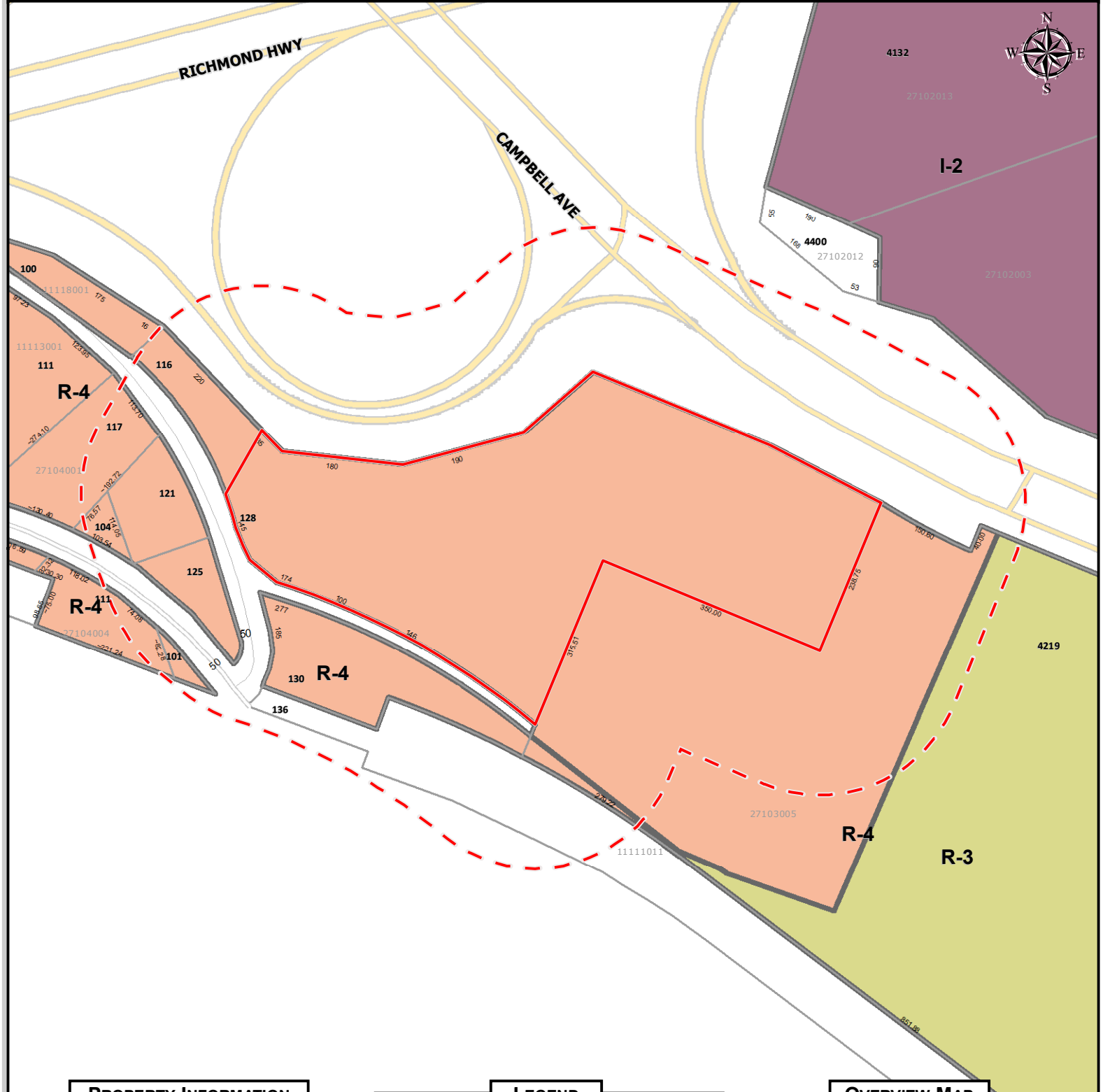
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning Map

UTILITY EQUIPMENT SHELTER

Conditional Use Permit Request

BHC Rhodes



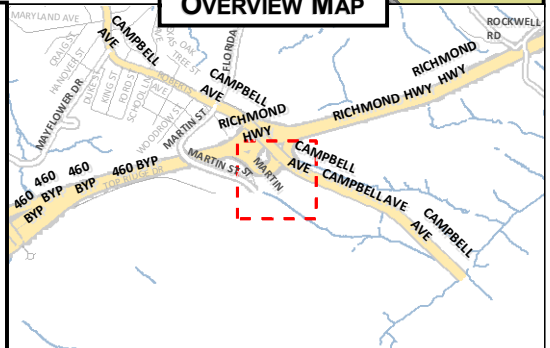
PROPERTY INFORMATION

PARCEL ID	ADDRESS
27103002	128 OLD COURTHOUSE TPKE

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED 6/7/2019

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.

Parcel ID	Address	Owner
27104005	130 OLD COURTHOUSE TPKE	RANKINS, STEVE M
27104004	111 MARTIN ST	W CALVIN FALWELL F L P II &
27104003	125 OLD COURTHOUSE TPKE	PHELPS, M F
27103005	4219 CAMPBELL AVE	COMMONWEALTH OF VA VDOT
27104001	117 OLD COURTHOUSE TPKE	D & C ENTERPRISES LLC
11118001	100 OLD COURTHOUSE TPKE	FALWELL, LEWIS JR & SUTTON, MICHELLE
27103002	128 OLD COURTHOUSE TPKE	FALWELL L W & FALWELL, W C FLP
27104006	101 MARTIN ST	COMMONWEALTH OF VIRGINIA
27103001	116 OLD COURTHOUSE TPKE	FALWELL, LEWIS JR & SUTTON, MICHELLE
11111011	136 OLD COURTHOUSE TPKE	NORFOLK & SOUTHERN RAILWAY
27104002	121 OLD COURTHOUSE TPKE	D & C ENTERPRISES LLC
27104007	104 MARTIN ST	D & C ENTERPRISES LLC

FLUM Map

UTILITY EQUIPMENT SHELTER

Conditional Use Permit Request

BHC Rhodes

RICHMOND HWY

CAMPBELL AVE



4132

4400

4219

100

111

116

117

121

104

125

111

101

128

130

136

PROPERTY INFORMATION

PARCEL ID

ADDRESS

27103002

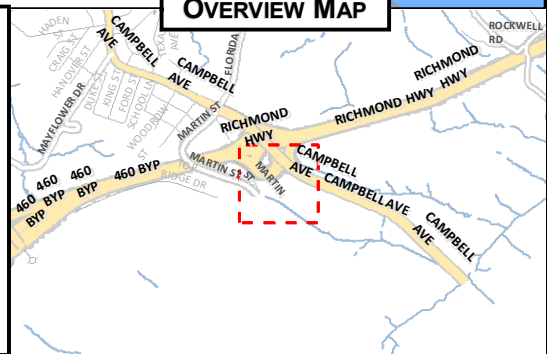
128 OLD COURTHOUSE TPKE

LEGEND

- Local Historic District
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Employment 1
- Employment 2
- Downtown
- Institution
- Public Use
- Public Parks
- Resource Conservation
- Mixed Use

MAP SCALE: 1" to 200' DATE PRINTED 6/7/2019

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.

Watershed Map

UTILITY EQUIPMENT SHELTER

Conditional Use Permit Request

BHC Rhodes



PROPERTY INFORMATION

PARCEL ID	ADDRESS
27103002	128 OLD COURTHOUSE TPKE

LEGEND

- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED 6/7/2019

Opossum Creek-James River

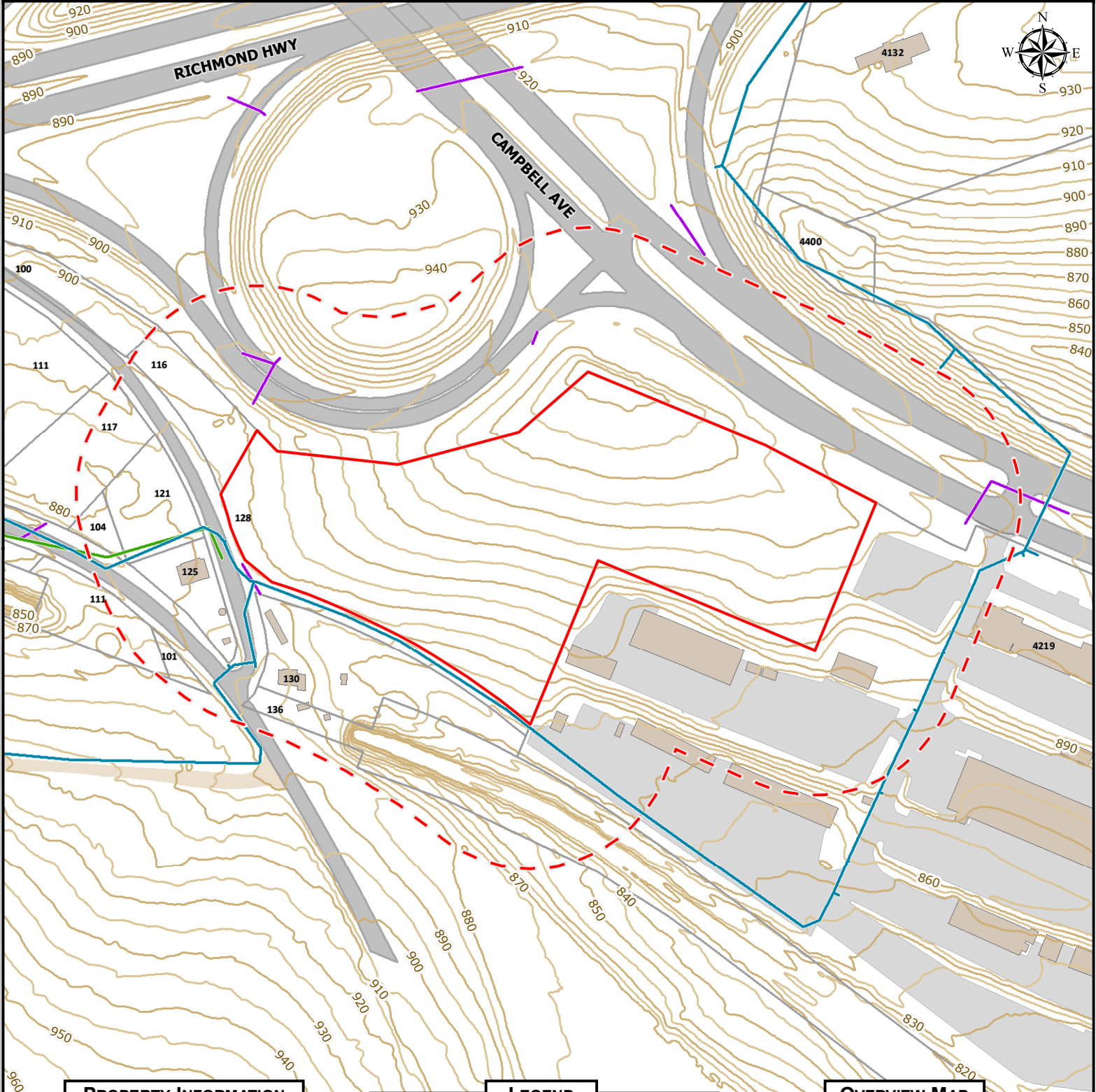
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Planimetric and Topographic Map

