

INTRODUCED: July 27, 2015

AN ORDINANCE No. 2015-151-164

To amend and reordain City Code §§ 114-700, 114-710.1, 114-710.2:1, 114-710.2:2, 114-710.2:3, 114-710.4, 114-710.13, and 114-1220, concerning off-street parking and loading requirements, and definitions; and to amend and reordain Chapter 114, Article VII of the City Code by adding therein a new Division 4, consisting of sections 114-730.1 and 114-730.2, for the purposes of requiring the provision of bicycle parking facilities for multi-family dwellings, parking decks and parking garages containing parking spaces serving non-residential uses, promoting effective shared parking provisions and modifying certain screening and buffering requirements for new parking areas.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 14, 2015 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 114-700, 114-710.1, 114-710.2:1, 114-710.2:2, 114-710.2:3, 114-710.4, 114-710.13, and 114-1220 of the Code of the City of Richmond (2004) be and are hereby amended and reordained as follows:

Sec. 114-700. Applicability of article.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 14 2015 REJECTED: _____ STRICKEN: _____

Off-street parking, bicycle parking and loading spaces for uses permitted by this chapter shall be provided in such numbers, at such locations and with such improvements as required by this article.

Sec. 114-710.1. Number of spaces required for particular uses.

(a) Except as otherwise provided in this article, the minimum number of off-street parking spaces required for uses located in any district shall be as follows (See sections 114-710.2 through 114-710.3 for special off-street parking requirements in certain districts and the method of determining the number of parking spaces, and see article IX of this chapter for requirements if property is located in a parking overlay (PO) district~~[, see article IX of this chapter]~~):

	Use	Number of Spaces Required
(1)	Dwelling, single-family detached	1
(2)	Dwelling, single-family attached	1
(3)	Dwelling, two-family	2
(4)	Dwelling, multifamily:	
	a. One main building on a lot of record	1 per dwelling unit
	b. More than one main building on a lot of record	1.5 per dwelling unit containing 2 bedrooms or more; 1.25 per dwelling unit containing fewer than 2 bedrooms
	c. In R-63 district	1 per dwelling unit
(4.1)	Dwelling unit:	
	a. In B-1, B-2, B-3, B-4, B-5 and UB districts where such units are contained within the same building as a nondwelling use	None for 1 to 3 units; otherwise, 1 per 4 dwelling units
	b. In UB-2 district where such units are contained within the same building as a nondwelling use	1 per 2 dwelling units
	c. In B-6, B-7, RF-1 and RF-2 districts	1 per dwelling unit (see section 114-446.3)
(5)	Dwelling, multifamily, where at least 90 percent of units are occupied by persons 60 years or more of age	1 per 2 dwelling units
(5.1)	Live/work unit	1

	Use	Number of Spaces Required
(6)	Mobile home	Average of 1.5 per unit
(7)	Tourist home, hotel or motel:	
	a. RO-3, HO, B-4, B-5, B-6, B-7, RF-1, RF-2, CM and DCC districts	1 per guestroom up to 100 rooms, plus 1 per every 2 guestrooms over 100 rooms
	b. All other districts	1 per guestroom
(8)	Lodginghouse	1 per 2 occupants
(9)	Fraternity or sorority house	1 per 4 beds
(10)	Nursing home, adult care residence, group home, shelter	1 per 4 beds
(11)	Hospital	1 per 3 beds, plus 1 per 3 employees and staff
(12)	Church or other place of worship	1 per 8 seats in main auditorium
(13)	Day nursery	1 per 2 employees
(14)	School: kindergarten through junior high (public or private)	1 per 10 seats in main auditorium or 1 per classroom, whichever is greater
(15)	School: high school, college or vocational (public or private)	1 per 8 seats in main auditorium or 3 per classroom, whichever is greater
(16)	Lodge, club or meeting facility	1 per 100 sq. ft. floor area in meeting or club rooms
(17)	Art gallery, library or museum	10, plus one per 300 sq. ft. of floor area in excess of 2,000 sq. ft.
(18)	Theater, auditorium, sports arena or stadium	1 per 5 seating capacity
(19)	Private park, recreational area or country club	1 per 5 members
(20)	Public golf course or miniature golf course	5 per hole
(21)	Golf driving range	2 per tee
(22)	Bowling alley	5 per lane
(23)	Office: general; medical or dental office or clinic; social service delivery use; animal hospital	1 per 300 sq. ft. of floor area for the first 1,500 sq. ft., plus 1 per 400 sq. ft. in excess thereof
(24)	Funeral home	1 per 4 seating capacity of chapel and funeral service rooms, plus 1 per 2 employees
(25)	Service station, auto repair	2 per service bay or repair stall plus spaces to accommodate all vehicles used in connection therewith
(26)	Restaurant, tearoom or similar food and beverage service establishment	1 per 100 sq. ft. of floor area, plus 5 stacking spaces per restaurant drive-in window
(26.1)	Nightclub	1 per 70 sq. ft. of floor area
(27)	Grocery store, convenience store,	

	Use	Number of Spaces Required
	specialty food or beverage store, take-out restaurant:	
	(a) Grocery or convenience store occupying more than 5,000 sq. ft. of floor area; take-out restaurant with no patron seating	1 per 150 sq. ft. floor area
	(b) Grocery or convenience store occupying more than 5,000 sq. ft. of floor area; specialty food or beverage store	1 per 300 sq. ft. floor area
(28)	Retail or personal service establishment, financial service, retail bakery (unless otherwise specified herein)	1 per 300 sq. ft. floor area
(29)	Bank or savings and loan office, including drive-in	1 per 300 sq. ft. for the first 1,500 sq. ft. of floor area, plus 1 per 400 sq. ft. in excess thereof, plus 5 stacking spaces per drive-in teller
(30)	Furniture, appliance or hardware store; auto salesroom; tire repair and sales; clothing, shoe or other repair shop; machinery and equipment sales and service	1 per 500 sq. ft. of floor area
(31)	Wholesale establishments	1 per 800 sq. ft. of floor area, plus spaces to accommodate all vehicles used in connection therewith
(32)	Manufacturing, processing, fabricating, testing, research, bottling, warehousing and distribution establishments	1 per 2 employees, plus spaces to accommodate all vehicles used in connection therewith
(33)	Shopping centers	1 per 300 sq. ft. of gross leasable area, provided that for shopping centers with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is 1 per 100 sq. ft. of floor area or greater, required parking shall be as specified in section 114-710.3(e)
(34)	Philanthropic, charitable or eleemosynary	Sum of spaces required for each component of the use, per the most similar use listed in this section
(35)	Flea market	1 per 300 sq. ft. of area devoted to sales and display
(36)	Marinas	1 per 3 boat slips, provided that parking for uses other than a marina shall be as specified in section 114-710.3(e)

(b) The minimum number of parking spaces required for a use not specifically mentioned in this section shall be as required for the most similar use listed as determined by the zoning administrator.

Sec. 114-710.2:1. Special off-street parking requirements in RP district.

The following pertaining to off-street parking shall be applicable in the RP research park district. Except as specified in this section, all other sections of this article shall be applicable in such district:

(1) *Number of spaces.* Not less than one off-street parking space shall be provided per 700 square feet of floor area devoted to research, development and laboratory facilities; related accessory uses; and retail, personal service, restaurant including outdoor dining areas, and similar uses located in the same building as other permitted uses.

(2) *Location of spaces.* Off-street parking spaces required for any use may be provided on the site of the use or off the premises on property zoned to permit such parking, provided that the parking area or lot within which such spaces are provided shall be located within a 750-foot radius of the property occupied by the use they are intended to serve.

(3) *Spaces reserved for employees.* Notwithstanding the definition of the term "parking space" in section 114-1220, not more than 25 percent of the minimum number of off-street parking spaces required for a use may be arranged in such manner that access to one such space is provided by passage through another parking space, when such spaces are assigned to specific individuals.

Sec. 114-710.2:2. Off-street parking not required on certain ~~narrow~~ lots.

Off-street parking shall not be required for a single-family attached dwelling, a single-family detached dwelling, or a two-family detached dwelling on any lot of record existing on

June 12, 1995, when such lot is 35 feet or less in width and does not abut an alley, provided the zoning administrator is satisfied that the width of such lot cannot be increased by the property owner in accordance with applicable provisions of this chapter by utilization of adjoining land under the same property owner's ownership or control. In addition, off-street parking shall not be required for a single-family attached dwelling, a single-family detached dwelling, or a two-family detached dwelling constructed after the effective date of the ordinance adopting this sentence on any lot for which the City, based on engineering or safety concerns, does not permit any vehicular access to the right-of-way from any part of the lot.

Sec. 114-710.2:3. Special off-street parking requirements in the UB, UB-2, B-1, B-2, B-3, B-6, B-7, RF-1 and RF-2 districts.

(a) *Shared parking.* In the UB, UB-2, B-1, B-2, B-3, B-6, B-7, RF-1 and RF-2 districts, off-street parking spaces required for dwelling units may be supplied by off-street parking spaces provided for nondwelling uses, provided that all of the following conditions are met:

(1) The nondwelling use is not routinely open, used or operated after 6:00 P.M. or before 8:00 A.M. on any day.

(2) The total number of off-street parking spaces provided for dwelling units, including spaces shared with nondwelling uses and spaces provided exclusively for dwelling units, shall not be less than the ~~[equivalent of one space per four dwelling units in the UB district, one space per two dwelling units in the UB-2 district and one space per dwelling unit in the B-6, B-7, RF-1 and RF-2 districts]~~ number of spaces required for such dwelling units by the provisions of this chapter.

(3) Off-street parking spaces located off the premises and intended to contribute to the off-street parking requirements of this section for dwelling units shall be

subject to the requirements of section 114-710.4, subsections (1), (3), (4) and (5), except where such requirements are modified by provisions applicable within a parking overlay district.

