

INTRODUCED: December 9, 2019

AN ORDINANCE No. 2019-352

To amend section 30-800.3 of the City Code, concerning changes in nonconforming uses, for the purpose of requiring a minimum lot area of 750 square feet per dwelling unit when a nonconforming use is changed to a multifamily dwelling within certain residential zoning districts.

\_\_\_\_\_  
Patron – Ms. Gray

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JAN 13 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 30-800.3 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

**Sec. 30-800.3. Changes.**

(a) A nonconforming use may be changed to a use conforming to the regulations applicable in the district in which it is located or to a use, as determined by the Zoning Administrator, which meets all of the following criteria:

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

ADOPTED: JAN 13 2020 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

(1) The use is first permitted in the same district or a more restricted district than the district in which the nonconforming use is first permitted, and such use is not a use permitted by conditional use permit in that district.

(2) The use does not require more off-street parking than the nonconforming use as determined by application of the requirements of Section 30-710.1.

(3) The use does not characteristically have a greater number of employees or a greater amount of traffic, noise, smoke or odor than the nonconforming use.

(4) The use does not otherwise constitute a greater deviation from the regulations pertaining to permitted principal or accessory uses applicable in the district in which it is located.

(5) In addition to the other criteria set forth in this section, a nonconforming use which is permitted by conditional use permit in any district established by this chapter may be changed only to a use conforming to the use regulations applicable in the district in which it is located or to a dwelling use.

(6) In addition to the other criteria set forth in this section, a nonconforming use which is listed as a permitted use only in the I district and for which an institutional master plan is required may be changed only to a use conforming to the use regulations applicable in the district in which it is located or to a dwelling use.

(7) Subject to the applicable criteria set forth in this section, a change to a multifamily dwelling shall be permitted in a R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8 district, provided that there shall be a lot area of not less than 750 square feet for each dwelling unit.

(b) Whenever a nonconforming use is changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted use, unless such use is permitted by this chapter.

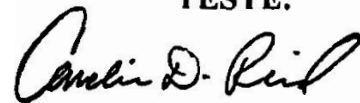
(c) When a change in a nonconforming use to a more restricted use as permitted by Subsection (a) of this section or to a conforming use would result in imposition of a greater yard or open space requirement, such requirement shall not be construed to prohibit the change in use, provided that no physical change is made to the building or lot that results in any greater departure from any applicable requirement of this chapter.

(d) When a nonconforming use has been changed to an illegal use, such illegal use shall cease, and any subsequent use of the property shall conform to the regulations applicable in the district in which it is located or, if the nonconforming use has been discontinued for a period of less than two years, the illegal use may be changed to the last nonconforming use or to a use that is more restricted than such use.

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

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink, appearing to read "Camille D. Reed".

**City Clerk**



# Richmond City Council

The Voice of the People

Richmond, Virginia

## Office of the Council Chief of Staff

### Ordinance/Resolution Request

**TO** Haskell Brown, Interim Richmond City Attorney  
Richmond Office of the City Attorney

**THROUGH** Lawrence R. Anderson *LR*  
Council Chief of Staff

**FROM** Samson Anderson, Council Budget Analyst *SA*

**COPY** Kim Gray, 2<sup>nd</sup> District Representative  
Craig Bieber, 2<sup>nd</sup> District Liaison  
Meghan K. Brown, Deputy Chief of Staff *MKB*

**DATE** December 5, 2019

**PAGE/s** 1 of 1

**TITLE** Zoning Ordinance for square footage minimum per unit in multifamily dwellings

RECEIVED

DEC 05 2019

OFFICE OF THE CITY ATTORNEY

This is a request for the drafting of an Ordinance  Resolution

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Kim Gray, 2<sup>nd</sup> District Representative

Land Use, Housing, and Transportation

#### ORDINANCE/RESOLUTION SUMMARY

The Patron requests an ordinance to amend the City's zoning ordinance as follows:  
§30-800.3(7) Subject to the applicable criteria set forth in this section, a change to a multifamily dwelling shall be permitted in a R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8 district, provided that there shall be a lot area of not less than 750 square feet for each dwelling unit.

#### BACKGROUND

**Summary:**

Resolution No. 2019-R025 initiated the request for this ordinance in order to amend the City's zoning ordinance.

#### FISCAL IMPACT STATEMENT

Fiscal Impact Yes  No   
Budget Amendment Required Yes  No   
Estimated Cost or Revenue Impact: N/A

Attachment/s Yes  No

Richmond City Council Ordinance/Resolution Request Form updated 10.5.2012 /rs