

INTRODUCED: December 14, 2020

AN ORDINANCE No. 2020-261

As Amended

To amend and reordain City Code §§ 30-420.1, 30-420.1:1, and 30-420.2, concerning permitted uses in the R-73 Multifamily Residential District; 30-426.1, 30-426.1:1, and 30-426.2, concerning permitted uses in the RO-2 Residential-Office District; 30-432.1, concerning permitted uses in the I Institutional District; 30-434.1 concerning permitted uses in the B-1 Neighborhood Business District; 30-436.1, concerning permitted uses in the B-2 Community Business District; 30-438.1 and 30-438.2, concerning permitted uses in the B-3 General Business District; 30-440.1 and 30-440.2, concerning permitted uses in the B-4 Central Business District; 30-450.1, concerning permitted uses in the OS Office-Service District; 30-452.1, concerning permitted principal and accessory uses in the M-1 Light Industrial District; 30-1045.6, concerning specific conditions applicable to particular uses, and 30-1220, concerning certain definitions; to amend ch. 30. art. VI of the City Code by adding therein a new div. 15 (§§ 30-698—30.698.3), concerning specific conditions applicable to particular uses; and to amend ch. 30, art. XII of the City Code by adding therein new sections 30-1220.32:1, 30-1220.84:1, 30-1220.84:2, 30-1220.95:1, 30-1220.95:2, 30-1220.120:1, and 30-1220.122:1 .

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Patron – Mayor Stoney (By Request), Ms. Lynch , Vice President Robertson, Ms. Lambert,  
Mr. Jones and President Newbille

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Approved as to form and legality  
by the City Attorney  
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PUBLIC HEARING: JAN 11 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

AYES:            9            NOES:            0            ABSTAIN:        \_\_\_\_\_

ADOPTED:      MAR 8 2021      REJECTED:      \_\_\_\_\_      STRICKEN:      \_\_\_\_\_

§ 1. That sections 30-420.1, 30-420.1:1, 30-420.2 30-426.1, 30-426.1:1, 30-426.2, 30-432.1, 30-434.1, 30-436.1, 30-438.1, 30-438.2, 30-440.1, 30-440.2, 30-450.1, 30-452.1, 30-1045.6, and 30-1220 of the Code of the City of Richmond (2015) be and are hereby amended and reordained as follows:

**Sec. 30-420.1. Permitted principal uses.**

The following uses of buildings and premises shall be permitted in the R-73 district:

- (1) Any principal use permitted in the R-1 district as set forth in Section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - (a) Appropriate agreements and covenants approved by the City Attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - (b) Architectural variations shall be provided among units within any series of more than four units;
  - (c) A plan of development shall be required as set forth in Article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;

(5) Nursing homes, provided that a plan of development shall be required as set forth in Article X of this chapter;

(6) Day nurseries, provided that:

(a) A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

(b) The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

(c) No play equipment or structure shall be located within a front yard or a required side yard;

(7) Tourist homes situated on Federal highways;

(8) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(9) Parking decks serving uses permitted in this district, provided that:

(a) Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

(b) Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

(c) A plan of development shall be required as set forth in Article X of this chapter;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises, and provided further that a plan of development shall be required as set forth in Article X of this chapter;

(11) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the City's master plan, and provided further that a plan of development shall be required as set forth in Article X of this chapter;

(12) Adult day care facilities [-];

(13) Adult care residences, provided that a plan of development shall be required as set forth in Article X of this chapter;

(14) Permanent supportive housing, subject to the provisions of Section 30-698;

(15) Transitional housing, subject to the provisions of Section 30-698.

**Sec. 30-420.1:1. – Principal uses permitted by conditional use permit.**

[~~The following~~] Lodginghouse uses of buildings and premises may be permitted in the R-73 Multifamily Residential District by conditional use permit as set forth in Article X of this chapter[~~:~~

(1) ~~Adult care residences.~~

(2) ~~Group homes.~~

(3) ~~Lodginghouses].~~

**Sec. 30-420.2. Permitted accessory uses and structures.**

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-73 multifamily residential district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.

(3) Incidental uses located within multifamily dwellings, nursing homes and office buildings, designed and scaled for the convenience of the occupants thereof, and including shops for the sale of convenience goods, eating and drinking establishments, automated teller machines and personal service establishments, provided that:

(a) There shall be no advertising signs, displays, show windows or automated teller machines visible from the exterior of the building.

(b) There shall be no direct public entrance to such uses from the exterior of the building.

(c) The aggregate floor area devoted to such uses shall not exceed five percent of the total floor area of the building in which they are located.

(4) Restaurant facilities, automated teller machines and shops for the sale of gifts, flowers, drugs and similar items for the convenience of patients and visitors may be located within hospital buildings, provided that there shall be no signs, displays, show windows or automated

teller machines visible from the exterior of the building nor shall there be any direct public entrance to such uses from the exterior of the building.

(5) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:

(a) The main building shall not contain any lodging units;

(b) There shall be no enlargement of the accessory building, except for ingress and egress improvements required by the Virginia Uniform Statewide Building Code;

(c) Lot area, floor area and usable open space requirements, where applicable, shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;

(d) Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;

(e) Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and

(f) Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

(6) Emergency housing, subject to the provisions of Section 30-698.

**Sec. 30-426.1. Permitted principal uses.**

The following uses of buildings and premises shall be permitted in the RO-2 district:

- (1) Any principal use permitted in the R-1 district as set forth in Section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - (a) Appropriate agreements and covenants approved by the City Attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - (b) Architectural variations shall be provided among units within any series of more than four units;
  - (c) A plan of development shall be required as set forth in Article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;
- (5) Nursing homes, provided that a plan of development shall be required as set forth in Article X of this chapter;
- (6) Day nurseries, provided that:
  - (a) A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

(b) The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

(c) No play equipment or structure shall be located within a front yard or a required side yard;

(7) Tourist homes situated on Federal highways;

(8) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(9) Parking decks serving uses permitted in this district, provided that:

(a) Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

(b) Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

(c) A plan of development shall be required as set forth in Article X of this chapter;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere

be permitted on the premises, and provided further that a plan of development shall be required as set forth in Article X of this chapter;

(11) Private schools offering instruction in skills practiced in connection with the operation of uses permitted in this district;

(12) Banks and savings and loan offices, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that when any bank or savings and loan office includes drive-up facilities or an automated teller machine accessible from the exterior of the building, the following conditions shall apply:

(a) No such use shall be located on a transitional site.

(b) Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the City's master plan;

(c) The floor area of the building devoted to such use shall not exceed 2,500 square feet, and not more than two drive-up teller lanes shall be provided on the premises;

(d) A plan of development shall be required as set forth in Article X of this chapter;

(13) Funeral homes, provided that:

(a) Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the City's master plan;

(b) Adequate space shall be provided on the premises or immediately adjacent thereto for the formation of funeral processions, and no such activity shall take place on public streets;

(c) A plan of development shall be required as set forth in Article X of this chapter;

(14) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the City's master plan, and provided further that a plan of development shall be required as set forth in Article X of this chapter;

(15) Radio broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed ten feet above ground level, or in the case of a building-mounted antenna, ten feet above the surface of the building on which it is mounted, and that a plan of development as set forth in Article X of this chapter shall be required for any ground-mounted antenna;

(16) Communications centers and telephone repeater stations operated by public service corporations, provided that a plan of development shall be required as set forth in Article X of this chapter;

(17) Adult day care facilities [-];

(18) Adult care residences, provided that a plan of development shall be required as set forth in Article X of this chapter;

(19) Permanent supportive housing, subject to the provisions of Section 30-698;

(20) Transitional housing, subject to the provisions of Section 30-698.

**Sec. 30-426.1:1. Principal uses permitted by conditional use permit.**

~~[The following]~~ Lodginghouse uses of buildings and premises may be permitted in the RO-2 Residential-Office District by conditional use permit as set forth in Article X, Division 5.1 of this chapter[=:

~~(1) Adult care residences.~~

~~(2) Group homes.~~

~~(3) — Lodginghouses].~~

**Sec. 30-426.2. Permitted accessory uses and structures.**

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the RO-2 residential-office district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.

(3) Restaurant facilities, automated teller machines and shops for the sale of gifts, flowers, drugs and similar items for the convenience of patients and visitors may be located within hospital buildings, provided that there shall be no signs, displays, show windows or automated teller machines visible from the exterior of the building, nor shall there be any direct public entrance to such uses from the exterior of the building.

(4) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:

(a) The main building shall not contain any lodging units;

(b) There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;

(c) Lot area requirements shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;

(d) Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;

(e) Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and

(f) Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

(5) Emergency housing, subject to the provisions of Section 30-698.

