



## Legislation Text

**File #:** ORD. 2019-169, **Version:** 1

To amend City Code §§ 30-428.1, 30-428.3, and 30-428.6, concerning permitted principal uses, accessory uses, and yards, respectively, and to amend ch. 30, art. IV, div. 15 by adding therein new §§ 30-428, concerning the intent of the district, 30-428.10, concerning requirements for areas devoted to parking or circulation of vehicles, and 30-428.11, concerning building façade fenestration, for the purpose of modifying elements of the RO-3 Residential-Office District to promote walkable neighborhoods.

### THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-428.1, 30-428.3, and 30-428.6 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

#### **Sec. 30-428.1. Permitted principal uses.**

The following uses of buildings and premises shall be permitted in the RO-3 district:

- (1) Any principal use permitted in the R-1 district as set forth in Section 30-402.1;
- (2) ~~[Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:~~
  - a. ~~Appropriate agreements and covenants approved by the City Attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;~~
  - b. ~~Architectural variations shall be provided among units within any series of more than four units;~~
  - c. ~~A plan of development shall be required as set forth in Article X of this chapter for any development with three or more newly constructed single-family attached dwellings]~~ Dwelling units;
- (3) ~~[Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;~~

(4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;

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

[(6)] (4) Day nurseries[, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard] licensed by and subject to the requirements of the Virginia Department of Social Services;

[(7)] (5) Tourist homes [situated on Federal highways];

[(8)] Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(9) (6) Parking decks and parking garages serving uses permitted in this district, provided that the following conditions shall apply:

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 shall be provided with not less than one stacking space situated off the public right-of-way;] No portion of the ground floor of such structure located along a principal 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 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 having less than five feet of its height above the grade level of 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. Upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in section 30-428.10.

b. ~~[Parking]~~ Except as provided in paragraph (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. A plan of development shall be required as set forth in Article X of this chapter;

~~[(10)]~~ (7) 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; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises, and provided further that a plan of development shall be required as set forth in Article X of this chapter;

~~[(11)]~~ Private schools offering instruction in skills practiced in connection with the operation of uses permitted in this district;

~~[(12)]~~ (8) Lodges and similar meeting places;

~~[(13)]~~ (9) Banks and savings and loan offices, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses[; ~~provided that when any bank or savings and loan office includes drive-up facilities or an automated teller machine accessible from the exterior of the~~

~~building, the following conditions shall apply:~~

a. ~~No such use shall be located on a transitional site.~~

b. ~~The floor area of the building devoted to such use shall not exceed 2,500 square feet, and not more than two drive-up teller lanes shall be provided on the premises.~~

c. ~~A plan of development shall be required as set forth in Article X of this chapter.~~

(14) ~~Funeral homes, provided that:~~

a. ~~Adequate space shall be provided on the premises for the formation of funeral processions, and no such activity shall take place on public streets;~~

b. ~~A plan of development shall be required as set forth in Article X of this chapter];~~

~~[(15) 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) Uses owned and 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 using or are addicted to a controlled substance as defined in Code of Virginia, § 54.1-3401;

~~[(16) Radio broadcasting studios and offices, including accessory antennas, provided 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]~~

(11) Wireless communication 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;

~~[(17) Communications centers and telephone repeater stations operated by public service corporations, provided that a plan of development shall be required as set forth in Article X of this chapter;~~

~~(18)]~~ (12) Hotels [and motels], provided that the following conditions shall apply:

a. No such use shall be located on a transitional site[;].

b. [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;

e.] A plan of development shall be required as set forth in Article X of this chapter;

[(19)] (13) Adult day care facilities[-];

(14) Art galleries;

(15) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned and operated by a governmental agency or a nonprofit organization, and other uses required for the performance of a governmental function.

### **Sec. 30-428.3. Permitted accessory uses and structures.**

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the RO-3 Residential-Office District (see Article VI, Division 9 of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in Section 30-402.2.

(2) [Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.

(3) Restaurant facilities, automated teller machines and shops for the sale of gifts, flowers, drugs and similar items for the convenience of patients and visitors may be located within hospital buildings, provided that there shall be no signs, displays, show windows or automated teller machines visible from the exterior of the building nor shall there be any direct public entrance to such uses from the exterior of the building] Dwelling units within accessory buildings.

