Legislation Details (With Text)

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Title:	To declare a public necessity to amend City Code § 30-800.3 and to initiate an amendment to the City's zoning ordinance to require a minimum lot area of 750 square feet per dwelling unit when a nonconforming use is changed to a multifamily dwelling within certain residential zoning districts.				
Sponsors:	Kimberly Gray				
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Date	Ver.	Action By	Action	Result
12/9/2019	1	City Council	adopted	Pass
11/12/2019	1	City Council	continued and referred back	
9/23/2019	1	City Council	continued and referred back	
7/22/2019	1	City Council	continued and referred back	
6/24/2019	1	City Council	introduced and referred	

To declare a public necessity to amend City Code § 30-800.3 and to initiate an amendment to the City's zoning ordinance to require a minimum lot area of 750 square feet per dwelling unit when a nonconforming use is changed to a multifamily dwelling within certain residential zoning districts.

THE CITY OF RICHMOND HEREBY ORDAINS:

WHEREAS, section 15.2-2286 of the Code of Virginia (1950), as amended, provides that a zoning ordinance may include, among other things, reasonable regulations and provisions for the amendment of regulations or district maps from time to time; and

WHEREAS, in accordance with section 15.2-2286 of the Code of Virginia (1950), as amended, such amendment may be initiated by resolution of the governing body, provided that any such resolution by the governing body proposing an amendment to the regulations or district maps shall state the public purposes therefor; and

WHEREAS, the City's zoning ordinance, codified as Chapter 30 of the Code of the City of Richmond

(2015), as amended, currently allows a nonconforming use to be changed to a multifamily dwelling that is a conforming use with no minimum lot area per dwelling unit; and

WHEREAS, the Council believes that it is in the best interests of the residents of the City of Richmond that the City amend its zoning ordinance, codified as Chapter 30 of the Code of the City of Richmond (2015), as amended, to require a minimum lot area of 750 square feet per dwelling unit when a nonconforming use is changed to a multifamily dwelling within certain residential zoning districts;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the City Council hereby declares that the public necessity, convenience, general welfare and good zoning practices of the City require the initiation of an amendment of the zoning ordinance set forth in Chapter 30 of the Code of the City of Richmond (2015), as amended, to modify section 30-800.3 of the Code of the City of Richmond (2015), as amended, as follows:

Sec. 30-800.3. Changes.

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

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

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

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

(4) The use does not otherwise constitute a greater deviation from the

regulations pertaining to permitted principal or accessory uses applicable in the district in which it is located.

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

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

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

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

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

(d) When a nonconforming use has been changed to an illegal use, such illegal use shall cease, and any subsequent use of the property shall conform to the regulations applicable in

the district in which it is located or, if the nonconforming use has been discontinued for a period of less than two years, the illegal use may be changed to the last nonconforming use or to a use that is more restricted than such use.

BE IT FURTHER RESOLVED:

That the City Planning Commission is hereby directed to hold a public hearing on the proposed amendatory ordinance and submit its recommendation and any explanatory materials to the City Council as soon as possible.