Legislation Details (With Text)

File #:	ORD. 2023-101 **Version:** 3	**Name:**	
Type:	Ordinance	**Status:**	Adopted
File created:	2/23/2023	**In control:**	City Council
On agenda:	4/17/2023	**Final action:**	4/24/2023

Title: To repeal City Code §§ 30-710.1, 30-710.2, 30-710.2:1, 30-710.2:2, 30-710.2:3, 30-710.2:4, 30-710.2:5, 30-710.3, 30-710.4, 30-720.1, 30-720.2, and 30-720.5, all concerning off-street parking and loading requirements in certain districts; to repeal ch. 30, art. IX, div. 1 (§§30-900-30-900.6); to repeal ch. 30, art. IX, div. 2 (§§ 30-910-30-910.4) to repeal ch. 30, art. IX, div. 7 (§§ 30-960-30-960.4), concerning off-street parking requirements; and to amend City Code §§ 30-411.3, 30-412.2, 30-413.3, 30-413.13, 30-416.2, 30-418.2, all concerning permitted accessory uses and structures; 30-419.3, concerning permitted principal uses on corner lots, 30-419.4, 30-420.2, 30-426.2, all concerning permitted accessory uses and structures, 30-436.1, concerning permitted principal and accessory uses, 30-438, concerning intent of district, 30-446.3, concerning principal uses permitted by conditional use permit, 30-620.2, concerning more than one main building on lot, 30-620.5, division of lots to accommodate existing dwelling units, 30-710.12, concerning improvement of parking areas and parking lots, 30-720.3, concerning location and improvement of loading spaces, 30-720.4, concerning dimensions of loading spaces, 30-800.2, concerning extension or expansion, 30-800.3, concerning changes, 30-1030.4, concerning criteria, 30-1040.3, concerning additional exceptions granted by the Board of Zoning Appeals, 30-1045.6, concerning specific conditions applicable to particular uses, and 30-1220, concerning definitions.

Sponsors: Mayor Stoney

Indexes:

Code sections:

Attachments: 1. Ord. No. 2023-101, 2. Staff Report, 3. Presentation, 4. Letter of Concern - Beverly, 5. Letter of Concern - Connors, 6. Letter of Concern - Innes, 7. Letter of Concern - Kerr, 8. Letter of Concern - Timreck, 9. Letter of Concern - Westhampton Citizens Association, 10. Opposition - Barrett, 11. Opposition - Beck, 12. Opposition - Berry, 13. Opposition - Boisseau, 14. Opposition - Bugnacki, 15. Opposition - Caroline Cox, 16. Opposition - del Cardayre, 17. Opposition - Escalante, 18. Opposition - Fix, 19. Opposition - Jim Green, 20. Opposition - Millie Green, 21. Opposition - Grier, 22. Opposition - Harrigan, 23. Opposition - Keller, 24. Opposition - Kennedy, 25. Opposition - LeGrand, 26. Opposition - Leslie, 27. Opposition - MacAlister, 28. Opposition - OConnor, 29. Opposition - OFlynn, 30. Opposition - Perrin, 31. Opposition - Powelson - Bell, 32. Opposition - Radford, 33. Opposition - Redmond, 34. Opposition - Ritchie, 35. Opposition - Roberts-Gabay, 36. Opposition - Ruiz, 37. Opposition - Scape1, 38. Opposition - Shifflett, 39. Opposition - Tyer, 40. Opposition - Warthen, 41. Opposition - Wofford, 42. Opposition - Woodaman, 43. Opposition - Woodman Cox, 44. Opposition - Wrinn, 45. Support - Allen, 46. Support - Beard, 47. Support - Foster, 48. Support - Grabow, 49. Support - Hall, 50. Support - Hart, 51. Support - Harwood, 52. Support - Hobson, 53. Support - Holstein, 54. Support - Kasten, 55. Support - Moore, 56. Support - Partnership for Smarter Growth, 57. Support - Richmond Association of Realtors, 58. Support - Rule, 59. Support - RVA YIMBY, 60. Support - Tatman, 61. Support - Taylor, 62. Support - Tousignant, 63. Support - Wingfield, 64. 20230424_Formal_2023-101-Handout_Andreas Addison

Date	Ver.	Action By	Action	Result
4/24/2023	3	City Council	adopted	
4/24/2023	3	City Council		
4/17/2023	3	Planning Commission	recommended for approval	Pass

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3/27/2023 3 City Council introduced and referred

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

To repeal City Code §§ 30-710.1, 30-710.2, 30-710.2:1, 30-710.2:2, 30-710.2:3, 30-710.2:4, 30-710.2:5, 30-710.3, 30-710.4, 30-720.1, 30-720.2, and 30-720.5, all concerning off-street parking and loading requirements in certain districts; to repeal ch. 30, art. IX, div. 1 (§§30-900-30-900.6); to repeal ch. 30, art. IX, div. 2 (§§ 30-910-30-910.4) to repeal ch. 30, art. IX, div. 7 (§§ 30-960-30-960.4), concerning off-street parking requirements; and to amend City Code §§ 30-411.3, 30-412.2, 30-413.3, 30-413.13, 30-416.2, 30-418.2, all concerning permitted accessory uses and structures; 30-419.3, concerning permitted principal uses on corner lots, 30-419.4, 30-420.2, 30-426.2, all concerning permitted accessory uses and structures, 30-436.1, concerning permitted principal and accessory uses, 30-438, concerning intent of district, 30-446.3, concerning principal uses permitted by conditional use permit, 30-620.2, concerning more than one main building on lot, 30-620.5, division of lots to accommodate existing dwelling units, 30-710.12, concerning improvement of parking areas and parking lots, 30-720.3, concerning location and improvement of loading spaces, 30-720.4, concerning dimensions of loading spaces, 30-800.2, concerning extension or expansion, 30-800.3, concerning changes, 30-1030.4, concerning criteria, 30-1040.3, concerning additional exceptions granted by the Board of Zoning Appeals, 30-1045.6, concerning specific conditions applicable to particular uses, and 30-1220, concerning definitions.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-710.1, 30-710.2, 30-710.2:1, 30-710.2:2, 30-710.2:3, 30-710.2:4, 30-710.2:5, 30-710.3, 30-710.4, 30-720.1, 30-720.2, and 30-720.5, of the Code of the City of Richmond (2020) be and are hereby **repealed** as follows:

[~~**Sec. 30-710.1. Number of spaces required for particular uses.**~~

~~(a) Except as otherwise provided in this article, the minimum number of off-street parking spaces required for uses located in any district shall be as follows (See Sections 30-710.2 through 30-710.3 for special off-street parking requirements in certain districts and the method of determining the number of parking spaces, and see Article IX of this chapter for requirements if property is located in a parking overlay (PO) district):~~

	Use		*Number of Spaces Required*
(1)	Dwelling, single-family detached		1
(2)	Dwelling, single-family attached		1
(3)	Dwelling, two-family		2
(4)	Dwelling, multifamily:		
	a.	One main building on a lot of record	1 per dwelling unit
	b.	More than one main building on a lot of record	1.5 per dwelling unit containing 1.25 per dwelling unit containir
	c.	In R-63 district	1 per dwelling unit
(5)	Dwelling unit:		
	a.	In B-1, B-2, B-3, and UB districts where such units are contained within the same building as a nondwelling use	None for 1 to 3 units; otherwise
	b.	In B-4 and B-5 districts	None for 1 to 16 dwelling units over 16 units
	c.	In B-4 district where such units are contained within the same building as a non-dwelling use	None
	d.	In UB-2 district where such units are contained within the same building as a nondwelling use	1 per 2 dwelling units
	e.	In B-6, B-7, RF-1 and RF-2 districts	1 per dwelling unit (see Section
	f.	In TOD-1 district	None for 1 to 16 dwelling units over 16 units
(6)	Dwelling, multifamily, where at least 90 percent of units are occupied by persons 60 years or more of age		1 per 2 dwelling units
(7)	Live/work unit		1
(8)	Mobile home		Average of 1.5 per unit

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~~(9)~~	~~Tourist home, hotel or motel:~~		
	~~a.~~	~~RO-3, HO, B-6, B-7, RF-1, RF-2, CM and DCC districts~~	~~1 per guestroom up to 100 room guestrooms over 100 rooms~~
	~~b.~~	~~B-4, B-5, TOD-1 districts~~	~~1 per every 4 guestrooms~~
	~~c.~~	~~All other districts~~	~~1 per guestroom~~
~~(10)~~	~~Lodginghouse~~		~~1 per 2 occupants~~
~~(11)~~	~~Fraternity or sorority house~~		~~1 per 4 beds~~
~~(12)~~	~~Nursing home, adult care residence, group home, shelter~~		~~1 per 4 beds~~
~~(13)~~	~~Hospital~~		~~1 per 3 beds, plus 1 per 3 employees and staff~~
~~(14)~~	~~Church or other place of worship~~		~~1 per 8 seats in main auditorium~~
~~(15)~~	~~Day nursery~~		~~1 per 2 employees~~
~~(16)~~	~~School: kindergarten through junior high (public or private)~~		~~1 per 10 seats in main auditorium or 1 per classroom, whichever is greater~~
~~(17)~~	~~School: high school, college or vocational (public or private)~~		~~1 per 8 seats in main auditorium or 3 per classroom, whichever is greater~~
~~(18)~~	~~Lodge, club or meeting facility~~		~~1 per 100 sq. ft. floor area in meeting or club rooms~~
~~(19)~~	~~Art gallery, library or museum~~		~~10, plus 1 per 300 sq. ft. of floor area in excess of 2,000 sq. ft.~~
~~(20)~~	~~Theater, auditorium, sports arena or stadium~~		~~1 per 5 seating capacity~~
~~(21)~~	~~Private park, recreational area or country club~~		~~1 per 5 members~~
~~(22)~~	~~Public golf course or miniature golf course~~		~~5 per hole~~
~~(23)~~	~~Golf driving range~~		~~2 per tee~~
~~(24)~~	~~Bowling alley~~		~~5 per lane~~

(25)	Office: general; medical or dental office or clinic; social service delivery use; animal hospital		1 per 300 sq. ft. of floor area for the first 1,500 sq. ft., plus 1 per 400 sq. ft. in excess thereof
(26)	Funeral home		1 per 4 seating capacity of chapel and funeral service rooms, plus 1 per 2 employees
(27)	Service station, auto repair		2 per service bay or repair stall plus spaces to accommodate all vehicles used in connection therewith
(28)	Restaurant, tearoom or similar food and beverage service establishment		1 per 100 sq. ft. of floor area, plus 5 stacking spaces per restaurant drive-in window
(29)	Nightclub		1 per 70 sq. ft. of floor area
(30)	Grocery store, convenience store, specialty food or beverage store, take-out restaurant:		
	a.	Grocery or convenience store occupying more than 5,000 sq. ft. of floor area; take-out restaurant with no patron seating	1 per 150 sq. ft. floor area
	b.	Grocery or convenience store occupying more than 5,000 sq. ft. of floor area; specialty food or beverage store	1 per 300 sq. ft. floor area
(31)	Retail or personal service establishment, financial service, retail bakery (unless otherwise specified herein)		1 per 300 sq. ft. floor area