UTILITY EQUIPMENT SHELTER

Conditional Use Permit Request

BHC Rhodes



PROPERTY INFORMATION

PARCEL ID

ADDRESS

27103002

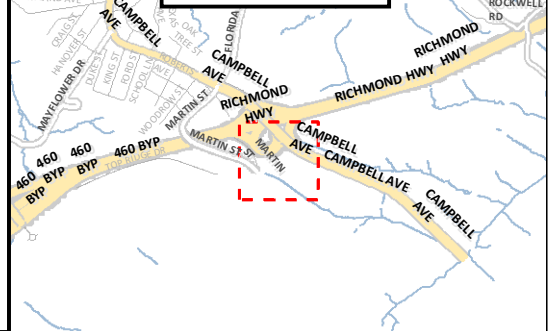
128 OLD COURTHOUSE TPKE

LEGEND

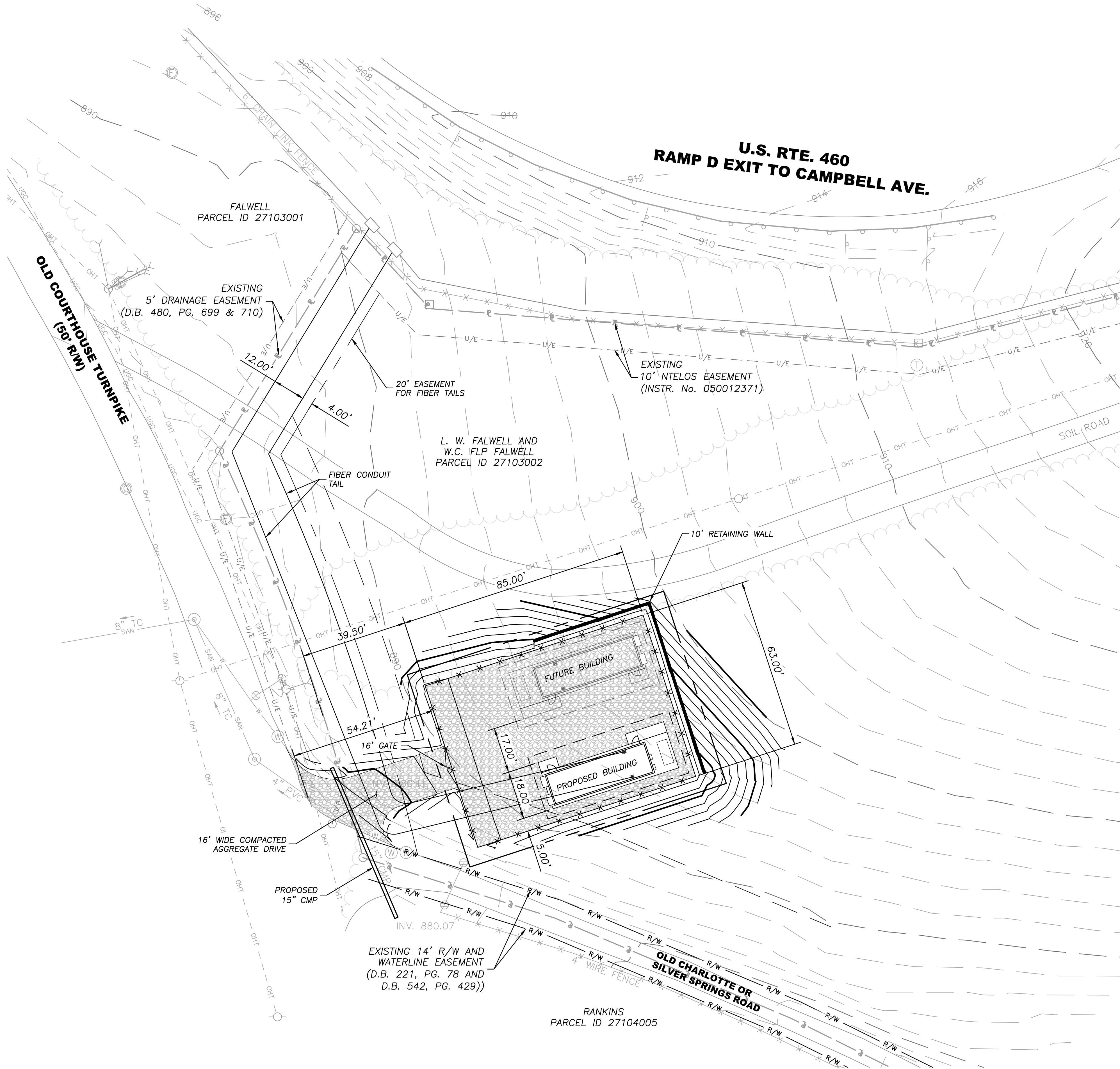
	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography	Contour	100'	20'
		50'	10'
			5'
			1'

MAP SCALE: 1" to 200' DATE PRINTED 6/7/2019

OVERVIEW MAP



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VICINITY MAP

PROPERTY INFORMATION

PROPERTY OWNER:
LAWRENCE W. FALWELL FAMILY LIMITED
PARTNERSHIP & W. CALVIN FALWELL
FAMILY LIMITED PARTNERSHIP II.

PROPERTY ADDRESS:
128 OLD COURTHOUSE TPKE
LYNCHBURG, VIRGINIA 24501
TAX PARCEL ID 27103002

PROPERTY DEED:
STATE OF VIRGINIA,
CITY OF LYNCHBURG
BOOK 999 PAGE 325 AND 334
AND BOOK 1144 PAGE 771

ZONING:
R-4

PROPERTY SIZE:
5.93 ACRES

EASEMENT INFORMATION

GRANTEE:
MMI ATLANTIC, LLC
103 FOULK RD, SUITE 202
WILMINGTON, DE 19803

RECORDED DOCUMENT:
OPTION FOR GRANT OF
RIGHT-OF-WAY AND EASEMENT
INSTRUMENT 190001006
RECORDED IN THE CLERK'S OFFICE
OF LYNCHBURG CIRCUIT COURT

PROPOSED USE:
FIBER OPTIC EQUIPMENT SHELTER

ZONING:
EXISTING: R-4
PROPOSED: PUBLIC UTILITIES SERVICES

UTILITIES:
NO WATER OR SANITARY SEWER
CONNECTIONS WILL BE REQUIRED.
POWER SERVICE TO BE COORDINATED
WITH LOCAL POWER COMPANY.

BUILDING AND SITE DATA

EASEMENT AREA:	7,500	SF
COMPOUND AREA:	5,607	SF
PROPOSED BUILDING:		
AREA:	468	SF
HEIGHT:	10	FT
FUTURE BUILDING:		
AREA:	468	SF
HEIGHT:	10	FT
SETBACKS:		
FRONT:	30'	FT
SIDE:	5'	FT
BACK:	25'	FT

LEGEND

- W — EXISTING WATER LINE
- ⊙ EXISTING WATER METER
- ⊙ EXISTING UTILITY POLE
- OHE — EXISTING OVERHEAD ELECTRIC LINE
- OHT — EXISTING OVERHEAD TELECOM LINE
- UGC — EXISTING UNDERGROUND COMM LINE
- ⊙ EXISTING COMMUNICATION STRUCTURE
- GAS — EXISTING GAS LINE
- ⊙ EXISTING GAS METER
- SAN — EXISTING SANITARY SEWER LINE
- ⊙ EXISTING SANITARY SEWER MANHOLE
- — EXISTING HIGHWAY GUARD RAIL
- — EXISTING CHAIN FENCE
- — EXISTING TREE/BUSH LINE
- — EXISTING GRADE CONTOURS
- — EXISTING GRADE CONTOURS
- — EXISTING UTILITY EASEMENT
- R/W — RIGHT-OF-WAY LINE
- — PROPERTY LINE
- — PROPOSED CHAIN LINK FENCE
- — SF — SILT FENCE
- — FIBER OPTIC CABLE (PERMITTED SEPARATELY)
- — PROPOSED GRAVEL SURFACE



SCALE: 1"=20'
0 20 40

NOT FOR
CONSTRUCTION

BHC RHODES
Civil Engineering • Surveying • Utilities
7101 College Blvd., Suite 400
Overland Park, Kansas 66210
P. (913) 663-1900 F. (913) 663-1633
BHC Rhodes is a trademark of Burgin & Rhodes & Company P.A.

Prepared For:

US-VA-CAMP-1
128 OLD COURTHOUSE TPKE
LYNCHBURG, VA
ATLANTIC COAST FIBER HUTS
PRELIMINARY LAYOUT

Design: RSV | Drawn: RSV
Checked: JMT
Issue Date: 4/1/2019
Project Number: 023660.01

Rev.	Date	Description	By	App.
1	4/12/2019	FIBER TAIL UPDATE	RSV	

BHC RHODES

Civil Engineering • Surveying • Utilities

May 3, 2019

Tom Martin
Department of Community Development
900 Church Street
Lynchburg, Virginia 24504

Re: BHC RHODES Public Hearing Application for Conditional Use Permit

Mr. Martin,

Please accept the following as our Letter of Application for a Public Hearing Application to construct a utility equipment shelter at the property addressed 128 Old Courthouse TPKE, Lynchburg, Virginia 24501. The Property is zoned R-4, and its current land use is vacant. The property will remain zoned R-4 and a portion of the property will be used for a Public Utility Services, Major.

The utility equipment shelter supports a larger fiber optic project by Middle Mile Infrastructure LLC. of a long-haul fiber route within the highway right-of-way within the region. The size the of land dedicated to this use is approximately 7,500 ft². The construction of the proposed Public Utility Structure will be done to minimize the effect on surrounding parcels.

Assisting me with the execution of this project is John Tucker, PE. John is the project engineer and is designated as an agent qualified to make decisions and represent this project at public hearings on my behalf.

Regards,



Chris Schepmann
Project Manager

Attachments:

- Attachment A – Public Hearing Application, Fee, and Checklist*
- Attachment B – Map of property*
- Attachment B – Deed Book 999, Page 337 [Parcel 13] (Legal Description)*
- Attachment C – Option for Grant of Right-of-Way and Easement*
- Attachment D – Notification Sign Photos*
- Attachment E – Concept Plan (6 copies 11"x17")*



**128 Old Courthouse Turnpike
Utility Equipment Shelter
Conditional Use Permit
July 24, 2019**

PLEASE PRINT CLEARLY

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning – B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) – 1004 Court Street

KEY ELEMENTS:

___ Economic Development ___ Excellent Government **X** Natural and Built Environment ___ Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of the rezoning petition from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow the adaptive reuse of the structure.

