

INTRODUCED: December 14, 2020

AN ORDINANCE No. 2020-##

To amend and reordain City Code §§ Chapter 30: sections 30-420.1, 30-420.1:1, and 30-420.2 concerning permitted uses in the R-73 Multi-family Residential District; sections 30-426.1, 30-426.1:1, and 30-426.2 concerning permitted uses in the RO-2 Residential-Office District; section 30-432.1 concerning permitted uses in the I Institutional District; section 30-434.1 concerning permitted uses in the B-1 Neighborhood Business District; section 30-436.1 concerning permitted uses in the B-2 Community Business District; sections 30-438.1 and 30-438.2 concerning permitted uses in the B-3 General Business District; sections 30-440.1 and 30-440.2 concerning permitted uses in the B-4 Central Business District; section 30-450.1 concerning permitted uses in the OS Office-Service District; section 30-452.1 concerning permitted principal and accessory uses in the M-1 Light Industrial District; section 30-1200 concerning Definitions; section 30-1045.6 concerning specific conditions applicable to particular uses; and adding a new section, 30-698, concerning specific conditions applicable to particular uses.

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Patron – Mayor Stoney (by request)

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Approved as to form and legality  
by the City Attorney

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PUBLIC HEARING:

AT 6 P.M. on January 11, 2021

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-420.1, 30-420.1:1, and 30-420.2 of the Code of the City of Richmond (2018) be and are hereby amended and reordained as follows:

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

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

(1) Any principal use permitted in the R-1 district as set forth in Section 30-402.1;

- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the City Attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in Article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;
- (5) Nursing homes, provided that a plan of development shall be required as set forth in Article X of this chapter;
- (6) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (7) Tourist homes situated on Federal highways;
- (8) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;
- (9) Parking decks serving uses permitted in this district, provided that:
  - a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any

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

- b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
  - c. A plan of development shall be required as set forth in Article X of this chapter;
- (10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises, and provided further that a plan of development shall be required as set forth in Article X of this chapter;
- (11) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the City's master plan, and provided further that a plan of development shall be required as set forth in Article X of this chapter;
- (12) Adult day care facilities [-];
- (13) Adult care residences, provided that a plan of development shall be required as set forth in Article X of this chapter;
- (14) Permanent supportive housing, subject to the provisions of Section 30-698 of this Chapter.
- (15) Transitional housing, subject to the provisions of Section 30-698 of this Chapter.

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

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

~~[(1) — Adult care residences.]~~

~~[(2) — Group homes.]~~

~~[(3)]~~(1) Lodginghouses.

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

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

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.
- (3) Incidental uses located within multifamily dwellings, nursing homes and office buildings, designed and scaled for the convenience of the occupants thereof, and including shops for the sale of convenience goods, eating and drinking establishments, automated teller machines and personal service establishments, provided that:
  - a. There shall be no advertising signs, displays, show windows or automated teller machines visible from the exterior of the building.
  - b. There shall be no direct public entrance to such uses from the exterior of the building.
  - c. The aggregate floor area devoted to such uses shall not exceed five percent of the total floor area of the building in which they are located.
- (4) Restaurant facilities, automated teller machines and shops for the sale of gifts, flowers, drugs and similar items for the convenience of patients and visitors may be located within hospital buildings, provided that there shall be no signs, displays, show windows or automated teller machines visible from the exterior of the building nor shall there be any direct public entrance to such uses from the exterior of the building.
- (5) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:
  - a. The main building shall not contain any lodging units;
  - b. There shall be no enlargement of the accessory building, except for ingress and egress improvements required by the Virginia Uniform Statewide Building Code;
  - c. Lot area, floor area and usable open space requirements, where applicable, shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;
  - d. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;

- e. Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and
- f. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

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

§ 2. That sections 30-426.1, 30-426.1:1, and 30-426.2 of the Code of the City of Richmond (2018) be and are hereby amended and reordained as follows:

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

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

- (1) Any principal use permitted in the R-1 district as set forth in Section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the City Attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in Article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;
- (5) Nursing homes, provided that a plan of development shall be required as set forth in Article X of this chapter;
- (6) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (7) Tourist homes situated on Federal highways;

- (8) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;
- (9) Parking decks serving uses permitted in this district, provided that:
  - a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;
  - b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
  - c. A plan of development shall be required as set forth in Article X of this chapter;
- (10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises, and provided further that a plan of development shall be required as set forth in Article X of this chapter;
- (11) Private schools offering instruction in skills practiced in connection with the operation of uses permitted in this district;
- (12) Banks and savings and loan offices, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that when any bank or savings and loan office includes drive-up facilities or an automated teller machine accessible from the exterior of the building, the following conditions shall apply:
  - a. No such use shall be located on a transitional site.
  - b. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the City's master plan;
  - c. The floor area of the building devoted to such use shall not exceed 2,500 square feet, and not more than two drive-up teller lanes shall be provided on the premises;
  - d. A plan of development shall be required as set forth in Article X of this chapter;
- (13) Funeral homes, provided that:
  - a. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the City's master plan;

- b. Adequate space shall be provided on the premises or immediately adjacent thereto for the formation of funeral processions, and no such activity shall take place on public streets;
  - c. A plan of development shall be required as set forth in Article X of this chapter;
- (14) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the City's master plan, and provided further that a plan of development shall be required as set forth in Article X of this chapter;
  - (15) Radio broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed ten feet above ground level, or in the case of a building-mounted antenna, ten feet above the surface of the building on which it is mounted, and that a plan of development as set forth in Article X of this chapter shall be required for any ground-mounted antenna;
  - (16) Communications centers and telephone repeater stations operated by public service corporations, provided that a plan of development shall be required as set forth in Article X of this chapter;
  - (17) Adult day care facilities [-];
  - (18) Adult care residences, provided that a plan of development shall be required as set forth in Article X of this chapter;
  - (19) Permanent supportive housing, subject to the provisions of Section 30-698 of this Chapter.
  - (20) Transitional housing, subject to the provisions of Section 30-698 of this Chapter.

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

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

~~[(1)—Adult care residences.]~~

~~[(2)—Group homes.]~~

~~[(3)]~~(1) Lodginghouses.

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

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



- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.
- (3) Restaurant facilities, automated teller machines and shops for the sale of gifts, flowers, drugs and similar items for the convenience of patients and visitors may be located within hospital buildings, provided that there shall be no signs, displays, show windows or automated teller machines visible from the exterior of the building, nor shall there be any direct public entrance to such uses from the exterior of the building.
- (4) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:
  - a. The main building shall not contain any lodging units;
  - b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
  - c. Lot area requirements shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;
  - d. Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;
  - e. Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and
  - f. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.
- (5) Emergency housing, subject to the provisions of Section 30-698 of this Chapter.

§ 3. That section 30-432.1 of the Code of the City of Richmond (2018) be and is hereby amended and reordained as follows:

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

The uses of buildings and premises listed in this section shall be permitted in the I district, subject to the master plan requirements set forth in this division.

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

- (1) Single-family detached dwellings, provided that the regulations applicable to such uses in the R-5 district shall be met;
- (2) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (3) Churches, chapels, convents, monasteries and other places of worship, adjunct residential and administrative facilities and other uses operated by, and in conjunction with, religious institutions, and as an accessory use, emergency housing, subject to the provisions of Section 30-698 of this Chapter;
- (4) Public and private nonprofit schools and educational institutions, including dormitory, fraternity and sorority houses, classroom, administrative, recreational and student service facilities owned by or operated under the control of such school or institution, provided that no outdoor stadium or grandstand having a seating capacity in excess of 2,500 persons shall be permitted, and provided further that an indoor arena or auditorium having a seating capacity in excess of 2,500 persons shall be used only for educational, religious, cultural, civic, athletic and entertainment activities sponsored by or under the control of such institution, its student government, alumni association or other university i.e., public and private nonprofit schools and educational institutions) related organization;
- (5) Libraries, museums and similar uses operated by public or nonprofit agencies;

- (6) Hospitals, public health clinics, adult care residences, group homes, adult day care facilities and nursing homes;
- (7) Philanthropic, charitable and eleemosynary institutions, including social service delivery uses operated by such institutions;
- (8) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;
- (9) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;
- (10) Parking decks serving uses permitted in this district, provided that:
  - a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;
  - b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
- (11) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, utility storage yards and similar uses;
- (12) Wireless communications facilities and microwave relay facilities, including support structures, on property owned by the city, subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

§ 4. That section 30-434.1 of the Code of the City of Richmond (2018) be and is hereby amended and reordained as follows:

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

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

- (1) Adult day care facilities;
- (2) Art galleries;
- (3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;
- (4) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use, emergency housing, subject to the provisions of Section 30-698 of this Chapter ~~[the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year]~~;
- (5) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;
- (6) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 50 pounds dry weight and the total capacity of all laundry machines shall not exceed 125 pounds dry weight, and provided further that no such use shall be located on a transitional site;
- (7) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for

construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses);

- (8) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (9) Laundromats and laundry and dry cleaning pick-up stations, provided that such uses shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;
- (10) Libraries, museums, schools, parks and recreational facilities owned or operated by a governmental agency, and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;
- (11) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;
- (12) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;
- (13) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;
- (14) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;
- (15) Radio broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed ten feet above ground level, or in the case of a building mounted antenna, ten feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;
- (16) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment or establishments where food or beverage is intended to be consumed on the premises outside a completely enclosed building;
- (17) Retail stores and shops, provided that not more than 30 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

- (18) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;
- (19) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;
- (20) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;
- (21) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;
- (21.1) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter.
- (22) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units, provided that outdoor accessory uses such as displays, temporary sales areas, play equipment and similar activities shall not be permitted, nor shall any pay phone or vending machine be located outside of a completely enclosed building. Newspaper boxes shall not be subject to the limitations of this paragraph. (Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006).