(b) *Reduced parking requirement for uses located in existing buildings in certain districts.*

(1) In the UB-2 district, subject to the limitation set forth in subsection (c) of this section, the off-street parking requirements established by section 114-710.1 shall be reduced by 50 percent for nondwelling uses located within buildings existing on July 10, 2006.

(2) In the B-6 district, subject to the limitation set forth in subsection (c) of this section, the off-street parking requirements established by section 114-710.1 shall be reduced by 50 percent for uses located within buildings existing on July 10, 2006.

(c) *Limitation on parking requirements.* In the UB-2, B-6, B-7, RF-1 and RF-2 districts, in no case where the number of required off-street parking spaces is determined based on floor area devoted to a use shall the off-street parking requirement for such use exceed one space per 300 square feet of floor area.

(d) *Credit for on-street parking in UB, UB-2, B-1, B-2, B-3, B-6, B-7, M-1, M-2, RF-1 and RF-2 districts.* For purposes of calculating the number of off-street parking spaces provided for a use located in an UB, UB-2, B-1, B-2, B-3, B-6, B-7, M-1, M-2, RF-1 or RF-2 district, on-street parking spaces provided within portions of the public right-of-way abutting the street frontage of the property shall be credited as though they were off-street parking spaces located on the premises. In a case where any portion of such on-street parking spaces are eliminated by government action subsequent to city approval of plans for development of the

property, the off-street parking requirement applicable to the use shall be reduced by the number of on-street parking spaces eliminated.

Sec. 114-710.4. Required spaces located off the premises.

~~[Required off-street]~~ Off-street parking spaces required for any use may be provided off the premises of the use for which they are required, provided that:

(1) ~~[Off-street parking spaces required for any use may be provided off the premises within a 300 foot radius of a principal entrance to the building occupied by such use, except when located in B-4, B-5, B-6, B-7, RF-1, RF-2, CM and DCC districts where a 500 foot radius is permitted. In all cases, property used for such parking shall be located in a district where parking areas serving the proposed use are permitted]~~ At least some portion of the parking area, parking lot, parking deck or parking garage within which such spaces are provided shall be located within a 500-foot radius of a principal entrance to the building occupied by the use for which they are required, except that in an RP district, parking spaces located off the premises shall be subject to the provisions set forth in section 114-710.2:1.

(2) ~~[Subject to subsection (1) of this section, any portion of the parking spaces required for any use may be supplied by parking spaces provided for any other use which is not routinely open, used or operated during the same hours of the day or night]~~ In all cases, property used for such parking spaces shall be located in a district where parking areas serving the proposed use are permitted except that such parking spaces may be located within a parking deck or a parking garage that is not located in a district where parking areas serving the proposed use are permitted if such parking deck or parking garage was constructed before the commencement of the proposed use.

(3) ~~[Where parking spaces required by this article are located on property other than that occupied by the use for which such spaces are required, the property shall be held in fee simple by the owner of the use involved or in such other tenure as assures continued availability for such. When the tenure is other than ownership in fee simple, the tenure shall not be less than two years, and the form and terms of tenure shall be approved by the city attorney before a certificate of use and occupancy or a certificate of zoning compliance may be issued. When use of property for parking purposes is discontinued, the zoning administrator shall be notified, by both the lessor and the lessee, in writing, a minimum of 30 days prior to the discontinuance, and unless the parking spaces located thereon are no longer required by this article such spaces shall be provided elsewhere in compliance with this article]~~ Subject to subsection (1) of this section, any portion of the parking spaces required for any use may be supplied by parking spaces provided for any other use which is not routinely open, used or operated during the same hours of the day or night.

(4) ~~[Off premises parking areas and lots containing five or more spaces shall be improved as specified in division 2.1 of this article]~~ Where parking spaces required by this article are located on property other than that occupied by the use for which such spaces are required, the property shall be held in fee simple by the owner of the use involved or in such other tenure as assures continued availability for such. When the tenure is other than ownership in fee simple, the tenure shall not be less than one year, and the form and terms of tenure shall be approved by the city attorney before a certificate of use and occupancy or a certificate of zoning compliance may be issued. When use of property for parking purposes is discontinued, the zoning administrator shall be notified, by both the lessor and the lessee, in writing, a minimum of

30 days prior to the discontinuance, and unless the parking spaces located thereon are no longer required by this article, such spaces shall be provided elsewhere in compliance with this article.

(5) ~~[Off-premises parking spaces, areas or lots shall be provided with identification indicating the use for which they are required and, if applicable, the hours of their availability, provided that such identification shall not be required in the case of off-premises parking spaces, areas or lots that are operated by a governmental agency. In addition, the use for which the off-premises parking is provided shall contain notification, in a conspicuous manner on the premises of the use, of the availability and location of such parking spaces]~~ Off-premises parking areas and lots containing five or more spaces shall be improved as specified in division 2.1 of this article.

(6) Off-premises parking spaces, areas or lots shall be provided with identification indicating the use for which they are required and, if applicable, the hours of their availability, provided that such identification shall not be required in the case of off-premises parking spaces, areas or lots that are operated by a governmental agency. In lieu of such identification, the owner of the property on which the parking is located shall provide to the zoning administrator an affidavit indicating the location of the property, the number of parking spaces on the property, the number of spaces currently leased or otherwise allocated to serve a use, the use for which such spaces are leased or otherwise allocated, and to whom parking spaces are leased. The zoning administrator shall be notified in writing by the owner of the property on which the parking spaces are located prior to any change in the information contained in such affidavit. In addition, the use for which the off-premises parking is provided shall contain notification, in a conspicuous manner on the premises of the use and on a website, if one exists, of the use for which the parking is required, of the availability and location of such parking spaces.

Sec. 114-710.13. Perimeter buffers: landscaping requirements.

Except as provided in subsection (3) of this section, parking areas and parking lots containing five or more parking spaces shall be improved and maintained with landscaping in accordance with the requirements of this section as follows:

(1) *Treatment of required landscaped buffers.* Treatment of required landscaped buffers shall be in accordance with the following:

a. Required landscaped buffers shall be provided with vegetative ground cover, trees, shrubs, other plant material, or any combination thereof, except where more specific requirements are set forth in subsection (2) of this section. Mulch ground cover may be provided as a border or supplement to other vegetation in a required landscaped buffer. Pedestrian walkways incidental to landscaped buffers may be incorporated within such buffers when the other requirements of this subsection (1)a. are met.

b. All required landscaped buffers shall be protected from encroachment by motor vehicles by installation of curbs, wheel stops or other features which separate the landscaped buffer from areas improved for vehicle parking or circulation.

(2) *Landscaped buffers along streets.* Landscaped buffers as set forth in subsections (2)a. through (2)d. of this section shall be installed and maintained between all areas devoted to parking and all adjacent street lines, provided that approved driveways enabling access to abutting streets may extend through such buffers.

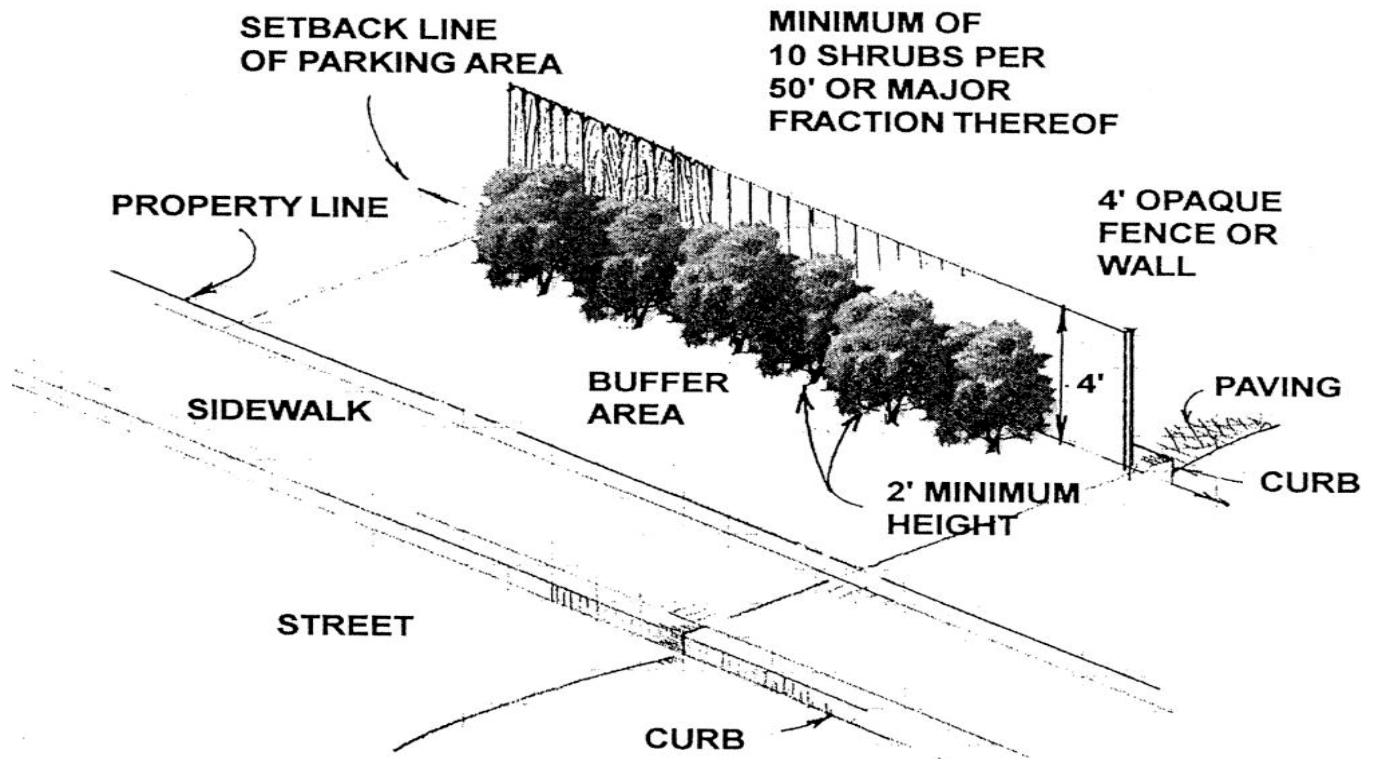
a. *Zoning districts and permitted buffer alternatives.* The following table specifies the buffer and buffer alternatives that satisfy the landscaped buffer requirement in each zoning district. Where more than one buffer alternative is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer requirement in

that district:

