



## Legislation Details (With Text)

**File #:** ORD. 2020-171 **Version:** 1 **Name:**  
**Type:** Ordinance **Status:** Adopted  
**File created:** 7/28/2020 **In control:** City Council  
**On agenda:** 9/28/2020 **Final action:** 9/28/2020

**Title:** To amend and reordain City Code §§ 30-402.2, concerning permitted accessory uses and structures, 30-413.15, concerning yards, 30-419.2, concerning permitted principal uses, 30-419.3, concerning permitted principal uses on corner lots, 30-419.4, concerning permitted accessory uses and structures, 30-420.5, concerning yards, 30-424.5, concerning yards, 30-426.5, concerning yards, 30-428.6, concerning yards, 30-430.5, concerning yards, 30-442.1, concerning permitted principal and accessory uses, 30-442.4, concerning yards, 30-444.2, concerning permitted principal and accessory uses, 30-444.4, concerning yards, 30-446.4, concerning yards, 30-447.2, concerning permitted principal and accessory uses, 30-610.3, concerning alley frontage, 30-620.1, concerning lots and lot areas, 30-630.1, concerning yards, 30-630.4, concerning side yards, 30-630.9, concerning permitted projections and encroachments in yards and courts, 30-680.1, concerning location of accessory buildings, 30-800.2, concerning extension or expansion, 30-810.1, concerning alterations to buildings, 30-940.3, concerning the Urban Design Committee, and 30-1080, concerning unlawful conduct and penalties; to amend ch. 30, art. IV, div. 2, 3, 4, 5, and 6 of the City Code by adding therein new §§ 30-402.8, 30-404.8, 30-406.8, 30-408.8, and 30-410.8, concerning driveways from streets; to amend ch. 30, art. VI, div. 7 of the City Code by adding therein a new § 30-660.1, concerning standards for location of refuse areas; to amend ch. 30, art. X, div. 4 of the City Code by adding therein a new § 30-1030.8, concerning expiration of approval of plans of development, and to amend ch. 30, art. XII of the City Code by adding therein new §§ 30-1220.94, 30-1220.110:1, 30-1220.110:2, and 30-1220.110:3, concerning certain definitions. (As Amended)

**Sponsors:** Mayor Stoney

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 2020-171 - Amended 20200914, 2. Staff Report, 3. CPC Presentation Omnibus Ordinance 8-17-20, 4. 20200914 Amendment of Ord. No. 2020-171

Date	Ver.	Action By	Action	Result
9/28/2020	1	City Council	adopted	Pass
9/14/2020	1	City Council	amended and continued	
8/17/2020	1	Planning Commission	recommended for approval with amendments	Pass
7/27/2020	1	City Council	introduced and referred	

To amend and reordain City Code §§ 30-402.2, concerning permitted accessory uses and structures, 30-413.15, concerning yards, 30-419.2, concerning permitted principal uses, 30-419.3, concerning permitted principal uses on corner lots, 30-419.4, concerning permitted accessory uses and structures, 30-420.5, concerning yards, 30-424.5, concerning yards, 30-426.5, concerning yards, 30-428.6, concerning yards, 30-430.5, concerning yards, 30-442.1, concerning permitted principal and accessory uses, 30-442.4, concerning yards, 30-444.2, concerning permitted principal and accessory uses, 30-444.4, concerning yards, 30-446.4, concerning yards, 30-447.2, concerning permitted principal and accessory uses, 30-610.3, concerning alley frontage, 30-620.1, concerning lots and lot areas, 30-630.1, concerning yards, 30-630.4, concerning side yards, 30-630.9, concerning permitted projections and encroachments in yards and courts, 30-680.1, concerning location of accessory buildings, 30-800.2, concerning extension or expansion, 30

-810.1, concerning alterations to buildings, 30-940.3, concerning the Urban Design Committee, and 30-1080, concerning unlawful conduct and penalties; to amend ch. 30, art. IV, div. 2, 3, 4, 5, and 6 of the City Code by adding therein new §§ 30-402.8, 30-404.8, 30-406.8, 30-408.8, and 30-410.8, concerning driveways from streets; to amend ch. 30, art. VI, div. 7 of the City Code by adding therein a new § 30-660.1, concerning standards for location of refuse areas; to amend ch. 30, art. X, div. 4 of the City Code by adding therein a new § 30-1030.8, concerning expiration of approval of plans of development, and to amend ch. 30, art. XII of the City Code by adding therein new §§ 30-1220.94, 30-1220.110:1, 30-1220.110:2, and 30-1220.110:3, concerning certain definitions. (As Amended)

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-402.2, 30-413.15, 30-419.2, 30-419.3, 30-419.4, 30-420.5, 30-424.5, 30-426.5, 30-428.6, 30-430.5, 30-442.1, 30-442.4, 30-444.2, 30-444.4, 30-446.4, 30-447.2, 30-610.3, 30-620.1, 30-630.1, 30-630.4, 30-630.9, 30-680.1, 30-800.2, 30-810.1, 30-940.3, and 30-1080 of the Code of the City of Richmond (2015) be and are hereby amended and reordained as follows:

**Sec. 30-402.2. 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-1 district (see Article VI, Division 9 of this chapter):

- (1) Private garages, garden, tool and storage buildings, boathouses, piers and docks;
- (2) Home occupations;
- (3) Day nurseries when located within churches, or other places of worship, community centers or school buildings, provided:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;

