



**City Of Richmond, Virginia  
Office of the City Clerk**

**Request to Withdraw Legislation**

Paper Number: Ord. 2020-105

Chief Patron: Mayor Levar Stoney

Introduction Date: April 27, 2020

Chief Patron Signature:  12/03/2020

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*For Office Use Only*

Attestation: 

Effective Date: December 7, 2020

INTRODUCED: April 27, 2020

AN ORDINANCE No. 2020-105

As Amended

To amend and reordain City Code §§ 30-433.2 (concerning parking lots in the UB Urban Business District, 30-440.3 (concerning yards in the B-4 Central Business District), 30-446.2 (concerning parking lots in the B-7 Mixed-Use Business District), and 30-950.2—30-950.5 (concerning Plan of Development Overlays), for the purpose of implementing the recommendations of the adopted Pulse Corridor Plan.

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Patron – Mayor Stoney

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Approved as to form and legality  
by the City Attorney

PUBLIC HEARING: MAY 26 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-433.2, 30-440.3, 30-446.2, and 30-950.2 through 30-950.5 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

**Sec. 30-433.2. Permitted principal and accessory uses.**

The uses of buildings and premises listed in this section shall be permitted in the UB 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 as

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

set forth in Article X of this chapter shall be required for such uses as specified in this section, and for construction of any new building or any addition to an existing building when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage, 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) Art galleries;

(3) Banks, savings and loan offices and similar financial services, including 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 automated teller machine accessible from the exterior of a building;

(4) Catering businesses, provided that not more than five persons are employed on the premises in the conduct of any such business;

(5) Contractors' shops, service and supply establishments, wholesale and distribution establishments and similar uses, provided that the following conditions shall be met:

a. Portions of buildings adjacent to street frontages shall be devoted to office, showroom, display or other facilities accessible to the public, except that on a corner lot this provision shall apply only to the principal street frontage;

b. Not more than 2,000 square feet of floor area shall be used for warehouse purposes;

c. There shall be no outside storage of equipment, materials or supplies;

d. No service or delivery vehicle exceeding an empty weight of 6,500 pounds shall be used in connection with such use;

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

(7) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 50 pounds dry weight and the total capacity of all laundry machines shall not exceed 125 pounds dry weight;

(8) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress (see Section 30-800.1 for provisions for nonconforming dwelling uses);

(9) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

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

(11) Libraries, museums, 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;

(11.1) Nightclubs lawfully existing on the effective date of the ordinance from which this provision is derived, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of the ordinance from which this provision is derived, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use;

(12) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(13) 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;

~~(14) [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, and provided further that a plan of development shall be required as set forth in Article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required;]~~

~~(15)~~ Parking decks and parking garages, provided that:

a. 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 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;

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. All portions of such structure located along a street that generally functions as the primary orientation of businesses in the district shall not be used for parking of vehicles, but shall be devoted to other permitted principal uses or to means of pedestrian or vehicle access;

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

~~[(16)]~~ (15) 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; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

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

~~[(18)]~~ (17) Postal and package mailing services, but not including package distribution centers;

~~[(19)]~~ (18) Professional, business and vocational schools when located above the ground floor of buildings, and provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

~~[(20)]~~ (19) Recreation and entertainment uses, including theaters, museums and amusement centers; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

~~[(21)]~~ (20) Restaurants, tearooms, cafés, 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;

~~[(22)]~~ (21) Retail stores and shops;

~~[(23)]~~ (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;

~~[(24)]~~ (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;

~~[(25)]~~ (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, no internal combustion engine shall be repaired or serviced, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

~~[(26)]~~ (25) Shopping centers containing uses permitted in this district;

~~[(27)]~~ (26) Tourist homes;

~~[(28)]~~ (27) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, in accordance with the additional requirements of Sections 30-692.1 through 30-692.6, provided that a plan of development shall be required as set forth in Article X of this chapter;

~~[(29)]~~ (28) Accessory uses and structures, 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. 30-440.3. - Yards.**



Yard regulations in the B-4 district shall be as follows (see Article VI, Division 4 of this chapter):

(1) *Front yard.*

a. ~~[Where no existing buildings are located on adjacent lots along the same street frontage, no]~~ No front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except as may be authorized pursuant to Subsection ~~[(1)d]~~ (1)b of this section.

