



## Legislation Text

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**File #:** ORD. 2019-217, **Version:** 1

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To repeal ch. 30, art. IV, div. 26 (§§ 30-448.1-30-448.4) of the City Code; to amend ch. 30, art. IV, by adding therein a new div. 26 (§§ 30-448.1-30-448.8); and to amend City Code §§ 30-503, 30-519, 30-710.1, 30-710.4, 30-710.13, and 30-1220, all for the purpose of modifying the zoning regulations applicable in the CM Coliseum Mall District.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 30, Article IV, Division 26 of the Code of the City of Richmond (2015), consisting of sections numbered 30-448.1 through 30-448.4, be and are hereby **repealed** as follows:

### **[DIVISION 26**

### **CM COLISEUM MALL DISTRICT**

#### **Sec. 30-448.1. Permitted principal and accessory uses.**

The following uses of building and premises shall be permitted in the CM 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:

(1) ~~Retail stores and shops;~~

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafés, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith, and including areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

(3) Entertainment, cultural and recreational uses, including theatres, art galleries, museums, bowling alleys, amusement centers and other commercial recreation facilities located within completely enclosed buildings;

(4) 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;

(4.1) Dry cleaning and laundering establishments employing not more than five persons on the premises;

(5) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

(6) 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;

(7) Hotels and motels, provided that a plan of development shall be required as set forth in Article X of this chapter;

(8) 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;

(9) ~~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. ~~A plan of development shall be required as set forth in Article X of this chapter;~~

~~(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers, artists and others engaged in the arts;~~

~~(11) Public assembly buildings, auditoriums, convention facilities, meeting rooms and exhibition spaces;~~

~~(12) Public schools and private business, professional and vocational schools not involving the use of heavy machinery, welding equipment or internal combustion engines;~~

~~(13) 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;~~

~~(14) 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;~~

~~(15) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible from the interior of buildings devoted to permitted principal uses.~~

#### **Sec. 30-448.2. Use limitations.**

To ensure continuity of retail, personal service and entertainment uses appropriate to a pedestrian mall

and to encourage the concentration of active establishments with a high degree of pedestrian attraction necessary to the economic vitality of such areas, only those uses specified in Sections 30-448.1(1) through (6) and (11) and 30-448.3(1) and (2) shall be located within the ground floor of a building having frontage along a public mall within the CM Coliseum Mall District, provided that not more than 30 percent of any building frontage along such mall may be devoted to entrances or lobbies related to other uses generally permitted in this district and located above or below the ground floor or to the rear of the building.

**Sec. 30-448.3. Principal uses permitted by conditional use permit.**

The following uses of buildings and premises may be permitted in the CM district by conditional use permit as set forth in Article X of this chapter:

- (1) Nightclubs;
- (2) Retail sales of liquor.

**Sec. 30-448.4. Height.**

~~No building or structure in the CM Coliseum Mall District shall exceed 80 feet in height.]~~

§ 2. That Chapter 30, Article IV of the Code of the City of Richmond (2015) be and is hereby amended and reordained by adding therein a new division numbered 26, consisting of sections numbered 30-448.1 through 30-448.8, as follows:

**DIVISION 26**

**CM COLISEUM MALL DISTRICT**

**Sec. 30-448.1. Intent of district.**

Pursuant to the general purposes of this chapter, the CM Coliseum Mall District is intended to encourage and bolster dense, walkable transit-oriented development that is consistent with the goals of the adopted Master Plan, Downtown Plan and Pulse Corridor Plan. The district permits a mix of uses to enable residential, commercial, office, and institutional uses to coexist alongside major buildings or public spaces intended for public assembly. In keeping with the goals of the Pulse Corridor Plan, new development in the

District is intended to be reflective of the six design elements of the Pulse Corridor Plan:

(1) *Hold the Corner*: Buildings and spaces at intersections have active ground floors that wrap around the corner

(2) *Entrances Face the Street*: Main entrances to businesses and residences front the street, fostering pedestrian activity.

(3) *Appropriate Setbacks and Stepbacks*: Commercial uses are closer to the street while residential uses are set back to foster privacy and to create semi-public space. Stepbacks at upper stories create a means to honor existing form without overwhelming it.

(4) *Transparency*: Façade fenestration allows visibility to and 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 facades should be broken up and made more human-scale by varying the streetwall plane, height, colors and materials.

(6) *Screened Parking and Services*: Attractive landscaping pushed to the sidewalk help maintain a streetwall and mitigate the disruption caused by surface parking lots and utilitarian services.

It is the intent of this division that only parcels located within the area bounded by East Leigh Street to the north, North 10th Street to the east, East Marshall Street to the south, and North 5th Street to the west be eligible for inclusion in the CM Coliseum Mall District.

### **Sec. 30-448.2. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the CM Coliseum Mall 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 unless specifically set forth in this section.

A plan of development shall be required as set forth in article X of this chapter, and in accordance with the intent of this district set forth in section 30-448.1, for such uses as specified in this section, for construction of any new building of greater than 30,000 square feet of floor area, and for 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 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) Art galleries.

(2) Automated teller machines, accessible from and attached to exterior of buildings.

(3) Banks, savings and loan offices and similar financial services, and 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 such use with an automated teller machine accessible from the exterior of a building.

(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.

(5) Catering businesses.

(6) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes and, as an accessory use, the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year.

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

(8) Dry cleaning and laundering establishments, provided that no greater than 5,000 square feet of space of said property is devoted to such use.

(9) Dwelling units, provided that when such units are located within buildings fronting on 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 street-oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter, and in accordance with the intent of this district set forth in section 30-448.1, for construction of any new building containing more than ten dwelling units.

(10) Greenhouses and plant nurseries.

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

(12) 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.

(13) Hotels.

(14) 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.

(15) Laundromats and laundry and dry cleaning pick-up stations not to exceed 2,500 square feet.

(16) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization or a governmental agency.

(17) Manufacturing, warehouse, and distribution uses of food and beverages as listed in section 30-452.1(2)(a), excluding section 30-452.1(2)(a)(13), if such use (i) is under 8,000 square feet of area, (ii) requires consumption on premises, and (iii) has a minimum of 1,000 square feet dedicated to another principal use. A plan of development shall be required as set forth in article X of this chapter.

