

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981 BY AMENDING ZONING ORDINANCE SECTION 35.2-45, LIMITED BUSINESS DISTRICT (B-1), SECTION 35.2-46.4, B-3 DISTRICT DEVELOPMENT STANDARDS, SECTION 35.2-48.4, B-5 DISTRICT DEVELOPMENT STANDARDS, SECTION 35.2-61.2, ADDITIONAL HEIGHT REGULATIONS AND SECTION 35.2-61.3, SETBACKS RELATED TO RESIDENTIAL USES PERMITTED BY RIGHT AS PART OF A MIXED USE DEVELOPMENT.

WHEREAS, the City Council directed City staff to prepare Zoning Ordinance Amendments related to residential uses allowed by right in the B-1, B-3 and B-5 Districts on September 22, 2020.

WHEREAS, the City Council held a public hearing to consider and address the proposed Zoning Ordinance Amendments and to receive public comment on November 10, 2020.

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

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

That Section 35.2-45, Limited Business District (B-1), Section 35.2-46.4, B-3 District Development Standards, Section 35.2-48.4, B-5 District Development Standards, Section 35.2-61.2, Additional Height Regulations and Section 35.1-61.3, Setbacks related to residential uses permitted by right as part of a mixed use development of the Code of the City of Lynchburg, 1981, be the same is hereby amended and reenacted as follows:

## 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
<b>single-household detached</b>	<b>1111S</b>	Typical single-household dwelling	P
<b>modular home</b>	<b>1114S</b>	A prefabricated home without axles or frames (see definitions)	P
<b>Two-household (duplex)</b>	<b>1121S</b>	A building located on one (1) zoning lot containing not more than two (2) dwelling units	C
<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
<b>Multi-household structures</b>	<b>1200S</b>	Includes triplexes, four-plexes, and other multi-household dwellings	C
<b>Mixed-use residential structures (see district regulations for limitations)</b>	<b>1201S</b>	Typically commercial uses on lower floors and residential uses on upper floors	<b>P-C</b>
<b>Housing Services</b>	<b>1200</b>	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
<b>Bed &amp; Breakfast and Tourist Homes</b>	<b>1310</b>	Guest rooms in a private home or accessory building to a private home	P
<b>boarding house</b>	<b>1321</b>	Non-transient lodging that may include meals and is owner occupied	P
<b>rooming house</b>	<b>1322</b>	Transient or non-transient lodging that may include meals	P
<b>dormitory, sorority or fraternity house</b>	<b>1323</b>	Allowed only as accessory uses to and owned by a college or university	C
<b>Short Term Rental</b>	1350	Provision of lodging for fewer than thirty (30) consecutive days. (See Section 35.2-71.16)	P
<b>Bicycles</b>	<b>2113b</b>	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
Natural and other Recreational Parks	5500	All parks without special economic functions, other than limited concessions	P
Nursery or preschool	6110		P
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level; includes adult education services not addressed elsewhere. See district use standards	P
College or university	6130	See district use standards	P
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	P
Clinic	6511 & 6567	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and veterans affairs services	P
outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	P
group home small	6522	Fewer than five (5) aged or infirm individuals or fewer than nine (9) individuals with mental, intellectual or developmental disabilities	P
group home large	6523	Five or more aged or infirm individuals, or nine (9) or more individuals with mental, intellectual or developmental disabilities	P
Hospital	6530		C
child and adult day care	6562	Provide day care for children and adults	
Home	6562a	Day care for fewer than six (6) individuals in a residence	P
Small	6562b	Day care for six (6) to twelve (12) individuals in a residence	P
Large	6562c	Provide care for more than 12 individuals	P
Religious Institutions	6600	Churches, temples, synagogues, mosques, convents and monasteries	P
Funeral home and services	6710	Includes funeral homes combined with crematories	P
free-standing cemetery	6722		P
Columbarium	6724		C
Vegetable farming or growing	9120	Includes private fields and community gardens with production limited to retail sales	P
Commercial orchards	9130	Includes fruit and nut trees with production limited to retail sales	P
Animal Production	9300	Keep, graze, breed or feed animals (see district standards)	P
tent revival meetings/transient amusements	9921	Includes temporary carnivals and circuses sponsored by non-profit organizations (see section 35.2-72.23)	P
cluster commercial development	9955	See section 35.2-85	C

