

INTRODUCED: June 26, 2023

AN ORDINANCE No. 2023-196

To amend and reordain City Code §§ 30-402.2, 30-411.3, 30-412.2, 30-413.3, 30-413.13, 30-414.2, 30-416.2, 30-418.2, 30-419.4, 30-420.2, and 30-426.2, all concerning permitted accessory uses and structures in certain zoning districts, and § 30-1040.3, concerning additional exceptions granted by the Board of Zoning Appeals; and to amend ch. 30, art. XII of the City Code by adding therein a new § 30-1220.31:1, concerning certain definitions.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 24 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-402.2, 30-411.3, 30-412.2, 30-413.3, 30-413.13, 30-414.2, 30-416.2, 30-418.2, 30-419.4, 30-420.2, 30-426.2, and 30-1040.3 of the Code of the City of Richmond (2020) be and are hereby **amended** and reordained as follows:

Sec. 30-402.2. Permitted accessory uses and structures.

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 25 2023 REJECTED: _____ STRICKEN: _____

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses, shall be permitted in the R-1 district (see Article VI, Division 9 of this chapter):

- (1) Private garages, garden, tool and storage buildings, boathouses, piers and docks;

- (2) Home occupations;

- (3) Day nurseries when located within churches, or other places of worship, community centers or school buildings, provided:

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

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

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

- (4) Parking areas;

- (5) Reserved;

- (6) Swimming pools, tennis courts and similar recreational facilities;

- (7) Temporary structures, trailers and storage of equipment and materials incidental to construction activities taking place on the premises, provided that such shall be removed upon completion or abandonment of construction. In the case of public improvements construction taking place within a public right-of-way, such construction related activities shall be permitted on property abutting the construction site when

approved by the Director of Public Works and when operated and maintained in accordance with standards established by said Director;

(8) Raising or keeping of domestic animals for noncommercial purposes on lots occupied by single-family dwellings, provided that all pens, runs, out-buildings and other facilities for the housing or enclosure of such animals shall be located not less than 200 feet from all property lines. The restrictions set forth in this subsection shall not apply to the keeping of dogs, cats or other household pets or to the keeping of not more than six female chickens in residential districts. In addition, with regard to the keeping of not more than six female chickens:

a. No fenced area, pen or structure for the keeping of such chickens shall be located closer than 15 feet to any dwelling on an adjacent lot;

b. No fenced area or pen for the keeping of such chickens shall be located within any required front yard or street side yard; and

c. No structure for the keeping of such chickens shall be located within any required yard (see Chapter 4);

(9) Temporary housing of not more than 30 homeless individuals within churches or other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(10) Adult day care facilities when located within churches, other places of worship or community centers;

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

shall be required in accordance with the requirements of Article X of this chapter and in accordance with the additional requirements of Sections 30-692.1 through 30-692.6;

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

(13) One accessory dwelling unit located on the same lot as a single-family dwelling provided that:

a. The accessory dwelling unit cannot exceed one-third of the floor area of the main single-family dwelling or 500 square feet, whichever is greater.

b. An accessory building with an accessory dwelling unit shall be subject to the requirements of Article VI, Division 9 of this chapter.

c. Access to an accessory building with an accessory dwelling unit shall be provided in accordance with requirements of the Department of Public Works and Department of Fire and Emergency Services.

Sec. 30-411.3. Permitted accessory uses and structures.

~~[Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-5A Single and Two-Family Residential District (see Article VI, Division 9 of this chapter):~~

~~(1)]~~ Any accessory use or structure permitted in the R-1 district as set forth in Section 30-402.2 shall be permitted in the R-5A Single- and Two-Family Residential District.

~~[(2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single family dwelling, provided that:~~

a. ~~The single family dwelling shall not contain any accessory lodging units;~~

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

~~c. — The lot shall meet the lot area requirement for a two-family dwelling; and~~

~~d. — Access to the accessory building shall be provided in accordance with requirements of the Department of Public Works and Department of Fire and Emergency Services.~~

~~(3) — Short term rental located within an accessory building permitted by subsection (2) of this section.]~~

Sec. 30-412.2. Permitted accessory uses and structures.

~~[Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-6 Single-Family Attached Residential District (see Article VI, Division 9 of this chapter):~~

~~(1)]~~ Any accessory use or structure permitted in the R-1 district as set forth in Section 30-402.2 shall be permitted in the R-6 Single-Family Attached Residential District.

~~[(2) — One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:~~

~~a. — The single-family dwelling shall not contain any accessory lodging units;~~

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

~~c. — The lot shall meet the lot area requirement for a two-family dwelling; and~~

~~d. — Access to the accessory building shall be provided in accordance with requirements of the Department of Public Works and Department of Fire and Emergency Services.~~

~~(3) — Short term rental located within an accessory building permitted by subsection (2) of this section.]~~

Sec. 30-413.3. Permitted accessory uses and structures.

~~[Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-7 Single and Two-Family Urban Residential District (see Article VI, Division 9 of this chapter):~~

~~(1)] Any accessory use or structure permitted in the R-1 district as set forth in Section 30-402.2 shall be permitted in the R-7 Single and Two-Family Urban Residential District.~~

~~[(2) — One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single family dwelling, provided that:~~

~~a. — The single family dwelling shall not contain any accessory lodging units;~~

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

~~c. — The lot shall meet the lot area requirement for a two family dwelling; and~~

~~d. — Access to the accessory building shall be provided in accordance with requirements of the Department of Public Works and Department of Fire and Emergency Services.~~

~~(3) — Short term rental located within an accessory building permitted by subsection (2) of this section.]~~

Sec. 30-413.13. Permitted accessory uses and structures.

~~[Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-8 district (see Article VI, Division 9 of this chapter):~~

~~(1)] Any accessory use or structure permitted in the R-1 district as set forth in Section 30-402.2 shall be permitted in the R-8 Urban Residential District.~~

~~[(2) — One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:~~

- ~~a. — The single-family dwelling shall not contain any accessory lodging units.~~
- ~~b. — There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code.~~
- ~~c. — The lot shall meet the lot area requirement for a two-family dwelling.~~
- ~~d. — Access to the accessory building shall be provided in accordance with requirements of the Department of Public Works and Department of Fire and Emergency Services.~~

~~(3) — Short-term rental located within an accessory building permitted by subsection (2) of this section.]~~

Sec. 30-414.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-43 Multifamily Residential District (see Article VI, Division 9 of this chapter):

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

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

~~[(3) Short-term rental located within an accessory building permitted by subsection (2) of this section.]~~

Sec. 30-416.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-48 Multifamily Residential District (see Article VI, Division 9 of this chapter):

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

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

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

a. ~~—The main building shall not contain any lodging units;~~

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

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

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

e. ~~Emergency]~~ emergency vehicle access to the accessory building shall be provided in accordance with requirements of the Department of Public Works and Department of Fire and Emergency Services.

(4) Short-term rental located within an accessory building permitted by subsection (3) of this section.

Sec. 30-418.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-53 Multifamily Residential District (see Article VI, Division 9 of this chapter):

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

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

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

a. ~~—The main building shall not contain any lodging units;~~

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

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

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

e. ~~Emergency]~~ emergency vehicle access to the accessory building shall be provided in accordance with requirements of the Department of Public Works and Department of Fire and Emergency Services.

(4) Short-term rental located within an accessory building permitted by subsection (3) of this section.

Sec. 30-419.4. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses, shall be permitted in the R-63 Multifamily District (see Article VI, Division 9 of this chapter):

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

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

(3) ~~[One dwelling unit located in an accessory building which is located on the same lot as a single-family dwelling, provided that:~~

~~a. The main building shall not contain any lodging units.~~

~~b. The lot area requirement applicable to a two-family detached dwelling shall be met.~~

~~c. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the Department of Public Works and Department of Fire and Emergency Services.~~

~~d. A plan of development shall be required as set forth in Article X of this chapter.~~

(4)] Parking areas located on lots occupied by permitted principal uses when such parking areas serve dwelling uses located elsewhere in the R-63 district, provided that:

a. Off-premises parking areas and lots containing five or more spaces shall be improved as specified in Article VII, Division 2.1 of this chapter.

b. When such parking areas are located on lots occupied by single-family or two-family dwellings, parking spaces shall be accessible directly from an abutting alley without provision of access aisles on the lot.

~~[(5)]~~ (4) Parking decks, provided that:

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

b. Except as provided in subsection (5)a of this section, parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.

c. Not less than one exit lane and one entrance lane shall be provided, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way.

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

~~[(6)]~~ (5) Automated teller machines accessible only from the interior of buildings devoted to permitted principal uses listed in Section 30-419.3.

~~[(7) Short term rental located within an accessory building permitted by subsection (3) of this section.]~~

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

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

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

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

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

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

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

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

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

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

a. ~~———— The main building shall not contain any lodging units;~~

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

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

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

e. ~~———— Emergency]~~ emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

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

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

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

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

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

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

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

a. ~~—The main building shall not contain any lodging units;~~

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

~~e. — Lot area requirements shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;~~

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

~~e. — Emergency] emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.~~

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

Sec. 30-1040.3. Additional exceptions granted by the Board of Zoning Appeals.

Pursuant to Code of Virginia, § 15.2-2309, the following exceptions to the district regulations or other restrictions set out in this chapter may be granted by the Board of Zoning Appeals, provided such exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise unreasonably affect public safety and shall not diminish or impair the established property values in surrounding areas. In granting an exception, the Board shall be satisfied that it is consistent with the intent statement and the conditions as set forth in the particular exception, and the Board may

attach such specific conditions and limitations as it deems necessary to satisfy the general conditions of this paragraph and the intent of the exception.

(1) *Construction of or additions to dwellings or accessory structures.* Construction of or additions to single-family detached, single-family attached, two-family or multifamily dwellings or accessory structures on lots occupied by such dwellings when such dwellings, additions or accessory structures cannot meet applicable yard and/or lot coverage requirements. Such dwellings, additions or accessory structures shall be permitted, provided the Board shall be satisfied that:

a. The intended purpose and use of the dwelling, addition or accessory structure is consistent with the use regulations applicable in the district in which the property is situated;

b. The departure from the applicable yard and/or lot coverage requirements is the minimum necessary to accommodate the intended purpose of the dwelling, addition or accessory structure, and that the dwelling, addition or accessory structure or a similar dwelling, addition or accessory structure serving the same purpose and function cannot reasonably be located elsewhere on the lot in compliance with applicable requirements; and

c. Any addition to an existing dwelling or construction of or addition to an accessory structure will be in keeping with the architectural character of the existing dwelling on the property, and any newly constructed dwelling or accessory structure will be in keeping with the development pattern of the neighborhood.

Intent statement. Many existing lots in the City are characterized by such small size, irregular configuration or other condition that current yard and/or lot coverage requirements

severely inhibit their development for permitted dwelling use consistent with modern day dwelling needs. Also, a large number of dwellings in the City were constructed many years ago and do not meet contemporary needs of owners or occupants with regard to size, number, function or amenities of rooms and other living spaces. Many dwellings were constructed on relatively small lots and/or were constructed in a manner that current yard or lot coverage requirements do not enable additions to or construction of accessory structures for dwellings that are desired by owners or occupants to modernize or improve the functionality and livability of their properties. It is often desirable to permit construction of new dwellings, additions or accessory structures to encourage improvement of property, increase opportunities for home ownership, retain residents in the City and promote neighborhood improvement.

(2) *Lot division to create buildable lots.* Division of a lot which is undeveloped or a lot which is developed with single-family detached, single-family attached, two-family or multifamily dwellings, with or without accessory structures, when such lot or such lot and dwellings are existing on the effective date of the ordinance from which this subsection is derived, into two or more lots for purposes of single-family detached, single-family attached, two-family or multifamily dwelling use, when the lots created by such division cannot meet applicable lot area, lot width, usable open space, lot coverage or side yard requirements. The division of such lot shall be permitted, provided that:

a. Such lot shall have previously consisted of legal lots of record that were subsequently combined by deed or other action, and the number of lots to be created shall not exceed the number of previously existing lots of record. The configuration of the lots to be created by the division need not be the same configuration as the previously existing lots of record.

b. The use of all lots created by the division shall be consistent with the use regulations applicable in the district in which the property is situated.

c. All new lots shall comply with Section 30-610.1 regarding public street frontage and access to lots.

d. Except where buildings are attached, each lot created by the division shall be provided with a side yard or and street side yard, where applicable, adjacent to each side lot line of not less than ten percent of the width of the lot, but in no case less than three feet, except in the case of an existing dwelling having an existing side yard of less width.

e. The division shall comply with the applicable requirements of Chapter 25 regarding the subdivision of land.

f. The Board shall be satisfied that the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property, and that dwellings to be constructed on the lots will be compatible with dwellings existing or to be constructed in the immediate vicinity of the property.