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~~(32)~~	~~Bank or savings and loan office, including drive-in~~	~~1 per 300 sq. ft. for the first 1,500 sq. ft. of floor area, plus 1 per 400 sq. ft. in excess thereof, plus 5 stacking spaces per drive-in teller~~
~~(33)~~	~~Furniture, appliance or hardware store; auto salesroom; tire repair and sales; clothing, shoe or other repair shop; machinery and equipment sales and service~~	~~1 per 500 sq. ft. of floor area~~
~~(34)~~	~~Wholesale establishments~~	~~1 per 800 sq. ft. of floor area, plus spaces to accommodate all vehicles used in connection therewith~~
~~(35)~~	~~Manufacturing, processing, fabricating, testing, research, bottling, warehousing and distribution establishments~~	~~1 per 2 employees, plus spaces to accommodate all vehicles used in connection therewith~~
~~(36)~~	~~Shopping centers~~	~~1 per 300 sq. ft. of gross leasable area, provided that for shopping centers with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is 1 per 100 sq. ft. of floor area or greater, required parking shall be as specified in Section 30-710.3(e)~~
~~(37)~~	~~Philanthropic, charitable or eleemosynary institution~~	~~Sum of spaces required for each component of the use, per the most similar use listed in this section~~

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(38)	Flea market	1 per 300 sq. ft. of area devoted to sales and display
(39)	Marinas	1 per 3 boat slips, provided that parking for uses other than a marina shall be as specified in Section 30-710.3(e)

(b) The minimum number of parking spaces required for a use not specifically mentioned in this section shall be as required for the most similar use listed as determined by the zoning administrator.]

[**Sec. 30-710.2. Off-street parking not required in certain districts.**

In CM, DCC, B-4, B-5, and TOD-1 zoning districts, off-street parking spaces shall not be required for uses other than dwelling uses, hotels and motels.]

[**Sec. 30-710.2:1. Off-street parking requirements in RP district.**

In the RP research park, no off-street parking spaces shall be required for any use.]

[**Sec. 30-710.2:2. Off-street parking not required on certain lots.**

Off-street parking shall not be required for a single-family attached dwelling, a single-family detached dwelling, or a two-family detached dwelling on any lot of record existing on June 12, 1995, when such lot is 35 feet or less in width and does not abut an alley, provided the Zoning Administrator is satisfied that the width of such lot cannot be increased by the property owner in accordance with applicable provisions of this chapter by utilization of adjoining land under the same property owner's ownership or control. In addition, off-street parking shall not be required for a single-family attached dwelling, a single-family detached dwelling, or a two-family detached dwelling constructed after the effective date of the ordinance adopting this sentence on any lot for which the City, based on engineering or safety concerns, does not permit any vehicular access to the right-of-way from any part of the lot.]

[**Sec. 30-710.2:3. Special off-street parking requirements in the UB, UB-2, B-1, B-2, B-3, B-6, B-7, RF-1**

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and RF-2 districts.

(a) *Shared parking.* In the UB, UB-2, B-1, B-2, B-3, B-6, B-7, RF-1 and RF-2 districts, off-street parking spaces required for dwelling units may be supplied by off-street parking spaces provided for nondwelling uses, provided that all of the following conditions are met:

(1) The nondwelling use is not routinely open, used or operated after 6:00 p.m. or before 8:00 a.m. on any day.

(2) The total number of off-street parking spaces provided for dwelling units, including spaces shared with nondwelling uses and spaces provided exclusively for dwelling units, shall not be less than the number of spaces required for such dwelling units by the provisions of this chapter.

(3) Off-street parking spaces located off the premises and intended to contribute to the off-street parking requirements of this section for dwelling units shall be subject to the requirements of Section 30-710.4(1), (3), (4) and (5), except where such requirements are modified by provisions applicable within a parking overlay district.

(b) *Reduced parking requirement for uses located in existing buildings in certain districts.*

(1) In the UB-2 district, the off-street parking requirements established by Section 30-710.1 shall be reduced by 50 percent for nondwelling uses located within buildings existing on July 10, 2006, beyond the limitation set forth in subsection (c) of this section.

(2) In the B-6 district, the off-street parking requirements established by Section 30-710.1 shall be reduced by 50 percent for uses located within buildings existing on July 10, 2006, beyond the limitation set forth in subsection (c) of this section.

(3) In the B-7 district, the off-street parking requirements established by Section 30-710.1 shall be reduced by 50 percent for uses located within buildings existing on July 1, 2017 beyond the limitation set forth in subsection (c) of this section.

(c) *Limitation on parking requirements.* In the UB-2, B-6, B-7, RF-1 and RF-2 districts, in no case

where the number of required off-street parking spaces is determined based on floor area devoted to a use shall the off-street parking requirement for such use exceed one space per 300 square feet of floor area.

(d) *Credit for on-street parking in UB, UB-2, B-1, B-2, B-3, B-6, B-7, M-1, M-2, RF-1 and RF-2 districts.* For purposes of calculating the number of off-street parking spaces provided for a use located in an UB, UB-2, B-1, B-2, B-3, B-6, B-7, M-1, M-2, RF-1 or RF-2 district, on-street parking spaces provided within portions of the public right-of-way abutting the street frontage of the property shall be credited as though they were off-street parking spaces located on the premises. In a case where any portion of such on-street parking spaces are eliminated by government action subsequent to City approval of plans for development of the property, the off-street parking requirement applicable to the use shall be reduced by the number of on-street parking spaces eliminated.]

[**Sec. 30-710.2:4. Special off-street parking requirements in the R-63 district.**

In the R-63 district, off-street parking shall not be required for principal uses that are permitted only on corner lots, except as provided in the R-63 district regulations for such uses as may be permitted subject to approval of a conditional use permit.]

[**Sec. 30-710.2:5. Special off-street parking requirements in the R-8 district.**

In the R-8 district, off-street parking shall not be required for nondwelling uses that are permitted by conditional use permit occupying the ground floor of existing buildings, except as may be provided as a condition of approval of a conditional use permit. Dwelling units occupying space above the ground floor of such buildings shall be provided with not less than one off-street parking space per unit.]

[**Sec. 30-710.3. Method of determining number of parking spaces.**

(a) For the purpose of determining the required number of parking spaces, floor area shall include the gross area of the floor space devoted to the particular use, including space devoted to incidental purposes related thereto, and shall be measured along interior faces of enclosing walls or partitions with no deduction for intervening walls or partitions. For a restaurant use, floor area shall also include the gross area of space outside

~~of an enclosed building when such space is designed, arranged or intended for the service or accommodation of patrons of the restaurant.~~

~~(b) For the purpose of determining the required number of parking spaces, the number of employees shall be construed to be the maximum number of persons employed on any working shift.~~

~~(c) When computation of required parking spaces based on floor area, units, employees or seating capacity results in a fractional number, the number of spaces required shall be the nearest whole number.~~

~~(d) When any change is made in a building or use thereof so that the number of parking spaces required by Sections 30-710.1 and 30-900.3 is increased, not less than the number of spaces required for that increase shall be provided in addition to the spaces provided prior to such change.~~

~~(e) When a building or premises is devoted to more than one use, the total number of spaces required shall be the sum of the spaces required for each use, provided that in the R-73, RO-2 and RO-3 districts, off-street parking shall not be required for incidental retail, personal service or other uses accessory to permitted principal uses.~~

~~(f) In B-1, B-2, and B-3 business districts, the minimum number of off-street parking spaces required for a nondwelling use existing on August 12, 1985, for which use a certificate of occupancy or building permit has been issued by the City and where such use has been continuous since the issuance thereof, shall be as specified by such certificate of occupancy or building permit, unless the Zoning Administrator determines that a greater number of spaces exist for such use, in which case such greater number of spaces shall be required. When the number of off-street parking spaces is not specified on a certificate of occupancy or building permit, the minimum required number of spaces shall be the number of such spaces that the Zoning Administrator determines existed on August 12, 1985. Any change in a building or use thereof after August 12, 1985, with regard to off-street parking, shall require conformance with the applicable sections of this chapter.]~~

[**~~Sec. 30-710.4. Required spaces located off the premises.~~**

~~Off-street parking spaces required for any use may be provided off the premises of the use for which~~

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they are required, provided that:

(1) In the B-4, B-5, B-7, and TOD-1 districts, at least some portion of the parking area, parking lot, parking deck, or parking garage within which such spaces are provided shall be located within a 750-foot radius of a principal entrance to the building occupied by the use for which they are required.

(2) In all other districts, at least some portion of the parking area, parking lot, parking deck, or parking garage within which such spaces are provided shall be located within a 500-foot radius of a principal entrance to the building occupied by the use for which they are required, except that in an RP district, parking spaces located off the premises shall be subject to the provisions set forth in Section 30-710.2:1.

(3) In all cases, property used for such parking spaces shall be located in a district where parking areas serving the proposed use are permitted except that such parking spaces may be located within a parking deck or a parking garage that is not located in a district where parking areas serving the proposed use are permitted if such parking deck or parking garage was constructed before the commencement of the proposed use.

(4) Subject to subsection (1) of this section, any portion of the parking spaces required for any use may be supplied by parking spaces provided for any other use which is not routinely open, used or operated during the same hours of the day or night.

(5) Where parking spaces required by this article are located on property other than that occupied by the use for which such spaces are required, the property shall be held in fee simple by the owner of the use involved or in such other tenure as assures continued availability for such. When the tenure is other than ownership in fee simple, the tenure shall not be less than one year, and the form and terms of tenure shall be approved by the City Attorney before a certificate of use and occupancy or a certificate of zoning compliance may be issued. When use of property for parking purposes is discontinued, the Zoning Administrator shall be notified, by both the lessor and the lessee, in writing, a minimum of 30 days prior to the discontinuance, and unless the parking spaces located thereon are no longer required by this article, such spaces shall be provided

elsewhere in compliance with this article.

(6) Off-premises parking areas and lots containing five or more spaces shall be improved as specified in Division 2.1 of this article.

(7) Off-premises parking spaces, areas or lots shall be provided with identification indicating the use for which they are required and, if applicable, the hours of their availability, provided that such identification shall not be required in the case of off-premises parking spaces, areas or lots that are operated by a governmental agency. In lieu of such identification, the owner of the property on which the parking is located shall provide to the Zoning Administrator an affidavit indicating the location of the property, the number of parking spaces on the property, the number of spaces currently leased or otherwise allocated to serve a use, the use for which such spaces are leased or otherwise allocated, and to whom parking spaces are leased. The Zoning Administrator shall be notified in writing by the owner of the property on which the parking spaces are located prior to any change in the information contained in such affidavit. In addition, the use for which the off-premises parking is provided shall contain notification, in a conspicuous manner on the premises of the use and on a website, if one exists, of the use for which the parking is required, of the availability and location of such parking spaces.]