- (4) Parking areas;
- (5) Accessory lodging units within single-family dwellings when such units are occupied by a total of not more than two persons;
- (6) Swimming pools, tennis courts and similar recreational facilities;
- (7) Temporary structures, trailers and storage of equipment and materials incidental to construction activities taking place on the premises, provided that such shall be removed upon completion or abandonment of construction. In the case of public improvements construction taking place within a public right-of-way, such construction related activities shall be permitted on property abutting the construction site when approved by the Director of Public Works and when operated and maintained in accordance with standards established by said Director;
- (8) Raising or keeping of domestic animals for noncommercial purposes on lots occupied by single-family dwellings, provided that all pens, runs, out-buildings and other facilities for the housing or enclosure of such animals shall be located not less than 200 feet from all property lines. The restrictions set forth in this subsection shall not apply to the keeping of dogs, cats or other household pets or to the keeping of not more than ~~[four]~~ six female chickens in residential districts. In addition, with regard to the keeping of not more than four female chickens:
  - a. No fenced area, pen or structure for the keeping of such chickens shall be located closer than 15 feet to any dwelling on an adjacent lot;
  - b. No fenced area or pen for the keeping of such chickens shall be located within any required front yard or street side yard; and
  - c. No structure for the keeping of such chickens shall be located within any required yard (see Chapter 4);
- (9) Temporary housing of not more than 30 homeless individuals within churches or other places of worship, subject to meeting applicable building code and fire code requirements, for up to a

total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

- (10) Adult day care facilities when located within churches, other places of worship or community centers;
- (11) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of Article X of this chapter and in accordance with the additional requirements of Sections 30-692.1 through 30-692.6.

**Sec. 30-413.15. Yards.**

Yard regulations in the R-8 district shall be as follows (see Article VI, Divisions 4 and 9 of this chapter):

- (1) *Front yard.* There shall be a front yard with a depth of not less than ten feet and not greater than 18 feet, provided that:
  - a. ~~[On an interior lot where an existing building is located on one adjacent lot and there is no building on the other adjacent lot, the front yard shall be the same as the front yard provided for such existing building, except that if 50 percent or more of the lots on the block are developed with buildings having front yards that are not the same as the front yard of the existing building, the average of the front yards provided for all buildings on the block shall be the required front yard]~~ Where existing buildings are located on one or both abutting lots along the same street frontage, the front yard shall not be less than the front yard provided for the existing building closest to the street but in no case greater than 18 feet.
  - b. On a corner lot where an existing building is located on ~~[the adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building]~~ an abutting lot or across an alley from an adjacent lot along the same street frontage, the front yard shall be not less than the front yard provided for such existing building but not

more than 18 feet.

- [e. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, except that if the front yard of the existing building furthest from the street more closely represents the average of the front yards for all buildings on the block, the front yard shall be the same as the front yard provided for the building furthest from the street.]

(2) *Side yards.* Side yards shall be provided as follows:

- a. *Dwelling uses and buildings accessory thereto.* There shall be side yards of not less than three feet in width except where buildings are attached or where the zero-lot-line option is utilized.
- b. *All other uses and buildings.* There shall be side yards of not less than five feet in width.

(3) *Side yard: zero-lot-line option.* One side yard for a single-family detached dwelling may be equal to zero, provided that:

- a. The side yard on the opposite side of the same lot shall be not less than six feet in width, and in no case shall the separation between buildings on abutting lots be less than six feet.
- b. Not less than 50 percent of the overall depth of the dwelling unit shall be provided along the designated zero-lot-line, and doors, windows or similar openings in the building wall facing the designated zero-lot-line shall comply with the requirements of the Uniform Statewide Building Code.
- c. A perpetual easement of not less than five feet in unobstructed width shall be provided on the adjacent lot to permit maintenance of structures abutting a zero-lot-line, which easement shall provide for encroachment of siding, belt courses, eaves, gutters, normal roof overhangs and similar architectural features. Such easement and the buildable area of each lot shall be shown

on the subdivision plat, if applicable, and shall be described in the deed for each property.

- d. For purposes of this subsection, a margin of error of not greater than two-tenths of one foot shall be applicable to the location of a structure abutting a designated zero-lot-line, provided that any encroachment onto an abutting lot shall be accommodated by a recorded easement.

(4) *Rear yard.* There shall be a rear yard with a depth of not less than five feet.

- (5) *Location of accessory buildings.* Except as provided in Section 30-680.1 of this chapter, accessory buildings shall be located only in a rear yard as defined in Article XII of this chapter, but not within five feet of the rear lot line.

**Sec. 30-419.2. Permitted principal uses.**

The following uses of buildings and premises shall be permitted in the R-63 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, or a development contains three or more newly constructed two-family attached dwellings, 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) Dwelling units located in the same building as permitted principal uses on corner lots listed in Section 30-419.3(a), provided that ~~[such dwelling units shall be subject to all of the requirements of this district applicable to multifamily dwellings]~~:

a. A single dwelling unit shall have no minimum lot area requirement.

b. Less than three dwelling units shall not have a lot area less than 1,000

square feet for each dwelling.

c. Three or more dwelling units shall be subject to all of the requirements

of this district applicable to multifamily dwellings as specified in section 30- 419.5(5).

(6) Live/work units, provided that:

- a. Not more than one person who does not reside in the unit shall be employed at any one time in the conduct of the nondwelling activity.
- b. Space devoted to the nondwelling activity within such unit shall not exceed 60 percent of the total floor area of the unit.
- c. The nondwelling activity shall not involve the sale of products directly to customers on the premises, the housing of persons for compensation, or any group instruction or group assembly involving more than two patrons or clients at any one time.
- d. There shall be no process or activity conducted or equipment operated in conjunction with the nondwelling activity that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses outside of the live/work unit. The use

and/or storage of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited.

(7) 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.

(8) Tourist homes situated on Federal highways.

(9) Adult day care facilities.

**Sec. 30-419.3. Permitted principal uses on corner lots.**

(a) In addition to principal uses permitted by Section 30-419.2, the following principal uses shall be permitted on corner lots in the R-63 district subject to the conditions set forth in Subsection (b) of this section, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any such uses, and provided further that a plan of development shall be required as set forth in Article X of this chapter:

- (1) Art galleries, including custom framing in conjunction therewith.
- (2) Barber shops and beauty salons, including manicure, spa, tanning and similar services in conjunction therewith.
- (3) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.
- (4) Laundromats and laundry and dry cleaning pick-up stations.



