

INTRODUCED: February 26, 2018

AN ORDINANCE No. 2018-049

To amend and reordain City Code §§ 30-442.1, 30-442.5:1, and 30-442.7, concerning permitted principal uses in the B-5 Central Business District, for the purpose of adding new permitted principal uses, as well as the priority street designation.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 26 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-442.1, 30-442.5:1, and 30-442.7, of the Code of the City of Richmond (2015) be and are hereby amended and reordained as follows:

Sec. 30-442.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-5 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for any newly constructed building with greater than 50,000

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 26 2018 REJECTED: _____ STRICKEN: _____

square feet of floor area, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult care facilities;

~~[(1)]~~ (2) Art galleries;

~~[(2)]~~ (3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(4) Day nurseries licensed by and subject to the requirements of the Virginia Department of Social Services;

~~[(3)]~~ (5) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

~~[(4)]~~ (6) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, ~~[as shown below,]~~ a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;

~~[(5)]~~ (7) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

~~[(6)]~~ (8) Hotels, provided that:

a. No such use shall be located on a transitional site;

b. The ground floor of portions of buildings adjacent to principal street frontages or any priority street frontage shall be devoted to those uses specified in subsections ~~[(1), (2), (5), (13), (18) or (19)]~~ (2), (3), (7), (14), (20), or (21) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use;

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

~~[(7)]~~ (9) Laundromats and laundry and dry cleaning pick-up stations;

~~[(8)]~~ (10) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

~~[(9)]~~ (11) Office supply, business and office service, photocopy and custom printing establishments;

~~[(10)]~~ (12) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

~~[(11)]~~ (13) Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage or priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage or a priority street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;

b. Except as provided in paragraph (a) of this subsection (12), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

d. A plan of development shall be required as set forth in article X of this chapter.

~~[(12)]~~ (14) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment

alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(15) Pet shops, veterinary clinics, and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

~~[(13)]~~ (16) Postal and package mailing services, but not including package distribution centers;

~~[(14)]~~ (17) Printing, publishing and engraving establishments employing not more than 20 persons the premises;

~~[(15)]~~ (18) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

~~[(16)]~~ (19) Recreation and entertainment uses, including theaters and museums, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

~~[(17)]~~ (20) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

~~[(18)]~~ (21) Retail stores and shops;

~~[(19)]~~ (22) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(23) Sales lots for Christmas trees, vegetable stands, and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

~~[(20)]~~ (24) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

~~[(21)]~~ (25) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

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

~~[(22)]~~ (27) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

~~[(23)]~~ (28) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

Sec. 30-442.5:1. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line,

nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply [~~only along~~] to the principal street frontage of the lot as defined in section 30-1220 as well as to any priority street frontage.

(b) *Driveways from streets.* No driveway intersecting a street that constitutes the principal street frontage or priority street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220.

(c) *Improvement requirements and landscaping standards.* In addition to subsections (a) and (b) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

Sec. 30-442.7. Building façade fenestration.

Fenestration requirements applicable to building facades along street frontages in the B-5 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot as well as along any priority street frontage of the lot.

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, [~~other than those listed in subsection 30-442.1(8);~~] a minimum of 60 percent of the building façade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the

building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection shall not apply.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building façade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.*

a. *Nondwelling uses.* For nondwelling uses, [~~other than those listed in section 30-442.1(8),~~] windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height above the floor level of each story above the street level story.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height above the floor level of each story above the street level story. Such windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

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



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request

File Number: PRE.2018.021

RECEIVED

FEB 07 2018

O & R REQUEST

4-7454
JAN 24 2018

OFFICE OF CITY ATTORNEY

O & R Request

Office of the
Chief Administrative Officer

DATE: January 18, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor
(This in no way reflects a recommendation on behalf of the Mayor)

JS 2/7/18

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SG*

THROUGH: Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic
Development and Planning

PLD 1-23-18

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

MO

Request to amend the City's Zoning Ordinance for the purpose of adding new permitted principal uses to the B-5 Central Business district, as well as the priority street designation.

ORD. OR RES. No. _____

PURPOSE: Request to amend the City's Zoning Ordinance for the purpose of adding new permitted principal uses to the B-5 Central Business District, as well as the priority street designation.

REASON: These amendments to the existing B-5 Central Business district will make the zoning district more applicable to neighborhood-oriented commercial and mixed-use areas, such as Hull Street, with the inclusion of additional permitted principal uses and form-based requirements.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its March 5, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND:

These amendments arise out of the desire to make the B-5 Central Business district more applicable to historic commercial corridors, such as Hull Street, and other mixed-use areas by including additional permitted principal uses and form requirements, such as the priority street designation.

Master Plan

The Downtown Plan, originally adopted in 2008, designates the historic Hull Street corridor as “Downtown Urban Center Area,” which is characterized by, “higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks. The apartment buildings along The Boulevard are an example of a residential urban center condition in Richmond, with a dense urban fabric of three to five story buildings, and limited retail at key intersections” (3.25).