### 35.2-45.3 B-1 District Use Standards

The following standards supplement the standards for specific uses established in **Error! Reference source not found.:**

- (a) No lot, building or structure shall be used and no building or structure shall be erected that is intended or designed to be used, in whole or in part, for any industrial or manufacturing purposes.
- (b) Drive-through and drive-in uses are not allowed in this district except under the following conditions:
  - 1. Drive through and drive-in uses shall not be associated with businesses providing food or beverage services;
  - 2. Drive-through services shall be located in the rear of the building and shall take access from an urban collector or local street; and
  - 3. Drive-through services shall be designed so that not more than one (1) two-way access or two (2) one-way access points serving such uses shall be located on a single block.
- (c) Outdoor operations, storage, or display are prohibited except as authorized for temporary outdoor display or outdoor dining.
- (d) The scale of businesses shall be compatible with adjacent neighborhoods and shall not exceed the floor areas established in Exhibit Error! No text of specified style in document.-1.

#### **Exhibit Error! No text of specified style in document.-1: Maximum Floor Areas for the B-1 District**

Development	Maximum Gross Floor Area (sq.ft.) <u>Per Lot</u>
Multi-tenant commercial developments <u>or</u> <u>Mixed Use Developments</u>	50,000
Single office development	20,000
Single retail or service business	5,000
Restaurant	4,000

- (e) Except authorized single household dwellings and other residential uses permitted by conditional use permit, ground floor residential uses shall be prohibited. ~~except when part of a mixed-use building where the residential access is taken from an urban collector or local street.~~

- (f) Schools for general education with maximum enrollments of twenty-five (25) or fewer students shall only be allowed subject to the setbacks for other uses allowed in the district. Schools with maximum enrollments in excess of twenty-five (25) students shall be subject to approval of a conditional use permit and setback requirements for schools established in section **Error! Reference source not found.** (Schools, Colleges and Vocational Schools).
- (g) Not more than three (3) unrelated individuals may occupy a dwelling unit in the B-1 district unless otherwise approved by a conditional use permit.
- (h) Accessory uses and structures shall comply with the provisions of section **Error! Reference source not found.**

### **35.2-45.4 B-1 District Development Standards**

Dimensional standards for the B-1 district are summarized in Exhibit **Error! No text of specified style in document.** Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

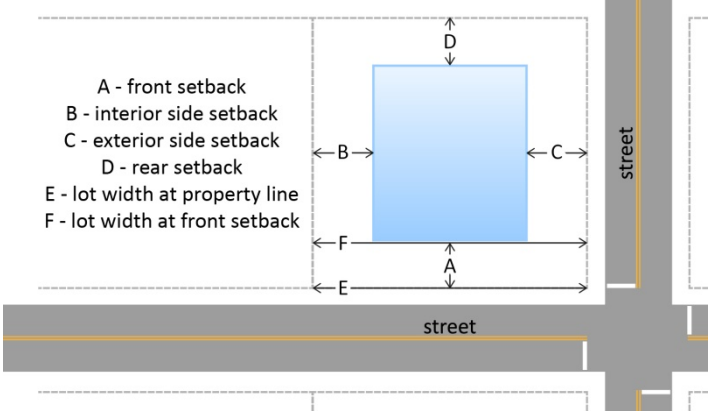
- (a) **Setbacks.** Setbacks are subject to compliance with in section **Error! Reference source not found.** (**Error! Reference source not found.**) and applicable landscaping requirements.
- (b) **Lot Area Regulations.** In addition to the minimum lot size of 6,000 square feet, a total minimum area of 1,000 square feet is required for each dwelling unit, or unit in a boardinghouse, lodging house, nursing home, tourist home or hotel unit.
- (c) **Parking.** Required on-site parking shall be provided behind the front building line in accordance with section **Error! Reference source not found.** except where an existing building with parking in front of the building line is being reused and locating required parking in rear or side yards is not practical due to extreme topography or access limitations.
- (d) **Dumpsters.** Dumpsters on lots abutting residential zoning districts shall be screened pursuant to section **Error! Reference source not found.** (Utility Screening) and set back at least twenty-five (25) feet from any residential property line
- (e) **Landscaping** Where a building is located within five (5) feet of the right-of-way, required street trees and foundation plantings may be planted in City right-of-way with permission of the City.
- (f) **Development Patterns.** The B-1 district development standards may be modified through the approval of a cluster commercial development.
- (g) **Lots abutting R-1, R-2 or R-3 Districts. Multi-story buildings on lots that abut lots in an R-1, R-3 or R-3 Districts shall not exceed 2 stories within 100 feet of the property line**

of said abutting lots. See Section 35.2-61.2 for additional height requirements and Section 35.2-61.3 for additional setback requirements for lots abutting R-1, R-2 or R-3 districts.