[**Sec. 30-720.1. Number and length of spaces required.**

The minimum number and the minimum length of off-street loading spaces required for uses occupying certain amounts of floor area and located in particular districts shall be as follows:

	Use	*District*	*Floor Area in Square Feet*	*Number/Length of Spaces Required*
(1)	Office, hotel, bank or institution	RO-1, RO-2, RO-3, HO, I, UB-2, B-1, B-2, B-3 or OS	Less than 20,000	None
			20,000-49,999	One/35'
			50,000-300,000	One/35'
			Each additional 100,000 or major fraction thereof	One/50' and one/35'
(2)	Office, hotel, bank or institution	B-4, B-5, B-6, B-7, TOD-1, RF-1, RF-2, CM, DCC, RP, M-1 or M-2	Less than 20,000	None

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			20,000-99,999	One/35'
			100,000-300,000	One/35'
			Each additional 100,000 or major fraction thereof	One/50'and one/35'
(3)	Retail, wholesale or service establishment	Any district	Less than 5,000	None
			5,000-14,999	One/35'
			15,000-75,000	One/35'
			Each additional 75,000 or major fraction thereof	One/50' and one/35'
(4)	Manufacturing, industrial or warehousing	Any district	Less than 5,000	None
			5,000-24,999	One/35'
			25,000-100,000	One/35'
			Each additional 75,000 or major fraction thereof	One/50' and one/35'
(5)	Research, development and laboratory	Any district	Less than 20,000	None
			20,000-99,999	One/35'
			100,000-300,000	One/35'
			Each additional or major fraction thereof	One/50' and one/35']

[Sec. 30-720.2. Method of determining number.

(a) For the purpose of determining required number and length of loading spaces, floor area shall include the gross area of the floor space devoted to the particular use, including floor space devoted to incidental purposes related thereto, and shall be measured along interior faces of enclosing walls or partitions with no deduction for intervening walls or partitions.

(b) When a building is devoted to more than one use specified in Section 30-720.1, the minimum number and length of loading spaces required shall be determined as though the use occupying the greatest percentage of floor area within such building occupies the entire floor area of the building.]

[Sec. 30-720.5. Required loading spaces in UB-2, B-5, B-6, B-7, TOD-1, and DCC districts.

In the UB-2, B-5, B-6, B-7, TOD-1, and DCC districts, spaces for the loading of vehicles shall be required only for uses occupying buildings newly constructed after the effective date of the ordinance from

~~which this chapter is derived.~~]

§ 2. That Chapter 30, Article IX, Division 1, consisting of sections 30-900 through 30-900.6, of the Code of the City of Richmond (2020) be and is hereby **repealed** as follows: [**~~DIVISION 1. PARKING OVERLAY DISTRICTS~~**

~~Sec. 30-900. Scope.~~

~~This division applies generally to parking overlay districts and is for the purpose of setting forth the means of establishing such districts and determining the off-street parking requirements applicable within each.~~

~~Sec. 30-900.1. Intent of districts.~~

~~(a) Pursuant to the general purposes of this chapter, the intent of parking overlay districts is to provide a means whereby the City Council may establish overlay districts to enable application of appropriate off-street parking requirements to business uses located within areas of the City characterized by a densely developed pedestrian shopping environment in close proximity to residential neighborhoods. The districts are intended to recognize that, due to several factors, business uses located in such areas typically generate lower demands for privately maintained off-street parking spaces than are reflected in the requirements generally applicable in the City and set forth in Section 30-710.1.~~

~~(b) Parking requirements within parking overlay districts are designed to reflect the factors that result in lower parking demand in such areas. These factors include:~~

~~(1) A function similar to that of a shopping center, resulting in a high proportion of multipurpose trips by patrons;~~

~~(2) Considerable walk-in trade due to proximity to residential areas and employment centers;~~

~~(3) Significant numbers of employees that walk to work due to proximity to living areas;~~

~~(4) Availability of public transportation; and~~

~~(5) Many older buildings which have been adapted from other uses and tend to be less efficient than newer special purpose buildings.~~

~~It is also intended that each parking overlay district reflect the supply of public parking spaces within the district by providing for further reduction in the parking requirements in direct proportion to available public parking.~~

~~(c) Parking overlay districts are intended to complement the UB Urban Business District and to be applied principally to those areas within such district which possess the factors enumerated in subsection (b) of this section, but may also be applied independent of the UB district to other areas where such factors exist within other specified districts.~~

~~Sec. 30-900.2. Application of districts and regulations.~~

(a) *Relation to other districts.* Parking overlay districts shall be in addition to and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by subsection (b) of this section and shown on the official zoning map. Any property lying within a parking overlay district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(b) *Permitted underlying districts.* Parking overlay districts shall be applied so as to overlay a UB, B-1, B-2 or B-3 district. Parking overlay districts may also be applied so as to overlay those portions of an RO-1, RO-2 or RO-3 district which lie contiguous to a UB, B-1, B-2 or B-3 district and constitute a part of the same parking overlay district.

(c) *Minimum district size.* Each parking overlay district shall comprise a contiguous area of not less than 25,000 square feet.

(d) *Establishment of districts.* Every parking overlay district shall be established by amendment to the official zoning map in the same manner as other zoning map amendments and as provided for by this chapter. Every area designated as a parking overlay district by such zoning map amendment shall constitute a separate district which shall be numbered serially in the order of adoption and shown on the official zoning map by a special symbol, pattern or shading depicting the boundaries of the district together with the numerical designation of the district. A description of the boundaries of each parking overlay district, the date of adoption of the district or amendment thereto and the off-street parking requirements applicable therein shall be set forth in this chapter.

(e) *Application of district regulations.* Each parking overlay district is for the purpose of establishing the minimum number of off-street parking spaces required for specified uses located within that district and, unless specifically provided to the contrary in this division, such number shall be in lieu of the requirements set forth in Section 30-710.1. In all other respects, the regulations normally applicable within the underlying district shall apply to property within the boundaries of the parking overlay district.

Sec. 30-900.3. Number of spaces required.

The minimum number of off-street parking spaces required for uses located in each parking overlay district shall be determined by application of this section. The minimum number of parking spaces required for a use not included within any of the use groups set forth in subsection (1) of this section shall be as required for such use by Section 30-710.1, unless specifically set forth to the contrary in the parking overlay district. The minimum number of off-street parking spaces required shall be as follows:

(1) *Base requirements.* The base requirements for the minimum number of off-street parking spaces for uses included within the following use groups shall be as follows, provided that lesser base requirements for

specific uses or use groups may be established in the case of any parking overlay district when the City Council is satisfied that unique circumstances pertaining to the uses, physical conditions or functional characteristics within the parking overlay district justify such lesser base requirements:

a. Retail stores and shops, shopping centers, food stores, personal service and other service businesses, banks and savings and loan offices, and similar businesses: one space per 300 square feet of floor area.

b. Restaurants, theaters, amusement centers, lodges and clubs, and similar uses: one space per 150 square feet of floor area.

c. Offices including medical and dental offices and clinics, studios, veterinary clinics, and similar uses: one space per 300 square feet for the first 1,500 square feet of floor area, plus one space per 540 square feet of floor area in excess thereof.

d. Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 750 square feet of floor area.

(2) *Public parking allowance.* It is the intent of this subsection that the base requirements set forth in subsection (1) of this section be reduced in proportion to the available supply of public parking spaces within each district. Such reduction shall be determined in accordance with the following and shall be known as the public parking allowance for the district. Prior to the introduction of any ordinance establishing a parking overlay district or expanding or contracting the boundaries of any such district, the following determinations shall be made relative to the particular circumstances within the proposed boundaries of the district in order to establish the public parking allowance applicable in that district:

a. *Total floor area.* The total square foot amount of all nonresidential floor area contained in all buildings located within the proposed district shall be determined. For purposes of such determination, floor area shall be as indicated on the most recent real estate tax assessment records of the City.

b. *Total parking need.* The total need for parking spaces within the proposed district shall be determined by multiplying the total floor area calculated under subsection (2)a of this section by 3.0 parking spaces per 1,000 square feet of floor area.

c. *Available public parking.* The total number of public parking spaces available within the proposed district shall be determined. The percentage of the total parking need represented by such number of public parking spaces, rounded to the nearest five percent, shall be determined. Such figure

shall be the public parking allowance applicable within the district. For purposes of this subsection, public parking spaces shall be as defined in Section 30-1220.

d. *Application of public parking allowance.* The base requirements set forth in subsection (1) of this section shall be reduced by the public parking allowance determined under subsection (2)c of this section. The result of such reduction, rounded to the nearest ten square feet, shall be the off-street parking requirements applicable to individual uses within the proposed parking overlay district.

Sec. 30-900.4. Method of determining required number of spaces for individual uses.

The minimum number of off-street parking spaces required for individual uses located within parking overlay districts shall be determined in accordance with the following rules:

(1) Section 30-710.3(a) through (e) shall be applicable.

(2) Where the number of parking spaces required for a particular use by application of Section 30-710.3(f) is less than the number of spaces that would be required for that use by application of Section 30-900.3, such lesser number of spaces shall be the requirement applicable to the use.

Sec. 30-900.5. Employee parking.

Notwithstanding the definition of the term of "parking space" in Section 30-1220, not more than 25 percent of the minimum number of off-street parking spaces required for a use may be designated and reserved for employee parking and may be arranged in such manner that access to one such space is provided by passage through another parking space. For purposes of determining the permitted number of employee parking spaces, the minimum number of off-street parking spaces required for a use shall be construed to be the number of spaces determined after application of all of the sections of this division, including determination of any nonconforming rights that may be applicable to the use.

Sec. 30-900.6. Required spaces located off the premises.

Off-street parking spaces may be provided off the premises occupied by the use for which such spaces are required in accordance with Section 30-710.4, provided that a parking overlay district may specify regulations pertaining to required spaces located off the premises that differ from those regulations set forth in Section 30-710.4.

§ 3. That Chapter 30, Article IX, Division 2, consisting of sections 30-910 through 30-910.4, of the Code of the City of Richmond (2020) be and is hereby **repealed** as follows:

[**DIVISION 2. ESTABLISHMENT OF PARKING OVERLAY DISTRICTS**

Sec. 30-910. Scope of division.

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The sections of this division shall become effective in areas specified and on dates indicated.

Sec. 30-910.1. Grove/Libbie Parking Overlay District PO-1.