§ 5. That section 30-436.1 of the Code of the City of Richmond (2018) be and is hereby amended and reordained as follows:

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

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

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

- (1) Adult day care facilities;
- (2) Art galleries;
- (3) Auto service centers, provided that no such use shall be located on a transitional site, and provided further that the following conditions are met for any such use that includes facilities for dispensing motor fuels:
  - a. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
  - b. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;
  - c. A plan of development shall be required as set forth in article X of this chapter.
- (4) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;
- (5) Catering businesses, provided that not more than five persons are employed on the premises in the conduct of any such business;
- (6) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use, emergency housing, subject to the provisions of Section 30-698 of this Chapter ~~[the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and~~

~~only within the time period beginning on October 1 of any year and ending on April 1 of the following year];~~

- (7) Communications centers and telephone repeater stations operated by public service corporations;
- (8) Contractors' shops, offices and display rooms, provided that the following conditions are met:
  - a. Not more than 2,000 square feet of floor area shall be used for warehouse purposes;
  - b. There shall be no outside storage of equipment, materials or supplies;
  - c. No service or delivery vehicle exceeding an empty weight of 6,500 pounds shall be used in connection with such use.
- (9) Custom printing and engraving shops not involving the printing of periodicals, books, catalogs or similar items requiring frequent shipment or delivery of large quantities of materials, provided that not more than five persons shall be employed in the conduct of such business;
- (10) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;
- (11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;
- (12) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses);
- (13) Funeral homes;
- (14) Furniture repair and upholstery shops, provided that the total floor area of work rooms shall not exceed 2,000 square feet;



- (15) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (16) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;
- (17) Hotels and motels, provided that:
  - a. No such use shall be located on a transitional site;
  - b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
  - c. A plan of development shall be required as set forth in article X of this chapter.
- (18) Janitorial and custodial service and supply establishments occupying not more than 2,000 square feet of floor area and not involving the use of delivery or service vehicles having an empty weight exceeding 6,500 pounds;
- (19) Laundromats and laundry and dry cleaning pick-up stations;
- (20) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;
- (21) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:
  - a. No such use shall be located on a transitional site;
  - b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
  - c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;
  - d. A plan of development shall be required as set forth in article X of this chapter.
- (21.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use.

- (22) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;
- (23) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;
- (24) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;
- (25) Parking decks, provided that:
  - a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but shall be devoted to other permitted principal uses, which shall have a depth of not less than 20 feet along the principal street frontage, or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this subdivision prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;
  - b. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;
  - c. Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
  - d. A plan of development shall be required as set forth in article X of this chapter.
- (26) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;
- (27) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely

enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

- (28) Postal and package mailing services, but not including package distribution centers;
- (29) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;
- (30) Professional, business and vocational schools when located above the ground floor of buildings, and provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;
- (31) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;
- (32) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;
- (33) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:
  - a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;
  - b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;
  - c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

- (34) Retail stores and shops, provided that not more than 50 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;
- (35) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;
- (36) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;
- (36.1) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter.
- (37) Self-service auto washing facilities, either automatic with a single vehicle capacity or hand operated with not more than four washing stalls, provided that:
  - a. No such use shall be located on a transitional site;
  - b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
  - c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;
  - d. Such use shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;
  - e. A plan of development shall be required as set forth in article X of this chapter.
- (38) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced except within a completely enclosed soundproof building, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;
- (39) Service stations, provided that:
  - a. No such use shall be located on a transitional site;
  - b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

- c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;
  - d. A plan of development shall be required as set forth in article X of this chapter.
- (40) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;
  - (41) Tourist homes;
  - (42) Wholesale and distribution establishments with not more than 5,000 square feet of floor area devoted to storage of goods, provided that distribution of products shall not involve the use of delivery vehicles having an empty weight exceeding 6,500 pounds;
  - (43) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;
  - (44) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units. Outdoor accessory uses such as temporary sales and display areas, play equipment, pay phones, vending machines and similar uses shall not be located within 15 feet of any street line or within any required side yard adjacent to an R or RO district or within required parking spaces, except that temporary sales and display areas not involving any structures may be located within required front yards. Not more than two vending machines shall be located outside of a completely enclosed building. Newspaper boxes shall not be subject to the limitations of this paragraph.

§ 6. That sections 30-438.1 and 30-438.2 of the Code of the City of Richmond (2018) be and are hereby amended and reordained as follows:

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

The following uses of buildings and premises shall be permitted in the B-3 district, provided that no use which includes a drive-up facility shall be located on a transitional site.

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

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

(1.1) Adult day care facilities;

(2) Art galleries;

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

- a. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
- b. A landscaped buffer having a depth of not less than five feet and providing an evergreen vegetative screen of not less than three feet in height within one year of planting shall be provided along the street frontage of the property; (Ord. No. 2020-209, §1, 10-12-2020)
- c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;
- d. A plan of development shall be required as set forth in article X of this chapter.

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

- a. No such use shall be located on a transitional site;

- b. All facilities involving general repair, body repair and painting and convertible top and seat cover repair and installation shall be located within completely enclosed buildings;
  - c. No dismantled or junked vehicle unfit for operation on the streets shall be parked or stored outside of an enclosed building;
  - d. All outdoor areas devoted to storage or display shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13(1) and (2) of this chapter;
  - e. A plan of development shall be required as set forth in article X of this chapter.
- (5) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;
- (6) Building materials and contractors' sales and storage yards and similar uses involving outside storage of materials or products other than scrapped or junked materials, provided that:
- a. No such use shall be located on a transitional site;
  - b. Areas devoted to storage shall be enclosed by opaque fences or walls not less than six feet in height and in no case shall chain link fencing, chain link fencing with slats, or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;
- (7) Breweries producing not more than 100,000 barrels of beer per year and distilleries producing not more than 250,000 cases of liquor per year, subject to the provisions of section 30-446.3 (6);
- (8) Catering businesses;
- (9) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use, emergency housing, subject to the provisions of Section 30-698 of this Chapter ~~[the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year];~~
- (10) Communications centers and telephone repeater stations operated by public service corporations;

- (11) Contractors' shops, offices and display rooms;
- (12) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;
- (13) Drive-in theaters, provided that:
  - a. No such use shall be located on a transitional site;
  - b. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;
  - c. Theater screens shall be located so as not to face any street or public area;
  - d. A plan of development shall be required as set forth in article X of this chapter.
- (14) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;
- (15) Dwelling units, provided that a plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;
- (16) Funeral homes;
- (17) Furniture repair and upholstery shops;
- (18) Greenhouses and plant nurseries;
- (19) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (20) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;
- (21) Hotels, provided that:
  - a. No such use shall be located on a transitional site;
  - b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
  - c. A plan of development shall be required as set forth in article X of this chapter.



- (22) Janitorial and custodial service and supply establishments;
- (23) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;
- (24) Laundromats and laundry and dry cleaning pick-up stations;
- (25) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a government or nonprofit organization; (Ord. No. 2020-209, §1, 10-12-2020)
- (26) Manufacturing uses of under 15,000 square feet of area, as listed in section 30-452.1 a, excepting 30-452.1(2) a.13;
- (27) Marinas, provided that a plan of development shall be required as set forth in article X of this chapter; and boathouses, piers and docks;
- (28) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:
  - a. No such use shall be located on a transitional site;
  - b. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;
  - c. A plan of development shall be required as set forth in article X of this chapter.
- (29) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;
- (30) Office supply, business and office service, photocopy and custom printing establishments;
- (31) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;
- (32) Parking decks, provided that:
  - a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but shall be devoted to other permitted principal uses, which shall have a depth of not less than 20 feet along the principal street frontage, or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or

alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this subdivision prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;

- b. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;
- c. Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
- d. A plan of development shall be required as set forth in article X of this chapter.

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

- (33) Personal loan and financial services, provided that such use may not be located within 5,000 feet of another personal loan or financial service;
- (34) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;
- (35) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;
- (36) Postal and package mailing services;
- (37) Printing, publishing and engraving establishments;
- (38) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;
- (39) Professional, business and vocational schools;
- (40) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when

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

- (41) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;
- (42) Recreation and entertainment uses, including theaters, museums, amusement centers, bowling alleys, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site and no music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises; (Ord. No. 2020-209, §1, 10-12-2020)
- (43) Recreation uses, outdoor, including golf courses, par three and miniature golf courses, driving ranges, putting greens, temporary carnivals and similar amusement facilities, but not including shooting ranges; provided that:
  - a. No such use shall be permitted on a transitional site;
  - b. Such use shall be so located, designed and operated that noise from equipment, machinery or loudspeaker systems is not audible from nearby properties in R or RO districts;
  - c. A plan of development shall be required as set forth in article X of this chapter.
- (44) Repair businesses conducted within completely enclosed buildings, provided that any service doors face away from any property in a R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 or R-63 district;
- (45) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:
  - a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 or R-63 district;
  - b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or

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

- c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.
  - d. Drive-through or drive-up windows shall be located at the rear or side of the building and accessed by an alley or a side street where possible;
- (46) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;
- (47) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices;
- (48) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets;
- (49) Self-service auto washing facilities and automatic auto washing facilities operated by attendants, provided that:
- a. No such use shall be located on a transitional site;
  - b. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;
  - c. A plan of development shall be required as set forth in article X of this chapter.
- (50) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;
- (51) Service stations; provided that:
- a. No such use shall be located on a transitional site;
  - b. A plan of development shall be required as set forth in article X of this chapter.
- (52) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(52.1) Social service delivery uses, provided that a plan of development shall be required in accordance with 30.698.3.(c) of this Chapter.

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

- a. No such use shall be located on a transitional site;
- b. Any tire storage must be located behind a continuous evergreen vegetative screen at least eight feet high within three years of planting, or the ~~the~~ rear of the building, or otherwise not visible from the street;

(54) Tourist homes;

(54.1) Transitional housing, subject to the provisions of Section 30-698 of this Chapter.

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

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

- a. No such use shall be located on a transitional site;
- b. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;
- c. All outdoor areas devoted to truck or trailer storage or parking shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13 (1) and (2) of this chapter;
- d. A plan of development shall be required as set forth in article X of this chapter.

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

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

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

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

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

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

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

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

~~[(2) Group homes;]~~

~~[(3)]~~(1) Lodginghouses;

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

~~[(5) Shelters;]~~

~~[(6) Social service delivery uses;]~~

~~[(7)]~~(3) Retail sales of liquor.

§ 7. That sections 30-440.1 and 30-440.2 of the Code of the City of Richmond (2018) be and are hereby amended and reordained as follows:

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

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

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

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

(1.1) Adult day care facilities;

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

(3) Art galleries;

(4) Auto rental establishments;

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

(6) Catering businesses;

(7) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use, emergency housing, subject to the provisions of Section 30-698 of this Chapter [~~the temporary housing of not more than 30~~]

~~homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year];~~

- (8) Communications centers and telephone repeater stations operated by public service corporations;
- (9) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;
- (10) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;
- (11) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage or priority street frontage, as shown on the official zoning map, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;
- (12) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (13) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;
- (14) Hotels, provided that:
  - a. No such use shall be located on a transitional site;
  - b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (3), (5), (12), (24), (34) or (35) of this section; provided that not more than 50 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use, except entrances or lobbies existing at the effective date of this provision that exceed 50 percent of such frontage shall be permitted, but shall not be expanded to occupy a greater percentage of such frontage.
  - c. A plan of development shall be required as set forth in article X of this chapter.



