



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2020-261:** To amend and reordain City Code §§ 30-420.1, 30-420.1:1, and 30-420.2, concerning permitted uses in the R-73 Multifamily Residential District; 30-426.1, 30-426.1:1, and 30-426.2, concerning permitted uses in the RO-2 Residential-Office District; 30-432.1, concerning permitted uses in the I Institutional District; 30-434.1 concerning permitted uses in the B-1 Neighborhood Business District; 30-436.1, concerning permitted uses in the B-2 Community Business District; 30-438.1 and 30-438.2, concerning permitted uses in the B-3 General Business District; 30-440.1 and 30-440.2, concerning permitted uses in the B-4 Central Business District; 30-450.1, concerning permitted uses in the OS Office-Service District; 30-452.1, concerning permitted principal and accessory uses in the M-1 Light Industrial District; 30-1045.6, concerning specific conditions applicable to particular uses, and 30-1220, concerning certain definitions; to amend ch. 30. art. VI of the City Code by adding therein a new div. 15 (§§ 30-698-30.698.3), concerning specific conditions applicable to particular uses; and to amend ch. 30, art. XII of the City Code by adding therein new sections 30-1220.32:1, 30-1220.84:1, 30-1220.84:2, 30-1220.95:1, 30-1220.95:2, 30-1220.120:1, and 30-1220.122:1.

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**To:** City Planning Commission  
**From:** Department of Planning and Development Review  
**Date:** February 1, 2021

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#### **PETITIONER**

City of Richmond  
900 East Broad Street  
Richmond, VA 23219

#### **LOCATION**

These amendments will apply to various zoning districts throughout Richmond City.

#### **PURPOSE**

To amend the Zoning Ordinance in order to provide more clear and consistent pathways to establish emergency, transitional, and permanent supportive housing uses within the City.

#### **SUMMARY & RECOMMENDATION**

The current Zoning Ordinance inhibits the establishment of emergency, transitional, and permanent supportive housing uses in many parts of the City; uses that are needed to reduce the number of individuals and families who lack a fixed, regular, and adequate nighttime residence a place of shelter. The proposed text amendments update definitions that do not align with social service terminology and current housing practices; they also shift a number of emergency,

transitional, and permanent supportive housing uses from conditional uses that must obtain legislative approvals to permitted uses that can be approved administratively, subject to regulations on housing types, locations, and capacity.

This amendment was initiated by Planning Commission Resolution CPR.2020.063, which declared an intent to amend the Zoning Ordinance to reduce barriers to the creation of new emergency housing for homeless individuals.

**Staff recommends approval of this ordinance.**

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## **FINDINGS OF FACT**

### **Background**

Individuals experience homelessness for a variety of reasons, including mental illness, substance abuse, domestic violence, unemployment or underemployment, lack of a living wage, a limited supply of affordable housing, and eviction. Some of these factors can make it difficult for individuals to secure and maintain a fixed, regular, and adequate nighttime residence.

Within the City of Richmond, the 2020 Point in Time (PIT) count taken in January 2020 documented 549 individuals experiencing homelessness (living in shelters or unsheltered), which is an increase from 497 persons counted in January 2019. The actual number, however, may be much greater, as the PIT count does not include those temporarily living with family and friends or in hotels.

The COVID-19 pandemic has likely increased the number of individuals experiencing homelessness, given the rise in layoffs business closures over the last few months. It has also changed the manner in which housing solutions must be supplied and built in order to contain the spread of the virus.

In May 2020, Council adopted the City of Richmond Strategic Plan to End Homelessness 2020-2030, which recommended number of actions to better provide emergency, transitional, and permanent supportive housing in the City, including changes to the Zoning Ordinance, which are proposed herein.

## Master Plan

The *Richmond 300* (Draft) Master Plan's Objective #14.0 reads "Ensure that homelessness is rare, brief and one-time." A specific strategy under that objective reads: "amend the zoning ordinance to allow by-right emergency shelter units and permanent supportive housing units in zoning districts where currently permitted by conditional use permits only." This Zoning Ordinance amendment implements that strategy.

## Existing and Proposed Zoning

This Zoning Ordinance Amendment would make the following changes:

- Update definitions to align with social service terminology and current housing practices:
  - Replace the term "shelter" with "emergency housing," which means a property, or portion thereof, that provides, without any use and occupancy agreement or lease, but generally for a period of less than ninety (90) days, individuals or families who lack a fixed, regular, and adequate nighttime residence a place of shelter for sleeping; individual or shared facilities for sanitary health, hygiene, and waste disposal; continuous on-site supervision; and services intended to improve health and welfare.
  - Differentiate "lodginghouse" from "transitional housing," which means a property, or portion thereof, that provides, with a use and occupancy agreement or lease, generally for a period of less than twenty-four (24) months, individuals or families who have difficulty obtaining a fixed, regular, and adequate nighttime residence a place of shelter for sleeping and individual or shared facilities for sanitary health, hygiene, and waste disposal, and services intended to improve health and welfare.
  - Replace the term "group home" with "permanent supportive housing," which means a property, or portion thereof, that provides, with a use and occupancy agreement or lease, but generally without any limits on length of stay, individuals or families who lack a fixed, regular, and adequate nighttime residence a place of shelter for sleeping; individual or shared facilities for sanitary health, hygiene, and waste disposal; continuous on-site supervision; and services intended to improve health and welfare.
  - "Adult care residence," "nursing home," or any other residential facility licensed by the Commonwealth of Virginia shall remain separately defined.
- Permit emergency housing as a principal use in the M-1 Light Industrial District.
- Permit emergency housing as an accessory use in the
  - R-73 Multi-family Residential District; and
  - RO-2 Residential-Office District.

- Permit emergency housing as an accessory use for churches and places of worship in the I Institutional District.
- Remove time and capacity restrictions on accessory emergency housing uses at churches and places of worship in the
  - B-1 Neighborhood Business District;
  - B-2 Community Business District;
  - B-3 General Business District;
  - B-4 Central Business District; and
  - OS Office-Service District.
- Change transitional housing, permanent supportive housing, and adult care residences from conditional uses to permitted principal uses in the
  - R-73 Multi-family Residential District;
  - RO-2 Residential-Office District;
  - B-3 General Business District; and
  - B-4 Central Business District.
- Change social service delivery uses from conditional uses to permitted principal uses in the B-3 General Business District.
- Create Division 15 in Article VI to regulate emergency, transitional, and permanent supportive housing uses, including housing types, locations, capacity, and the process for administrative approvals, which includes submission of a management or operational plan.

**Public Engagement**

Planning and Development Review partnered with the Department of Housing and Community Development to host four virtual community engagement sessions during the month of January. The amendments were posted according to general law in both the Richmond Times Dispatch and the Richmond Free Press. Comments or questions may be sent to staff using the contact information below. There will be public hearings prior to both City Planning Commission and City Council votes.

**Staff Contact:**

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