The Downtown Plan states to, “Encourage mixed commerce so that residents at all income levels can fulfill their daily needs within reasonable proximity of their home” (3.36). The Plan addresses Hull Street specifically by stating that, “It is important that Hull Street be revitalized to its original status as a bustling commercial center in Manchester” (4.35).

By amending the B-5 Central Business district appropriately to be more applicable to historic commercial corridors such as Hull Street, the goals of the Downtown Plan in relation to Manchester and Hull Street may be realized, while not negatively effecting other areas of the city, such as Shockoe Slip and Shockoe Bottom, which are already zoned B-5 Central Business.

Existing and Proposed Zoning

Additional Permitted Principal Uses

There are a total of five additional permitted principal uses proposed to be added to the B-5 Central Business district in order to make it more suitable to mixed-use neighborhoods and corridors. These include:

- a) Adult daycare facilities;
- b) Day nurseries licensed by and subject to the requirements of the state department of social services;
- c) Pet shops, veterinary clinics, and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;
- d) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site; and
- e) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in section 54.1-3401 of the Code of Virginia.

Priority Street Designation

The priority street designation would allow for the mapping of Priority Streets within the B-5 Central Business district. This designation would apply similar form-based requirements and restrictions that currently exist along principal street frontages to mapped priority street frontages. The following requirements and restrictions that apply to principal street frontages would apply to newly mapped priority street frontages:

- a) Hotel uses requiring portions of buildings devoted to other specified uses;
- b) Parking decks to be screened with another permitted principal uses of a depth not less than 20’;
- c) Parking lots not allowed between the street frontage and the main building on a lot;
- d) Driveways not allowed when other street frontage or alley access is available to serve a lot; and
- e) Fenestration requirements for windows.

Hotel uses, other uses required on ground floor

Currently in the B-5 Central Business district, where hotels are a principal use of a lot there exists a requirement that portions of the structure along a principal street frontages shall be devoted to other specified uses. However, due to a prior zoning amendment which removed parking areas and parking lots from the list of permitted principal uses, the reference to other uses for hotels along a principal street frontage became misnumbered. Appropriate amendments to the hotel permitted principal use description will reference the other permitted uses as they were prior to that amendment which removed parking areas and parking lots from the list of permitted principal uses, and will consist of:

- a) Art galleries;
- b) Banks, savings and loan offices, and similar financial services;
- c) Grocery stores, convenience stores and specialty food and beverage stores;
- d) Personal service businesses;
- e) Restaurants, tearooms, cafes; and
- f) Retail stores and shops.

FISCAL IMPACT / COST: The Department of Planning and Development Review anticipates that the impact to the City's budget will be positive. By amending the B-5 Central Business district in order for it to be applied to more areas of the city, the resulting upzoning of properties should increase economic activity and assessed values.

FISCAL IMPLICATIONS: The Department Planning and Development Review does not anticipate any fiscal implications from this proposal.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 12, 2018

CITY COUNCIL PUBLIC HEARING DATE: March 12, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, March 5, 2018

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Companion to request to amend the official zoning map along Hull Street between Cowardin Avenue and E. 9th Street.

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance

STAFF: William Palmquist, Senior Planner (Room 510). 646-6307



CITY OF RICHMOND

PLANNING COMMISSION

November 6, 2017

MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION

TO DECLARE AN INTENT TO AMEND THE OFFICIAL ZONING ORDINANCE FOR THE PURPOSE OF AMENDING THE B-5 CENTRAL BUSINESS DISTRICT TO INCLUDE ADDITIONAL PERMITTED PRINCIPAL USES AND PRIORITY STREETS

WHEREAS, in accordance with Section 15.2-2286 of the Code of Virginia an amendment to the zoning regulations or district maps may be initiated by motion of the City of Richmond Planning Commission provided any such motion or resolution of the Commission proposing an amendment to the regulations or district maps shall state the public purposes therefore; and

WHEREAS, the Planning Commission has adopted the Downtown Plan, which, among other things, provides detailed descriptions of future land use for the area; and

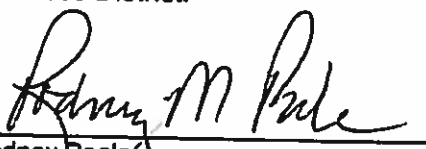
WHEREAS, the permitted principal uses of zoning districts within the zoning ordinance establish compatible land uses; and

WHEREAS, community support for the proposed zoning amendment is achieved through public outreach and citizen participation; and

WHEREAS, good zoning practice dictates that the comprehensive zoning plan be amended as required to reflect current conditions and trends in land use; and

WHEREAS, the purposes of zoning cited in the Code of Virginia include facilitating the creation of a convenient, attractive and harmonious community, encouraging economic development and enlarging the tax base, and providing for public safety and preventing congestion in the streets;

NOW, THEREFORE BE IT RESOLVED, that the City Planning Commission hereby concludes that an amendment to the zoning ordinance should be drafted for the purpose of including additional permitted principal uses and priority streets in the B-5 Central Business District.


Rodney Poole
Chair, City Planning Commission


Matthew Ebinger
Secretary, City Planning Commission