INTRODUCED: December 11, 2023

AN ORDINANCE No. 2023-369

To amend and reordain City Code §§ 30-457.2, concerning permitted principal and accessory uses, 30-457.5, concerning yards, 30-457.6, concerning usable open space, 30-457.8, concerning requirements for areas devoted to parking or circulation of vehicles, 30-457.9, concerning height, 30-457.10, concerning building façade fenestration, 30-503, concerning prohibited signs, and 30-518.4, concerning TOD-1 district sign regulations; and to amend ch. 30, art. IV, div. 31 of the City Code by adding therein a new § 30-457.11, concerning orientation to street, exterior entrances, and façades.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 8 2024 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-457.2, 30-457.5, 30-457.6, 30-457.8, 30-457.9, 30-457.10, 30-503, and 30-518.4 of the Code of the City of Richmond (2020) be and are hereby **amended** and reordained as follows:

Sec. 30-457.2. Permitted principal and accessory uses.

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	JAN 8 2024	REJECTED:		STRICKEN:	

The following uses of buildings and premises shall be permitted in the TOD-1 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 30,000 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~~] except 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 licensed by and subject to the requirements of the State Department of Social Services.

(2) Art galleries.

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

(4) Breweries producing not more than 10,000 barrels of beer per year and distilleries producing not more than 25,000 cases of liquor per year, subject to the provisions of Section 30-446.3(6).

(5) Catering businesses.

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

(7) Dwelling units, [~~provided that~~] subject to the following:

[~~when~~] a. When such units are located within buildings fronting on streets designated as street-oriented commercial frontage, [~~a minimum of one-third or 1,000 square feet, whichever is~~

~~greater, of the floor area~~] the portion of the ground floor of the building along the street oriented commercial frontage, except for ingress and egress, to a depth of at least 20 feet, shall be devoted to other principal uses permitted in this district[~~, and such~~] or to uses [~~shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress.~~] accessory to dwelling units, except for the following:

1) Areas for housing major mechanical equipment which serves the building as a whole or a major portion thereof.

2) Refuse areas.

3) Storage rooms, including areas for bicycles.

4) Corridors.

b. Each dwelling unit shall have a minimum of two exterior windows or exterior doors, or a combination thereof, that can open to the outside.

c. 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.

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

(9) 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.

(10) 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 or priority street frontages shall be devoted to those uses specified in subsections (2), (3), (4), (8), (11), (12), (15), (16), (18), (20), (21), (23), (24), (25), (26), and (28) 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~~] a plan of development shall be required as set forth in Article X of this chapter.

(11) Laundromats and laundry and dry cleaning pick-up stations.

(12) Libraries, museums, and 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~~].

(13) 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).

(14) Manufacturing, warehouse, and distribution uses of food and beverages as listed in Section 30-452.1(2)(a) of under 8,000 square feet of area, but not allowing paragraph (13), and requiring consumption on premises with a minimum of 1,000 square feet of another principal use. A plan of development shall be required as set forth in Article X of this chapter.

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

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

(17) 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.

(18) Parking decks and parking garages, provided that:

a. No portion of the ground floor of such structure located along a principal street frontage or a 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 any principal street frontage or priority street frontage shall be permitted only when no alley or other street frontage is available for adequate access. In the case of a portion of a story located along a 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 subdivision a of this subsection, 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.

(18.1) Parks.

(19) 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.

(20) 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.

(21) Postal and package mailing services, but not including package distribution centers.

(22) Printing, publishing and engraving establishments employing not more than 20 persons on the premises.

(23) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith.

(24) Recreation and entertainment uses, including theaters [~~and museums~~], except that if such use is situated within 100 feet of any property in any R district, [~~when~~] such [~~uses are~~] use shall be located within a completely enclosed [~~buildings, and provided that no such use shall be located on a transitional site~~] building.

(25) 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.~~]

(26) 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~~].

(27) Retail stores and shops.

(28) 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 depots, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses.

(29) 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.

(29.1) Stadiums and arenas, provided that no such use shall be situated within 500 feet of any property in any R district, and a plan of development shall be required as set forth in Article X of this chapter.

(30) Uses owned or operated by a governmental agency, and uses required for the performance of a governmental function, 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.

(31) 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.

(31.1) Short-term rental, subject to the requirements of Article VI, Division 14 of this chapter.

(32) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including but not limited to the following:

[~~automated~~] a. Automated teller machines, but only when accessible [~~only~~] from the interior of buildings or located on an exterior façade of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

b. Flea markets accessory to principal uses specified in section 30-457.2(18.1), (29.1), or (30).

Sec. 30-457.5. Yards.

