

AN ORDINANCE No. 85-205-2/3

ADOPTED SEP 9 1985

To amend and reordain Section 32-710.3 of the Code of the City of Richmond, 1985, by adding therein subsection (f) concerning parking spaces for non-dwelling uses in B-1, B-2, and B-3 business districts existing as of August 12, 1985, and future parking requirements in event of a use change or alteration or addition to a building.

Patron - Mr. Richardson, *MR. Richardson*

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Section 32-710.3 of the Code of the City
3. of Richmond, 1985, be amended and reordained as follows:
4. Sec. 32-710.3. Method of determining number.
5. (a) For the purpose of determining required number
6. of parking spaces, floor area shall include the gross area
7. of the floor space devoted to the particular use, including
8. space devoted to incidental purposes related thereto, and
9. shall be measured along interior faces of enclosing walls or
10. partitions with no deduction for intervening walls or
11. partitions. In the case of restaurant use, floor area shall
12. also include the gross area of space outside of an enclosed
13. building when such space is designed, arranged or intended
14. for the service or accommodation of patrons of the
15. restaurant.

1. (b) For the purpose of determining the required
2. number of parking spaces, the number of employees shall be
3. construed to be the maximum number of persons employed on
4. any working shift.

5. (c) When computation of required parking spaces
6. based on floor area, units, employees or seating capacity
7. results in a fractional number, the number of spaces
8. required shall be the nearest whole number.

9. (d) When any change is made in a building or use
10. thereof so that the number of parking spaces required by
11. section 32-710.1 is increased by fifty (50) percent or more,
12. not less than the total number of spaces necessary to comply
13. with the requirements of that Section shall be provided.

14. When any change is made in a building or use thereof so that
15. the number of parking spaces required by section 32-710.1 is
16. increased by less than fifty (50) percent, not less than the
17. number of spaces required for that increase shall be provid-
18. ed in addition to the spaces provided prior to such change.

19. (e) When a building or premises is devoted to more
20. than one use, the total number of spaces required shall be
21. the sum of the spaces required for each use, provided that
22. in the R-73, RO-2 and RO-3 districts, off-street parking
23. shall not be required for incidental retail, personal
24. service or other uses accessory to permitted principal uses.

1. (f) In B-1, B-2, and B-3 business districts, the
2. minimum number of off-street parking spaces required for a
3. non-dwelling use existing on August 12, 1985, for which use
4. a certificate of occupancy or building permit has been
5. issued by the city and where such use has been continuous
6. since the issuance thereof, shall be as specified by such
7. certificate of occupancy or building permit, unless the
8. zoning administrator determines that a greater number of
9. spaces exist for such use, in which case such greater number
10. of spaces shall be required. In a case where the number of
11. off-street parking spaces is not specified on a certificate
12. of occupancy or building permit, the minimum required number
13. of spaces shall be the number of such spaces that the zoning
14. administrator determines existed on August 12, 1985. Any
15. change in a building or use thereof after August 12, 1985,
16. with regard to off-street parking, shall require conformance
17. with the applicable provisions of this chapter.

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

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24.

City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

September 4, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of September 3, 1985, the City Planning Commission voted (9-0) to recommend APPROVAL of:

Ordinance No. 85-205

To amend and reordain Section 32-710.3 of the Code of the City of Richmond, 1985, by adding therein subsection (f) concerning parking spaces for non-dwelling uses in B-1, B-2, and B-3 business districts existing as of August 12, 1985, and future parking requirements in event of a use change or alteration or addition to a building.

The purpose of this paper is to amend Section 32-710.3 of the City Code (zoning ordinance) so as to add a new subsection dealing with off-street parking requirements for existing business and other non-residential uses located within B-1, B-2 and B-3 Business Districts. The amendment would accept as the current parking requirement, the number of off-street spaces specified on a certificate of occupancy or building permit issued by the City for the current use of a property, even though such number of spaces may not comply with the normal zoning requirement. The amendment also provides that if a number of spaces is not specified on the certificate of occupancy or building permit (which is often the case), the required number shall be as existing on the effective date of the amendment as verified by the Zoning Administrator. It provides further that any expansion or change in use after the effective date will be subject to the normal off-street parking requirements.