**Sec. 30-432.1. Permitted principal uses.**

The uses of buildings and premises listed in this section shall be permitted in the I district, subject to the master plan requirements set forth in this division. A plan of development shall be required as set forth in article X of this chapter for any use other than: a single-family detached dwelling; a parking area that constitutes a principal use; a right-of-way, easement or appurtenance for public utilities or public transportation; or a use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Single-family detached dwellings, provided that the regulations applicable to such uses in the R-5 district shall be met;

(2) Day nurseries, provided that:

(a) A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

(b) The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

(c) No play equipment or structure shall be located within a front yard or a required side yard;

(3) Churches, chapels, convents, monasteries and other places of worship, adjunct residential and administrative facilities and other uses operated by, and in conjunction with, religious institutions, and as an accessory use, emergency housing, subject to the provisions of Section 30-698;

(4) Public and private nonprofit schools and educational institutions, including dormitory, fraternity and sorority houses, classroom, administrative, recreational and student service facilities owned by or operated under the control of such school or institution, provided that no outdoor stadium or grandstand having a seating capacity in excess of 2,500 persons shall be permitted, and provided further that an indoor arena or auditorium having a seating capacity in excess of 2,500 persons shall be used only for educational, religious, cultural, civic, athletic and entertainment activities sponsored by or under the control of such institution, its student government, alumni association or other university i.e., public and private nonprofit schools and educational institutions) related organization;

(5) Libraries, museums and similar uses operated by public or nonprofit agencies;

(6) Hospitals, public health clinics, adult care residences, group homes, adult day care facilities and nursing homes;

(7) Philanthropic, charitable and eleemosynary institutions, including social service delivery uses operated by such institutions;

(8) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;

(9) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(10) Parking decks serving uses permitted in this district, provided that:

(a) Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

(b) Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

(11) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, utility storage yards and similar uses;

(12) Wireless communications facilities and microwave relay facilities, including support structures, on property owned by the city, subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

**Sec. 30-434.1. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-1 district, provided that: drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district; no newly constructed building shall contain more than 10,000 square feet of floor area; and the distribution of products or the conduct of services off the premises shall not involve the use of more than two delivery vehicles nor any vehicle having an empty weight exceeding 6,500 pounds:

- (1) Adult day care facilities;
- (2) Art galleries;
- (3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;
- (4) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use ~~[the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year]~~ , emergency housing, subject to the provisions of Section 30-698;

(5) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(6) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 50 pounds dry weight and the total capacity of all laundry machines shall not exceed 125 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(7) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses);

(8) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(9) Laundromats and laundry and dry cleaning pick-up stations, provided that such uses shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;

(10) Libraries, museums, schools, parks and recreational facilities owned or operated by a governmental agency, and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(11) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(12) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(13) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(14) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(15) Radio broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed ten feet above ground level, or in the case of a building mounted antenna, ten feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(16) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment or establishments where food or beverage is intended to be consumed on the premises outside a completely enclosed building;

(17) Retail stores and shops, provided that not more than 30 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(18) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(19) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(20) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(21) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(21.1) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter.

(22) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units, provided that outdoor accessory uses such as displays, temporary sales areas, play equipment and similar activities shall not be permitted, nor shall any pay phone or vending machine be located outside of a completely enclosed building. Newspaper boxes shall not be subject to the limitations of this paragraph. (Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006).

**Sec. 30-436.1. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-2 district, provided that no use which includes a drive-up facility shall be located on a transitional site.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; any use with drive-up facilities; and any newly constructed building with greater than 50,000 square feet of floor area; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

- (1) Adult day care facilities;
- (2) Art galleries;
- (3) Auto service centers, provided that no such use shall be located on a transitional site, and provided further that the following conditions are met for any such use that includes facilities for dispensing motor fuels:

- (a) The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

(b) Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

(c) A plan of development shall be required as set forth in article X of this chapter.

(4) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;

(5) Catering businesses, provided that not more than five persons are employed on the premises in the conduct of any such business;

(6) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use ~~[the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year]~~ , emergency housing, subject to the provisions of Section 30-698 of this Chapter;

(7) Communications centers and telephone repeater stations operated by public service corporations;

(8) Contractors' shops, offices and display rooms, provided that the following conditions are met:

(a) Not more than 2,000 square feet of floor area shall be used for warehouse purposes;

(b) There shall be no outside storage of equipment, materials or supplies;

(c) No service or delivery vehicle exceeding an empty weight of 6,500 pounds shall be used in connection with such use.

(9) Custom printing and engraving shops not involving the printing of periodicals, books, catalogs or similar items requiring frequent shipment or delivery of large quantities of materials, provided that not more than five persons shall be employed in the conduct of such business;

(10) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(12) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as

set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses);

(13) Funeral homes;

(14) Furniture repair and upholstery shops, provided that the total floor area of work rooms shall not exceed 2,000 square feet;

(15) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(16) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;

(17) Hotels and motels, provided that:

(a) No such use shall be located on a transitional site;

(b) The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

(c) A plan of development shall be required as set forth in article X of this chapter.

(18) Janitorial and custodial service and supply establishments occupying not more than 2,000 square feet of floor area and not involving the use of delivery or service vehicles having an empty weight exceeding 6,500 pounds;

(19) Laundromats and laundry and dry cleaning pick-up stations;

(20) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(21) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:

(a) No such use shall be located on a transitional site;

(b) The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

(c) Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

(d) A plan of development shall be required as set forth in article X of this chapter.

(21.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use.

(22) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(23) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(24) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;

(25) Parking decks, provided that:

(a) No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but shall be devoted to other permitted principal uses, which shall have a depth of not less than 20 feet along the principal street frontage, or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this subdivision prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;

(b) Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

(c) Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

(d) A plan of development shall be required as set forth in article X of this chapter.

(26) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios,

photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(27) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(28) Postal and package mailing services, but not including package distribution centers;

(29) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

(30) Professional, business and vocational schools when located above the ground floor of buildings, and provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(31) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(32) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(33) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

(a) No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

(b) Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

(c) No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(34) Retail stores and shops, provided that not more than 50 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(35) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards,

freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(36) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(36.1) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter.

(37) Self-service auto washing facilities, either automatic with a single vehicle capacity or hand operated with not more than four washing stalls, provided that:

(a) No such use shall be located on a transitional site;

(b) The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

(c) Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;

(d) Such use shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;

(e) A plan of development shall be required as set forth in article X of this chapter.

(38) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced except within a completely enclosed

soundproof building, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(39) Service stations, provided that:

(a) No such use shall be located on a transitional site;

(b) The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

(c) Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

(d) A plan of development shall be required as set forth in article X of this chapter.

(40) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(41) Tourist homes;

(42) Wholesale and distribution establishments with not more than 5,000 square feet of floor area devoted to storage of goods, provided that distribution of products shall not involve the use of delivery vehicles having an empty weight exceeding 6,500 pounds;

(43) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(44) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units. Outdoor accessory uses such as temporary sales and display areas, play equipment, pay phones, vending machines and similar uses shall not be located within 15 feet of any street line or within any required side yard adjacent to an R or RO district or within required parking spaces, except that temporary sales and display areas not involving any structures may be located within required front yards. Not more than two vending machines shall be located outside of a completely enclosed building. Newspaper boxes shall not be subject to the limitations of this paragraph.

**Sec. 30-438.1. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-3 district, provided that no use which includes a drive-up facility shall be located on a transitional site. A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; any use with drive-up facilities; and any newly constructed building with greater than 50,000 square feet of floor area; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult care residences, provided that a plan of development shall be required as set forth in Article X of this chapter;

(1.1) Adult day care facilities;

(2) Art galleries;

(3) Auto service centers, provided that no such use shall be located on a transitional site, and provided further that the following conditions are met for any such use that includes facilities for dispensing motor fuels:

(a) The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

(b) A landscaped buffer having a depth of not less than five feet and providing an evergreen vegetative screen of not less than three feet in height within one year of planting shall be provided along the street frontage of the property; (Ord. No. 2020-209, §1, 10-12-2020)

(c) Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

(d) A plan of development shall be required as set forth in article X of this chapter.

(4) Auto, truck, motorcycle, boat, trailer, recreational vehicle, manufactured home and construction equipment sales, rental, service, storage and general repair, and body repair and painting, convertible top and seat cover repair and installation; provided that:

(a) No such use shall be located on a transitional site;

(b) All facilities involving general repair, body repair and painting and convertible top and seat cover repair and installation shall be located within completely enclosed buildings;

(c) No dismantled or junked vehicle unfit for operation on the streets shall be parked or stored outside of an enclosed building;

(d) All outdoor areas devoted to storage or display shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13(1) and (2) of this chapter;

(e) A plan of development shall be required as set forth in article X of this chapter.

(5) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;

(6) Building materials and contractors' sales and storage yards and similar uses involving outside storage of materials or products other than scrapped or junked materials, provided that:

(a) No such use shall be located on a transitional site;

(b) Areas devoted to storage shall be enclosed by opaque fences or walls not less than six feet in height and in no case shall chain link fencing, chain link fencing with slats, or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

(7) Breweries producing not more than 100,000 barrels of beer per year and distilleries producing not more than 250,000 cases of liquor per year, subject to the provisions of section 30-446.3 (6);

(8) Catering businesses;

(9) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use [~~the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year~~], emergency housing, subject to the provisions of Section 30-698;

(10) Communications centers and telephone repeater stations operated by public service corporations;

(11) Contractors' shops, offices and display rooms;

(12) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(13) Drive-in theaters, provided that:

(a) No such use shall be located on a transitional site;

(b) Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;

(c) Theater screens shall be located so as not to face any street or public area;

(d) A plan of development shall be required as set forth in article X of this chapter.