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

(19) 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.

(20) Parking decks and parking garages, provided that all of the following requirements shall apply:

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 to means of pedestrian or vehicle access, provided that vehicle access along such principal street frontage or priority 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 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 subdivision 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. The upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in section 30-440.7(2).

b. 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.

c. 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.

d. A plan of development shall be required as set forth in article X of this chapter, and in accordance with the intent of this district set forth in section 30-448.1.

(21) Passenger terminals for public transportation, provided a plan of development as set forth in article X of this chapter, and in accordance with the intent of this district set forth in section 30-448.1, shall be



required.

(22) 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.

(23) Pet shops, 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 are not audible outside the building.

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

(25) Printing, publishing, and engraving establishments.

(26) Private elementary and secondary schools having curricula substantially the same as that offered in public schools.

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

(28) Public assembly buildings, auditoriums, convention facilities, meeting rooms, and exhibition spaces.

(29) 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.

(30) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums, and assembly halls.

(31) Repair businesses conducted within completely enclosed buildings.

(32) 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 covered trash containers shall be provided in service areas and that 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 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.

(33) 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.

(34) Retail stores and shops.

(35) 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.

(36) Sales lots for Christmas trees, vegetable stands, and other seasonal uses, but not including flea markets.

(37) 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.

(38) Student housing units, provided that when such units are located within buildings fronting on 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 that such uses shall have a depth of not less than 20 feet along the entire street-oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter, and in accordance with the intent of this district set forth in section 30-448.1, for the construction of any new building containing more than ten dwelling units.

(39) Tourist homes or bed and breakfast establishments.

(40) 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.

(41) 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.

(42) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units.

### **Sec. 30-448.3. Principal uses permitted by conditional use permit.**

The following uses of buildings and premises may be permitted in the CM Coliseum Mall District by conditional use permit as set forth in article X of this chapter:

- (1) Nightclubs.
- (2) Retail sales of liquor.
- (3) Social service delivery uses.

### **Sec. 30-448.4. Yards.**

Yard regulations in the CM Coliseum Mall District shall be as follows (see article VI, division 4, of this

chapter):

(1) *Front yard.*

a. For dwelling uses 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 fifteen feet may be provided when such front yard is improved for a purpose of a pedestrian plaza, as permitted by 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 a 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 not greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

b. For all other uses:

1. No front yard is required. In no case shall a front yard with 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 fifteen feet may be provided when such front yard is improved for purposes of a pedestrian plaza, outdoor dining area, vehicular drop-off for a hotel, or open space 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.

(2) *Side yards.* No side yards shall be required.

(3) *Rear yard.* No rear yard shall be required.

#### **Sec. 30-448.5. Usable open space.**

In the CM Coliseum Mall District, a usable open space ratio of not less than 0.10 shall be provided for newly constructed buildings or portions thereof devoted to dwelling uses.

#### **Sec. 30-448.6. Requirements for areas devoted to parking and circulation of vehicles.**

(1) *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 or 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 the principal street frontage of the lot as well as any priority street frontage of that lot.

(2) *Driveways from streets.* No driveway intersecting a street that is along the principal street frontage of the lot on which the driveway is located or a street designated as a priority street on the official zoning map established and maintained pursuant to section 30-200 shall be permitted for any use other than a hotel when alley access or another street frontage is available to serve such lot.

(3) *Improvement requirements and landscaping standards.* In addition to subsections (1) and (2) 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. 30-448.7. Height.**

There shall be no maximum height limit in the CM Coliseum Mall District.

**Sec. 30-448.8. Building façade fenestration.**

Fenestration requirements applicable to building facades along street frontages in the CM Coliseum Mall District shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot, as well as along any priority street frontage or street-oriented commercial frontage.

(1) *Street level story.*

a. *Non-dwelling uses.* For non-dwelling uses, other than those listed in subsections (23), (32), (33), and (39) of section 30-448.2, 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 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. 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 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. *Non-dwelling uses.* For non-dwelling uses, other than those listed in subsections (23), (32), (33), and (39) of section 30-448.2, 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.

§ 3. That sections 30-503 and 30-519 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

**Sec. 30-503. Prohibited signs.**

The following shall be prohibited in all districts:

(1) Animated signs, unless specifically permitted by this chapter.

(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. 30-519. CM district.**

Unless specifically provided otherwise in this article and subject to the regulations and restrictions applicable to all districts set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the CM Coliseum Mall District [~~(see Sections 30-502 through 30-504 and 30-505)~~] , provided that signs on lots with street oriented commercial frontage are subject to the provisions of subsection (3) of this section:

(1) *Types of permitted signs.* The following types of signs are permitted:

a. Wall signs~~[, projecting]~~ .

b. Projecting signs~~[, suspended]~~ .

c. Suspended signs~~[, awning]~~ .

d. Awning signs~~[, and canopy]~~ .

e. Canopy signs [~~shall be permitted, subject to the restrictions set forth in this section~~].

f. Freestanding signs.

g. Roof signs.

h. Off-premises signs.

i. Animated signs.

(2) *Permitted sign area.*

a. The aggregate area of all signs set forth in subdivisions (a) through (f) of subsection (1)



of this section and directed toward or intended to be viewed from any street ~~[or mall]~~ frontage shall not exceed two square feet for each linear foot of ~~[lot]~~ street frontage along the street ~~[or mall nor]~~ or in any case ~~[300]~~ 200 square feet for each street frontage. Where more than one main building or tenant storefront is located on a lot, the aggregate area of all signs attached to each building or storefront shall not exceed two square feet for each linear foot of building or storefront frontage along the street or in any case 200 square feet for each building frontage or tenant storefront along a street.

b. In addition to the permitted sign area set forth in subdivision (a) of this subsection, one wall sign may be located on each building face above a height of five stories, provided such wall sign shall not exceed one square feet per one foot wall face width, or in any case 200 square feet, and provided further that the permitted sign area for any building face may be increased by up to 25 percent by transferring permitted sign area, as set forth in this subdivision, from another face of the same building.

c. In addition to the permitted sign area set forth in subdivision (a) of this subsection, on a building used for an arena located in the area bounded by East Leigh Street, North 7<sup>th</sup> Street, East Clay Street, and North 5<sup>th</sup> Street, one wall sign may be located on each of the East Leigh Street building façade and East Clay Street building façade, provided that each wall sign shall not exceed 500 square feet.

d. In addition to the permitted sign area set forth in subdivision (a) of this subsection, on any lot utilized for an arena, one additional freestanding sign not exceeding 320 square feet or 20 feet in height shall be permitted.

e. In addition to the permitted sign area set forth in subdivision (a) of this subsection, the aggregate area of all on-premises and off-premises signs directed toward or intended to be viewed from any street frontage shall not exceed two square feet for each linear foot of street frontage.