**(h) Mixed Use Developments permitted by conditional use permit.**

1. Commercial space shall comprise at least fifty percent (50%) of the building gross floor area.
2. When a mixed use development in a B-1 District is adjacent to an R-1, R-2 or R-3 District, a fence that is not less than six (6) feet in height shall be established with the required buffer as required by Section 35.2-63.10 (d).

**Exhibit Error! No text of specified style in document.-2: Summary of B-1 Development Standards**

Design Element	Standards	Section Cross-Reference
Maximum height	40'	<b>Error! Reference source not found.</b>
Minimum front setback from right-of-way (dimension A)	0'	0
Minimum side setback, interior (dimension B)	0'	0
Minimum side setback, exterior (dimension C)	0'	0
Minimum rear setback (dimension D)	25'	0
Minimum lot width at front property line (dimension E) and front setback line (dimension F)	50'	<b>Error! Reference source not found.</b>
Minimum lot depth (dimension F)	100'	<b>Error! Reference source not found.</b>
Minimum lot area (square feet)	6,000 with 1,000 sq.ft. of lot area per dwelling unit or boarding unit	<b>Error! Reference source not found.</b>
<div style="display: flex; align-items: center;"> <div style="flex: 1;"> <p> A - front setback  B - interior side setback  C - exterior side setback  D - rear setback  E - lot width at property line  F - lot width at front setback </p>  </div> <div style="flex: 1; padding-left: 20px;"> <p>Letters in drawing to the left correspond with dimensions cited in the design element column</p> </div> </div>		

### 35.2-46.3 B-3 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

- (a) Schools and colleges of all types (including vocational schools) shall not exceed a maximum enrollment of one hundred (100) students except as authorized by conditional use permit.
- (b) Radio and television studios and stations shall not have towers, shall produce no exterior electromagnetic effect and shall be soundproofed from adjoining properties.
- (c) Large-scale retail establishments shall comply with section 35.2-84 (Retail Establishments, Large Scale) unless otherwise approved through the conditional use permit process.
- (d) Dance floors may be allowed as accessory uses to restaurants.
- (e) Arenas and auditoriums approved through the conditional use permit process shall be limited to a maximum capacity of two thousand five hundred (2,500) persons.
- (f) Veterinarian hospitals authorized through the conditional use permit process shall not have outdoor kennels.
- (g) Except authorized single household dwellings and other residential uses permitted by conditional use permit, ground floor residential uses shall be prohibited. ~~except when part of a mixed-use building where the residential access is taken from an urban collector or local street.~~
- (h) Outdoor storage is prohibited.
- (i) Accessory uses and structures shall comply with the provisions of section 35.2-71

### 35.2-48.3 B-5 District Use Standards

The following standards supplement the standards for specific uses established in Article VII:

- (a) No operations shall create conditions of smoke, fumes, noise, odor, light or dust detrimental to health, safety or the general welfare of the community.
- (b) Billboards shall be subject to the regulations of section 35.2-64.16 (Billboards).
- (c) Second-hand stores may include auction sales provided such activity is conducted wholly within an enclosed building.
- (d) Storage warehouses and yards shall not include the storage of combustibles prohibited by the fire code, sand yards, gravel yards, coal yards, railroad yards and automobile wrecking yards.
- (e) Schools and colleges of all types that exceed a maximum enrollment of one hundred (100) students are prohibited unless otherwise approved through issuance of a conditional use permit.
- (f) Except residential uses specifically permitted by conditional use permit, ground floor residential uses shall be prohibited. ~~except when part of a mixed-use building where the residential access is taken from an urban collector or local street.~~
- (g) Large-scale retail establishments shall comply with the provisions of section 35.2-84 (Retail Establishments, Large Scale) unless otherwise approved through issuance of a conditional use permit.
- (h) Outdoor storage, which is permitted as an accessory to a principal use, shall be screened in accordance with section 35.2-63.9 (Utility Screening).

