



# CITY OF RICHMOND

## ZONING ADMINISTRATION

- Information Sheet and FAQ's -

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### **What is the purpose of zoning and why do we need it?**

The purpose of zoning is to guide and control land and building uses. The intent of zoning regulations is to allow property owners reasonable use of their property as long as it is not incompatible or detrimental to abutting properties. Zoning is an implementation tool of the [City's Master Plan](#), which is a general document that guides future development of the locality. The Master Plan is general in nature and is not static as it is required to be updated every five (5) years.

Implementation of the [City's Master Plan](#) and the [Downtown Plan](#) are accomplished through the [Zoning Ordinance](#) (Chapter 114 of the City Code) and the zoning maps. Every property in the City is mapped and located within a specific zoning classification, which determines how the property can be used and developed. Each zoning district classification incorporates regulations that also govern the density and physical layout of uses within the district. Zoning only regulates private property, it cannot regulate City streets, alleys or sidewalks; the Department of Public Works and the Police Department regulate use of these public spaces.

### **Where is the Zoning Administration Office located and what are the hours?**

The [Zoning Division](#) is located within Room 110 of City Hall (900 East Broad Street) in downtown Richmond and is open to the public from 7:30 a.m. to 5:00 p.m., Monday-Friday. We do recommend, however, that you visit our office between the hours of 9:00 AM and 4:00 PM due to parking restrictions on some adjoining streets. Zoning Staff is also housed alongside representatives of the [Permits & Inspections Bureau](#), which includes Building Inspection staff, as well as staff from [Permits & Engineering Services](#). This gives us the ability to provide a comprehensive one-stop permitting process.

### **How can Zoning Administration be contacted?**

You can contact our office by either calling (804) 646-6340, contacting us at our e-mail address: [DCDZoningAdministration@Richmondgov.com](mailto:DCDZoningAdministration@Richmondgov.com) or via facsimile at (804) 646-6948.

### **What does the Zoning Administration Office review?**

The **Zoning Division** reviews applications and other requests to verify that the use and other features of the property are met. Specific uses, such as restaurants, apartments and service stations, to name just a few, fall into several broad categories, these are: residential, business or industrial.

Features of the property that are reviewed include such things as: number of parking and loading spaces and related improvements, yards (setbacks), signs, landscaping, trash collection areas, etc. There are several types of approvals:

1. As a matter of right (can be approved if all code requirements are met);
2. As an Administrative Variance (approvable by the Zoning Administrator after a 21-day notification period);
2. As a Variance or Special Exception (approvable by the **Board of Zoning Appeals (BZA)** after a public hearing; or,
3. As **Special Use Permits, Rezoning** or a **Conditional Use Permit** (legislative action required after public hearings before the **City Planning Commission** and City Council).

Zoning Division Staff reviews are required for the following applications:

- All **Certificate of Zoning Compliance (CZC)** applications.
- All **Zoning Confirmation** Letter (ZCL) requests.
- All **Home Occupation (H.O.)** applications.
- Most **Building Permit** applications, except roofing and single-family dwellings with no exterior changes or no history of zoning violations.
- All **Certificate of Occupancy** applications or requests (299: final via re-routed BP).
- All **Sign Permit** applications.
- Any application involving a **Demolition Permit** or for any exterior work on buildings located within a City Old & Historic District and requiring a **Certificate of Appropriateness** from the **Commission of Architectural Review (CAR)**. This includes roofing, exterior repairs, window replacement, siding, wall or fencing work and painting (color revisions). These permits are also routed to the Secretary of the Commission of Architectural Review (CAR) located on the 5<sup>th</sup> floor in Room 510. Properties located within these districts can be found on the **City Old & Historic District map (PDF)** file.
- **Electrical Permit** applications for exterior parking lot lighting and, in most cases, additional meters in the main building or in an accessory building.
- **Plumbing Permit** applications for adding plumbing fixtures in accessory structures or plumbing fixtures that might create additional kitchens in main buildings.
- **Mechanical Permit** applications that include equipment located outside and adjacent to property lines, which is dependent on size and/or the location of the equipment.
- Most **Land Disturbing Permit (LDP)** applications.
- Most Work-in-Street Permits (WISP).

### **Is parking available nearby?**

If you are conducting business within the [Permits & Inspections Bureau](#), metered spaces are available in the vicinity with time limits of up to a maximum of two (2) hours and a rate of twenty-five (25) cents per half hour. In addition, there are also several pay parking lots and decks nearby. Rates for pay lots and decks vary, but generally charge less if arriving early in the morning. Please be aware that between the hours of 4 p.m. and 6 p.m., portions of Broad & 10th Streets are designated “No parking” and “Tow Away” zones; vehicles may be towed if parked at these locations during restricted periods.

