

**LYNCHBURG CITY COUNCIL  
PHYSICAL DEVELOPMENT COMMITTEE**

Tuesday, August 13, 2019  
8:00 a.m.

**Information Items:**

**Recent/Pending Contract Awards:** - Lee Newland

- State of Good Repair Paving – Wards Road and Fort Avenue – Boxley Paving - \$ 2,113,776.00
- John Capron Road Extension – Counts and Dobyns - \$1,285,373.20

**Priority Projects Update:** - Lee Newland

- August 2019 PDC Combined

**General Business:**

- 1) CASA – Letter Requesting Additional Office Space - Gaynelle Hart
- Amended lease for 901 Church Street

**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:** September 10, 2019

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

**August 13, 2019**

| Projects of Interest                                 |   | Phase        | Phase Completion | Sch    | Bud   | Notes                                                                |
|------------------------------------------------------|---|--------------|------------------|--------|-------|----------------------------------------------------------------------|
| Timberlake / Logan's Lane Intersection               | * | Construction | August 2019      | Yellow | Green | Leesville Turn Lanes - 2 Month Delay in Delivery of New Signal Poles |
| Fifth Street Phase 3                                 | * | Construction | July 2019        | Green  | Green | Punchlist Items                                                      |
| Liberty Mountain Drive - Phase 3                     |   | Construction | August 2019      | Yellow | Green | Projected Finish in September/October due to Tree Planting           |
| John Capron Road                                     | * | Construction | June 2020        |        |       | Awarding to Counts & Dobyns                                          |
| Odd Fellows Road - Section B2                        | * | Construction | December 2019    | V      | V     | Construction Underway - Bridge Closed - Opening October              |
| Indian Hill Road Bridge                              |   | Bidding      | August 2019      |        |       | Bids Due August 14                                                   |
| Main Street Renewal Project                          |   | Bidding      | September 2019   |        |       | Design @ 100% - Working w/AEP - Vaults Under Construction            |
| 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   |        |       | Waiting for Federal Authorization to Bid                             |
| 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      | V                                                                                   | VDOT Managed |

Budget -

|        |                                                                                       |              |
|--------|---------------------------------------------------------------------------------------|--------------|
| Green  |  | 0-10% Over   |
| Yellow |  | 10-20% Over  |
| Red    |  | > 20% Over   |
| V      | V                                                                                     | VDOT Managed |



# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **August 13, 2019- Physical Development Committee**

AGENDA ITEM #:

CONSENT:  
ACTION: X

REGULAR: X  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Amended lease for 901 Church Street- Court Appointed Special Advocate 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 Community Appointed Special Advocate of Central Virginia (CASA) for the City property located at 901 Church Street.

SUMMARY: CASA currently occupies 2194 square feet of space for its office on the first floor of the Monument Terrace building located at 901 Church Street. 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 waived the rent in lieu of the City making an annual contribution to support CASA operations. CASA served over 360 children last fiscal year.

PRIOR ACTION: City Council Regular Meeting- October 23, 2012

FISCAL IMPACT: None

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

ATTACHMENT(S): CASA letter of request

REVIEWED BY:



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

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**Serving Children in Central Virginia since 1989**

Lynchburg • Amherst • Bedford • Campbell • Nelson • Appomattox

## **FINANCE COMMITTEE AGENDA**

**Tuesday, August 13, 2019  
11:30 a.m. – Bidder's Room**

### **GENERAL BUSINESS**

#### **11:30 a.m.**

1. Approval of the Draft Finance Committee Meeting Notes from May 28, 2019.

Contact: Donna Witt, Chief Financial Officer 455-3968

#### **11:35 a.m.**

2. Report on the General Fund Reserve for Contingencies.

Contact: Donna Witt, Chief Financial Officer 455-3968

#### **11:40 a.m.**

3. Consider a request to 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 FY19 Public Safety Answering Point (PSAP) Grant Program which will be used to replace aging computer equipment for 12 Computer Aided Dispatch (CAD) workstations.

Contact: Melissa Foster, Director of Emergency Services 455-4285

#### **11:45 a.m.**

4. Consider a request to 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..

Contact: Eugene Wingfield, Circuit Court Clerk 455-2611

#### **11:50 a.m.**

5. Consider a request to 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.

Contact: Fire Chief Greg Wormser 455-6340

#### **11:55 a.m.**

6. Approve the submittal of a grant application to the U.S. Department of Homeland Security (DHS) - 2019 State Homeland Security Program (SHSP) for \$44,550 to fund equipment for the Fire Department Hazardous Materials Team.

Contact: Fire Chief Greg Wormser 455-6340

**12:00 p.m.**

7. Approve the submittal of a grant application in the amount of \$400,000, for a Virginia Department of Conservation & Recreation, 2019 Recreational Trails Grant to replace one bridge and rehabilitate approximately two (2) miles of destroyed and severely eroded trail within the James River Heritage Trail System.

Contact: Jennifer Jones, Director of Parks and Recreation

455-5868

**12:05 p.m.**

8. Support the application for the Temporary Assistance to Needy Families (TANF) Employment Advancement for TANF Participants Grant (#BEN-19-113) managed by the Virginia Department of Social Services (VDSS) for the estimated amount of \$322,939 to further advance work associated with poverty-reduction initiatives within the City of Lynchburg.

Contact: John H. Hughes, IV, Assistant City Manager

455-3990

**12:10 p.m.**

9. Review collections received from five of the City's largest revenue sources.

Contact: Donna Witt, Chief Financial Officer

455-3968

**12:15 p.m.**

10. Roll Call

**The next Finance Committee meeting is Tuesday, September 24, 2019, at 11:30 a.m.**

**FINANCE COMMITTEE NOTES-- DRAFT**  
**Tuesday, May 28, 2019**

**GENERAL BUSINESS**

*Meeting commenced at 11:30 a.m.*

**ATTENDEES**

**Committee Members:** Council Member Jeff S. Helgeson, Chair; Council Member Randy Nelson; Council Member Beau Wright; Mayor Treney Tweedy, Ex-Officio.

**Others:** Bonnie Svrcek, City Manager; Reid Wodicka, Deputy City Manager; John H. Hughes, IV, Assistant City Manager; Donna Witt, Chief Financial Officer; Rhonda Allbeck, Assistant Director of Financial Services; Starlette Early, Budget Analyst

1. Approval of the Draft Finance Committee Meeting Notes from February 26, 2019.

*The meeting notes from February 26, 2019 were approved as submitted.*

2. Report on the General Fund Reserve for Contingencies.

*Following Third Quarter adjustments made primarily to cover flood expenses, Donna Witt reported a current balance of \$258,677 in the FY 2019 Reserve for Contingencies.*

3. Consider a request to adopt a resolution to amend the FY 2019 City/Federal/State Aid Fund Budget and appropriate \$18,638 as the in-kind match to the \$163,204 previously 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).

*The Committee approved this item and is scheduled to be considered by full Council at their May 28, 2019 meeting.*

4. Approve the submittal of a grant application to the U.S. Department of Homeland Security (DHS) for \$302,770 with resources of \$302,770 from the 2019 State Homeland Security Program (SHSP) grant to fund equipment and training for the Fire Department Technical Rescue Team.

*The Committee approved this item.*

5. Review highlights of attached quarterly financial reports for the Greater Lynchburg Transit Company (GLTC) as well as the Regional Airport, Lynchburg Regional Juvenile Detention Center, Children's Services Act, Water Operating, Sewer Operating, Stormwater Operating, and General Funds for the quarter ending March 31, 2019.

*GLTC: Brian Booth reported total revenues for the third quarter were under budget by 2%, due primarily to lower than expected passenger revenue (down by 12%) and Liberty University revenue coming in less than budgeted (down by 11%) as they add more in-house routes. Expenditures were 4% below budget, with a \$15,000 savings in labor costs due to*

staff vacancy savings net of overtime. Other expenditures above budget included: tires and tubes by 157 due to reclassification of expenses, and Utilities over budget by 41% due to higher heat related costs. Despite these variances, at the end of third quarter GLTC is reflecting a surplus of \$190,000 year to date.

Airport: Mark Courtney reported overall year to date revenues are up by 17% and operating expenses are above budget approximately 5% due to unexpected year-end fiscal expenses. Overall, the airport anticipates an operating surplus for FY 2019 of approximately \$134,000, due to modest revenue increases from increased air service levels, competitive airfares, and anticipated passenger demand.

Lynchburg Regional Juvenile Detention Center: Tamara Rosser reported revenues were looking good for the third quarter, due to payment from the State for the Community Placement Program (CPP). Expenses for the quarter are within budget, but noted they are anticipating several upcoming major expenses including a new fire alarm system, security system (current one is not supported by IT), and a new roof.

Children's Services Act (CSA): Tamara Rosser reported revenues and expenses were matching up and in good shape for the third quarter. Increased expenses in Special Education were balanced with lower expenses in other areas. Funds in foster care are low due to a decrease in the number of placements.

Water: Tim Mitchell reported overall revenues exceeded budgeted amount by approximately \$512,000 in the third quarter, while expenses were about \$236,000 less than the budgeted amount. Debt coverage ratio is projected at 1.4 for the end of the fiscal year and the fund balance ratio is projected to be 67%; both ratios meet or exceed policy targets.

Sewer: Tim Mitchell reported overall revenues at the end of the third quarter exceeded budget by approximately \$1.3 million, primarily due to leachate, sewer contracts, and interest earnings. Overall expenses were less than budgeted by \$245,000, primarily due to savings in unfilled positions and debt service. Debt coverage ratio is 1.36 compared to a target range of 1.20 to 1.50, and the fund balance ratio is projected to be 51% for the fiscal year-end.

Stormwater: Tim Mitchell reported overall revenues were \$41,000 above budget mainly due to interest earnings and expenses were less than the budgeted amount by \$76,000 due to personnel vacancy and debt service savings. The projected debt coverage ratio is 15.08, which is above Council's minimum target of 1.20 and the fund balance ratio is 28% compared to the target range of 15% - 20%.

General Fund: Donna Witt reported the General Fund is strong at this point, with revenues tracking at or above budgeted with the exception of Communications Sales and Use Tax, Permit, Fees, and Licenses (Building Inspections tracking behind the prior year), Fines and Forfeitures, and Charges for Services (ambulance billing collection and LPD Off-duty collections.) Expenses are on target with budget projections at 69.6% of budget.

6. Review collections received from five of the City's largest revenue sources.

Donna Witt reported on the status of five revenues received for the month ending March 2019. She noted revenues are strong overall, with Sales and Use Tax revenue above budget by almost \$500,000. Consumer Utility Tax- Electric is up \$83,000 compared to the Adopted

*Budget, Communications Sales & Use Tax is continuing to decline as expected, down by approximately \$95,000, Meals Tax is above budget by \$78,000 and Lodging Tax is up \$171,000.*

7. Roll Call

*There were no items for roll call.*

Meeting adjourned at 12:11 p.m.

DRAFT

FY 2020 GENERAL FUND RESERVE FOR CONTINGENCIES

|                                                                           | <u>Reserve for<br/>Contingencies</u> | <u>City Manager's<br/>Discretionary<br/>Funding</u> |
|---------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------|
| <b>BEGINNING BALANCE, JULY 1, 2019</b>                                    | \$1,150,000                          | \$50,000                                            |
| Carryforward to FY 2020 Reserve for Contingencies - FY 2020Adopted Budget | 0                                    |                                                     |
| <b>BALANCE</b>                                                            | <b><u>\$1,150,000</u></b>            | <b><u>\$50,000</u></b>                              |
| <b>APPROPRIATIONS (Second Reading)</b>                                    |                                      |                                                     |
| <b>    TOTAL APPROPRIATIONS</b>                                           | <b><u>\$0</u></b>                    | <b><u>\$0</u></b>                                   |
| <b>REMAINING BALANCE</b>                                                  | <b><u>\$1,150,000</u></b>            | <b><u>\$50,000</u></b>                              |
| <b>ITEMS INTRODUCED</b>                                                   |                                      |                                                     |
| <b>    TOTAL INTRODUCED ITEMS</b>                                         | <b><u>\$0</u></b>                    | <b><u>\$0</u></b>                                   |
| <b>REMAINING BALANCE</b>                                                  | <b><u>\$1,150,000</u></b>            | <b><u>\$50,000</u></b>                              |
| <b>PENDING ITEMS</b>                                                      |                                      |                                                     |
| <b>    TOTAL PENDING ITEMS</b>                                            | <b><u>\$0</u></b>                    | <b><u>\$0</u></b>                                   |
| <b>PROJECTED BALANCE, JUNE 30, 2020</b>                                   | <b><u>\$1,150,000</u></b>            | <b><u>\$50,000</u></b>                              |



# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **August 13, 2019**

AGENDA ITEM #: **3**

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:

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:

Adopted:

Certified: \_\_\_\_\_  
Clerk of Council



# 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 #: **4**

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:

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:

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council



## 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 26<sup>th</sup>, 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

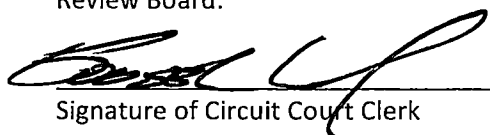
Grant No: 2020FY-44

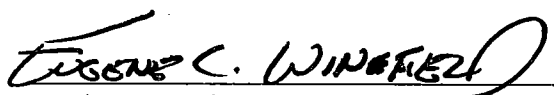
Amount of Grant Award:  
\$15,212.50

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: **August 13, 2019**

AGENDA ITEM #: **5**

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:

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:

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

# FINANCE COMMITTEE

## Agenda Item Summary

MEETING DATE: **August 13, 2019**

AGENDA ITEM #: **6**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: 2019 State Homeland Security Program (SHSP) Hazardous Materials Grant: \$44,550 for the Fire Department Hazardous Materials Team.**

KEY ELEMENTS:

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

**RECOMMENDATION:** Approve the submittal of a grant application to the U.S. Department of Homeland Security (DHS) - 2019 State Homeland Security Program (SHSP) for \$44,550 to fund equipment for the Fire Department Hazardous Materials Team.

**SUMMARY:** The Fire Department seeks authorization to accept a non-matching grant for equipment to be utilized by our Hazardous Materials Response Team. The Virginia Department of Emergency Management administers this grant from the United States Department of Homeland Security (DHS) through the State Homeland Security Program (SHSP). The grant program provides funding to improve the nation's readiness in preventing, protecting against, responding to, recovering from, and mitigating terrorist attacks, major disasters and other emergencies. The grant reflects DHS's focus on implementation of an all-of-nation, whole-community approach to building, sustaining, and delivering core capabilities essential to achieving a secure and resilient nation.

The Fire Department is seeking \$44,550 in funding to be utilized by the Hazardous Materials Team. The funds will be used for the purchase of various equipment and devices utilized for hazardous materials response mitigation. Equipment being purchased includes but is not limited to; radiological detection and monitoring devices, test kits for testing a variety of substances and chemicals, leak mitigation devices, foam, decontamination equipment, personal protective equipment, and patient extraction devices.

This grant is 100% reimbursable; no local match is required.

**PRIOR ACTION(S):** None

**FISCAL IMPACT:** None – No local match is required. Future funds may be needed for periodic maintenance of the equipment purchased.

**CONTACT(S):** Fire Chief Greg Wormser, 455-6340  
Captain Todd Davis, 385-6214  
Fire Administrative Manager Annette Pettyjohn, 455-6368

**ATTACHMENT(S):** None

**REVIEWED BY:**

## FINANCE COMMITTEE

### Agenda Item Summary

MEETING DATE: **August 13, 2019**

AGENDA ITEM #: 7

CONSENT:                      REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

**ITEM TITLE: Department of Conservation and Recreation Grant – James River Heritage Trail and Creekside Trail Improvements**

### KEY ELEMENTS:

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

**RECOMMENDATION:** Approve the submittal of a grant application in the amount of \$400,000, for a Virginia Department of Conservation & Recreation, 2019 Recreational Trails Grant to replace one bridge and rehabilitate approximately two (2) miles of destroyed and severely eroded trail within the James River Heritage Trail System.

**SUMMARY:** The Parks and Recreation Department (in conjunction with the Public Works, Water Resources, and GIS Departments), have conducted a damage assessment of city parks and trails due to the flash flood that occurred on August 2, 2018. On this date last year, the City experienced a 100 year flood event that did approximately \$5.8 million dollars in damage to the city parks and trails alone. The damages can be divided into two categories: 1) Structures (bridges, steps, low-water crossings, treadway, etc.) and 2) Natural features (sandbars, embankments, trees, and debris. The Parks & Recreation Department has prioritized its efforts on replacing essential structures then repairs to the natural features. A plan has been developed to repair and replace various features including bridges and trails.

Along the Creekside Trail, the trail experienced super-saturated soils resulting from extensive overland sheet flow and general flooding along Lynchburg's stream valley's, culminating in catastrophic erosion and collapse along the Creekside Trail within the Blackwater Creek Natural Area. A total of four (4) trail bridges were destroyed between Langhorne Road and Hillsdale Roads. This grant request to Department of Conservation and Recreation will replace the swinging bridge closest to Hillsdale Road and will allow the rehabilitation of approximately two miles of trail between Langhorne and Hillsdale Roads.

This funding does not involve the building of any new trails, other than the rerouting of existing trails around impassable sections of damaged or missing (subsided) treadway. This is a reimbursable (80%), competitive grant, requiring a local match (20%). The proposed budget is as follows:

### Estimated Project Costs

|                                    |           |
|------------------------------------|-----------|
| Preliminary Engineering for Bridge | \$11,700  |
| Preliminary Engineering for Trail  | \$15,000  |
| Construction of Bridge             | \$170,143 |
| Rehabilitation of Trail            | \$261,410 |
| Reserve                            | \$41,747  |

|                     |           |
|---------------------|-----------|
| Total Project Funds | \$500,000 |
|---------------------|-----------|

## Funding

|                                              |                  |
|----------------------------------------------|------------------|
| Recreation Trail Program Grant Funds (Award) | \$400,000        |
| City Capital Improvement Program (Existing)  | \$100,000        |
| <b>Total Project Funds</b>                   | <b>\$500,000</b> |

If the grant is received the project requires no additional City funding. The Capital Improvement funds have been previously appropriated for use.

**BACKGROUND:** On August 26, 1974, the Commonwealth of Virginia, Commission of Outdoor Recreation approved funding of Phase I of the Blackwater Creek Natural Area (515 Monticello Avenue) Project. Lynchburg

City Council accepted the grant on behalf of the City on September 10, 1974, and over the years approximately 17.0 miles of trails were built within the Natural Area, including 6.6 miles of the Creekside Trail; a part of the James River Heritage Trail System (resulting in approximately 40.0 miles of maintained trails within Lynchburg's City Parks). All of the selected mitigation sites are located along the Creekside Trail, a multi-use trail with a surface varying from asphalt, aggregate, wooden walkway, to earthen treadway. The project scope can be divided into three components: Preliminary Engineering (PE); Construction; and Close Out (Grant Reimbursement). Preliminary Engineering costs (\$26,700) include state and federal environmental, historical, and other mandatory reporting requirements. Construction costs are divided between bridge replacement (\$170,143) and trail rehabilitation (\$261,410), with an additional reserve of \$41,747. The Project Close out includes reimbursement of \$400,000, which is 80% of the total project costs of \$500,000. Matching monies are currently in projects which were previously appropriated in the FY17, FY18 and FY19 Capital Improvement Plan (CIP); with additional monies coming from the City Stadium Football Facility Renovation Project balance once closeout is completed.

PRIOR ACTION(S): None

FISCAL IMPACT: \$100,000 in matching funds required

CONTACT(S): Jennifer Jones, Director of Parks and Recreation (434) 455-5868  
Andrew Reeder, Park Service Manager (434) 455-5858  
David Owen, Parks & Recreation Project Manager (434) 455-5879

ATTACHMENT(S): Map of affected areas and photos of destroyed bridge and trail erosion damage.

REVIEWED BY:



## LEGEND



Entrance with Parking



Neighborhood Entrance



Restrooms



Emergency Phone



Drinking Fountain



.25 mi Mile Markers

### BLACKWATER CREEK TRAIL

### KEMPER STATION TRAIL

### POINT OF HONOR TRAIL

### RIVERWALK

### CONNECTOR TRAILS

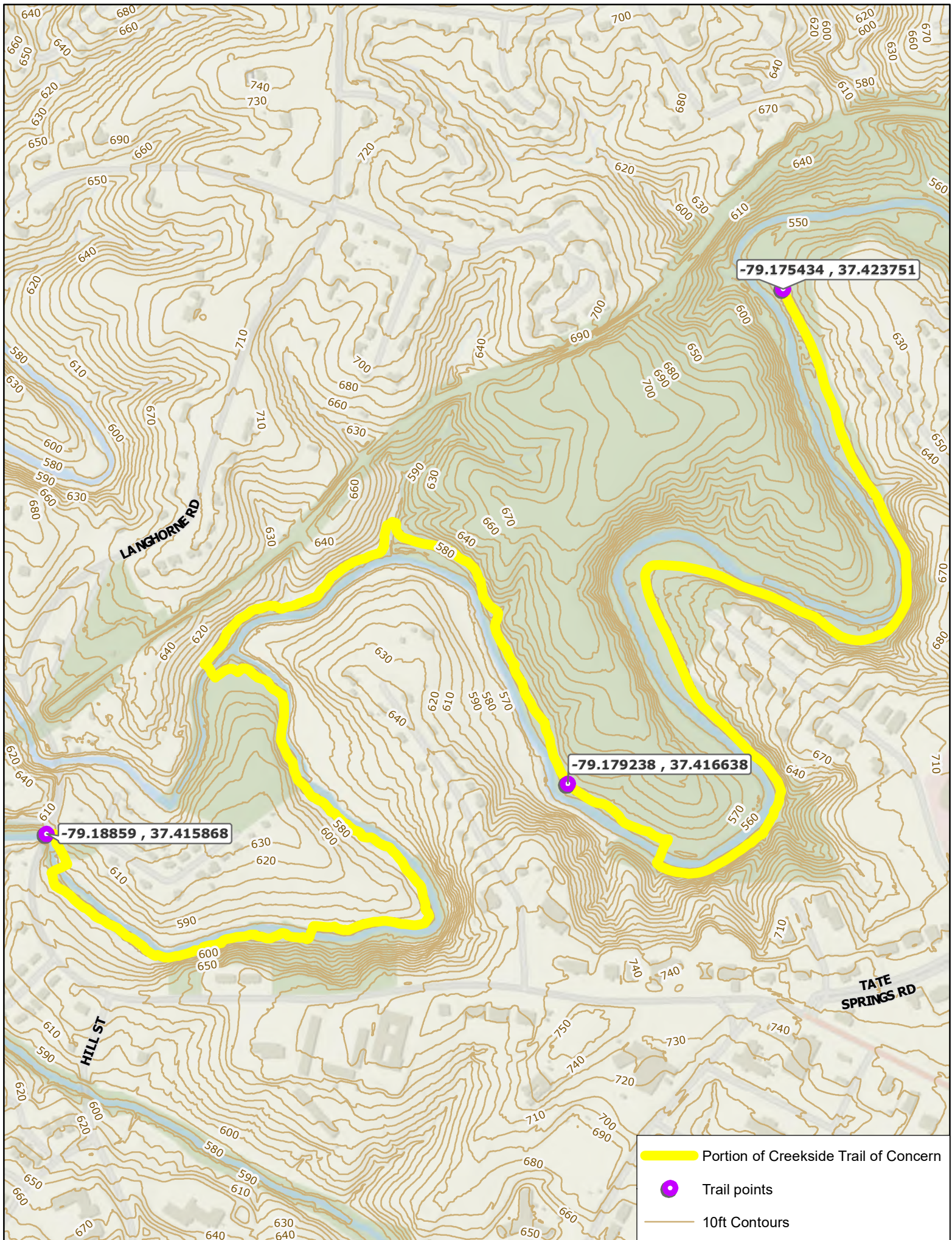
### CREEKSIDE TRAIL

### BEAVER TRAIL

### FREER LOOP TRAIL

































# FINANCE COMMITTEE

## Agenda Item Summary

MEETING DATE: **August 13, 2019**

AGENDA ITEM #: **8**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION:

INFORMATION: **X**

(Confidential)

**ITEM TITLE: Application for the Temporary Assistance to Needy Families (TANF) Employment Advancement for TANF Participants Grant #BEN-19-113 managed by the Virginia Department of Social Services (VDSS)**

KEY ELEMENTS:

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

RECOMMENDATION: Support the application for the Temporary Assistance to Needy Families (TANF) Employment Advancement for TANF Participants Grant (#BEN-19-113) managed by the Virginia Department of Social Services (VDSS) for the estimated amount of \$322,939 to further advance work associated with poverty-reduction initiatives within the City of Lynchburg.

SUMMARY: A Request for Application (RFA) was presented to applicants in the State of Virginia for funding of service approaches and strategies that help current and former participants of TANF and those with incomes at or below 200% of the federal poverty level to prepare to enter and maintain employment with the prospect of a career path and wage growth. The City of Lynchburg recently decided to apply and submitted the application for this grant on August 1, 2019. The funds from this grant award would be utilized to expand current poverty-reduction efforts within identified neighborhoods.

PRIOR ACTION(S): Awarded BEN-17-056 in FY 2017, FY 2018, FY 2019  
Awarded BEN-19-024 in FY 2019

FISCAL IMPACT: None (no match required)

CONTACT(S): John H. Hughes, IV, Assistant City Manager, 455-3990

ATTACHMENT(S): None

REVIEWED BY:



# FINANCE COMMITTEE

## Agenda Item Summary

MEETING DATE: **August 13, 2019**

AGENDA ITEM #.: **9**

CONSENT:                      REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Revenue Update**

RECOMMENDATION: Review the collections received from five of the City's largest revenue sources.

SUMMARY: Five of the City's major revenue sources are taxes collected on a monthly basis: Local Sales and Use Tax, Consumer Utility Tax – Electric, Communications Sales and Use Tax, Meals Tax, and Lodging Tax. Since the last Finance Committee meeting, revenue information through May 2019 has been posted for these five revenue streams.

PRIOR ACTION(S):

This information is provided monthly to the Finance Committee.

FISCAL IMPACT:

None

CONTACT(S):

Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S):

Comparison of Collections Budget to Actual FY 2018 – FY 2019

REVIEWED BY:



**Comparison of Collections  
Budget to Actual FY 2018 - FY 2019**

|                                              | Actual<br>FY 2015   | Actual<br>FY 2016   | Actual<br>FY 2017   | Actual<br>FY 2018   | Adopted<br>FY 2019  | Actual<br>FY 2019   | Actual<br>FY 2019 to<br>Adopted<br>FY 2019 | Actual<br>FY 2019 to<br>Actual<br>FY 2018 |
|----------------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------------------------------------|-------------------------------------------|
| <b>SALES &amp; USE TAX</b>                   |                     |                     |                     |                     |                     |                     |                                            |                                           |
| <b>ADOPTED FY 2019 BUDGET - \$15,351,347</b> |                     |                     |                     |                     |                     |                     |                                            |                                           |
| JULY                                         | \$1,131,485         | \$1,207,589         | \$1,152,527         | \$1,134,520         | \$1,138,514         | \$1,361,089         | \$222,575                                  | \$226,569                                 |
| AUGUST                                       | 1,299,763           | 1,198,772           | 1,267,330           | 1,248,275           | 1,252,669           | 1,287,868           | 35,199                                     | 39,593                                    |
| SEPTEMBER                                    | 1,204,336           | 1,269,930           | 1,275,989           | 1,289,489           | 1,294,028           | 1,305,048           | 11,020                                     | 15,559                                    |
| OCTOBER                                      | 1,185,608           | 1,231,666           | 1,253,143           | 1,210,820           | 1,215,082           | 1,304,503           | 89,421                                     | 93,683                                    |
| NOVEMBER                                     | 1,241,898           | 1,227,636           | 1,254,548           | 1,348,270           | 1,353,016           | 1,370,625           | 17,609                                     | 22,355                                    |
| DECEMBER                                     | 1,669,810           | 1,600,507           | 1,695,286           | 1,601,584           | 1,607,222           | 1,597,108           | (10,114)                                   | (4,476)                                   |
| JANUARY                                      | 1,073,237           | 1,055,364           | 1,070,830           | 1,122,715           | 1,126,667           | 1,144,052           | 17,385                                     | 21,337                                    |
| FEBRUARY                                     | 1,131,392           | 1,161,810           | 1,148,155           | 1,117,839           | 1,121,774           | 1,180,302           | 58,528                                     | 62,463                                    |
| MARCH                                        | 1,282,807           | 1,323,375           | 1,409,096           | 1,361,602           | 1,366,395           | 1,412,888           | 46,493                                     | 51,286                                    |
| APRIL                                        | 1,311,297           | 1,202,186           | 1,236,313           | 1,217,305           | 1,221,590           | 1,313,440           | 91,850                                     | 96,135                                    |
| MAY                                          | 1,213,149           | 1,222,060           | 1,271,113           | 1,305,292           | 1,309,887           | 1,427,324           | 117,437                                    | 122,032                                   |
| <b>TOTAL</b>                                 | <b>\$13,744,782</b> | <b>\$13,700,895</b> | <b>\$14,034,330</b> | <b>\$13,957,711</b> | <b>\$14,006,846</b> | <b>\$14,704,247</b> | <b>\$697,401</b>                           | <b>\$746,536</b>                          |
| <b>CONSUMER UTILITY TAX - ELECTRIC</b>       |                     |                     |                     |                     |                     |                     |                                            |                                           |
| <b>ADOPTED FY 2019 BUDGET - \$3,775,650</b>  |                     |                     |                     |                     |                     |                     |                                            |                                           |
| JULY                                         | \$321,596           | \$332,876           | \$328,501           | \$335,326           | \$325,420           | \$343,448           | \$18,028                                   | \$8,122                                   |
| AUGUST                                       | 305,012             | 333,953             | 355,434             | 327,959             | 318,270             | 332,393             | 14,123                                     | 4,434                                     |
| SEPTEMBER                                    | 317,947             | 328,411             | 351,627             | 314,864             | 305,562             | 324,940             | 19,378                                     | 10,076                                    |
| OCTOBER                                      | 273,264             | 281,514             | 294,038             | 297,177             | 288,398             | 318,779             | 30,381                                     | 21,602                                    |
| NOVEMBER                                     | 273,353             | 270,434             | 274,145             | 284,069             | 275,677             | 282,758             | 7,081                                      | (1,311)                                   |
| DECEMBER                                     | 346,565             | 321,380             | 337,930             | 348,578             | 338,280             | 346,515             | 8,235                                      | (2,063)                                   |
| JANUARY                                      | 365,859             | 346,212             | 358,976             | 407,036             | 395,011             | 344,673             | (50,338)                                   | (62,363)                                  |
| FEBRUARY                                     | 381,844             | 361,670             | 316,871             | 348,114             | 337,830             | 369,067             | 31,237                                     | 20,953                                    |
| MARCH                                        | 339,965             | 312,928             | 304,309             | 313,399             | 304,140             | 309,674             | 5,534                                      | (3,725)                                   |
| APRIL                                        | 288,704             | 282,659             | 279,887             | 306,179             | 297,134             | 301,879             | 4,745                                      | (4,300)                                   |
| MAY                                          | 277,296             | 267,796             | 270,454             | 277,472             | 269,275             | 272,818             | 3,543                                      | (4,654)                                   |
| <b>TOTAL</b>                                 | <b>\$3,491,405</b>  | <b>\$3,439,833</b>  | <b>\$3,472,172</b>  | <b>\$3,560,173</b>  | <b>\$3,454,996</b>  | <b>\$3,546,944</b>  | <b>\$91,948</b>                            | <b>(\$13,229)</b>                         |
| <b>COMMUNICATIONS SALES &amp; USE TAX</b>    |                     |                     |                     |                     |                     |                     |                                            |                                           |
| <b>ADOPTED FY 2019 BUDGET - \$3,045,315</b>  |                     |                     |                     |                     |                     |                     |                                            |                                           |
| JULY                                         | \$283,594           | \$276,750           | \$265,192           | \$255,279           | \$253,776           | \$249,150           | (4,626)                                    | (\$6,129)                                 |
| AUGUST                                       | 281,957             | 270,038             | 269,212             | 263,011             | 253,776             | 239,664             | (14,112)                                   | (23,347)                                  |
| SEPTEMBER                                    | 283,441             | 273,974             | 266,593             | 258,291             | 253,776             | 248,251             | (5,525)                                    | (10,040)                                  |
| OCTOBER                                      | 287,702             | 277,686             | 274,702             | 273,952             | 253,776             | 244,684             | (9,092)                                    | (29,268)                                  |
| NOVEMBER                                     | 279,441             | 271,470             | 270,909             | 259,546             | 253,776             | 240,685             | (13,091)                                   | (18,861)                                  |
| DECEMBER                                     | 282,491             | 276,524             | 268,968             | 258,380             | 253,776             | 244,857             | (8,919)                                    | (13,523)                                  |
| JANUARY                                      | 275,361             | 271,160             | 265,710             | 286,194             | 253,776             | 241,543             | (12,233)                                   | (44,651)                                  |
| FEBRUARY                                     | 291,186             | 275,887             | 260,551             | 244,102             | 253,776             | 233,413             | (20,363)                                   | (10,689)                                  |
| MARCH                                        | 285,971             | 282,470             | 271,925             | 257,969             | 253,776             | 246,383             | (7,393)                                    | (11,586)                                  |
| APRIL                                        | 276,473             | 270,594             | 261,889             | 247,120             | 253,776             | 229,772             | (24,004)                                   | (17,348)                                  |
| MAY                                          | 285,053             | 271,168             | 266,571             | 248,137             | 253,776             | 238,803             | (14,973)                                   | (9,334)                                   |
| <b>TOTAL</b>                                 | <b>\$3,112,670</b>  | <b>\$3,017,721</b>  | <b>\$2,942,222</b>  | <b>\$2,851,981</b>  | <b>\$2,791,539</b>  | <b>\$2,657,205</b>  | <b>(\$134,334)</b>                         | <b>(\$194,776)</b>                        |



**Comparison of Collections  
Budget to Actual FY 2018 - FY 2019**

|                                              | Actual<br>Collected<br>FY 2016 <sup>2</sup> | Actual<br>Collected<br>FY 2017 <sup>2</sup> | Actual<br>Collected<br>FY 2018 <sup>2</sup> | Adopted<br>FY 2019  | Actual<br>Assessed<br>FY 2019 | Actual<br>Assessed<br>FY 2019 to<br>Adopted<br>FY 2019 | Actual<br>Collected<br>FY 2019 <sup>2</sup> | Actual<br>Collected<br>FY 2019 to<br>Adopted<br>FY 2019 | Actual<br>Collected<br>FY 2019 to<br>Assessed<br>FY 2019 |
|----------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------|-------------------------------|--------------------------------------------------------|---------------------------------------------|---------------------------------------------------------|----------------------------------------------------------|
| <b>MEALS TAX</b>                             |                                             |                                             |                                             |                     |                               |                                                        |                                             |                                                         |                                                          |
| <b>ADOPTED FY 2019 BUDGET - \$14,932,800</b> |                                             |                                             |                                             |                     |                               |                                                        |                                             |                                                         |                                                          |
| JULY <sup>1</sup>                            | \$1,046,770                                 | \$1,088,474                                 | \$1,109,545                                 | \$1,169,904         | \$1,175,950                   | \$6,046                                                | \$1,157,381                                 | (\$12,523)                                              | (\$18,569)                                               |
| AUGUST                                       | 1,213,559                                   | 1,098,748                                   | 1,140,836                                   | 1,177,711           | 1,251,404                     | 73,693                                                 | 1,208,215                                   | 30,504                                                  | (43,189)                                                 |
| SEPTEMBER                                    | 1,167,356                                   | 1,243,540                                   | 1,295,882                                   | 1,250,626           | 1,266,118                     | 15,492                                                 | 1,301,166                                   | 50,540                                                  | 35,048                                                   |
| OCTOBER                                      | 1,152,017                                   | 996,549                                     | 1,249,486                                   | 1,313,873           | 1,325,734                     | 11,861                                                 | 1,321,368                                   | 7,495                                                   | (4,366)                                                  |
| NOVEMBER                                     | 1,156,651                                   | 1,382,308                                   | 1,170,367                                   | 1,186,761           | 1,201,826                     | 15,065                                                 | 1,178,554                                   | (8,207)                                                 | (23,272)                                                 |
| DECEMBER                                     | 1,224,108                                   | 1,238,056                                   | 1,261,816                                   | 1,306,726           | 1,256,651                     | (50,075)                                               | 1,265,209                                   | (41,517)                                                | 8,558                                                    |
| JANUARY                                      | 908,712                                     | 1,112,427                                   | 1,088,584                                   | 1,106,796           | 1,154,191                     | 47,395                                                 | 1,146,583                                   | 39,787                                                  | (7,608)                                                  |
| FEBRUARY                                     | 1,154,457                                   | 1,165,660                                   | 1,197,425                                   | 1,195,663           | 1,209,144                     | 13,481                                                 | 1,197,647                                   | 1,984                                                   | (11,497)                                                 |
| MARCH                                        | 1,393,915                                   | 1,303,383                                   | 1,339,823                                   | 1,362,580           | 1,393,087                     | 30,507                                                 | 1,372,343                                   | 9,763                                                   | (20,744)                                                 |
| APRIL                                        | 1,244,722                                   | 1,254,823                                   | 1,336,111                                   | 1,323,791           | 1,321,778                     | (2,013)                                                | 1,325,531                                   | 1,740                                                   | 3,753                                                    |
| MAY <sup>1</sup>                             | 1,242,988                                   | 1,269,830                                   | 1,284,582                                   | 1,310,553           | 1,365,270                     | 54,717                                                 | 1,413,059                                   | 102,506                                                 | 47,789                                                   |
| <b>TOTAL</b>                                 | <b>\$12,905,255</b>                         | <b>\$13,153,798</b>                         | <b>\$13,474,457</b>                         | <b>\$13,704,984</b> | <b>\$13,921,153</b>           | <b>\$216,169</b>                                       | <b>\$13,887,056</b>                         | <b>\$182,072</b>                                        | <b>(\$34,097)</b>                                        |

**LODGING TAX**  
**ADOPTED FY 2019 BUDGET - \$2,700,000**

|                   |                    |                    |                    |                    |                    |                  |                    |                  |                   |
|-------------------|--------------------|--------------------|--------------------|--------------------|--------------------|------------------|--------------------|------------------|-------------------|
| JULY <sup>1</sup> | \$180,808          | \$207,361          | \$248,422          | \$256,064          | \$292,053          | \$35,989         | \$291,530          | \$35,466         | (\$523)           |
| AUGUST            | 202,217            | 167,929            | 224,761            | 230,006            | 266,118            | 36,112           | 266,637            | 36,631           | 519               |
| SEPTEMBER         | 206,009            | 215,545            | 222,577            | 228,214            | 241,823            | 13,609           | 242,417            | 14,203           | 594               |
| OCTOBER           | 160,131            | 214,418            | 245,408            | 252,305            | 303,525            | 51,220           | 293,555            | 41,250           | (9,970)           |
| NOVEMBER          | 177,048            | 222,988            | 206,772            | 213,412            | 203,885            | (9,527)          | 203,731            | (9,681)          | (154)             |
| DECEMBER          | 130,150            | 150,743            | 144,969            | 148,898            | 146,504            | (2,394)          | 145,951            | (2,947)          | (553)             |
| JANUARY           | 109,217            | 116,370            | 178,239            | 182,226            | 197,027            | 14,801           | 197,294            | 15,068           | 267               |
| FEBRUARY          | 140,716            | 154,651            | 167,362            | 172,553            | 225,279            | 52,726           | 194,605            | 22,052           | (30,674)          |
| MARCH             | 222,261            | 192,388            | 225,836            | 242,390            | 234,221            | (8,169)          | 261,044            | 18,654           | 26,823            |
| APRIL             | 175,590            | 173,405            | 225,456            | 228,790            | 220,408            | (8,382)          | 218,347            | (10,443)         | (2,061)           |
| MAY <sup>1</sup>  | 216,253            | 222,573            | 286,419            | 293,312            | 311,609            | 18,297           | 280,530            | (12,782)         | (31,079)          |
| <b>TOTAL</b>      | <b>\$1,920,400</b> | <b>\$2,038,371</b> | <b>\$2,376,221</b> | <b>\$2,448,172</b> | <b>\$2,642,452</b> | <b>\$194,280</b> | <b>\$2,595,641</b> | <b>\$147,469</b> | <b>(\$46,811)</b> |

<sup>1</sup> Due to year end accounting activities, a portion of Meals and Lodging Tax revenues associated with May and June were posted in June and July.

<sup>2</sup> Meals and Lodging Tax data includes columns titled "Actual Collected ." The amounts in these columns include all revenue received per month regardless of whether the payment is current or delinquent.



Physical Development Committee – 8:00 a.m.  
Finance Committee Meeting – 11:30 a.m.

**A G E N D A**  
**City Council Meeting of August 13, 2019**

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

- #1. Consideration of 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.”
- #2. Continue discussion regarding *Zoning Ordinance* amendments for short-term rental uses
- #3. Capital Improvement Plan Rating System
- #4. Roll Call

**7:30 P.M.**  
**City Council Agenda Items**

**COUNCILMEMBER WILDER 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**



## CONSENT AGENDA

- #5. Consideration of approving the minutes of the June 25, 2019 meeting
- #6. Consideration of approving the minutes of the July 9, 2019 meeting.
- #7. \* Consideration of adopting Resolution #R-19-056 to amend the FY 2019 City/Federal/State Aid Fund Budget and 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).

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## PUBLIC COMMENT

- #8. Hear from a citizen (Frank Forest)

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## PUBLIC HEARING

- #9. Public hearing for the petition of 434 Center, LLC at 2009 Enterprise Drive, 1001 and 1009 Dillard Drive to amend the Future Land 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.  
(File: Community Development) #R-19-058  
#O-19-037  
#R-19-059

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## GENERAL BUSINESS

- #10. Introduce 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)  
(File: Budget; City/Federal/State Aid Fund) #R-19-060
- #11. Introduce 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.  
(File: Budget; City/Federal/State Aid Fund) #R-19-061
- #12. Introduce 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.  
(File: Budget; City/Federal/State Aid Fund) #R-19-062
- #13. Consideration of approving the donation of a surplus vehicle to Central Virginia Community College for use by students in the administration of justice program  
(File: Budget; Fleet Services) #R-19-057
- #14. 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: **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 13<sup>th</sup> 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.

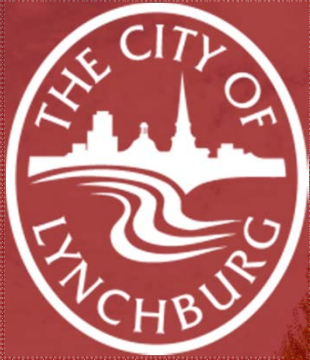
1. Prior to revoking approval for a property to be used or offered as a short-term rental, the Zoning Administrator shall give written notice to the host describing the violations constituting the basis of the revocation.

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





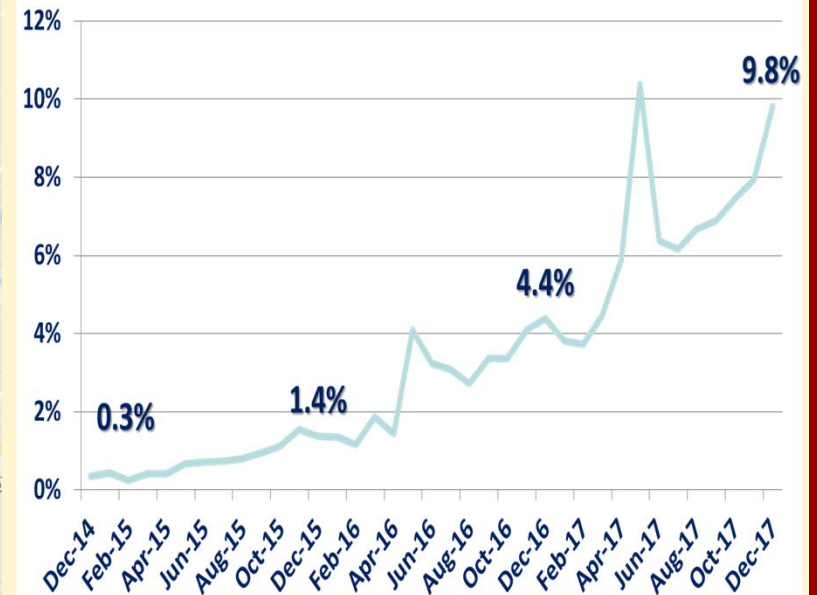
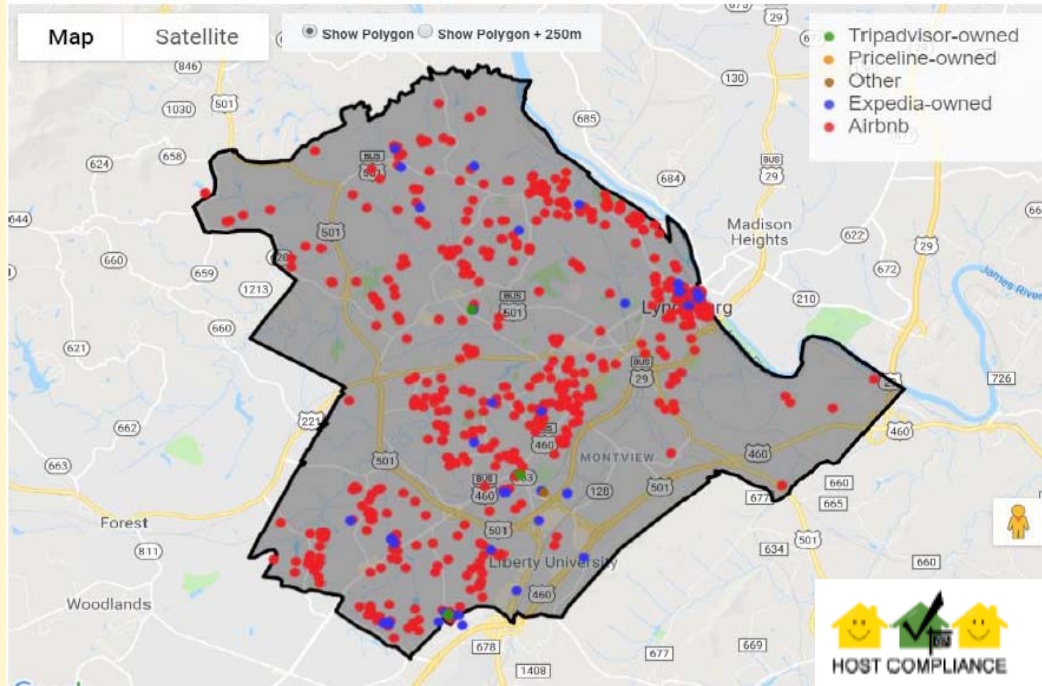
# Outline

- 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 14<sup>th</sup> 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 14<sup>th</sup> 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 14<sup>th</sup> 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.

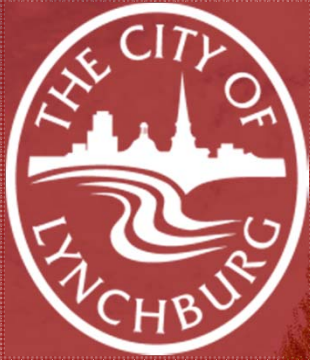




# What would be the impact of prohibiting STRs in R1/R2?

- 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?

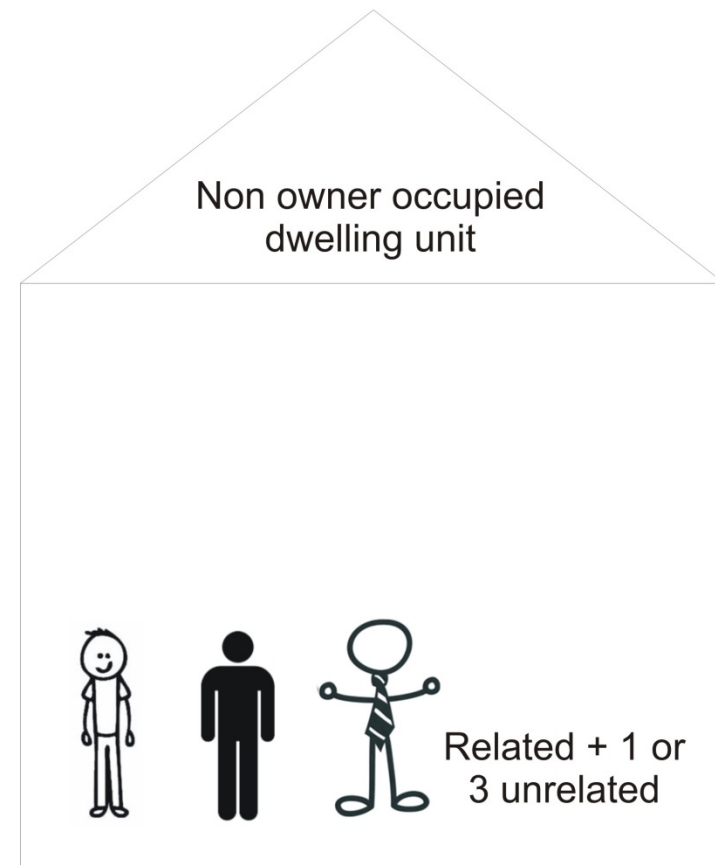
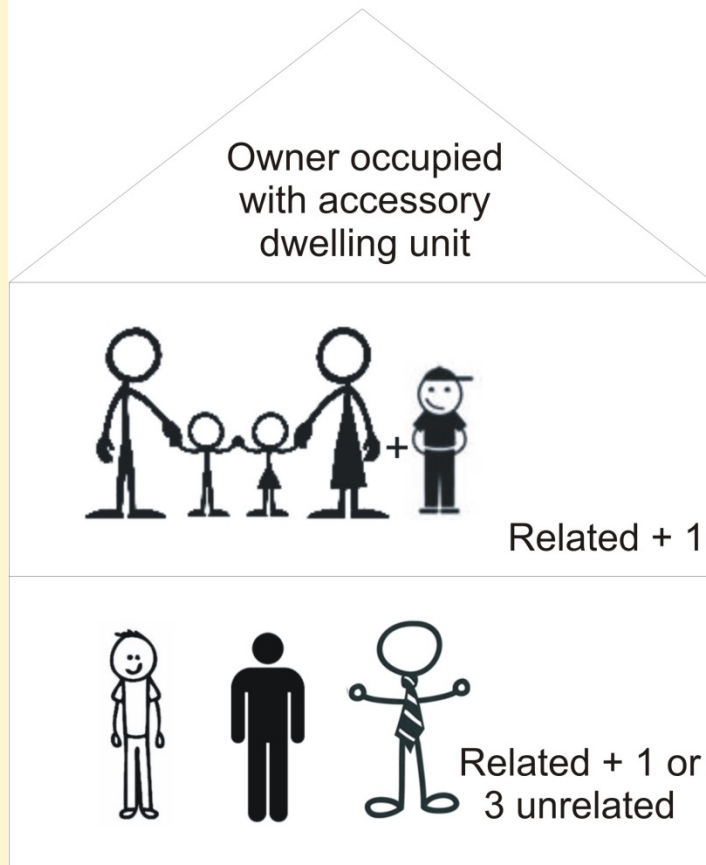
- Originally proposed limiting STR occupancy to 3 people.
- Planning Commission proposed raising the number of guests to 4 unrelated people (i.e. 2 couples could rent).
- An unlimited number of related individuals may rent a STR just like they can a long-term rental.
- For long-term rentals, where two 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

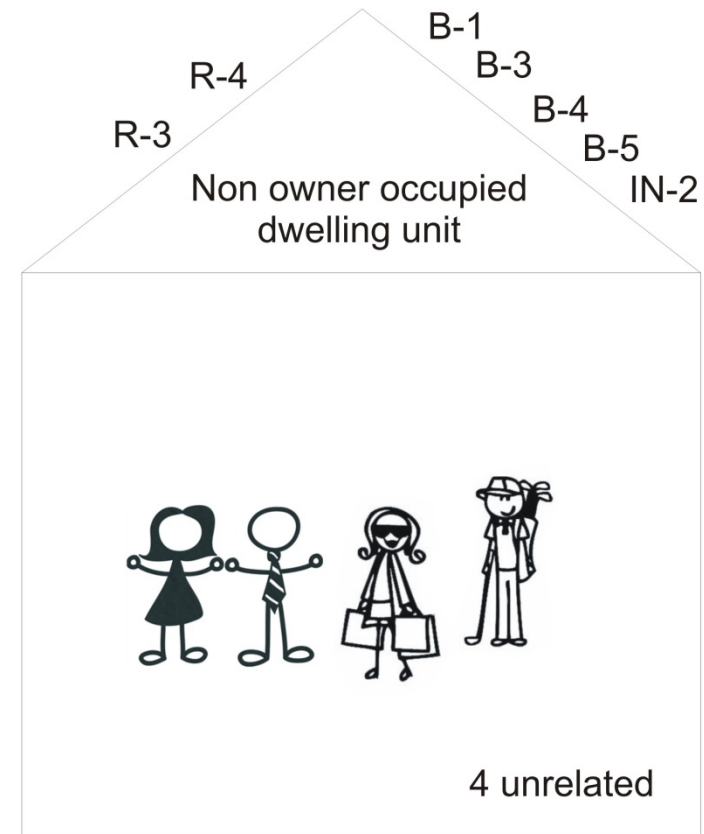
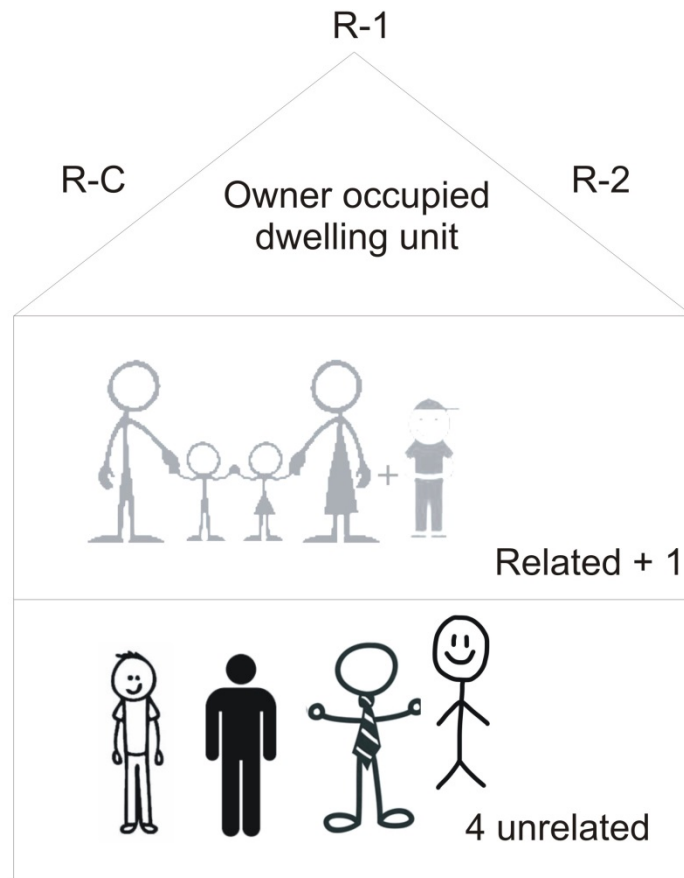
... No dwelling unit or boarding unit may be occupied by more than three (3) unrelated people. Where two or more related people reside in a dwelling unit, only one person unrelated to the related people may reside in the dwelling unit.





# 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

29

## 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)       |
| <b>Net ROI</b>                                 | <b>(\$6,000)</b> |

\*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

32

## 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)        |
| <b>Net ROI</b>                                  | <b>(\$38,000)</b> |

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





# Alternative 1: Lodging Tax Return on Investment Estimate

33

## Option 2: Enhanced Lodging Tax Collection + no fee Registry

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

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

\* 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

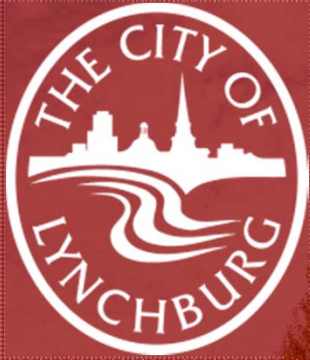
### Airbnb Agreement + no fee Registry

- 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)      |
| <b>Net ROI</b>                                 | <b>\$33,000</b> |

\*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.



