

AN ORDINANCE No 85-204-193

ADOPTED **AUG 12 1985**

To amend Sections 32-530.2 (Permits for construction and occupancy), 32-710.1 (Number of spaces required for particular uses), 32-710.4 (Required spaces located off the premises), 32-800.3 (Changes in nonconforming uses), 32-1000 (Administrative officer; Generally), 32-1000.1 (Duties of administrative officer - Enforcement), 32-1000.2 (Same - Records), 32-1010 (Building Permits - Generally), 32-1010.1 (Plans to accompany building permit applications), 32-1010.2 (Conformance with approved plans), 32-1020 (Certificate of occupancy required), 32-1020.3 (Issuance), 32-1020.4 (Temporary certificate), 32-1030.1 (Plan of development; when required), 32-1030.2 (Submission of plans), 32-1030.5 (Granting of permits), 32-1030.6 (Appeals), 32-1030.7 (Procedures), 32-1050.5 (Posting of notice on property), and 32-1140 (Amendments - Posting of notice on property) of the Code of the City of Richmond, 1985, to transfer zoning administration from the office of the Building Commissioner to the Department of Planning and Community Development.

Patron - City Manager

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Sections 32-530.2, 32-710.1, 32-710.4,
3. 32-800.3, 32-1000, 32-1000.1, 32-1000.2, 32-1010, 32-1010.1,
4. 32-1010.2, 32-1020, 32-1020.3, 32-1020.4, 32-1030.1,
5. 32-1030.2, 32-1030.5, 32-1030.6, 32-1030.7, 32-1050.5, and
6. 32-1140 of the Code of the City of Richmond, 1985, be and
7. are hereby amended as follows:

1. Sec. 32-530.2. Permits for construction and occupancy.
 2. A copy of the resolution approving a final community
 3. unit plan shall be transmitted to the [~~commissioner-of~~
 4. ~~buildings~~] zoning administrator who shall thereby be
 5. authorized to [~~issue~~] review for sufficiency the necessary
 6. permits for construction and occupancy. Application for
 7. building permits shall be made within a period of time
 8. specified in the resolution, otherwise the action of the
 9. planning commission shall be considered null and void.

10. Sec. 32-710.1. Number of parking spaces required for
 11. particular uses.

12. (a) Except as otherwise provided in this article, the
 13. minimum number of off-street parking spaces required for
 14. uses located in any district shall be as follows:

USE	NUMBER OF SPACES REQUIRED
(1) Dwelling, single-family detached.	One
(2) Dwelling, single-family attached.	Average of 2 per dwelling unit within a development site.
(3) Dwelling, two-family.	1 per dwelling unit.
(4) Dwelling, multi-family: in R-43, RO-1 and lower density districts:	2 per dwelling unit containing 2 bedrooms or more: 1.5 per dwelling unit containing less than 2 bedrooms.

in R-48, R-53 and RO-2 Districts:	1.5 per dwelling unit containing 2 bedrooms or more: 1.25 per dwelling unit containing less than 2 bedrooms.
in B Districts	None for 3 or less units: otherwise, 1 per 4 dwelling units.
in other districts:	1 per dwelling unit.
(5) Dwelling, multi-family where at least 90% of units are occupied by persons 60 years or more of age.	1 per 2 dwelling units.
(6) Mobile home.	Average of 1.5 per unit.
(7) Apartment hotel, tourist home, hotel or motel.	1 per lodging or dwelling unit.
(8) Lodginghouse.	1 per 2 lodging units.
(9) Fraternity or sorority house.	1 per 4 beds.
(10) Nursing, convalescent or rest home.	1 per 4 beds.
(11) Hospital.	1 per 3 beds, plus one per 3 em- ployees and staff.
(12) Church or other place of worship.	1 per 8 seats in main auditorium.
(13) Day nursery.	1 per 2 employees.
(14) School: kindergarten through junior high (public or private).	1 per 10 seats in main auditorium or 1 per classroom, whichever is greater.
(15) School: high school, college or vocational (public or private).	1 per 8 seats in main auditorium or 3 per classroom, whichever is greater.
(16) Lodge, club or similar meeting place.	1 per 100 sq. ft. floor area in meeting or club rooms.
(17) Art gallery, library or museum.	10, plus one per 300 sq. ft. floor area in excess of 2,000 sq. ft.
(18) Theater, auditorium, sports arena or stadium.	1 per 5 seating capacity.
(19) Private park, recreational area or country club.	1 per 5 members.