Zoning Districts	Buffer Alternatives
R, RO, HO, I	A, B, C, D
UB	F, G, H
B-1	E
UB-2, B-2, B-3	F, G, H[,I,J]
B-4, B-5, B-6, B-7	[I,J] <u>F,G,H</u>
RF-1, RF-2	[I,J] <u>F,G,H</u>
CM, DCC	[I,J] <u>F,G,H</u>
OS	F
RP	F, G, H
M-1, M-2	[J, K] <u>F,G,H</u>

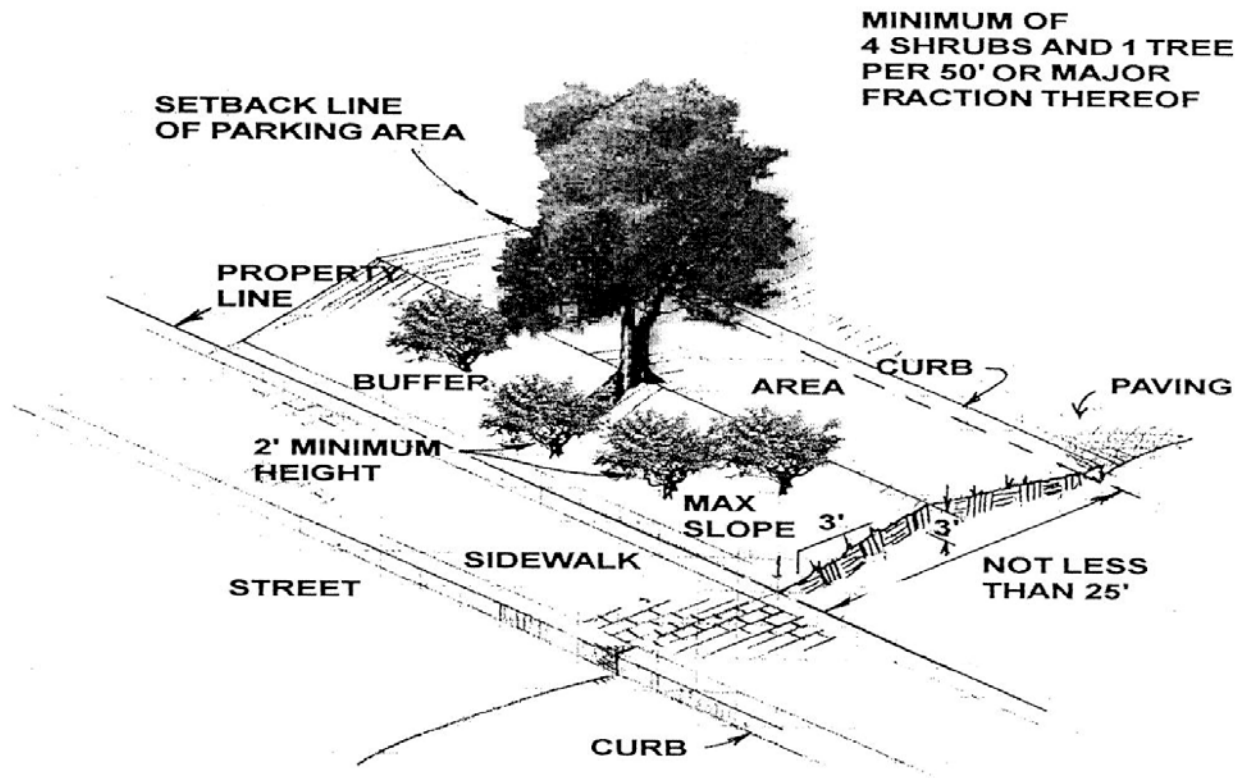
b. Description of buffer alternatives. The depth of and improvements required within each buffer alternative are as follows. In all cases, buffer alternatives are minimum requirements, and greater buffer depth, additional landscaping or additional fence or wall improvements may be provided:

1. Buffer “A,” as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include an evergreen vegetative screen not less than 3½ feet in height at the time of installation placed along the setback line of the parking area. Evergreen vegetative material intended to satisfy this requirement shall be planted at such intervals that will result in a continuous visual screen within one year of planting.



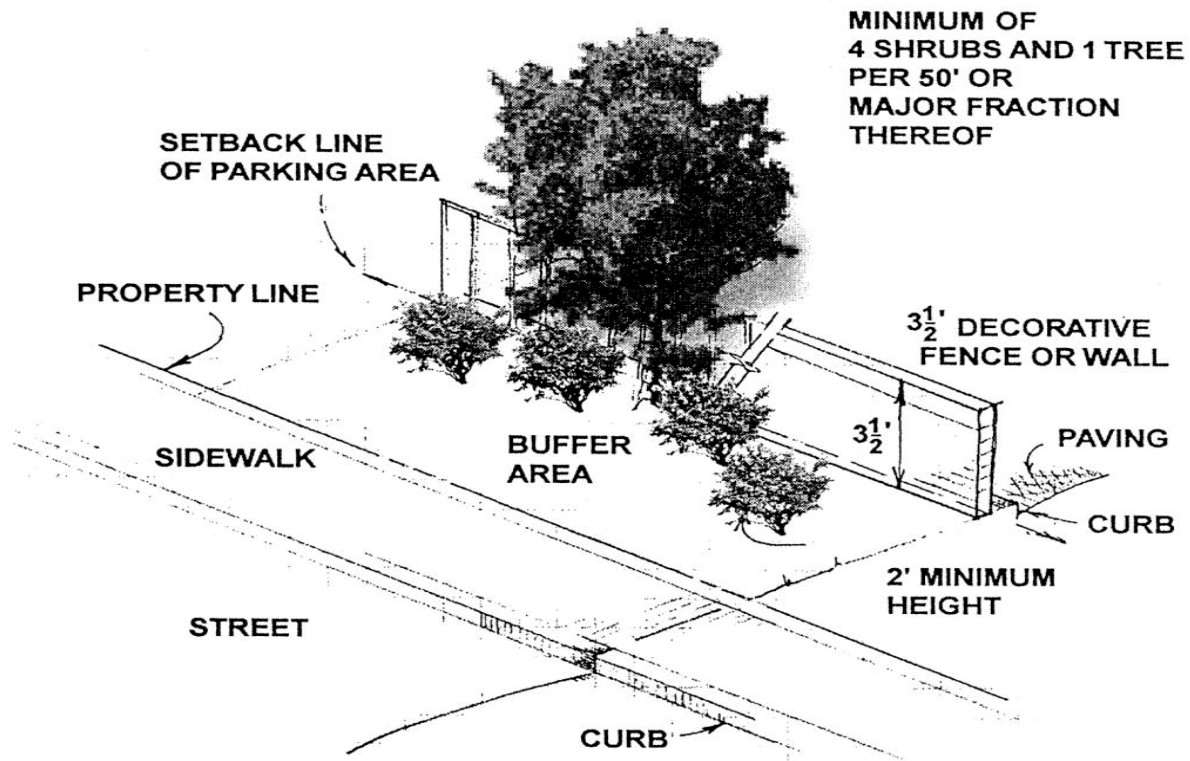
Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

3. Buffer “C,” as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include a decorative fence or wall not less than 3½ feet in height placed along the setback line of the parking area and shall include trees and shrubs located adjacent to such fence at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.

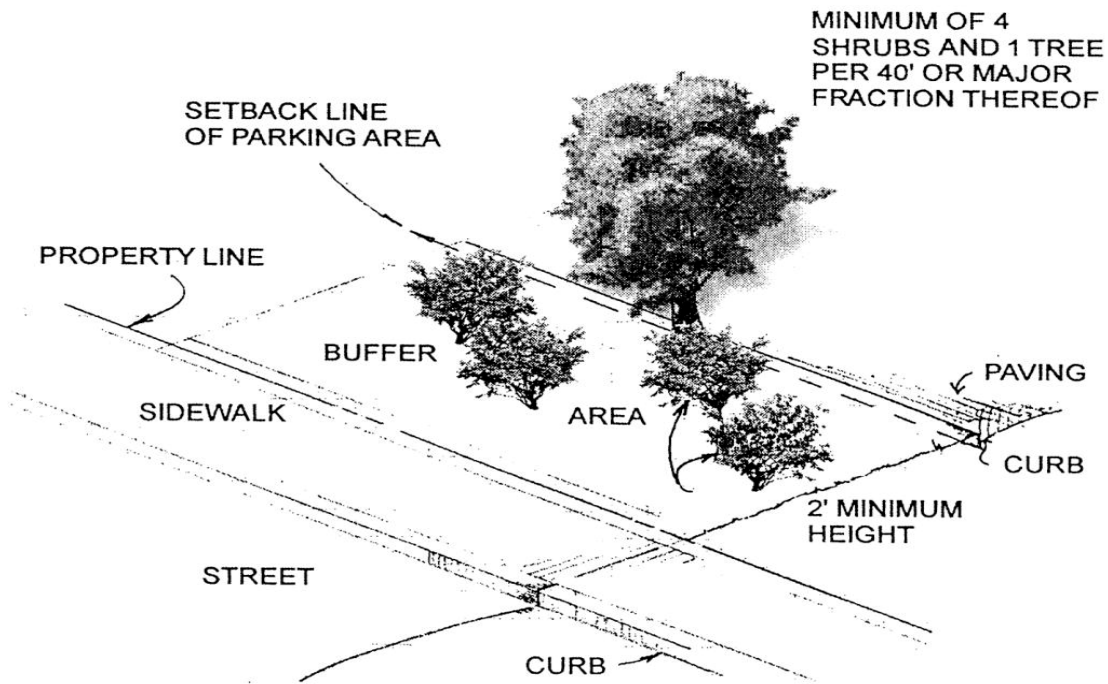


Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

4. Buffer "D," as shown below, shall have a depth of not less than 25 feet and shall consist of an earthen berm not less than three feet in height with slopes not greater than three feet horizontal for each one foot vertical and shall include trees and shrubs located on the top or street side of such berm at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.

