

ORDINANCE NO. 1166

APPROVED BY BOARD OF SUPERVISORS: March 13, 2012

ORDINANCE - To amend and reordain section 24-3 titled "Enumerated," section 24-10 titled "Distance requirements," sections 24-11, 24-15, 24-32, 24-50.2, 24-50.6, 24-50.18, 24-54.1, 24-77, 24-88, and 24-91 titled "Principal uses permitted," section 24-13 titled "Accessory uses permitted," sections 24-52, 24-67, and 24-89 titled "Conditional uses permitted by special exception," sections 24-57, 24-61, and 24-65 titled "Development standards and conditions for permitted uses," section 24-94 titled "Table of regulations," section 24-95 titled "Additional requirements, exceptions and modifications," section 24-96 titled "Off-street parking requirements," section 24-98 titled "Parking lot regulations," section 24-99 titled "Service stations and public garages," and section 24-104 titled "Signs" of the Code of the County of Henrico, all to revise the county's zoning ordinance to permit places of worship as a matter of right in additional zoning districts.

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

Sec. 24-3. - Enumerated.

For the purpose of interpreting and construing this chapter, certain words and terms used herein shall have the following meanings, unless the context requires otherwise.

.
. .

Graveyard. A place for burial of the human dead, consisting of one or more graves which have been set aside and maintained by a place of worship or family.

.
. .

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

Sec. 24-10. - Distance requirements.

(a) Uses, buildings or premises for which compliance with the distance requirements in this subsection is stipulated in the following regulations shall be distant at least 400 feet from any lot in any residence district and 200 feet from any other lot occupied by a dwelling other than a farm dwelling or by any school, place of worship, or any institution for human care not located on the same lot with the said uses or buildings.

(b) Any private stable or enclosure for the keeping of not more than three horses and/or ponies for personal enjoyment and not as a business shall be distant at least 400 feet from any dwelling in any residence district and 200 feet from any other dwelling other than a farm dwelling or from any school, place of worship, or any institution for human care not located on the same lot with said uses or buildings. Any buildings or enclosures shall further meet the minimum side and rear yard requirements for other permitted uses in the district in which located; and provided further, that there shall be no more than one horse and/or pony permitted on the premises for each acre of enclosed land.

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

Sec. 24-11. - Principal uses permitted.

The following uses shall be principal uses permitted in districts zoned R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4 and R-4A. No property may be rezoned to R-3A, R-4 and R-4A after April 25, 2000. Properties zoned R-3A, R-4, and R-4A on April 25, 2000, shall not be deemed to be nonconforming and shall be developed and used in accordance with the provisions of this chapter applicable to such districts.

.
.
.

(b) Places of worship, schools (including child care, charitable, cultural, and other community service activities on school property), colleges and universities (including educational, scientific and other related research facilities). County-owned or county-leased buildings and properties of a conservational, cultural, administrative or public service type and publicly owned or publicly leased buildings and property of a recreational type, with approval of a layout plan of development, in accordance with section 24-106, by the board of supervisors.

.
.
.

(e) Child care centers operated in a place of worship between the hours of 6:00 a.m. and 12:00 midnight.

.
.
.

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

Sec. 24-13. - Accessory uses permitted.

Accessory uses customarily incidental to a permitted principal or conditional use on the same lot therewith, including among others:

.
.
.

(i) Memorial gardens, for the sprinkling of cremated human remains on the ground or the burial of cremated human remains in biodegradable containers, when located on the property of a place of worship meeting the requirements of section 24-94.

.
.
.

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

Sec. 24-15. - Principal uses permitted.

.
.
.

(d) Places of worship

6. That Section 24-32 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-32. - Principal uses permitted.

Unless otherwise provided by this section, no principal use other than a place of worship, office building, parking garage, hotel, or motel shall exceed 10,000 square feet in floor area.

.
. .

(i) Places of worship, schools (including child care, charitable, cultural, and other community service activities on school property), colleges and universities (including educational, scientific and other related research facilities). County-owned or county-leased buildings and properties of a conservation, cultural, administrative or public service type and publicly owned or publicly leased buildings of a recreational type, with approval of a layout plan of development, in accordance with section 24-106, by the board of supervisors.