### **What is a building permit and when is one required?**

A [Building Permit](#) (B.P.) is a document that permits construction or any change to the use of any property, as determined by the Building Code, including additions and alterations and certain accessory buildings or structures (i.e.: garages, decks, walls, fences, swimming pools, signs, etc.). Contact the [Permits & Inspections Bureau](#) at (804) 646-6955 if you have specific questions on when a building permit is required.

[Zoning Division](#) approval is required for most building permit applications, including interior renovations. A building permit application must indicate the existing and proposed improvements to take place on the property. New buildings or additions must also include a survey or site plan (plan of the property showing the location of all improvements in relation to the property lines).

Zoning Staff does not generally review certain applications, such as electrical wiring, heating and air conditioning (HVAC) or roofing installations, which have no impact on the use of the premises. However, in certain cases, zoning review may be necessary if the building is located within a City Old & Historic District, in which Commission of Architectural (CAR) review is required.

Once reviewed, permits (if determined to comply with code requirements) are approved to authorize the requested work. After approval, and once the work progresses, it is necessary to request periodic inspections of the work in order to receive approval of the various phases and components of the construction. Inspections may be requested using our twenty-four (24) hour automated inspection scheduling system ([SPANLINK](#)) at (804) 646-0770 and using the required inspection codes and [instructions](#) or by accessing our [Permits Web Inquiry System](#). Using this system, you can also obtain information about the review status of your permit.

Once all construction inspection approvals are obtained, your building permit may be re-routed back through agencies that initially reviewed the application to verify that other aspects of the project are satisfactorily complete and the building is ready for occupancy. After all requisite agency inspections are approved; a [Certificate of Occupancy](#) (C.O.) is issued to occupy the building.

### **How long is a building permit valid?**

Permits are valid for six (6) months from the date of issuance. Every time there is an inspection on the property, the permit is extended for another six (6) months. Two (2) weeks prior to a permit expiring, a letter is mailed to the permit holder and the owner advising them that the permit is about to expire and advising them of the opportunity to extend the permit without an administrative fee. If the permit expires, an administrative fee is assessed to re-instate the permit.

### **What should I consider when hiring a contractor?**

When hiring a contractor, there are some important tips that you may wish to consider.

- **Obtain a written contract** – If you have any specific requests, put all specific details in a written contract. This could include what happens if something gets broken while work is being done or a payment schedule being contingent on getting inspection approvals from **Permits & Inspections Bureau** inspectors during the construction phase. You can obtain further information and access specific items that may be included in a contract by accessing the Virginia Department of Professional and Occupational Regulation document entitled: **What You Should Know Before Hiring a Contractor (PDF Format)**.
- **Hire only licensed contractors** – Before hiring a contractor or signing a contract, it is suggested that you obtain at least 3 bids. You should obtain references and review the work the contractor performed on other property. Also, check to see if the contractor is licensed to perform the specific work you are requesting. To check on a contractor's license type and status, call (804) 367-8511 or do a **License Lookup** and access the information online at: **www.dpor.virginia.gov**. You can also check on **disciplinary actions occurring since April 1, 2002**, through the Department of Professional and Occupational Regulation. This provides information regarding the licensee, any previous or current complaint histories, and any disciplinary actions involving any licensee.
- **Never pay 100% up front and never pay in cash** – It is recommended that you only pay an initial down-payment of 30% of the total contract cost. As specified earlier, the contract should indicate the payment schedule so that you pay as the work progresses. Finally, hold-back 10% until the job is complete and to your satisfaction. Pay for work by either charging it to your credit card, writing a check or obtaining a money order; never pay in cash, because although a contractor can be fined or his license revoked or suspended, there is no state or local authority to order a contractor to refund any monies.
- **Obtain a building permit and receive all required inspections** - Make sure the contractor obtains a building permit and receives all of the required inspection approvals. A **building permit** is required by Virginia law and it is important not to allow any work to begin until this approval is posted on the work site. Your insurance company may not recognize or cover a homeowner's insurance claim in situations where the contractor did not obtain a permit and/or the necessary inspection approvals that verify conformance with code and industry standards.

### **Can I build a garage or shed on my property?**

Accessory buildings (garages, tool and storage sheds, playhouses, etc.), including pre-fabricated buildings, typically must be set a minimum distance from a property line. This minimum distance, known as a yard or setback, varies and is specified in the [Zoning Ordinance](#). The required yard is dependent on a number of factors, including: the zoning district in which the property is located, the width, shape or orientation or when the lot was created or platted.

