

INTRODUCED: January 23, 2017

AN ORDINANCE No. 2017-019

To amend and reordain City Code §§ 30-440.1 and 30-440.2, concerning permitted principal and accessory uses and principal uses permitted by conditional use permit in the B-4 Central Business District; 30-442.1 and 30-442.1:1, concerning permitted principal and accessory uses and principal uses permitted by conditional use permit in the B-5 Central Business District; 30-710.1, concerning the number of off-street parking spaces required for particular uses; and 30-1045.6, concerning specific conditions applicable to conditional use permits for particular uses, for the purpose of eliminating parking areas and parking lots as a principal permitted use of property in the downtown area.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 27 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-440.1, 30-440.2, 30-442.1, 30-442.1:1, 30-710.1, and 30-1045.6, of the Code of the City of Richmond (2015) be and are hereby amended and reordained as follows:

Sec. 30-440.1. Permitted principal and accessory uses.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 27 2017 REJECTED: _____ STRICKEN: _____

The following uses of buildings and premises shall be permitted in the B-4 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 unless specifically set forth in this section.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; construction of any new building of greater than 50,000 square feet of floor area; and construction of any new building or addition to any existing building where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site; 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 day care facilities;

(2) Adult entertainment establishments, adult book stores, adult motion picture theaters and massage parlors; provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;

(3) Art galleries;

(4) Auto rental establishments;

(5) Banks, savings and loan offices and similar financial services, including drive-up facilities in conjunction therewith and accessory automated teller machines accessible from the

interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any such use with drive-up facilities or an automated teller machine accessible from the exterior of a building;

(6) Catering businesses;

(7) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(8) Communications centers and telephone repeater stations operated by public service corporations;

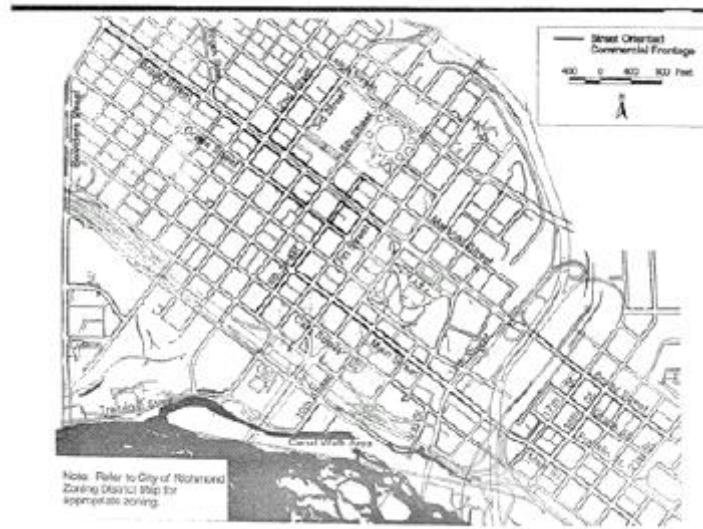
(9) Contractors' shops, offices and display rooms;

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

(11) 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;

(12) 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;



- (13) Funeral homes;
- (14) Furniture repair and upholstery shops;
- (15) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (16) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;
- (17) 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 shall be devoted to those uses specified in subsections (3), (5), (15), (29), (39)

or (40) of this section; provided that not more than 50 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use, except entrances or lobbies existing at the effective date of this subsection that exceed 50 percent of such frontage shall be permitted, but shall not be expanded to occupy a greater percentage of such frontage;

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

(18) Janitorial and custodial service and supply establishments;

(19) Laboratories and research facilities which are not any more objectional due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;

(20) Laundromats and laundry and dry cleaning pick-up stations;

(21) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(22) Marinas, including facilities for dispensing motor fuels, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks;

(23) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;

(24) Office supply, business and office service, photocopy and custom printing establishments;

(25) 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;

~~(26) [Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;~~

~~(27)]~~ Parking decks and parking garages, provided that:

a. No portion of the ground floor of such structure located along a principal 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 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 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. Upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in section 30-440.7(2);

b. Except as provided in paragraph (a) of this subsection (27), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. ~~[Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any]~~ 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.