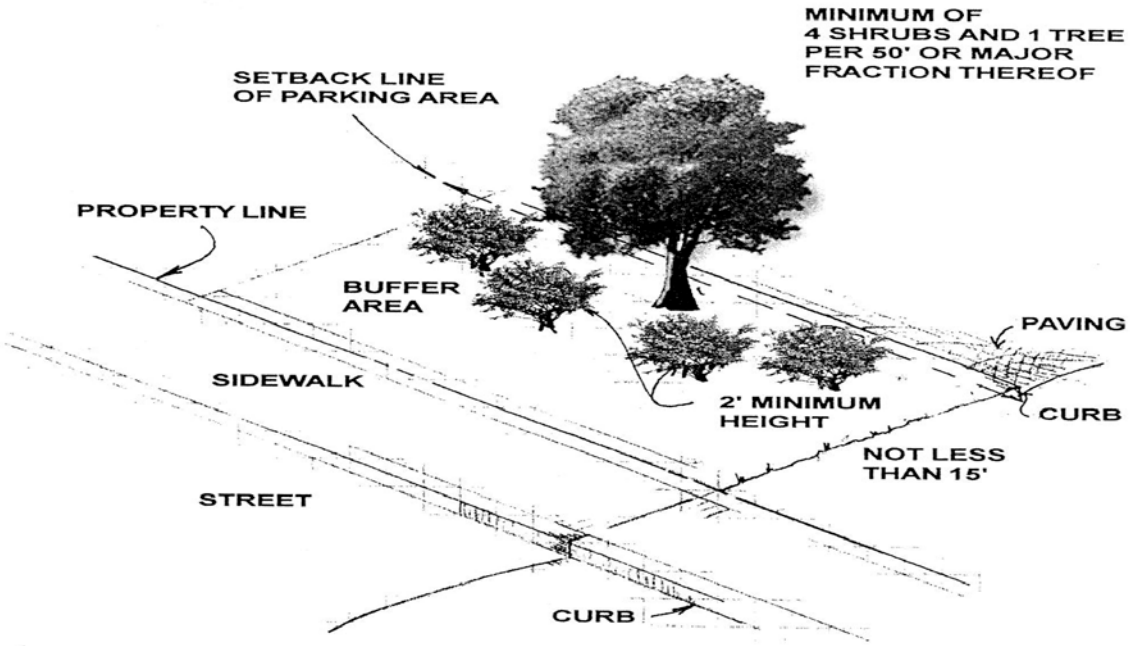


5. Buffer "E," as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 40 linear feet or major fraction thereof of buffer along each street frontage. In any case where the applicable yard requirement along a street is five feet or less, the trees and shrubs required for buffer "E" may be substituted with the improvements specified for buffer ["H," "I," or "J,"] "H" provided that the applicable yard requirement is met.

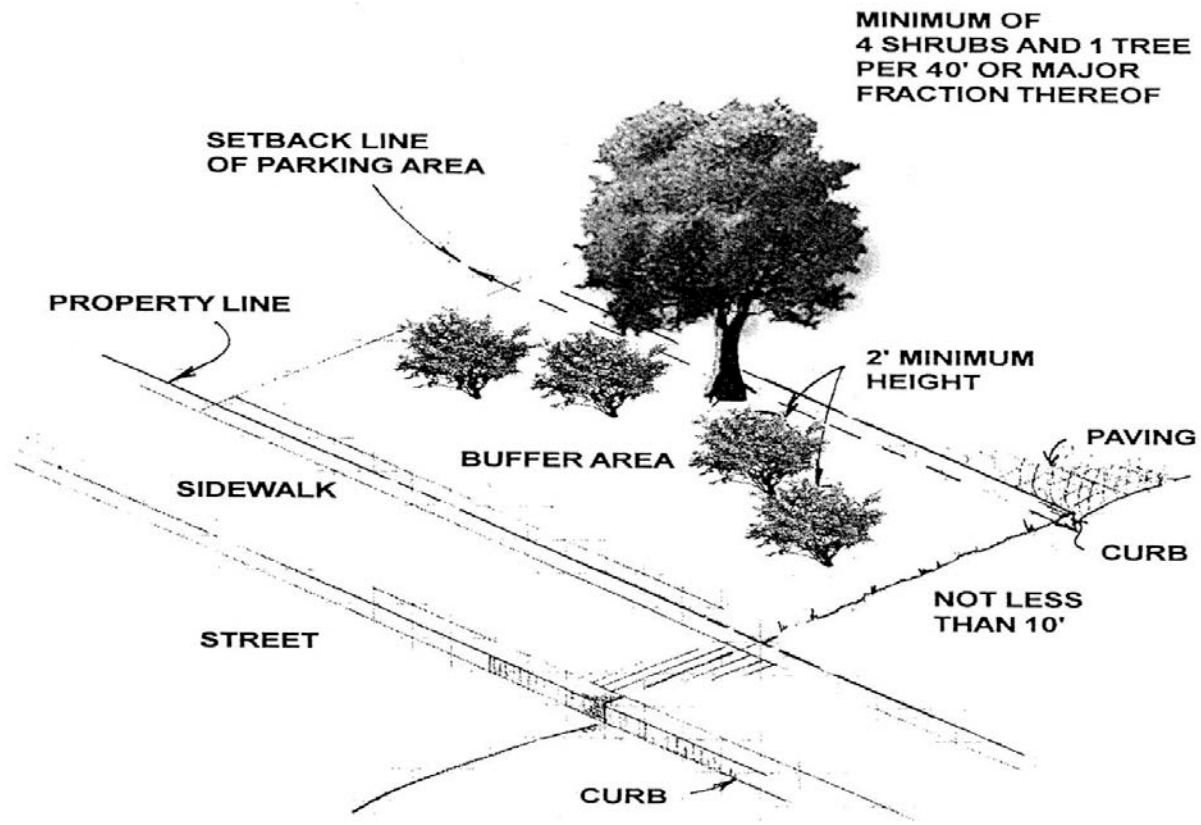


Buffer area depth dependent on yard requirement in district, but in no case less than five feet. Where yard requirement is five feet or less, trees and shrubs may be substituted as specified for [~~buffers “H,” “I,” or “J,”~~] buffer “H.”

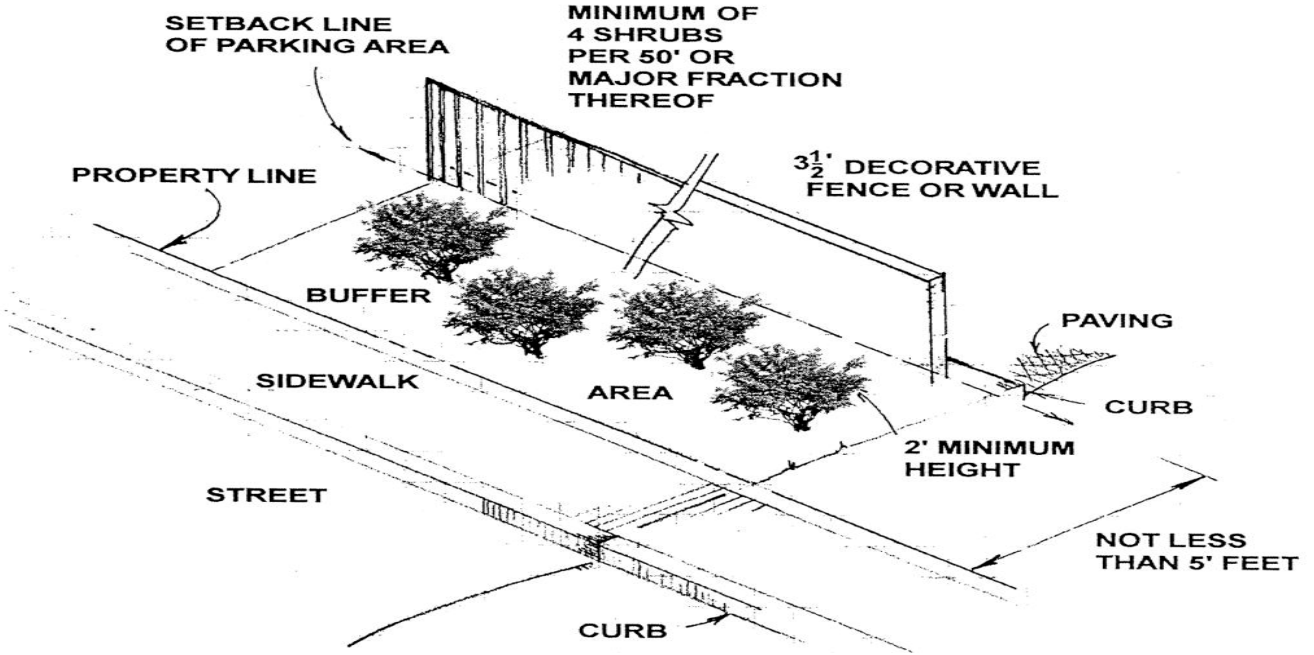
6. Buffer “F,” as shown below, shall have a depth of not less than 15 feet and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.



7. Buffer "G," as shown below, shall have a depth of not less than ten feet and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 40 linear feet or major fraction thereof of buffer along each street frontage.



8. Buffer "H," as shown below, shall have a depth of not less than five feet and shall include a decorative fence or wall not less than 3½ feet in height and shrubs at a rate of not less four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.



[9. — Buffer “I,” as shown below, shall have a depth of not less than two feet and shall include a decorative fence or wall not less than 3½ feet in height and vegetative ground cover, shrubs or other plant material.]

