

Three Zoning Changes

CITY PLANNING COMMISSION

September 6, 2022



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

City Departments Involved

- Planning & Development Review
- Economic Development
- Housing & Community Development
- Human Services
- Finance
- Public Works
- City Attorney
- CAO's Office

Three Zoning Changes Overview

- Revise Short-Term Rental Regulations
- Eliminate Parking Space Minimums
- Permit Accessory Dwelling Units

Revise Short-Term Rental Regulations

Short-Term Rentals in Richmond

§ 15.2-983 **Virginia Code** defines a short-term rental (STR) as the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days, in exchange for a charge for the occupancy



History of STR Regulations in Richmond

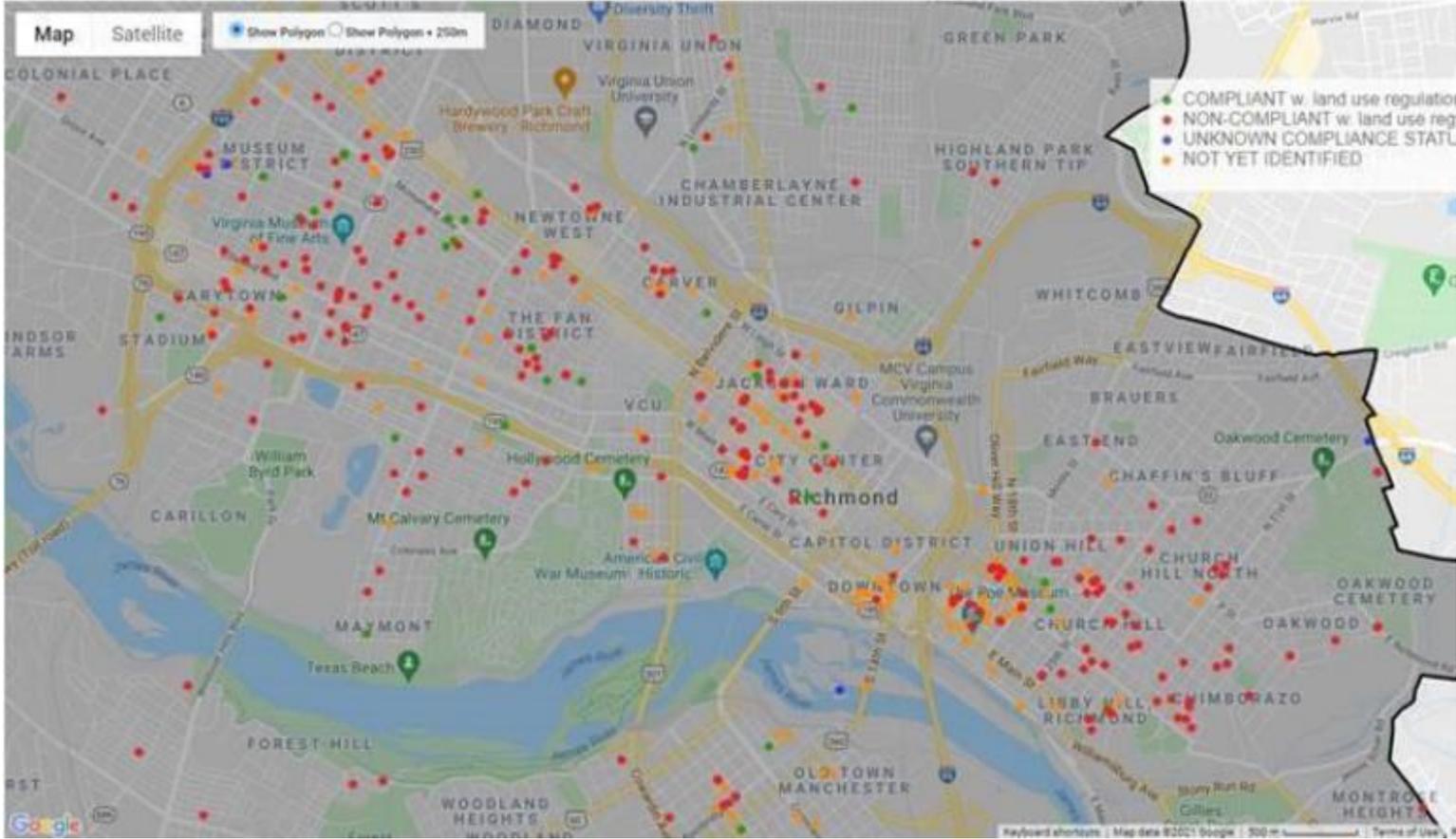
| YEAR | ACTION |
|------|---|
| 2015 | City Council passes resolution directing CPC to amend zoning ordinance |
| 2016 | General Assembly considered limiting or prohibiting STRs; City stopped |
| 2017 | General Assembly passed SB 1578, permitting local STR regulations |
| 2018 | Internal City working group developed draft regulations |
| 2019 | PDR public engagement; City Council introduced amendment paper |
| 2020 | CPC recommended approval with amendments. City Council amended, continued, and referred. Ordinance adopted after five continuances. |
| 2021 | City deployed Host Compliance software to identify STRs; PDR provided report to CPC in July; CPC recommended update in January 2022 |
| 2022 | Review & host public engagement opportunities |