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| (20) Public golf course or miniature golf course. | 5 per hole. |
| (21) Golf driving range. | 2 per tee. |
| (22) Bowling alley. | 5 per lane. |
| (23) Office. | 5 per first 1,000 sq. ft. floor area, plus one per 400 sq. ft. in excess thereof. |
| (24) Medical or dental office or clinic; animal hospital. | 4 per doctor, plus 1 per 2 employees. |
| (25) Funeral home. | 1 per 4 seating capacity of chapel and funeral service rooms, plus 1 per 2 employees. |
| (26) Service station, auto repair. | 2 per service bay or repair stall, plus spaces to accommodate all vehicles used in connection therewith. |
| (27) Food store, restaurant, tea room or night club. | 1 per 100 sq. ft. floor area. |
| (28) Convenience food store occupying not more than 5,000 sq. ft. of floor area. | 1 per 150 sq. ft. floor area. |
| (29) Retail or personal service establishment, or financial service. (unless otherwise specified herein) | 1 per 200 sq. ft. floor area. |
| (30) Bank or savings and loan office, including drive-in. | 1 per 200 sq. ft. floor area, plus 5 stacking spaces per drive-in teller. |
| (31) Furniture, appliance or hardware store; auto sales room; tire repair and sales; clothing, shoe or other repair shop; machinery and equipment sales and service. | 1 per 500 sq. ft. floor area. |
| (32) Wholesale establishments. | 1 per 800 sq. ft. floor area, plus spaces to accommodate all vehicles used in connection therewith. |
| (33) Manufacturing, processing, fabricating, testing, research bottling, warehousing and distribution establishments. | 1 per 2 employees, plus spaces to accommodate all vehicles used in connection therewith. |
| (34) Shopping centers. | 4 . 7 per 1000 sq. ft. of gross leasable area. |

1. The minimum number of parking spaces required for a
2. use not specifically mentioned in this Section shall be as
3. required for the most similar use listed herein as
4. determined by the [~~commissioner of buildings~~] zoning
5. administrator.

6. Sec. 32-710.4. Required spaces located off the premises.

7. (a) Off-street parking spaces required for any use
9. may be provided off the premises and within five hundred
10. feet, by normal pedestrian route, of a principal entrance to
11. the building occupied by that use, provided that spaces
12. required for any dwelling use shall be located within three
13. hundred (300) feet, by normal pedestrian route, of a
14. principal entrance to the building occupied by such use.
15. In all cases, property used for such parking shall be
16. located in a district where parking areas are permitted.

17. (b) Subject to the provisions of subsection (a), not
18. more than fifty (50) percent of the parking spaces required
19. for schools, theaters, bowling alleys, night clubs and
20. eating and drinking establishments, and any portion of the
21. parking spaces required for churches and other places of
22. worship may be supplied by parking spaces provided for
23. offices, banks, retail stores, personal service establish-
24. ments and similar uses which are not normally open, used or
25. operated during the same hours of the day or night.

1. (c) Where parking spaces required by this article
2. are located on property other than that occupied by the use
3. for which such spaces are required, said property shall be
4. held in fee simple by the owner of the use involved, or in
5. such other tenure as assures continued availability for
6. such. When said tenure is other than ownership in fee
7. simple, the form and terms of tenure shall be approved by
8. the City Attorney before a certificate of occupancy may be
9. issued. When use of the property for parking purposes is
10. discontinued, the [~~commissioner-of-buildings~~] zoning
11. administrator shall be notified in writing, and unless the
12. parking spaces located thereon are no longer required by
13. this article, such spaces shall be provided elsewhere in
14. compliance with the provisions of this article.