(14) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(15) Dwelling units, provided that a plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;

(16) Funeral homes;

(17) Furniture repair and upholstery shops;

(18) Greenhouses and plant nurseries;

(19) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(20) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;

(21) Hotels, provided that:

(a) No such use shall be located on a transitional site;

(b) The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

(c) A plan of development shall be required as set forth in article X of this chapter.

(22) Janitorial and custodial service and supply establishments;

(23) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;

(24) Laundromats and laundry and dry cleaning pick-up stations;

(25) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a government or nonprofit organization; (Ord. No. 2020-209, §1, 10-12-2020)

(26) Manufacturing uses of under 15,000 square feet of area, as listed in section 30-452.1 a, excepting 30-452.1(2) a.13;

(27) Marinas, provided that a plan of development shall be required as set forth in article X of this chapter; and boathouses, piers and docks;

(28) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:

(a) No such use shall be located on a transitional site;

(b) Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

(c) A plan of development shall be required as set forth in article X of this chapter.

(29) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;

(30) Office supply, business and office service, photocopy and custom printing establishments;

(31) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(32) Parking decks, provided that:

(a) No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but shall be devoted to other permitted principal uses, which shall have a depth of not less than 20 feet along the principal street frontage, or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this subdivision prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;

(b) Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

(c) Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

(d) A plan of development shall be required as set forth in article X of this chapter.

(32.1) Permanent supportive housing, subject to the provisions of Section 30-698 of this

Chapter;

(33) Personal loan and financial services, provided that such use may not be located within 5,000 feet of another personal loan or financial service;

(34) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(35) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(36) Postal and package mailing services;

(37) Printing, publishing and engraving establishments;

(38) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

(39) Professional, business and vocational schools;

(40) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when such servicing is conducted within a completely enclosed building, and provided that no passenger terminal shall be located on a transitional site;

(41) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the

building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(42) Recreation and entertainment uses, including theaters, museums, amusement centers, bowling alleys, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site and no music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises; (Ord. No. 2020-209, §1, 10-12-2020)

(43) Recreation uses, outdoor, including golf courses, par three and miniature golf courses, driving ranges, putting greens, temporary carnivals and similar amusement facilities, but not including shooting ranges; provided that:

(a) No such use shall be permitted on a transitional site;

(b) Such use shall be so located, designed and operated that noise from equipment, machinery or loudspeaker systems is not audible from nearby properties in R or RO districts;

(c) A plan of development shall be required as set forth in article X of this chapter.

(44) Repair businesses conducted within completely enclosed buildings, provided that any service doors face away from any property in a R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 or R-63 district;

(45) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service

to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

(a) No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 or R-63 district;

(b) Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

(c) No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(d) Drive-through or drive-up windows shall be located at the rear or side of the building and accessed by an alley or a side street where possible;

(46) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(47) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices;

(48) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets;

(49) Self-service auto washing facilities and automatic auto washing facilities operated by attendants, provided that:

(a) No such use shall be located on a transitional site;

(b) Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;

(c) A plan of development shall be required as set forth in article X of this chapter.

(50) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(51) Service stations; provided that:

(a) No such use shall be located on a transitional site;

(b) A plan of development shall be required as set forth in article X of this chapter.

(52) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(52.1) Social service delivery uses, provided that a plan of development shall be required in accordance with Section ~~30-698.3(e)~~ 30-698.3(d);

(53) Tire recapping and vulcanizing shops, provided that:

(a) No such use shall be located on a transitional site;

(b) Any tire storage must be located behind a continuous evergreen vegetative screen at least eight feet high within three years of planting, or the [the] rear of the building, or otherwise not visible from the street;

(54) Tourist homes;

(54.1) Transitional housing, subject to the provisions of Section 30-69;

(55) Travel trailer parks and campgrounds, provided that no such use shall be located on a transitional site, and provided further that a plan of development shall be required as set forth in article X of this chapter;

(56) Truck and freight transfer terminals, provided that:

(a) No such use shall be located on a transitional site;

(b) Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;

(c) All outdoor areas devoted to truck or trailer storage or parking shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13 (1) and (2) of this chapter;

(d) A plan of development shall be required as set forth in article X of this chapter.

(57) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;

(58) Wholesale, warehouse and distribution establishments with not more than 20,000 square feet of floor area devoted to storage of goods;

(59) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(59.1) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter.

(60) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

**Sec. 30-438.2. Principal uses permitted by conditional use permit.**

The following uses of buildings and premises may be permitted in the B-3 district by conditional use permit as set forth in article X of this chapter:

- (1) [~~Adult care residences;~~
- (2) ~~Group homes;~~
- (~~3~~) Lodginghouses;
- [(4)] (2) Nightclubs;
- [(5)] ~~Shelters;~~
- (6) ~~Social service delivery uses;~~
- (~~7~~) (3) Retail sales of liquor.

**Sec. 30-440.1. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-4 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; construction of any new building of greater than 50,000 square feet of floor area; and construction of any new building or addition to any existing building where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult care residences, provided that a plan of development shall be required as set forth in Article X of this chapter.

(1.1) Adult day care facilities;

(2) Adult entertainment establishments, adult book stores, adult motion picture theaters and massage parlors; provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, emergency housing, transitional housing, permanent supportive housing, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;

(3) Art galleries;

(4) Auto rental establishments;

(5) Banks, savings and loan offices and similar financial services, including drive-up facilities in conjunction therewith and accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any such use with drive-up facilities or an automated teller machine accessible from the exterior of a building;

(6) Catering businesses;

(7) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use [~~the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year~~], emergency housing, subject to the provisions of Section 30-698;

(8) Communications centers and telephone repeater stations operated by public service corporations;

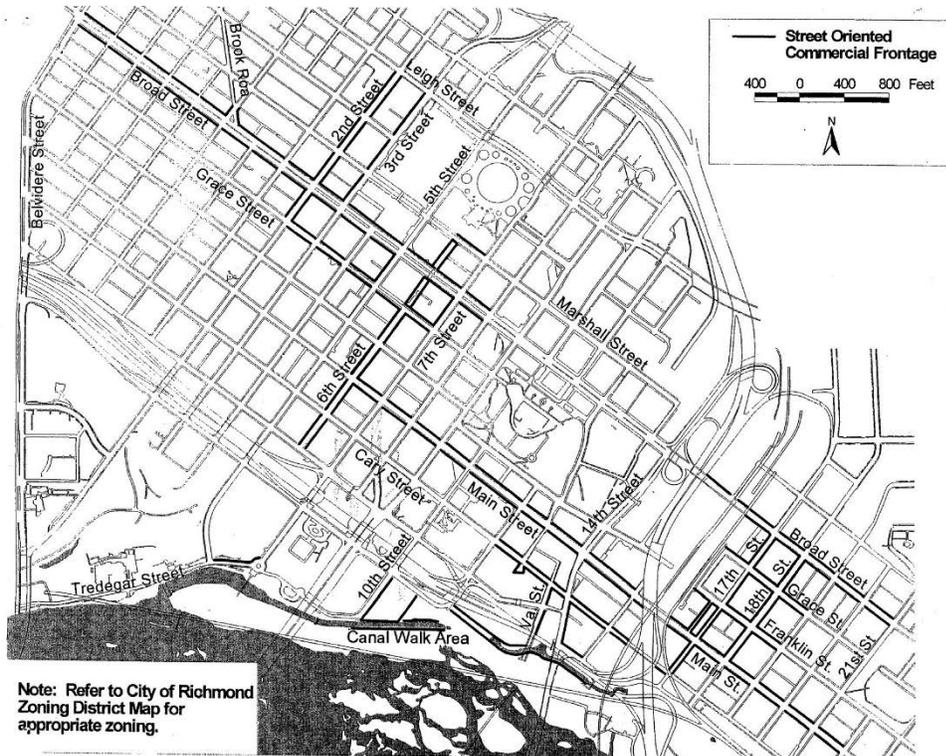
(9) Contractors' shops, offices and display rooms;

(10) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(12) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, as shown below, a minimum of one-

third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;



- (13) Funeral homes;
- (14) Furniture repair and upholstery shops;
- (15) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (16) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;
- (17) Hotels, provided that:

(a) No such use shall be located on a transitional site;

(b) The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (3), (5), (15), (29), (39) or (40) of this section; provided that not more than 50 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use, except entrances or lobbies existing at the effective date of this subsection that exceed 50 percent of such frontage shall be permitted, but shall not be expanded to occupy a greater percentage of such frontage;

(c) A plan of development shall be required as set forth in article X of this chapter.