Current STR Regulations (Ordinance No. 2019-343)

- Permitted as an accessory use in any zoning district that permits residential uses
- Only property owners may be operators and it must be the primary residence (185+ days)
- May be entire dwelling unit or individual rooms (maximum 5 sleeping rooms) with no limitation on the number of nights
- Short-Term Rental Permit is to be obtained on a biennial basis

STRs in the City of Richmond (as of January 2022)

Museum District
The Fan
Monroe Ward
Jackson Ward
Shockoe
Church Hill



STRs Next Steps

In January 2022, the Planning Commission approved a Resolution of Intent (CPCR.2021.168) to amend the Short-Term Rental Regulations in the Zoning Ordinance



CITY OF RICHMOND
PLANNING COMMISSION

18 January 2022

CPCR.2022.003 (CPCR.2021.168)

RESOLUTION OF THE CITY OF RICHMOND PLANNING COMMISSION

TO DECLARE AN INTENT TO AMEND THE ZONING ORDINANCE
AS IT PERTAINS TO REGULATING SHORT-TERM RENTALS

WHEREAS, in accordance with §15.2-2286 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 therefor; and

WHEREAS, the City adopted amendments to the Zoning Ordinance permitting short-term rentals in June 2020, for which supplemental regulations are found in Chapter 30, Article VI, Division 14 City Code; and

WHEREAS, the Department of Planning and Development Review, responsible for administering and enforcing the Zoning Ordinance, concludes such regulations, as written, are difficult to enforce effectively, efficiently, and equitably; and

WHEREAS, the permission of short-term rentals should continue to be encouraged as an economic development activity that provides desirable employment, enlarges the tax base, and facilitates an attractive community; and

WHEREAS, the regulation of short-term rentals remains necessary in order to secure safety from fire, flood, panic and other danger; promote health, sanitation and general welfare; and avoid undue concentration of population.

NOW, THEREFORE BE IT RESOLVED THAT, for the purposes of public necessity, convenience, general welfare, and good zoning practices, the City of Richmond Planning Commission hereby adopts a resolution of intent to amend the Zoning Ordinance as it pertains to regulating short-term rentals.

Handwritten signature of Rodney Poolé in blue ink.

Rodney Poolé
Chair, Planning Commission

Handwritten signature of Richard Saunders in blue ink.

Richard Saunders
Secretary, Planning Commission

900 E. BROAD STREET • RICHMOND, VA 23219 • 804.646.3147 • ASKPDR@RVA.GOV • RVA.GOV

STR Permit Status

January 2022

| STATUS | # |
|--------------------|-----------|
| Under review | 11 |
| Pending | 27 |
| Denied | 15 |
| Void | 8 |
| Expired | 6 |
| Ready for issuance | 3 |
| Issued | 14 |
| TOTAL | 84 |

September 2022

| STATUS | # |
|--------------------|------------|
| Under review | 9 |
| Pending | 38 |
| Denied | 21 |
| Void | 15 |
| Expired | 8 |
| Ready for issuance | 2 |
| Issued | 32 |
| TOTAL | 125 |

Considerations for Discussion

- Primary residency requirement
- Primary v. accessory use
- Remittance of transient occupancy tax – similar to hotel tax
- Number of nights a dwelling unit can be used as a STR
- Enforcement for non-compliance

Eliminate Parking Space Minimums

History of Parking Space Requirements in Richmond

1927 – First City Zoning Ordinance created (no parking requirements)