(a) On April 1, 1992, this division shall become effective in the Grove/Libbie PO-1 District. The boundaries of such district are as follows:

Beginning at the intersection of the centerlines of Grove Avenue and Granite Avenue; thence extending 233.9 feet in a southerly direction along the centerline of Granite Avenue to a point; thence extending 125 feet in a westerly direction along a line perpendicular to the west line of Granite Avenue to a point; thence extending 70 feet in a southerly direction along a line parallel to the west line of Granite Avenue to a point; thence extending 105 feet in a westerly direction along a line perpendicular to the west line of Granite Avenue to the centerline of a 20-foot-wide north/south public alley located in the block bounded by Grove Avenue, Granite Avenue, Matoaka Road and Libbie Avenue; thence extending 77 feet in a southerly direction along the centerline of such alley to a point; thence extending 225 feet in a westerly direction along a line of bearing N 76° 07' 36" W to the centerline of Libbie Avenue; thence extending 13.08 feet in a northerly direction along the centerline of Libbie Avenue to a point; thence extending 70 feet in a westerly direction along the centerline of a 20-foot-wide easement (N 69° 21' 30" W) to a point; thence continuing 121.77 feet in a westerly direction along the centerline of such easement (N 83° 01' 50" W) to a point; thence extending 53.55 feet in a southerly direction along a line of bearing S 18° 48' 40" W to a point; thence extending 145 feet in a westerly direction along a line of bearing N 54° 45' 50" W to the centerline of Maple Avenue; thence extending 393 feet, more or less, in a northerly direction along the centerline of Maple Avenue to a point; thence extending 91 feet in an easterly direction along a line of bearing N 87° 11' 29" E to a point; thence extending 64.00 feet in an easterly direction along a line of bearing N 86° 42' 05" E to a point; thence extending 616.17 feet in a northerly direction across York Road, along a line of bearing N 09° 05' 25" E to a point; thence extending 390.43 feet in an easterly direction across Libbie Avenue along a line of bearing S 76° 08' E to a point; thence extending 48.65 feet in a southerly direction along a line of bearing S 13° 52' W to a point; thence extending 140.92 feet in an easterly direction along a line of bearing N 86° 30' 40" E to a point; thence extending 388.63 feet in a southerly direction along a line of bearing S 13° 35' 56" W to a point; thence extending 148.78 feet in an easterly direction along a line of bearing S 76° 32' 04" E to the centerline of Granite Avenue; thence extending 213.45 feet in a southerly direction along the centerline of Granite Avenue to the point of beginning.

(b) The minimum number of off-street parking spaces required for uses located in the PO-1 district shall be as follows:

(1) Retail stores and shops, shopping centers, food stores, personal service and other service

businesses, banks and savings and loan offices, and similar businesses: one space per 330 square feet of floor area;

(2) Restaurants, theaters, amusement centers, lodges and clubs, and similar uses: one space per 170 square feet of floor area;

(3) Offices, including medical and dental offices and clinics: one space per 330 square feet for the first 1,500 square feet of floor area, plus one space per 590 square feet of floor area in excess thereof; and

(4) Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 750 square feet of floor area.

Sec. 30-910.2. Carytown Parking Overlay District PO-2.

(a) On the date of adoption, this division shall become effective in the Carytown PO-2 District. The boundaries of such district are as follows: Beginning at a point on the centerline of Nansemond Street, such point being 130 feet south of the south line of West Cary Street; thence extending 439 feet, more or less, in a northerly direction along the centerline of Nansemond Street to a point; thence extending 25 feet in an easterly direction to the centerline of an east/west alley, such alley being located 100 feet south of the south line of Ellwood Avenue and varying in width between 17.38 feet and 18.38 feet; thence extending 343 feet, more or less, in an easterly direction along the centerline of such alley to a point; thence extending 8.69 feet in a southerly direction to the south line of such alley; thence extending 100 feet, more or less, in an easterly direction along an extension of the south line of such alley to the centerline of Crenshaw Avenue; thence extending 19.9 feet in an easterly direction from the centerline of Crenshaw Avenue to the centerline of a 15-foot-wide east/west alley, such alley being located 135 feet south of the south line of Ellwood Avenue; thence extending 410 feet, more or less, in an easterly direction along the centerline of such alley to the centerline of Dooley Avenue; thence extending 25 feet, more or less, in an easterly direction to the centerline of a 15-foot-wide east/west alley, such alley being located 135 feet south of the south line of Ellwood Avenue; thence extending 160 feet in an easterly direction along the centerline of such alley to a point; thence extending 65.5 feet in a northerly direction along a line parallel to and 160 feet east of the east line of Dooley Avenue to a point; thence extending 245 feet in an easterly direction along a line parallel to and 77 feet south of the south line of Ellwood Avenue to the centerline of Auburn Avenue; thence extending 45.5 feet in a southerly direction along the centerline of Auburn Avenue to a point; thence extending 25 feet in an easterly direction to the centerline of a 15-foot-wide east/west alley, such alley being located 115 feet south of the south line of Ellwood Avenue; thence extending 450.4 feet in an easterly direction along the centerline of such alley to the eastern terminus of such alley; thence continuing 291 feet in an easterly direction along an extension of

the centerline of such alley to the centerline of Belmont Avenue; thence extending 51 feet in a northerly direction along the centerline of Belmont Avenue to a point; thence extending 65 feet in an easterly direction along a line parallel to and 79 feet south of Ellwood Avenue to a point; thence extending 53.97 feet in a southerly direction along a line parallel to and 65 feet east of the east line of Belmont Avenue to the centerline of an 18-foot-wide east/west alley, such alley being located 120 feet south of the south line of Ellwood Avenue; thence extending 192 feet in an easterly direction along the centerline of such alley to the eastern terminus of such alley; thence extending 15 feet in a northerly direction along a line parallel to and 100 feet west of the west line of Sheppard Street to a point; thence extending 125 feet in an easterly direction along a line parallel to and 115 feet south of the south line of Ellwood Avenue to the centerline of Sheppard Street; thence extending 26.71 feet in a southerly direction along the centerline of Sheppard Street to a point; thence extending 25 feet in an easterly direction to the centerline of a 13.42-foot-wide east/west alley, such alley being located 135 feet south of the south line of Ellwood Avenue; thence extending 366.28 feet in an easterly direction along the centerline of such alley to the centerline of Colonial Avenue; thence extending 25 feet in an easterly direction to the centerline of a 14.99-foot-wide east/west alley, such alley being located 130.16 feet south of the south line of Ellwood Avenue; thence extending 185.84 feet in an easterly direction along the centerline of such alley to a point; thence extending 272.5 feet in a southerly direction along a line parallel to and 185.84 feet east of the east line of Colonial Avenue to the centerline of West Cary Street; thence extending 51.15 feet in an easterly direction along the centerline of West Cary Street to a point; thence extending 30 feet in a southerly direction to the centerline of a 15-foot-wide north/south alley, such alley being 120 feet west of the west line of the Boulevard; thence extending 37.5 feet in a southerly direction along the centerline of such alley to a point; thence extending 163.5 feet in a westerly direction along a line parallel to the south line of West Cary Street to the centerline of Colonial Avenue; thence extending 12.5 feet in a southerly direction along the centerline of Colonial Avenue to a point; thence extending 148.15 feet in a westerly direction along a line parallel to and 50 feet south of the south line of West Cary Street to the centerline of a ten-foot-wide north/south alley, such alley being 107.15 feet west of the west line of Colonial Avenue; thence extending 79.02 feet in a southerly direction along the centerline of such alley to the centerline of an 18-foot-wide east/west alley, such alley being 120 feet south of the south line of West Cary Street; thence extending 2,760 feet, more or less, in a westerly direction along the centerline of such alley to the point of beginning.

(b) The minimum number of off-street parking spaces required for uses located in the PO-2 district shall be as follows:

(1) Retail stores and shops, shopping centers, restaurants, food stores, personal service and other

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service businesses, banks and savings and loan offices, and similar businesses: one space per 430 square feet of floor area;

(2) Theaters, amusement centers, lodges and clubs, and similar uses: one space per 210 square feet of floor area;

(3) Offices, including medical and dental offices and clinics: one space per 430 square feet for the first 1,500 square feet of floor area, plus one space per 770 square feet of floor area in excess thereof; and

(4) Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 1,070 square feet of floor area.

(c) In the case of required spaces located off the premises, the provisions of Section 30-710.4 shall be applicable in the PO-2 district, except as follows:

(1) Off-street parking spaces required for any nondwelling use may be provided off the premises within a 500-foot radius of a principal entrance to the building occupied by such use. In all cases, property used for such parking shall be located in a district where parking areas serving the proposed use are permitted.

(2) Where parking spaces required by this division are located on property other than that occupied by the use for which such spaces are required, the property shall be held in fee simple by the owner of the use involved or in such other tenure as assures continued availability for such. When the tenure is other than ownership in fee simple, the tenure shall not be less than one year, and the form and terms of tenure shall be approved by the City Attorney before a certificate of use and occupancy or a certificate of zoning compliance may be issued. When use of property for parking purposes is discontinued, the Zoning Administrator shall be notified, by both the lessor and the lessee, in writing, a minimum of 30 days prior to the discontinuance, and unless the parking spaces located thereon are no longer required by this division, such spaces shall be provided elsewhere in compliance with this division.

(3) The requirements set forth in Section 30-710.4(5) and pertaining to identification of off-premises parking spaces, areas or lots and notification on the premises of the use or uses for which the parking is provided shall not be applicable in the PO-2 district.

Sec. 30-910.3. Main Street/Uptown Parking Overlay District PO-3.

(a) This division shall be effective in the Main Street/Uptown PO-3 District. The boundaries of such district are as shown on the official zoning map.

(b) The minimum number of off-street parking spaces required for uses located in the PO-3 district shall be

as follows:

(1) Retail stores and shops, shopping centers, food stores, personal service and other service businesses, banks and savings and loan offices, and similar businesses: one space per 540 square feet of floor area;

(2) Restaurants, theaters, amusement centers, lodges and clubs, and similar uses: one space per 270 square feet of floor area;

(3) Offices, including medical and dental offices and clinics: one space per 540 square feet for the first 1,500 square feet of floor area, plus one space per 970 square feet of floor area in excess thereof; and

(4) Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 1,350 square feet of floor area.

Sec. 30-910.4. West Broad Street Parking Overlay District PO-4.

(a) This division shall become effective in the West Broad Street PO-4 District. The boundaries of such district are as follows:

Beginning at the intersection of the centerline of North Boulevard and the centerline of West Broad Street; thence extending 6,469 feet, more or less, in an easterly direction along the centerline of West Broad Street to the centerline of North Harrison Street; thence extending 208.7 feet, more or less, in a southerly direction along the centerline of North Harrison Street to the centerline of a 21.3-foot-wide east/west alley; thence extending 275.6 feet, more or less, in a westerly direction along the centerline of such alley to the terminus of such alley; thence continuing 255.6 feet, more or less, in a westerly direction along the extension of the centerline of such alley to the centerline of Ryland Street; thence extending 20.7 feet, more or less, in a northerly direction along the centerline of Ryland Street to the centerline of an 18-foot-wide east/west alley; thence extending 5,888 feet, more or less, in a westerly direction along the centerline of such alley to the centerline of North Boulevard; thence extending 201.9 feet, more or less, in a northerly direction along the centerline of North Boulevard to the point of beginning.