[GRAPHIC DELETED]

[10. — Buffer “J,” as shown below, shall consist of a decorative fence or wall not less than 3½ feet in height located at the edge of the area devoted to parking.]

[GRAPHIC DELETED]

[11. — Buffer “K,” as shown below, shall have a depth of not less than five feet and shall include vegetative ground cover, shrubs or other plant material.]

[GRAPHIC DELETED]

c. *Tree and shrub standards.* Standards for trees and shrubs shall be as

follows:

1. Trees to be credited toward buffer requirements shall be deciduous trees having a caliper of not less than 2½ inches at the time of installation measured six inches above the ground or evergreen trees having a height of not less than six feet at the time of installation. Healthy existing trees to be retained within a buffer area may be credited toward buffer requirements when such trees are shown on approved plans and are adequately protected during construction.

2. Trees to be credited toward buffer requirements shall be distributed as equally as practical throughout the length of the buffer, with consideration for the species of trees, topography, location of driveways and utilities and other physical conditions.

3. Shrubs to be credited toward buffer requirements shall be evergreen shrubs not less than two feet in height at the time of installation. Shrubs may be grouped in a manner appropriate to the species and need not be distributed equally throughout the length of the buffer.

d. *Fences or walls.* Fences or walls to be credited toward buffer requirements 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 chainlink, chainlink with slats or similar fencing be considered to meet the requirements of the fence and wall design guidelines.

1. A fence or wall disapproved by the director of community development shall, at the request of the applicant, be submitted to the planning commission for its review. The request for such review shall be made in writing

to the secretary of the commission, who shall place the request on the planning commission's agenda for consideration at its first regularly scheduled meeting following the receipt of such request, provided that the request is received not less than ten days prior to such meeting.

2. After reviewing the decision of the director of community development, the planning commission may affirm the decision or, upon finding that the proposed fence or wall satisfies the fence and wall design guidelines, may instruct the director of community development to approve the fence or wall. The planning commission may attach such conditions as it deems necessary to ensure conformance with the intent and purpose of the fence and wall design guidelines.

(3) *Landscaped buffers along interior lot lines.* In addition to the screening requirements set forth in section 114-710.12, parking areas and parking lots containing 30 or more parking spaces and parking areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels shall be provided with landscaped buffers of not less than five feet in depth installed and maintained between all areas devoted to parking and all lot lines other than street lines, provided that approved driveways connecting properties or enabling access to abutting alleys may extend through such buffers.

Sec. 114-1220. 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:

Accessory structure and *accessory building* mean a structure or building used for purposes incident and subordinate to the principal use of the premises.

Accessory use means a use of land or use of a structure or building for purposes incident and subordinate to the principal use of the premises.

Adult bookstore means a commercial establishment which offers for sale, rental or viewing for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, when one or more of the following criteria apply:

- (1) In any one month, 25 percent or more of the gross income of the establishment is derived from the sale, rental or viewing of such materials;
- (2) Twenty-five percent or more of the floor area of the premises is devoted to the display or storage of such materials; or
- (3) Twenty-five percent of the stock in trade of the establishment is comprised of such materials.

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.

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.

Adult entertainment establishment means a restaurant, nightclub, private club or similar establishment which features, on a regular basis, live performances involving persons who are seminude. For the purposes of this definition, the term “seminude” means:

(1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exhibited by a dress, shirt, leotard, bathing suit or other wearing apparel provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast.

(2) Male genitals in a state of arousal even if completely and opaquely covered. Any establishment which features such performances more than one day in a 30-day period shall be deemed to be an adult entertainment establishment. The restrictions in this definition shall not apply to a legitimate theatrical performance where nudity or seminudity is only incidental to the primary purpose of the performance.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other comparable technology) containing specified sexual activities or specified anatomical areas (sexually oriented films) are predominantly shown or where a predominant number of films are limited to adults only. For the purposes of this definition, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films or if there is regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding by the zoning administrator that sexually oriented films predominate or that a predominant number of

films are restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

Alley means a public way affording or intended to afford secondary means of vehicular access to abutting properties.

Amusement center means a building, portion of a building or area outside of a building, where four or more video game machines, pinball machines, pool or billiard tables or other similar player-operated amusement devices or any combination of four or more such devices are maintained for use by the public.

Area devoted to parking means that portion of a lot which is improved for purposes of a principal or accessory parking area or parking lot and related vehicle circulation and including all parking spaces, access aisles, driveways, loading areas and vehicle stacking areas or maneuvering space.

Automated teller machine means a computerized electronic machine that performs basic banking functions such as handling deposits, transferring funds or issuing cash withdrawals; also known as an ATM or automatic teller machine.

Auto service center means an establishment for the servicing and minor repair of motor vehicles within enclosed service bays or stalls and which may include the dispensing of motor fuels and related products at retail and the sale of minor automobile parts and accessories such as tires, batteries, sparkplugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items. An auto service center shall not include any establishment engaging in general auto or truck repair; body repair or painting; welding; frame straightening; tire recapping or vulcanizing; storage of wrecked vehicles; or any operation involving the installation

or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.

Bicycle rack means a structure to which the frame and both wheels of a bicycle can be securely attached.

Block means all of the property located along one side of a street between two intersecting streets or between any combination of intersecting streets, railroad rights-of-way, watercourses or other features or natural barriers which permanently interrupt the continuity of development.

Block, entire means all of the property lying within an area bounded entirely by streets or by any combination of streets, railroad rights-of-way, watercourses or other features or natural barriers which permanently interrupt the continuity of development.

Building means a structure having a roof and intended for the shelter or enclosure of persons or chattels and which is enclosed within exterior walls or which, if a structure is used or occupied for nondwelling purposes, is enclosed within exterior walls, party walls or other permanent wall separation having no ingress or egress through or to another such structure.

Building area means the horizontal area of a lot covered by enclosed building space as measured from exterior faces of exterior walls of each building on the lot.

Building, completely enclosed, means a building having no outside openings other than ordinary doors, windows and ventilators.

Building, height of, means the vertical distance from mean grade level to the highest point of a flat roof; to the deck line or highest point of the coping of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, shed or gambrel roof.

Building, main, means a building occupied by a principal use.

Clinic means a facility providing health services for persons on an outpatient basis and where no patients are lodged overnight.

Court, inner, means an uncovered open space, other than a yard, surrounded on all sides by the exterior walls of a structure.

Court, outer, means an uncovered open space, other than a yard, surrounded on three sides by the exterior walls of a structure. Where the fourth or open side of a court is enclosed by projections exceeding 25 percent of its width, such court shall be considered an inner court.

Day nursery means a facility for the care of more than five children while separated from their parents for a portion of the day, not including children of a family residing on the premises.

Development site means all of the land developed or to be developed for single-family attached dwellings or mixed-use development and related accessory uses and structures, when such land is contiguous and planned and developed as a unit. For single-family attached dwellings, the development site shall include individual attached dwelling lots, open spaces, private streets, parking areas, community buildings and other uses, structures and areas owned or to be owned in common by owners of individual lots within the development.

Drive-up facility means any principal use or facility accessory to a principal use where service is rendered to or business is transacted directly with customers located in a motor vehicle.

Dwelling, multifamily, means a building containing three or more dwelling units.

Dwelling, single-family attached, means a building which contains only one dwelling unit and which is attached by means of party walls to another main building, each of which is located on an individual lot of record.

Dwelling, single-family detached, means a building completely separated from any other main building and containing only one dwelling unit.

Dwelling, two-family, means a building containing two dwelling units, and consisting of either of the following:

(1) *Dwelling, two-family attached*, means a two-family dwelling which is attached by means of a party wall to another main building, each of which is located on an individual lot of record.

(2) *Dwelling, two-family detached*, means a two-family dwelling which is completely separated from any other main building.

Dwelling unit means a room or group of rooms within a building constituting a separate and independent unit occupied or intended for occupancy by one family and containing one kitchen and provisions for living, sleeping, eating and sanitation, all of which are generally accessible to all occupants of the unit, and which is not available for occupancy for periods of less than one month.

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, lodginghouse, fraternity or sorority house; and includes any dwelling unit contained within the same building as other permitted principal uses.

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;

(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.

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, group home, adult care residence, nursing home, shelter or institution of any kind, except as specifically included by this definition.

Flea market means an activity conducted outside an enclosed building and which involves the retail sale of new or used merchandise by one or more vendors operating from stalls, stands, vehicles or other spaces which are rented or otherwise made available to such vendors.

The term does not include outdoor display or sales of a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises; nor does it include the sale of merchandise as part of a permitted festival or other similar special event, temporary in duration, at which the display and sale of merchandise are

incidental to the primary cultural, charitable, informational or recreational activity of such festival or special event. A flea market shall not be considered a permitted accessory use to an activity of similar nature conducted in an enclosed building or to any other principal use in any zoning district.

Floor area means the sum of the horizontal areas of enclosed building space on all floors of all buildings on a lot measured from the exterior face of exterior walls and including intervening partitions, halls, lobbies, stairways and elevator shafts. The following shall be excluded from calculation of floor area:

- (1) Open exterior balconies and other unenclosed spaces.
- (2) Uncovered terraces, patios, porches, or steps.
- (3) Garages, carports or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles.
- (4) Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.
- (5) Areas for common special purpose use by occupants of the premises, including laundries, recreation areas, sitting areas and libraries in buildings devoted to dwelling use, and storage areas, and areas devoted exclusively to management and/or maintenance of the premises in buildings devoted to any use, but not including incidental commercial activities in any case.

Floor area ratio (FAR) means the total square foot amount of floor area on a lot for each square foot of land area. Floor area ratio is determined by dividing the floor area on a lot by the land area attributed to the lot.

Fraternity or sorority house means a building which is used for living accommodations, meetings, gatherings or other activities for students who are members of a college or university fraternity or sorority and their guests.

Ground floor means the story (of a building) having its floor elevation closest to the elevation of the adjacent street.