(18) Janitorial and custodial service and supply establishments;

(19) Laboratories and research facilities which are not any more objectional due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;

(20) Laundromats and laundry and dry cleaning pick-up stations;

(21) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(22) Marinas, including facilities for dispensing motor fuels, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks;

(22.1) Permanent supportive housing, subject to the provisions of Section 30-698;

(23) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;

(24) Office supply, business and office service, photocopy and custom printing establishments;

(25) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(26) Parking decks and parking garages, provided that:

(a) No portion of the ground floor of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building facade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building facade. Upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in section 30-440.7(2);

(b) Except as provided in paragraph (a) of this subsection (27), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

(c) Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

(d) A plan of development shall be required as set forth in article X of this chapter.

(27) Personal loan and financial services;

(28) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(29) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(30) Postal and package mailing services, but not including package distribution centers;

(31) Printing, publishing and engraving establishments employing not more than 20 persons on the premises;

(32) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

(33) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(34) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when

such servicing is conducted within a completely enclosed building, provided that no passenger terminal shall be located on a transitional site;

(35) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(36) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(37) Repair businesses conducted within completely enclosed buildings;

(38) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

(a) No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

(b) Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or

walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

(c) No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(39) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(40) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices;

(41) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(42) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(43) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(44) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(45) Social service delivery uses, provided that a plan of development shall be required in accordance with ~~[30-698.3(e)] 30-698.3(d)~~;

~~[(a) — A plan of development shall be required as set forth in article X of this chapter;~~

~~(b) — No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or an adult care residence, group home, lodginghouse or shelter;~~

~~(c) — A management program, addressing not less than the following elements shall be submitted as part of the plan of development application. The Director of planning and development review may include as conditions, elements of the management program as part of the approval of a plan of development. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:~~

~~(1.) — Detailed description of the managing entity, including the organizational structure, names of the board of Directors, mission statement, and any by laws;~~

~~(2) — Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the clients' needs;~~

~~(3) — Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;~~

~~(4) — Detailed description of the number and type of clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;~~

~~(5) — Operational details for on-site programs including: hours of operation, number and type of staff, staff qualifications, and typical hours worked by staff; method of client supervision; operating procedures including procedures for orienting a new client to the facility's programs; expectations for clients; prerequisites for continued client enrollment such as a requirement that the client participate in programs; rules of behavior for clients; the location and nature of any security features and arrangements; and names and telephone numbers of persons to contact in emergencies and any emergency procedures;~~

~~(6) — Annual operating budget, including sources of funding] a plan of development shall be required in accordance with Section ~~[30-698.3(e)]~~ 30-698.3(d);~~

(46) Tourist homes;

(46.1) Transitional housing, subject to the provisions of Section 30-698;

(47) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in section 54.1-3401 of the Code of Virginia;

(48) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required

in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(49) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter;

(50) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

**Sec. 30-440.2. Principal uses permitted by conditional use permit.**

The following uses of buildings and premises may be permitted in the B-4 district by conditional use permit as set forth in article X of this chapter:

(1) [~~Adult care residences~~;

~~(2) Group homes~~;

~~(3)~~ Lodginghouses;

~~[(4)]~~ (2) Nightclubs;

~~[(5)]~~ (3) Retail sales of liquor [;

~~(6) Shelters~~].

**Sec. 30-450.1. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the OS district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district:

(1) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers, artists and others engaged in the arts;

- (2) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;
- (3) Catering businesses employing not more than 20 persons on the premises;
- (4) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use [~~the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year~~] , emergency housing, subject to the provisions of Section 30-698;
- (5) Communications centers and telephone repeater stations operated by public service corporations;
- (6) Contractors' shops, offices and display rooms;
- (7) Furniture repair and upholstery shops;
- (8) Janitorial and custodial service and supply establishments;
- (9) Libraries, museums, schools, parks and recreational facilities owned or operated by any governmental agency, and similar uses required for the performance of a governmental function and intended to serve residents of adjoining neighborhoods;
- (10) Lodges and similar meeting places;
- (11) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;
- (12) Parking decks serving uses permitted in this district, provided that:

(a) Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

(b) Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

(c) A plan of development shall be required as set forth in article X of this chapter;

(13) Printing, publishing and engraving establishments employing not more than 20 persons on the premises;

(14) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 18 feet above ground level, or in the case of a building mounted antenna, 18 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(15) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(16) Wholesale, warehouse and distribution establishments in conjunction with office, showroom, display and other facilities generally accessible to the public, provided that:

(a) Not more than 20,000 square feet of floor area shall be devoted to warehouse and storage use;

(b) Portions of buildings adjacent to public street frontages along which front yards are required shall be devoted to office, showroom, display and other facilities generally accessible to the public;

(17) Incidental retail sales, repair, fabrication and processing activities shall be permitted within the same building as, and in conjunction with office, studio, wholesale, warehouse, distribution, supply and contractors' establishments permitted in this district when such retail sales, repair, fabrication and processing activities are clearly accessory and subordinate to the principal activity conducted on the premises;

(17.1) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter.

Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses.

**Sec. 30-452.1. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the M-1 district:

(1) Any use permitted in the district as set forth in section 30-438.1, provided that:

(a) A plan of development shall not be required for any use except the following: parking decks, parking garages, shopping centers, hotels and motels, motor fuels dispensing in conjunction with other uses permitted in the B-3 district and uses with drive-up facilities;

(b) The prohibition of uses outside of enclosed buildings shall not be applicable in this district;

(c) [~~Ne~~] Except for emergency housing uses, subject to the provisions of Section 30-698, building shall be erected for dwelling use or converted to such use unless permitted by the board of zoning appeals pursuant to the provisions of section 17.20 of the Charter, in which event such use shall be discontinued within ten years from the date such use is permitted, provided that a building may be used for dwelling purposes by a guard, caretaker or watchman employed in connection with the use of a building or premises permitted in this district;

(2) The following uses and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influence than the minimum amount normally resulting from other uses permitted; such permitted uses being generally light industries that manufacture, process, store and distribute goods and materials and are in general dependent upon raw materials refined elsewhere, and manufacturing, compounding, processing, packaging or treatment as specified of the following or similar products:

(a) Food and beverages:

(1.) Baked goods.

(2) Beverages: blending and bottling plants.

(3) Chocolate, cocoa and cocoa products: processing and packaging.

(4) Coffee, tea and spices: processing and packaging.

(5) Condensed milk: processing and canning.

- (6) Dairy products: creameries and plants.
- (7) Fruit and vegetable processing, including canning, preserving, drying and freezing.
- (8) Gelatin products.
- (9) Glucose and dextrine.
- (10) Macaroni and noodle manufacturing.
- (11) Meat products: packing and processing, but not including slaughtering.
- (12) Oleomargarine: compounding and packaging.
- (13) Poultry packaging and slaughtering.
- (b) Metal and metal products:
  - (1.) Agricultural or farm implements.
  - (2) Aircraft and aircraft parts.
  - (3) Aluminum extrusion, rolling, fabrication and forming.
  - (4) Automobile, truck, trailer, motorcycle and bicycle assembly.
  - (5) Bolts, nuts, screws, washers and rivets.
  - (6) Containers (metal).
  - (7) Culverts.
  - (8) Firearms.
  - (9) Foundries and foundry products manufacturing.
  - (10) Heating, ventilating, refrigeration and appliance supplies and equipment.
- 11. Iron or structural steel fabrication.

12. Nails, brads, tacks, spikes and staples.
  - (13) Needles and pins.
  - (14) Plating (electrolytic process).
  - (15) Plumbing supplies.
  - (16) Safes and vaults.
  - (17) Sheet metal products.
  - (18) Silverware and plated ware.
  - (19) Tool, die, gauge and machine shops.
  - (20) Tools and hardware products.
  - (21) Vitreous enameled products.
- (c) Textiles, bedding and fibers:
- (1.) Garment making, repair and tailoring.
  - (2) Hats.
  - (3) Hosiery mill.
  - (4) Knitting, weaving, printing, dyeing and finishing of textiles and fibers into fabric goods.
  - (5) Rubber and synthetic treated fabrics, but not including rubber and synthetic processing.
  - (6) Yarn, threads and cordage.
- (d) Wood and paper products:
- (1.) Baskets and hampers.
  - (2) Boxes and crates.
  - (3) Forests and wildlife preserves: public and private.

- (4) Furniture.
- (5) Pencils.
- (6) Pulp goods and paper processing, but not including pulp milling.
- (7) Shipping containers.
- (8) Trailers and wagons.
- (e) Unclassified uses:
  - (1.) Animal, poultry and bird raising.
  - (2) Animal pound for detention only.
  - (3) Boat manufacturing (vessels less than five tons).
  - (4) Building materials storage and sales.
  - (5) Bus and other transportation terminals, garages and repair shops.
  - (6) Button manufacturing.
  - (7) Carbon paper and inked ribbon manufacturing.
  - (8) Chewing gum manufacturing.
  - (9) Clay, stone and glass products.
  - (10) Cigar, cigarette, chewing and smoking tobacco manufacturing.
  - (11) Circus and fairgrounds.
  - (12) Coal and coke storage and sales.
  - (13) Concrete products.
  - (14) Contractors' shops and storage yards.