.
. .

7. That Section 24-50.2 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-50.2. - Principal uses permitted.

.
. .

(e) Places of worship.

8. That Section 24-50.6 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-50.6. - Principal uses permitted.

.
. .

(h) Places of worship.

9. That Section 24-50.18 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-50.18. - Principal uses permitted.

.
. .

(l) Places of worship.

10. That Section 24-52 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-52. - Conditional uses permitted by special exception.

.
. .

(f) Airports, provided that they shall comply with three times the distance requirements of section 24-10, and that the approaches to landing strips shall not be over any R

district, or any school, place of worship, or other institution for human care or any place of public assembly, for a distance of at least one mile and a width of one-half mile. An airport in the A-1 district may include any buildings, structures or service facilities that are necessary, customary and accessory to the operation of the airport, such as hangars, terminal buildings, restaurants, parking areas, fuel or parts storage and sales and the like, but not the manufacturing, major repairing or testing of aircraft, except that the flight testing of aircraft may be permitted by the board of supervisors after a public hearing of which at least ten days' public notice shall be given by publication in a newspaper having general circulation in the county.

.
. .

(h) Cemeteries and graveyards, including such accessory uses as mausoleums and crematories; provided, that any new cemetery shall have an area of at least 20 acres, all graves shall be located at least 50 feet from adjacent property lines and 250 feet from any dwelling or well on adjacent property, and any mausoleum or crematory shall observe twice the distance requirements of section 24-10; except that cemeteries and graveyards accessory to places of worship shall not be restricted in area. Existing cemeteries and graveyards shall be subject to the foregoing distance requirements except where existing graves are located or lots sold closer to property lines than the specified distances, in which case such lots may be used, and other graves may be located as close as the closest existing grave.

.
. .

11. That Section 24-54.1 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-54.1. - Principal uses permitted.

A building or land shall be used only for the following purposes:

(a) Any principal use permitted and as regulated in the R-6 district except for dwellings as herein provided and the minimum lot area and lot width for a place of worship may be reduced in accordance with the B-1 district regulations. The permitted height of buildings or structures shall be subject to the B-1 district requirements unless otherwise provided for by this chapter.

.
. .

12. That Section 24-57 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-57. - Development standards and conditions for permitted uses.

.
. .

(b) *Lot area and width unless otherwise provided by this chapter.*

(1) For permitted uses in the one-family residence districts, other than dwellings and places of worship, the lot area and width requirements shall not be less than required in the R-4A district.

.
. .

13. That Section 24-61 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-61. - Development standards and conditions for permitted uses.

- .
- .
- .
- (b) *Lot area and width unless otherwise provided by this chapter.*
 - (1) For permitted uses in the one-family residence districts other than dwellings and places of worship, the lot area and width requirements shall not be less than required in the R-4A district.
- .
- .
- .

14. That Section 24-65 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-65. - Development standards and conditions for permitted uses.

- .
- .
- .
- (b) *Lot area and width unless otherwise provided by this chapter.*
 - (1) For permitted uses in the one-family residence districts, other than dwellings and places of worship, the lot area and width requirements shall not be less than required in the R-4A district.
- .
- .
- .
- (n) *Adult businesses.* In addition to all other requirements, any adult business shall conform to the following requirements:
 - (1) The business shall be located at least 500 feet away from any residential or agricultural zoning district, and at least 500 feet from the property line of any land used for any of the following:
 - .
 - .
 - .
 - h. A place of worship;
- .
- .
- .

15. That Section 24-67 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-67. - Conditional uses permitted by special exception.

- .
- .
- .
- (b) Airports, when not less than 1,200 feet from any R district and provided that the approaches to runways shall not be over any R district or any school, place of worship, or any institution for human care or any place of public assembly, for a distance of at least one mile and a width of one-half mile. Any airport or part thereof located in an M district

may include any of the accessory buildings, structures or service facilities permitted and as regulated in the A-1 district, and may include any other use herein permitted in the district in which such part of the airport is located.

- .
- .
- .

16. That Section 24-77 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-77. - Principal uses permitted.

- .
- .
- .