[(4)] (3) Incidental uses located within multifamily dwellings, [nursing homes,] hotels, [motels] and office buildings designed and scaled for the convenience of the occupants thereof, including shops for the sale

of convenience goods, eating and drinking establishments, automated teller machines and personal service establishments, provided that the following conditions shall apply:

a. ~~[There shall be no advertising signs, displays, show windows or automated teller machines visible from the exterior of the building]~~ Such uses are also intended for use by the general public with direct entrances from the street.

b. There ~~[shall be no]~~ are direct public ~~[entrance]~~ entrances to such uses from both the exterior and the interior of the building.

c. ~~[The aggregate floor area devoted to such]~~ Such uses shall not exceed ~~[five percent]~~ 1,500 square feet of ~~[the total]~~ floor area ~~[of the building in which they are located]~~, but such calculations shall not include outdoor dining areas.

d. Outdoor dining areas shall not exceed 500 square feet.

#### Sec. 30-428.6. Yards.

Yard regulations in the RO-3 Residential-Office District shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see Article VI, Division 4 of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in Section 30-413.6 ~~[(see Article VI, Divisions 3, 4 and 9 of this chapter)]~~.

b. Side and rear yards for multifamily dwellings and buildings accessory thereto shall be not less than 15 feet in depth.

c. Side and rear yards for uses and buildings other than single-family, two-family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth.

~~[(3) Spaces between buildings on same lot. Spaces between buildings on the same lot shall be as~~

follows:

a. ~~Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.~~

b. ~~Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.]~~

§ 2. That Chapter 30, Article IV, Division 15 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein new** sections numbered 30-428, 30-428.10, and 30-428.11 as follows:

**Sec. 30-428. Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the RO-3 Residential-Office District is to encourage a high-quality, walkable urban neighborhood with a variety of office and residential uses. Commercial uses located within the district shall be clearly incidental to other primary uses, though welcoming to the general public. The district is intended to promote pedestrian traffic and reduce the effect of vehicular traffic by prohibiting surface parking lots as a permitted principal use, screening accessory parking lots and parking decks, and reducing driveways across sidewalks. Required front and side yard setbacks create spaces between buildings that soften the streetscape and provide space for landscaping and usable open space. The district regulations are also intended to enhance public safety and encourage an active urban environment by providing windows in building façades along street frontages.

**Sec. 30-428.10. 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. On a lot having more than one street frontage, this subsection shall apply along both the principal street frontage of the lot and the priority street frontage, if applicable.

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage or priority street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot.

(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. 30-428.11. Building façade fenestration.**

Fenestration requirements applicable to building façades along street frontages in the RO-3 Residential-Office District shall be as set forth in this section. On a lot having more than one street frontage, this section shall apply along both the principal street frontage and priority street frontage.

(a) *Street level story.*

(1) *Non-dwelling uses.* For non-dwelling uses other than those listed in subsections 30-428.1(2), 30-428.1(5), 30-428.1(8), 30-428.1(10), 30-428.1(14), and 30-428.1(15), 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. 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 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 subsection (a)(1) shall not apply.

(2) *Dwelling uses.* For dwelling uses and tourist homes, 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. 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 subsection (b)(1) 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.

(b) *Upper stories.*

(1) *Non-dwelling uses.* For non-dwelling uses other than those listed in subsection (a)(1) of this section, 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.

(2) *Dwelling uses.* For dwelling uses and tourist homes, 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.

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

**O & R Request**

**DATE:** May 28, 2019

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
(This is no way reflects a recommendation on behalf of the Mayor.)

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**RE:** Request to amend the Official Zoning Map and text for the purposes of rezoning Monroe Ward in order to meet the recommendations of the adopted Pulse Corridor Plan. The rezoning is comprised of a package of five ordinances, which together will meet the objectives of the Plan.

**ORD. OR RES. No.**

**PURPOSE:**

To amend the official zoning map and text for the purpose of rezoning certain properties in Monroe Ward in order to meet the recommendations of the Pulse Corridor Plan and create a high-quality urban neighborhood.

The rezoning is comprised of five ordinances, which together will revise the City's official zoning map and official zoning ordinance text for the purpose of rezoning certain properties in Monroe Ward, bounded by Belvidere Street to the west, Broad Street to the north, the Downtown Expressway to the south and Ninth Street to the east, in order to increase density and accommodate growth and development while complimenting the historic character of the neighborhood.

Each Ordinance represents one of five elements to this process, a combination of which will reach the desired outcome:

1. Changing zoning classification of certain parcels from light industrial or auto-oriented designations to those more in keeping with the historic building patterns and intent of the Pulse Plan;
2. Adding Street-Oriented Commercial and Priority Streets in the area to the official zoning map;
3. Creating a Plan of Development Overlay District for the area to ensure development meets the six design elements of the Pulse Plan;
4. Amending the B-4 district to remove incompatible uses, add a three-story height minimum, and remove the option to break the inclined plane of 4:1 by 50% of the length of the building along the street; and
5. Amending the RO-3 district to remove incompatible uses and add form-based elements.