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.

Home occupation means any occupation, profession, business or enterprise which is incidental and secondary to the principal use of the premises as a dwelling unit.

Hospital means a facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an inpatient basis and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research and administration.

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 lodginghouses, shelters, group homes 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.

Industrialized building means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in Code of Virginia, § 36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this definition.

Interstate highway means any road within the National System of Interstate and Defense Highways described within 23 USC 103(e).

Kennel means any lot or structure used for the sale, keeping, boarding or commercial breeding of dogs, cats, or other household pets and involving five or more such animals over the age of four months.

Kitchen means a room or portion thereof containing facilities which are designed, intended or used for cooking and preparation of meals.

Land area means the area of a lot within the property lines, plus one-half the width of abutting public street and alley rights-of-way.

Live/work unit means a dwelling unit within which an occupation, profession, business or enterprise is conducted in conjunction with the living space of the owner or operator of such occupation, profession, business or enterprise, and which constitutes a principal use and does not otherwise meet the definition of home occupation contained in this article.

Loading space means an area within a building or elsewhere on the premises used for the standing, loading or unloading of vehicles in connection with the use of the property on which such space is located.

Lodge means a meeting place for an association of persons organized for a common nonprofit objective such as literature, science, politics, health, good fellowship or civic betterment, where no commercial enterprise is conducted on the premises and where use of the premises is generally limited to members of such association. A motorcycle or automobile club or private entertainment club shall not be considered a lodge.

Lodginghouse means a building containing any number of lodging units, when the total of all such units in the building are occupied or intended to be occupied by a total of more than two persons, with or without board, and not available for occupancy for periods of less than one week, as distinguished from a group home or shelter, as defined in this section, and from a tourist home, hotel or motel where occupancy is available to transient guests on a daily basis. In addition to the foregoing, existence of any one or more of the following characteristics constitutes prima facie evidence that a dwelling use is being used as a lodginghouse: separate rental agreements for different occupants; exterior locking mechanisms on interior doors of rooms for occupants; separate entrances from the exterior of the building for individual

occupants; and normally common areas of dwelling unit, such as the living room, family room or dining room, being used as sleeping areas or not being available on an equal or common basis to all occupants.

Lodging unit means a room or group of rooms within buildings constituting separate and independent living quarters occupied or intended for occupancy by one family and containing provisions for living and sleeping, with or without sanitation facilities within the unit, and not containing cooking facilities.

Lodging unit, accessory, means a lodging unit located within a single-family dwelling, consisting of a room separate from the primary living quarters of the dwelling, but with internal access through the dwelling, not containing facilities for cooking or refrigeration of food, and which is not available for occupancy for periods of less than one month.

Lot means a parcel of land occupied or intended for occupancy by buildings or uses permitted by this chapter and including such area, yards and other open spaces as are required in this chapter. A lot may consist of a single lot of record or a combination of contiguous lots of record.

Lot, corner, means a lot located at the intersection of two or more streets or a lot bounded entirely by streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the intersections of the side lot lines with the street line to the midpoint of the street frontage meet at an interior angle of 135 degrees or less.

Lot coverage means that portion of a lot occupied at ground level or above by enclosed space within main buildings and accessory buildings.

Lot, interior, means a lot having only one street frontage.

Lot of record means a lot which is part of a subdivision recorded in the office of the clerk of the proper court, or a lot or parcel described by metes and bounds which has been so recorded.

Lot, through, means a lot other than a corner lot having more than one street frontage.

Lot width means the shortest horizontal distance between the points where the rear of the required front yard intersects the sidelines of a lot. For through lots, the lot width shall be measured adjacent to the street frontage to which the main building is oriented.

Mall means a public way upon which business establishments have frontage and which serves primarily for the movement of pedestrians, with trees, benches or other furnishings provided and with vehicular access prohibited, restricted or reduced so as to emphasize pedestrian use.

Manufactured home. Any structure subject to federal regulation and which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on a site; is built on a permanent chassis; is designed to be used for dwelling purposes by one family, with or without a permanent foundation, when connected to the required utilities; and which includes the plumbing, heating, air-conditioning, and electrical systems to be utilized in the structure.

Manufactured home park. A lot on which are located or which is arranged or equipped for the accommodation of two or more manufactured homes with spaces for such available for rent or lease for periods of not less than one month.

Marina means any facility for the mooring, berthing, storing or securing of watercraft, including community piers and other boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marina equipment sales or promotional events, boat and jet ski rentals and other uses clearly incidental to watercraft activities.

Mean grade level means the average of the lowest and highest finished elevations of the ground adjacent to the exterior walls of a building.

Microwave relay facility means a facility for the transmission and/or reception of radio frequency (RF) signals, typically consisting of an equipment enclosure or cabinet and one or more dish antennas (discs) which transmit point to point, mounted on an antenna support structure or alternative antenna support structure. Such a facility may be an accessory component of a wireless communications facility.

Microwave relay facility alternative support structure means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a microwave relay facility is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

Microwave relay facility support structure means a structure designed and constructed specifically to support a microwave relay antenna, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

Nightclub means any establishment in which all of the following features are made available at any time from 12:00 midnight until 6:00 a.m.:

- (1) Alcoholic beverages served or consumed on the premises;
- (2) Floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity, provided that floor space utilized for patrons

to view television or similar media shall not be construed to constitute floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity; and

(3) Music or other sound that is amplified through speakers for the purpose of entertaining patrons, except for the following:

- a. Sound associated with television or similar media being viewed by patrons; and
- b. Music provided exclusively as background entertainment for dining patrons.

In any case where the above features are only incidental to a private event not open to the general public such as a wedding reception, banquet, non-profit event or similar function, such features shall not be construed to constitute a nightclub.

Nonconforming feature means a feature of a use, other than the use itself, or a feature of a building or structure lawfully existing at the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto and which does not conform with the lot area, lot coverage, yard, open space, floor area, height, parking, loading, lighting, screening or other regulations of this chapter or any amendment thereto.

Nonconforming sign means a sign lawfully existing at the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto and which does not conform with the sign regulations of this chapter or any amendment thereto.

Nonconforming use means a principal or accessory use of land, buildings or structures lawfully existing at the effective date of the ordinance from which this chapter is derived or

subsequent amendment thereto and which does not conform with the use regulations of this chapter or any amendment thereto.

Nursing home means any place, establishment, institution, or portion thereof providing on a continuing basis nursing and health-related services for the treatment and inpatient care of two or more persons and which is licensed by the commonwealth as a nursing home.

Open space, uncovered, means exterior space open to the sky including usable roof area.

Parking area. A parcel of land or portion thereof used for the parking of motor vehicles for which there is no direct charge to the user. A direct charge shall be construed to mean a charge levied at the parking area.

Parking deck means a structure or portion of a structure used for the parking of motor vehicles and bicycles and primarily serving occupants of the premises on which it is located and which may include parking spaces that are leased for a term of not less than one month for use by others, so long as there is no direct charge to the user levied at the parking deck.

Parking garage means a structure or portion of a structure generally available to the public and used for the parking of transient motor vehicles and bicycles for compensation, whether by prior rental or lease agreement or on an hourly or daily basis.

Parking lot means a parcel of land or portion thereof used for the parking of motor vehicles as a commercial enterprise for which compensation is charged at the parking lot.

Parking space means an area for the parking of one motor vehicle located other than within a public street or public alley right-of-way and having dimensions specified in section 114-710.3:1 and having a permanent means of access to a public street or public alley without requiring passage through another parking space.

Parking space, bicycle means an area for the parking of one bicycle located other than within a public street or public alley right-of-way and having a paved means of access to a public street or public alley.

Parking space, long-term bicycle means a bicycle parking space in a secure, weather-protected facility intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and employees.

Parking space, short-term bicycle means a bicycle parking space provided by a bicycle rack located in a publicly accessible, highly visible location intended for transient or short-term use by visitors, guests, patrons, and deliveries to the building or use.

Parkway means any highway, other than a designated federal interstate highway, from which direct vehicular access to abutting privately owned properties is prohibited, and which is characterized by landscaped medians and/or shoulder areas, or any highway which is designated as a “parkway” in the city’s master plan.

Party wall means a wall separating and common to two buildings on individual lots and being of noncombustible material as specified by the Virginia Uniform Statewide Building Code.

Portable storage unit means a portable, weather resistant receptacle designed and used for the temporary storage or shipment of household goods, personal property, wares or merchandise, and which is typically rented to owners or occupants of property for their temporary use, and which customarily is delivered and removed by truck. The term shall not be construed to include (i) receptacles used for collection of food, clothing, household goods or similar items in conjunction with an activity conducted by a governmental agency or a non-profit organization, or (ii) waste and debris containers or temporary structures, trailers and storage of equipment and materials incidental to construction activities taking place on the premises.

Principal street frontage means:

(1) In the case of a corner lot, that frontage of the lot lying within any district and situated along the street which carries the greater volume of pedestrian and vehicle traffic and generally functions as the primary orientation of dwellings, businesses or other uses within the block, and along which the principal entrance to the existing or proposed building on such corner lot is oriented. In a case where more than one street frontage of a corner lot meets any of the aforementioned criteria, the principal street frontage of the lot shall be as determined by the zoning administrator after considering all of such criteria, together with any other unique physical conditions of the corner lot or the adjacent street and lot pattern; or

(2) In the case of an interior lot or a through lot, a street frontage that generally functions as the primary orientation of dwellings, businesses or other uses within the block.

Public mall or plaza means a public right-of-way closed to motor vehicle travel intended for use as an outdoor pedestrian way or outdoor public assembly area or, similarly, a publicly owned property intended for and devoted to such use.

Public parking space means an area for the parking of one motor vehicle located within a public right-of-way and available for parking by the general public during normal business hours other than such peak traffic periods as may be restricted by traffic regulations imposed by the city; or a structure which is operated for purposes of public parking on a not-for-profit basis by the city, other public agency or a merchants' or property owners' association, and which is identified as public parking by a sign posted in a conspicuous location, when such parking space

is available for use by the general public during normal business hours and is not reserved, restricted or required for use by patrons or employees of any particular business or use.