- (15) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;
- (16) Laundromats and laundry and dry cleaning pick-up stations;
- (17) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;
- (18) Marinas, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks;
- (19) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;
- (20) Office supply, business and office service, photocopy and custom printing establishments;
- (21) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;
- (22) Parking decks and parking garages, provided that:
  - a. No portion of the ground floor of such structure located along a principal street frontage or a priority 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 priority 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 or priority 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 paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. Upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in section 30-440.7(2);
  - b. Except as provided in paragraph (a) of this subsection (22), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
  - c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

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

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

- (23) Personal loan and financial services;
- (24) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;
- (25) Pet shops, veterinary clinics and animal hospitals, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;
- (26) Postal and package mailing services, but not including package distribution centers;
- (27) Printing, publishing and engraving establishments employing not more than 20 persons on the premises;
- (28) Public elementary or secondary schools, or private elementary and secondary schools having curricula substantially the same as that offered in public schools;
- (29) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;
- (30) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when such servicing is conducted within a completely enclosed building, provided that no passenger terminal shall be located on a transitional site;
- (31) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;
- (32) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;
- (33) Repair businesses conducted within completely enclosed buildings;

- (34) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:
- a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;
  - b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;
  - c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.
- (35) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;
- (36) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices;
- (37) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;
- (38) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;
- (39) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;
- (40) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;
- (41) Social service delivery uses, provided that a plan of development shall be required in accordance with 30.698.3.(c) of this Chapter;

- ~~[a.—A plan of development shall be required as set forth in article X of this chapter;~~
- ~~b.—No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or an adult care residence, group home, lodginghouse or shelter;~~
- ~~c.—A management program, addressing not less than the following elements shall be submitted as part of the plan of development application. The Director of planning and development review may include as conditions, elements of the management program as part of the approval of a plan of development. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:~~
- ~~1.—Detailed description of the managing entity, including the organizational structure, names of the board of Directors, mission statement, and any by laws;~~
  - ~~2.—Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the clients' needs;~~
  - ~~3.—Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;~~
  - ~~4.—Detailed description of the number and type of clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;~~
  - ~~5.—Operational details for on-site programs including: hours of operation; number and type of staff, staff qualifications, and typical hours worked by staff; method of client supervision; operating procedures including procedures for orienting a new client to the facility's programs; expectations for clients; prerequisites for continued client enrollment such as a requirement that the client participate in programs; rules of behavior for clients; the location and nature of any security features and arrangements; and names and telephone numbers of persons to contact in emergencies and any emergency procedures;~~
  - ~~6.—Annual operating budget, including sources of funding.]~~

(42) Tourist homes;

(42.1) Transitional housing, subject to the provisions of Section 30-698 of this Chapter.

- (43) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;
- (44) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;
- (44.1) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter.
- (45) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

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

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

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

~~[(2) Group homes;]~~

~~[(3)]~~(1) Lodginghouses;

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

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

~~[(6) Shelters;]~~

§ 8. That section 30-450.1 of the Code of the City of Richmond (2018) be and is hereby amended and reordained as follows:

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

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

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

- a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;
  - b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
  - c. A plan of development shall be required as set forth in article X of this chapter;
- (13) Printing, publishing and engraving establishments employing not more than 20 persons on the premises;
- (14) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 18 feet above ground level, or in the case of a building mounted antenna, 18 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;
- (15) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;
- (16) Wholesale, warehouse and distribution establishments in conjunction with office, showroom, display and other facilities generally accessible to the public, provided that:
  - a. Not more than 20,000 square feet of floor area shall be devoted to warehouse and storage use;
  - b. Portions of buildings adjacent to public street frontages along which front yards are required shall be devoted to office, showroom, display and other facilities generally accessible to the public;
- (17) Incidental retail sales, repair, fabrication and processing activities shall be permitted within the same building as, and in conjunction with office, studio, wholesale, warehouse, distribution, supply and contractors' establishments permitted in this district when such retail sales, repair, fabrication and processing activities are clearly accessory and subordinate to the principal activity conducted on the premises;
- (17.1) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter.

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



§ 9. That section 30-452.1 of the Code of the City of Richmond (2018) be and is hereby amended and reordained as follows:

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

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

- (1) Any use permitted in the district as set forth in section 30-438.1, provided that:
  - a. A plan of development shall not be required for any use except the following: parking decks, parking garages, shopping centers, hotels and motels, motor fuels dispensing in conjunction with other uses permitted in the B-3 district and uses with drive-up facilities;
  - b. The prohibition of uses outside of enclosed buildings shall not be applicable in this district;
  - c. Except for emergency housing uses, subject to the provisions of Section 30-698 of this Chapter, n[N]o building shall be erected for dwelling use or converted to such use unless permitted by the board of zoning appeals pursuant to the provisions of section 17.20 of the Charter, in which event such use shall be discontinued within ten years from the date such use is permitted, provided that a building may be used for dwelling purposes by a guard, caretaker or watchman employed in connection with the use of a building or premises permitted in this district;
- (2) The following uses and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influence than the minimum amount normally resulting from other uses permitted; such permitted uses being generally light industries that manufacture, process, store and distribute goods and materials and are in general dependent upon raw materials refined elsewhere, and manufacturing, compounding, processing, packaging or treatment as specified of the following or similar products:
  - a. Food and beverages:
    1. Baked goods.
    2. Beverages: blending and bottling plants.
    3. Chocolate, cocoa and cocoa products: processing and packaging.
    4. Coffee, tea and spices: processing and packaging.
    5. Condensed milk: processing and canning.

6. Dairy products: creameries and plants.
7. Fruit and vegetable processing, including canning, preserving, drying and freezing.
8. Gelatin products.
9. Glucose and dextrine.
10. Macaroni and noodle manufacturing.
11. Meat products: packing and processing, but not including slaughtering.
12. Oleomargarine: compounding and packaging.
13. Poultry packaging and slaughtering.

b. Metal and metal products:

1. Agricultural or farm implements.
2. Aircraft and aircraft parts.
3. Aluminum extrusion, rolling, fabrication and forming.
4. Automobile, truck, trailer, motorcycle and bicycle assembly.
5. Bolts, nuts, screws, washers and rivets.
6. Containers (metal).
7. Culverts.
8. Firearms.
9. Foundries and foundry products manufacturing.
10. Heating, ventilating, refrigeration and appliance supplies and equipment.
11. Iron or structural steel fabrication.
12. Nails, brads, tacks, spikes and staples.
13. Needles and pins.

14. Plating (electrolytic process).
15. Plumbing supplies.
16. Safes and vaults.
17. Sheet metal products.
18. Silverware and plated ware.
19. Tool, die, gauge and machine shops.
20. Tools and hardware products.
21. Vitreous enameled products.

c. Textiles, bedding and fibers:

1. Garment making, repair and tailoring.
2. Hats.
3. Hosiery mill.
4. Knitting, weaving, printing, dyeing and finishing of textiles and fibers into fabric goods.
5. Rubber and synthetic treated fabrics, but not including rubber and synthetic processing.
6. Yarn, threads and cordage.

d. Wood and paper products:

1. Baskets and hampers.
2. Boxes and crates.
3. Forests and wildlife preserves: public and private.
4. Furniture.
5. Pencils.
6. Pulp goods and paper processing, but not including pulp milling.

7. Shipping containers.

8. Trailers and wagons.

e. Unclassified uses:

1. Animal, poultry and bird raising.

2. Animal pound for detention only.

3. Boat manufacturing (vessels less than five tons).

4. Building materials storage and sales.

5. Bus and other transportation terminals, garages and repair shops.

6. Button manufacturing.

7. Carbon paper and inked ribbon manufacturing.

8. Chewing gum manufacturing.

9. Clay, stone and glass products.

10. Cigar, cigarette, chewing and smoking tobacco manufacturing.

11. Circus and fairgrounds.

12. Coal and coke storage and sales.

13. Concrete products.

14. Contractors' shops and storage yards.

15. Drive-in or outdoor theatres.

16. Dry cleaning and laundering.

17. Exhibition space: enclosed or unenclosed.

18. Electric transformer stations, substations and generating plants.

19. Entertainment and recreational uses.

20. Feed and grain storage.

21. Flour and feed packaging and blending.
22. Fur finishing.
23. Grain blending and packing, but not including milling.
24. Greenhouses.
25. Ice manufacturing.
26. Industrial and vocational training schools.
27. Insecticides, fungicides, disinfectants and related industrial and household chemical compounds (blending only).
28. Kennels.
29. Laboratories and research facilities.
30. Leather goods manufacturing, but not including tanning operations.
31. Livery stables and riding academies.
32. Malt products manufacturing, but not including breweries producing more than 100,000 barrels of beer or distilleries producing more than 250,000 cases of liquor per year. (Ord. No. 2013-33-37, § 1, 3-25-2013)
33. Motion picture production.
34. Pottery and porcelain products.
35. Propagation and cultivation of crops, flowers, trees and shrubs.
36. Public utility storage yard.
37. Railroad passenger and freight depots.
38. Repair and servicing of diesel engines.
39. Repair, servicing, sale and storage of heavy construction equipment.
40. Sanitary landfills operated by governmental agencies.
41. Storage of petroleum products for distribution within the metropolitan area.

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

43. Wholesale, warehouse and distribution establishments.

- (3) Adult entertainment establishments, adult book stores, adult motion picture theaters, and massage parlors, provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;
- (4) Parking areas and parking lots. (Ord. No. 2020-209, §1, 10-12-2020)
- (5) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district.

§ 10. That section 30-1200 of the Code of the City of Richmond (2018) be and is hereby amended and reordained as follows:

## ARTICLE XII. DEFINITIONS

Sec. 30-1200. Applicability of article.

For the purposes of this chapter, certain words or terms used in this chapter shall be interpreted as set forth in this article, unless otherwise specifically prescribed elsewhere in this chapter. Words and terms not defined in this article shall be interpreted in accordance with such normal dictionary meaning or customary usage as is appropriate to the context.

Sec. 30-1210. General rules of interpretation.

- (a) For the purposes of this chapter, general rules of interpretation shall be as follows:
  - (1) The word “shall” is mandatory, and the word “may” is permissive.
  - (2) The singular number includes the plural, and the plural number includes the singular.
  - (3) The present tense includes the future tense.
  - (4) The word “building” includes the word “structure.”
  - (5) The word “land” includes the words “water” and “marsh.”
  - (6) The word “used” or “occupied” includes the words “intended, designed or arranged to be used or occupied.”
- (b) Figures and drawings contained in this chapter are for the purpose of illustration. If a discrepancy exists between such illustration and the text of this chapter, the text shall control.