In certain districts, an accessory building not exceeding twelve feet (12') in height may be built up to the rear and side yard property line provided it is within an area no more than thirty feet (30') from the rear property line. Height is measured to the mid-point (the area between the eaves and the ridge) of a pitched roof. Accessory buildings on residential property that do not exceed 150 square feet of floor area do not require a building permit, as per the Building Code that is adopted by the City of Richmond. However, such buildings or structures still need to meet the normal yard (setback) regulations specified in the Zoning Ordinance.

Building or placing an accessory building too close to the property line requires that you ensure it doesn't encroach on a neighboring property or that no overhang, gutter or downspout crosses the property line. It will also, under the Building Code, require specific fire-rating adjacent to the property line and will not permit any wall penetrations (window or door openings) if it is within three feet (3') of the property line. In addition, locating the building too close to the property line may present maintenance issues; you may need to access the neighboring property in order to paint or repair the building.

The maximum allowable size of any and/or all accessory building(s) cannot exceed the main building's footprint. In addition, no accessory building within a residential zoning district can exceed twenty feet (20') in height.

Erecting or placing an accessory building or structure (fence or wall) on properties located within City historic areas also require Commission of Architectural Review (CAR) approval. It is also recommended that you obtain a survey to ensure the location of the property line(s), any easement(s) and/or underground utilities.

***[IMPORTANT - See also: "Can I build anything in the easement on my property?"]***

### **Can I put a Portable Storage Unit (POD) or dumpster temporarily in my yard?**

Generally, Portable Storage Units (POD's), dumpsters and similar structures, can be placed in your yard temporarily for up to fifteen (15) consecutive days if you are moving and does not require any permit or approval. It may remain for a longer period during renovation of your property. If it is to remain longer than 15 days, it must meet normal yard (setback) requirements and cannot be located in the front of the building. In cases where you cannot locate the POD in your yard and meet the setback requirement(s), the Zoning Administrator must be consulted. For placement within the right-of-way (street, sidewalk or alley), the [Department of Public Works](#) may allow and issue a permit for these structures when they are placed in these locations.

### **Do I need a building permit to build a fence?**

Fences not exceeding six feet (6') in height do not require a building permit. A fence or wall may be located on the rear and side property lines if it does not exceed six and one-half feet (6½') in height with an additional one and one-half feet (1½') in height permitted for posts, columns and gates. In certain districts (R-6, R-7 & R-63), however, fences or walls cannot exceed four feet (4') in height in the front (between the street line and the main building wall) yard. It is also recommended that prior to erecting a fence or wall you should obtain a survey to ensure the location of the property line(s), any easement(s) and/or underground utilities. Regulations regarding construction of walls as well as locating fences around swimming pools are found within and regulated by the Building Code, as most walls require a building permit. Fences that are electrified or contain barbed or razor wire are also regulated by Section 14-12 of the City Code.

#### **Where can I put an in-ground or above-ground swimming pool on my property?**

In-ground and above-ground pools must meet the normal minimum yards (setbacks) of the underlying zoning district. In addition, a pool may not be located in front of the main building wall. To safety reasons, the Building Code requires a fence or wall around pools to meet specific standards regarding type, height and access.

#### **Do I need a permit to erect a tent or stage?**

Any stage would require a Building Permit and tents would require a building permit only if it is over 900 square feet. However, a *Certificate of Flame Resistance* and a permit from the Fire Department are required for a tent of any size.

#### **Can I build anything in the easement on my property?**

Some properties have easements on them that allow the use of the area for specific purposes. These generally include easements for utilities (gas, water or sewer), telephone, cable and power. Since there may be gas pipes or power cables under the surface that could severely injure someone, it is very important not to dig in these areas without contacting [Miss Utility](#) prior to any construction or digging. Generally, if you build in an easement, the company or entity that has an interest or ownership in the easement, can remove any improvement (shed, fence, etc.) or vegetation (trees, shrubs, flowers, etc.) without your permission or notification. Typically, an easement is shown on the survey or plat of the property.

#### **How do I resolve a dispute about a property line?**

There is nothing that the City can do about this issue; this is a private matter between the individual parties and must be resolved in civil court. Fences and privacy walls (or certain other structures) that are on your property without your permission are a civil matter between the owners and the City typically cannot force their removal. Contact an attorney experienced in real estate or property law in matters regarding property line disputes. The property survey will typically show all improvements on the property, including fences, walls and building setbacks, that may also help assist in determining the location of your property line.