15. Sec. 32-800.3. Changes in nonconforming uses.

16. A nonconforming use may be changed to a use
17. conforming to the regulations applicable in the district in
18. which it is located or to any use which is equally or more
19. restricted than such nonconforming use. An equally or more
20. restricted use shall be construed to mean a use, as deter-
21. mined by the [~~commissioner-of-buildings~~] zoning adminis-
22. trator, which is first permitted in the same district or a
23. more restricted district than the district in which the
24. nonconforming use is first permitted and which does not

1. require more off-street parking, does not characteristically
2. have a substantially greater number of employees or a
3. clearly greater amount of traffic, noise, smoke or odor than
4. the nonconforming use and does not otherwise constitute a
5. greater deviation from the regulations applicable in the
6. district in which it is located. Whenever a nonconforming
7. use is changed to a more restricted use or to a conforming
8. use, the use shall not thereafter be changed to a less
9. restricted use, unless such use is permitted by the
10. provisions of this chapter.

11. Sec. 32-1000. Administrative officer - Generally.

12. It shall be the duty of the [~~commissioner of~~
13. ~~buildings~~] zoning administrator to administer and enforce
14. the provisions of this chapter. The zoning administrator
15. shall be an employee of the department of planning and
16. community development appointed by the director of that
17. department.

18. Sec. 32-1000.1. Duties of administrative officer -
19. Enforcement.

20. The commissioner of buildings shall cause to be
21. submitted to the zoning administrator for review all
22. applications for [building-permits]: permits for the
23. construction, enlargement, structural alteration,
24. conversion or relocation of any building or structure;
25. permits to erect signs and for certificates of occupancy

1. ~~[and]~~. The zoning administrator shall approve or disapprove
2. such applications based on compliance or noncompliance with
3. the provisions of this chapter. ~~[He]~~ The zoning admini-
4. strator shall use his best endeavors to prevent violations
5. and to detect and secure the correction of same. If he
6. shall find that any of the provisions of this chapter are
7. being violated, he shall ~~[notify-in-writing]~~ see that
8. written notice is given to the person responsible for
9. such violation, indicating the nature of the violation
10. and the action necessary to correct it. The ~~[commissioner]~~
11. zoning administrator shall order or cause to be ordered the
12. discontinuance of illegal uses of land, buildings or
13. structures, removal of illegal buildings or structures or of
14. illegal additions or alterations, and discontinuance of
15. illegal work being done. He shall also take or cause to be
16. taken any other action authorized by this chapter or other
17. laws of the city or the state to ensure compliance with, and
18. to prevent violations of the provisions of this chapter.

19. Sec. 32-1000.2. Same - Records.

20. The ~~[commissioner-of-buildings]~~ zoning administrator
21. shall maintain records of all official actions taken by his
22. office with respect to the administration and enforcement of
23. this chapter. Such records shall include, among such other
24. information as the ~~[commissioner]~~ zoning administrator deems

1. necessary, information relative to approved building permits
2. and certificates of occupancy, violations and actions taken
3. with regard thereto, including remedial action taken and
4. final disposition of cases.

5. Sec. 32-1010. Building permits - Generally.

6. The [~~commissioner-of-buildings~~] zoning administrator
7. shall be responsible for determining whether those
8. applications for [~~building~~] permits, [~~when-required-by-the~~
9. ~~provisions-of-the-building-code-of-the-city~~] set forth in
10. section 32-1000.1 of this chapter, are in accord with the
11. requirements of this chapter, and no [~~building~~] such permit
12. shall be issued by the commissioner of buildings until the
13. [~~commissioner~~] zoning administrator has certified that the
14. proposed construction and use of the premises conform with
15. all applicable provisions of this chapter.

16. Sec. 32-1010.1. Plans to accompany building permit
17. applications.

18. All applications for permits to [~~erect,~~] construct,
19. enlarge, [~~extend-or~~] structurally alter, convert or relocate
20. any building or structure shall be accompanied by building
21. plans, [~~drawn-to-scale-and-in-such-number-as-shall-be-~~
22. ~~determined-by-the-commissioner-of-buildings.--Such-plans~~
23. ~~shall-indicate~~] specifications and site plans as required
24. by the building code of the city plus such additional

1. information deemed necessary by the zoning administrator to
2. enforce the provisions of this chapter.