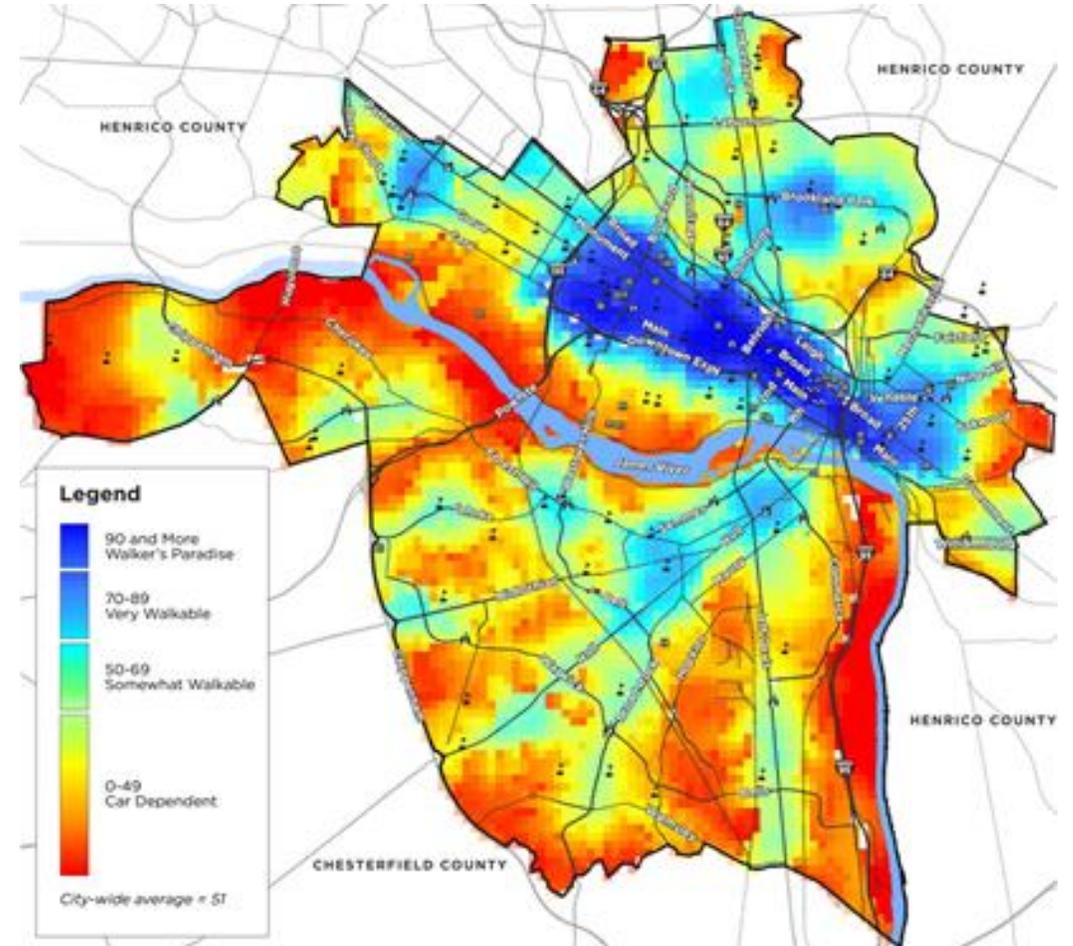
1943 – Parking space requirements for residential uses and commercial uses in certain zoning districts

1960 – Amendments to Zoning Ordinance with separate parking requirements section

| | Number of Parking Spaces required: | | |
|---|---|---|---|
| 1. Single-family dwelling; Two-family dwelling. | 1 for each dwelling unit. | 17. Food or delicatessen store; Drug store; Restaurant, tea room; Dance hall or night club. | 1 for each 100 square feet of floor area. |
| 2. Apartment; Apartment hotel. | 2 for each 3 dwelling units. | 18. Retail or personal service establishment except as otherwise specified herein. | 1 for each 200 square feet of floor space. |
| 3. Motel or motor court; Tourist home. | 1 for each sleeping room or suite. | 19. Bank, financial institution; Office for a profession or business; Medical and Dental Clinics; Institution of a religious, educational, eleemosynary, charitable or philanthropic nature, not including churches. | 3 plus 1 for each 400 square feet of floor area in excess of 1,000 square feet. |
| 4. Boarding house; Lodging house. | 1 for each 2 sleeping rooms. | 20. Art gallery; Library; Museum. | 10 plus 1 for each 300 square feet of floor area in excess of 2,000 square feet. |
| 5. Hotel. | 1 for each 3 sleeping rooms or suites plus 1 for each 200 square feet of commercial floor area. | 21. Furniture or appliance store; Hardware store; Wholesale establishment; Tire repair and vulcanizing; Automobile and trailer sales and service; Clothing and shoe repair or service shop; Machinery or equipment sales and service; Telegraph or messenger station; Distribution station. | 2 plus 1 for each 500 square feet of floor area in excess of 1,000 square feet. |
| 6. Hospital. | 1 for each 4 beds. | 22. Printing, cabinetmaking, plumbing and heating or similar service shop. | 1 for each 3 employees. |
| 7. Fraternity or sorority house; Nursing, convalescent or rest home. | 1 for each 6 beds. | 23. Manufacturing or industrial establishment; Research or testing laboratory; Creamery; Bottling plant; Warehouse or similar establishment. | 1 for each 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith. |
| 8. Theatre; Auditorium; Sports arena; Stadium; Exposition building; Circus, carnival. | 1 for each 5 seats or individual seating spaces. | | |
| 9. Church or other place of worship. | 1 for each 8 seats in main auditorium. | | |
| 10. School—nursery through junior high (public or private) | 1 for each 10 seats in main auditorium or 1 for each classroom whichever is greater. | | |
| 11. High school or college; Vocational or industrial school; (public or private) | 1 for each 8 seats in main auditorium or 3 for each classroom whichever is greater. | | |
| 12. Driving range. | 2 for each tee. | | |
| 13. Golf course (including miniature golf). | 5 for each tee or hole. | | |
| 14. Bowling alley. | 5 for each lane. | | |
| 15. Private club or lodge; Private park, recreational area, etc. | 1 for each 5 members. | | |
| 16. Funeral home. | 1 for each 50 square feet of floor area in slumber rooms, parlors, and individual funeral | | |

Parking Space Requirements in Richmond

- Section 30-710.1(a) of the Zoning Ordinance provides the number of spaces required for particular uses
- Existing Parking Overlay and Parking Exempt Districts
- Off-street parking not required in certain districts for uses other than dwelling uses, hotels and motels



What are parking minimums?