(5) Restaurants, tea rooms, cafés, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment. 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 such outside area shall be open to patrons between the hours of 11:00 p.m. and 7:00 a.m.
- b. 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 an R district other than the R-63 district.
- c. 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.
- d. 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.
- e. Such outside areas shall be included in calculation of the total floor area devoted to the use.

(6) [~~Video rental~~] Retail stores.

(7) Offices, including businesses, professional, and administrative offices, and studios of writers, designers, and artists engaged in the graphic and visual arts.

(b) The following conditions shall be applicable to permitted principal uses listed in Subsection (a) of this section:

- (1) Such uses shall be limited to the ground floor of buildings devoted to other permitted principal uses.
- (2) The total floor area devoted to such uses on any lot shall not exceed 1,500 square feet. Additional floor area, not to exceed a total of 5,000 square feet, may be permitted subject to approval of a conditional use permit as set forth in Article X of this chapter, provided that off-street parking shall be required in accordance with the provisions of Article VII of this chapter for the amount of floor area in excess of 1,500 square feet.
- (3) Such uses shall occupy the portion of the building located at the street corner. Along the principal street frontage of the lot, such uses shall extend no greater distance from the street corner than the equivalent of 15 percent of the total length of the block along such frontage.

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

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

- (1) Any accessory use or structure permitted in the R-1 district as set forth in Section 30-402.2
- (2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.
- (3) One dwelling unit located in an accessory building which is located on the same lot as a single-family ~~[detached]~~ dwelling, provided that:
  - a. The main building shall not contain any lodging units.
  - b. The lot area requirement applicable to a two-family detached dwelling shall be met.

c. Not less than one off-street parking space shall be provided for such dwelling unit in addition to space required for the single-family dwelling on the property.

d. 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.

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

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

a. The requirements of Section 30-710.4 shall be met.

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

(5) Parking decks, provided that:

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

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

c. Not less than one exit lane and one entrance lane shall be provided, and any card reader or

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

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

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

**Sec. 30-420.5. Yards.**

Yard regulations in the R-73 Multifamily Residential District shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see Article VI, Division 4 of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in Section 30-413.6 (see Article VI, Divisions 3, 4 and 9 of this chapter).

b. Side and rear yards for newly constructed multifamily dwellings and buildings accessory thereto shall be not less than 15 feet in depth.

c. Side and rear yards for uses and buildings other than single-family, two-family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth.

(3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

**Sec. 30-424.5. Yards.**

Yard regulations in the RO-1 Residential-Office District shall be as follows:

- (1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet, except that front yards for single-family attached dwellings fronting on private streets, parking areas and common spaces shall be not less than 15 feet in depth (see Article VI, Division 4 of this chapter).
- (2) *Side and rear yards.* Side and rear yards shall be as follows:
  - a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-6 district and set forth in Section 30-412.5 (see Article VI, Divisions 3, 4 and 9 of this chapter).
  - b. Side and rear yards for newly constructed multifamily dwellings and buildings accessory thereto shall be not less than 15 feet in depth.
  - c. Side and rear yards for uses and buildings other than single-family, two-family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth.
- (3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:
  - a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 20 feet.
  - b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

**Sec. 30-426.5. Yards.**

Yard regulations in the RO-2 Residential-Office District shall be as follows:

- (1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet, except that front yards for single-family attached dwellings fronting on private streets, parking areas and common spaces shall be not less than 15 feet in depth (see Article VI, Division 4 of this chapter).
- (2) *Side and rear yards.* Side and rear yards shall be as follows:

- a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in Section 30-413.6 (see Article VI Divisions 3, 4 and 9, of this chapter).
  - b. Side and rear yards for newly constructed multifamily dwellings and buildings accessory thereto shall be not less than 15 feet in depth, provided that no side yard shall be required where buildings on abutting lots are attached by means of a party wall constructed along a mutual side lot line.
  - c. Side and rear yards for uses and buildings other than single-family, two-family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth.
- (3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:
- a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.
  - b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less

**Sec. 30-428.6. Yards.**

Yard regulations in the RO-3 Residential-Office District shall be as follows:

- (1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see Article VI, Division 4 of this chapter).
- (2) *Side and rear yards.* Side and rear yards shall be as follows:
  - a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in Section 30-413.6.
  - b. Side and rear yards for newly constructed multifamily dwellings and buildings

accessory thereto shall be not less than 15 feet in depth.

- c. Side and rear yards for uses and buildings other than single-family, two-family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth.

**Sec. 30-430.5. Yards.**

Yard regulations in the HO Hotel-Office District shall be as follows:

- (1) *Front yard.* No front yard shall be required for nondwelling uses. Buildings or portions thereof devoted to dwelling uses shall have front yards of not less than 15 feet (see Article VI, Division 4 of this chapter).
- (2) *Side and rear yards.* No side or rear yard shall be required for portions of buildings 35 feet or less in height devoted to nondwelling uses. Side and rear yards adjacent to portions of buildings over 35 feet in height or portions of buildings devoted to newly constructed multifamily dwelling uses shall be not less than 15 feet in depth, provided that side and rear yards for single-family and two-family dwellings shall be as required in the R-7 district and set forth in Section 30-413.6.
- (3) *Spaces between buildings on same lot.* Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

**Sec. 30-442.1. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-5 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.

A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for 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 facilities;
- (2) Art galleries;
- (3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;
- (4) Day nurseries licensed by and subject to the requirements of the Virginia Department of Social Services;
- (5) 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;
- (6) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial 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;
- (7) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (8) 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 or any priority street frontage shall be devoted to those uses specified in subsections (2), (3), (7), (14), (20), or (21) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use;



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

(9) Laundromats and laundry and dry cleaning pick-up stations;

(10) 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;

(11) Office supply, business and office service, photocopy and custom printing establishments;

(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 decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage or 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 a 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;

b. Except as provided in paragraph (a) of this subsection (13), 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.