SUMMARY: Jonathan Baker, JB Property Group, LLC is petitioning to rezone approximately sixty-nine thousandths (0.069) of an acre located at 1004 Court Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional). If approved, the existing structure would be rehabilitated for business use and/or up to four (4) apartment units.

The proffer submitted by the petitioner indicates that business uses on the property would be limited to the uses allowed in the B-1, Limited Business District as defined in the City's *Zoning Ordinance*.

PRIOR ACTION(S):

August 14, 2019: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval of the rezoning petition (4-0, with 3 members absent; Bowden, Johnson, Light).

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – August 14, 2019
- Planning Commission Packet – August 14, 2019
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1004 COURT STREET FROM B-1, LIMITED BUSINESS DISTRICT TO B-4C, URBAN COMMERCIAL 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 1004 Court Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional).

The area embraced within the following boundaries:

ALL THAT CERTAIN PARCEL OF LAND, FURTHER DESCRIBED AS FOLLOWS;

BEGINNING AT THE POINT OF BEGINNING; A POINT ON THE NORTH EASTERLY RIGHT-OF-WAY LINE OF COURT STREET; THENCE N 59°30'00" E A DISTANCE OF 105.83' TO A POINT; THENCE S 31°00'00" E A DISTANCE OF 28.42' TO A POINT; THENCE S 59°30'00" W A DISTANCE OF 105.83' TO A POINT; THENCE N 31°00'00" W A DISTANCE OF 28.42' TO A POINT, WHICH IS THE POINT OF BEGINNING; SAID PARCEL TO CONTAIN 0.069 ACRES, MORE OR LESS

...is hereby changed from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner Jonathan Baker, JB Properties, LLC, to wit:

1. JB Properties proffers to use the property at 1004 Court Street for up to four (4) units of residential use or business use permitted in the B-1, Limited Business District.

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

MINUTES OF THE AUGUST 14, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of JB Property Group, LLC to rezone approximately sixty-nine thousandths (0.069) of an acre located at 1004 Court Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow the use of an existing building as two (2) residential units.

Mr. Tom Martin, City Planner provided the following summary to the Commission. This property is located within the original City limits. It contains a structure with over four thousand (4,000) square feet that was constructed in 1907. The property and the immediate area are recommended for Downtown uses on the City's *Future Land Use Map (FLUM)*. This property is in the Court House Hill local historic district, as well as a state and national historic district. As required by the Zoning Ordinance, any exterior modifications must be approved by the Historic Preservation Commission. Prior to moving forward with this rezoning, a Certificate of Appropriateness was granted by the Historic Preservation Commission on June 18, 2019 to allow some modifications to a stairway and porch railings at the rear of the structure. The request to rezone to B-4C at 1004 Court Street is similar to the request that was granted at 1000 Court Street for the property to be used for residential purposes. The reason this is coming forward as a rezoning instead of as a Conditional Use Permit is because the property does not have the lot area required in the B-1 district. The petitioner is requesting to rezone to B-4C to allow two (2) residential units. The Planning Division suggests to the petitioner to not limit the property to residential use and to include other uses permitted in a B-1 district. If the petitioner does not include other uses now, any future changes in use will need to go through another rezoning, which is time consuming and not logical considering the location of the property. The Planning Division recommends approval.

Chair Rogers asked who was present to speak on behalf of the petition.

Ms. Amy K. Seipp, with Accupoint Surveying & Design, addressed the Commission. Mr. Jonathan Baker purchased the building and has been working toward revitalizing it. Currently, he has two (2) residential units planned but would like to keep the possibility of other uses. There is the potential for up to four (4) units for either residential or commercial use. Plans to redo the deck at the rear of the property are underway and are within the historical guidelines.

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 Mr. Martin how the petition needed to change to prevent limiting the property to only residential use.

Mr. Martin responded that the petitioner would need to amend the submitted proffers.

Commissioner Perault asked Mr. Baker if he wanted to limit the property to residential use only.

Mr. Baker responded that he wanted to keep the property open to other possible uses.

Commissioner Perault noted that rezoning requests usually ask for more uses and not less uses. The submitted paperwork showed strong support for as much flexibility as possible for the property. He then asked Mr. Martin if the number of units could be changed in the future without requiring another rezoning.

Mr. Martin responded that the rezoning was advertised as only two (2) units, which would pose a problem if the number of units were to increase. He then asked Ms. Seipp and Mr. Baker why the rezoning request was for only two (2) units if more were possible.

Ms. Seipp responded that the plan for the property currently only has two (2) units.

Chair Rogers asked if the current petition allowed for commercial uses of the units as well as residential uses.

Mr. Martin responded that the way the rezoning is advertised needs to change for City Council. He then asked for clarification that Mr. Baker wanted up to four (4) units for residential or commercial use.

Ms. Seipp responded that the rezoning signs would be changed.

Mr. Martin stated that the Planning Commission needs to understand what the petitioner is proffering and asked Ms. Seipp if she brought the proffers with her to the meeting.

Ms. Seipp responded that she did not have the proffers with her.

Chair Rogers suggested that the proffers be written out during the meeting and noted that the building looks large enough to hold more than two (2) units.

Commissioner Lowe stated that the building is quite large and there are two (2) levels to it. This rezoning request is also similar to the request for 1000 Court Street. There is ample room for four (4) units in the building no matter what the use is.

Chair Rogers noted that with a proffer for up to four (4) units, it would be possible to do only two (2) units now and would prevent the need for another rezoning if the number of units changed in the future.

Commissioner Marion asked if the building has a basement.

Mr. Baker responded that there is a basement but it is more of a crawl space and isn't habitable.

Chair Rogers asked what the total square footage of the building is.

Mr. Baker responded that he believed the total square footage of the building was roughly four thousand (4,000) square feet.

Mr. Martin noted that the Assessor's office lists the building as four thousand, one hundred eighty-two (4,182) square feet.

Chair Rogers asked if the deck at the rear of the building will be used as the second entrance.

Commissioner Perault noted that the number of entrances is what may limit the number of units.

Ms. Seipp responded that additional entrances would require changes to the exterior of the building.

Commissioner Perault asked if the building is currently in use or if it is vacant.

Mr. Baker responded that the building is not currently in use.

Ms. Seipp presented the revised proffers.

Commissioner Perault stated that in his opinion there's no downside to this petition. The building will be improved aesthetically and will no longer be vacant.

Commissioner Lowe agreed and noted that both 1004 and 1000 Court Street will be improved according to historical guidelines. The improvement and use of both will benefit the City.

Ms. Seipp stated that 1000 Court Street is already being worked on.

Commissioner Perault stated again that there is no downside to the proposed rezoning and noted that the goal seems to be to keep things as flexible as possible in terms of use.

Mr. Martin presented the final, revised proffers.

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 JB Property Group, LLC (Jonathan Baker) to rezone approximately sixty-nine thousandths (0.069) of an acre located at 1004 Court Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) subject to the following voluntarily submitted proffer:

- **JB Properties proffers to use the property at 1004 Court Street for up to four (4) units of residential use or business use permitted in B-1 district."**

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

The Department of Community Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: August 14, 2019

**Re: Rezoning: B-1, Limited Business District to B-4C, Urban Commercial District
(Conditional) – 1004 Court Street**

I. PETITIONER

JB Property Group, LLC (Jonathan Baker), 511 Elmwood Avenue, Lynchburg, Virginia 24503

II. LOCATION

The subject property contains approximately sixty-nine thousandths (0.069) of an acre and is located at 1004 Court Street.

Property Owner: JB Property Group, LLC (Jonathan Baker), 511 Elmwood Avenue, Lynchburg, Virginia 24503

III. PURPOSE

The purpose of the petitions is to rezone the property from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow the use of the structure as two (2) residential units.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Downtown use for the subject property.
- The petition would amend the zoning from B-1, Limited Business District to B-4C, Urban Commercial District to allow the use of the structure as two (2) residential units.
- The property is located in the Courthouse Hill Historic District. A Certificate of Appropriateness (COA) was approved by the Historic Preservation Commission on June 18, 2019. The COA permits the construction of a stairway and porch railings at the rear of the structure.
- The use of the structure as residential units should have little to no negative impact on the area.
- Planning staff suggests not limiting the use of the property to residential uses.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Comprehensive Plan recommends a Downtown use for this property. Downtown is governed by the policies and recommendations of the Downtown 2040 Master Plan, which is incorporated into this Comprehensive Plan by reference. Downtown is the central commercial core of the City and appropriately contains a mix of retail, entertainment, restaurant, office, employment, residential, public, park and institutional uses. The area should retain its urban character. Demolition of historic buildings and erection of suburban style, low-density/intensity development is inappropriate. (p.76)
2. **Zoning.** The subject property is located in the original city limits of Lynchburg. The B-1, Limited Business District was established in 1978.
3. **Proffers.** The petitioner has submitted the following proffer with the rezoning application:
 - The development of two (2) residential units will be in substantial compliance with the site plan submitted with the application.

Planning staff suggests that the property not be limited to only residential uses. The existing B-1, Limited Business District zoning currently allows office uses and limited retail. Restricting the use of the property to only residential uses would prevent other suitable uses in the future without a subsequent rezoning.

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 February 10, 1987, City Council approved the Conditional Use Permit (CUP) petition of Holy Cross Catholic Church to allow the construction of building and parking lot additions at 710-720 Clay Street.
 - On June 14, 1994, City Council approved the petition of Joseph and Brenda Sanzone to rezone 707 Clay Street from R-2, Low-Medium Density Residential District to B-1C, Limited Commercial District (Conditional) to allow use of the property as a law office.
 - On May 22, 2001, City Council adopted the Downtown & Riverfront Master Plan 2000.
 - On August 9, 2005, City Council approved the CUP petition of Lynchburg Daily Bread to allow the construction of an addition for food preparation and storage at 721 Clay Street.
 - On January 12, 2010, City Council approved the CUP petition of Adama Faroh, LLC to allow apartment and office uses at 802 Court Street.
 - On January 10, 2012, City Council approved the CUP petition of Historic Diamond Hill, LLC to allow apartment units at 721 Court Street.
 - On February 23, 2016, City Council adopted the current Zoning Ordinance which combined the B-6, Riverfront/Downtown District with the B-4, Urban Commercial District.
 - On November 13, 2018, City Council adopted the Downtown 2040 Master Plan.
 - On April 9, 2019, City Council approved the petition of Anna Chytla, Willoughby Properties II, LLC, to rezone 1000 Court Street and 210 10th Street from B-1 Limited Business District to B-4C, Urban Commercial District (Conditional).
 - **Site Description.** The subject property is approximately sixty-nine thousandths (0.069) of an acre and is located at 1004 Court Street. The property is located within the original city limits and contains a two-story, four thousand, one hundred eighty-two (4,182) square foot structure constructed in 1907. The property is located within the Courthouse Hill Local Historic District, adopted June 12, 1990. The property is also located within the Courthouse Hill / Downtown National Register Historic District. Any exterior changes to the property require approval by the Historic Preservation Commission. A Certificate of Appropriateness (COA) was approved by the Historic Preservation Commission on June 18, 2019. The COA permits the construction of a stairway and porch railings at the rear of the structure.