~~[b.—Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this subsection may be authorized pursuant to Subsection (1)d of this section.~~

~~c.—Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this subsection may be authorized pursuant to Subsection (1)d of this section.~~

~~d]~~ b. A front yard with a depth greater than permitted by ~~[Subsections]~~ Subsection (1)a ~~[through e]~~ of this section may be provided when such front yard is improved for purposes of a pedestrian plaza, outdoor dining area as permitted by Section 30-440.1 or

vehicular drop-off or pick-up area permitted by Section 30-440.4(1), and is approved subject to a plan of development as set forth in Article X of this chapter. Except where the property is within an old and historic district, the City Urban Design Committee shall review the application and plans and submit a recommendation to the Director of Planning and Development Review prior to approval of such plan of development by the Director.

[e.] c. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted and shall not be subject to this subsection.

(2) Side yards. No side yards shall be required [~~except as provided in Subsection (4) of this section, and~~] except that where a side lot line abuts property in an R or RO district there shall be a side yard of not less than ten feet in width. This exception shall not apply to parcels abutting or situated across an alley from property in an [RO-3 or] R-73 district.

(3) Rear yard. No rear yard shall be required [~~except as provided in Subsection (4) of this section, and~~] except that where a rear lot line abuts or is situated across an alley from property in an R or RO district, there shall be a rear yard of not less than 20 feet in depth. This exception shall not apply to parcels abutting or situated across an alley from property in an [RO-3 or] R-73 district.

~~[(4) Side and rear yards adjacent to shelters. Side and rear yards adjacent to newly constructed buildings or portions thereof devoted to shelters shall be not less than 15 feet in depth.]~~

**Sec. 30-446.2. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-7 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, except as specifically authorized by conditional use permit pursuant to Section 30-446.3. 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 of any addition to an existing building, other than a single-family detached or two-family detached dwelling, when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage and 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, new building or addition that is subject to approval of a conditional use permit or 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) Art galleries.
- (3) Auto service centers, subject to the provisions of Section 30-446.3(6), and provided

that:

- a. No such use shall be located on a transitional site.
- b. A plan of development shall be required as set forth in Article X of this chapter.

(4) Banks, savings and loan offices and similar financial services, including accessory ATM's 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 ATM accessible from the exterior of a building.

(5) Breweries producing not more than 100,000 barrels of beer per year and distilleries producing not more than 250,000 cases of liquor per year, subject to the provisions of Section 30-446.3(6).

(6) Building materials and contractors' sales and storage yards and similar uses involving outside storage of materials or products other than scrapped or junked materials, subject to the provisions of Section 30-446.3(6), and provided that:

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

b. Areas devoted to storage shall be enclosed by opaque fences or walls not less than six feet in height.

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

(7) Catering businesses.

(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 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.

(12) Dwelling units, other than a single-family detached, a single-family attached or a two-family dwelling, provided that when dwelling units are located within buildings located on lots having street frontage on Hull Street or Commerce Road, or street-oriented commercial frontage, 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 Hull Street and Commerce Road street frontages or along street-oriented commercial frontage, except for ingress and egress, provided that dwelling units shall not be located in any building devoted to a use that is prohibited on a transitional site. 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) Entertainment, cultural and recreational uses, including theaters, museums, bowling alleys, amusement centers, and other commercial recreation facilities located within completely enclosed buildings.

(14) Funeral homes.

(15) Furniture repair and upholstery shops.

(16) Greenhouses and plant nurseries, subject to the provisions of Section 30-446.3(6).

(17) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.

(18) 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.

(19) Hotels, provided that:

a. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

b. The ground floor of portions of buildings adjacent to principal street frontages or priority street frontages shall be devoted to those uses specified in Subsection (2), (4), (17), (30), (37) or (39) 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.

(20) Janitorial and custodial service and supply establishments.

(21) Laboratories and research facilities which are not any more objectionable 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, subject to the provisions of Section 30-446.3(6).