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:

- .1 *Accessory structure* and *accessory building* mean a structure or building used for purposes incident and subordinate to the principal use of the premises.
- .2 *Accessory use* means a use of land or use of a structure or building for purposes incident and subordinate to the principal use of the premises.
- .3 *Adult bookstore* means a commercial establishment which offers for sale, rental or viewing for any form of consideration any one or more of the following: books, magazines,

periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, when one or more of the following criteria apply:

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

.4 Adult care residence, also known as assisted living facility, as defined by §63.2-100 Virginia Code, means any congregate residential setting that provides or coordinates personal and health care services, twenty-four (24)-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four (4) or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except:

- (1) A facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed;
- (2) The home or residence of an individual who cares for or maintains only persons related to him by blood or marriage;
- (3) A facility or portion of a facility serving infirm or disabled persons between the ages of eighteen (18) and twenty-one (21), or twenty-two (22) if enrolled in an educational program for the handicapped pursuant to §22.1-214 Virginia Code, when such facility is licensed by the Department as a children's residential facility under §63.2-1700 et seq. Virginia Code, but including any portion of the facility not so licensed; and
- (4) Any housing project for persons sixty-two (62) years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority.

Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.~~[means any place, establishment, institution or portion thereof operated or maintained as a residence providing for the maintenance or care of four or more adults~~



~~who are aged, infirm or disabled and which is licensed by the commonwealth as an adult care residence.]~~

- .5 *Adult day care facility* means a facility, also known as adult day care center, as defined by §63.2-100. Virginia Code, which is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except:

- (i) A facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services; and
- (ii) The home or residence of an individual who cares for only persons related to him by blood or marriage.

Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults. [which provides supplementary care and protection during a part of the day only to four or more aged, infirm or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the state board of health or department of mental health, mental retardation and substance abuse services.]

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

- (1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exhibited by a dress, shirt, leotard, bathing suit or other wearing apparel provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast.
- (2) Male genitals in a state of arousal even if completely and opaquely covered. Any establishment which features such performances more than one day in a 30-day period shall be deemed to be an adult entertainment establishment. The restrictions in this definition shall not apply to a legitimate theatrical performance where nudity or seminudity is only incidental to the primary purpose of the performance.

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

other, nonsexually oriented films. A finding by the zoning administrator that sexually oriented films predominate or that a predominant number of films are restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

- .8 *Alley* means a public way affording or intended to afford secondary means of vehicular access to abutting properties.
- .9 *Amusement center* means a building, portion of a building or area outside of a building, where four or more video game machines, pinball machines, pool or billiard tables or other similar player-operated amusement devices or any combination of four or more such devices are maintained for use by the public.
- .10 *Area devoted to parking* means that portion of a lot which is improved for purposes of a principal or accessory parking area or parking lot and related vehicle circulation and including all parking spaces, access aisles, driveways, loading areas and vehicle stacking areas or maneuvering space.
- .11 *Automated teller machine* means a computerized electronic machine that performs basic banking functions such as handling deposits, transferring funds or issuing cash withdrawals; also known as an ATM or automatic teller machine.
- .12 *Auto service center* means an establishment for the servicing and minor repair of motor vehicles within enclosed service bays or stalls and which may include the dispensing of motor fuels and related products at retail and the sale of minor automobile parts and accessories such as tires, batteries, sparkplugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items. An auto service center shall not include any establishment engaging in general auto or truck repair; body repair or painting; welding; frame straightening; tire recapping or vulcanizing; storage of wrecked vehicles; or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.
- .12:1 *Awning* means a permanent or retractable architectural projection, typically constructed using a lightweight frame structure over which a cloth or similar non-structural covering is attached, providing a light roof-like structure over door entrances or windows that provides sun and weather protection, identity, or decoration and is wholly supported by the exterior façade of the building to which it is attached.
- .13 *Bicycle rack* means a structure to which frame and both wheels of a bicycle can be securely attached.
- .14 *Block* means all of the property located along one side of a street between two intersecting streets or between any combination of intersecting streets, railroad rights-of-way, watercourses or other features or natural barriers which permanently interrupt the continuity of development. These are in part of an annotated version ONLY for Staff use so

they know when certain amendments were adopted. These were omitted in all areas they appeared in the document.

- .15 *Block, entire* means all of the property lying within an area bounded entirely by streets or by any combination of streets, railroad rights-of-way, watercourses or other features or natural barriers which permanently interrupt the continuity of development.
- .15:1 *Booking transaction* means any transaction in which there is a charge to one or more short-term renters by a short-term rental operator in exchange for the occupancy of a short-term rental.
- .16 *Building* means a structure having a roof and intended for the shelter or enclosure of persons or chattels and which is enclosed within exterior walls or which, if a structure is used or occupied for nondwelling purposes, is enclosed within exterior walls, party walls or other permanent wall separation having no ingress or egress through or to another such structure.
- .17 *Building area* means the horizontal area of a lot covered by enclosed building space as measured from exterior faces of exterior walls of each building on the lot.
- .18 *Building, completely enclosed*, means a building having no outside openings other than ordinary doors, windows and ventilators.
- .19 *Building, height of*, means the vertical distance from mean grade level to the highest point of a flat roof; to the deck line or highest point of the coping of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, shed or gambrel roof.
- .20 *Building, main*, means a building occupied by a principal use.
- .20:1 *Canopy* means a permanent or architectural projection typically of rigid construction over which a structural covering is attached, providing a roof-like structure generally over door entrances, outdoor dining or service areas that provides sun and weather protection, identity or decoration structurally supported by the exterior façade of the building to which it is attached.
- .21 *Clinic* means a facility providing health services for persons on an outpatient basis and where no patients are lodged overnight.
- .22 *Court, inner*, means an uncovered open space, other than a yard, surrounded on all sides by the exterior walls of a structure.
- .23 *Court, outer*, means an uncovered open space, other than a yard, surrounded on three sides by the exterior walls of a structure. Where the fourth or open side of a court is enclosed by projections exceeding 25 percent of its width, such court shall be considered an inner court.

- .24 *Day nursery* means a facility for the care of more than five children while separated from their parents for a portion of the day, not including children of a family residing on the premises.
- .25 *Development site* means all of the land developed or to be developed for single-family attached dwellings or mixed-use development and related accessory uses and structures, when such land is contiguous and planned and developed as a unit. For single-family attached dwellings, the development site shall include individual attached dwelling lots, open spaces, private streets, parking areas, community buildings and other uses, structures and areas owned or to be owned in common by owners of individual lots within the development.
- .26 *Drive-up facility* means any principal use or facility accessory to a principal use where service is rendered to or business is transacted directly with customers located in a motor vehicle.
- .27 *Dwelling, multifamily*, means a building containing three or more dwelling units.
- .28 *Dwelling, single-family attached*, means a building which contains only one dwelling unit and which is attached by means of party walls to another main building, each of which is located on an individual lot of record.
- .29 *Dwelling, single-family detached*, means a building completely separated from any other main building and containing only one dwelling unit.
- .30 *Dwelling, two-family*, means a building containing two dwelling units, and consisting of either of the following:
- (1) *Dwelling, two-family attached*, means a two-family dwelling which is attached by means of a party wall to another main building, each of which is located on an individual lot of record.
  - (2) *Dwelling, two-family detached*, means a two-family dwelling which is completely separated from any other main building.
- .31 *Dwelling unit* means a room or group of rooms within a building constituting a separate and independent unit occupied or intended for occupancy by one family and containing one kitchen and provisions for living, sleeping, eating and sanitation, all of which are generally accessible to all occupants of the unit, and which is not available for occupancy for periods of less than one month.
- .32 *Dwelling use* means any of the following principal uses: single-family detached dwelling, single-family attached dwelling, two-family dwelling, multifamily dwelling, nursing home, adult care residence, permanent supportive housing [~~group home~~], transitional housing, lodginghouse, fraternity or sorority house; and includes any dwelling unit contained within the same building as other permitted principal uses.

.32:1 *Emergency housing* (also known as shelter) means a property, or portion thereof, that provides, without any use and occupancy agreement or lease, but generally for a period of less than ninety (90) days, individuals or families who lack a fixed, regular, and adequate nighttime residence a place of shelter for sleeping; individual or shared facilities for sanitary health, hygiene, and waste disposal; continuous on-site supervision; and services intended to improve health and welfare, including, but not limited to, the care and treatment of medical, mental health, and substance abuse matters; counseling and case management; assistance obtaining education, training, employment; and assistance securing food, housing, and government benefits. Emergency housing shall not mean transitional housing, permanent supportive housing, hotel, motel, or tourist home as defined in this Chapter.

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

- (1) One (1) or more persons related by blood, marriage, legal guardianship or adoption, including foster children;
- (2) Not more than three (3) unrelated persons or a combination of related and unrelated persons;
- (3) Two (2) unrelated adults plus children related to one or both adults by blood, marriage, legal guardianship or adoption, including foster children;
- (4) No more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities, with one or more resident or nonresident staff persons, occupying a single dwelling unit or other residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority pursuant to the Code of Virginia. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in §54.1-3401 Code of Virginia [~~Not more than eight unrelated mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors or other staff persons, occupying a single dwelling unit or other residential facility for which the department of mental health, mental retardation and substance abuse services of the commonwealth is the licensing authority pursuant to the Code of Virginia, shall be considered a family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401];~~];
- (5) No more than eight (8) aged, infirm or disabled persons, with one (1) or more resident counselors or other staff persons, occupying a single dwelling unit or other residential facility for which the Department of Social Services of the Commonwealth is the licensing authority pursuant to the Code of Virginia;[~~Not more than eight handicapped persons, as defined by the federal fair housing act, occupying a single dwelling unit, and in addition thereto may include one or more resident counselors or other staff persons.~~]

- (6) No more than eight (8) handicapped persons, as defined by the Federal Fair Housing Act, occupying a single dwelling unit, and in addition thereto may include one (1) or more resident counselors or other staff persons.

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

- .34 *Flea market* means an activity conducted outside an enclosed building and which involves the retail sale of new or used merchandise by one or more vendors operating from stalls, stands, vehicles or other spaces which are rented or otherwise made available to such vendors. The term does not include outdoor display or sales of a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises; nor does it include the sale of merchandise as part of a permitted festival or other similar special event, temporary in duration, at which the display and sale of merchandise are incidental to the primary cultural, charitable, informational or recreational activity of such festival or special event. A flea market shall not be considered a permitted accessory use to an activity of similar nature conducted in an enclosed building or to any other principal use in any zoning district.
- .35 *Floor area* means the sum of the horizontal areas of enclosed building space on all floors of all buildings on a lot measured from the exterior face of exterior walls and including intervening partitions, halls, lobbies, stairways and elevator shafts. The following shall be excluded from calculation of floor area:
- (1) Open exterior balconies and other unenclosed spaces.
  - (2) Uncovered terraces, patios, porches, or steps.
  - (3) Garages, carports or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles.
  - (4) Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.
  - (5) Areas for common special purpose use by occupants of the premises, including laundries, recreation areas, sitting areas and libraries in buildings devoted to dwelling use, and storage areas, and areas devoted exclusively to management and/or maintenance of the premises in buildings devoted to any use, but not including incidental commercial activities in any case.

