

ORDINANCE — To Amend and Reordain Section 24-2314 Titled “Plan of Development,” Section 24-3102 Titled “Districts Established,” Section 24-3105 Titled “Superseding Dimensional Standards,” Section 24-3302 Titled “Established Residential Districts,” Section 24-4205 Titled “Principal Use Table,” Section 24-4306 Titled “Residential Uses: Household Living,” Section 24-4315 Titled “All Commercial Uses,” Section 24-4402 Titled “Accessory Use and Structure Table,” Section 24-4423 Titled “Accessory Outdoor Seating and Food Preparation (as accessory to an Eating Establishments use),” Section 24-4502 Titled “Temporary Use and Structure Table,” Section 24-5103 Titled “Access and Circulation System,” Section 24-5105 Titled “Off-Street Parking Surfacing and Marking,” Section 24-5308 Titled “Minimum Tree Cover,” Section 24-5310 Titled “Transitional Buffers,” Section 24-5503 Titled “General Standards,” Section 24-5707 Titled “Signs Requiring Permits,” and Section 24-8501 Titled “Accessory Uses, Temporary Uses, and Other Terms,” To Add a New Section 24-3314 Titled “R-5B General Residence District,” and To Renumber Existing Section 24-3314 Titled “R-5 General Residence District,” Existing Section 24-3315 Titled “R-6 General Residence District,” and Existing Section 24-3316 Titled “RTH Residential Townhouse District” of the Code of the County of Henrico To Create a New Zoning District to Be Known as the R-5B General Residence District and Establish Standards for Such District.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 24-2314 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-2314. Plan of Development

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B. Applicability

1. The following development requires approval of a plan of development in accordance with the procedure and standards in this section prior to the issuance of a building permit or an occupancy certificate:
 - (a) Residential development in the R-5A, **R-5B**, R-5, R-6, RTH, Mixed Use, and Planned Development districts consisting of 50 or more dwelling units;

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2. That Section 24-3102 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3102. Districts Established

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Table 3102: Establishment of Zoning Districts	
Base Districts	
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Residential Districts	
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R-5A General Residence District (Sec. 24-3313)	
<u>R-5B General Residence District (Sec. 24-3314)</u>	
R-5 General Residence District (Sec. 24- 3314 3315)	
R-6 General Residence District (Sec. 24- 3315 3316)	
RTH Residential Townhouse District (Sec. 24- 3316 3317)	
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3. That Section 24-3105 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3105. Superseding Dimensional Standards

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D. Additional Minimum Yard Requirements Adjacent to Major Thoroughfares

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Table 3105: Additional Setback Requirements Adjacent to Specific Roadways in Major Thoroughfare Plan			
Zoning District
A-1
R-0
R-0A			
R-1			
R-1A			
R-2			
R-2A			
R-3
R-3A			
R-4			
R-4A			
R-5A			
<u>R-5B</u>			
....

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E. Dimensional Standards for Lots Created Prior to January 1, 1960, and Nonconforming Single-Family Residential Lots

The following standards apply to any single-family residential lot in an Agricultural or Residential zoning district created prior to January 1, 1960, and to other nonconforming single-family residential lots, including lots in R-5, R-6, or RTH districts created between

1960 and 1992 and lots created through the controlled density development process between 1969 and 2000. Where the setbacks required by Sec. 24-3204 through Sec. ~~24-3314~~ **24-3315** are greater than the setbacks of this subsection, the setbacks will be reduced (but not increased) as follows. (See also Sec. 24-6402, Development of Nonconforming Lots, for lot area and width regulations for nonconforming lots.)

4. That Section 24-3302 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3302. Established Residential Districts

The Residential base zoning districts established by this Ordinance are identified in Table 3302: Established Residential Base Zoning Districts.