Intent statement. In many older areas of the City, properties were originally subdivided into relatively small lots for purposes of single-family detached, single-family attached, two-family or multifamily development. In some cases, such lots were subsequently combined for purposes of creating an unusually large building lot or to simplify deeds or other transactions, and were developed with a single-family, two-family or multifamily dwelling or left undeveloped. In most instances, such lots cannot be divided in compliance with current lot area, lot width, side yard, usable open space or lot coverage requirements, although such division would result in lots that are consistent with the predominant established lot sizes and development pattern in the immediate

vicinity of the property. It is often desirable to permit the division of these lots to increase opportunities for infill housing development that is compatible with the surrounding neighborhood.

(3) *Existing two-family dwelling use.* The use of a property containing a two-family dwelling existing on the effective date of the ordinance from which this provision is derived, located within a district which permits two-family dwellings, which does not comply with applicable lot area requirements, and for which a building permit, certificate of use and occupancy or certificate of zoning compliance was previously issued for two-family use, where such use has been continuous since the issuance thereof. The continued use of these properties as two-family dwellings shall be permitted, provided that:

a. The applicant can show that the property was acquired in good faith. The Board shall consider, among other factors, the extent to which the present and/or previous owners relied on previously issued permits or other actions by the City, or representations by sellers, agents, attorneys or others involved in the acquisition of the property;

b. A minimum lot area of 1,700 square feet shall be provided.

Intent statement. In many older areas of the City zoned to permit two-family dwellings, some existing single-family dwellings were converted to two-family dwellings in violation of applicable lot area requirements. In some instances, permits were issued by the City for these conversions. Other conversions occurred without the benefit of any permits, but subsequently building permits for additions or alterations, certificates of use and occupancy or certificates of zoning compliance may have been issued. The lots on which these two-family dwellings exist are often similar in size to other legally existing two-family dwellings. The lot area and requirement contained in the conditions in this

subsection are those which were in effect prior to June 1, 1960, in those areas of the City where many of these conversions took place.

(4) *Existing multifamily dwelling use.* The use of a property containing a multifamily dwelling existing on the effective date of this provision, located within a district which permits two-family or multifamily dwellings, which does not comply with the applicable lot area requirement, and for which a building permit, certificate of use and occupancy or certificate of zoning compliance was previously issued for the existing use, where such use has been continuous since the issuance thereof. The continued use of these properties as multifamily dwellings shall be permitted, provided that:

a. The subject property shall have been zoned to permit multifamily dwellings at the time such use was created, or was subsequently zoned to permit multifamily dwellings, and the applicable lot area requirement was not met;

b. The applicant can show that the property was acquired in good faith. The Board shall consider, among other factors, the extent to which the present and/or previous owners relied on previously issued permits or other actions by the City, or representations by sellers, agents, attorneys or others involved in the acquisition of the property;

c. A minimum of 850 square feet of lot area shall be provided for each dwelling unit;

d. The Board shall be satisfied that the design or configuration characteristics unique to the existing building would render it impractical or not economically viable for uses permitted by applicable provisions of this chapter. The Board may, in its discretion, in consideration of the design or configuration characteristics of the

building and the character of the immediate surrounding neighborhood, grant a lesser number of dwelling units than requested.

Intent statement. In many older areas of the City, some existing single- and two-family dwellings were converted to multifamily dwellings, or additional units were added to existing multifamily dwellings, in violation of the applicable lot area requirement. In some instances, permits were issued by the City for these conversions. Other conversions occurred without the benefit of any permits, but subsequently building permits for additions or alterations, certificates of use and occupancy or certificates of zoning compliance may have been issued. The lots on which these multifamily dwellings were developed are often similar in size to other legally existing multifamily dwellings. The lot area requirement contained in the conditions in this subsection are those which were in effect prior to June 1, 1960, in those areas of the City where many of these conversions took place.

(5) *Dwelling units in UB, B and RF districts.* The provisions in the use regulations of the UB, B and RF districts limiting the amount or location, or both, of floor area within the building that may be devoted to dwelling units or providing that certain portions of the ground floor of the building shall be devoted to other permitted principal uses, provided that:

a. The applicant has demonstrated to the satisfaction of the Board that, due to the existing or projected land uses of properties on the same block, there is no purpose to be served by providing for uninterrupted commercial frontage on the property, or that ground floor commercial space on the property is either not physically practical or not economically viable;

b. The applicant has demonstrated to the satisfaction of the Board that granting the exception will increase residential occupancy thereby facilitating a mixed use character

of the district in which the property is located consistent with objectives for mixed use in the area;

c. The applicant has demonstrated to the satisfaction of the Board that any alterations to the building will not be architecturally incompatible with the dominant character of building façades on the block;

d. The Board may attach such conditions as it deems necessary to ensure that the building façade fenestration and the location and nature of pedestrian and vehicular ingress and egress are compatible with the surrounding area.

Intent statement. There are areas within UB, B and RF districts in the City where the established or projected character of development suggests that uninterrupted commercial frontage is not the most desirable form of development and/or that a mixed use character of development with a large dwelling component would be more advantageous to the livability and economic viability of the area. Also, there are properties and existing buildings within such districts where it is not physically or economically viable to establish ground floor commercial space or to limit the amount or location of ground floor area devoted to dwelling units. In such instances, there is a need for flexibility in application of the restrictions on the use of ground floor space within a building, so long as new or renovated buildings are functionally and architecturally compatible with the surrounding area.

(6) *Accessory lodging units within a single-family dwelling.* Not more than two accessory lodging units within an owner-occupied single-family detached dwelling located in any district, provided that:

a. The applicant can show to the satisfaction of the Board that the dwelling unit is of such size and arrangement that the lodging units can reasonably be

accommodated, and that incorporating such lodging units within the dwelling will not create potential adverse impacts on adjoining and surrounding properties;

b. When one lodging unit is located within a dwelling, not more than two persons shall occupy such lodging unit, and when two lodging units are located within in a dwelling, not more than one person shall occupy each lodging unit. At the request of the Zoning Administrator, the premises shall be made accessible to the Zoning Administrator by the owner of the property for purposes of verification of compliance with occupancy limitations;

c. There shall be no addition or exterior modification to the dwelling to accommodate the lodging units, and there shall be no signage or other evidence visible from the exterior of the dwelling to indicate that it contains lodging units;

Intent statement. Many single-family detached dwellings in the City are of such size or contain such numbers of rooms that the dwelling exceeds the needs of the owner-occupant family or results in an excessive physical or economic burden on the owner to provide adequate maintenance and upkeep. In some instances it is desirable to convert a room or group of rooms within such dwelling to one or two accessory lodging units with limited occupancy in order to enable more reasonable physical utilization or greater economic use of the dwelling and to enhance the potential for adequate maintenance and upkeep, continued owner-occupancy and avoidance of pressures for conversion to additional dwelling units or to nondwelling use, provided that the single-family character of the property is preserved and there are no adverse impacts on the surrounding neighborhood.

(7) ~~[Dwelling unit in an accessory building in a single family residential district. One dwelling unit located in an accessory building which is existing on the effective date of the ordinance from which this provision is derived and which is located on the same lot as an owner-occupied single family dwelling within any R-1 through R-5 Single Family Residential District, provided that:~~

~~a. — The Board is satisfied from evidence provided by the applicant that the accessory building was previously lawfully occupied by a dwelling unit for domestic employees, a dwelling unit existing prior to establishment of zoning in the City or a dwelling unit previously authorized by the Board;~~

~~b. — The Board is satisfied that the area of the lot, lot coverage and location of the accessory building on the lot are such that the dwelling unit will not result in overcrowding of the lot or any adverse impact on adjoining or surrounding property;~~

~~c. — The use of the main building shall be limited to a single family dwelling and shall not include accessory lodging units;~~

~~d. — The use of the accessory building shall be limited to one dwelling unit in addition to permitted accessory uses;~~

~~e. — There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Uniform Statewide Building Code, and exterior modifications to the structure shall be in keeping with the architectural character of the existing dwelling on the property;~~

~~f. — Access to the accessory building shall be provided in accordance with the requirements of the Department of Public Works and the Department of Fire and Emergency Services.~~

~~*Intent statement.* In many older areas of the City, some residential properties were developed with accessory buildings which were originally designed and used for carriage houses, dwellings for domestic employees or other dwelling purposes. With the exception of dwellings for domestic employees, dwelling units in accessory buildings in single family districts have been prohibited since zoning was established in the City. In some cases, such dwelling units have been authorized by the Board. Some accessory buildings have previously been lawfully occupied by a dwelling unit and are located on lots large enough to accommodate such use. They are well suited for such use and are worthy of preservation, but some are in poor condition. Permitting a dwelling unit within them would encourage their renovation or continued maintenance and would be in the best interest of the neighborhood, provided that the additional dwelling unit would not result in overcrowding of the lot or any adverse impact on adjoining or surrounding property.~~

~~(8) — *Dwelling unit in an accessory building in a district permitting two family dwelling use.* One dwelling unit located in an accessory building, containing two or more stories, which is existing on the effective date of the ordinance from which this provision is derived and which is located on the same lot as a single family dwelling within districts which permit two family dwellings when the applicable lot area requirement for two family dwelling use cannot be not met, provided that:~~

~~a. — The use of the main building shall be limited to a single family dwelling and shall not include accessory lodging units;~~

~~b. — The use of the accessory building shall be limited to one dwelling unit in addition to permitted accessory uses;~~

~~c. — There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code, and~~

~~exterior modifications to the structure shall be in keeping with the architectural character of the existing dwelling on the property;~~

~~d.. Access to the accessory building shall be provided in accordance with the requirements of the Department of Public Works and the Department of Fire and Emergency Services.~~

~~*Intent statement.* In many older areas of the City zoned to permit two-family dwellings, some residential properties were developed with accessory buildings containing two or more stories which were originally designed for use as stables, carriage houses and/or domestic employees' quarters. With the exception of domestic employees' quarters, residential occupancy of accessory buildings has been prohibited since 1927. Many of these accessory buildings are currently being occupied and/or rented for non-employee residential use. In some instances, residential use has been approved by City Council or the Commission of Architectural Review. However, many of these accessory buildings have been occupied or were converted illegally. Most of these structures are worthy of preservation, but many are in poor condition. Permitting a dwelling unit within these accessory buildings would encourage their renovation and/or continued maintenance.~~

~~(9)]~~ *Home occupation use of an accessory building.* A home occupation as defined in Section 30-1220 and conducted within a completely enclosed accessory building, provided that:

a. Home occupation use of accessory buildings shall be limited to offices, including business, professional and administrative offices, and studios of writers, designers or artists engaged in the graphic arts.

b. All of the conditions set forth in Section 30-694.1 shall be met, except that the Board may impose such conditions and further limitations as it may deem necessary in the public interest.

c. The applicant demonstrates to the satisfaction of the Board that such home occupation will not result in any greater impacts on adjoining and surrounding properties than would result if the home occupation were conducted within the dwelling unit.

Intent statement. It is the intent of this exception to enable limited home occupation use of an accessory building in a manner that will not result in adverse impacts on adjoining properties by providing review by the Board with consideration for the specific characteristics of the home occupation, the location and nature of the accessory building and its relation to adjoining and surrounding properties, and with the opportunity for the Board to impose such conditions and safeguards as necessary.