(3) ~~[Projecting signs.~~ No projecting sign shall be located within 25 feet of another projecting sign

on the same building wall. 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.] Types of permitted signs along street-oriented commercial frontage. The following types of signs are permitted on lots with street-oriented commercial frontage subject to conformance with subsection (4) of this section:

- a. Wall signs.
- b. Projecting signs.
- c. Suspended signs.
- d. Awning signs.
- e. Canopy signs.
- f. Freestanding signs.

(4) Permitted sign area on street-oriented commercial frontage. The permitted sign area on lots with street-oriented commercial frontage shall be as follows:

a. Generally. The aggregate area of all signs located on a lot shall not exceed one square foot for each linear foot of street frontage or in any case 100 square feet, provided that:

1. No individual sign shall exceed the smaller of 32 square feet in area or such smaller sign area specified elsewhere in this article.

2. For a lot having frontage on more than one street, the permitted sign area shall be determined by the street frontage having the greatest dimension.

3. Where more than one main building is located on a lot, the aggregate area of all signs attached to each building shall not exceed one square foot for each linear foot of building frontage along the street or in any case 100 square feet for each building frontage along a street. In addition thereto such lot shall be permitted one freestanding sign subject to the restrictions set forth in subdivision (c) of this subsection.

b. Projecting signs. No projecting sign shall exceed 24 square feet in area or be located

within 25 feet of another projecting sign on the same building wall. 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. Freestanding signs. One freestanding sign not exceeding 16 square feet in area or ten feet in height shall be permitted. Except as set forth in paragraph (3) of subdivision (a) of this subsection, such sign shall be included in the calculation of the permitted sign area set forth in paragraph (2) of subdivision (a) of this subsection.

§ 4. That sections 30-710.1, 390-710.4, and 30-710.13 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

**Sec. 30-710.1. Number of spaces required for particular uses.**

(a) Except as otherwise provided in this article, the minimum number of off-street parking spaces required for uses located in any district shall be as follows (See sections 30-710.2 through 30-710.3 for special off-street parking requirements in certain districts and the method of determining the number of parking spaces, and see article IX of this chapter for requirements if property is located in a parking overlay (PO) district):

	<i>Use</i>	<i>Number of Spaces Required</i>
(1)	Dwelling, single-family detached	1
(2)	Dwelling, single-family attached	1
(3)	Dwelling, two-family	2
(4)	Dwelling, multifamily:	
	a. One main building	1 per dwelling unit
	b. More than one building	1.5 per dwelling unit containing 2 bedrooms or more
		of record 1.25 per dwelling unit containing fewer than 2 bedrooms
	c. In R-63 district	1 per dwelling unit
(4.1)	Dwelling unit:	

	a.	In B-1, B-2, B-3, None for 1 to 3 units; otherwise, 1 per 4 dwelling units where such units are in the same building use
	b.	In B-4 <del>[and]</del> <u>1</u> , B-None for 1 to 16 dwelling units; 1 per 4 dwelling units over 16 units
	c.	In B-4 <del>[district]</del> <u>2</u> None where such units are in the same building use
	d.	In UB-2 district 1 per 2 dwelling units contained within a non-dwelling use
	e.	In B-6, B-7, RF-1 1 per dwelling unit (see Section 30-446.3)
	f.	In TOD-1 district None for 1 to 16 dwelling units; 1 per 2 dwelling units over 16 units
(5)	Dwelling, multifamily, where at least 90 percent of units are occupied by persons 60 years or more of age	1 per 2 dwelling units
(5.1)	Live/work unit	1
(6)	Mobile home	Average of 1.5 per unit
(7)	Tourist home, hotel or motel:	
	a.	RO-3, HO, B-6, 1 per guestroom up to 100 rooms, plus 1 per every 2 <del>CM</del> and DCC <del>diguestrooms</del> over 100 rooms
	b.	B-4, B-5, <u>CM</u> <del>and</del> 1 per every 4 guestrooms
	c.	All other districts 1 per guestroom
(8)	Lodging house use	1 per 2 occupants
(9)	Fraternity or sorority house	1 per 4 beds
(10)	Nursing home, adult care residence, group home, shelter	1 per 4 beds

(11)	Hospital	1 per 3 beds, plus 1 per 3 employees and staff
(12)	Church or other place of worship	1 per 8 seats in main auditorium
(13)	Day nursery	1 per 2 employees
(14)	School: kindergarten through junior high (public or private)	1 per 10 seats in main auditorium or 1 per classroom, whichever is greater
(15)	School: high school, college or vocational (public or private)	1 per 8 seats in main auditorium or 3 per classroom, whichever is greater
(16)	Lodge, club or meeting facility	1 per 100 sq. ft. floor area in meeting or club rooms
(17)	Art gallery, library or museum	10, plus one per 300 sq. ft. of floor area in excess of 2,000 sq. ft.
(18)	Theater, auditorium, sports arena or stadium	1 per 5 seating capacity
(19)	Private park, recreational area or country club	1 per 5 members
(20)	Public golf course or miniature golf course	5 per hole
(21)	Golf driving range	2 per tee
(22)	Bowling alley	5 per lane