Yard regulations in the TOD-1 district shall be as follows (see Article VI, Division 4 of this chapter):

(1) *Front yard.*

a. [~~For dwelling units located on the ground floor:~~

~~1. A front yard of at least ten feet shall be required. In no case shall a front yard with a depth greater than 15 feet be permitted, except as may be authorized pursuant to paragraphs (2) or (3) of this subdivision.~~

~~2. A front yard with a depth greater than 15 feet may be provided when such front yard is improved for purposes of a pedestrian plaza as permitted by Section 30-440.1 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 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.~~

~~3. 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 the provisions of this subsection.~~] No front yard shall be required. In no case shall a front yard with a depth greater than 20 feet be permitted, except for

a lot with principal uses specified in section 30-457.2(10), (18.1), (24), (29.1) or (30).

b. [~~For all other uses:~~

~~1. 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 paragraphs (2) or (3) of this subdivision.~~

~~2. A front yard with a depth greater than ten feet may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by Section 30-440.1 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 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.~~

~~3. 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 the provisions of this subsection~~] Where dwelling units are located on the ground floor along any street frontage with a front yard depth of zero to five feet, the finished elevation of the ground floor of the building shall be at least two feet above the mean grade level of the building façade.

c. Where dwelling units are located on the ground floor along any street frontage with a front yard greater than five feet, the front yard shall include one or more of

the following improvements: fenced yard, stoop, porch, elevated terrace or sunken lightwell.

d. Where dwelling units are not located on the ground floor along any street frontage, a front yard with a depth of greater than zero feet may be provided when such front yard is improved (i) for purposes of a forecourt, entry plaza, arcade, open walkway, recreational or play area, pedestrian plaza, or outdoor dining area, or (ii) for principal uses specified in section 30-457.2(18.1), (24), (29.1), or (30).

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R district there shall be a side yard of not less than 20 feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R district there shall be a rear yard of not less than 20 feet in depth.

Sec. 30-457.6. Usable open space.

In the TOD-1 Transit-Oriented Nodal District, a usable open space ratio of not less than 0.10 shall be provided for the portions of newly constructed buildings [~~or portions thereof~~] devoted to dwelling uses.

Sec. 30-457.8. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. The rules in the preceding sentence regarding circulation of vehicles shall not apply to a lot with a principal use specified in sections 30-457.2(9), (10), or (29.1). On a lot having more than one street frontage,

this subsection shall apply along the principal street frontage of the lot as defined in Section 30-1220 as well as any designated priority street frontage.

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

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

Sec. 30-457.9. Height.

For purposes of this Section 30-457.9, story height as defined in Section 30-1220 shall be not less than ten feet and not greater than 15 feet, except that the ground floor of a building may be of greater height. Height regulations in the TOD-1 district shall be as follows:

(1) *Maximum height.*

a. No building shall exceed 12 stories in height.

b. When a rear lot line abuts or is situated across an alley from property in an R district, no portion of a building should penetrate an inclined plane originating from [~~the third story of the property at the rear building wall~~] a horizontal line 20 feet above and parallel to the rear lot line, and extending perpendicularly over the lot to the front lot line at an inclination of one foot horizontal for each one foot vertical.

c. When a side lot line abuts or is situated across an alley from property in an R district, no portion of a building should penetrate an inclined plane originating from [~~the~~

~~third story of the property at the side building wall~~] a horizontal line 20 feet above and parallel to the side lot line, and extending perpendicularly over the lot to the opposite lot line at an inclination of one foot horizontal for each one foot vertical.

(2) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that [~~porches, porticos and similar structures attached to a~~] the main building on a lot with, or abutting a lot with, a principal use specified in section 30-457.2(18.1), (24), (29.1), or (30) may be of lesser height.

(3) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of the term "story" set forth in Article XII of this chapter and shall be measured at the building façade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building façade along the principal street frontage of the lot.

Sec. 30-457.10. Building façade fenestration.

Fenestration requirements applicable to building façades along street frontages in the TOD-1 Transit-Oriented Nodal District shall be as set forth in this section.

(1) Street level story.

a. *Nondwelling uses.* For nondwelling uses, other than those listed in Section 30-457.2(18), (18.1), (24), (28), (29.1), (30), [~~and~~] or (31), a minimum of 60 percent of the building façade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. The horizontal linear dimension of contiguous building wall that does not contain fenestration or doors shall not exceed 20 feet. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street-level story

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

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height along the street frontage. The horizontal linear dimension of contiguous building wall that does not contain fenestration or doors shall not exceed 20 feet. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building façade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subdivision b shall not apply. [~~In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.~~]

(2) *Upper stories.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in Section 30-457.2(18), (18.1), (24), (28), (29.1), (30), [~~and~~] or (31), windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent

of the building façade between two and eight feet in height above the floor level of each story above the street level story.