### 35.2-46.4 B-3 District Development Standards

Dimensional standards for the B-3 district are summarized in **Error! Reference source not found.**

Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.

- (a) **Setbacks.** Setbacks are subject to compliance with in section **Error! Reference source not found.** (**Error! Reference source not found.**) and applicable landscaping requirements.
- (b) **Lots Abutting R-1, R-2 or R-3 Districts.** See section **Error! Reference source not found.** for additional height requirements and section 0 for additional setback requirements for lots abutting R-1, R-2 or R-3 districts.
- (c) **Area Regulations.** A minimum of one thousand (1,000) square feet of lot area is required for each dwelling unit or unit in a boardinghouse, lodging house, convalescent and nursing home, tourist home or hotel.
- (d) **Parking.** Parking areas shall be set back at least twenty (20) feet from front or exterior side property lines or set behind the front building line on all street frontages.
- (e) **Development Patterns.** The B-3 district development standards may be modified through the approval of a cluster commercial development or traditional neighborhood development.
- (f) **Mixed Use Developments permitted by right.**
  - 1. Commercial space shall comprise at least fifty percent (50%) of the building gross floor area.

## 35.2-48.4 B-5 District Development Standards

Dimensional standards for the B-5 district are summarized in Exhibit IV 20. Section cross-references identify the location of additional dimensional standards and rules for their application. The standards in this section apply in addition to the site development standards of Article VI and site development standards applicable to specific uses established in Article VII.


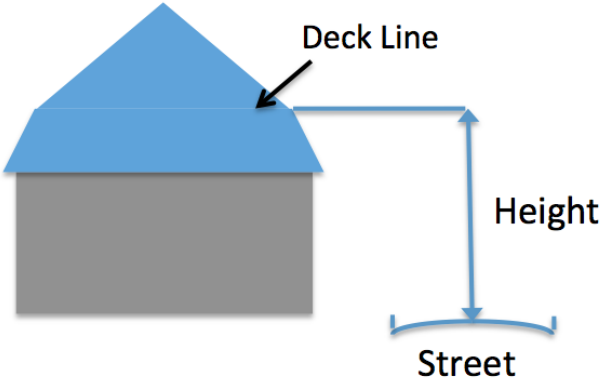
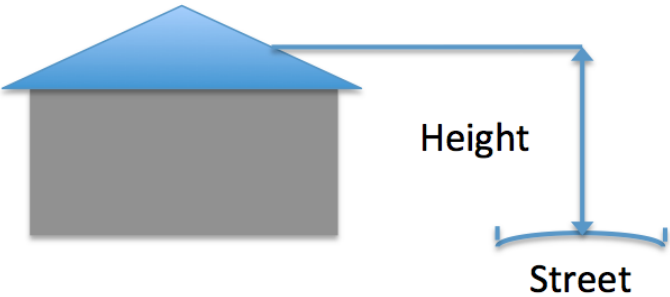
- (a) Height regulations. Subject to the provisions of sections 35.2-61.2 (Height) and 35.2-61.3 (Setbacks), buildings may be erected to any height, provided that the height of that portion of the building in excess of two (2) times the width of the street on which it abuts shall be governed by the following regulations:
  - 1. For each foot such building or portion thereof is set back from any street, lot or minimum setback line, such building or portion thereof may be erected ten (10) feet in height, provided that no street shall for this purpose be considered to be less than forty (40) feet nor more than sixty (60) feet in width.
  - 2. If a building abuts on two (2) or more streets, that street which permits the greater height shall be used as the basis of measurement.
- (b) Lots Abutting R-1, R-2 or R-3 Districts. See section 35.2-61.2 (Height) for additional height requirements and section 35.2-61.3 (Setbacks) for additional setback requirements for lots abutting R-1, R-2 or R-3 districts.
- (c) Area regulations. Each dwelling, boardinghouse, lodging house, convalescent and nursing home, tourist home and hotel, together with their accessory buildings, shall be located on a lot having an area of not less than one thousand (1,000) square feet for each household unit, except that the minimum area for any such lot shall be six thousand (6,000) square feet, and the minimum width fifty (50) feet.
- (d) Development Patterns. The B-5 district development standards may be modified through the approval of a cluster commercial development or traditional neighborhood development.
- (e) **Mixed Use Developments permitted by right.**
  - 1. **Commercial space shall comprise at least fifty percent (50%) of the building gross floor area.**