#### **Where can I obtain a copy of my survey or plat?**

Surveys of properties, if they exist, are typically recorded with the deed to your property. Deeds can be viewed and copied at the Circuit Court Record Room located in the basement of the John Marshall Courts Building located at 801 East Clay Street (East Clay Street between North 8<sup>th</sup> & North 9<sup>th</sup> Streets) in downtown Richmond.

### **How do I find out if my property is in a historic district?**

Richmond has more than 2,000 properties that are either historically significant or are located within a City Old & Historic District. These properties are subject to an additional approval process through the Commission of Architectural Review (CAR). The **City Old & Historic District maps (PDF)** identifies properties within City Old & Historic districts as well as individual historic buildings that are subject to CAR approval.

### **What does being in a historic district mean?**

Properties in a City Old & Historic District require, depending on the scope of the work, CAR approval for any exterior change to the building or property that is visible from a public street or alley. Regulated changes might include additions, the replacement of windows or doors, roof materials, fences or walls and paint color. It is advised that you contact the **Historic Preservation Division** at (804) 646-6335 to speak with a staff member about any proposed exterior change(s) to a building, structure or property located within a City Old & Historic District. An **Informational Brochure** on Old & Historic Districts and the Commission of Architectural Review, a **Handbook with Design Review Guidelines** and the **Certificate of Appropriateness Application and Instructions** may all be found via the internet at:

<http://www.richmondgov.com/departments/communityDev/histpres.aspx>

### **What is a Certificate of Zoning Compliance and when is it required?**

A **Certificate of Zoning Compliance** (CZC) is a permit issued by the Zoning Administration Office that certifies conformance with the City's Zoning Ordinance. A CZC is required for any use of land, building or structures, or portion thereof, other than an existing single-family dwelling or an individual residential unit (apartment) within multi-family buildings.

A CZC is not transferable and any new owner or tenant must obtain an updated CZC for the use of the premises. An inspection is required to determine if the property complies with zoning requirements.

A CZC is also required in order to obtain a license to operate a business in the City. A CZC cannot be issued for a building or structure unless there is a corresponding C.O. on file that reflects the same use and conformance with the Building Code.

Please consult the **Zoning Fee Schedule** for the required fee to accompany a CZC request, which is dependant on the specific use of the property.

### **What is a Zoning Confirmation Letter?**

**A Zoning Confirmation Letter** is a letter indicating conformance with City zoning regulations and is typically requested by lenders, title companies, attorneys and/or prospective purchasers of properties. They are also requested for properties undergoing re-financing arrangements. It is suggested that you request a Zoning Confirmation Letter prior to signing any purchase or lease contract.

Like a CZC, a request for a Zoning Confirmation Letter requires a fee that ranges from \$50-\$200. Please consult the **Zoning Fee Schedule** for the required fee, which is dependant on the specific use of the property. A Zoning Confirmation Letter can be requested by anyone and may be used in lieu of a CZC when the applicant is not the owner of the property. Types of reviews conducted for Zoning Confirmation Letters typically include the verification of use, density and subdivision, “buildability” of a property or “lot-splits” of property. Review of some properties may be more detailed or more difficult, but we generally require up to thirty (30) days for completion of a request for zoning confirmation so it is advisable file your request promptly.

### **What is a Certificate of Occupancy and when is one required?**

A **Certificate of Occupancy** (C.O.) is a document that is required under the Building Code and authorizes the use and occupancy of any building or structure within the City. A C.O. is typically issued after the completion of a new building or structure, or addition thereto, or after the use of a building or structure is changed.

The C.O. specifies, after the final inspection of the various (i.e. - structural, electrical or plumbing) components of the building, that the use and construction of the building is safe and can be occupied. The requirements for new construction and inspections are the responsibility of the Commissioner of Buildings and the Building Inspection Office staff located within the Bureau of Permits & Inspections.

A C.O. can also be requested independently of any construction work occurring. This type of request is known as an *H-CO* permit and is also available in Room 110. Certain uses that permit group gatherings (i.e.: restaurants, nightclubs, churches or theatres) require *H-CO* approval. This ensures conformance with standards mainly related to building and fire safety issues.

The **Zoning Division** reviews all C.O. requests, whether they are independently requested for existing structures (H-CO) or upon completion of new construction work. Zoning Staff verifies conformance with zoning-related regulations, such as: yards (setbacks), height, parking, signs, landscaping, etc. Due to Zoning Administration’s review, inherent in any C.O. approval is compliance with zoning standards.

The Commissioner of Buildings is the official keeper of Certificate of Occupancy records. It is suggested that you call (804) 646-6955 to determine what C.O. approvals have been issued for the property.