- |        |   |  |
|--------|---|--|
| (23)   | Office:<br>general;<br>medical or<br>dental<br>office or<br>clinic;<br>social<br>service<br>delivery<br>use; animal<br>hospital | 1 per 300 sq. ft. of floor area for the<br>first 1,500 sq. ft., plus 1 per 400 sq. ft.<br>in excess thereof  |
| (24)   | Funeral<br>home   | 1 per 4 seating capacity of chapel and<br>funeral service rooms, plus 1 per 2<br>employees                   |
| (25)   | Service<br>station,<br>auto repair  | 2 per service bay or repair stall plus<br>spaces to accommodate all vehicles<br>used in connection therewith |
| (26)   | Restaurant,<br>tearoom or<br>similar<br>food and<br>beverage<br>service<br>establishm<br>ent                                    | 1 per 100 sq. ft. of floor area, plus 5<br>stacking spaces per restaurant drive-in<br>window                 |
| (26.1) | Nightclub   | 1 per 70 sq. ft. of floor area   |
| (27)   | Grocery store,<br>convenience<br>store, specialty<br>food or beverage<br>store, take-out<br>restaurant:                         |  |
|        | (a)   | Grocery or convel per 150 sq. ft. floor area<br>occupying more 1<br>floor area; take-o<br>patron seating     |
|        | (b)   | Grocery or convel per 300 sq. ft. floor area<br>occupying more 1<br>floor area; specia<br>store              |

(28)	Retail or personal service establishment, financial service, retail bakery (unless otherwise specified herein)	1 per 300 sq. ft. floor area
(29)	Bank or savings and loan office, including drive-in	1 per 300 sq. ft. for the first 1,500 sq. ft. of floor area, plus 1 per 400 sq. ft. in excess thereof, plus 5 stacking spaces per drive-in teller
(30)	Furniture, appliance or hardware store; auto salesroom; tire repair and sales; clothing, shoe or other repair shop; machinery and equipment sales and service	1 per 500 sq. ft. of floor area
(31)	Wholesale establishments	1 per 800 sq. ft. of floor area, plus spaces to accommodate all vehicles used in connection therewith

(32)	Manufacturing, processing, fabricating, testing, research, bottling, warehousing and distribution establishments	1 per 2 employees, plus spaces to accommodate all vehicles used in connection therewith
(33)	Shopping centers	1 per 300 sq. ft. of gross leasable area, provided that for shopping centers with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is 1 per 100 sq. ft. of floor area or greater, required parking shall be as specified in Section 30-710.3(e)
(34)	Philanthropic, charitable or eleemosynary institution	Sum of spaces required for each component of the use, per the most similar use listed in this section
(35)	Flea market	1 per 300 sq. ft. of area devoted to sales and display
(36)	Marinas	1 per 3 boat slips, provided that parking for uses other than a marina shall be as specified in Section 30-710.3(e)

(b) The minimum number of parking spaces required for a use not specifically mentioned in this section shall be as required for the most similar use listed as determined by the zoning administrator.

#### **Sec. 30-710.4. Required spaces located off the premises.**

Off-street parking spaces required for any use may be provided off the premises of the use for which they are required, provided that:

(1) In the B-4, B-5, B-7, CM, and TOD-1 districts, at least some portion of the parking area, parking lot, parking deck, or parking garage within which such spaces are provided shall be located within a 750-foot



radius of a principal entrance to the building occupied by the use for which they are required.

(2) In all other districts, at least some portion of the parking area, parking lot, parking deck, or parking garage within which such spaces are provided shall be located within a 500-foot radius of a principal entrance to the building occupied by the use for which they are required, except that in an RP district, parking spaces located off the premises shall be subject to the provisions set forth in Section 30-710.2:1.

(3) In all cases, property used for such parking spaces shall be located in a district where parking areas serving the proposed use are permitted except that such parking spaces may be located within a parking deck or a parking garage that is not located in a district where parking areas serving the proposed use are permitted if such parking deck or parking garage was constructed before the commencement of the proposed use.

(4) Subject to subsection (1) of this section, any portion of the parking spaces required for any use may be supplied by parking spaces provided for any other use which is not routinely open, used or operated during the same hours of the day or night.

(5) Where parking spaces required by this article are located on property other than that occupied by the use for which such spaces are required, the property shall be held in fee simple by the owner of the use involved or in such other tenure as assures continued availability for such. When the tenure is other than ownership in fee simple, the tenure shall not be less than one year, and the form and terms of tenure shall be approved by the City Attorney before a certificate of use and occupancy or a certificate of zoning compliance may be issued. When use of property for parking purposes is discontinued, the Zoning Administrator shall be notified, by both the lessor and the lessee, in writing, a minimum of 30 days prior to the discontinuance, and unless the parking spaces located thereon are no longer required by this article, such spaces shall be provided elsewhere in compliance with this article.

(6) Off-premises parking areas and lots containing five or more spaces shall be improved as specified in Division 2.1 of this article.

(7) Off-premises parking spaces, areas or lots shall be provided with identification indicating the use for which they are required and, if applicable, the hours of their availability, provided that such identification shall not be required in the case of off-premises parking spaces, areas or lots that are operated by a governmental agency. In lieu of such identification, the owner of the property on which the parking is located shall provide to the Zoning Administrator an affidavit indicating the location of the property, the number of parking spaces on the property, the number of spaces currently leased or otherwise allocated to serve a use, the use for which such spaces are leased or otherwise allocated, and to whom parking spaces are leased. The Zoning Administrator shall be notified in writing by the owner of the property on which the parking spaces are located prior to any change in the information contained in such affidavit. In addition, the use for which the off-premises parking is provided shall contain notification, in a conspicuous manner on the premises of the use and on a website, if one exists, of the use for which the parking is required, of the availability and location of such parking spaces.

**Sec. 30-710.13. Perimeter buffers: landscaping requirements.**

Except as provided in subsection (3) of this section, parking areas and parking lots containing five or more parking spaces shall be improved and maintained with landscaping in accordance with the requirements of this section as follows:

(1) *Treatment of required landscaped buffers.* Treatment of required landscaped buffers shall be in accordance with the following:

a. Required landscaped buffers shall be provided with vegetative ground cover, trees, shrubs, other plant material, or any combination thereof, except where more specific requirements are set forth in subsection (2) of this section. Mulch ground cover may be provided as a border or supplement to other vegetation in a required landscaped buffer. Pedestrian walkways incidental to landscaped buffers may be incorporated within such buffers when the other requirements of this subsection (1)a. are met.

b. All required landscaped buffers shall be protected from encroachment by motor vehicles by installation of curbs, wheel stops or other features which separate the landscaped buffer from areas improved for vehicle parking or circulation.