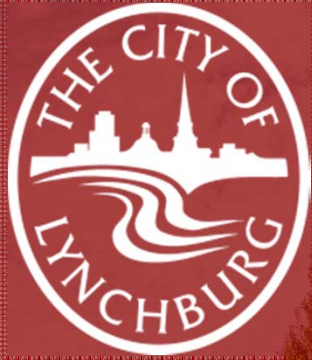


## Alternative Recommendation

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 13<sup>th</sup> 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 requirements<sup>1</sup>. 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)

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<sup>1</sup> 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 average<sup>2</sup>. 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

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<sup>2</sup> <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.<sup>3</sup> 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

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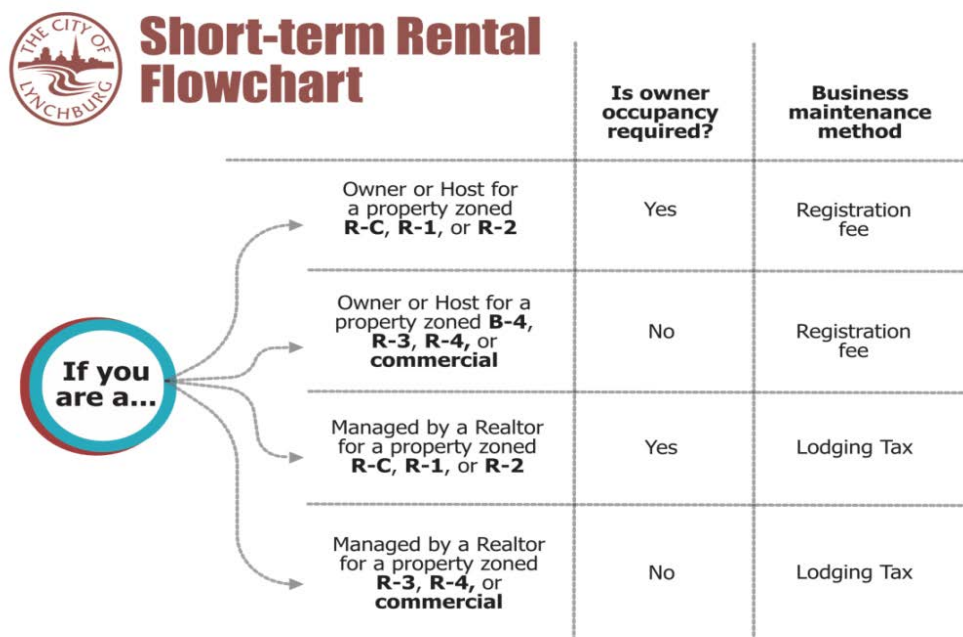
<sup>3</sup> <https://www.airbnb.com/neighbors>



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                                   | <b>4315, 4329, 4339, 4349</b> | 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             |
| <b>Public Utilities Service Minor</b>                              | <b>4315, 4329, 4339, 4349</b> | 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                                               | <b>4316</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | C             |
| Water treatment plants and utility facilities                      | <b>4331 – 4333,</b>           | Water treatment plants, pumping stations and lift stations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | C             |
| Wastewater treatment plants                                        | <b>4348</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | C             |
| <b>Museums and Other Special Purpose Recreational Institutions</b> | <b>5200</b>                   | Public and private museums, historical sites, and similar establishments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | C             |
| shooting ranges, outdoor                                           | <b>5376</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | C             |
| Camps, Camping, and Related Establishments                         | <b>5400</b>                   | 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             |
| <b>Natural and other Recreational Parks</b>                        | <b>5500</b>                   | All parks without special economic functions, other than limited concessions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | P             |
| <b>Public Safety</b>                                               | <b>6400</b>                   | Government-owned establishments providing fire and rescue, police, and emergency response services                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | P             |
| group home small                                                   | <b>6522</b>                   | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities                                                                                                                                                                                                                                                                                                                                                                                                                                | P             |
| group home large                                                   | <b>6523</b>                   | 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 |
|-----------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>fitness and recreational sports center</b> | <b>5371</b>                  | 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             |
| <b>outdoor recreation</b>                     | <b>5372, 5373 &amp; 5374</b> | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding                                | C             |
| <b>Natural and other Recreational Parks</b>   | <b>5500</b>                  | All parks without special economic functions, other than limited concessions                                                                                                                         | P             |
| <b>Nursery or preschool</b>                   | <b>6110</b>                  |                                                                                                                                                                                                      | C             |
| <b>Grade school</b>                           | <b>6120</b>                  | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere                                           | C             |
| <b>College or university</b>                  | <b>6130</b>                  |                                                                                                                                                                                                      | C             |
| <b>general technical schools</b>              | <b>6141-6143, 6145, 6147</b> | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities                                                                | C             |
| <b>Public Safety</b>                          | <b>6400</b>                  | Government-owned establishments providing fire and rescue, police, and emergency response services                                                                                                   | P             |
| <b>group home small</b>                       | <b>6522</b>                  | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities                                                            | P             |
| <b>group home large</b>                       | <b>6523</b>                  | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities                                                                     | C             |
| <b>Hospital</b>                               | <b>6530</b>                  |                                                                                                                                                                                                      | C             |
| <b>child and adult day care</b>               | <b>6562</b>                  | Provide day care for children and adults                                                                                                                                                             |               |
| <b>Home day care</b>                          | <b>6562a</b>                 | Day care for fewer than six (6) individuals in a residence                                                                                                                                           | P             |
| <b>small</b>                                  | <b>6562b</b>                 | Day care for six (6) to twelve (12) individuals in a residence                                                                                                                                       | C             |
| <b>large</b>                                  | <b>6562c</b>                 | Provide care for more than 12 individuals                                                                                                                                                            | C             |
| <b>Religious Institutions</b>                 | <b>6600</b>                  | Churches, temples, synagogues, mosques, convents and monasteries                                                                                                                                     | C             |
| <b>free-standing cemetery</b>                 | <b>6722</b>                  |                                                                                                                                                                                                      | C             |
| <b>columbarium</b>                            | <b>6724</b>                  |                                                                                                                                                                                                      | C             |
| <b>Vegetable farming or growing</b>           | <b>9120</b>                  | Includes private fields and community gardens                                                                                                                                                        | P             |
| <b>Commercial orchards</b>                    | <b>9130</b>                  | Includes fruit and nut trees for commercial production                                                                                                                                               | P             |



| Land Use                                           | LBCS #      | Description                                                                                              | Approval Type |
|----------------------------------------------------|-------------|----------------------------------------------------------------------------------------------------------|---------------|
| <b>Greenhouse – no on-premises sales</b>           | <b>9141</b> | Commercial greenhouse production                                                                         | P             |
| <b>Animal Production</b>                           | <b>9300</b> | Keep, graze, breed or feed animals (see district standards)                                              | P             |
| <b>tent revival meetings/ transient amusements</b> | <b>9921</b> | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23) | P             |
| <b>residential cluster development</b>             | <b>9951</b> | See section 35.2-80                                                                                      | P             |
| <b>traditional neighborhood development</b>        | <b>9952</b> | See section 35.2-82                                                                                      | C             |
| <b>planned unit development</b>                    | <b>9953</b> | 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                   | <b>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <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 |
|-----------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Country Club</b>                           | <b>5340 &amp; 6830</b>       | 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             |
| <b>fitness and recreational sports center</b> | <b>5371</b>                  | 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             |
| <b>outdoor recreation</b>                     | <b>5372, 5373 &amp; 5374</b> | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding                                   | C             |
| <b>Natural and other Recreational Parks</b>   | <b>5500</b>                  | All parks without special economic functions, other than limited concessions                                                                                                                            | P             |
| <b>Nursery or preschool</b>                   | <b>6110</b>                  |                                                                                                                                                                                                         | C             |
| <b>Grade school</b>                           | <b>6120</b>                  | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere                                              | C             |
| <b>College or university</b>                  | <b>6130</b>                  |                                                                                                                                                                                                         | C             |
| <b>general technical schools</b>              | <b>6141-6143, 6145, 6147</b> | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities                                                                   | C             |
| <b>Public Safety</b>                          | <b>6400</b>                  | Government-owned establishments providing fire and rescue, police, and emergency response services                                                                                                      | P             |
| <b>group home small</b>                       | <b>6522</b>                  | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities                                                               | P             |
| <b>group home large</b>                       | <b>6523</b>                  | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities                                                                        | C             |
| <b>Hospital</b>                               | <b>6530</b>                  |                                                                                                                                                                                                         | C             |
| <b>child and adult day care</b>               | <b>6562</b>                  | Provide day care for children and adults                                                                                                                                                                |               |
| <b>home</b>                                   | <b>6562a</b>                 | Day care for fewer than six (6) individuals in a residence                                                                                                                                              | P             |
| <b>small</b>                                  | <b>6562b</b>                 | Day care for six (6) to twelve (12) individuals in a residence                                                                                                                                          | C             |
| <b>large</b>                                  | <b>6562c</b>                 | Provide care for more than 12 individuals                                                                                                                                                               | C             |
| <b>Religious Institutions</b>                 | <b>6600</b>                  | Churches, temples, synagogues, mosques, convents and monasteries                                                                                                                                        | C             |
| <b>free-standing cemetery</b>                 | <b>6722</b>                  |                                                                                                                                                                                                         | C             |
| <b>columbarium</b>                            | <b>6724</b>                  |                                                                                                                                                                                                         | C             |



| Land Use                                           | LBCS #      | Description                                                                                             | Approval Type |
|----------------------------------------------------|-------------|---------------------------------------------------------------------------------------------------------|---------------|
| <b>Vegetable farming or growing</b>                | <b>9120</b> | Includes private fields and community gardens                                                           | P             |
| <b>Commercial orchards</b>                         | <b>9130</b> | Includes fruit and nut trees for commercial production                                                  | P             |
| <b>Greenhouse – no on-premises sales</b>           | <b>9141</b> | Commercial greenhouse production                                                                        | P             |
| <b>Animal Production</b>                           | <b>9300</b> | Keep, graze, breed or feed animals (see district standards)                                             | P             |
| <b>tent revival meetings/ transient amusements</b> | <b>9921</b> | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.73 | P             |
| <b>residential cluster development</b>             | <b>9951</b> | See section 35.2-80                                                                                     | P             |
| <b>traditional neighborhood development</b>        | <b>9952</b> | See section <b>Error! Reference source not found.</b>                                                   | C             |
| <b>planned unit development</b>                    | <b>9953</b> | 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 |
|------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Public Utilities Services, Major</b>                                            | <b>4315, 4329, 4339, 4349</b> | 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             |
| <b>Public Utilities Service Minor</b>                                              | <b>4315, 4329, 4339, 4349</b> | 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             |
| <b>electric substations</b>                                                        | <b>4316</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | C             |
| <b>Water treatment plants and utility facilities</b>                               | <b>4331 – 4333,</b>           | Water treatment plants, pumping stations and lift stations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | C             |
| <b>Theater, dance or music establishment</b>                                       | <b>5110 &amp; 5160</b>        | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers                                                                                                                                                                                                                                                                                                                                                                                 | P             |
| <b>Promoter of sports, performing arts, similar events and management services</b> | <b>5140 - 5150</b>            | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers                                                                                                                                                                                                                                                                                                                                                                                                                                                            | P             |
| <b>Museums and Other Special Purpose Recreational Institutions</b>                 | <b>5200</b>                   | Public and private museums, historical sites, and similar establishments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | P             |
| <b>Country Club</b>                                                                | <b>5340 &amp; 6830</b>        | 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             |
| <b>fitness and recreational sports center</b>                                      | <b>5371</b>                   | 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             |
| <b>outdoor recreation</b>                                                          | <b>5372, 5373 &amp; 5374</b>  | 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 |
|---------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Natural and other Recreational Parks</b>       | <b>5500</b>            | All parks without special economic functions, other than limited concessions                                                                                                           | P             |
| <b>Nursery or preschool</b>                       | <b>6110</b>            |                                                                                                                                                                                        | P             |
| <b>Grade school</b>                               | <b>6120</b>            | 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             |
| <b>College or university</b>                      | <b>6130</b>            | See district use standards                                                                                                                                                             | P             |
| <b>Public Safety</b>                              | <b>6400</b>            | Government-owned establishments providing fire and rescue, police, and emergency response services                                                                                     | P             |
| <b>Clinic</b>                                     | <b>6511 &amp; 6567</b> | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services                                                           | P             |
| <b>outpatient care clinic</b>                     | <b>6512</b>            | Provide outpatient family planning services and outpatient care                                                                                                                        | P             |
| <b>group home small</b>                           | <b>6522</b>            | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities                                              | P             |
| <b>group home large</b>                           | <b>6523</b>            | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities                                                       | P             |
| <b>Hospital</b>                                   | <b>6530</b>            |                                                                                                                                                                                        | C             |
| <b>child and adult day care</b>                   | <b>6562</b>            | Provide day care for children and adults                                                                                                                                               |               |
| <b>Home</b>                                       | <b>6562a</b>           | Day care for fewer than six (6) individuals in a residence                                                                                                                             | P             |
| <b>Small</b>                                      | <b>6562b</b>           | Day care for six (6) to twelve (12) individuals in a residence                                                                                                                         | P             |
| <b>Large</b>                                      | <b>6562c</b>           | Provide care for more than 12 individuals                                                                                                                                              | P             |
| <b>Religious Institutions</b>                     | <b>6600</b>            | Churches, temples, synagogues, mosques, convents and monasteries                                                                                                                       | P             |
| <b>Funeral home and services</b>                  | <b>6710</b>            | Includes funeral homes combined with crematories                                                                                                                                       | P             |
| <b>free-standing cemetery</b>                     | <b>6722</b>            |                                                                                                                                                                                        | P             |
| <b>Columbarium</b>                                | <b>6724</b>            |                                                                                                                                                                                        | C             |
| <b>Vegetable farming or growing</b>               | <b>9120</b>            | Includes private fields and community gardens with production limited to retail sales                                                                                                  | P             |
| <b>Commercial orchards</b>                        | <b>9130</b>            | Includes fruit and nut trees with production limited to retail sales                                                                                                                   | P             |
| <b>Animal Production</b>                          | <b>9300</b>            | Keep, graze, breed or feed animals (see district standards)                                                                                                                            | P             |
| <b>tent revival meetings/transient amusements</b> | <b>9921</b>            | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)                                                                               | P             |
| <b>cluster commercial development</b>             | <b>9955</b>            | 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 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>bicycles</b>                                                                                                                                                                             | <b>2113b</b>     | New or used bicycle sales, rental and repair                                                                                                                                                                                                                                                                                                                | P             |
| <b>parts, accessories, or tires</b>                                                                                                                                                         | <b>2115</b>      | Automotive parts and supply stores, automotive stereo stores.                                                                                                                                                                                                                                                                                               | P             |
| <b>gasoline service</b>                                                                                                                                                                     | <b>2116</b>      | Gas stations with or without convenience stores or food marts, excludes truck stops, light auto repair and heavy auto repair                                                                                                                                                                                                                                | P             |
| <b>light auto repair</b>                                                                                                                                                                    | <b>2117a</b>     | Oil change, light auto repair and car wash. May include gasoline and other retail sales.                                                                                                                                                                                                                                                                    | C             |
| <b>heavy auto repair</b>                                                                                                                                                                    | <b>2117b</b>     | Auto repair, paint and body shops. May include gasoline and other retail sales.                                                                                                                                                                                                                                                                             | C             |
| <b>furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances</b>                           | <b>2121-2125</b> | 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             |
| <b>computer and software</b>                                                                                                                                                                | <b>2131</b>      | Computers and prepackaged software including repair, support, and training                                                                                                                                                                                                                                                                                  | P             |
| <b>camera and photographic supplies; clothing, jewelry, luggage, shoes, clocks, sewing; sporting goods, toy and hobby, and musical instruments; mixed media, school and office supplies</b> | <b>2132-2135</b> | 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             |
| <b>florist, art supplies, tobacco products</b>                                                                                                                                              | <b>2141-2143</b> | Florists, art supplies and art dealers, frame shops, tobacco products                                                                                                                                                                                                                                                                                       | P             |
| <b>art galleries</b>                                                                                                                                                                        | <b>2142b</b>     | Excludes art supply sales and retail framing services                                                                                                                                                                                                                                                                                                       | P             |
| <b>antique shop</b>                                                                                                                                                                         | <b>2145</b>      | Antique shops, (excludes flea markets, thrift stores and pawn shops)                                                                                                                                                                                                                                                                                        | P             |
| <b>flea markets and thrift stores</b>                                                                                                                                                       | <b>2145b</b>     | Flea markets and thrift stores                                                                                                                                                                                                                                                                                                                              | P             |
| <b>grocery store, supermarket, or bakery, convenience store, specialty food stores</b>                                                                                                      | <b>2151-2154</b> | 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             |
| <b>beer, wine, and liquor store</b>                                                                                                                                                         | <b>2155</b>      |                                                                                                                                                                                                                                                                                                                                                             | P             |
| <b>Health and personal care</b>                                                                                                                                                             | <b>2160</b>      | 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             |
| <b>Markets for farm produce or crafts</b>                                                                                                                                                   | <b>2199</b>      | Markets and truck gardens.                                                                                                                                                                                                                                                                                                                                  | C             |



| Land Use                                                                                                        | LBCS #                  | Description                                                                                                                                                                     | Approval Type |
|-----------------------------------------------------------------------------------------------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Bank, credit union, or savings institution</b>                                                               | <b>2210</b>             | Central banking functions                                                                                                                                                       | P             |
| <b>credit card and other financing</b>                                                                          | <b>2221</b>             | Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing                                                          | P             |
| <b>pawn shops</b>                                                                                               | <b>2222</b>             |                                                                                                                                                                                 | P             |
| <b>short-term loans</b>                                                                                         | <b>2223</b>             | Pay-day lenders and other businesses providing loans with terms of 45 days or less                                                                                              | P             |
| <b>precious metal buyers</b>                                                                                    | <b>2224</b>             | Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)                                                                                 | P             |
| <b>Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment</b> | <b>2230-2250</b>        | Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries | P             |
| <b>Real estate services</b>                                                                                     | <b>2310</b>             | Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices                                       | P             |
| <b>Property management services</b>                                                                             | <b>2320</b>             | Manage real property for others                                                                                                                                                 | P             |
| <b>vehicles</b>                                                                                                 | <b>2331 &amp; 2332</b>  | Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided                                                                                           | C             |
| <b>Professional offices</b>                                                                                     | <b>2411-2014</b>        | Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design          | P             |
| <b>consulting services (management, environmental technical)</b>                                                | <b>2415</b>             | Advise and assist businesses on management, scientific, and technological issues                                                                                                | P             |
| <b>scientific research and development services</b>                                                             | <b>2416</b>             | Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.                                                               | P             |
| <b>advertising, media and photography services</b>                                                              | <b>2417</b>             | Includes advertising, marketing and public relations agencies, photographic studios and photographic services.                                                                  | P             |
| <b>veterinary services</b>                                                                                      | <b>2418</b>             | Veterinary medicine, testing services for veterinary practitioners                                                                                                              | C             |
| <b>other professional offices</b>                                                                               | <b>2419, 6810, 6820</b> | Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts                    | P             |
| <b>office administrative services</b>                                                                           | <b>2421</b>             | Office administration such as billing, record keeping, personnel, organizational planning                                                                                       | P             |
| <b>facilities support services</b>                                                                              | <b>2422</b>             | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.                                               | P             |
| <b>employment agency</b>                                                                                        | <b>2423a</b>            | 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 |
|-----------------------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Amusement or theme park establishment</b>              | <b>5310</b>                  | Operate a variety of attractions such as mechanical rides, water rides, games                                                                                                                           | C             |
| <b>Commercial Amusements</b>                              | <b>5320, 5380, 5390</b>      | Operate arcades and other commercial amusements as defined herein                                                                                                                                       | P             |
| <b>Country Club</b>                                       | <b>5340 &amp; 6830</b>       | 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             |
| <b>fitness and recreational sports center</b>             | <b>5371</b>                  | 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             |
| <b>outdoor recreation</b>                                 | <b>5372, 5373 &amp; 5374</b> | 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             |
| <b>shooting ranges, indoor</b>                            | <b>5375</b>                  |                                                                                                                                                                                                         | C             |
| <b>Natural and other Recreational Parks</b>               | <b>5500</b>                  | All parks without special economic functions, other than limited concessions                                                                                                                            | P             |
| <b>Nursery or preschool</b>                               | <b>6110</b>                  |                                                                                                                                                                                                         | P             |
| <b>Grade school</b>                                       | <b>6120</b>                  | 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             |
| <b>College or university</b>                              | <b>6130</b>                  | See district use standards.                                                                                                                                                                             | P             |
| <b>general technical schools</b>                          | <b>6141-6143, 6145, 6147</b> | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities. See district use standards.                                      | P             |
| <b>driving education</b>                                  | <b>6144</b>                  |                                                                                                                                                                                                         | P             |
| <b>Public Safety</b>                                      | <b>6400</b>                  | Government-owned establishments providing fire and rescue, police, and emergency response services                                                                                                      | P             |
| <b>clinic</b>                                             | <b>6511 &amp; 6567</b>       | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services                                                                            | P             |
| <b>outpatient care clinic</b>                             | <b>6512</b>                  | Provide outpatient family planning services and outpatient care                                                                                                                                         | P             |
| <b>medical or diagnostic laboratory; blood/organ bank</b> | <b>6513 - 6514</b>           | Provide analytic or diagnostic services including medical imaging                                                                                                                                       | P             |
| <b>group home small</b>                                   | <b>6522</b>                  | 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 |
|--------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Food and beverages</b>                                                                  | <b>3110</b>                          | Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting                       | P             |
| <b>Furniture and related products</b>                                                      | <b>3230</b>                          | Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures                                                 | P             |
| <b>Office and warehousing</b>                                                              | <b>3610</b>                          | Storage of goods related to on-site office or retail use                                                                                                                       | P             |
| <b>rail passenger transportation</b>                                                       | <b>4121</b>                          | Passenger stations only                                                                                                                                                        | P             |
| <b>local transit systems--bus, special needs, sightseeing, taxi and limousine services</b> | <b>4133 – 4134 &amp; 4136 - 4137</b> | 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             |
| <b>marine and sightseeing transportation</b>                                               | <b>4151</b>                          | Provide water transportation, including scenic and sightseeing, for passengers                                                                                                 | P             |
| <b>national post office</b>                                                                | <b>4181</b>                          |                                                                                                                                                                                | P             |
| <b>retail courier and package delivery</b>                                                 | <b>4182</b>                          | Retail courier, package drop-off and mail services                                                                                                                             | P             |
| <b>Motion pictures and sound recording</b>                                                 | <b>4220</b>                          | Produce and distribute motion pictures and sound recordings                                                                                                                    | P             |
| <b>radio and television broadcasting</b>                                                   | <b>4231, 4232 &amp; 4241</b>         | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs                                                     | P             |
| <b>wireless telecommunications transmission</b>                                            | <b>4233</b>                          | 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             |
| <b>telephone and other wired telecommunications</b>                                        | <b>4234</b>                          | Operate telephone networks – excludes switching stations                                                                                                                       | P             |
| <b>Telecommunications switching stations/exchanges</b>                                     | <b>4239</b>                          | Telecommunications switching stations and exchanges with no on-site employees                                                                                                  | C             |
| <b>library or archive</b>                                                                  | <b>4242</b>                          | Provide library or archive services                                                                                                                                            | P             |
| <b>news syndicate</b>                                                                      | <b>4243</b>                          | Supply information such as news reports, articles, pictures and features to the news media                                                                                     | P             |
| <b>data processing and management, hosting and related services</b>                        | <b>4244</b>                          | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging                                                                            | P             |



| Land Use                                                                           | LBCS #                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Approval Type |
|------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Public Utilities Services, Major</b>                                            | <b>4315, 4329, 4339, 4349</b> | 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             |
| <b>Public Utilities Service Minor</b>                                              | <b>4315, 4329, 4339, 4349</b> | 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             |
| <b>electric substations</b>                                                        | <b>4316</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | C             |
| <b>Water treatment plants and utility facilities</b>                               | <b>4331 – 4333,</b>           | Water treatment plants, pumping stations and lift stations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | C             |
| <b>Theater, dance or music establishment</b>                                       | <b>5110 &amp; 5160</b>        | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers                                                                                                                                                                                                                                                                                                                                                                                 | P             |
| <b>Motion picture viewing and exhibition services</b>                              | <b>5111</b>                   | Operate movie theaters (excluding drive-ins), film festival exhibitions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | P             |
| <b>Promoter of sports, performing arts, similar events and management services</b> | <b>5140 - 5150</b>            | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers                                                                                                                                                                                                                                                                                                                                                                                                                                                            | P             |
| <b>Indoor auditorium or arena</b>                                                  | <b>5170</b>                   | Indoor auditoriums, arenas, conference centers, or multipurpose facilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | C             |
| <b>Outdoor auditorium/arenas</b>                                                   | <b>5180</b>                   | Outdoor arenas, theaters and stadiums                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | C             |
| <b>Museums and Other Special Purpose Recreational Institutions</b>                 | <b>5200</b>                   | Public and private museums, historical sites, and similar establishments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | P             |
| <b>Amusement or theme park establishment</b>                                       | <b>5310</b>                   | Operate a variety of attractions such as mechanical rides, water rides, games                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | C             |
| <b>Commercial Amusements</b>                                                       | <b>5320, 5380, 5390</b>       | Operate arcades and other commercial amusements as defined herein                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | C             |



| Land Use                                                  | LBCS #                       | Description                                                                                                                                                                                             | Approval Type |
|-----------------------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Country Club</b>                                       | <b>5340 &amp; 6830</b>       | 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             |
| <b>fitness and recreational sports center</b>             | <b>5371</b>                  | 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             |
| <b>outdoor recreation</b>                                 | <b>5372, 5373 &amp; 5374</b> | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding                                   | C             |
| <b>shooting ranges, indoor</b>                            | <b>5375</b>                  |                                                                                                                                                                                                         | C             |
| <b>Natural and other Recreational Parks</b>               | <b>5500</b>                  | All parks without special economic functions, other than limited concessions                                                                                                                            | P             |
| <b>Nursery or preschool</b>                               | <b>6110</b>                  |                                                                                                                                                                                                         | P             |
| <b>Grade school</b>                                       | <b>6120</b>                  | 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             |
| <b>College or university</b>                              | <b>6130</b>                  | See district use standards.                                                                                                                                                                             | P             |
| <b>general technical schools</b>                          | <b>6141-6143, 6145, 6147</b> | Offer courses in office procedures, administrative skills, and basic office skills; dance, art, drama, and music; athletic activities. See district use standards.                                      | C             |
| <b>Other Government Functions</b>                         | <b>6300</b>                  | Other government owned establishments not classified elsewhere such as defense and national guard establishments                                                                                        | C             |
| <b>Public Safety</b>                                      | <b>6400</b>                  | Government-owned establishments providing fire and rescue, police, and emergency response services                                                                                                      | P             |
| <b>clinic</b>                                             | <b>6511 &amp; 6567</b>       | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans' affairs services                                                                           | P             |
| <b>outpatient care clinic</b>                             | <b>6512</b>                  | Provide outpatient family planning services and outpatient care                                                                                                                                         | P             |
| <b>medical or diagnostic laboratory; blood/organ bank</b> | <b>6513 - 6514</b>           | Provide analytic or diagnostic services including medical imaging                                                                                                                                       | P             |
| <b>group home small</b>                                   | <b>6522</b>                  | Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities                                                               | P             |
| <b>group home large</b>                                   | <b>6523</b>                  | Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities                                                                        | P             |
| <b>Hospital</b>                                           | <b>6530</b>                  |                                                                                                                                                                                                         | C             |



| Land Use                                                             | LBCS #       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Approval Type |
|----------------------------------------------------------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>child and adult day care</b>                                      | <b>6562</b>  | Provide day care for children and adults                                                                                                                                                                                                                                                                                                                                                                                                                                                       |               |
| <b>home</b>                                                          | <b>6562a</b> | Day care for fewer than six (6) individuals in a residence                                                                                                                                                                                                                                                                                                                                                                                                                                     | P             |
| <b>small</b>                                                         | <b>6562b</b> | Day care for six (6) to twelve (12) individuals in a residence                                                                                                                                                                                                                                                                                                                                                                                                                                 | P             |
| <b>large</b>                                                         | <b>6562c</b> | Provide care for more than 12 individuals                                                                                                                                                                                                                                                                                                                                                                                                                                                      | P             |
| <b>Religious Institutions</b>                                        | <b>6600</b>  | Churches, temples, synagogues, mosques, convents and monasteries                                                                                                                                                                                                                                                                                                                                                                                                                               | P             |
| <b>Death Care Services</b>                                           | <b>6700</b>  | Funeral homes, crematories, cemeteries                                                                                                                                                                                                                                                                                                                                                                                                                                                         |               |
| <b>Funeral home and services</b>                                     | <b>6710</b>  | Includes funeral homes combined with crematories                                                                                                                                                                                                                                                                                                                                                                                                                                               | P             |
| <b>columbarium</b>                                                   | <b>6724</b>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | P             |
| <b>CONSTRUCTION-RELATED BUSINESSES</b>                               | <b>7000</b>  | 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             |
| <b>Vegetable farming or growing</b>                                  | <b>9120</b>  | Includes private fields and community gardens with production limited to retail sales                                                                                                                                                                                                                                                                                                                                                                                                          | P             |
| <b>Greenhouse – no on-premises sales</b>                             | <b>9141</b>  | Includes fruit and nut trees with production limited to retail sales                                                                                                                                                                                                                                                                                                                                                                                                                           | P             |
| <b>Greenhouse – sales of products grown on premises</b>              | <b>9142</b>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | P             |
| <b>Greenhouse – sales of products and related accessory products</b> | <b>9143</b>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | P             |
| <b>Animal Production</b>                                             | <b>9300</b>  | Keep, graze, breed or feed animals (see standards in section 35.2-71.7)                                                                                                                                                                                                                                                                                                                                                                                                                        | P             |
| <b>tent revival meetings/ transient amusements</b>                   | <b>9921</b>  | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)                                                                                                                                                                                                                                                                                                                                                                                       | P             |
| <b>temporary outdoor promotional attractions</b>                     | <b>9922</b>  | Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)                                                                                                                                                                                                                                                                                                                                                         | P             |
| <b>traditional neighborhood development</b>                          | <b>9952</b>  | See section 35.2-82                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | C             |
| <b>large scale retail establishments</b>                             | <b>9954</b>  | See section 35.2-84                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | P             |
| <b>cluster commercial development</b>                                | <b>9955</b>  | 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 |
|--------------------------------------------------------------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>commercial, industrial or consumer machinery and equipment rental</b> | <b>2334 - 2335</b>      | Rent or lease:<br>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)<br>personal and household-type goods and a range of equipment geared toward consumers | P             |
| <b>Professional offices</b>                                              | <b>2411- 2014</b>       | Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design                                                                                                                                                                                                     | P             |
| <b>consulting services (management, environmental technical)</b>         | <b>2415</b>             | Advise and assist businesses on management, scientific, and technological issues                                                                                                                                                                                                                                                                                           | P             |
| <b>scientific research and development services</b>                      | <b>2416</b>             | c) Conduct research or analyze in the physical, engineering, cognitive, or life sciences in laboratories or offices.                                                                                                                                                                                                                                                       | P             |
| <b>advertising, media and photography services</b>                       | <b>2417</b>             | Includes advertising, marketing and public relations agencies, photographic studios and photographic services.                                                                                                                                                                                                                                                             | P             |
| <b>veterinary services</b>                                               | <b>2418</b>             | Veterinary medicine, testing services for veterinary practitioners                                                                                                                                                                                                                                                                                                         | P             |
| <b>other professional offices</b>                                        | <b>2419, 6810, 6820</b> | Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts                                                                                                                                                                                                               | P             |
| <b>office administrative services</b>                                    | <b>2421</b>             | Office administration such as billing, record keeping, personnel, organizational planning                                                                                                                                                                                                                                                                                  | P             |
| <b>facilities support services</b>                                       | <b>2422</b>             | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.                                                                                                                                                                                                                                          | P             |
| <b>employment agency</b>                                                 | <b>2423a</b>            | Provide employee placement, temporary help                                                                                                                                                                                                                                                                                                                                 | P             |
| <b>hiring hall</b>                                                       | <b>2423b</b>            | Place of assembly for the registration or assignment of employment                                                                                                                                                                                                                                                                                                         | P             |
| <b>copy center, private mail center, other business support services</b> | <b>2424</b>             | Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners                                                                                                                                                                                                                             | P             |
| <b>collection agency</b>                                                 | <b>2425</b>             | Collect payments, compile credit information, repossess tangible assets                                                                                                                                                                                                                                                                                                    | P             |
| <b>Travel arrangement and reservation services</b>                       | <b>2430</b>             | Promote or sell travel, includes convention and visitors' bureaus                                                                                                                                                                                                                                                                                                          | P             |
| <b>Investigation and security services</b>                               | <b>2440</b>             | 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 |
|--------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Signs</b>                                                                               | <b>3440</b>                          | Manufacturing of signs to be erected or installed (excludes banner printing)                                                                                                                          | P             |
| <b>Blacksmith</b>                                                                          |                                      | Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items                                                                            | P             |
| <b>Wholesale Trade Establishment</b>                                                       | <b>3500</b>                          | Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses                                                                                           | P             |
| <b>Office and warehousing</b>                                                              | <b>3610</b>                          | Storage of goods related to on-site office or retail use                                                                                                                                              | P             |
| <b>Warehousing</b>                                                                         | <b>3620</b>                          | Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies                                                                                         | P             |
| <b>rail passenger transportation</b>                                                       | <b>4121</b>                          | Passenger stations only                                                                                                                                                                               | P             |
| <b>local transit systems--bus, special needs, sightseeing, taxi and limousine services</b> | <b>4133 – 4134 &amp; 4136 - 4137</b> | 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             |
| <b>towing and other road and ground services</b>                                           | <b>4138</b>                          | Tow vehicles                                                                                                                                                                                          | P             |
| <b>Truck and freight transportation services</b>                                           | <b>4140</b>                          | Provide over-the-road transportation of cargo using motor vehicles and temporary storage                                                                                                              | C             |
| <b>national post office</b>                                                                | <b>4181</b>                          |                                                                                                                                                                                                       | P             |
| <b>retail courier and package delivery</b>                                                 | <b>4182</b>                          | Retail courier, package drop-off and mail services                                                                                                                                                    | P             |
| <b>Courier and messenger services</b>                                                      | <b>4190</b>                          | Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)                                                     | P             |
| <b>Publishing</b>                                                                          | <b>4210 &amp; 4221</b>               | 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             |
| <b>Motion pictures and sound recording</b>                                                 | <b>4220</b>                          | Produce and distribute motion pictures and sound recordings                                                                                                                                           | P             |
| <b>radio and television broadcasting</b>                                                   | <b>4231, 4232 &amp; 4241</b>         | Operate broadcasting studios and facilities for over the air, cable or satellite delivery of radio and television programs                                                                            | P             |
| <b>wireless telecommunications transmission</b>                                            | <b>4233</b>                          | 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             |
| <b>telephone and other wired telecommunications</b>                                        | <b>4234</b>                          | Operate telephone networks – excludes switching stations                                                                                                                                              | P             |
| <b>Telecommunications switching stations/exchanges</b>                                     | <b>4239</b>                          | 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> | <b><u>Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)</u></b>                                                                                                                                                                                                                                                    | <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 |
|-----------------------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>florist, art supplies, tobacco products</b>                                                                  | <b>2141-2143</b>       | Florists, art supplies and art dealers, frame shops, tobacco products                                                                                                                                                                                                                                                     | P             |
| <b>art galleries</b>                                                                                            | <b>2142b</b>           | Excludes art supply sales and retail framing services                                                                                                                                                                                                                                                                     | P             |
| <b>mail order or direct selling establishment</b>                                                               | <b>2144</b>            | Retailing other than through locations where shoppers physically visit                                                                                                                                                                                                                                                    | P             |
| <b>antique shop</b>                                                                                             | <b>2145</b>            | Antique shops, (excludes flea markets, thrift stores and pawn shops)                                                                                                                                                                                                                                                      | P             |
| <b>flea markets and thrift stores</b>                                                                           | <b>2145b</b>           | Flea markets, consignment shops and thrift stores                                                                                                                                                                                                                                                                         | P             |
| <b>grocery store, supermarket, or bakery, convenience store, specialty food stores</b>                          | <b>2151-2154</b>       | 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             |
| <b>beer, wine, and liquor store</b>                                                                             | <b>2155</b>            |                                                                                                                                                                                                                                                                                                                           | P             |
| <b>Health and personal care</b>                                                                                 | <b>2160</b>            | 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             |
| <b>Markets for farm produce or crafts</b>                                                                       | <b>2199</b>            | Markets and truck gardens.                                                                                                                                                                                                                                                                                                | P             |
| <b>Bank, credit union, or savings institution</b>                                                               | <b>2210</b>            | Central banking functions                                                                                                                                                                                                                                                                                                 | P             |
| <b>credit card and other financing</b>                                                                          | <b>2221</b>            | Credit card, sales financing, unsecured consumer lending, real estate credit, mortgages, international trade financing                                                                                                                                                                                                    | P             |
| <b>pawn shops</b>                                                                                               | <b>2222</b>            |                                                                                                                                                                                                                                                                                                                           | P             |
| <b>short-term loans</b>                                                                                         | <b>2223</b>            | Pay-day lenders and other businesses providing loans with terms of 45 days or less                                                                                                                                                                                                                                        | P             |
| <b>precious metal buyers</b>                                                                                    | <b>2224</b>            | Businesses providing cash for gold and other precious metals or gems (excludes retail jewelers)                                                                                                                                                                                                                           | P             |
| <b>Investment banking, securities, and brokerages; insurance; fund, trust, or other financial establishment</b> | <b>2230-2250</b>       | Securities underwriting, brokering, exchange services, managing portfolios; Insurance underwriting, selling insurance; manage assets on behalf of shareholders or beneficiaries                                                                                                                                           | P             |
| <b>Real estate services</b>                                                                                     | <b>2310</b>            | Sell or lease real estate such as buildings, manufactured home sites and vacant lots; includes real estate appraisers and realtor offices                                                                                                                                                                                 | P             |
| <b>Property management services</b>                                                                             | <b>2320</b>            | Manage real property for others                                                                                                                                                                                                                                                                                           | P             |
| <b>vehicles</b>                                                                                                 | <b>2331 &amp; 2332</b> | Lease passenger cars, trucks, trailers, RVs, buses and aircraft; drivers not provided                                                                                                                                                                                                                                     | P             |
| <b>recreational goods rental</b>                                                                                | <b>2333</b>            | Rent skis, canoes, bicycles, sailboats, motorcycles                                                                                                                                                                                                                                                                       | P             |



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



| Land Use                                                     | LBCS #                      | Description                                                                                                                                                                        | Approval Type |
|--------------------------------------------------------------|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Investigation and security services</b>                   | <b>2440</b>                 | Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems, locksmiths                     | P             |
| <b>Services to buildings and dwellings</b>                   | <b>2450</b>                 | Provide pest control, janitorial services, landscaping, carpet cleaning, etc. (2451-2454)                                                                                          | P             |
| <b>packing, crating</b>                                      | <b>2455</b>                 |                                                                                                                                                                                    | P             |
| <b>Restaurants, cafeterias, snack bars &amp; catering</b>    | <b>2510-2530 &amp; 2560</b> | Provide food and drinks to patrons – see district specific use regulations for limitations. Includes banquet, assembly and reception halls. See district standards.                | P             |
| <b>Mobile food services</b>                                  | <b>2550</b>                 | Prepare and serve meals and snacks for immediate consumption from motorized vehicles                                                                                               | P             |
| <b>Food service contractor and vending machine operators</b> | <b>2570 &amp; 2580</b>      | Provide food services at institutional, governmental, commercial, or industrial locations based on contracts. Retail merchandise through vending machines that they service        | P             |
| <b>Personal care</b>                                         | <b>2610</b>                 | 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             |
| <b>laundromat and dry cleaning</b>                           | <b>2621 &amp; 2622</b>      | Includes Laundromats, dry cleaners, diaper services as well as other commercial laundry services                                                                                   | P             |
| <b>linen and uniform supply</b>                              | <b>2623</b>                 |                                                                                                                                                                                    | P             |
| <b>Photofinishing</b>                                        | <b>2630</b>                 | Primarily engaged in developing film or making slides, etc.                                                                                                                        | P             |
| <b>Parking lot and parking garage</b>                        | <b>2640</b>                 | See district standards                                                                                                                                                             | P             |
| <b>licensed massage therapist</b>                            | <b>2651</b>                 |                                                                                                                                                                                    | P             |
| <b>tattoo parlor</b>                                         | <b>2652</b>                 | Tattoos by a licensed professional                                                                                                                                                 | P             |
| <b>adult establishment, retail sales</b>                     | <b>2653</b>                 | Stores primarily selling adult oriented products, including books, videos, magazines, toys, lingerie and other sexually-oriented goods                                             | P             |
| <b>Pet or pet supply store</b>                               | <b>2710</b>                 | Retail pets, pet foods, pet supplies                                                                                                                                               | P             |
| <b>animal services</b>                                       | <b>2721</b>                 | grooming and training                                                                                                                                                              | P             |
| <b>animal boarding</b>                                       | <b>2722</b>                 | sitting and boarding                                                                                                                                                               | P             |
| <b>pet cemetery</b>                                          | <b>2723</b>                 |                                                                                                                                                                                    | P             |
| <b>Food and beverages</b>                                    | <b>3110</b>                 | Includes bakery and candy establishments that produce for later consumption; ice manufacturing; dairies; bottling plants; and peanut and coffee roasting                           | P             |
| <b>Textiles, leather and leather substitute products</b>     | <b>3130 &amp; 3140</b>      | 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 |
|--------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Furniture and related products</b>                                                      | <b>3230</b>                          | Includes manufacture and repair of furniture, upholstery, mattresses, window blinds, window shades, awnings cabinets, fixtures                                                                        | P             |
| <b>Signs</b>                                                                               | <b>3440</b>                          | Manufacturing of signs to be erected or installed (excludes banner printing)                                                                                                                          | P             |
| <b>Blacksmith</b>                                                                          |                                      | Creation of objects from wrought iron steel, such as gates, railings, furniture, and other functional and decorative items                                                                            | P             |
| <b>Wholesale Trade Establishment</b>                                                       | <b>3500</b>                          | Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses                                                                                           | P             |
| <b>Warehousing and Storage Services</b>                                                    | <b>3600</b>                          | Operate warehouse and storage facilities for general merchandise, refrigerated goods                                                                                                                  |               |
| <b>Office and warehousing</b>                                                              | <b>3610</b>                          | Storage of goods related to on-site office or retail use                                                                                                                                              | P             |
| <b>Warehousing</b>                                                                         | <b>3620</b>                          | Storage of goods as the principal use; includes mini-warehouses, self-storage facilities and moving companies                                                                                         | P             |
| <b>rail passenger transportation</b>                                                       | <b>4121</b>                          | Passenger stations only                                                                                                                                                                               | P             |
| <b>local transit systems--bus, special needs, sightseeing, taxi and limousine services</b> | <b>4133 – 4134 &amp; 4136 - 4137</b> | 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             |
| <b>school and employee bus transportation</b>                                              | <b>4135</b>                          | Maintain and dispatch buses and other motor vehicles to transport pupils or employees                                                                                                                 | P             |
| <b>towing and other road and ground services</b>                                           | <b>4138</b>                          | Tow vehicles                                                                                                                                                                                          | P             |
| <b>Truck and freight transportation services</b>                                           | <b>4140</b>                          | Provide over-the-road transportation of cargo using motor vehicles and temporary storage                                                                                                              | C             |
| <b>national post office</b>                                                                | <b>4181</b>                          |                                                                                                                                                                                                       | P             |
| <b>retail courier and package delivery</b>                                                 | <b>4182</b>                          | Retail courier, package drop-off and mail services                                                                                                                                                    | P             |
| <b>Courier and messenger services</b>                                                      | <b>4190</b>                          | Provide air, surface, or combined courier delivery services of Parcels and messages (excludes retail package drop-off and local courier services)                                                     | P             |
| <b>Publishing</b>                                                                          | <b>4210 &amp; 4221</b>               | 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             |
| <b>Motion pictures and sound recording</b>                                                 | <b>4220</b>                          | 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 |
|------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Theater, dance or music establishment</b>                                       | <b>5110 &amp; 5160</b>       | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers                | P             |
| <b>Motion picture viewing and exhibition services</b>                              | <b>5111</b>                  | Operate movie theaters, drive-ins, film festival exhibitions (Note: drive-in theaters limited to B-5 district)                                                                                          | P             |
| <b>Promoter of sports, performing arts, similar events and management services</b> | <b>5140 - 5150</b>           | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers                                                                                           | P             |
| <b>Indoor auditorium or arena</b>                                                  | <b>5170</b>                  | Indoor auditoriums, arenas, conference centers, or multipurpose facilities                                                                                                                              | C             |
| <b>Outdoor auditorium/arenas</b>                                                   | <b>5180</b>                  | Outdoor arenas, stadiums and theaters                                                                                                                                                                   | C             |
| <b>Museums and Other Special Purpose Recreational Institutions</b>                 | <b>5200</b>                  | Public and private museums, historical sites, and similar establishments                                                                                                                                | P             |
| <b>Amusement or theme park establishment</b>                                       | <b>5310</b>                  | Operate a variety of attractions such as mechanical rides, water rides, games                                                                                                                           | C             |
| <b>Commercial Amusements</b>                                                       | <b>5320, 5380, 5390</b>      | Operate arcades and other commercial amusements as defined herein                                                                                                                                       | P             |
| <b>Country Club</b>                                                                | <b>5340 &amp; 6830</b>       | 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             |
| <b>fitness and recreational sports center</b>                                      | <b>5371</b>                  | 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             |
| <b>outdoor recreation</b>                                                          | <b>5372, 5373 &amp; 5374</b> | Includes for profit golf courses, archery ranges, outdoor volleyball, tennis, or swimming facilities, recreational courts, recreational day camp and horseback riding                                   | P             |
| <b>shooting ranges, indoor</b>                                                     | <b>5375</b>                  |                                                                                                                                                                                                         | C             |
| <b>Camps, Camping, and Related Establishments</b>                                  | <b>5400</b>                  | 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             |
| <b>Natural and other Recreational Parks</b>                                        | <b>5500</b>                  | All parks without special economic functions, other than limited concessions                                                                                                                            | P             |
| <b>Nursery or preschool</b>                                                        | <b>6110</b>                  |                                                                                                                                                                                                         | P             |
| <b>Grade school</b>                                                                | <b>6120</b>                  | Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere                                              | P             |
| <b>College or university</b>                                                       | <b>6130</b>                  |                                                                                                                                                                                                         | P             |



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



| Land Use                                                             | LBCS #      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Approval Type |
|----------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>CONSTRUCTION-RELATED BUSINESSES</b>                               | <b>7000</b> | 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             |
| <b>Vegetable farming or growing</b>                                  | <b>9120</b> | Includes private fields and community gardens                                                                                                                                                                                                                                                                                                                                                                                                                                                  | P             |
| <b>Commercial orchards</b>                                           | <b>9130</b> | Includes fruit and nut trees for commercial production                                                                                                                                                                                                                                                                                                                                                                                                                                         | P             |
| <b>Greenhouse – no on-premises sales</b>                             | <b>9141</b> | Commercial greenhouse production                                                                                                                                                                                                                                                                                                                                                                                                                                                               | P             |
| <b>Greenhouse – sales of products grown on premises</b>              | <b>9142</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | P             |
| <b>Greenhouse – sales of products and related accessory products</b> | <b>9143</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | P             |
| <b>Animal Production</b>                                             | <b>9300</b> | Keep, graze, breed or feed animals (see standards in section 35.2-71.7                                                                                                                                                                                                                                                                                                                                                                                                                         | P             |
| <b>tent revival meetings/transient amusements</b>                    | <b>9921</b> | Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)                                                                                                                                                                                                                                                                                                                                                                                       | P             |
| <b>temporary outdoor promotional attractions</b>                     | <b>9922</b> | Includes car shows, boat shows and similar short-term events intended to promote commercial sales or services (see section 35.2-72.23)                                                                                                                                                                                                                                                                                                                                                         | P             |
| <b>traditional neighborhood development</b>                          | <b>9952</b> | See section 35.2-82                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | C             |
| <b>large scale retail establishments</b>                             | <b>9954</b> | See section 35.2-84                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | P             |
| <b>cluster commercial development</b>                                | <b>9955</b> | See section 35.2-85                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | C             |
| <b>flex space development</b>                                        | <b>9956</b> | See section 35.2-86                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | C             |
| <b>corporate campus</b>                                              | <b>9957</b> | See section 35.2-87                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | C             |
| <b>Billboards</b>                                                    | <b>9990</b> | 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.

|     |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 1.  |  | <b>Abut:</b> To adjoin or touch at one or more points along a common boundary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2.  |  | <b>Accessible:</b> 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.  |  | <b>Accessory use or accessory:</b><br>A use conducted on the same zoning lot as the principal use to which it is related (whether located within the same or an accessory building or other structure, or on an accessory use of land), except that, where specifically provided in the applicable regulations, accessory off-street parking or loading need not be located on the same zoning lot.<br>A use that is clearly incidental to, and customarily found in connection with, such principal use.<br>A use subordinate in area, floor area, intensity, extent and purpose to the principal use.<br>A use either in the same ownership as such principal use, or operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use.<br>When "accessory" is used in the text, it shall have the same meaning as "accessory use" |
| 4.  |  | <b>Accessory structure:</b> 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.  |  | <b>Address sign:</b> 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.  |  | <b>Adjacent:</b> To abut or be located on the opposite side of a right-of-way or easement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 7.  |  | <b>Administrator or Zoning Administrator:</b> the official charged with the enforcement of this zoning ordinance except where responsibility is specifically delegated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 8.  |  | <b>Agriculture:</b> 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.  |  | <b>Airport elevation:</b> The highest point on any usable landing surface expressed in feet above mean sea level.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10. |  | <b>Airport or air landing field:</b> 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |



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| 11. | <b>Airport:</b> Lynchburg Regional Airport and/or Falwell Airport.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 12. | <b>Alteration:</b> Any change, modification or addition to a part of or all of the exterior of any building or structure.                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 13. | <b>Amend or amendment:</b> 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. | <b>Antenna support structure:</b> 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. | <b>Apartment house:</b> See dwelling, multi-household.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 16. | <b>Apartment:</b> 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. | <b>Applicant:</b> Any person who applies for any development approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 18. | <b>Application or development application:</b> 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. | <b>Approach surface:</b> 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. | <b>Approach, transitional, horizontal, and conical zones:</b> the airspace zones as set forth in section 35.2-57.4.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 21. | <b>Arcade:</b> A public or private pedestrian walkway that is open to the street and covered by the upper floors of a building front.                                                                                                                                                                                                                                                                                                                                                                                                     |
| 22. | <b>Arterial or arterial street:</b> A public street currently classified in the comprehensive plan functional classification map as an arterial.                                                                                                                                                                                                                                                                                                                                                                                          |
| 23. | <b>Automobile graveyard:</b> Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this definition shall begin with the first day that the vehicle is placed on the subject property. |



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| 24. | <p><b>Automobile service station:</b> 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:</p> <ol style="list-style-type: none"> <li>1. Sales and servicing of spark plugs, batteries, and distributors and distributor parts.</li> <li>2. Tire servicing and repair, but not recapping or regrooving.</li> <li>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.</li> <li>4. Radiator cleaning and flushing.</li> <li>5. Washing and polishing, and sale of automotive washing and polishing materials.</li> <li>6. Greasing and lubrication.</li> <li>7. Providing and repairing fuel pumps, oil pumps and lines.</li> <li>8. Electrical system repairs</li> <li>9. Adjusting and repairing brakes.</li> <li>10. Minor motor adjustments not involving racing the motor.</li> <li>11. Retail sales of convenience goods.</li> <li>12. Virginia state inspection station.</li> </ol> <p>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.</p> |
| 25. | <p><b>Awning:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 26. | <p><b>Banner:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 27. | <p><b>Base flood:</b> The flood having a one percent (1%) chance of being equaled or exceeded in any given year.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 28. | <p><b>Base flood elevation:</b> The Federal Emergency Management Agency designated one hundred (100) year water surface elevation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 29. | <p><b>Basement:</b> Any area of the building having its floor sub-grade (below ground level) on all sides.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 30. | <p><b>Bed and breakfast or tourist home:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



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| 31. | <b>Billboard or poster panel:</b> 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. | <b>Block face:</b> The edge of a block fronting on a street.                                                                                                                                                                                                                                                                                                                                                          |
| 33. | <b>Block:</b> An area of land bounded by streets providing access to such area.                                                                                                                                                                                                                                                                                                                                       |
| 34. | <b>Board of Zoning Appeals:</b> 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. | <b>Boardinghouse or lodging house:</b> 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. | <b>Boarding unit or lodging unit:</b> 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. | <b>Buffer:</b> 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. | <b>Building, accessory:</b> 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. | <b>Building envelope:</b> 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. | <b>Building group:</b> A group of two (2) or more main buildings and any buildings accessory thereto occupying a single zoning lot.                                                                                                                                                                                                                                                                                   |
| 41. | <b>Building line or setback:</b> A line drawn parallel to a lot line at a distance therefrom equal to the depth of a required setback.                                                                                                                                                                                                                                                                                |
| 42. | <b>Building mounted sign:</b> A permanently attached sign, erected or painted on the outside wall, window, or door of a building.                                                                                                                                                                                                                                                                                     |
| 43. | <b>Building permit:</b> A document issued by the City of Lynchburg to permit the construction, erection or alteration of any structure.                                                                                                                                                                                                                                                                               |
| 44. | <b>Building, height of:</b> 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. | <b>Building, main:</b> 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. | <b>Building, temporary:</b> 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. | <b>Building:</b> Any structure designed or intended for support, shelter, enclosure or protection of persons, animals, chattels or property.                                                                                                                                                                                                                                                                          |
| 48. | <b>Business district:</b> A zoning district whose designation begins with the letter "B".                                                                                                                                                                                                                                                                                                                             |



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| 49. | <p><b>Business incubator:</b> 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:</p> <p>(1) It shall contain uses authorized in the applicable zoning district under one roof with a minimum of six (6) tenant spaces.</p> <p>(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.</p> <p>(3) Display rooms for retail sales shall not exceed ten percent (10%) of the gross floor area of the tenant space.</p> <p>(4) A tenant shall not be allowed to occupy the facility for more than forty-eight (48) months.</p> |
| 50. | <p><b>Caliper:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 51. | <p><b>Campus</b> – 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 52. | <p><b>Care center:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 53. | <p><b>Cemetery:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 54. | <p><b>Certificate of appropriateness (COA):</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                        |
| 55. | <p><b>Certificate of Occupancy:</b> Authorization granted by the City for use of a lot or structure.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 56. | <p><b>Changeable copy sign:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 57. | <p><b>Channel enclosure:</b> Continuous c-shaped metal, or similar opaque material, surrounding three-quarters of the circumference of neon tubing of a sign.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 58. | <p><b>Channel:</b> A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 59. | <p><b>Civic uses:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 60. | <p><b>Collector street:</b> A public street currently classified as a collector street in the functional classification map of the Comprehensive Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 61. | <p><b>Commercial amusement (temporary):</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



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| 62. | <b>Commercial amusement:</b> 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. | <b>Commercial building:</b> A building used only for a commercial use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 64. | <b>Commercial recreation:</b> 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. | <b>Commercial use:</b> Any use involving in part or in whole the storage of merchandise, sale of merchandise, materials or services, but not including home occupations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 66. | <b>Community facility use:</b> 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. | <b>Comprehensive Zoning Map amendment:</b> An amendment to the official Zoning Map where any of the following conditions exist:<br>(1) The area to be rezoned constitutes an entire neighborhood as defined in the Comprehensive Plan, or a group of such neighborhoods.<br>(2) The area to be rezoned includes at least four hundred (400) acres of ground.<br>(3) The area to be rezoned includes at least five (5) lots, except where all of the said lots are included in a subdivision to be developed as a whole by one developer.                                                                                                                                                             |
| 68. | <b>Community owned:</b> Facilities owned and operated by a public, non-profit or not-for-profit entity and open to the general public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 69. | <b>Concept Plan –</b><br>(1) A plan that establishes the general layout and intensity of proposed development in enough detail to demonstrate compliance with the applicable development approval criteria for discretionary approvals by the City Council.<br>(2) A generalized, illustrative plan for the IN-1 and IN-2 districts, indicating how off site impacts such as traffic, water and sanitary sewer availability/capacity, stormwater management, lighting and noise are mitigated and providing an assessment of existing and future development of the institution's campus, including buildings, parking areas, recreational facilities, open space and access points to City streets. |
| 70. | <b>Conditional use:</b> A permit to grant restricted use of property for uses other than those permitted by right.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 71. | <b>Conditional zoning or zone:</b> 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. | <b>Conical surface:</b> 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



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| 73. | <b>Conservation:</b> Any action designed to keep a structure, area containing structures, or places from being damaged, lost or wasted.                                                                                                                                                                                                                                                         |
| 74. | <b>Construction sign:</b> 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. | <b>Construction, start of:</b> 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. | <b>Contributing property:</b> 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. | <b>Coverage, lot:</b> The proportion of a lot covered by the maximum horizontal projected area of a building and its accessory buildings, including overhangs and projections.                                                                                                                                                                                                                  |
| 78. | <b>Decorative landscape stone:</b> Stone that has natural or manmade distinguishing characteristics such as color and shape. Decorative landscape stone may be used as mulch.                                                                                                                                                                                                                   |
| 79. | <b>Delineated wetland:</b> An area delineated by the U.S. Army Corps of Engineers as a wetland.                                                                                                                                                                                                                                                                                                 |
| 80. | <b>Demolition:</b> The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.                                                                                                                                                                                                                                                           |
| 81. | <b>Depth of lot:</b> The mean horizontal distance between the front lot line and rear lot line of a lot.                                                                                                                                                                                                                                                                                        |
| 82. | <b>Detached building:</b> A building surrounded by yards or other open area on the same zoning lot.                                                                                                                                                                                                                                                                                             |
| 83. | <b>Development</b> – 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. | <b>Development approval:</b> Any City approval required for development.                                                                                                                                                                                                                                                                                                                        |
| 85. | <b>Development area / disturbed area:</b> All areas shown within the limits of clearing and grading on a concept plan or final site plan.                                                                                                                                                                                                                                                       |
| 86. | <b>Development pattern:</b> See land use development pattern                                                                                                                                                                                                                                                                                                                                    |
| 87. | <b>Digital sign or electronic message center:</b> 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. | <b>Directional sign:</b> 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. | <b>Dwelling:</b> 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. | <b>Dwelling unit:</b> 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.                                                                                        |



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| 91.  |  | <b>Dwelling, cluster or cluster development:</b> A development pattern defined in Article VIII of this Zoning Ordinance characterized by small lots and the retention of common open space.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 92.  |  | <b>Dwelling, detached:</b> A building containing only dwelling units surrounded by yards or other open area on the same zoning lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 93.  |  | <b>Dwelling, group:</b> 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.  |  | <b>Dwelling, multi-household for the elderly:</b> 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.  |  | <b>Dwelling, multi-household:</b> 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.  |  | <b>Dwelling, semi-detached:</b> 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.  |  | <b>Dwelling, single-household:</b> A building containing not more than one (1) dwelling unit and occupied by not more than one (1) household.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 98.  |  | <b>Dwelling, townhouse, or row house:</b> 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.  |  | <b>Dwelling, two-household (duplex):</b> 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. |  | <b>Easement:</b> 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. |  | <b>Eave:</b> The underside of the projection of a roof beyond the outer wall of a building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 102. |  | <b>Electrical engineer:</b> An electrical engineer licensed by the Commonwealth of Virginia.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 103. |  | <b>Electronic message center (EMC):</b> see digital sign                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 104. |  | <b>Elevated building:</b> 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. |  | <b>Encroachment , floodplain:</b> 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



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| 106. | <b>Encroachment lines:</b> 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. | <b>Enlargement, or to enlarge:</b> 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. | <b>Equal degree of encroachment:</b> 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. | <b>Evergreen tree:</b> A tree or shrub that has foliage that persists and stays green throughout the year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 110. | <b>Existing tower:</b> A telecommunications tower that is in existence or is being constructed on December 9, 1997                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 111. | <b>Extension, or to extend:</b> 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. | <b>Exterior architectural features:</b> 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. | <b>Façade:</b> The outer surface of a building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 114. | <b>Fall zone:</b> 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. | <b>Family day home:</b> 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. | <b>Final site plan:</b> A site plan that when approved in accordance with this ordinance enables an applicant to apply for a building permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 117. | <b>Fire district:</b> 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. | <b>Flag pole:</b> A freestanding structure or a structure attached to a building or the roof of a building for the sole purpose of displaying flags.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 119. | <b>Flag:</b> Any fabric or any other flexible material attached to or designed to be flown from a flagpole or similar device.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



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| 120. |  | <b>Flashing sign:</b> 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. |  | <b>Flea market:</b> 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. |  | <b>Flood hazard area:</b> 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. |  | <p><b>Flood or flooding:</b></p> <ol style="list-style-type: none"> <li>1. A general or temporary condition or partial or complete inundation of normally dry land areas from:<br/>the overflow of inland or tidal waters; or,<br/>the unusual and rapid accumulation or runoff of surface waters from any source.</li> <li>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.</li> </ol> |
| 124. |  | <b>Floodplains:</b> 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. |  | <b>Flood-prone area:</b> Any land area susceptible to being inundated by water from any source.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 126. |  | <b>Floodproofing:</b> 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. |  | <b>Floodway fringe:</b> That portion of the one hundred (100) year flood plain outside of the floodway.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 128. |  | <b>Floodway:</b> The channel of a river or other watercourse and those portions of the adjoining flood plains which are reasonably required to discharge the water of the one hundred (100) year flood (base flood), without causing a more than one (1) foot rise at any point in the City as shown in the City's flood insurance study published by the Federal Emergency Management Agency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



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| 129. | <p><b>Floor area:</b> 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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Elevator shafts or stairwells at each floor.</li> <li>3. Floor space in penthouses.</li> <li>4. Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more.</li> <li>5. Floor space in interior balconies or mezzanines.</li> <li>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.</li> <li>7. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded.</li> <li>8. Floor space in accessory buildings except for floor space used for accessory off-street parking.</li> </ol> <p>Floor area of a building shall not include:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Elevator or stair bulkheads, accessory water tanks or cooling towers.</li> <li>3. Uncovered steps.</li> <li>4. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet.</li> <li>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.</li> <li>6. Unenclosed floor space used for permitted or required accessory off-street parking spaces.</li> <li>7. Floor space used for accessory off-street loading berths.</li> <li>8. Floor space used for mechanical equipment.</li> </ol> |
| 130. | <p><b>Floor area ratio:</b> 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.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 131. | <p><b>Floor plate:</b> The floor area of the ground floor or footprint of a building.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 132. | <p><b>Food Establishment:</b> A business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 133. | <p><b>Foundation planting:</b> Trees and shrubs planted along and adjacent to the perimeter of a building.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 134. | <p><b>Freeboard</b> – 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