3. ~~(1)--The actual shape and dimensions of the lot or~~
4. ~~tract of land on which such building or struc-~~
5. ~~ture is to be erected, constructed, enlarged,~~
6. ~~extended or structurally altered, together with~~
7. ~~the land to be used in connection therewith.~~

8. ~~(2)--The exact size and location of such building or~~
9. ~~structure and of any enlargement, extension or~~
10. ~~structural alteration to be made thereto, and~~
11. ~~of any accessory building or structure to be~~
12. ~~used in connection therewith.~~

13. ~~(3)--The use currently being made of the lot,~~
14. ~~building or structure and the use proposed to~~
15. ~~be made thereof.~~

16. ~~(4)--The number of families the building is designed~~
17. ~~to accommodate and the amount of floor area~~
18. ~~contained therein, if the building is to be~~
19. ~~used for purposes to which floor area ratios~~
20. ~~apply.~~

21. ~~(5)--Such other information as may be required by~~
22. ~~the commissioner in order for him to administer~~
23. ~~and enforce the provisions of this chapter and~~
24. ~~of the building code of the city.]~~

25. Sec. 32-1010.2. Conformance with approved plans.

26. It shall be unlawful for any person to erect, con-
27. struct, enlarge, extend, structurally alter or use any
28. building [~~or structure~~], structure or premises except in
29. conformance with plans approved by the [~~commissioner of~~
30. ~~buildings~~] zoning administrator as required by this article.

31. Sec. 32-1020. Certificate of occupancy required.

32. It shall be unlawful for any person to use or to
33. permit the use of any building, structure or premises or

1. portion thereof, other than a single-family detached dwel-
2. ling, unless a certificate of occupancy for such building,
3. structure or premises or portion thereof shall have been
4. approved by the zoning administrator and issued by the
5. commissioner of buildings as required by this article.

6. Sec. 32-1020.3. Issuance.

7. No certificate of occupancy shall be issued by the
8. commissioner of buildings unless the ~~[commissioner]~~ zoning
9. administrator is satisfied after inspection of the building,
10. structure or premises involved, that all applicable
11. provisions of this chapter are met.

12. Sec. 32-1020.4. Temporary certificate of occupancy.

13. ~~[Under such rules and regulations as may be es-~~
14. ~~tablished by the commissioner of buildings, a temporary~~
15. ~~certificate of occupancy for any part of a building, struc-~~
16. ~~ture or premises may be issued.]~~ The zoning administrator
17. shall not approve any temporary certificate of occupancy
18. where the applicable provisions of this chapter are not met,
19. except in such instances where lack of compliance is of a
20. temporary nature and involves site related improvements,
21. such as landscaping, vegetative screening and paving which
22. cannot reasonably be completed due to seasonal or weather
23. conditions. In such instances the zoning administrator

1. shall, before approving such temporary certificate of
2. occupancy, be satisfied that the premises involved is
3. physically suitable for use and occupancy in terms of
4. access, parking and drainage. Temporary certificates of
5. occupancy approved by the zoning administrator shall state
6. the nature of the incomplete work and the time period within
7. which the work must be completed.

8. Sec. 32-1030.1. Plan of development; When required.

9. A plan of development shall be required for such
10. uses in such districts as specified in article IV of this
11. chapter pertaining to district regulations, and no certifi-
12. cate of occupancy for a newly established use requiring a
13. plan of development and no building permit for the
14. [~~erection~~] construction, enlargement, [~~EXTENSION OR~~
15. ~~reconstruction~~] conversion or relocation of a building or
16. structure occupied or intended to be occupied by such use
17. shall be approved by the zoning administrator or granted by
18. the commissioner of buildings unless required plans for such
19. use or building shall have been reviewed and approved by the
20. director of planning and community development, [~~and approval~~
21. ~~has become effective,~~] in accordance with the requirements
22. set forth in this article.

1. Sec. 32-1030.2. Submission of plans.

2. Two additional copies of plans to be reviewed by
3. the director of planning and community development shall be
4. submitted to the commissioner of buildings along with the
5. application for a building permit or application for a cer-
6. tificate of occupancy. [~~In the case of a building permit~~
7. ~~application,~~] [~~s~~] Such plans shall be duplicates of those
8. required for the building permit application or certificate
9. of occupancy [~~as set forth in section 32-1010.1 and, in~~
10. ~~addition thereto, shall include typical elevation drawings~~
11. ~~of the building proposed to be erected and such~~] and certain
12. additional information as may be required by policy
13. established by the director of planning and community
14. development, provided that mechanical and working drawings
15. need not be included. Although review of preliminary plans
16. is not required by this article, applicants [~~may~~] are
17. encouraged to submit [~~such~~] preliminary plans to the
18. director of planning and community development for [~~his~~]
19. informal review and comment at any time prior to the
20. preparation of final plans and the submission [~~of such~~] as
21. required herein.