**35.2-61 Building Envelope, Lot Area and Density Standards****35.2-61.1 Rules for Building Envelope Standards (Height, Setbacks and Building Coverage)**

- (a) The building envelope standards are listed for each zoning district in Article IV and are summarized in Appendix B. This section describes the general rules for applying height, setback and building coverage standards.
- (b) Building envelope standards, other than those established in the applicable zoning district and this article may apply when:
  - 1. Greater setbacks or lesser heights are required pursuant to the zoning district standards in Article IV or the standards in this article;
  - 2. An overlay district imposes different standards pursuant to Article V;
  - 3. The City Council approves alternative building envelope standards pursuant to a conditional use permit issued in accordance with section 35.2-11 (Applications Requiring Public Hearings Before City Council); or
  - 4. Board of Zoning Appeals modifies building envelope standards by granting a variance pursuant to section 35.2-12 (Variances and Appeals to the Board of Zoning Appeals).

**35.2-61.2 Additional Height Regulations****(a) Measurement of Height**

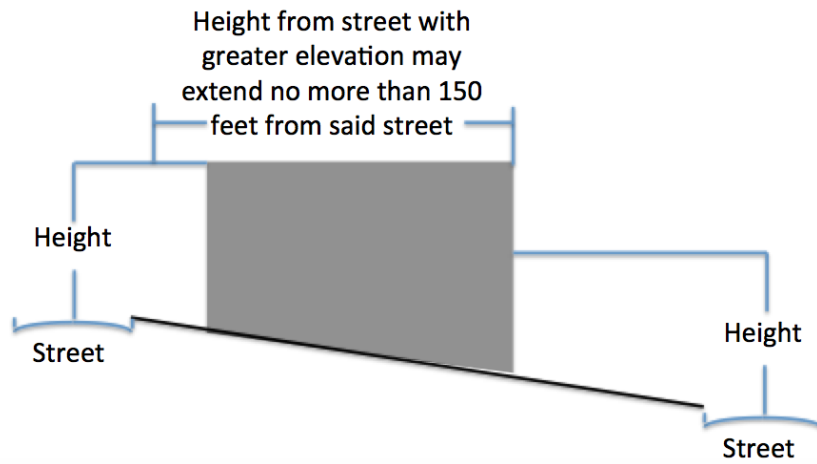
- 1. **Building Height.** Building height is the vertical distance measured from the crown of the street opposite the middle of the front of the building to:

The highest point of roof surface of a flat roof	 <p>The diagram shows a grey rectangular building with a flat roof. A horizontal blue line extends from the right edge of the roof to a vertical double-headed arrow. The arrow is labeled 'Height' at the top and 'Street' at the bottom, with a bracket indicating the measurement from the street level to the roof surface.</p>
The deck line of a mansard roof	 <p>The diagram shows a grey building with a blue mansard roof. A horizontal blue line extends from the right edge of the roof's lower slope to a vertical double-headed arrow. The arrow is labeled 'Height' at the top and 'Street' at the bottom, with a bracket indicating the measurement from the street level to the 'Deck Line' of the roof. An arrow points to the horizontal line on the roof with the label 'Deck Line'.</p>
The mean height level between eaves and ridge of a gable, hip or gambrel roof	 <p>The diagram shows a grey building with a blue gable roof. A horizontal blue line extends from the right edge of the roof, positioned halfway between the eaves and the ridge, to a vertical double-headed arrow. The arrow is labeled 'Height' at the top and 'Street' at the bottom, with a bracket indicating the measurement from the street level to this mean height line.</p>

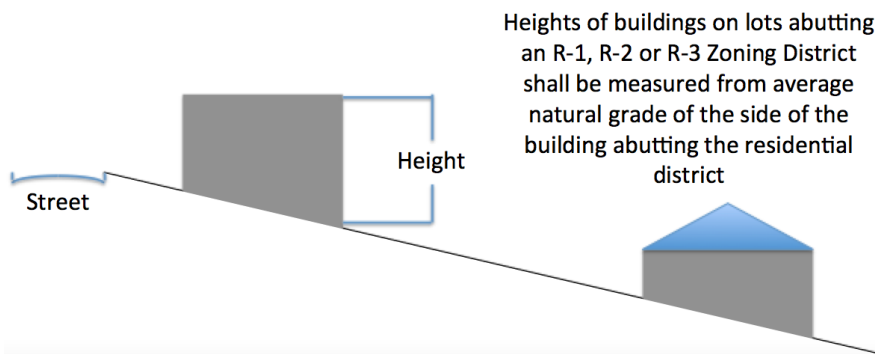
## 2. Exceptions to Measurement of Building Height