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| 135. |  | <b>Freestanding sign:</b> A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 136. |  | <b>Frontage:</b> 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. |  | <b>Gambrel roof:</b> 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. |  | <b>Garden apartment units:</b> Group multiple dwellings consisting of more than one (1) main building containing more than one (1) unit per building for single-household occupancy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 139. |  | <b>Gasoline station:</b> See Automobile service station.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 140. |  | <b>Graphic:</b> Any logo, emblem, insignia, or text, formed by writing, drawing, painting or engraving.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 141. |  | <b>Ground cover:</b> 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. |  | <p><b>Group Home:</b> 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.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> |
| 143. |  | <b>Guest:</b> Any person hiring and occupying a room for sleeping purposes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



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| 144. |  | <b>Hazard to air navigation:</b> 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. |  | <b>Hazardous materials:</b> 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. |  | <b>Heat island effect:</b> An elevated temperature over an urban area caused by pavement, buildings, other infrastructure and pollutant emissions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 147. |  | <b>Height of building:</b> See Building, height of.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 148. |  | <b>Height of sign:</b> 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. |  | <b>Height:</b> 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. |  | <b>Helipad:</b> 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. |  | <b>Heliport:</b> Facilities for the landing helicopters that may include facilities for storage, servicing and/or fueling one or more helicopters at a time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 152. |  | <p><b>Historic area, historic place, or historic structure:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Any structure that is: <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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</li> <li>d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: <ol style="list-style-type: none"> <li>i. by an approved state program as determined by the secretary of the interior or</li> <li>ii. directly by the secretary of the interior in states without approved programs.</li> </ol> </li> </ol> </li> </ol> |
| 153. |  | <b>Historic building map:</b> The map of Lynchburg indicating certain structures as historic buildings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |



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| 154. | <b>Historic district:</b> 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. | <b>Home occupation:</b> An accessory use which: <ol style="list-style-type: none"> <li>1. Is clearly incidental to or secondary to the residential use of a dwelling unit.</li> <li>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.</li> <li>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.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 156. | <b>Home owners' or property owners' association:</b> 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. | <b>Horizontal surface:</b> 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. | <b>Hospitals:</b> 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. | <b>Hotel:</b> 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. | <b>Household:</b> The occupants of a single dwelling unit, which shall not exceed three (3) unrelated individuals unless otherwise permitted by this Zoning Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 161. | <b>Identification sign:</b> 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. | <b>Illegal use:</b> 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. | <b>Illuminated sign:</b> A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 164. | <b>Industrial district:</b> Includes the I-1, I-2 and I-3 zoning districts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



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| 165. |  | <b>Institutional district:</b> Any district whose designation begins with the letters IN”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 166. |  | <b>Inflatable item:</b> 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. |  | <b>Inventory, historic:</b> The inventory of historic landmarks, buildings and structures as prepared by the board of historic and architectural review.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 168. |  | <b>Junk yard:</b> 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. |  | <b>Kenel:</b> 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. |  | <b>Land Use Development Pattern or Development Pattern:</b> 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. |  | <b>Land with minor improvements:</b> For purposes of the City’s floodplain regulations, a tract of land which:<br>1. Does not include any building or other structure.<br>2. Includes a building or other structure with a floor area of less than four hundred (400) square feet.                                                                                                                                                                                                                                                                                                                                    |
| 172. |  | <b>Landscape island:</b> 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. |  | <b>Large deciduous tree.</b> 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. |  | <b>Large farm animal.</b> 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. |  | <b>Large scale retail establishment:</b> 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. |  | <b>Level of Service (LOS) –</b> 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.                                                                                                                                                                                                                |



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| 177. |  | <b>Limited Access Highway or Freeway:</b> 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. |  | <b>Limited time:</b> A period of time assumed to be not more than one year unless otherwise specified by the Zoning Ordinance or development approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 179. |  | <b>Loading berth:</b> 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. |  | <b>Local street:</b> A public street not classified as a freeway, arterial or collector street under the definitions in this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 181. |  | <b>Lodging house:</b> See Boardinghouse.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 182. |  | <b>Logo:</b> Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 183. |  | <b>Lot:</b> <ol style="list-style-type: none"> <li>1. A lot of record existing on the effective date of the Zoning Ordinance or any applicable subsequent amendment thereto.</li> <li>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.</li> <li>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.</li> </ol> |
| 184. |  | <b>Lot area per dwelling unit:</b> That portion of the lot area required for each dwelling unit located on a zoning lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 185. |  | <b>Lot area:</b> 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. |  | <b>Lot, corner:</b> 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. |  | <b>Lot coverage:</b> See Coverage, lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 188. |  | <b>Lot depth:</b> See Depth of lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 189. |  | <b>Lot, interior:</b> Any lot neither a corner lot nor a through lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 190. |  | <b>Lot line, front:</b> A street line determined by the Zoning Administrator to be the front of the lot based on prevailing lot patterns and lot dimensions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 191. |  | <b>Lot line, rear:</b> 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. |  | <b>Lot line, side:</b> Any lot line that is not a front lot line or a rear lot line.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 193. |  | <b>Lot line:</b> A boundary of a lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 194. |  | <b>Lot of record:</b> 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. |  | <b>Lot width:</b> The horizontal distance between the side lot lines of a zoning lot at the building line.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |



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| 196. |  | <b>Lot, through:</b> 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. |  | <b>Low explosives:</b> 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. |  | <b>Lowest floor:</b> 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. |  | <b>Lumen per Square Foot:</b> a measure of illuminance equal to one foot-candle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 200. |  | <b>Lynchburg commercial historic districts design review guidelines:</b> 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. |  | <b>Lynchburg residential historic districts design review guidelines:</b> 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. |  | <b>Mansard roof:</b> A roof having two slopes on all sides with the lower slope steeper than the upper one                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 203. |  | <p><b>Manufactured home:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> |
| 204. |  | <b>Manufactured home park or subdivision:</b> A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home spaces or lots for rent or sale.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 205. |  | <b>Market for agricultural products:</b> A market selling produce, or other edible products made from and entirely processed on the site of an agricultural operation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 206. |  | <b>Medical or dental clinics:</b> 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. |  | <b>Medical practitioner:</b> A licensed physician, dentist, osteopath, chiropractor, chiroprapist (podiatrist), psychologist or optometrist (but not optician).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



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| 208. |  | <b>Medium shrubs.</b> Shrubs and hedge forms having a minimum height of at least two (2) feet at the time of planting.                                                                                                                                                                                                                                                                                                               |
| 209. |  | <b>Metes and bounds:</b> The specific boundaries of an area as measured between geographical points.                                                                                                                                                                                                                                                                                                                                 |
| 210. |  | <b>Minor map amendment:</b> A change in the official Zoning Map that is not included in the definition of comprehensive Zoning Map amendment.                                                                                                                                                                                                                                                                                        |
| 211. |  | <b>Mobile food cart:</b> 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. |  | <b>Mobile food trailer:</b> 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. |  | <b>Mobile food truck:</b> A self-propelled food establishment that is up to twenty-six (26) feet long and eight (8) feet wide.                                                                                                                                                                                                                                                                                                       |
| 214. |  | <b>Mobile Food Vehicle:</b> 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. |  | <b>Mobile Home:</b> 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. |  | <b>Modified sign:</b> 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. |  | <b>Modular home or industrialized building:</b> 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. |  | <b>Monument sign:</b> 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. |  | <b>Motel or tourist cabin:</b> A building or group of buildings containing ten (10) or more guest rooms or suites designed or intended to be used, let or hired out which:<br><ol style="list-style-type: none"> <li>1. Contain living or sleeping accommodations used primarily for transient occupancy.</li> <li>2. Have individual entrances from outside the building to serve each such living or sleeping unit.</li> </ol>     |
| 220. |  | <b>Mulch:</b> A protective covering, usually of organic matter placed around plants to prevent evaporation, root freezing and weed growth.                                                                                                                                                                                                                                                                                           |
| 221. |  | <b>Mural:</b> 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. |  | <b>Naturalized planting area:</b> 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. |  | <b>Neighborhood norm:</b> 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. |  | <b>Neon tubing:</b> 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.                                                                                                                                                                                                       |



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| 225. |  | <p><b>New construction:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                          |
| 226. |  | <p><b>Non-conforming use:</b> any preexisting structure or object of natural growth that is inconsistent with the provisions of this section or any amendment to this section.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 227. |  | <p><b>Non-contributing property:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 228. |  | <p><b>Nonconforming:</b> 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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. The existence of less than the required accessory off-street parking spaces or loading berths.</li> <li>2. The existence of nonconforming accessory signs.</li> </ol>                                                                                           |
| 229. |  | <p><b>Normal business hours:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 230. |  | <p><b>Nursing homes:</b> 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).</p>                                                                                                                                                  |
| 231. |  | <p><b>Obstruction:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> |
| 232. |  | <p><b>Off-site directional sign:</b> A sign that directs traffic to a site other than the site on which the sign is located.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



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| 233. | <b>Off-street loading berth</b> – 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. | <b>Official Zoning Map:</b> That map dividing the City into specific zones or districts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 235. | <b>One hundred (100) year flood (base flood):</b> 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. | <b>Open Space:</b> 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. | <b>Opinion sign:</b> A sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 238. | <b>Ornamental tree:</b> Deciduous tree that grows to a mature height of less than thirty (30) feet with flowering or other distinguishing characteristics.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 239. | <b>Outdoor storage:</b> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> |
| 240. | <b>Outparcel:</b> A parcel located on the outside perimeter of a commercial development fronting a right of way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 241. | <b>Owner:</b> 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. | <b>Parapet wall:</b> A wall that extends above the top of a flat roof or flat portion of a roof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 243. | <b>Parcel:</b> 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. | <b>Parking area, off-street:</b> 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. | <b>Parking bay:</b> Two (2) parking rows abutting one another or separated by ten (10) feet or less.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 246. | <b>Parking garages:</b> 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. | <b>Parking lot:</b> An open lot serving the functions defined above for a parking garage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



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| 248. |  | <b>Parking row:</b> One (1) single line of parking spaces.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 249. |  | <b>Parking space:</b> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>                 |
| 250. |  | <b>Pedestrian facility:</b> A sidewalk, walking path, bike path or transit / shuttle stop.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 251. |  | <b>Pennant:</b> 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. |  | <b>Permanent sign:</b> 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. |  | <b>Permeable or Porous:</b> Capable of allowing water to be conducted through a material, as in permeable surfaces such as grass or soils and porous pavement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 254. |  | <b>Person:</b> 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. |  | <b>Phasing Plan:</b> A plan for the development in more than one stage or phase in accordance with section 35.2-11.4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 256. |  | <b>Planned unit development or PUD:</b> 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. |  | <b>Pole mounted sign:</b> A sign that is mounted on one or more freestanding poles or similar supports.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 258. |  | <b>Political sign:</b> 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. |  | <b>Porch:</b> an area elevated above grade that adjoins an entry to a building that may be covered or open.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 260. |  | <b>Portable sign:</b> 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. |  | <b>Preservation:</b> Any activity designed to prevent deterioration or destruction of a structure, a group of structures, or an area or a district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 262. |  | <b>Primary surface:</b> 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.                                                                                                                                                                                                                                                                                                                                                 |



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| 263. |  | <b>Private recreational facilities:</b> 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. |  | <b>Programmed:</b> 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. |  | <b>Projecting sign:</b> 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. |  | <b>Property ownership:</b> For purposes of the occupancy requirements of this ordinance, the owner who resides on the lot shall be: <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>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.</li> </ul> |
| 267. |  | <b>Public utility:</b> 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. |  | <b>Public:</b> 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. |  | <b>Radio frequency engineer:</b> means a professional engineer licensed by the Commonwealth of Virginia with appropriate documented expertise in radio frequency engineering.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 270. |  | <b>Raising:</b> Providing vertical clearance under tree canopy by using appropriate pruning techniques.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 271. |  | <b>Re-facing:</b> 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. |  | <b>Reach:</b> Longitudinal segments of a river or stream, which will be affected by the placement of an obstruction in a floodway or floodway fringe.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 273. |  | <b>Real estate sign:</b> A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 274. |  | <b>Reconstruction:</b> Any activity designed to rebuild entirely, or partially, a structure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 275. |  | <b>Recreation facility, active:</b> 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



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| 276. |  | <b>Recreation facility, passive:</b> 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. |  | <b>Recreational vehicle</b> – A vehicle which is: <ol style="list-style-type: none"> <li>1. built on a single chassis;</li> <li>2. four hundred (400) square feet or less when measured at the largest horizontal projection;</li> <li>3. designed to be self-propelled or permanently towable by a light duty truck; and,</li> <li>4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel or seasonal use.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 278. |  | <b>Regulatory flood protection level:</b> That level delineated by the one hundred (100) year flood.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 279. |  | <b>Rehabilitation:</b> Any activity designed to place a structure into a usable condition with or without architectural change.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 280. |  | <b>Religious Institution:</b> A church, synagogue, temple, mosque, convent, monastery or other place of worship                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 281. |  | <b>Related People:</b> 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. |  | <b>Renovation:</b> Any activity relating to the updating and/or the modernization of an older structure involving architectural change.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 283. |  | <b>Repairs in like material and like design:</b> 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. |  | <b>Residence:</b> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>a. Such transient accommodations as transient hotels, motels, tourist cabins or trailer courts.</li> <li>b. Dormitories, fraternity or sorority houses, monasteries or convents.</li> <li>c. In a mixed building, that part of the building used for any nonresidential uses, except accessory to residential uses.</li> </ol> </li> <li>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.</li> </ol> |
| 285. |  | <b>Residence, single-household:</b> A building containing only one (1) dwelling unit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 286. |  | <b>Residential:</b> Pertaining to one or more residences.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 287. |  | <b>Residential district:</b> Any district whose designation begins with the letter "R".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 288. |  | <b>Residential Street</b> – any local City street where the majority of land use on one or both sides of the street within the block is residential.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 289. |  | <b>Restoration:</b> 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



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| 290. | <b>Retail establishment:</b> 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. | <b>Riding stable:</b> 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. | <b>Riprap:</b> A permanent, large, loose angular stone generally used for erosion and sediment control in concentrated high velocity flow areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 293. | <b>Roof sign:</b> A sign installed or constructed upon or above a roof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 294. | <b>Rooming house:</b> 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. | <b>Runway:</b> a specified area on an airport prepared for landing and takeoff of aircraft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 296. | <b>Sanitary or solid waste management facility, private:</b> 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. | <b>Sanitary or solid waste management facility, public:</b> 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. | <b>Sanitary or solid waste management facility:</b> 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. | <b>School:</b> 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. | <b>Screening:</b> 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. | <b>Service station:</b> See Automobile service station.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 302. | <b>Setback:</b> See building line.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 303. | <b>Shade tree:</b> Deciduous tree that grows to be more than thirty (30) feet at maturity and planted chiefly to provide shade from sunlight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 304. | <b>Shallow flooding area</b> – 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



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| 305.        |                 | <b>Short Term Rental:</b> 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> | <del>305.</del> | <b>Shrub, large:</b> A shrub with a minimum height of three (3) feet at planting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>307.</u> | <del>306.</del> | <b>Shrub medium:</b> A shrub with a minimum height of two (2) feet at planting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>308.</u> | <del>307.</del> | <b>Shrub small:</b> A shrub with a minimum height of one (1) foot at planting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>309.</u> | <del>308.</del> | <b>Shrub:</b> 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> | <del>309.</del> | <b>Sign base:</b> 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> | <del>310.</del> | <b>Sign box:</b> A structure that encloses the sign face(s) and any internal illumination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <u>312.</u> | <del>311.</del> | <b>Sign face:</b> The area or display surface used for the message, not including the sign frame or sign structure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>313.</u> | <del>312.</del> | <b>Sign frame:</b> The enclosure and/or embellishment that surround the sign face.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>314.</u> | <del>313.</del> | <b>Sign structure:</b> An assembly of material used to support a sign face and/or sign frame.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>315.</u> | <del>314.</del> | <p><b>Sign:</b> 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:</p> <ol style="list-style-type: none"> <li>1. Attached to or painted on a structure, or in any other manner represented on a building, other structure or motor vehicle;</li> <li>2. Used to announce, direct attention to, or advertise;</li> <li>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</li> <li>4. Accessory to the permitted uses in the zoning district.</li> </ol> |
| <u>316.</u> | <del>315.</del> | <b>Slope:</b> The deviation of a surface from the horizontal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>317.</u> | <del>316.</del> | <b>Solid waste:</b> 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> | <del>317.</del> | <b>Stable, riding:</b> See Riding stable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <u>319.</u> | <del>318.</del> | <b>Standard project flood limit (SPFL):</b> 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



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| <u>320.</u> | <del>319.</del> | <b>Start of construction:</b> 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> | <del>320.</del> | <b>State:</b> means the Commonwealth of Virginia.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>322.</u> | <del>321.</del> | <b>Stealth:</b> 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> | <del>322.</del> | <b>Story:</b> 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> | <del>323.</del> | <b>Streamer:</b> Any long narrow strip of cloth, paper, plastic or other material.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>325.</u> | <del>324.</del> | <b>Street line:</b> 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> | <del>325.</del> | <b>Street width:</b> The distance between street lines, measured at right angles to the center line of the street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>327.</u> | <del>326.</del> | <b>Street, center line of:</b> 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> | <del>327.</del> | <b>Street:</b> 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> | <del>328.</del> | <b>Structural engineer:</b> means a structural engineer licensed by the Commonwealth of Virginia.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>330.</u> | <del>329.</del> | <b>Structure:</b> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



|      |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| 331. | <del>330.</del> | <p><b>Subdivision:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 332. | <del>331.</del> | <p><b>Substantial damage</b> – 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 333. | <del>332.</del> | <p><b>Substantial improvement:</b></p> <ol style="list-style-type: none"> <li>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:             <ol style="list-style-type: none"> <li>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</li> <li>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>.</li> </ol> </li> <li>2. For purposes of floodplain regulation,             <ol style="list-style-type: none"> <li>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:                 <ol style="list-style-type: none"> <li>i. before the improvement or repair is started; or</li> <li>ii. if the structure has been damaged, and is being restored, before the damage occurred.</li> </ol> </li> <li>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:                 <ol style="list-style-type: none"> <li>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</li> <li>ii. any alteration of a structure listed on the national register of historic places or a state inventory of historic places.</li> </ol> </li> <li>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.</li> </ol> </li> </ol> |



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| <u>334.</u> | <del>333.</del> | <b>Surface area of sign:</b> 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> | <del>334.</del> | <b>Swimming pool, commercial:</b> 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> | <del>335.</del> | <b>Swimming pool, community:</b> 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> | <del>336.</del> | <b>Swimming pool, private:</b> See private recreational facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <u>338.</u> | <del>337.</del> | <b>Telecommunications facilities:</b> 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: <ol style="list-style-type: none"> <li>1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or</li> <li>2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or</li> <li>3. Any federally-licensed amateur radio station operators.</li> </ol> |
| <u>339.</u> | <del>338.</del> | <b>Temporary sign:</b> A sign designed or intended to be displayed for a limited period of time as indicated in the Zoning Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <u>340.</u> | <del>339.</del> | <b>Thrift store:</b> A store selling used items, particularly clothing for the benefit of a charitable organization.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <u>341.</u> | <del>340.</del> | <b>Topping:</b> 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> | <del>341.</del> | <b>Tourist home or bed and breakfast:</b> 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> | <del>342.</del> | <b>Tower owner:</b> means the person that owns or controls a telecommunications tower.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <u>344.</u> | <del>343.</del> | <b>Tower:</b> 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> | <del>344.</del> | <b>Townhouse:</b> 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



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| <u>346.</u> | <del>345.</del> | <b>Trailer:</b> 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> | <del>346.</del> | <b>Transitional surfaces:</b> 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> | <del>347.</del> | <b>Tree, small deciduous.</b> 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> | <del>348.</del> | <b>Unified and coordinated building mounted signs:</b> Signs that are similar in construction technique, but not including font, or color.                                                                                                                                                                                                                                                                                                                                        |
| <u>350.</u> | <del>349.</del> | <b>Unified Ownership or Control</b> - 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> | <del>350.</del> | <b>Use, accessory:</b> See accessory use.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>352.</u> | <del>351.</del> | <b>Use:</b> <ol style="list-style-type: none"> <li>1. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied.</li> <li>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.</li> <li>3. The term "permitted use," or its equivalent, shall not be deemed to include any nonconforming use.</li> </ol> |
| <u>353.</u> | <del>352.</del> | <b>Utility line, distribution</b> – 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> | <del>353.</del> | <b>Utility line, service</b> – A utility line providing a connection between a utility distribution line and the end user.                                                                                                                                                                                                                                                                                                                                                        |
| <u>355.</u> | <del>354.</del> | <b>Utility line, transmission</b> – 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> | <del>355.</del> | <b>Wall plane projections:</b> An architectural feature or wall jutting out at least three (3) feet from the primary plane of a building wall.                                                                                                                                                                                                                                                                                                                                    |
| <u>357.</u> | <del>356.</del> | <b>Water feature:</b> 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> | <del>357.</del> | <b>Water surface profiles:</b> 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> | <del>358.</del> | <b>Watercourse:</b> 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> | <del>359.</del> | <b>Window sign:</b> A sign attached to, applied directly to, or located within twelve (12) inches from a door or window.                                                                                                                                                                                                                                                                                                                                                          |



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| <u>361.</u> | <del>360.</del> | <p><b>Yard Sale:</b> Permitted in Zoning Districts used for residential purposes provided the following is adhered to:</p> <ol style="list-style-type: none"> <li>1. A total of two (2) sales permitted per calendar year per street address.</li> <li>2. A sale shall not exceed two (2) consecutive days.</li> <li>3. Sale shall consist primarily of those personal items accumulated and used by the occupant of the premises.</li> <li>4. There shall be a minimum interval of four (4) months between sales.</li> <li>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.</li> <li>6. Signs advertising a sale are prohibited on street right-of-ways.</li> <li>7. Permitted sale shall not create adverse conditions such as noise, nor impede pedestrian or vehicular traffic.</li> </ol> |
| <u>362.</u> | <del>361.</del> | <b>Yard, front:</b> 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> | <del>362.</del> | <b>Yard, rear:</b> 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> | <del>363.</del> | <b>Yard, side:</b> The area between the side of a building and the side property lines                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>365.</u> | <del>364.</del> | <b>Zone, airport:</b> 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> | <del>365.</del> | <b>Zoning district:</b> The base or overlay zoning designation assigned to each parcel of land within the City of Lynchburg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <u>367.</u> | <del>366.</del> | <b>Zoning maps:</b> 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 |
|----------------------------------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| <b>RESIDENCE OR ACCOMMODATION FUNCTIONS</b>  | <b>1000</b>  | Homes, apartments, housing for the elderly, and hotels                                                                                                                                                                  |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Detached Units</b>                        | <b>1110S</b> |                                                                                                                                                                                                                         |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>single-household detached</b>             | <b>1111S</b> | Typical single-household dwelling                                                                                                                                                                                       | P  | P   | P   | P   | P   | P   | P   |     | C   |      | P    |     |     |     |
| <b>modular home</b>                          | <b>1114S</b> | A prefabricated home without axles or frames (see definitions)                                                                                                                                                          | P  | P   | P   | P   | P   | P   | P   |     | C   |      | P    |     |     |     |
| <b>manufactured home</b>                     | <b>1115S</b> | 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    |     |     |     |
| <b>manufactured home community</b>           | <b>1116S</b> | Includes manufactured home subdivision and manufactured home parks with 5 or more lots or sites (see definitions)                                                                                                       |    | C   | C   | C   | C   |     |     |     |     |      | C    |     |     |     |
| <b>Attached Units</b>                        | <b>1120S</b> |                                                                                                                                                                                                                         |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Two-household (duplex)</b>                | <b>1121S</b> | A building located on one (1) zoning lot containing not more than two (2) dwelling units                                                                                                                                |    |     |     | P   | P   | C   | C   |     | C   |      | P    |     |     |     |
| <b>single-household semi-detached</b>        | <b>1122S</b> | One of two dwellings separated by a party wall, on abutting lots                                                                                                                                                        |    |     |     | P   | P   |     |     |     | C   |      | P    |     |     |     |
| <b>single-household attached (townhouse)</b> | <b>1140S</b> | 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 |
|---------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| <b>GENERAL SALES OR SERVICES</b>                        | <b>2000</b>      | Comprises the vast majority of establishments associated with commercial land use                                                                                                                                                                       |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Retail Sales or Service and Repair</b>               | <b>2100</b>      | 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. |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Automobile sales or service establishment</b>        | <b>2110</b>      | Motor vehicle and parts dealers including repair and maintenance                                                                                                                                                                                        |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>car, motorcycle, manufactured homes or RV dealer</b> | <b>2111-2113</b> | New or used automobiles, light trucks, motorcycles, RV's, manufactured homes, and buses                                                                                                                                                                 |    |     |     |     |     |     |     |     | P   |      | P    |     |     |     |
| <b>bicycles</b>                                         | <b>2113b</b>     | New or used bicycle sales, rental and repair                                                                                                                                                                                                            |    |     |     |     |     | P   | P   | P   | P   |      | P    |     |     |     |
| <b>boat or marine craft dealer</b>                      | <b>2114</b>      | New or used boats sales, rental and related repair services                                                                                                                                                                                             |    |     |     |     |     |     |     | P   | P   |      | P    |     |     |     |
| <b>parts, accessories, or tires</b>                     | <b>2115</b>      | Automotive parts and supply stores, automotive stereo stores.                                                                                                                                                                                           |    |     |     |     |     |     | P   | P   | P   |      | P    |     |     |     |
| <b>gasoline service</b>                                 | <b>2116</b>      | 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   |
| <b>automotive repair and maintenance</b>                | <b>2117</b>      | Repair garages, body and paint shops, oil change, car wash                                                                                                                                                                                              |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>light auto repair (automobile service station)</b>   | <b>2117a</b>     | Oil change, light auto repair and car wash. May include gasoline and other retail sales.                                                                                                                                                                |    |     |     |     |     |     | C   | C   | P   |      | P    |     | P   | P   |
| <b>heavy auto repair</b>                                | <b>2117b</b>     | 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 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| <b>truck stop</b>                                                                                                                                                 | <b>2118</b>      | Retailing fuels primarily to trucks or in combination with activities such as providing repair or food services                                                                                                                                                                                                                                             |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Heavy consumer goods sales or service</b>                                                                                                                      | <b>2120</b>      | Heavy or durable goods sales or services                                                                                                                                                                                                                                                                                                                    |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances</b> | <b>2121-2125</b> | 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    |     |     |     |
| <b>lumber yard and building materials; heating and plumbing equipment; heavy equipment</b>                                                                        | <b>2126-2128</b> | 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   |
| <b>Durable consumer goods sales and service</b>                                                                                                                   | <b>2130</b>      | Wide range of product lines such as apparel, appliances, hardware, jewelry, etc.                                                                                                                                                                                                                                                                            |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>computer and software</b>                                                                                                                                      | <b>2131</b>      | 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 |
|--------------------------------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| <b>commercial, industrial or consumer machinery and equipment rental</b> | <b>2334 - 2335</b> | Rent or lease:<br>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)<br>personal and household-type goods and a range of equipment geared toward consumers |    |     |     |     |     |     |     |     | P   |      | P    |     | P   | P   |
| <b>heavy equipment rental</b>                                            | <b>2337</b>        | Includes construction vehicles with gross weights exceeding 26,000 pounds and agricultural vehicles                                                                                                                                                                                                                                                                        |    |     |     |     |     |     |     |     |     |      |      |     | P   | P   |
| <b>Business, Professional, Scientific, and Technical</b>                 | <b>2400</b>        | Perform professional, scientific, and technical services                                                                                                                                                                                                                                                                                                                   |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Professional services</b>                                             | <b>2410</b>        | d) Services provided depend on worker skills and knowledge rather than equipment                                                                                                                                                                                                                                                                                           |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Professional offices</b>                                              | <b>2411- 2414</b>  | Title abstract, lawyers, notaries, accountants, bookkeeping, payroll services, architects, engineers, surveyors, graphic design, interior design and industrial design                                                                                                                                                                                                     |    |     |     |     |     | P   | P   | P   | P   |      | P    |     |     |     |
| <b>consulting services (management, environmental technical)</b>         | <b>2415</b>        | Advise and assist businesses on management, scientific, and technological issues                                                                                                                                                                                                                                                                                           |    |     |     |     |     | P   | P   | P   | P   |      | P    | P   |     |     |
| <b>scientific research and development services</b>                      | <b>2416</b>        | 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 |
|--------------------------------------------------------------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| <b>Advertising, media and photography services</b>                       | <b>2417</b>             | Includes advertising, marketing and public relations agencies, photographic studios and photographic services.                                               |    |     |     |     |     |     | P   | P   | P   |      | P    | P   |     |     |
| <b>veterinary services</b>                                               | <b>2418</b>             | Veterinary medicine, testing services for veterinary practitioners                                                                                           |    |     |     |     |     |     | C   | P   | P   |      | P    |     |     |     |
| <b>other professional offices</b>                                        | <b>2419, 6810, 6820</b> | Includes advertising and media services intellectual property rights, franchising, labor, political or business organizations, and uses with similar impacts |    |     |     |     |     | P   | P   | P   | P   |      | P    |     |     |     |
| <b>Administrative services</b>                                           | <b>2420</b>             | Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)                                   |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>office administrative services</b>                                    | <b>2421</b>             | Office administration such as billing, record keeping, personnel, organizational planning                                                                    |    |     |     |     |     | P   | P   | P   | P   |      | P    | P   |     |     |
| <b>facilities support services</b>                                       | <b>2422</b>             | Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.                            |    |     |     |     |     | P   | P   | P   | P   |      | P    | P   |     |     |
| <b>employment agency</b>                                                 | <b>2423a</b>            | Provide employee placement, temporary help                                                                                                                   |    |     |     |     |     | P   | P   | P   | P   |      | P    |     |     |     |
| <b>hiring hall</b>                                                       | <b>2423b</b>            | Place of assembly for the registration or assignment of employment                                                                                           |    |     |     |     |     |     |     |     | P   |      | P    |     |     |     |
| <b>copy center, private mail center, other business support services</b> | <b>2424</b>             | Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, internet access, small signs and banners               |    |     |     |     |     | P   | P   | P   | P   |      | P    | P   |     |     |
| <b>collection agency</b>                                                 | <b>2425</b>             | Collect payments, compile credit information, repossess tangible assets                                                                                      |    |     |     |     |     | P   | P   | P   | P   |      | P    |     |     |     |







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











[illegible]



| 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 |
|---------------------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| <b>Transportation Services</b>                                                              | <b>4100</b>               | Serve passengers and cargo movements                                                                                                                                                                               |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Air transportation</b>                                                                   | <b>4110</b>               | Provide transportation for passengers or cargo using aircraft (see section 35.2-72.10 for rules related to heliports and helipads)                                                                                 |    |     |     |     |     |     |     |     |     |      |      | C   | P   | P   |
| <b>Rail transportation</b>                                                                  | <b>4120</b>               | 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 |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>rail passenger transportation</b>                                                        | <b>4121</b>               | Passenger stations only                                                                                                                                                                                            |    |     |     |     |     |     |     | P   | P   |      | P    | P   | P   | P   |
| <b>rail freight transportation</b>                                                          | <b>4122</b>               | Rail yards for freight systems; excludes accessory sidings allowed within the I-2 and I-3 districts                                                                                                                |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>rail transportation support establishment</b>                                            | <b>4123</b>               | Provide specialized services such as repair, maintenance, loading and unloading                                                                                                                                    |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Road, ground passenger, and transit transportation</b>                                   | <b>4130</b>               | Urban transit systems, charter and school bus transportation, taxis                                                                                                                                                |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>local transit systems-- bus, special needs, sightseeing, taxi and limousine services</b> | <b>4133 - 4136 - 4137</b> | 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   |
| <b>school and employee bus transportation</b>                                               | <b>4135</b>               | Maintain and dispatch buses and other motor vehicles to transport pupils or employees                                                                                                                              |    |     |     |     |     |     |     |     |     |      | P    |     | P   | P   |
| <b>towing and other road and ground services</b>                                            | <b>4138</b>               | 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 |
|--------------------------------------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| <b>Truck and freight transportation services</b> | <b>4140</b>            | Provide over-the-road transportation of cargo using motor vehicles and temporary storage                                                                                                              |    |     |     |     |     |     |     |     | C   |      | C    |     | P   | P   |
| <b>Marine and water transportation</b>           | <b>4150</b>            | Provide transportation of passengers and cargo using watercraft                                                                                                                                       |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>marine and sightseeing transportation</b>     | <b>4151</b>            | Provide water transportation, including scenic and sightseeing, for passengers                                                                                                                        |    |     |     |     |     |     |     | P   |     |      |      |     |     |     |
| <b>Pipeline transportation</b>                   | <b>4170</b>            | Use transmission lines to transport products, such as crude oil or natural gas                                                                                                                        |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Postal services</b>                           | <b>4180</b>            | Operate the national postal service, including establishments that sort, route, and deliver on a contract basis                                                                                       |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>national post office</b>                      | <b>4181</b>            |                                                                                                                                                                                                       |    |     |     |     |     | P   | P   | P   | P   |      | P    |     |     |     |
| <b>retail courier and package delivery</b>       | <b>4182</b>            | Retail courier, package drop-off and mail services                                                                                                                                                    |    |     |     |     |     | P   | P   | P   | P   |      | P    |     | P   | P   |
| <b>Courier and messenger services</b>            | <b>4190</b>            | 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   |
| <b>Publishing</b>                                | <b>4210 &amp; 4221</b> | 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 |
|---------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| <b>Motion pictures and sound recording</b>                                | <b>4220</b>                  | Produce and distribute motion pictures and sound recordings (includes indoor movie but excludes drive-in movie theaters)                                       |    |     |     |     |     |     | P   | P   | P   |      | P    | P   | P   | P   |
| <b>Telecommunications and broadcasting</b>                                | <b>4230</b>                  | Provide point-to-point communications; if multiple services are shared between the same facilities,                                                            |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>radio and television broadcasting</b>                                  | <b>4231, 4232 &amp; 4241</b> | 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   |
| <b>wireless telecommunications transmission</b>                           | <b>4233</b>                  | 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   |
| <b>telephone and other wired telecommunications</b>                       | <b>4234</b>                  | Operate telephone networks – excludes switching stations                                                                                                       | P  | P   | P   | P   | P   | P   | P   | P   | P   |      | P    | P   | P   | P   |
| <b>Telecommunications switching stations/exchanges</b>                    | <b>4239</b>                  | Telecommunications switching stations and exchanges with no on-site employees                                                                                  | C  | C   | C   | C   | C   | C   | C   | C   | C   | C    | P    | C   | P   | P   |
| <b>Information services and data processing and management industries</b> | <b>4240</b>                  | News syndicates and information data processing and management services                                                                                        |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>library or archive</b>                                                 | <b>4242</b>                  | Provide library or archive services                                                                                                                            |    | C   | C   | P   | P   | P   | P   | P   | P   |      | P    | P   | P   | P   |
| <b>news syndicate</b>                                                     | <b>4243</b>                  | Supply information such as news reports, articles, pictures and features to the news media                                                                     |    |     |     |     |     |     |     | P   | P   |      | P    | P   | P   | P   |
| <b>data processing and management, hosting and related services</b>       | <b>4244</b>                  | Web hosting, computer data storage, optical scanning, computer input preparation, microfilm imaging                                                            |    |     |     |     |     | P   | P   | P   | P   |      | P    | P   | P   | P   |











| Land Use                                                                                                                     | LBCS #      | Description                                                                                                                                                                                                                                       | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| solid waste collection, combustion, landfills or separation/sorting of recyclable materials from non-hazardous waste streams | 4343 - 4347 | Collect or haul hazardous waste, non-hazardous waste, or recyclable materials; operate waste transfer stations; landfill, incineration or composting of non-hazardous solid waste, recycling facilities; septic tank installation and maintenance |    |     |     |     |     |     |     |     |     |      |      |     |     | C   |
| Wastewater treatment plants                                                                                                  | 4348        |                                                                                                                                                                                                                                                   | C  |     |     |     |     |     |     |     |     |      |      |     |     | C   |
| recycling collection centers                                                                                                 | 4349        | Drop-off facilities for the collection of recycled goods                                                                                                                                                                                          |    |     |     |     |     |     |     |     | P   |      | P    | P   | P   | P   |
| ARTS, ENTERTAINMENT, AND RECREATION                                                                                          | 5000        |                                                                                                                                                                                                                                                   |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| Performing Arts or Supporting Establishments                                                                                 | 5100        | Produce or organize and promote live presentations, excludes nightclubs                                                                                                                                                                           |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| Theater, dance or music establishment                                                                                        | 5110 & 5160 | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment; includes facilities for independent artists and performers                                                          |    |     |     |     |     | P   | P   | P   | P   |      | P    |     |     |     |
| Motion picture viewing and exhibition services                                                                               | 5111        | Operate movie theaters (excluding drive-ins), film festival exhibitions                                                                                                                                                                           |    |     |     |     |     | P   | P   | P   | P   |      | P    |     |     |     |
| Promoter of sports, performing arts, similar events and management services                                                  | 5140 - 5150 | Organize, promote, and manage performances and events; agents representing artists, athletes and entertainers                                                                                                                                     |    |     |     |     |     | P   | P   | P   | P   |      | P    | P   | P   |     |
| Indoor auditorium or arena                                                                                                   | 5170        | Indoor auditoriums, arenas, conference centers, or multipurpose facilities                                                                                                                                                                        |    |     |     |     |     |     | C   | C   | C   |      | C    | C   | C   | C   |
| Outdoor auditorium/arenas                                                                                                    | 5180        | Outdoor arenas and theaters                                                                                                                                                                                                                       |    |     |     |     |     |     |     | C   | C   |      | C    | C   | C   | C   |
| Museums and Other Special Purpose Recreational Institutions                                                                  | 5200        | Public and private museums, historical sites, and similar establishments                                                                                                                                                                          | C  | C   | C   | P   | P   | P   | P   | P   | P   |      | P    |     |     |     |







| Land Use                                                                     | LBCS #                       | Description                                                                                                                                                                                         | RC | R-1 | R-2 | R-3 | R-4 | B-1 | B-3 | B-4 | B-5 | IN-1 | IN-2 | I-1 | I-2 | I-3 |
|------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| <b>Camps, Camping, and Related Establishments</b>                            | <b>5400</b>                  | 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    |     |     |     |
| <b>Natural and other Recreational Parks</b>                                  | <b>5500</b>                  | All parks without special economic functions, other than limited concessions                                                                                                                        | P  | P   | P   | P   | P   | P   | P   | P   | P   | P    | P    | P   | P   | P   |
| <b>EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS</b> | <b>6000</b>                  | Note that City-owned facilities are not subject to zoning district use standards                                                                                                                    |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Educational Services</b>                                                  | <b>6100</b>                  | Offer teaching and learning                                                                                                                                                                         |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>Nursery or preschool</b>                                                  | <b>6110</b>                  | See district standards                                                                                                                                                                              |    | P   | P   | P   | P   | P   | P   | P   | P   | P    | P    |     |     |     |
| <b>Grade school</b>                                                          | <b>6120</b>                  | 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    |     |     |     |
| <b>College or university</b>                                                 | <b>6130</b>                  | See district standards                                                                                                                                                                              |    | P   | P   | P   | P   | P   | P   | P   | P   | P    | P    |     |     |     |
| <b>Technical, trade, or other specialty school</b>                           | <b>6140 &amp; 6568</b>       | Offer vocational and technical training as well as vocational rehabilitation services                                                                                                               |    |     |     |     |     |     |     |     |     |      |      |     |     |     |
| <b>general technical schools</b>                                             | <b>6141-6143, 6145, 6147</b> | 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    |     |     |     |
| <b>driving education</b>                                                     | <b>6144</b>                  |                                                                                                                                                                                                     |    |     |     |     |     |     | P   |     | P   |      | P    |     |     |     |
| <b>flight training</b>                                                       | <b>6146</b>                  | Offer aviation and flight training                                                                                                                                                                  |    |     |     |     |     |     |     |     |     |      | 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 |
|----------------------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|-----|-----|-----|
| 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    |     |     |     |
| <b>CONSTRUCTION-RELATED BUSINESSES</b>             | <b>7000</b> | 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   |
| <b>AGRICULTURE, FORESTRY, FISHING, AND HUNTING</b> | <b>9000</b> | 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 27<sup>th</sup>.
- 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.





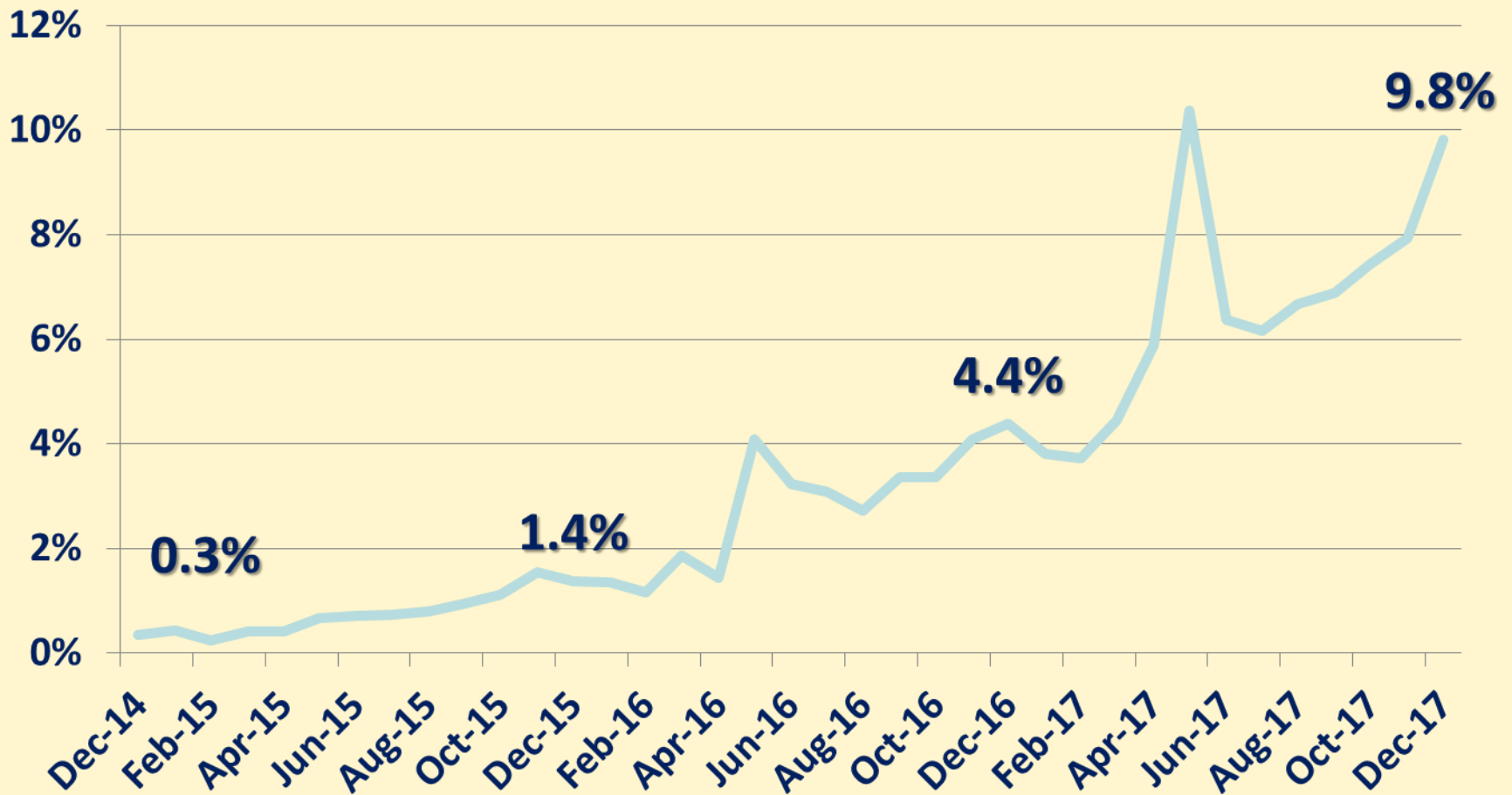
# Definition

*"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

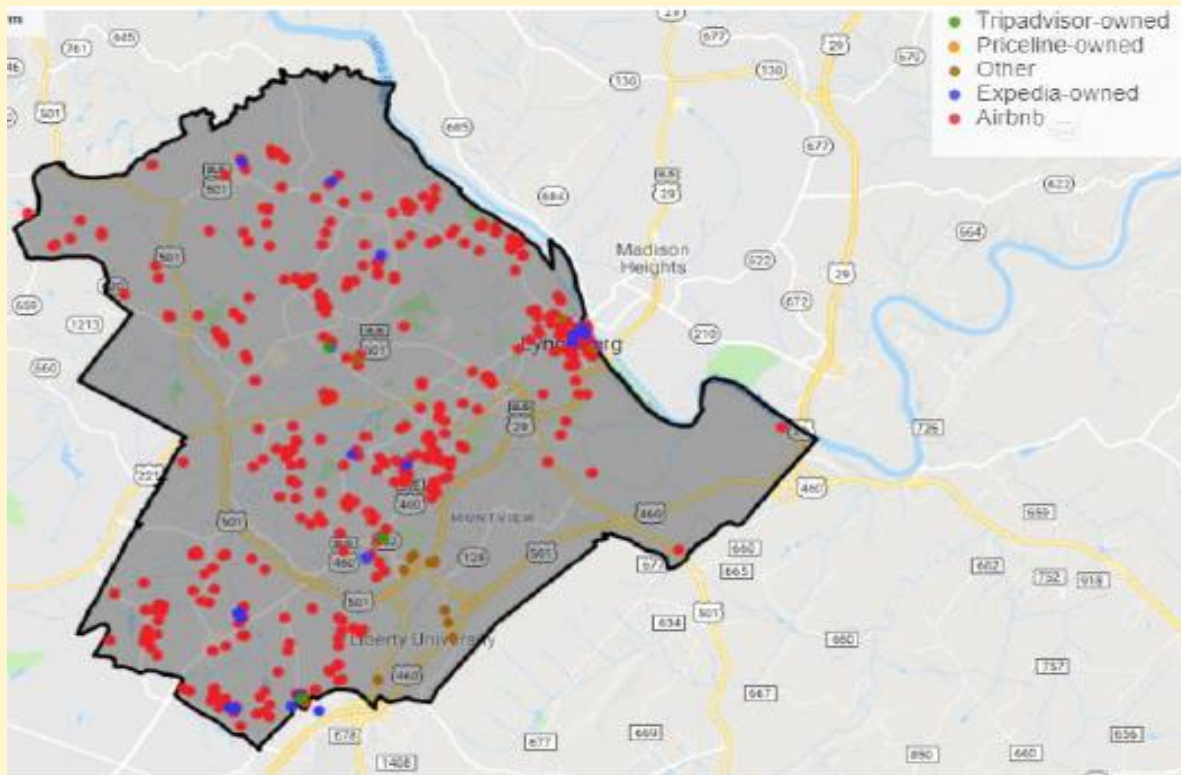


Source: Commissioner of Revenue, City of Lynchburg and AirDNA data received in January 2018, excluding shared rooms





# August 2018 Summary Data

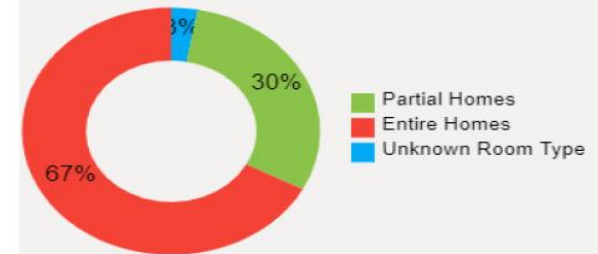


- 403 listings, representing 365 unique rental units
- \$75 estimated median nightly
- 2/3rds of the units were single family homes.
- 2/3rds of the hosts rented the entire home

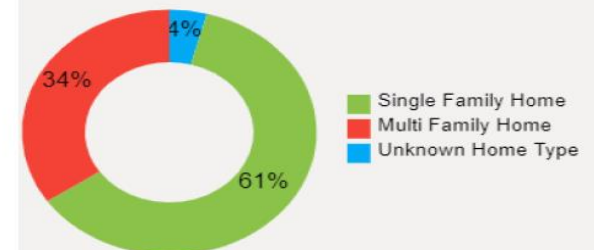


Median Nightly Rate  
(USD)  
**\$75**

## 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                                                                                           | <ul style="list-style-type: none"> <li>Improved operator information</li> <li>User fee creates modest equity</li> <li>Stronger enforcement for hosts that repeatedly violate code</li> </ul>                          | <ul style="list-style-type: none"> <li>Would require additional vendor monitoring</li> <li>Difficult to identify condos and apartment short-term rentals</li> </ul>                                                 |    |
| Voluntary collection agreement with airbnb                                                                     | <ul style="list-style-type: none"> <li>Airbnb charges tax when guest registers; voluntarily remits</li> <li>Airbnb platform has majority of Lynchburg market share</li> <li>No additional staff/monitoring</li> </ul> | <ul style="list-style-type: none"> <li>Not equitable; does not include other platforms</li> <li>Airbnb does not provide host info for enforcement</li> <li>Taxes cannot be audited</li> </ul>                       |    |
| Hosts required to remit lodging tax                                                                            | <ul style="list-style-type: none"> <li>Equitable to lodging industry and other platforms</li> <li>Improved operator information for enforcement</li> </ul>                                                            | <ul style="list-style-type: none"> <li>Would require additional staff and vendor monitoring</li> <li>Hosts submit taxes monthly</li> <li>Difficult to verify lodging tax remitted by hosts</li> </ul>               |    |
| Additional land use or inspection requirements (i.e. prohibit, require public hearing, rental unit inspection) | <ul style="list-style-type: none"> <li>Use is clearly defined</li> <li>Additional measure of safety for guests and residents (smoke detectors, extinguishers, etc.)</li> </ul>                                        | <ul style="list-style-type: none"> <li><b>May</b> require additional staff and vendor monitoring</li> <li>Difficult to enforce</li> <li>Loss of revenue and tourism</li> <li>General Assembly action (?)</li> </ul> |    |
| No action                                                                                                      | <ul style="list-style-type: none"> <li>No additional staff/monitoring</li> <li>Limited number of complaints</li> </ul>                                                                                                | <ul style="list-style-type: none"> <li>Difficult to identify/enforce</li> <li>Equity to lodging industry</li> </ul>                                                                                                 |    |



# 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 11<sup>th</sup> 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](mailto: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<br>X<br>your consideration<br>of this amendment |
| Phil Albini         | Man Sotell Dr        |       |          | X             |                                                           |
| Demetrius Alexander | 5 Denver Ave         |       |          | X             |                                                           |
| Perrek Hart         | 1 Old Bonstone       |       |          | X             |                                                           |
| Patricia Melrose    | 6 Bethel Park Dr     |       | 4X       | X             |                                                           |
| Melissa Phelps      | 7 Wedgewood R        |       |          | X             |                                                           |
| April Tucker        | Bethel Park Dr       |       | X        |               |                                                           |
| Jen Redmond         | Dumas                |       |          | X             |                                                           |
| Jim Ruff            | 1 Fort Ave 21        |       |          | X             |                                                           |
| Johanna Culfee      | Church St.           |       |          | X             |                                                           |
| D. Gendrin          |                      |       |          |               |                                                           |
| Ginger Christinas   | 1 Radcliffe          |       |          |               |                                                           |
| Emily Zymer         | Carsing Ave          |       |          | X             |                                                           |
| Sarah Blanchette    | 0 Meadowbrook Rd     |       |          | X             |                                                           |
| Karl Miller         | Manning Rd<br>2-7009 |       |          |               |                                                           |
| Dawn Decker         | E Brandt             |       |          | X             |                                                           |



**March 27, 2019**

**PLEASE PRINT**

[illegible]

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

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

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

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

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

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

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

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

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

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







# Memorandum

Planning Division • Community Development

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

To: Planning Commission

From: Tom Martin, AICP, City Planner

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

Date: February 27, 2019

Re: Short-term Rental Discussion

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

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

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

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

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



**NO CHANGE**

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

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

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

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

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

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

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

**NO CHANGE**

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

**NO CHANGE**

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

**NO CHANGE**

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

**NO CHANGE**

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

**NO CHANGE**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Martin asked them to discuss the number of individuals that can occupy a STR. Commissioner Johnson noted that the trend is to use an STR for a girls' weekend or wedding parties, so she has a problem with limiting it to three individuals. Commissioner Rogers suggested that Blacksburg has set it as six. It's not ten as Commission Light had suggested at the January 23<sup>rd</sup> 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  
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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.**



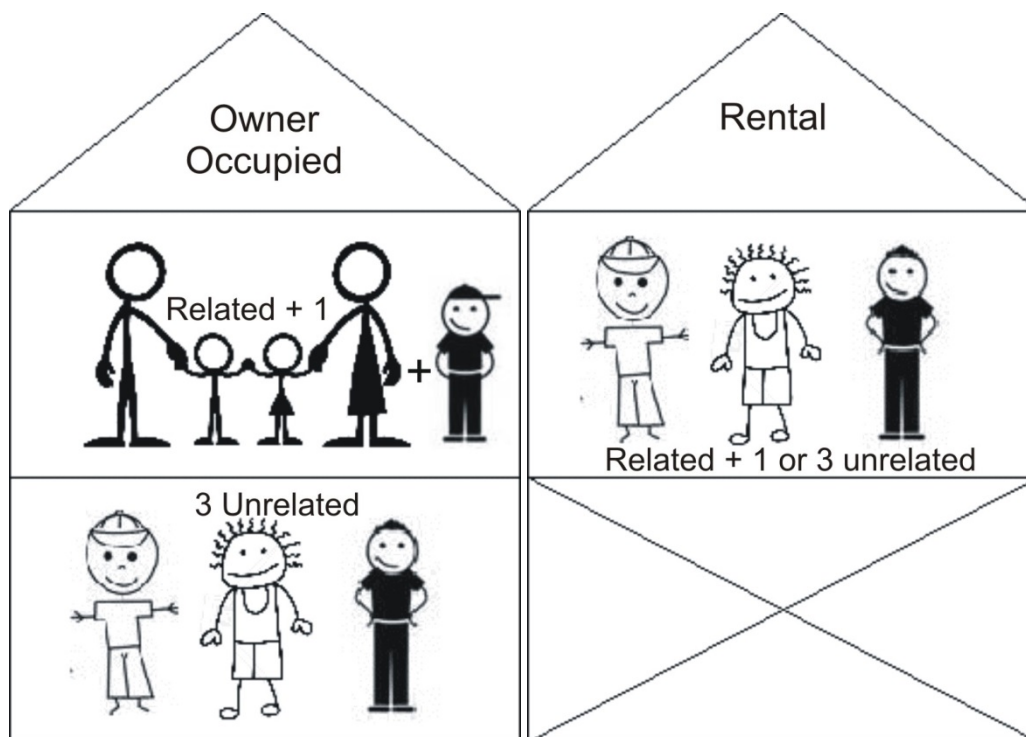
The *Zoning Ordinance* requires owner occupancy in the R-1 & R-2 Districts to allow the use of an accessory dwelling unit. The accessory dwelling may be established in the principal dwelling unit, provided there is one (1) main entrance located in the front of the building and the building has no outside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

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**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

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## **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: **August 13, 2019**

AGENDA ITEM #: **3**

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

**ITEM TITLE: Capital Improvement Project 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 resulting from the PDC meeting in July:

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:

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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 Presentation – Capital Improvement Project Prioritization  
Sample Capital Improvement Project Rating Sheet

REVIEWED BY: raw





# Capital Improvement Project Prioritization

City Council Work Session  
August 13, 2019



# Objectives

- Purpose: Provide an overview of the City's Capital Improvement Program (CIP) 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                |
| <b>Priority Classification</b>                     |                                                                               |             |                      |
| Mandatory                                          | Protection of life or public health & safety, or legally required             | 10          | <input type="text"/> |
| 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           |                      |
| <b>Priority Ranking</b>                            |                                                                               |             |                      |
| Very High                                          | 0 - 2 years                                                                   | 10          | <input type="text"/> |
| High                                               | 2 - 3 years                                                                   | 7           |                      |
| Medium                                             | 3 - 5 years                                                                   | 5           |                      |
| Low                                                | 5 years and beyond                                                            | 2           |                      |
| <b>Expected Useful Life</b>                        |                                                                               |             |                      |
| 20+ years                                          | Estimated life of the project and/or equipment                                | 10          | <input type="text"/> |
| 10-19 Years                                        |                                                                               | 5           |                      |
| 5-9 Years                                          |                                                                               | 2           |                      |
| <5 years                                           |                                                                               | 0           |                      |
| <b>Failure Potential</b>                           |                                                                               |             |                      |
| High                                               | Failures experienced; clay pipe; exceeding capacity                           | 10          | <input type="text"/> |
| 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           |                      |
| <b>Benefit Potential / Effect of Failure</b>       |                                                                               |             |                      |
| High                                               | Critical customers, businesses, and/or many customers affected if failure     | 10          | <input type="text"/> |
| Medium                                             | Some customers and/or small businesses affected                               | 5           |                      |
| Low                                                | Few customers possibly affected, no businesses                                | 2           |                      |
| N/A                                                |                                                                               | 0           |                      |
| <b>Effect on Operating &amp; Maintenance Costs</b> |                                                                               |             |                      |
| Reduce Cost                                        | Reduced personnel time, material/chemical costs, reporting requirements, etc. | 10          | <input type="text"/> |
| Cost Unchanged                                     |                                                                               | 5           |                      |
| Increase Cost                                      | Additional time, material/chemical costs, flushing, etc.                      | 2           |                      |
| <b>Effect on Revenue</b>                           |                                                                               |             |                      |
| Increase Revenue                                   |                                                                               | 10          | <input type="text"/> |
| Unchanged                                          |                                                                               | 5           |                      |
| Decrease Revenues                                  |                                                                               | 2           |                      |
| <b>Environmental Impact</b>                        |                                                                               |             |                      |
| High                                               | Overflows travel to waterways; loss of water service experienced              | 10          | <input type="text"/> |
| Medium                                             | Overflows to grass                                                            | 5           |                      |
| Low / None                                         |                                                                               | 0           |                      |
| <b>Total Score:</b>                                |                                                                               | <b>0</b>    |                      |





# Example – City of Martinsville

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

| 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:                                                                                                                                                                                                                                                                       |                          |
| Communication:                                                                                                                                                                                                                                                                               |                          |
| Utilities/Infrastructure:                                                                                                                                                                                                                                                                    |                          |
| Equip/Furn/Fixtures:                                                                                                                                                                                                                                                                         |                          |
| Contingency:                                                                                                                                                                                                                                                                                 |                          |
| Other:                                                                                                                                                                                                                                                                                       |                          |
| Total Estimated Costs:                                                                                                                                                                                                                                                                       |                          |
| Project Funding Sources:                                                                                                                                                                                                                                                                     |                          |
| A. Capital Funds:                                                                                                                                                                                                                                                                            |                          |
| B. Debt Proceeds:                                                                                                                                                                                                                                                                            |                          |
| C. State Aid:                                                                                                                                                                                                                                                                                |                          |
| D. Federal Aid:                                                                                                                                                                                                                                                                              |                          |
| E. Other:                                                                                                                                                                                                                                                                                    |                          |
| Total Funding Req'd:                                                                                                                                                                                                                                                                         |                          |
| Proposed line time to use: (name & number) <input type="text"/>                                                                                                                                                                                                                              |                          |
| <b>Department Ranking Criteria and Codes:</b>                                                                                                                                                                                                                                                |                          |
| 1. Protection of life                                                                                                                                                                                                                                                                        | A. Urgent                |
| 2. Maintenance of public health                                                                                                                                                                                                                                                              | B. Necessary             |
| 3. Protection of property                                                                                                                                                                                                                                                                    | C. Desirable             |
| 4. Maintenance of physical prop                                                                                                                                                                                                                                                              | D. Deferrable            |
| 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                                                                                                                                                                                                                                                            |                          |
| *Please rank this project by choosing the most appropriate number 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.**

(rev. 9/11/17)



# 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 eligible 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.vasmartyscale.org/>





# Example – Central Virginia Planning District Long Range Transportation Plan

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

| Theme                                                                                                                             | Performance Factors                       | Weight Relative to Goal |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------|
| <b>Mobility and Accessibility:</b><br>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%                     |
|                                                                                                                                   | <b>Total</b>                              | <b>100%</b>             |
| <b>Safety:</b> Provide a safe and secure transportation system                                                                    | A. Accident Rate                          | 61%                     |
|                                                                                                                                   | B. Safety Features                        | 39%                     |
|                                                                                                                                   | <b>Total</b>                              | <b>100%</b>             |
| <b>Economy:</b> Retain and increase business and employment opportunities                                                         | A. Economic Development Plans             | 25%                     |
|                                                                                                                                   | B. Commuter Travel                        | 44%                     |
|                                                                                                                                   | C. Surrounding Employment Density         | 31%                     |
|                                                                                                                                   | <b>Total</b>                              | <b>100%</b>             |
| <b>Community and Nature:</b> 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%                     |
|                                                                                                                                   | <b>Total</b>                              | <b>100%</b>             |
| <b>Efficiency:</b> 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%                     |
|                                                                                                                                   | <b>Total</b>                              | <b>100%</b>             |



# Grant Funding Considerations

- Very little local funding available for transportation projects
- Engineering and Parks and Recreation 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 |
|                                       |                                                                                                                                              |                       |                      |                                                |                          |                 |                                   |                                        |                      |      |                      |                                     |         |                    |                                   |               |                                 |                     |                         |                                                       |                                          |                                         |                                      |                       |                                   |                                                                |               |
|                                       |                                                                                                                                              |                       |                      |                                                |                          |                 |                                   |                                        |                      |      |                      |                                     |         |                    |                                   |               |                                 |                     |                         |                                                       |                                          |                                         |                                      |                       |                                   |                                                                |               |
| 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         |



// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of June, 2019 at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following Members were present:

Present: Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau Wright,

Treney Tweedy 6

Absent: Mary Jane Dolan 1

// The representative for the first item on the agenda regarding Anchor Institution Engagement Strategy had a flight delay. Mayor Tweedy suggested they switch items 1 and 2 on the agenda and the councilmembers were in consensus to make this change.