Table 3302: Established Residential Base Zoning Districts

R-5A General Residence District (24-3313)

R-5B General Residence District (24-3314)

R-5 General Residence District (~~24-3314~~**3315**)

R-6 General Residence District (~~24-3315~~**3316**)

RTH Residential Townhouse District (~~24-3316~~**3317**)

5. That Section 24-3314 of the Code of the County of Henrico be renumbered and reordained as follows:

Sec. 24-~~3314~~3315. R-5 General Residence District

6. That a new Section 24-3314 of the Code of the County of Henrico be added as follows:

Sec. 24-3314. R-5B General Residence District

A. Purpose

The purpose of the R-5B General Residence District is to provide lands to accommodate development of single-family detached dwellings at higher densities than are allowed in the R-5A District, either on infill lots or as residential subdivisions on previously undeveloped lands. Development in the R-5B District should provide appropriate vehicular access to residential lots and a walkable environment, consistent with the County's guidelines for small-lot single family residential developments. Allowed uses include:

- **Single-family detached dwellings on lots of 3,000 sq. ft.; and**

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- **Supporting institutional, recreational, and public facilities and uses.**
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B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4. Use Regulations.

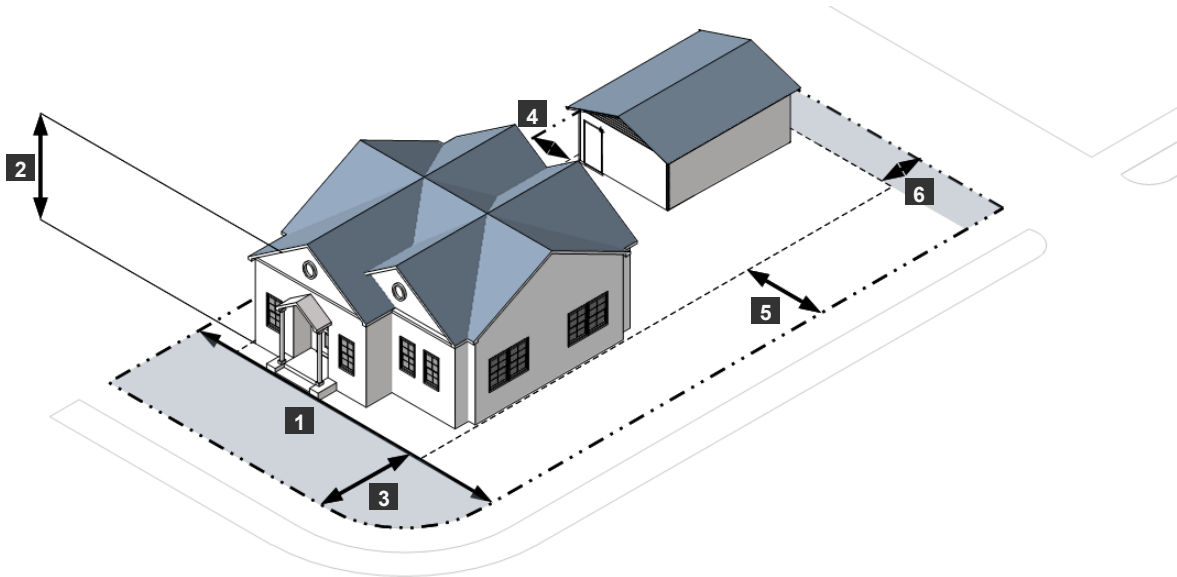
D. R-5B District Dimensional Standards

Standard	Dwellings	All other uses
Density, maximum (du/ac)	10	N/A
Lot area, minimum	3,000 sf	1 ac
1 Lot width, minimum (feet)	30	100
2 Structure height, maximum (feet)	40	40
3 Front yard, minimum (feet)	12^[1]	20
4 Interior side yard, minimum (feet)	5	10
5 Street side yard, minimum (feet)	12^[1]	15
6 Rear yard, minimum (feet)	5 15^{[1][2]}	15
Maximum block length	600 feet	600 feet
Percentage of lot area covered by buildings, maximum	60	No maximum
Project area, maximum (acres)	10	N/A

Notes:

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Identified Roadways.

[2] The minimum rear yard along an alley is five feet. In all other cases, the minimum rear setback is 15 feet.



E. Other District Standards

1. Sidewalks, Streets Trees, Curb and Gutter

- (a) All new development in the R-5B District must include sidewalks along all street frontages. Sidewalks must be at least five feet in width and must be separated from the street by a planting strip at least four feet in width.**

- (b) The four-foot-wide planting strip must include street trees having an average spacing of 35 feet or less on center.
- (c) Curb and gutter meeting Henrico County standards must be provided along all street frontages.