6. **Proposed Use of Property.** If approved the structure would be used for two (2) residential units. The property is indicated to be used as an office use according to City Assessment records. The Planning Division suggests that the property not be limited to only residential uses as voluntarily proffered by the petitioner.
 7. **Traffic, Parking and Public Transit.** A traffic impact study was not required by the City Engineer. The requested B-4, Urban Commercial District does not require off-street parking. In other districts, the Zoning Ordinance would require one (1) parking space per unit and allows on-street parking spaces to count towards the requirement. There is on-street parking available in the area and opportunities for leasing off-street spaces if needed.

The property is in close proximity to Greater Lynchburg Transit Company Routes 3A, 3B and 5. Bus stops are located at 10th & Church Street and 10th & Clay Street.
 8. **Stormwater Management.** An Erosion & Sediment Control/Stormwater Management Plan will not be required to in order to allow the use of the existing structure as two (2) residential units.
 9. **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.
 10. **Impact.** The petition would allow the rehabilitation and adaptive reuse of a historic structure for two (2) residential units. Adaptive reuse saves historic structures that give urban areas their character. The existing B-1, Limited Business District would allow for the proposed residential use by Conditional Use Permit (CUP) however, the property does not meet the minimum lot size required by the B-1 District, necessitating the proposed rezoning.

Planning staff suggests that the property not be limited to only residential uses as voluntarily proffered by the petitioner.

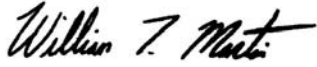
The proposed use of two (2) residential uses (or other uses permitted within a B-4 District) should have little to no negative impact on the area and be an appropriate use for the Downtown.
 11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the concept plan on July 2, 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:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of JB Property Group, LLC (Jonathan Baker) to rezone approximately sixty-nine thousandths (0.069) of an acre located at 1004 Court Street from B-1, Limited Business District to B-4C, Urban Commercial District subject to the following voluntarily submitted proffer:

- **The development of two (2) residential units will be in substantial compliance with the site plan submitted with the application.**

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
Mr. Jonathan Baker Petitioner
Ms. Amy Seipp, 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. Property Photograph**

Zoning-TRC Map

1004 COURT STREET

TRC

JB Property Group



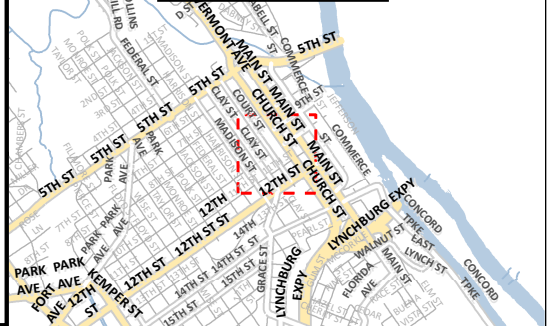
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02462013	1004 COURT ST

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/20/2019

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.

1004 Court Street

Parcel ID	Address	Owner
02462004	1011 CHURCH ST	JBF LLC
02462003	1001 CHURCH ST	JBF LLC
02462008	1021 CHURCH ST	TENNIS, MELINDA L LLC
02462007	1017 CHURCH ST	MELINDA L TENNIS LLC
02462010	1022 COURT ST	JESTER, ROYSTON IV
02462011	1020 COURT ST	FIRST BAPTIST CHURCH OF LYNCHBURG
02462012	1010 COURT ST	FIRST BAPTIST CHURCH OF LYNCHBURG
02462002	210 10TH ST	WILLOUGHBY PROPERTIES II LLC
02462001	1000 COURT ST	WILLOUGHBY PROPERTIES II LLC
02451013	927 CHURCH ST	927 CHURCH STREET LLC
02461004	1007 COURT ST	LIETZAU, WILLIAM K & DIANE M
02461006	1017 COURT ST	SPAIN, ERIC N
02462013	1004 COURT ST	JB PROPERTY GROUP LLC
02451004	919 CHURCH ST	CITY OF LYNCHBURG
02451001	900 COURT ST	CITY OF LYNCHBURG
02452001	905 COURT ST	CITY OF LYNCHBURG
02451005	925 CHURCH ST	CITY OF LYNCHBURG
02462009	1025 CHURCH ST	SYLVESTER, JOSEPH A TRS &
02461001	1000 CLAY ST	COLLEGE HILL
02461005	1011 COURT ST	LEEBRICK, THOMAS S
02461003	1001 COURT ST	MAY, JAMES C JR & FRANEDA S
02461007	1021 COURT ST	CENTRAL CITY HOMES LP

1004 COURT STREET

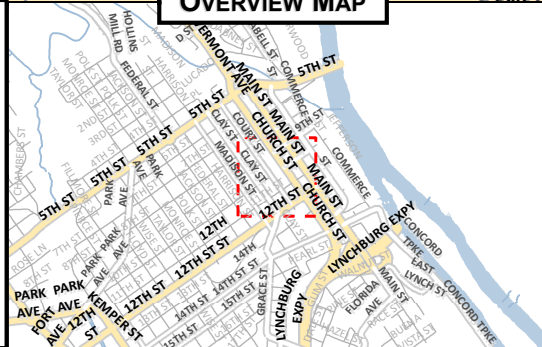
JB Property Group



OVERVIEW MAP

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: 6/20/2019



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.

Watershed Map

TRC

1004 COURT STREET

JB Property Group



PROPERTY INFORMATION

PARCEL ID**ADDRESS**

02462013 1004 COURT ST

LEGEND

-  **Subject Property**
 **Base Flood Elevation**
 **Floodway**
 **Floodzone**
 **River / Lake / Stream**

MAP SCALE: 1" to 200' DATE PRINTED: 6/20/2019

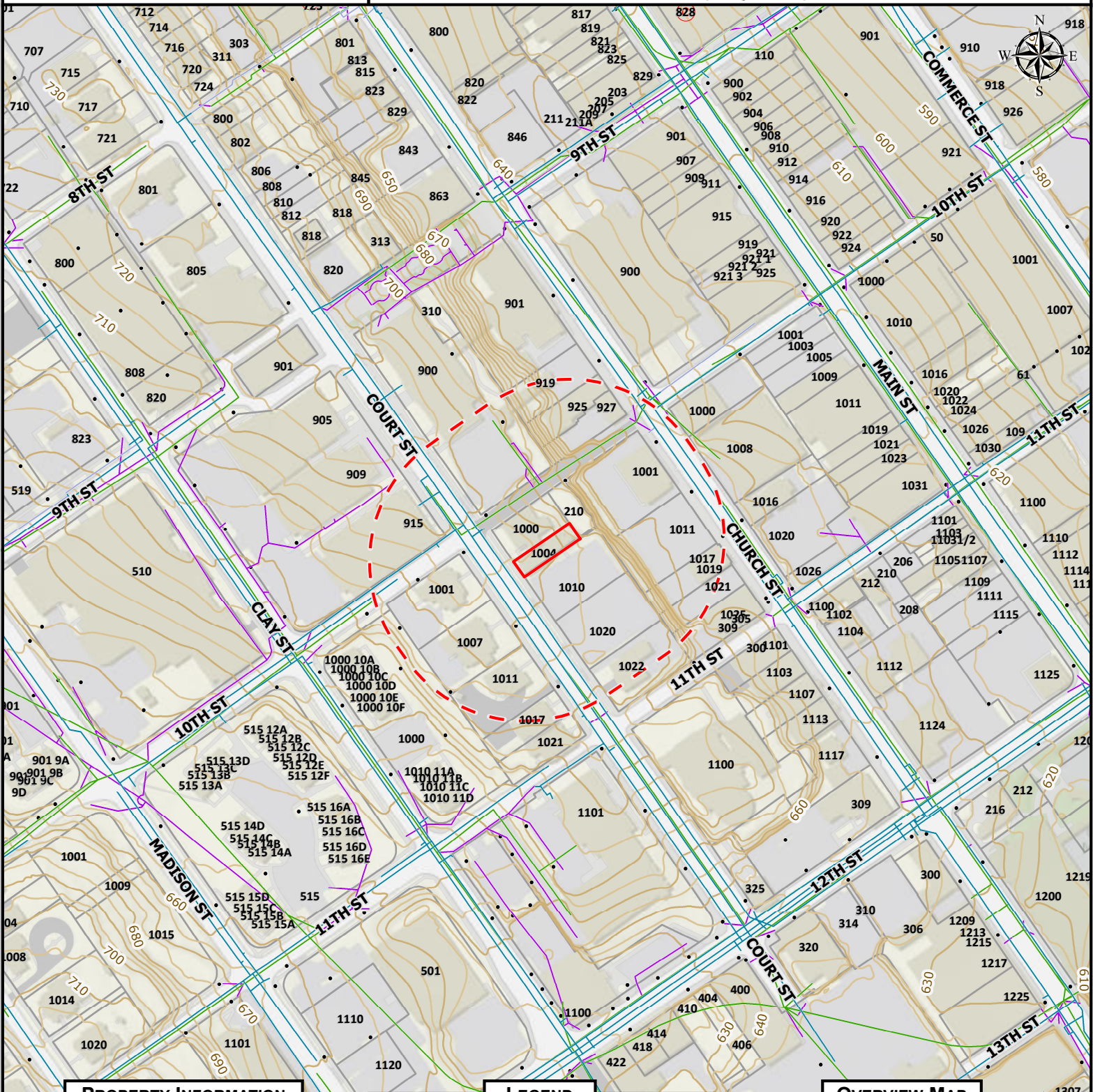
OVERVIEW MAP



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TRC

JB Property Group



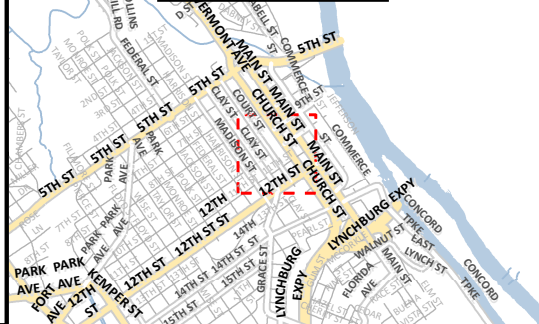
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02462013	1004 COURT ST

LEGEND

	Active	Proposed	Abandoned
Utilities	Water (blue line)	Sanitary (green line)	Storm (purple line)
Structure	Roof (brown)	Foundation (grey)	Other (light grey)
Planimetrics	Roadway (dark grey)	Parking (light grey)	Sidewalk (medium grey)
Towers & Trans. Lines	Elec. Trans. (yellow line)	Trans. Tower (square symbol)	Comm. Tower (circle symbol)
	Contours (brown lines)	Other (various symbols)	Pole Cemetery (various symbols)
	100' (brown line)	50' (brown line)	20' (brown line)
	10' (brown line)	5' (brown line)	1' (brown line)

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/20/2019



PROPERTY OWNER: JB PROPERTY GROUP LLC
511 ELMWOOD AVE.
LYNCHBURG, VA 24503

PROPERTY ADDRESS: 1004 COURT ST.
LYNCHBURG, VA 24504

PARCEL NO: 02462013

PROPERTY ACREAGE: 0.66 AC

EXISTING LAND USE: COMMERCIAL - GENERAL OFFICE

PROPOSED LAND USE: DUPLEX
(1 UNIT EACH FLOOR)

EXISTING BUILDING DATA:

ZONING:

PARKING:



NUMBER OF STORES - 2
TOTAL SQUARE FOOTAGE - 4,182 SF

B-1 LIMITED BUSINESS DISTRICT

ONE (1) PER DWELLING UNIT

REQUIRED PARKING STANDARD = 2 PROVIDED PARKING STANDARD = 4

AVAILABLE ON-STREET PARKING



ACCUPOINT
SURVEYING & DESIGN

SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS

950 AIRPORT ROAD, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

JUNE 17, 2019

SHEET 3 OF 4

ASD PROJECT NO:
2019-127CUP



© 2017 Pictometry

**1004 Court Street
B-1 to B-1 (C) Duplex
Rezoning
August 14, 2019**

PLEASE PRINT CLEARLY

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM # **11**:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Zoning Ordinance Amendment – Section 35.2-11.3, Applications

KEY ELEMENTS:

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

RECOMMENDATION: Approval of an amendment to the *Zoning Ordinance* Section 35.2-11.3, Applications related to conditional rezonings for new residential development.