~~[(10)]~~ (8) *Height of fences and walls in side yards, rear yards and certain front yards.* Fences and walls not exceeding eight feet in height when located within a required side yard, rear yard, street side yard on a corner lot, required front yard along the longer street frontage of a corner lot or a required front yard adjacent to the rear of a main building located on a through lot. For purposes of this subsection, the height of a fence or wall shall be measured from the ground level at the base of the fence or wall, and shall include the height of posts, columns, gates and ornamentation. Fences and walls of such height shall be permitted, provided the Board shall be satisfied that:

a. The property on which the fence or wall is to be constructed is devoted to a conforming dwelling use.

b. The applicant has demonstrated that the proposed height of the fence or wall is reasonably necessary to provide security for the property and/or to provide a buffer from noise and activity on the adjacent street.

c. The design and construction materials of the fence or wall will be compatible with the main building and other structures located on the lot and with the general character of development in the immediate surrounding area.

d. The fence or wall will not unreasonably impair light and air to adjacent property, and will not impair necessary visibility for operators of motor vehicles at any intersection of the adjacent street with an alley, driveway or other street.

e. The fence or wall will be constructed in compliance with applicable requirements of the Virginia Uniform Statewide Building Code.

Intent statement. In many neighborhoods in the City, corner properties are situated at intersections where the street along the side of the property carries volumes of traffic or generates traffic noise that is disruptive to and not conducive to dwelling use of the property or to the use and enjoyment of the rear yard area of the lot. In addition, such corner properties are sometimes in need of enhanced security measures for the property in general and the rear yard area in particular. Also, many properties are situated adjacent to alleys or constitute through lots, resulting in similar traffic or security issues, or are situated relative to adjacent properties whereby adequate security or privacy cannot be afforded under normal fence and wall height limitations. It is often desirable in such situations to permit greater height of fences and walls than normally permitted by the zoning regulations in order to provide a more effective buffer from the street, alley or adjacent property or to provide greater security and privacy for the property as means to promote dwelling use and enjoyment of the property.

~~[(11)]~~ (9) *Nonconforming use: lot division to accommodate existing buildings.* Division of a lot developed with one or more nonconforming uses existing on the effective date of the ordinance from which this provision is derived into two or more lots. (For division of a lot to accommodate permitted single-family detached, single-family attached, two-family or multifamily dwellings, see Section 30-620.5.) The division of such lot shall be permitted, provided that:

a. The applicant can show to the satisfaction of the Board that the property was acquired or the current use was established in good faith, that the buildings cannot reasonably be devoted to conforming uses, and that such division will not increase potential adverse impacts of the nonconforming use on adjoining and surrounding properties;

b. All new lots shall comply with Section 30-610.1 of this chapter regarding public street frontage and access to lots;

c. The division shall result in at least one main building being located on each lot, and lot area, lot width, and yards and shall be allocated to the newly created lots on a basis reasonably proportional to the buildings and uses contained on each lot;

d. The division shall not result in the ability to create additional dwelling units or to accommodate other uses which would not have otherwise been permitted prior to the division;

e. The division shall comply with the applicable requirements of Chapter 25 regarding the subdivision of land.

Intent statement. In many older areas of the City, some properties were originally developed with more than one main building on a lot, or several separately developed lots under common ownership were combined for purposes of simplifying deeds or other transactions. In many instances, the uses on these properties are nonconforming under current use regulations,

resulting in prohibition of the lots being divided. It is often desirable to permit division of these properties into separate lots in order to enhance their potential for reasonable economic use and to increase opportunities for individual ownership, including owner occupancy, or to facilitate financing, insurance or resale, particularly in cases where there is no practical difference in the intensity of uses of the properties as a result of the division.

~~[(12)]~~ (10) *Nonconforming use: enlargement, extension or alteration.* Enlargement, extension or structural alteration of a building or structure devoted to a nonconforming use; extension or expansion of a nonconforming use within a building or structure; or construction of an accessory building or structure to serve an existing nonconforming use; provided that:

a. The applicant can show to the satisfaction of the Board that such enlargement, extension, expansion, alteration or construction is primarily for the purpose of enabling the nonconforming use to be operated more efficiently or safely and in a manner that does not adversely impact adjoining and surrounding properties;

b. In no case shall the amount of floor area devoted to the nonconforming use be increased more than ten percent;

c. There shall be no increase in the number of dwelling units on the property, nor shall the granting of such exception result in noncompliance with any yard, open space, parking or other requirements of this chapter or any increase in the degree or extent of any nonconforming feature;

d. There shall be no increase in the area of any lot devoted to a nonconforming use, unless such increase is for purposes of enhancing screening, buffering, separation or other amenities or means of protection for adjoining and surrounding properties; and

e. In all other respects the property shall continue to be subject to the rights and limitations set forth in Article VIII of this chapter relative to nonconforming uses, except that the Board may impose such conditions and further limitations as it may deem necessary in the public interest.

Intent statement. Due to the large number and wide variety of nonconforming uses in the City, there is a need for flexibility and discretion in their treatment in order to recognize that in many cases continuation, improvement and modernization of a nonconforming use is in the best interest of the City and is necessary to enable reasonable use of a building that may have little or no other use potential. Modest expansion, enlargement, structural alteration or addition of accessory facilities, together with improvements to enhance the compatibility of a nonconforming use, is a preferable alternative to vacant, underutilized or poorly-maintained properties in cases where conversion to conforming uses is not practicable.

~~[(13)]~~ (11) *Nonconforming use: re-establishment or change in use.* Re-establishment of or change in a nonconforming use of a building or structure which has been discontinued for a period of two years or longer, provided that:

a. The property owner can show to the satisfaction of the Board that the property was acquired or the current use was established in good faith and that the building or structure cannot reasonably be devoted to a conforming use;

b. If a nonconforming use is changed to a more restricted use or a conforming use, the Board shall not authorize re-establishment of the nonconforming use or any change to a less restricted use;

c. If the building or structure is vacant or the nonconforming use has been changed to an illegal use, the Board may authorize re-establishment of the last nonconforming use or change to a use that meets all of the criteria set forth in Section 30-800.3(a); and

d. In all other respects the property shall continue to be subject to the rights and limitations set forth in Article VIII of this chapter relative to nonconforming uses, except that the Board may impose such conditions and further limitations as it may deem necessary in the public interest.

Intent statement. In some cases, nonconforming uses have been discontinued and buildings have remained vacant for a period of two years or longer where there was no intent to relinquish the nonconforming rights associated with the property. In other cases, nonconforming uses have been changed to uses in violation of applicable provisions of this chapter. In many of these instances, the buildings in question have little or no potential for conforming uses, and occupancy by the last nonconforming use, or a more restricted use or other limited use would result in reasonable economic use and improvement of the property and would be in the best interest of the neighborhood and the general public.

~~[(14)]~~ (12) *Nonconforming use: reduction in lot area.* Reduction in the area of a lot on which a nonconforming use is located, provided that:

a. The applicant can show to the satisfaction of the Board that such reduction will not increase potential adverse impacts of the nonconforming use;

b. There shall be no reduction in the area of any lot devoted to a nonconforming dwelling use, located in a single-family residential district. For purposes of this provision, the division of a lot shall not be construed to constitute reduction in the

area of the lot. In districts other than single-family residential districts, the area of a lot devoted to a nonconforming dwelling use may be reduced to not less than the lot area required for the dwelling use in the R-48 or R-63 district;

c. The reduction shall not result in noncompliance with any lot area, lot width, yard, open space, lot coverage or other requirements of this chapter applicable in the district in which the property is located or any increase in the degree or extent of any nonconforming feature;

d. In all other respects the property shall continue to be subject to the rights and limitations set forth in Article VIII of this chapter relative to nonconforming uses, except that the Board may impose such conditions and further limitations as it may deem necessary in the public interest.

Intent statement. Reduction in the area of a lot on which a nonconforming use is located is generally prohibited by this chapter since in most cases it would increase the intensity of the use and its potential adverse impacts on adjoining and surrounding properties. However, some properties devoted to nonconforming uses are of such large size or are developed, arranged or used in such a manner that reduction in the area of the lot would reduce the extent or intensity of the use or result in equal or greater compatibility with neighboring uses. Reduction in lot area in such cases could result in less area devoted to outdoor activity, reduction in the number of buildings on a site or reduction in overall area of the nonconforming use. It may enable the area removed from the lot to be devoted to conforming use, landscaped buffer or other use beneficial to adjoining and surrounding properties.

~~[(15)]~~ (13) *Nonconforming use: addition of accessory off-street parking.* The addition of accessory off-street parking spaces to serve a nonconforming use, provided that:

- a. The nonconforming use shall be located in a district other than an R district, unless the nonconforming use is a dwelling use as defined in Section 30-1220;
- b. The accessory off-street parking spaces shall be located on the same lot as the nonconforming use, or on a contiguous lot;
- c. The addition of accessory off-street parking spaces shall not result in the demolition of any main building;
- d. All applicable off-street parking improvement requirements and landscaping standards set forth in Article VII, Division 2.1 of this chapter shall be met where feasible, as determined by the Board, provided that the Board may impose such conditions and further limitations as it may deem necessary in the public interest;
- e. The applicant has shown to the satisfaction of the Board that such additional accessory off-street parking spaces will not result in any greater adverse impacts on adjoining and surrounding properties than would result without the additional parking.

Intent statement. The addition of off-street parking spaces to serve a nonconforming use is generally prohibited by this chapter, since it constitutes extension or expansion of the nonconforming use. However, there are instances in the City where nonconforming uses are likely to continue to exist and are generally not detrimental to adjacent and surrounding properties, but where such nonconforming uses are not provided with adequate off-street parking to meet the needs of the use or to avoid adverse impacts on the surrounding area. It is the intent of this exception provision to enable the addition of off-street parking spaces to serve such nonconforming uses in order to relieve potential on-street congestion and to provide adequate parking in a manner that will not result in adverse impacts on neighboring properties, by providing

review by the Board with consideration for the specific characteristics of the use and its relation to adjoining and surrounding properties, and with the opportunity for the Board to impose such conditions and safeguards as necessary.

~~[(16)]~~ (14) *Building height.* The maximum permitted building height in any district except R-1 through R-8 districts, provided that:

a. The proposed use of the building shall be consistent with the use regulations applicable in the district in which the property is located;

b. The applicant has demonstrated to the satisfaction of the Board that the additional height authorized by such exception will not unreasonably impair light and air to adjacent or nearby property and will not unreasonably impair prominent views of significant land, water or other features from public spaces or from adjacent or nearby property;

c. The Board shall be satisfied that the design, construction materials and overall mass of the building will be compatible with the general character of development in the immediate surrounding area.

Intent statement. In some cases, due to unusual conditions such as location, topography, other site conditions, lot orientation or the established or changing character of nearby development, the building height limit applicable in the district in which a property is located is not conducive to achieving the full development potential of the property consistent with the general intent of the district. Additional building height may also be appropriate where taller buildings are located nearby and to establish a transition from taller buildings to buildings of less height, or to enable the maximum permitted residential density or nonresidential intensity on a site while preserving open space at ground level where needed. In such cases, flexibility to enable

additional building height is desirable as a means to adapt to unusual conditions, enhance the economic viability of the property and promote economic development for the benefit of the general public, so long as light and air, prominent views and the character of the surrounding area are adequately protected.

~~[(47)]~~ (15) *Freestanding signs.* The height and yard provisions applicable to permitted freestanding signs, other than billboard signs, provided that:

a. The applicant has demonstrated to the satisfaction of the Board that, due to topography or configuration of the site, elevation of the site relative to the elevation of the adjacent street, curvature of the adjacent street, structural improvements or vegetation on the site or on adjoining properties, or similar physical constraints, the height and/or yard requirements applicable to a permitted freestanding sign on the site would prohibit or unreasonably impair visibility of such sign from the adjacent street;

b. The applicant has demonstrated to the satisfaction of the Board that the proposed height and location of the freestanding sign is the minimum departure from the regulations necessary to enable adequate identification of the use of the property, taking into consideration the nature of such use and character of the surrounding area, and is not for the purpose of affording a competitive advantage for the use of the property;

c. The applicant has demonstrated to the satisfaction of the Board that the proposed freestanding sign will not impair public safety, will not interfere with visibility of traffic on adjacent streets or driveways intersecting streets, and will not unreasonably impair visibility of traffic signs, directional signs or other permitted identification signs in the area;

d. The Board may attach such conditions and safeguards as it deems necessary to carry out the intent of this subsection, including, but not limited to, the size, location, configuration and illumination of the proposed freestanding sign and other signs on the property.