//In the matter of Engineering, Roundabouts, Mr. Lee Newland gave an overview on their appropriate placement, benefits, detriments and costs associated with the construction of roundabouts as compared with traditional, stop lights or signs. Roundabouts should be considered for high crash rate locations, heavy left turn volumes and intersection with large traffic delays and under 30,000 vehicles per day. The largest and most important benefit of roundabouts is increased traffic safety. Other benefits are traffic calming, increased operational performance, environmental benefits, aesthetics and ongoing operations and maintenance costs are lower. There is an 89% reduction in fatalities, a 76% reduction in injuries and a 35% reduction in overall crashes. A typical four-leg intersection contains 32 conflict points. A roundabout contains only 8 conflict points. All vehicles travel in the same direction, never crossing paths, which dramatically reduces head-on and right angle crashes. Angle and left turn crashes account for 63% of fatal crashes. A roundabout eliminates angle and left turn crashes by forcing vehicles to make a right turn in and out. Crashes that do occur in a roundabout are sideswipe in nature and less severe due to low vehicles speeds.

Roundabouts also offer environmental benefits by reducing stops, improving drive time, reducing noise, reducing air quality impacts and reducing fuel consumption. There are also aesthetic benefits from improved landscaping, they create a gateway into communities and also calm traffic. Their ongoing operations and maintenance costs are lower and save approximately \$5,000 annually. The savings to the public are cost savings due to a reduction in crashes and savings in gas. One gallon of fuel is saved per 365 vehicles per day. The Odd Fellows Road/Mayflower Drive roundabout saves 55 gallons of fuel per day, which is a savings of \$50,000 per year.

Some detriments of roundabouts are drivers get confused when they are not familiar with the traffic pattern. They require larger right-of-way space because they require more land than traditional intersections. There is no traffic control device (opticom) for emergency vehicles. Bicycles have a difficult time navigating them, especially in multi-lane roundabouts. They also cannot be placed in progression corridors (ones with timed lights) unless they are at the beginning or the end.

The initial construction costs for roundabouts are significantly higher than signals. Operationally, roundabouts cost less than signals. Environmentally, roundabouts cost less than signals. Safety considerations are by far the major benefit of roundabouts and create the largest cost/benefit advantage over signals. The most recent roundabouts in Lynchburg are the Logans Lane roundabout, which costs \$2.6 million and Liberty Mountain Drive roundabout, which cost \$5.99 million. Both Odd Fellows road and Park Avenue were part of larger projects and their costs are not broken out. The cost of right-of-way varies depending on the size of the roundabout and any

existing right-of-way. In the conceptual design, there have to be high contingencies factored in for unknown utilities, draining, landscaping, etc. The funding sources of the Virginia Department of Transportation (VDOT) and federal requirements often increase costs. Additionally, inflation has to be factored in as funds are often not available for up to six years. The nine most recent SMART SCALE applications that were approved for funding averaged \$5.41 million.

Councilmember Helgeson suggested that if the cost of roundabouts keeps going up, they may need to look at other options, especially the utility and crash data do not support spending that much money. Councilmember Helgeson remarked that the Fifth Street roundabout only cost \$250,000, and they are now costing millions of dollars.

Councilmember Perrow commented that he does not think the Fifth Street roundabout only cost \$250,000. The majority of the costs on Fifth Street were for utilities and the roundabout was an add-on. He thinks they are effective at moving traffic and he can definitely appreciate the safety benefits. He would like them to look at a better way of moving pedestrians. You cannot see the pedestrian unless you are the first car and he has seen a lot of people coming to an abrupt stop to avoid hitting a pedestrian. Drivers are not expecting cars to stop in the middle of the roundabout. Additionally, the truck turning area is brick and unfortunately some people mistake it for a sidewalk. He has often seen people walking in the middle of the roundabout.

Mr. Newland explained that they have learned a lot from the Fifth Street roundabout. The Odd Fellows Road and the Park Avenue roundabouts do not have brick. They have stamped concrete. The pedestrian crossings have been pushed back from the roundabouts so you can get at least one car between the crosswalk and the roundabout. Councilmember Perrow noted that the complaint he has heard about the Park Avenue one is that you have to go all the way around to turn right according to the signage. Obviously, a car can do it but not a truck and people are worried they are violating something if they go ahead and turn. To him, that is clearly a truck indication or a large vehicle indication.

Councilmember Perrow asked how much a traffic signal costs and Mr. Newland said it is approximately \$250,000 to \$275,000 for a replacement light. New construction varies because there might turn lanes that have to be constructed. Councilmember Perrow noted that is significantly less than \$6 million. From a policy standpoint, we need to look at the utility and understand there is considerable savings on an annual basis to the public. Ten percent of those savings are a savings to the locality. We just need to be mindful and look at it from a fiscal standpoint and what is the most responsible use of funds. He acknowledges the environmental, aesthetic and safety benefits. It is just so hard for him to understand why it costs \$6 million for some asphalt with some curb. He is trying to compare them to how much road you might get for \$6 million. He thinks you would probably get less than a mile. Councilmember Helgeson is not sure there is much environmental savings unless you also improve the interchanges up and down from the roundabout. Councilmember Perrow noted that they could extend the project to encompass more with the same dollars. Councilmember Helgeson commented that he likes the traffic signalization timing that was done on Wards Road.

From a policy standpoint, Councilmember Perrow would like to see a cost/benefit analysis between roundabouts and traffic signals on each project presented to them instead of just defaulting to a roundabout.



Mr. Newland said it is the recommendation of the Virginia Department of Transportation (VDOT) to first look at roundabouts. If it will not work, then look at signals. Councilmember Perrow agreed they should look at roundabouts but also have alternatives in line and look at the cost/benefits between a roundabout and the alternatives.

Councilmember Wilder thanked Mr. Newland for the presentation. He said he is still trying to understand the roundabout on Atlantic Avenue and is somewhat challenged by it. Councilmember Wilder asked Mr. Newland if he could break down the \$6 million. Mr. Newland estimated that the cost to construct the roundabout is approximately \$3.5 million. By the time you add the 20 to 25 percent contingency on top of it and 3 percent per year for inflation and 35 percent for the cost of a federally funded project, you get to \$6 million fairly quickly. The 35 percent increase for it being a federally funded project is due to additional paperwork and reporting and testing and other items they have to do to meet federal regulations. Councilmember Wilder said it was helpful to understand that it is VDOT's recommendation to look at a roundabout before other improvements are considered.

Councilmember Helgeson asked if the cost of acquiring right-of-way is included in the construction costs. Mr. Newland said the right-of-way costs are included in the construction cost figures. Councilmember Helgeson wanted to know if the right-of-way costs are significant and Mr. Newland said it varies with the project. He apologized for not having his budget notes with him as they would help him to better answer that question.

Councilmember Nelson said he agrees with the comments that have been made about the relative costs and balancing those against what you could have if you went with a conventional construction approach. He thinks it is careless to slap a \$6 million price tag on a roundabout. We do not know the characteristics of the other roundabouts approved for SMART SCALE funds that were on Mr. Newland's slide. He noted that the cost of the Logans Lane roundabout may be artificially low because the City already owned most of the property needed to do that roundabout. He also noted that the cost of the Langhorne Road/Vasser Street roundabout was going to be very high because of topography issues and acquiring a great deal of the retirement home property. He asked Mr. Newland if there are any considerations for building a roundabout in any street in Lynchburg that would not qualify for any federal or state funding. Unless it is a high volume intersection, most streets that would have a roundabout would be on a highway that would qualify for both which would involve reimbursement. Mr. Newland explained that the roundabout on Atlanta Avenue is a mini roundabout. It was done entirely with local funding and the pavement was so wide, the room was already there. There is another one they are working designing for Yorktown Avenue/Atherholt Road that is the same situation. As far as a large roundabout, the one at Fifth Street was done without federal or state funding. Councilmember Nelson asked about the one going in on Indian Hill Road and Mr. Newland said that is another mini roundabout. It only cost about \$7,000 more to put in that roundabout as opposed to putting the pavement back the same. Councilmember Nelson said that is why you cannot just slap a \$6 million price tag on a roundabout because each one has its own unique characteristics.

Mayor Tweedy asked if we look at our own crash data for the intersections where roundabouts are placed. Mr. Newland said they use crash data because if it is a high crash intersection, that is why they are looking to do a roundabout. The Langhorne Road/Vasser Street location is a high crash location within the City. Mayor Tweedy asked if they go back and look to see if the roundabout is actually doing what it is supposed to do. Mr. Newland

said they could but have not really had that situation yet. Councilmember Wilder asked about the roundabout that was planned for CVCC Campus Drive and Wards Ferry Road. Mr. Newland said it was submitted as a SMART SCALE project but was not recommended to be funded. The Vasser Street/Langhorne Road got funded because it had a higher cost/benefit score but they asked that money to be moved over to the 501/221 project and that has been approved. Councilmember Wilder asked for a better breakdown of the costs involved in a roundabout project. Ms. Svrcek indicated they can certainly break out the right-of-way and land acquisition costs for them in the future when they present capital improvement projects to them.

Dr. Wodicka said they learned during the budget process this year was the need to do some more objective analysis on prioritizing various projects. Public Works has been working on developing a quantitative tool to figure out where those dollars ought to be spent. It will be presented to the PDC in July. Cost is certainly one component they will be looking at as well as safety and aesthetics and a variety of other things.

// In the matter of Roll Call, Council decided to do roll call while they wait for the representative for the Anchor Institution item to arrive. Councilmember Nelson had no items. Councilmember Perrow said he would like them to look at the policy for R-1 development. We require too many things such as curb and gutter, sidewalk, paving and streetlights and it is cost prohibitive for developers. He would like to have a presentation from staff and a work session. He suggested staff have some developers speak to the issue as well. Mayor Tweedy and Councilmember Helgeson agreed this would be a good discussion topic.

Councilmember Helgeson brought up the 35 mile an hour zone on Timberlake Road. He hopes the extra 35 mile an hour zone was just in there due to construction but he has heard from a number of people wondering about it. Councilmember Perrow pointed out you are coming off the ramp and it is 45 mph up ahead but not at Heritage High School, so it is effectively a speed trap. If it is not coming down, he would like to see a sign on the ramp letting people know there is a reduced speed zone ahead.

Councilmember Wilder said he is thankful for Heritage High School and E C Glass and all our great graduates and the support they have through the Beacon of Hope. His fraternity gave over \$7,000 in scholarships to African American males. They are excited to see the community working together to make sure our children have access to college.

Councilmember Wright said it was shared with him that the Virginia Legal Aid Society's report on evictions. Our rate for Lynchburg is 8.62 percent, which is the fifth highest in Virginia. Our rate is the tenth highest compared to other midsize cities across the country. It equals about 3.3 evictions per day; this is 2016 data. He wanted to raise it here as it is something that should concern all of them and it ties in with their ongoing conversations about poverty and overcrowding and hypermobility. Mayor Tweedy said the eviction rate is something the housing authority is looking at; the members have been reading the book Evicted. They have asked the Legal Aid Society to come to a board meeting and give a presentation.

The next Enough event is tomorrow at the Davis Turner Funeral Home. It is the Daniels Hill event and it starts at 6:00 p.m.

Ms. Marjette Upshur addressed Council and thanked them for flipping the agenda. She wanted to recognize Rob McClintock, who is the Managing Director of Business Retention. He is the regional representative for the



Virginia Economic Development Partnership and he has been a wonderful partner. Ms. Upshur introduced Mr. Steven Pedigo who was the City's consultant for this plan. He gave a presentation on leveraging anchors for economic growth and discussed the role of anchor institutions in Lynchburg. The City of Lynchburg is one of the best small cities in the country. Driven by innovative businesses and forward-thinking organizations, Lynchburg is a community that values history, natural beauty and healthy, inclusive neighborhoods. Every resident has the opportunity to thrive in the City of Lynchburg. The goals of the Blueprint for Opportunity are to expand and support Lynchburg's existing company foundation; engage and collaborate with city anchor institutions; support talent and in demand skill development for target industry clusters; create, embrace and promote community and tell the City of Lynchburg's story.

Anchor institutions (universities, healthcare institutions, cultural facilities and large scale real estate developments) are anchors. They hold significant investments in the community making it difficult to pull up stakes and leave. They have a major impact on revitalization. Their sheer size and purchasing power can drive change. There is an opportunity to build a shared value between community and anchor. Strong anchors strengthen communities and healthy, vibrant communities benefit anchors.

Councilmember Perrow noted that he has been thinking about anchor institutions as for profit but nonprofits that are hiring a significant number of people are creating intellectual property or a drive. It sounds like the anchor institutions he is referring to are at least open to the public. Mr. Pedigo said that is the traditional institution certainly but Google and Amazon are making significant investments in their communities and they will also be anchor institutions. Large real estate developments such as Wyndhurst can also be considered an anchor institution. Other localities are entering into community service agreements with real estate developers and forming interesting public/private partnerships with them.

Mr. Pedigo explained that anchors are inextricably linked to their surroundings and are more competitive if they invest in building a stronger local economy. Increased demand for goods and services translates into increased students, patients and customers. Improved and expanded supplier networks can increase an anchor's operational efficiency and innovation. Employee attraction and retention help anchors remain competitive by capturing and retaining talent. Community and economic development strategies should be part of corporate and organizational strategy and not philanthropic efforts. Commissioner Perrow noted that it is not a philanthropic effort of the City to invest in economic development. It should be a strategic investment that is going to yield tangible results.

Mr. Pedigo stated there are three models of anchor initiatives. Anchors can act independently. Anchors can partner with other anchors and Anchors can partner with a broad group of stakeholders. Universities may be motivated to adopt anchor strategies because of their public mission, town and gown challenges or the need to attract top students and faculty. The University of Pennsylvania launched a rebirth of University City, which had historic disinvestment in West Philadelphia. The goals were to improve neighborhood services; provide high quality housing for students, faculty and residents; revive commercial activity; accelerate economic development and enhance local education options.

He said there is a growing emphasis on the social determinants of health and the IRS requires nonprofit hospitals to provide community benefits to remain tax exempt. The Cleveland Clinic launched a foundation for

future anchor collaborative such as the University Circle. Its goals were to develop and improve neighborhood area; improve health outcomes; revive commercial activity; revive commercial activity; accelerate supplier development and enhance workforce options.

Transforming communities require robust, sustainable and long-term efforts. Anchors are moving from individual anchor strategies towards an anchor collaborative model, in which a group of anchors and stakeholders (such as City government and nonprofit organizations) work together for great impact. Collaboration on one initiative often builds relationships and rust for additional partnerships and working together. Lovie Midtown Detroit was launched in 2010 by a community development organization, three healthcare institutions and one university. Its goals were to increase the vitality, safety and economy of the Midtown neighborhood and encourage anchor employees to rent and buy homes in the downtown area.

Mr. Pedigo highlighted the goals for Lynchburg's anchor engagement, which is goal 2 of the Blueprint for Opportunity. The next goals will be to educate Lynchburg's anchor institutions on the role of anchors in economic and community development; develop an anchor institution assessment/goal setting tool and framework; convene local anchors to develop an "anchor collaborative" with clear economic and community development goals; position Lynchburg as an "Applied Community Lab" that supports ongoing learning and utilize anchors to drive tourism development. The next steps will be to host an anchor institutions workshop; develop resources and tools for anchor community assessment and impact; catalog local anchors and relative community and economic development efforts; convene anchor working group to identify community needs and potential collaborative efforts and assess how anchors can impact tourism development.

Councilmember Wright wanted to hear more about community service agreements and how they have been used in Virginia. In particular, he wanted to know if they are legal in Virginia. Mr. Pedigo said he would assume they are but will know that an answer by tomorrow. He has never heard of them not being permissible but he will do some research. He indicated that many cities that are strapped for resources are seeking things from developers if they would like a certain zoning or a certain density. Councilmember Helgeson pointed out that the proffer elements are very tenuous in Virginia. Mr. Pedigo pointed out that Amazon is working with the locality where it will be locating in Northern Virginia and that is definitely an example of an anchor institution collaborative. Councilmember Helgeson remarked that most people are looking out for their own regard and their own interest. The institutions in the City of Lynchburg are looking out for their own interest and he would hate to see them have to do something for the City rather than we can help them grow and thrive. Mr. Pedigo said he would agree that it is a question about share value. He thinks that if community service agreements are done correctly, even anchor institutions would say that they are building strong relationships with their neighborhood institutions and government institutions, there is also a sense of accountability.

Councilmember Wright asked him to explain what a bid district is and Mr. Pedigo said it is a special improvements district and they are in Virginia. They could be a parks district or a downtown or neighborhood corridor. Tax dollars go to fund nonprofit organizations or public/private nonprofit organizations. Bid districts help do anything from making neighborhoods a great place to visit to cleaning the streets. Bid districts can fund festivals and other place making events.



Councilmember Wilder asked if we are talking about institutions that are already here or attracting more of them. Generally speaking, Mr. Pedigo said the term pertains to anchor institutions that are already located in a city. But it certainly could also be an effort to attract other businesses to locate in a city. Existing anchor institutions in a city can certainly help it attract businesses to the area. Washington, DC and Northern Virginia area great examples of that as the federal government its largest anchor institutions and businesses want to be located in proximity to its many offices and employees.

Mayor Tweedy noted that the anchor institutions can buy locally. Mr. Pedigo remarked what if Centra committed to setting a 10 percent local buy goal. Mayor Tweedy noted that one of the anchor institutions has already worked on the community health assessment survey. Mr. Pedigo said that can absolutely be a part of a partnership because the institution's growth comes from the local population and the institution benefits from a growing population.

Mayor Tweedy asked if this is an opportunity for an institution to tie its own data to the needs of the community. Mr. Pedigo said that is something he is working on a lot now. Anchor institutions are interested in the wellbeing and livability of cities and understand they play an important role in it. Mayor Tweedy noted that he had mentioned gentrification and the ability of cities to turn over neighborhoods with mixed income and business retail is great. She just wants to be sure when they go in and turn things over economically that it does not push people out. Mr. Pedigo said her point is well taken and the challenge with all cities is that no one really anticipated the return back to the city movement; therefore, people in economic development and city government were not thinking about policies that should be in place. The challenge of cities today is how to manage the effect of growth. You cannot build your way out of the affordable housing issue without a strong partnership in the private sector. Mr. Pedigo pointed out that there is a market solution to this issue as well.

Councilmember Nelson commented that he was very interested nine years ago in creating a town and gown collaboration within the City. He did not see it in terms of anchors and clusters; he saw it in the context of valuable resources and assets with six colleges and universities in the area and getting that synergy going. He wanted to know if there were instances worth discussing where strong anchors have partnered to the detriment of minority interest or those interests that are not a part of the partnership. Mr. Pedigo said there are lots of examples of anchor institutions working to better their own environment at the expense of others. He gave examples of Columbia University, New York University and Texas University, who have not always been what one would consider to be the best of neighbors and partners. Universities can be quite aggressive in terms of real estate development and the people on the peripheries of universities are perhaps not the strongest players. Some universities just are not good neighbors and do not do much for their cities. That is partly because there has not been good leadership at the top. University presidents are becoming more astute at understanding that there are pressures on them from a community development and government perspective. Also, many students are not just buying a university product; they are buying a city experience. Mr. Pedigo said you need good leadership at the top of both the anchor institutions and city government.

Councilmember Nelson asked if he would be educating them as a city and the anchors of the things they need to be mindful of. Mr. Pedigo said that when you think about the idea of anchor collaboratives, generally speaking,

anchor institutions should want the same goals as a city. The comprehensive economic development strategy has been developed for the City of Lynchburg and the vision is in that 50-page document. Anchor institutions are just another set of players you are trying to figure how to leverage to advance the City's agenda.

Councilmember Perrow said there is an anchor institution in the region that got actively engaged in affordable housing and it went poorly. That is what mill towns do. He thinks Mr. Pedigo is bringing forth some really good ideas but they need to understand based on the long-term impact how this works well and what has not worked in the past. We should not tell any of our businesses what to do; we should find out what they need and help them advance to meet that goal. Councilmember Perrow thinks a Memorandum of Understanding would be very simple and certainly allowable. Mr. Pedigo said he just described public/private partnership and he agrees it is not the role of government to tell institutions how to run their institutions. If he were a university president, he would care a lot about the City because it is part of the product they are selling.

Mayor Tweedy asked who we are partnering with now in terms of workforce, education and training and if we are partnering with any of our current anchors. Ms. Upshur said that will be part of this discussion. When it comes to tech hire, their partnerships have been directly with the businesses but they have made some inroads into having conversations with Liberty. Liberty actually called them to ask about programs and workforce pipeline. They have also talked with Centra. She thinks there is a lot of great stuff going on but it has not been formalized or brought it to the top. She thinks they have the opportunity to do some groundbreaking work but it will be with all of us at the table. She reminded them that the steering committee for the Blueprint for Opportunity was made up of representatives from all of the anchor institutions in the City.

Councilmember Wright thinks this is tremendously exciting for the City. He wondered if Mr. Pedigo sees any difference in the outcome based on the form of government. Mr. Pedigo said not necessarily because anchor institutions can work with special improvement districts and do not always have to work with the local government. There are examples of city managers or economic development organizations playing that role. Much of the work in Cleveland was facilitated through the Cleveland Foundation and provided some of the initial dollars to build the strategy and get it going. A collaborative in Minneapolis was done through the Transit Authority.

// The meeting was recessed at 5:41 p.m.

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

// The following members were present:

|          |                                                                                 |   |
|----------|---------------------------------------------------------------------------------|---|
| Present: | Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Beau Wright, Treney Tweedy | 6 |
|----------|---------------------------------------------------------------------------------|---|

|         |                 |   |
|---------|-----------------|---|
| Absent: | Mary Jane Dolan | 1 |
|---------|-----------------|---|

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

// Copies of the minutes of the May 28, 2019 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder by the following recorded vote approved the minutes as presented. Councilmember Helgeson appreciated the minutes. They might be a little verbose but it is fabulous to be able to see what happened. He thanked Ms. Craig and Councilmember Perrow did so as well.



|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// In the matter of Consideration of adopting resolution #R-19-046 regarding the City of Lynchburg's Substantial Amendment No. 1 to the Community Development Block Grant (CDBG) Program Year 2018/Fiscal Year (FY) 2019 Annual Action Plan to add a new project utilizing unspent Bluffwalk Section 108 Loan proceeds totaling \$1,250,000 for the design of the new Lynchburg Police Department headquarters, Councilmember Wilder made a motion, seconded by Councilmember Wright to approve it. Councilmember Helgeson wanted to know what it was regarding as there were no attachments provided in their packets. Councilmember Perrow was not present for the June 11, 2019 and the first reading of this resolution. He also noted there was no asterisk next to it to indicate that it was an item that had been before them previously. Councilmember Nelson was under the impression that the discussion on June 11, 2019 was not the first reading and that the discussion had been tabled until the matter could be vetted with the CDAC. Ms. Svrcek said it was Council's pleasure that they bring back the \$200,000 that she had recommended be used for affordable housing for Council to decide if they would like it to also go toward the new police building. At that time, it would be presented to CDAC for their thoughts and recommendations. Councilmember Perrow made a motion, seconded by Councilmember Helgeson to move this item to General Business for discussion. The motion passed by the following vote:

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// In the matter of Community Development, Grants, a public hearing was conducted to receive comments regarding the FY 2020 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Programs. Ms. Walker gave a brief presentation. This plan includes all the CDBG and HOME program projects approved by City Council at its May 14, 2019 public hearing. A public notice was posted that the plan was available for review and comment. The period for comments ends at the conclusion of Council's public hearing tonight. Prior to this evening, she has not received any public comments. Any comments received tonight will be incorporated into the plan and submitted to HUD.

There was no one who wished to speak in favor or in opposition to the petition. Mayor Tweedy closed the public hearing portion of the petition. Councilmember Perrow made a motion to approve the annual action plan and submit it to HUD. Councilmember Nelson said it was the unanimous decision of the CDAC committee to approve the plan. He applauded Ms. Walker and her staff for their excellent research and presentation of the information to the committee and the mustering of the community resources to share their ideas and needs. The motion was seconded and passed by the following vote:

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// In the matter of Information Technology, a public hearing was conducted to receive public input on a proposed negotiated Cable Franchise Agreement between the City of Lynchburg and Shenandoah Cable Television, LLC, d.b.a. as Shentel. The proposed Franchise Agreement would allow Shentel to operate a Cable Television Franchise within the City of Lynchburg. The proposed Franchise Agreement establishes the rights, obligations and privileges of the parties to the agreement, the City of Lynchburg and Shentel. The proposed Franchise is for a period of fifteen years. The public hearing is being held pursuant to the procedures established in Section 15.2-2108.21 (F.) of the Code of Virginia and the public hearing shall be limited to the proposed Franchise Agreement with Shentel.

Mr. Mike Goetz indicated that City staff has developed a draft franchise agreement for consideration. It was modeled after other franchise agreements that currently exist with Comcast and Segra. Mr. Chris Kyle, the Vice President of Industry Affairs and Regulatory for Shentel was present to speak. He said they are requesting a non-exclusive video franchise and it is in regard to a very large and extensive telecommunications project that will involve a residential broadband offering. They are calling it the Gigabit City Project and it will deliver a triple play (internet, video and phone). It is the fastest mechanism for delivering internet speeds today. They have significant fiber assets in the City and are already working with about 1,000 businesses.

There was no one who wished to speak in favor or in opposition to the petition and Mayor Tweedy closed the public hearing portion of the petition. Councilmember Perrow made a motion to approve the agreement. The motion was seconded by Councilmember Wilder. Councilmember Perrow said he wholeheartedly supports this and thinks it is fantastic. He thanked them for coming to Lynchburg and said they have been subject to a monopoly for a very long time. Their job is to provide a level playing field that promotes the best access we can possibly promote for our citizens. Councilmember Wright seconded Councilmember Perrow's comments. It is a great thing for Lynchburg and they are glad to have them. Councilmember Helgeson asked if this is a level playing field when they allow for franchises. Mr. Goetz said the City has a requirement for nonexclusive franchises so we can have as many companies as Council agrees to have in the City. The terms and conditions in the franchise need to be the same. The existing franchisees have the ability under law to review the franchise with Shentel. If they see something they feel is not comparable, they have the right to come back to Council and ask for their franchise to be modified. Councilmember Helgeson noted it is a 15-year franchise agreement, so hopefully the competition will help all of them to rise a little higher.

Councilmember Wilder asked for clarification that this agreement is similar to the other two franchise agreements. Mr. Goetz said it is with one distinction and that is how the service area is described. Comcast has an obligation to provide service where certain density levels are met. The Segra contract does not have that density requirement nor will the Shentel one. Right now, Shentel will concentrate in the Rivermont area and the Fort Avenue area. Those are the initial buildouts and as their engineering design progresses, they will map out how to expand that system. There will not be any legal requirement to provide service if a certain number of houses exist in a street mile. But if the business conditions are right, they will extend their service. The density requirement was removed a few years ago to incentivize competition in the City. It is almost impossible for a second company to come in and build out the entire City and meet the same density requirement as the incumbent. Mr. Goetz did want to put in a plug for Comcast because they have made a significant investment in the City. Mr. Goetz thinks this is



very optimistic news for the citizens. Hopefully, Comcast will continue to be an active provider here and we will see some competition. Councilmember Perrow feels he pays too much for what he is getting and he is happy for the competition.

Mayor Tweedy asked if this will help citizens who are on the outskirts of the City and Mr. Goetz said he is optimistic that it will help. The question is how long it will take, which is driven by economics. Councilmember Helgeson commented that those people not able to get cable service can get satellite service. Mr. Goetz said broadband is also expanding, which does not need near as much fiber to be placed in your home. Mr. Goetz said there are many cellular providers in the City that provide faster speeds. Councilmember Helgeson noted that when you have competition, you get better service and hopefully our citizens win.

The motion passed by the following vote:

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// In the matter of Community Development, Street Vacations, a public hearing was conducted regarding the petition of The Rebkee Company to vacate ninety-two thousandths of (0.092) of an acre portion of Jackson Street. The area proposed for the vacation has a small portion of a parking lot on it, concrete steps and a stone curb. Ms. Victoria Glasgow summarized the petition for Council. This street vacation is necessary for the redevelopment of the former Grace Lodge into apartments. Mr. Ed Willman of Accupoint Surveying was present to represent the petitioner. If the street is not vacated, Rebkee would be required to remove the improvements from the City's right-of-way. Their desire is to use the existing improvements.

There was no one who wished to speak in favor or in opposition of the petition. Mayor Tweedy closed the public hearing portion of the petition and deferred to Councilmember Perrow, the chair of the PDC. This is a historic encroachment and does not impede either the traffic or the parking on Jackson Street. It has a \$16,000 value, which is not included in our current tax assessment. If the property is vacated, the value will be included in our tax assessment. Councilmember Perrow made a motion on behalf of the PDC to approve this street vacation. There was no need for a second and the motion passed by the following vote:

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// In the matter of Community Development, Zoning Amendments, there was a continuation of the discussion of the petition of Josh Lee, Troutspring, to amend the Future Land Use Map from Low Density Residential to Medium Density Residential and to rezone approximately 5.91 acres located at 1306 Laxton Road from R-1, Low-Density Residential to R-3C, Medium-Density Residential (Conditional) and for a conditional use permit to allow the development of the property as 40 townhomes. Mr. Martin gave Council a summary of the petition to date. Councilmember Perrow asked Mr. Martin to expound on what is required for the traffic review. Mr. Martin said when the initial traffic analysis was submitted, it did not include the Enterprise Drive entrance. The City Engineer has not seen a revised traffic study to determine if any turn lanes will be needed. Mr. Newland thinks a left turn lane

might be needed and Mr. Martin indicated where on Enterprise Drive it would likely be needed. This would be approved at the site plan level. In Mr. Martin's opinion, it is not necessary for Council to add any conditions not already in the report.

Councilmember Perrow said he has been receiving complaints about traffic backing up significantly on Enterprise Drive and Laxton Road. He gets complaints about cutthroughs on Enterprise Drive and the crosswalks are settling on Enterprise Drive. He hears that the trucks cutting through from Timberlake Road will go through at excessive speed. It is a nice four lane road and can convey a significant amount of traffic, which is both a benefit and a curse. This straight stretch is conducive to excessive speed and as a City they need to do a better job of enforcing the speeds and making sure that the crosswalks are maintained. Everyone would like to see the traffic slowed down. The conundrum is that if you increase traffic, it does slow traffic and people will tend to move around the traffic and not use the road. From his experience as an engineer, the number of townhomes that are planned here will not have a substantial or meaningful impact on the overall traffic.

Councilmember Perrow commented that they are asking for 6.8 units per acre and the *Future Land Use Map (FLUM)* amendment allows for 12. Councilmember Perrow also noted that the petitioner reduced the number of units from 50, which would have been about eight units per acre to 40. Councilmember Perrow also noted there is about a hundred feet of buffer being provided between this development and Wyndhurst. Mr. Martin said it would be between 160 and 200 feet. Councilmember Perrow the closest houses to the development are on the south side but additional screening has been provided for them. Councilmember Perrow noted that the petitioner has done everything that he asked him to amend the initial development plan.

Councilmember Perrow asked if VDOT is pursuing a study on Timberlake Road to improve the traffic flow and conditions. Ms. Svrcek said that is correct. Councilmember Perrow said we have been working with Campbell County on that study. They are studying the intersections from 460 to Heritage High School. Councilmember Perrow noted that Laxton Road is not under their control but the intersection of Enterprise Drive and Paulette Circle is under the City's control, which is why he asked for the entrance on Enterprise Drive. This is a difficult decision for him because he has heard a lot of complaints; however, the developer has done everything that he asked. When you compromise and work through a solution, no one gets exactly what they want. We need to look at our best possible uses for our landlocked City. If we are going to keep taxes low, we have to look at where to grow the City where need be. It is not what he would prefer to see there, but it could be nothing at all or could be a whole lot worse in the future. Councilmember Perrow made a motion to amend the *FLUM*. The motion was seconded by Councilmember Nelson.

Councilmember Nelson thought Councilmember Perrow has done an extraordinary job of summarizing all of his concerns and he will not repeat them. Councilmember Wilder said he will support the motion for all the same reasons stated by Councilmember Perrow.

Councilmember Helgeson noted that the *FLUM* amendment will allow for a 70 percent increase in density over what is allowed there now. This will abut Wyndhurst's single-family development and other single-family homes to the south and for that reason he cannot support the change from low density to medium density residential. Those people bought their homes expecting that this land would be developed as single-family homes. There are a lot of



bottlenecks in the area and he thinks there has been enough development in the Timberlake Road area. He would like to give apartments and townhomes a rest and let the single-family homes thrive.

Councilmember Wilder asked if there are townhomes across the street. Mr. Martin said there are and they are at a density of about 8.7 units per acre.

Councilmember Wright will be supporting this petition for many of the reasons already stated and also because the City needs more mid-market housing units. There is no guarantee that anyone would put in single-family homes and with the size and location of the lot, he is not sure what else would go here other than a medium density development. It also might get developed by right in a manner that everyone has agreed to and may be unfavorable to the neighbors. This is a difficult one because the neighbors have voiced reasonable concerns. There have been a lot of townhome and apartment communities popping up in the area and that is a lot of change for the community to bear. It is adjacent to commercial property in the county and is unlikely to develop as single-family homes. Adjusting the *FLUM* makes sense.

Mayor Tweedy acknowledged everyone's comments and also acknowledged that the developer has been responsive to their requests and those of the neighbors. She will be supporting the project but it has been a difficult decision. The motion passed by the following vote:

|         |                                        |   |
|---------|----------------------------------------|---|
| Ayes:   | Nelson, Perrow, Tweedy, Wilder, Wright | 5 |
| Noes:   | Helgeson                               | 1 |
| Absent: | Dolan                                  | 1 |

Councilmember Perrow moved the ordinance to rezone as presented. The motion was seconded by Councilmember Wright. Councilmember Perrow thinks the City has a policy essentially prohibiting R-1 single-family development. He would ask that we look at our R-1 strategy and determine if the City is promoting R-1 or not. It is his understanding that the requirements for R-1 development are so onerous that they are cost prohibitive when you are trying to develop R-1. If Council is supportive of R-1 development, we need to make our policy is supportive of it.

Councilmember Helgeson noted that the developer could do a Planned Unit Development with single-family homes rather than a dense townhome community. He thinks having some elbow room is good for a City and we do not have to be developing everything densely. He appreciates private property rights but also appreciates the right of the neighbor who bought their R-1 home and thought the property next door would be developed as R-1. He appreciates all the things the developer did to address their concerns but he really feels like they need to protect their single-family neighborhoods. Councilmember Helgeson also thinks we have so many houses in the City that could be fixed up. There are neighborhoods that need a shot in the arm and if we constantly build new stuff, they will never get it. He would like to see them value their current inventory and not flood the market with new inventory.

Mayor Tweedy would like the City Manager to add the topic of how we develop in the City to Council's retreat agenda.

Councilmember Wright acknowledged there are many neighborhoods that need care and he looks to partnering with the other councilmembers to provide those incentives to historically underprivileged and underserved neighborhoods and rehabbing existing stock. Mayor Tweedy commented that it is not just underprivileged

neighborhoods that need some tender loving care; there are a lot of neighborhoods with an aging population where the homes are also in need of it.

The motion on the table passed by the following vote:

|         |                                        |   |
|---------|----------------------------------------|---|
| Ayes:   | Nelson, Perrow, Tweedy, Wilder, Wright | 5 |
| Noes:   | Helgeson                               | 1 |
| Absent: | Dolan                                  | 1 |

Councilmember Perrow made a motion to approve the conditional use permit with the following change to Condition #2. All requirements of the Virginia Department of Transportation (VDOT) and the City of Lynchburg for access shall be met prior to final site plan approval. Councilmember Perrow noted that although he and Councilmember Helgeson disagree on this petition, he agrees with him on the broader concept. Ward 3 specifically has seen a significant amount of apartment development. Ward 4 to a slightly lesser extent. He agrees with Councilmember Helgeson's points just that it does not apply to this particular parcel.

Councilmember Wilder seconded the motion and stated that he agrees with all the comments made and looks forward to the discussion on how we want to develop as a City and also discussing how the inner city areas can be redeveloped or get some tender loving care.

The motion on the table passed by the following vote:

|         |                                        |   |
|---------|----------------------------------------|---|
| Ayes:   | Nelson, Perrow, Tweedy, Wilder, Wright | 5 |
| Noes:   | Helgeson                               | 1 |
| Absent: | Dolan                                  | 1 |

// In the matter of Budget – Schools - Consideration of introducing a resolution to amend the FY 2020 General Fund Operating Budget and the FY 2020 Schools Operating budget and rescind \$862,000 from the Schools Operating Appropriation and increase the General Fund Unassigned Fund Balance by \$862,000. Ms. Donna Witt explained that after the FY2020 budget was passed, Lynchburg City Schools discovered some discrepancies and an overestimation of funds needed to support salary increases and living wage adjustments. The additional appropriation of \$862,000 from the City is not needed and should be returned. Councilmember Perrow moved to have the money returned, which was seconded by Councilmember Helgeson.

Councilmember Helgeson said he greatly appreciates this and wants to applaud the school superintendent. He is not sure this has ever happened in any public school in the United States. It says a lot about our superintendent that she is returning the money instead of saying they might be able to use it later. She had ethics and integrity. He hopes this charge has lit a fire under our school board and new school board candidates and that they will be asking questions and pressing it if the answers are pat. When we hold our schools accountable, we all win. When we do not, we all lose.

Councilmember Wright agreed it is worth applauding. He is not sure the funds should go back to the general fund unassigned fund balance. That would bring it to 10.4 percent, which is over Council's policy of 10 percent. The City Manager provided them with a list of alternatives to be funded for their consideration. He would be supportive of restoring \$20,000 to Communications and Marketing, approximately \$32,935 to the Council Manager budget for the Virginia Municipal League, National League of Cities and the UVA Institute of Government, as well



as adding \$2,000, which was requested by the Virginia Cooperative Extension. He would propose the remainder of it, as outlined in policy, to supplement pay as you go capital outlay expenditures. We might accrue interest but it might not equal the amount that we would otherwise pay in debt service. He understands some on Council think their fund balance is too low and he welcomes a discussion on whether or not they should update their policy and raise that number. There is no real logic to putting this money back into the fund balance and we do not know what the benefits are going to be. Why not use it for needs we have now and save us from paying tens of thousands of dollars a year in debt service. He made this as a substitute motion. Mayor Tweedy seconded the motion.

She thanked the superintendent and the leadership of the school board for not hesitating to return the money. The superintendent had committed to transparency. They took time to meet separately additionally with councilmembers. The charge that Council put before schools began last year and they took it to heart what councilmembers were saying. They continued to ask questions even after the appropriation was made and that is what they were asked to do by Council.

Councilmember Helgeson said he can appreciate the desire but if we have learned anything let us not have a knee jerk reaction and spend money. If we have not learned anything, that is not a good thing. If the money needs to come out at a later time, we should have a thoughtful debate.

Councilmember Perrow will not support the substitute motion either. The City Manager had recommended a 10.4% fund balance in order to improve our overall fund balance. That is the one shortcoming we seem to have as far as reaching a AAA bond rating. As we participate in these additional projects, our debt service is going to get more and more expensive. Whatever we can do to increase our bond rating will decrease our overall expenses. Commissioner Perrow acknowledged Councilmember Wright's point about interest rates and said we will be looking at a negative arbitrage for one year; however in that next year, all the money that is reserved for fund balance will go to pay as you go capital. Then we reserve hopefully more than 10 percent in the following budget year, so the pay as you go capital will help bolster the City's capital needs. He is willing to take the negative arbitrage in an effort to save that money and to apply it to pay as you go work in the following year. He would support a more detailed budget discussion than an immediate reaction as is being discussed tonight.

Councilmember Helgeson does not believe there is any negative arbitrage because of the fact that this is cash. Our interest rates are increasing and our interest income is increasing. This money that is sitting there is not going to be bonded. If you spend the money, you really lose. Councilmember Perrow said he was referring to the difference between our interest expense versus our interest income. Ms. Witt said we are currently not in an arbitrage situation. It is close but not yet.

Councilmember Wilder said he appreciates Councilmember Wright's proposal but is not prepared to support that today so he would rather see the funds go to the fund balance. He commended the superintendent for the work she has done in our school system. He was on the board for nine years and understands it is a challenging position. He commends the school board for hiring her. He is thankful they have a good school system and they are continuing to make it even better.

Councilmember Nelson said he does not disagree with Councilmember Wright. His logic and facts are good. Normally it would make sense to him not to borrow money and this would likely get spent on the new police

building. However, we are dealing with a lot of issues right now and it would be his preference to put these funds back where they came from and if they want at some point to discuss the merits of all of these in a conscientious and detailed way, they could do so. It allows us the flexibility to address this at a later time when we can weigh into it much more deeply.

Councilmember Wright noted that if we are going to increase the unassigned fund balance, we really ought to know why we are doing it and really should have a plan. There are so many other factors that the rating agencies look at in addition to fund balance and he does not think this amount of money will tip that scale. The substitute motion failed by the following vote:

|         |                                  |   |
|---------|----------------------------------|---|
| Ayes:   | Tweedy, Wright                   | 2 |
| Noes:   | Helgeson, Nelson, Perrow, Wilder | 4 |
| Absent: | Dolan                            | 1 |

Councilmember Perrow would like to echo the commendation to the superintendent and the school board. It is a matter of principle and integrity and he very much appreciates it.

The original motion on the table to appropriate the entire amount back to the general fund passed by the following vote:

|         |                                          |   |
|---------|------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder | 5 |
| Noes:   | Wright                                   | 1 |
| Absent: | Dolan                                    | 1 |

// In the matter of City Council, Agenda Item #10, to readopt City Council's Rules of Procedure, Mr. Erwin explained that State Code requires that each year the governing body has to approve its schedule of meetings for the year. Each year we readopt our rules of procedures which establishes the meeting schedule. Councilmember Wright made a motion to adopt the rules of procedures, which was seconded by Councilmember Perrow, and passed by the following vote:

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// The continuation continued regarding Resolution #R-19-046 regarding Amendment No. 1 to the CDBG Program Year 2018 moved from the consent agenda. Councilmember Helgeson said there were no attachments in their packet. He does remember it because he was at the meeting but not the exact detail. Ms. Svrcek explained that the total amount in the Bluffwalk refunding was \$1.6 million. It is proposed that the \$1.25 million goes into the police department headquarters design and the balance goes to affordable housing with specifics to be determined at a later date. Council asked staff to bring back the amount that is allocated to affordable housing for consideration to be added to the police department headquarters design. Councilmember Nelson asked staff to advise the CDAC to see if they had any comments regarding that portion. This is the second reading of the \$1.25 million portion they approved at their June 11, 2019 meeting. The other amount will be brought back to them after they go through the advertisement period, have the public hearing and make sure that the CDAC is apprised of the public hearing. It has not been done yet but it will be done shortly.



Councilmember Perrow asked if what Ms. Svrcek just explained is consistent with the first reading. Ms. Svrcek indicated it is consistent. Councilmember Helgeson made a motion to approve the resolution, which was seconded by Councilmember Nelson and passed by the following vote:

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// On motion of Councilmember Wilder, seconded by Councilmember Wright, by the following recorded vote elected to hold a closed meeting to discuss appointment of Steering Committee members to the Task Force on the Future of Education PreK-12 and Beyond, as well as appointments to the following boards, commissions or committees: Central Virginia Community College Board and Youth Services Citizens Board pursuant to Section 2.2-3711(A) of the Code of Virginia, as well as to hold 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:

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// On nomination of Councilmember Helgeson, seconded by Councilmember Wright, Council by the following recorded vote reappointed Susan Morrison to the School Board in District 1, appointed Gary Harvey to the School Board in District 2 and reappointed Dr. Michael Nilles to the School Board in District 3 with terms to end June 30, 2022:

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// On nomination of Councilmember Helgeson, seconded by Councilmember Wright, Council by the following recorded vote appointed the following members to the Task Force on the Future of Education PreK-12 and Beyond: Dr. Michael Gillette as Chair, Gloria Preston as Vice Chair, Councilmember Randy Nelson and Councilmember Beau Wright as the two members of City Council. There is no set term for this task force:

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// On nomination of Councilmember Helgeson, seconded by Councilmember Wright, Council by the following recorded vote appointed Joseph Tucker to serve on the Central Virginia Community College Board for terms to expire June 30, 2023.

|         |                                                  |   |
|---------|--------------------------------------------------|---|
| Ayes:   | Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                  | 0 |
| Absent: | Dolan                                            | 1 |

// 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 Wright, and Council by the following recorded vote adopted the motion:

// The meeting was adjourned at 9:30 p.m.

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Clerk of Council



// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of July, 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 6

Absent: J. Randy Nelson 1

// In the matter of Affordable Housing, Dr. Reid Wodicka gave them some background on the affordable housing report. City Council received a report from the Housing Collaborative on January 8, 2019 demonstrating that affordable housing is in short supply. Many households face extreme conditions of housing instability. The Collaborative for a Livable Lynchburg was asked to conduct research regarding leading practices of attracting affordable housing. This presentation provides a broad overview of that research and gives recommendations for a path City Council may consider if it wants to address housing affordability concerns.

Councilmember Helgeson thinks this will be a long presentation based on a couple of assumptions that he does not agree with, quite frankly. To get more affordable housing, you can lower the price of the houses or you can have the income go up. None of this talks about income going up. It all takes about how to bring prices down and he thinks that is a shortsighted, kind of losing proposition, quite frankly. The city and property owners want their values to go and incomes to go up in order for the City to thrive and this is looking at it completely the opposite of how he or any economist would look at it.

Councilmember Wilder said he appreciates what Councilmember Helgeson is saying but he would like to hear the presentation and then ask questions and add suggestions to strengthen the process. Councilmember Helgeson wondered if they could have looked at it from both perspectives rather than just one. Dr. Wodicka said Councilmember Helgeson is making reasonable points and they often talk about improving incomes but today they are going to talk more about the housing market and what places are doing to make sure housing continues to be affordable.

Dr. Wodicka went on to explain that his presentation will cover background and definitions, basic national statistics, leading practices, Lynchburg's prior experience, policy recommendations and next steps. This project is a report on our research reviewing policies that other cities have enacted to improve housing affordability in their community with some recommendations on a path forward for Lynchburg. Tonight's presentation is a summary of that research. This project is not a strategic plan for affordable housing policy in Lynchburg. There are no silver bullets and every community has different challenges.

In 2012, City Council endorsed a housing assessment and the formation of a housing collaborative to review and implement strategies identified during a series of stakeholder meetings. Council has since acted on recommendations of the five-year Consolidated Plan designed to: increase the amount of owner-occupied housing, rehabilitate substandard housing, improve infrastructure, increase the number of affordable rental units and promote public services, including homeless housing. Progress on these goals is monitored through the CDBG/HOME Annual Action Plan. The Bridges to Progress Housing Task Force's goal is to determine the actual state of housing in Lynchburg and provide the momentum to eliminate housing insecurity. This task force, which is comprised on representatives from the Regional Housing Collaborative, was awarded a Community Impact Grant from the

Virginia Housing Development Authority of \$20,000 to fund a housing stability study.

For some, affordable housing has negative connotations. An alternative is “attainable housing.” How we define affordable/attainable housing for purposes of our research, we focused on leading practices to create housing opportunities for both our low income population, as well as our local “middle income” workforce. The Department of Housing and Urban Development (HUD) defines low income as 80% of area median income (AMI), very low income as 50% of AMI and extremely low income as 30% of AMI. The AMI in Lynchburg (family of four) is \$63,600; \$25,100 is extremely low income, \$31,800 is very low income and \$50,800 a year is low income.

The National Association of Realtors notes that the people that provide vital services—teachers, firefighters, police officers, nursing assistants, laundry and restaurant workers—often cannot themselves afford to live in the communities they serve. Workforce or attainable housing focuses on expanding housing opportunities for America’s working families making between 80% (\$50,800 a year) and 120% (\$76,320) percent of AMI. An example was provided for a nursing assistant who is spending 40% of her income on housing and what she might be able to do if she were living in affordable housing (30% of her income). Councilmember Helgeson noted that the AMI changes whenever a City’s median income goes up, even though most people would be happy if the median income goes up. Dr. Wodicka acknowledged none of this is in a vacuum. We have to be sure we are thinking about this in all of the context of how the housing market is changing, how income characteristics are changing and continue to pivot any strategies that we might want to take based on those concerns.

The housing collaborative collected and analyzed current factual data to create local goals for affordable housing. Arlington County, Virginia, has a model where they track 60 plus indicators evaluating the supply of housing, access, sustainability, how their trust fund is doing and a variety of other issues. We might not want to look at a 60 point indicator, but it is something we could look at as we go forward. The collaborative identified and engaged national networks for capacity building such as the Urban Land Institute, the Local Initiative Support Corporation, Enterprise Community Partners (which did our initial housing study), Housing Partnership Network and NeighborWorks America.

The City should inventory and map its existing assets and create preservation strategies. If we do that, we need to create an acquisition fund for the preservation of existing affordable housing. Good examples of cities that have done similar leading practices are Chicago and Denver. Councilmember Perrow asked for an explanation of how they are preserving housing and Dr. Wodicka said there is a land bank component. He is not sure but he thinks the fund owns the land.

We need to identify innovative, dedicated revenue sources. Examples of this are the Philadelphia Housing Trust Fund, Miami-Dade County Building Better Communities General Obligations Bonds. We need to create inclusive communities through zoning. Examples of this are Boulder, Colorado and Austin, Texas. We need to develop a package of incentives and streamline the development process. Examples of this are Longmont, Colorado and Asheville, North Carolina. We need to make holistic investments in neighborhoods with specific purposes in mind. An example of this is Charlotte’s Renaissance West Community Initiative. We need to formulate an education and communication plan, “Why Housing Matters.” Polk County, Iowa’s “Can I Be Your Neighbor” campaign is a good example. The text of the white paper has a variety of other interesting programs that we found



that might be interesting for us to consider in the future.

Lynchburg has engaged in a wide variety of initiatives to improve housing affordability. It has created partnerships and formed the Lynchburg Regional Housing Collaborative. It has leveraged federal funds—housing choice voucher program (Housing Authority), Low Income Housing Tax Credit, Community Development Block Grant and HOME Investment Partnership Program. Lynchburg has engaged a wide variety of initiatives to improve and preserve our affordable housing stock. It has created innovative local programs—the Real Estate Rehabilitation Program, Infill Development Program, Rental Property Inspection Program, Coordinated Homeless Intake and Access and the Affordable Housing Resource Center. Dr. Wodicka presented a map showing the Housing Choice Voucher locations. In 2011, the majority of residents resided in neighborhoods with the lowest suitability. Over the last five years, the City has focused on applying grant funding for affordable housing City-wide, not just in the older neighborhoods. 135 housing units were assisted with 77 of those created as new units. Only 37% of the 265 residential rehabilitation projects have occurred in neighborhoods with an average assessed value of \$150,000 or less.

There was discussion regarding the Real Estate Rehabilitation Program. (Dr. Wodicka's slide mistakenly called it rental rehabilitation and it should be residential rehabilitation.) Councilmember Helgeson said he did not understand the point of this slide and noted there used to be a spot blight program. Dr. Wodicka said the point of the slide is to show that only 37% percent of the residential rehabilitation projects have been done in neighborhoods with an average assessed value of \$150,000 or less. Councilmember Helgeson said spot blight was sort of the opposite and was a way to get an undervalued house back on the tax rolls. Staff feels this is a good program and wants the program to be used in the parts of the City that might be more available to those with a middle income as opposed to neighborhoods that have a much higher median income. Councilmember Perrow said this slide shows us where the real estate values are increasing. Dr. Wodicka said when they think about housing affordability in the middle income neighborhoods, that they are talking about both affordability and quality.

Mayor Tweedy asked if these are owner-occupied rehabilitation projects and Dr. Wodicka said not necessarily. Mayor Tweedy is interpreting it as these middle income neighborhoods are not getting the attention they need. An owner is not going to invest in his property if he feels he lives in a neighborhood where the homes are not valued at what they should be. Councilmember Wright said we can draw a lot of inferences from this graph and one of them is that there is growing inequity, growing income inequality in our community. Ones with higher incomes can afford to take advantage of programs like the real estate rehabilitation program. Ones with lower or middle incomes cannot afford to do so. Dr. Wodicka thinks the point is that there a number of programs that could potentially be used more effectively than they are currently. We need to communicate the really great existing programs that we have before we start making new programs that may not be necessary. Councilmember Perrow noted that you have to invest 50 percent of the assessed value into the house and the program does not track anything invested below that amount.

A primary recommendation would be to develop a well-articulated vision for affordable housing policy in our City. Which challenges are most important to us and what do we believe we can actually impact? How does housing policy affect (and how is it affected by) a variety of socioeconomic outcomes? Another recommendation

would be to expand the housing collaborative to bring a more diverse set of perspectives and resources—lending agencies, private residential developers and anchor institutions. Secondary recommendations include creating a dedicated funding sources for housing initiatives (a housing trust fund); identifying and preserving existing affordable housing options; developing and implementing precise needs evaluation tools; creating a communication tool to improve the use of existing tools; enlisting the help of developers/builders/design professionals to identify and remove administrative barriers; expanding existing wraparound services to help build a support system that helps with home ownership; evaluating public employees housing options to improve middle income housing affordability and identifying areas lacking infrastructure to support construction of affordable housing and create a plan to mitigate those barriers.

With regard to next steps, staff recommends City Council hold a joint meeting in the fall with the Lynchburg Redevelopment and Housing Authority Board to discuss the two primary housing policy recommendations. We also suggest the July 1, 2020 to June 30, 2025 CDBG and HOME Consolidated Plan should include a community conversation on the City's Affordable Housing Policy.

Mayor Tweedy thanked all the departments that were involved with putting this together. Councilmember Wilder thanked him for the presentation. He thinks this topic ties in with their conversation as to why developers are building townhomes as opposed to single-family homes. Councilmember Wilder asked about some of the zoning changes that the City might want to do. Dr. Wodicka said they talked a little bit about inclusionary zoning which makes sure there are opportunities for a variety of different types of people to live in various neighborhoods. For example, Boulder, Colorado mandated that 20% of the units a developer did had to be affordable units. Austin, Texas has more of an incentive based program that provides a set of guidelines. If they do certain things, then they get density bonuses. They did not recommend attacking inclusionary zoning right now because it takes a tremendous amount of organizational infrastructure to reevaluate and enforce those issues. Councilmember Wilder noted he had mentioned a teacher village in Newark, NJ. Dr. Wodicka said that is a public-private partnership. Councilmember Wilder noted that we will always have persons of a low income in our community and we need to work with them to get to the next level. Owning one's own homes really changes a person in terms of self-esteem and having some equity to possibly pass down to your children.

Councilmember Wright thanked everyone for the impressive document and a sobering one. There is dignity that comes from owning or renting your own home. We are not just talking about low income people; we are talking about full-time employees that work for the City. It is not just a question of affordable housing; it is a question of how we pay people. The stakes are really high based on some of the statistics in this report. He thinks it is impressive that we have this collection of talented people here tonight that are ready to partner with the City. He thinks Council needs to match the resolve of the folks that have joined us here and commit to developing a long-term strategy to deal with affordable housing.

Councilmember Helgeson noted that the report says that Lynchburg used to not have people with moderate incomes leaving the City. What did we do as a City prior to some many people fleeing the City? What did we do as a City prior to more of our poverty numbers being as high as they are? We want people with means in the City and we do not want to be the place where people without means all come. He would like them to look at if there is



something they are doing that is actually doing the opposite of what we want. With government you have the built-in intentional bureaucracy that is slow to move. It is a very personal choice and it is about who owns the property and how much they will charge for rent. He would like to take a bigger picture look at this and make Lynchburg a better place for those who work, who pay their bills and for those that obey the law. We can also have policies that do the opposite and we want Lynchburg to be the worst place for people who do not work, who do not pay their bills and do not obey the law.

There is also information in the report about the eviction rate. He can sympathize with people that are getting evicted. But there is the landlord who has to go through this process, loses income and has to pay for legal fees to have the people evicted. That might be why you are not seeing people rehabbing the homes in the middle income neighborhoods. They get burned and they do not want to do it again.