- a. Buildings with Large Setbacks. Where a building is set back from the street line thirty-five (35) feet or more, building height shall be measured from the average elevation of finished ground surface along the front of the building.
- b. Large Corner Lots. On corner lots exceeding twenty thousand (20,000) square feet in area, the height of the building may be measured from the crown of either street at the midpoint of the building facing the applicable street.
- c. Through Lots. For lots extending through from street to street, the height may be measured from the crown of either street at the midpoint of the building facing the applicable street, provided that the maximum height that would be

permitted based on the lower street shall extend back from the right-of-way of such street not less than one hundred fifty (150) feet (see following illustration).



- d. Properties Abutting R-1, R-2 or R-3 Districts. For lots in any R-4, **B-1**, B-3, B-5, IN-1, I-1, I-2 or I-3 district abutting property zoned R-1, R-2 or R-3, height shall be measured from natural grade at the horizontal midpoint of the building wall facing each abutting residential property and shall apply to any portion of the building located within one-hundred-feet (100) feet of the property line (see following illustration). In no case shall a building be required to be less than twenty (20) feet in height at the front building line.



#### (b) Height Exceptions for Certain Structures

1. The height limitations shall not apply to the following features projecting above the roof line: flag poles, church spires/steeple, belfries, cupolas and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads or

similar features, radio and television antennas for the use of residents of dwelling units in apartments, and necessary mechanical appurtenances (including, but not limited to solar energy panels and related appurtenances, plumbing vents, exhaust vents, HVAC equipment, electrical connections, lightning rods and telecommunications connections) usually carried above the roof level provided that:

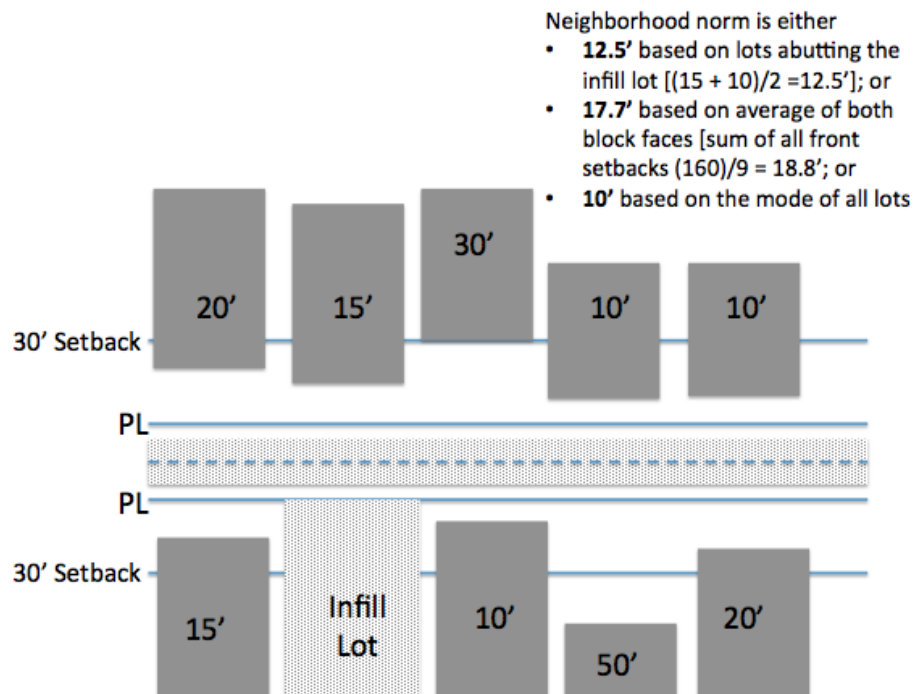
- a. Such a feature shall be erected only to a height necessary to accomplish the purpose it is intended to serve, but in no case more than fifteen (15) feet above its lowest point of contact with the roof.
  - b. The total area covered by such features shall not exceed in horizontal cross-sectional area fifteen (15) percent of the area of the plane of roof upon which they are located.
  - c. Such features as water tanks, cooling towers and bulkheads, but not solar energy panels and related appurtenances, shall be enclosed within walls constructed of the same material as the main walls of the building on which they are located.
2. Parapet walls may extend not more than five (5) feet above the limiting height of the building on which they rest.
  3. No sign, name plate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the district height limitations.
- (c) Tall Buildings in the R-4, B-1, B-3 and IN-1 Districts. In the R-4, B-1, B-3 and IN-1 districts, apartment buildings, public or semi-public buildings such as a religious institution, school, library, hospital, may be erected to not more than one hundred twenty-five (125) feet in height; provided that the portion of such building more than forty (40) feet in height shall set back from the street, lot or required setback line, one (1) foot for each one (1) foot of such additional height (see following illustration).