(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;

(15) 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;

(16) Postal and package mailing services, but not including package distribution centers;

(17) Printing, publishing and engraving establishments employing not more than 20 persons the premises;

(18) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(19) Recreation and entertainment uses, including theaters and museums, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(20) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and 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.

(21) Retail stores and shops;

(22) 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;

(23) 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;

(24) 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;

(25) 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;

(26) 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 that term is defined in Code of Virginia,

§ 54.1-3401;

(27) 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;

(28) 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. 30-442.4. Yards.**

Yard regulations in the B-5 district shall be as follows (see Article VI, Division 4 of this chapter):

(1) *Front yard.*

- a. ~~[Where no existing buildings are located on adjacent lots along the same street frontage, no]~~ No front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, provided further that not more than ten percent of the building wall of the street level story along the street shall be set back more than 10 feet, except as may be authorized pursuant to ~~[Subsection]~~ Subsections ~~[(1)d]~~ (1)b and (1)c of this section.
- b. ~~[Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this subsection may be authorized pursuant to Subsection (1)d of this section.]~~
- e. ~~Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing~~

building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this subsection may be authorized pursuant to Subsection (1)d of this section.

d.] A front yard with a depth greater than permitted by [Subsections] Subsection (1)a [through e] of this section may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by Section 30-440.1 and is approved subject to a plan of development as set forth in Article X of this chapter. Except where the property is within an old and historic district, the City Urban Design Committee shall review the application and plans and submit a recommendation to the Director of Planning and Development Review prior to approval of such plan of development by the Director.

[e.] c. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to this subsection.

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

#### **Sec. 30-444.2. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-6 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. 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 of any addition to an existing building, other than a single-family detached or two-family detached dwelling, when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage and 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 day care facilities.

(2) Art galleries.

(3) Banks, savings and loan offices and similar financial services, including accessory ATM's 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 ATM accessible from the exterior of a building.

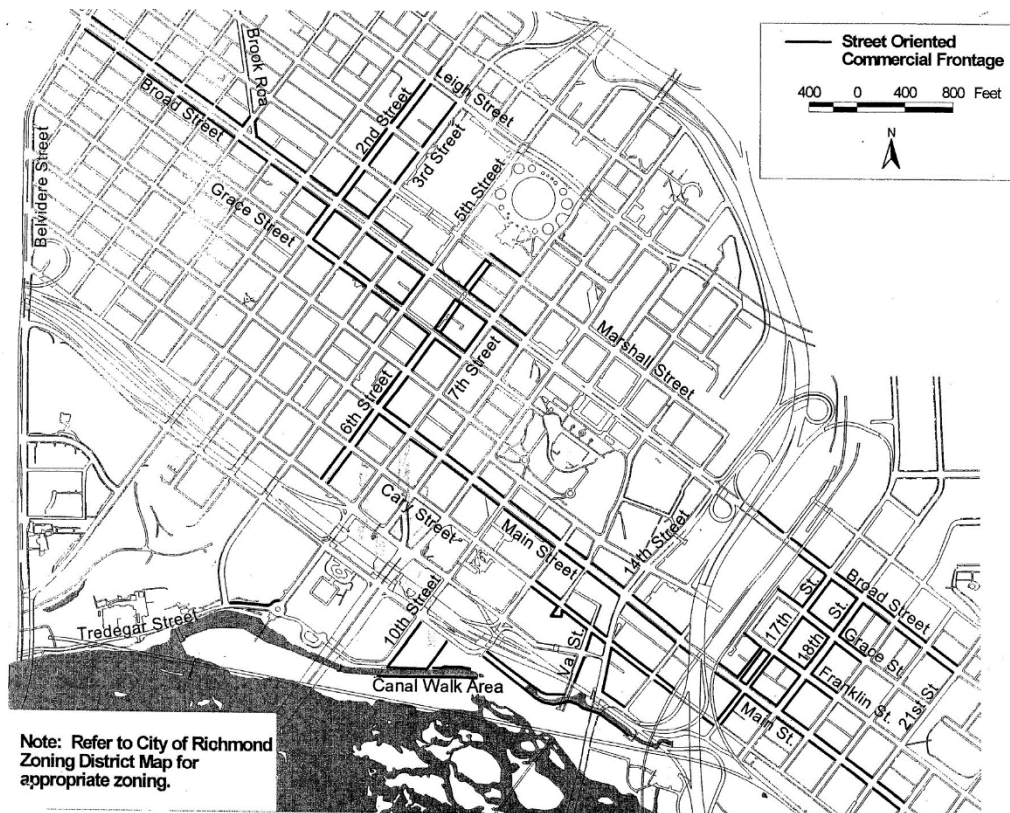
(4) Catering businesses.

(5) Day nurseries licensed by and subject to the requirements of the State Department of Social Services.

(6) 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. Ask

(7) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, as shown ~~[below]~~ 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.





(8) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities located within completely enclosed



buildings.

(9) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.

(10) 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. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in Subsection (2), (3), (9), (17), (22), or (24) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use.
- d. A plan of development shall be required as set forth in Article X of this chapter.

(11) Laundromats and dry cleaning pick up stations.

(12) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization.

(13) Office supply, business and office service, photocopy and custom printing establishments.

(14) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts.

(15) 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, and provided further that a plan of development shall be required as set forth in Article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required.

(16) Parking decks and parking garages, provided that:

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

b. Except as provided in Subsection (16)a of this section, parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.

c. Not less than one exit lane and one entrance lane shall be provided 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 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.

(17) 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.

(18) 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.

(19) Postal and package mailing services, but not including distribution centers.

(20) Professional, business and vocational schools when located above the ground floor of buildings, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith.

(21) 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.

(22) Restaurants, tea rooms, cafés, 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.

(23) Retail sales and food or beverage sales conducted in an open area or structure by one or more

individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors.

(24) Retail stores and shops.

(25) 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, unless owned or operated by a government agency.