Figure 3314E1 illustrating sidewalk, street trees, and curb and gutter

2. Vehicular Access and Garage Location

- (a) Except as provided in paragraph (b) of this subsection, for any lot less than 50 feet in width, driveways, garages, and off-street parking are prohibited in front and street side yards. Vehicular access to the lot must be provided from an alley along the rear lot line. If the lot abuts an alley that is shown on a recorded plat but is unimproved, the alley must be improved to County standards before a certificate of occupancy will be approved.
- (b) If the Planning Director and County Engineer determine that dedication or improvement of an alley is impractical due to the size, shape, topography, or other characteristics of the lot, vehicular access to the front or street side may be allowed, including a driveway or other off-street parking. Any detached garage must be located in the rear yard. Any attached garage must be flush with or recessed behind the main façade of the dwelling.

3. Exterior Lighting

Streetlights must not exceed 15 feet in height, and all other exterior light fixtures must not exceed 12 feet in height.

4. Modification

Upon finding any provision of the R-5B District standards contained herein to be impractical based upon site specific characteristics, the Planning Director may review an administrative modification request under the standards of Section 24-2319.D.

F. Reference to Other Standards

<u>Article 4</u>	<u>Use Regulations</u>	<u>Article 5, Division 6</u>	<u>Neighborhood Compatibility</u>
<u>Article 5, Division 1</u>	<u>Access, Circulation, Off-Street Parking, and Loading</u>	<u>Article 5, Division 7</u>	<u>Signs</u>
<u>Article 5, Division 2</u>	<u>Required Open Space</u>	<u>Article 5, Division 8</u>	<u>Chesapeake Bay Preservation</u>
<u>Article 5, Division 3</u>	<u>Landscaping and Tree Protection</u>	<u>Article 5, Division 9</u>	<u>Environmentally Friendly Design Incentives</u>
<u>Article 5, Division 4</u>	<u>Fences and Walls</u>	<u>Article 6</u>	<u>Nonconformities</u>
<u>Article 5, Division 5</u>	<u>Exterior Lighting and Crime Prevention</u>	<u>Article 8</u>	<u>Definitions</u>

7. That Section 24-3315 of the Code of the County of Henrico be renumbered and reordained as follows:

Sec. 24-33153316. *R-6 General Residence District*

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8. That Section 24-3316 of the Code of the County of Henrico be renumbered and reordained as follows:

Sec. 24-33163317. *RTH Residential Townhouse District*

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9. That Section 24-4205 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4205. *Principal Use Table*

Principal uses are allowed in each of the zoning districts in accordance with 4205: Principal Use Table. The cross-references in the "Use Specific Standards" column are provided for ease of reference and are not exhaustive.

10. That Section 24-4306 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4306. Residential Uses: Household Living

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E. Dwelling, Single-Family Detached

1. Except in the R-5A and R-5B, General Residence Districts, each lot to be used for a single-family detached dwelling must abut a public street for at least 20 feet in the case of an approved stem lot, 35 feet for an approved cul-de-sac lot, or 50 feet for any other lot. No lot or parcel of land abutting the terminus of a public street right-of-way will be deemed, by virtue of such abutment, to meet this requirement unless such lot fronts on an approved permanent cul-de-sac or turn-around. No lot or parcel of land abutting a controlled access road will be deemed, by virtue of such abutment, to meet this requirement. This requirement does not apply to any lot created by a family subdivision approved under Sec. 19-2304 of the County Code.
2. In the R-5A and R-5B, General Residence Districts, single-family detached dwellings are only allowed within an approved subdivision which has been approved in accordance with Sec. 24-2314, Plan of Development or Sec. 24-2315, Site Plan. Each R-5A or R-5B lot to be used for a dwelling must abut for at least 25 feet on a public right-of-way or an access easement containing roadways, walkways, or both.