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

Sec. 30-503. Prohibited signs.

The following shall be prohibited in all districts, unless specifically permitted by this article:

(1) Animated signs.

(2) Portable signs.

(3) Commercial flag signs, pennant signs, and any other attention-getting signs or devices such as streamers, balloons, or inflatable devices of any configuration acting to attract attention to any use other than noncommercial activity at a residential use.

(4) Vehicle or trailer signs.

(5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

(6) Signs that emit sound.

(7) Off-premises signs[~~, unless specifically permitted by this chapter~~].

(8) Window signs whose aggregate area on a window or door exceed 25 percent of the total area of the window or door.

(9) Any sign displayed without complying with all applicable regulations of this chapter.

Sec. 30-518.4. TOD-1 district.

In addition to the regulations set forth in this article applicable to signs in all districts, the following signs shall be permitted and the following sign regulations shall apply in the TOD-1 transit-oriented nodal district:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section.

(2) *Permitted sign area.* Permitted sign area shall be as follows:

a. The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 200 square feet for each street frontage. Where more than one main building is located on a lot, the above formula for determining permitted sign area shall apply to individual buildings and building frontages along a street, rather than to lots and lot frontages.

b. In addition to the permitted sign area set forth in subsection (2)(a) of this section, one wall sign not exceeding 300 square feet may be located on each face of a building above a height of 100 feet when no other signs are located on such face above a height of 35 feet, provided that the permitted sign area for any building face may be increased by up to 25 percent by transferring permitted sign area from another face of the same building.

(3) *Projecting signs.* Projecting signs shall be permitted subject to the following:

a. No projecting sign shall be located within 15 feet of another projecting sign on the same building wall.

b. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

c. The aggregate area of all projecting signs shall not exceed 100 square feet.

(4) *Freestanding signs.* One freestanding sign not exceeding 20 square feet in area or five feet in height shall be permitted.

(5) *Roof signs.* Roof signs located on buildings utilized for uses permitted by Section 30-457.2, when such signs are lawfully existing on the effective date of the ordinance from which this section is derived, provided that such signs shall not be included in calculation of permitted sign area set forth in subsection (2) of this section.

(6) *Exempt signs.* Notwithstanding subsections (1) through (5) of this section, signs on a lot containing a stadium structure with at least three thousand seats shall be exempt from all sign regulations in this article.

§ 2. That Chapter 30, Article IV, Division 31 of the Code of the City of Richmond (2020) be and is hereby amended and reordained by **adding therein a new section** numbered 30-457.11 as follows:

Sec. 30-457.11. Orientation to street, exterior entrances, and façades.

For newly constructed buildings, the following shall apply:

(a) *Orientation to the street*. The architectural front of a building shall be oriented to the street, except for a principal use specified in section 30-457.2(29.1). In the case of a corner or through lot, such orientation shall be to the principal street frontage.

(b) *Exterior entrances*. In the case of a multifamily building with dwelling units on the ground floor along any street frontage, there shall be an exterior entrance to each dwelling unit accessible from the street frontage.

(c) *Building width*. Building façades along street oriented commercial or principal frontages, other than buildings that exclusively contain one or more uses listed in section 30-457.2(18.1), (24), (28), (29.1), (30) or (31), shall have the front façade of the building extend across at least 80 percent of the lot frontage.

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

A TRUE COPY:
TESTE:

City Clerk

RECEIVED
By City Attorney's Office at 1:13 pm, Dec 07, 2023

City of Richmond

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

Master

File Number: Admin-2023-1637

File ID:	Admin-2023-1637	**Type:**	Request for Ordinance or Resolution	**Status:**	Regular Agenda
Version:	1	**Reference:**		**In Control:**	City Clerk Waiting Room
Department:		**Cost:**		**File Created:**	09/15/2023
Subject:				**Final Action:**	
Title:					
Internal Notes:					
Code Sections:				**Agenda Date:**	11/13/2023
Indexes:				**Agenda Number:**	
Patron(s):				**Enactment Date:**	
Attachments:	Admin-2023-1637 - Resolution of Intent - CPCR.2023.006, Admin-2023-1637 - TOD-1 Amendments - Draft Ordinance 231019			**Enactment Number:**	
Contact:				**Introduction Date:**	
Drafter:	Brian.Mercer@rva.gov			**Effective Date:**	
Related Files:					

