

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981 BY AMENDING ZONING ORDINANCE SECTION 35.2-64.16, BILLBOARDS:

WHEREAS, The Planning Commission initiated an amendment to Section 35.2, Zoning Ordinance to consider amendments that would strengthen and protect the City's Gateways on March 28, 2018.

WHEREAS, the Planning Commission held a public hearing to consider and address the proposed Zoning Ordinance Amendment to receive public comment on April 25, 2018.

WHEREAS, the City Council held a public hearing to consider and address the proposed Zoning Ordinance Amendment and to receive public comment on June 12, 2018.

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 ORDANIDED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

That Section 35.2-64.16, Billboards of the Code of the City of Lynchburg, 1981, be the same is hereby amended and reenacted as follows:

35.2-64.16 Billboards

All billboards constructed or erected after the enactment of this ordinance shall conform to the following requirements:

- (a) No person shall cause to be constructed or erected in a B-5 district any billboard except a billboard that replaces a then existing billboard in a B-5 district. Any billboard existing in a B-5 district at the time of enactment of this ordinance, and any replacements and any billboard existing in an I-2 or I-3 district at the time of enactment of this ordinance shall not be considered as a non-conforming billboard provided said billboard is in compliance with this ordinance. All other billboards existing at the time of enactment of this ordinance shall be deemed non-conforming billboards.
- (b) Any billboard located within three hundred (300) feet of the centerline of, and readily readable from, any limited access highway shall be located not nearer than five hundred (500) feet to an exit ramp. The required distance shall be measured along the center line of the highway, in the direction in which traffic is approaching the exit ramp, beginning at the nearest intersecting point of a line drawn perpendicular to the said center line through the beginning of the nearest exit ramp with said highway. No billboard shall be located in such a manner as to obstruct an existing advertising structure viewed from a point on the main traveled portion of said highway at a distance of three hundred (300) feet approaching said sign.
- (c) Billboards shall be located no less than five hundred (500) feet apart.
- (d) The spacing provisions cited above shall not apply to billboards separated by buildings or other obstructions in such a manner that only one (1) sign located within the required spacing distance is visible from the road at any one (1) time.
- (e) Except on property located adjacent to limited access highways, no billboard shall be located within one hundred fifty (150) feet of any property zoned for or used as a residential development, church, playground, school or public park.

(f) The construction of new billboards shall be prohibited within one thousand three hundred twenty (1320) feet of the John Lynch Memorial Bridge and the Carter Glass Bridge.

- ~~(g)~~ (g) The area of the advertising surfaces erected on any billboard shall not exceed six hundred seventy-five (675) square feet, and no billboard(s) shall be double-decked, multi-decked, stacked or side-by-side structures with more than one (1) surface area facing the same direction.
- ~~(h)~~ (h) When any billboard is lighted, such lights shall be enclosed in the sign, shaded or indirect, so that they will in no way interfere with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and- off) sign, nor any sign simulating movement (which includes video and animation), shall be permitted. No fluorescent paint or other highly reflective surface can be used.
- ~~(i)~~ (i) The maximum height of a billboard shall be forty (40) feet from the grade of the thoroughfare to which the sign is oriented or from the base of the structure, whichever is higher.
- ~~(j)~~ (j) Commercial electronic variable message signs or digital billboards are legal and conforming and permitted in I-2, Light Industrial Districts and I-3, Heavy Industrial Districts by right. Existing billboards in B-5, General Business Districts may be converted to a digital billboard by right and upon such conversion shall be legal and conforming.
- ~~(k)~~ (k) Digital billboards shall conform to the following additional standards:
1. Digital billboards shall not change the displayed message more frequently than once every six (6) seconds.

Display brightness shall not exceed three-tenths (0.3) foot-candles over ambient light levels. Foot-candle readings shall be measured using an appropriate meter at a distance of two hundred fifty (250) feet perpendicular to the face of the digital billboard.
 3. Digital billboards shall have automatic dimming capabilities.
- ~~(l)~~ (l) All billboards shall be maintained by the owner in accordance with Section 33.1-370.2 of the Code of Virginia.
- ~~(m)~~ (m) No billboard shall be erected, rebuilt, altered or relocated without a Building Permit.

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

Adopted: June 12, 2018

Certified: _____
Clerk of Council

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