- .36 *Floor area ratio (FAR)* means the total square foot amount of floor area on a lot for each square foot of land area. Floor area ratio is determined by dividing the floor area on a lot by the land area attributed to the lot.
- .37 *Fraternity or sorority house* means a building which is used for living accommodations, meetings, gatherings or other activities for students who are members of a college or university fraternity or sorority and their guests.
- .38 *Ground floor* means the story (of a building) having its floor elevation closest to the elevation of the adjacent street.
- .39 Reserved. ~~[Group home means a building or portion thereof intended for residential occupancy for periods of not less than one week and where the total occupancy of such facility does not constitute a family, as defined in this section, and having all of the following characteristics:~~
- ~~(1) Occupancy is not available to the general public.~~
  - ~~(2) Sleeping areas are not arranged in a dormitory configuration.~~
  - ~~(3) Facilities and services include living, sleeping, sanitation, either the provision of at least one daily meal or the provision of kitchen facilities for use by residents, and a defined program for operation and services for residents, which may include minor medical care, counseling, training and similar services.~~
  - ~~(4) Supervision of residents is provided.~~
- The term “group home” shall not be construed to include a “shelter” as defined in this section.]
- .40 *Home occupation* means any occupation, profession, business or enterprise which is incidental and secondary to the principal use of the premises as a dwelling unit.
- .41 *Hospital* means a facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an inpatient basis and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research and administration.
- .42 *Hotel and motel* mean a building or group of buildings on the same site containing guestrooms with sanitation facilities, with or without kitchens, intended to be rented for compensation for occupancy by the traveling public and similar transient guests primarily on a daily or weekly basis. The terms “hotel” and “motel” are intended to apply to motor inns, motor lodges, auto courts and tourist courts, except when such terms conform to the definition of tourist home contained in this section, and are intended to be distinguished from lodginghouses, emergency housing ~~[shelters]~~, transitional housing, permanent supportive housing ~~[group homes]~~, and similar forms of housing. The term “hotel” applies

to any such facility as defined herein consisting of a single building where primary access to all guestrooms is by way of a common lobby within the building or a corridor connected to a common lobby, with no primary access to individual guestrooms directly from the exterior of the building.

- .43 *Industrialized building* means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in Code of Virginia, § 36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this definition.
- .44 *Interstate highway* means any road within the National System of Interstate and Defense Highways described within 23 USC 103(e).
- .45 *Kennel* means any lot or structure used for the sale, keeping, boarding or commercial breeding of dogs, cats, or other household pets and involving five or more such animals over the age of four months.
- .46 *Kitchen* means a room or portion thereof containing facilities which are designed, intended or used for cooking and preparation of meals.
- .47 *Land area* means the area of a lot within the property lines, plus one-half the width of abutting public street and alley rights-of-way.
- .48 *Live/work unit* means a dwelling unit within which an occupation, profession, business or enterprise is conducted in conjunction with the living space of the owner or operator of such occupation, profession, business or enterprise, and which constitutes a principal use and does not otherwise meet the definition of home occupation contained in this article
- .49 *Loading space* means an area within a building or elsewhere on the premises used for the standing, loading or unloading of vehicles in connection with the use of the property on which such space is located.
- .50 *Lodge* means a meeting place for an association of persons organized for a common nonprofit objective such as literature, science, politics, health, good fellowship or civic betterment, where no commercial enterprise is conducted on the premises and where use of the premises is generally limited to members of such association. A motorcycle or automobile club or private entertainment club shall not be considered a lodge.
- .51 *Lodginghouse* means a building containing any number of lodging units, when the total of all such units in the building are occupied or intended to be occupied by a total of more than two persons, with or without board, and not available for occupancy for periods of less than one week, as distinguished from a group home or shelter, as defined in this section, and from a tourist home, hotel or motel where occupancy is available to transient guests on



a daily basis. In addition to the foregoing, existence of any one or more of the following characteristics constitutes prima facie evidence that a dwelling use is being used as a lodginghouse: separate rental agreements for different occupants; exterior locking mechanisms on interior doors of rooms for occupants; separate entrances from the exterior of the building for individual occupants; and normally common areas of dwelling unit, such as the living room, family room or dining room, being used as sleeping areas or not being available on an equal or common basis to all occupants.

- .52 *Lodging unit* means a room or group of rooms within buildings constituting separate and independent living quarters occupied or intended for occupancy by one family and containing provisions for living and sleeping, with or without sanitation facilities within the unit, and not containing cooking facilities.
- .53 *Lodging unit, accessory*, means a lodging unit located within a single-family dwelling, consisting of a room separate from the primary living quarters of the dwelling, but with internal access through the dwelling, not containing facilities for cooking or refrigeration of food, and which is not available for occupancy for periods of less than one month.
- .54 *Lot* means a parcel of land occupied or intended for occupancy by buildings or uses permitted by this chapter and including such area, yards and other open spaces as are required in this chapter. A lot may consist of a single lot of record or a combination of contiguous lots of record.
- .55 *Lot, corner*, means a lot located at the intersection of two or more streets or a lot bounded entirely by streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the intersections of the side lot lines with the street line to the midpoint of the street frontage meet at an interior angle of 135 degrees or less.
- .56 *Lot coverage* means that portion of a lot occupied at ground level or above by enclosed space within main buildings and accessory buildings.
- .57 *Lot, interior*, means a lot having only one street frontage.
- .58 *Lot of record* means a lot which is part of a subdivision recorded in the office of the clerk of the proper court, or a lot or parcel described by metes and bounds which has been so recorded.
- .59 *Lot, through*, means a lot other than a corner lot having more than one street frontage.
- .60 *Lot width* means the shortest horizontal distance between the points where the rear of the required front yard intersects the sidelines of a lot. For through lots, the lot width shall be measured adjacent to the street frontage to which the main building is oriented.
- .60:1 *Major reconstruction* means reconstruction of a building to the extent of more than 60 percent of its replacement values, as determined by the commissioner of buildings utilizing the RSMeans or a similar cost evaluation system for comparable construction. The term

“reconstruction” includes major reconstruction as defined herein as well as any reconstruction to a lesser extent.

- .61 *Mall* means a public way upon which business establishments have frontage and which serves primarily for the movement of pedestrians, with trees, benches or other furnishings provided and with vehicular access prohibited, restricted or reduced so as to emphasize pedestrian use.
- .62 *Manufactured home*. Any structure subject to federal regulation and which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on a site; is built on a permanent chassis; is designed to be used for dwelling purposes by one family, with or without a permanent foundation, when connected to the required utilities; and which includes the plumbing, heating, air-conditioning, and electrical systems to be utilized in the structure.
- .63 *Manufactured home park*. A lot on which are located or which is arranged or equipped for the accommodation of two or more manufactured homes with spaces for such available for rent or lease for periods of not less than one month.
- .64 *Marina* means any facility for the mooring, berthing, storing or securing of watercraft, including community piers and other boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marina equipment sales or promotional events, boat and jet ski rentals and other uses clearly incidental to watercraft activities.
- .65 *Mean grade level* means the average of the lowest and highest finished elevations of the ground adjacent to the exterior walls of a building.
- .66 *Microwave relay facility* means a facility for the transmission and/or reception of radio frequency (RF) signals, typically consisting of an equipment enclosure or cabinet and one or more dish antennas (discs) which transmit point to point, mounted on an antenna support structure or alternative antenna support structure. Such a facility may be an accessory component of a wireless communications facility.
- .67 *Microwave relay facility alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a microwave relay facility is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.
- .68 *Microwave relay facility support structure* means a structure designed and constructed specifically to support a microwave relay antenna, which may include a self-supporting

monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

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

- (1) Alcoholic beverages served or consumed on the premises;
- (2) Floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity, provided that floor space utilized for patrons to view television or similar media shall not be construed to constitute floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity; and
- (3) Music or other sound that is amplified through speakers for the purpose of entertaining patrons, except for the following:
  - a. Sound associated with television or similar media being viewed by patrons; and
  - b. Music provided exclusively as background entertainment for dining patrons.

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

.69:1 *Noncommercial flag*, means a piece of cloth or other flexible material that only depicts the emblem or insignia of a nation, political unit, educational, charitable, religious, civic, or other similar group or is a decorative flag that does not display a commercial message, and generally attached by one edge to flag pole or light pole.

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

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

.72 *Nonconforming use* means a principal or accessory use of land, buildings or structures lawfully existing at the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto and which does not conform with the use regulations of this chapter or any amendment thereto.

- .73 *Nursing home* means any place, establishment, institution, or portion thereof providing on a continuing basis nursing and health-related services for the treatment and inpatient care of two or more persons and which is licensed by the commonwealth as a nursing home.
- .74 *Open space, uncovered*, means exterior space open to the sky including usable roof area.
- .75 *Parking area*. A parcel of land or portion thereof used for the parking of motor vehicles for which there is no direct charge to the user. A direct charge shall be construed to mean a charge levied at the parking area.
- .76 *Parking deck* means a structure or portion of a structure used for the parking of motor vehicles and bicycles and primarily serving occupants of the premises on which it is located and which may include parking spaces that are leased for a term of not less than one month for use by others, so long as there is no direct charge to the user levied at the parking deck.
- .77 *Parking garage* means a structure or portion of a structure generally available to the public and used for the parking of transient motor vehicles and bicycles for compensation, whether by prior rental or lease agreement or on an hourly or daily basis.
- .78 *Parking lot* means a parcel of land or portion thereof used for the parking of motor vehicles as a commercial enterprise for which compensation is charged at the parking lot.
- .79 *Parking space* means an area for the parking of one motor vehicle located other than within a public street or public alley right-of-way and having dimensions specified in section 30-710.3:1 and having a permanent means of access to a public street or public alley without requiring passage through another parking space.
- .80 *Parking space, bicycle* means an area for the parking of one bicycle located other than within a public street or public alley right-of-way and having a paved means of access to a public street or public alley.
- .81 *Parking space, long-term bicycle* means a bicycle parking space in a secure, weather-protected facility intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and employees.
- .82 *Parking space, short-term bicycle* means a bicycle parking space provided by a bicycle rack located in a publicly accessible, highly visible location intended for transient or short-term use by visitors, guests, patrons, and deliveries to the building or use.
- .83 *Parkway* means any highway, other than a designated federal interstate highway, from which direct vehicular access to abutting privately owned properties is prohibited, and which is characterized by landscaped medians and/or shoulder areas, or any highway which is designated as a “parkway” in the city’s master plan.