### **How long does it take for zoning review approval?**

Due to the nature and complexity of individual requests, it is not always practical to guarantee a specific review period for certain applications. However, the Zoning Administration Office does have established permit-processing deadlines and most reviews are completed within 10 working days of submittal although we typically approve half of all permits the same day and approximately 75% within 5 working days.

Certain factors may alter these deadlines, namely: incomplete or inaccurate information or plans, the need for coordination with other agencies, workload and/or inspection requirements.

Home business (**Home Occupation**) applications are processed “over-the-counter” while you wait. In addition, C.O. applications, as the result of new construction, are scheduled for inspection on the next business day after receipt of the request for a final (299) inspection. To schedule a zoning final (299) inspection:

- Utilize the **Permits Web Inquiry System**;
- Send an e-mail to: **DCDZoningAdministration@Richmondgov.com**;
- Call: (804) 646-6340; or,
- Facsimile: (804) 646-6948.

After zoning approval is obtained, the **Permits & Inspections Bureau** issues the actual printed hard-copy of the building permit (BP), Certificate of Occupancy (C.O.) or Certificate of Zoning Compliance (CZC) document for display at the property.

### **What if my project doesn't meet zoning requirements?**

**Zoning Division** Staff, during the zoning review process, will contact you if they discover non-compliance with zoning requirements. During these discussions, they will offer you alternatives and suggestions on how the project may be amended to meet code regulations without having to obtain special approval(s). However, in certain instances, your project may require additional or special approval(s) such as an Administrative Variance, Variance, Special Exception, **Plan of Development (POD)**, **Certificate of Appropriateness** approval from the Commission of Architectural Review (CAR), **Special Use Permit**, **Conditional Use Permit** or a **rezoning**. In these instances, you will be advised as to whom to contact for your particular situation.

### **What if I think Zoning Administration Staff made the wrong decision?**

If you have had an application denied or if you feel the approval of an adjoining property's project was not correct, you may appeal the decision to the Board of Zoning Appeals. The **Zoning Division** has an appeal form that must be completed and submitted with the required filing fee of \$250. Once completed, it will be submitted to the Secretary to the BZA for scheduling. For information on the BZA appeals process, contact the Zoning Administration Office at (804) 646-6340.

### **What is a Variance or Special Exception and how do I obtain approval?**

An Administrative Variance or a Special Exception is a waiver process whereby the Zoning Administrator or the **Board of Zoning Appeals (BZA)** can grant relief from zoning requirements on your property. Either approval process is subject to specific limitations regarding the granting of these waivers, which are the result of a unique or extraordinary situation such as topography, shape of the site or some other unusual factor(s). Administrative Variances typically waive yard (setback) requirements and a Special Exception typically allows waivers to other zoning requirements of the property.

If it is determined that an Administrative Variance or a Special Exception is needed, **Zoning Division** Staff will assist you. Due to legal notice requirements, you must submit a complete package to the Zoning Administration Office. Both processes require that you submit a completed application and fee, two (2) sets of a survey (or site plan), and design drawings (floor plans & elevations) showing the proposed project. Zoning Administration Staff will prepare the application for your review and approval after which it is formally mailed or filed with the BZA Secretary.

In the case of a Special Exception request, a public hearing (first Wednesday of each month) is held at City Hall where you must present information as to why your specific request is justified. For information on the Administrative Variance, contact Zoning Staff at (804) 646-6340. For Board of Zoning Appeals (BZA) Special Exception process information, please contact the BZA Secretary at (804) 646-3407.

### **What is a Plan of Development and when is one needed?**

A Plan of Development (POD) is an additional administrative approval process that is required for certain specified uses within the **Zoning Ordinance** and is granted by the Director of Community Development. POD review is administered by the **Land Use Administration Division** and involves the general character of the site and building layout. This includes, but is not limited to, an evaluation of building location(s) on the site, vehicular circulation and parking, screening and landscaping, signage and lighting. Although the formal POD review and approval process takes place as part of permit review, it is recommended that you consult with Land Use Administration Staff in the early stages of project planning for assistance with site layout and Plan of Development requirements as a preliminary Plan of Development submittal will save you time by avoiding delays during the normal permit review process. It is also highly recommended that you obtain the services of a professional to prepare any site or building plan(s). A **Plan of Development** checklist of submittal requirements can be obtained by contacting Zoning Division Staff at (804) 646-6340 or Land Use Administration Division Staff at (804) 646-6304.

### **Can I obtain a copy of the Zoning Ordinance or Zoning Maps?**

The **Zoning Ordinance** is available online or may be purchased for fifteen dollars (\$15.00) in Room 110 of City Hall.