~~[(28)]~~ (27) Personal loan and financial services;

~~[(29)]~~ (28) 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;

~~[(30)]~~ (29) 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;

~~[(31)]~~ (30) Postal and package mailing services, but not including package distribution centers;

~~[(32)]~~ (31) Printing, publishing and engraving establishments employing not more than 20 persons on the premises;

~~[(33)]~~ (32) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

~~[(34)]~~ (33) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

~~[(35)]~~ (34) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when such servicing is conducted within a completely enclosed building, provided that no passenger terminal shall be located on a transitional site;

~~[(36)]~~ (35) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

~~[(37)]~~ (36) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

~~[(38)]~~ (37) Repair businesses conducted within completely enclosed buildings;

~~[(39)]~~ (38) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including 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.

~~[(40)]~~ (39) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

~~[(41)]~~ (40) 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;

~~[(42)]~~ (41) 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;

~~[(43)]~~ (42) 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;

~~[(44)]~~ (43) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

~~[(45)]~~ (44) 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;

~~[(46)]~~ (45) Social service delivery uses, provided that:

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

b. No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or an adult care residence, group home, lodginghouse or shelter;

c. A management program, addressing not less than the following elements shall be submitted as part of the plan of development application. The director of planning and development review may include as conditions, elements of the management program as part of the approval of a plan of development. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:

1. Detailed description of the managing entity, including the organizational structure, names of the board of directors, mission statement, and any by laws;

2. Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the clients' needs;

3. Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;

4. Detailed description of the number and type of clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;

5. Operational details for on-site programs including: hours of operation, number and type of staff, staff qualifications, and typical hours worked by staff; method of client supervision; operating procedures including procedures for orienting a new client to the facility's programs; expectations for clients; prerequisites for continued client enrollment such as a requirement that the client participate in programs; rules of behavior for clients; the location and nature of any security features and arrangements; and names and telephone numbers of persons to contact in emergencies and any emergency procedures;

6. Annual operating budget, including sources of funding.

~~[(47)]~~ (46) Tourist homes;

~~[(48)]~~ (47) 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;

~~[(49)]~~ (48) 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 114-692.1 through 114-692.6;

~~[(50)]~~ (49) 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. 30-440.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-4 district by conditional use permit as set forth in article X of this chapter:

- (1) Adult care residences;
- (2) Group homes;
- (3) Lodginghouses;
- (4) Nightclubs;
- (5) Parking areas and parking lots;

~~[(5)]~~ (6) Retail sales of liquor;

~~[(6)]~~ (7) Shelters.

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 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) Art galleries;
- (2) 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;
- (3) 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) 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) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (6) 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 shall be devoted to those uses specified in subsections (1), (2), (5), (13), (18) or (19) 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) Laundromats and laundry and dry cleaning pick-up stations;
- (8) 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) Office supply, business and office service, photocopy and custom printing establishments;

(10) 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) [Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right of way;~~

~~(12)]~~ Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal 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 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 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. ~~[Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any]~~ 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.

~~[(13)]~~ (12) 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;

~~[(14)]~~ (13) Postal and package mailing services, but not including package distribution centers;

~~[(15)]~~ (14) Printing, publishing and engraving establishments employing not more than 20 persons the premises;

~~[(16)]~~ (15) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

~~[(17)]~~ (16) 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;

~~[(18)]~~ (17) 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.

~~[(19)]~~ (18) Retail stores and shops;

~~[(20)]~~ (19) 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;

~~[(21)]~~ (20) 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;

~~[(22)]~~ (21) 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;

~~[(23)]~~ (22) 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;

~~[(24)]~~ (23) 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. 30-442.1:1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-5 district by conditional use permit as set forth in article X of this chapter:

- (1) Nightclubs;
- (2) Parking areas and parking lots;

[(2)] (3) Retail sales of liquor.

Sec. 30-710.1. Number of spaces required for particular uses.