**REASON:** This item is being requested because a rezoning will fulfill the recommendations for the Arts District Station Area as a high priority station area recommended in the adopted Pulse Corridor Plan, an adopted amendment to the City of Richmond Master Plan, adopted by Richmond City Council on July 24,

2017.

**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. These items will be scheduled for consideration by the Commission at its July 1, 2019, meeting; to be forwarded to City Council at its July 22, 2019 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** These amendments arise out of the recommendations of the adopted Pulse Corridor Plan, an analysis of the existing zoning ordinance and its application across the City, and an extensive public engagement process, both for the plan and for this area rezoning. There is significant building activity in the downtown which continues to move west into Monroe Ward and expansion of VCU's Monroe Park campus has stretched east of Belvidere into Monroe Ward. While Monroe Ward is home to an array of historic structures, there are also a significant number of surface parking lots, several of which take up entire blocks. This proactive rezoning process is in order to ensure that new development is in keeping with the principles of the Pulse Plan, creating a decidedly urban neighborhood in an area of great potential.

### **Master Plan**

The area for this rezoning is part of the Arts District Station Area in the Pulse Corridor Plan, an adopted amendment to the City's Master Plan. The Pulse Plan Future Land Use map labels the area as "Downtown Mixed Use".

(Note: the Arts District Station Area also includes Jackson Ward, but the character of the neighborhoods and the current zoning already fit the Future Land Use recommendations.)

Rezoning Monroe Ward to districts that align with the future land use map is the first recommendation for this study area (p.84). The plan envisions a strong transit-oriented node at each station area along the corridor, and describes Monroe Ward's future land use as high-intensity pedestrian- and transit-oriented development", with tall signature buildings, active commercial ground floors, few driveways cutting through sidewalks, and little to no setbacks for commercial building, adding that new buildings will add to the already "incredibly dynamic and diverse building stock, creating a truly eclectic urban neighborhood" (p.84). The plan recommends that new zoning does not allow surface parking lots as a principal permitted use.

### **Existing and Proposed Zoning**

Staff has completed an extremely thorough analysis and vetting of exactly the tools needed to accomplish the plan vision and spur development while complementing the historic urban character of the neighborhood. Staff has also responded to citizen comments and concerns.

As a result, there are five elements to this rezoning process:

1. Rezoning the area from either light industrial (M-1) or auto-oriented commercial (B-3), to transit-oriented development (TOD-1) or downtown mixed-use (B-4);
2. Adding Priority and Street-Oriented Commercial designations in the area to the official zoning map;
3. Creating a Plan of Development Overlay District for the area to ensure that new

development meets the six design elements of the Pulse Corridor Plan;

4. Amending the B-4 district; and
5. Amending the RO-3 district to remove incompatible uses and add form-based elements.

### **Attached Summary Document**

In order to convey the ideas and reasoning behind this rezoning process clearly and thoroughly, staff created a summary document complete with explanatory text, maps of existing and proposed zoning, exact zoning changes, and explanation of each recommendation. Please see attached summary for further details.

### **Public Engagement**

As the Pulse Corridor Plan was developed over the course of 2015-2017, City Staff held numerous public forums, set up online surveys, attended standing civic association meetings, and tracked public feedback.

In July 2017, staff held two public open houses at the Main Library to discuss the Monroe Ward rezoning, and provided informational maps and comparisons of zoning districts. In addition, a letter was sent to each property owner of over 400 addresses which will be affected by the rezoning. Of the 400 property owners affected, PDR received only two letters expressing concern or opposition, and has subsequently engaged with both parties.

In November 2018, staff once again sent notices in postcard form to 444 individual property owners, and received one inquiry of concern regarding parking, and twelve letters or emails from Historic Richmond Foundation and members regarding height and protection of historic buildings. Staff also received one letter and one email of support regarding the rezoning, from an affordable housing advocate and a large developer/property-owner in the area.

Staff has considered these letters and weighed these concerns seriously, and continues to recommend the overall rezoning package, amended in response to citizen comments to retain RO-3 along Franklin Street with these changes.

**FISCAL IMPACT / COST:** The Department of Planning and Development Review anticipates that impact to the City's budget will be positive. Implementation of the Pulse Corridor Plan and programs established to implement the Plan will ultimately achieve the \$1 billion increase in new assessed value over the next twenty years as identified in the Plan.

**FISCAL IMPLICATIONS:** The Department Planning and Development Review does not anticipate any fiscal implications from this proposal.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** Positive revenue is expected from tax revenue due to increased development.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** June 24, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** July 22, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, July 1, 2019

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)  
Planning and Development Review

**RELATIONSHIP TO EXISTING ORD. OR RES.:** ORD. 2017-127 (Pulse Corridor Plan)

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Rezoning Summary document

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