- Minimums for residential uses typically based on number of dwelling units while commercial use minimums often determined by floor area
- Complexity of nonconforming (grandfathered) parking spaces
- Required parking can be a burden on small businesses

Parking Space Requirements in Richmond

INTRODUCED: April 26, 2021

A RESOLUTION No. 2021-R027

To declare a public necessity to amend ch. 30 of the City Code and to initiate an amendment to the City's zoning ordinance to eliminate parking space minimums.

Patrons – Mr. Addison, Vice President Robertson, Mr. Jones and Ms. Lambert

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 24 2021 AT 6 P.M.

WHEREAS, section 15.2-2286 of the Code of Virginia (1950), as amended, provides that a zoning ordinance may include, among other things, reasonable regulations and provisions for the amendment of regulations or district maps from time to time; and

WHEREAS, in accordance with section 15.2-2286 of the Code of Virginia (1950), as amended, such amendment may be initiated by resolution of the governing body, provided that any such resolution by the governing body proposing an amendment to the regulations or district maps shall state the public purposes therefor; and

WHEREAS, the Council of the City of Richmond believes that the City's zoning ordinance, codified as Chapter 30 of the Code of the City of Richmond (2020), as amended,

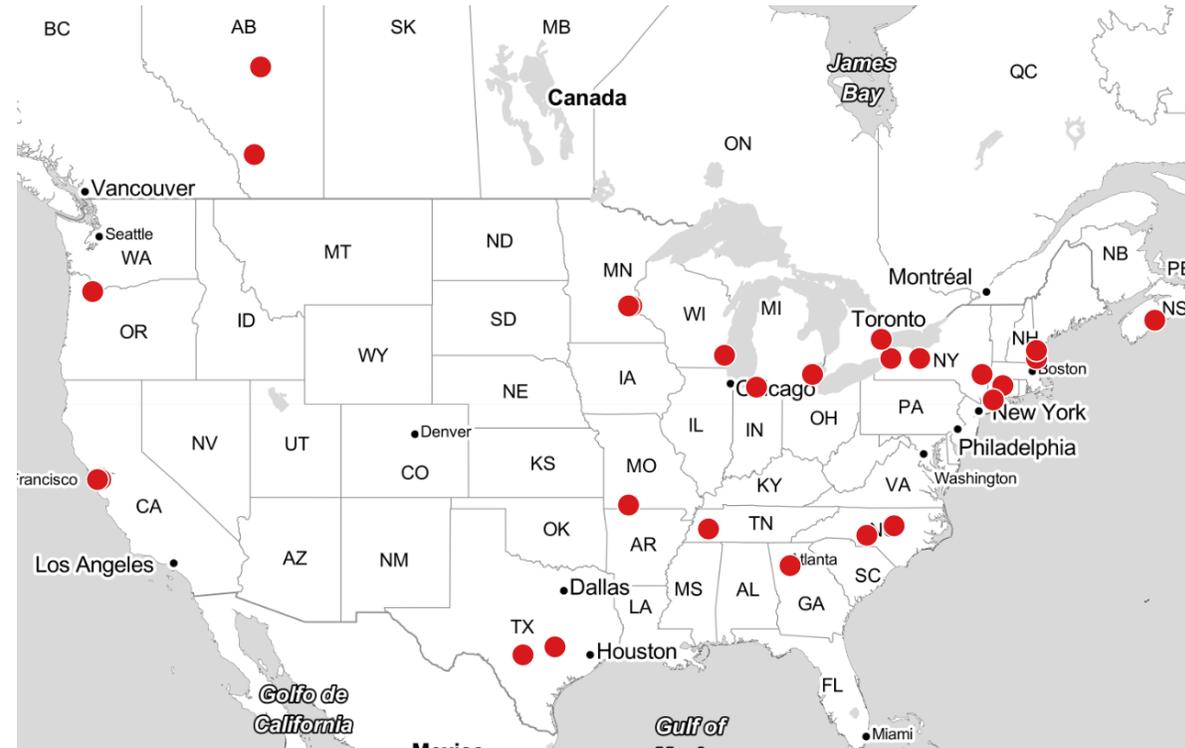
AYES: 8 NOES: 1 ABSTAIN: _____

ADOPTED: MAY 24 2021 REJECTED: _____ STRICKEN: _____

In May 2021, City Council adopted a Resolution (RES. 2021-R027) to initiate an amendment to the City's Zoning Ordinance to eliminate parking space minimums