(22) Laundromats and dry cleaning pick up stations.

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

(24) Manufacturing uses of under 15,000 square feet of area, as listed in Section 30-452.1(2)(a), but not allowing paragraph (13), Section 30-452.1(2)(c), Section 30-452.1(2)(d), or Section 30-452.1 (2)(e)(34). A plan of development shall be required as set forth in Article X of this chapter.

(24.1) Marinas, provided that a plan of development shall be required as set forth in Article X of this chapter; and boathouses, piers and docks.

(25) Nursing homes, provided that a plan of development shall be required as set forth in Article X of this chapter.

(26) Office supply, business and office service, photocopy and custom printing establishments.

(27) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts.

~~(28) [Parking areas and parking lots, subject to the provisions of Section 30-446.3(6), and 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, and provided further that a plan of development shall be required as set forth in Article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required.~~

~~(29)~~ 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 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 section 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 Subsection (29)a of this section, 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.

~~[(30)]~~ (29) 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.

~~[(31)]~~ (30) 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.

~~[(32)]~~ (31) Postal and package mailing services, but not including distribution centers.

~~[(33)]~~ (32) Printing, publishing and engraving establishments.

~~[(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) 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.

~~[(36)]~~ (35) Repair businesses conducted within completely enclosed buildings.

~~[(37)]~~ (36) Restaurants, tea rooms, 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 City Planning Commission, as amended, 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.

~~[(38)]~~ (37) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors.

~~[(39)]~~ (38) Retail stores and shops.

~~[(40)]~~ (39) 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, unless owned or operated by a government agency.

~~[(41)]~~ (40) 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.

~~[(42)]~~ (41) 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.

~~[(43)]~~ (42) 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.

~~[(44)]~~ (43) Tourist homes.

~~[(45)]~~ (44) 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 Code of Virginia, § 54.1-3401.

~~[(46)]~~ (45) Uses permitted in the M-1 and M-2 districts and not otherwise listed as permitted uses in this division, when such uses are lawfully existing on the effective date of the ordinance creating the B-7 district to include the property in the B-7 district, and:

a. Such uses shall not be considered nonconforming uses, shall not be subject to the limitations on nonconforming uses set forth in Article VIII of this chapter and, subject to the provisions of Section 30-446.3(6), may be extended, expanded or enlarged to occupy any portion of the property devoted to the use at the time of its inclusion in the B-7 district.

b. Any such use may be changed to another use that is permitted by right or by conditional use permit in the B-7 district, or to a use that is first permitted in the same district as or a more restricted district than the district in which such use is first permitted, subject to the provisions of Section 30-454.1(2).

c. In the case of a building or portion thereof that is vacant on the effective date of the ordinance to include the property in the B-7 district, the last lawful use, subject to the provisions of Sections 30-800.4 and 30-800.5, to occupy such building or portion thereof shall determine the applicability of this subsection.

~~[(47)]~~ (46) Wholesale, warehouse and distribution establishments with not more than 30,000 square feet of floor area devoted to storage of goods, subject to the provisions of Section 30-446.3(6), and provided that a plan of development shall be required as set forth in Article X of this chapter.

~~[(48)]~~ (47) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, subject to the provisions of Section 30-446.3(6), and in accordance with the additional requirements of Sections 30-692.1 through 30-692.6, provided that a plan of development shall be required as set forth in Article X of this chapter.

~~[(49)]~~ (48) Accessory uses and structures, 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. 30-950.2. Application of Districts and Regulations.**

(a) *Relation to other districts.* Plan of development overlay districts shall be in addition to and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by subsection (b) of this section and shown on the official zoning map. Any property lying within a plan of development overlay district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(b) *Permitted underlying districts.* Plan of development overlay districts ~~[shall]~~ may be applied so as to overlay ~~[a B-1, B-2, B-3, B-4, RO-3 or TOD-1]~~ any zoning district.