(a) Except as otherwise provided in this article, the minimum number of off-street parking spaces required for uses located in any district shall be as follows (See sections 30-710.2 through 30-710.3 for special off-street parking requirements in certain districts and the method of determining the number of parking spaces, and see article IX of this chapter for requirements if property is located in a parking overlay (PO) district):

	Use	Number of Spaces Required
(1)	Dwelling, single-family detached	1
(2)	Dwelling, single-family attached	1
(3)	Dwelling, two-family	2
(4)	Dwelling, multifamily:	
	a. One main building on a lot of record	1 per dwelling unit
	b. More than one main building on a lot of record	1.5 per dwelling unit containing 2 bedrooms or more; 1.25 per dwelling unit containing fewer than 2 bedrooms
	c. In R-63 district	1 per dwelling unit
(4.1)	Dwelling unit:	
	a. In B-1, B-2, B-3, [B-4, B-5] and UB districts where such units are contained within the same building as a nondwelling use	None for 1 to 3 units; otherwise, 1 per 4 dwelling units
	<u>b.</u> <u>In B-4 and B-5 districts</u>	<u>None for 1 to 16 dwelling units; 1 per 4 dwelling units over 16 units</u>
	<u>c.</u> <u>In B-4 district where such units are contained within the same building as a non-dwelling use.</u>	<u>None</u>
	[b.] <u>d.</u> In UB-2 district where such units are contained within the same building as a nondwelling use	1 per 2 dwelling units
	[e.] <u>e.</u> In B-6, B-7, RF-1 and RF-2 districts	1 per dwelling unit (see section 30-446.3)
(5)	Dwelling, multifamily, where at least 90 percent of units are occupied by persons	1 per 2 dwelling units

	Use	Number of Spaces Required
	60 years or more of age	
(5.1)	Live/work unit	1
(6)	Mobile home	Average of 1.5 per unit
(7)	Tourist home, hotel or motel:	
	a. RO-3, HO, [B-4, B-5,] B-6, B-7, RF-1, RF-2, CM and DCC districts	1 per guestroom up to 100 rooms, plus 1 per every 2 guestrooms over 100 rooms
	b. <u>B-4, B-5</u>	<u>1 per every 4 guestrooms</u>
	[b.] c. All other districts	1 per guestroom
(8)	Lodginghouse	1 per 2 occupants
(9)	Fraternity or sorority house	1 per 4 beds
(10)	Nursing home, adult care residence, group home, shelter	1 per 4 beds
(11)	Hospital	1 per 3 beds, plus 1 per 3 employees and staff
(12)	Church or other place of worship	1 per 8 seats in main auditorium
(13)	Day nursery	1 per 2 employees
(14)	School: kindergarten through junior high (public or private)	1 per 10 seats in main auditorium or 1 per classroom, whichever is greater
(15)	School: high school, college or vocational (public or private)	1 per 8 seats in main auditorium or 3 per classroom, whichever is greater
(16)	Lodge, club or meeting facility	1 per 100 sq. ft. floor area in meeting or club rooms
(17)	Art gallery, library or museum	10, plus one per 300 sq. ft. of floor area in excess of 2,000 sq. ft.
(18)	Theater, auditorium, sports arena or stadium	1 per 5 seating capacity
(19)	Private park, recreational area or country club	1 per 5 members
(20)	Public golf course or miniature golf course	5 per hole
(21)	Golf driving range	2 per tee
(22)	Bowling alley	5 per lane
(23)	Office: general; medical or dental office or clinic; social service delivery use; animal hospital	1 per 300 sq. ft. of floor area for the first 1,500 sq. ft., plus 1 per 400 sq. ft. in excess thereof
(24)	Funeral home	1 per 4 seating capacity of chapel and funeral service rooms, plus 1 per 2 employees
(25)	Service station, auto repair	2 per service bay or repair stall plus spaces to accommodate all vehicles used in connection therewith
(26)	Restaurant, tearoom or similar food and beverage service establishment	1 per 100 sq. ft. of floor area, plus 5 stacking spaces per restaurant drive-in