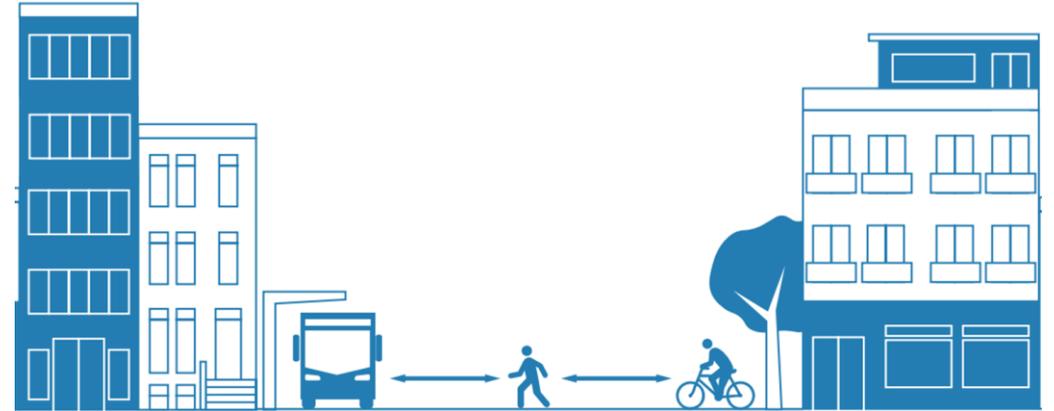
Other Cities to Eliminate Parking Space Minimums

- Raleigh, NC
- Buffalo, NY
- Hartford, CT
- Ann Arbor, MI
- Minneapolis, MN
- Portland, OR
- San Francisco, CA



Parking Reform Considerations

- Shared parking
- Parking maximums
- Support multi-modal mobility
- Cost savings for businesses and housing



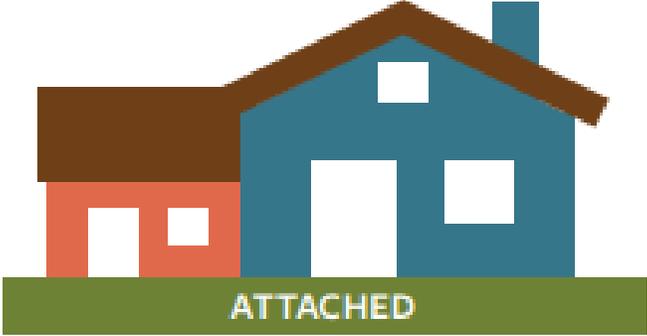
Permit Accessory Dwelling Units

What is an Accessory Dwelling Unit?

- Smaller, independent dwelling unit located on the same lot as another residential structure
- Commonly known as accessory apartment, secondary suite, in-law suite or granny flat
- Internal, attached, or detached



Types of Accessory Dwelling Units



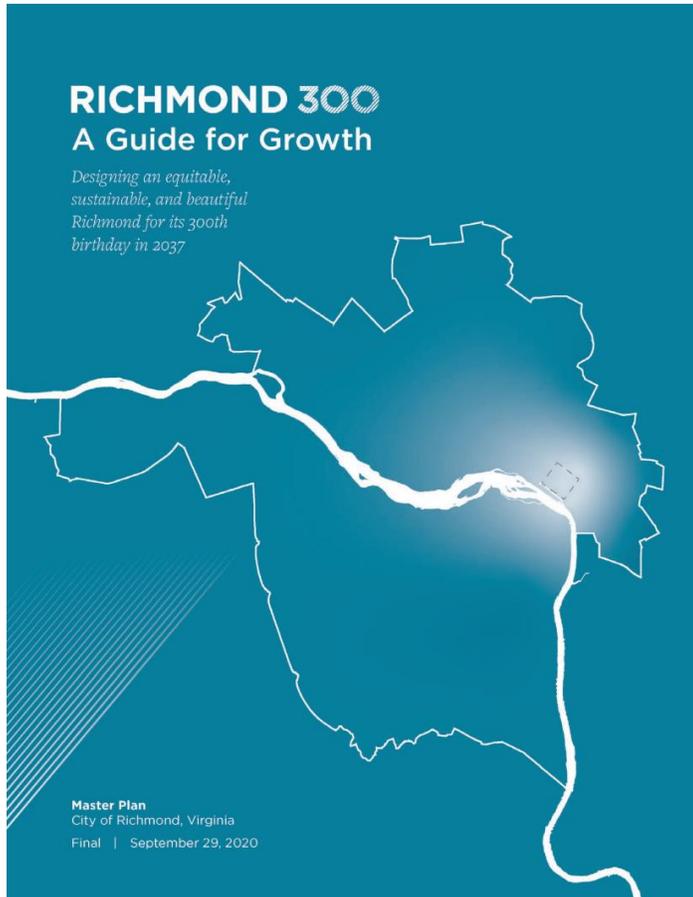
▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Benefits of Accessory Dwelling Units