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

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

.84:2[4] *Personal and financial services* means any private, for-profit entity offering loans using car titles, paychecks, or other such assets as collateral, including “payday lenders” as defined by Code of Virginia, § 6.2-18, “motor vehicle title loans” as defined by Code of Virginia, § 6.2-22 , and “pawnbrokers” as defined by Code of Virginia, § 54.1-4000.

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

.86 *Principal street frontage* means:

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

- .86:1 *Priority street frontage* means that portion of a lot abutting a street designated as a priority street on the official zoning map established and maintained pursuant to Section 30-200 and situated between lot lines intersecting such street.
- .87 *Public mall or plaza* means a public right-of-way closed to motor vehicle travel intended for use as an outdoor pedestrian way or outdoor public assembly area or, similarly, a publicly owned property intended for and devoted to such use.
- .88 *Public parking space* means an area for the parking of one motor vehicle located within a public right-of-way and available for parking by the general public during normal business hours other than such peak traffic periods as may be restricted by traffic regulations imposed by the city; or a structure which is operated for purposes of public parking on a not-for-profit basis by the city, other public agency or a merchants' or property owners' association, and which is identified as public parking by a sign posted in a conspicuous location, when such parking space is available for use by the general public during normal business hours and is not reserved, restricted or required for use by patrons or employees of any particular business or use.
- .89 *Radio and television broadcast antenna* means a rod (whip) or other device intended to send signals produced by a radio or television broadcast studio to the receiving devices operated by end users.
- .90 *Radio and television broadcast antenna alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a radio or television broadcast antenna is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.
- .91 *Radio and television broadcast antenna support structure* means the supporting structure on which a radio and television broadcast antenna is mounted, intended to provide height for the antenna to facilitate transmission of the radio or television signal over a geographic area, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.
- .92 *Recreational vehicle* means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term "recreational vehicle" shall include but shall not be limited to travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.
- .93 *Retail sales of liquor* means any use involving the sale of distilled or spirituous beverages such as brandy, whiskey, as distinguished from fermented beverages such as wine or beer, to the general public for consumption off the premises, when such sale takes place within a portion of a retail establishment.

- .94 *Retail stores and shops.* Establishments wherein the principal activity is the sale of merchandise at retail to the general public, including incidental storage of goods to be sold at retail on the premises and including incidental fabrication or processing of goods to be sold principally at retail on the premises, but not including establishments for the sale in bulk of fuels, building materials and lumber, or the sale of motor vehicles, boats, trailers, machinery, heavy equipment, tires or similar items.
- .95 *Roofline* means the highest point of the roof of a building.
- .95:1 *Safe parking area* means one (1) or more parking spaces on an existing parking lot, as defined in this Chapter, in which operable, non-commercial vehicles serve as a nighttime residence for individuals or families, and in which the number of vehicles parked shall not exceed the number of parking spaces, the hours of operation shall not conflict with any primary use of the property, and no vehicle shall discharge or dispose of any type of wastewater onto the property.
- .95:2[4] *Series* means three or more attached buildings.
- .96 *Service station* means an establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, sparkplugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items; and which may include the inspection, servicing or minor repair of motor vehicles in not more than three enclosed service bays or stalls. A service station shall not include any establishment engaging in general auto or truck repair; body repair or painting; welding; frame straightening; tire recapping or vulcanizing; storage of wrecked vehicles; or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.
- .97 Reserved. [~~*Shelter* means a building or portion thereof intended for temporary residential occupancy on a daily or longer basis by persons with no other fixed place of abode or persons who are temporarily displaced from their place of abode and having all of the following characteristics:~~
- ~~(1) — The use is operated on a not for profit basis;~~
  - ~~(2) — Sleeping areas are provided in a dormitory or other configuration;~~
  - ~~(3) — Facilities and services include living, sleeping, sanitation and the provision of at least one daily meal and are available only to residents and staff;~~
  - ~~(4) — Minor medical care, job counseling and substance abuse counseling services are available to residents, either on the premises or by written agreement with providers; and~~

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

- .98 *Shopping center* means a development that contains four or more retail or other commercial buildings planned, developed and managed as a unit and related in its location, size and types of establishments to the trade area which such unit is intended to serve and which is provided with off-street parking on the premises. For a shopping center with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is one per 100 square feet of floor area or greater, required parking shall be as specified in subsection 30-710.3(e).
- .98:1 *Short-term rental* means a room or group of rooms, all within a single dwelling unit of a dwelling use permitted in the district in which such dwelling use is located, used or intended to be used as lodging for at least one but fewer than 30 consecutive nights by the traveling public and similar transient guests in return for compensation on a daily basis. The term “short-term rental” is intended to be distinguished from hotels, motels, tourist and lodgings, emergency housing ~~[shelters]~~, transitional housing, permanent supportive housing ~~[group homes]~~, and similar forms of housing.
- .98:2 *Short-term rental operator* means an individual who is the owner of a dwelling unit used as a short-term rental.
- .98:3 *Short-term renter* means any person who contracts with a short-term rental operator to occupy a short-term rental in exchange for a charge for such occupancy, and any companions or guests of such person.
- .99 *Sign*, means any object, device, display, or part thereof, visible from a public place, a right-of-way, or any navigable body of water, which is designed and used to attract attention to an institution, organization, business, product, service, event, location, or person by any means involving words, letters, figures, symbols, fixtures, logos, colors, illumination, or projected images. The term “sign” does not include the display of merchandise for sale on the site of display.
- .100 *Sign, animated*, means any sign having a conspicuous and intermittent variation in illumination, message or physical position of any or all of its parts, except that any sign which revolves around a fixed axis at a rate of not more than six revolutions per minute or any sign which flashes or changes its message not more than once every five seconds or any flag or banner which is entirely dependent upon wind for movement shall not be considered an animated sign for the purposes of this chapter.
- .101 *Sign, awning*, means a sign painted, printed, sewn, or similarly attached to an awning as an integrated part of the awning itself.
- .101:1 *Sign, canopy*, means a sign attached to a canopy so that the display surface is parallel, or nearly so, to the plane of the front building front façade.



- .102 *Sign, commercial flag*, means a sign consisting of a piece of cloth or other flexible material used to attract attention to a commercial use, product, service, or activity and generally attached by one edge to a flag pole or light pole.
- .102:1 *Sign, feather*, means a lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which may resemble a sail, bow, or teardrop.
- .103 *Sign, freestanding*, means a sign supported by uprights, brackets, poles, posts, a foundation or similar features which are anchored within the ground.
- .103:1 *Sign, minor*, means a wall or freestanding sign not exceeding two square feet in area in a residential district and a wall or freestanding sign not exceeding four square feet in area in any other district, provided such sign is located within ten feet of the main entrance to a building if a wall sign and within ten feet of the main entrance of the lot if a freestanding sign and provided such is not used to promote, identify, or attract attention to a commercial use.
- .103:2 *Sign, off-premises*, means a sign that directs attention to a business, product, service, or activity conducted, sold, or offered at a location other than the premises on which the sign is erected.
- .103:3 *Sign, pennant*, means a sign consisting of lightweight plastic, fabric, or other similar material, suspended from a rope, wire, or string, usually in series, and designed to move in the wind.
- .104 *Sign, portable*, means a sign consisting of a fixed message or a changeable message panel, which sign is not attached to a building or anchored within the ground and is capable of being moved easily from one location to another on its own chassis or by other means.
- .105 *Sign, projecting*, means a sign which is attached to and projects more than 15 inches from the face of a wall of a building so that the face of the sign is perpendicular or nearly perpendicular to the face of such wall.
- .106 *Sign, roof*, means a sign, other than a wall sign or suspended sign, attached to or projecting over the roof of a building.
- .107 *Sign, suspended*, means a sign suspended from the underside of an awning sign, a canopy sign, a porte cochere, or the roof of a permanently covered walkway or porch.
- .108 *Sign, temporary*, means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure.

- .108:1 *Sign, traffic control*, means a sign solely regulating safe driving, parking, or traffic movement.
- .108:2 *Sign, vehicle or trailer*, means a sign attached to or displayed on a vehicle or trailer, if the vehicle or trailer is used for the primary purpose of advertising a business, product, service, or other commercial activity. Any such vehicle or trailer shall, without limitation, be considered to be use for the primary purpose of advertising if it fails to display current license plates or inspection sticker, if the vehicle is inoperable, or if the sign alters the standard design of such vehicle or trailer.
- .109 *Sign, wall*, means a sign which is painted on or attached to a wall or parapet wall, window or other vertical surface of a building, including the face of a porte cochere, permanently covered walkway or porch, and which sign extends no more than 15 inches from the surface to which it is attached, does not extend beyond the extremities of such surface and the message portion of which is parallel or nearly parallel to the surface to which the sign is attached. For a sign attached to a parapet wall, no portion of the sign may extend more than four feet above the roofline. Signs attached to the lower plane of a mansard or gambrel roof of a building shall be construed as wall signs, provided that such signs are attached flat to the roof surface or are parallel to the building wall above which they are located and do not extend beyond the extremities of the roof surface to which they are attached.
- .109:1 *Sign, window*, means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.
- .110 *Social service delivery use* means a use which is operated for the purpose of providing directly to persons who are members of a specific client group, as opposed to the general public, one or more services such as counseling, training, medical care, feeding, or similar services, when such use is operated on a not-for-profit basis and when no compensation or greatly reduced compensation is paid by persons receiving such service. The term “social service delivery use” shall not be construed to include uses operated by governmental agencies, facilities for housing of persons, facilities intended for incarceration or alternative sentencing, or facilities primarily for the care or treatment of persons who are currently illegally using or are addicted to a controlled substance as defined in Code of Virginia, § 54.1-3401. An office operated for the purpose of administration of a service agency and not intended for the delivery of a service directly to the client shall not be construed to be a “social service delivery use.”
- .110:1 *Solar energy system* means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal application.
- .110:2 *Solar energy system, building-mounted* means a solar energy system affixed to or placed on a principal or accessory building.

