



SPECIAL USE PERMIT PROCEDURES MANUAL

CITY OF RICHMOND

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

DIVISION OF LAND USE ADMINISTRATION

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Introduction/Overview of the Special Use Permit Process and Staff Procedure

This manual is intended to provide the reader with a step-by-step comprehensive explanation of the Special Use Permit (SUP) process. Included within each step are specific directions to guide the staff planner through the overall process. The directions are developed and described to answer the “who, what, when, where, why, and how” of each multi-faceted step of the SUP Process. Tips and suggestions are also provided throughout the text on facilitating the process. These tips are the result of institutional knowledge gained from previous planners that can be helpful, and in certain scenarios, essential to the process. The reader will also have a complete reference of all the forms, documents, and letters typically used and generated throughout the process to provide additional insight and understanding of the process.

Moreover, after reviewing this procedures manual, the reader should be able to comprehend the breadth and depth of all facets of the SUP process. The reader should also be able to visualize his or her role in the process and ultimately realizing that he or she has ability to anticipate and evaluate potential outcomes of various land use proposals that may positively or negatively impact not only the future of the subject property and applicant, but also the residents of the neighborhood, the community, and the City of Richmond as a whole.

What is a Special Use Permit?

The City's ability to authorize Special Use Permits is granted by the General Assembly within the City's Charter (Section 17.11). This authority is unique to the City of Richmond, in that it enables the City to authorize any land use at any location under any condition as long as the City Council finds that the Charter conditions have been met.

Section 114-1050.1 of the Zoning Ordinance states that: "Pursuant to Section 17.11 of the Charter and in accordance with the requirements set forth therein, the City Council may authorize the use of land, buildings and structures which do not conform to the regulations and restrictions prescribed for the district in which they are situated, and may authorize the issuance of special use permits therefore to the owners of fee simple title thereto and their successors in fee simple title..."

The SUP review process is offered by the City as a means of accommodating the property owner's desired use of the property while protecting the interests of the area residents and the City. The information required to be provided in the application documents is intended to provide a thorough review of the proposal, ensuring that if adopted by City Council, the SUP ordinance will have no negative impacts on the surrounding properties.

The Pre-application Conference

The staff planner should encourage prospective applicants to schedule an appointment and meet with a Land Use Administration planner to discuss the proposed SUP prior to submitting an application, to review related City Master Plan, zoning, land use and other issues that may be involved. The pre-application conference is helpful to identify potential conflicts or concerns that may negatively impact the applicant's proposal or screen an undesirable or poorly planned proposal.

In some cases, due to the scope of a proposal or at the applicant's request, a pre-application conference is necessary to obtain input from other reviewing City agencies. In these cases, the planner reviewing the project with coordinate preliminary Development Review meetings with the reviewing agencies and the applicant. The preliminary meetings allow for review by the Department of Public Works, Commissioner of Buildings, Permits and Inspection Services Division, the City Traffic Engineer, the Department of Fire and Emergency Services, Economic and Community Development, Urban Forestry, Water Resources and the Department of Public Utilities. Development Review Committee meetings are typically scheduled on Thursdays at 2 and 3pm.

Prospective applicants are informed that they are strongly encouraged to discuss the proposed SUP with area civic associations, property owners, and residents prior to the introduction of the ordinance. Letters from the associations and property owners stating their position to the request should be forwarded to the staff prior to the distribution of the agenda packets for the City Planning Commission meeting.

The staff planner should also keep detailed notes of what is discussed and what events transpire at the pre-application meeting and any other meetings with the applicant and/or other reviewing agencies.

Accepting the Special Use Permit Application

SUP applications are filed with the Department of Planning and Development Review, Land Use Administration Division. Applications are accepted Monday through Friday, during normal business hours, typically 8:00 am through 5:00 pm. It has been a policy of the Land Use Administration Division that a senior planner assumes the responsibility of accepting the Special Use Permit application.

Verifying the Application contains all Required Attachments

Prior to accepting the application and payment, the staff planner should inspect the application materials to verify that all required items are provided. Discuss with the applicant, if present, any omitted items. Depending on the completeness of the application materials, the staff planner can reject the application and require that all materials be provided before the application can be accepted for review. For instance, if the applicant has failed to provide the Site Plan the proposal could not be fully reviewed and commented on by the other City agencies involved in the review process. Accepting the incomplete application could result in an inefficient use of staff time to review because the comments would be insufficient and the plans would have to be circulated upon receipt, lengthening the review process. Also, this would not benefit the applicant because useful comments could not be provided.

If, in the judgment of the staff planner, the application materials are complete enough to begin the review process, the application could be accepted and circulated to the other City agencies at no delay to the applicant. However, the additional information or the omitted items must be provided. Supposing the applicant was unable to obtain a site survey, the application could still be circulated.

In some instances, all the items listed on the application may not be relevant to the applicant's request. The staff planner should determine if materials are not applicable and therefore, not required. An example of this may be a sign or lighting plan not being required for a request to build a two-family dwelling or elevation plans not being required for an existing building that will remain unchanged.