## **How do I change the zoning on a property or subdivide a property?**

The zoning designation of a piece of property or the applicable regulations may be changed through a request for a **Rezoning**, **Conditional Use Permit** or **Special Use Permit** all of which must be approved by the City Council after public hearings. For this reason, a zoning approval may take up to six (6) months to process. Each zoning application request is looked at independently on a case-by-case basis and must be consistent with the **City's Master Plan**. You may also wish to review the **Subdivision Review Process** link for additional information and assistance. You will need to contact the **Land Use Administration Division** at (804) 646-6304 regarding the **rezoning** or **subdivision** of property.

## **How do I file a zoning complaint?**

Zoning Administration responds to reported zoning complaints and concerns. Typical violations include the illegal use or density of property, operation of businesses without required permits, fences that are too high, auto repair operations and parking of commercial vehicles in residentially-zoned areas and similar problems. If you believe someone is violating the Zoning Ordinance, file and monitor your complaint by:

- Contacting the **Zoning Division** Office at (804) 646-6340;
- Writing a letter (900 E. Broad St., City Hall, Rm. 110, Richmond, VA 23219);
- Sending an e-mail to: **DCDZoningAdministration@Richmondgov.com**; or,
- Accessing the **Citizens' Request System** at:  
[www.richmondgov.com/applications/citizensrequest/frmNewEntryType.asp](http://www.richmondgov.com/applications/citizensrequest/frmNewEntryType.asp)

Before filing a complaint you must obtain the numeric address of the property and the specific nature of the violation. Although you do not need to divulge your name, address or phone number; in most instances it assists us in addressing and responding to your concern(s). If you provide your name, it will NOT be disclosed, because it is protected from disclosure under Virginia law. It is also important that you notify us as soon as any problem is discovered, especially if it involves illegal construction work.

Zoning Division staff will record the complaint information and forward it to zoning enforcement staff for investigation. **Zoning Division** staff will, if necessary, conduct a site inspection within three (3) days of the assigned date.

If the inspection reveals a zoning violation, the Zoning Officer will send a *Violation Notice and Correction Order* to the property owners and/or the responsible party within two (2) days of the inspection date. This notice gives the property owner(s) and/or violator a set time-frame, typically thirty (30) days, to correct the violation.

At the end of this 30-day period, Zoning Division staff will re-inspect the property to verify if compliance has been achieved. If the violation has been corrected the investigation is closed. If, however, the violation still exists, the Zoning Officer may initiate court action by preparing a criminal summons in an attempt to obtain judicial remedies to force conformance. Violation of the Zoning Ordinance is a Class I misdemeanor, which means a conviction of a zoning violation is punishable by fine of up to \$2,500 and/or up to twelve (12) months in jail, per violation, or some other disposition determined by the Court.

### **What if I get a violation letter from the Zoning Administration Office?**

The most important thing you can do is to make contact with the **Zoning Division** Staff member assigned to your case to discuss the notice. To rectify the issue, you may: appeal the notice to the Board of Zoning Appeals, comply with the **Zoning Ordinance** or obtain special (Board of Zoning Appeals or City Council) approval. The notice of violation will advise you of alternatives, but if you do not respond, you may be summonsed to criminal court. Zoning violations are a Class I misdemeanor punishable by up to one (1) year in jail and/or a fine of up to two thousand five hundred dollars (\$2,500), per violation, or some other disposition handed down by the Court.

### **Can I park or store a recreational vehicle or boat on my property?**

Yes, they may be parked in residential areas, but it may not be parked in front of the house or within the required side yard (setback) for the zoning district in which you are located. Side yards range between 5-10 feet, depending on the specific zoning district. In addition, you may not use a recreational vehicle for living purposes nor have it connected to utilities, except for maintenance purposes, while on the property.

### **Can I park or store a commercial vehicle on my property?**

Vehicles exceeding 6,500 pounds empty weight, semi-trailers or commercial vehicles may not be parked or stored on properties in residential areas. A commercial vehicle is any vehicle that exceeds 6,500 pounds empty weight, a trailer or semi-trailer, which is designed or used for carrying freight, merchandise or more than 10 passengers, including buses. However, buses used for carrying passengers and parked on a church or school site are permitted. Commercial vehicles parked on the street are regulated by the Police Department as zoning rules only regulate private, and not public, property.

### **Who do I call inoperable or unlicensed vehicles?**

For properties vehicles on private property that have neither a current license plate nor inspection sticker, contact the Property Maintenance Office at 646-419 or use the **[Citizens' Request System](#)**.