(2) *Landscaped buffers along streets.* Landscaped buffers as set forth in subsections (2)a. through (2)d. of this section shall be installed and maintained between all areas devoted to parking and all adjacent street lines, provided that approved driveways enabling access to abutting streets may extend through such buffers.

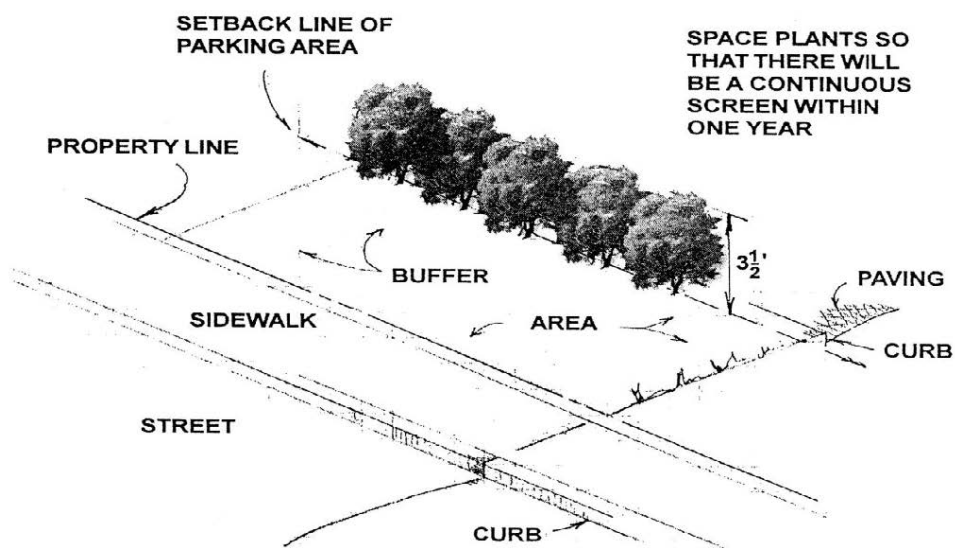
a. *Zoning districts and permitted buffer alternatives.* The following table specifies the buffer and buffer alternatives that satisfy the landscaped buffer requirement in each zoning district. Where more than one buffer alternative is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer requirement in that district:

<i>Zoning Districts</i>	<i>Buffer Alternatives</i>
R, RO, HO, I	A, B, C, D
UB	F, G, H
B-1	E
UB-2, B-2, B-3	F, G, H
B-4, B-5, B-6, B-7	F, G, H
RF-1, RF-2	F, G, H
TOD-1	H, I
CM, DCC	F, G, H, <u>I</u>
OS	F
RP	F, G, H
M-1, M-2	F, G, H

b. *Description of buffer alternatives.* The depth of and improvements required within each buffer alternative are as follows. In all cases, buffer alternatives are minimum requirements, and greater buffer depth, additional landscaping or additional fence or wall improvements may be provided:

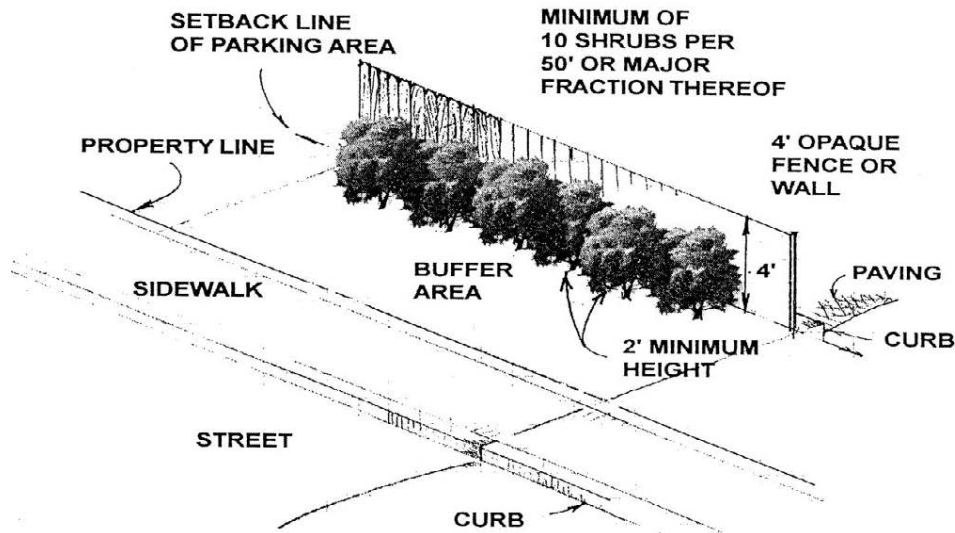
1. Buffer “A,” as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include an evergreen vegetative screen not less than three and one-half feet in

height at the time of installation placed along the setback line of the parking area. Evergreen vegetative material intended to satisfy this requirement shall be planted at such intervals that will result in a continuous visual screen within one year of planting.



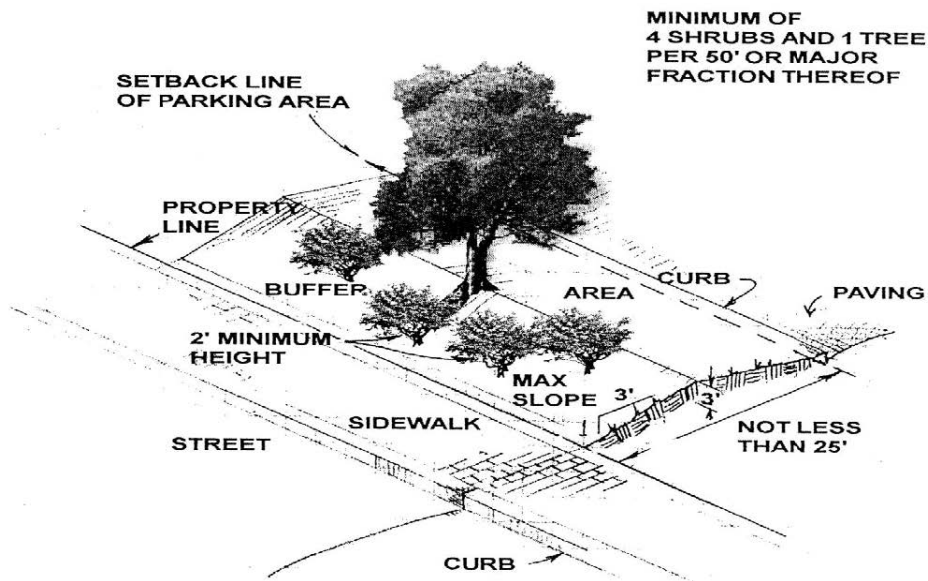
Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