Radio and television broadcast antenna means a rod (whip) or other device intended to send signals produced by a radio or television broadcast studio to the receiving devices operated by end users.

Radio and television broadcast antenna alternative support structure means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a radio or television broadcast antenna is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

Radio and television broadcast antenna support structure means the supporting structure on which a radio and television broadcast antenna is mounted, intended to provide height for the antenna to facilitate transmission of the radio or television signal over a geographic area, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

Recreational vehicle means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term “recreational vehicle” shall include but shall not be limited to travel trailers, pickup campers, camping trailers, motorcoach homes, converted trucks and buses, and boats and boat trailers.

Retail sales of liquor means any use involving the sale of distilled or spirituous beverages such as brandy or whiskey, as distinguished from fermented beverages such as wine or beer, to the general public for consumption off the premises, when such sale takes place within a portion of a retail establishment.

Retail stores and shops. Establishments wherein the principal activity is the sale of merchandise at retail to the general public, including incidental storage of goods to be sold at retail on the premises and including incidental fabrication or processing of goods to be sold principally at retail on the premises, but not including establishments for the sale in bulk of fuels, building materials and lumber, or the sale of motor vehicles, boats, trailers, machinery, heavy equipment, tires or similar items.

Roofline means the highest point of the roof of a building.

Service station means an establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, sparkplugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items; and which may include the inspection, servicing or minor repair of motor vehicles in not more than three enclosed service bays or stalls. A service station shall not include any establishment engaging in general auto or truck repair; body repair or painting; welding; frame straightening; tire recapping or vulcanizing; storage of wrecked vehicles; or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.

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.

Shopping center means a development that contains four or more retail or other commercial buildings planned, developed and managed as a unit and related in its location, size and types of establishments to the trade area which such unit is intended to serve and which is provided with off-street parking on the premises. For a shopping center with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is one per 100 square feet of floor area or greater, required parking shall be as specified in subsection 114-710.3(e).

Sign means a presentation of letters, numbers, figures, pictures, emblems, or insignia or any combination thereof, including borders, colors, trim and/or internal illumination, which forms an integral part of the display and which differentiates the sign from the structure against which it is placed, displayed for the purpose of information, direction or identification or to advertise or promote a business, service, activity, interest or product or any otherwise lawful

noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale.

Sign, animated, means any sign having a conspicuous and intermittent variation in illumination, message or physical position of any or all of its parts, except that any sign which revolves around a fixed axis at a rate of not more than six revolutions per minute or any sign which flashes or changes its message not more than once every five seconds or any flag or banner which is entirely dependent upon wind for movement shall not be considered an animated sign for the purposes of this chapter.

Sign, awning or canopy, means a sign painted on or attached flat against an awning or canopy, which sign does not extend beyond the extremities of the surface to which it is attached.

Sign, billboard, means a sign used as an outdoor display for the purpose of advertising or promoting a business, service, activity, interest or product which is not located, offered for sale or otherwise related to the use of the premises on which such sign is situated.

Sign, freestanding, means a sign supported by uprights, brackets, poles, posts, a foundation or similar features which are anchored within the ground.

Sign, portable, means a sign consisting of a fixed message or a changeable message panel, which sign is not attached to a building or anchored within the ground and is capable of being moved easily from one location to another on its own chassis or by other means.

Sign, projecting, means a sign which is attached to and projects more than 15 inches from the face of a wall of a building so that the face of the sign is perpendicular or nearly perpendicular to the face of such wall.

Sign, roof, means a sign, other than a wall sign or suspended sign, attached to or projecting over the roof of a building.

Sign, suspended, means a sign suspended from the underside of a porte cochere or roof of a permanently covered walkway or porch.

Sign, temporary sale, announcement or merchandising, means any sign denoting a sale or special product promotion or announcing a grand opening, new management or similar event or activity occurring on the premises, when such sign is attached flat against a building wall or located within a window and when such sign does not remain on the premises for a period exceeding 30 days. A permanently installed changeable letter panel shall not be considered a temporary sign.

Sign, wall, means a sign which is painted on or attached to a wall or parapet wall, window or other vertical surface of a building, including the face of a porte cochere, permanently covered walkway or porch, and which sign extends no more than 15 inches from the surface to which it is attached, does not extend beyond the extremities of such surface and the message portion of which is parallel or nearly parallel to the surface to which the sign is attached. For a sign attached to a parapet wall, no portion of the sign may extend more than four feet above the roofline. Signs attached to the lower plane of a mansard or gambrel roof of a building shall be construed as wall signs, provided that such signs are attached flat to the roof surface or are parallel to the building wall above which they are located and do not extend beyond the extremities of the roof surface to which they are attached.

Social service delivery use means a use which is operated for the purpose of providing directly to persons who are members of a specific client group, as opposed to the general public, one or more services such as counseling, training, medical care, feeding, or similar services, when such use is operated on a not-for-profit basis and when no compensation or greatly reduced compensation is paid by persons receiving such service. The term “social service delivery use”

shall not be construed to include uses operated by governmental agencies, facilities for housing of persons, facilities intended for incarceration or alternative sentencing, or facilities primarily for the care or treatment of persons who are currently illegally using or are addicted to a controlled substance as defined in Code of Virginia, § 54.1-3401. An office operated for the purpose of administration of a service agency and not intended for the delivery of a service directly to the client shall not be construed to be a “social service delivery use.”

Specified anatomical areas means human genitals in a state of sexual arousal.

Specified sexual activities means:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

Story means the space of a building between successive floor levels of occupiable and habitable space as determined by application of the Virginia Uniform Statewide Building Code, or between the floor and the top of the unfinished ceiling joists of the uppermost level of occupiable and habitable space as determined by application of the Virginia Uniform Statewide Building Code. A story as defined herein having less than five feet of its height situated above the mean grade level at the building façade along the street frontage of the lot shall not be considered a story for purposes of determining the number of stories in a building located in a district where height regulations are stated in terms of number of stories.

Story height means the distance between the floor level of a story of a building and the floor level of the story immediately above or, in the case of the uppermost story of a building, the distance between the floor level and the top of the unfinished ceiling joists.

Story, street level means, for purposes of determining application of fenestration requirements, the story (of a building) having its floor elevation closest to the elevation of the adjacent street or any story partially below the elevation of the adjacent street and having 5 feet or more of its height above the elevation of the street.

Street means a public or private thoroughfare which affords the principal means of vehicular access to abutting properties and including the entire area between the street lines.

Street frontage means that portion of a lot abutting a street and situated between lot lines intersecting such street. Also referred to as “lot frontage.”

Street line means the right-of-way of a public street or the boundary line of a private street or access easement.

Structural alteration means any change in the supporting members of a structure, including foundations, bearing walls, bearing partitions, columns, beams or girders, or any change in the supporting members of a roof of a structure.

Structure means anything constructed or erected which has a fixed location on the ground or which is attached to something having a fixed location on the ground.

Temporary event means any activity occurring on private property, other than an activity which is otherwise permitted as a principal or accessory use on the property by virtue of the use regulations applicable in the district in which the property is located, when such activity is open to the general public and occurs on no more than a total of four days in any consecutive 12-month period.

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 or similar form of housing.

Transitional site means a lot or portion thereof located in an RO, HO or B district and situated within 50 feet of and fronting on the same block as property in an R district. A corner site as described shall not be considered a transitional site where one frontage of the site is adjacent to or across an alley from property zoned other than residential and where that frontage is situated along a major, secondary or collector street as designated along a major, secondary or collector street as designated in the city's master plan.

Travel trailer means a portable vehicular dwelling on its own chassis intended to be towed by another vehicle and designed for short term occupancy for travel, recreation and vacation use and containing 320 square feet of living space or less, with or without complete kitchen and sanitary facilities. A travel trailer shall be considered a recreational vehicle for the purpose of this chapter.

Travel trailer park means a lot on which are located or which is arranged or equipped for the accommodation of two or more travel trailers or other recreational vehicles used for temporary dwelling purposes, with spaces for such available for rent on a daily or longer basis.

Unenclosed porch means a covered or uncovered porch which is open to the weather or screened on all sides except where attached to the walls of a building.

Unit width means the width of a single-family attached dwelling unit as measured between the side property lines at the front building wall for units attached on both sides, and

between the side property line and the exterior face of the opposite outside wall for units attached on one side. When the width of a unit measured at the front building wall varies from the width measured at the rear building wall, unit width shall be determined by the average of the two.

Usable open space means that portion of a lot or that portion of a development site which is not covered by building area or vehicular area and including usable roof area and exterior balconies, terraces or patios not covered by enclosed building space.

Usable open space ratio means the total square foot amount of usable open space on a lot or on a development site for each square foot of floor area on the lot or on the development site. The usable open space ratio is determined by dividing the amount of usable open space by the amount of floor area.

Usable roof area means that portion of the roof of a main building or an accessory building which is open to the sky and which is accessible to occupants of the premises and improved for their leisure time use.

Vehicular area means that portion of a lot which is designated or generally used for the parking or circulation of motor vehicles.

Wireless communications means any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes commercial wireless telecommunications services licensed by the Federal Communications Commission, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar commercial services that exist or that may be developed.

Wireless communications antenna array means one or more rods (whips) that are omnidirectional, panels which are directional, or similar devices used for the transmission or reception of radio frequency (RF) signal.

Wireless communications facility means an unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for wireless communications purposes, typically consisting of an equipment enclosure or cabinet and one or more antennas mounted on an antenna support structure or alternative antenna support structure. Such facility may include direct links to land-based wired communications infrastructure or may use an accessory microwave relay to transmit signals to another point in the wireless or wired communications network.