22. Sec. 32-1030.5. Granting of permits.

23. The [~~commissioner of buildings~~] zoning administrator
24. shall approve the application for a building permit or for a

1. certificate of occupancy after receiving plans from the
2. director of planning and community development bearing proof
3. of the director's approval, provided that the [~~commissioner~~]
4. zoning administrator is satisfied that the proposed
5. construction and use of the premises conform with the
6. applicable provisions of this chapter [~~and-ether-applicable~~
7. ~~provisions-of-this-Code~~]. The authority and responsibility
8. of the [~~commissioner-of-buildings~~] zoning administrator
9. shall, with respect to applications having been approved by
10. the director of planning and community development, be the
11. same as for other applications for building permits and for
12. certificates of occupancy submitted for the [~~commissioner's~~]
13. zoning administrator's approval, and nothing in this
14. article shall be construed to abrogate such authority and
15. responsibility.

16. Sec. 32-1030.6. Appeals.

17. With respect to the provisions of this article, the
18. [~~commissioner-of-buildings~~] zoning administrator shall be
19. considered the administrative officer, and appeals from the
20. decision of the [~~commissioner~~] zoning administrator may be
21. taken to the board of zoning appeals pursuant to section
22. 17.20 of the Charter [~~and~~] in accordance with such rules and
23. procedures as may be established by the board.

1. Sec. 32-1030.7. Procedures.

2. Procedures for the processing and review of appli-
3. cations for building permits and for certificates of
4. occupancy required by this article to be approved by the
5. director of planning and community development shall be
6. established by said director [~~with the approval of the~~
7. ~~director of public safety~~]. Such procedures, in written
8. form shall be made available to applicants [~~for building~~
9. ~~permits~~].

10. Sec. 32-1050.5. Special use permits; Posting of notice on
property.

11. It shall be the duty of the city clerk to notify the
12. [~~commissioner of buildings~~] zoning administrator of every
13. ordinance introduced for the purpose of authorizing issuance
14. of a special use permit [~~proposed to be issued~~], and it
15. shall be the duty of the [~~commissioner of buildings~~] zoning
16. administrator to post on the property included in such
17. ordinance to authorize issuance of a special use permit at
18. least fifteen (15) days prior to the public hearing to be
19. held with respect thereto, a notice stating the use proposed
20. to be made of the property together with the time and place
21. of the public hearing.

22. Sec. 32-1140. Amendments; Posting of notice on property.

23. It shall be the duty of the city clerk to notify the

1. ~~[commissioner-of-buildings]~~ zoning administrator of the
2. introduction of every [proposed] ordinance proposing
3. amendment or change in the boundaries of the several zoning
4. districts established by this chapter, and it shall be the
5. duty of the ~~[commissioner-of-buildings]~~ zoning administrator
6. to post on the property included in such ordinance proposing
7. amendment or change, at least fifteen (15) days prior to the
8. public hearing to be held with respect thereto, a notice
9. stating the classification of the zoning district in which
10. the property is then included and the classification of the
11. district in which it is proposed to be included, together
12. with the time and place of the public hearing, provided that
13. this requirement shall not apply in the case of a compre-
14. hensive zoning plan as provided for in section 17.10 of the
15. Charter.

16. § 2. This ordinance shall be in force and effective
17. as of June 11, 1985.

ORDINANCE OR RESOLUTION SUMMARY

CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 85-204	Subject
Requested by City Manager	To Amend City Code
Received City Manager's Office --	
Summarized 8/1/85	

SUMMARY

To amend the Code of the City to transfer zoning administration from the office of the Building Commissioner to the Department of Planning and Community Development.

COUNCIL ACTION

On Docket 8/12/85
Amended
Adopted
Rejected