	Use	Number of Spaces Required
		window
(26.1)	Nightclub	1 per 70 sq. ft. of floor area
(27)	Grocery store, convenience store, specialty food or beverage store, take-out restaurant:	
	(a) Grocery or convenience store occupying more than 5,000 sq. ft. of floor area; take-out restaurant with no patron seating	1 per 150 sq. ft. floor area
	(b) Grocery or convenience store occupying more than 5,000 sq. ft. of floor area; specialty food or beverage store	1 per 300 sq. ft. floor area
(28)	Retail or personal service establishment, financial service, retail bakery (unless otherwise specified herein)	1 per 300 sq. ft. floor area
(29)	Bank or savings and loan office, including drive-in	1 per 300 sq. ft. for the first 1,500 sq. ft. of floor area, plus 1 per 400 sq. ft. in excess thereof, plus 5 stacking spaces per drive-in teller
(30)	Furniture, appliance or hardware store; auto salesroom; tire repair and sales; clothing, shoe or other repair shop; machinery and equipment sales and service	1 per 500 sq. ft. of floor area
(31)	Wholesale establishments	1 per 800 sq. ft. of floor area, plus spaces to accommodate all vehicles used in connection therewith
(32)	Manufacturing, processing, fabricating, testing, research, bottling, warehousing and distribution establishments	1 per 2 employees, plus spaces to accommodate all vehicles used in connection therewith
(33)	Shopping centers	1 per 300 sq. ft. of gross leasable area, provided that for shopping centers with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is 1 per 100 sq. ft. of floor area or greater, required parking shall be as specified in section 30-710.3(e)
(34)	Philanthropic, charitable or eleemosynary	Sum of spaces required for each component of the use, per the most similar use listed in this section
(35)	Flea market	1 per 300 sq. ft. of area devoted to sales and display

	Use	Number of Spaces Required
(36)	Marinas	1 per 3 boat slips, provided that parking for uses other than a marina shall be as specified in section 30-710.3(e)

(b) The minimum number of parking spaces required for a use not specifically mentioned in this section shall be as required for the most similar use listed as determined by the zoning administrator.

Sec. 30-1045.6. Specific conditions applicable to particular uses.

The conditions set forth in this section shall be applicable to all the following uses as indicated when authorized by conditional use permit, provided that the city council may impose such additional or more stringent conditions as deemed necessary to ensure the use will comply with the standards set forth in this article and elsewhere in this chapter:

(1) *Adult care residences, group homes, lodginghouses, shelters.* The following conditions shall be applicable to adult care residences, group homes, lodginghouses and shelters:

- a. Not more than 30 persons, including staff, shall reside on the premises;
- b. When located in any district other than a business district, no property devoted to such use shall be situated within 1,320 feet of property occupied by another adult care residence, group home, lodginghouse, shelter or any social service delivery use;
- c. When located in any business district, no property devoted to such use shall be situated within 500 feet of property occupied by another adult care residence, group home, lodginghouse, shelter or any social service delivery use;
- d. No group home or shelter shall be located within the same building as another dwelling use; and

e. A management program, addressing not less than the following elements, shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:

1. Detailed description of the managing entity, including the organizational structure, names of the board of directors, mission statement, and any bylaws.

2. Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a longterm strategy for meeting the residents' or clients' needs.

3. Detailed description of offsite programs offered, and/or description of linkages to programs operated by others.

4. Detailed description of the number and type of residents or clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs.

5. Operational details for on-site programs, including:

- i. Hours of operation;

- ii. Number and type of staff, staff qualifications, and typical hours worked by staff;

- iii. Method of resident or client supervision;
 - iv. Operating procedures including procedures for orienting a new resident or client to the facility's programs;
 - v. Expectations for residents or clients;
 - vi. Prerequisites for continued client enrollment such as a requirement that the resident or client participate in programs;
 - vii. Rules of behavior for residents or clients;
 - viii. The location and nature of any security features and arrangements; and
 - ix. Names and telephone numbers of persons to contact in emergencies and any emergency procedures.
6. Annual operating budget, including sources of funding.

(2) *Social service delivery uses.* The following conditions shall be applicable to social service delivery uses:

- a. No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or any adult care residence, group home, lodginghouse or shelter; and
- b. A management program shall be submitted as set forth in subsection (1)e of this section.

(3) *Nondwelling uses occupying the ground floor of existing buildings in the R-8 district.* The following conditions shall be applicable to nondwelling uses occupying the ground floor of existing buildings in the R-8 district:

a. Before approving a conditional use permit for any such use, the city council shall make a finding that the location of the property, the type of use and the scale and operational characteristics of the use are such that, if approved, the use can reasonably be expected to primarily serve the adjacent neighborhood and be sustainable as a neighborhood convenience use, and will avoid traffic, parking congestion, noise and other impacts that more typically result from uses that draw patrons from outside a neighborhood.

b. For any nondwelling use operating with an ABC license, such use shall not be operated between the hours of 10:00 p.m. and 6:00 a.m.

c. Alterations to the exterior of the building, including facade treatment, fenestration, signage and lighting shall be designed to maximize compatibility with the residential character of the surrounding area. Elevation drawings of the building shall be submitted as part of the conditional use permit application.

d. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the portion of the building devoted to the use.

e. An operations plan, addressing not less than the following elements and providing such information as necessary to enable the city council to make the finding described in subdivision (a) of this subsection, shall be submitted as part of the conditional use permit application:

1. Operational characteristics and features of the use, including: staffing levels; hours of operation; type of ABC license and related restrictions, if applicable; floor plan showing general arrangement of the use and seating

capacity of tables and other facilities for patrons, if applicable; description of intended use of the upper floor or floors of the building, including floor plans and plans for ingress and egress; provisions for containing trash and refuse generated by the use, including screening of containers, and means of preventing trash from blowing onto adjacent properties or streets; and provisions for off-street parking, if applicable.

2. Provisions for security, including procedures, features, arrangements and staffing levels for such for both the interior and exterior of the premises, and a plan and procedures for mitigating potential adverse impacts on nearby dwelling uses.

3. The city planning commission may recommend and the city council may include as conditions such elements of the operations plan as it deems necessary to satisfy the standards set forth in this section or in section 30-1045.5 of this chapter.

(4) *Required off-street parking for multifamily dwellings in the B-7 district.* Before approving a conditional use permit for reduction of required off-street parking for a multifamily dwelling located in an existing building in the B-7 district, the city council shall make a finding that:

a. The normally applicable off-street parking requirement for such use cannot reasonably be satisfied without demolition of an existing building; and

b. The reduction in required off-street parking will not adversely impact the use of nearby streets for traffic circulation or access to other properties or create an

unreasonable demand for on-street parking that would adversely impact existing uses in the immediate area.

(5) *Retail sales of liquor.* The following conditions shall be applicable to retail sales of liquor:

a. Except as provided in subdivision (b) of this subsection (5), such use shall be located within a retail establishment having a total floor area greater than 5,000 square feet, and in which not greater than 50 percent of the total floor area is devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia;

b. In the case of a retail establishment existing on the effective date of this subsection and having on such date a total floor area of 5,000 square feet or less and greater than 50 percent of the total floor area devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia, the city council may waive the conditions of subdivision (a) of this subsection (5) when the city council is satisfied that the other applicable provisions of this subsection are met, and provided that in no case shall the existing total floor area of the establishment and the existing percentage of floor devoted to the sale and storage of alcoholic beverages be increased;

c. Such use shall not take place at any time between the hours of 10:00 p.m. and 10:00 a.m.;

d. Drive-up facilities shall not be permitted in conjunction with such use, and retail sales of liquor shall take place only within the interior of the building;

e. The exterior features, including facade treatment, fenestration, signage and lighting, of the building in which such use is located shall be designed to maximize compatibility with the predominant character of surrounding commercial and residential

areas, and elevation drawings of the building showing such features shall be submitted as part of the conditional use permit application, except that such drawings shall not be required in a case where no changes are to be made to the exterior of an existing building; and

f. The conditional use permit shall be approved by the city council only if the applicant satisfies the council that the size and location of the use are reasonably related to the trade area that such use is intended to serve, and will not result in a disproportionate concentration of such uses within any particular area or neighborhood of the city or have a detrimental impact on the surrounding area due to close proximity to residential areas or public, religious or child care facilities.

(6) *Nightclubs.* A management program shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific nightclub because of the characteristics of the nightclub, the management program shall include a statement of why the element is not applicable. The minimum required elements of the management program are as follows:

a. Operational characteristics and features of the nightclub, including the following:

1. Staffing levels;
2. Hours of operation, and days of the week on which the establishment will be operated as a nightclub;
3. Type of Virginia Alcoholic Beverage Control license and related

restrictions;

4. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor and standing room areas and capacity, which floor plan shall be posted on the premises in a prominent location viewable by the patrons;

5. Total occupant load; and

6. General type, frequency and hours of entertainment to be provided;

b. Provisions for off-street parking; and

c. Provisions for security and crowd management, including the following:

1. Provisions for a level of security and crowd management sufficient to comply with the requirements of chapter 6, article V of this code, whether or not the nightclub is required to obtain a public dance hall permit;

2. Procedures, features, arrangements and staffing levels for security and crowd management for both the interior and exterior of the premises; and