(r) Places of worship.

17. That Section 24-88 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-88. - Principal uses permitted.

- .
- .
- .

(h) Places of worship.

18. That Section 24-89 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-89. - Conditional uses permitted by special exception.

- .
- .
- .

(b) Airports and landing fields, subject to three times the distance requirements of section 24-10; and provided, that the approaches to landing strips shall not be over any R district, or any school, place of worship, or any institution for human care or any place of public assembly, for a distance of at least one mile and a width of one-half mile.

- .
- .
- .

19. That Section 24-91 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-91. - Principal uses permitted.

- .
- .
- .

(d) Places of worship.

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

Sec. 24-94. - Table of regulations.

(See Section 24-95 for additional requirements, exceptions and modifications)

		Min. Lot Area				Min. Side Yard			
District and Use	Maximum Height (ft.)	Total (sq. ft.)	Per Family (sq. ft.)	Minimum Lot Width (ft.)	Front Yd. Depth (ft.)	Least Yard(c) (ft.)	Sum of Yards (ft.)	Minimum Rear Yd. Depth (ft.)	Finished Floor Area (sq. ft.)
R-0 district									
Dwellings	40(dd)	1 acre	1 acre	200	50(aa)	20(aa)(bb)	50(aa)	50(aa)	2000(j)(u)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Schools	45	5 acres		400	50	40	80	50	
Other permitted uses except as otherwise specified	45	1 acre		200	50	40	80	50	
R-0A district									
Dwellings	40(dd)	35,000	35,000	175	50(aa)	20(aa)(bb)	50(aa)	50(aa)	1900(u)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Schools	45	5 acres		400	50	40	80	50	
Other permitted uses except as otherwise specified	45	1 acre		200	50	40	80	50	
R-1 district									
Dwellings	40(dd)	25,000	25,000	150	50(aa)	20(aa)(bb)	50(aa)	50(aa)	1700(k)(u)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Schools	45	5 acres		400	50	40	80	50	
Other permitted uses	45	1 acre		200	50	40	80	50	
R-1A district									
Dwellings	40(dd)	21,500	21,500	125	45(aa)	15(aa)(bb)	40(aa)	45(aa)	1600(u)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Schools	45	5 acres		400	50	40	80	50	
Other permitted uses	45	1 acre		200	50	40	80	50	
R-2 district									
Dwellings	40(dd)	18,000	18,000	100	45(aa)	15(aa)(bb)	35(aa)	45(aa)	1500(l)(u)
Places of worship and other assembly uses	45	1 acre		150	45	25	50	45	
Schools	45	5 acres		400	45	25	50	45	
Other permitted uses	45	20,000		100	45	20	40	45	
R-2A district									
Dwellings	40(dd)	13,500	13,500	80	45(aa)	12(aa)(bb)	30(aa)	45(aa)	1300(n)(u)
Places of worship and other assembly uses	45	1 acre		150	45	25	50	45	
Schools	45	5 acres		400	45	25	50	45	
Other permitted uses	45	20,000		100	45	20	40	45	
R-3 district									
Dwellings	40(dd)	11,000	11,000	80	40(aa)	12(aa)(bb)	30(aa)	40(aa)	1100(i)(u)
Places of worship and other assembly uses	45	1 acre		150	40	25	50	40	
Schools	45	5 acres		400	40	25	50	40	
Other permitted uses	45	20,000		100	40	20	40	40	

