



Legislation Text

File #: ORD. 2023-235, Version: 1

To repeal City Code § 30-697.3, concerning short-term rentals located in certain other zoning districts, and to amend City Code §§ 30-414.2, concerning permitted accessory uses and structures, 30-424.1, concerning permitted principal uses, 30-432.1, concerning permitted principal uses, 30-449.2, concerning permitted principal and accessory uses, 30-697.1, concerning short-term rental regulations, 30-697.2, concerning short-term rentals located in certain residential zoning districts, 30-1020.4, concerning the fees for filing an application for a certificate of zoning compliance, and 30-1220.98:2, concerning the definition for short-term rental operator. (As Amended)

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 30-697.3 of the Code of the City of Richmond (2020), as amended, be and is hereby **repealed** as follows:

~~[Sec. 30-697.3. Short-term rentals located in certain other zoning districts.~~

~~For all permitted short-term rentals within any zoning district other than those set forth in Section 30-697.2, all signs shall conform to applicable regulations of Article V of this chapter.]~~

§ 2. That sections 30-414.2, 30-424.1, 30-432.1, 30-449.2, 30-697.1, 697.2, 30-1020.4, and 30-1220.98:2 of the Code of the City of Richmond (2020) be and are hereby **amended** and reordained as follows:

Sec. 30-414.2. 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-43 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) Short-term rental located within an accessory building permitted by subsection (2) of this section.]~~

Sec. 30-424.1. Permitted principal uses.

The uses of buildings and premises listed in this section shall be permitted in the RO-1 district. A plan of development shall be required as set forth in Article X of this chapter for all uses permitted in this district unless indicated otherwise in this section.

(1) Any principal use permitted in the R-1 district as set forth in Section 30-402.1, subject to plan of development requirements applicable in such district;

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the City Attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such development;

b. Architectural variations shall be provided among units within any series of more than four units;

c. A plan of development shall be required as set forth in Article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family detached dwellings, provided that a plan of development shall not be required when no more than one main building is to be located on a lot;

(4) Multifamily dwellings, provided that a plan of development shall not be required when no more than one main building and no more than ten dwelling units are to be located on a lot;

(5) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard;

(6) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises;

(7) Private schools offering instruction in skills practiced in connection with the operation of uses permitted in this district;

(8) Funeral homes, provided that:

a. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the City's master plan;

b. Adequate space shall be provided on the premises for the formation of funeral processions, and no such activity shall take place on public streets;

(9) Communications centers and telephone repeater stations operated by public service corporations provided that a plan of development shall not be required;

(10) Adult day care facilities.

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

Sec. 30-432.1. Permitted principal uses.

The uses of buildings and premises listed in this section shall be permitted in the I district, subject to the master plan requirements set forth in this division. A plan of development shall be required as set forth in article X of this chapter for any use other than: a single-family detached dwelling; a parking area that constitutes a principal use; a right-of-way, easement or appurtenance

for public utilities or public transportation; or a use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Single-family detached dwellings, provided that the regulations applicable to such uses in the R-5 district shall be met;

(2) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard;

(3) Churches, chapels, convents, monasteries and other places of worship, adjunct residential and administrative facilities and other uses operated by, and in conjunction with, religious institutions, and as an accessory use, emergency housing, subject to the provisions of Section 30-698;

(4) Public and private nonprofit schools and educational institutions, including dormitory, fraternity and sorority houses, classroom, administrative, recreational and student service facilities owned by or operated under the control of such school or institution, provided that no outdoor stadium or grandstand having a seating capacity in excess of 2,500 persons shall be permitted, and provided further that an indoor arena or auditorium having a seating capacity in excess of 2,500 persons shall be used only for educational, religious, cultural, civic, athletic and entertainment activities sponsored by or under the control of such institution, its student government, alumni association or other university i.e., public and private nonprofit schools and educational institutions) related organization;

(5) Libraries, museums and similar uses operated by public or nonprofit agencies;

(6) Hospitals, public health clinics, adult care residences, group homes, adult day care facilities and

nursing homes;

(7) Philanthropic, charitable and eleemosynary institutions, including social service delivery uses operated by such institutions;

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

(9) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(10) Parking decks serving uses permitted in this district, provided that:

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

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

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

(12) Wireless communications facilities and microwave relay facilities, including support structures, on property owned by the city, subject to location, character and extent approval by the city planning

commission in accordance with section 17.07 of the City Charter.

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

Sec. 30-449.2. Permitted principal and accessory uses.

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

(1) Retail stores and shops;

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

(2) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith, and including areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

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

(4) 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;

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

(5) Shops for the repair of household items, locks, bicycles and similar items, provided that not

more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

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

(7) Hotel and motels, provided that a plan of development shall be required as set forth in Article X of this chapter;

(8) Parking areas, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

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

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

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

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

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

(11) Public assembly buildings, auditoriums, convention facilities, meeting rooms, exhibition spaces, stadiums and arenas;

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

treatment plants, utility storage yards and similar uses, unless owned or operated by a governmental agency;

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

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

(14) 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.

Sec. 30-697.1. Short-term rental regulations.

The following conditions are applicable to all short-term rentals in all districts:

(1) ~~[The number of sleeping rooms available for any short-term rental shall be limited to five.]~~ The number of short-term renters over the age of 18 occupying or present within any short-term rental shall not exceed the lesser of (i) ~~[a number equal to two multiplied by the number of sleeping rooms available for short-term rental]~~ eight persons, or (ii) the maximum number permitted by the most recent edition of the Virginia Uniform Statewide Building Code. ~~[For purposes of this subsection, the term “sleeping room” shall have the meaning given that term by the most recent edition of the Virginia Uniform Statewide Building Code.]~~

(2) No short-term rental operator shall rent a short-term rental to one or more short-term renters, unless at least one of the short-term renters is 18 years of age or older.