(26) 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 and no internal combustion engine shall be repaired or serviced.

(27) 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.

(28) 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 Code of Virginia, § 54.1-3401.

(29) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, in accordance with the additional requirements of Sections 30-692.1 through 30-692.6, provided that a plan of development shall be required as set forth in Article X of this chapter.

(30) Accessory uses and structures, including ATMs accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

Sec. 30-444.4. Yards.

Yard regulations in the B-6 district shall be as follows (see Article VI, Division 4 of this chapter):

(1) *Front yard.*

a. ~~[Where no existing buildings are located on adjacent lots along the same street frontage, no]~~  
~~No~~ front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, provided further that not more than ten percent of the building wall of the street level story along the street shall be set back more than ten feet, except as may be authorized pursuant to [Subsection] Subsections ~~[(1)d]~~ (1)b and (1)c of this section.

b. ~~[Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this subsection may be authorized pursuant to Subsection (1)d of this section.~~

c. ~~Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to Subsection (1)d of this section.~~

~~d.]~~ A front yard with a depth greater than permitted by application of the provisions of Subsection (1)a ~~[through e]~~ of this section may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by Section 30-444.2 and is approved subject to a plan of development as set forth in Article X of this chapter. Except where the property is within an old and historic district, the City Urban Design Committee shall review the application and plans and submit a recommendation to the Director of Planning and Development Review prior to approval of

such plan of development by the Director.

[e.] c. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

(2) *Side yard.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

#### **Sec. 30-446.4. Yards.**

Yard regulations in the B-7 district shall be as follows (see Article VI, Division 4 of this chapter):

(1) *Front yard.*

a. ~~[Where no existing buildings are located on adjacent lots along the same street frontage, no]~~ No front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, provided further that not more than ten percent of the building wall of the street level story along the street shall be set back more than ten feet, except as may be authorized pursuant to ~~[Subsection (1)d]~~ Subsections (1)b and (1)c of this section.

b. ~~[Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this subsection may be authorized pursuant to Subsection (1)d of this section.~~

c. ~~Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no~~

case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this subsection may be authorized pursuant to Subsection (1)d of this section.

d.] A front yard with a depth greater than permitted by application of the provisions of [Subsections] Subsection (1)a [through e] of this section may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by Section 30-446.2 and is approved subject to a plan of development as set forth in Article X of this chapter. Except where the property is within an old and historic district, the City Urban Design Committee shall review the application and plans and submit a recommendation to the Director of Planning and Development Review prior to approval of such plan of development by the Director.

[e.] c. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

(2) *Side yard.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

#### **Sec. 30-447.2. Permitted principal and accessory uses.**

The uses of buildings and premises listed in this section shall be permitted in the RF-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 unless specifically set forth in this section. A plan of development shall be required for construction of any new building of greater than 45 feet in height or any addition to an existing building when such addition exceeds 45 feet in height, 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) Retail stores and shops;

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafés, 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;

(3) Catering businesses employing not more than five persons on the premises;

(4) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities or activities, whether indoors or outdoors;

(5) 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;

(6) Marinas, including facilities for dispensing motor fuels, 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;

(7) Day nurseries licensed by and subject to the requirements of the Virginia Department of Social Services;

(8) Adult day care facilities;

(9) Dry cleaning and laundering establishments employing not more than five persons on the premises;

(10) 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;

(11) 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;

(12) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(13) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

(14) 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;

(15) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than ten persons are employed on the premises in the conduct of any printing establishment;

(16) Hotels, provided that:

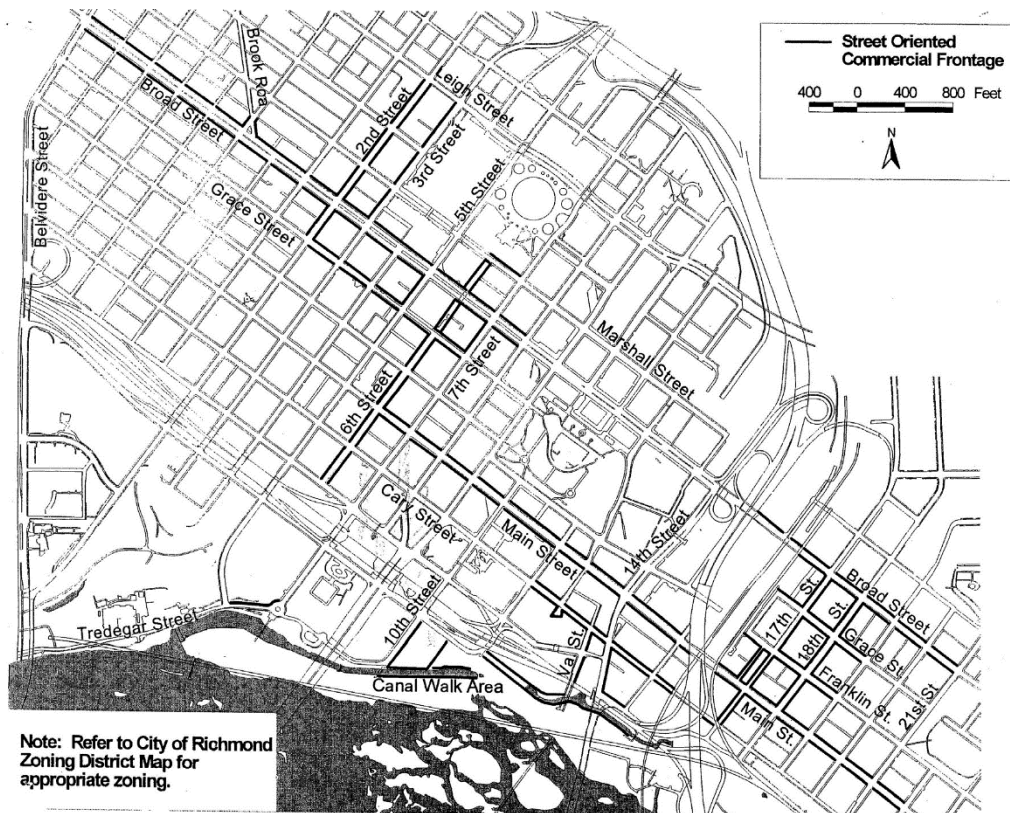
a. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in Subsection (1), (1.1), (2), (4), (5) or (12) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use;