### 35.2-61.3 Setbacks

- (a) **Measuring Setbacks.** Setbacks shall be measured as the shortest distance between the applicable property line (front, side or rear) and the nearest portion of the building, except as specifically provided in this section. For purposes of this measurement, the property line shall be considered a vertical plane and all distances shall be measured horizontally from that plane.
- (b) **Setbacks, Buffers and Open Spaces Unique to Lot.** No required setback, buffer or open space for any building or lot shall be considered to provide a required setback, buffer or open space for a building on any other lot.
- (c) **Corner Lots.** On a corner lot, the required side setback abutting a street (exterior side setback) shall be at least equal to a required front setback for other lots fronting on the side street. The Zoning Administrator shall determine the front, side and rear yards based on the predominant orientation of lots on the block on which the property is located.
- (d) **Interior Lots with Double Frontage.** Interior lots having frontages on two (2) streets shall have a front setback on each street, except where all lots or existing dwellings are designed to face the same street.
- (e) **Authorized Encroachments.** The following structures may encroach upon minimum setback areas as provided herein:
  - 1. **Terraces.** A paved terrace shall not be subject to minimum setback or maximum lot coverage requirements; provided that such terrace is without roof, awnings, screens, walls, parapets or other forms of enclosure and is not more than three (3) feet above grade. Such terrace, however, may have a guard railing, wall or fence not over four (4) feet high with less than fifty (50) percent opacity, and shall not be closer than five (5) feet from any lot line.
  - 2. **Porches.** Unenclosed porches or decks may project not more than ten (10) feet beyond the front, exterior side and rear walls of a building into the minimum front, exterior side or rear setback for the district. Any two (2) story or enclosed porch, or one having a roof, shall be considered a part of the building in the determination of the required setback and amount of building coverage.
  - 3. **Projecting Horizontal Architectural Features.** Architectural features, such as windowsills, belt courses, chimneys, cornices, eaves or bay windows, may project not more than three (3) feet into any required setback, but not closer than five (5) feet to any lot line. The sum of any bay or bow window projections on any wall shall not exceed one-fourth (1/4th) of the length of said wall.
  - 4. **Fire Escapes.** Open fire escapes may extend into any required setback not more than five (5) feet; provided, however, that such fire escapes shall not be closer than five (5) feet at any point to any lot line.

## 5. Fences and Walls

- a. The setback requirements of this Zoning Ordinance shall not be deemed to prohibit any otherwise lawful fence or wall if:
  - i) Each fence and/or wall does not exceed four (4) feet in height in a front yard.
  - ii) Each fence and/or wall shall not exceed eight (8) feet in height in side and rear yards in residential districts of ten (10) feet in height in other districts.
  - iii) Fences and/or walls in required exterior side setbacks shall not exceed four (4) feet in height.
  - iv) Fences and walls do not conflict the standards for visibility at intersections established in section **Error! Reference source not found.** (Visibility at Intersections) in any district.
  - v) On a corner lot, no fence and/or wall shall exceed four (4) feet in height in the required exterior side or rear setback abutting a street when a front yard is required for any lot on the side street in any district.
- (f) **Setback Reductions for Neighborhood Norms.** The following provisions are applicable to new development, additions or redevelopment in the R-1, R-2 or R-3 districts:
  - 1. Subject to the provisions of paragraphs 3 and 4 of this section, the minimum front and side setbacks shall be reduced to match the lesser of:
    - a. The average setbacks on the block face on which the proposed building fronts and the block face opposite the front of the proposed building;
    - b. The average setback of the buildings located on either side of the proposed development;
    - c. The mode of setbacks on the block face of the proposed development and the block face opposite the front of the proposed development;