- (15) Drive-in or outdoor theatres.
- (16) Dry cleaning and laundering.
- (17) Exhibition space: enclosed or unenclosed.
- (18) Electric transformer stations, substations and generating plants.
- (19) Entertainment and recreational uses.
- (20) Feed and grain storage.
- (21) Flour and feed packaging and blending.
- (22) Fur finishing.
- (23) Grain blending and packing, but not including milling.
- (24) Greenhouses.
- (25) Ice manufacturing.
- (26) Industrial and vocational training schools.
- (27) Insecticides, fungicides, disinfectants and related industrial and household chemical compounds (blending only).
- (28) Kennels.
- (29) Laboratories and research facilities.
- (30) Leather goods manufacturing, but not including tanning operations.
- (31) Livery stables and riding academies.
- (32) Malt products manufacturing, but not including breweries producing more than 100,000 barrels of beer or distilleries producing more than 250,000 cases of liquor per year. (Ord. No. 2013-33-37, §

1, 3-25-2013)

(33) Motion picture production.

(34) Pottery and porcelain products.

(35) Propagation and cultivation of crops, flowers, trees and shrubs.

(36) Public utility storage yard.

(37) Railroad passenger and freight depots.

(38) Repair and servicing of diesel engines.

(39) Repair, servicing, sale and storage of heavy construction equipment.

(40) Sanitary landfills operated by governmental agencies.

(41) Storage of petroleum products for distribution within the metropolitan area.

(42) Support structures used in connection with wireless communications facilities, radio and television broadcast antennas and microwave relay facilities, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 32-692.1 through 32-692.6.

(43) Wholesale, warehouse and distribution establishments.

(3) Adult entertainment establishments, adult book stores, adult motion picture theaters, and massage parlors, provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any

property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;

(4) Parking areas and parking lots. (Ord. No. 2020-209, §1, 10-12-2020)

(5) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district.

**Sec. 30-1045.6. Specific conditions applicable to particular uses.**

The conditions set forth in this section shall be applicable to all the following uses as indicated when authorized by conditional use permit, provided that the city council may impose such additional or more stringent conditions as deemed necessary to ensure the use will comply with the standards set forth in this article and elsewhere in this chapter:

(1) ~~[Adult care residences, group homes, lodginghouses, shelters. The following conditions shall be applicable to adult care residences, group homes, lodginghouses and shelters:~~

~~(a) Not more than 30 persons, including staff, shall reside on the premises;~~

~~(b) When located in any district other than a business district, no property devoted to such use shall be situated within 1,320 feet of property occupied by another adult care residence, group home, lodginghouse, shelter or any social service delivery use;~~

~~(c) When located in any business district, no property devoted to such use shall be situated within 500 feet of property occupied by another adult care residence, group home, lodginghouse, shelter or any social service delivery use;~~

~~(d) No group home or shelter shall be located within the same building as another dwelling use; and~~

~~(e) — A management program, addressing not less than the following elements, shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:~~

~~(1.) — Detailed description of the managing entity, including the organizational structure, names of the board of Directors, mission statement, and any bylaws.~~

~~(2) — Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long-term strategy for meeting the residents' or clients' needs.~~

~~(3) — Detailed description of offsite programs offered, and/or description of linkages to programs operated by others.~~

~~(4) — Detailed description of the number and type of residents or clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs.~~

~~(5) — Operational details for on-site programs, including:~~

~~(i) — Hours of operation;~~

~~(ii) — Number and type of staff, staff qualifications, and typical hours worked by staff;~~

- (iii) — ~~Method of resident or client supervision;~~
- (iv) — ~~Operating procedures including procedures for orienting a new resident or client to the facility's programs;~~
- (v) — ~~Expectations for residents or clients;~~
- (vi) — ~~Prerequisites for continued client enrollment such as a requirement that the resident or client participate in programs;~~
- (vii) — ~~Rules of behavior for residents or clients;~~
- (viii) — ~~The location and nature of any security features and arrangements; and~~
- (ix) — ~~Names and telephone numbers of persons to contact in emergencies and any emergency procedures.~~

(6) — ~~Annual operating budget, including sources of funding.]~~

Emergency housing, transitional housing, or permanent supportive housing. A property with an emergency housing, transitional housing, or permanent supportive housing use shall comply, at minimum, with the provisions of article VI of this chapter.

(2) Social service delivery uses. A property with a social service delivery use shall, at minimum, submit a plan of development in accordance with ~~[30-698.3(e)]~~ 30-698.3(d). [The following conditions shall be applicable to social service delivery uses:

(a) — ~~No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or any adult care residence, group home, lodginghouse or shelter; and~~

(b) — ~~A management program shall be submitted as set forth in subsection (1) e. of this section.]~~

(3) *Nondwelling uses occupying the ground floor of existing buildings in the R-8 district.* The following conditions shall be applicable to nondwelling uses occupying the ground floor of existing buildings in the R-8 district:

(a) Before approving a conditional use permit for any such use, the city council shall make a finding that the location of the property, the type of use and the scale and operational characteristics of the use are such that, if approved, the use can reasonably be expected to primarily serve the adjacent neighborhood and be sustainable as a neighborhood convenience use, and will avoid traffic, parking congestion, noise and other impacts that more typically result from uses that draw patrons from outside a neighborhood.

(b) For any nondwelling use operating with an ABC license, such use shall not be operated between the hours of 10:00 p.m. and 6:00 a.m.

(c) Alterations to the exterior of the building, including facade treatment, fenestration, signage and lighting shall be designed to maximize compatibility with the residential character of the surrounding area. Elevation drawings of the building shall be submitted as part of the conditional use permit application.

(d) No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the portion of the building devoted to the use.

(e) An operations plan, addressing not less than the following elements and providing such information as necessary to enable the city council to make the finding described in paragraph “a” of this subsection, shall be submitted as part of the conditional use permit application:

(1) Operational characteristics and features of the use, including:

staffing levels; hours of operation; type of ABC license and related restrictions, if applicable; floor plan showing general arrangement of the use and seating capacity of tables and other facilities for patrons, if applicable; description of intended use of the upper floor(s) of the building, including floor plans and plans for ingress and egress; provisions for containing trash and refuse generated by the use, including screening of containers, and means of preventing trash from blowing onto adjacent properties or streets; and provisions for off-street parking, if applicable.

(2) Provisions for security, including procedures, features, arrangements and staffing levels for such for both the interior and exterior of the premises, and a plan and procedures for mitigating potential adverse impacts on nearby dwelling uses. The planning commission may recommend and the city council may include as conditions, such elements of the operations plan as it deems necessary to satisfy the standards set forth in this section or in section 30-1045.5 of this chapter.

(4) *Required off-street parking for multifamily dwellings in the B-7 district.* Before approving a conditional use permit for reduction of required off-street parking for a multifamily dwelling located in an existing building in the B-7 district, the city council shall make a finding that:

(a) The normally applicable off-street parking requirement for such use cannot reasonably be satisfied without demolition of an existing building; and

(b) The reduction in required off-street parking will not adversely impact the use of nearby streets for traffic circulation or access to other properties or create an unreasonable demand for on-street parking that would adversely impact existing uses in

the immediate area.

(5) *Retail sales of liquor.* The following conditions shall be applicable to retail sales of liquor:

(a) Except as provided in subdivision (b) of this subsection (5), such use shall be located within a retail establishment having a total floor area greater than 5,00 square feet, and in which not greater than 50 percent of the total floor area is devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia.

(b) In the case of a retail establishment existing on the effective date of this subsection and having on such date a total floor are of 5,000 square feet or less and greater than 50 percent of the total floor area devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia, the city council may waive the conditions of subdivision (a) of this subsection (5) when the city council is satisfied that the other applicable provisions of this subsection are met, and provided that in no case shall the existing total floor area of the establishment and the existing percentage of floor devoted to the sale and storage of alcoholic beverages be increased;

(c) Such use shall not take place at any time between the hours of 10:00 p.m. and 10:00 a.m.;

(d) Drive-up facilities shall not be permitted in conjunction with such use, and retail sales of liquor shall take place only within the interior of the building;

(e) The exterior features, including façade treatment, fenestration, signage and lighting, of the building in which such use is located shall be designed to maximize compatibility with the predominant character of surrounding commercial and residential areas, and elevation drawings of the buildings showing such features shall be submitted as

part of the conditional use permit application, except that such drawings shall not be required in a case where no changes are to be made to the exterior of an existing building; and

(f) The conditional use permit shall be approved by the city council only if the applicant satisfies the council that the size and location of the user are reasonably related to the trade area that such use is intended to serve, and will not result in a disproportionate concentration of such uses within any particular area of neighborhood of the city or have a detrimental impact on the surrounding area due to close proximity to residential area or public, religious or child care facilities.