Intent statement. There are instances in the City where adequate identification of uses is not afforded by the height limitations or yard regulations, or both, applicable to permitted freestanding signs because of unusual physical characteristics of the property or the adjacent area. In such instances, there is a need for flexibility in application of the height or yard regulations, or both, for freestanding signs to enable adequate identification for the convenience of the public and to promote the economic viability of the uses such signs are intended to identify, so long as public safety is safeguarded, visibility of other permitted signs in the area is not impaired and the character of the freestanding sign is appropriate for the property and the surrounding area.

§ 2. That Chapter 30, Article XII of the Code of the City of Richmond (2020) be and is hereby amended and reordained by **adding therein a new section** numbered 30-1220.31:1 as follows:

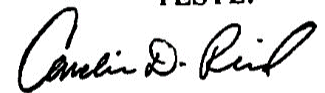
Sec. 30-1220. Definitions.

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

.31:1 *Dwelling unit, accessory*, means a dwelling unit located on the same lot of record as another dwelling unit for purposes incident and subordinate to the principal use of such lot. An accessory dwelling unit can be located in the main building or an accessory building.

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

A TRUE COPY:
TESTE:



City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov


Item Request

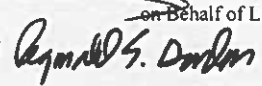
File Number: ADMIN 2023-0185


O & R Request

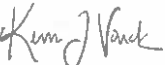
DATE: April 23, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor 

THROUGH: J. E. Lincoln Saunders, Chief Administrative Officer  on Behalf of Lincoln Saunders

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

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review 

RE: Request to amend the City's Zoning Ordinance for the purpose of permitting accessory dwelling units in additional zoning districts.

ORD. OR RES. No.

PURPOSE: To amend the City's Zoning Ordinance for the purpose of permitting accessory dwelling units in additional zoning districts.

REASON: These Zoning Ordinance amendments will help implement the vision outlined in the Richmond 300 Master Plan, which was adopted on December 14th, 2020.

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 June 20, 2023 meeting.

BACKGROUND: An accessory dwelling unit is a smaller, independent residential dwelling unit located on the same property as a larger primary dwelling. Accessory dwelling units (ADUs), commonly known as granny flats, in-law apartments, or secondary suites, have become more

popular throughout the country over the past several decades. These independent living spaces contain kitchen and bathroom facilities, and can be either attached or detached from the main residence on the property. In many older areas of Richmond, some residential properties were developed with accessory buildings which were originally designed and used for carriage houses with dwelling purposes. With limited exceptions, accessory dwelling units and residential occupancy of accessory buildings have been prohibited in the Zoning Ordinance since 1927.

Research has shown that accessory dwelling units can offer a variety of benefits to communities. ADUs are smaller in size which generally make them a more affordable housing option to a variety of people. For example, ADUs provide a convenient alternative for elderly and/or disabled persons who may want to live close to family members or caregivers. In addition, empty nesters or young adults just entering the workforce find ADUs more suitable and affordable than a larger single-family dwelling. ADUs can also generate rental income to help homeowners cover mortgage payments and increases in the cost of living.

The proposed ordinance would permit one accessory dwelling unit located on the same lot as a single-family dwelling in all residential zoning districts. The accessory dwelling unit cannot exceed one-third (1/3) of the floor area of the main single-family dwelling or 500 square feet, whichever is greater. This size limitation would ensure that the accessory dwelling unit be incident and subordinate to the principal use of the property. In all other aspects, the ADU must follow the underlying zoning district requirements regarding setbacks, lot coverage, height, etc. These proposed regulations would allow by-right accessory dwelling units without the need of special approval, unless located in a City Old & Historic District. Any proposed accessory dwelling unit that does not meet these regulations would require approval through either City Council or the Board of Zoning Appeals.

Master Plan

The Richmond 300 Master Plan envisions an equitable, sustainable, and beautiful Richmond that ensures a high quality of life for all existing and future residents. The Master Plan contains goals, objectives, and strategies to provide inclusive housing with access to quality housing choices for all Richmonders. Accessory dwelling units can help increase housing options for existing and new residents, regardless of income.

The Master Plan specifically references accessory dwelling units as opportunities to provide housing options throughout the city. Objective 14.5 of the Master Plan encourages more housing types throughout the city and greater density along enhanced transit corridors and at Nodes by amending the Zoning Ordinance. Strategy c of this objective states the city should update the Zoning Ordinance to allow for accessory dwelling units by-right with form-based requirements in all residential zones. In addition, Objective 14.9 focuses on assisting households that desire to age in place in their neighborhoods. Strategy h recommends the city amend the Zoning Ordinance to allow accessory dwelling units in all residential zones to allow for in-law apartments. The proposed

accessory dwelling unit ordinance would help achieve these objectives and strategies listed in the Master Plan.

Accessory dwelling units are also listed as primary uses in the Residential and Neighborhood Mixed-Use future land use designations in the Master Plan. Primary uses are described as predominant uses that are found in the area and that establish the basic characteristics of the area. The Residential future land use designation consists primarily of single-family houses on large- or medium-sized lots that are more homogeneous in nature. The Neighborhood Mixed-Use land use designation contains existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses. These two future land use categories are largely comprised of residential zoning districts, which would permit by-right accessory dwelling units under the proposed ordinance. Accessory dwelling units located in these future land use categories could facilitate the efficient use of existing housing stock while maintaining the character of these communities. The proposed ordinance to permit accessory dwelling units would align with the Residential and Neighborhood Mixed-Use future land use designations in the Master Plan.

Public Engagement

The first stage of community engagement began in August 2022 with an in-person meeting, virtual meeting, and two Telephone Town Halls. During these meetings, subject matter experts from the Department of Planning and Development Review (PDR) shared the requested zoning changes, discussed potential elements that may change in the zoning ordinance, and addressed any questions regarding these potential changes. In addition, the community had an opportunity to provide their input by completing an online survey which was open from August 9, 2022 until September 9, 2022.

The second phase of community engagement focused on gathering input through staff facilitated focus groups. During these meetings, PDR staff provided a forum for community members from different parts of the city to gather into small groups and discuss their opinions. Staff held two in-person focus group meetings per zoning change with several groups of 4-8 participants at each meeting. The goal of the focus groups was to give staff an understanding of community concerns, hear the opinions of others, and collectively discuss resolutions.

PDR Staff used the feedback from the first two rounds of community engagement to form draft recommendations for each zoning change. These draft recommendations were presented to the public through two virtual meetings and one in-person meeting in early December 2022. A comment form was available between December 6, 2022 and January 2, 2023 for the public to provide feedback on the draft recommendations.

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: May 22, 2023

CITY COUNCIL PUBLIC HEARING DATE: June 26, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: City Planning Commission, on June 20, 2023

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

RELATIONSHIP TO EXISTING ORD. OR RES.: ORD. 2020-236 (adoption of Richmond 300), CPCR.2021.095 (intent to amend the Zoning Ordinance for the purpose of permitting accessory dwelling units)

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS:

- Draft Ordinance
- City Planning Commission Resolution of Intent (CPCR.2021.095)
- 3 Zoning Changes public engagement reports

STAFF:

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maritza.pechin@rva.gov

Brian P. Mercer, Planner, Dept. of Planning and Development Review, 804.646.6704
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CITY OF RICHMOND

PLANNING COMMISSION

April 5, 2021

**RESOLUTION CPR.2021.095
MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION**

**MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION TO DECLARE AN
INTENT TO AMEND THE ZONING ORDINANCE FOR THE PURPOSE OF
PERMITTING ACCESSORY DWELLING UNITS IN ADDITIONAL ZONING DISTRICTS
IN THE CITY OF RICHMOND.**

WHEREAS, in accordance with §17.06 of the Charter of the City of Richmond, the City Planning Commission has adopted and City Council has approved a master plan, known as *Richmond 300*, to promote a coordinated, adjusted, and harmonious development of the city and its environs; and

WHEREAS, in accordance with §17.10 of the Charter of the City of Richmond, the City Council has adopted a comprehensive zoning ordinance in order to regulate the use of land, buildings, and structures in a manner consistent with future land uses identified in the *Richmond 300*; and

WHEREAS, The Residential and Neighborhood Mixed-Use Future Land Use categories of *Richmond 300* identify accessory dwelling units as primary uses in such areas; and

WHEREAS, Objective 14.5 (c) of *Richmond 300* states the City should update the Zoning Ordinance to permit accessory dwelling units by-right with form-based requirements in all residential zones in order to encourage more housing types throughout the city; and

WHEREAS, Objective 14.9 (h) of *Richmond 300* states the City should amend the Zoning Ordinance to permit accessory dwelling units in all residential zones in order to assist households that desire to age in place in their neighborhoods; and

WHEREAS, in accordance with §17.14 of the Charter of the City of Richmond, the City Planning Commission may prepare and submit changes to the zoning ordinance, including both districts and maps, as changing conditions may make necessary.

NOW, THEREFORE BE IT RESOLVED, that the City Planning Commission hereby concludes, for the purposes of public necessity, convenience, general welfare, and good zoning practice, and in order to best promote health, safety, morals, comfort, prosperity, and general welfare, as well as efficiency and economy in the process of development, that an amendment to the City's zoning ordinance shall be drafted for the purpose of permitting accessory dwelling units in additional zoning districts in the City of Richmond.


Rodney Poole
Chair, City Planning Commission


Matthew Ebinger
Secretary, City Planning Commission

Three Zoning Changes Engagement Report – 9/26/22



The first stage of community engagement for the proposed zoning changes for short-term rentals, parking minimums, and accessory dwelling units focused on gathering community input through public meetings, town halls, focus groups, and an online survey. During these events, staff from the Department of Planning and Development Review (PDR) shared the requested zoning changes, discussed potential elements that may change in the zoning ordinance, and addressed community questions and feedback regarding these potential changes

Timeframe

The first stage of community engagement ran from August to September 2022.

Promotion

PDR promoted the three proposed zoning changes along with the associated outreach events and survey online and through the local media.

- In early August 2022, The Office of Strategic Communications and Civic Engagement sent a media release to local media outlets including the *Richmond Times Dispatch*, *Richmond Bizsense*, *WTVR*, and *NBC12*.
- Print advertisements were featured in the *Richmond Free Press*.
- PDR staff reached out to all City of Richmond civic associations and utilized the Richmond 300 mailing list which was previously created for public updates to the Richmond 300 Master Plan. **4,000+** individuals subscribe to this mailing list.
- A flyer containing a QR code that linked to the PDR website was distributed to civic associations and handed out at public meetings.
- The online survey and public meetings were promoted on the City of Richmond social media channels.
- Local City Councilmembers coordinated with PDR staff throughout the engagement process by sharing the online survey, information about public events, and encouraging the public to participate.

Emails and Calls

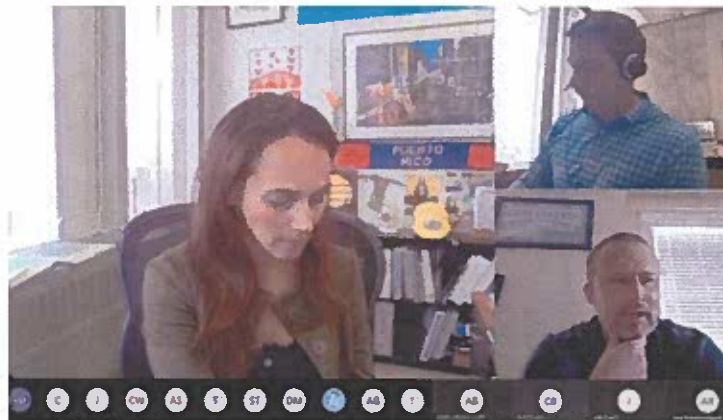
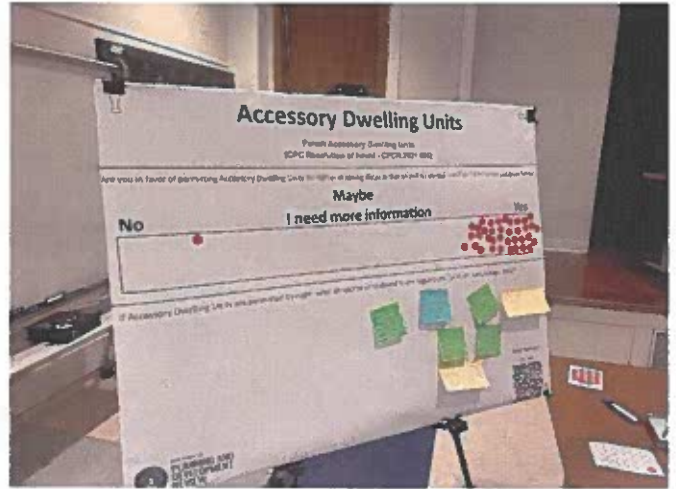
PDR staff answered phone calls and responded to emails on a continuous basis throughout the engagement period. This open line of communication served as a sort of informal 'open house' for community members to directly voice their concerns and provide ideas and insights. Staff received approximately **25 emails** and answered approximately **20 calls**.