### **Sec. 30-950.3. Establishment of plan of development overlay districts and requirements pertaining thereto.**

(a) *Establishment of districts.* Every plan of development overlay district shall be established by amendment to the official zoning map in the same manner as other zoning map amendments and as provided for by this chapter. Every area designated as a plan of development overlay district by such zoning map amendment shall constitute a separate district which shall be numbered serially in the order of adoption and shown on the official zoning map by a special symbol, pattern or shading depicting the boundaries of the district together with the numerical designation of the district. A description of the boundaries or a map depicting the boundaries of

each plan of development overlay district and the date of adoption of the district or amendment thereto shall be set forth in this article.

(b) *Application of district regulations.* Within each plan of development overlay district, a plan of development as set forth in article X of this chapter shall be required for:

(1) Construction of any new building or addition to an existing building, with the exception of single- and two-family dwellings, when such new building or addition occupies more than 1,000 square feet of lot coverage;

(2) Construction or resurfacing of any parking area or parking lot or any addition to or material alteration of the arrangement of any parking area or loading area or vehicle circulation or maneuvering area, including any means of access thereto.

(c) *Application of district regulations.* In all other respects the regulations normally applicable within the underlying district shall apply to property within the boundaries of the plan of development overlay district. Application of a plan of development overlay district shall not eliminate any specific requirement within an underlying zoning district pertaining to plan of development requirements.

**Sec. 30-950.4. Establishment of specific districts.**

These divisions shall become effective in areas specified and on dates indicated as follows:

(a) *Westover Hills Boulevard/Forest Hill Avenue Plan of Development Overlay District POD-1.* On January 12, 1998, this division shall become effective in the Westover Hills/Forest Hill Avenue POD-1 district. The boundaries of such district are as follows: beginning at the intersection of the centerline of Forest Hill Avenue and Prince Arthur Road; thence extending 190 feet, more or less, in a northerly direction along the centerline of Prince Arthur Road to a point; thence extending 1,040 feet, more or less, in an easterly direction along the centerline of a 16-foot-

wide east/west alley located between Forest Hill Avenue and Devonshire Road to the centerline of Westover Hills Boulevard; thence extending 50 feet, more or less, in a southerly direction along the centerline of Westover Hills Boulevard to a point; thence extending 743 feet, more or less, along the centerline of a 16-foot-wide east/west alley between Forest Hill Avenue and Devonshire Road to the centerline of West 47th Street; thence extending 200 feet, more or less, in a southerly direction along the centerline of West 47th Street to the centerline of Forest Hill Avenue; thence extending 137 feet, more or less, in an easterly direction along the centerline of Forest Hill Avenue to a point; thence extending 150 feet, more or less, in a southerly direction along a line parallel to the east line of West 47th Street to a point; thence extending 137 feet, more or less, in a westerly direction along a line parallel to the south line of Forest Hill Avenue to the centerline of West 47th Street; thence extending 107 feet, more or less, in a southerly direction along the centerline of West 47th Street to a point; thence extending 561 feet, more or less, in a westerly direction along the centerline of a 14-foot-wide east/west alley between Forest Hill Avenue and Dunstan Avenue to the centerline of a 14-foot-wide north/south alley between Westover Hills Boulevard and West 48th Street; thence extending 400 feet, more or less, in a southerly direction along the centerline of such alley to the centerline of Dunstan Avenue; thence extending 250 feet, more or less, in a westerly direction along the centerline of Dunstan Avenue to the centerline of West 49th Street; thence extending 128.89 feet, more or less, in a southerly direction along the centerline of West 49th Street to the centerline of Clarence Street; thence extending 312.8 feet, more or less, in a westerly direction along the centerline of Clarence Street to a point 277.8 feet west of the west line of West 49th Street; thence extending 720 feet in a northerly direction along a line 277.8 feet west of and parallel to the west line of West 49th Street to a point; thence extending 868 feet, more or less, in a westerly direction along a line 150 feet south of and parallel to the south line of Forest

Hill Avenue to the centerline of Jahnke Road; thence extending 190 feet, more or less, in a northerly direction along the centerline of Jahnke Road to the centerline of Forest Hill Avenue; thence extending 18.09 feet, more or less, in an easterly direction along the centerline of Forest Hill Avenue to the point of beginning.