- Place for an aging parent to stay
- A way for empty-nesters to downsize while staying in the neighborhood
- An on-site home for a full-time caregiver
- Smaller units may be more affordable to rent than a full-sized house or apartment
- Additional source of income



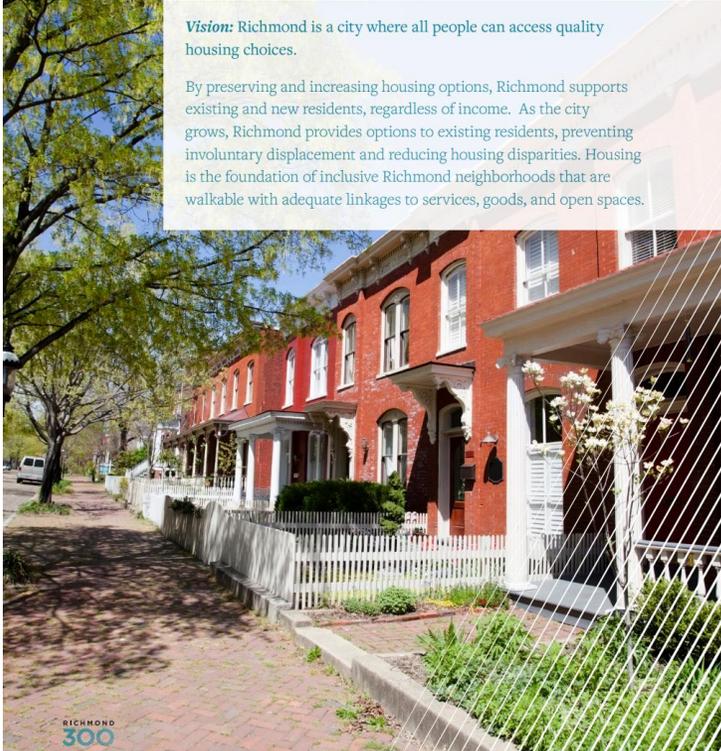
Richmond 300



CHAPTER 5 Inclusive Housing

Vision: Richmond is a city where all people can access quality housing choices.

By preserving and increasing housing options, Richmond supports existing and new residents, regardless of income. As the city grows, Richmond provides options to existing residents, preventing involuntary displacement and reducing housing disparities. Housing is the foundation of inclusive Richmond neighborhoods that are walkable with adequate linkages to services, goods, and open spaces.



RICHMOND 300

Big Move | Expand Housing Opportunities

Encourage the development of housing options throughout the city to expand the geography of opportunity by de-concentrating poverty.

Richmond offers many housing options; however the city is intensely segregated by socio-economic status and race. This Big Move seeks to elevate the importance of creating more housing opportunities in more parts of the city for all income levels.



Housing In Richmond. Mixed-use, mixed-income community at the former Armstrong High School site redeveloped by RRHA [top]; Single-family homes in Battery Park [middle]; Multi-family building in Manchester [bottom]

Richmond 300

- ADUs are recommended as a primary land use for Residential and Neighborhood Mixed-Use Future Land Use categories (pgs. 54-56)
- Recommends to allow ADUs by-right with form-based requirements in all residential zones (pg. 152)
- Recommends to include ADUs as an option for residents to “age in place” within their neighborhoods (pg. 155)



Accessory Dwelling Units in Richmond

Construction of new detached accessory dwelling unit

| District | Needed for new ADU |
|----------|--------------------|
| R-1 | Special Use Permit |
| R-2 | Special Use Permit |
| R-3 | Special Use Permit |
| R-4 | Special Use Permit |
| R-5 | Special Use Permit |
| R-5A | Special Use Permit |
| R-6 | Special Use Permit |
| R-7 | Special Use Permit |
| R-8 | Special Use Permit |

| District | Needed for new ADU |
|----------|--|
| R-43 | Special Use Permit |
| R-48 | Special Use Permit |
| R-53 | Special Use Permit |
| R-63 | Permitted with several requirements/restrictions |
| R-73 | Special Use Permit |
| R-MH | Special Use Permit |
| RO-1 | Special Use Permit |
| RO-2 | Special Use Permit |
| RO-3 | Special Use Permit |

Accessory Dwelling Units in Richmond



CITY OF RICHMOND
PLANNING COMMISSION

April 5, 2021

In April 2021, the Planning Commission approved a Resolution of Intent (CPCR.2021.095) to prepare changes to the Zoning Ordinance to permit accessory dwelling units by-right in all residential zoning districts

**RESOLUTION CPCR.2021.095
MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION**

MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION TO DECLARE AN INTENT TO AMEND THE ZONING ORDINANCE FOR THE PURPOSE OF PERMITTING ACCESSORY DWELLING UNITS IN ADDITIONAL ZONING DISTRICTS IN THE CITY OF RICHMOND.