(6) *Nightclubs.* A management program shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific nightclub because of the characteristics of the nightclub, the management program shall include a statement of why the element is not applicable. The minimum required elements of the management program are as follows:

(a) Operational characteristics and features of the nightclub, including the following:

(1) Staffing levels;

(2) Hours of operation, and days of the week on which the establishment will be operated as a nightclub;

(3) Type of Virginia Alcoholic Beverage Control license and related restrictions;

(4) Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor and standing room areas and capacity, which floor plan shall be posted on the premises in a prominent location viewable by the patrons;

(5) Total occupant load; and,

(6) General type, frequency and hours of entertainment to be provided;

(b) Provisions for off-street parking; and

(c) Provisions for security and crowd management, including the following:

(1) Provisions for a level of security and crowd management sufficient to comply with the requirements of chapter 6, article V of this code, whether or not the nightclub is required to obtain a public dance hall permit;

(2) Procedures, features, arrangements and staffing levels for security and crowd management for both the interior and exterior of the premises; and

(3) A plan and the procedures for mitigating potential adverse impacts on nearby dwelling and business uses.

(7) *Parking areas and parking lots in the B-4 and B-5 district.* The following conditions shall be applicable for parking areas and parking lots in the B-4 or B-5 district:

(a) The access, landscaping, screening, and arrangement of the parking area or parking lot shall be reviewed by the Urban Design Committee prior to the review of the application for the conditional use permit by the Planning Commission. The Urban Design Committee may recommend to the Planning Commission that the Planning Commission recommend that the City Council approve the conditional use permit or may recommend that the Planning Commission recommend that the City Council impose additional

conditions. In making its recommendation, the Urban Design Committee shall consider at least the standards set forth in section 30-1045.5 and the parking improvement requirements and landscaping standards set forth in section 30-710.10 through 30-710.16.

(8) Lodginghouses. A property with a lodginghouse use shall, at minimum, submit a plan of development in accordance with ~~[30-698.3(e)]~~ 30-698.3(d).

**Sec. 30-1220. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

.4 Adult care residence ~~[means any place, establishment, institution or portion thereof operated or maintained as a residence providing for the maintenance or care of four or more adults who are aged, infirm or disabled and which is licensed by the commonwealth as an adult care residence]~~ , also known as assisted living facility, as defined by Code of Virginia, § 63.2-100, means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except:

(1) A facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed;

(2) The home or residence of an individual who cares for or maintains only persons related to him by blood or marriage;

(3) A facility or portion of a facility serving infirm or disabled persons between the ages of eighteen (18) and twenty-one (21), or twenty-two (22) if enrolled in an

educational program for the handicapped pursuant to Code of Virginia, § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Code of Virginia, § 63.2-1700 et seq., but including any portion of the facility not so licensed; and

(4) Any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the United States Department of Housing and Urban Development, by the United States Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

.5 *Adult day care facility* means a facility [~~which provides supplementary care and protection during a part of the day only to four or more aged, infirm or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the state board of health or department of mental health, mental retardation and substance abuse services~~] , also known as adult day care center, as defined by Code of Virginia, § 63.2-100, which is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except:

(1) A facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services; and

(2) The home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

.32 *Dwelling use* means any of the following principal uses: single-family detached dwelling, single-family attached dwelling, two-family dwelling, multifamily dwelling, nursing home, adult care residence, ~~[group home]~~ permanent supportive housing, transitional housing, lodginghouse, fraternity or sorority house; and includes any dwelling unit contained within the same building as other permitted principal uses.

.33 *Family* shall consist of persons living together as a single housekeeping unit and shall include any of the following:

(1) One or more persons related by blood, marriage, legal guardianship or adoption, including foster children;

(2) Not more than three unrelated persons or a combination of related and unrelated persons;

(3) Two unrelated adults plus children related to one or both adults by blood, marriage, legal guardianship or adoption, including foster children;

(4) ~~[Not more than eight unrelated mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors or other staff persons, occupying a single dwelling unit or other residential facility for which the department of mental health, mental retardation and substance abuse services of the commonwealth is the licensing authority pursuant to the Code of Virginia, shall be~~

~~considered a family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401]~~ No more than eight individuals with mental illness, intellectual disability, or developmental disabilities, with one or more resident or nonresident staff persons, occupying a single dwelling unit or other residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority pursuant to the Code of Virginia. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401;

(5) ~~[Not more than eight handicapped persons, as defined by the federal fair housing act, occupying a single dwelling unit, and in addition thereto may include one or more resident counselors or other staff persons]~~ No more than eight aged, infirm or disabled persons, with one or more resident counselors or other staff persons, occupying a single dwelling unit or other residential facility for which the Department of Social Services of the Commonwealth is the licensing authority pursuant to the Code of Virginia;

(6) No more than eight handicapped persons, as defined by the Federal Fair Housing Act, occupying a single dwelling unit, and in addition thereto may include one or more resident counselors or other staff persons.

The term “family” shall not be construed to include a fraternity, sorority, club or a group of persons occupying a hotel, motel, tourist home, lodginghouse, transitional housing, permanent supportive housing [group home], adult care residence, nursing home, emergency housing, [shelter] or institution of any kind, except as specifically included by this definition.

.39 ~~[Group home means a building or portion thereof intended for residential occupancy for periods of not less than one week and where the total occupancy of such facility does not constitute a family, as defined in this section, and having all of the following characteristics:~~

~~(1) Occupancy is not available to the general public.~~

~~(2) Sleeping areas are not arranged in a dormitory configuration.~~

~~(3) Facilities and services include living, sleeping, sanitation, either the provision of at least one daily meal or the provision of kitchen facilities for use by residents, and a defined program for operation and services for residents, which may include minor medical care, counseling, training and similar services.~~

~~(4) Supervision of residents is provided.~~

The term “group home” shall not be construed to include a “shelter” as defined in this section] Reserved.

.42 *Hotel* and *motel* mean a building or group of buildings on the same site containing guestrooms with sanitation facilities, with or without kitchens, intended to be rented for compensation for occupancy by the traveling public and similar transient guests primarily on a daily or weekly basis. The terms “hotel” and “motel” are intended to apply to motor inns, motor lodges, auto courts and tourist courts, except when such terms conform to the definition of tourist home contained in this section, and are intended to be distinguished from lodgishouses, [~~shelters, group homes~~] emergency housing, transitional housing, permanent supportive housing, and similar forms of housing. The term “hotel” applies to any such facility as defined herein consisting of a single building where primary access to all guestrooms is by way of a common lobby within the

building or a corridor connected to a common lobby, with no primary access to individual guestrooms directly from the exterior of the building.

.97 ~~[Shelter means a building or portion thereof intended for temporary residential occupancy on a daily or longer basis by persons with no other fixed place of abode or persons who are temporarily displaced from their place of abode and having all of the following characteristics:~~

~~(1) — The use is operated on a not for profit basis;~~

~~(2) — Sleeping areas are provided in a dormitory or other configuration;~~

~~(3) — Facilities and services include living, sleeping, sanitation and the provision of at least one daily meal and are available only to residents and staff;~~

~~(4) — Minor medical care, job counseling and substance abuse counseling services are available to residents, either on the premises or by written agreement with providers; and~~

~~(5) — Supervision of residents is provided.] Reserved.~~

.98:1 *Short-term rental* means a room or group of rooms, all within a single dwelling unit of a dwelling use permitted in the district in which such dwelling use is located, used or intended to be used as lodging for at least one but fewer than 30 consecutive nights by the traveling public and similar transient guests in return for compensation on a daily basis. The term “short-term rental” is intended to be distinguished from hotels, motels, tourist and lodgishouses, ~~[shelters, group homes]~~ emergency housing, transitional housing, permanent supportive housing, and similar forms of housing.

.122 *Tourist home* means a building containing not more than ten guestrooms, with or without kitchens and with or without board, intended to be rented for compensation for occupancy by the traveling public and similar transient guests on a daily basis and in which access to

individual guestrooms is provided exclusively from within the building, as distinguished from a hotel, motel, lodginghouse, [~~group home, shelter~~] transitional housing, permanent supportive housing, emergency housing, or similar form of housing.

.125 *Travel trailer park*, also known as campground, means a lot on which are located or which is arranged or equipped for the accommodation of two or more tents, travel trailers, or other recreational vehicles used for temporary dwelling purposes, with spaces [~~for such available for rent on a daily or longer basis~~] intended to be rented for compensation for occupancy by the traveling public and similar transient guests primarily on a daily or weekly basis.

§ 2. That Chapter 30, Article VI of the Code of the City of Richmond (2015) be and is hereby amended and reordained **by adding therein a new** division numbered 15, consisting of sections numbered 30-698 through 30-698.3, as follows:

## **DIVISION 15**

### **EMERGENCY, TRANSITIONAL, AND PERMANENT SUPPORTIVE HOUSING.**

#### **SUPPLEMENTAL REGULATIONS**

##### **Sec. 30-698. Intent.**

The purpose of this Division is to establish a process for review and approval of emergency, transitional, and permanent supportive housing uses in order to reduce the number of individuals and families in the City experiencing homelessness or obtaining affordable housing.

##### **Sec. 30-698.1. Housing types.**

The following housing types shall be subject to the provisions of this Division.