Public Meeting Summary

Staff chose to hold two public meetings with varied times and formats to reach a more diverse group of community members. These times included both an in-person weekday evening option and a virtual weekday lunch-hour meeting. While staff used the in-person meeting to give contextual presentations and answer questions, participants were also encouraged to provide feedback by answering survey questions on meeting posters. These questions were the same as those used in the online survey. A recording of the virtual meeting was posted onto the PDR website for additional public review. In total, **237 people** attended the public meetings.

Public Meeting Attendance

Date	City Staff	Public	Council Members	Location	Total
Tuesday 8/9/22 6-7:30pm	8	120	2	Main Library	130
Wednesday 8/10/22 12-1:30pm	14	93	0	Virtual (MS Teams)	107



Telephone Town Hall Summary

PDR staff hosted telephone town halls on two dates in August 2022. The Office of Strategic Communications and Civic Engagement outsourced the telephone town hall operations to Telephone Town Hall (TTHM) US, a company specializing in telephone town halls, peer-to-peer SMS/MMS texting and voice broadcasts. The call-in format allowed participants to arrive at any time and to stay as long as they chose. Community members engaged directly with PDR staff and asked questions during the Q+A segment. Additionally, five poll questions were presented to participants to gauge the general tenor of community opinions. Approximately **260 responses** to these poll questions were received. Recordings of the telephone town halls were posted onto the PDR website for additional public review. The events also included a live, English-to-Spanish translation listening option for Spanish-speaking participants. Attendance numbers, including how many callers utilized the Spanish line, are detailed below.

Telephone Town Hall Attendance

Date	City Staff	Attendees on for more than 30 minutes	Attendees on for more than 5 minutes*	Total
Tuesday 8/16/22 6-7pm	4	240	460	704
Wednesday 8/17/22 12-1pm	7	170	400	577

*Includes 3 attendees who participated on the Spanish line

Date	Total Minutes	Max. # of people in town hall at one time
8/16/22	28,529	493
8/17/22	23,106	356

Telephone Town Hall Stats 8/16/22:

Answered Calls

Name	Number
Selects For Event	27,249
Accepts	1,932
TF Calls	56
Toll Inbound Calls	0
Answering Machines	8,071
Declines	2,274
Total Answered Calls	12,277
Talked	14
Speaker Queue	39
Screening Queue	15
WEB Participants	0

Note: "Selects for Event" refers to the total number of people who dialed into the town hall.

Telephone Town Hall Stats 8/17/22:

Answered Calls	
Name	Number
Selects For Event	27,224
Accepts	1,629
TF Calls	45
Toll Inbound Calls	0
Answering Machines	9,268
Declines	1,787
Total Answered Calls	12,684
Talked	15
Speaker Queue	22
Screening Queue	6
WEB Participants	0

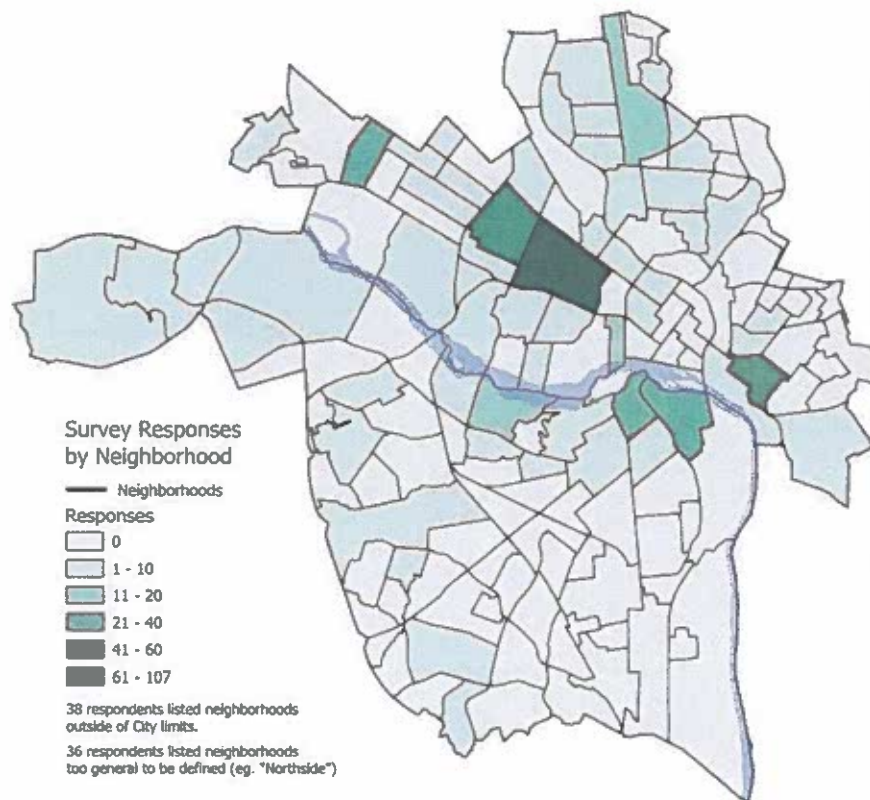
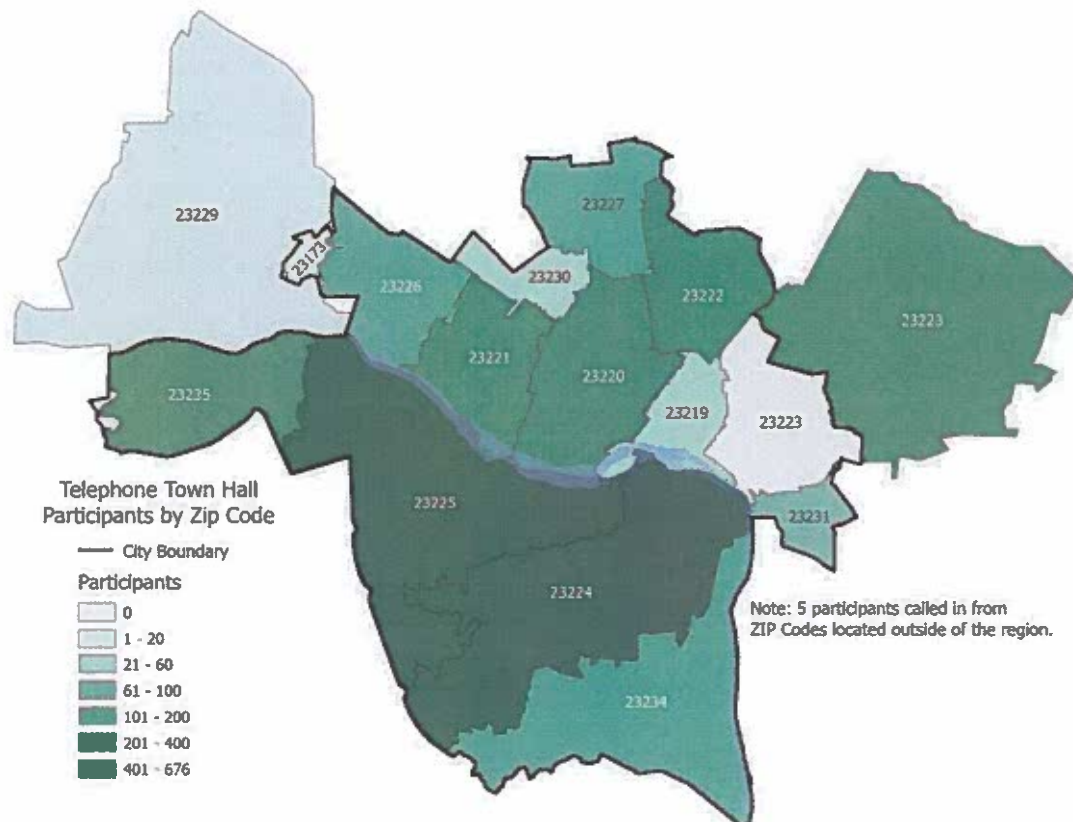
Note: "Selects for Event" refers to the total number of people who dialed into the town hall.

Online Survey Summary

In addition to the telephone town hall events, the community had an opportunity to provide their input by completing an online survey which was open from August 9, 2022 until September 9, 2022. The survey was used to collect feedback on the proposed zoning changes through pointed questions and gather contact information for those interested in participating in future focus groups. **539 people** completed the survey.

Geographic Distribution

Online survey respondents provided their residential neighborhoods within one of the answer boxes whereas telephone town hall participants had their ZIP codes collected by TTHM. Both the respondent and participant geographic data are mapped on the following page to better visualize the geographic distribution of those community members who provided feedback.



What we heard | Emails

Examples:

"I wanted to voice my support for very liberal, by right, zoning and other efforts to increase the number of ADUs. Additionally, all the new tax revenue derived from the improved value of new ADUs might be a nice source for the Affordable Housing Trust Fund."

"Richmond is being unfair to the hotel industry, because STRs do not pay lodging tax. Therefore, STR Corps should be engaged to collect taxes for the City."

"The city needs to increase its enforcement of the STR regulations. It is unacceptable for most of the short-term rental units to be unregistered with the City, especially in view of the fact that the short-term rental websites disclose the units that are being offered to the public on a day-to-day basis."

"It's time for us to stop facilitating everyone getting into a single-occupant vehicle as the default mode of transportation in our city. The market will dictate how much parking each new development needs."

"Relaxing regulations on STRs will price people out while also inviting more home purchases by investors rather than permanent residents."

"Allowing ADUs throughout the City will help streamline planning processes and create a more equitable community."

"If the new zoning regulations will eliminate parking requirements, then they will need to allow for the easy construction of stand-alone parking decks."

"Any lessening of regulations [of STRs] would only reward bad actors. You need to enforce the regulations on the books and shut down these illegal operators."

"For many seniors the personal car with available parking are necessities. I hope therefore that there will not be too great a rush to eliminate required parking minimums."

"Allow for different [STR] restrictions by district - it is clear that The Fan District is anti-STR for reasons of parking, parties, VCU, etc. The current ordinance is written to apply to all districts in the same way."

"[Eliminating parking minimums] will lower costs for new development and create more leasable and livable space in buildings that would have otherwise been dedicated to automobiles."

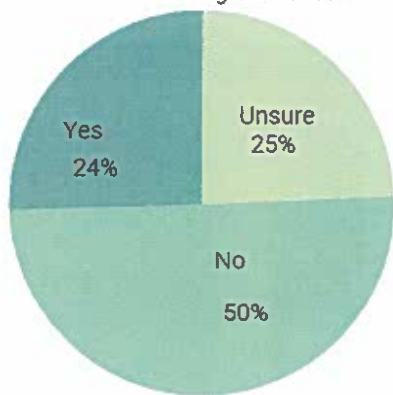
"ADU's should be smaller and subservient to the main dwelling unit on the property."