Councilmember Perrow said he has been doing a lot of research on this subject and is almost finished with the book Evicted. The more he reads (and it aligns with this report), he feels it is not an availability problem; it is a socio economic problem. Going back to Dr. Wodicka's example of the nursing assistant, she would not have to pay \$760 a month for an apartment when there are many units available for \$600 a month. Councilmember Perrow thinks there is affordable housing in Lynchburg but people cannot get into it because they have poor credit or have been evicted or have felonies on their record. Renting is a business and the landlord is in it to make money and to increase the value of his asset. He is against putting undue pressure on landlords to decrease the value of their property because it will decrease the value of the real estate in the area, which is our primary revenue source for the City. We need to be incentivizing investments in those neighborhoods. Also, the rental rates downtown are an anomaly; that is driving the median and the mean. Councilmember Perrow asked Dr. Wodicka about the 14 percent increase in rents in Lynchburg from 1990 to 2016 while incomes had gone down 5 percent. The incomes were inflation adjusted; were the rents as well? Dr. Wodicka did not know the answer to that question. He does not think that is a significant increase over 26 years and wonders how much the real estate taxes have gone up in that period of time. When he talks to firefighters and police officers, they say they do not live in the City because the taxes are too high.

Councilmember Perrow is becoming more and more skeptical of what the City is supposed to do in this area. He understands the desire to help people but people also have to help themselves. We cannot afford to and do not want to be a magnet for more and more people coming in to the City because the City is doing more to help them than they are doing to help themselves. We need people to be employable and to be able to find jobs because that is the common denominator in the book Evicted. No one in the book has a job. Ms. Svrcek indicated she can find a TED Talk regarding the book and send it to Council for its review.

Dr. Wodicka commented that Councilmembers Helgeson and Perrow make good points. None of these issues exist in a vacuum. Housing is affected by a variety of socio-economic factors. Your perspective determines whether or not you think the City should be involved and reasonable people can disagree about those conversations. There are places like Charlotte, NC and Orlando, FL have done purpose-built communities where organizations have tried to help people with the issues that make it difficult for them to be successful tenants.

Councilmember Perrow did not think we should be comparing Lynchburg to any high cost of living cities

because we are not a high cost of living city. Another point he would like to make is that he is looking at a building to renovate into one 1,000 square foot office space and three 1,000 square foot apartments. He got an estimate for interior work for \$600,000. A person cannot make that kind of investment and you have to keep the business model in mind. Dr. Wodicka agreed with that statement.

Vice Mayor Dolan thinks we may have lost sight of the fact that the report is directed at the people who are working and they still cannot find a home in this community that they can afford. She does not think they can go back to what they did thirty years ago and use old policies that will not work in today's environment. The City is continuing to grow and we are going to be presented with more and more housing challenges. She thinks they need to focus on what they would like the City to look like going forward.

Mayor Tweedy would like to request that the joint meeting with the housing authority be scheduled very quickly. There are a lot of practitioners in the room that are working with people that work every day and still cannot afford to live. They are jumping out of their skin about what is being said. She thinks they have the responsibility to look at how we can improve in all areas with the recommendations. A coordinator from CHIA said that a lot of people she is seeing now with housing issues are our seniors. They are homeless or at risk for losing their homes. What do we do about the seniors or the disabled on fixed incomes? The income levels reported mean that there are people that work for the City of Lynchburg that qualifies as low income. They need additional affordable housing stock. She is not trying to make choices for people as far as many children they have or the neighborhoods where they want to live. She knows that the housing stock can be improved in this City and as a member of the housing authority it is our responsibility to affect the conversation. There are several committees to look to that have said that it is an issue in our community.

Councilmember Perrow commented that she obviously has not read the book. She said she knows there are people in the City making under \$50,000 who are at risk for affordable housing. She has the responsibility to fix the situation or to at least improve it. Communities run into issues when there is not affordable housing for its workers. Mayor Tweedy asked if the two recommendations she made are clear and will be put forward. Staff indicated they are and will be.

Councilmember Helgeson said we cannot set price controls because they always fail. Unemployment is down and wages are growing. One ideal said we need more government and one ideal said we need less government. Which one worked? Look at that if you want. We have to look at the desire versus what actually worked. Our poverty numbers have grown and people with means have left the City. We need to figure out a way to change that. Councilmember Helgeson noted that City management has a policy that all department heads are supposed to live in the City. Not all of them do and we should follow our policy. Sometimes when people lead, others will follow.

Mayor Tweedy asked if she is hearing a recommendation that 100 percent of our employees live in the City. He said we have a policy that all department heads are supposed to live in the City and it is only half of them that are complying. Councilmember Helgeson is not saying that 100 percent of the employees need to live in the City. The City should be attractive. We do not force people to live somewhere.

Councilmember Wright said this is a classic divide about the value of government. What is our role supposed to be to each other as neighbors and fellow citizens? Does government have a hand in making affordable housing



possible for people or do we say let the free market reign? Free market has not really seemed to resolve the issue. None of us on this dais have experienced what many of our neighbors are struggling with every day. He does not have lived experience and is not going to preach about who has value in this community and who is law abiding and whether or not people deserve a decent place to live based on their income bracket. It is about treating people with dignity and respect. Government has a hand in this although not the full hand. It is a community effort and we have partners sitting right here in front of us. We should be willing partners and be here to help those partners.

Ms. Svrcek shared that eight out of the 23 members of the leadership team do not live in the City. Mayor Tweedy and Councilmember Helgeson had an exchange about whether or not he wants 100 percent of employees to live in the City because he said "leadership by example." Councilmember Helgeson would think that is great but not by forcing them. He is talking about the difference between leadership and a whip. He is not saying we should enslave people. He is saying freedom. Mayor Tweedy indicated he had inferred that if leaders lived in the City, their employees might move to the City. Councilmember Helgeson said absolutely because they think it is a fabulous place to live, work and play, taxes are low, services are good and neighborhoods are safe.

Councilmember Perrow commented that he really wishes they could work on respecting people's comments on this dais. Councilmember Perrow said he has never been evicted but he serves about a dozen eviction notices a year where the rents are between \$350 and \$500 a month. People may be able to buy a house in the City but are making the socio economic decision not to live in certain areas of the City. Landlords should not be demonized because they evict people who cannot pay. He also pointed out that the housing authority deals with turnovers that range from \$1,500 to \$5,000. The average is about \$2,000.

Councilmember Wright does not think anyone is trying to be prescriptive about the solutions or demonize any member of our community. The macro question is the role they should be playing. Councilmember Perrow agrees there should be a joint meeting because the housing authority is in the best position to take a lead role on this. The Affordable Housing Resource Center is developing a website that will provide a list of all the rental properties in Lynchburg. He thinks that will be of tremendous value. He thinks they will be shocked at the number of units available and the prices at which they are renting. He thinks it is more of an issue of landlords being willing to rent to certain people. You may not be able to buy a house where you want to, but you can buy a lot of house in Lynchburg for that amount.

Councilmember Wilder thinks it is up to City Council to be the facilitators of the discussion and not to dictate prices. There are so many great programs and community partners like Habitat for Humanity and Rush Homes and CDBG. It is about the great people of Lynchburg working together. We do not have to be like Chicago or Charlotte but we can look at others' ideas and see how they might work in Lynchburg.

Mayor Tweedy said she looks forward to the meeting and thanked the practitioners for coming and for the work they do. She knows there is a will of Council to work with them on behalf of the citizens to create the impact that we want to see in the future.

// In the matter of Parks & Recreation, Resolution #R-19-055 was considered to proclaim the City of Lynchburg as a "BEE CITY USA." Ms. Jennifer Jones gave them a presentation to Council highlighting that twenty years a policy was established that as many native pollinators as possible would be planted in the parks. Public Works has also

adopted that practice on all publicly owned properties. Public Works has also significantly reduced the use of herbicides and pesticides. The master gardener Lucy Hudson realized the importance of pollinators, as well became aware of harmful herbicides and pesticides. There is no spraying in all of the teaching gardens. These best practices communicate the importance of bees and other pollinators to the community. The “Please Hug the Trees” campaign has facilitated brochure kiosks on the trails and in parks that encourage residents to plant pollinator beds and the importance of bees to the food supply.

Ms. Heidi James, a board member of the Blue Ridge Conservation, a nonprofit partnership between Lynchburg Garden Club and Hillside Garden Club, was also present to speak. They have been working to plant pollinator beds on Lynchburg highways. Ms. Jennifer Jones gave Ms. James’ highly impressive list of accomplishments on behalf of the City, including receiving an award for her efforts that led to the removal of the wreckage of the bridge near Treasure Island. Ms. James mentioned other partners in the BEE CITY USA effort, which include Piedmont Beekeepers, Randolph College, Central Virginia Master Naturalists and the Lynchburg Area Food Council.

She explained that if you plant native plants and limit pesticides, you can make a difference, so it is about raising awareness. If Lynchburg becomes a BEE CITY, it will be asked to raise awareness of the problem, enhance habitats by planting native plants and celebrating achievements. The benefits to the City are being involved in education to learn and promote and share information about how to help pollinators. We will become an affiliate, which institutionalizes the local government and the community’s commitment to pollinator conservation and provides support for widespread collaboration to establish and maintain healthy pollinator habitats on public and private land. It provides accountability for achieving pollinator conservation with annual reporting and BEE CITY USA will disseminate information including funding opportunities, pollinator research and habitat enhancement. They will also provide press releases and other promotional materials.

Councilmember Wright said this is very exciting and a nice way to conclude its work session. He had a question about the composition of the BEE CITY working group. Ms. James said it is made up of members of Parks & Recreation, Building & Grounds and a couple of other City departments, as well as several members of Blue Ridge Conservation, people from Piedmont Beekeepers, someone from Randolph College (which is a BEE CAMPUS), some Virginia master naturalists and the Lynchburg Area Food Council. Anyone else who would like to participate is welcome.

Vice Mayor Dolan thinks this is great and asked about the renewal fee and how it is based on Lynchburg’s population. Ms. James said Lynchburg’s fee is \$400 and it was paid for by Lynchburg and Hillside Garden Clubs. Councilmember Perrow asked if there are any plans for hives. Ms. James said Raleigh, NC and Atlanta, GA are doing BEE Downtown and are putting hives on the roofs of City buildings. They would love to talk with Council about doing that here. Randolph College and Sweet Briar College have some hives. She thinks the State of Virginia offers free hives to anyone that wants to become a beekeeper. Councilmember Perrow would love to see the City have some hives at Peakview Park or off some trails and have some partnerships with some beekeepers to allow them to store their hives. Lynchburg Grows has a good amount of hives as well. The Piedmont Beekeepers would be the ones to talk about promoting beekeeping in Lynchburg. Councilmember Perrow said he would not be opposed having a partnership with that group to allow them to use City property for the same purposes.



Councilmember Helgeson made a motion, which was seconded by Councilmember Perrow to approve the resolution presented to Council. The motion passed by the following vote:

|         |                                                 |   |
|---------|-------------------------------------------------|---|
| AYES:   | Dolan, Helgeson, Perrow, Tweedy, Wilder, Wright | 6 |
| NOES:   |                                                 | 0 |
| ABSENT: | Nelson                                          | 1 |

Mayor Tweedy thanked Ms. Jones and Ms. James for being there and their presentation.

// In the matter of Roll Call, no Councilmembers had any items for roll call.

// The meeting was recessed at 5:55 p.m.

// The meeting reconvened at 7:30 p.m.

A collaborative in Minneapolis was done through the Transit Authority.

// The meeting was recessed at 5:41 p.m.

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

// The following members were present:

|          |                                                                                                  |   |
|----------|--------------------------------------------------------------------------------------------------|---|
| Present: | Mary Jane Dolan, Jeff Helgeson, E. J. Turner Perrow, Sterling Wilder, Beau Wright, Treney Tweedy | 6 |
| Absent:  | Mary Jane Dolan                                                                                  | 1 |

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

// In the matter of Recognitions, Mayor Tweedy recognized the former Clerk of Council, Ms. Valeria Chambers for her service to Council. She began working for the City in 1987 and worked for the departments of Engineering, Risk Management and the City Manager's office. She was previously the Deputy Clerk of Council, the acting Clerk of Council and the Clerk of Council. She was the Clerk of Council for approximately nine years. The Mayor, Vice Mayor and all Councilmembers gave them remarks of appreciation for her service and dedication to the City. Several mentioned that Ms. Chambers was also a fierce volunteer for the City and was a great face of Council to the citizens of Lynchburg. The Mayor presented Ms. Valeria Chambers with a photo and a plaque containing a key to the City. Ms. Chambers thanked Council and the citizens of Lynchburg for her service to the City. It was a challenging and rewarding experience.

// Copies of the minutes of the June 11, 2019 and June 12, 2019 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Helgeson, seconded by Councilmember Perrow, by the following recorded vote approved the minutes as presented.

|         |                                                 |   |
|---------|-------------------------------------------------|---|
| Ayes:   | Dolan, Helgeson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                 | 0 |
| Absent: | Nelson                                          | 1 |

// In the matter of Budget, Resolution #R-19-050, laid over from the June 25, 2019 meeting, was again presented and read, amending the FY 2020 General Fund Operating Budget and the FY 2020 Schools Operating Budget and rescinding \$862,000 from the Schools Operating Appropriation and increasing the General Fund Unassigned Fund Balance by \$862,000. On motion of Councilmember Helgeson, seconded by Councilmember Perrow, Council by the following recorded vote adopted the Resolution:

|         |                                                 |   |
|---------|-------------------------------------------------|---|
| Ayes:   | Dolan, Helgeson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                 | 0 |
| Absent: | Nelson                                          | 1 |

// In the matter of Citizen Comment, Mr. Ronnie Stemmer had requested to address Council on an issue. He was not present at the meeting.

// In the matter of Citizen Comment, Mr. Gerald Cheatham of 6216 Old Mill Road addressed Council on behalf of citizens from the Floridian Gardens area, which is comprised of Florida Avenue and Gilmore Circle. He acknowledged many citizens in attendance tonight from this neighborhood. They would Council to adopt an ordinance or amend Section 38.3 Obstruction of trees and vegetation of the current City Code. They believe their property values are being adversely affected by a home at 1809 Florida Avenue because the owner is not pruning his hedges. The current ordinance does not sufficiently address the adverse effect on real property values or the deterioration of the neighborhood when someone is not pruning their hedges. If Council would amend the code or adopt a new code to require a certain minimum standard, it would positively impact property values and directly enhance the beauty of the residences, the immediate neighborhood and the larger neighborhood in general. Pictures of the residence were submitted to the Clerk of Council. Mayor Tweedy thanked him for his presentation and indicated it would be discussed further with the City Manager and her staff.

// In the matter of Public Works, a public hearing was conducted for the consideration of a lease of City owned property at 300 Rutherford Street to 3 Ridge Organics for a period of three years. The leased property will be used for the purpose of growing vegetables for wholesale production. Ms. Gaynelle Hart indicated that the owner, William Layton approached the City about leasing the property. He is a graduate of CO.STARTERS, which is a program of Economic Development. This lease is a standard lease agreement. A special consideration of this lease is that for the first year, he will not pay rent but will provide produce to the community centers and provide some recreational programs on matters of environmental or urban farming. In years two and three, he will pay \$1,375 a month in rent. This is market value for the property according to the Assessor's office.

Mr. Layton addressed Council and stated that his system is completely environmentally safe. They use no chemicals of any kind. They will be able to provide fresh produce to Lynchburg 365 days a year. There was no who wished to speak either in favor or in opposition of the petition and Mayor Tweedy closed the public hearing portion of the petition.

Councilmember Perrow indicated that this item was reviewed by the PDC. This is an opportunity to take a brownfield, which has been through the brownfield remediation process, and it will now be a place that grows produce for the City at market rate. It sounds like a win-win to him. Councilmember Perrow made a motion on behalf of the PDC to approve the lease.

Councilmember Perrow asked Mr. Layton to explain his system. He said he hopes his system replaces hydroponics because hydroponic tomatoes have no taste. His system grows without chemicals and when you are growing with hydroponics, you are growing in chemical soup. His produce is better tasting and more nutritious.

Councilmember Wright asked for clarification that Mr. Layton is committing to delivering 50 pounds of produce per week to the community centers (ten pounds per center). Ms. Hart said that is correct.



The motion on the table passed by the following vote:

|         |                                                 |   |
|---------|-------------------------------------------------|---|
| Ayes:   | Dolan, Helgeson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                 | 0 |
| Absent: | Nelson                                          | 1 |

// In the matter of Community Development – Zoning Amendments, a public hearing was conducted regarding the petition of MTE, LLC to rezone approximately four and seventy-one hundredths (4.71) acres at 1415, 1417, 1501 and 1505 Kemper Street from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend proffers in order to increase the number of apartments from fifty-seven (57) units to one hundred and eleven (111) units and reduce commercial space. Ms. Rachel Frischeisen summarized the report for Council. Mr. Russ Nixon of Nixon Surveying was present to represent the petitioner. Mr. Nixon said the owner, Oliver Kutner, had a vision for this part of the City. His vision has not changed but he would like to downsize the square footage of the commercial space and divide some of the 3,000 square foot apartments into smaller units. This will make it more affordable for tenants to pay their utilities. By increasing the number of units, he is trying to keep the rents and utilities low for his tenants. The quality of the apartments will be better after renovations as well.

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

Councilmember Helgeson said he was in 2007 for the original petition. If the owner had asked then to change industrial land to 80 percent residential, Council would have said no. At that time, they asked for only 39 percent residential and mostly commercial. Proffers were given at that time and now they are asking for more apartments. He knows things change but he does not think we need more apartments in this part of the City.

Councilmember Wright thinks this is a pretty exciting project. It is close to the bus transfer station and Amtrak. It is an adaptive reuse of a facility that has been underutilized.

Councilmember Perrow said he is loath to change industrial zoning to something else. Over time, things change and this has become a neighborhood where it was not previously. Councilmember Perrow asked for clarification that there are some 3,000 square foot apartments. Mr. Nixon said there are and in order to keep the rent and utilities low, he needs to divide them into two or three units. Mr. Nixon clarified that the same businesses will be staying and just their footprint will be downsized. Councilmember Perrow thinks is a good example of a business owner deciding that reducing the rent will be good for him. Councilmember Perrow thinks it will be good for this neighborhood. Councilmember Perrow made a motion to adopt the ordinance as presented, which was seconded by Councilmember Wilder.

Councilmember Wilder asked if there was adequate parking. Mr. Nixon said there is some overlap between the commercial uses and the apartments. There is adequate parking for the apartments as many of the tenants use the transit system. In response to a question from Councilmember Wilder, Mr. Kutner said the average rent is between \$500 and \$850. Sometimes the utilities are as much as the rent, so Mr. Kutner took over the utilities and the tenants pay a flat \$100 fee. Mr. Kutner mentioned that he plans on putting in solar panels and making the building one of the most energy efficient in Lynchburg.

Vice Mayor Dolan will be supporting this as she thinks it is a great project. In response to a question about his market, he replied that he has a good mix of people living there and some of them have been there since day one. It is a community and people respect that they want it to look nice. They will be working on making the exterior look nicer with paint and covered walkways.

The motion on the table passed by the following vote:

|         |                                       |   |
|---------|---------------------------------------|---|
| Ayes:   | Dolan, Perrow, Tweedy, Wilder, Wright | 5 |
| Noes:   | Helgeson                              | 1 |
| Absent: | Nelson                                | 1 |

// In the matter of Community Development – Zoning Amendments, a public hearing was conducted regarding the petition of Lynchburg Renting, LLC to rezone approximately eight (8) acres at 710 and 714 Leesville Road from R-1, Low Density Residential District and R-3, Medium Density Residential District to R-3C, Medium Density Residential District (Conditional) and for a conditional use permit to allow the construction of an eighty-seven (87)-unit townhome community. Mr. Tom Martin gave Council a summary of the report.

Mr. Bill Berkeley of Cardinal Design was present to represent the petition. They have been working on this project since 2007. It is intended to be affordable housing for first-time homebuyers with a price point between \$150,000 and \$180,000. It was turned down previously by Council due to its main concerns regarding stormwater management. They have added an additional stormwater management area in the rear of the property. The petitioners have also proffered to provide a 25 percent runoff improvement factor which is higher than the 20 percent according to state code. They have added a connection to Middle Street, which should improve traffic and the conditions of the whole neighborhood.

Mr. Ted Craddock spoke in favor of the petition. He mentioned that a number of the Planning Commissioners commented the petitioners on making substantial changes since the 2015 petition. The petitioner was able to acquire an additional acre of land, which allows for a fifty foot buffer on the west side of the property. The connection to Middle Street and the improvements to Leesville Road will help with connectivity into the Lakeland neighborhood. The additional land has also allowed the petitioner to add a playground to the project. The *Future Land Use Map* recommends medium residential for this property and this project fits that bill.

Mr. Bruce Gallier, the owner of the property, thanked the councilmembers that met with him for doing so and said they had taken Council's advice from 2015 and made the changes they requested him to do with the project.

Ms. Charlotte McClinton came forward to speak. She is a property manager and owns a unit adjacent to this development at 716 Leesville Road and is on the board of the homeowners association. The owner has always been responsive to her needs and additional townhomes would increase her property value. She likes the playground. She also knows the inventory is very low in inventory for affordable housing.

Mr. Jay Parker of 708 Leesville Road came forward to speak and said he does not oppose the project.

Mr. Dan Utley said he owns four units in the adjacent townhome community and he is in favor of the project.

There was no one else who wished to speak in favor. Mayor Tweedy asked for anyone who wished to speak in opposition.



Mr. Scott Chewning of 1000 Lakeview Drive spoke in opposition of the petition. No one in the Lakeland neighborhood is going to use the Middle Street connection when they can go down to McVeigh Road. He also would not care for any more traffic in the area. He believes the water runoff when the property is clear cut.

Mr. James Meredith of 1106 Lakeview Drive spoke in opposition of the petition. He has continuous water issues on his property. They owe it to consider the developer's project but they also owe consideration to the Lakeland residents, some of whom have lived there over 30 years. They would like to continue to live there without bigger water problems and in peace.

Mr. David Herb of 1112 and 1114 Lakeview Drive spoke in opposition of the petition. He had pictures to show Council of the water that is coming from the Wexford townhomes. Scott Sablack with Water Resources has met with Mr. Herb and is trying to deal with the issue but his hands are tied. There is also water coming from WyndSOR Place. No matter how many retention ponds there are, that water still has to come out of two pipes and is not being dissipated over eight acres. He had some photos for Council showing the water problems.

Mr. Ronald Farringer of 402 Woodland Circle spoke in opposition of the petition. He gets the first water coming from the Wexford townhomes. He has talked to the people at the apartments and the City and nothing has been done in the 12 years he has lived there. He mentioned that they do not want a different pattern and also that the back end of the lake is filling up with silt. He also monitors the Lakeland Dam and it came close to its overflow system a couple of times. They came close to implementing the emergency action plan three times last year. He does not see how they can afford to have additional townhomes until they fix what is there now.

Ms. Rebecca Richardson of 1204 Lakeview Drive spoke in opposition of the petition. They have a long history with the earthen dam and have spent a lot of money on studies that required them to lower the dam 16 inches. More runoff negates that study. We need to do a study to determine what is going to happen with our earthen dam. She feels desperate for the people that live below this proposed development. They will get washed away.

Ms. Helen Goff of 706 Leesville Road spoke in opposition of the petition. She provided Council with a picture showing the water issues. She feels the stormwater issues with this project were addressed five years ago and she does not understand why they are back again. The storms have gotten worse and the water is still flowing in from numerous spots on Leesville Road. She has a gulley next to her property so wide that one could drive a school bus through it. The traffic on Leesville road has also increased tremendously since the intersection with Greenview Drive and Airport Road. She has seen many accidents in front of her home and commented that you cannot have a conversation with someone during certain hours for the traffic noise.

Mr. Chuck Richardson of 1204 Lakeview Drive spoke in opposition of the petition. He said no one has mentioned the apartments downstream from them. They have gone from a private dam to a high hazard dam with the state classification because of the apartments downstream. They are at the max water now. If they allow more water to come in there, it could cause a tragedy.

Mr. Art Taylor of 1029 Lakeview Drive spoke in opposition of the petition. In 2015 some of the councilmembers came to the area but the residents were unable to get any help with the lake because they have not been able to prove how much silt is coming from the WyndSOR Place townhomes. He wants to know if the petitioner

will just have to pay a fine again or will something be done to help clean up their mess. It was already voted down once before and he mentioned there is also a cemetery in the area, which has not been mentioned.

A lady (did not give her name) that lives at 809 Middle Street spoke in opposition of the petition. She cannot imagine any more traffic being on Leesville Road. She cannot imagine Middle Street being open and having more traffic there. She asked the councilmembers to consider if they would like this development next to their home.

Mr. Derek Schmelz of 440 Woodland Circle spoke in opposition of the petition. He does not understand how they can clear cut this land and still control the water. It is going to come out a whole lot faster. He also thinks the chemicals coming from the parking lot will end up in the lake.

Ms. Linda Coley of 1001 Lakeview Drive spoke in opposition of the petition. Her property is the first one below the dam and flooded twice last year. Wyndors Place was also built for townhomes for families to buy but they are predominantly rental properties. She feels like that is going to happen here. She feels they bought their homes and made their investments and Council is changing the rules. It is not fair and they are walking all over the people that have paid taxes for years. She also does not want the access to Middle Street because they have enough traffic. She would like them to think about flooding all these people out that have worked hard and diligently in their community.

Mayor Tweedy called for rebuttal. He pointed out that Wexford townhomes is a complex to the south of them on Leesville Road. The pictures shown to them is water coming from a different drainage swale than what releases from the property of this petition. He would like to refute that they cannot control the water because that is stormwater management. They have designed to the regulations of the state and the EPA to prevent water from going downstream. They have to trust that the engineering profession can handle that type of design work.

As far as connecting to Middle Street, that is a City requirement and that prompted the traffic study that said we have to have turning lanes. He thinks it is good design to have that connection because it gives a second means of emergency entrance or exit if they needed it.

They have done the things they have been asked to do and worked with the City for almost years. He would ask for their favorable consideration.

Mayor Tweedy closed the public hearing portion of the petition. Councilmember Perrow hears their concerns and thanked Mr. Meredith for spending time with him because it was eye opening. As far a land use, it thinks it is an appropriate use for this land, barring the stormwater discussion. The City is going to grow even more and we need more housing. He noted that there is some clash of interests between property owners. He asked when the other developments were built. Mr. Martin said Wexford townhomes were built in 1997. The Wyndors Place were built in 2004 and Lakeland was built in 1965.

Councilmember Perrow asked Mr. Martin what the maintenance requirements are because this sounds like a maintenance issue. Mr. Kent White answered the question and said when the Wexford townhomes were constructed in 2001, the City did not have a stormwater ordinance. It adopted a stormwater ordinance in May of 2001 and adopted revisions to that ordinance in 2007 and 2014. The requirements have become increasingly more stringent with each iteration. The latest provision says the City can require maintenance even if a maintenance agreement was not in place. The City can require them to maintain to the standards that were in place at that time. Current



regulations say a development has to match the existing runoff and reduce it by 20 percent. Commissioner Perrow noted that applies even if the area is forested and Mr. White said that is correct. Mr. White said the City will require a maintenance agreement, annual inspections and ensure maintenance. In answer to Councilmember Perrow's question about why the City did the stormwater ordinance, it was the growth and the amount of impervious cover. We did not have the stormwater utility fee until 2014 so we did not have the resources to fund the upkeep and maintenance.

Councilmember Wilder asked if the two previous developments' owners have been contacted regarding the residents' concerns. Mr. White cannot speak for Water Resources but the limitation may be that they only have to maintain it to the requirements of the ordinance in place at the time of construction versus current standards. Mr. White is happy to follow up with Water Resources to see what they have done and what was in place at the time of construction.

In answer to Councilmember Wilder's question, Mr. Martin said they could build approximately 2.9 units per acre as the property is currently zoned R-1 but it has been recommended for medium density, which is up to 12 units per acre, since at least 2000. Mr. Martin indicated that the Planning Commission was comfortable with the design and the over detention of the stormwater. Its meeting was not as well attended by citizens in opposition as tonight's meeting.

Councilmember Wilder asked for clarification of how many detention ponds are planned. Mr. Berkeley indicated that there are two planned. He also mentioned that the 2014 stormwater regulations also require them to provide stormwater quality, so there will not be the pollutants running off. These ponds will most likely be enhanced treatment ponds that will remove the nutrients and eliminate the first flush off the parking lot. Mr. Martin indicated that Kate Miller, the Environmental Reviewer, was comfortable with the initial design of the ponds and she will ensure they comply with their proffer to improve runoff by 25 percent. Commissioner Perrow asked if the City will approve any plan that says anything otherwise and Mr. Martin said no it will not. If the Environmental Reviewer does not concur with their calculations, it will not be approved or it will have to come back to Council for an amendment to the proffer.

Councilmember Helgeson asked Mr. White how improving runoff goes from a theoretical concept to the actual downstream reality that people are going to face later. He wanted to know how we can give assurance to the neighbors. Mr. White said that is the practice of administering ordinances. Councilmember Helgeson noted there were a lot of problems during the construction of Cornerstone and things that were not done that were supposed to be done. Mr. White commented that there are projects that go well and a lot of projects do not go well and there a lot of factors that play into that such as weather and those sorts of things. Stormwater management is about post construction. Engineers have to do the calculations and then route the runoff through whatever practice they are going to put in and figure out how much storage they need to make the ultimate reduction. The state uses design storms and those set volumes and rates of water runoff that is allowed. Staff reviews those calculations and makes sure they are correct and manages the project all the way during construction. Then the designer has to show that the stormwater facilities were built per the design and a licensed design professional has to sign off on it before any bond is released. The other enforcement arm is the stormwater maintenance agreement.

Mr. Berkley said the water will come to the two ponds from a different direction. Each pond will hold water but they do not work in sequence. The nutrients coming off the parking lot are reduced with vegetation and porous filters before the water leaves the pond. The ponds will hold the water and reduce the runoff downstream. The ponds have orifices of different sizes that release the water slowly and can handle water up to a 100-year storm. The silt will get contained in the ponds.

Councilmember Helgeson asked if the other two sites that are causing the neighbors problems could be renovated or retrofitted with ponds. Mr. Berkley said there are essentially no ponds at the Wexford townhomes; however those went in before stormwater regulations were in place. Someone has to make or encourage those people to make improvements. Mr. Berkley said this developer was not involved in the Wexford townhomes.

Councilmember Perrow commented that when the dam analysis was done, they had to take into account the entire watershed. The property they are discussing tonight would have been considered a woodland property. What is the net effect that this development theoretically on the dam and the inundation study? Mr. Berkley said it would be a slight reduction in the peak flows that would reach the dam. If this has been classified as a high hazard dam, then the dam has been designed to handle the maximum flood for this area. Mr. Berkley thinks the last numbers he saw for maximum runoff were 25 and a half inches of runoff over a 24-hour period where normal designs are for five inches over a 24-hour period.

Mayor Tweedy called up a member of the public who had spoken previously. The citizen asked why the developer would be allowed to build another development before he does what is right and takes care of Wyndorsor Place townhomes. If it turns out that he builds this new street and things do not hold the water and silt comes down, is he going to be responsible for repairing it or is the City going to do like last time and he pays a fine and we are stuck with the mess?

Mayor Tweedy noted that all of this property was annexed and change is not acceptable or comfortable all the time. She noted that everyone has invested in their properties. Hearing Mr. White gave her more clarity on what the expectations and requirements were at the time when the other projects were constructed. She asked Mr. Erwin who they could go back to with regard to Wexford townhomes as they are all individually owned. Mr. Erwin said no code can require someone to upgrade or retrofit facilities. You can be required to maintain your facilities to the standards that were in effect at the time the facilities were constructed. It would be the responsibility of the individual owners or the homeowners association to ensure the facilities are properly maintained.

Mayor Tweedy noted there are other neighborhoods where there are water issues when there are heavy rains. This is a unique situation to her because there is a lake involved and the private owners have done what they could in their backyards and have made their home improvements. The owners have proffered to do more than what was expected in 2015 and they are being held to a higher standard of stormwater management. Mayor Tweedy would like to know what the cost is of fixing an issue on property that was held to a lesser standard and is causing an entire neighborhood issues. She would like to know what they can do as a City to assist these people with the water issue. She is not going to say they should stop the development of this property but she thinks they should help do some evaluation and give some assistance to help mitigate the runoff from these other properties.



Councilmember Helgeson asked Mr. White what kind of money they would be talking for the other two property owners to dig a ditch and run some pipe. Ms. Svrcek said staff does not know and they would have to do some heavy thinking because it involves private property rights. Councilmember Helgeson said if there are problems on other properties, they cannot just blindly trust the engineers. Mr. White said he could not give any kind of estimate because he is not familiar enough with the two properties but staff would be happy to look at the situation. Councilmember Helgeson asked Mr. Gallier to address them. Mr. Gallier said he owns Wyndors Place Townhomes. They are inspected annually by the City and comply with whatever they have to do to address any issues. He is the president of the homeowners association and recalls dredging the pond twice in 12 years. He cannot speak for Wexford Townhomes but his site is not causing the problems in Lakeland.

Councilmember Perrow suggested they explore at a later time some way to use the existing stormwater fund to incentivize property owners that voluntarily want to improve their stormwater maintenance. Ms. Svrcek said they could certainly look into that suggestion.

Mr. Martin wanted to explain to Council that while the owners have proffered to over detain the quantity of the stormwater, they will also have to meet water quality standards as it relates to the Chesapeake Bay. However, state code allows them to do that by purchasing nutrient credits off site. There is a bank left in Buckingham County and the water quality would happen there and not in the City of Lynchburg. Dirty, muddy water should not come off the site if everything is built and implemented correctly. Council cannot push, require or accept a proffer that circumvents state law.

Councilmember Wilder made a motion to approve the petition, which was seconded by Councilmember Perrow. Councilmember Wilder thinks the issues are caused by another property owner that cannot be held to the same standards that exist currently. The developer has owned this property since 2007 and made many changes and improvements to his plan over the years.

Councilmember Perrow thinks this is a rational and reasonable development. Leesville Road can handle the traffic and we have the need for more housing stock. He said he has empathy for the issues the neighbors have brought up. Councilmember Perrow is a professional engineer and Mr. Berkley is a professional engineer. He is guaranteeing that his design will do what he says it will do. To vote against this would mean that Councilmember Perrow does not believe in the integrity of his profession. He does believe in his profession and believes the stormwater will be reduced in the manner Mr. Berkley says it will be. He believes in the integrity of the reviewing agencies that his calculations will be checked.

In answer to a question from Councilmember Helgeson, Mr. Martin said the owners will have to post bonds for erosion and sediment control and stormwater measures. Those bonds are not released until the site has been developed per the plan and everything is working correctly. The maintenance of the facilities is controlled through the stormwater maintenance agreement and annual inspections. The City is in a much better position than it was in 2004 because we did not have the stormwater maintenance agreements. Councilmember Helgeson asked Mr. Martin to address an owner paying a fine for something that goes wrong. The fine goes to the City and not to fixing the problem. Mr. Martin said the best scenario is to ensure that does not happen. The City is in a much better position with the number of environmental inspectors we have now out on site. The building official and building code

inspectors are trained in environmental inspections so we have more eyes on the site. If sediment did get into the lake, the Department of Environmental Quality (DEQ) would become involved or it could be a civil case.

Mr. Erwin explained that it is simple tort law that an owner can bring a civil law suit against another property owner that damages his property. In addition, DEQ has the authority to enforce the law if they believe there has been a stormwater violation.

Councilmember Helgeson will not be voting for this because he has not seen a compelling reason to change the zoning. He is glad it was not approved in either 2007 or 2015 because it sounds like the stormwater requirements have improved over the years.

Councilmember Wright thinks the plan is a reasonable use of the property and he appreciates that Mr. Gallier has really tried to work with Council. However, listening to citizens here tonight that talk about their quality of life and the impact of this development, he cannot in good conscience vote for this development. He is just not convinced that it would not be to the detriment of the neighbors.

Vice Mayor Dolan appreciates what the developer has done to go above and beyond to solve the challenges of the site. She is not really convinced that there will not be a future of serious water problems for the residents and she thinks they bring up a compelling argument against this project. She feels she cannot support this project either.

Mayor Tweedy asked what happens if there is a tie. Mr. Erwin said that the project is not approved because it takes a majority vote of Council to grant a zoning application. It could not come back to Council for reconsideration for a period of 12 months unless five members of Council vote to bring it back earlier. If the motion does not pass tonight, that is not a denial of the project and it could possibly come back sooner. However, there would have to be a significant change in the application because Council does not have to hear the same petition again for a period of 12 months. Councilmember Perrow asked for clarification that the petitioner would not be restricted in bringing it back if this motion does not pass. Mr. Erwin said he would not be restricted.

Mayor Tweedy said she would be in support of this project because of the additional proffers and requirements that the developer has offered. Mr. Erwin clarified for her that Council's rules of procedure say they will not use a motion to reconsider in a zoning matter. Council could by majority vote say it does not want to follow that rule of procedure and it wants to vote to bring it back if it thought there were issues that need to be addressed. The developer could make changes to the plan and file another application, go through the process again and have it come back to Council. Mr. Gallier attempted to ask a question from the audience and Mayor Tweedy apologized that Council would not be able to address another question.

Councilmember Perrow asked if it would help to make a substitute motion to table this matter for an indefinite period of time. Mr. Erwin indicated that Council would still have to make a decision on the zoning application within 12 months. Councilmember Perrow made a substitute motion to table this matter and give the developer a chance to submit additional information. Mayor Tweedy seconded the motion. She reiterated to staff that she would like them to bring back information to Council as to its options to help the residents. Mayor Tweedy addressed the residents and said she hopes they understand Council wants to help and she likes to create win-win situations where they can. She noted that they have a councilmember absent tonight and that gives him the option to weigh in on this as well.



Councilmember Wilder asked what the process is for the developer as far as giving notice so that the residents can be aware of any change in his application. Mr. Erwin said there is not a specific process. The developer would let Council know he is ready to come back or Council would request that he come back. The normal advertisements would go out and the citizens would be notified in the normal manner. Mayor Tweedy asked staff when they could come back with the information she has requested and Ms. Svrcek said sometime this fall.

The motion to table the item indefinitely passed by the following vote:

|         |                               |   |
|---------|-------------------------------|---|
| Ayes:   | Dolan, Perrow, Tweedy, Wright | 4 |
| Noes:   | Helgeson, Wilder              | 2 |
| Absent: | Nelson                        | 1 |

// In the matter of Community Development – Zoning Amendments, Agenda Item #12, Council continued the consideration of the Petition of Oaklink LLC to rezone approximately thirty-nine (39) acres at 207, 301, 305, 400, 401, 405, 408, 409, 411, 412, 415, 416, 417, 420, 421, 424, 425, 428, 429, 432 and 436 Preserve Drive, 100, 101, 102, 103, 104, 104A, 105, 106, 107, 108, 109, 110, 111 and 112 Clopton Court from R-3C, Medium Density Residential (Conditional) to R-3C, Medium Density Residential (Conditional) to remove a previously approved proffer requiring the construction of a left turn lane from Link Road onto Preserve Drive. Mr. Martin reported that the petitioner has submitted a copy of its contract with and payment to Verizon for the removal of the utility lines which removes any concern that staff has with them being removed.

Councilmember Helgeson made a motion to approve the petition as presented as they now have the assurance that the poles will be removed. He thinks it was a good procedure and feels the proffer can now be removed. The motion was seconded by Councilmember Wright and passed by the following vote:

|         |                                                 |   |
|---------|-------------------------------------------------|---|
| Ayes:   | Dolan, Helgeson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                 | 0 |
| Absent: | Nelson                                          | 1 |

// In the matter of Community Development, Street Renamings, Council considered adopting a resolution to approve the renaming of a portion of Simons Run. Ms. Victoria Glasgow explained that Campbell County is planning on extending a portion of Simons Run to Airport Road. If the portion of Simons Run is not renamed, there would be two prongs to the Simons Run fork with the same street name. To avoid future confusion, the County would like to rename the short segment perpendicular to Leesville Road as Compson Way.

Councilmember Perrow on behalf of the PDC made a motion to approve this resolution. Councilmember Helgeson had suggested previously that there be another way in and out to this retail center. It is much safer and much better ingress and egress. There is no need for a second to this motion and it passed by the following vote:

|         |                                                 |   |
|---------|-------------------------------------------------|---|
| Ayes:   | Dolan, Helgeson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                 | 0 |
| Absent: | Nelson                                          | 1 |

// On motion of Councilmember Perrow, seconded by Vice Mayor Dolan, by the following recorded vote elected to hold a closed meeting to a. consider appointments to the Youth Services Citizens Board b. for consultation with legal counsel concerning the case of Walker T. Sigler v. Edward George Ferron, Jr. and Savannah L. M. Simmons,

July 9, 2019

**AGENDA ITEM #: 6**

pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950, as amended, because discussion in an open meeting would adversely affect the negotiating or litigating posture of the City and c. 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:

|         |                                                 |   |
|---------|-------------------------------------------------|---|
| Ayes:   | Dolan, Helgeson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes:   |                                                 | 0 |
| Absent: | Nelson                                          | 1 |

// 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 Perrow, and Council by the following recorded vote adopted the motion:

// The meeting was adjourned at 10:15 p.m.

---

Clerk of Council



**LYNCHBURG CITY COUNCIL**  
**Agenda Item Summary**

**For reference for  
Agenda Item #7**

MEETING DATE: **May 28, 2019**

AGENDA ITEM #: **15**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Appropriation of the Community Wealth Building - Temporary Assistance for Needy Families Grant In-Kind Match**

KEY ELEMENTS:

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

**RECOMMENDATION:** Adopt a resolution to amend the FY 2019 City/Federal/State Aid Fund Budget and 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).

**SUMMARY:** The City submitted a TANF CWB grant application in November 2018 to the VDSS with the objective of furthering the City's efforts related to poverty reduction and increasing median household income. The Intent to Award letter was received from VDSS which indicated Lynchburg was awarded \$163,204. Funding is allocated over the remainder of FY 2019 and throughout FY 2020. These funds will be used to expand current TechHire and Getting Ahead programs and to support additional programming within the City's poverty reduction framework.

The required match for the City is 10% (based on a formula, not directly 10% of request). In-kind services are eligible for the match resulting in no additional cash contribution from the City. This match will be achieved through in-kind expenditures associated with the management of affiliated programs, a portion of staff salaries, and office use for program staff/participants in the amount of \$18,638.

**PRIOR ACTION(S):** November 27, 2018, Finance Committee (Notice of Application)  
February 26, 2019, Finance Committee  
March 12, 2019, Adoption of Resolution #R-19-015 to appropriate \$163,204  
May 28, 2019, Finance Committee

**FISCAL IMPACT:** Local in-kind match of \$18,638 (formula driven calculation)

**CONTACT(S):** John H. Hughes, IV, Assistant City Manager, 455-3990

**ATTACHMENT(S):** Resolution  
Notice of Intent to Award

**REVIEWED BY:** bms

066R

RESOLUTION:

#R-19-056

BE IT RESOLVED that the FY 2019 City/Federal/State Aid Fund budget is amended and \$18,638 is appropriated as an in-kind services match to the \$163,204 previously appropriated with resources from the Commonwealth of Virginia Department of Social Services (VDSS) through the Employment for Temporary Assistance for Needy Families (TANF) Community Wealth Building (CWB) Grant.

Introduced: May 28, 2019

Adopted: August 13, 2019

Certified:

\_\_\_\_\_  
Clerk of Council





# COMMONWEALTH of VIRGINIA

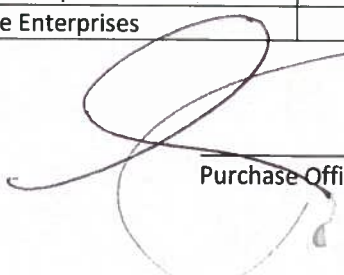
## DEPARTMENT OF SOCIAL SERVICES

### NOTICE OF INTENT TO AWARD

Date January 11, 2019

Commodity: Employment for TANF Participants  
In Response to RFA No. BEN-19-024

|                                 |                         |
|---------------------------------|-------------------------|
| Career Support Services         | \$ 482,625.00           |
| City of Charlottesville         | \$ 56,630.00            |
| City of Hampton                 | \$ 230,849.60           |
| City of Lynchburg               | \$ 163,204.79           |
| City of Martinsville            | \$ 271,203.83           |
| City of Norfolk                 | \$ 410,714.00           |
| City of Williamsburg            | \$ 159,302.61           |
| Danville Community College      | \$ 257,518.48           |
| Louise W. Eggleston Center      | \$ 88,272.41            |
| Job Assistance Center           | \$ 297,010.38           |
| Literacy Council of Northern VA | \$ 104,004.63           |
| Melwood                         | \$ 248,558.27           |
| MVLE                            | \$ 216,702.81           |
| Newport News - CSB              | \$ 896,802.58           |
| Northern Virginia Family        | \$ 402,008.58           |
| NW Works                        | \$ 284,041.13           |
| Service Source                  | \$ 184,041.05           |
| Skillsource Group               | \$ 241,070.40           |
| The Choice Group                | \$ 280,938.71           |
| Worksource Enterprises          | \$ <del>96,585.59</del> |

  
\_\_\_\_\_  
Purchase Officer or Contract Officer

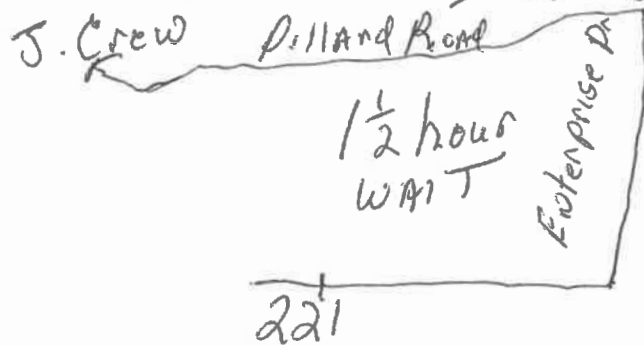
7-22-2019

Sir:

I would like to speak at City Council on issue that occurs every year at the holiday season. November and December. Traffic backup from 2:00pm to 5:00pm when people are trying to get to work at J. Crew. Request traffic officers at 221 & enterprise Drive & enterprise drive and dellard & (Problem) you must have one officer from city of Lynchburg and one officer from County of Bedford. I will contact County of Bedford ~~same~~ same as I am contacting city of Lynchburg. Having one officer will not work you must have two traffic control officers. J. Crew has shown that they do not care how long their employees have to wait before they get to work. I have wait a hour and half in traffic over wait to get people to work at J. Crew during holidays season.



Government should take care of this problem.  
If J. Crew has to pay ~~it~~ for traffic  
Control by officers J. Crew should be made  
~~has~~ to pay. No one should in a city  
of 80,000 people have to wait a hour  
and half to get to work. ~~in~~ a distance that  
is less than a  $\frac{1}{2}$  mile. from their place of work.



Thank - You.

Frank Edward Forest

[fforest03@yahoo.com](mailto:fforest03@yahoo.com)

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **August 13, 2019**

AGENDA ITEM #: **9**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Future Land Use Map Amendment (FLUM), Rezoning & Conditional Use Permit (CUP): FLUM Amendment - Employment 2 to Mixed Use. Rezoning - I-2, Light Industrial District & I-2C, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional). CUP – Apartments – 1001, 1009 Dillard Drive and 2009 Enterprise Drive**

**KEY ELEMENTS:**

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

**RECOMMENDATION:** Approval of the Future Land Use Map Amendment from Employment 2 to Mixed Use, Rezoning from I-2, Light Industrial District and I-2C, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional) and Conditional Use Permit to allow the construction of a mixed use development to be known as 434 Center.

**SUMMARY:** 434 Center, LLC, (Mr. Gary Schmincke) is petitioning to amend the Future Land Use Map from Employment 2 to Mixed Use, 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 a mixed use development containing a gymnasium and fitness center, office space, restaurants and a one hundred sixteen (116) unit apartment complex at 1001, 1009 Dillard Drive and 2009 Enterprise Drive.

The petitioner has submitted the following voluntary proffers:

1. The following uses allowed by-right in a B-3, Zoning District will not be developed on the property.
  - Gasoline service
  - Auto repair
  - Furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances
  - Flea markets and thrift stores
  - Convenience store
  - Beer, wine and liquor store
  - Pawn shops
  - Short-term loans
  - Adult retail establishments
  - Pet or pet supply store
2. Dillard Drive will be widened to accommodate three (3) ten (10) foot lanes from the intersection with Enterprise Drive to the eastern driveway of the development.
3. The project will include striping on Dillard Drive to extend the lane lines east from the intersection with Enterprise Drive and include a one hundred foot (100) left turn lane into the development driveway with a transition to the existing configuration of Dillard Drive beyond the development driveway.



PRIOR ACTION(S):

July 10, 2019:

The Planning Division recommended approval of the *FLUM* Amendment, rezoning and CUP petitions.

The Planning Commission recommended approval of FLUM Amendment, rezoning and CUP petitions. (4-1, with 2 members absent, Rogers & Bowden)

FISCAL IMPACT:

Increase in real estate value to be determined upon construction completion

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution – FLUM Amendment
- Ordinance - Rezoning
- Resolution - CUP
- Planning Commission Minutes – July 10, 2019
- Planning Commission Packet – July 10, 2019
  - o Planning Commission Report
  - o Zoning Map with Adjoining Owners
  - o Future Land Use Map
  - o Watershed Map
  - o Planimetric and Topographic Map
  - o Concept Plan
  - o Narrative
  - o Rendering
  - o Traffic Study
  - o Property Photograph
- Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION:

#R-19-058

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1001, 1009 DILLARD DRIVE AND 2009 ENTERPRISE DRIVE FROM EMPLOYMENT 2 TO MIXED USE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of 434 Center, LLC, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Employment 2 to Mixed Use for a certain area located at 1001, 1009 Dillard Drive and 2009 Enterprise Drive is hereby approved.

Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

98R

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1001, 1009 DILLARD DRIVE AND 2009 ENTERPRISE DRIVE FROM I-2, LIGHT INDUSTRIAL DISTRICT AND I-2C, LIGHT INDUSTRIAL DISTRICT (CONDITIONAL) TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54. \_\_ which shall read as follows:

Section 35.2-54. \_\_. Change of a certain area located at 1001, 1009 Dillard Drive and 2009 Enterprise Drive from I-2, Light Industrial District and I-2C, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

ALL THAT TRACT OF LAND LYING AND BEING IN THE CITY OF LYNCHBURG, VIRGINIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ENTERPRISE DRIVE (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE LEAVING SAID RIGHT-OF-WAY ALONG AN ARC TO THE LEFT HAVING A CENTRAL ANGLE OF 83°32'48", A RADIUS OF 50.00', AN ARC LENGTH OF 74.65', A CHORD BEARING OF NORTH 84°56'52" EAST AND A CHORD DISTANCE OF 67.91' TO A POINT; THENCE ALONG AN ARC TO THE LEFT HAVING A CENTRAL ANGLE OF 8°10'06", A RADIUS OF 475.00', AN ARC LENGTH OF 67.72', A CHORD BEARING OF NORTH 38°05'18" EAST AND A CHORD DISTANCE OF 67.66' TO A POINT; THENCE NORTH 34°00'15" EAST 43.78' TO A POINT; THENCE ALONG AN ARC TO THE RIGHT HAVING A CENTRAL ANGLE OF 9°15'18", A RADIUS OF 325.00', AN ARC LENGTH OF 52.50', A CHORD BEARING OF NORTH 38°37'55" EAST AND A CHORD DISTANCE OF 52.44' TO A POINT; THENCE NORTH 16°19'31" WEST 90.09' TO A POINT; THENCE NORTH 57°44'10" WEST 169.00' TO A POINT; THENCE NORTH 32°15'51" EAST 338.55' TO A POINT; THENCE SOUTH 88°56'03" EAST 61.62' TO A POINT; THENCE NORTH 30°12'27" EAST 170.57' TO A POINT; THENCE SOUTH 57°43'40" EAST 271.05' TO A POINT; THENCE SOUTH 78°03'15" EAST 367.46' TO A POINT; THENCE SOUTH 17°42'20" EAST 78.25' TO A POINT; THENCE SOUTH 00°51'00" EAST 500.84' TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DILLARD DRIVE; THENCE FOLLOWING SAID RIGHT-OF-WAY ALONG AN ARC TO THE LEFT HAVING A CENTRAL ANGLE OF 12°45'31", A RADIUS OF 627.58', AN ARC LENGTH OF 139.75', A CHORD BEARING OF SOUTH 78°43'58" WEST AND A CHORD DISTANCE OF 139.46' TO A POINT; THENCE SOUTH 72°21'15" WEST 599.87' TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY ALONG AN ARC TO THE RIGHT HAVING A CENTRAL ANGLE OF 81°47'46", A RADIUS OF 35.00', AN ARC LENGTH OF 49.97', A CHORD BEARING OF NORTH 66°44'50" WEST AND A CHORD DISTANCE OF 45.83' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ENTERPRISE DRIVE; THENCE FOLLOWING SAID RIGHT-OF-WAY LINE ALONG AND ARC TO THE LEFT HAVING A CENTRAL ANGLE OF 13°33'16", A RADIUS OF 680.80', AN ARC LENGTH OF 161.06', A CHORD BEARING OF NORTH 32°38'12" WEST AND A CHORD DISTANCE OF 160.68' TO A POINT; THENCE ALONG AN ARC TO THE RIGHT HAVING A CENTRAL ANGLE OF 12°51'34", A RADIUS OF 680.00', AN ARC LENGTH OF 152.62', A CHORD BEARING OF NORTH 45°50'51" WEST AND A CHORD DISTANCE OF 152.30' TO THE POINT OF BEGINNING CONTAINING 14.832 ACRES.

.. is hereby changed from R-1, Low Density Residential District and R-3, Medium Density Residential District to R-3C, Medium Density Residential District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, 434 Center, LLC (Gary Schmincke), to wit:

1. The following uses allowed by-right in a B-3, Zoning District will not be developed on the property.
  - Gasoline service



- Auto repair
  - Furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances
  - Flea markets and thrift stores
  - Convenience store
  - Beer, wine and liquor store
  - Pawn shops
  - Short-term loans
  - Adult retail establishments
  - Pet or pet supply store
2. Dillard Drive will be widened to accommodate three (3) ten (10) foot lanes from the intersection with Enterprise Drive to the eastern driveway of the development.
3. The project will include striping on Dillard Drive to extend the lane lines east from the intersection with Enterprise Drive and include a one hundred foot (100) left turn lane into the development driveway with a transition to the existing configuration of Dillard Drive beyond the development driveway.

And the City Planner shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

RESOLUTION:

#R-19-059

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO 434 CENTER, LLC, IN A B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) AT 1001, 1009 DILLARD DRIVE AND 2009 ENTERPRISE DRIVE TO ALLOW THE CONSTRUCTION OF ONE HUNDRED SIXTEEN (116) APARTMENTS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of 434 Center, LLC for a conditional use permit at 1001, 1009 Dillard Drive and 2009 Enterprise Drive to allow the construction of one hundred sixteen (116) apartments in an B-3C, Community Business District (Conditional) is hereby approved subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan entitled "Rezoning Concept Plan 434 Center" dated June 3, 2019, revised June 24, 2019 and received by the Planning Division on June 27, 2019.

Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

**MINUTES OF THE JULY 10, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):**

**Petition of 434 Center, LLC at 2009 Enterprise Drive, 1001 and 1009 Dillard Drive to amend the Future Land Use Map (FLUM) from Employment 2 to Mixed Use, to rezone approximately fifteen (15) acres from I-2, Light Industrial District 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, City Planner provided the following summary to the Commission. The petition proposes to construct a development with a variety of different uses. The development will contain a one hundred twenty-six thousand (126,000) square foot building with a gym and fitness center, basketball courts, and an event venue. This petition also proposes to develop one hundred and sixteen (116) apartment units, office and commercial retail space, a restaurant, and walking trails on fourteen and eighty-three hundredths (14.83) acres. The *Future Land Use Map (FLUM)* currently recommends an Employment 2 use for these areas. Employment 2 use areas are intended to include light and heavy manufacturing, development flex space, and large scale office uses. Restaurant, hotel, and business uses may be appropriate as well. The petition requests to amend the *Future Land Use Map (FLUM)* to a Mixed Use. Mixed Use areas do not fit into any one land use category. Generally, these consist of large undeveloped green field sites and are intended to be developed with a balance of residential, commercial, civic, and open spaces. The Planning Division staff finds the proposed change to be an acceptable transition from the City/County boundary line, the industrial area, and to the Wyndhurst and Summit developments. The Economic Development Director had no negative opinions of changing this land use designation. Stormwater management would be addressed with a stormwater management area in an existing sediment basin. This basin would be converted to a wet pond and remaining requirements would be met with a combination of on-site measures and the purchase of off-site nutrient credits. A development of this size may have a major impact on traffic. The petitioner submitted a traffic analysis and turn lane warrant study, which was reviewed by the City Engineer. The study indicated that right and left turn lanes would be warranted on Enterprise Drive. The City is looking to prohibit left turns into the development off of Enterprise Drive. The study did not show any needed improvements on Dillard Drive but the City Engineer requested, and the petitioner has proffered, to widen Dillard Drive back to the development's entrance so that a three lane configuration will be available. This is likely to result in a widening of the pavement of about four (4) feet. The Planning Division does recommend approval of all three items: the *Future Land Use Map (FLUM)* amendment, the rezoning, and the conditional use permit.

Vice-Chair Johnson asked who was present to speak on behalf of the petition.

Mr. Andy Klepac with Hurt & Proffitt addressed the Commission. The gym and fitness center is intended to be the anchor for the development. The basketball gym and event venue is anticipated to be of great benefit to the community and to the City. It is something that could be used for trade shows as well as athletic events and there's a need for such a space in the City. The petitioner sent out notices to the surrounding neighbors and hosted a community meeting on Monday, July 8, to explain the project and answer questions. There was only one attendee.

Vice-Chair Johnson asked if there was anyone present who wished to speak in favor or opposition of the petition.

Mr. Dave Weber addressed the Commission. He owns an adjoining property and did not receive an invitation for the community meeting. Previously, there were problems with rainwater runoff and the lot was recontoured. He wanted to know how the rainwater flow will be managed now so that it won't run into his property. His second concern was the proximity of the proposed apartment building to the boundary of his property as far as security and noise. A 24 hour, 6 days per week operation is held on Mr. Weber's property and manufacturing continues through the night. He was concerned that future



residents of the apartment buildings might complain about the noise. There is also a major employer in the area and the shift change causes road congestion in both directions. This development has the potential to add more congestion. There have been several instances when congestion has prevented ambulances and semi-trucks from getting through. Mr. Weber is not against the plan; he just wanted to express his concerns.

Vice-Chair Johnson invited Mr. Klepac to respond to Mr. Weber's concerns.

Mr. Klepac noted that the stormwater will be directed entirely to the stormwater management basin. State and local regulations require treatment. If there's any water currently running on to the adjoining property, it will all be diverted with the new grading scheme. During the traffic analysis, the shift change was noted. The shift change will be offset from the anticipated peak hours of operation for this development, which are expected to be after 5:00 p.m., when people get off from work. The turn lanes being proffered are an attempt to mitigate the congestion as well. Mr. Klepac noted that if the site was developed as an industrial use, it would generate its own volume of traffic regardless.

Mr. Weber asked if the left turn boundary would restrict left turns from Dillard Drive or just into the development.

Mr. Klepac responded that the left turn lane from Dillard Drive would be extended on to Enterprise Drive and there would be a left turn lane from Dillard Drive into the development so traffic could move freely up-and-down Dillard Drive.

Mr. Weber noted that there's a lot of traffic on Enterprise Drive making a left turn onto Dillard Drive difficult at shift change and during the day.

Mr. Klepac responded that the intersection and the effect of the development on the intersection were analyzed during the traffic study.

Mr. Weber asked if there was a plan for a green space or natural barrier between the parking lot and the property line.