- (a) Emergency housing, which shall be provided through:
  - (1) A building, or portion thereof;
  - (2) An assemblage of two or more tiny home units;

- (3) A tent encampment, which means a group of small, portable tents or similar forms of shelter on a property, where each tent is intended to provide shelter for no more than two (2) individuals or a family; or
- (4) A safe parking area.
- (b) Transitional housing, which shall be provided through:
  - (1) A building, or portion thereof; or
  - (2) An assemblage of two or more tiny home units.
- (c) Permanent supportive housing, which shall be provided through:
  - (1) A building, or portion thereof; or
  - (2) An assemblage of two or more tiny home units.
- (d) A single property may contain a combination of emergency housing, transitional housing, and permanent supportive housing uses so long as they are under common ownership and comply with the rest of the provisions of this Chapter.

**Sec. 30-698.2. Regulations.**

- (a) Location.
  - (1) A property with an emergency housing, transitional housing, or permanent supportive housing use shall be located no more than 2,640 feet from a public transit stop.
  - (2) A property with an emergency housing, transitional housing, or permanent supportive housing use shall be located no less than 1,320 feet from any property with an emergency housing, transitional housing, or permanent supportive housing use.
  - (3) A property providing an emergency housing, transitional housing, or permanent supportive housing use through a building, or portion thereof, shall only be located in a R-73 Multi-family Residential District, RO-2 Residential-Office District, I

Institutional District, B-1 Neighborhood Business District, B-2 Community Business District, B-3 General Business District, B-4 Central Business District, OS Office-Service District, or M-1 Light Industrial District as permitted in this Chapter, and subject to all other provisions of such zoning district.

(4) A property providing an emergency housing, transitional housing, or permanent supportive housing use through an assemblage of two (2) or more tiny home units shall only be located in a B-3 General Business District or M-1 Light Industrial District and shall be subject to all other provisions of such zoning district.

(5) A property providing an emergency housing use through a tent encampment shall only be located in a B-3 General Business District or M-1 Light Industrial District, and shall be subject to all other provisions of such zoning district.

(6) A property providing an emergency housing use through a safe parking area shall only be located in a R-73 Multi-family Residential District, RO-2 Residential-Office District, I Institutional District, B-1 Neighborhood Business District, B-2 Community Business District, B-3 General Business District, B-4 Central Business District, OS Office-Service District, or M-1 Light Industrial District, and shall be subject to all other provisions of such zoning district.

(b) Capacity. The maximum number of individuals residing in emergency housing, transitional housing, or permanent supportive housing on a property shall at all times be in compliance with all applicable provisions of building, fire, health, and zoning codes.

(c) Emergency contact. The owner, tenant, or operator of any emergency housing, transitional housing, or permanent supportive housing use shall provide the Zoning Administrator with a phone number for an individual who can be reached 24 hours a day in the event of an

emergency.

**Sec. 30-698.3. Approvals.**

(a) Prior to the establishment of an emergency housing, transitional housing, or permanent supportive housing use, whether principal or accessory, the owner, tenant, or operator of such building, structure, or premises shall obtain a certificate of zoning compliance in accordance with the conditions specified in this division and in article X, division 3 of this chapter.

(b) Within seven days of receipt of the materials described in section 30.698.3(d) for a certificate of zoning compliance for an emergency housing, a transitional housing, or a permanent supportive housing use, the Zoning Administrator shall provide written notice of such application to:

(1) All owners of real property within 150 feet of the applicant's property;

(2) The Council member representing the district in which the applicant's property is located; and

(3) At least one civic or neighborhood association established in accordance with applicable law that advocates for the district or area in which the applicant's property is located and of which the Zoning Administrator has actual knowledge.

(c) A Certificate of Zoning Compliance for an emergency housing use shall be valid for one (1) year. If a property owner with a valid Certificate of Zoning Compliance for emergency housing seeks to continue such use for one (1) additional year, the property owner shall submit all documentation to the City, as specified in this Division, no later than sixty (60) days prior to the date of expiration of its Certificate of Zoning Compliance to ensure timely issuance of a new Certificate of Zoning Compliance, provided property owner satisfies all other conditions for such issuance.

~~(e)~~ (d) Issuance of a Certificate of Zoning Compliance for an emergency housing, transitional housing, permanent supportive housing, or social service delivery use shall be subject to (i) approval by the Director of Planning and Development Review of a plan of development, in accordance with Article X, Division 4 of this Chapter, in the event building permits are needed to engage in such use, and (ii) submittal to the Zoning Administrator of a filing that shall include, at minimum, the location and description of the following, including an operations information statement as described below:

(1) The parcel and all buildings and structures thereon, both permanent and temporary;

(2) Access control points and any fencing and screening for the parcel and all buildings and structures;

(3) The use and occupancy of each room or space inside a building or structure, including accommodations for sleeping, accommodations for sanitary health and hygiene (e.g. sinks, toilets, latrines, showers, or washing stations); and accommodations for food preparation;

(4) The size of emergency ingress points, egress points, and evacuation routes;

(5) Smoke alarms, carbon monoxide alarms, and fire extinguishers; and

(6) An operations information statement that shall include, at minimum, the following:

(a) The name of the operating entity, its articles of incorporation or similar organizational document and its bylaws, if any, and a statement of the operating entity's experience providing emergency housing, transitional housing, permanent supportive housing, or social service delivery;

- (b) Anticipated dates, days, and hours of operation;
- (c) Maximum intended number of overnight occupants, which shall at all times be in compliance with all applicable provisions of building, fire, health, and zoning codes;
- (d) List of requirements for admission of occupants;
- (e) Description of each staff position, qualifications necessary for each position, and a statement of the anticipated number of staff serving in such positions;
- (f) Statement of intention, or not, to provide occupants meals, minor medical care, job counseling, substance abuse counseling, and services to help occupants transition to more permanent housing, and if so, whether provision of each will be on or offsite; and
- (g) Statement of intention, or not, to participate in the Greater Richmond Continuum of Care coordinated entry system.

§ 3. That Chapter 30, Article XII of the Code of the City of Richmond (2015) be and is hereby amended and reordained **by adding therein new** sections numbered 30-1220.32:1, 30-1220.84:1, 30-1220.84:2, 30-1220.95:1, 30-1220.95:2, 30-1220.120:1, and 30-1220.122:1 as follows:

**Sec. 30-1220. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

.32:1 *Emergency housing*, also known as shelter, means a property, or portion thereof,

that provides, without any use and occupancy agreement or lease, but generally for a period of less than ninety (90) days, individuals or families who lack a fixed, regular, and adequate nighttime residence a place of shelter for sleeping; individual or shared facilities for sanitary health, hygiene, and waste disposal; continuous on-site supervision; and services intended to improve health and welfare, including, but not limited to, the care and treatment of medical, mental health, and substance abuse matters; counseling and case management; assistance obtaining education, training, employment; and assistance securing food, housing, and government benefits. Emergency housing shall not mean transitional housing, permanent supportive housing, hotel, motel, or tourist home as defined in this chapter.

.84:1 *Permanent supportive housing* (also known as group home) means a property, or portion thereof, that provides, with a use and occupancy agreement or lease, but generally without any limits on length of stay, individuals or families who lack a fixed, regular, and adequate nighttime residence a place of shelter for sleeping; individual or shared facilities for sanitary health, hygiene, and waste disposal; continuous on-site supervision; and services intended to improve health and welfare, including, but not limited to, the care and treatment of medical, mental health, and substance abuse matters; counseling and case management; assistance obtaining education, training, employment; and assistance securing food, housing, and government benefits. Permanent supportive housing shall not mean an adult care residence, nursing home, or other residential facility licensed by the Commonwealth of Virginia as defined in this Chapter.

.84:2 *Personal and financial services* means any private, for-profit entity offering loans using car titles, paychecks, or other such assets as collateral, including “payday lenders” as defined by Code of Virginia, § 6.2-18, “motor vehicle title loans” as defined by Code of Virginia, § 6.2-22, and “pawnbrokers” as defined by Code of Virginia, § 54.1-4000.

.95:1 *Safe parking area* means one or more parking spaces on an existing parking lot, as defined in this Chapter, in which operable, non-commercial vehicles serve as a nighttime residence for individuals or families, and in which the number of vehicles parked does not exceed the number of parking spaces permitted by this chapter, the hours of operation do not conflict with any primary use of the property, and in which there is no discharge or disposal of any type of wastewater onto the property from a vehicle.

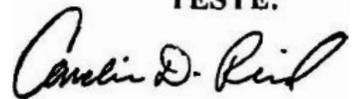
.95:2 *Series* means three or more attached buildings.

.120:1 *Tiny home* means a small, relocatable, structure for shelter, whether on foundations or on chassis, no larger than 400 square feet and in conformance with International Residential Code AQ101 through AQ105. Tiny home shall not mean a recreational vehicle or travel trailer as defined in this Chapter.