		Min. Lot Area			Min. Side Yard				
District and Use	Maximum Height (ft.)	Total (sq. ft.)	Per Family (sq. ft.)	Minimum Lot Width (ft.)	Front Yd. Depth (ft.)	Least Yard(c) (ft.)	Sum of Yards (ft.)	Minimum Rear Yd. Depth (ft.)	Finished Floor Area (sq. ft.)
R-3A district									
Dwellings	40(dd)	9,500	9,500	70	35(aa)	10(aa)(bb)	25(aa)	35(aa)	1050(u)
Places of worship and other assembly uses	45	1 acre		150	40	25	50	40	
Schools	45	5 acres		400	40	25	50	40	
Other permitted uses	45	20,000		100	40	20	40	40	
R-4A district									
Dwellings	40(dd)	7,750	7,750	60	35(aa)	8(aa)(bb)	20(aa)	35(aa)	950(u)
Places of worship and other assembly uses	45	1 acre		150	40	25	50	40	
Schools	45	5 acres		400	40	25	50	40	
Other permitted uses	45	20,000		100	40	20	40	40	
R-5A district									
2-family dwellings	40(dd)	11,250	5,625	80	35(aa)	12(aa)(bb)	24(aa)	35(aa)	700(m)
Places of worship and other assembly uses	45	1 acre		150	40	25	50	40	
R-5 district									
3 or more family dwellings	45(b)	12,000	3,000	100	35(cc)	25(cc)	50(cc)	30(cc)	500(m)
Roominghouses, boardinghouses	40	7,500	7,500	60	45	8	20	35	900(o)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Other permitted uses	45(b)	16,000		100	35(p)	20(p)	40(p)	35(p)	
R-6 district									
3 or more family dwellings	80(b)	40,000	2,200	150	35(cc)	25(cc)	50(cc)	30(cc)	500(m)
Roominghouses, boardinghouses	40	7,500	7,500	60	45	8	20	35	900(o)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Other permitted uses	45(b)	16,000		100	35(p)	20(p)	40(p)	30(p)	
A-1 district									
Dwellings and manufactured homes	40(dd)	1 acre	1 acre	150	50(aa)	20(aa)(bb)	50(aa)	50(aa)	900(o)(u)
Places of worship and other assembly uses	45	2 acres		200	50	40	80	50	
Other permitted uses, except as otherwise specified	45	5 acres		400	50	40	80	50	

21. 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.

(a) *Height limitations and supplementary requirements for communication towers:*

(1) The height limitations of this chapter do not apply to the following structures or uses, provided any such structure or use does not penetrate the floor of any surfaces regulated in the ASO district by section 24-92.2 or exceed 50 feet in any R district and 100 feet in any other district, except for airport approach zones, and unless a greater height is authorized as a special exception by the board of zoning appeals.

a. Belfries; chimneys and flues; spires, minarets or similar architectural features of places of worship; cooling towers; elevator penthouses; fire, bulkhead and parapet walls extending no more than four feet above the limiting height of the building; flagpoles; ornamental towers and spires; domes; cupolas; roof-mounted mechanical equipment such as heating, air conditioning, ventilating, solar collector panels and similar equipment for the operation and maintenance of the building when not exceeding 25 percent of the roof area; public monuments; silos and grain dryers; smokestacks; stair towers; tanks; water towers and standpipes; windmills and similar structures.

.
.
.

(x) *Religious exercise.* The director of planning may modify any requirement of this chapter upon a showing that the requirement would impose a substantial burden on religious exercise.

22. That Section 24-96 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-96. - Off-street parking requirements.

(a) In all districts, off-street parking areas shall be provided in connection with and as an accessory to each and every use on the premises to be served, except that in any B district or M district 50 percent of such parking areas may be located on other B district or M district premises immediately adjacent to the premises to be served and within 400 feet walking distance of the main entrance of the building to be served. Parking in an O-2 district and an R-6 district may be permitted for B district uses when the B district premises to be served is contiguous thereto. In any other district such parking area may be located on other premises by special exception or as otherwise provided in this section.

.
.
.

(2) *Mixed use and joint use parking facilities.* In any cases in which mixed uses with different parking requirements occupy the same building or lot or in the case of joint occupancy of a building or lot by more than one use in one or more buildings, the parking spaces required shall equal the sum of the requirements of the various uses computed separately except as follows:

.
.
.

b. To be eligible for consideration of a reduction in required parking, a mixed

use development shall consist of any combination of two or more of the following use groups:

- .
- .
- .

6. Public and private institutional uses such as schools, places of worship, libraries, parks, and recreational areas if appropriately zoned.

- .
- .
- .

(b) The number of parking spaces to be provided for each use shall be sufficient to provide for all persons residing on, employed on or patronizing the premises, and in no case shall it be less than as follows. In the case of any use not listed, the requirements of the most similar listed use shall apply.