(b) The minimum number of off-street parking spaces required for uses located in the PO-4 district shall be as follows:

(1) Retail stores and shops, shopping centers, food stores, personal service and other service businesses, banks and savings and loan offices, and similar businesses: one space per 330 square feet of floor area.

(2) Restaurants, theaters, amusement centers, lodges and clubs, and similar uses: one space per

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170 square feet of floor area.

(3) Offices, including medical and dental offices and clinics: one space per 330 square feet for the first 1,500 square feet of floor area, plus one space per 590 square feet of floor area in excess thereof.

(4) Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 830 square feet of floor area.

Sec. 30-910.5. Reserved.

Editor's note(s)-Ord. No. 2015-200-196, § 1, adopted Oct. 12, 2015, repealed § 30-910.5, which pertained to Brookland Park Boulevard/North Avenue Parking Overlay District PO-5, and derived from Code 1993, § 32-910.5; Code 2004, § 114-910.5.]

§ 4. That Chapter 30, Article IX, Division 7, consisting of sections 30-960 through 30-960.4, of the Code of the City of Richmond (2020) be and is hereby **repealed** as follows:

[DIVISION 7. PARKING EXEMPT OVERLAY DISTRICTS

Sec. 30-960. Generally.

The provisions of this division shall apply to designated parking exempt overlay districts and are for the purpose of setting forth the means of establishing and administering such districts.

Sec. 30-960.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of parking exempt overlay districts is to provide relief from the off-street parking requirements for certain uses so as to facilitate the development and redevelopment of economically depressed, older, urban commercial districts characterized by a substantial number of vacant and deteriorated structures. With the exception of certain high intensity uses, off-street parking is generally not needed for most uses in these areas because of high vacancy rates, availability of on-street parking, considerable walk-in trade due to proximity to residential areas and available public transportation. As these economically depressed, older, urban commercial districts undergo revitalization, consideration should be given to re-establishing appropriate parking requirements.

Sec. 30-960.2. Application of districts and regulations.

(a) *Relation to other districts.* Parking exempt overlay districts shall be in addition to, and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by the provisions of subsection (b) of this section and shown on the official zoning map. Any property lying within a parking exempt overlay district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(b) *Permitted underlying districts.* Parking exempt overlay districts shall be applied so as to overlay UB, UB-2, B-1, B-2 or B-3 districts. Parking exempt overlay districts may also be applied so as to overlay those portions of RO-1, RO-2 or RO-3 districts which lie contiguous to a UB, UB-2, B-1, B-2 or B-3 district and constitute a part of the same parking exempt overlay district.

(c) *Minimum district size.* Each parking exempt overlay district shall comprise a contiguous area of not less than 25,000 square feet.

(d) *Establishment of districts.* Every parking exempt overlay district shall be established by amendment to the official zoning map in the same manner as other zoning map amendments and as provided for by this chapter. Every area designated as a parking exempt overlay district by such zoning map amendment shall constitute a separate district which shall be numbered serially in the order of adoption and shown on the official zoning map by a special symbol, pattern or shading depicting the boundaries of the district together with the numerical designation of the district. The provisions of this division shall be applicable within such designated districts, which will be established in this division by ordinance and designated as parking exempt overlay districts.

Sec. 30-960.3. Number of spaces required.

(a) There shall be no parking requirement for any uses located within buildings existing on the effective date of the ordinance from which this division is derived except that the minimum number off-street parking spaces required for the following uses shall be as follows:

(1) Theaters; amusement centers, lodges and clubs; and similar uses: one space per 150 square feet of floor area;

(2) Nightclubs; one space per 100 square feet of floor area;

(3) Restaurants: one space per 300 square feet of floor area;

(4) Food stores: one space per 300 square feet of floor area; and

(5) Dwelling units: none for three units: otherwise, one per four dwelling units.

(b) For all newly constructed buildings and additions to existing buildings, the minimum number of off-street parking spaces required shall be as specified in Sections 30-710.1 through 30-710.7, provided that off-street parking shall not be required for a single addition to an existing building which does not exceed 200 square feet in floor area.

Sec. 30-960.4. Changes in the number of parking spaces required.

When any change is made to the use of a building, existing on the effective date of the ordinance from which this division is derived, so that the number of parking spaces required by Section 30-960.3 is increased, the number of

~~spaces required for the subject increase shall include in the calculation of required parking any nonconforming rights to off-street parking which existed on the effective date of inclusion of the subject property in a parking exempt overlay district.~~]

§ 5. That sections 30-411.3, 30-412.2, 30-413.3, 30-413.13, 30-416.2, 30-418.2, 30-419.3, 30-419.4, 30-420.2, 30-426.2, 30-436.1, 30-438, 30-446.3, 30-620.2, 30-620.5, 30-710.12, 30-720.3, 30-720.4, 30-800.2, 300-800.3, 30-1030.4, 30-1040.3, 30-1045.6. and 30-1220, of the Code of the City of Richmond (2020) be and are hereby **amended** and reordained as follows:

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

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

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

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

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

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

c. The lot shall meet the lot area requirement for a two-family dwelling; <u>and</u>

d. [~~One off-street parking space shall be provided for the additional dwelling unit; and~~

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

Services.

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

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

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

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

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

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

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

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

d. [~~One off-street parking space shall be provided for the additional dwelling unit; and~~

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

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

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

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

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

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

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

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

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

d. [~~One off-street parking space shall be provided for the additional dwelling unit; and~~

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

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

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

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

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

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

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

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

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c. The lot shall meet the lot area requirement for a two-family dwelling.

d. [~~One off-street parking space shall be provided for the additional dwelling unit.~~

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

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

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

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

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

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

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

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

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

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

d. Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to

provide [~~required~~] parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code; and

e. [~~Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and~~

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

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

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

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

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

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

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

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

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

c. Lot area requirements shall be met for the total number of dwelling units in the main

building and the accessory building as though all units were contained in the main building;

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

e. [~~Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and~~

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

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

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, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment. 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) 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 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.~~] d. A plan of development shall be required as set forth in Article X of this chapter.

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

a. [~~The requirements of Section 30-710.4 shall be met~~] Off-premises parking areas and lots containing five or more spaces shall be improved as specified in Article VII, Division 2.1 of this chapter.

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

(5) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. [~~Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and~~

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

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

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

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

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

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

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

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

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

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

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

d. Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to

provide [~~required~~] parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code; and

e. [~~Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and~~

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

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

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

The following uses of buildings and premises shall be permitted in the B-2 district, provided that no use which includes a drive-up facility shall be located on a transitional site. A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; any use with drive-up facilities; and any newly constructed building with greater than 50,000 square feet of floor area; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Art galleries;

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

a. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

b. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of

any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

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

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

(5) Catering businesses, provided that not more than five persons are employed on the premises in the conduct of any such business;

(6) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use, emergency housing, subject to the provisions of Section 30-698 of this Chapter;

(7) Communications centers and telephone repeater stations operated by public service corporations;

(8) Contractors' shops, offices and display rooms, provided that the following conditions are met:

a. Not more than 2,000 square feet of floor area shall be used for warehouse purposes;

b. There shall be no outside storage of equipment, materials or supplies;

c. No service or delivery vehicle exceeding an empty weight of 6,500 pounds shall be used in connection with such use.

(9) Custom printing and engraving shops not involving the printing of periodicals, books, catalogs or similar items requiring frequent shipment or delivery of large quantities of materials, provided that not more than five persons shall be employed in the conduct of such business;

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

(11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning

machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(12) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses);

(13) Funeral homes;

(14) Furniture repair and upholstery shops, provided that the total floor area of work rooms shall not exceed 2,000 square feet;

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

(16) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;

(17) Hotels and motels, provided that:

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

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

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

(18) Janitorial and custodial service and supply establishments occupying not more than 2,000 square feet of floor area and not involving the use of delivery or service vehicles having an empty weight exceeding

6,500 pounds;

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

(20) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(21) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:

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

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

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

(21.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use;

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

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

(24) Parking areas and parking lots, provided that any card reader or other access control device at an

entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;

(25) Parking decks, provided that:

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

b. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

c. Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

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

(26) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on

the premises in the conduct of any repair or fabrication activity;

(27) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

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

(29) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

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

(31) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(32) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(33) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R

district;

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(34) Retail stores and shops, provided that not more than 50 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(35) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(36) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

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

(37) Self-service auto washing facilities, either automatic with a single vehicle capacity or hand operated with not more than four washing stalls, provided that:

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

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no

property line coincidental with a street line shall be less than 100 feet in length;

c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;

d. Such use shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;

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

(38) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced except within a completely enclosed soundproof building, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(39) Service stations, provided that:

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

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

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

(40) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(41) Tourist homes;

(42) Wholesale and distribution establishments with not more than 5,000 square feet of floor area

devoted to storage of goods, provided that distribution of products shall not involve the use of delivery vehicles having an empty weight exceeding 6,500 pounds;

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

(44) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units. Outdoor accessory uses such as temporary sales and display areas, play equipment, pay phones, vending machines and similar uses shall not be located within 15 feet of any street line or within any required side yard adjacent to an R or RO district or within [~~required~~] parking spaces, except that temporary sales and display areas not involving any structures may be located within required front yards. Not more than two vending machines shall be located outside of a completely enclosed building. Newspaper boxes shall not be subject to the limitations of this paragraph.

Sec. 30-438. Intent of district.

Originally intended to provide space for auto-oriented uses, the B-3 General Business District shaped the character of the corridors on the south side and other areas of Richmond by encouraging high-frequency, high-speed, regional traffic-generators that have separated one residential neighborhood from another, detracting from the development of community identity. The B-3 General Business District has been amended with the aim of improving aesthetics and walkability by reducing parking [~~minimums~~], increasing screening requirements, adding uses to provide services to nearby residents in an effort to encourage more cohesive community fabric, and mitigating the impact of auto-oriented uses on adjacent residential neighborhoods. The amendments were intended to gradually improve the character and livability of those corridors, while still providing space for businesses to provide services.

Sec. 30-446.3. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-7 district by conditional use permit as set forth in Article X of this chapter:

(1) Drive-up facilities in conjunction with principal uses permitted by Section 30-446.2, provided that:

a. No such use shall be located on a transitional site, a priority street frontage, or a street-oriented commercial frontage.

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

(2) Motor fuels dispensing in conjunction with principal uses permitted by Section 30-446.2, provided that:

a. No such use shall be located on a transitional site, a priority street frontage, or a street-oriented commercial frontage.

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor shall not be located within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands shall not extend within ten feet of any street line.

(3) Nightclubs.