WHEREAS, in accordance with §17.06 of the Charter of the City of Richmond, the City Planning Commission has adopted and City Council has approved a master plan, known as *Richmond 300*, to promote a coordinated, adjusted, and harmonious development of the city and its environs; and

WHEREAS, in accordance with §17.10 of the Charter of the City of Richmond, the City Council has adopted a comprehensive zoning ordinance in order to regulate the use of land, buildings, and structures in a manner consistent with future land uses identified in the *Richmond 300*; and

WHEREAS, The Residential and Neighborhood Mixed-Use Future Land Use categories of *Richmond 300* identify accessory dwelling units as primary uses in such areas; and

WHEREAS, Objective 14.5 (c) of *Richmond 300* states the City should update the Zoning Ordinance to permit accessory dwelling units by-right with form-based requirements in all residential zones in order to encourage more housing types throughout the city; and

WHEREAS, Objective 14.9 (h) of *Richmond 300* states the City should amend the Zoning Ordinance to permit accessory dwelling units in all residential zones in order to assist households that desire to age in place in their neighborhoods; and

WHEREAS, in accordance with §17.14 of the Charter of the City of Richmond, the City Planning Commission may prepare and submit changes to the zoning ordinance, including both districts and maps, as changing conditions may make necessary.

NOW, THEREFORE BE IT RESOLVED, that the City Planning Commission hereby concludes, for the purposes of public necessity, convenience, general welfare, and good zoning practice, and in order to best promote health, safety, morals, comfort, prosperity, and general welfare, as well as efficiency and economy in the process of development, that an amendment to the City's zoning ordinance shall be drafted for the purpose of permitting accessory dwelling units in additional zoning districts in the City of Richmond.

Rodney Poole
Chair, City Planning Commission

Matthew Ebinger
Secretary, City Planning Commission

Accessory Dwelling Units - Considerations

- Location
- Floor area
- Parcel coverage
- Height
- Number of occupants
- Short-Term Rental



Public Meetings and Feedback

Public Meetings

- In-person Main Library – 6pm (August 9) – 120 attendees
- Virtual – 12pm (August 10) – 93 attendees



Public Meetings & Feedback

- Online Survey – August 9 through September 9
- Telephone Town Halls (August 16 & 17)
 - 405 attendees more than 30 minutes
 - 857 attendees more than 5 minutes
- Direct phone calls and emails



Three Zoning Changes Survey

The City of Richmond City Council and Planning Commission passed three resolutions with the intent to revise the city's regulations for short term rentals, parking minimums, and accessory dwelling units.

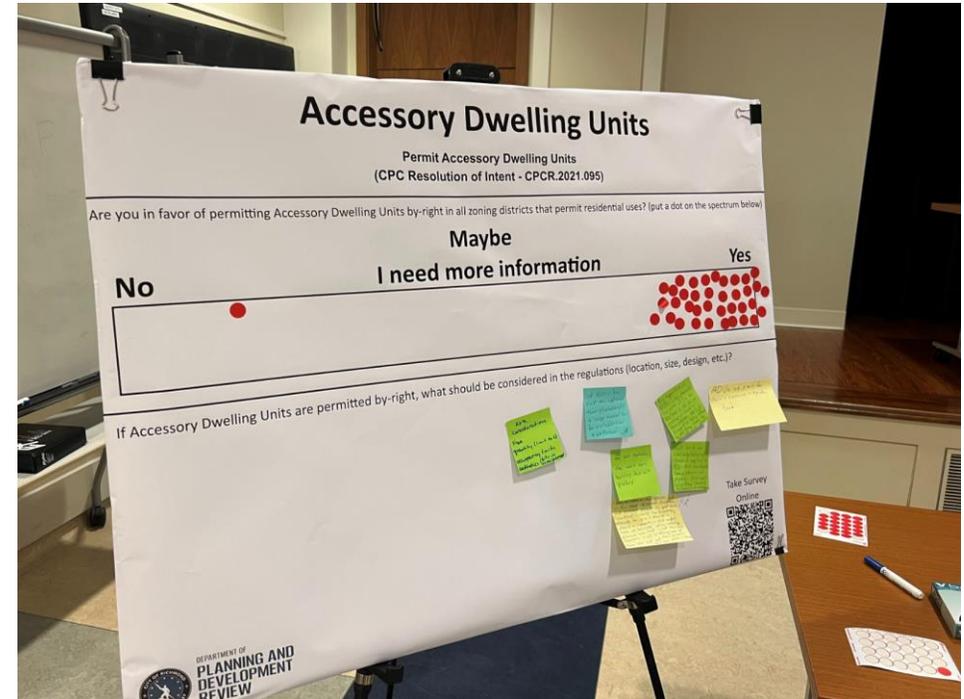
The Department of Planning and Development Review (PDR) now seeks feedback from the community regarding the three proposed city-wide zoning changes: [revise short-term rental regulations](#), [eliminate parking space minimums](#), and [permit accessory dwelling units](#).