SUMMARY: Amendments to the Code of Virginia § 15.2-2303.4 related to conditional rezonings for new residential developments became effective on July 1, 2019. While no significant changes to the City's Zoning Ordinance are necessary, the City Attorney, Walter Erwin, has advised the attached amendments are necessary to maintain consistency with the Code of Virginia.

The primary change is a statement that: "The submission of any onsite or offsite proffer at the time of filing an application or during the development review process that has been signed by the applicant or owner shall be conclusive evidence that the proffered condition is reasonable and appropriate."

PRIOR ACTION(S):

July 24, 2019:

The Planning Division recommended approval of the *Zoning Ordinance* amendment.

The Planning Commission recommended approval of *Zoning Ordinance* amendment (4-0, with 3 members absent; Bowden, Light, Lowe)

FISCAL IMPACT:

N/A

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance – Section 35.2-11.3
- Planning Commission Memorandum – July 24, 2019
- Planning Commission Minutes – July 24, 2019
- Speaker Sign in Sheet

REVIEWED BY: raw

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT THE CODE OF LYNCHBURG, 1981 BY AMENDING ZONING ORDINANCE SECTION 35.2-11.3 RELATED TO CONDITIONAL REZONINGS FOR NEW RESIDENTIAL DEVELOPMENTS AND RESIDENTIAL USES:

WHEREAS, the General Assembly amended and reenacted Va. Code Ann. § 15.2-2303.4, effective July 1, 2019, which amends the provisions addressing conditional rezonings for new residential developments and new residential uses.

WHEREAS, the City wishes to amend its Zoning Ordinance to conform to the provisions of Va. Code § 15.2-2303.4, as amended (the "Zoning Ordinance Amendments").

WHEREAS, the Planning Commission held a public hearing to consider and address the proposed Zoning Ordinance Amendments and to receive public comment on July 24, 2019.

WHEREAS, the City Council held a public hearing to consider and address the proposed Zoning Ordinance Amendments and to receive public comment on September 10, 2019.

WHEREAS, the City Council finds that this Ordinance should be adopted 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 35.2-11.3 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

35.2-11.3 Applications

(a) **Initiation.** The Planning Commission, the City Council or the owner, contract purchaser with the owner's written consent, or the owner's agent may initiate a request.

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

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

(d) **Conditional Zoning Proffers.**

1. Purpose. The purpose of conditional zoning is to provide a method for permitting the reasonable and orderly development and use of land in those situations in which peculiar specific circumstances indicate that the existing zone ordinance district regulations are not adequate. In such instances reasonable conditions voluntarily proffered by the owner of the subject property to which such conditions are applicable for the protection of the community (which conditions are not generally applicable to other land similarly zoned) when considered with existing zoning ordinance district regulations should cause the requested rezoning to be compatible with existing zoning and uses in the area.
2. Application. An applicant seeking conditional rezoning shall voluntarily proffer in writing such conditions as the applicant deems appropriate. The applicant shall generally file such a proffered

condition in writing at the time of filing an application to rezone a property. An applicant may file such voluntary proffers in writing prior to the public hearing before the Council. The Council may refer such later filed proffered conditions back to the Planning Commission for review. City Council may consider additional proffers, deletions, and/or amendments to all such conditions provided same have been voluntarily proffered in writing by the owner of the property which is the subject of the rezoning request.

3. Applications for conditional rezoning for new residential development and new residential uses.
 - a. Defined Terms. The terms used in this subsection, shall have the meanings stated for the same terms as defined in Va. Code Ann. § 15.2-2303.4.
 - b. The Applicant's Proffer Statement. An applicant seeking a conditional rezoning or a proffer condition amendment for a new residential development or a new residential use shall provide a written proffer statement at the time the applicant proffers any conditions. The applicant's proffer statement shall include the information designated below.
 - c. Required Contents of Proffer Statement. An applicant shall include the following information in a proffer statement submitted pursuant to this subsection.
 - i) Proffers and Proffer Condition Amendments. A description and explanation of how each proffer or proffer condition amendment, whether onsite or offsite, addresses an impact that is specifically attributable to the proposed new residential development or other new residential use applied for.
 - ii) Offsite Proffers. A description and explanation of how an offsite proffer addresses an impact to an offsite public facility such that:
 - a) The new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffered condition amendment; and
 - b) Each new residential development or new residential use applied for will receive a direct and material benefit from the proffer made with respect to any such public facility improvements; and
 - c) The projected impacts on public facility capacity specifically attributable to the proposed new residential development or new residential use.
 - iii) Certifications. The applicant's proffer statement shall include the following certifications:
 - a) A certification by the applicant that all proffers and proffer condition amendments are voluntary.
 - b) A certification by the applicant that the information in the proffer statement is true, accurate, and complete to the best of the applicant's knowledge.
 - c) The submission of any onsite or offsite proffer at the time of filing an application or during the development review process that has been signed by the applicant or owner shall be conclusive evidence that the proffered condition is reasonable and appropriate.
 - iv) Identification of Proffers ~~Suggested~~ Required or Requested in Writing by the City. The proffer statement shall specifically identify any proffer or proffer condition amendment that was ~~suggested, requested, or required by the City~~ or requested in writing by the City.

- v) **Waiver of Required Contents.** The Zoning Administrator or the City Planner may waive any element of the required contents of a proffer statement pursuant to section 35.2-10.12(b) of this Zoning Ordinance.
- vi) **Application Fee.** The City Council may require a specific application fee for a conditional rezoning application for a proposed new residential development or new residential use pursuant to section 35.2-101 of this Zoning Ordinance.
- (e) **Concurrent Review Allowed.** Applications for Comprehensive Plan amendments and other development approvals may be submitted and reviewed concurrently.
- (f) **Completeness Review.** The City Planner shall review the application and shall determine if the application is complete pursuant to the provisions of section 35.2-10.12 (Completeness).
- (g) **Staff Review and Recommendation.** Upon finding that the application is complete the City Planner shall consult with the Technical Review Committee (TRC), prepare a report making findings and recommendations on the application, and authorize notice to be provided in accordance with section 35.2-10.14 (Notice) and Exhibit II-6.

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

Adopted:

Certified: _____
Clerk of Council

110R

MINUTES OF THE JULY 24, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Consideration of amending Zoning Ordinance Section 35.2-11.3, Applications concerning proffers. Amendments will conform to the provisions of Va. Code Ann. § 15.2-2303.4, effective July 1, 2019.

Mr. Tom Martin, City Planner provided the following summary to the Commission. The General Assembly made amendments to Va. Code Ann. § 15.2-2303.4, which requires updates to Zoning Ordinance Section 35.2-11.3. The proposed amendment to Ordinance Section 35.2-11.3 was drafted by the City Attorney. The major change to note is that when a proffer is submitted during a review process and signed by the applicant that is evidence that it is reasonable and appropriate. This serves as a protection to the City. The Planning Division recommends approval.

Commissioner Marion asked for clarification as to why the amendment is necessary.

Mr. Martin responded that the amendment is to prevent petitioners from coming back at a later time and trying to argue that the submitted proffer is not reasonable.

Commissioner Perault noted that when he heard of this, it sounded like in the past when discussions about proffers were more open and the Commission could suggest changes that would make a difference in the vote. More recently, this has not been allowed.

Mr. Martin agreed and noted that this amendment gives more leeway in discussing proffers.

Commissioner Perault stated that it does and it isn't a bad thing. This change opens discussion up and allows for more pointed conversations.

Chair Rogers asked how this amendment would change the way that the Commission communicates with people who the Commission feels should offer proffers.

Mr. Martin responded that proffers requested by the Commission will be kept track of but this amendment specifies that if the petitioner offers a proffer, they deem it reasonable and that they weren't coerced.

Chair Rogers noted that the Commission can recommend proffers but they are not valid until the petitioner signs them.

Commissioner Johnson made the following motion, seconded by Commissioner Marion, and passed by the following vote:

"The Planning Commission recommends to City Council approval of the proposed amendments to Zoning Ordinance Section 35.2-11.3, Applications concerning proffers, as drafted by the City Attorney."

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



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 of Community Development; Kevin Henry, Zoning Administrator

Date: July 24, 2019

Re: Zoning Ordinance Amendment – Section 35.2-11.3, Applications

Amendments to the Code of Virginia § 15.2-2303.4 related to conditional rezonings for new residential developments became effective on July 1, 2019. While no significant changes to the City's Zoning Ordinance are necessary, the City Attorney, Walter Erwin has advised the attached amendments are necessary to maintain consistency with the Code of Virginia.

The primary change is a statement that: "The submission of any onsite or offsite proffer at the time of filing an application or during the development review process that has been signed by the applicant or owner shall be conclusive evidence that the proffered condition is reasonable and appropriate."

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

**Zoning Ordinance Amendment
Section 35.2-11.3, Applications
July 24, 2019**

PLEASE PRINT CLEARLY

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM #: **12**

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Amended lease for 901 Church Street - Court Appointed Special Advocates (CASA) of Central Virginia

KEY ELEMENTS:

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

RECOMMENDATION: Hold a public hearing and grant an amended lease to CASA of Central Virginia (Court Appointed Special Advocates) for the City property located at 901 Church Street.

SUMMARY: CASA currently occupies 2,194 square feet of space for its office on the first floor of the Monument Terrace building located at 901 Church Street. At the time the lease was first approved in October 2012, CASA agreed to pay for \$20,000 of improvements to the space and the City agreed to waive rent payments in lieu of a \$12,000 annual contribution to CASA.