Repair of motor vehicles **IS NOT** permitted in any residentially-zoned district, except for repairs to your personal vehicle(s) and in all districts, junked or dismantled vehicles unfit for operation on the streets must be stored in a fully-enclosed building.

### **My neighbor has a bunch of junk and trash on his property, what do I do?**

Improper storage and accumulation of garbage and rubbish may attract rodents, animals or other vermin, produce noxious odors and create potential health hazards. Garbage should be placed in leak-proof and covered containers. The accumulation of rubbish such as ashes, paper, rags, cartons, boxes, wood, tree branches and yard trimmings, tin cans, metal, discarded appliances and other inoperable mechanical equipment is not permitted and should be disposed of properly. You may contact the **Property Maintenance** Office at (804) 646-6419, by sending a letter to: City of Richmond, Property Maintenance Division, 900 East Broad Street, City Hall-Room G12, Richmond, VA 23219 or visiting them in person regarding accumulation of these items.

### **How high can grass, weeds or shrubs grow before it is a violation?**

City Code can require owner to cut grass and weeds on property when it gets to a height of twelve inches (12'). Bushes, shrubs, hedges and other similar vegetation shall not project into the street, alley or sidewalk. Each owner is responsible for his or her property to the center of any alley that adjoins it. Contact the [Property Maintenance Office](#) at (804) 646-6419, by sending a letter to: City of Richmond, Property Maintenance Division, 900 East Broad Street, City Hall-Room G12, Richmond, VA 23219 or visiting them in person regarding vegetation violations.

### **My neighbor's tree is hanging over my house, can I remove it?**

You generally have the legal right to trim branches of a neighbor's tree that hang over your property line. However, if you seriously damage the tree, you may be liable for the harm done. Trees that may be an immediate danger of falling and injuring someone are typically permitted to be removed. The City does not regulate or maintain trees on private property. It is suggested you contact an attorney experienced in real estate law regarding these issues prior to trimming or removing a neighbor's tree. If the tree is on City property, please contact the Arborist at the [Vegetation & Urban Forestry](#) Division.

### **How many people can live in an apartment or house?**

Current zoning requirements limit occupancy of individual apartments or houses to a no more than three (3) unrelated persons living together as a single housekeeping unit. Certain facilities may have up to 8 persons, plus staff, if licensed by the State of Virginia.

### **Why do I need to enclose my trash collection (dumpster) facilities?**

Since 1976, all buildings and uses have been required to enclose and provide screening around trash collection areas. Screening must be opaque and can be constructed of brick, stone, wood or some other appropriate material. Chain-link fences with slats are not an approved method of screening. Enclosure is required to provide both a visual barrier from adjoining properties or the street as well as to stop trash from blowing onto adjacent properties or public spaces. Before constructing a trash enclosure, submit a plan to the [Zoning Division](#) Office for review and approval.

### **How many pets or animals can I have on my property?**

The keeping or boarding of more than five (5) dogs, cats or other household pets over the age of four (4) months is considered a kennel and can only be located within certain zoning districts.

Also, keeping of domestic animals (i.e. - horses, goats, chickens) for non-commercial purposes is allowed, provided that all pens, runs, out-buildings and other facilities for the housing or enclosure of the animals are not less than two-hundred feet (200') feet from all property lines. This spacing limitation equates approximately with a minimum lot size of one (1) acre.

### **Can I operate a business out of my home?**

A business operated within a house or apartment is known as a Home Occupation and is a permitted accessory use, subject to certain limitations. Generally speaking, certain businesses that do not generate customer or employee traffic, manufacture or store materials or require the use of commercial-sized vehicles are permitted. A **Certificate of Zoning Compliance** application and a **Home Occupation** rules form are required to be completed and submitted for all Home Occupation approvals. Approvals can usually be done over-the-counter, but in certain instances, depending on the specific type of business, may need to be inspected. Tenants in rental property need to obtain the owners' (or authorized agent) signature certifying knowledge of the proposed business.

### **What do I need to do to operate a day nursery?**

Care of up to five (5) children, not including children of a family residing on the premises, is permitted within your residence and is exempt from State licensure provided no employees reside off of the premises. However, facilities with more than three children under the age of 2-years are not exempted and shall be licensed.

Day nurseries are permitted accessory uses when located within churches, or other places of worship, community centers or school buildings, provided the outdoor play area requirements are met. This includes:

- A minimum outdoor play area of one hundred (100) square feet for each child enrolled to be furnished upon the premises.
- The play area shall be enclosed with an opaque structural fence or wall not less than four feet (4') in height, but not in the front yard.
- No outdoor play area or equipment can be in a required front or side yard.