(4) [~~Required off-street parking consisting of less than one parking space per dwelling unit, but not less than one parking space per two dwelling units, serving multifamily dwellings located in buildings existing on the effective date of the ordinance from which this section is derived, when such off-street parking is located on the site of the dwelling units or off the premises.~~

~~(5)~~] Self-service auto washing facilities and automatic auto washing facilities operated by attendants,

provided that:

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

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties.

[~~(6)~~] (5) Social service delivery uses.

[~~(7)~~] (6) Uses listed in Section 30-446.2(3), (5), (6), (16), (21), (28), (47) and (48) and the extension, expansion or enlargement of a use listed in Section 30-446.2(46), when any such use is located on a lot having street frontage on Hull Street or Commerce Road.

Sec. 30-620.2. More than one main building on lot.

(a) More than one main building containing a permitted use, other than a single-family dwelling, or a two-family dwelling in an R-5A, R-6, R-7 or R-8 district, may be erected on a lot, provided that the regulations applicable in the district are met.

(b) A parsonage in a detached or attached building located on the same lot as a church or other place of worship shall be considered a permitted accessory use and shall not be prohibited as more than one main building on the lot.

(c) In any multifamily residential or residential-office district, more than one two-family dwelling located on a lot or a two-family dwelling located on the same lot as a multifamily dwelling shall be considered a multifamily dwelling for purposes of applying district regulations [~~and off-street parking requirements~~].

Sec. 30-620.5. Division of lots to accommodate existing dwelling units.

A single lot of record, developed with two or more dwelling units existing on October 24, 2005, may be divided into two or more lots for purposes of establishing single-family detached, single-family attached, two-family or multifamily dwellings on individual lots, when the lots created by such division cannot meet

applicable lot area, lot width, usable open space, lot coverage or yard requirements. Such division shall be permitted, provided that all of the following conditions are met:

(1) The property subject to the division shall be located in a district where the dwellings on the lots created by the division are permitted principal uses.

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

(3) The division shall result in at least one main building being located on each lot, and lot area, lot width and yards shall be allocated to the newly created lots on a basis reasonably proportional to the buildings and uses contained on each lot as determined by the Zoning Administrator.

(4) [~~The off-street parking requirements set forth in Article VII of this chapter shall be met for each dwelling unit, provided that any nonconforming parking feature existing at the time of the division may continue unless the Zoning Administrator determines that the resulting lot is capable of accommodating additional off-street parking.~~

~~(5)~~] The division shall not result in the creation of any new vacant lot or additional dwelling units that would not have otherwise been permitted prior to the division.

[~~(6)~~] (5) Applicable requirements of the Virginia Uniform Statewide Building Code shall be met.

[~~(7)~~] (6) The division shall comply with the applicable requirements of Chapter 25 regarding the subdivision of land.

Sec. 30-710.12. Improvement of parking areas and parking lots.

Parking areas and parking lots containing five or more parking spaces shall be improved and maintained in accordance with the following:

(1) *Screening along interior lot lines in certain cases.* Whenever a parking area or parking lot abuts or is situated within 50 feet of property in an R, RO, HO or I district, unless separated therefrom by an alley providing access to such parking area or parking lot, the parking area or parking

lot shall be effectively screened from view from such property by evergreen vegetative material not less than 3½ feet in height at the time of installation or by an opaque structural fence or wall not less than four feet in height, provided that such parking area or parking lot need not be screened from an adjacent parking area or parking lot containing five or more parking spaces or from an adjacent loading area. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) *Paving.* Parking areas and parking lots and all entrances thereto and exits therefrom shall be designed and improved using accepted engineering practices for usability and longevity with asphalt, concrete, unit pavers or similar material approved by the administrator of the erosion and sediment control ordinance in Chapter 14, Article III, and shall be designed so as not to create or increase adverse effects on adjoining properties as a result of surface drainage.

(3) *Pavement markings.* Except where the parking of vehicles is by attendant only, [~~each required~~] every parking space provided on the premises shall be delineated.

(4) *Maneuvering space.* No parking area or parking lot shall be designed, operated or maintained so as to cause any street or sidewalk to be obstructed by vehicles entering, leaving or maneuvering within such parking area or parking lot. Whenever necessary to prevent such obstruction, space for the maneuvering of vehicles shall be provided within the parking area or parking lot.

(5) *Lighting.* Parking areas and parking lots shall be provided with lighting during the non-daylight hours when such are in use. Lighting shall be designed and installed so as to concentrate illumination within the parking area or parking lot and to prevent glare on adjoining properties and streets. The height of lighting structures shall not exceed the height limit of the district in which they are located, and in no case shall such height exceed 35 feet. When lighting is required by this subsection, the intensity of illumination within the area devoted to parking shall be not less than 0.5 horizontal footcandle at any location, provided that in no case shall the intensity of illumination exceed 0.5

horizontal footcandle at any property line abutting a lot in an R or RO district. The lighting maximum-to-minimum ratio within the parking area or parking lot shall not exceed 15:1. Parking area and parking lot lighting fixtures shall be constructed or shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane of the fixture.

Sec. 30-720.3. Location and improvement of loading spaces.

(a) No loading space or maneuvering space related thereto shall be located within a required yard adjacent to a public street or within a required yard abutting property in an R or RO district.

(b) Whenever a loading space or maneuvering area related thereto abuts or is situated within 50 feet of property in an R, RO, HO or I district, the loading space or maneuvering area shall be effectively screened from view from such property by an evergreen vegetative or opaque structural fence or screen not less than six feet in height, provided that such loading space or maneuvering area need not be screened from a loading space, maneuvering area or parking area containing five or more spaces located on adjacent property.

(c) Each [~~required~~] loading space shall be identified as such and shall be reserved for loading purposes.

(d) [~~No loading space shall occupy required off-street parking spaces or restrict access thereto.~~

~~(e)~~] All loading spaces and maneuvering spaces related thereto shall be graded, improved and maintained so as to be available for use under normal weather conditions and so as not to create adverse effects on adjoining property as a result of dust or surface drainage.

Sec. 30-720.4. Dimensions of loading spaces.

[~~Required off-street~~] Off-street loading spaces shall be not less than ten feet in width and shall have an unobstructed vertical clearance of not less than 14 feet. The minimum length of required off-street loading spaces shall be [~~as set forth in Section 30-720.1~~] 35 feet.

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, 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. 30-800.3. Changes.

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

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

(2) The use does not [~~require more off-street parking than the nonconforming use as determined by application of the requirements of Section 30-710.1~~] have a greater amount of vehicular trip generation than the nonconforming use, as determined by the Institute of Transportation Engineers

Common Trip Generation Rates or a similar vehicular trip generation system.

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

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

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

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

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

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

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

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

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

Sec. 30-1030.4. Criteria.

The Director of Planning and Development Review shall approve the plan of development if the Director finds the following criteria to be met; otherwise, the Director shall disapprove the plan of development. In reviewing the plan of development and taking action thereon, the Director shall also take into consideration the objectives of the City of Richmond Master Plan as approved and amended by the City Council.

(1) *Preservation of landscape and other natural features.* The natural landscape of the site shall be preserved by retaining mature, healthy trees and natural topography except where removal or thinning of trees and alteration of topography is necessary to accommodate building sites, recreation areas, [~~required~~] parking and driveway areas, necessary drainage facilities and utility systems. Appropriate ground cover, trees and other vegetative materials shall be retained or planted to prevent excessive stormwater runoff, erosion, siltation and dust, and to enhance the general appearance of the site and its compatibility with nearby sites.

(2) *Arrangement of buildings and spaces.*

a. Buildings shall be located on the site or designed in such a manner that the fronts of buildings do not face into rear yards or service areas of other buildings located either within the site or adjacent to it, except where privacy walls, fences, plant materials or topographic features provide screening therefrom.

b. Where a site abuts an interstate/freeway or principal or minor arterial street as designated in the master plan, railroad or another site developed or intended to be developed for uses potentially incompatible with the proposed use, buildings and open spaces shall be so located, designed and arranged as to provide reasonable separation from such features or uses. Where necessary to achieve such separation, trees or other vegetative materials shall be retained on the site or supplemented by

additional planting or the erection of appropriate walls or fences.

(3) *Functions of yards and spaces.* Yards, spaces between buildings and other open spaces required by the provisions of this chapter shall be located with respect to buildings and other site improvements and shall be improved so as to reasonably serve the purposes for which such yards and spaces are intended by this chapter, those purposes being: provision of light and air, separation between buildings, separation between incompatible functions, enhancement of privacy and promotion of public health and safety.

(4) *Parking and circulation.*

a. Driveways and areas for the parking and circulation of vehicles shall be located, designed and improved so as to provide for safe and convenient circulation within the site and safe and convenient access from adjoining streets and shall be in accordance with established traffic engineering standards and the driveway policy of the City. Among factors to be considered shall be the number and location of driveways and access drives to and from adjacent streets and alleys, the distances between such driveways and access drives, the location and width of driveways and access aisles to parking spaces, the arrangement of parking areas and the means of access to buildings for firefighting apparatus and other emergency vehicles. The number of driveways to and from streets shall be the fewest necessary to provide safe and convenient access, and wherever possible, cross-access between abutting sites and shared driveways shall be provided.

b. Parking areas and driveways shall be clearly identified and separated from principal pedestrian routes and recreation areas by curbs, pavement markings, planting areas, fences or similar features designed to promote pedestrian safety.

c. Vehicle access to adjoining streets should be located and designed in accordance with the following criteria:

1. Where the predominant established character of development is urban in nature, typically with buildings located at or near the street line and with no parking located between

buildings and the street, vehicle access to the site from arterial and collector streets should be avoided when adequate local street or alley access is available to the site, unless restricting access to a local street or alley would clearly result in an adverse traffic impact on an adjoining residential district. In the case of a corner lot where local street or alley access is not available, vehicle access from the principal street frontage should be avoided.

2. Where the predominant established character of development is suburban in nature, typically with buildings set back from the street line and with parking located between buildings and the street, vehicle access to the site from local residential streets and from alleys abutting residential districts should be avoided when adequate arterial or collector street access is available to the site.

d. Vehicle parking and circulation areas and sidewalks, walkways and other amenities for pedestrian use shall be located, designed and arranged so as to encourage safe pedestrian movement within and adjacent to the site and to minimize conflicts between vehicles and pedestrians.

(5) *Compatibility with surrounding development and community character.* The arrangement and general character of buildings, spaces and other components of the plan of development shall be designed with consideration for compatibility with the established general character of surrounding development and promotion of the community character goals, policies and strategies pertaining to gateways and image corridors, historic and architectural resources, and urban design as set forth in Chapter 9 of and elsewhere in the City of Richmond Master Plan, as approved and amended by the City Council.