2. The minimum rear setback shall be reduced by twenty-five (25) percent when a legally created lot is less than the minimum lot area for the applicable district.
  3. When determining the average setbacks, the City shall determine the mean of all principal structure setbacks. For any structure set back further than the minimum required setback for the applicable zoning district shall be deemed to be set back to that minimum. The mode shall be the most frequently occurring setback on the applicable lot's block face and the block face across the street.
  4. Regardless of the neighborhood norm, side and rear setbacks shall comply with minimum fire code requirements.
  5. When the neighborhood norm provisions are not applicable, the Zoning Administrator may authorize a minor exception, not to exceed one (1) foot from the required dimension, for a building setback for one and two-household dwellings to preserve existing vegetation or where other purposes of this Zoning Ordinance are achieved.
- (g) **Future Street Widening.** On any street where a street widening plan designating future right-of-way lines has been officially adopted by the City or Commonwealth of Virginia, the setbacks required by this Zoning Ordinance shall be measured from such lines rather than the existing street lines; and where no setback is otherwise required, a setback at the future right-of-way line is required.

- (h) **Setbacks from Limited Access Highways.** On any limited access highway (including ramps), there shall be provided a setback line of fifty (50) feet from the right-of-way line for billboards.
- (i) **B-1 District Abutting and R-1, R-2 or R-3 District.** Where a B-1 lot abuts a R-1, R-2 or R-3 lot, the minimum front setbacks along block faces shall be the lesser of the neighborhood norm as provided in paragraph (f) of this section or twenty (20) feet.
- (j) **R-4, B-1, B-3, B-5, IN-1 or IN-2 Districts Adjacent to R-1, R-2 or R-3 Districts**
  - 1. In all instances where a lot in a R-4, B-1 B-3, B-5, IN-1 or IN-2 district abuts a lot in a R-1, R-2 or R-3 district:
    - a. A buffer shall be established between the districts in compliance with section **Error! Reference source not found..**
    - b. A fifty (50) foot setback shall be provided.
  - 2. Where lot in a B-3, B-5, IN-1 or IN-2 district is on the same block as a residential district, the front and exterior side setback requirements of the residential district shall apply to the applicable business or institutional district.
  - 3. The buffer and setback requirements of paragraphs (j)1. and (j)2. of this section do not apply when the property within the R-1, R-2 or R-3 district is owned or leased by an institutional use.
- (k) **Industrial Districts Adjacent to Residential Districts**
  - 1. In all instances where a lot in an industrial district (I-1, I-2 or I-3) abuts a lot in a residential district (R-1, R-2, R-3 or R-4):
    - a. A buffer shall be established between the districts in compliance with section **Error! Reference source not found..**
    - b. There shall be required a one-hundred (100) foot minimum building setback on the lot in the industrial district.
  - 2. Where a lot in an industrial district is on the same block as a residential district, the front and exterior side setback requirements of the residential district shall apply to the applicable industrial district.
- (l) **Private recreational facilities.** Private recreational facilities such as swimming pools, tennis courts and basketball courts permitted as accessory uses located on residentially zoned land, shall not be located in any front yard and shall have the following setbacks:
  - 1. If accessory to a single-household use or duplex, the edge of the facility shall be located not less than five (5) feet from any lot line.

2. If accessory to a residential use other than a single-household residence or duplex, the edge of the facility shall be located not less than twenty (20) feet from any lot line.
  3. Any private recreational facility with above ground lighting shall comply with minimum setback requirements for the principal structure in the applicable location.
  4. In the event that a lighted facility is located less than fifty (50) feet from any lot line, it shall be screened pursuant to section **Error! Reference source not found. (Error! Reference source not found.)**.
- (m) **Dedicated Street as Portion of Required Buffer.** When a dedicated street separates two (2) districts requiring additional setbacks, one fourth (1/4th) of the width of the dedicated right-of-way may be deducted from the required setback.

That this ordinance shall become effective upon its adoption.

Adopted: November 10, 2020

Certified: \_\_\_\_\_

Interim Clerk of Council