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	9/15/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	2	9/21/2023	Kevin Vonck	Approve	9/20/2023
1	3	9/21/2023	Alecia Blackwell - FYI	Notified - FYI	
1	4	9/22/2023	Sharon Ebert	Approve	9/28/2023
1	5	9/22/2023	Caitlin Sedano - FYI	Notified - FYI	
1	6	9/22/2023	Jeff Gray - FYI	Notified - FYI	
1	7	9/22/2023	Lincoln Saunders	Delegated	
Notes:	Delegated: Out Of Office				
1	8	9/22/2023	Sabrina Joy-Hogg	Approve	9/26/2023
1	9	11/9/2023	Mayor Stoney	Approve	10/10/2023

History of Legislative File

Text of Legislative File Admin-2023-1637

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

O & R Request
DATE: September 15, 2023 EDITION: 1
TO: The Honorable Members of City Council
THROUGH: The Honorable Levar M. Stoney, Mayor
THROUGH: J. E. Lincoln Saunders, Chief Administrative Officer
THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning
FROM: Kevin J. Vonck, Director, Department of Planning and Development Review
RE: Request to amend the official zoning ordinance for the purpose of amending the TOD-1 district in accordance with the Richmond 300 Master Plan.
ORD. OR RES. No.
PURPOSE: To amend the official zoning ordinance for the purpose of amending the TOD-1 district in accordance with the Richmond 300 Master Plan.
REASON: These Zoning Ordinance amendments will help implement the vision outlined in the Richmond 300 Master Plan, which was adopted on December 14th, 2020.
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 November 6, 2023 meeting.
BACKGROUND: The Transit-Oriented Nodal (TOD-1) zoning district was created in September 2017 to better fulfill the land use vision established in the Pulse Corridor Plan, adopted by the City Council on July 24, 2017. The intent of this new zoning district was to encourage dense, walkable transit-oriented development consistent with the objectives of the master plan and to promote enhancement of the character of this development along principal corridors, at key gateways, and at nodes of high activity located near transit service, bicycle infrastructure, and pedestrian-friendly streetscapes.
The TOD-1 zoning district was originally located along West Broad Street and North Arthur Ashe Boulevard in the Scott's Addition area. The success of the TOD-1 zoning district has encouraged other areas of the City to be rezoned to this district through City-initiated and property owner rezonings. The TOD-1 zoning district has expanded to parts of Monroe Ward, Manchester, Shockoe Bottom, Greater Scott's Addition (including the Diamond District), and the West Broad Street corridor between Scott's Addition and Willow Lawn. The expansion of the TOD-1 zoning district and the proposed development of the Diamond District have generated the need for amendments to the TOD-1 regulations. Amendments to the existing sections of the TOD-1 zoning district include:
· Permitted principal and accessory uses
o Add stadiums and arenas (not within 500 feet of any property in any R district) as permitted principal uses
o Permit parks that are not owned or operated by a governmental agency or nonprofit organization
o Permit recreation and entertainment uses outside completely enclosed buildings (unless within 100 feet of an property in any R district)
o Permit certain accessory uses to multifamily dwellings along ground floor of buildings along street oriented commercial frontages
o Permit automated teller machines (ATMs) on exterior facades of buildings devoted to permitted principal uses (other than individual dwelling units or lodging units)
o Permit flea markets as accessory uses to parks, stadiums and arenas, and uses owned or operated by a governmental agency
o Require all dwelling units have a minimum of two exterior windows or exterior doors, or a combination

thereof
o Permit parking or circulation of vehicles on upper stories of parking deck or garage located along a principal or priority street frontage
o Remove noise requirements for restaurants and similar food and beverage uses (police to enforce through new noise ordinance)
· Yards
o Remove front yard requirement of ten feet for dwelling units located on the ground floor
o Require all uses to have a front yard between zero and twenty feet (except for hotels, parks, recreation and entertainment uses, stadiums and arenas, and uses owned or operated by a governmental agency)
o Feature requirements for dwelling units located along the ground floor with front yards greater than zero feet
· Usable open space
o Apply usable open space ratio only to portions of newly constructed buildings devoted to dwelling uses
· Parking and circulation of vehicles
o Permit circulation of vehicles between the main building on a lot and the street line for hotels, hospitals, and stadiums and arenas
· Height
o Permit height under stories for buildings on parks, recreation and entertainment uses, stadiums and arenas, and uses owned or operated by a governmental agency
o Change inclined plane requirement originating point from building wall to a fixed point along the lot line
· Fenestration
o Add additional uses (parks, recreation and entertainment uses, stadiums and arenas, and uses owned or operated by a governmental agency) that are exempt from fenestration requirements
o Add “blank wall” requirement (horizontal linear dimension of contiguous building wall that does not contain fenestration or doors shall not exceed twenty feet) along street level story
o Remove types of windows required in all cases for dwelling uses
· Sign regulations
o Change calculation of permitted sign area from lot frontage to building frontage when more than one main building is located on a lot
o Permit additional signage on each face of a building above a height of 100 feet when no other signs are located above 35 feet on the building face
o Exempt stadium structures containing at least three thousand seats from all sign regulations
A new section is proposed to the TOD-1 zoning district that only applies to newly constructed buildings. This section requires buildings to be oriented towards the street and have a width of at least eighty percent of the lot frontage. In addition, any dwelling unit located along the ground floor in a multifamily building shall have an exterior entrance accessible from the street frontage. These requirements will help create strong building form and promote active streetscapes in the TOD-1 zoning districts.
Master Plan