2. Buffer “B,” as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include an opaque structural fence or wall not less than four feet in height placed along the setback line of the parking area and shall include shrubs located adjacent to such fence at a rate of not less than ten for each 50 linear feet or major fraction thereof of buffer along each street frontage.



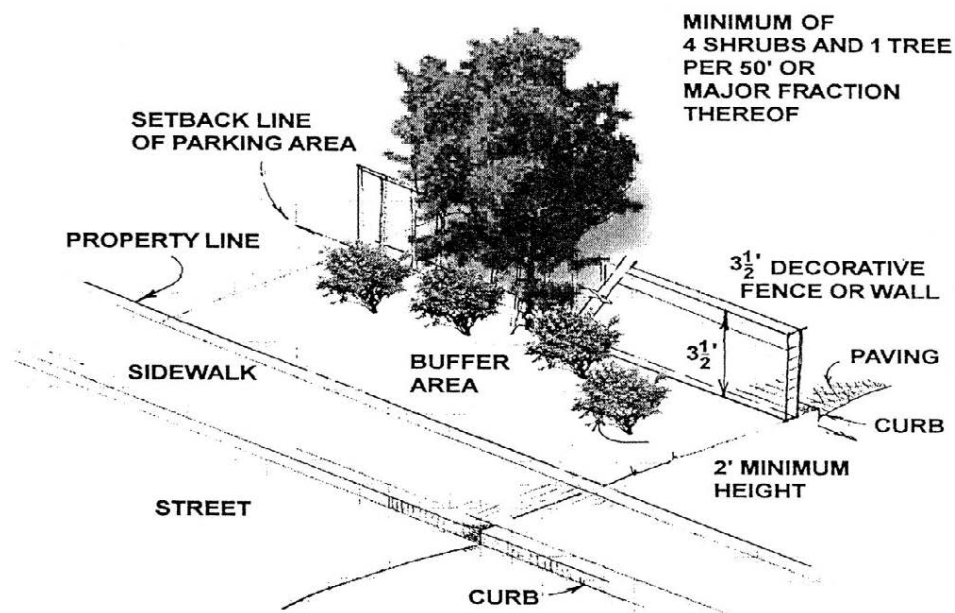
Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

3. Buffer "C," as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include a decorative fence or wall not less than three and one-half feet in height placed along the setback line of the parking area and shall include trees and shrubs located adjacent to such fence at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.

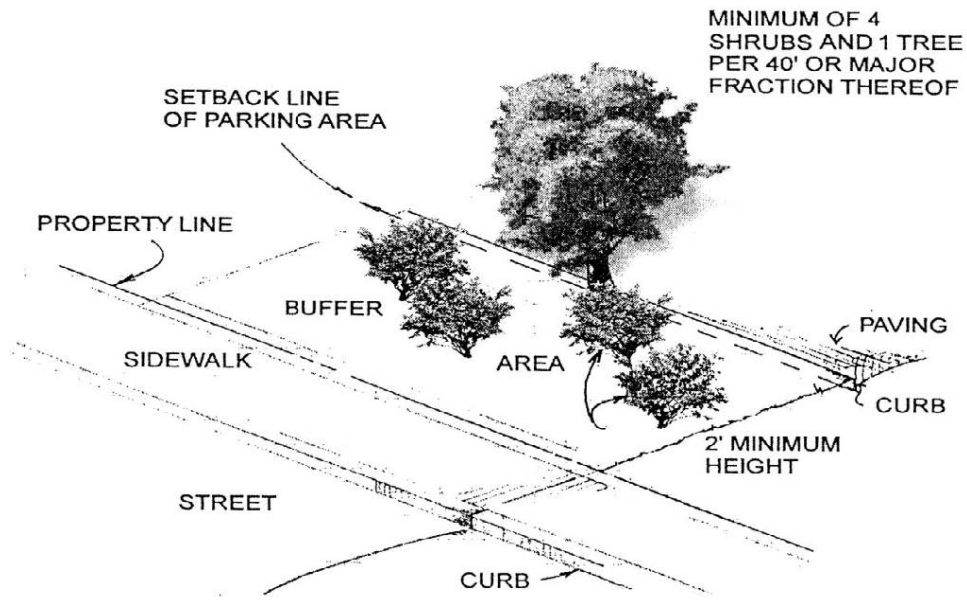


Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

4. Buffer “D,” as shown below, shall have a depth of not less than 25 feet and shall consist of an earthen berm not less than three feet in height with slopes not greater than three feet horizontal for each one foot vertical and shall include trees and shrubs located on the top or street side of such berm at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.