CASA has requested an additional 888 square feet of office space that was formerly occupied by the City Health Nurse to accommodate additional CASA staff. The market value of rent, according to the City Assessor, is approximately \$15 per square foot. Market value rent for the currently occupied space is \$32,910 annually. The market value rent for the additional space is \$13,320 annually for an annual total rental value of \$46,230 including the additional leased space. CASA requests that the City waive the rent in lieu of the City making an annual contribution to support CASA operations. CASA served over 360 children last fiscal year.

A discussion with the City's department heads confirmed that there is presently no internal use requiring this space.

PRIOR ACTION:

October 23, 2012: City Council Regular Meeting

August 13, 2019: Physical Development Committee

FISCAL IMPACT:

None

CONTACT(S):

Gaynelle Hart, Director of Public Works - 455-4406

ATTACHMENT(S):

CASA Lease Extension
CASA Letter of Request

REVIEWED BY: raw

RESOLUTION

BE IT RESOLVED That the City Manager is hereby authorized to execute a Second Amendment of Lease Agreement with CASA of Central Virginia for the occupancy and use of the City-owned building located at 901 Church Street.

Adopted:

Certified: _____
Clerk of Council

111R

SECOND AMENDMENT OF LEASE AGREEMENT

THIS SECOND AMENDMENT OF LEASE AGREEMENT is made and dated this _____ day of _____, 2019, by and between the CITY OF LYNCHBURG, a municipal corporation of the Commonwealth of Virginia, party of the first part, hereinafter referred to as the "City" and CASA of Central Virginia, party of the second part, hereinafter referred to as "CASA."

WITNESSETH:

WHEREAS, on November 12, 2012, the City entered into a Lease Agreement with CASA wherein the City leased to CASA for use as an office, approximately 2,194 square feet of space on the first floor of the city-owned building at 901 Church Street; and,

WHEREAS, on February 5, 2018, the City and CASA entered into an Extension and Amendment of Lease Agreement that extended the November 1, 2012, Lease Agreement for an additional five year term beginning on November 1, 2017, and ending on October 31, 2022, and amending Section V. General Terms, paragraph (7) of the November 1, 2012, Lease Agreement concerning the IT and telephone services that are provided to CASA; and,

WHEREAS, the City and CASA desire to enter into a Second Amendment to the November 1, 2012, Lease Agreement to allow CASA to use approximately 888 additional square feet of space on the first floor of the city-owned building at 901 Church Street; and,

NOW, THEREFORE, WITNESSETH, that for and in consideration of the premises and the mutual covenants and agreements contained herein, the City and CASA do mutually agree to amend Section I. Premises of the November 1, 2012, Lease Agreement as follows:

I. Premises

Lessor does hereby lease to Lessee, for the sole use as an office, approximately 3,082 square feet of space on the first floor of the premises at 901 Church Street, as described in the plans attached as Exhibit A. Hereinafter, "the Premises."

Except as modified herein, all of the terms and conditions contained in the November 1, 2012, Lease Agreement and the February 5, 2018, Extension and Amendment of Lease Agreement between the City and the CASA shall remain in full

force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment of Lease Agreement as of the day and year above written.

City of Lynchburg

By: _____

Bonnie Svrcek, City Manager

ATTEST:

Robin Craig, Clerk of Council

CASA of Central Virginia

By: _____

Executive Director

ATTEST:



CASA of Central Virginia
PO Box 11373 Lynchburg, VA 24506
P: (434) 485-7260 F: (434) 528-2551
www.cvcasa.org

July 3, 2019

Ms. Bonnie Svrcek
City Manager
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Dear Ms. Svrcek:

Thank you for your ongoing support of CASA of Central Virginia through the generous donation of office space in the Monument Terrace Building. We have been occupying the space since July of 2013. Our program is growing to meet the increasing demand for our services. Last year, our program served 307 children. This year (ending June 30, 2019), we served 363 children.

Currently, our central office houses five staff members. In the next two months, that number will grow to seven. With the increase in staff and the need to move our files and event supplies out of the leaking file room, we request the use of the office space at the end of our hall that was occupied by Centra nurses but is now vacant and has been vacant for a while now. The space would be perfect for our growing needs.

Without the additional space, we may have to look at relocating to a new location. This will be a difficult task as a commercial space large enough to meet our needs is not in our budget. We highly value the in-kind donation of this office.

If you or the members of City Council have any questions, or would like to tour our office and the available space, please let me know. I would be happy to also give an update on our program if desired. You can reach me at allison@cvcasa.org or via my work mobile at 434-515-0879.

With gratitude,

Allison Stronza
Executive Director

*Thank you for considering
our request. I look forward
to hearing back soon.
Allison*



United Way
of Central Virginia
Partner Agency

Serving Children in Central Virginia since 1989

Lynchburg • Amherst • Bedford • Campbell • Nelson • Appomattox

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM #: **13**

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: VDOT and Airport Easements and Deed

KEY ELEMENTS:

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

RECOMMENDATION: Hold a public hearing to consider a request by the Virginia Department of Transportation (VDOT) for utility easements and additional right-of-way on city-owned property in Campbell County (Lynchburg Regional Airport). After the public hearing, authorize the City Manager to sign the necessary deeds and agreements with VDOT and Appalachian Power Company subject to Federal Aviation Administration approval.

SUMMARY: Virginia Department of Transportation State Project 0029-015-781 is for the construction of a new north bound bridge on Route 29 just south of the Lynchburg Regional Airport. In order to move the road for this new bridge several utility easements and a small portion of land for additional right-of-way that the City of Lynchburg owns in Campbell County at Lynchburg Regional Airport are needed. On the Airport side of Route 29 Appalachian Power Company will install two new guy poles and one current pole will be removed. On the opposite side of Route 29 there is a City-owned storm water facility. At this site, and one taller replacement pole will be installed and a small area of additional right-of-way is needed due to the movement of Route 29. Mark Courtney, Airport Director, reviewed the proposed easements and right-of-way and had no objection. Review by the Federal Aviation Administration will be required once all documents are received.

PRIOR ACTION: September 10, 2019: Physical Development Committee

FISCAL IMPACT: \$7,000.00 in revenue

CONTACT(S): Mark Courtney, Airport Director (455-6089)
Gaynelle Hart, Director of Public Works (455-4406)

ATTACHMENT(S): Resolution
VDOT Letters of Request
Amended Offer
Aerial Map of Locations

REVIEWED BY: raw

RESOLUTION:

BE IT RESOLVED by the Lynchburg City Council that the City Manager, subject to Federal Aviation Administration approval, is authorized to execute utility easements and right-of-way deed with Virginia Department of Transportation and agreements with Appalachian Power Company for the installation of two guy poles, replacement of a power pole and to obtain additional right-of-way for Route 29 on City owned property in Campbell County, located on the Airport side of Route 29 and on the hotel side of Route 29 because of the new location of Route 29 due to the northern bridge replacement under State Project 0029-015-781, R201.

Adopted: _____

Certified: _____
Clerk of Council

112R



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4219 CAMPBELL AVENUE
LYNCHBURG, VIRGINIA 24501

STEPHEN C. BRICH, P.E.
COMMISSIONER

March 7, 2019

Transportation Facility: Route: 29
State Project: 0029-015-781, R201
Federal Project: NHPP-5118(281)
County: Campbell
UPC: 104600

RIGHT OF WAY - Property of City of Lynchburg
Parcel 012

City of Lynchburg
C/o Lee Newland, City Engineer
900 Church Street
Lynchburg, Virginia 24504

Dear Mr. Newland:

As you have been advised, the Virginia Department of Transportation (VDOT) is in the process of acquiring rights of way for the construction, maintenance and/or operation of the above referenced public transportation facility, specifically, Route 29 in Campbell County, Virginia. A public hearing was held previously in the County of Campbell. Advertisements announcing the public hearing schedule were run in the local newspapers in advance of the hearing. Citizens' comments received by VDOT during this hearing were considered in the development of the final plans. The final project plans show that your property is needed for this transportation facility, and VDOT hereby offers to acquire the property that is needed, as shown on the enclosed plan sheets.

The Virginia Department of Transportation seeks to acquire your property to use for the construction, maintenance and/or operation of the referenced public transportation facility including any components thereof such as, but not limited to, storm water management systems, drainage systems, traffic control equipment, curbs, gutters, sidewalks and bike trails. Where it is necessary to the construction, maintenance and/or operation of the referenced transportation facility, your property may be used for the relocation, installation, improvement or maintenance of a utility service provided by a public utility provider, or for the relocation, installation, improvement or maintenance of railroad facilities. Pursuant to Section 25.1-204(B) of the Code of Virginia, the undersigned hereby certifies that the acquisition of your property has been reviewed by the Commissioner of Highways for purposes of complying with Section 1-219.1 of the Code of Virginia.

VDOT hereby offers to acquire the property and/or property rights needed, as shown on the enclosed plan sheets, for the total sum of \$3,200.00. This offer is based solely upon the valuation referenced below and in the attachment to this letter. This offer is made in an effort to settle any potential dispute between us over the value of this acquisition.

A study of the real estate market in your area was made to determine the value of the area needed and is the basis for our offer. After careful inspection and with full consideration of the impact of the proposed transportation facility on your property, the market value was established at **\$3,200.00**. A breakdown of this value is as follows:

Category	Description	Link	Units	Size	Value
Fee Simple Land	Right of Way		Square Feet	305 Square Feet	\$2,200.00
Permanent Easement	Utility		Square Feet	87 Square Feet	500.00
Damages: Cost to Cure	Property Pin				500.00

Total Offer \$ 3,200.00

Enclosed is a complete copy of the approved Basic Administrative Report (BAR) and a copy of the title examination of your property. Plan Sheets 7, 7A and 7RW are enclosed showing specific features highlighted in the following colors: Outlined in RED the area required in fee simple, in PINK the area required for VDOT permanent utility easement and in YELLOW the area required for Appalachian Power Company easement. Other documents enclosed include a Taxpayer Identification Number Form (Form W-9) that asks for your Social Security Number or Taxpayer ID. Another form is an authorization for your mortgage company allowing us to obtain mortgage lien information on your property. This information will be necessary to expedite closing and our payment to you of money owed.

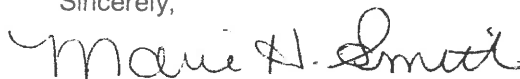
Today my objective is to explain the BAR, the title report and the plans (including cuts, fills, elevations and grades, as applicable.) As applicable, I want you to have an understanding of all proposed changes in profile, elevation and grade of the highway and entrances, including the elevations of proposed pavement and shoulders, both center and edges, with relation to the present pavement, and approximate grade of entrances to your property. I also want to give you the opportunity to ask whatever questions you may have about all of this information.

If you feel it is necessary, I would be happy to meet with you again to further discuss this project and answer any additional questions you may have that were not addressed in today's meeting. You may contact me by postal mail, email or telephone. A business card with my contact information is enclosed for your ready reference.

You may be entitled to a reimbursement or reduction of your real estate taxes, depending on the circumstances at the time the transfer is concluded; however, should you have any questions pertaining to this, please contact your local treasurer for further details.