In effect, the proposed amendment would accept what exists by virtue of previous permits issued by the City, but would not enable any greater deviation from normal zoning requirements. It would not sanction uses which were established without permits having been issued by the City or uses which are in direct violation of permits issued.

The amendment was prepared by the staff and the Law Department at the request of a Member of City Council. It is intended as a solution to one aspect of the recently identified problem of invalid certificates of occupancy. The Commission was informed in June that the Zoning Administrator had determined that a number of certificates of occupancy issued by the City in past years for a wide variety of uses are not valid due to noncompliance with zoning requirements. At that time, the Commission recommended and Council adopted a special use permit fee waiver as an interim measure to ease the burden on property owners who needed relief in the case of an invalid certificate of occupancy or building permit for an existing use. It was also explained at that time that the staff was conducting an extensive study to better determine the nature and

extent of the problem and to identify potential legislative solutions to minimize hardship on those who had relied on the improperly issued permits. The study is still underway, and will be completed by the end of this month. Although additional legislative measures will ultimately be proposed to address other aspects of the overall problem, the Commission is satisfied that adoption of the subject ordinance is appropriate at this time. It will neither establish a precedent for, nor will it preclude other actions that may be proposed.

In the early phases of the study, it became apparent that significant numbers of certificates of occupancy (and some building permits) issued for business uses in B-1, B-2 and B-3 Districts are invalid because the off-street parking requirements were not properly applied. Typically, permits for new business uses or changes to more intensive uses were issued without requiring the additional off-street parking specified by the code. The problem is most common in older commercial areas such as Carytown, Hull Street and Brookland Park Boulevard.

To rescind the permits and enforce the parking requirements today, given the physical impossibility of providing additional parking in most cases, would result in substantial hardship to a large number of property owners and business operators. In many instances, no reasonable use of the affected business properties would be afforded, and a significant adverse impact on the community as a whole would result. Such action would conflict with Master Plan objectives calling for continued viability of community commercial areas and enhancement of business opportunities within the City.

A number of alternative approaches to the problem have been studied by the staff and discussed with the Commission. One approach considered was to reduce the parking requirements in the affected business areas. However, to validate all of the outstanding permits would necessitate elimination of the parking requirements altogether. Both the immediate and long-term effects of this approach would be unacceptable in terms of reduced parking supply and related adverse impacts on the business areas and their adjacent residential neighborhoods. Another approach was to establish "grandfather" rights or nonconforming provisions to validate the permits. This approach, as well as a number of variations of it, are precluded under current State law.

After considering these and other alternatives, it has been concluded that the proposed solution is the most practical and equitable, given the circumstances that exist. Equally important, this approach will not result in any greater departures from current parking requirements than already exist and should, therefore, avoid any added parking or traffic impacts on the affected areas. In fact, the proposed amendment will enhance future zoning enforcement and monitoring efforts which, in the long term, will tend to improve parking conditions in many areas.

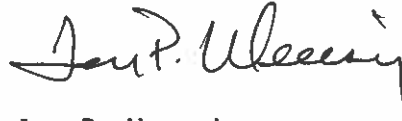
The Honorable Council
Ordinance No. 85-205

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September 4, 1985

Prior to taking action on the subject paper, the Commission asked the Law Department to research the potential legal ramifications of the proposal. The Law Department has informed the Commission that based on its research, it has concluded that there are no provisions of State or Federal law that would preclude the proposed legislation from being adopted by Council. Copies of the Law Department's opinion are being forwarded to Council Members under separate cover.

Very truly yours,



Jon P. Weersing
Secretary

JPW:lk

cc: Roger H. York - Zoning Administrator
Gail Preston - Assistant City Attorney

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No.85-205.....	Subject
Requested by ...Councilman Richardson.....	To Amend City Code.
Received City Manager's Office--.....	
Summarized9/3/85.....	

SUMMARY

This Ordinance would amend Section 32-710.3 of the Code of the City of Richmond, 1985, by adding subsection (f) concerning parking spaces for non-dwelling uses in B-1, B-2, and B-3 business districts existing as of August 12, 1985, and future parking requirements in event of a use change or alteration or addition to a building.

COUNCIL ACTION

On Docket9/9/85.....
Amended
Adopted
Rejected