This information gathering stage will inform how the regulations will be shaped. There will be additional opportunities for engagement in the fall.

OK

Public Feedback

- Online Survey – 478 responses
- Telephone Town Halls – 5 poll questions with approx. 260 responses each
- Numerous Q&As at public meetings and directly with PDR staff



Revise Short-Term Rental Regulations - Feedback

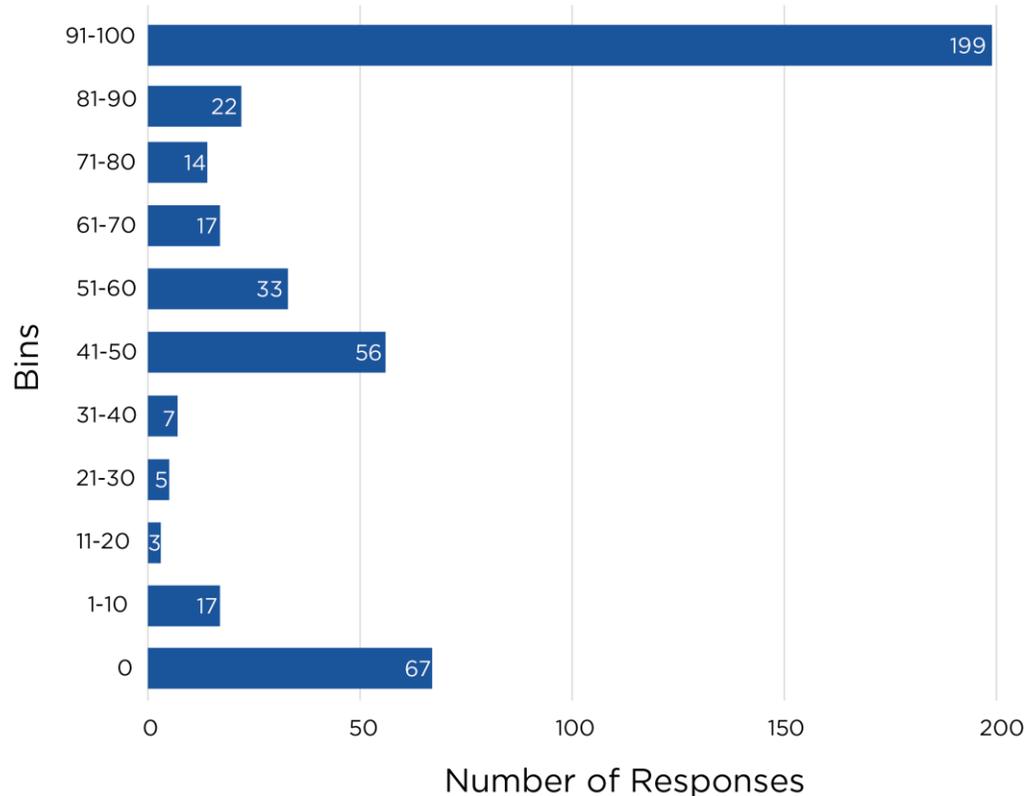
| SUGGESTED REVISIONS TO EXISTING REGULATIONS | SUGGESTED WAYS TO IMPROVE COMPLIANCE & ENFORCEMENT |
|---|--|
| <p>Remove residency requirement</p> <p>Limit STRs per neighborhood</p> <p>Limit STRs per owner</p> <p>Increase taxation on STRs</p> <p>Prohibit STRs completely or in residential neighborhoods</p> | <p>Streamline permit process</p> <p>Reduce STR Permit fee</p> <p>Increase staffing</p> <p>Require inspections</p> <p>More involvement with STR companies (Airbnb, VRBO, etc)</p> |

Eliminate Parking Space Minimums - Feedback

| CHALLENGES | OPPORTUNITIES |
|---|---|
| <p>Better public transit needed</p> <p>Potential overcrowding of street parking</p> <p>Could deter businesses, residents and visitors</p> <p>Impact on existing infrastructure from increased density</p> | <p>Better utilization of land for businesses, housing and green space</p> <p>Helps decrease cost of housing</p> <p>Reduces environmental impact</p> <p>Reduces administrative burden, especially for small businesses</p> |

Permit Accessory Dwelling Units - Feedback

Are you in favor of permitting accessory dwelling units by-right in all zoning districts that permit residential uses? (0-No through 100-Yes)



SUGGESTED REGULATIONS

Size, setbacks and height regulations

Design standards

Short-Term Rental regulations

Occupancy and/or bedroom limitations

Next Steps

- Focus Groups (September-October)
- Staff Working on Drafts (September - October)
- Public engagement to review draft (November)
- Planning Commission & City Council Approval (December - February)

Questions and Comments

Contact:

Brian P. Mercer

Planner, PDR

Brian.Mercer@rva.gov

(804) 646-6704

Website:

<https://www.rva.gov/planning-development-review/zoning-changes>