Thank you for your consideration of our offer to purchase the needed rights of way. Through your cooperation, Virginia's transportation system will remain among the nation's finest.

Sincerely,



Marie Smith
Right of Way Agent

dch
Enclosures



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4219 CAMPBELL AVENUE
LYNCHBURG, VIRGINIA 24501

STEPHEN C. BRICH, P.E.
COMMISSIONER

March 7, 2019

Transportation Facility: Route: 29
State Project: 0029-015-781, R201
Federal Project: NHPP-5118(281)
County: Campbell
UPC: 104600

RIGHT OF WAY - Property of City of Lynchburg
Parcel 013

City of Lynchburg
C/o Lee Newland, City Engineer
900 Church Street
Lynchburg, Virginia 24504

Dear Mr. Newland:

As you have been advised, the Virginia Department of Transportation (VDOT) is in the process of acquiring rights of way for the construction, maintenance and/or operation of the above referenced public transportation facility, specifically, Route 29 in Campbell County, Virginia. A public hearing was held previously in the County of Campbell. Advertisements announcing the public hearing schedule were run in the local newspapers in advance of the hearing. Citizens' comments received by VDOT during this hearing were considered in the development of the final plans. The final project plans show that your property is needed for this transportation facility, and VDOT hereby offers to acquire the property that is needed, as shown on the enclosed plan sheets.

The Virginia Department of Transportation seeks to acquire your property to use for the construction, maintenance and/or operation of the referenced public transportation facility including any components thereof such as, but not limited to, storm water management systems, drainage systems, traffic control equipment, curbs, gutters, sidewalks and bike trails. Where it is necessary to the construction, maintenance and/or operation of the referenced transportation facility, your property may be used for the relocation, installation, improvement or maintenance of a utility service provided by a public utility provider, or for the relocation, installation, improvement or maintenance of railroad facilities. Pursuant to Section 25.1-204(B) of the Code of Virginia, the undersigned hereby certifies that the acquisition of your property has been reviewed by the Commissioner of Highways for purposes of complying with Section 1-219.1 of the Code of Virginia.

VDOT hereby offers to acquire the property and/or property rights needed, as shown on the enclosed plan sheets, for the total sum of \$900.00. This offer is based solely upon the valuation referenced below and in the attachment to this letter. This offer is made in an effort to settle any potential dispute between us over the value of this acquisition.

A study of the real estate market in your area was made to determine the value of the area needed and is the basis for our offer. After careful inspection and with full consideration of the impact of the proposed transportation facility on your property, the market value was established at **\$900.00**. A breakdown of this value is as follows:

Category	Description	Link	Units	Size	Value
Permanent Easement	Utility		Acre	0.04 Acre	\$900.00

Total Offer \$ 900.00

Enclosed is a complete copy of the approved Basic Administrative Report (BAR) and a copy of the title examination of your property. Plan Sheets 6(1), 6(1)A, 6(1)RW, 7, 7A and 7RW are enclosed showing specific features highlighted in the following colors: Outlined in PINK the area needed for VDOT permanent utility easement and in YELLOW the area needed for Appalachian Power Company easement. Other documents enclosed include a Taxpayer Identification Number Form (Form W-9) that asks for your Social Security Number or Taxpayer ID. Another form is an authorization for your mortgage company allowing us to obtain mortgage lien information on your property and an Affidavit of Authority form. This information will be necessary to expedite closing and our payment to you of money owed.

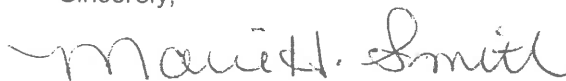
Today my objective is to explain the BAR, the title report and the plans (including cuts, fills, elevations and grades, as applicable.) As applicable, I want you to have an understanding of all proposed changes in profile, elevation and grade of the highway and entrances, including the elevations of proposed pavement and shoulders, both center and edges, with relation to the present pavement, and approximate grade of entrances to your property. I also want to give you the opportunity to ask whatever questions you may have about all of this information.

If you feel it is necessary, I would be happy to meet with you again to further discuss this project and answer any additional questions you may have that were not addressed in today's meeting. You may contact me by postal mail, email or telephone. A business card with my contact information is enclosed for your ready reference.

You may be entitled to a reimbursement or reduction of your real estate taxes, depending on the circumstances at the time the transfer is concluded; however, should you have any questions pertaining to this, please contact your local treasurer for further details.

Thank you for your consideration of our offer to purchase the needed rights of way. Through your cooperation, Virginia's transportation system will remain among the nation's finest.

Sincerely,



Marie Smith
Right of Way Agent

dch
Enclosures

R/W and Utility Easements, Parcels 012 and 013, City of Lynchburg

Smith, Marie <marie.smith@vdot.virginia.gov>

Wed 7/24/2019 3:19 PM

To: Berger, Kate <Kate.Berger@lynchburgva.gov>

Cc: John Holt <gary.holt@vdot.virginia.gov>

CAUTION: External Sender

Hi Kate:

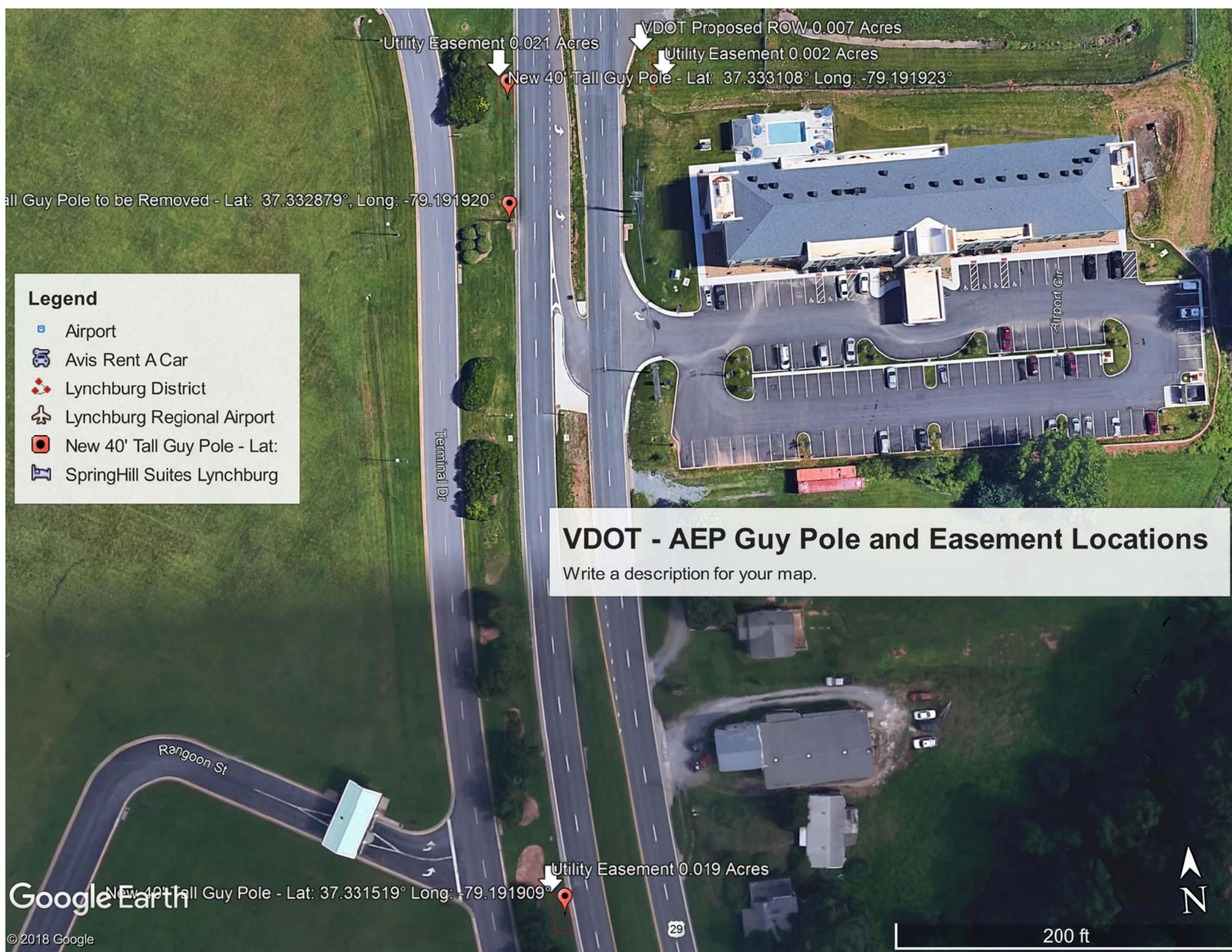
This is to confirm an amended offer was presented to you over the phone on July 23, 2019 in reference to the above two Parcels. The amended offer is as follows:

Parcel 012 - Existing BAR evaluation: \$3,200 Increased to \$5,000

Parcel 013 - Existing BAR evaluation: \$900 Increased to \$2,000

Again, thanks for your coordination.

Marie



Legend

-  Airport
-  Avis Rent A Car
-  Lynchburg District
-  Lynchburg Regional Airport
-  New 40' Tall Guy Pole - Lat: 37.333108° Long: -79.191923°
-  SpringHill Suites Lynchburg

VDOT - AEP Guy Pole and Easement Locations

Write a description for your map.

Google Earth

© 2018 Google



200 ft

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM #: **14**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: Appropriation of Assigned Fund Balance Health Insurance Reserve

KEY ELEMENTS:

___Economic Development ___X_Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2019 General Fund budget and appropriate \$1,415,217 with resources from the Assigned Fund Balance Health Insurance Reserve.

SUMMARY: In FY 2018 and FY 2019, health benefit claims exceeded the funds available, through City and employee contributions, to pay the claims. The Health Insurance Reserve was replenished at the end of FY 2018 from Unassigned Fund Balance and employee contributions were increased as of January 2019. In order to help mitigate the impact, City contributions increased for FY 2020.

The FY 2018 shortfall was about \$1,100,000. While claims are still being received for FY 2019, the estimated shortfall is about \$1,700,000. With this estimate, even after the use of the Health Insurance Reserve, FY 2020 begins with a negative balance.

Use of the Health Insurance Reserve will also require funds from the FY 2019 Unassigned Fund Balance, of no less than \$1,500,000, to be assigned by the City Manager. This will reestablish the Health Insurance Reserve for FY 2020.

City staff is working with the City's health benefits consultant, Matt Smith, to analyze the claims but the national trend shows an increase of 10% or more year over year especially in prescription costs. Additional analysis is also being completed to determine employee and City contributions required for FY 2021.

PRIOR ACTION(S): Employee contributions increased January 2019
City contribution increases were included in the Adopted FY 2020 Budget

FISCAL IMPACT: Depletion of the Health Insurance Reserve

CONTACT(S): James Lowe, Director of Human Resources, 455-4405
Reid Lanham, Accounting Manager, 455-4231

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2019 General Fund budget is amended and \$1,415,217 is appropriated with resources from the Assigned Fund Balance Health Insurance Reserve.

