Legislation Details (With Text)

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Type:	Ordinance			**Status:**	Adopted
File created:	12/10/2019			**In control:**	City Council
On agenda:	1/13/2020			**Final action:**	1/13/2020
Title:	To amend section 30-800.3 of the City Code, concerning changes in nonconforming uses, for the purpose of requiring a minimum lot area of 750 square feet per dwelling unit when a nonconforming use is changed to a multifamily dwelling within certain residential zoning districts.				
Sponsors:	Kimberly Gray				
Indexes:					
Code sections:					
Attachments:	1. Ord. No. 2019-352, 2. Staff Report				

Date	Ver.	Action By	Action	Result
1/13/2020	1	City Council	adopted	Pass
1/6/2020	1	Planning Commission	recommended for approval	
12/9/2019	1	City Council	introduced and referred	

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

THE CITY OF RICHMOND HEREBY ORDAINS:

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

Sec. 30-800.3. Changes.

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

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

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

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

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

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

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

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

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

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

(d) When a nonconforming use has been changed to an illegal use, such illegal use shall cease, and any

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

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