What we heard | Telephone Town Hall

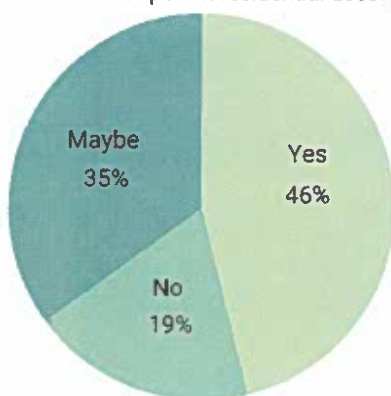
The following questions were included within the poll section of the telephone town halls. Participants pressed numbers on their telephone keypads (e.g., #1 for 'yes') to submit their answers. The poll results, combined from both town halls, are also included below.

- 1) Which of the three zoning changes is of most interest to you?
- 2) Do you think there should be a primary residency requirement for Short-Term Rental hosts?
- 3) Do you think minimum parking space requirements should be eliminated from the Zoning Ordinance?
- 4) Are you in favor of permitting Accessory Dwelling Units by-right in all zoning districts that permit residential uses?
- 5) Are you interested in being part of a focus group in September?

Do you think minimum parking space requirements should be eliminated from the Zoning Ordinance?



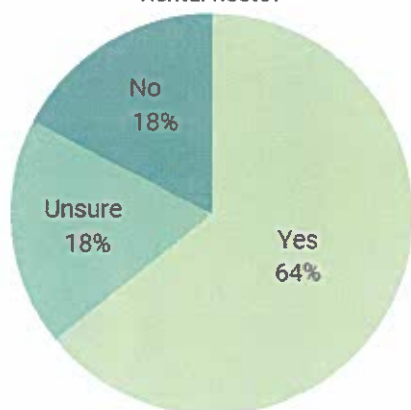
Are you in favor of permitting Accessory Dwelling Units by-right in all zoning districts that permit residential uses?



Telephone Town Hall Concerns & Feedback:

On 8/16/22, **14 participants** spoke directly to PDR staff while 39 were placed within a speaker queue. Similarly, on 8/17/22, **15 participants** spoke and 22 were placed in the speaker queue. All comments and questions were logged, regardless of whether participants received the chance to speak with staff live on-call. Some examples of the concerns and feedback received are below:

Do you think there should be a primary residency requirement for Short-Term Rental hosts?



"Am I understanding correctly that any property owner will have the right to build an accessory building on their property and then rent it out as an STR? And they can do that without any zoning requirement or city ordinance approval?"

"Has the commission looked into parking maximums?"

"Have you considered the number of STRs to one per person instead of requiring someone live in the unit?"

"Could ADUs also be used as part of the housing choice voucher program?"

"Why is this city wide when all the neighborhoods are all different?"

"We already have a great deal of development, and there is already a lack of parking."

"What other steps will be taken to minimize car-centric infrastructure?"

What we heard | Online Survey

The following questions were included within the online survey. Respondents answered questions with open-ended responses. Some of the most observed ideas, concerns, and comments are listed on the following page.

- 1) What revisions are needed to the existing short-term rental regulations (if any)?
- 2) What are some ideas or recommendations to ensure compliance and enforcement of STRs in the city?
- 3) Do you have any other comments on this topic?
- 4) What are some challenges with eliminating parking space minimums?
- 5) What are some opportunities with eliminating parking space minimums?
- 6) Do you have any other comments on this topic?
- 7) If accessory dwelling units are permitted by-right, what should be considered in the regulations (location, size, design, etc.)?
- 8) Do you have any other comments on this topic?

Short-Term Rentals

- The 180-day residency requirement should remain in place
- STRs should be permitted only in business or mixed-use districts
- STRs should be taxed like hotels or businesses
- Too many STRs leads to housing unaffordability
- More staff are needed to increase compliance and enforcement
- Restrictions against STRs should be eased
- The permit fee for STRs should be increased
- STRs can create noise and disturbance concerns
- STRs are attractive options for tourists and visitors

Respondents' ideas for improving enforcement were:

- A city-wide hotline could be used for community members to report noncompliance or disturbance issues
- Staff should screen popular rental sites like Airbnb and Vrbo
- City could coordinate with STR websites to require proof of permit before posting
- The permit and complaint processes should be streamlined
- Repeat regulation violations should result in revoked permit and additional fines
- STRs should be inspected by City staff on a regular basis

Eliminating Parking Space Minimums

Respondents noted the benefits are:

- More green space, less asphalt, and reduced stormwater runoff
- Less administrative burden on City staff
- Can lead to better design and walkable neighborhoods
- Can increase housing supply
- Will remove obstacles for new small businesses
- Will encourage mass transit usage and alternative means of transportation
- Will help to reduce the City's carbon footprint

Respondents noted the concerns are:

- Unreliable and inadequate existing transit options
- Overcrowding of street parking
- Negative impacts on residents who rely on off-street parking
- Local businesses with large visitor bases being negatively impacted
- Developers may not add parking
- There is already a lack of parking in many parts of the city
- Can create tightly packed streets that are unsafe for pedestrians and cyclists

Respondent recommendations included:

- Incentives for public transit, rideshare, and bike users
- Improved education and language around parking issues
- Limiting the elimination of parking minimums to certain districts
- Increasing bike racks and bike storage
- Improving existing crosswalks and sidewalks

Accessory Dwelling Units

Respondents noted the benefits are:

- Could increase affordable housing stock
- Potential for supplementary income
- Better utilization of land and open space
- A larger tax base
- Can reduce the number of unhoused citizens
- Multiple familial generations can live in proximity to one another
- More diverse housing options

Respondents noted the concerns are:

- Obstructed daylight and views for neighboring lots
- Storm drainage and environmental issues

- Increased parking needs
- Environmental concerns with too much density
- Increased burden on public services and utilities
- Potential for substandard housing

Respondents' ideas for regulations included:

- Size and height restrictions
- Design regulations, particularly in historic neighborhoods
- A limit on number of ADUs per lot
- Occupancy restrictions
- Setback and lot location restrictions

Three Zoning Changes - Focus Groups Report – October 2022



The second phase of community engagement for the proposed zoning changes for short-term rentals, parking minimums, and accessory dwelling units focused on gathering community input through staff-facilitated focus groups. During these meetings, staff from the Department of Planning and Development Review (PDR) provided a forum for community members from different parts of the city to gather into small groups and discuss their opinions.

Timeframe

The focus groups occurred from September 27 to October 12, 2022. This engagement effort made up Phase 2 of the community engagement process for the three proposed zoning changes.



Promotion

The focus groups were open to anyone interested in the three zoning changes. PDR Staff promoted these focus groups in Phase 1 of community outreach. In addition, those interested in participating could request to join a focus group on the PDR Three Zoning Changes website.

Focus Groups Summary

Staff held two in-person focus group meetings per zoning change. Each of these focus groups provided a morning and evening option. Staff sought to shape focus groups with a diversity of opinions and neighborhoods represented within each group to have various viewpoints in each discussion. The goal of the focus groups was to give staff an understanding of community concerns, hear the opinions of others, and collectively discuss resolutions. Each group consisted of 4-8 participants, a staff facilitator guiding the discussions, and a scribe taking detailed notes. In total, **108 people** from the public participated in the focus groups.

Focus Group Attendance

Topic	Date & Time	City Staff	Public	Location	Total
Parking Minimums	Tuesday 9/27/22 9-10am	8	20	Main Library	28
Parking Minimums	Wednesday 9/28/22 6-7pm	7	24	Main Library	31
Accessory Dwelling Units	Tuesday 10/4/22 6-7pm	7	17	Main Library	24
Accessory Dwelling Units	Wednesday 10/5/22 9-10am	7	12	Main Library	19
Short-term Rentals	Tuesday 10/11/22 6-7pm	7	20	Main Library	27
Short-term Rentals	Wednesday 10/12/22 9-10am	7	15	Main Library	22



Facilitator Questions

Parking Minimums:

- 1) What do you think eliminating parking minimums from the zoning ordinance means?
- 2) Where do you experience parking challenges the most?
- 3) How do you think eliminating parking minimums will benefit/harm the city?
- 4) Do you agree or disagree that there is a better use for land other than parking? Please explain.

Accessory Dwelling Units:

- 1) Do you think accessory dwelling units should be allowed by-right in all residential districts?
- 2) Do you think short-term rentals should be allowed in accessory dwelling units? Please explain.
- 3) Do you agree or disagree that there should be a design review process for attached and detached accessory dwelling units? Please explain.
- 4) What makes it difficult to build an accessory dwelling unit in the city?
- 5) Tell me about your first experience getting a special use permit for an accessory dwelling unit.

Short-Term Rentals:

- 1) Do you agree or disagree that short-term rentals benefit the city?
- 2) Do you agree or disagree that the minimum 185-day primary residency requirement should remain?
- 3) Should there be a limit on the number of short-term rentals per owner?
- 4) Tell me about your experience setting up a short-term rental in the city.

Note: Facilitators used these questions to guide the discussions. Other facilitator questions and comments may have occurred depending on the responses of the group.



What we heard | Parking Minimums

Benefits:

- Boosts small business growth
- Rents will go down due to decreased development costs
- More pedestrian infrastructure
- Potential for more multi-modal development
- More walkable, bike-friendly neighborhoods
- Reduction of impermeable surfaces
- Opportunities for more green space

"Doing away with the minimum allows developers to create creative, unique, and neighborhood friendly uses like Joe's Inn throughout the city."

"We need to stop designing projects around cars and designing around people and housing people rather than trying to figure out where to park. Carytown is a great example of those businesses who, if they tried to open today, they wouldn't be allowed because of the requirements. The Fan and Scott's Addition are great walkable, community-focused areas where the businesses are real assets to the City."

"Parking problems are the price of admission to enjoy the city environment and we understand that. Drive around the block and you'll find a spot."

"Nobody ever says 'what beautiful parking.' They talk about the buildings."

"Developers have eliminated spots to put more units in the buildings. You can have 10 more affordable units and it increases affordable housing in the communities."

"I moved here from San Francisco and it's not hard to park here. Where parking is tight you only have to park ½ block away."

"Businesses have to follow complex rules and meet arbitrary parking requirements which could hinder business."

"Developers will be able to respond to market rather than rules. Less surface parking creates more room for development. No developer will build a development that can't provide parking to its residents."

"Cities aren't getting as much revenue from parking lots compared to other uses."

"Rent would be cheaper if it didn't have to subsidize a parking spot. It could also open up room for more affordable housing development."

"In some areas, it could benefit small business growth if they don't have to have a bunch of space they have to buy or rent to address parking."

"Surface parking lots are terrible for storm water runoff and are hot in the summer. Potential green space is taken up by parking."

Concerns:

- Unreliable public transportation and unsafe bike lanes
- Potential congestion issues
- Issues of safety for pedestrians
- Issues of safety for cyclists
- Developers will choose not to add parking

"People park in my neighborhood in front of houses to access Byrd Park."

"Living in Manchester, we are getting really dense. Some apartments offer paid parking for like \$100 so many people just park on the street so they don't have to pay. I often see people parking on the street in crosswalks and in front of hydrants."

"There is already no on-street parking in Manchester. With additional larger projects coming online, where will those people park?"

"I need to drive to get groceries. If I take the bus, it will take me double the time."

"If the City continues to develop as it has, redeveloped areas will become increasingly congested like Scott's Addition."

"It is not safe when people are driving around looking for parking."

"When you have an area that's supposed to be walkable but there's not grocery store or pharmacy, how do people get to those things? It's no longer walkable."

"Parking overflow into a neighborhood destroys its character and quality."

"City of Richmond doesn't currently have mass transit infrastructure necessary to allow persons to move around without cars."

"Eliminating the minimums is a giveaway to developers. Developers will abuse this."

There are safety issues with walking around downtown at night. A car is safer than being out walking on the street."

"Parking multiple blocks away could be unsafe."

Ideas:

- Create parking maximums
- Should be done on a case-by-case basis depending on the neighborhood
- Focus on transit improvements first

"Do we owe something to residents to have parking on street in front of their residence, who has the right to that good?"

"There are a lot of churches that have purchased adjacent lots. These are areas where there could be more parking."

"There is too much free parking on the streets, if you had to pay to park in streets, more people would utilize the paid parking area in decks."

"We shouldn't encourage people to drive to bars. Scott's Addition specifically is mostly bars."

"Get the infrastructure in place first so that it is safe to walk, bike, and ride transit before removing parking."