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

(17) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage as shown ~~[below]~~ 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;



(18) 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 Code of Virginia, § 54.1-3401;

(19) 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;

(20) Parking decks and parking garages, provided that:

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

b. Except as provided in Subsection (20)a of this section, parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Not less than one exit lane and one entrance lane shall be provided 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 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;

(21) 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, unless owned or operated by a governmental agency;

(22) 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;

(23) 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;

(24) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors;

(25) Accessory buildings and uses 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. 30-610.3. Alley frontage for accessory buildings, structures or uses.**

A permitted accessory building, structure or use may be located on a lot or portion thereof having frontage only on an improved public alley [~~when such~~], provided that:

1. Such lot is situated within the same entire block as the permitted principal use.
2. No yards shall be required for such accessory structure.
3. There shall be no maximum lot coverage requirement.
4. The accessory building or structure shall not exceed 12 feet in height.
5. The accessory building may not contain a dwelling or lodging unit or short-term rental.

**Sec. 30-620.1. Lots recorded prior to effective date of requirements.**

(a) *Lot area and density.* Minimum lot area and maximum density requirements set forth in this chapter for single-family dwellings shall not apply to lots legally recorded prior to the effective date of the ordinance from which such requirements are derived.

(b) *Lot and unit width.* Minimum lot and unit width requirements set forth in this chapter for single-family and two-family dwellings shall not apply to lots legally recorded prior to the effective date of the ordinance from which such requirements are derived.

(c) *Side yards on lots of substandard widths.* In any district except R-7, R-8 and R-63 districts, a single-family detached or two-family dwelling on a lot less than 50 feet in width legally recorded prior to the effective date of the ordinance from which such requirements are derived shall have a side or street side yard adjacent to each side lot line of not less than ten percent of the width of the lot, but in no case less than three feet. An addition to the area of a lot which increases the width of the lot shall be permitted and shall not be deemed to create a violation of a side yard requirement applicable to an existing building located on the lot.

(d) *Side yard for attached dwellings on lots of substandard width.* In any district except R-7, R-8 and R-63 districts, a single-family or two-family attached dwelling at the end of a series of attached units and located on a lot less than 50 feet in width recorded prior to the effective date of the ordinance from which such requirements are derived shall have a side yard of not less than ten percent of the width of the lot, but in no case less than three feet.

(e) *Street side yard on lots of substandard widths.* In any district except R-7, R-8, and R-63 districts, a single-family detached, attached, or two-family dwelling on a lot less than 50 feet in width along the principal street frontage legally recorded prior to the effective date of the ordinance from which such requirements are derived shall have a street side yard along any street frontage where a front yard is not required of not less than ten percent of the width of the lot, but in no case less than three feet. An addition to the area of a lot which increases the width of the lot shall be

permitted and shall not be deemed to create a violation of a side yard requirement applicable to an existing building located on the lot.

**Sec. 30-630.1. Required yards on lots having more than one street frontage.**

(a) Except as provided in Section 30-620.1(c) and (d), on a corner lot in a zoning district where a front yard is required there shall be a front yard along at least one street frontage, and on a corner lot on which side yards are required there shall be a street side yard of not less than ten feet along all other street frontages, provided that:

(1) There shall be a front yard along any street frontage adjacent to or across an alley from a side lot line of another lot located in any district in which a front yard is required. The depth of such yard shall be not less than the minimum required depth of the front yard on the adjacent lot.

(2) There shall be a front yard along any street frontage opposite the architectural front of any dwelling use located on the lot.

(3) In the R-6, R-7, and R-8 districts, no street side yard shall be required for single- or two-family dwellings

(b) Where only one front yard is required on a corner lot having frontage on two streets, a rear yard as required in the district shall be provided at the opposite end of the lot from the front yard. Where more than one front yard is required on a corner lot, yards other than those along street frontages shall be considered side yards, and no rear yard shall be required.

(c) On through lots, there shall be a front yard as required in the district along each street frontage, and ~~[no]~~ a rear yard ~~[shall be]~~ as required in the district shall be provided at the opposite end of the lot from the front yard.

(d) On through lots located in residential zoning districts with front yard maximums, the front yard maximum shall only be applicable to the principal street frontage.

~~[(d)]~~ (e) On a corner lot in an R-63, UB-2, B-4, B-5, B-6 or B-7 district, no street side yard shall be required. On such lot, yards other than those along street frontages shall be considered side yards, and no rear yard shall be required.

**Sec. 30-630.4. Side yards for attached dwellings.**

In the case of single-family and two-family attached dwellings, no side yard shall be required along a lot line in common to two attached dwellings where, for purposes of providing setback variations among [a series of] attached dwelling units, one dwelling is offset forward of or to the rear of the dwelling to which it is attached, provided that such offset does not exceed five feet at the front of the dwellings or ten feet at the rear of the dwellings, and provided further that applicable requirements of the Virginia Uniform Statewide Building Code are met.

**Sec. 30-630.9. Permitted projections and encroachments in yards and courts.**

(a) Sills, siding, belt courses, eaves, gutters, normal roof overhangs, chimneys, pilasters and similar architectural features may project into any required yard or court pursuant to this chapter. Bay windows elevated not less than 18 inches above the adjacent finished floor level may project not more than two feet into any required yard or court.

(b) Fences and walls not exceeding 6½ feet in height may be located within any required side or rear yard or court~~;~~ ~~except that in the R-6, R-7 and R-8 districts fences].~~ Fences and walls located within required front yards shall not exceed four feet in height, except that in the R-1 district they may not exceed 6 ½ feet. In the R-63 district, no fence or wall located within any front yard shall exceed four feet in height. An additional 1½ feet of height shall be permitted for posts, columns and gates for fences and walls in all districts. For purposes of this section, the height of a fence or wall shall be measured from the ground level at the base of the fence or wall.