- .110:3 *Solar energy system, freestanding* means a solar energy system with a supporting framework that is placed on or anchored in the ground that is independent of any building or other structure.
- .111 *Specified anatomical areas* means human genitals in a state of sexual arousal.
- .112 *Specified sexual activities* means:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
  - (3) Masturbation, actual or simulated; or
  - (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.
- .113 *Story* means the space of a building between successive floor levels of occupiable and habitable space, as determined by application of the Virginia Uniform Statewide Building Code, or between the floor and the top of the unfinished ceiling joists of the uppermost level of occupiable and habitable space as determined by application of the Virginia Uniform Statewide Building Code. A story as defined herein having less than five feet of its height situated above the mean grade level at the building facade along the street frontage of the lot shall not be considered a story for purposes of determining the number of stories in a building located in a district where height regulations are stated in terms of number of stories.
- .114 *Story height* means the distance between the floor level of a story of a building and the floor level of the story immediately above or, in the case of the uppermost story of a building, the distance between the floor level and the top of the unfinished ceiling joists. (Ord. No. 2009-40-57, § 1 & Ord. No. 2009-36-56, § 1, 4-27-2009)
- .115 *Story, street level* means, for the purposes of determining application of fenestration requirements, the story (of a building) having its floor elevation closest to the elevation of the adjacent street or any story partially below the elevation of the adjacent street and having 5 feet or more of its height above the elevation of the street.
- .116 *Street* means a public or private thoroughfare which affords the principal means of vehicular access to abutting properties and including the entire area between the street lines.
- .117 *Street frontage* means that portion of a lot abutting a street and situated between lot lines intersecting such street. Also referred to as “lot frontage.”

- .118 *Street line* means the right-of-way of a public street or the boundary line of a private street or access easement.
- .118:1 *Street-oriented commercial frontage* means that portion of a lot abutting a street designated as a street-oriented street on the official zoning map established and maintained pursuant to Section 30-200 and situated between lot lines intersecting such street.
- .119 *Structural alteration* means any change in the supporting members of a structure, including foundations, bearing walls, bearing partitions, columns, beams or girders, or any change in the supporting members of a roof of a structure.
- .120 *Structure* means anything constructed or erected which has a fixed location on the ground or which is attached to something having a fixed location on the ground, or an assembly of materials forming a construction for occupancy or use and containing not more than 150 square feet of floor area.
- .120:1 *Tiny home* means a small, relocatable, structure for shelter, whether on foundations or on chassis, no larger than four hundred (400) square feet and in conformance with International Residential Code AQ101 through AQ105. Tiny home shall not mean a recreational vehicle or travel trailer as defined in this Chapter.
- .121 *Temporary event* means any activity occurring on private property, other than an activity which is otherwise permitted as a principal or accessory use on the property by virtue of the use regulations applicable in the district in which the property is located, when such activity is open to the general public and occurs on no more than a total of four days in any consecutive 12-month period.
- .122 *Tourist home* means a building containing not more than ten guestrooms, with or without kitchens and with or without board, intended to be rented for compensation for occupancy by the traveling public and similar transient guests on a daily basis and in which access to individual guestrooms is provided exclusively from within the building, as distinguished from a hotel, motel, lodginghouse transitional housing, permanent supportive housing [~~group home~~], emergency housing, [~~shelter~~] or similar form of housing.
- .122:1 *Transitional housing* means a property, or portion thereof, that provides, with a use and occupancy agreement or lease, generally for a period of less than twenty-four (24) months, individuals or families who have difficulty obtaining a fixed, regular, and adequate nighttime residence a place of shelter for sleeping; individual or shared facilities for sanitary health, hygiene, and waste disposal; and services intended to improve health and welfare, including, but not limited to, the care and treatment of medical, mental health, and substance abuse matters; counseling and case management; assistance obtaining education, training, and employment; and assistance securing food, housing, and government benefits. Transitional housing shall not mean a hotel, motel, tourist home, or similar use in which transient guests and the traveling public are provided accommodations on a daily or weekly basis through a use and occupancy agreement as defined in this Chapter.

- .123 *Transitional site* means a lot or portion thereof located in an RO, HO or B district and situated within 50 feet of and fronting on the same block as property in an R district. A corner site as described shall not be considered a transitional site where one frontage of the site is adjacent to or across an alley from property zoned other than residential and where that frontage is situated along a major, secondary or collector street as designated in the city's master plan.
- .124 *Travel trailer* means a portable vehicular dwelling on its own chassis intended to be towed by another vehicle and designed for short-term occupancy for travel, recreation and vacation use and containing 320 square feet of living space or less, with or without complete kitchen and sanitary facilities. A travel trailer shall be considered a recreational vehicle for the purpose of this chapter.
- .125 *Travel trailer park, also known as campground*, means a lot on which are located or which is arranged or equipped for the accommodation of two or more tents, travel trailers, or other recreational vehicles used for temporary dwelling purposes, with spaces ~~[for such available for rent on a daily or longer basis]~~ intended to be rented for compensation for occupancy by the traveling public and similar transient guests primarily on a daily or weekly basis.
- .126 *Unenclosed porch* means a covered or uncovered porch which is open to the weather or screened on all sides except where attached to the walls of a building.
- .127 *Unit width* means the width of a single-family attached dwelling unit as measured between the side property lines at the front building wall for units attached on both sides, and between the side property line and the exterior face of the opposite outside wall for units attached on one side. When the width of a unit measured at the front building wall varies from the width measured at the rear building wall, unit width shall be determined by the average of the two.
- .128 *Usable open space* means that portion of a lot or that portion of a development site which is not covered by building area or vehicular area and including usable roof area and exterior balconies, terraces or patios not covered by enclosed building space.
- .129 *Usable open space ratio* means the total square foot amount of usable open space on a lot for each square foot of floor area on the lot or on the development site. The usable open space ratio is determined by dividing the amount of usable open space by the amount of floor area.
- .130 *Usable roof area* means that portion of the roof of a main building or an accessory building which is open to the sky and which is accessible to occupants of the premises and improved for their leisuretime use.
- .131 *Vehicular area* means that portion of a lot which is designated or generally used for the parking or circulation of motor vehicles.

- .132 *Wireless communications* means any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes commercial wireless telecommunications services licensed by the Federal Communications Commission, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar commercial services that exist or that may be developed.
- .133 *Wireless communications antenna array* means one or more rods (whips) that are omnidirectional, panels which are directional, or similar devices used for the transmission or reception of radio frequency (RF) signal.
- .134 *Wireless communications facility* means an unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for wireless communications purposes, typically consisting of an equipment enclosure or cabinet and one or more antennas mounted on an antenna support structure or alternative antenna support structure. Such facility may include direct links to land-based wired communications infrastructure or may use an accessory microwave relay to transmit signals to another point in the wireless or wired communications network.
- .135 *Wireless communications facility alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a wireless communications facility is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to lattice electric power line support towers, water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.
- .136 *Wireless communications facility support structure* means a structure designed and constructed specifically to support an antenna array for wireless communications, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.
- .137 *Yard* means an open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet above the ground level upward, except as otherwise provided in section 30-630.9.
- .138 *Yard, front*, means a yard extending the length of the street frontage of a lot and being the minimum horizontal distance between the street line and the main building.
- .139 *Yard, rear*, means a yard extending across the rear of a lot between the minimum required side yard lines and being the minimum horizontal distance between the rear lot line and the main building.
- .140 *Yard, side*, means a yard parallel to the side lot line and extending from the rear of the required front yard or the street line, if no front yard is required, to the rear lot line and

being the minimum horizontal distance between the side lot line and the main building. On irregular shaped lots, any yard to which the definitions contained in this article are not clearly applicable shall be deemed a side yard.

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

§ 11. That section 30-1045.6 of the Code of the City of Richmond (2018) be and is hereby amended and reordained as follows:

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

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

- (1) Emergency housing, transitional housing, or permanent supportive housing. A property with an emergency housing, transitional housing, or permanent supportive housing use shall comply, at minimum, with the provisions of Article VI Supplemental Regulations, DIVISION 15. EMERGENCY, TRANSITIONAL, AND PERMANENT SUPPORTIVE HOUSING.
- ~~(1) — Adult care residences, group homes, lodginghouses, shelters. The following conditions shall be applicable to adult care residences, group homes, lodginghouses and shelters:~~
  - ~~a. — Not more than 30 persons, including staff, shall reside on the premises;~~
  - ~~b. — When located in any district other than a business district, no property devoted to such use shall be situated within 1,320 feet of property occupied by another adult care residence, group home, lodginghouse, shelter or any social service delivery use;~~
  - ~~c. — When located in any business district, no property devoted to such use shall be situated within 500 feet of property occupied by another adult care residence, group home, lodginghouse, shelter or any social service delivery use;~~
  - ~~d. — No group home or shelter shall be located within the same building as another dwelling use; and~~
  - ~~e. — A management program, addressing not less than the following elements, shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:~~
    - ~~1. — Detailed description of the managing entity, including the organizational structure, names of the board of Directors, mission statement, and any bylaws.~~



2. ~~Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the residents' or clients' needs.~~
3. ~~Detailed description of offsite programs offered, and/or description of linkages to programs operated by others.~~
4. ~~Detailed description of the number and type of residents or clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs.~~
5. ~~Operational details for on-site programs, including:~~
  - i. ~~Hours of operation;~~
  - ii. ~~Number and type of staff, staff qualifications, and typical hours worked by staff;~~
  - iii. ~~Method of resident or client supervision;~~
  - iv. ~~Operating procedures including procedures for orienting a new resident or client to the facility's programs;~~
  - v. ~~Expectations for residents or clients;~~
  - vi. ~~Prerequisites for continued client enrollment such as a requirement that the resident or client participate in programs;~~
  - vii. ~~Rules of behavior for residents or clients;~~
  - viii. ~~The location and nature of any security features and arrangements; and~~
  - ix. ~~Names and telephone numbers of persons to contact in emergencies and any emergency procedures.~~
6. ~~Annual operating budget, including sources of funding.~~

(2) Social service delivery uses. A property with a social service delivery use shall, at minimum, submit a plan of development in accordance with 30.698.3(c) of this Chapter. ~~[The following conditions shall be applicable to social service delivery uses:~~

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

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

- (3) Nondwelling uses occupying the ground floor of existing buildings in the R-8 district. The following conditions shall be applicable to nondwelling uses occupying the ground floor of existing buildings in the R-8 district:
- a. Before approving a conditional use permit for any such use, the city council shall make a finding that the location of the property, the type of use and the scale and operational characteristics of the use are such that, if approved, the use can reasonably be expected to primarily serve the adjacent neighborhood and be sustainable as a neighborhood convenience use, and will avoid traffic, parking congestion, noise and other impacts that more typically result from uses that draw patrons from outside a neighborhood.
  - b. For any nondwelling use operating with an ABC license, such use shall not be operated between the hours of 10:00 p.m. and 6:00 a.m.
  - c. Alterations to the exterior of the building, including facade treatment, fenestration, signage and lighting shall be designed to maximize compatibility with the residential character of the surrounding area. Elevation drawings of the building shall be submitted as part of the conditional use permit application.
  - d. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the portion of the building devoted to the use.
  - e. An operations plan, addressing not less than the following elements and providing such information as necessary to enable the city council to make the finding described in paragraph “a” of this subsection, shall be submitted as part of the conditional use permit application:
    1. Operational characteristics and features of the use, including: staffing levels; hours of operation; type of ABC license and related restrictions, if applicable; floor plan showing general arrangement of the use and seating capacity of tables and other facilities for patrons, if applicable; description of intended use of the upper floor(s) of the building, including floor plans and plans for ingress and egress; provisions for containing trash and refuse generated by the use, including screening of containers, and means of preventing trash from blowing onto adjacent properties or streets; and provisions for off-street parking, if applicable.
    2. Provisions for security, including procedures, features, arrangements and staffing levels for such for both the interior and exterior of the premises, and a plan and procedures for mitigating potential adverse impacts on nearby dwelling uses.