Mr. Klepac responded that by code, there will have to be parking lot screening from any public right-of-way. The developer wants to make the property aesthetically pleasing so it is likely the landscaping seen on the plans will be enhanced.

Commissioner Perault asked if parking lots have setbacks.

Mr. Martin responded that parking lots do not have setbacks in an industrial district. He then stated that the City Engineer was concerned about the traffic conditions on Dillard Drive, which is the reason he requested to widen Dillard Drive all the way down to the entrance, even though the study showed it wasn't necessarily needed. This will allow for a three lane configuration. It isn't required for the development to put in green space or natural buffers but the petitioner may want to put it in for their own benefit. All of the stormwater will be directed to the stormwater management basin. Before approval for construction, detailed drawings showing the pre-development contours will have to be submitted to and reviewed by the City to ensure state codes are met. Mr. Martin asked Mr. Weber if he was notified about the public hearing.

Mr. Weber responded that he was.

Vice-Chair Johnson closed the public hearing for discussion amongst the Commission.

Commissioner Marion asked who was invited to the community meeting.

Mr. Klepac responded that the petitioner used the same list that the City used to send out notifications.

Vice-Chair Johnson asked how and when the invitations were sent.

Mr. Klepac responded that the invitations were sent in the mail two (2) to three (3) weeks prior to the meeting on Monday, July 8.

Commissioner Light noted that it is a shame if the neighbors didn't receive their invitation but it was an extra step that the petitioner has taken.

Vice-Chair Johnson asked if the noise from the manufacturer at night would pose a problem to the apartments and future residents.

Mr. Gary Schmincke, the developer, responded that he had no problem with the noise and that he has been on the property early, midday, and at night.

Mr. Weber noted that his manufacturing operation is not really noisy but it is not "dead quiet". There are some loud noises like compressors relieving.

Mr. Schmincke stated that he has no problem with the noise and he hasn't noted any issues with the adjoining properties.

Mr. Weber stated that there are no air emissions but there are vibrations and sometimes audible noise from mobile equipment.

Commissioner Perault stated that he would be more concerned with the noise if the situation was reversed and the petitioners were the one producing the noise.

Vice-Chair Johnson noted that the petitioner is asking to change the *FLUM* from an Industrial area to a Mixed Use so the noise may be a concern.

Commissioner Perault stated that if this request was to change from a Residential area to a Mixed Use, he would be immediately opposed to it but going from an Industrial area to a Mixed Use is not a radical change and this may produce a better end product. If this were to remain an Industrial area, there would still be traffic concerns.

Mr. Weber noted that as an employer, this development will be a good thing because it may provide a place to live and a fitness center for employees.

Commissioner Perault asked if the gym and fitness center would be open to the public.

Mr. Schmincke replied that it would be open to the public.

Vice-Chair Johnson asked if the gym and fitness center was part of a franchise or individually owned.

Mr. Schmincke replied that he owns Kinetix Health Club LLC and he is going to expand it. The gyms in the area are full right now and this development will fill the need for more.

Vice-Chair Johnson asked Mr. Schmincke to expand on the basketball courts.

Mr. Schmincke replied that there will be four full sized basketball courts that can also be used as volleyball courts. There is a need in this area for practice facilities. He noted that he coached and would like to see tournaments in the area. The venue will be available for trade shows and different types of activities, which is an exciting opportunity for the City.

Commissioner Perault noted that this property overlaps two different types of zoning categories.

Mr. Martin clarified that the property overlaps three different zoning categories; I-2, I-2C, and R-C.

Commissioner Perault stated that one of the zoning maps lists the property as R-C C, which is Resource Conservation (Conditional).

Mr. Martin responded that this means the area would remain in a natural state.

Commissioner Perault asked if that was more protected than a typical R-C area.

Mr. Martin responded that it was a lot more protected and must remain undisturbed.

Commissioner Perault stated that this conservation was a good thing because there was an R-1 area due north that has houses.

Vice-Chair Johnson noted that she thinks this is an exciting development.

Commissioner Light stated that this property has remained undeveloped in an Industrial area and the proposed development is going to be a good use of a vacant property. It might be a better use than if there were some industrial facility put there.

Commissioner Perault noted that this development is a better transition from the Industrial area to the R-1 in the north and to Wyndhurst.

Commissioner Lowe stated that he has some concerns. He does not like the concept that limited Industrial zones within the City are being given up. He likes the concept of the health club and the basketball event venue and stated that the restaurant and office space makes sense. The apartment complex in the middle of an Industrial area doesn't mix logically. Putting an apartment complex with the potential for additional cars on the already busy Dillard Drive doesn't make sense.

Mr. Schmincke responded the Industrial area is likely to provide people for the gym, event venue, and apartments and provide benefits to the local employers.

Commissioner Lowe asked if the other businesses would like to have the apartments so that future employees could have the potential to live nearby.

Mr. Schmincke responded that people living there are likely to walk over to work out at the gym, eat at the restaurant, and visit other commercial businesses. The Mixed Use works to benefit everyone.

Commissioner Lowe noted that he retired from Northern Virginia where new people move in near the Dulles Airport and complain about the noise of the airplanes. If this apartment complex is built in an Industrial area, it is likely that future residents will complain about the noise, vibrations, or traffic.

Commissioner Marion responded that this development contains a conservation area and to the north east of that is a residential area so it is closer to the residential area than it is to the Industrial area.

Commissioner Lowe stated that there are businesses right behind the proposed development.



Commissioner Marion acknowledged that, but noted that they are commercial establishments not big factories.

Commissioner Lowe noted that he was rear-ended going to an appointment on that road mid-morning before this development was even in place and that there are businesses all over that area, not residences.

Commissioner Marion asked Commissioner Lowe to clarify if he was concerned with the traffic or the likelihood that people would want to live there.

Commissioner Lowe responded that he was concerned about the addition of more cars.

Commissioner Marion asked what would happen if a factory that hired five hundred (500) people moved into the space.

Commissioner Lowe responded that it would be great to have a business move in that hired that many people and that those people would be working not living there.

Commissioner Light noted that additional workers would add to the congestion problem because their schedule would coincide with the other industrial facilities. The traffic from this development will not generally be coming in and out at the same time as the current industrial facilities.

Commissioner Lowe stated that he doesn't feel that an apartment complex is the right fit to go in the middle of an Industrial area and it does not follow the *Future Land Use Map (FLUM)*.

Commissioner Light noted that nobody used the property as an Industrial site.

Commissioner Marion stated that she likes the use of the conservation area as walking trails. It will be nice to have people living next to that area and it is already so close to the other residential areas in the north and to Wyndhurst in the southeast. It is generally concerning to change the zoning of Industrial areas but this case is not as concerning. People want to live in that area and this will bring more people in. Concerning the traffic, most people will take a right out of there and go directly to Enterprise unless they are going to Wyndhurst. If they want to go left on Enterprise, they will have to go out to Dillard. This development should improve the traffic pattern for the industries down the road on Dillard and the time of day that people will be utilizing this development will not necessarily be the same as the peak time of the big factories.

Mr. Schmincke noted that the slowest time at the gym facility he owns right now is about 1:30 p.m. to 4:30 p.m. The traffic from the industrial areas will not generally coincide with traffic from the fitness center. Events held at the center will usually be on weekends and the gym is usually busiest on Monday night and then the traffic decreases throughout the week. The parking lot is set up specifically for the changes in amount of people.

Commissioner Perault noted that he appreciated Commissioner Lowe's concerns.

Commissioner Lowe stated that he has no problem with the gym or basketball courts but he can't support the apartment complex. The City needs places like the proposed event venue but the apartments do not belong in the middle of an Industrial area. There are plenty of other places to put apartments.

Commissioner Light 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 petition of 434 Center, LLC to amend the Future Land Use Map (FLUM) from Employment 2 to Mixed Use for approximately fourteen and eighty-three hundredths (14.83) acres located at 1001 & 1009 Dillard Drive and 2009 Enterprise Drive.”**

|              |                                     |   |
|--------------|-------------------------------------|---|
| AYES:        | Johnson, Light, Marion, and Perault | 4 |
| NOES:        | Lowe                                | 1 |
| ABSTENTIONS: |                                     | 0 |
| ABSENT:      | Bowden and Rogers                   | 2 |

Commissioner Marion made the following motion. Mr. Martin stated that there are additional proffers that Dillard Drive would be widened and striped. The motion was seconded by Commissioner Perault, 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 434 Center, LLC to rezone approximately fourteen and eighty-three hundredths (14.83) acres located at 1001 & 1009 Dillard Drive and 2009 Enterprise Drive from I-2, Light Industrial District and I-2C, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:**

**The following uses allowed by-right in a B-3 Zoning District will not be developed on the property:**

- Gasoline service
- Auto repair
- Furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances
- Flea markets and thrift stores
- Convenience store
- Beer, wine and liquor Store
- Pawn shops
- Short-term loans
- Adult retail establishments
- Pet or pet supply store”

|              |                                     |   |
|--------------|-------------------------------------|---|
| AYES:        | Johnson, Light, Marion, and Perault | 4 |
| NOES:        | Lowe                                | 1 |
| ABSTENTIONS: |                                     | 0 |
| ABSENT:      | Bowden and Rogers                   | 2 |

Commissioner Marion made the following motion, seconded by Commissioner Light, 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 434 Center, LLC for a conditional use permit to allow the construction of one hundred sixteen (116) apartment units located at 1001 & 1009 Dillard Drive and 2009 Enterprise Drive subject to the following condition:**

- The property shall be developed in substantial compliance with the concept plan entitled “Rezoning Concept Plan 434 Center” dated June 3,

**2018, revised June 24, 2019 and received by the Planning Division on June 27, 2019.”**

|              |                                     |   |
|--------------|-------------------------------------|---|
| AYES:        | Johnson, Light, Marion, and Perault | 4 |
| NOES:        | Lowe                                | 1 |
| ABSTENTIONS: |                                     | 0 |
| ABSENT:      | Bowden and Rogers                   | 2 |



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

---

**To:** Planning Commission

**From:** Planning Division

**Date:** July 10, 2019

**Re:** ***Future Land Use Map Amendment (FLUM) – Employment 2 to Mixed Use Rezoning – I-2, Light Industrial District and I-2, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional) Conditional Use Permit (CUP) – Apartments 1001, 1009 Dillard Drive & 2009 Enterprise Drive***

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**I. PETITIONER**

434 Center, LLC, Mr. Gary Schmincke, 100A Hexham Drive, Lynchburg, Virginia 24502

**Representative:** Mr. Andy Klepac, PE, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

**II. LOCATION**

The subject properties contain approximately fourteen and eighty-three hundredths (14.83) acres located at 1001, 1009 Dillard Drive and 2009 Enterprise Drive.

**Property Owners:**

Annjo Land Corp, 1530 Charlemont Road, Big Island, Virginia 24526

Coleman Family LLC, 1530 Charlemont Road, Big Island, Virginia 24526

**III. PURPOSE**

The purpose of the petitions is to amend the FLUM from Employment 2 to Mixed Use, rezone the property from I-2, Light Industrial District and I-2C, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional), and for a CUP to allow the construction of a mixed use development known as 434 Center. The development would contain a gymnasium and fitness center, office space, restaurants, and apartment buildings.

**IV. SUMMARY**

- The petition would amend the FLUM from Employment 2 to Mixed Use.
- The petition would amend the zoning from I-2, Light Industrial District and I-2C, Light Industrial District (Conditional) to allow the construction of a gymnasium/fitness center, office and restaurants.
- The petition requests a CUP to allow the construction of a one hundred sixteen (116) unit apartment complex.
- The property consists of approximately fourteen and eighty-three hundredths (14.83) acres and is currently vacant.

**The Planning Division recommends approval of the FLUM amendment, rezoning and CUP petitions.**

---

**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Comprehensive Plan recommends an Employment 2 use for the subject property. Employment 2 use areas are intended to include light and heavy manufacturing, research and development, flex space, and large-scale office uses. Restaurant, hotel and business service uses

are also appropriate, if sized and designed to serve the employment area. Employment 2 differs primarily from Employment 1 in that it permits heavy industrial uses.

The petition proposes the amendment of the FLUM to a Mixed Use designation. Mixed Use. These areas do not fit into any single use category as they are planned for a mix of uses carefully designed so as to mitigate any potential land use conflicts. The mixed use areas generally consist of large undeveloped or greenfield areas that are intended to be developed for a balanced mix of residential, neighborhood commercial, civic uses, parks and open spaces. The mix of uses in these areas is intended to be determined at the time of development review and approval. The adopted area plans should be consulted for a more fine-grained discussion of the mix of uses planned for the Midtown/Plaza area and the Tyreeanna mixed use area. (p. 76)

2. **Zoning.** The subject property was annexed into the City in 1976. The property has been designated for Employment 2 uses on the FLUM since 2002. Prior to 2002 the property was designated for General Industrial uses on the FLUM. The property has been zoned as I-2, Light Industrial since 1978. On August 10, 1982 a two hundred and fifty (250) foot strip of property was rezoned from R-C, Conservation District to I-2, Light Industrial District (Conditional) as highlighted below. The proffer associated with this rezoning, allowed parking only within a fifty (50) foot distance of the adjacent R-C, Conservation District area.



**3. Proffers.** The petitioner has submitted the following proffers with the rezoning application:

**1.** The following uses allowed by-right in a B-3 Zoning District will not be developed on the property:

- Gasoline service
- Auto repair
- Furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances
- Flea markets and thrift stores
- Convenience store
- Beer, wine and liquor Store
- Pawn shops
- Short-term loans
- Adult retail establishments
- Pet or pet supply store

**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 August 10, 1982, Council approved the petition of Annjo Land Corporation to rezone approximately fourteen (14) acres from R-C, Conservation District to R-C, Conservation District (Conditional) and I-2, Light Industrial District (Conditional) to allow the development of an industrial park in the area of existing Dillard Drive (including portions of the subject properties).
- On July 14, 1998, Council approved the CUP petition of J.E. Jamerson & Sons to allow the construction of a traditional neighborhood development at Laxton Road & Enterprise Drive.
- On May 9, 2000, Council approved the CUP petition of The Summit & J.E. Jamerson & Sons to allow the construction of a traditional neighborhood development at Enterprise Drive.
- On July 8, 2003, Council approved the CUP petition of Jamerson & Company to allow the construction of apartments and single-family uses off Wyndhurst Drive & 1536 Lockewood Drive.
- On July 8, 2008, Council approved the CUP petition of Phillip Jamerson to allow a consolidated sign plan at 1301, 1601, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive.
- On October 9, 2012, Council approved the CUP petition of Jamerson YMCA to allow a modified sign at 801 Wyndhurst Drive.
- On May 9, 2017, Council approved the CUP petition of Jefferson's Poplar Forest to allow Fill in the Flood Plain to facilitate the construction of a new access road at 1900, 1950 and 1970 Enterprise Drive and 1901 Laxton Road.

**6. Site Description.** The subject properties proposed for development contain approximately fourteen and eighty-three hundredths (14.83) acres located at 1001, 1009 Dillard Drive and 2009



Enterprise Drive. The property is vacant and denuded of any significant vegetation. The property is relatively flat, sloping to the northeast towards a tributary of Tomahawk Creek.



7. **Proposed Use of Property.** If the petitions are approved the property would be developed as a mixed use development known as 434 Center. The development would contain a gymnasium and fitness center, office space, restaurants, and apartment buildings.
8. **Traffic, Parking and Public Transit.** A traffic impact study and turn lane warrant analysis was conducted for the proposed development. Based upon the analysis, no appreciable impacts are caused by traffic associated with the construction of the development. A right turn lane warrant is met for northbound vehicles using the Enterprise Drive entrance. The developer is proposing a northbound right turn lane at this entrance. A left turn lane warrant is also met for southbound vehicles accessing the Enterprise Drive entrance, although there is currently a two-way left turn on Enterprise Drive. Right turn and left turn warrants are not met on Dillard Drive.

The property is served by Greater Lynchburg Transit Company (GLTC) Routes 6 & 7. Bus stops are located along Dillard Drive and at the intersection of Enterprise Drive & Dillard Drive. Sidewalks will be constructed along the property frontages of Enterprise Drive and Dillard Drive. Sidewalks are also indicated within the development, as are walking trails.

Parking required by the Zoning Ordinance for the proposed uses is five hundred and eighty-two (582) spaces. Five hundred and eighty-nine (589) spaces are proposed.

9. **Stormwater Management.** An Erosion & Sediment Control/Stormwater Management Plan will be required prior to final site plan approval. Information submitted by the petitioner indicates that an existing sediment basin will be converted to a permanent wet pond BMP (Best Management Practice) to provide water quality and quantity for a portion of the site development. Remaining requirements are proposed to be met by a combination of onsite BMP's and the purchase of offsite nutrient credits.
10. **Emergency Services.** The City Fire Marshal commented that the requirements of the 2015 Fire Prevention Code will need to be met. The City's Police Department had no comments of concern with the proposed development.
11. **Impact.** The proposals would amend the FLUM from Employment 2 to Mixed Use, rezone the property from I-2, Light Industrial District & I-2C, Light Industrial District (Conditional) and allow a CUP to allow the development of the property as a fitness oriented community. The property is currently vacant and there should be little to no negative traffic impacts from the development.

While the loss of industrially zoned land is always a reason for pause, the Director of Economic Development and Tourism indicated no concerns with the proposal. The development should be an acceptable transition from the City/County Border, an industrial area and the Wyndhurst/Summitt Developments. The nearby residential area to the north will still be protected by more than two hundred and fifty (250) feet of natural area that is proffered to remain in a natural state.

- 12. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the concept plan on June 18, 2019. Comments related to the petition have or will be addressed prior to final approval of the site plan.
- 

**VI. PLANNING DIVISION RECOMMENDED MOTION(s):**

- 1. Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of 434 Center, LLC to amend the *Future Land Use Map (FLUM)* from Employment 2 to Mixed Use for approximately fourteen and eighty-three hundredths (14.83) acres located at 1001 & 1009 Dillard Drive and 2009 Enterprise Drive.**
- 2. Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of 434 Center, LLC to rezone approximately fourteen and eighty-three hundredths (14.83) acres located at 1001 & 1009 Dillard Drive and 2009 Enterprise Drive from I-2, Light Industrial District and I-2C, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:**

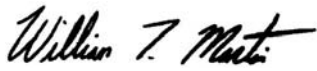
The following uses allowed by-right in a B-3 Zoning District will not be developed on the property:

- Gasoline service
  - Auto repair
  - Furniture or home furnishings, hardware, home center, lawn and garden supplies, department store, warehouse club or superstore, electronics and appliances
  - Flea markets and thrift stores
  - Convenience store
  - Beer, wine and liquor Store
  - Pawn shops
  - Short-term loans
  - Adult retail establishments
  - Pet or pet supply store
- 3. Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of 434 Center, LLC for a conditional use permit to allow the construction of one hundred**

**sixteen (116) apartment units located at 1001 & 1009 Dillard Drive and 2009 Enterprise Drive subject to the following condition:**

- **The property shall be developed in substantial compliance with the concept plan entitled “Rezoning Concept Plan 434 Center” dated June 3, 2018, revised June 24, 2019 and received by the Planning Division on June 27, 2019.**

This matter is respectfully offered for your consideration.



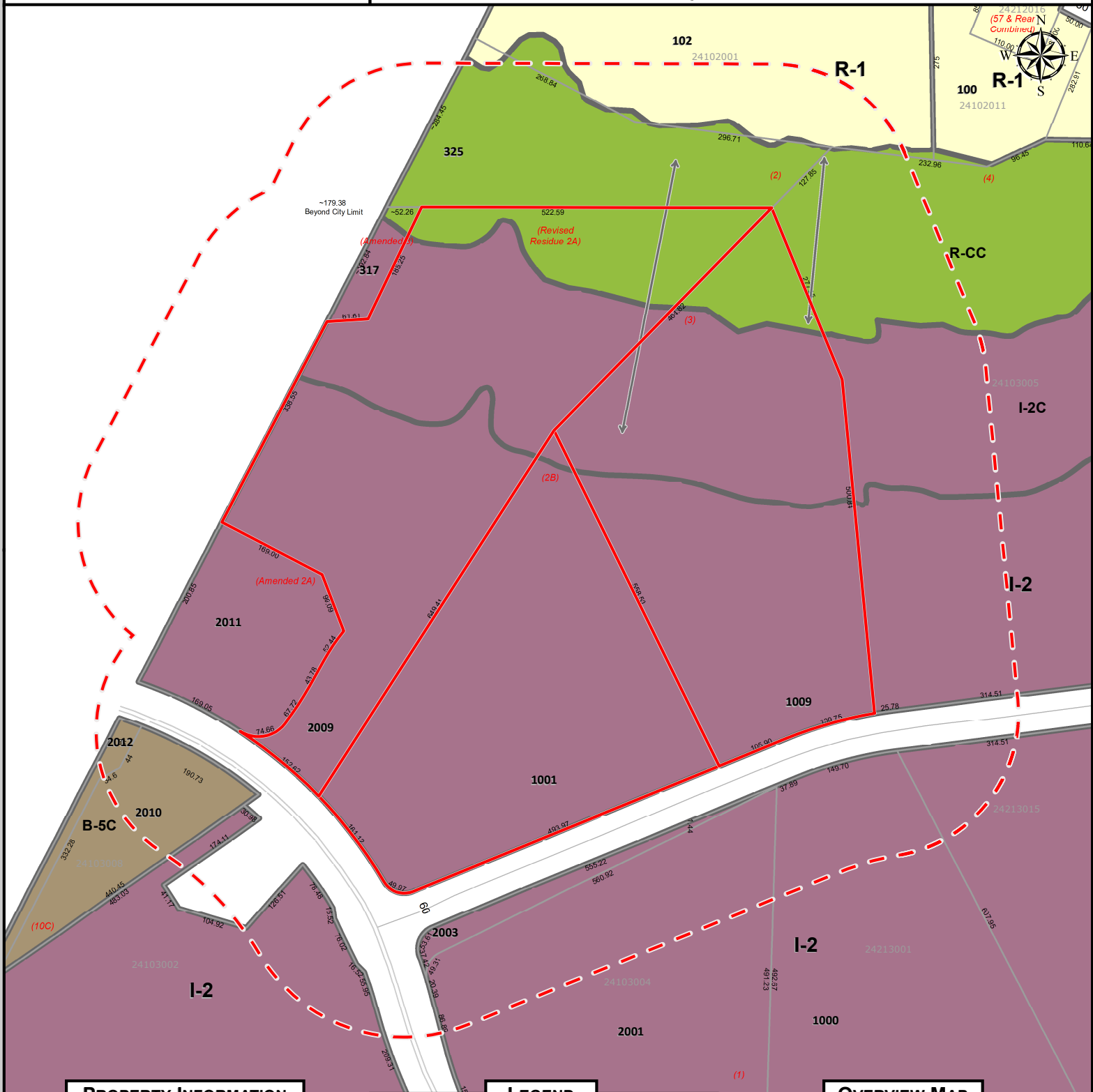
William T. Martin, AICP  
City Planner

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. Gary Schmincke, Petitioner  
Mr. Andy Klepac, 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. Narrative**
- 7. Rendering**
- 8. Traffic Study**
- 9. Property Photograph**





## PROPERTY INFORMATION

| PARCEL ID | ADDRESS            |
|-----------|--------------------|
| 24103007  | 1009 DILLARD DR    |
| 24103009  | 1001 DILLARD DR    |
| 24103012  | 2009 ENTERPRISE DR |

## LEGEND

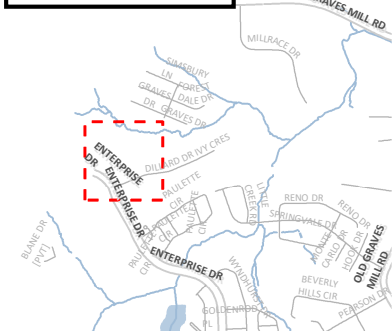
**Subject Property**

**215' Buffer**

|                                                                                          |     |                                                                                             |      |                                                                                             |     |
|------------------------------------------------------------------------------------------|-----|---------------------------------------------------------------------------------------------|------|---------------------------------------------------------------------------------------------|-----|
| <div style="width: 20px; height: 15px; background-color: orange; margin: 0 auto;"></div> | B-1 | <div style="width: 20px; height: 15px; background-color: pink; margin: 0 auto;"></div>      | I-1  | <div style="width: 20px; height: 15px; background-color: yellow; margin: 0 auto;"></div>    | R-1 |
| <div style="width: 20px; height: 15px; background-color: red; margin: 0 auto;"></div>    | B-3 | <div style="width: 20px; height: 15px; background-color: purple; margin: 0 auto;"></div>    | I-2  | <div style="width: 20px; height: 15px; background-color: yellow; margin: 0 auto;"></div>    | R-2 |
| <div style="width: 20px; height: 15px; background-color: brown; margin: 0 auto;"></div>  | B-4 | <div style="width: 20px; height: 15px; background-color: gray; margin: 0 auto;"></div>      | I-3  | <div style="width: 20px; height: 15px; background-color: olive; margin: 0 auto;"></div>     | R-3 |
| <div style="width: 20px; height: 15px; background-color: tan; margin: 0 auto;"></div>    | B-5 | <div style="width: 20px; height: 15px; background-color: lightblue; margin: 0 auto;"></div> | IN-1 | <div style="width: 20px; height: 15px; background-color: peachpuff; margin: 0 auto;"></div> | R-4 |
| <div style="width: 20px; height: 15px; background-color: green; margin: 0 auto;"></div>  | R-C | <div style="width: 20px; height: 15px; background-color: blue; margin: 0 auto;"></div>      | IN-2 |                                                                                             |     |

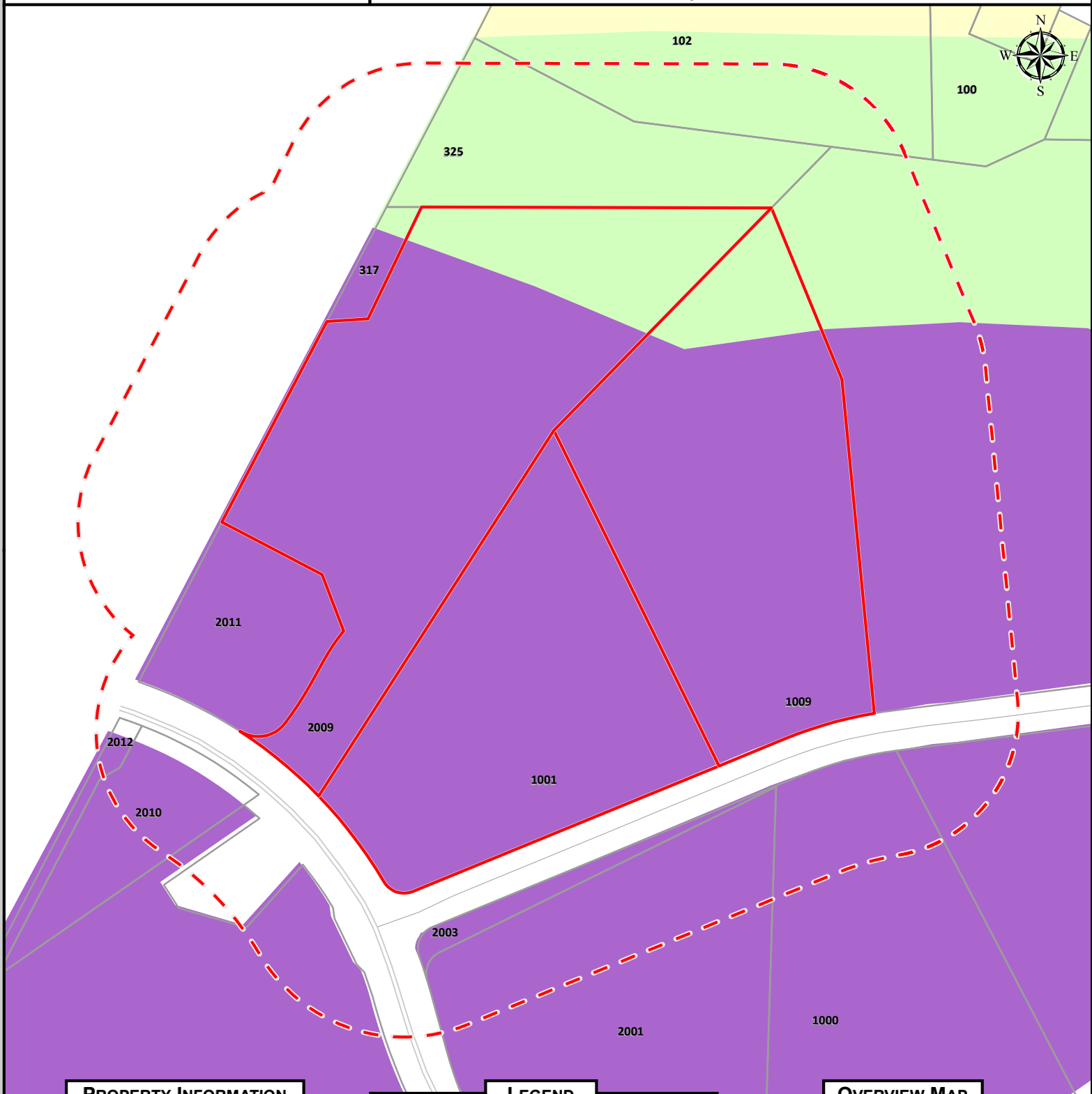
MAP SCALE: 1" to 200' DATE PRINTED: 6/5/2019

## OVERVIEW MAP



1001 and 1009 Dillard Drive, 2009 Enterprise Drive

|          |                    |                                |
|----------|--------------------|--------------------------------|
| 24103007 | 1009 DILLARD DR    | ANNJO LAND CORP                |
| 24103006 | 2003 DILLARD DR    | RICK BARKER PROPERTIES LLC     |
| 24103002 | 2000 ENTERPRISE DR | AZDEL INC                      |
| 24103012 | 2009 ENTERPRISE DR | COLEMAN FAMILY LLC             |
| 24103010 | 2011 ENTERPRISE DR | P F D REALTY LLC               |
| 24103005 | 1015 DILLARD DR    | W BAR E REALTY INVESTMENTS LLC |
| 24103008 | 2010 ENTERPRISE DR | SYCAMORE CREEK PROPERTIES LLC  |
| 24213001 | 1000 DILLARD DR    | ANNJO LAND CORP                |
| 24102001 | 102 VAN OAK DR     | ANNJO LAND CORP                |
| 24213015 | 1016 DILLARD DR    | CGMC LCC                       |
| 24103001 | 317 BROOK PARK PL  | LEX-LYN PROPERTIES LLC         |
| 24103004 | 2001 ENTERPRISE DR | RICK BARKER PROPERTIES LLC     |
| 24103009 | 1001 DILLARD DR    | ANNJO LAND CORP                |
| 24102012 | 325 BROOK PARK PL  | S&S PROPERTIES LLC             |
| 24103011 | 2012 ENTERPRISE DR | ANNJO LAND CORP                |
|          | COUNTY BORDER      | CAMPBELL COUNTY ADMINISTRATOR  |



## PROPERTY INFORMATION

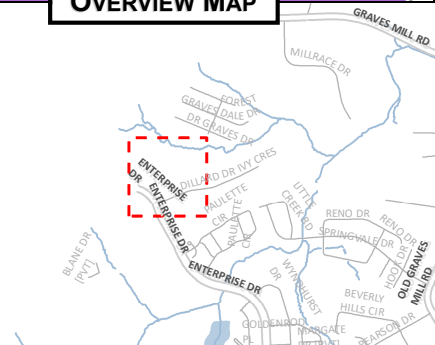
| PARCEL ID | ADDRESS            |
|-----------|--------------------|
| 24103007  | 1009 DILLARD DR    |
| 24103009  | 1001 DILLARD DR    |
| 24103012  | 2009 ENTERPRISE DR |

## LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 6/5/2019

## OVERVIEW MAP



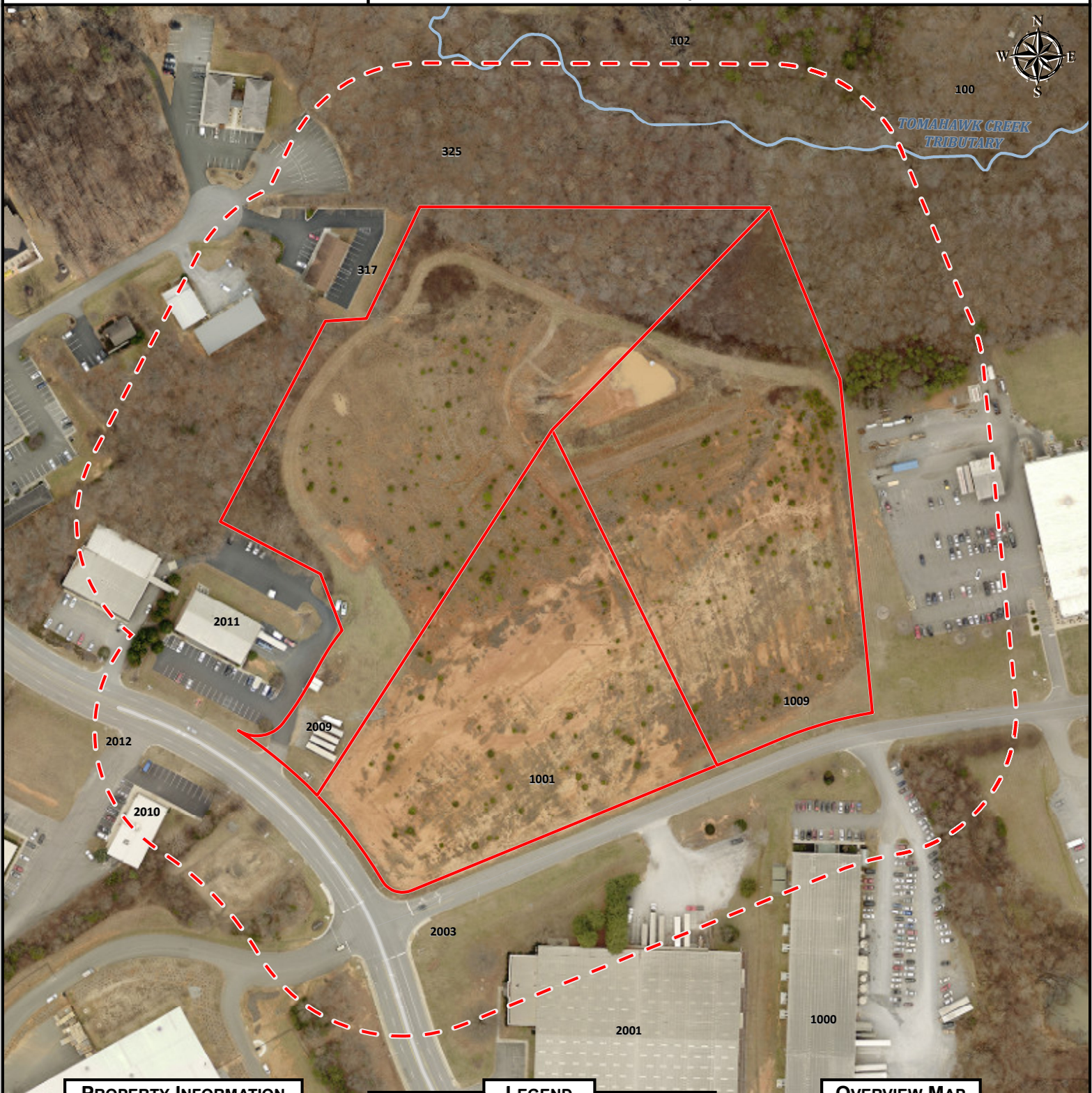


# Watershed Map

TRC

# 434 FITNESS CENTER

Gary Schmincke



TOMAHAWK CREEK  
TRIBUTARY



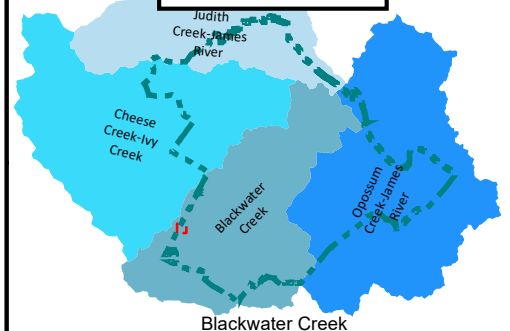
## PROPERTY INFORMATION

| PARCEL ID | ADDRESS            |
|-----------|--------------------|
| 24103007  | 1009 DILLARD DR    |
| 24103009  | 1001 DILLARD DR    |
| 24103012  | 2009 ENTERPRISE DR |

## LEGEND

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

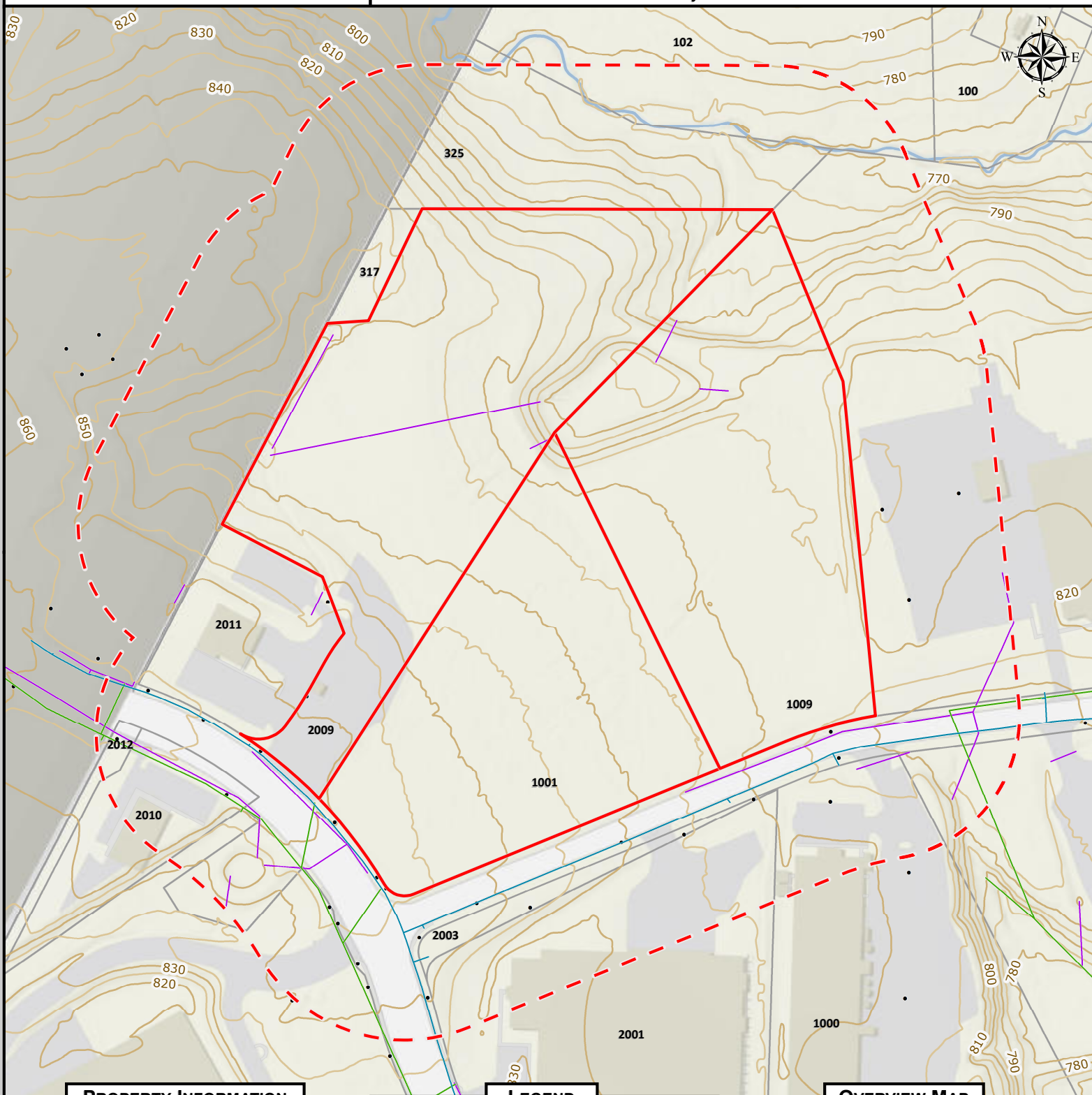
## OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/5/2019

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.





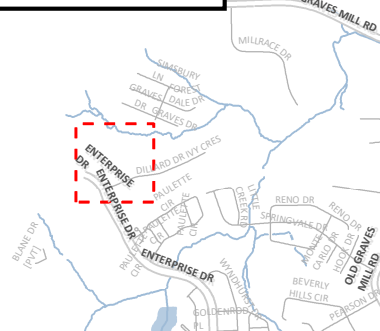
### PROPERTY INFORMATION

| PARCEL ID | ADDRESS            |
|-----------|--------------------|
| 24103007  | 1009 DILLARD DR    |
| 24103009  | 1001 DILLARD DR    |
| 24103012  | 2009 ENTERPRISE DR |

### LEGEND

|                       | Active                           | Proposed                     | Abandoned                   |
|-----------------------|----------------------------------|------------------------------|-----------------------------|
| Utilities             | Water (Blue solid line)          | Sanitary (Green dashed line) | Storm (Purple dashed line)  |
| Structure             | Structure (Brown solid line)     |                              |                             |
| Roadway               | Roadway (Grey solid line)        |                              |                             |
| Parking               | Parking (Dark Grey solid line)   |                              |                             |
| Sidewalk              | Sidewalk (Light Grey solid line) |                              |                             |
| Driveway              | Driveway (Light Grey solid line) |                              |                             |
| Towers & Trans. Lines | Elec. Trans. (Yellow solid line) | Trans. Tower (Black square)  | Comm. Tower (Red circle)    |
|                       |                                  | Other (Black square)         | Pole Cemetery (Black dot)   |
|                       |                                  |                              | Contours (Brown solid line) |
|                       |                                  |                              | 100' (Brown solid line)     |
|                       |                                  |                              | 50' (Brown solid line)      |
|                       |                                  |                              | 20' (Brown solid line)      |
|                       |                                  |                              | 10' (Brown solid line)      |
|                       |                                  |                              | 5' (Brown solid line)       |
|                       |                                  |                              | 1' (Brown solid line)       |

### OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/5/2019

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.

The City of  
Lynchburg, VA

Legend

- Street Labels
- Legal Lot Lines
- Vacated Right of Way
- Parcels
- Owner Unknown
- Survey Gap
- Assessed By County



VICINITY MAP

1" = 500'

DISCLAIMER: This drawing 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, and the City of Lynchburg is not responsible for its accuracy or how current it may be.



NOTES:

- DEVELOPER:  
434 CENTER, LLC  
GARY SCHMINCKE  
100A HEXHAM DRIVE  
LYNCHBURG, VA 24502
- PARCEL ADDRESS: 2009 ENTERPRISE DRIVE AND 1001 & 1009 DILLARD DRIVE,  
LYNCHBURG, VA 24502
- PARCEL ID: 24103007, 24103009, AND 24103012
- PARCEL AREA: 16.44 ACRES  
AREA TO BE REZONED: 14.83 ACRES
- EXISTING ZONING: I-2 AND I-2C  
PROPOSED ZONING: B-3C
- EXISTING FLUM DESIGNATION: EMPLOYMENT 2  
PROPOSED FLUM DESIGNATION: MIXED-USE
- PROPOSED USE: APARTMENTS, RESTAURANTS, GYMS, OFFICES, AND  
COMMERCIAL SPACE  
TOTAL NUMBER OF DWELLING UNITS: 116
- PROPOSED DENSITY: 116 UNITS / 14.83 ACRE = 7.82 UNITS / ACRE
- MINIMUM SETBACKS:  
FRONT: 0'  
SIDE: 0'  
REAR: 0'
- REQUIRED PARKING:  
RESIDENTIAL: 1 SPACE PER UNIT = 116 SPACES  
RESTAURANTS: 1 SPACE PER 4 PERSONS OF RATED CAPACITY; PLUS 1 SPACE  
PER 3 EMPLOYEES ON DUTY =  $250 / 4 + 10 / 3 = 54$  SPACES  
GYMS: 1 SPACE PER 4 PERSONS OF RATED CAPACITY =  $1,500 / 4 = 375$  SPACES  
OFFICE: 2 SPACES PER 1,000 SF =  $10 \times 2 = 20$  SPACES  
COMMERCIAL 2 SPACES PER 1,000 SF; PLUS 1 SPACE PER 3 EMPLOYEES ON DUTY  
=  $6 \times 2 + 15 / 3 = 17$  SPACES  
SPACES REQUIRED = 582 SPACES  
SPACES PROVIDED = 589 SPACES
- PROPOSED DEVELOPMENT WILL BE SERVED BY NEW PUBLIC WATER AND SEWER  
CONNECTIONS. THERE ARE NO KNOWN CAPACITY ISSUES IN THE EXISTING  
SYSTEMS.
- REFUSE WILL BE MANAGED BY ONSITE DUMPSTERS.
- PROPOSED LANDSCAPING IS SHOWN FOR SCHEMATIC PURPOSES. PARKING  
AREA LANDSCAPING, PARKING AREA SCREENING, FOUNDATION PLANTINGS,  
UTILITY SCREENING, AND STREET TREES WILL BE PROVIDED IN ACCORDANCE  
WITH THE CITY'S LANDSCAPE ORDINANCE. STORMWATER MANAGEMENT AND  
EXTERIOR HVAC UNITS WILL BE SCREENED FROM VIEW FROM THE PUBLIC R/W.
- ALL EXTERIOR LIGHTING FIXTURES SHALL BE DESIGNED, LOCATED, AND  
ARRANGED SO AS NOT TO DIRECT GLARE ON ADJOINING STREETS OR  
RESIDENTIAL PROPERTIES.
- DUST CONTROL AND EROSION CONTROL WILL BE IN ACCORDANCE WITH THE  
VIRGINIA EROSION & SEDIMENT CONTROL HANDBOOK.
- STORMWATER MANAGEMENT WILL BE IN ACCORDANCE WITH STATE AND LOCAL  
REQUIREMENTS. IT IS ANTICIPATED THAT ONSITE DETENTION WILL BE PROVIDED  
FOR QUANTITY CONTROL, AND A COMBINATION OF ONSITE BMP'S AND OFFSITE  
NUTRIENT CREDITS WILL BE UTILIZED FOR QUALITY CONTROL. STORMWATER  
MANAGEMENT SHOWN IS SCHEMATIC.
- THE AREA SHOWN HEREON IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS  
DETERMINED BY FEMA. SEE COMMUNITY PANEL MAP #5100930101D DATED  
6/3/2008.

\* ENGINEERING >> SURVEYING >> PLANN

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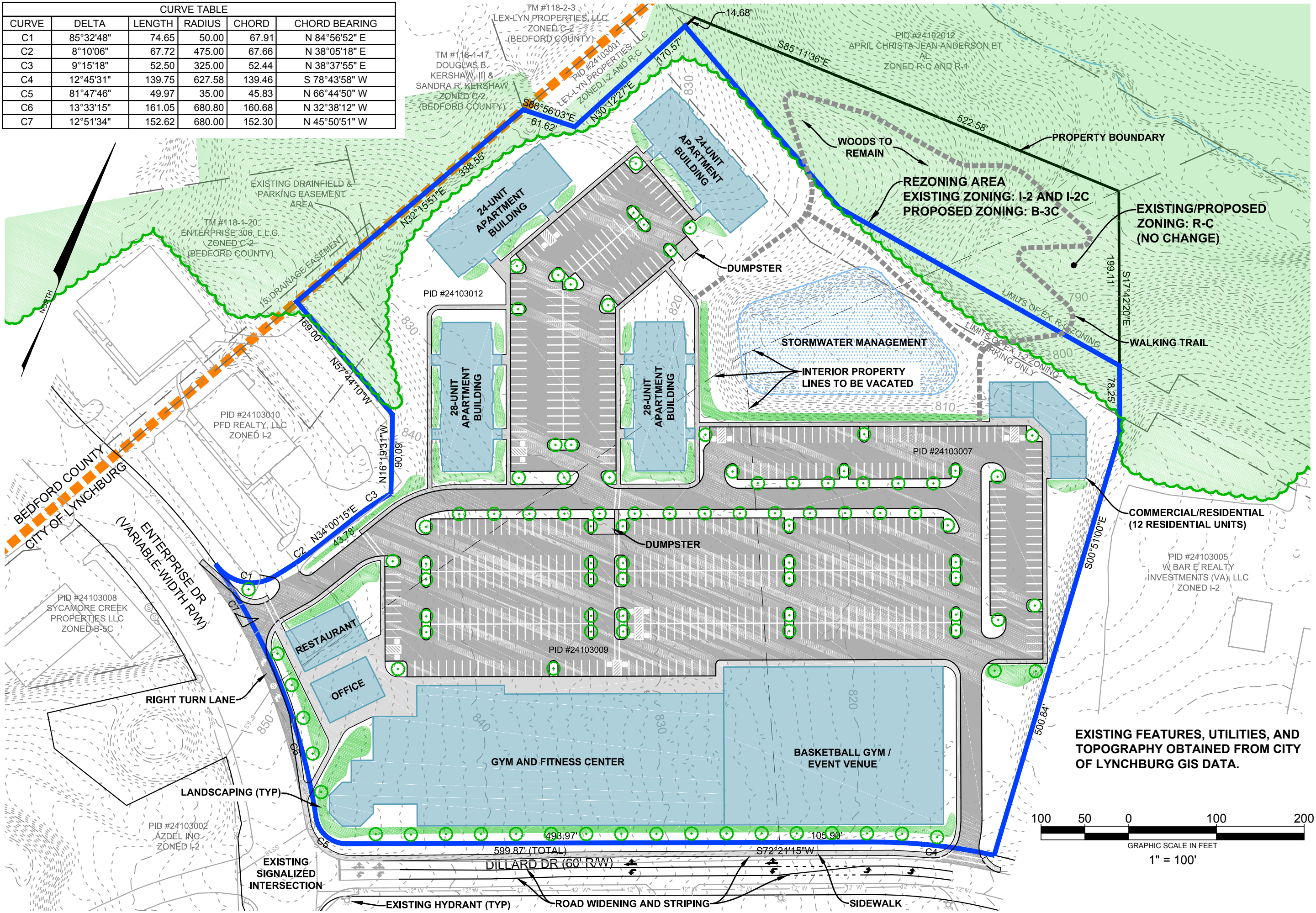
REZONING CONCEPT PLAN  
434 CENTER  
ENTERPRISE DRIVE AND DILLARD DRIVE  
CITY OF LYNCHBURG, VIRGINIA

REV. #1: 6/24/2019  
REV. #2: 7/22/2019  
PROJECT NO: 20181652  
DATE: 6/3/2019

SHEET NO.  
1 OF 2



| CURVE TABLE |           |        |        |        |               |
|-------------|-----------|--------|--------|--------|---------------|
| CURVE       | DELTA     | LENGTH | RADIUS | CHORD  | CHORD BEARING |
| C1          | 85°32'48" | 74.65  | 50.00  | 67.91  | N 84°56'52" E |
| C2          | 8°10'06"  | 67.72  | 475.00 | 67.66  | N 38°05'18" E |
| C3          | 9°15'18"  | 52.50  | 325.00 | 52.44  | N 38°37'55" E |
| C4          | 12°45'31" | 139.75 | 627.58 | 139.46 | S 78°43'58" W |
| C5          | 81°47'46" | 49.97  | 35.00  | 45.83  | N 66°44'50" W |
| C6          | 13°33'15" | 161.05 | 680.80 | 160.68 | N 32°38'12" W |
| C7          | 12°51'34" | 152.62 | 680.00 | 152.30 | N 45°50'51" W |



# REZONING CONCEPT PLAN

## 434 CENTER

ENTERPRISE DRIVE AND DILLARD DRIVE  
CITY OF LYNCHBURG, VIRGINIA



## **434 Center Development**

### **Project Narrative for Rezoning, Conditional Use Permit, and Future Land Use Map Amendment**

#### **Project Narrative**

This project is for a mixed-use development on the property located at the northeast corner of the Enterprise Drive/Dillard Drive intersection. The intent is to construct a gym and fitness center, basketball gym/event venue, office spaces, and restaurant as Phase 1, and multi-family residential buildings as Phase 2. It is anticipated that the basketball gym/event venue would serve both sporting tournaments and trade shows. The zoning for the site is currently I-2 and I-2C (Light Industrial). In order to construct the proposed improvements, 434 Center, LLC is requesting to rezone the site to B-3C (Community Business District) with a conditional use permit to allow for the construction of multi-family buildings in a B-3 district. In addition, 434 Center, LLC is requesting an amendment to the Future Land Use Map (FLUM) from Employment 2 to Mixed-use.

This site is adjoined by Dillard Drive and Enterprise Drive to the south, commercial areas to the west, vacant wooded property to the north, and industrial areas to the east. This property was bulk-graded approximately 10 years ago, but has since remained undeveloped.

#### **Landscaping and Buffering**

There is an existing wooded area approximately 600 feet wide between the proposed development and the closest residential areas to the north. When this property was rezoned from I-2 to I-2C in 1982, a condition of the rezoning was that a natural area buffer be established. In addition, a 50' width adjacent to this buffer was restricted to open parking only. There is no change proposed to these conditions.

Parking area landscaping, parking area screening, foundation plantings, utility screening, and street trees will be provided in accordance with the City's Landscape Ordinance.

#### **Stormwater Management**

There is an existing sediment basin on the northern portion of the project area that will be used for sediment control during construction. Upon site stabilization, this basin will be converted to a permanent Wet Pond BMP to provide water quantity control and a portion of the water quality control for the project. The remainder of the development's water quality removal requirement will be met via a combination of onsite BMP's and offsite nutrient credits.

#### **Traffic and Pedestrian Connectivity**

A Traffic Impact Study & Turn Lane Warrant Analysis was conducted for the development. Based on the analysis, no appreciable impacts are caused by traffic associated with the construction of the multi-use development. A right turn lane warrant is met for northbound vehicles using the Enterprise Drive entrance. The developer is proposing a northbound right turn lane at the Enterprise Drive entrance. A left turn lane warrant is also met for southbound vehicles accessing the Enterprise Drive entrance, although there is currently a two-way left turn on Enterprise Drive. Right turn and left turn warrants are not met on Dillard Drive.

A new sidewalk is proposed along the Dillard Drive and Enterprise Drive frontages. This will allow for pedestrian connectivity to Enterprise Drive and the Wyndhurst Community. A walking trail is proposed on the property.







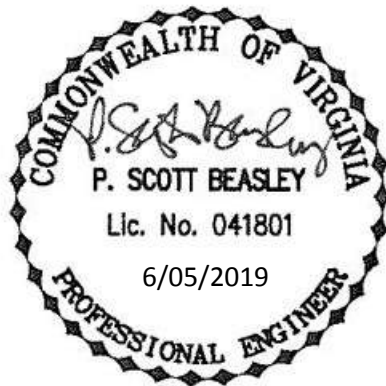
**Traffic Impact Study & Turn Lane Warrant Analysis  
For  
434 Center**

*Enterprise Drive – Lynchburg, Virginia*

*Submitted to:  
City of Lynchburg*

*Submitted by:*

*P. Scott Beasley, PE, LEED AP  
Sr. Project Manager*



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## **EXECUTIVE SUMMARY**

Hurt & Proffitt, Inc. conducted a Traffic Impact Study (TIS) for the proposed 434 Center Development. The proposed multi-use development consists of 116 apartment units (ITE Land Use #221), a 5,000 SF restaurant (ITE Land Use #932), 10,000 SF of General Office (ITE Land Use #710), a 126,000 SF gym & fitness center/basketball arena/event venue (ITE Land Use #495). The development is proposed to be constructed in the northeast corner of the intersection of Enterprise Drive and Dillard Drive. Two entrances are proposed: one on Enterprise Drive located north of the intersection; the other on Dillard Drive, east of the intersection.

The main purpose of the study was to determine the impacts of the development on the local street network and if any improvements are recommended. The study was conducted in accordance with the methodology and standards contained in the 2010 Highway Capacity Manual (5<sup>th</sup> Edition), published by the Transportation Research Board.

Based on the analysis, no appreciable impacts are caused by traffic associated with the construction of the multi-use development. Left and right turn lanes are warranted at the Enterprise Drive entrance. An existing two-way left turn lane is available and the developer is proposing a right turn lane on Enterprise Drive. Turn lanes are not warranted on Dillard Drive and no turn lanes are proposed for this entrance.



## **1. INTRODUCTION**

### **1.1. Site Location and Study Area**

The development is proposed to be constructed in the northeast corner of the intersection of Enterprise Drive and Dillard Drive. Two entrances are proposed: one on Enterprise Drive; the other on Dillard Drive. The development site is located in the City of Lynchburg, Virginia. Hurt & Proffitt, Inc. conducted field observations and traffic counts on May 16, 2019 at the following intersection:

- Enterprise Drive (Route 1415) and Dillard Drive/Hanwha Azdel Entrance

### **1.2. Existing Roadways**

#### **Enterprise Drive (State Route 1415)**

Enterprise Drive is a four lane divided roadway in the study area. It is classified as a minor arterial. The intersection of Enterprise Drive and Dillard Drive is signalized. The posted speed limit is 35 mph and the roadway is under the jurisdiction of the City of Lynchburg.

#### **Dillard Drive/Hanwha Azdel Entrance**

Dillard Drive is a two-lane street local street on the east side of its intersection with Enterprise Drive. On the west side of the intersection, the roadway is an entrance for an industrial business. Although unposted, the speed limit on Dillard Drive and the Hanwha Azdel Entrance is assumed to be 25 mph. Dillard Drive is under the City of Lynchburg's jurisdiction and the entrance is privately maintained.

### **1.3. Proposed Entrance Locations**

Two entrances are proposed for the 434 Center Development: one is located on Enterprise Drive, approximately 300 feet north of the intersection; the other will be on Dillard Drive, approximately 775 feet east of the intersection. The entrance on Enterprise Drive, while located on the 434 Center Development property, currently serves as an access drive for another business. The centerline to centerline distance from Dillard Drive to the existing entrance on Enterprise Drive is approximately 300 feet. The centerline to centerline distance from Enterprise Drive to the proposed entrance on Dillard Drive is approximately 775 feet.

Due to its proximity to the Enterprise Drive/Dillard Drive intersection and the potential for queuing southbound traffic on Enterprise to impede exiting site vehicles, it is recommended that left turns should be prohibited from exiting the development from the proposed Enterprise Drive entrance. For purposes of the analysis, exiting vehicles heading south were assigned to turn right at the Dillard Drive entrance, then left at the traffic signal.

## 2. ANALYSIS OF EXISTING CONDITIONS

### 2.1. Peak Hour Traffic Volumes

Hurt & Proffitt conducted field observations and manual turning movement traffic counts on May 16, 2019 from 7:00 AM to 9:00 AM and from 3:30 PM to 6:15 PM at the following intersection:

- Enterprise Drive (Route 1415) and Dillard Drive/Hanwha Azdel Entrance

In addition to the turning movement counts, general information was collected on roadway geometrics, signal phasing and traffic flow characteristics. A review of the existing traffic count data indicated the AM and PM peak periods were as follows:

- Enterprise Drive (Route 1415) and Dillard Drive/Hanwha Azdel Entrance
  - AM Peak Hour: 7:45 to 8:45 AM
  - PM Peak Hour: 4:45 to 5:45 PM

Existing AM and PM peak period traffic volumes are illustrated in **Figure 1** and **Figure 2**. The raw count data is provided in the **Appendix**.

### 2.2. Existing Conditions Capacity Analyses

Synchro/SimTraffic 10 software was used to determine Level of Service (LOS) and delay in seconds at each of the intersections in the study area using existing intersection geometric data and collected turning movement counts. **Table 1** below summarizes the results of the capacity analysis. Copies of the capacity analyses are provided in the **Appendix**.