Wireless communications facility alternative support structure means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a wireless communications facility is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to lattice electric power line support towers, water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

Wireless communications facility support structure means a structure designed and constructed specifically to support an antenna array for wireless communications, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

Yard means an open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet above the ground level upward, except as otherwise provided in section 114-630.9.

Yard, front, means a yard extending the length of the street frontage of a lot and being the minimum horizontal distance between the street line and the main building.

Yard, rear, means a yard extending across the rear of a lot between the minimum required side yard lines and being the minimum horizontal distance between the rear lot line and the main building.

Yard, side, means a yard parallel to the side lot line and extending from the rear of the required front yard or the street line, if no front yard is required, to the rear lot line and being the minimum horizontal distance between the side lot line and the main building. On irregular shaped lots, any yard to which the definitions contained in this article are not clearly applicable shall be deemed a side yard.

Yard, street side, means a side yard adjacent to a street.

§ 2. That Chapter 114, Article VII of the Code of the City of Richmond (2004) be and are hereby amended and reordained **by adding therein a new division 4**, consisting of sections numbered 114-730.1 and 114-730.2 as follows:

DIVISION 4.

BICYCLE PARKING REGULATIONS

Sec. 114-730.1 Intent.

The intent of this division is to facilitate the creation of a convenient, attractive and harmonious community; to promote the conservation and protection of natural resources and air quality; to protect and enhance property values; and to promote public safety by providing secure bicycle parking within the city.

Sec. 114-730.2 Bicycle parking requirement.

The minimum number of bicycle parking spaces required for uses located in any district shall be as follows:

- (1) For multifamily dwellings:

Number of Dwelling Units	Number of Long-Term Bicycle Parking Spaces Required	Number of Short-Term Bicycle Parking Spaces Required
Less than 10	None	None
10 to 49 dwelling units	1 space for every 3 dwelling units or major fraction thereof	None
50 or more dwelling units	1 space for every 4 dwelling units or major fraction thereof	2 spaces for 50 dwelling units; 2 additional spaces for every 50 dwelling units or major fraction thereof

(2) For parking decks and parking garages containing parking spaces serving non-residential uses:

Number of Parking Spaces	Minimum Number of Bicycle Parking Spaces Required
0 to 4	None
5 to 20	1 space
21 to 40	2 space
Over 40	1 space for every 10 parking spaces or major fraction thereof

Sec. 114-730.3. Location of required bicycle parking spaces

(a) All required bicycle parking spaces located within a parking deck or parking garage shall be located on a level no lower than the first complete parking level below the ground floor.

(b) Long-term bicycle parking spaces shall be located on the same premises as the use which they are intended to serve.

(c) Short-term bicycle parking spaces shall be located within 120 feet of the principal entrance to the building occupied by the use they serve. In cases where short-term bicycle parking spaces are not visible from the principal street frontage, signage to direct the public to the short-term bicycle parking spaces shall be installed and maintained.

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

..Title

To amend Article VII and Article XII of Chapter 114 of the City Code for the purpose of establishing bicycle parking standards, amending the off-street parking and loading requirements in certain districts to promote effective shared parking provisions, and amending the screening and buffering requirements for new parking areas.

..Body

O & R REQUEST



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

JUN 30 2015
4-3785

Chief Administration Office
City of Richmond

O & R Request

DATE: June 29, 2015

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Jr., Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: Request to amend Article VII. of the City's Zoning Ordinance for the purpose of improving off-street parking regulations, adding bicycle parking requirements and other amendments incidental thereto.

ORD. OR RES. No. _____

PURPOSE: To amend the zoning ordinance for the purpose of requiring the provision of bicycle parking facilities for multi-family dwellings as well as parking decks and parking garages containing parking spaces serving non-residential uses; to amend the off-street parking and loading requirements in certain districts to promote effective shared parking provisions; and to amend the screening and buffering requirements for new parking areas.

REASON: The bicycle parking requirements promote public safety by providing secure bicycle parking within the city, as well as promoting active transportation choices as envisioned in the Richmond Bicycle Master Plan.

RECEIVED

JUL 15 2015

OFFICE OF CITY ATTORNEY

Effective shared parking provisions support stronger business and mixed-use districts. These amendments expand the districts eligible for shared parking while modifying provisions to better meet existing conditions and constraints.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its September 8, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: This ordinance would amend the City's zoning ordinance to establish bicycle parking standards, improve the off-street parking and loading requirements, and improve parking lot screening. Improving bicycle parking was identified as an important strategy in the Transportation section of RVA Green, the City's Sustainability Plan, adopted in 2011. On page 85 of the plan, RVA Green envisions "Under this initiative, the City would require the creation of dedicated spots within a parking facility for bicycle...parking...The City could revise its zoning code to require that new buildings with car parking provide bicycle parking capacity...In addition, the zoning code could be revised for new residences and office buildings to set aside space for long term and short term bicycle parking."

One of the recently-completed Bicycle Master Plan's guiding principles, in an echo of RVA Green, is that "Richmond will have more multi-modal centers, corridors, and adopt land use and parking policies that support alternative modes of transportation, walking, and biking" (p. 2.3). The City's team conducted a survey as part of the community engagement process for the Bicycle Master Plan and found that bicycle parking was a priority; "82% of survey respondents indicated that having access to bike parking will make them more likely to visit a business" (2.17). High-quality bicycle parking is a necessary addition to a bicycle network since it provides a place for bicyclists to park their bicycles once they have arrived at a destination (2.17). The Implementation Section of the Bicycle Master Plan envisions developing bicycle parking policy and bicycle parking requirements – both short and long-term – like proposed in this ordinance (4.3).

Safe and secure bicycle parking contributes to many improvements in city quality of life: by increasing public safety and deterring theft; by promoting the conservation and protection of natural resources, including air quality; and promoting diverse and healthy options for mobility, transportation, and recreation.

The bicycle parking requirements would apply to two use categories in any zoning district: multi-family dwellings and parking decks and parking garages containing parking spaces serving non-residential uses.

For new multi-family dwelling uses, no bicycle parking spaces would be required for buildings of less than 10 units. For buildings of containing 10 to 49 dwelling units, the developer must provide 1 long-term bicycle parking space for every 3 units. This ratio is in line with other similar localities in Virginia, including Arlington County, City of Alexandria, and Washington, DC. Long-term spaces are intended to provide safe, secure, and weather-protected bicycle parking for

tenants and residents of a multi-family dwellings. They can be provided in many different forms and layouts, but must ensure that a bicycle and both wheels can be secured.

Larger multi-family buildings containing 50 or more dwelling units require 1 long-term bicycle parking space for every 4 dwelling units. This ratio is in line with downtown Norfolk, Virginia and Nashville, Tennessee's requirements. Large multi-family buildings are also required to provide short-term bicycle parking that is publicly-available for deliveries, messengers, guests, and all other visitors to a building. Short-term bicycle parking spaces are intended for parking of limited duration, and thus do not need to be protected from weather, but must provide a structure to secure a bicycle and both wheels.

The second use that would require bicycle parking is new parking decks and parking garages containing spaces serving non-residential uses. The requirement would be determined by the number of automobile spaces in the garage or deck; 5-20 spaces would require 1 bicycle parking space, 21-40 would require 2 bicycle parking spaces, and decks and garages with over 40 automobile spaces would require 1 bicycle parking space for every 10 automobile parking spaces. These spaces can be provided as long-term bicycle parking spaces or short-term bicycle parking spaces.

The other amendments would improve off-street parking and loading requirements for single-family attached and detached dwellings and two-family detached dwellings, as well as shared and off-premise parking provisions in certain mixed-use and business districts to increase clarity and ease of compliance. Finally, it would remove certain buffer alternatives from the landscaping requirements for new parking areas.

FISCAL IMPACT / COST: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: The Department Planning and Development Review does not anticipate any fiscal implications from this proposal.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 27, 2015

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, September 14, 2015

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

ATTACHMENTS: Draft Ordinance

STAFF: Kathleen Onufer, Executive Staff Assistant (Room 511)
646-5207

Lory Markham, Principal Planner
Land Use Administration (Room 511)
646-6309

PDR O&R No. 15-12



CITY OF RICHMOND

PLANNING COMMISSION

July 6, 2015

MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION

TO DECLARE AN INTENT TO AMEND THE OFFICIAL ZONING ORDINANCE FOR THE PURPOSE OF ESTABLISHING BICYCLE PARKING STANDARDS, AMENDING THE OFF-STREET PARKING AND LOADING REQUIREMENTS IN CERTAIN DISTRICTS TO PROMOTE EFFECTIVE SHARED PARKING PROVISIONS, AND AMENDING THE SCREENING AND BUFFERING REQUIREMENTS FOR NEW PARKING AREAS.

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

WHEREAS, the City has adopted a Master Plan, which, among other things, establishes a vision where bicycle movements are protected as an integral part of the transportation system and shared parking is encouraged; and

WHEREAS, the off-street parking and loading standards of the zoning ordinance establish mechanisms for shared parking, off-premise parking, buffers, and other means of pursuing more attractive and compatible parking for different land use districts; and

WHEREAS, the City's Sustainability Plan RVA Green and Bicycle Master Plan both envisioned the creation of bicycle parking requirements within the zoning ordinance; and

WHEREAS, good zoning practice dictates that the comprehensive zoning plan be amended as required to reflect current conditions and trends in land use; and

WHEREAS, the purposes of zoning cited in the Code of Virginia include facilitating the creation of a convenient, attractive and harmonious community, encouraging economic development and enlarging the tax base, and providing for public safety and preventing congestion in the streets;

NOW, THEREFORE BE IT RESOLVED, that the City Planning Commission hereby concludes that an amendment to the zoning ordinance should be drafted for the purpose of establishing bicycle parking standards, amending the off-street parking and loading requirements in certain districts to promote effective shared parking provisions, and amending the screening and buffering requirements for new parking areas and that a public hearing on the proposed rezoning be held by the City Planning Commission prior to City Council action.

Rodney Poole
Chair, City Planning Commission

Lory Markham
Secretary, City Planning Commission