(c) Permitted signs and poles, posts and other customary yard ornaments and accessories may be located within any required yard or court~~;~~ ~~provided that facilities for the deposit and collection of trash or~~



~~refuse shall not be located within any required front or street side yard].~~

(d) Open or enclosed fire escapes and outside stairways required by law may project into required yards a distance of not more than four feet. Ramps providing means of ingress or egress required by law may project into required yards when such ramps cannot be located elsewhere in compliance with applicable yard and ingress or egress requirements.

(e) Unenclosed porches, balconies and steps may project into required front yards a distance of not more than ten feet, except that in the R-8 district such projection shall not exceed five feet. The width of such projection shall not extend beyond the sidewalls of the portion of the main building to which it is attached or into an extension of the required side yards on the lot, whichever is greater.

(f) Except in the R-7 and R-8 districts, an enclosed vestibule containing not more than 40 square feet in area may project into a required front yard a distance of not more than four feet.

(g) Open balconies and uncovered porches may project into required side and rear yards and required courts a distance not to exceed 20 percent of the required width of such yard or court.

(h) Except in the R-7 and R-8 districts, an unenclosed covered porch that projects into a required yard may be enclosed, provided that such porch was existing on April 25, 2005, and is attached to a single-family detached dwelling, except that when such porch is located on the architectural front of the dwelling, such enclosure shall not project more than ten feet into a required front yard and shall not contain more than 100 square feet of floor area may be enclosed for purposes of providing a vestibule or sheltered means of ingress to and egress from a dwelling, provided that such enclosed porch shall not be designed, equipped or arranged for habitable living space.

(i) An unenclosed porch or deck attached to or abutting a dwelling use having a nonconforming side yard may project into the required side yard to an extent no greater than the abutting portion of the main building, provided that the depth of such porch or deck shall not exceed ten feet and provided, further, that such porch or deck shall not extend within six feet, as measured horizontally, of any window or door containing a

window in a wall of a dwelling use on an adjacent lot.

(j) Handrails and guardrails, not exceeding 42 inches in height, provided for decks, porches, balconies and stairs shall be exempt from all yard requirements and related height and encroachment limitations imposed by this chapter. Decks and porches may be attached to permitted fences and walls.

(k) Building-mounted solar energy systems not exceeding 12 inches in height from the exterior of the surface of the roof may project into a required yard or court to an extent no greater than the existing roof structure.

**Sec. 30-680.1. Location within required yards.**

(a) In any zoning district except R-6, R-7 and R-8, a building accessory to a single-family or two-family dwelling and not exceeding 12 feet in height may be located within a required rear yard, but not within five feet of an alley, provided that where a rear yard abuts a side lot line of an adjoining lot, no such accessory building shall be located nearer such side lot line than a distance equal to the minimum side yard required on the adjoining lot.

(b) In R-6, R-7, R-8, R-48, R-53 and R-63 districts, a building accessory to a single-family or two-family dwelling and not exceeding 12 feet in height may be located within a required rear yard and/or the portion of a required side yard situated within 30 feet of the rear lot line.

(c) An accessory building not exceeding 12 feet in height may be located within a required side yard when attached to an accessory building on an adjacent lot by a common wall. Such accessory building shall be located not less than 15 feet behind that face of the main building which is nearest the street line.

(d) An accessory building or structure may only be located in a front yard if located 100 feet or greater from the nearest street line.

**Sec. 30-800.2. Extension or expansion.**

(a) Except as specifically permitted by this division, a nonconforming use shall not be extended, expanded, enlarged or moved to occupy a different or greater area of land, buildings or structures than was

occupied by such use at the time it became nonconforming, provided that a nonconforming use may be extended throughout any parts of a building which were specifically and lawfully designed and arranged for such use at the time it became nonconforming so long as such extension does not result in any increase in the required number of off-street parking spaces under the terms of this chapter or any increase in the number of dwelling or lodging units in the building. No material change in a nonconforming use or material change in the program or operating characteristics of a nonconforming use shall take place that would increase the intensity of the use.

(b) The area of a lot on which a nonconforming use is located shall not be reduced unless authorized by the Board of Zoning Appeals pursuant to Article X of this chapter.

(c) Fences [and], walls, and building-mounted and freestanding solar energy systems shall be permitted on properties devoted to nonconforming uses in the same manner and subject to the same requirements as properties devoted to conforming uses.

**Sec. 30-810.1. Alterations to buildings or structures having nonconforming features.**

Any building or structure having a nonconforming feature may be maintained, enlarged, extended or structurally altered, provided that such enlargement, extension or structural alteration shall not increase the degree or extent of the nonconforming feature and provided, further, that no building or structure having a nonconforming feature shall be moved, reconstructed or substituted with another building or structure unless such nonconforming feature is thereby eliminated and the building or structure is made to conform with this chapter. Vertical expansion of that part of a building which is nonconforming with regard to a yard or open space requirement shall be considered an increase in the extent of the nonconforming feature and shall not be permitted. For the purpose of this section, the installation of wireless communications facilities, building-mounted solar energy systems, microwave relay facilities, or radio and television broadcast antennas, through use of alternative support structures, shall not be deemed to increase the degree or extent of a nonconforming feature, as set forth in Section 30-692.3, provided the applicable requirements of that section

are met.

**Sec. 30-940.3. Urban Design Committee.**

(a) *Established.* There is hereby created and established an Urban Design Committee, in this division referred to as the "Committee."

