

Omnibus Zoning Ordinance Amendment

City Planning Commission July 6, 2020



CITY OF RICHMOND

PLANNING COMMISSION

February 3, 2020

**RESOLUTION #2020-002
MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION**

TO DECLARE AN INTENT TO AMEND THE OFFICIAL ZONING TEXT FOR THE PURPOSES OF MAKING MINOR CHANGES TO VARIOUS SECTIONS WITH THE GOALS OF: ALIGNING WITH STATE AND CITY CODE; ALIGNING WITH CHANGING CONDITIONS; AND ELIMINATING UNINTENTIONAL COMPLICATIONS TO DEVELOPMENT.

WHEREAS, in accordance with Section 15.2-2286 of the Code of Virginia an amendment to the zoning regulations or district maps may be initiated by motion of the City of Richmond Planning Commission provided any such motion or resolution of the Commission proposing an amendment to the regulations or district maps shall state the public purposes therefore; and

WHEREAS, the City of Richmond Zoning Ordinance is linked by reference to State Code as well as other sections of City Code and should be consistent in all references; and

WHEREAS, there are minor phrases and sentences that cause unintended complications to development in the Zoning Ordinance as written; and

WHEREAS, the Zoning Ordinance as written includes evidence of its being out of step with the present, such as reference to video rental stores, and no references to solar panels; and

WHEREAS, staff is frequently coming across such instances and has kept a running list; and

WHEREAS, this list is of amendments so small that to put each through its own Zoning Ordinance Amendment process would be so time consuming as to effectively prohibit necessary change; and

WHEREAS, it is the duty of the Planning Commission to prepare and submit to the Council a comprehensive zoning plan and from time to time prepare and submit such changes in or revisions of the plan as changing conditions may make necessary (Richmond Code §§17.13); and

NOW, THEREFORE BE IT RESOLVED THAT, for the purposes of public necessity, convenience, general welfare and good zoning practices, the City of Richmond Planning Commission hereby initiates a package of minor amendments to the zoning ordinance intended to align the ordinance with State and City code, eliminate unnecessary confusion and create clarity.


Rodney Poole
Chair, City Planning Commission


Matthew Edinger
Secretary, City Planning Commission

City Planning Commission 7-6-20



Amendments to Align Zoning Ordinance with State Code

Section 30-1080. Penalties for Violations of the Zoning Ordinance

- Brings Richmond Zoning Ordinance in alignment with State Code, per changes in 2018 General Assembly Session
- Previously State Code (and current Richmond Zoning Ordinance) provided that a failure to comply with the zoning ordinance was punishable by a fine of not less than \$10 and not more than \$1,000, with any failure to comply for any 10-day period after a Court-established timeline would constitute a separate offense with a fine of not less than \$100 or more than \$1,500.
- 2018 action leaves in place the first two non-compliance penalties and adds a third tier for any additional 10-day period with a maximum fine of \$2,000.
- Adds specific penalties for violations of provisions regulating the number of unrelated persons in single-family residential dwellings.
 - Initial violation up to \$2,000 fine, then up to \$5,000, then up to \$7,500 in subsequent 10-day periods.
 - Exceptions made in cases where legal action is pending against the tenant.
 - A conviction made in this case shall not be punishable by a jail term.

Section 30-1030.5. Expiration of Approval for Plan of Development

- Currently, Plans of Development are the only City approval with no expiration date.
- If no building permit is applied for within 5 years or if the building permit terminates, the Plan of Development becomes void.
- This ensures that all Plans of Development are in line with contemporary best practices and State Code regarding subdivisions and site plans.

Amendments to Align Zoning Ordinance with City Code

Section 30-402.2. Number of Chickens Permitted in Residential Districts

- Raises the number of female chickens permitted in residential districts from 4 to 6, as per other City Code provisions amended in 2018

Amendments to Make Zoning Districts Consistent with other Districts

New Residential Driveways from Streets in the R-1 through R-5 Districts

- Prohibits new driveways from streets when alley access is available, consistent with R-6 through R-8 Districts.

Amendments to Reduce Barriers to Single- and Two-family Developments

These changes will reduce barriers to small development projects:

- Simplifying front yard setbacks in the R-8 Urban Residential District
- Changes to the R-63 Multi-family Urban Residential District:
 - Removing POD requirement for single-family (there is no POD requirement for two-family)
 - Removes minimum square footage (4K) for an apartment over a permitted use on a corner lot
 - Removes video rental stores and adds retail stores and offices
 - Permits accessory dwelling use for single-family attached (already permitted for single-family detached)
- Adds the phrase “newly-constructed” in reference to side and rear yards in the R-73, RO-1, RO-2, RO-3 and HO districts alleviates unnecessary hardships on new projects in existing buildings, encouraging conversion and adaptive reuse.
- Changes to the B-5, B-6 and B-7 districts:
 - Removes the map image of street-oriented commercial designations
 - Removes the requirements for a building to match the setbacks of adjacent buildings

These changes will reduce barriers to small development projects:

- Removes the map image of street-oriented commercial from the RF-1 and RF-2 Riverfront Districts
- Clarifies requirements for structures that front only on alleys
- Lots recorded prior to effective date of requirements:
 - Adds unit width to the list of exceptions provided to buildings built on legal lots of record, alleviating an inconsistent requirement in the R-6 district
 - Codifies an existing administrative interpretation that no 10' street side yard is required for existing lots
- Required yards on lots having more than one street frontage
 - Removes required side yards in the densest residential districts (R-6, R-7 and R-8)
 - Clarifies the determination of a front yard and the depth of a rear yard on through lots
 - Specifies that on through lots, the front yard maximum will only apply on the principal street frontage
- Removes the phrase “a series of” which created ambiguity

These changes will reduce barriers to small development projects:

- Permitted encroachments in yards and courts:
 - 6 ½ foot fences are permitted only in side and rear yards
 - Moves a reference to location of trash and refuse to its own section
 - New clause allows solar panels to be placed on a house with non-conforming setbacks
- Standards for location of refuse areas – new section provides room for reference of location of trash and refuse areas in its own section

Amendments to Bring the Zoning Ordinance in Alignment with Current Conditions

These changes will bring the zoning ordinance in alignment with current conditions, including provisions for solar energy systems:

- Accessory buildings may only be located in front yards if located 100' or more from the nearest street line
- Adds solar energy systems to allowed extension or expansion of non-conforming uses
- Permits solar energy systems to be added to non-conforming building
- Composition of the Urban Design Committee:
 - Changes Zoning Ordinance to align with new composition of the UDC
- Definitions: adds definitions for *solar energy system*, *building-mounted solar energy system*, *free-mounted solar energy system*, and *series*.

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