In determining if the above criteria are met, the Director of Planning and Development Review shall consult with appropriate City agencies and may seek such additional technical advice as deemed necessary. The Director shall have the authority to attach conditions to the approval of a plan of development, where such conditions are necessary to ensure conformance with the intent and purpose of the criteria set forth in this article or the regulations set forth elsewhere in this chapter.

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

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

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

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

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

c. Any addition to an existing dwelling or construction of or addition to an accessory

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

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

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

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

the same configuration as the previously existing lots of record.

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

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

d. [~~The off-street parking requirements of this chapter shall be met.~~

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

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

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

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

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

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

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

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

~~c. A minimum of two off-street parking spaces shall be provided~~].

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

(4) *Existing multifamily dwelling use.* The use of a property containing a multifamily dwelling

existing on the effective date of this provision, located within a district which permits two-family or multifamily dwellings, which does not comply with the applicable lot area [~~and/or off-street parking requirements~~] requirement, and for which a building permit, certificate of use and occupancy or certificate of zoning compliance was previously issued for the existing use, where such use has been continuous since the issuance thereof. The continued use of these properties as multifamily dwellings shall be permitted, provided that:

a. The subject property shall have been zoned to permit multifamily dwellings at the time such use was created, or was subsequently zoned to permit multifamily dwellings, and the applicable lot area [~~and/or off-street parking requirements were~~] requirement was not met;

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

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

d. [~~A minimum of two-thirds of a parking space shall be provided for each dwelling unit;~~

~~e.~~] The Board shall be satisfied that the design or configuration characteristics unique to the existing building would render it impractical or not economically viable for uses permitted by applicable provisions of this chapter. The Board may, in its discretion, in consideration of the design or configuration characteristics of the building and the character of the immediate surrounding neighborhood, grant a lesser number of dwelling units than requested.

Intent statement. In many older areas of the City, some existing single- and two-family dwellings were converted to multifamily dwellings, or additional units were added to existing multifamily dwellings, in violation of the applicable lot area [~~and/or off-street parking requirements~~] requirement. In some instances, permits were issued by the City for these conversions. Other conversions occurred

without the benefit of any permits, but subsequently building permits for additions or alterations, certificates of use and occupancy or certificates of zoning compliance may have been issued. The lots on which these multifamily dwellings were developed are often similar in size to other legally existing multifamily dwellings. The lot area [~~and off-street parking requirements~~] requirement contained in the conditions in this subsection are those which were in effect prior to June 1, 1960, in those areas of the City where many of these conversions took place.

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

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

b. The applicant has demonstrated to the satisfaction of the Board that granting the exception will increase residential occupancy thereby facilitating a mixed use character of the district in which the property is located consistent with objectives for mixed use in the area;

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

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

Intent statement. There are areas within UB, B and RF districts in the City where the established

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

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

a. The applicant can show to the satisfaction of the Board that the dwelling unit is of such size and arrangement that the lodging units can reasonably be accommodated, and that incorporating such lodging units within the dwelling will not create potential adverse impacts on adjoining and surrounding properties;

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

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

~~d. At the discretion of the Board, and to the extent that it does not detract from the single-family character of the property or the surrounding area, one off-street parking space shall be provided~~

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~~for each lodging unit~~].

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

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

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

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

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

d. The use of the accessory building shall be limited to one dwelling unit in addition to

permitted accessory uses;

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

f. [~~Not less than one off-street parking space shall be provided for the dwelling unit in the accessory building;~~

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

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

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

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

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

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

d. [~~Not less than one off-street parking space shall be provided for the additional dwelling unit located in the accessory building;~~

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

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

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

a. Home occupation use of accessory buildings shall be limited to offices, including

business, professional and administrative offices, and studios of writers, designers or artists engaged in the graphic arts.

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

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

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

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

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

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

activity on the adjacent street.

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

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

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

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

(11) [~~*Off-street parking.* The provisions setting forth the number of off-street parking spaces required for a use or required in the case of a change in a nonconforming use, provided that:~~

~~a. The applicant has demonstrated to the satisfaction of the Board that, based on the character of uses and the availability of parking in the surrounding area, the exception will not result in~~

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an inadequate supply of parking or other adverse impact on the neighborhood;

b. The applicant has demonstrated to the satisfaction of the Board that adequate parking to serve the needs of the use is provided on the site or within reasonable and convenient proximity of the use, either on a public street or off-street;

c. The applicant has demonstrated to the satisfaction of the Board that the number, location and arrangement of parking spaces intended to serve the use is sufficient to provide for its parking needs based on the nature of the use and the characteristics of its operation, including, but not limited to, its scale, hours of operation and the amount of walk-in customer or client traffic from the adjacent neighborhood;

d. In any case where off-street parking spaces required to serve a use are provided off the premises devoted to such use, the applicant shall submit written certification to the Board on an annual basis, by no later than the anniversary date of the exception granted, as to the continued availability of the off-premises parking spaces. Failure of the applicant to submit such certification shall be grounds for revocation of the exception.

Intent statement. There are many properties in the City that are inhibited from being devoted to reasonable use due to the inability to provide the required number of off-street parking spaces, or due to the prohibition of a change in a nonconforming use when a proposed new use is required to be provided with more off-street parking than the existing use, but would otherwise be permitted by the nonconforming use provisions. In many such cases, there may be particular potential uses having unique characteristics that result in a need for fewer off-street parking spaces than generally required for the use by the zoning provisions and/or there may be excess parking spaces available in the immediate vicinity of the property that can adequately serve the needs of the use. In cases where such properties are not concentrated in an area that would be appropriate for application of a parking overlay district or where nonconforming uses are involved, there is a need to address the off-street parking requirements on a site

~~-specific basis and in a manner that enables reasonable use of the property and does not create a shortage of parking or other adverse impact on the area.~~

~~(12)~~] *Nonconforming use: lot division to accommodate existing buildings.* Division of a lot developed with one or more nonconforming uses existing on the effective date of the ordinance from which this provision is derived into two or more lots. (For division of a lot to accommodate permitted single-family detached, single-family attached, two-family or multifamily dwellings, see Section 30-620.5.) The division of such lot shall be permitted, provided that:

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

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

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

d. [~~If the off-street parking requirements of the current ordinance are not met, reasonable efforts shall be made to provide additional off-street parking to meet those requirements;~~

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

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

Intent statement. In many older areas of the City, some properties were originally developed with more than one main building on a lot, or several separately developed lots under common

ownership were combined for purposes of simplifying deeds or other transactions. In many instances, the uses on these properties are nonconforming under current use regulations, resulting in prohibition of the lots being divided. It is often desirable to permit division of these properties into separate lots in order to enhance their potential for reasonable economic use and to increase opportunities for individual ownership, including owner occupancy, or to facilitate financing, insurance or resale, particularly in cases where there is no practical difference in the intensity of uses of the properties as a result of the division.

[~~(13)~~] (12) *Nonconforming use: enlargement, extension or alteration.* Enlargement, extension or structural alteration of a building or structure devoted to a nonconforming use; extension or expansion of a nonconforming use within a building or structure; or construction of an accessory building or structure to serve an existing nonconforming use; provided that:

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

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

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

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

e. In all other respects the property shall continue to be subject to the rights and limitations

set forth in Article VIII of this chapter relative to nonconforming uses, except that the Board may impose such conditions and further limitations as it may deem necessary in the public interest.

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

[~~(14)~~] (13) *Nonconforming use: re-establishment or change in use.* Re-establishment of or change in a nonconforming use of a building or structure which has been discontinued for a period of two years or longer, provided that:

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

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

c. If the building or structure is vacant or the nonconforming use has been changed to an illegal use, the Board may authorize re-establishment of the last nonconforming use or change to a use that meets all of the criteria set forth in Section 30-800.3(a)[~~, except that the Board may authorize change to a use that does not meet the off-street parking criteria of that subsection if the Board finds that the change will not result in an adverse impact on the neighborhood due to an inadequate supply of~~

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~~parking~~]; and

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

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

[~~(15)~~] (14) *Nonconforming use: reduction in lot area.* Reduction in the area of a lot on which a nonconforming use is located, provided that:

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

b. There shall be no reduction in the area of any lot devoted to a nonconforming dwelling use, located in a single-family residential district. For purposes of this provision, the division of a lot shall not be construed to constitute reduction in the area of the lot. In districts other than single-family residential districts, the area of a lot devoted to a nonconforming dwelling use may be reduced to not less than the lot area required for the dwelling use in the R-48 or R-63 district;

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

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

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

[~~(16)~~] (15) *Nonconforming use: addition of accessory off-street parking.* The addition of accessory off-street parking spaces to serve a nonconforming use, provided that:

a. The nonconforming use shall be located in a district other than an R district, unless the nonconforming use is a dwelling use as defined in Section 30-1220;

b. The accessory off-street parking spaces shall be located on the same lot as the nonconforming use, or on a contiguous lot;

c. [~~The total number of accessory off-street parking spaces existing and to be provided for the nonconforming use shall not exceed the number of spaces required for the use by the provisions of Article VII of this chapter;~~

~~d.~~] The addition of accessory off-street parking spaces shall not result in the demolition of any main building;

[~~e.~~] d. All applicable off-street parking improvement requirements and landscaping standards

set forth in Article VII, Division 2.1 of this chapter shall be met where feasible, as determined by the Board, provided that the Board may impose such conditions and further limitations as it may deem necessary in the public interest;

[~~f.~~] e. The applicant has shown to the satisfaction of the Board that such additional accessory off-street parking spaces will not result in any greater adverse impacts on adjoining and surrounding properties than would result without the additional parking.

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

[~~(17)~~] (16) *Building height.* The maximum permitted building height in any district except R-1 through R-8 districts, provided that:

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

b. [~~Applicable off-street parking requirements shall be met, unless the Board in a specific case grants a variance from or exception to the off-street parking requirement pursuant to the provisions of this division;~~

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

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

Intent statement. In some cases, due to unusual conditions such as location, topography, other site conditions, lot orientation or the established or changing character of nearby development, the building height limit applicable in the district in which a property is located is not conducive to achieving the full development potential of the property consistent with the general intent of the district. Additional building height may also be appropriate where taller buildings are located nearby and to establish a transition from taller buildings to buildings of less height, or to enable the maximum permitted residential density or nonresidential intensity on a site while preserving open space at ground level where needed. In such cases, flexibility to enable additional building height is desirable as a means to adapt to unusual conditions, enhance the economic viability of the property and promote economic development for the benefit of the general public, so long as light and air, prominent views and the character of the surrounding area are adequately protected.

[~~(18)~~] (17) *Freestanding signs.* The height and yard provisions applicable to permitted freestanding signs, other than billboard signs, provided that:

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

sign on the site would prohibit or unreasonably impair visibility of such sign from the adjacent street;

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

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

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

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

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

The conditions set forth in this section shall be applicable to all the following uses as indicated when authorized by conditional use permit, provided that the city council may impose such additional or more

stringent conditions as deemed necessary to ensure the use will comply with the standards set forth in this article and elsewhere in this chapter:

(1) *Emergency housing, transitional housing, or permanent supportive housing.* A property with an emergency housing, transitional housing, or permanent supportive housing use shall comply, at minimum, with the provisions of article VI of this chapter.

