



Legislation Details (With Text)

File #: ORD. 2020-105 **Version:** 1 **Name:**
Type: Ordinance **Status:** Withdrawn
File created: 4/28/2020 **In control:** City Council
On agenda: 12/14/2020 **Final action:** 12/7/2020

Title: 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. (As Amended)

Sponsors: Mayor Stoney

Indexes:

Code sections:

Attachments: 1. Ord. No. 2020-105 - Withdrawn 20201207, 2. PulseRezoning3_200902.FINAL, 3. CPC Staff Report - ORD. 2020-105, 4. Rezoning Summary, 5. Sauer Properties Letter of Support, 6. Historic Richmond Letter, 7. Historic Richmond Email, 8. Fan District Association Email, 9. Letter of Support_Nicholas Smith, 10. Mike Casey Letter of Support, 11. Preservation Virginia Letter, 12. West Grace Street Association Letter, 13. Carver Area Civic Improvement League Email, 14. Historic Jackson Ward Association Email, 15. Letter of Support_Urban Core Construction, 16. Trip Pollard Preservation VA email, 17. Additional Letters of Support, 18. Additional Letters of Opposition, 19. Gayle W. Fix 9-8-20, 20. Cindy Wofford 9-7-20 #2, 21. Cindy Wofford 9-8-20, 22. Fan District Association 9-7-20, 23. Gayle W. Fix 9-8-20, 24. 7 Civic Associations 9-8-20, 25. 20200914 Amendment of Ord. No. 2020-105, 26. Pulse Rezoning Phase III CPC Presentation 9-8-20 (reduced), 27. Pulse Corridor - Julia Seward, 28. Broad Street Rezoning Issues - Chris Grandpre, 29. Fan homeowner supports Broad Street rezoning, 30. Pulse Corridor Rezoning - Robert Sullivan, 31. Pulse Corridor Plan - Jared Miller, 32. Broad street corridor rezoning - Coleen Rodriquez, 33. Pulse Corridor - Cindy Wofford

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------|--|--------|
| 11/9/2020 | 1 | City Council | continued | |
| 9/28/2020 | 1 | City Council | continued | |
| 9/14/2020 | 1 | City Council | amended and continued | |
| 9/8/2020 | 1 | Planning Commission | recommended for approval with amendments | Pass |
| 7/27/2020 | 1 | City Council | continued and referred back | |
| 7/20/2020 | 1 | Planning Commission | recommended for continuance | Pass |
| 6/22/2020 | 1 | City Council | continued and referred back | |
| 6/15/2020 | 1 | Planning Commission | recommended for continuance | Pass |
| 5/26/2020 | 1 | City Council | continued and referred back | |
| 5/18/2020 | 1 | Planning Commission | recommended for continuance | |
| 4/27/2020 | 1 | City Council | introduced and referred | |

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. (As Amended)

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 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.~~

e. 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.