A day nursery would require a building permit application, including floor plans prepared by a registered architect or engineer. The plans will require the labeling of the use of each individual space as well as the occupancy. It also requires the staffing level, hours of operation and other related operational characteristics (busing, drop-off area, etc.)

In addition, you will need to provide a survey or site plan, drawn to scale, showing the existing and proposed improvements, including: Parking, outdoor play area and fencing, location of any play equipment and setbacks.

### **Does the City enforce any covenants or restrictions applicable to my property?**

Some properties in some subdivisions are subject to covenants or deed restrictions that regulate the use of property beyond the limitations of the Zoning Ordinance. These deed restrictions and covenants are private agreements between property owners and are not enforced by the City. Check with your homeowner's association for regulated items.

### **Who do I contact regarding requirements for handicapped parking spaces?**

You should contact the **Permits & Inspections Bureau** at (804) 646-6955.

### **Can I look at someone's building plans or a specific file?**

Yes, but you may be requested to file a **Freedom of Information Act (FOIA) request form**, commonly known as an “FOIA” request, to access the file information. Within five (5) days, the City will review the information that exists and that which can be made available. Not all information is releasable, as there are some exclusions specified by Virginia law. Depending on the nature of your request(s), the City may also charge you a fee prior to releasing the information. This cost defrays the cost to research, compile and duplicate the information. There is typically no charge to simply review information unless it requires expansive research or the accompaniment of City Staff. In some instances, the firm or individual that prepared architectural or engineering plans may have copyrighted them and, for this reason, they may not be duplicated.

### **What lighting requirements apply to my property?**

There is not a specific answer to this question as it depends on a number of variables. The Zoning Ordinance has requirements for lighting for new parking areas and parking lots, which are required to provide lighting during non-daylight hours.

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 ration 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.

The lighting structure height, type, style and shielding method will impact this requirement. A photometric study will more accurately dictate these variables and photometric plans are going to be required in most instances. Some properties have specific conditions placed upon them by a Special Use Permit (SUP), Board of Zoning Appeals (BZA) or Plan of Development (POD) approval, which may be different from these requirements. In addition, installations within City Old & Historic Districts may require design review and approval of the Commission of Architectural Review (CAR).

The Zoning Ordinance also regulates lighting in other instances under §114-670. This is interpreted to preclude property owners from installing flood lights that are directed at adjoining properties. A street light, though of great illumination intensity, spreads light over a wide area with the main purpose of providing light to pedestrians while diffusing it at the street line. This would not violate the Ordinance, but a flood lamp directed onto an adjoining house may violate this requirement. Lighting that shines into streets, flashes or causes traffic or other inherent danger, may not be allowed. Very few complaints of this nature are received, but the owner should consult a lighting professional and use some discretion in the interest of being a good neighbor when installing lights on property.

### **Who do I contact regarding flood plain information?**

**FEMA's National Flood Insurance Program maps** and **Chapter 50 of City Code - Richmond's Flood Regulations** can provide information on properties within the flood plain. Contact **Permits & Engineering Services** at (804) 646-6440 for more specific information.

### **What is a nonconforming use?**

A property is considered nonconforming when it isn't permitted in the underlying zoning district by current requirements (i.e.: a store in a residential neighborhood). The term nonconforming is also known as "grandfathered" and means that the use is legal, but existed prior to the adoption of the current ordinance and special regulations govern these properties. In addition, no additions, extensions or structural alterations are permitted without obtaining special approval from either the Board of Zoning Appeals (BZA) or City Council. Signage is also limited for these properties and there are other restrictions on the use of the property. To find out specific information regarding nonconforming uses, please contact **Zoning Division** Staff at (804) 646-6340.

### **Can I erect, place or post a sign on a street, sidewalk, median or other public space?**

No; City Code specifically prohibits any sign (i.e. - placard, banner, flag, bulletin, etc.) to be placed or erected on any fixture (pole, tree, light; fire hydrant, trash receptacle, wire, bridge, railroad trestle, drinking fountain, traffic sign or device) upon or over public property (i.e. - street, sidewalk, alley, bridge, park or playground) without specific approval. This provision includes any sign soliciting or promoting a good, product, service or activity as well as political campaign signs.

Any person is permitted to abate the violation by removal of a sign from a public way without liability or other legal consequence.

Violation of this provision is punishable by a fine of up to \$50 for each offense. If abatement is made by the City, the City may assess reasonable costs incurred in removal against any person responsible for or beneficiary of the sign. Further, for a willful violation, the city shall be entitled to recover any additional costs, including attorney's fees and punitive damages, for any proceeding which it may bring to enjoin future violations.