Use	Number of Spaces
.	
.	
.	
(3a) Places of worship	1 for each 50 sq. ft. of floor area in the primary worship or assembly area
(3b) Assembly uses, other than places of worship, with fixed seats	1 for each 4 seats.
(3c) Assembly uses, other than places of worship, without fixed seats	1 for each 100 sq. ft. of floor area used for assembly.
.	
.	
.	
(13) Office, medical	1 per 200 sq. ft. of floor area 10 spaces minimum for clinic
(14) Retail stores and other commercial buildings	1 for each 200 sq. ft. of floor area
(15) Manufacturing and industrial plants, including warehousing and storage	1 for each 2 employees on maximum shift
.	
.	
.	

23. That Section 24-98 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-98. - Parking lot regulations.

Every public or private parking lot for six or more vehicles in any district shall be subject to the following regulations:

- .
- .
- .

(g) *Entrances.* There shall be no vehicular entrance or exit within 200 feet, along the same side of the street and in the same block, of the premises of any school, public playground, place of worship, hospital, public library or institution for children or dependents, except where the parking lot is on the same premises. On all corner lots, all vehicular openings shall be set back at least 25 feet from the point of intersection of property lines or from the established right-of-way lines as defined in section 24-95(h). No entrance or exit, whether on a corner lot or not, shall exceed 50 feet in width at the property line, or 40 feet if parking is permitted, nor within 12½ feet of a property line. There shall be a minimum distance between driveways of 25 feet measured along the curbline, unless such driveways are less than five feet apart. When the above entrance or exit setbacks or dimensions are impossible to conform with, they may be modified by joint approval of the county engineer, chief of police, and director of planning, or their designated agents.

24. That Section 24-99 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-99. - Service stations and public garages.

(a) No automobile service station, automobile repair shop or public garage shall have a vehicular entrance or exit within 200 feet, along the same side of a street and in the same block, of the premises of any school, public playground, place of worship, hospital, public library or institution for children or dependents, and no part of any such service station, repair shop, or garages shall be within 100 feet of any of the said public, semipublic, or institutional buildings or properties. On all corner lots, all vehicular entrances and exits and all curb openings shall be set back at least 25 feet from the corner property lines extended or from the established right-of-way lines as defined in section 24-95(h). No entrance or exit, whether on a corner lot or not, shall exceed 50 feet in width at the property line or 40 feet if parking is permitted, nor within 12½ feet of a property line. There shall be a minimum distance between driveways of 25 feet, unless such driveways are less than five feet apart. When the above entrance or exit setbacks or dimensions are impossible to conform with, they may be modified by the joint approval of the county engineer, chief of police, and director of planning, or their designated agents. Curb and gutter shall be required for all service stations.

.
. .

25. That Section 24-104 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-104. - Signs.

.
. .

(d) *Signs permitted in R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-4A one-family residence districts, the R-5A general residence district, the RTH residential townhouse district and the RMP residential manufactured home park district.*

.
. .

(2) A name sign or bulletin board not exceeding 20 square feet in total area for any permitted place of worship, school or other public or semipublic institution. One additional sign, not exceeding 12 square feet in total area, shall be permitted for a

child care or school facility located within any place of worship. Such signs may be illuminated and shall not be located within a sight distance triangle. The signs shall be no higher than 15 feet if detached or no higher than the roof line of the building if attached to the building.

(3) One marquee or event sign not exceeding 50 square feet in total area for any place of worship or any school that is the sole principal permitted use on the property. Such sign may be illuminated and shall not be located within a sight distance triangle. The sign shall be no higher than ten feet if detached or no higher than the roof line of the building if attached to the building.

.
.
.

(8) Directional signs not over three square feet in area, indicating the location of places of worship, schools, hospitals, parks, scenic or historic places or other places of general public interest. The signs and mountings shall not exceed five feet in total height and not more than one sign pertaining to a single place shall be displayed along any one street.

.
.
.

(I) *Signs permitted in the B-3 business districts.*

.
.
.

(13) Outdoor advertising signs, as follows:

.
.
.

f. Outdoor advertising signs must be at least 500 feet in all directions from the property line of any school, county park, or place of worship.

.
.
.

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