(3) ~~[No individual other than]~~ Only a short-term rental operator may operate a short-term rental. For each short-term rental, the corresponding short-term rental operator shall submit a letter to the Zoning Administrator with (i) contact information for the short-term rental operator, including such operator’s name, permanent mailing address, primary contact phone number and, if applicable, an electronic mail address, (ii) an acknowledgement from the short-term rental operator confirming the operation of the dwelling unit as a short-

term rental, and (iii) for condominiums and co-ops, evidence that the condominium or co-op board has approved a request to use the dwelling unit as a short-term rental.

(4) Each short-term rental operator shall provide to the Zoning Administrator and conspicuously post within the short-term rental a floor plan of the layout of the dwelling unit, on which floor plan the short-term rental operator shall label the following:

- a. The use of each room;
- b. The occupancy level of sleeping rooms and cooking facilities;
- c. The location and size of emergency egress and rescue openings; and
- d. The location of fire and carbon monoxide detectors.

(5) Smoke detectors shall be present in compliance with the current edition of the Virginia Uniform Statewide Building Code.

(6) A fire extinguisher shall be present in compliance with the current edition of the Virginia Uniform Statewide Building Code.

(7) Carbon monoxide detectors shall be present in compliance with the current edition of the Virginia Uniform Statewide Building Code.

(8) Prior to operation of any dwelling unit as a short-term rental, the owner of the dwelling unit shall obtain a certificate of zoning compliance for the short-term rental use in accordance with the conditions set forth in Sections 30-1020 through 30-1020.5 of the Code of the City of Richmond [(2015)] 2020, as amended.

(9) [~~The owner of a dwelling unit operated or to be operated as a short-term rental shall obtain a certificate of zoning compliance for such use on a biennial basis. Each certificate of zoning compliance shall be effective from January 1 of the year in which such certificate is obtained to December 31 of the following year, regardless of the date on which the dwelling unit owner obtains the certificate~~] Every certificate of compliance for a short-term rental use shall expire 730 days after the date it is issued. No sooner than 30 days prior to such expiration, any short-term rental operator who wishes to maintain their short-term rental use may

apply for a new certificate of zoning compliance for such use.

(10) All advertisements for any short-term rental shall include the active certificate of zoning compliance [~~approval number~~] for such short-term rental.

(11) Under no circumstances shall the issuance of a certificate of zoning compliance by the Zoning Administrator be construed as abrogating, nullifying or invalidating any other provision of [~~Federal, State or local~~] law; any deed covenant or property right; or any property owners' association bylaw.

(12) [~~The short-term rental operator shall occupy a dwelling unit on the lot on which the short-term rental operator's short-term rental is located for an aggregate of at least 185 days each calendar year~~] For multifamily dwellings, a maximum of ten or one-third of the dwelling units, whichever is lesser, on the lot shall be permitted as short-term rentals, except as provided in section 30-697.2.

(13) No short-term rental operator shall agree to more than one booking transaction during the same period or any portion thereof that results in reservations for two or more separately-booked short-term renters to occupy the same short-term rental at the same time.

(14) No short-term rental operator [~~or owner of a dwelling unit~~] shall offer, provide, advertise or permit use of a dwelling unit for any commercial use that is prohibited by law.

Sec. 30-697.2. Short-term rentals located in [~~certain residential zoning~~] any R [districts] district.

[~~For all permitted short-term rentals within the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-43 and R-48 zoning districts, only one non-illuminated wall sign, not exceeding two square feet, shall be permitted~~] The following conditions are applicable to all short-term rentals within the R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-43, R-48, R-53, R-63, R-73, R-MH, RO-1, RO-2, and RO-3 districts. The short-term rental shall be located on the same lot as the short-term rental operator's primary residence. Where the short-term rental operator is a legal person but not an individual, the short-term rental shall be located on the same lot as the primary residence of the individual who

manages the day-to-day operations of the short-term rental operator, or who is a trustee or a beneficiary of the short-term rental operator if the short-term rental operator is a trust. For purposes of this section, whether a lot includes a short-term rental operator's or a qualifying individual's primary residence shall be determined by the records of the Virginia Department of Motor Vehicles or the Office of the Registrar of the City of Richmond current as of the date of application to operate a short-term rental on such lot. Only one short-term rental shall be permitted on any lot.

Sec. 30-1020.4. Fee for filing an application for certificate of zoning compliance.

(a) A fee shall accompany each certificate of zoning compliance application for the respective use, which fee shall be paid into the City treasury. The fees shall be as follows:

(1)	Home occupation	\$75.00
(2)	Single- or two-family detached or attached dwelling	\$75.00
(3)	Private elementary or secondary school	\$75.00
(4)	Church or other place of worship	\$75.00
(5)	Day nursery	\$75.00
(6)	Adult day care facility	\$75.00
(7)	Multifamily dwelling (three to ten units)	\$150.00
(8)	Multifamily dwelling (11 to 50)	\$300.00
(9)	Multifamily dwelling (more than 50 units)	\$500.00
(10)	Commercial or industrial use equal to or less than 5,000 square feet	\$150.00
(11)	Commercial or industrial use greater than 5,000 square feet	\$300.00
(12)	Adult care residence or lodginghouse	\$300.00
(13)	Portable storage unit	\$10.00
(14)	Wireless communications facility	\$500.00
(15)	Uses not specified	\$200.00
(16)	Short-term rental (two years)	[\$300.00] <u>\$600.00</u>

(b) Approval of a certificate of zoning compliance shall not be granted until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the subject property have been paid.

Sec. 30-1220. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: .98:2 *Short-term rental*

operator means ~~[an individual who is]~~ the owner of a dwelling unit used as a short-term rental.

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