.122:1 *Transitional housing* means a property, or portion thereof, that provides, with a use and occupancy agreement or lease, generally for a period of less than twenty-four months, individuals or families who have difficulty obtaining a fixed, regular, and adequate nighttime residence a place of shelter for sleeping; individual or shared facilities for sanitary health, hygiene, and waste disposal; and services intended to improve health and welfare, including, but not limited to, the care and treatment of medical, mental health, and substance abuse matters; counseling and case management; assistance obtaining education, training, and employment; and assistance securing food, housing, and government benefits. Transitional housing shall not mean a hotel, motel, tourist home, or similar use in which transient guests and the traveling public are provided accommodations on a daily or weekly basis through a use and occupancy agreement as defined in this Chapter.

§ 4. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:  
TESTE:**



**City Clerk**

**RECEIVED**  
By Barbara Fore at 3:26 pm, Nov 20, 2020

**RECEIVED**  
By CAD Office at 11:28 am, Nov 20, 2020

# City of Richmond

2020-187  
900 East Broad Street  
2nd Floor of City Hall  
Richmond, VA

**RECEIVED**  
By Barbara Fore at 8:30 am, Dec 07, 2020

## Item Request

File Number: PRE.2020.404

### O & R Request

**DATE:** November 16, 2020 **EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) 

**THROUGH:** Lenora G. Reid, Acting Chief Administrative Officer 

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning 

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review 

**RE:** To amend the Zoning Ordinance for the purposes of removing barriers to the establishment of emergency housing resources for homeless individuals.

**ORD. OR RES. No.**

**PURPOSE:** To amend the Zoning Ordinance in order to provide more clear and consistent pathways to establish emergency, transitional, and permanent supportive housing uses within the City.

**REASON:** The current Zoning Ordinance inhibits the establishment of emergency, transitional, and permanent supportive housing uses in many parts of the City; uses that are needed to reduce the number of individuals and families who lack a fixed, regular, and adequate nighttime residence a place of shelter. The proposed text amendments update definitions that do not align with social service terminology and current housing practices; they also shift a number of emergency, transitional, and permanent supportive housing uses from conditional uses that must obtain legislative approvals to permitted uses that can be approved administratively, subject to regulations on housing types, locations, and capacity.

**RECOMMENDATION:** In accordance with requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. These items will be scheduled for consideration by the Commission at its January 4, 2021 meeting; to be forwarded to the City Council following that meeting.

**BACKGROUND:**

Individuals experience homelessness for a variety of reasons, including mental illness, substance abuse, domestic violence, unemployment or underemployment, lack of a living wage, a limited supply of affordable housing, and eviction. Some of these factors can make it difficult for individuals to secure and maintain a fixed, regular, and adequate nighttime residence.

Within the City of Richmond, the 2020 Point in Time (PIT) count taken in January 2020 documented 549 individuals experiencing homelessness (living in shelters or unsheltered), which is an increase from 497 persons counted in January 2019. The actual number, however, may be much greater, as the PIT count does not include those temporarily living with family and friends or in hotels.

The COVID-19 pandemic has likely increased the number of individuals experiencing homelessness, given the rise in layoffs business closures over the last few months. It has also changed the manner in which housing solutions must be supplied and built in order to contain the spread of the virus.

In May 2020, Council adopted the *City of Richmond Strategic Plan to End Homelessness 2020-2030*, which recommended number of actions to better provide emergency, transitional, and permanent supportive housing in the City, including changes to the Zoning Ordinance, which are proposed herein.

**Master Plan:**

The *Richmond 300* (Draft) Master Plan's Objective #14.0 reads "Ensure that homelessness is rare, brief and one-time." A specific strategy under that objective reads: "amend the zoning ordinance to allow by-right emergency shelter units and permanent supportive housing units in zoning districts where currently permitted by conditional use permits only." This Zoning Ordinance amendment implements that strategy.

**Existing and Proposed Zoning:**

This Zoning Ordinance Amendment would make the following changes:

- Update definitions to align with social service terminology and current housing practices:
  - Replace the term "shelter" with "emergency housing," which means a property, or portion thereof, that provides, without any use and occupancy agreement or lease, but generally for a period of less than ninety (90) days, individuals or families who lack a fixed, regular, and adequate nighttime residence a place of shelter for sleeping; individual or shared facilities for sanitary health, hygiene, and waste disposal; continuous on-site supervision; and services intended to improve health and welfare.

- Differentiate “lodginghouse” from “transitional housing,” which means a property, or portion thereof, that provides, with a use and occupancy agreement or lease, generally for a period of less than twenty-four (24) months, individuals or families who have difficulty obtaining a fixed, regular, and adequate nighttime residence a place of shelter for sleeping and individual or shared facilities for sanitary health, hygiene, and waste disposal, and services intended to improve health and welfare.
- Replace the term “group home” with “permanent supportive housing,” which means a property, or portion thereof, that provides, with a use and occupancy agreement or lease, but generally without any limits on length of stay, individuals or families who lack a fixed, regular, and adequate nighttime residence a place of shelter for sleeping; individual or shared facilities for sanitary health, hygiene, and waste disposal; continuous on-site supervision; and services intended to improve health and welfare.
- “Adult care residence,” “nursing home,” or any other residential facility licensed by the Commonwealth of Virginia shall remain separately defined.
- Permit emergency housing as an accessory use in the
  - R-73 Multi-family Residential District;
  - RO-2 Residential-Office District; and
  - M-1 Light Industrial District.
- Remove time and capacity restrictions on emergency housing uses at churches and places of worship in the
  - I Institutional District;
  - B-1 Neighborhood Business District;
  - B-2 Community Business District;
  - B-3 General Business District;
  - B-4 Central Business District; and
  - OS Office-Service District.
- Change transitional housing, permanent supportive housing, and adult care residences from conditional uses to permitted principal uses in the
  - R-73 Multi-family Residential District;
  - RO-2 Residential-Office District;
  - B-3 General Business District; and
  - B-4 Central Business District.
- Change social service delivery uses from conditional uses to permitted principal uses in the
  - B-3 General Business District; and
  - B-4 Central Business District.
- Create Division 15 in Article VI to regulate emergency, transitional, and permanent supportive housing uses, including housing types, locations, capacity, and the process for administrative approvals, which includes submission of a management or operational plan.

**Public Engagement:**

The amendments will be posted according to general law for two successive weeks in both the Richmond Times Dispatch and the Richmond Free Press. Comments or questions may be sent to staff using the contact information below. There will be public hearings prior to both City Planning Commission and City Council votes.

**FISCAL IMPACT/COST:** There is no cost associated with this amendment.

**FISCAL IMPLICATIONS:** The Department of Planning and Development Review does not anticipate any fiscal implications.

**BUDGET AMENDMENT NECESSARY:** No.

**REVENUE TO CITY:** N/A

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** December 14, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** January 11, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** N/A

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

City Planning Commission

**AFFECTED AGENCIES:** City Attorney's Office (for review of ordinance)

Department of Planning and Development Review

**RELATIONSHIP TO EXISTING ORD. OR RES.:** 2020-R020, 2020-R031, amend the Zoning Ordinance

**REQUIRED CHANGES TO WORK PROGRAM(S):** N/A

**ATTACHMENTS:** Staff report, Draft Ordinance, Resolution of Intent

**STAFF:** Kevin J. Vonck, Deputy Director, Department of Planning and Development Review,  
[kevin.vonck@richmondgov.com](mailto:kevin.vonck@richmondgov.com)



CITY OF RICHMOND

PLANNING COMMISSION

December 7, 2020

**RESOLUTION 2020-063  
MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION**

**TO DECLARE AN INTENT TO AMEND THE ZONING ORDINANCE TO REDUCE  
BARRIERS TO THE CREATION OF NEW EMERGENCY HOUSING FOR HOMELESS  
INDIVIDUALS.**

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 therefor; and

WHEREAS, the City has at least 549 individuals experiencing homelessness (living in shelters or unsheltered), not including those temporarily living with family and friends or in hotels, which is an increase from 497 persons counted in January 2019; and

WHEREAS, the COVID-19 pandemic has likely increased the number of individuals experiencing homelessness, given the rise in layoffs and business closures; and

WHEREAS, the Zoning Ordinance inhibits the establishment of emergency, transitional, and permanent supportive housing uses in many parts of the City; uses that are needed to reduce the number of individuals and families experiencing homelessness; and

WHEREAS, the *City of Richmond Strategic Plan to End Homelessness 2020-2030*, recommends to "change zoning definitions related to services and facilities serving people experiencing homelessness" and "create siting criteria and program requirements for City-wide emergency housing facilities;" and

WHEREAS, the draft *Richmond 300 Master Plan* recommends amending "the zoning ordinance to allow by-right emergency shelter units in zoning districts where currently permitted by Conditional Use Permits only" in order to "ensure that homelessness is rare, brief, and one-time."

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 adopts a resolution of intent to amend the Zoning Ordinance to provide more clear and consistent pathways to establish emergency, transitional, and permanent supportive housing uses within the City.

Rodney M. Poole  
Chair, City Planning Commission

Matthew J. Ebinger  
Secretary, City Planning Commission