(2) *Social service delivery uses.* A property with a social service delivery use shall, at minimum, submit a plan of development in accordance with Section 30-698.3(d).

(3) *Nondwelling uses occupying the ground floor of existing buildings in the R-8 district.* The following conditions shall be applicable to nondwelling uses occupying the ground floor of existing buildings in the R-8 district:

a. Before approving a conditional use permit for any such use, the city council shall make a finding that the location of the property, the type of use and the scale and operational characteristics of the use are such that, if approved, the use can reasonably be expected to primarily serve the adjacent neighborhood and be sustainable as a neighborhood convenience use, and will avoid traffic, parking congestion, noise and other impacts that more typically result from uses that draw patrons from outside a neighborhood.

b. For any nondwelling use operating with an ABC license, such use shall not be operated between the hours of 10:00 p.m. and 6:00 a.m.

c. Alterations to the exterior of the building, including facade treatment, fenestration, signage and lighting shall be designed to maximize compatibility with the residential character of the surrounding area. Elevation drawings of the building shall be submitted as part of the conditional use permit application.

d. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the portion of the building devoted to the use.

e. An operations plan, addressing not less than the following elements and providing such information as necessary to enable the city council to make the finding described in paragraph "a" of this subsection, shall be submitted as part of the conditional use permit application:

1. Operational characteristics and features of the use, including: staffing levels; hours of operation; type of ABC license and related restrictions, if applicable; floor plan showing general arrangement of the use and seating capacity of tables and other facilities for patrons, if applicable; description of intended use of the upper floor(s) of the building, including floor plans and plans for ingress and egress; provisions for containing trash and refuse generated by the use, including screening of containers, and means of preventing trash from blowing onto adjacent properties or streets; and provisions for off-street parking, if applicable.

2. Provisions for security, including procedures, features, arrangements and staffing levels for such for both the interior and exterior of the premises, and a plan and procedures for mitigating potential adverse impacts on nearby dwelling uses. The planning commission may recommend and the city council may include as conditions, such elements of the operations plan as it deems necessary to satisfy the standards set forth in this section or in section 30-1045.5 of this chapter.

(4) [~~*Required off-street parking for multifamily dwellings in the B-7 district.* Before approving a conditional use permit for reduction of required off-street parking for a multifamily dwelling located in an existing building in the B-7 district, the city council shall make a finding that:~~

~~a. The normally applicable off-street parking requirement for such use cannot reasonably be satisfied without demolition of an existing building; and~~

~~b. The reduction in required off-street parking will not adversely impact the use of nearby streets for traffic circulation or access to other properties or create an unreasonable demand for on-street parking that would adversely impact existing uses in the immediate area.~~

~~(5)~~] *Retail sales of liquor.* The following conditions shall be applicable to retail sales of liquor:

a. Except as provided in subdivision (b) of this subsection (5), such use shall be located within a retail establishment having a total floor area greater than 5,00 square feet, and in which not greater than 50 percent of the total floor area is devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia;

b. In the case of a retail establishment existing on the effective date of this subsection and having on such date a total floor are of 5,000 square feet or less and greater than 50 percent of the total floor area devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia, the city council may waive the conditions of subdivision (a) of this subsection (5) when the city council is satisfied that the other applicable provisions of this subsection are met, and provided that in no case shall the existing total floor area of the establishment and the existing percentage of floor devoted to the sale and storage of alcoholic beverages be increased;

c. Such use shall not take place at any time between the hours of 10:00 p.m. and 10:00 a.m.;

d. Drive-up facilities shall not be permitted in conjunction with such use, and retail sales of liquor shall take place only within the interior of the building;

e. The exterior features, including façade treatment, fenestration, signage and lighting, of the building in which such use is located shall be designed to maximize compatibility with the predominant character of surrounding commercial and residential areas, and elevation drawings of the buildings showing such features shall be submitted as part of the conditional use permit application, except that such drawings shall not be required in a case where no changes are to be made to the exterior of an existing building; and

f. The conditional use permit shall be approved by the city council only if the applicant satisfies the council that the size and location of the user are reasonably related to the trade area that

such use is intended to serve, and will not result in a disproportionate concentration of such uses within any particular area of neighborhood of the city or have a detrimental impact on the surrounding area due to close proximity to residential area or public, religious or child care facilities.

[~~(6)~~] (5) *Nightclubs.* A management program shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific nightclub because of the characteristics of the nightclub, the management program shall include a statement of why the element is not applicable. The minimum required elements of the management program are as follows:

a. Operational characteristics and features of the nightclub, including the following:

1. Staffing levels;

2. Hours of operation, and days of the week on which the establishment will be operated as a nightclub;

3. Type of Virginia Alcoholic Beverage Control license and related restrictions;

4. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor and standing room areas and capacity, which floor plan shall be posted on the premises in a prominent location viewable by the patrons;

5. Total occupant load; and,

6. General type, frequency and hours of entertainment to be provided;

a. Provisions for off-street parking; and

b. Provisions for security and crowd management, including the following:

1. Provisions for a level of security and crowd management sufficient to comply with the requirements of chapter 6, article V of this code, whether or not the nightclub is required to obtain a public dance hall permit;

2. Procedures, features, arrangements and staffing levels for security and crowd management for both the interior and exterior of the premises; and

3. A plan and the procedures for mitigating potential adverse impacts on nearby dwelling and business uses.

[~~(7)~~] (6) *Parking areas and parking lots in the B-4 and B-5 district.* The following conditions shall be applicable for parking areas and parking lots in the B-4 or B-5 district:

a. The access, landscaping, screening, and arrangement of the parking area or parking lot shall be reviewed by the Urban Design Committee prior to the review of the application for the conditional use permit by the Planning Commission. The Urban Design Committee may recommend to the Planning Commission that the Planning Commission recommend that the City Council approve the conditional use permit or may recommend that the Planning Commission recommend that the City Council impose additional conditions. In making its recommendation, the Urban Design Committee shall consider at least the standards set forth in section 30-1045.5 and the parking improvement requirements and landscaping standards set forth in section 30-710.10 through 30-710.16.

[~~(8)~~] (7) *Lodginghouses.* A property with a lodginghouse use shall, at minimum, submit a plan of development in accordance with Section 30-698.3(d).

Sec. 30-1220. Definitions

.98 *Shopping center* means a development that contains four or more retail or other commercial buildings planned, developed and managed as a unit and related in its location, size and types of establishments to the trade area which such unit is intended to serve and which is provided with off-street parking on the premises. [~~For a shopping center with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is one per 100 square feet of floor area or greater, required parking shall be as specified in Section 30-710.3 <https://library.municode.com/va/richmond/codes/code_of_ordinances?nodeId=CH30ZO_ARTVIIOREPALORE_DIV2OREPARE_S30-710.3MEDENUPASP>(e).~~]

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

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O & R Request

DATE: February 27, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J. E. Lincoln Saunders, Chief Administrative Officer

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

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

RE: Request to amend the City's Zoning Ordinance for the purpose of eliminating off-street parking minimums.

ORD. OR RES. No.

PURPOSE: To amend the City's Zoning Ordinance for the purpose of eliminating off-street parking space minimums to facilitate cost savings for developers of businesses and housing that may be passed on to the consumer and to reduce community dependence on automobile transportation.

REASON: These Zoning Ordinance amendments will help implement the vision outlined in the Richmond 300 Master Plan, which was adopted on December 14th, 2020, and RVAgreen 2050, a climate action plan for the City.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its April 17, 2023 meeting.

BACKGROUND: The City Council adopted the first Zoning Ordinance in 1927 with no off-street parking space requirements. Updates to the Zoning Ordinance in the 1940s included a few parking space requirements. The first time the Zoning Ordinance included a separate section devoted to off-

street parking was when City Council adopted the 1960 amendment to the Zoning Ordinance. City Council has adopted numerous incremental changes to the parking regulations section of the Zoning Ordinance since the 1960s.

Over the past couple decades, City Council has approved several changes to the parking requirements to make the parking requirements less stringent or to eliminate requirements in certain parts of the city by way of parking overlay districts, parking except overlays, and changes to zoning districts to eliminate parking requirements for most uses. The current parking regulations are onerous and complicated for staff and the public to understand, implement, and regulate. The parking minimums have contributed to urban sprawl, lack of abundant and affordable housing, and automobile dependency.

The proposed ordinance to eliminate parking minimums from the Zoning Ordinance will not prohibit property owners from building parking spaces on their property. Moreover, the zoning change will allow property owners to determine the amount of parking that is need to support their proposed development and allow the market to determine the appropriate amount of parking. Furthermore, the Zoning Ordinance will retain the parking size and screening requirements so if a property owner decides to build parking, they will be required to comply with the requirements on configuration and screening set forth in the Zoning Ordinance

Master Plan

The Richmond 300 Master Plan contains goals, objectives, and strategies to create a thriving environment, an equitable transportation network, and inclusive housing. Parking minimums in the Zoning Ordinance are considered an auto-centric approach to development that can cause harm to both the quality of our air and water through automobile exhaust and road runoff, and reduce the amount of land available for housing and commercial uses Eliminating parking space minimums may help reduce urban heat, improve water quality, and increase the amount of land available for redevelopment by reducing the eliminating the practice of having the government direct the amount of a parking a development needs..

The Master Plan strives to create a safe, reliable, equitable, and sustainable transportation network that prioritizes the movement of people over the movement of vehicles. Government-mandated parking minimums ensure that parking is provided even if the parking is not needed. The overabundance of parking can perpetuate a car-centric built environment and discourage the use of public transit or other forms of transportation. Instead of requiring parking minimums in the Zoning Ordinance, the Master Plan encourages market-based parking strategies, including shared parking so that each property does not have to dedicate valuable land to parking spaces.

Off-street parking spaces, especially those in structures, are expensive. Requiring parking spaces based on the number of dwelling units or floor area can directly increase the costs to residents and business owners. The space used for parking cars takes away space that could be used for

additional housing. Parking minimums can be a cost burden on small businesses and discourage them from establishing in Richmond.

The Master Plan focuses on the importance of walkable neighborhoods that are less reliant on the automobile. The elimination of parking minimums may help create new walkable neighborhoods that are built with greater focus on the pedestrian experience.

Public Engagement

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

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

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

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: March 27, 2023

CITY COUNCIL PUBLIC HEARING DATE: April 24, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: City Planning Commission, on April 17, 2023

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

RELATIONSHIP TO EXISTING ORD. OR RES.: ORD. 2020-236 (adoption of Richmond 300), RES 2021-R027 (Eliminate Parking Minimums)

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS:

- Draft Ordinance

STAFF:

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