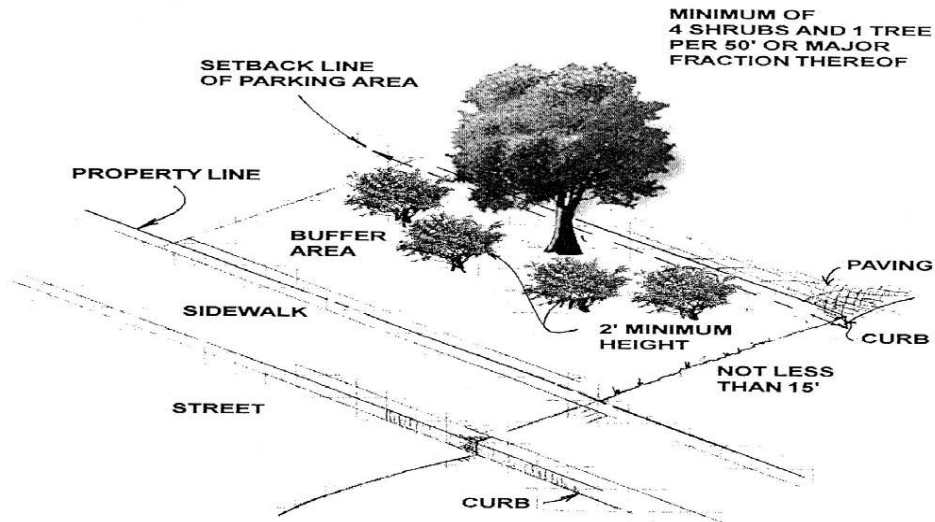


5. Buffer “E,” as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 40 linear feet or major fraction thereof of buffer along each street frontage. In any case where the applicable yard requirement along a street is five feet or less, the trees and shrubs required for buffer “E” may be substituted with the improvements specified for buffer “H” provided that the applicable yard requirement is met.



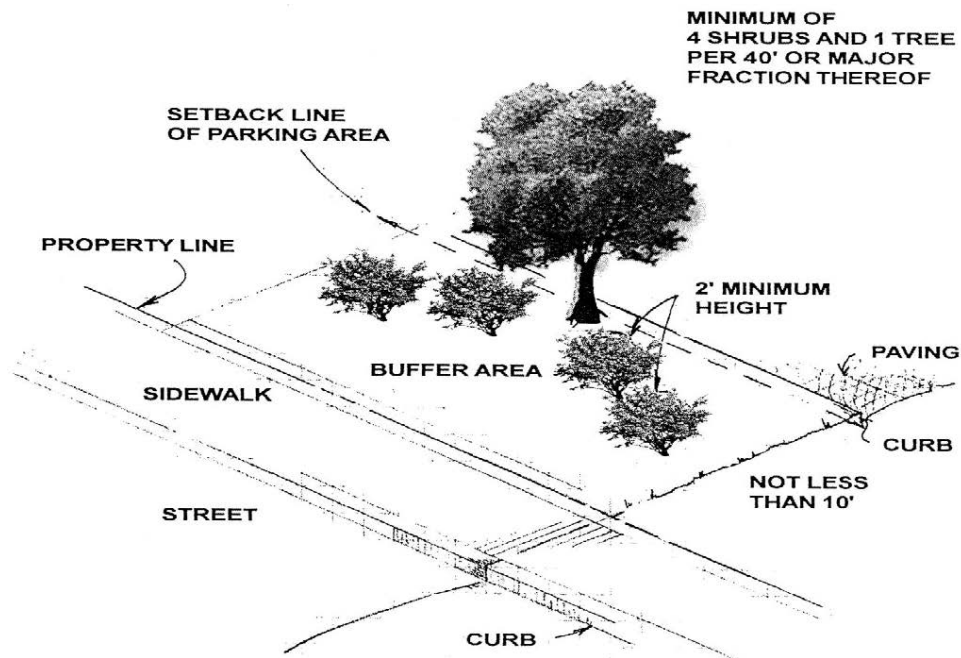
Buffer area depth dependent on yard requirement in district, but in no case less than five feet. Where yard requirement is five feet or less, trees and shrubs may be substituted as specified for buffer "H."

6. Buffer "F," as shown below, shall have a depth of not less than 15 feet and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.

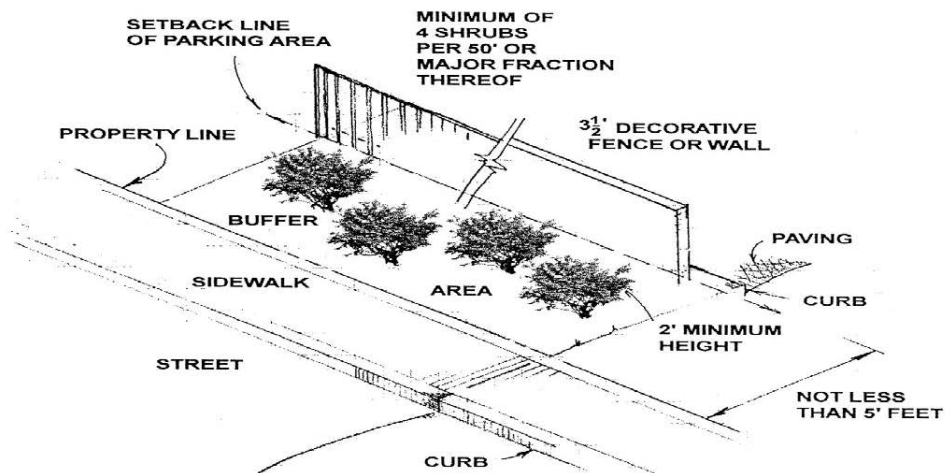


7. Buffer “G,” as shown below, shall have a depth of not less than ten feet and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 40 linear feet or major fraction thereof of buffer along each street frontage.



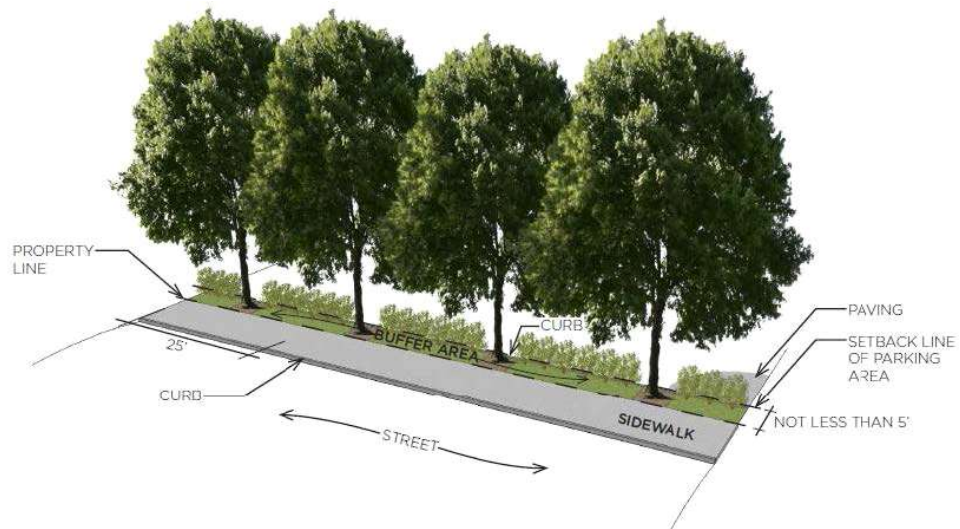


8. Buffer "H," as shown below, shall have a depth of not less than five feet and shall include a decorative fence or wall not less than three and one-half feet in height and shrubs at a rate of not less four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.