The planning commission may recommend and the city council may include as conditions, such elements of the operations plan as it deems necessary to satisfy the standards set forth in this section or in section 30-1045.5 of this chapter.

- (4) Required off-street parking for multifamily dwellings in the B-7 district. Before approving a conditional use permit for reduction of required off-street parking for a multifamily dwelling located in an existing building in the B-7 district, the city council shall make a finding that:
  - a. The normally applicable off-street parking requirement for such use cannot reasonably be satisfied without demolition of an existing building; and
  - b. The reduction in required off-street parking will not adversely impact the use of nearby streets for traffic circulation or access to other properties or create an unreasonable demand for on-street parking that would adversely impact existing uses in the immediate area.
- (5) Retail sales of liquor. The following conditions shall be applicable to retail sales of liquor:
  - a. Except as provided in subdivision (b) of this subsection (5), such use shall be located within a retail establishment having a total floor area greater than 5,000 square feet, and in which not greater than 50 percent of the total floor area is devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia.
  - b. In the case of a retail establishment existing on the effective date of this subsection and having on such date a total floor area of 5,000 square feet or less and greater than 50 percent of the total floor area devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia, the city council may waive the conditions of subdivision (a) of this subsection (5) when the city council is satisfied that the other applicable provisions of this subsection are met, and provided that in no case shall the existing total floor area of the establishment and the existing percentage of floor devoted to the sale and storage of alcoholic beverages be increased;
  - c. Such use shall not take place at any time between the hours of 10:00 p.m. and 10:00 a.m.;
  - d. Drive-up facilities shall not be permitted in conjunction with such use, and retail sales of liquor shall take place only within the interior of the building;
  - e. The exterior features, including façade treatment, fenestration, signage and lighting, of the building in which such use is located shall be designed to maximize compatibility with the predominant character of surrounding commercial and residential areas, and elevation drawings of the buildings

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

- f. The conditional use permit shall be approved by the city council only if the applicant satisfies the council that the size and location of the user are reasonably related to the trade area that such use is intended to serve, and will not result in a disproportionate concentration of such uses within any particular area of neighborhood of the city or have a detrimental impact on the surrounding area due to close proximity to residential area or public, religious or child care facilities.
- (6) Nightclubs. A management program shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific nightclub because of the characteristics of the nightclub, the management program shall include a statement of why the element is not applicable. The minimum required elements of the management program are as follows:
- a. Operational characteristics and features of the nightclub, including the following:
    - 1. Staffing levels;
    - 2. Hours of operation, and days of the week on which the establishment will be operated as a nightclub;
    - 3. Type of Virginia Alcoholic Beverage Control license and related restrictions;
    - 4. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor and standing room areas and capacity, which floor plan shall be posted on the premises in a prominent location viewable by the patrons;
    - 5. Total occupant load; and,
    - 6. General type, frequency and hours of entertainment to be provided;
  - b. Provisions for off-street parking; and
  - c. Provisions for security and crowd management, including the following:
    - 1. Provisions for a level of security and crowd management sufficient to comply with the requirements of chapter 6, article V of this code, whether or not the nightclub is required to obtain a public dance hall permit;

2. Procedures, features, arrangements and staffing levels for security and crowd management for both the interior and exterior of the premises; and
  3. A plan and the procedures for mitigating potential adverse impacts on nearby dwelling and business uses.
- (7) Parking areas and parking lots in the B-4 and B-5 district. The following conditions shall be applicable for parking areas and parking lots in the B-4 or B-5 district:
  - a. The access, landscaping, screening, and arrangement of the parking area or parking lot shall be reviewed by the Urban Design Committee prior to the review of the application for the conditional use permit by the Planning Commission. The Urban Design Committee may recommend to the Planning Commission that the Planning Commission recommend that the City Council approve the conditional use permit or may recommend that the Planning Commission recommend that the City Council impose additional conditions. In making its recommendation, the Urban Design Committee shall consider at least the standards set forth in section 30-1045.5 and the parking improvement requirements and landscaping standards set forth in section 30-710.10 through 30-710.16.
- (8) Lodginghouses. A property with a lodginghouse use shall, at minimum, submit a plan of development in accordance with 30.698.3(c) of this Chapter.

§ 12. That Chapter 30, Article VI of the Code of the City of Richmond (2018) be and is hereby amended and reordained by adding therein a new division and a new section numbered Division 15 Section 30-698 as follows:

**Article VI Supplemental Regulations**

**DIVISION 15. EMERGENCY, TRANSITIONAL, AND PERMANENT SUPPORTIVE HOUSING.**

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

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

**Sec. 30.698.1. Housing types.**

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

(a) Emergency housing, which shall be provided through:

- (1) A building, or portion thereof;
- (2) An assemblage of two (2) or more tiny home units;
- (3) A tent encampment, which means a group of small, portable tents or similar forms of shelter on a property, where each tent is intended to provide shelter for no more than two (2) individuals or a family; or
- (4) A safe parking area.

(b) Transitional housing, which shall be provided through:

- (1) A building, or portion thereof; or
- (2) An assemblage of two (2) or more tiny home units.

(c) Permanent supportive housing, which shall be provided through:

- (1) A building, or portion thereof; or
- (2) An assemblage of two (2) or more tiny home units.

(d) A single property may contain a combination of emergency housing, transitional housing, and permanent supportive housing uses so long as they are under common ownership and comply with the rest of the provisions of this Chapter.

## **Sec. 30.698.2. Regulations.**

### **(a) Location.**

- (1) A property with an emergency housing, transitional housing, or permanent supportive housing use shall be located no more than two thousand, six hundred forty (2,640) feet from a public transit stop.
- (2) A property with an emergency housing, transitional housing, or permanent supportive housing use shall be located no less than one thousand, three hundred twenty (1,320) feet from any property with an emergency housing, transitional housing, or permanent supportive housing use.
- (3) A property providing an emergency housing, transitional housing, or permanent supportive housing use through a building, or portion thereof, shall only be located in a R-73 Multi-family Residential District, RO-2 Residential-Office District, I Institutional District, B-1 Neighborhood Business District, B-2 Community Business District, B-3 General Business District, B-4 Central Business District, OS Office-Service District, or M-1 Light Industrial District as permitted in this Chapter, and subject to all other provisions of such zoning district.
- (4) A property providing an emergency housing, transitional housing, or permanent supportive housing use through an assemblage of two (2) or more tiny home units shall only be located in a B-3 General Business District or M-1 Light Industrial District and shall be subject to all other provisions of such zoning district.
- (5) A property providing an emergency housing use through a tent encampment shall only be located in a B-3 General Business District or M-1 Light Industrial District, and shall be subject to all other provisions of such zoning district.
- (6) A property providing an emergency housing use through a safe parking area shall only be located in a R-73 Multi-family Residential District, RO-2 Residential-Office District, I Institutional District, B-1 Neighborhood Business District, B-2 Community Business District, B-3 General Business District, B-4 Central Business District, OS Office-Service District, or M-1 Light Industrial District, and shall be subject to all other provisions of such zoning district.

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

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

### **Sec. 30.698.3. Approvals.**

- (a) Prior to the establishment of an emergency housing, transitional housing, or permanent supportive housing use, whether principal or accessory, the owner, tenant, or operator of such building, structure, or premises shall obtain a Certificate of Zoning Compliance, in accordance with Article X, Division 3 of this Chapter, for such use in accordance with the conditions specified in this Division.
- (b) A Certificate of Zoning Compliance for an emergency housing use shall be valid for one (1) year. If a property owner with a valid Certificate of Zoning Compliance for emergency housing seeks to continue such use for one (1) additional year, the property owner shall submit all documentation to the City, as specified in this Division, no later than thirty (30) days prior to the date of expiration of its Certificate of Zoning Compliance.
- (c) Issuance of a Certificate of Zoning Compliance for an emergency housing, transitional housing, permanent supportive housing, or social service delivery use shall be subject to (i) approval by the Director of Planning and Development Review of a plan of development, in accordance with Article X, Division 4 of this Chapter, in the event building permits are needed to engage in such use, and (ii) submittal to the Zoning Administrator of a filing that shall include, at minimum, the location and description of the following, including an operations information statement as described below:

  - (1) The parcel and all buildings and structures thereon, both permanent and temporary;
  - (2) Access control points, fencing, or screening for the parcel and all buildings and structures;
  - (3) The use and occupancy of each room or space inside a building or structure, including accommodations for sleeping, accommodations for sanitary health and hygiene (e.g. sinks, toilets, latrines, showers, or washing stations); and accommodations for food preparation;
  - (4) The size of emergency ingress points, egress points, and evacuation routes;
  - (5) Smoke alarms, carbon monoxide alarms, and fire extinguishers; and
  - (6) An operations information statement that shall include, at minimum, the following:

    - (a) The name of the operating entity, its articles of incorporation or similar organizational document and its bylaws, if any, and a statement of the operating entity's experience providing emergency housing, transitional housing, permanent supportive housing, or social service delivery;
    - (b) Anticipated dates, days, and hours of operation;
    - (c) Maximum intended number of overnight occupants, which shall at all times



be in compliance with all applicable provisions of building, fire, health, and zoning codes;

- (d) List of requirements for admission of occupants;
- (e) Description of each staff position, qualifications necessary for each position, and a statement of the anticipated number of staff serving in such positions;
- (f) Statement of intention, or not, to provide occupants meals, minor medical care, job counseling, substance abuse counseling, and services to help occupants transition to more permanent housing, and if so, whether provision of each will be on or offsite; and
- (g) Statement of intention, or not, to participate in the Greater Richmond Continuum of Care coordinated entry system.