Areas cited as having the most parking issues:

- Manchester
- Carytown
- Scott's Addition
- City Center
- The Fan
- Museum District



What we heard | Accessory Dwelling Units (ADUs)

Benefits:

- Potential for aging in place
- Opportunities for wealth building
- Multigenerational living on one property
- Can add to affordable housing stock
- Will support a growing population

"Large percentage of Church Hill homes have basements that would be well equipped to become ADU."

"Denser neighborhoods can create new housing there instead of messing with existing buildings."

"It might be counterproductive to restrict person's ability to invest in their property, bring tax revenue into the city, and create more places to live in desirable areas by not allowing ADUs."

"I am interested in what ADUs could provide in the city. It's been happening in places like California for years to help with housing and affordability. I have an aging parent and it would be nice to have her right next door."

"Market forces would get people to create higher quality ADUs."

"We are growing and we need housing units to house a growing population."

"If the people who had to work on Special Use Permits (SUPs) no longer have to, they could shift around their work."

"ADUs can reduce the burden of home ownership with the added income."

"ADUs can provide housing for the elderly, transitioning young adults, and low-income individuals."

Concerns:

- Cost is a major barrier
- Could affect neighborhood character
- Could obstruct light for neighbors
- Privacy concerns
- Potential for substandard housing

"I wonder if our infrastructure could handle the increase in households. I worry about overburdening our utilities."

"How much of the city would automatically be excluded from building ADUs if we create setback or lot coverage requirements?"

"A big deal is also where the windows and doors are because there can be problems with where a door or porch is located. It can limit privacy, too."

"By-right implies you can do whatever you want with impunity."

"Not having any parking or being able to support people living there is not responsibly creating density."

"I like the idea but do not like property owners who do not live on the property to add more density on their properties."

"When I went through the SUP process, I didn't have any representation which you need to explain things and get you in contact with people. It became politicized and I spent hours on getting it through City Council and having meetings with my City Councilperson and civic association. I faced a ton of pushback from neighbors speaking up against me at City Council meetings even though it was supported by PDR and the Planning Commission."

"Maybe there's not as much demand as anticipated. I worry that the only people who are going to do it are going to be the people from rental companies."

"Could ADU's affect other property values within the same block?"

Design Review:

"How does a design review process add onto costs? A lot of homeowners who want to have an ADU might be price-sensitive when it comes to construction and financing."

"Materials, architectural features, and height are all concerns for design review process."

"I don't want ADUs to have too many cumbersome design standards that make it too hard to create one."

"I think a design review is a slippery slope and should only be there to prevent really egregious things. I would say we need to be careful being overly stringent."

"Somebody could build out a unit in a shipping container in areas with more design character, so I don't know if I'd want to see that."

"No design review as long as the ADU meets applicable codes."

"I think general restrictions in terms of public safety and setbacks are more important than the look of the structure."

"There has to be room to examine neighborhood character and design before allowing them by-right because each neighborhood is different."

Ideas:

"Don't handcuff parking to ADUs or you won't have any ADUs."

"Could we regulate interior vs. detached ADUs differently?"

We should keep setbacks and height restrictions. No one wants a three story ADU right on the property line."

"If you wanted to incentivize affordable housing, it would be an enforcement challenge for staff."

"There should only be one ADU per lot and it should be a minority of the square footage of the main house."

"Is there a city we have looked at to model our ADU ordinance after? What city is doing it really well?"

What we heard | Short-Term Rentals (STRs)**Benefits:**

- Can support local businesses
- Provide more unique experiences for visitors
- Hosts feel like ambassadors for the city
- Provides supplemental income to hosts
- Potential for additional city tax revenue

"I'd like to have the opportunity to have more than one STR because I enjoy hosting so much."

"People enjoy having STRs as an alternative to a standard hotel room. They can provide more historic, unique experiences."

"There is a common idea that STRs have tons of bad actors. Because it's a self-regulating situation, high maintenance is needed and forces you to keep property in great condition."

"I have hosted my own STR for 7 years. I love designing new spaces and meet many great people."

"STRs can help people afford buying property while also giving visitors an affordable place to stay."

"The city can greatly benefit from the extra tax revenue."

"I've had a long-term rental in Church Hill and had bad experiences with 1-year leases. Short-term renters don't use appliances as much and generally aren't as hard on property as with 1-year leases."

"I like having an STR because I can interact with guests and tell them the best places to eat."

Concerns:

- Noise, parties, and other disturbances
- LLCs or out-of-town owners buying up properties
- Limited ability for enforcement
- Can take away from long-term housing stock
- Multifamily buildings with multiple STRs
- Can exacerbate the lack of affordable housing

"I've had experiences with unwanted partying at a property and the only way for the police to assist is if the property owner says they're trespassing."

"When you share walls with people, it's hard to share walls with a hotel. I didn't sign up for that. There are lots of disturbance concerns. The people who are in and out of a unit don't have the accountability that a neighbor would have."

"Supply and demand drives prices up in Richmond. As investors buy up properties there are less quality properties leftover for families/permanent residents."

"Investors will buy homes just for STRs. It's scary to put an anonymous person with no accountability in the neighborhood."

"How can families afford to live and grow in their neighborhoods?"

"We need to think more about long-term residents. People feel they're getting kicked out of their community."

"STRs should not be used as just investment tools."

"Some guests are disrespectful of neighbors and don't have to take ownership of their actions."

Residency Requirement:

- The residency requirement should remain
- Concerns with inability to enforce the requirement

"It could open the door for out of town or out of state operators if we don't have a residency requirement."

"I think what would be as valuable is to restrict the number of days you can rent as an STR rather than have a residency requirement."

"Instead of a primary residency requirement, could it be a city resident requirement? That way you know they are local."

"If you have a residency requirement, it takes care of the other issues with people renting out multiple other properties."

"In R-6 districts you should definitely have the primary residency requirement."

"How would the city even monitor and enforce the residency requirement?"

"Without onsite owners, you don't know who to contact if there's an issue and nobody to complain to."

Ideas:

- City needs to streamline the permit process
- Could require an annual inspection
- Limit number of STRs per person

"The restrictions need to be differentiated based upon your certificate of occupancy, meaning a single-family has certain restrictions versus a multifamily property."

"If we can't enforce laws, they don't do any good. Enforcement is a huge issue. All this time spent on re-writing the ordinance is nothing without the enforcement piece."

"The city should consider significant fines for noncompliance. You have to hit people in the wallet to get them to comply."

"The current permit process for STRs took me 4 months which is too long."

"STR sites could require proof of city permits to create a posting."

"What is the tax collection structure? Does the local occupancy tax that was implemented in October go to the city?"

"Homeowners should be allowed to create an ADU and put STR in it."

"Could we limit the number of STRs per neighborhood or by district?"

Next Steps

PDR Staff will compile all feedback from Phases 1 & 2 and develop draft concepts for the three zoning changes. PDR will host another round of community engagement in early December to discuss these draft concepts. Please monitor the website below with dates and information for future community meetings and feedback opportunities:

<https://www.rva.gov/planning-development-review/zoning-changes>



Appendix: Focus Group Attendees

Loreyna Adkins
Paige Alcorn
Katelyn Almeda
David Auman
David Barnett
Margaret Barre
Brandon Beall
Brian Beard
Brooke Betts
Brian Bills
Mark Brandon
B.Y. Brown
Robert Brown
Caryl Burtner
Mark Cardona
Janes Carlson
Whit Caulkins
Jeselle Christenson
Whit Clements
Carole Conner
Greg Cooperman
Thomas Courtney
Caley Crawford
Mitchell Danese
Andrew Duke
Kathleen Duncan
Moriah Fetter
Sybil Foxworth
Lizzie Garrett
Clark Glave
Wyatt Gordon
Micah Graf
Thomas Grant
Elizabeth Greenfield
Deanna Griffin
Glenda Haggins
Lisa Hahn
John Hamilton
Tiffany Harris
Donta Harris
Cynthia Harrison
Grady Hart
Brian Hayes
Kerthy Hearn
Rose Hinnant
Thomas Innes
Allana John
Kirk Johnson

Randy Jones
Nicole Keller
Katherine Kelly
Samantha Kenny
Thomas King
Andria Kobylinski
Georgia Krapf
Burton Kunz
Sarah L'Herrou
Justin Liang
Gregory Lucyk
Mason Mairead
Jill McAuliffe
Connie McHale
Hannah McHugh
Eric McWilliams
Richard Meagher
Robert Melvin
Charles Menges
Patty Merrill
Luigi Mignardi
Kirk Milikan
EG Miller
Haley Minter
LaJuan Neal
David Patton
Tim Pfohl
Evan Price
Will Quinn
Tyler Rackley
Susan Rebillot
Anne Richardson
John Richmond
Ryan Robertson
Taylor Rule
Beth Rutledge
Melissa Savenko
Erik Shilts
Erica Sklar
Joe Sokohl
Michael Stapor
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Three Zoning Changes – Phase 3 Report – January 2023



Phase 3 of community engagement for the proposed zoning changes to short-term rentals, parking minimums, and accessory dwelling units focused on presenting and gathering public comment on draft concepts developed by the Department of Planning and Development Review (PDR) Staff. In Phases 1 and 2 of the three proposed zoning changes, PDR Staff held 3 public meetings, 2 telephone town halls, 6 focus groups, and an online survey. Approximately 740 people attended these meetings, and 562 survey responses were received and reviewed. Data from these efforts, both quantitative and qualitative, impacted the development of staff's draft concepts.

Timeframe

PDR Staff presented the draft concepts for the three proposed zoning changes to the public from November to December 2022. A public comment period that included public meetings and an online survey for general feedback on these draft concepts was open from December 6, 2022, until January 2, 2023.



Promotion

The public meetings and online survey were promoted on the PDR Three Zoning Changes website, through City social media channels, and by Councilmembers. Information about these efforts was also shared to all local civic associations and via the Richmond 300 mailing list.

Draft Concepts

1. Eliminate Parking Space Minimums

Draft Recommendations: Eliminate parking space minimum requirements from the City's Zoning Ordinance. Continue to implement the following initiatives:

- Expand transit system and bicycle and pedestrian infrastructure
- Promote shared parking
- Revise residential on-street parking permit programs
- Assess curbside time limits periodically

2. Permit Accessory Dwelling Units

Draft Recommendations: Permit one accessory dwelling unit (internal, attached or detached) by-right on the same property as a single-family dwelling in all zoning districts that permit single-family dwellings. ADU cannot exceed one-third (1/3) of the floor area of the single-family dwelling or 500 square feet, whichever is greater. ADU must follow the underlying zoning district requirements (setbacks, lot coverage, height, etc.)

3. Revise Short-Term Rental Regulations

Draft Recommendations:

	Primary Residence	Non-Primary Residence
Residential (R) Zoning District	Permitted Accessory Use	Permitted -Principal or Accessory Use -Distance requirement between another Non-Primary Residence STR
Non-Residential Zoning District	Permitted Accessory Use	Permitted Principal or Accessory Use

Multifamily Recommendation: For multifamily dwellings (three or more units), only one-third (1/3) of units or a maximum of 10 units, whichever is lesser, shall be permitted as STRs

Operations Recommendations:

May be entire dwelling unit or individual rooms (maximum 5 sleeping rooms) with no limitation on the number of nights*

Short-term rental operator shall agree to no more than one booking transaction during the same period*

Administrative Recommendations:

Short-Term Rental Permit (\$300) is to be obtained on a biennial basis*

Additional staffing for STR permitting and enforcement

Add fine/penalty for noncompliance with a graduating increase for multiple violations

Collect transient occupancy tax

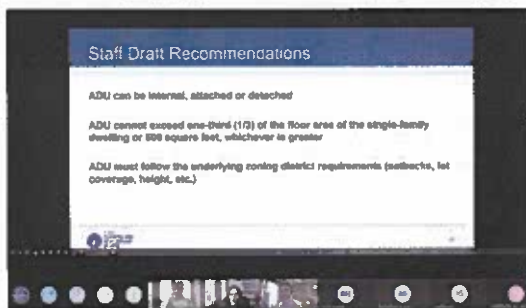
Require an inspection for STR

***Retain existing regulation**

Public Meeting Summary

PDR Staff held three public meetings in December 2022 to present the draft concepts and answer questions. Attendees were invited to leave detailed feedback on the online survey. In total, **236 people** attended these meetings.