(b) *Composition; terms of office; compensation.* The Urban Design Committee shall consist of ~~[ten]~~ eleven members who either reside in the City or have their primary place of business in the City. Members shall be appointed by City Council. Appointments of Committee members shall be as follows:

(1) One of the members shall be a registered architect;

(2) One shall be a member of a ~~[recognized local]~~ community-focused organization ~~[in one of the various fields of static arts]~~ or business;

(3) One shall be a member of the faculty of a design or ~~[the]~~ arts division of a local college or university;

(4) One shall be a registered professional engineer;

(5) One shall be ~~[a business executive or professional]~~ an urban designer or urban planner;

(6) One shall be a registered landscape architect ~~[or a person having demonstrated talent in landscape design]~~;

(7) One shall be a member of the City Planning Commission;

(8) One shall be a member of the Commission of Architectural Review; ~~[and]~~

(9) Two shall be citizens of the City appointed at large~~[-]~~; and

(10) One shall be a member with demonstrated arboriculture or forestry expertise or a member of the Urban Forestry Commission.

Members shall be appointed for terms of office of three years from the date of appointment; provided, however, that members who are also members of the Planning Commission or of the Commission of Architectural Review shall be appointed for terms coincident with their terms on such Commissions. Vacancies

on the Committee shall be filled in the same manner as provided in this section. The members of the Committee shall serve as such without compensation.

(c) *Secretary.* The Director of the Department of Planning and Development Review shall appoint a Secretary for the Urban Design Committee, who shall be a qualified employee of that Department. The Secretary, in addition to other assigned duties, shall keep a record of all actions and proceedings of the Committee.

(d) *Responsibilities and duties.* The Urban Design Committee shall, upon request of the Planning Commission, advise the Commission on matters of an aesthetic nature in connection with the performance of the duties of the Commission under Sections 17.05, 17.06, and 17.07 of the Charter and in any other matter requested by the Commission. The Committee shall also have the power and authority to review and approve or disapprove applications for design overlay district design review as established in this division. In addition, the Committee shall have the following duties to carry out the responsibilities set forth in this section:

(1) Hold regular meetings and other meetings as needed.

(2) Adopt design guidelines applicable to properties in connection with the performance of the duties of the Planning Commission, except for design guidelines for specific design overlay districts.

(3) Adopt procedures which allow for the delegation of the review, approval, or disapproval of applications to the Secretary.

(e) *Rules of procedure.* The Urban Design Committee shall be authorized to adopt rules of procedure for the transaction of its business and implementation of the purposes of this division. The rules of procedure shall not conflict with this division.

#### **Sec. 30-1080. Unlawful conduct and penalties.**

It shall be unlawful for the owner of any land, building, structure or premises or the agent thereof having possession or control of such property or for any lessee, tenant, architect, engineer, builder, contractor or any other person to violate any section of this chapter or of any ordinance authorizing the issuance of a conditional use permit, a

special use permit or community unit plan or the conditions attached thereto or to fail, refuse or neglect to perform any duty imposed by this chapter. It shall be unlawful for any such owner, agent, lessee, tenant, architect, engineer, builder, contractor or other person to take part in or to assist in any such violation, failure, refusal or neglect or to maintain any land, building or structure in connection with which such violation, failure, refusal or neglect exists. Any such violation shall be a misdemeanor punishable by a fine of not ~~[less than \$10.00 nor]~~ more than \$1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this chapter within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not ~~[less than \$10.00 nor]~~ more than \$1,000.00~~[, and]~~; any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than \$100.00 nor more than \$1,500.00 and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not more than \$2,000. In addition to or in lieu of any fine, any violation of this chapter shall also be punishable by confinement to jail for a period not to exceed 12 months. However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act, § 55.1-1200, et. seq., as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term. The City shall also impose an administrative fee as set forth in Appendix A to this Code on any violator to cover the costs arising out of an enforcement action.

§ 2. That Chapter 30, Article IV, Division 2 of the Code of the City of Richmond (2015) be and is hereby

amended and reordained by **adding therein a new** section numbered 30-402.8 as follows:

**Sec. 30-402.8. Driveways from streets.**

No driveway intersecting a street shall be permitted on a lot devoted to a dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two-family dwellings shall not exceed nine feet in width.

§ 3. That Chapter 30, Article IV, Division 3 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** section numbered 30-404.8 as follows:

**Sec. 30-404.8. Driveways from streets.**

No driveway intersecting a street shall be permitted on a lot devoted to a dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two family dwellings shall not exceed nine feet in width.

§ 4. That Chapter 30, Article IV, Division 4 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** section numbered 30-406.8 as follows:

**Sec. 30-406.8. Driveways from streets.**

No driveway intersecting a street shall be permitted on a lot devoted to a dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two family dwellings shall not exceed nine feet in width.

§ 5. That Chapter 30, Article IV, Division 5 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** section numbered 30-408.8 as follows:

**Sec. 30-408.8. Driveways from streets.**

No driveway intersecting a street shall be permitted on a lot devoted to a dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two family dwellings shall not exceed nine feet in width.

§ 6. That Chapter 30, Article IV, Division 6 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** section numbered 30-410.8 as follows:

**Sec. 30-410.8. Driveways from streets.**

No driveway intersecting a street shall be permitted on a lot devoted to a dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two family dwellings shall not exceed nine feet in width.

§ 7. That Chapter 30, Article VI, Division 7 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** section numbered 30-660.1 as follows:

**Sec. 30-660.1. Standards for location of refuse areas.**

Facilities for the deposit and collection of trash or refuse shall not be located within any front or street side yard.

§ 8. That Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** section numbered 30-1030.8 as follows:

**Sec. 30-1030.8. Expiration of approval.**

The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the plan of development as approved by the Director of Planning and Development Review. An application for



the building permit shall be made within five years following the date on which the plan of development is approved. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Uniform Statewide Building Code, the plan of development approval shall terminate and become null and void.

§ 9. That Chapter 30, Article XII of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein new** sections numbered 30-1220.94, 30-1220.110:1, 30-1220.110:2, and 30-1220.110:3 as follows:

**Sec. 30-1220. Definitions.**

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

.94 *Series* means three or more attached buildings.

.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.

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