**Table 1. Existing Conditions**

| Intersection                  | Peak Hour | Intersection |              | Northbound |              | Southbound |              | Eastbound |              | Westbound |              |
|-------------------------------|-----------|--------------|--------------|------------|--------------|------------|--------------|-----------|--------------|-----------|--------------|
|                               |           | LOS          | Delay (sec.) | LOS        | Delay (sec.) | LOS        | Delay (sec.) | LOS       | Delay (sec.) | LOS       | Delay (sec.) |
| 1. Enterprise Dr & Dillard Dr | AM        | B            | 12.5         | B          | 14.1         | B          | 10.1         | C         | 22.7         | B         | 19.1         |
|                               | PM        | c            | 20.2         | C          | 21.1         | B          | 19.4         | C         | 24.6         | B         | 19.8         |

### 3. ANALYSIS OF FUTURE CONDITIONS WITHOUT DEVELOPMENT (NO-BUILD)

#### 3.1. Future (2024) No-Build Peak Hour Traffic Volumes

It is assumed that the development will be completed within the next two years. However, for purposes of this study, a five (5) year build out period was used. Thus, the future conditions analyses (both No-Build and Build Conditions) take place in the year 2024. To determine No-Build volumes, a growth rate of 2.0% per year, compounded, was applied to the existing conditions (2019) traffic volumes.

A growth factor of 1.104  $[(1 + 0.02)^5 = 1.104]$  was used to generate the future no-build traffic volumes.

**Figure 3** and **Figure 4** illustrate the 2024 No-Build AM and PM peak traffic volumes.

#### 3.2. Future (2024) No-Build Capacity Analyses

Synchro/SimTraffic 10 software was also used to determine Level of Service (LOS) and delay in seconds at each of the intersections in the study area using existing intersection geometric data and the calculated 2024 No-Build AM and PM peak period traffic volumes. **Table 2** below summarizes the results of the capacity analysis. Copies of the capacity analyses are provided in the **Appendix**.

**Table 4. 2024 No-Build Conditions**

| Intersection                  | Peak Hour | Intersection |              | Northbound |              | Southbound |              | Eastbound |              | Westbound |              |
|-------------------------------|-----------|--------------|--------------|------------|--------------|------------|--------------|-----------|--------------|-----------|--------------|
|                               |           | LOS          | Delay (sec.) | LOS        | Delay (sec.) | LOS        | Delay (sec.) | LOS       | Delay (sec.) | LOS       | Delay (sec.) |
| 1. Enterprise Dr & Dillard Dr | AM        | B            | 13.1         | B          | 15.2         | B          | 10.3         | C         | 23.6         | B         | 19.9         |
|                               | PM        | C            | 23.0         | C          | 24.7         | C          | 21.7         | C         | 25.6         | B         | 20.9         |

The analyses indicate that the intersection is operating at an acceptable level of service in both the AM and the PM peak period. However, compared to existing conditions (2018), delays have increased between one and three seconds on all approaches during both the AM and PM peak periods.



#### 4. TRIP GENERATION

The proposed 434 Center Development is a multi-use development consisting of commercial, residential, and community uses. For purposes of the analysis, the development was assumed to be constructed in one phase. The estimated number of trips generated by the development were determined using the ITE Trip Generation Manual, 10<sup>th</sup> edition. **Table 3** provides a summary of the trips generated by the development.

**Table 3. Trip Generation Summary – 434 Center Development**

| Period                                                        | Rate   | Total Trip Ends | Entering |       | Exiting |       |
|---------------------------------------------------------------|--------|-----------------|----------|-------|---------|-------|
|                                                               |        |                 | Percent  | Trips | Percent | Trips |
| High-Turnover Sit Down Restaurant (ITE #932): 5,000 SF        |        |                 |          |       |         |       |
| Weekday                                                       | 112.18 | 561             | 50       | 281   | 50      | 280   |
| Weekday AM Peak Hour                                          | 9.94   | 50              | 55       | 27    | 45      | 23    |
| Weekday PM Peak Hour                                          | 9.77   | 49              | 62       | 30    | 38      | 19    |
| General Office Building (ITE #710): 10,000 SF                 |        |                 |          |       |         |       |
| Weekday                                                       | 9.74   | 98              | 50       | 49    | 50      | 49    |
| Weekday AM Peak Hour                                          | 1.16   | 12              | 86       | 10    | 14      | 2     |
| Weekday PM Peak Hour                                          | 1.15   | 12              | 16       | 2     | 84      | 10    |
| Multifamily Housing (Mid-Rise) (ITE #221): 116 dwelling units |        |                 |          |       |         |       |
| Weekday                                                       | 5.44   | 631             | 50       | 316   | 50      | 315   |
| Weekday AM Peak Hour                                          | 0.36   | 42              | 26       | 11    | 74      | 31    |
| Weekday PM Peak Hour                                          | .44    | 51              | 61       | 31    | 39      | 20    |
| Recreational Community Center (ITE #495): 126,000 SF          |        |                 |          |       |         |       |
| Weekday                                                       | 28.82  | 3,632           | 50       | 1,816 | 50      | 1,816 |
| Weekday AM Peak Hour                                          | 1.76   | 222             | 66       | 147   | 34      | 75    |
| Weekday PM Peak Hour                                          | 2.31   | 291             | 47       | 137   | 53      | 154   |
| Specialty Retail (ITE #826): 6,000 SF                         |        |                 |          |       |         |       |
| Weekday                                                       | 44.32  | 266             | 50       | 133   | 50      | 133   |
| Weekday AM Peak Hour*                                         | 2.71   | 16              | 56       | 9     | 44      | 7     |
| Weekday PM Peak Hour                                          | 2.71   | 16              | 44       | 7     | 56      | 9     |

\*Weekday AM Peak Hour of Generator (7-9 AM) data not provided; PM data used and the entering and exiting percentages were reversed.

## 5. SITE TRAFFIC DISTRIBUTION AND TRAFFIC ASSIGNMENT

The projected trip generation traffic volumes were distributed to the roadway network in accordance with the arrival/departure percentages shown below in **Table 4**. These percentages are based on the actual volumes counted on each approach to the intersection. The trips were distributed to the proposed development's entrances using the most logical paths. The trip generation volumes were then combined with the 2024 No-Build traffic volumes to generate the 2024 Build Condition traffic volumes. **Figure 5** and **Figure 6** illustrate the 2024 Build Condition AM and PM peak traffic volumes.

**Table 4. Arrival/Departure Percentages**

| To/From      | Roadway               | Percent (AM/PM) |
|--------------|-----------------------|-----------------|
| North        | Enterprise Drive      | 48/48%          |
| South        | Enterprise Drive      | 47/47%          |
| West         | Hanwha Azdel Entrance | 0/0%            |
| East         | Dillard Drive         | 5/5%            |
| <b>Total</b> |                       | <b>100/100%</b> |

Using the distribution percentages from Table 4, the trips shown in Table 3 above were distributed to the proposed entrances.

## 6. ANALYSIS OF FUTURE CONDITIONS WITH DEVELOPMENT

### 6.1. Future (2024) Build Condition Peak Hour Traffic Volumes

The 2024 Build Condition AM and PM traffic volumes are shown in **Figure 5** and **Figure 6**. The projected traffic volumes were assigned to the roadway network in accordance with the procedures described in the previous section of the report.

### 6.2. Future (2024) Build Condition Capacity Analyses

Synchro/SimTraffic 10 software was also used to determine Level of Service (LOS) and delay in seconds at each of the intersections in the study area using existing intersection geometric data and the calculated 2024 Build Condition AM and PM peak period traffic volumes. **Table 5** below summarizes the results of the capacity analysis. Copies of the capacity analyses are provided in the **Appendix**.

**Table 5. 2024 Build Conditions**

| Intersection                  | Peak Hour | Intersection |              | Northbound |              | Southbound |              | Eastbound |              | Westbound |              |
|-------------------------------|-----------|--------------|--------------|------------|--------------|------------|--------------|-----------|--------------|-----------|--------------|
|                               |           | LOS          | Delay (sec.) | LOS        | Delay (sec.) | LOS        | Delay (sec.) | LOS       | Delay (sec.) | LOS       | Delay (sec.) |
| 1. Enterprise Dr & Dillard Dr | AM        | B            | 18.5         | C          | 23.2         | B          | 12.0         | C         | 27.9         | C         | 20.8         |
|                               | PM        | B            | 19.9         | C          | 21.9         | C          | 16.1         | C         | 29.9         | C         | 26.5         |

- **Enterprise Drive and Dillard Drive:** When site generated trips are added, the intersection experiences increases in delay from one to five seconds on all approaches during the AM peak. For the PM peak, the intersection experienced a slightly lower overall delay. Delays on the side street, however, increased four to five seconds. The overall improvement in delay is a result of the software optimizing the cycle length, increasing it by 10 seconds. Additional green time was applied mostly to the Enterprise Drive approaches resulting in overall decreases in delay, with corresponding increases in delay on the side street. Level of service remained the same for the AM peak and decreased from C to B for the PM peak.



## 7. TURN LANE WARRANTS

A turn lane warrant analysis was conducted to determine if turn lanes should be constructed for left and right turning vehicles at the proposed entrances to the development. Using turning movement counts conducted at the intersection of Enterprise Drive and Dillard Drive/Hanwha Azdel Entrance on May 16, 2019, the peak hour roadway volumes were determined.

Enterprise Drive has an AM peak traffic count of 1,316 vehicles (701 NB, 615 SB) and a PM peak traffic count of 1,710 vehicles (809 NB, 901 SB). Dillard Drive has an AM peak traffic count of 123 vehicles (97 EB, 26 WB) and a PM peak traffic count of 194 vehicles (72 EB, 122 WB). The roadway volumes were projected to the future analysis year, 2024, and used in the turn lane warrant analyses along with the trips generated by the new development. See **Table 6** for a summary of the volumes used in the analysis. The existing volumes were projected forward to the year 2024 using a growth rate of 2%/year, compounded  $[(1 + 0.02)^5 = 1.104]$ , as described in a previous section of this report.

**Table 6. Warrant Volume Summary**

| Peak Period | Enterprise Dr - NB |      |                | Enterprise Dr - SB |      |               | Dillard Dr - EB |      |               | Dillard Dr - WB |      |                |
|-------------|--------------------|------|----------------|--------------------|------|---------------|-----------------|------|---------------|-----------------|------|----------------|
|             | Exist.             | Fut. | Right Turns In | Exist.             | Fut. | Left Turns In | Exist.          | Fut. | Left Turns In | Exist.          | Fut. | Right Turns In |
| AM Peak     | 701                | 775  | 77             | 615                | 680  | 74            | 97              | 107  | 43            | 26              | 29   | 10             |
| PM Peak     | 809                | 892  | 78             | 901                | 995  | 74            | 72              | 80   | 44            | 122             | 134  | 10             |

### 7.1. Warrant for Left Turn Lanes

Using the methodology on pages F-57 (Figure 3-3) and F-63 (Figures 3-8 and 3-9) in Appendix F of the VDOT Road Design Manual, the left turns and opposing volumes were plotted on a left turn warrant graph (see **Figures 7 and 8**).

#### Enterprise Drive Entrance

**AM Peak:** Left turning volume = 74, Opposing volume = 852

**PM Peak:** Left turning volume = 74, Opposing volume = 970

The left turn lane warrant is met in both the AM and PM peak periods (see attached **Figure 7**). The minimum suggested storage is 100'. This storage is available in the existing two-way left turn lane.

#### Dillard Drive Entrance

**AM Peak:** Left turning volume = 43, L = 30%, Opposing volume = 39

**PM Peak:** Left turning volume = 44, L = 40%, Opposing volume = 144

The left turn lane warrant is not met for either the AM or PM peak periods (see attached **Figure 8**).

## **7.2. Warrant for Right Turn Lanes**

Using the methodology on pages F-80 (Figure 3-26) and F-81 (Figure 3-27) in Appendix F of the VDOT Road Design Manual, the right turns and approach volumes were plotted on right turn warrant graphs (see **Figures 9 and 10**).

### **Enterprise Drive Entrance**

**AM Peak:** Approach volume = 852, Right turn volume = 77

**PM Peak:** Approach volume = 970, Right turn volume = 78

The right turn lane warrants are met for both the AM and PM peak periods on Enterprise Drive (see attached **Figure 9**).

### **Dillard Drive Entrance**

**AM Peak:** Approach volume = 39, Right turn volume = 10

**PM Peak:** Approach volume = 144, Right turn volume = 10

The right turn lane warrants are not met for either the AM or PM peak periods on Dillard Drive (see attached **Figure 10**).

## **8. RECOMMENDED IMPROVEMENTS**

### **8.1. Proposed Improvements**

Based on the analysis, no adverse impacts are caused by the traffic generated by the proposed development. Therefore, no improvements to the intersection of Enterprise Drive and Dillard Drive are required. A northbound right turn lane is proposed for the entrance to the development on Enterprise Drive. The right turn lane warrants is met for both the AM and PM peak periods for that entrance. The minimum recommended storage length for the right turn lane is 100 feet.



# REPORT FIGURES

Figure 1. Map - Exist - AM  
Volumes

06/05/2019



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Exist - AM Option 1  
PSB

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Figure 2. Map - Exist - PM  
Volumes

06/05/2019



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Exist - PM Option 1  
PSB

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Figure 3. Map - No Build - AM  
Volumes

06/05/2019



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No Build - AM Option 1  
PSB

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Figure 4. Map - No Build - PM  
Volumes

06/05/2019



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No Build - PM Option 1  
PSB

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Figure 5. Map - Build - AM  
Volumes

06/05/2019



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Build - AM Option 1  
PSB

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Figure 6. Map - Build - PM  
Volumes

06/05/2019

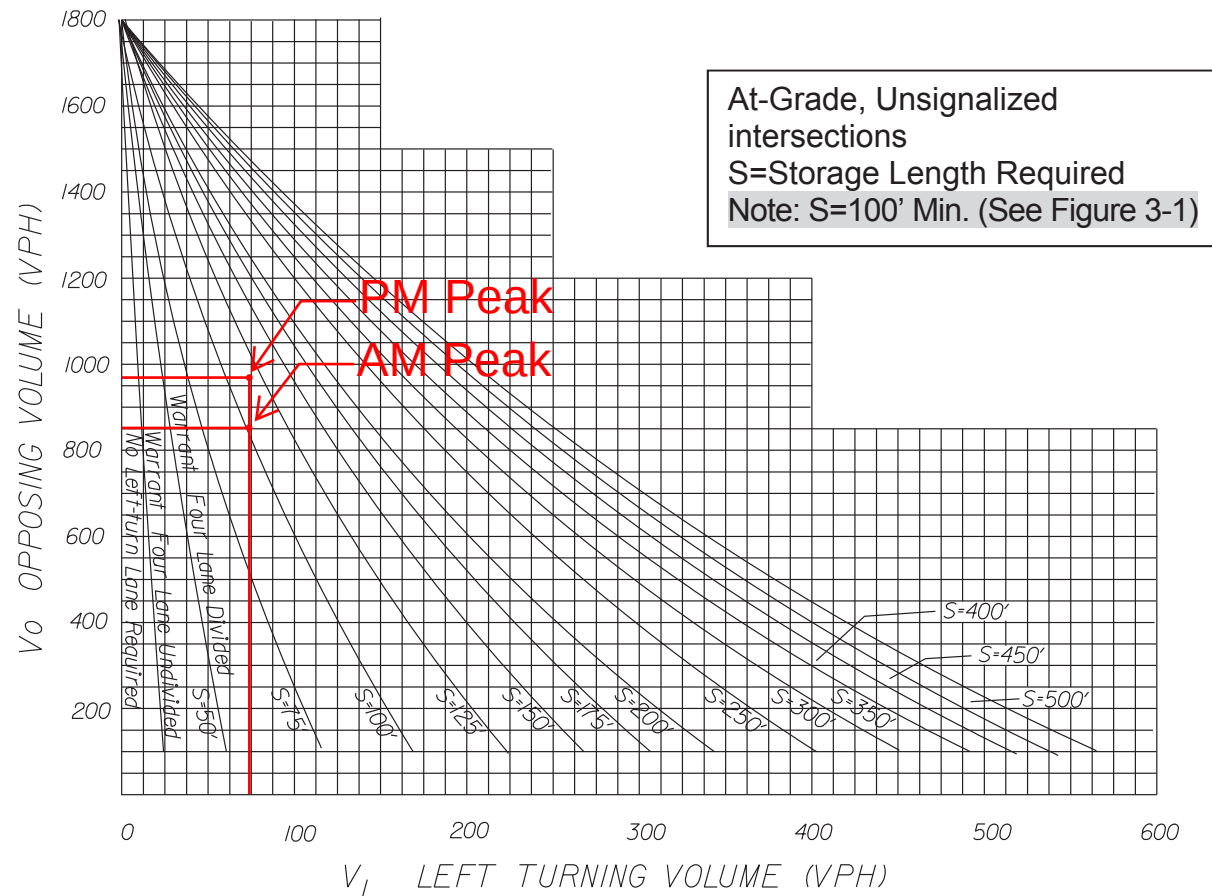


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Build - PM Option 1  
PSB

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### Warrants for Left Turn Storage Lanes on Four-Lane Highways



**FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS\***

Figure 3-3 was derived from Highway Research Report No. 211.

Opposing volume and left turning volume in vehicles per hour (VPH) are used for left turn storage lane warrants on four-lane highways.

For plan detail requirements when curb and/or gutter are used, see VDOT's Road Design Manual, [Section 2E-3](#) on the VDOT web site:

<http://www.virginiadot.org/business/locdes/rdmanual-index.asp>.

Left-turn lanes shall also be established on two-lane highways where traffic volumes are high enough to warrant them.

\* Rev. 1/18

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAY

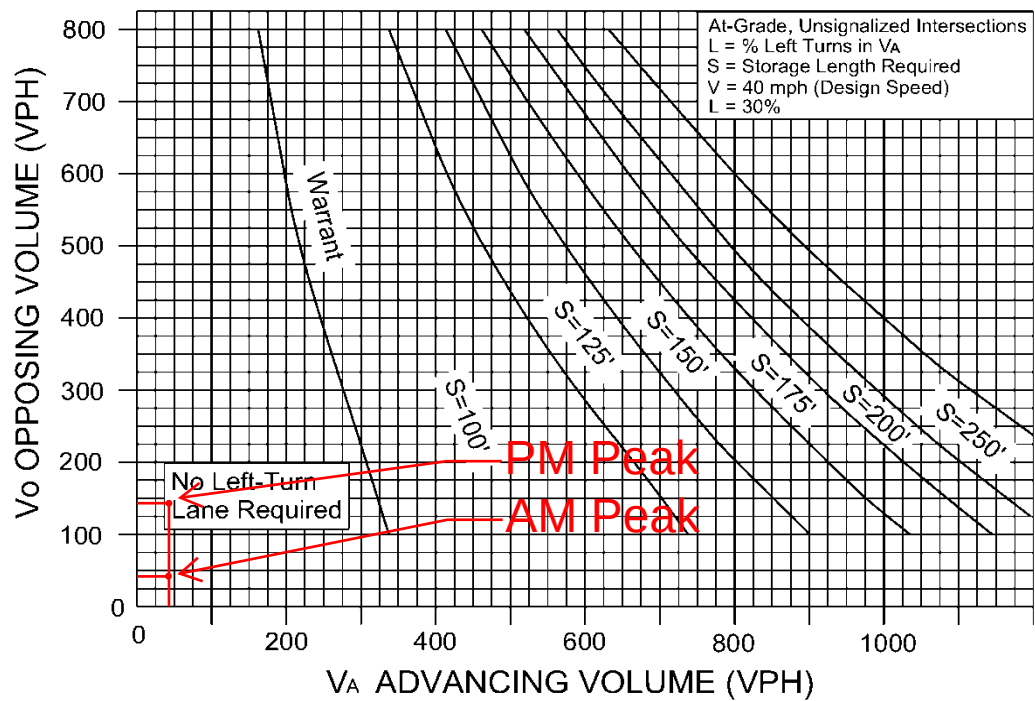


FIGURE 3-9

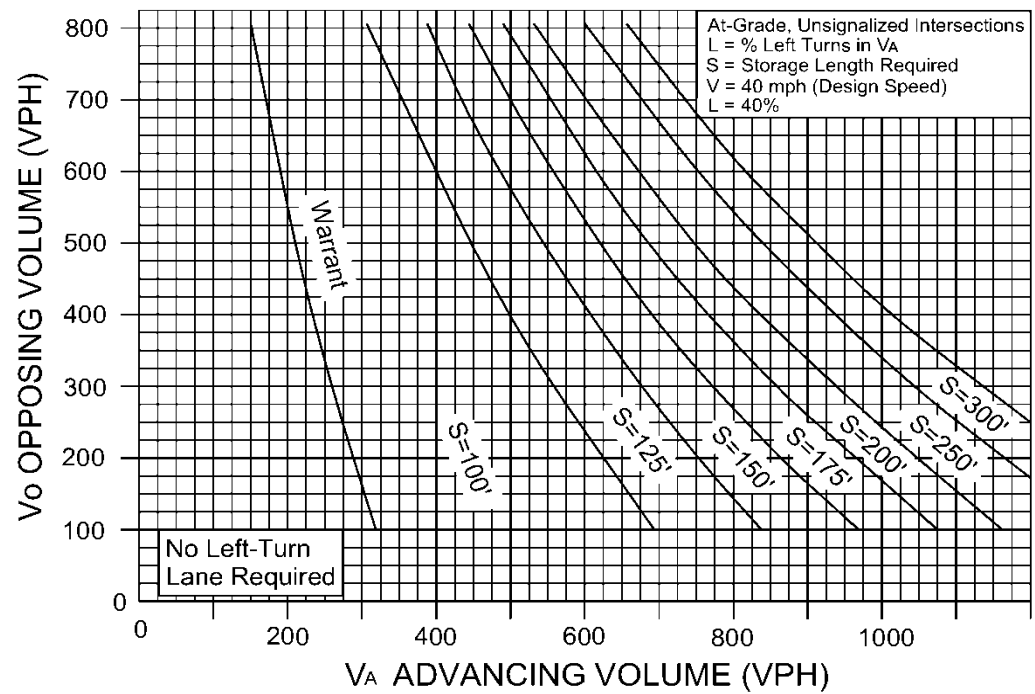
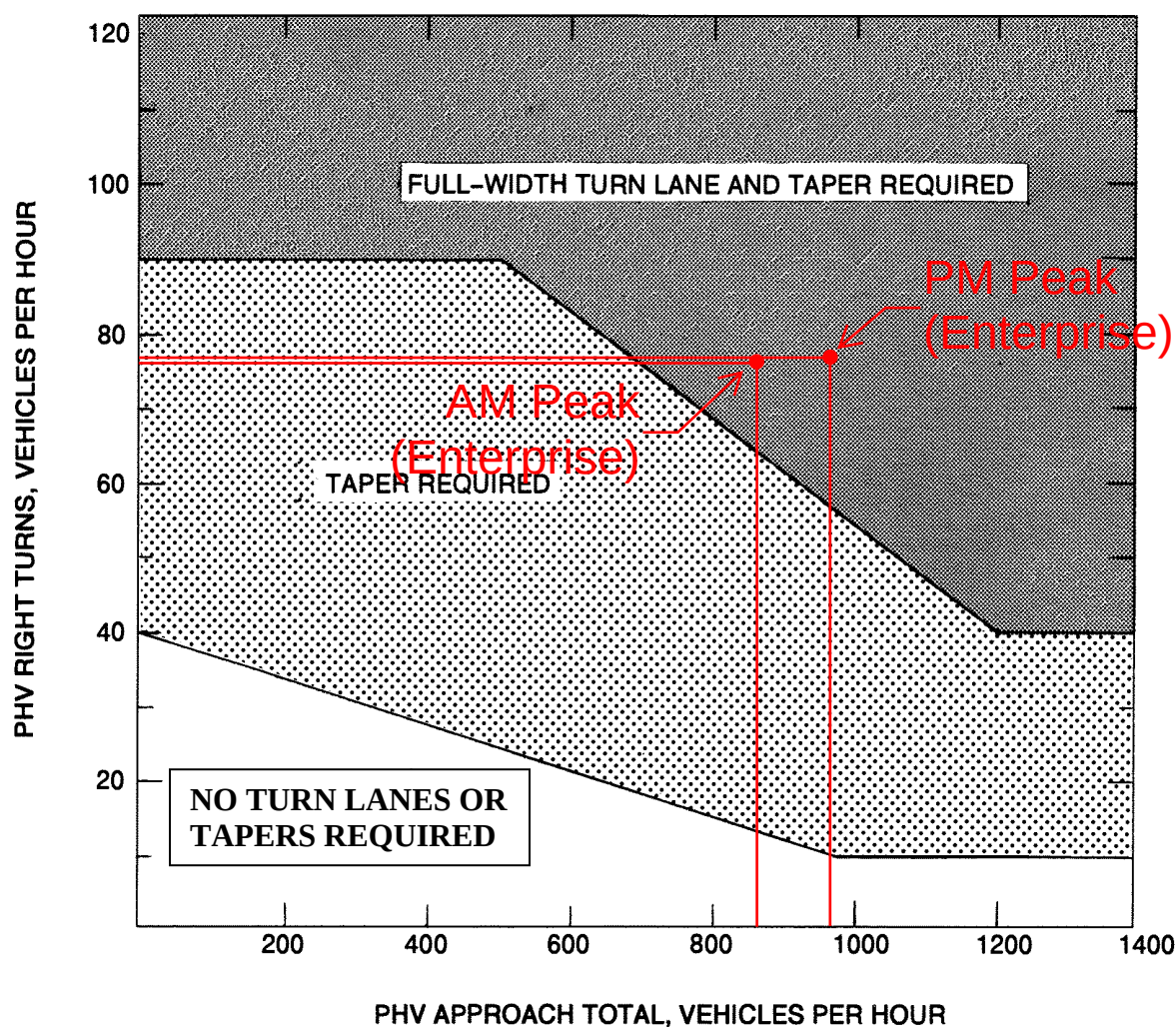


FIGURE 3-10





Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

### LEGEND

**PHV**- - Peak Hour Volume (also Design Hourly Volume equivalent)

### Adjustment for Right Turns

If PHV is not known use formula:  $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

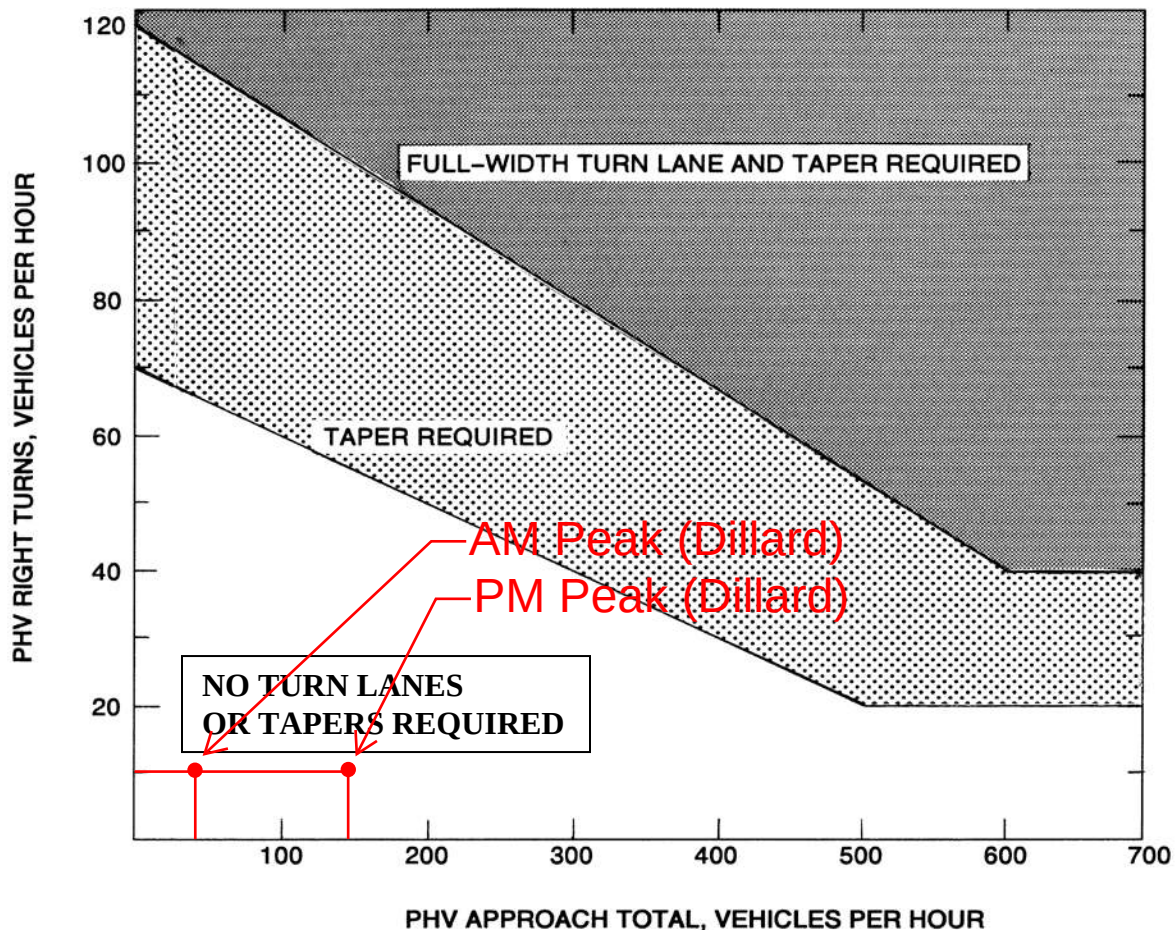
D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

When right turn facilities are warranted, see Figure 3-1 for design criteria.\*

**FIGURE 3-27 WARRANTS FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)**

\* Rev. 1/15



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

### LEGEND

**PHV** - Peak Hour Volume (also Design Hourly Volume equivalent)

### Adjustment for Right Turns

For posted speeds at or under 45 mph, PHV right turns > 40, and PHV total < 300.

Adjusted right turns = PHV Right Turns - 20

If PHV is not known use formula:  $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

When right turn facilities are warranted, see Figure 3-1 for design criteria.\*

**FIGURE 3-26 WARRANTS FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)**

# APPENDIX



# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

05/30/2019

|                               |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Movement                      | EBL                                                                               | EBT                                                                               | EBR                                                                               | WBL                                                                               | WBT                                                                               | WBR                                                                               | NBL                                                                                | NBT                                                                                 | NBR                                                                                 | SBL                                                                                 | SBT                                                                                 | SBR                                                                                 |
| Lane Configurations           |  |  |                                                                                   |  |  |                                                                                   |  |  |                                                                                     |  |  |                                                                                     |
| Traffic Volume (veh/h)        | 6                                                                                 | 0                                                                                 | 4                                                                                 | 11                                                                                | 0                                                                                 | 15                                                                                | 14                                                                                 | 680                                                                                 | 33                                                                                  | 64                                                                                  | 534                                                                                 | 17                                                                                  |
| Future Volume (veh/h)         | 6                                                                                 | 0                                                                                 | 4                                                                                 | 11                                                                                | 0                                                                                 | 15                                                                                | 14                                                                                 | 680                                                                                 | 33                                                                                  | 64                                                                                  | 534                                                                                 | 17                                                                                  |
| Number                        | 3                                                                                 | 8                                                                                 | 18                                                                                | 7                                                                                 | 4                                                                                 | 14                                                                                | 5                                                                                  | 2                                                                                   | 12                                                                                  | 1                                                                                   | 6                                                                                   | 16                                                                                  |
| Initial Q, veh                | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   |
| Ped-Bike Adj (A_pbT)          | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                               |                                                                                     | 1.00                                                                                | 1.00                                                                                |                                                                                     | 1.00                                                                                |
| Parking Bus Adj               | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Adj Sat Flow, veh/h/ln        | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1881                                                                               | 1881                                                                                | 1919                                                                                | 1844                                                                                | 1844                                                                                | 1881                                                                                |
| Adj Flow Rate, veh/h          | 7                                                                                 | 0                                                                                 | 4                                                                                 | 12                                                                                | 0                                                                                 | 16                                                                                | 15                                                                                 | 739                                                                                 | 36                                                                                  | 70                                                                                  | 580                                                                                 | 18                                                                                  |
| Adj No. of Lanes              | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                  | 2                                                                                   | 0                                                                                   | 1                                                                                   | 2                                                                                   | 0                                                                                   |
| Peak Hour Factor              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                               | 0.92                                                                                | 0.92                                                                                | 0.92                                                                                | 0.92                                                                                | 0.92                                                                                |
| Percent Heavy Veh, %          | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                  | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   |
| Opposing Right Turn Influence | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                                |                                                                                     |                                                                                     | Yes                                                                                 |                                                                                     |                                                                                     |
| Cap, veh/h                    | 36                                                                                | 0                                                                                 | 32                                                                                | 118                                                                               | 0                                                                                 | 105                                                                               | 427                                                                                | 1080                                                                                | 53                                                                                  | 419                                                                                 | 1309                                                                                | 41                                                                                  |
| HCM Platoon Ratio             | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Prop Arrive On Green          | 0.02                                                                              | 0.00                                                                              | 0.02                                                                              | 0.07                                                                              | 0.00                                                                              | 0.07                                                                              | 0.03                                                                               | 0.31                                                                                | 0.31                                                                                | 0.09                                                                                | 0.38                                                                                | 0.38                                                                                |
| Ln Grp Delay, s/veh           | 23.0                                                                              | 0.0                                                                               | 22.1                                                                              | 18.9                                                                              | 0.0                                                                               | 19.2                                                                              | 9.4                                                                                | 14.2                                                                                | 14.2                                                                                | 8.3                                                                                 | 10.3                                                                                | 10.3                                                                                |
| Ln Grp LOS                    | C                                                                                 |                                                                                   | C                                                                                 | B                                                                                 |                                                                                   | B                                                                                 | A                                                                                  | B                                                                                   | B                                                                                   | A                                                                                   | B                                                                                   | B                                                                                   |
| Approach Vol, veh/h           |                                                                                   | 11                                                                                |                                                                                   |                                                                                   | 28                                                                                |                                                                                   |                                                                                    | 790                                                                                 |                                                                                     |                                                                                     | 668                                                                                 |                                                                                     |
| Approach Delay, s/veh         |                                                                                   | 22.7                                                                              |                                                                                   |                                                                                   | 19.1                                                                              |                                                                                   |                                                                                    | 14.1                                                                                |                                                                                     |                                                                                     | 10.1                                                                                |                                                                                     |
| Approach LOS                  |                                                                                   | C                                                                                 |                                                                                   |                                                                                   | B                                                                                 |                                                                                   |                                                                                    | B                                                                                   |                                                                                     |                                                                                     | B                                                                                   |                                                                                     |
| Timer:                        | 1                                                                                 | 2                                                                                 | 3                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                 | 7                                                                                  | 8                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Phs                  |                                                                                   | 1                                                                                 | 2                                                                                 | 8                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Case No                       |                                                                                   | 1.1                                                                               | 4.0                                                                               | 10.0                                                                              | 10.0                                                                              | 1.1                                                                               | 4.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Phs Duration (G+Y+Rc), s      |                                                                                   | 7.4                                                                               | 19.1                                                                              | 6.8                                                                               | 8.8                                                                               | 4.6                                                                               | 21.9                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Change Period (Y+Rc), s       |                                                                                   | 3.5                                                                               | 6.0                                                                               | 6.0                                                                               | 6.0                                                                               | 3.5                                                                               | 6.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Green (Gmax), s           |                                                                                   | 8.0                                                                               | 19.5                                                                              | 18.0                                                                              | 18.0                                                                              | 8.0                                                                               | 19.5                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Allow Headway (MAH), s    |                                                                                   | 3.8                                                                               | 5.1                                                                               | 4.5                                                                               | 4.9                                                                               | 3.8                                                                               | 5.1                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Q Clear (g_c+I1), s       |                                                                                   | 3.0                                                                               | 9.9                                                                               | 2.2                                                                               | 2.4                                                                               | 2.2                                                                               | 7.3                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Green Ext Time (g_e), s       |                                                                                   | 0.0                                                                               | 3.3                                                                               | 0.0                                                                               | 0.0                                                                               | 0.0                                                                               | 2.8                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Phs Call (p_c)        |                                                                                   | 0.56                                                                              | 1.00                                                                              | 0.12                                                                              | 0.28                                                                              | 0.16                                                                              | 1.00                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Max Out (p_x)         |                                                                                   | 0.22                                                                              | 0.47                                                                              | 0.00                                                                              | 0.00                                                                              | 0.02                                                                              | 0.20                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left-Turn Movement Data       |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 |                                                                                   | 3                                                                                 | 7                                                                                 | 5                                                                                 |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   | 1756                                                                              |                                                                                   | 1774                                                                              | 1774                                                                              | 1792                                                                              |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Through Movement Data         |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 2                                                                                 | 8                                                                                 | 4                                                                                 |                                                                                   | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 3470                                                                              | 0                                                                                 | 0                                                                                 |                                                                                   | 3469                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Right-Turn Movement Data      |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 12                                                                                | 18                                                                                | 14                                                                                |                                                                                   | 16                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 169                                                                               | 1583                                                                              | 1583                                                                              |                                                                                   | 108                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left Lane Group Data          |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 | 0                                                                                 | 3                                                                                 | 7                                                                                 | 5                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   |                                                                                     |                                                                                     |                                                                                     |
| Lane Assignment               |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

05/30/2019

|                                     |      |      |      |      |      |      |      |      |
|-------------------------------------|------|------|------|------|------|------|------|------|
| Lanes in Grp                        | 1    | 0    | 1    | 1    | 1    | 0    | 0    | 0    |
| Grp Vol (v), veh/h                  | 70   | 0    | 7    | 12   | 15   | 0    | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 1756 | 0    | 1774 | 1774 | 1792 | 0    | 0    | 0    |
| Q Serve Time (g_s), s               | 1.0  | 0.0  | 0.2  | 0.3  | 0.2  | 0.0  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 1.0  | 0.0  | 0.2  | 0.3  | 0.2  | 0.0  | 0.0  | 0.0  |
| Perm LT Sat Flow (s_l), veh/h/ln    | 686  | 0    | 1774 | 1774 | 825  | 0    | 0    | 0    |
| Shared LT Sat Flow (s_sh), veh/h/ln | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Perm LT Eff Green (g_p), s          | 14.4 | 0.0  | 0.0  | 0.0  | 13.1 | 0.0  | 0.0  | 0.0  |
| Perm LT Serve Time (g_u), s         | 5.3  | 0.0  | 0.0  | 0.0  | 10.6 | 0.0  | 0.0  | 0.0  |
| Perm LT Q Serve Time (g_ps), s      | 1.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Time to First Blk (g_f), s          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Serve Time pre Blk (g_fs), s        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop LT Inside Lane (P_L)           | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h             | 419  | 0    | 36   | 118  | 427  | 0    | 0    | 0    |
| V/C Ratio (X)                       | 0.17 | 0.00 | 0.20 | 0.10 | 0.04 | 0.00 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 589  | 0    | 757  | 757  | 718  | 0    | 0    | 0    |
| Upstream Filter (I)                 | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 8.1  | 0.0  | 20.3 | 18.5 | 9.4  | 0.0  | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.2  | 0.0  | 2.7  | 0.4  | 0.0  | 0.0  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 8.3  | 0.0  | 23.0 | 18.9 | 9.4  | 0.0  | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.5  | 0.0  | 0.1  | 0.1  | 0.1  | 0.0  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)        | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln        | 0.5  | 0.0  | 0.1  | 0.1  | 0.1  | 0.0  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)            | 0.08 | 0.00 | 0.02 | 0.04 | 0.02 | 0.00 | 0.00 | 0.00 |
| Initial Q (Qb), veh                 | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh               | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h                 | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| <b>Middle Lane Group Data</b>       |      |      |      |      |      |      |      |      |
| Assigned Mvmt                       | 0    | 2    | 8    | 4    | 0    | 6    | 0    | 0    |
| Lane Assignment                     | T    |      | T    |      |      |      |      |      |
| Lanes in Grp                        | 0    | 1    | 0    | 0    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h                  | 0    | 381  | 0    | 0    | 0    | 293  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 0    | 1787 | 0    | 0    | 0    | 1752 | 0    | 0    |
| Q Serve Time (g_s), s               | 0.0  | 7.9  | 0.0  | 0.0  | 0.0  | 5.3  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 0.0  | 7.9  | 0.0  | 0.0  | 0.0  | 5.3  | 0.0  | 0.0  |
| Lane Grp Cap (c), veh/h             | 0    | 556  | 0    | 0    | 0    | 661  | 0    | 0    |
| V/C Ratio (X)                       | 0.00 | 0.68 | 0.00 | 0.00 | 0.00 | 0.44 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 0    | 826  | 0    | 0    | 0    | 810  | 0    | 0    |
| Upstream Filter (I)                 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 0.0  | 12.7 | 0.0  | 0.0  | 0.0  | 9.8  | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.0  | 1.5  | 0.0  | 0.0  | 0.0  | 0.5  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 0.0  | 14.2 | 0.0  | 0.0  | 0.0  | 10.3 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.0  | 3.8  | 0.0  | 0.0  | 0.0  | 2.5  | 0.0  | 0.0  |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

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|                              |      |      |      |      |      |      |      |      |
|------------------------------|------|------|------|------|------|------|------|------|
| 2nd-Term Q (Q2), veh/ln      | 0.0  | 0.2  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%) | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln | 0.0  | 4.0  | 0.0  | 0.0  | 0.0  | 2.6  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)     | 0.00 | 0.13 | 0.00 | 0.00 | 0.00 | 0.09 | 0.00 | 0.00 |
| Initial Q (Qb), veh          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h          | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Right Lane Group Data

|                                  |      |      |      |      |      |      |      |      |
|----------------------------------|------|------|------|------|------|------|------|------|
| Assigned Mvmt                    | 0    | 12   | 18   | 14   | 0    | 16   | 0    | 0    |
| Lane Assignment                  |      | T+R  | T+R  | T+R  |      | T+R  |      |      |
| Lanes in Grp                     | 0    | 1    | 1    | 1    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h               | 0    | 394  | 4    | 16   | 0    | 305  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln       | 0    | 1852 | 1583 | 1583 | 0    | 1825 | 0    | 0    |
| Q Serve Time (g_s), s            | 0.0  | 7.9  | 0.1  | 0.4  | 0.0  | 5.3  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s      | 0.0  | 7.9  | 0.1  | 0.4  | 0.0  | 5.3  | 0.0  | 0.0  |
| Prot RT Sat Flow (s_R), veh/h/ln | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prot RT Eff Green (g_R), s       | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop RT Outside Lane (P_R)       | 0.00 | 0.09 | 1.00 | 1.00 | 0.00 | 0.06 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h          | 0    | 576  | 32   | 105  | 0    | 689  | 0    | 0    |
| V/C Ratio (X)                    | 0.00 | 0.68 | 0.13 | 0.15 | 0.00 | 0.44 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h           | 0    | 856  | 675  | 675  | 0    | 843  | 0    | 0    |
| Upstream Filter (I)              | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh        | 0.0  | 12.7 | 20.3 | 18.6 | 0.0  | 9.8  | 0.0  | 0.0  |
| Incr Delay (d2), s/veh           | 0.0  | 1.4  | 1.8  | 0.7  | 0.0  | 0.4  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh         | 0.0  | 14.2 | 22.1 | 19.2 | 0.0  | 10.3 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln          | 0.0  | 3.9  | 0.0  | 0.2  | 0.0  | 2.6  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln          | 0.0  | 0.2  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)     | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln     | 0.0  | 4.2  | 0.1  | 0.2  | 0.0  | 2.7  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)         | 0.00 | 0.13 | 0.01 | 0.01 | 0.00 | 0.10 | 0.00 | 0.00 |
| Initial Q (Qb), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh            | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h              | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Intersection Summary

|                     |      |
|---------------------|------|
| HCM 2010 Ctrl Delay | 12.5 |
| HCM 2010 LOS        | B    |



# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

05/30/2019

|                               |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Movement                      | EBL                                                                               | EBT                                                                               | EBR                                                                               | WBL                                                                               | WBT                                                                               | WBR                                                                               | NBL                                                                                | NBT                                                                                 | NBR                                                                                 | SBL                                                                                 | SBT                                                                                 | SBR                                                                                 |
| Lane Configurations           |  |  |                                                                                   |  |  |                                                                                   |  |  |                                                                                     |  |  |                                                                                     |
| Traffic Volume (veh/h)        | 14                                                                                | 0                                                                                 | 22                                                                                | 42                                                                                | 0                                                                                 | 80                                                                                | 3                                                                                  | 715                                                                                 | 34                                                                                  | 38                                                                                  | 861                                                                                 | 2                                                                                   |
| Future Volume (veh/h)         | 14                                                                                | 0                                                                                 | 22                                                                                | 42                                                                                | 0                                                                                 | 80                                                                                | 3                                                                                  | 715                                                                                 | 34                                                                                  | 38                                                                                  | 861                                                                                 | 2                                                                                   |
| Number                        | 3                                                                                 | 8                                                                                 | 18                                                                                | 7                                                                                 | 4                                                                                 | 14                                                                                | 5                                                                                  | 2                                                                                   | 12                                                                                  | 1                                                                                   | 6                                                                                   | 16                                                                                  |
| Initial Q, veh                | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   |
| Ped-Bike Adj (A_pbT)          | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                               |                                                                                     | 1.00                                                                                | 1.00                                                                                |                                                                                     | 1.00                                                                                |
| Parking Bus Adj               | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Adj Sat Flow, veh/h/ln        | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1881                                                                               | 1881                                                                                | 1919                                                                                | 1844                                                                                | 1844                                                                                | 1881                                                                                |
| Adj Flow Rate, veh/h          | 16                                                                                | 0                                                                                 | 25                                                                                | 48                                                                                | 0                                                                                 | 91                                                                                | 3                                                                                  | 812                                                                                 | 39                                                                                  | 43                                                                                  | 978                                                                                 | 2                                                                                   |
| Adj No. of Lanes              | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                  | 2                                                                                   | 0                                                                                   | 1                                                                                   | 2                                                                                   | 0                                                                                   |
| Peak Hour Factor              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                               | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                |
| Percent Heavy Veh, %          | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                  | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   |
| Opposing Right Turn Influence | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                                |                                                                                     |                                                                                     | Yes                                                                                 |                                                                                     |                                                                                     |
| Cap, veh/h                    | 106                                                                               | 0                                                                                 | 95                                                                                | 294                                                                               | 0                                                                                 | 262                                                                               | 216                                                                                | 1051                                                                                | 50                                                                                  | 304                                                                                 | 1288                                                                                | 3                                                                                   |
| HCM Platoon Ratio             | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Prop Arrive On Green          | 0.06                                                                              | 0.00                                                                              | 0.06                                                                              | 0.17                                                                              | 0.00                                                                              | 0.17                                                                              | 0.01                                                                               | 0.30                                                                                | 0.30                                                                                | 0.06                                                                                | 0.36                                                                                | 0.36                                                                                |
| Ln Grp Delay, s/veh           | 24.0                                                                              | 0.0                                                                               | 25.0                                                                              | 19.0                                                                              | 0.0                                                                               | 20.2                                                                              | 13.5                                                                               | 21.2                                                                                | 21.0                                                                                | 11.8                                                                                | 19.8                                                                                | 19.6                                                                                |
| Ln Grp LOS                    | C                                                                                 |                                                                                   | C                                                                                 | B                                                                                 |                                                                                   | C                                                                                 | B                                                                                  | C                                                                                   | C                                                                                   | B                                                                                   | B                                                                                   | B                                                                                   |
| Approach Vol, veh/h           |                                                                                   | 41                                                                                |                                                                                   |                                                                                   | 139                                                                               |                                                                                   |                                                                                    | 854                                                                                 |                                                                                     |                                                                                     | 1023                                                                                |                                                                                     |
| Approach Delay, s/veh         |                                                                                   | 24.6                                                                              |                                                                                   |                                                                                   | 19.8                                                                              |                                                                                   |                                                                                    | 21.1                                                                                |                                                                                     |                                                                                     | 19.4                                                                                |                                                                                     |
| Approach LOS                  |                                                                                   | C                                                                                 |                                                                                   |                                                                                   | B                                                                                 |                                                                                   |                                                                                    | C                                                                                   |                                                                                     |                                                                                     | B                                                                                   |                                                                                     |
| Timer:                        | 1                                                                                 | 2                                                                                 | 3                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                 | 7                                                                                  | 8                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Phs                  |                                                                                   | 1                                                                                 | 2                                                                                 | 8                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Case No                       |                                                                                   | 1.1                                                                               | 4.0                                                                               | 10.0                                                                              | 10.0                                                                              | 1.1                                                                               | 4.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Phs Duration (G+Y+Rc), s      |                                                                                   | 6.8                                                                               | 21.9                                                                              | 9.1                                                                               | 14.7                                                                              | 3.8                                                                               | 24.8                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Change Period (Y+Rc), s       |                                                                                   | 3.5                                                                               | 6.0                                                                               | 6.0                                                                               | 6.0                                                                               | 3.5                                                                               | 6.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Green (Gmax), s           |                                                                                   | 8.0                                                                               | 19.5                                                                              | 18.0                                                                              | 18.0                                                                              | 8.0                                                                               | 19.5                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Allow Headway (MAH), s    |                                                                                   | 3.8                                                                               | 5.1                                                                               | 5.0                                                                               | 5.1                                                                               | 3.8                                                                               | 5.1                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Q Clear (g_c+I1), s       |                                                                                   | 2.8                                                                               | 13.2                                                                              | 2.8                                                                               | 4.7                                                                               | 2.1                                                                               | 14.6                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Green Ext Time (g_e), s       |                                                                                   | 0.0                                                                               | 2.7                                                                               | 0.1                                                                               | 0.5                                                                               | 0.0                                                                               | 2.5                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Phs Call (p_c)        |                                                                                   | 0.47                                                                              | 1.00                                                                              | 0.45                                                                              | 0.87                                                                              | 0.04                                                                              | 1.00                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Max Out (p_x)         |                                                                                   | 0.13                                                                              | 0.84                                                                              | 0.00                                                                              | 0.01                                                                              | 0.00                                                                              | 1.00                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left-Turn Movement Data       |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 |                                                                                   | 3                                                                                 | 7                                                                                 | 5                                                                                 |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   | 1756                                                                              |                                                                                   | 1774                                                                              | 1774                                                                              | 1792                                                                              |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Through Movement Data         |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 2                                                                                 | 8                                                                                 | 4                                                                                 |                                                                                   | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 3472                                                                              | 0                                                                                 | 0                                                                                 |                                                                                   | 3587                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Right-Turn Movement Data      |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 12                                                                                | 18                                                                                | 14                                                                                |                                                                                   | 16                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 167                                                                               | 1583                                                                              | 1583                                                                              |                                                                                   | 7                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left Lane Group Data          |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 | 0                                                                                 | 3                                                                                 | 7                                                                                 | 5                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   |                                                                                     |                                                                                     |                                                                                     |
| Lane Assignment               |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

05/30/2019

|                                     |      |      |      |      |      |      |      |      |
|-------------------------------------|------|------|------|------|------|------|------|------|
| Lanes in Grp                        | 1    | 0    | 1    | 1    | 1    | 0    | 0    | 0    |
| Grp Vol (v), veh/h                  | 43   | 0    | 16   | 48   | 3    | 0    | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 1756 | 0    | 1774 | 1774 | 1792 | 0    | 0    | 0    |
| Q Serve Time (g_s), s               | 0.8  | 0.0  | 0.4  | 1.2  | 0.1  | 0.0  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 0.8  | 0.0  | 0.4  | 1.2  | 0.1  | 0.0  | 0.0  | 0.0  |
| Perm LT Sat Flow (s_l), veh/h/ln    | 639  | 0    | 1774 | 1774 | 577  | 0    | 0    | 0    |
| Shared LT Sat Flow (s_sh), veh/h/ln | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Perm LT Eff Green (g_p), s          | 17.3 | 0.0  | 0.0  | 0.0  | 15.9 | 0.0  | 0.0  | 0.0  |
| Perm LT Serve Time (g_u), s         | 4.7  | 0.0  | 0.0  | 0.0  | 6.2  | 0.0  | 0.0  | 0.0  |
| Perm LT Q Serve Time (g_ps), s      | 0.9  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  | 0.0  |
| Time to First Blk (g_f), s          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Serve Time pre Blk (g_fs), s        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop LT Inside Lane (P_L)           | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h             | 304  | 0    | 106  | 294  | 216  | 0    | 0    | 0    |
| V/C Ratio (X)                       | 0.14 | 0.00 | 0.15 | 0.16 | 0.01 | 0.00 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 462  | 0    | 609  | 609  | 479  | 0    | 0    | 0    |
| Upstream Filter (I)                 | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 11.6 | 0.0  | 23.4 | 18.8 | 13.5 | 0.0  | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.2  | 0.0  | 0.6  | 0.3  | 0.0  | 0.0  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 11.8 | 0.0  | 24.0 | 19.0 | 13.5 | 0.0  | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.4  | 0.0  | 0.2  | 0.6  | 0.0  | 0.0  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)        | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln        | 0.4  | 0.0  | 0.2  | 0.6  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)            | 0.07 | 0.00 | 0.04 | 0.15 | 0.01 | 0.00 | 0.00 | 0.00 |
| Initial Q (Qb), veh                 | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh               | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h                 | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| <b>Middle Lane Group Data</b>       |      |      |      |      |      |      |      |      |
| Assigned Mvmt                       | 0    | 2    | 8    | 4    | 0    | 6    | 0    | 0    |
| Lane Assignment                     | T    |      |      |      | T    |      |      |      |
| Lanes in Grp                        | 0    | 1    | 0    | 0    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h                  | 0    | 418  | 0    | 0    | 0    | 478  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 0    | 1787 | 0    | 0    | 0    | 1752 | 0    | 0    |
| Q Serve Time (g_s), s               | 0.0  | 11.2 | 0.0  | 0.0  | 0.0  | 12.6 | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 0.0  | 11.2 | 0.0  | 0.0  | 0.0  | 12.6 | 0.0  | 0.0  |
| Lane Grp Cap (c), veh/h             | 0    | 541  | 0    | 0    | 0    | 629  | 0    | 0    |
| V/C Ratio (X)                       | 0.00 | 0.77 | 0.00 | 0.00 | 0.00 | 0.76 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 0    | 664  | 0    | 0    | 0    | 651  | 0    | 0    |
| Upstream Filter (I)                 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 0.0  | 16.7 | 0.0  | 0.0  | 0.0  | 14.8 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.0  | 4.5  | 0.0  | 0.0  | 0.0  | 5.0  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 0.0  | 21.2 | 0.0  | 0.0  | 0.0  | 19.8 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.0  | 5.5  | 0.0  | 0.0  | 0.0  | 6.0  | 0.0  | 0.0  |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

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|                              |      |      |      |      |      |      |      |      |
|------------------------------|------|------|------|------|------|------|------|------|
| 2nd-Term Q (Q2), veh/ln      | 0.0  | 0.7  | 0.0  | 0.0  | 0.0  | 0.9  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%) | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln | 0.0  | 6.1  | 0.0  | 0.0  | 0.0  | 6.8  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)     | 0.00 | 0.20 | 0.00 | 0.00 | 0.00 | 0.24 | 0.00 | 0.00 |
| Initial Q (Qb), veh          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h          | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Right Lane Group Data

|                                  |      |      |      |      |      |      |      |      |
|----------------------------------|------|------|------|------|------|------|------|------|
| Assigned Mvmt                    | 0    | 12   | 18   | 14   | 0    | 16   | 0    | 0    |
| Lane Assignment                  |      | T+R  | T+R  | T+R  |      | T+R  |      |      |
| Lanes in Grp                     | 0    | 1    | 1    | 1    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h               | 0    | 433  | 25   | 91   | 0    | 502  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln       | 0    | 1852 | 1583 | 1583 | 0    | 1843 | 0    | 0    |
| Q Serve Time (g_s), s            | 0.0  | 11.2 | 0.8  | 2.7  | 0.0  | 12.6 | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s      | 0.0  | 11.2 | 0.8  | 2.7  | 0.0  | 12.6 | 0.0  | 0.0  |
| Prot RT Sat Flow (s_R), veh/h/ln | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prot RT Eff Green (g_R), s       | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop RT Outside Lane (P_R)       | 0.00 | 0.09 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h          | 0    | 561  | 95   | 262  | 0    | 662  | 0    | 0    |
| V/C Ratio (X)                    | 0.00 | 0.77 | 0.26 | 0.35 | 0.00 | 0.76 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h           | 0    | 688  | 543  | 543  | 0    | 685  | 0    | 0    |
| Upstream Filter (I)              | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh        | 0.0  | 16.7 | 23.6 | 19.4 | 0.0  | 14.8 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh           | 0.0  | 4.4  | 1.5  | 0.8  | 0.0  | 4.8  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh         | 0.0  | 21.0 | 25.0 | 20.2 | 0.0  | 19.6 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln          | 0.0  | 5.7  | 0.3  | 1.2  | 0.0  | 6.3  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln          | 0.0  | 0.7  | 0.0  | 0.1  | 0.0  | 0.9  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)     | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln     | 0.0  | 6.3  | 0.4  | 1.2  | 0.0  | 7.2  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)         | 0.00 | 0.20 | 0.04 | 0.03 | 0.00 | 0.25 | 0.00 | 0.00 |
| Initial Q (Qb), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh            | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h              | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Intersection Summary

|                     |      |
|---------------------|------|
| HCM 2010 Ctrl Delay | 20.2 |
| HCM 2010 LOS        | C    |



# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

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|                               |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Movement                      | EBL                                                                               | EBT                                                                               | EBR                                                                               | WBL                                                                               | WBT                                                                               | WBR                                                                               | NBL                                                                                | NBT                                                                                 | NBR                                                                                 | SBL                                                                                 | SBT                                                                                 | SBR                                                                                 |
| Lane Configurations           |  |  |                                                                                   |  |  |                                                                                   |  |  |                                                                                     |  |  |  |
| Traffic Volume (veh/h)        | 7                                                                                 | 0                                                                                 | 4                                                                                 | 12                                                                                | 0                                                                                 | 17                                                                                | 15                                                                                 | 751                                                                                 | 36                                                                                  | 71                                                                                  | 590                                                                                 | 19                                                                                  |
| Future Volume (veh/h)         | 7                                                                                 | 0                                                                                 | 4                                                                                 | 12                                                                                | 0                                                                                 | 17                                                                                | 15                                                                                 | 751                                                                                 | 36                                                                                  | 71                                                                                  | 590                                                                                 | 19                                                                                  |
| Number                        | 3                                                                                 | 8                                                                                 | 18                                                                                | 7                                                                                 | 4                                                                                 | 14                                                                                | 5                                                                                  | 2                                                                                   | 12                                                                                  | 1                                                                                   | 6                                                                                   | 16                                                                                  |
| Initial Q, veh                | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   |
| Ped-Bike Adj (A_pbT)          | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                               |                                                                                     | 1.00                                                                                | 1.00                                                                                |                                                                                     | 1.00                                                                                |
| Parking Bus Adj               | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Adj Sat Flow, veh/h/ln        | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1881                                                                               | 1881                                                                                | 1919                                                                                | 1844                                                                                | 1844                                                                                | 1881                                                                                |
| Adj Flow Rate, veh/h          | 8                                                                                 | 0                                                                                 | 4                                                                                 | 13                                                                                | 0                                                                                 | 18                                                                                | 16                                                                                 | 816                                                                                 | 39                                                                                  | 77                                                                                  | 641                                                                                 | 21                                                                                  |
| Adj No. of Lanes              | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                  | 2                                                                                   | 0                                                                                   | 1                                                                                   | 2                                                                                   | 0                                                                                   |
| Peak Hour Factor              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                               | 0.92                                                                                | 0.92                                                                                | 0.92                                                                                | 0.92                                                                                | 0.92                                                                                |
| Percent Heavy Veh, %          | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                  | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   |
| Opposing Right Turn Influence | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                                |                                                                                     |                                                                                     | Yes                                                                                 |                                                                                     |                                                                                     |
| Cap, veh/h                    | 38                                                                                | 0                                                                                 | 34                                                                                | 127                                                                               | 0                                                                                 | 113                                                                               | 412                                                                                | 1133                                                                                | 54                                                                                  | 408                                                                                 | 1367                                                                                | 45                                                                                  |
| HCM Platoon Ratio             | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Prop Arrive On Green          | 0.02                                                                              | 0.00                                                                              | 0.02                                                                              | 0.07                                                                              | 0.00                                                                              | 0.07                                                                              | 0.03                                                                               | 0.33                                                                                | 0.33                                                                                | 0.10                                                                                | 0.39                                                                                | 0.39                                                                                |
| Ln Grp Delay, s/veh           | 24.0                                                                              | 0.0                                                                               | 22.8                                                                              | 19.6                                                                              | 0.0                                                                               | 20.0                                                                              | 9.5                                                                                | 15.3                                                                                | 15.2                                                                                | 8.5                                                                                 | 10.5                                                                                | 10.5                                                                                |
| Ln Grp LOS                    | C                                                                                 |                                                                                   | C                                                                                 | B                                                                                 |                                                                                   | C                                                                                 | A                                                                                  | B                                                                                   | B                                                                                   | A                                                                                   | B                                                                                   | B                                                                                   |
| Approach Vol, veh/h           |                                                                                   | 12                                                                                |                                                                                   |                                                                                   | 31                                                                                |                                                                                   |                                                                                    | 871                                                                                 |                                                                                     |                                                                                     | 739                                                                                 |                                                                                     |
| Approach Delay, s/veh         |                                                                                   | 23.6                                                                              |                                                                                   |                                                                                   | 19.9                                                                              |                                                                                   |                                                                                    | 15.2                                                                                |                                                                                     |                                                                                     | 10.3                                                                                |                                                                                     |
| Approach LOS                  |                                                                                   | C                                                                                 |                                                                                   |                                                                                   | B                                                                                 |                                                                                   |                                                                                    | B                                                                                   |                                                                                     |                                                                                     | B                                                                                   |                                                                                     |
| Timer:                        | 1                                                                                 | 2                                                                                 | 3                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                 | 7                                                                                  | 8                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Phs                  |                                                                                   | 1                                                                                 | 2                                                                                 | 8                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Case No                       |                                                                                   | 1.1                                                                               | 4.0                                                                               | 10.0                                                                              | 10.0                                                                              | 1.1                                                                               | 4.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Phs Duration (G+Y+Rc), s      |                                                                                   | 7.8                                                                               | 20.5                                                                              | 7.0                                                                               | 9.2                                                                               | 4.8                                                                               | 23.5                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Change Period (Y+Rc), s       |                                                                                   | 3.5                                                                               | 6.0                                                                               | 6.0                                                                               | 6.0                                                                               | 3.5                                                                               | 6.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Green (Gmax), s           |                                                                                   | 8.0                                                                               | 19.5                                                                              | 18.0                                                                              | 18.0                                                                              | 8.0                                                                               | 19.5                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Allow Headway (MAH), s    |                                                                                   | 3.8                                                                               | 5.1                                                                               | 4.5                                                                               | 4.9                                                                               | 3.8                                                                               | 5.1                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Q Clear (g_c+I1), s       |                                                                                   | 3.1                                                                               | 11.2                                                                              | 2.2                                                                               | 2.5                                                                               | 2.3                                                                               | 8.1                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Green Ext Time (g_e), s       |                                                                                   | 0.1                                                                               | 3.3                                                                               | 0.0                                                                               | 0.1                                                                               | 0.0                                                                               | 3.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Phs Call (p_c)        |                                                                                   | 0.61                                                                              | 1.00                                                                              | 0.14                                                                              | 0.32                                                                              | 0.18                                                                              | 1.00                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Max Out (p_x)         |                                                                                   | 0.26                                                                              | 0.63                                                                              | 0.00                                                                              | 0.00                                                                              | 0.03                                                                              | 0.29                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left-Turn Movement Data       |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 |                                                                                   | 3                                                                                 | 7                                                                                 | 5                                                                                 |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   | 1756                                                                              |                                                                                   | 1774                                                                              | 1774                                                                              | 1792                                                                              |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Through Movement Data         |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 2                                                                                 | 8                                                                                 | 4                                                                                 |                                                                                   | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 3473                                                                              | 0                                                                                 | 0                                                                                 |                                                                                   | 3463                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Right-Turn Movement Data      |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 12                                                                                | 18                                                                                | 14                                                                                |                                                                                   | 16                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 166                                                                               | 1583                                                                              | 1583                                                                              |                                                                                   | 113                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left Lane Group Data          |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 | 0                                                                                 | 3                                                                                 | 7                                                                                 | 5                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   |                                                                                     |                                                                                     |                                                                                     |
| Lane Assignment               |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

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|                                     |      |      |      |      |      |      |      |      |
|-------------------------------------|------|------|------|------|------|------|------|------|
| Lanes in Grp                        | 1    | 0    | 1    | 1    | 1    | 0    | 0    | 0    |
| Grp Vol (v), veh/h                  | 77   | 0    | 8    | 13   | 16   | 0    | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 1756 | 0    | 1774 | 1774 | 1792 | 0    | 0    | 0    |
| Q Serve Time (g_s), s               | 1.1  | 0.0  | 0.2  | 0.3  | 0.3  | 0.0  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 1.1  | 0.0  | 0.2  | 0.3  | 0.3  | 0.0  | 0.0  | 0.0  |
| Perm LT Sat Flow (s_l), veh/h/ln    | 637  | 0    | 1774 | 1774 | 778  | 0    | 0    | 0    |
| Shared LT Sat Flow (s_sh), veh/h/ln | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Perm LT Eff Green (g_p), s          | 16.0 | 0.0  | 0.0  | 0.0  | 14.5 | 0.0  | 0.0  | 0.0  |
| Perm LT Serve Time (g_u), s         | 5.3  | 0.0  | 0.0  | 0.0  | 11.4 | 0.0  | 0.0  | 0.0  |
| Perm LT Q Serve Time (g_ps), s      | 1.5  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  | 0.0  |
| Time to First Blk (g_f), s          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Serve Time pre Blk (g_fs), s        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop LT Inside Lane (P_L)           | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h             | 408  | 0    | 38   | 127  | 412  | 0    | 0    | 0    |
| V/C Ratio (X)                       | 0.19 | 0.00 | 0.21 | 0.10 | 0.04 | 0.00 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 554  | 0    | 719  | 719  | 685  | 0    | 0    | 0    |
| Upstream Filter (I)                 | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 8.3  | 0.0  | 21.4 | 19.3 | 9.4  | 0.0  | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.2  | 0.0  | 2.6  | 0.3  | 0.0  | 0.0  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 8.5  | 0.0  | 24.0 | 19.6 | 9.5  | 0.0  | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.5  | 0.0  | 0.1  | 0.1  | 0.1  | 0.0  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)        | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln        | 0.5  | 0.0  | 0.1  | 0.2  | 0.1  | 0.0  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)            | 0.09 | 0.00 | 0.02 | 0.04 | 0.03 | 0.00 | 0.00 | 0.00 |
| Initial Q (Qb), veh                 | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh               | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h                 | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| <b>Middle Lane Group Data</b>       |      |      |      |      |      |      |      |      |
| Assigned Mvmt                       | 0    | 2    | 8    | 4    | 0    | 6    | 0    | 0    |
| Lane Assignment                     | T    |      | T    |      |      |      |      |      |
| Lanes in Grp                        | 0    | 1    | 0    | 0    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h                  | 0    | 420  | 0    | 0    | 0    | 324  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 0    | 1787 | 0    | 0    | 0    | 1752 | 0    | 0    |
| Q Serve Time (g_s), s               | 0.0  | 9.2  | 0.0  | 0.0  | 0.0  | 6.1  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 0.0  | 9.2  | 0.0  | 0.0  | 0.0  | 6.1  | 0.0  | 0.0  |
| Lane Grp Cap (c), veh/h             | 0    | 583  | 0    | 0    | 0    | 691  | 0    | 0    |
| V/C Ratio (X)                       | 0.00 | 0.72 | 0.00 | 0.00 | 0.00 | 0.47 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 0    | 784  | 0    | 0    | 0    | 769  | 0    | 0    |
| Upstream Filter (I)                 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 0.0  | 13.2 | 0.0  | 0.0  | 0.0  | 10.0 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.0  | 2.1  | 0.0  | 0.0  | 0.0  | 0.5  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 0.0  | 15.3 | 0.0  | 0.0  | 0.0  | 10.5 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.0  | 4.4  | 0.0  | 0.0  | 0.0  | 2.9  | 0.0  | 0.0  |

# HCM 2010 Signalized Intersection Capacity Analysis

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|                              |      |      |      |      |      |      |      |      |
|------------------------------|------|------|------|------|------|------|------|------|
| 2nd-Term Q (Q2), veh/ln      | 0.0  | 0.3  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%) | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln | 0.0  | 4.8  | 0.0  | 0.0  | 0.0  | 3.0  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)     | 0.00 | 0.15 | 0.00 | 0.00 | 0.00 | 0.11 | 0.00 | 0.00 |
| Initial Q (Qb), veh          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h          | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Right Lane Group Data

|                                  |      |      |      |      |      |      |      |      |
|----------------------------------|------|------|------|------|------|------|------|------|
| Assigned Mvmt                    | 0    | 12   | 18   | 14   | 0    | 16   | 0    | 0    |
| Lane Assignment                  |      | T+R  | T+R  | T+R  |      | T+R  |      |      |
| Lanes in Grp                     | 0    | 1    | 1    | 1    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h               | 0    | 435  | 4    | 18   | 0    | 338  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln       | 0    | 1852 | 1583 | 1583 | 0    | 1824 | 0    | 0    |
| Q Serve Time (g_s), s            | 0.0  | 9.2  | 0.1  | 0.5  | 0.0  | 6.1  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s      | 0.0  | 9.2  | 0.1  | 0.5  | 0.0  | 6.1  | 0.0  | 0.0  |
| Prot RT Sat Flow (s_R), veh/h/ln | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prot RT Eff Green (g_R), s       | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop RT Outside Lane (P_R)       | 0.00 | 0.09 | 1.00 | 1.00 | 0.00 | 0.06 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h          | 0    | 604  | 34   | 113  | 0    | 720  | 0    | 0    |
| V/C Ratio (X)                    | 0.00 | 0.72 | 0.12 | 0.16 | 0.00 | 0.47 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h           | 0    | 813  | 641  | 641  | 0    | 801  | 0    | 0    |
| Upstream Filter (I)              | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh        | 0.0  | 13.2 | 21.3 | 19.4 | 0.0  | 10.0 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh           | 0.0  | 2.0  | 1.5  | 0.6  | 0.0  | 0.5  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh         | 0.0  | 15.2 | 22.8 | 20.0 | 0.0  | 10.5 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln          | 0.0  | 4.6  | 0.0  | 0.2  | 0.0  | 3.0  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln          | 0.0  | 0.3  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)     | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln     | 0.0  | 4.9  | 0.1  | 0.2  | 0.0  | 3.1  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)         | 0.00 | 0.16 | 0.01 | 0.01 | 0.00 | 0.11 | 0.00 | 0.00 |
| Initial Q (Qb), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh            | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h              | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Intersection Summary

|                     |      |
|---------------------|------|
| HCM 2010 Ctrl Delay | 13.1 |
| HCM 2010 LOS        | B    |



# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

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|                                     |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Movement                            | EBL                                                                               | EBT                                                                               | EBR                                                                               | WBL                                                                               | WBT                                                                               | WBR                                                                               | NBL                                                                                | NBT                                                                                 | NBR                                                                                 | SBL                                                                                 | SBT                                                                                 | SBR                                                                                 |
| Lane Configurations                 |  |  |                                                                                   |  |  |                                                                                   |  |  |                                                                                     |  |  |  |
| Traffic Volume (veh/h)              | 15                                                                                | 0                                                                                 | 24                                                                                | 46                                                                                | 0                                                                                 | 88                                                                                | 3                                                                                  | 789                                                                                 | 38                                                                                  | 42                                                                                  | 951                                                                                 | 2                                                                                   |
| Future Volume (veh/h)               | 15                                                                                | 0                                                                                 | 24                                                                                | 46                                                                                | 0                                                                                 | 88                                                                                | 3                                                                                  | 789                                                                                 | 38                                                                                  | 42                                                                                  | 951                                                                                 | 2                                                                                   |
| Number                              | 3                                                                                 | 8                                                                                 | 18                                                                                | 7                                                                                 | 4                                                                                 | 14                                                                                | 5                                                                                  | 2                                                                                   | 12                                                                                  | 1                                                                                   | 6                                                                                   | 16                                                                                  |
| Initial Q, veh                      | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   |
| Ped-Bike Adj (A <sub>pbT</sub> )    | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                               |                                                                                     | 1.00                                                                                | 1.00                                                                                |                                                                                     | 1.00                                                                                |
| Parking Bus Adj                     | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Adj Sat Flow, veh/h/ln              | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1881                                                                               | 1881                                                                                | 1919                                                                                | 1844                                                                                | 1844                                                                                | 1881                                                                                |
| Adj Flow Rate, veh/h                | 17                                                                                | 0                                                                                 | 27                                                                                | 52                                                                                | 0                                                                                 | 100                                                                               | 3                                                                                  | 897                                                                                 | 43                                                                                  | 48                                                                                  | 1081                                                                                | 2                                                                                   |
| Adj No. of Lanes                    | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                  | 2                                                                                   | 0                                                                                   | 1                                                                                   | 2                                                                                   | 0                                                                                   |
| Peak Hour Factor                    | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                               | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                |
| Percent Heavy Veh, %                | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                  | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   |
| Opposing Right Turn Influence       | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                                |                                                                                     |                                                                                     | Yes                                                                                 |                                                                                     |                                                                                     |
| Cap, veh/h                          | 111                                                                               | 0                                                                                 | 99                                                                                | 291                                                                               | 0                                                                                 | 260                                                                               | 198                                                                                | 1097                                                                                | 53                                                                                  | 293                                                                                 | 1350                                                                                | 2                                                                                   |
| HCM Platoon Ratio                   | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Prop Arrive On Green                | 0.06                                                                              | 0.00                                                                              | 0.06                                                                              | 0.16                                                                              | 0.00                                                                              | 0.16                                                                              | 0.01                                                                               | 0.32                                                                                | 0.32                                                                                | 0.07                                                                                | 0.38                                                                                | 0.38                                                                                |
| Ln Grp Delay, s/veh                 | 25.0                                                                              | 0.0                                                                               | 26.0                                                                              | 20.0                                                                              | 0.0                                                                               | 21.4                                                                              | 13.9                                                                               | 24.8                                                                                | 24.6                                                                                | 12.1                                                                                | 22.3                                                                                | 22.0                                                                                |
| Ln Grp LOS                          | C                                                                                 |                                                                                   | C                                                                                 | C                                                                                 |                                                                                   | C                                                                                 | B                                                                                  | C                                                                                   | C                                                                                   | B                                                                                   | C                                                                                   | C                                                                                   |
| Approach Vol, veh/h                 |                                                                                   | 44                                                                                |                                                                                   |                                                                                   | 152                                                                               |                                                                                   |                                                                                    | 943                                                                                 |                                                                                     |                                                                                     | 1131                                                                                |                                                                                     |
| Approach Delay, s/veh               |                                                                                   | 25.6                                                                              |                                                                                   |                                                                                   | 20.9                                                                              |                                                                                   |                                                                                    | 24.7                                                                                |                                                                                     |                                                                                     | 21.7                                                                                |                                                                                     |
| Approach LOS                        |                                                                                   | C                                                                                 |                                                                                   |                                                                                   | C                                                                                 |                                                                                   |                                                                                    | C                                                                                   |                                                                                     |                                                                                     | C                                                                                   |                                                                                     |
| Timer:                              | 1                                                                                 | 2                                                                                 | 3                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                 | 7                                                                                  | 8                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Phs                        |                                                                                   | 1                                                                                 | 2                                                                                 | 8                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Case No                             |                                                                                   | 1.1                                                                               | 4.0                                                                               | 10.0                                                                              | 10.0                                                                              | 1.1                                                                               | 4.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Phs Duration (G+Y+Rc), s            |                                                                                   | 7.1                                                                               | 23.3                                                                              | 9.4                                                                               | 15.0                                                                              | 3.8                                                                               | 26.7                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Change Period (Y+Rc), s             |                                                                                   | 3.5                                                                               | 6.0                                                                               | 6.0                                                                               | 6.0                                                                               | 3.5                                                                               | 6.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Green (Gmax), s                 |                                                                                   | 8.0                                                                               | 19.5                                                                              | 18.0                                                                              | 18.0                                                                              | 8.0                                                                               | 19.5                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Allow Headway (MAH), s          |                                                                                   | 3.8                                                                               | 5.1                                                                               | 5.0                                                                               | 5.1                                                                               | 3.8                                                                               | 5.1                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Q Clear (g <sub>c+I1</sub> ), s |                                                                                   | 2.9                                                                               | 15.1                                                                              | 2.9                                                                               | 5.1                                                                               | 2.1                                                                               | 16.8                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Green Ext Time (g <sub>e</sub> ), s |                                                                                   | 0.0                                                                               | 2.3                                                                               | 0.1                                                                               | 0.5                                                                               | 0.0                                                                               | 1.7                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Phs Call (p <sub>c</sub> )  |                                                                                   | 0.52                                                                              | 1.00                                                                              | 0.49                                                                              | 0.90                                                                              | 0.04                                                                              | 1.00                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Max Out (p <sub>x</sub> )   |                                                                                   | 0.16                                                                              | 1.00                                                                              | 0.00                                                                              | 0.01                                                                              | 0.00                                                                              | 1.00                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left-Turn Movement Data             |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                       |                                                                                   | 1                                                                                 |                                                                                   | 3                                                                                 | 7                                                                                 | 5                                                                                 |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h                |                                                                                   | 1756                                                                              |                                                                                   | 1774                                                                              | 1774                                                                              | 1792                                                                              |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Through Movement Data               |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                       |                                                                                   |                                                                                   | 2                                                                                 | 8                                                                                 | 4                                                                                 |                                                                                   | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h                |                                                                                   |                                                                                   | 3473                                                                              | 0                                                                                 | 0                                                                                 |                                                                                   | 3588                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Right-Turn Movement Data            |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                       |                                                                                   |                                                                                   | 12                                                                                | 18                                                                                | 14                                                                                |                                                                                   | 16                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h                |                                                                                   |                                                                                   | 166                                                                               | 1583                                                                              | 1583                                                                              |                                                                                   | 7                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left Lane Group Data                |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                       |                                                                                   | 1                                                                                 | 0                                                                                 | 3                                                                                 | 7                                                                                 | 5                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   |                                                                                     |                                                                                     |                                                                                     |
| Lane Assignment                     |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

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|                                     |      |      |      |      |      |      |      |      |
|-------------------------------------|------|------|------|------|------|------|------|------|
| Lanes in Grp                        | 1    | 0    | 1    | 1    | 1    | 0    | 0    | 0    |
| Grp Vol (v), veh/h                  | 48   | 0    | 17   | 52   | 3    | 0    | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 1756 | 0    | 1774 | 1774 | 1792 | 0    | 0    | 0    |
| Q Serve Time (g_s), s               | 0.9  | 0.0  | 0.5  | 1.4  | 0.1  | 0.0  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 0.9  | 0.0  | 0.5  | 1.4  | 0.1  | 0.0  | 0.0  | 0.0  |
| Perm LT Sat Flow (s_l), veh/h/ln    | 588  | 0    | 1774 | 1774 | 524  | 0    | 0    | 0    |
| Shared LT Sat Flow (s_sh), veh/h/ln | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Perm LT Eff Green (g_p), s          | 19.2 | 0.0  | 0.0  | 0.0  | 17.3 | 0.0  | 0.0  | 0.0  |
| Perm LT Serve Time (g_u), s         | 4.3  | 0.0  | 0.0  | 0.0  | 5.9  | 0.0  | 0.0  | 0.0  |
| Perm LT Q Serve Time (g_ps), s      | 1.3  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  | 0.0  |
| Time to First Blk (g_f), s          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Serve Time pre Blk (g_fs), s        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop LT Inside Lane (P_L)           | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h             | 293  | 0    | 111  | 291  | 198  | 0    | 0    | 0    |
| V/C Ratio (X)                       | 0.16 | 0.00 | 0.15 | 0.18 | 0.02 | 0.00 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 433  | 0    | 582  | 582  | 448  | 0    | 0    | 0    |
| Upstream Filter (I)                 | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 11.9 | 0.0  | 24.4 | 19.8 | 13.9 | 0.0  | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.3  | 0.0  | 0.6  | 0.3  | 0.0  | 0.0  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 12.1 | 0.0  | 25.0 | 20.0 | 13.9 | 0.0  | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.4  | 0.0  | 0.2  | 0.7  | 0.0  | 0.0  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)        | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln        | 0.4  | 0.0  | 0.3  | 0.7  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)            | 0.08 | 0.00 | 0.04 | 0.18 | 0.01 | 0.00 | 0.00 | 0.00 |
| Initial Q (Qb), veh                 | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh               | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h                 | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| <b>Middle Lane Group Data</b>       |      |      |      |      |      |      |      |      |
| Assigned Mvmt                       | 0    | 2    | 8    | 4    | 0    | 6    | 0    | 0    |
| Lane Assignment                     | T    |      |      |      | T    |      |      |      |
| Lanes in Grp                        | 0    | 1    | 0    | 0    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h                  | 0    | 462  | 0    | 0    | 0    | 528  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 0    | 1787 | 0    | 0    | 0    | 1752 | 0    | 0    |
| Q Serve Time (g_s), s               | 0.0  | 13.1 | 0.0  | 0.0  | 0.0  | 14.8 | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 0.0  | 13.1 | 0.0  | 0.0  | 0.0  | 14.8 | 0.0  | 0.0  |
| Lane Grp Cap (c), veh/h             | 0    | 564  | 0    | 0    | 0    | 659  | 0    | 0    |
| V/C Ratio (X)                       | 0.00 | 0.82 | 0.00 | 0.00 | 0.00 | 0.80 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 0    | 635  | 0    | 0    | 0    | 659  | 0    | 0    |
| Upstream Filter (I)                 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 0.0  | 17.3 | 0.0  | 0.0  | 0.0  | 15.3 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.0  | 7.5  | 0.0  | 0.0  | 0.0  | 7.0  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 0.0  | 24.8 | 0.0  | 0.0  | 0.0  | 22.3 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.0  | 6.4  | 0.0  | 0.0  | 0.0  | 7.0  | 0.0  | 0.0  |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

05/30/2019

|                              |      |      |      |      |      |      |      |      |
|------------------------------|------|------|------|------|------|------|------|------|
| 2nd-Term Q (Q2), veh/ln      | 0.0  | 1.2  | 0.0  | 0.0  | 0.0  | 1.3  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%) | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln | 0.0  | 7.6  | 0.0  | 0.0  | 0.0  | 8.3  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)     | 0.00 | 0.24 | 0.00 | 0.00 | 0.00 | 0.29 | 0.00 | 0.00 |
| Initial Q (Qb), veh          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h          | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Right Lane Group Data

|                                  |      |      |      |      |      |      |      |      |
|----------------------------------|------|------|------|------|------|------|------|------|
| Assigned Mvmt                    | 0    | 12   | 18   | 14   | 0    | 16   | 0    | 0    |
| Lane Assignment                  |      | T+R  | T+R  | T+R  |      | T+R  |      |      |
| Lanes in Grp                     | 0    | 1    | 1    | 1    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h               | 0    | 478  | 27   | 100  | 0    | 555  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln       | 0    | 1852 | 1583 | 1583 | 0    | 1843 | 0    | 0    |
| Q Serve Time (g_s), s            | 0.0  | 13.1 | 0.9  | 3.1  | 0.0  | 14.8 | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s      | 0.0  | 13.1 | 0.9  | 3.1  | 0.0  | 14.8 | 0.0  | 0.0  |
| Prot RT Sat Flow (s_R), veh/h/ln | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prot RT Eff Green (g_R), s       | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop RT Outside Lane (P_R)       | 0.00 | 0.09 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h          | 0    | 585  | 99   | 260  | 0    | 693  | 0    | 0    |
| V/C Ratio (X)                    | 0.00 | 0.82 | 0.27 | 0.38 | 0.00 | 0.80 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h           | 0    | 658  | 519  | 519  | 0    | 693  | 0    | 0    |
| Upstream Filter (I)              | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh        | 0.0  | 17.3 | 24.6 | 20.5 | 0.0  | 15.3 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh           | 0.0  | 7.3  | 1.5  | 0.9  | 0.0  | 6.7  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh         | 0.0  | 24.6 | 26.0 | 21.4 | 0.0  | 22.0 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln          | 0.0  | 6.6  | 0.4  | 1.3  | 0.0  | 7.4  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln          | 0.0  | 1.2  | 0.0  | 0.1  | 0.0  | 1.3  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)     | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln     | 0.0  | 7.8  | 0.4  | 1.4  | 0.0  | 8.7  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)         | 0.00 | 0.25 | 0.05 | 0.04 | 0.00 | 0.31 | 0.00 | 0.00 |
| Initial Q (Qb), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh            | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h              | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Intersection Summary

|                     |      |
|---------------------|------|
| HCM 2010 Ctrl Delay | 23.0 |
| HCM 2010 LOS        | C    |



# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

06/03/2019

|                               |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Movement                      | EBL                                                                               | EBT                                                                               | EBR                                                                               | WBL                                                                               | WBT                                                                               | WBR                                                                               | NBL                                                                                | NBT                                                                                 | NBR                                                                                 | SBL                                                                                 | SBT                                                                                 | SBR                                                                                 |
| Lane Configurations           |  |  |                                                                                   |  |  |                                                                                   |  |  |                                                                                     |  |  |                                                                                     |
| Traffic Volume (veh/h)        | 7                                                                                 | 0                                                                                 | 4                                                                                 | 77                                                                                | 0                                                                                 | 17                                                                                | 15                                                                                 | 828                                                                                 | 55                                                                                  | 95                                                                                  | 590                                                                                 | 19                                                                                  |
| Future Volume (veh/h)         | 7                                                                                 | 0                                                                                 | 4                                                                                 | 77                                                                                | 0                                                                                 | 17                                                                                | 15                                                                                 | 828                                                                                 | 55                                                                                  | 95                                                                                  | 590                                                                                 | 19                                                                                  |
| Number                        | 3                                                                                 | 8                                                                                 | 18                                                                                | 7                                                                                 | 4                                                                                 | 14                                                                                | 5                                                                                  | 2                                                                                   | 12                                                                                  | 1                                                                                   | 6                                                                                   | 16                                                                                  |
| Initial Q, veh                | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   |
| Ped-Bike Adj (A_pbT)          | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                               |                                                                                     | 1.00                                                                                | 1.00                                                                                |                                                                                     | 1.00                                                                                |
| Parking Bus Adj               | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Adj Sat Flow, veh/h/ln        | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1881                                                                               | 1881                                                                                | 1919                                                                                | 1844                                                                                | 1844                                                                                | 1881                                                                                |
| Adj Flow Rate, veh/h          | 8                                                                                 | 0                                                                                 | 4                                                                                 | 84                                                                                | 0                                                                                 | 18                                                                                | 16                                                                                 | 900                                                                                 | 60                                                                                  | 103                                                                                 | 641                                                                                 | 21                                                                                  |
| Adj No. of Lanes              | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                  | 2                                                                                   | 0                                                                                   | 1                                                                                   | 2                                                                                   | 0                                                                                   |
| Peak Hour Factor              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                              | 0.92                                                                               | 0.92                                                                                | 0.92                                                                                | 0.92                                                                                | 0.92                                                                                | 0.92                                                                                |
| Percent Heavy Veh, %          | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                  | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   |
| Opposing Right Turn Influence | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                                |                                                                                     |                                                                                     | Yes                                                                                 |                                                                                     |                                                                                     |
| Cap, veh/h                    | 38                                                                                | 0                                                                                 | 34                                                                                | 260                                                                               | 0                                                                                 | 232                                                                               | 390                                                                                | 1106                                                                                | 74                                                                                  | 364                                                                                 | 1386                                                                                | 45                                                                                  |
| HCM Platoon Ratio             | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                               | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Prop Arrive On Green          | 0.02                                                                              | 0.00                                                                              | 0.02                                                                              | 0.15                                                                              | 0.00                                                                              | 0.15                                                                              | 0.03                                                                               | 0.33                                                                                | 0.33                                                                                | 0.10                                                                                | 0.40                                                                                | 0.40                                                                                |
| Ln Grp Delay, s/veh           | 28.3                                                                              | 0.0                                                                               | 27.1                                                                              | 21.1                                                                              | 0.0                                                                               | 19.7                                                                              | 11.4                                                                               | 23.5                                                                                | 23.3                                                                                | 11.0                                                                                | 12.2                                                                                | 12.2                                                                                |
| Ln Grp LOS                    | C                                                                                 |                                                                                   | C                                                                                 | C                                                                                 |                                                                                   | B                                                                                 | B                                                                                  | C                                                                                   | C                                                                                   | B                                                                                   | B                                                                                   | B                                                                                   |
| Approach Vol, veh/h           |                                                                                   | 12                                                                                |                                                                                   |                                                                                   | 102                                                                               |                                                                                   |                                                                                    | 976                                                                                 |                                                                                     |                                                                                     | 765                                                                                 |                                                                                     |
| Approach Delay, s/veh         |                                                                                   | 27.9                                                                              |                                                                                   |                                                                                   | 20.8                                                                              |                                                                                   |                                                                                    | 23.2                                                                                |                                                                                     |                                                                                     | 12.0                                                                                |                                                                                     |
| Approach LOS                  |                                                                                   | C                                                                                 |                                                                                   |                                                                                   | C                                                                                 |                                                                                   |                                                                                    | C                                                                                   |                                                                                     |                                                                                     | B                                                                                   |                                                                                     |
| Timer:                        | 1                                                                                 | 2                                                                                 | 3                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                 | 7                                                                                  | 8                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Phs                  |                                                                                   | 1                                                                                 | 2                                                                                 | 8                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Case No                       |                                                                                   | 1.1                                                                               | 4.0                                                                               | 10.0                                                                              | 10.0                                                                              | 1.1                                                                               | 4.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Phs Duration (G+Y+Rc), s      |                                                                                   | 9.0                                                                               | 23.3                                                                              | 7.1                                                                               | 13.8                                                                              | 5.0                                                                               | 27.3                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Change Period (Y+Rc), s       |                                                                                   | 3.5                                                                               | 6.0                                                                               | 6.0                                                                               | 6.0                                                                               | 3.5                                                                               | 6.0                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Green (Gmax), s           |                                                                                   | 8.0                                                                               | 19.5                                                                              | 18.0                                                                              | 18.0                                                                              | 8.0                                                                               | 19.5                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Allow Headway (MAH), s    |                                                                                   | 3.8                                                                               | 5.1                                                                               | 4.5                                                                               | 4.2                                                                               | 3.8                                                                               | 5.1                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Q Clear (g_c+I1), s       |                                                                                   | 3.8                                                                               | 14.9                                                                              | 2.2                                                                               | 4.3                                                                               | 2.3                                                                               | 9.3                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Green Ext Time (g_e), s       |                                                                                   | 0.1                                                                               | 2.4                                                                               | 0.0                                                                               | 0.2                                                                               | 0.0                                                                               | 2.8                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Phs Call (p_c)        |                                                                                   | 0.78                                                                              | 1.00                                                                              | 0.16                                                                              | 0.78                                                                              | 0.21                                                                              | 1.00                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Max Out (p_x)         |                                                                                   | 0.61                                                                              | 1.00                                                                              | 0.00                                                                              | 0.00                                                                              | 0.03                                                                              | 0.36                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left-Turn Movement Data       |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 |                                                                                   | 3                                                                                 | 7                                                                                 | 5                                                                                 |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   | 1756                                                                              |                                                                                   | 1774                                                                              | 1774                                                                              | 1792                                                                              |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Through Movement Data         |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 2                                                                                 | 8                                                                                 | 4                                                                                 |                                                                                   | 6                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 3402                                                                              | 0                                                                                 | 0                                                                                 |                                                                                   | 3463                                                                               |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Right-Turn Movement Data      |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 12                                                                                | 18                                                                                | 14                                                                                |                                                                                   | 16                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 227                                                                               | 1583                                                                              | 1583                                                                              |                                                                                   | 113                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left Lane Group Data          |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 | 0                                                                                 | 3                                                                                 | 7                                                                                 | 5                                                                                 | 0                                                                                  | 0                                                                                   | 0                                                                                   |                                                                                     |                                                                                     |                                                                                     |
| Lane Assignment               |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

06/03/2019

|                                     |      |      |      |      |      |      |      |      |
|-------------------------------------|------|------|------|------|------|------|------|------|
| Lanes in Grp                        | 1    | 0    | 1    | 1    | 1    | 0    | 0    | 0    |
| Grp Vol (v), veh/h                  | 103  | 0    | 8    | 84   | 16   | 0    | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 1756 | 0    | 1774 | 1774 | 1792 | 0    | 0    | 0    |
| Q Serve Time (g_s), s               | 1.8  | 0.0  | 0.2  | 2.3  | 0.3  | 0.0  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 1.8  | 0.0  | 0.2  | 2.3  | 0.3  | 0.0  | 0.0  | 0.0  |
| Perm LT Sat Flow (s_l), veh/h/ln    | 577  | 0    | 1774 | 1774 | 778  | 0    | 0    | 0    |
| Shared LT Sat Flow (s_sh), veh/h/ln | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Perm LT Eff Green (g_p), s          | 19.3 | 0.0  | 0.0  | 0.0  | 17.3 | 0.0  | 0.0  | 0.0  |
| Perm LT Serve Time (g_u), s         | 4.4  | 0.0  | 0.0  | 0.0  | 14.0 | 0.0  | 0.0  | 0.0  |
| Perm LT Q Serve Time (g_ps), s      | 3.2  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  | 0.0  |
| Time to First Blk (g_f), s          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Serve Time pre Blk (g_fs), s        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop LT Inside Lane (P_L)           | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h             | 364  | 0    | 38   | 260  | 390  | 0    | 0    | 0    |
| V/C Ratio (X)                       | 0.28 | 0.00 | 0.21 | 0.32 | 0.04 | 0.00 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 447  | 0    | 600  | 600  | 610  | 0    | 0    | 0    |
| Upstream Filter (I)                 | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 10.6 | 0.0  | 25.6 | 20.3 | 11.3 | 0.0  | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.4  | 0.0  | 2.7  | 0.7  | 0.0  | 0.0  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 11.0 | 0.0  | 28.3 | 21.1 | 11.4 | 0.0  | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.8  | 0.0  | 0.1  | 1.1  | 0.2  | 0.0  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln             | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)        | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln        | 0.9  | 0.0  | 0.1  | 1.1  | 0.2  | 0.0  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)            | 0.15 | 0.00 | 0.02 | 0.29 | 0.03 | 0.00 | 0.00 | 0.00 |
| Initial Q (Qb), veh                 | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh               | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h                 | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| <b>Middle Lane Group Data</b>       |      |      |      |      |      |      |      |      |
| Assigned Mvmt                       | 0    | 2    | 8    | 4    | 0    | 6    | 0    | 0    |
| Lane Assignment                     | T    |      | T    |      |      |      |      |      |
| Lanes in Grp                        | 0    | 1    | 0    | 0    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h                  | 0    | 473  | 0    | 0    | 0    | 324  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 0    | 1787 | 0    | 0    | 0    | 1752 | 0    | 0    |
| Q Serve Time (g_s), s               | 0.0  | 12.9 | 0.0  | 0.0  | 0.0  | 7.2  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 0.0  | 12.9 | 0.0  | 0.0  | 0.0  | 7.2  | 0.0  | 0.0  |
| Lane Grp Cap (c), veh/h             | 0    | 581  | 0    | 0    | 0    | 701  | 0    | 0    |
| V/C Ratio (X)                       | 0.00 | 0.81 | 0.00 | 0.00 | 0.00 | 0.46 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 0    | 655  | 0    | 0    | 0    | 701  | 0    | 0    |
| Upstream Filter (I)                 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 0.0  | 16.5 | 0.0  | 0.0  | 0.0  | 11.7 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.0  | 7.0  | 0.0  | 0.0  | 0.0  | 0.5  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 0.0  | 23.5 | 0.0  | 0.0  | 0.0  | 12.2 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.0  | 6.3  | 0.0  | 0.0  | 0.0  | 3.4  | 0.0  | 0.0  |

# HCM 2010 Signalized Intersection Capacity Analysis

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|                              |      |      |      |      |      |      |      |      |
|------------------------------|------|------|------|------|------|------|------|------|
| 2nd-Term Q (Q2), veh/ln      | 0.0  | 1.1  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%) | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln | 0.0  | 7.4  | 0.0  | 0.0  | 0.0  | 3.5  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)     | 0.00 | 0.24 | 0.00 | 0.00 | 0.00 | 0.12 | 0.00 | 0.00 |
| Initial Q (Qb), veh          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h          | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Right Lane Group Data

|                                  |      |      |      |      |      |      |      |      |
|----------------------------------|------|------|------|------|------|------|------|------|
| Assigned Mvmt                    | 0    | 12   | 18   | 14   | 0    | 16   | 0    | 0    |
| Lane Assignment                  |      | T+R  | T+R  | T+R  |      | T+R  |      |      |
| Lanes in Grp                     | 0    | 1    | 1    | 1    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h               | 0    | 487  | 4    | 18   | 0    | 338  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln       | 0    | 1841 | 1583 | 1583 | 0    | 1824 | 0    | 0    |
| Q Serve Time (g_s), s            | 0.0  | 12.9 | 0.1  | 0.5  | 0.0  | 7.3  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s      | 0.0  | 12.9 | 0.1  | 0.5  | 0.0  | 7.3  | 0.0  | 0.0  |
| Prot RT Sat Flow (s_R), veh/h/ln | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prot RT Eff Green (g_R), s       | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop RT Outside Lane (P_R)       | 0.00 | 0.12 | 1.00 | 1.00 | 0.00 | 0.06 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h          | 0    | 599  | 34   | 232  | 0    | 730  | 0    | 0    |
| V/C Ratio (X)                    | 0.00 | 0.81 | 0.12 | 0.08 | 0.00 | 0.46 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h           | 0    | 675  | 536  | 536  | 0    | 730  | 0    | 0    |
| Upstream Filter (I)              | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh        | 0.0  | 16.5 | 25.5 | 19.6 | 0.0  | 11.7 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh           | 0.0  | 6.8  | 1.5  | 0.1  | 0.0  | 0.5  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh         | 0.0  | 23.3 | 27.1 | 19.7 | 0.0  | 12.2 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln          | 0.0  | 6.5  | 0.1  | 0.2  | 0.0  | 3.6  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln          | 0.0  | 1.1  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)     | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln     | 0.0  | 7.6  | 0.1  | 0.2  | 0.0  | 3.7  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)         | 0.00 | 0.24 | 0.01 | 0.01 | 0.00 | 0.13 | 0.00 | 0.00 |
| Initial Q (Qb), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh            | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h              | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Intersection Summary

|                     |      |
|---------------------|------|
| HCM 2010 Ctrl Delay | 18.5 |
| HCM 2010 LOS        | B    |



# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

06/03/2019

|                               |  |  |  |  |  |  |   |  |  |  |  |  |
|-------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Movement                      | EBL                                                                               | EBT                                                                               | EBR                                                                               | WBL                                                                               | WBT                                                                               | WBR                                                                               | NBL                                                                                 | NBT                                                                                 | NBR                                                                                 | SBL                                                                                 | SBT                                                                                 | SBR                                                                                 |
| Lane Configurations           |  |  |                                                                                   |  |  |                                                                                   |  |  |                                                                                     |  |  |                                                                                     |
| Traffic Volume (veh/h)        | 15                                                                                | 0                                                                                 | 24                                                                                | 146                                                                               | 0                                                                                 | 88                                                                                | 3                                                                                   | 867                                                                                 | 57                                                                                  | 66                                                                                  | 951                                                                                 | 2                                                                                   |
| Future Volume (veh/h)         | 15                                                                                | 0                                                                                 | 24                                                                                | 146                                                                               | 0                                                                                 | 88                                                                                | 3                                                                                   | 867                                                                                 | 57                                                                                  | 66                                                                                  | 951                                                                                 | 2                                                                                   |
| Number                        | 3                                                                                 | 8                                                                                 | 18                                                                                | 7                                                                                 | 4                                                                                 | 14                                                                                | 5                                                                                   | 2                                                                                   | 12                                                                                  | 1                                                                                   | 6                                                                                   | 16                                                                                  |
| Initial Q, veh                | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                 | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   | 0                                                                                   |
| Ped-Bike Adj (A_pbT)          | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                              |                                                                                   | 1.00                                                                              | 1.00                                                                                |                                                                                     | 1.00                                                                                | 1.00                                                                                |                                                                                     | 1.00                                                                                |
| Parking Bus Adj               | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Adj Sat Flow, veh/h/ln        | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1863                                                                              | 1863                                                                              | 1900                                                                              | 1881                                                                                | 1881                                                                                | 1919                                                                                | 1844                                                                                | 1844                                                                                | 1881                                                                                |
| Adj Flow Rate, veh/h          | 17                                                                                | 0                                                                                 | 27                                                                                | 166                                                                               | 0                                                                                 | 100                                                                               | 3                                                                                   | 985                                                                                 | 65                                                                                  | 75                                                                                  | 1081                                                                                | 2                                                                                   |
| Adj No. of Lanes              | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                 | 1                                                                                 | 0                                                                                 | 1                                                                                   | 2                                                                                   | 0                                                                                   | 1                                                                                   | 2                                                                                   | 0                                                                                   |
| Peak Hour Factor              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                              | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                | 0.88                                                                                |
| Percent Heavy Veh, %          | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                 | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   | 2                                                                                   |
| Opposing Right Turn Influence | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                               |                                                                                   |                                                                                   | Yes                                                                                 |                                                                                     |                                                                                     | Yes                                                                                 |                                                                                     |                                                                                     |
| Cap, veh/h                    | 105                                                                               | 0                                                                                 | 94                                                                                | 276                                                                               | 0                                                                                 | 246                                                                               | 229                                                                                 | 1249                                                                                | 82                                                                                  | 313                                                                                 | 1586                                                                                | 3                                                                                   |
| HCM Platoon Ratio             | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                              | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                | 1.00                                                                                |
| Prop Arrive On Green          | 0.06                                                                              | 0.00                                                                              | 0.06                                                                              | 0.16                                                                              | 0.00                                                                              | 0.16                                                                              | 0.01                                                                                | 0.37                                                                                | 0.37                                                                                | 0.08                                                                                | 0.44                                                                                | 0.44                                                                                |
| Ln Grp Delay, s/veh           | 29.2                                                                              | 0.0                                                                               | 30.3                                                                              | 27.2                                                                              | 0.0                                                                               | 25.3                                                                              | 13.5                                                                                | 22.0                                                                                | 21.9                                                                                | 12.5                                                                                | 16.4                                                                                | 16.3                                                                                |
| Ln Grp LOS                    | C                                                                                 |                                                                                   | C                                                                                 | C                                                                                 |                                                                                   | C                                                                                 | B                                                                                   | C                                                                                   | C                                                                                   | B                                                                                   | B                                                                                   | B                                                                                   |
| Approach Vol, veh/h           |                                                                                   | 44                                                                                |                                                                                   |                                                                                   | 266                                                                               |                                                                                   |                                                                                     | 1053                                                                                |                                                                                     |                                                                                     | 1158                                                                                |                                                                                     |
| Approach Delay, s/veh         |                                                                                   | 29.9                                                                              |                                                                                   |                                                                                   | 26.5                                                                              |                                                                                   |                                                                                     | 21.9                                                                                |                                                                                     |                                                                                     | 16.1                                                                                |                                                                                     |
| Approach LOS                  |                                                                                   | C                                                                                 |                                                                                   |                                                                                   | C                                                                                 |                                                                                   |                                                                                     | C                                                                                   |                                                                                     |                                                                                     | B                                                                                   |                                                                                     |
| Timer:                        | 1                                                                                 | 2                                                                                 | 3                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                 | 7                                                                                   | 8                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Phs                  |                                                                                   | 1                                                                                 | 2                                                                                 | 8                                                                                 | 4                                                                                 | 5                                                                                 | 6                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Case No                       |                                                                                   | 1.1                                                                               | 4.0                                                                               | 10.0                                                                              | 10.0                                                                              | 1.1                                                                               | 4.0                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Phs Duration (G+Y+Rc), s      |                                                                                   | 8.6                                                                               | 29.4                                                                              | 9.8                                                                               | 15.9                                                                              | 3.9                                                                               | 34.2                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Change Period (Y+Rc), s       |                                                                                   | 3.5                                                                               | 6.0                                                                               | 6.0                                                                               | 6.0                                                                               | 3.5                                                                               | 6.0                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Green (Gmax), s           |                                                                                   | 8.0                                                                               | 29.5                                                                              | 18.0                                                                              | 18.0                                                                              | 8.0                                                                               | 29.5                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Allow Headway (MAH), s    |                                                                                   | 3.8                                                                               | 5.1                                                                               | 5.0                                                                               | 4.5                                                                               | 3.8                                                                               | 5.1                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Max Q Clear (g_c+I1), s       |                                                                                   | 3.5                                                                               | 18.4                                                                              | 3.0                                                                               | 7.6                                                                               | 2.1                                                                               | 17.3                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Green Ext Time (g_e), s       |                                                                                   | 0.0                                                                               | 5.0                                                                               | 0.1                                                                               | 0.8                                                                               | 0.0                                                                               | 5.4                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Phs Call (p_c)        |                                                                                   | 0.73                                                                              | 1.00                                                                              | 0.54                                                                              | 0.99                                                                              | 0.05                                                                              | 1.00                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Prob of Max Out (p_x)         |                                                                                   | 0.41                                                                              | 0.53                                                                              | 0.00                                                                              | 0.05                                                                              | 0.00                                                                              | 0.49                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left-Turn Movement Data       |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 |                                                                                   | 3                                                                                 | 7                                                                                 | 5                                                                                 |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   | 1756                                                                              |                                                                                   | 1774                                                                              | 1774                                                                              | 1792                                                                              |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Through Movement Data         |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 2                                                                                 | 8                                                                                 | 4                                                                                 |                                                                                   | 6                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 3404                                                                              | 0                                                                                 | 0                                                                                 |                                                                                   | 3588                                                                                |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Right-Turn Movement Data      |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   |                                                                                   | 12                                                                                | 18                                                                                | 14                                                                                |                                                                                   | 16                                                                                  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Mvmt Sat Flow, veh/h          |                                                                                   |                                                                                   | 225                                                                               | 1583                                                                              | 1583                                                                              |                                                                                   | 7                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Left Lane Group Data          |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Assigned Mvmt                 |                                                                                   | 1                                                                                 | 0                                                                                 | 3                                                                                 | 7                                                                                 | 5                                                                                 | 0                                                                                   | 0                                                                                   | 0                                                                                   |                                                                                     |                                                                                     |                                                                                     |
| Lane Assignment               |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                   | (Pr/Pm)                                                                           |                                                                                   |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

06/03/2019

|                                     |      |      |      |      |      |      |      |      |
|-------------------------------------|------|------|------|------|------|------|------|------|
| Lanes in Grp                        | 1    | 0    | 1    | 1    | 1    | 0    | 0    | 0    |
| Grp Vol (v), veh/h                  | 75   | 0    | 17   | 166  | 3    | 0    | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 1756 | 0    | 1774 | 1774 | 1792 | 0    | 0    | 0    |
| Q Serve Time (g_s), s               | 1.5  | 0.0  | 0.6  | 5.6  | 0.1  | 0.0  | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 1.5  | 0.0  | 0.6  | 5.6  | 0.1  | 0.0  | 0.0  | 0.0  |
| Perm LT Sat Flow (s_l), veh/h/ln    | 530  | 0    | 1774 | 1774 | 524  | 0    | 0    | 0    |
| Shared LT Sat Flow (s_sh), veh/h/ln | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Perm LT Eff Green (g_p), s          | 25.4 | 0.0  | 0.0  | 0.0  | 23.4 | 0.0  | 0.0  | 0.0  |
| Perm LT Serve Time (g_u), s         | 7.0  | 0.0  | 0.0  | 0.0  | 12.8 | 0.0  | 0.0  | 0.0  |
| Perm LT Q Serve Time (g_ps), s      | 3.0  | 0.0  | 0.0  | 0.0  | 0.1  | 0.0  | 0.0  | 0.0  |
| Time to First Blk (g_f), s          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Serve Time pre Blk (g_fs), s        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop LT Inside Lane (P_L)           | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h             | 313  | 0    | 105  | 276  | 229  | 0    | 0    | 0    |
| V/C Ratio (X)                       | 0.24 | 0.00 | 0.16 | 0.60 | 0.01 | 0.00 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 391  | 0    | 501  | 501  | 443  | 0    | 0    | 0    |
| Upstream Filter (I)                 | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 12.1 | 0.0  | 28.5 | 25.1 | 13.4 | 0.0  | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.4  | 0.0  | 0.7  | 2.1  | 0.0  | 0.0  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 12.5 | 0.0  | 29.2 | 27.2 | 13.5 | 0.0  | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.7  | 0.0  | 0.3  | 2.7  | 0.0  | 0.0  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln             | 0.0  | 0.0  | 0.0  | 0.2  | 0.0  | 0.0  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln             | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)        | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln        | 0.7  | 0.0  | 0.3  | 2.9  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)            | 0.13 | 0.00 | 0.05 | 0.73 | 0.01 | 0.00 | 0.00 | 0.00 |
| Initial Q (Qb), veh                 | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh               | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h                 | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| <b>Middle Lane Group Data</b>       |      |      |      |      |      |      |      |      |
| Assigned Mvmt                       | 0    | 2    | 8    | 4    | 0    | 6    | 0    | 0    |
| Lane Assignment                     | T    |      |      |      | T    |      |      |      |
| Lanes in Grp                        | 0    | 1    | 0    | 0    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h                  | 0    | 517  | 0    | 0    | 0    | 528  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln          | 0    | 1787 | 0    | 0    | 0    | 1752 | 0    | 0    |
| Q Serve Time (g_s), s               | 0.0  | 16.4 | 0.0  | 0.0  | 0.0  | 15.3 | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s         | 0.0  | 16.4 | 0.0  | 0.0  | 0.0  | 15.3 | 0.0  | 0.0  |
| Lane Grp Cap (c), veh/h             | 0    | 656  | 0    | 0    | 0    | 774  | 0    | 0    |
| V/C Ratio (X)                       | 0.00 | 0.79 | 0.00 | 0.00 | 0.00 | 0.68 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h              | 0    | 827  | 0    | 0    | 0    | 811  | 0    | 0    |
| Upstream Filter (I)                 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh           | 0.0  | 18.0 | 0.0  | 0.0  | 0.0  | 14.2 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh              | 0.0  | 4.0  | 0.0  | 0.0  | 0.0  | 2.2  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh         | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh            | 0.0  | 22.0 | 0.0  | 0.0  | 0.0  | 16.4 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln             | 0.0  | 8.0  | 0.0  | 0.0  | 0.0  | 7.3  | 0.0  | 0.0  |

# HCM 2010 Signalized Intersection Capacity Analysis

## 2: Enterprise Dr & HA Entr/Dillard Dr

06/03/2019

|                              |      |      |      |      |      |      |      |      |
|------------------------------|------|------|------|------|------|------|------|------|
| 2nd-Term Q (Q2), veh/ln      | 0.0  | 0.7  | 0.0  | 0.0  | 0.0  | 0.5  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%) | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln | 0.0  | 8.8  | 0.0  | 0.0  | 0.0  | 7.8  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)     | 0.00 | 0.28 | 0.00 | 0.00 | 0.00 | 0.28 | 0.00 | 0.00 |
| Initial Q (Qb), veh          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh        | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h          | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Right Lane Group Data

|                                  |      |      |      |      |      |      |      |      |
|----------------------------------|------|------|------|------|------|------|------|------|
| Assigned Mvmt                    | 0    | 12   | 18   | 14   | 0    | 16   | 0    | 0    |
| Lane Assignment                  |      | T+R  | T+R  | T+R  |      | T+R  |      |      |
| Lanes in Grp                     | 0    | 1    | 1    | 1    | 0    | 1    | 0    | 0    |
| Grp Vol (v), veh/h               | 0    | 533  | 27   | 100  | 0    | 555  | 0    | 0    |
| Grp Sat Flow (s), veh/h/ln       | 0    | 1842 | 1583 | 1583 | 0    | 1843 | 0    | 0    |
| Q Serve Time (g_s), s            | 0.0  | 16.4 | 1.0  | 3.6  | 0.0  | 15.3 | 0.0  | 0.0  |
| Cycle Q Clear Time (g_c), s      | 0.0  | 16.4 | 1.0  | 3.6  | 0.0  | 15.3 | 0.0  | 0.0  |
| Prot RT Sat Flow (s_R), veh/h/ln | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prot RT Eff Green (g_R), s       | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Prop RT Outside Lane (P_R)       | 0.00 | 0.12 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Lane Grp Cap (c), veh/h          | 0    | 676  | 94   | 246  | 0    | 815  | 0    | 0    |
| V/C Ratio (X)                    | 0.00 | 0.79 | 0.29 | 0.41 | 0.00 | 0.68 | 0.00 | 0.00 |
| Avail Cap (c_a), veh/h           | 0    | 852  | 447  | 447  | 0    | 853  | 0    | 0    |
| Upstream Filter (I)              | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d1), s/veh        | 0.0  | 18.0 | 28.7 | 24.3 | 0.0  | 14.2 | 0.0  | 0.0  |
| Incr Delay (d2), s/veh           | 0.0  | 3.9  | 1.7  | 1.1  | 0.0  | 2.1  | 0.0  | 0.0  |
| Initial Q Delay (d3), s/veh      | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Control Delay (d), s/veh         | 0.0  | 21.9 | 30.3 | 25.3 | 0.0  | 16.3 | 0.0  | 0.0  |
| 1st-Term Q (Q1), veh/ln          | 0.0  | 8.3  | 0.5  | 1.6  | 0.0  | 7.7  | 0.0  | 0.0  |
| 2nd-Term Q (Q2), veh/ln          | 0.0  | 0.7  | 0.0  | 0.1  | 0.0  | 0.5  | 0.0  | 0.0  |
| 3rd-Term Q (Q3), veh/ln          | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| %ile Back of Q Factor (f_B%)     | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| %ile Back of Q (50%), veh/ln     | 0.0  | 9.0  | 0.5  | 1.7  | 0.0  | 8.2  | 0.0  | 0.0  |
| %ile Storage Ratio (RQ%)         | 0.00 | 0.29 | 0.06 | 0.05 | 0.00 | 0.29 | 0.00 | 0.00 |
| Initial Q (Qb), veh              | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Final (Residual) Q (Qe), veh     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Delay (ds), s/veh            | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Q (Qs), veh                  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |
| Sat Cap (cs), veh/h              | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Initial Q Clear Time (tc), h     | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  | 0.0  |

### Intersection Summary

|                     |      |
|---------------------|------|
| HCM 2010 Ctrl Delay | 19.9 |
| HCM 2010 LOS        | B    |





125 ft

Deg Min Sec



**2009 Enterprise Drive, 1001 & 1009 Dillard Drive  
FLUM Amendment, Rezoning, & CUP  
July 10, 2019**

**PLEASE PRINT**

[illegible]

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

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 26<sup>th</sup>, 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

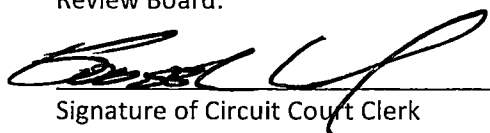
Grant No: 2020FY-44

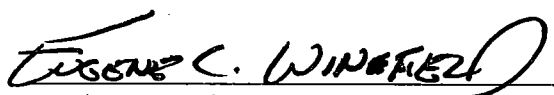
Amount of Grant Award:  
\$15,212.50

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: **August 13, 2019**

AGENDA ITEM NO.: **13**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Donation of Surplus Vehicle to Central Virginia Community College**

KEY ELEMENTS:

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

RECOMMENDATION: Approve the donation of a surplus vehicle to Central Virginia Community College for use by students in the administration of justice program.

SUMMARY: Central Virginia Community College (CVCC) President John Capps has asked the City to donate a recently surplused Crown Victoria for use in the College's administration of justice program. This vehicle will be used by students in the defensive driving and officer survival training components of the program. Both of these components are required by the Central Virginia Criminal Justice Academy.

This vehicle will replace a car that was previously donated to CVCC by Campbell County; that car has reached the end of its useful life.

Staff recommends the donation of this vehicle as students from this program become strong candidates for employment in local and regional law enforcement agencies.

City Charter (Section 38(14) requires five votes to approve this donation.

PRIOR ACTION(S): None

FISCAL IMPACT: Estimated loss of approximately \$2,500 - \$3,000 in auction revenue.

CONTACT(S): Bonnie Svrcek, City Manager, 455-3990  
Charles Cramer, Fleet Services Director, 455-4429  
Ryan Zuidema, Chief of Police, 455-6171

ATTACHMENT(S):

Resolution

Letter from Central Virginia Community College, President John S. Capps dated July 26, 2019

REVIEWED BY: bms



RESOLUTION:

#R-19-057

BE IT RESOLVED that City Council approves the donation of a surplus Crown Victoria for use by students in Central Virginia Community College's administration of justice program.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

102R



Central Virginia  
Community College

*Where your future begins*

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OFFICE OF THE PRESIDENT

July 26, 2019

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

Dear Ms. Svrcek:

I am writing to request your assistance in the donation of a surplus vehicle to be used in Central Virginia Community College's administration of justice program.

In 2014, CVCC initiated an innovative program in which the college's police department sponsors administration of justice students to attend the Central Virginia Criminal Justice Academy. This curriculum enables students to earn college credits while simultaneously completing their Law Enforcement Officer Basic Certification credentials. To date, every student who has graduated from the program has been employed by a regional law enforcement agency, either immediately upon graduation or, in most instances, prior to completing their coursework.

To assist CVCC in continuing this program, I am requesting that the City of Lynchburg donate a recently surplused 2010 Ford Crown Victoria (VIN# 2FABP7B0AX114935). This vehicle will be used by students in the defensive driving and officer survival training components of the program, both of which are required by the Central Virginia Criminal Justice Academy. It will replace a car that was donated to CVCC by Campbell County. That vehicle, a 2008 Chevrolet Impala, has reached the end of its useful life with 161,000 miles.

CVCC and the City of Lynchburg have collaborated in a variety of ways in partnerships that create educational opportunity and that foster workforce and economic development. I hope that the donation of this vehicle will allow us to extend those partnerships as we strive to help our students and promote public safety.

Thank you for considering this request. Please let me know if you have any questions.

Sincerely yours,

John S. Capps  
President

RECEIVED  
AUG 01 2019

Council/Manager  
Offices