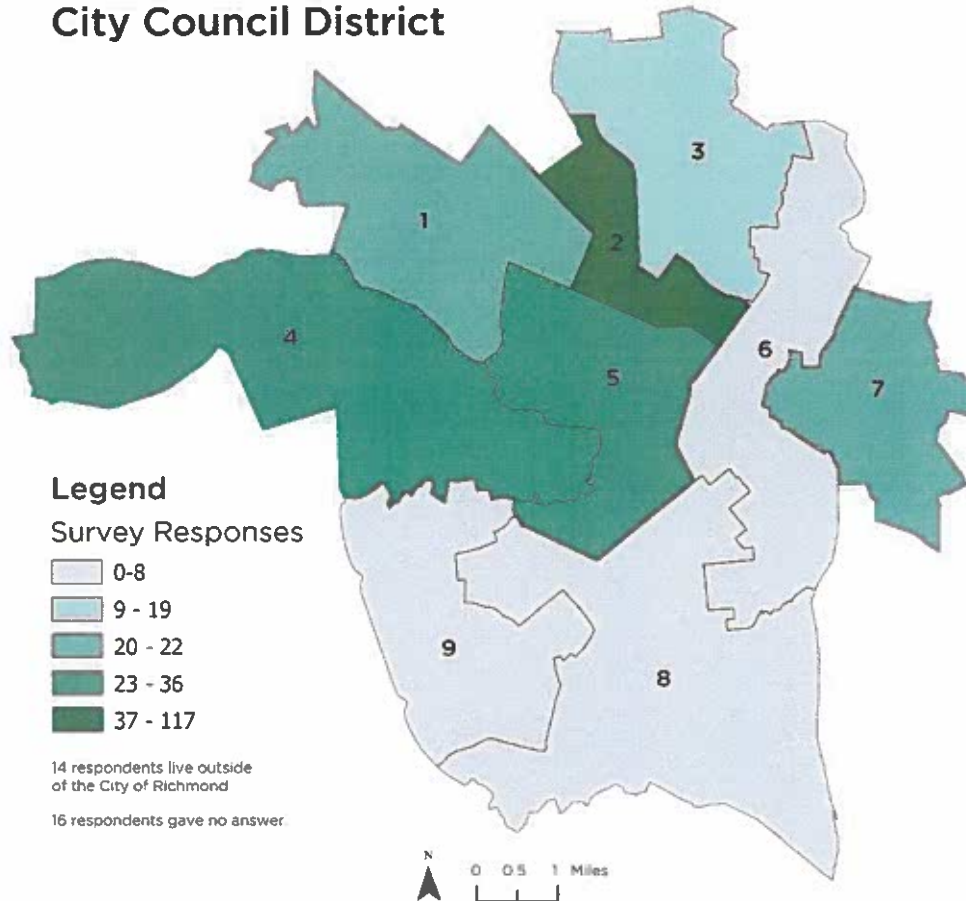
Public Meeting Attendance				
Date & Time	City Staff	Public	Location	Total
PDR Hosted Meeting Tuesday, December 6, 2022 12-1:30pm	17	89	Microsoft Teams	106
2 nd District Meeting Wednesday, December 7, 2022 6-7:30pm	2	30	Microsoft Teams	32
PDR Hosted Meeting Thursday, December 8, 2022 6-7:30pm	5	35	Microsoft Teams	40
PDR Hosted Meeting Tuesday, December 13, 2022 6-8pm	8	50	Main Library	58



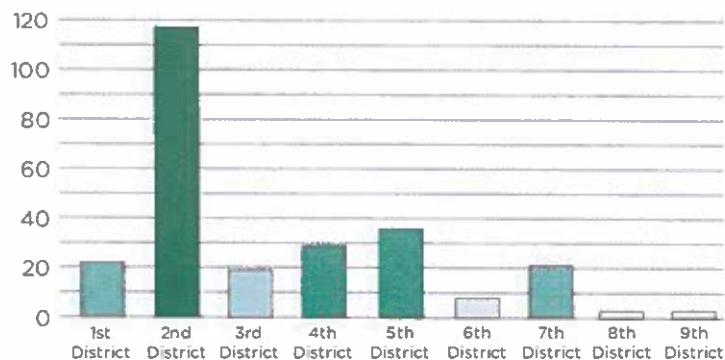
Online Survey

An online survey was available on the PDR website from December 6, 2022, until January 2, 2023. The survey prompted respondents to leave feedback on the draft concepts through open-ended responses. **288** total responses to the survey were recorded.

Survey Responses by City Council District



Survey Responses by City Council District



What we heard | Parking Minimums

Benefits:

- Boosts small business growth
- Potential for more multi-modal development
- More walkable, bike-friendly neighborhoods
- Will allow for more affordable housing developments
- Reduces city dependency on fossil fuel infrastructure

Concerns:

- Potential congestion issues for residents
- Developers will choose not to add parking
- Public transit is not efficient enough to be a feasible alternative
- Visitors will be deterred from visiting businesses downtown
- Disproportionately affects elderly residents with mobility issues

Ideas:

- Should be done on a case-by-case basis depending on the neighborhood
- Construct mixed-use parking garages
- Eliminate parking minimums only for businesses
- Multifamily developments over X number of units should require parking
- Focus on transit improvements first

"If parking is not required the need will spill into adjacent areas and increase parking pressure...additional mass transit infrastructure must be built before changes are made."

"Eliminating parking minimums will be a great incentive to use public or alternative transportation systems."

"Parking is already a disaster in the Fan District, and failure to require parking plans for new development can only make it worse."

"I am for the elimination of parking minimums. It puts greater emphasis on greenways and sustainable living."

"We often have difficulty parking now. The thought of allowing multi-family residences to be built in nearby infill sites with no resident parking is very distressing."

"Parking minimums add burdens to development and result in wasted space that could be used more productively."

"The City of Richmond declared a state of climate emergency, so I don't think it makes sense to require citizens to build fossil fuels infrastructure. I hope you stay strong on eliminating parking requirements, it's good city planning."

"I notice on the weekends, when non-residents can park without a permit, there is an increase in disturbances and littering, and of course, a decrease in available convenient parking already."

"I am not of an age where I feel comfortable riding a bike to a doctor's appointment or bringing groceries from my car that might be parked several blocks away from my house."

"I do not support the elimination of parking space minimums but do support denser development (with less surface parking lots!)"

"Eliminating parking minimums is excellent for the health and continued positive urban development of the city."

"I fully support removing parking minimums. Will create a more diverse, equitable, denser, transit/pedestrian city"

"We are working on having a great public transit system, and people are less reliant on cars than they used to be."

"Removing parking requirements shouldn't be applied same across retail/commercial/residential. Residential developers in TOD-1 already provide substantially less parking. That parking burden is then shifted from developers to the surrounding communities."

"Eliminating parking minimums would vastly increase the available housing stock while also helping businesses build for density -- for people -- rather than the cars that transport them. There is an opportunity to take back that dead space for more transit-oriented development."

"Elimination of parking requirements is frightening for people living in old neighborhoods with infill opportunities for developers within or nearby their neighborhood."

"Please eliminate a requirement that sends businesses out of the City of Richmond to the counties."

"I appreciate the proposed changes to STRs/ADUs and lifting parking requirements. These changes will benefit the city, align with more progressive planning movements nationwide, and put force behind ideals listed in Richmond 300."

What we heard | Accessory Dwelling Units (ADUs)

Benefits:

- Potential for aging in place
- Multigenerational living on one property
- Can add to affordable housing stock
- Will support a growing population
- Increased tax base

Concerns:

- Could affect neighborhood character and design
- Privacy concerns
- Issues with stormwater runoff due to less green space
- Property values may increase
- May place burden on city utility infrastructure
- Older trees may be removed

"ADUs should be subordinate to historic neighborhood guidelines and approvals."

"ADUs will provide opportunities for additional income and for additional density within the city."

"I wish there were a contest for preferred fast tracked ADU designs that would maintain some standard of architecture in Richmond."

"I urge council to approve by-right ADUs for city residents. As someone with aging parents, being able to add an ADU on my property to house them down the road would be a huge benefit."

"I support allowing ADUs in residential zones with form-based requirements but would be against a design review requirement that makes permitting more difficult for people with fewer means. I also think that existing rear yard setback requirements may not be appropriate for ADUs that take the traditional form of a carriage house or garage with ADU above."

"ADUs are great for adding small, affordable dwelling units that have flexibility. Allow them everywhere by right."

"I am in favor of by-right ADUs. They will provide additional senior housing, better urban land use and increased tax base."

"I believe ADUs are a potentially important tool for Richmond residents, especially with the cost of living, and cost of housing, continuing to rise."

"I request that the city make it incredibly easy to get a permit - not something you have to hire a permit expeditor or other professional for. Any property owner should be able to easily figure out how to get an ADU permit, to make this form of housing easy for private individuals to build."

"I am 100% in favor of allowing ADUs, especially if they can be used as long-term rentals or STRs to provide affordable housing and/or generate income for primary resident property owners."

"500sq ft is a needlessly small minimum ADU size. Many SF houses throughout the city are under 1,500sq ft. Notching the minimum up to at least 600 sq ft makes for a more livable unit."

"ADUs need to have multiple standards/regulations. Parking, infrastructures, number, setbacks, height, square footage, etc."

What we heard | Short-Term Rentals (STRs)

Benefits:

- Provide more unique experiences for visitors
- Provides supplemental income to hosts
- Potential for additional city tax revenue
- Will increase citywide population density

Concerns:

- Noise, parties, and other disturbances
- LLCs or out-of-town owners buying up properties
- Can take away from long-term housing stock
- Can exacerbate the lack of affordable housing

Residency Requirement:

- The residency requirement should remain
- Lack of a requirement can lead to absentee landlords
- The requirement is difficult for staff to enforce

Ideas:

- Limit number of STRs per person
- STRs should not be allowed in single-family zoning districts
- STRs should undergo the same safety inspections and regulations as hotels
- There should be robust penalties for noncompliance

"The additional income [from running an STR] for a homeowner does two things. It gives them the financing and incentive to improve their property which will in turn improve the real-estate value. It gives owners financial opportunity which may be critical to them being able to maintain the mortgage and expenses."

"The residency requirement works to ensure owners will maintain close contact with their rental activities and thus promotes oversight, accountability and responsible operation of the rental property."

"I strongly oppose removing the residency requirement from the short-term rental regulations. Doing so will predictably lead to increased costs for the city, such as more calls to police to address noise complaints, and more trash and damage to public property from irresponsible short-term tenants."

"If we are going to have strong communities, we cannot allow homes to be left vacant for just a few rental nights a year."

"I fear that the zoning change will promote out-of-town investment in properties that have traditionally been single family homes and convert them into short term rentals for non-Richmonders."

"I strongly support the further staffing needed to properly implement STR regulations and permitting. Enforcement is the key to any STR regulations working."

"We will lose our sense of neighborhood and have no way of getting owners to answer to the mayhem that occurs."

"Would be awesome to put a portion of permit fees or transient occupancy tax toward affordable housing initiatives, like Nashville, Chicago, etc."

"We need to do everything possible to direct tourists and visitors to hotels over repurposed homes."

"I am fully opposed to removing the local owner requirements for short term rentals. Our housing market is currently too tight, and it has been shown that STRs are popular with investors who have the capital to outbid homeowners."

"I do not support any short-term rental policy. Homes are meant to be lived in and this city has no shortage of hotels."

"The distance requirement seems even more confusing, and staff seem to agree it will cause a mad rush of purchases by non-owner-occupied landlords/businesses to beat out the distance requirements."

Next Steps

PDR Staff will compile all feedback from Phase 3 and amend the draft concepts for the three zoning changes as necessary. Once the separate ordinances are finalized, they will be independently submitted to Planning Commission and City Council for review. Please monitor the website below for progress updates on the three zoning changes and for future initiatives related to zoning ordinance changes.

<https://www.rva.gov/planning-development-review/zoning-changes>