



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2019-352: To amend section 30-800.3 of the City Code, concerning changes in non-conforming uses, for the purpose of requiring a minimum lot area of 750 square feet per dwelling unit when a non-conforming use is changed to a multi-family dwelling within certain residential zoning districts.

To: City Planning Commission
From: Department of Planning and Development Review
Date: January 6, 2020

PETITIONER

City of Richmond
900 East Broad Street
Richmond, VA 23219

LOCATION

Citywide

PURPOSE

To limit the number of dwelling units allowed when any non-conforming use is converted to a multi-family use by amending the provision in the zoning ordinance which allows the conversion by-right. This would apply to all non-conforming properties zoned R-1 through R-8 across the city.

SUMMARY & RECOMMENDATION

There are an estimated 104 non-conforming properties in single-family residential districts that could have potential to be converted to dwelling units, which is 0.18% of all properties zoned single-family residential, and 0.14% of all parcels in the city.

The zoning ordinance currently contains a provision (Section 30-800.3) that states that a non-conforming use may be changed to another use, provided the Zoning Administrator determines that certain conditions are met. This Ordinance will add another condition, specifying that there must be 750 square feet of parcel area for each unit when a non-conforming use is converted to multi-family residential.

Staff recommends approval of the Ordinance.

FINDINGS OF FACT

Background

This Ordinance, patroned by Councilperson Kimberly Gray, was conceived in response to a project in the Fan District, where a non-conforming use's conversion to multi-family residential was determined as "by-right" by the Zoning Administrator, yet met significant opposition from the neighborhood due to the number and size of dwelling units. Neighbors appealed the decision to the Board of Zoning Appeals on two different occasions and then appealed to Richmond City Circuit Court.

PDR staff conducted GIS analysis and has determined that this proposed alteration to Section 30-800.3 of the Zoning Ordinance will constrain the number of units in potential conversions of non-conforming uses in more dense areas of the city to some extent, while not constraining any applicable properties in less dense areas of the city. Please refer to chart below. In all cases, the non-conforming properties are less than one percent of total properties.

Council District	Number of non-conforming properties with potential for multi-family conversion:	What percent of these properties would be constrained by the proposed Ordinance?
1	13	21%
2	28	82%
3	6	33%
4	8	0%
5	17	29%
6	12	17%
7	11	27%
8	6	0%
9	3	0%
Citywide	104	35%

Master Plan

In light of Richmond's rapid rise in population and lack of affordable housing options, a significant component of the Richmond 300 Master Plan process has been to determine the appropriate methods for adding needed residential density while preserving the character of existing neighborhoods. Allowing multi-family infill projects while limiting the number of units satisfies this objective.

Existing and Proposed Zoning

This Ordinance will amend only Section 30-800.3 of the Zoning Ordinance regarding the conversion of non-conforming uses.

The zoning ordinance currently contains a provision (Section 30-800.3) that states that a non-conforming use may be changed to another use, provided the Zoning Administrator determines that:

- 1) The use is first permitted in the same district or a more restricted district than the district in which the non-conforming use is first permitted, and such use is not a use permitted by conditional use permit in that district;
- 2) The use does not require more off-street parking than the non-conforming use;
- 3) The use does not characteristically have a greater number of employees or a greater amount of traffic, noise, smoke or odor than the non-conforming use;
- 4) The use does not otherwise constitute a greater deviation from the regulations pertaining to permitted principal or accessory uses applicable in the district in which it is located;
- 5) A non-conforming use which is permitted by conditional use permit in any district established by this chapter may be changed only to a use conforming to the use regulations applicable in the district in which it is located or to a dwelling use;
- 6) A non-conforming use which is listed as a permitted use only in the Institutional district and for which an institutional master plan is required may be changed only to a use conforming to the use regulations applicable in the district in which it is located or to a dwelling use.

This Ordinance will add another item to the list:

- 7) "Subject to the applicable criteria set forth in this section, a change to a multi-family dwelling shall be permitted in a R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8 district, provided that there shall be a lot area of not less than 750 square feet for each dwelling unit."

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