(b) *Arts District [~~Station/Monroe~~] Station Area/Monroe Ward Plan of Development Overlay District POD-2.* On July 22, 2019, this division shall become effective in the Arts District Station Area/Monroe Ward Plan of Development Overlay District. The district is bounded by the centerlines of North Belvidere Street and South Belvidere Street on the west, East Broad Street and West Broad Street on the north, the Downtown Expressway on the south, and North 9th Street and South 9th Street on the east. In addition to the criteria by which all plans of development are evaluated, plans of development in the Arts District [~~Station/Monroe~~] Station Area/Monroe Ward Plan of Development Overlay District shall be evaluated to determine if building design is in line with the following six form elements of the Pulse Corridor Plan, as incorporated into the Master Plan for the City of Richmond by Ordinance No. 2017-127, adopted July 24, 2017:

(1) *Hold the corner:* Buildings and spaces at intersections shall have active ground floors that wrap around the corner.

(2) *Entrances face the street:* Main entrances to businesses and residences shall face the street to facilitate pedestrian activity.

(3) *Appropriate setbacks/stepbacks:* Commercial uses shall be closer to the street and residential uses shall be set back to facilitate privacy and to create a semi-public space. Stepbacks at upper stories shall honor existing form without overwhelming it.

(4) *Transparency:* Façade fenestration shall be visible from the street. This is especially important on the ground floor, where fenestration should occupy a higher percentage of the building face.

(5) *Façade articulation:* Long, monolithic façades shall be broken up and made more human-scale by varying the streetwall plane, height, colors, and materials.

(6) *Screened parking/services:* Attractive landscaping shall extend to the sidewalk to help maintain a streetwall and mitigate the disruption caused by surface parking lots and utilitarian services.

(c) Science Museum/Allison Street/VCU&VUU Station Areas Plan of Development Overlay District POD-3. The boundaries of the Science Museum/Allison Street/VCU&VUU Station Areas Plan of Development Overlay District are as shown on the official zoning map. In addition to the criteria by which all plans of development are evaluated, plans of development in the POD-3 Plan of Development Overlay District shall be evaluated to determine if building design is in line with the Six Form Elements of the Pulse Corridor Plan, as incorporated into the Master Plan for the City of Richmond by Ordinance No. 2017-127, adopted July 24, 2017, and as described in subsection (b) of this section. Developments in this area are subject to pre-application meetings with the Director of Planning and Development Review as described in section 30-950.5.

**Sec. 30-950.5. Pre-application meetings.**

Within the boundaries of the Arts District [~~Station/Monroe~~] Station Area/Monroe Ward Plan of Development Overlay District POD-2, applicants must schedule a meeting with the Department of Planning and Development Review before an application is submitted to discuss how a project will align with the goals of the Pulse Corridor Plan and with the six form elements set forth in section 30-950.4(b).



§ 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.2020.051

### O & R Request

DATE: March 16, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  4/8/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer  4/3/2020

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning 

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

RE: Request to amend the Official Zoning Ordinance for the purposes of rezoning the Science Museum, Allison Street and VCU&VUU Pulse BRT Station Areas in order to meet the recommendations of the adopted Pulse Corridor Plan.

ORD. OR RES. No.

**PURPOSE:** To amend the Official Zoning Ordinance for the purposes of implementing the recommendations of the adopted Pulse Corridor Plan. This rezoning is comprised of two ordinances which will rezone the Science Museum, Allison Street and VCU&VUU BRT Pulse Station Areas, in accordance with the recommendations of the adopted Pulse Corridor Plan; this ordinance will amend the zoning text and its companion will amend the official zoning map.

In order to implement the future land use vision of the Pulse Corridor Plan, this ordinance will amend sections of the zoning ordinance to: remove parking areas and parking lots as Permitted Principal uses in UB Urban Business district (§30-433.2) and the B-7 Mixed-Use Business district (§30-446.2); remove required rear and side yard setbacks in the B-4 district when adjacent to property in an RO-3 or R-73 district (§30-440.3); and create a Plan of Development Overlay district for the area based on the Six Form Elements of the Pulse Corridor Plan (§§30-950.2 through 30-950.5).