The proposed TOD-1 amendments better align the zoning district with the goals and objectives listed in the Master Plan. Goal 4 of the Master Plan focuses on urban design and how the built environment looks and feels, how buildings relate to one another, and how the “public realm” (streets, sidewalks, parks, etc.) enables such uses to function. The change in yard requirements and the proposed building form requirements for newly constructed buildings will improve the built environment and streetscapes throughout the TOD-1 zoning districts.
Objective 4.1 of the Master Plan describes the need to create and preserve high-quality, distinctive, and well-designed neighborhoods and Nodes throughout the city. The proposed TOD-1 amendments will support the development of the Diamond District as a new and well-designed neighborhood that is distinctive from any other area in the city.
Public Engagement
PDR staff hosted a community meeting via MS Teams on March 14, 2023. Staff provided a presentation with an opportunity for questions and comments. The feedback from this meeting was used to draft the amendments. PDR staff shared a presentation outlining the draft amendments to the Zoning Ordinance with the City Planning Commission on March 20, 2023.
FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None.
BUDGET AMENDMENT NECESSARY: No
REVENUE TO CITY: None
DESIRED EFFECTIVE DATE: Upon adoption.
REQUESTED INTRODUCTION DATE: November 13, 2023
CITY COUNCIL PUBLIC HEARING DATE: December 11, 2023
REQUESTED AGENDA: Consent
RECOMMENDED COUNCIL COMMITTEE: None
CONSIDERATION BY OTHER GOVERNMENT ENTITIES: City Planning Commission, on December 4, 2023
AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft ordinance)
RELATIONSHIP TO EXISTING ORD. OR RES.: ORD. 2020-236 (adoption of Richmond 300), CPCR.2023.006 (intent to amend the official zoning ordinance for the purpose of amending the TOD-1 district)
REQUIRED CHANGES TO WORK PROGRAM(S): None
ATTACHMENTS:

- Draft Ordinance
- City Planning Commission Resolution of Intent (CPCR.2023.006)

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DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW

CITY PLANNING COMMISSION

March 6, 2023

RESOLUTION 2023-006
MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION

MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION TO INITIATE AN AMENDMENT TO THE OFFICIAL ZONING ORDINANCE TO AMEND THE REGULATIONS APPLICABLE TO THE TOD-1 DISTRICT

WHEREAS, in accordance with section 17.06 of the Charter of the City of Richmond, the City Planning Commission has adopted and the 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 section 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 master plan; and

WHEREAS, amendments to the regulations applicable to the TOD-1 District that (i) permit additional principal and accessory uses, (ii) modify requirements for yards, usable open space, and areas devoted to parking or circulation of vehicles, (iii) modify requirements for façade fenestration, and (iv) reduce requirements for minimum building height will fulfill the vision of the Richmond 300 master plan; and

WHEREAS, in accordance with section 15.2-2286 of the Code of Virginia (1950), an amendment to the regulations or district maps set forth in the City's zoning ordinance may be initiated by motion of the City Planning Commission, provided that such motion of the City Planning Commission proposing such amendment to the regulations, district boundaries, or classifications of property set forth in the City's zoning ordinance shall state the public purposes therefore;

NOW, THEREFORE BE IT RESOLVED, that, 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, the City Planning Commission hereby initiates an amendment to the City's official zoning ordinance for the purpose of amending the regulations applicable to TOD-1 District to (i) permit additional principal and accessory uses, (ii) modify requirements for yards, usable open space, and areas devoted to parking or circulation of vehicles, (iii) modify requirements for façade fenestration, and (iv) reduce requirements for minimum building height requirements , all in accordance with the adopted Richmond 300 Master Plan.

Rodney M. Poole
Rodney Poole
Chair, City Planning Commission

Alyson Oliver
Alyson Oliver
Secretary, City Planning Commission