Introduced: September 10, 2019

Adopted: September 24, 2019

Certified:

Clerk of Council

105R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM #: **15**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Amend City Code Section 21.2-31 Solid Waste Collection and Disposal – Disposal Fees to Reflect Decal Fee Changes Included in the FY 2020 Adopted Operating Budget

KEY ELEMENTS:

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

RECOMMENDATION: Adopt an ordinance to amend Section 21.2-31 of the City Code regarding Solid Waste Collection and Disposal to reflect the decal fees approved by City Council as part of the Adopted FY 2020 Operating Budget.

SUMMARY: As part of the Adopted FY 2020 Operating Budget, the fees for weekly solid waste disposal were increased from \$40 to \$55 annually for a 32-gallon receptacle and from \$80 to \$110 annually for a 64-gallon receptacle. Section 21.2-31 of the City Code addresses Solid Waste Collection and Disposal and states the existing \$40 and \$80 fees, respectively. Therefore, the Code needs to be updated to reflect the new fees.

This section of Code also specifies the cost for twice weekly pick-up at \$80 for a 32-gallon container and \$160 for a 64-gallon container. There is twice weekly pickup presently available in the Central Business District. Although not mentioned specifically in the FY 2020 budget, it is recommended the Code be adjusted regarding the cost of twice weekly pick-up. The amendment updates those amounts to \$110 and \$220, respectively.

City staff anticipates additional recommended revisions to the revenue structure following the presentation of the Refuse Collection consultant's final report.

PRIOR ACTION(S):

May 28, 2019: Adoption of the FY 2020 Operating Budget

FISCAL IMPACT:

The Ordinance amends City Code to align specified fees with the Adopted FY 2020 Operating Budget; therefore, no unplanned fiscal impact is anticipated

CONTACT(S):

Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S):

Ordinance amending Section 21.2-31 of the City Code

REVIEWED BY: raw

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT SECTION 21.2-31 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO DISPOSAL FEES FOR REFUSE COLLECTION.

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

1. That Section 21.2-31 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 21.2-31. - Disposal fees.

(a) Refuse collected pursuant to section 21.2-26 of this Code must be contained within (i) an approved prepaid plastic trash bag displaying the official city logo, or (ii) an approved container displaying a valid city decal. Approved prepaid plastic trash bags shall be available for purchase at those locations designated by the city manager or his designee. A list of the currently designated locations for the purchase of approved prepaid plastic trash bags will be available for review at the city collections division in city hall or public works department during regular business hours. Decals will be sold at the collections division windows of city hall during regular business hours and through the mail pursuant to a system approved by the city manager or ~~his~~ their designee.

(b) Approved prepaid plastic trash bags shall ~~cover~~ offset the cost of the disposal and the cost of the bag and shall be determined by the city manager or ~~his~~ their designee.

(c) Annual decals for once per week pickup for reusable trash carts with a volume of up to 32 gallons shall cost ~~\$40.00~~ \$55.00 each. Annual decals for once per week pickup for reusable trash carts with a volume of 64 gallons shall cost ~~\$80.00~~ \$110.00 each. Such decals shall be valid for a 12-month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

Period	Percentage of Full Price
September 1 — October 31	100%
November 1 — November 30	92%
December 1 — December 31	84%
January 1 — January 31	76%
February 1 — February 28	68%
March 1 — March 31	60%
April 1 — April 30	52%
May 1 — May 31	44%
June 1 — June 30	36%
July 1 — July 31	28%
August 1 — August 31	20%

Such decals are transferable from one address to another upon the approval of the city manager or ~~his~~ their designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container. In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than 30 days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted.

(d) Approved prepaid plastic trash bags with a volume up to 32 gallons include the costs of disposal of waste material.

(e) In certain areas designated by the city manager or ~~his~~ their designee for twice per week pickup, annual decals for twice per week pickup for reusable trash carts with a volume of up to 32 gallons shall cost ~~\$80.00~~ \$110.00 each. In those same areas, annual decals for twice per week pickup for reusable trash carts with a volume of 64 gallons shall cost ~~\$160.00~~ \$220.00. Such decals shall be valid for a 12-month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

Period	Percentage of Full Price
September 1 — October 31	100%
November 1 — November 30	92%
December 1 — December 31	84%
January 1 — January 31	76%
February 1 — February 28	68%
March 1 — March 31	60%
April 1 — April 30	52%
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In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than 30 days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted. Such decals are transferable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container.

(f) The owner or operator of any location designated to sell approved prepaid plastic trash bags shall be compensated for accounting and remitting the fee levied for the purchase of the approved prepaid plastic trash bags. Such compensation shall be a deduction of three percent of the amount of the fee from the sale of such approved prepaid plastic trash bags. The deduction shall be accounted for in the accounting report

submitted to the city with the fees from the sale of the approved prepaid plastic trash bags provided that the amount due is not delinquent at the time of payment. The city manager or ~~his~~ their designee shall establish criteria for the designation of locations and the accounting and payment procedures by the owners and operators of the designated locations. The fees collected from the sale of approved prepaid plastic trash bags are public funds and shall be held in trust for the city by the person collecting the same. It shall be a criminal offense for the person holding such fees to use them for any purpose whatsoever.

(g) Beginning October 1, 2012, the city manager or ~~his~~ their designee shall have the authority to issue 64-gallon annual decals at no cost to disadvantaged citizens or families and to elderly or permanently and totally disabled citizens who qualify for the tax relief, who own and occupy an existing dwelling as of July 1, 2012, pursuant to section 36-175 of the City Code upon criteria to be developed by the city manager or his designee. Disadvantaged citizens or families and elderly or permanently and totally disabled citizens who live in multi-family dwellings and trailer courts that do utilize the city's refuse collection services shall not be entitled to a free annual decal.

(h) Except as allowed in this chapter, no refunds in whole or in part shall be allowed for approved prepaid plastic trash bags which are unused, lost, destroyed or stolen. Except as allowed in this chapter, no refuse disposal fees shall be discounted, waived or suspended.

(i) In the event any annual decal issued under this chapter shall be lost, stolen or destroyed, the person to whom the decal was issued may make application to the collections division or public works department and obtain a duplicate decal upon furnishing information of such fact, by affidavit or other evidence that is satisfactory to the director of finance/director of human services. Any person providing false or intentionally misleading information to the collections division/social services division under this section shall be guilty of a class 3 misdemeanor and the collections division/social services division shall revoke any duplicate decal issued as a result of such false or intentionally misleading information.

(j) The city manager or ~~his~~ their designee shall have the authority to provide for refuse collection and disposal on a limited basis at no cost for city sponsored specific community clean-up or litter reduction efforts. The city manager or ~~his~~ their designee shall use color-coded plastic bags or approved containers, or other special arrangements which are necessary or appropriate for the administration of such cleanup or litter reduction efforts.

(k) The city manager or ~~his~~ their designee shall have the authority to adjust or suspend fees due to natural disasters such as fires, floods and severe storms pursuant to criteria to be developed by the city manager or his designee.

2. That this ordinance shall become effective beginning on October 1, 2019.

Adopted:

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2019**

AGENDA ITEM #: **16**

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Change Order Approval for the Police Department Headquarters - Demolition Contract

KEY ELEMENTS:

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

RECOMMENDATION: For the completion of the demolition phase of the Police Department Headquarters project, adopt a resolution to approve a change order for \$45,378.

SUMMARY: This phase of the Police Department Headquarters project includes demolition of the former Greater Lynchburg Transit Company administration and garage buildings located at 1301 and 1305 Kemper Street and removal of two identified underground storage tanks (UST). During the demolition work, several items were encountered that were unknown at the time of bid. Those items included a concrete crawlspace (5-6 feet deep) beneath the garage facility, two additional underground storage tanks, additional transite materials in the administration building, and unsuitable soils beneath the existing structures. Change Order #1 was executed in the amount of \$108,798 to account for these items. Because the extent of unsuitable soil materials was unknown, a quantity of 500 cubic yards (CY) was assumed and included in Change Order #1.

The actual quantity of soil material removed, per the Geotechnical Engineer's recommendation, exceeded the assumed quantity by approximately 4,200 CY. In addition, as demolition progressed three additional USTs were discovered and should be removed as part of this phase of the project. After balancing bid quantities to actual quantities and accounting for the volume of unsuitable material encountered and the fifth, sixth and seventh USTs discovered, a Change Order in the amount of \$45,378 is required. The total value of Change Order #1 (executed) and Change Order #2 (proposed) is greater than 25% of the original contract amount; therefore, Council action is required to execute Change Order #2.

Demolition Phase expenditures:

Original Contract	\$441,370
Change Order #1	\$108,798 (Executed)
<u>Change Order #2</u>	<u>\$45,378 (Proposed)</u>
Total:	\$595,546

PRIOR ACTION:

Adopted FY 2018 Capital Improvement Program (CIP):	\$1,500,000
Adopted FY 2019 CIP:	\$1,500,000
Bluffwalk Section 108 Loan Repayment Proceeds, adopted 6/27/2019:	\$1,250,000
Adopted FY 2020 CIP:	\$1,250,000

FISCAL IMPACT: Additional \$45,378 spent on demolition for the Police Department Headquarters project; funds for this work are available in the project budget.

CONTACT(S): Gaynelle Hart, Director of Public Works - 455-4406
Dee Dee Conner, Principal Engineer - 455-3928
E. Thomas Hammock, Jr., Engineering Project Manager - 455-3918

ATTACHMENT(S): Resolution

REVIEWED BY: raw

RESOLUTION:

BE IT RESOLVED THAT a change order up to the amount of \$45,378 is approved to complete demolition work for the Police Department Headquarters project at 1301 and 1305 Kemper Street.

Certified: _____
Clerk of Council

104R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: September 10, 2019

AGENDA ITEM #: 17

CONSENT:

REGULAR: X

WORK SESSION:

CLOSED SESSION:

ACTION: X

INFORMATION:

(Confidential)

ITEM TITLE: **FY 2019 Children Services Act (CSA) Appropriation**

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the Fiscal Year (FY) 2019 CSA Fund budget to appropriate \$75,000 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.

SUMMARY: CSA provides funding for placements in private day schools and private residential special education facilities for children who meet the criteria for special education placement services. These requirements are mandated by federal as well as state law. Lynchburg's CSA Special Education expenditures increased by 22% in FY 2019 compared to the previous year.

PRIOR ACTION(S): None

FISCAL IMPACT: Reimbursement from the VA Department of Education of \$54,270; local match of \$20,730 from CSA fund balance. No additional General Fund match is required.

CONTACT(S): Tamara Rosser, Director of Human Services, 455-5794

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION: BE IT RESOLVED that the FY 2019 CSA Fund budget is amended and \$75,000 is appropriated with resources from the Virginia Department of Education (\$54,270) and the CSA Fund balance (\$20,730) for additional funding for increased expenses related to the CSA Program.

Introduced:: September 10, 2019.

Adopted: September 24, 2019

Certified: _____
Clerk of Council

103R