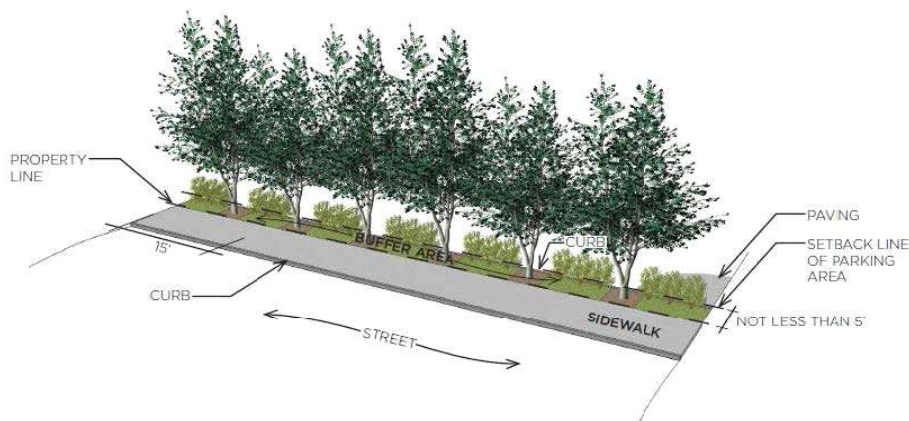


9. Buffer “I,” as shown below, shall have a depth of not less than five feet and shall include either trees classified as medium or large in the Tree Canopy Chart dated November, 2002, adopted by the Planning Commission at a rate of one tree for every 30 linear feet or trees classified as compact or small trees in Tree Canopy Chart dated November, 2002, adopted by the Planning Commission at a rate of one tree for every 20 linear feet; as well as groundcover or shrubs covering at least 50 percent of the area of the buffer along each street frontage.

Buffer I, medium or large trees illustration



Buffer I, small or compact trees illustration



c. *Tree and shrub standards.* Standards for trees and shrubs shall be as follows:

1. Trees to be credited toward buffer requirements shall be deciduous trees having a caliper of not less than two and one-half inches at the time of installation measured six inches above the ground or evergreen trees having a height of not less than six feet at the time of installation. Healthy existing trees to be retained within a buffer area may be credited toward buffer requirements when such trees are shown on approved plans and are adequately protected during construction.

2. Trees to be credited toward buffer requirements shall be distributed as equally as practical throughout the length of the buffer, with consideration for the species of trees, topography, location of driveways and utilities and other physical conditions.

3. Shrubs to be credited toward buffer requirements shall be evergreen shrubs not less than two feet in height at the time of installation. Shrubs may be grouped in a manner

appropriate to the species and need not be distributed equally throughout the length of the buffer.

d. *Fences or walls.* Fences or walls to be credited toward buffer requirements 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 chainlink, chainlink with slats or similar fencing be considered to meet the requirements of the fence and wall design guidelines.

1. A fence or wall disapproved by the Director of Planning and Development Review shall, at the request of the applicant, be submitted to the Planning Commission for its review. The request for such review shall be made in writing to the Secretary of the Commission, who shall place the request on the Planning Commission's agenda for consideration at its first regularly scheduled meeting following the receipt of such request, provided that the request is received not less than ten days prior to such meeting.

2. After reviewing the decision of the Director of Planning and Development Review, the Planning Commission may affirm the decision or, upon finding that the proposed fence or wall satisfies the fence and wall design guidelines, may instruct the Director of Planning and Development Review to approve the fence or wall. The Planning Commission may attach such conditions as it deems necessary to ensure conformance with the intent and purpose of the fence and wall design guidelines.

e. *Buffer I.* Trees classified as medium or large in the Tree Canopy Chart dated November, 2002, adopted by the Planning Commission shall have a caliper of not less than 2½ inches at the time of installation measured six inches above the ground or evergreen trees having a height of not less than six feet at the time of installation. Trees classified as small or compact in the Tree Canopy Chart dated November, 2002, adopted by the Planning Commission shall have a caliper of not less than 1½ inches at the time of installation measured six inches above the ground or evergreen trees having a height of not less than five feet at the time of installation. Shrubs and groundcover credited towards the 50-percent

coverage requirement may be evergreen or deciduous. All shrubs, groundcover, and trees may be grouped in a manner appropriate to the species with consideration for the topography, location of driveways and utilities, and other physical conditions and need not be distributed equally throughout the length of the buffer.

(3) *Landscaped buffers along interior lot lines.* In addition to the screening requirements set forth in Section 30-710.12, parking areas and parking lots containing 30 or more parking spaces and parking areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels shall be provided with landscaped buffers of not less than five feet in depth installed and maintained between all areas devoted to parking and all lot lines other than street lines, provided that approved driveways connecting properties or enabling access to abutting alleys may extend through such buffers.

§ 5. That section 30-1220 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** definition numbered .120:1, as follows:

.120:1 *Student housing units* means a room or a group of rooms within the building constituting a separate and independent unit occupied or intended for occupancy by one to four students, containing one kitchen, and which is not available for occupancy for periods of less than one month. Student housing units shall be occupied exclusively by individuals that are or have been registered, whether full-time or part time, within the previous 12 months at a post-secondary educational institution, including, without limitation, a two-year community college, a specialty education center, a four-year public or private institution, or a post-graduate program. Student housing units may include separate rental agreements for different occupants and exterior locking mechanisms on interior doors of rooms for occupants. In no case shall the normal common areas of the units, such as the living room, family room, or dining room, be used as sleeping areas or not be available on an equal or common basis to all occupants.

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