**REASON:** This item is being requested because these amendments to the official zoning ordinance will ensure

that the third phase of the Pulse Corridor Plan rezonings will effectively achieve the vision for the Science Museum, Allison Street and VCU&VUU Station Areas.

**RECOMMENDATION:** In accordance with requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to the City Council. These items will be scheduled for consideration by the Commission at its May 4, 2020 meeting; to be forwarded to City Council at its May 11, 2020, meeting. A letter outlining the Commission's recommendation will be forwarded to the City Council following that meeting.

**BACKGROUND:** These amendments are formulated based on the recommendations of the adopted Pulse Corridor Plan, analysis of the existing zoning ordinance, knowledge of existing development trends and plans, and an extensive public engagement process, both for the plan and for this area rezoning. As a growing city currently experiencing both a development boom and significant population increase, it is important to identify areas appropriate for new dense development and to proactively rezone to make the desired development pattern possible.

**Master Plan:** The first corridor-wide recommendation of the Pulse Corridor Plan is to create a Plan of Development Overlay based on the Six Form Elements in the plan (p. IX). This Ordinance will create a Plan of Development Overlay district which mirrors the outline of the Future Land Use Map of the Pulse Corridor Plan, covering the entire rezoning area and reaching west to N. Arthur Ashe Boulevard (see accompanying rezoning summary document).

In order to promote a more walkable, dense, urban environment, the Pulse Corridor Plan recommends removing parking lots and parking areas as a Permitted Principal use (p. XV). This Ordinance will remove parking lots as a Permitted Principal use from UB Urban Business the B-7 Mixed-Use Business districts.

**Existing and Proposed Zoning:** Section 30-950 of the zoning ordinance was created in 2004 for the purpose of setting forth the means of establishing POD Overlay Districts, which "are in addition to and shall be applied so as to overlay and be superimposed on such other zoning districts...as show on the official zoning map" (§30-950.2).

Creating a POD Overlay District means that construction of any new building or any addition over 1,000 square feet will be required to undergo a Plan of Development review based on the Six Form Elements of the Pulse Corridor Plan, which are:

1. *Hold the Corner:* Buildings and spaces at intersections have active ground floors that wrap around the corner;
2. *Entrances Face the Street:* Main entrances to businesses and residences front the street, fostering pedestrian activity;
3. *Appropriate setbacks and stepbacks:* Commercial uses are closer to the street while residential uses are set back to foster privacy and create a semi-public space. Stepbacks at upper stories create a means to honor existing form without overwhelming it;
4. *Transparency:* Façade fenestration allows visibility to and from the street. This is especially important on the ground floor, where fenestration should occupy a higher percentage of the building face;
5. *Façade Articulation:* Long, monolithic facades should be broken up and made more human-scale by varying the streetwall plane, height, colors and materials; and

6. *Screened parking/services:* Attractive landscaping pushed to the sidewalk help maintain a streetwall and mitigate the disruption caused by surface parking lots and utilitarian services.

Many developments in Richmond already undergo a Plan of Development review process. This POD Overlay District will not create a significant number of additional POD reviews, it simply means that reviews of development in this area will take the Six Form Elements into account.

The other small changes will alter the zoning districts wherever they are applied throughout the city, with positive effect. In this rezoning area as well as in Monroe Ward, property owners or perspective buyers have found that they were restricted in their ability to expand their building or build on an existing parking lot, even when across an alley from an existing high-rise building. This is because the B-4 zoning district requires a 20' setback when a lot abuts or is across an alley from any R or RO district. This makes sense when abutting or across an alley from a residential district with a two- or three-story height maximum. However, the RO-3 and the R-73 districts are high-rise, mixed-use districts, and do not need the same buffer a single- or two-family district would. Removing this provision will remove an unnecessary and unintended barrier to development.

Removing parking lots and parking areas as a Permitted Principal use in the UB Urban Business and the B-7 Mixed-Use Business zoning districts means that wherever those zoning classification are applied, parking lots are not permitted to be the only use on a parcel of land, promoting a more urban development character and environment.

**Accompanying Summary Document:** In order to convey the ideas and reasoning behind this rezoning process clearly and thoroughly, staff created the attached summary document complete with explanatory text, maps of existing and proposed zoning, exact zoning changes, and explanation of each recommendation.