3. A plan and the procedures for mitigating potential adverse impacts on nearby dwelling and business uses.

(7) Parking areas and parking lots in the B-4 and B-5 district. The following conditions shall be applicable for parking areas or parking lots in the B-4 or B-5 district:

a. The access, landscaping, screening, and arrangement of the parking area or parking lot shall be reviewed by the Urban Design Committee prior to the review of the application for the conditional use permit by the Planning Commission. The Urban Design Committee may recommend to the Planning Commission that the Planning Commission recommend that the City Council approve the conditional use permit or may

recommend that the Planning Commission recommend that the City Council impose additional conditions. In making its recommendation, the Urban Design Committee shall consider at least the standards set forth in section 30-1045.5 and the parking improvement requirements and landscaping standards set forth in sections 30-710.10 through 30-710.16.

§ 3. 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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-361

File Number: PRE. 2016-361

To amend the zoning ordinance for the purpose of removing parking lots and parking areas as a principal use and reducing the off-street parking requirement for dwelling, hotel, and motel uses within the B-4 and B-5 Central Business Districts.

O & R REQUEST

DEC 16 2016

4-6084

Chief Administration Office
City of Richmond

O & R Request

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor *LS*

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

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

FROM: Mark A. Olinger, Director, Dept. of Planning and Development Review *MO*

RE: Request to amend Division 22, Division 23, Article VII, and Division 5.1 of the City's Zoning Ordinance for the purpose of removing parking lots and parking areas as a principal use and reducing the off-street parking requirement for dwelling, hotel, and motel uses within the B-4 and B-5 Central Business Districts.

RECEIVED

JAN 06 2017

OFFICE OF CITY ATTORNEY

ORD. OR RES. No.

PURPOSE: To amend the zoning ordinance for the purpose of removing parking lots and parking areas and a principal use within the B-4 and B-5 Central Business Districts, establishing standards for the conditional permitted use of parking areas and parking lots, and reducing off-street parking requirements in the B-4 and B-5 districts for multi-family dwelling, hotel, and motel uses.

REASON: These amendments help implement the vision of the Downtown Master Plan, as well as the underway Pulse Corridor Plan, of allowing the market to determine parking requirements for downtown development overall, and particularly allow for more contextual, small-scale infill in the Downtown areas. They implement a vision of not allowing surface parking as the primary use of property in the Downtown. They also make improvements to screening and circulation requirements

to ensure that any development of future surface parking lots on a conditional basis is not a detriment to a walkable downtown.

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 January 3, 2017 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: In the Spring of 2016, the Planning Commission asked Staff to investigate surface parking in the Downtown and report back with recommendations that would address surface parking without impeding economic development. Concurrently, the Department of Planning & Development Review has been conducting the Pulse Corridor Plan to develop transit-oriented development strategies for the areas along the Pulse BRT route, including downtown. The Pulse Corridor Plan closely examines the form and function of future development, particularly infill development in the Downtown. The proposed amendments match the recommendations presented to the public as part of the Pulse Corridor Plan in November 2016.

Master Plan

The Downtown Master Plan has very specific recommendations regarding "reconsidering parking requirements for urban buildings" and particularly the Downtown (3.7).

A key implementation step of the adopted Downtown Master Plan is that "Minimum parking requirements for buildings should be abolished. Shared parking systems should be encouraged, in which different businesses with different peak hours of use can share parking spaces. These parking spaces can be created and maintained by a centralized parking authority. The location, rates, and quantity of these shared parking spaces will be determined by market forces" (3.8).

The plan also has specific language regarding surface parking lots, stating that "surface parking lots, while they provide low cost vehicle storage, are detrimental to the walkability of Downtown streets. The long-term goal of Downtown development should be to transform all sizable surface lots to underground or above-ground structured parking with liner buildings" (7.6).

The Downtown Plan also anticipates the tradeoff of reducing surface parking lots and parking requirements as "urban areas with high levels of transit accessibility and walkability, such as the future vision for Downtown, are expected to have fewer parking spaces and/or more expensive parking spaces, compared to areas that are less urban and have lower levels of transit and walkability. This means that residents in the study area should not expect to have the level of parking accessibility that residents and employees in lower-density, less-urban parts of Richmond experience. The trade-off is that Downtown residents will have much higher access to transit and will enjoy a vibrant, walkable community" (5.29).

