

ORDINANCE NO.

APPROVED BY THE BOARD OF SUPERVISORS: March 26, 2002

AN ORDINANCE to amend and reordain Section 24-13.1 entitled "Principal uses permitted," Section 24-41 entitled "Development standards – Townhouses for sale," Section 24-42 entitled "Same – Condominiums," Section 24-94 entitled "Table of regulations," and Section 24-95 entitled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico, all to revise the County's zoning requirements for residential setbacks and fence locations.

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

1. That Section 24-13.1 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-13.1. Principal uses permitted.

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(2) *Yards.* The minimum front yard for each structure shall not be less than 15 feet from project drives and walkways or 25 feet from secondary residential streets or 35 feet from any other streets. The minimum rear yard for each structure shall not be less than 35 feet. The minimum side yard shall not be less than 12 feet for a semidetached dwelling and not less than 20 feet for a detached dwelling on a zero lot line. In no case shall the distance between two principal structures be less than 20 feet. The side yard for a zero lot line corner lot shall be on the street side. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002,

where the front, side, or rear yard is adjacent to a major arterial, minor arterial, or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 35 feet; if the front, side, or rear yard is adjacent to a minor collector or major collector identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 25 feet. In cases where the side yard is adjacent to any public road there shall be a minimum 25 foot setback from the right-of-way of the public road. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way. The increased setback may be reduced only if approved by the planning commission as an exception under section 19-4(a).

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2. That Section 24-41 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-41. Development standards – Townhouses for sale.

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(c) *Front yards.* The front yard setback for townhouses shall be a minimum of 15 feet from project drives and walkways, 25 feet minimum from secondary residential streets and 35 feet from all other streets. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be

increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

- (d) *Side yards.* Townhouses on ends of groups shall have a minimum side yard of ten feet; and for townhouses at corners, the side yard shall be a minimum of 20 feet. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the side yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.
- (e) *Rear yards.* Townhouses shall have a minimum rear yard of 30 feet. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the rear yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

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3. That Section 24-42 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-42. Same — Condominiums.

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(b) *Front yards.* The front yard setback from condominiums shall be a minimum of 15 feet from project drives and walkways, 25 feet minimum from secondary residential streets and 35 feet from all other streets. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

(c) *Side yards.* The minimum side yard for the development shall be 25 feet. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the side yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

- (d) *Rear yards.* The minimum rear yard for the development shall be 30 feet. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the rear yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

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4. That Section 24-94 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-94. Table of regulations.

District and Use	Stories	Feet	Total (sq. ft.)	Per Family (sq. ft.)	Min. Lot Width (feet)	Min. Front Yd. Depth (feet)	Min. Side Yard Least Yard (c) (feet)	Min. Side Yard Sum of Yards (feet)	Min. Rear Yd. Depth (feet)	Min. Finished Floor Area (sq. ft.)
R-0 district <i>Dwellings</i> . . .		35	1 acre	1 acre	200	50(aa)	20(aa) (bb)	50(aa)	50 (aa)	2000 (j)(u)
R-OA district <i>Dwellings</i> . . .		35	35,000	35,000	175	50(aa)	20(aa) (bb)	50(aa)	50 (aa)	1900 (u)
R-1 district <i>Dwellings</i> . . .		35	25,000	25,000	150	50(aa)	20(aa) (bb)	50(aa)	50 (aa)	1700 (k)(u)
R-1A district <i>Dwellings</i> . . .		35	21,500	21,500	125	45(aa)	15(aa) (bb)	40(aa)	45 (aa)	1600 (u)
R-2 district <i>Dwellings</i> . . .		35	18,000	18,000	100	45(aa)	15(aa) (bb)	35(aa)	45 (aa)	1500 (l)(u)
R-2A district <i>Dwellings</i> . . .		35	13,500	13,500	80	45(aa)	12(aa) (bb)	30(aa)	45 (aa)	1300 (n)(u)
R-3 district <i>Dwellings</i> . . .		35	11,000	11,000	80	40(aa)	12(aa) (bb)	30(aa)	40 (aa)	1100 (i)(u)

R-3A district <i>Dwellings</i> . . .		35	9,500	9,500	70	35(aa)	10(aa) (bb)	25(aa)	35(aa)	1050 (u)
R-4 district <i>Dwellings</i> . . .		35	8,000	8,000	65	35(aa)	10(aa) (bb)	25(aa)	35 (aa)	1000 (o)(u)
R-4A district <i>Dwellings</i> . . .		35	7,750	7,750	60	35(aa)	8(aa) (bb)	20(aa)	35 (aa)	950 (u)
R-5A district <i>2 family dwellings</i> 1 to 1 ½- stories	1 ½	25	11,250	5,625	80	35(aa)	12(aa) (bb)	24(aa)	35(aa)	700(m)
2 or 2 ½ stories . . .	2 ½	35	11,250	5,625	80	35(aa)	14(aa) (bb)	28(aa)	35 (aa)	700(m)
R-5 district <i>3 or more family dwellings</i> 1 to 2 ½- stories 3- or more stories (b) . . .	2 ½	35	12,000 20,000	3,000 3,000	100 100	35(cc) 35(p) (cc)	25(cc) 25(p)(cc)	50(cc) 50(p)(cc)	30(cc) 45(p) (cc)	500(m) 500(m)
R-6 district <i>3 or more family dwellings</i> 1 to 2 ½- stories 3 or more stories (b) . . .	2 ½	35 80	40,000 40,000	2,200 2,200	150 150	35(cc) 35(p) (cc)	25(cc) 25(p)(cc)	50(cc) 50(p)(cc)	30(cc) 30(p) (cc)	500(m) 500(m)
A-1 district <i>Dwellings and manufactured homes</i> . . .		35	1 acre	1 acre	150	50(aa)	20(aa) (bb)	50(aa)	50 (aa)	900 (o)(u)

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- (aa) For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front, side, or rear yard is adjacent to a major arterial, minor arterial, or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 35 feet; if the front, rear, or side yard is adjacent to a minor collector or major collector identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 25 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way. The increased setback may be reduced only if approved by the planning commission as an exception under section 19-4(a).
- (bb) For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the side yard is adjacent to any public road there shall be a minimum 25 foot setback from the right-of-way of the public road.
- (cc) For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front, side, or rear yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet.

5. That Section 24-95 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-95 Additional requirements, exceptions and modifications.

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(l) Fences, walls or hedges:

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(2) Planting strip easement:

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e. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, no fencing adjacent to any road identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater shall be located closer than 15 feet to the projected right-of-way if the fence height is greater than 42 inches.

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