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11. That Section 24-4315 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4315. All Commercial Uses

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C. In the R-6 District, Commercial uses are allowed within a master planned community in accordance with the following requirements:

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2. A provisional use permit must be approved for the master planned community in accordance with Sec. 24-2306, Provisional Use Permit. The provisional use permit application must include a master plan showing the location and mix of proposed residential and commercial uses, the location and height of all existing and proposed structures, public and private streets, parking spaces, pedestrian circulation, open space, the developer's architectural design requirements, landscaping, buffers, and site lighting. The master plan may establish the maximum allowed multifamily residential density and minimum setback requirements that apply in the master planned community in accordance with Sec. ~~24-3315.D~~ **24-3316.D**, R-6 District Dimensional Standards. Subsequent approval of a provisional use permit is not required for the establishment of uses identified on the master plan of the approved provisional use permit.

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6 The master plan required by subsection 2 above may show setbacks that do not meet the minimum setback requirements of Sec. ~~24-3315.D~~**24-3316.D**, R-6 District Dimensional Standards. Reduced setbacks shown on the master plan will apply in lieu of the minimum setback requirements of this chapter if the provisional use permit is granted.

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12. That Section 24-4402 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4402. Accessory Use and Structure Table

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13. That Section 24-4423 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4423. Accessory Outdoor Seating and Food Preparation (as accessory to an Eating Establishments use)

Outdoor seating is allowed as an accessory use to any Eating Establishments use, subject to the following standards:

- A.** Outdoor seating areas must not be located within 100 feet of any R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-4A, ~~or~~ R-5A, **or R-5B** districts.

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14. That Section 24-4502 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4502. Temporary Use and Structure Table

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15. That Section 24-5103 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5103. Access and Circulation System

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E. Access to Private Cemetery or Graveyard

When development is proposed adjacent to or encompassing a private cemetery or graveyard, access must be provided by either a public right-of-way or a private accessway at least 20 feet in width extending from the cemetery or graveyard to a public street. The access must be improved with an all-weather surface at least 5 feet in width and compatible with the proposed development. The proposed development must be separated from the cemetery or graveyard by a fence between 36 and 42 inches in height meeting the requirements of Article 5, Division 4, Fences and Walls. In the R-5A and R-5B Districts, the nearest residential lot must be at least 20 feet from the cemetery or graveyard.

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16. That Section 24-5105 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5105. Off-Street Parking Surfacing and Marking

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D. Dwellings on Private Roads in R-5A, R-5B, R-5, R-6, and RTH Districts

1. Private roads, drives, and parking areas for multifamily, townhouse, and R-5A and R-5B developments must be designed and constructed in accordance with the pavement design standards and specifications of the department of public works.

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17. That Section 24-5308 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5308. Minimum Tree Cover

A. Minimum Tree Cover Required

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1. The following are exempt from the requirements in this section:

(a) Single-family detached dwellings other than developments in the R-5A and R-5B Districts requiring a plan of development or site plan; and

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18. That Section 24-5310 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5310. Transitional Buffers

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Table 5310A: Buffer Type Assignment						
Proposed Use [1, 2]	Adjacent Controlled Access Road or Zoning District [3]					
	Controlled-Access Road	A-1, R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-4A	R-5A, <u>R-5B</u> , R-5, R-6, RTH	CMU, O-1, O-2, O-3, O/S	B-1, B-2, B-3	M-1, M-2, M-3

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19. That Section 24-5503 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5503. General Standards

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Table 5503A: Average Illuminance (Minimum and Maximum)		
Site Feature	Minimum (foot candles)	Maximum (foot candles)
Pedestrian pathway for R-5A, <u>R-5B</u> , townhouse, and detached condominium projects ^[1]	0.5	2

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20. That Section 24-5707 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5707. Signs Requiring Permits

A. Agricultural and Conservation Districts, and Single-Family Residential Districts

A sign permit may be issued for the following signs in the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5A, **R-5B**, A-1, and C-1 districts:

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21. That Section 24-8501 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-8501. Accessory Uses, Temporary Uses, and Other Terms

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Residential districts

The R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, **R-5B**, R-6, and RTH districts.

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22. That this ordinance will be in full force and effect on and after its passage as provided by law.