Existing and Proposed Zoning

Currently, parking lots and parking areas are permitted as a principal use within the B-4 and B-5 districts, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided within not less than one stacking space situated off of the public right of way. The proposed amendments eliminate parking lots and parking areas as a principal use

within the B-4 and B-5 districts; parking areas and parking lots would instead be permitted as an accessory use customarily incidental and clearly subordinate to uses permitted in the district. The amendments also propose adding parking lots and parking areas, subject to the existing access control provision as well as screening requirements, to the enumerated principal uses permitted by conditional use permit.

If these amendments are adopted, existing parking lots and parking areas that are a principal use of property would become non-conforming. Parking decks and parking garages continue to be a permitted principal use, subject to existing screening and principal street frontage requirements.

The other amendments concern off-street parking and loading requirements for multi-family dwelling uses, as well as tourist homes, hotel or motel uses. Currently, within the B-4 and B-5 districts, off-street parking is not required except for dwelling uses, hotels, and motels. The proposed amendments reduce parking requirements of these uses to encourage contextual, small scale infill development; to encourage the adaptive reuse of historic buildings for dwelling, hotel, and motel uses; and move to a demand-driven market for off-street parking and loading within the B-4 and B-5 downtown business districts.

Currently, the off-street parking regulations governing the number of spaces required for a particular use requires 1 parking space per guestroom up to 100 rooms, plus 1 per every 2 guestrooms over 100 rooms. The amendments propose reducing this requirement to 1 parking space per every 4 guestrooms; this is equivalent to the current dwelling use parking requirement for the district. Reducing this requirement would allow hotels and motels to reduce the amount of parking they are required to provide, through on-site construction or through off-premise leasing, within the B-4 and B-5 districts.

Currently the off-street parking requirement for multi-family dwelling uses within the B-4 and B-5 districts, as well as a number of other business districts, is None for 1 to 3 units; otherwise, 1 per 4 dwelling units where such units are contained within the same building as a non-dwelling use. The proposed amendments create a new category for the B-4 and B-5 as central business districts, and propose the new parking requirement to be None for 1 to 16 dwelling units; 1 per 4 dwelling units over 16 units, regardless of whether such units are contained within the same building as a non-dwelling use. Additionally, within the B-4, the amendments propose to have no parking required for dwelling units when such units are contained within the same building as a non-dwelling use.

FISCAL IMPACT / COST: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

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: January 9, 2016

CITY COUNCIL PUBLIC HEARING DATE: January 23, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission,
January 17, 2016

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

ATTACHMENTS: Draft Ordinance

STAFF: Kathleên Onufer, Executive Staff Assistant (Room 511)
646-5207

Lory Markham, Principal Planner
Land Use Administration (Room 511)
646-6309



CITY OF RICHMOND

PLANNING COMMISSION

December 5, 2016

MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION

TO DECLARE AN INTENT TO AMEND THE OFFICIAL ZONING ORDINANCE FOR THE PURPOSE OF REMOVING PARKING LOTS AND PARKING AREAS AS A PRINCIPAL USE AND REDUCING THE OFF-STREET PARKING REQUIREMENTS FOR DWELLING, HOTEL AND MOTEL USES WITHIN THE B-4 AND B-5 CENTRAL BUSINESS DISTRICTS

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 City has adopted a Master Plan, which, among other things, establishes a vision where the long-term goal of Downtown development is to eliminate surface parking lots and areas and recommends abolishing minimum parking standards for buildings; and

WHEREAS, the City's Pulse Corridor Plan process has further advanced the recommendations of the Downtown Master Plan for the Central Business District; and

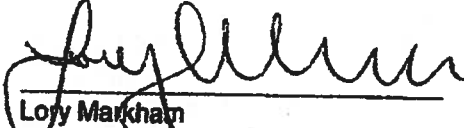
WHEREAS, the off-street parking and loading requirements of the zoning ordinance establish compatible parking for different land use districts; and

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 eliminating parking areas and parking lots as a principal permitted use within the B-4 and B-5 Central Business District; establishing standards for the conditional permitted use of parking areas and parking lots; and reducing off-street parking and loading requirements in the B-4 and B-5 Central Business District for multi-family dwelling, hotel, and motel uses; and that a public hearing on the proposed rezoning be held by the City Planning Commission prior to City Council action.


Rodney Podle
Chair, City Planning Commission


Lory Markham
Secretary, City Planning Commission