**Public Engagement:** As the Pulse Corridor Plan was developed between 2015 and 2017, PDR staff held numerous public fora, set up online surveys, presented at civic association meetings, and tracked public feedback. In December 2019, staff hosted two public open house sessions at the Science Museum of Virginia with a presentation and a question/answer session on the rezoning. A letter was sent to each affected property owner notifying them of the intent to rezone, of the public open houses, and where to get more information. A rezoning summary was circulated and posted on the City's website. Staff has had many conversations with property owners in the area, as well as representatives of VCU and Sauer Properties, all of whom have expressed support for the rezoning. Staff has received a letter of comment and "general support" from the Historic Richmond Foundation, noting that there are many historic properties in the rezoning area.

Staff met with representatives of the West Grace Street Association five times in 2019, and presented a draft map of the rezoning area in October for their feedback, though none was received. The Director of Planning attended the West Grace Street Association meeting February 11, 2020 to discuss the rezoning, and the final map is reflective of discussion at that meeting. Upon request, staff created diagrams comparing the B-5 and TOD-1 districts, in order to illustrate the difference between the two districts and why staff believes TOD-1 is the better district for a small area on the south side of Broad Street across from the Science Museum. After five years of discussion for the Pulse Corridor Plan and this rezoning, members of the West Grace Street Association still express discomfort regarding rezoning properties on the south side of Broad Street. As a result, PDR staff has chosen to remove the parcels on the south side of Broad Street from Ryland to N. Arthur Ashe Boulevard from the rezoning area at this time. These parcels total only 6% of the rezoning area.

After the Ordinance is introduced to Council, staff will publish notice in the Richmond Times- Dispatch, post signs in the rezoning area, and send letters to each property owner notifying them of the public hearing dates and providing staff contact information and links to the summary document.

**FISCAL IMPACT/COST:** The Department of Planning and Development Review anticipates that the impact to the City's budget will be positive. Implementation of the Pulse Corridor Plan and programs established to implement the Plan will ultimately achieve the \$1 billion increase in new assessed value over the next twenty years identified in the plan.

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

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** Positive revenue is expected from tax revenue due to increased development.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** April 13, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** May 11, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, May 4, 2020

**AFFECTED AGENCIES:** Office of City Attorney (for review of draft ordinance), Planning and Development Review

**RELATIONSHIP TO EXISTING ORD. OR RES.:** ORD. 2017-127 (Pulse Corridor Plan)

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Rezoning Summary document, City Planning Commission Resolution of Intent

**STAFF:** Anne W. Darby, AICP, Planner III, Zoning Specialist, Department of Planning and Development Review, 646-5648



CITY OF RICHMOND

PLANNING COMMISSION

October 21, 2019

**RESOLUTION CPR.2019.104  
MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION**

**TO DECLARE AN INTENT TO AMEND THE OFFICIAL ZONING MAP FOR THE PURPOSE OF REZONING CERTAIN PROPERTIES IN THE AREAS SURROUNDING THE SCIENCE MUSEUM, ALLISON STREET, AND VCU/VUU BRT PULSE STATIONS, IN ACCORDANCE WITH THE VISION OF THE PULSE CORRIDOR PLAN.**

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 Pulse Corridor Plan, which, among other things, provides detailed descriptions of future land use for the area; and

WHEREAS, certain zoning within these station areas is in conflict with the future land use and character of the neighborhood;

WHEREAS, community support was achieved through an extensive public outreach program and citizen participation process for the plan and the Future Land Use Map; and

WHEREAS, good zoning practice dictates that the comprehensive zoning plan be amended as required to reflect plan goals; 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, for purposes of public necessity, convenience, general welfare and good zoning practices, the City of Richmond Planning Commission hereby adopts a resolution of intent to rezone certain properties the areas surrounding the Science Museum, Allison Street, and VCU/VUU BRT Pulse Stations, in accordance with the vision of the Pulse Corridor Plan.

  
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Rodney Poole  
Chair, City Planning Commission

  
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Matthew Ebinger  
Secretary, City Planning Commission