The Application Sheet and Contact Information

The staff planner should ensure that the application sheet is signed by all of the property owners or an executed power of attorney signature is attached. The staff planner should explain to the applicant that the applicant/contact person noted on the application sheet is the main person with whom the staff planner will be communicating. It needs to be made very clear that the process flows much better when the staff planner communicates and discusses various aspects of the proposal with only one designated person. Communicating with the contact person may include requesting additional information if needed, or calling to ask questions for clarity, etc. It is the responsibility of the applicant/contact person to communicate clearly and effectively with other parties involved with the proposal, such as architects or engineers. However, there may be instances when the staff planner needs to discuss technical details with the architect or draftsman. The email or mailing address that is provided for the applicant/contact is where all written correspondence will be emailed, mailed and/or faxed. If at some point in the process there should be a change in the applicant/contact person, the staff planner should require a revised application sheet be completed and signed by the property owner.

The Survey

Nine (9) copies and one (1) PDF electronic file of the survey plat showing the property and including metes and bounds are required. Generally, an existing or new survey is required and serves as a reference in the Special Use Permit ordinance that would apply to the property. If a survey is not available, the use of a deed with a meets and bounds description is acceptable. This should be discussed and arranged prior to introduction of the ordinance.

The Proposed Development Plans

Initially, nine (9) copies and one (1) PDF electronic file of site plans, floor plans and elevation drawings (if applicable) should be submitted in sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development. An additional eight (8) reduced sets (11" x17") and a digital set of plans will be required at a later date as specified by the staff planner for

distribution to City Council and City Planning Commission members. The staff planner will determine the extent of the information that is required for each application and this will vary based on the specifics of each request. Generally, the plans should provide the following information:

1. The boundaries of the area involved and the ownership of properties contained therein, as well as all existing public streets and alleys within and adjacent to the site;
2. The location and use of all existing buildings on the site, as well as the approximate location, height, dimensions and general use of all proposed buildings or major additions to existing buildings. The extent and use of proposed buildings or major additions to existing buildings need be shown;
3. The location of all existing parking facilities and the approximate location of all proposed parking facilities, including the number and dimensions of parking spaces at each location and all existing and proposed means of vehicular access to parking areas and to public streets and alleys. Any proposed changes in the location, width or character of public streets and alleys within and adjacent to the site shall also be shown on the plan;
4. The general use of major existing and proposed open spaces within the site and specific features of the plan, such as screening, buffering or retention of natural areas, which are intended to enhance compatibility with adjacent properties.
5. Landscaping to be provided on site and in rights-of-way including species, number, and installation details.

The Applicant's Report

A written report must be submitted describing the proposed use. If the applicant is aware of any relevant history of the property, particularly pertaining to zoning related issues, this should be included in the applicant's report. For non-residential development, the description should include the anticipated number of employees, hours of operation, and an estimate of the amount of vehicular traffic that will be generated by the use. The report should point out the specific features of the Special Use that will ensure that it will be compatible with the surrounding area, and that it is an appropriate use for the site. In addition, the City Charter specifies certain conditions that must be

met before City Council can approve a Special Use Permit. It must be shown that the proposed Special Use will **not**:

1. be detrimental to the safety, health, morals and general welfare of the community involved;
2. tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
3. create hazards from fire, panic or other dangers;
4. tend to cause overcrowding of land and an undue concentration of population;
5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements;
6. interfere with adequate light and air.

The report must indicate the reasons why the applicant feels these conditions will be met (e.g. features of the plan, characteristics of the proposed use or conditions of the surrounding area).

Verifying Accurate Fee Calculation

Payment of required fee must be received to accept the Special Use Permit application and initiate the formal review. Verify that the payment received from the applicant has been correctly calculated and the check is made payable to "City of Richmond". The fee schedule is available in the top drawer of the filing cabinet behind the division secretary's desk. The fee for Special Use Permits is also indication on the application form. If an applicant wishes to pay with a credit card, the staff planner should walk them down to Room 110, where they are able to accept credit card payment.

Receipt of Payment

The staff planner should locate the receipt book that is kept in the top drawer of the front counter work area adjacent to the Division secretary. The receipt book is composed of numbered carbonless sheets in triplicate form. On the top (white) sheet, the staff planner should provide the requested information, noting that the payment was received for a SUP application, the subject property address, and the check number. The white and yellow copies should then be removed with the pink copy remaining in the receipt

book. When the supply of remaining receipts in the receipt book is reduced to fewer than five, the staff planner should request the secretary to obtain the next receipt book in the number sequence from the Department's Administrative Division on the fifth floor of City Hall.

Copies of Payment and Receipt

The applicant receives the white copy of the receipt. The staff planner should make a copy of the payment and the yellow receipt page. Attach the yellow copy to the payment and give to the department's Administrative Division for processing and deposit within twenty-four hours of receipt. The photocopy of the payment and receipt is kept in the project file in the event that the applicant requests a refund. This photocopy is then given to the Administrative Division to aid in referencing the payment if a refund is requested.

The staff planner should then stamp the application sheet with the Land Use Administration Received stamp ensuring that the date on the stamp is accurate.

Creating the LUA File and the LUA File Card, and Updating the LUA Log

The Division secretary will create a project file and file card. The staff planner can e-mail the file request with the specific information that should be on the file label and card to the Division secretary. The Division secretary will also enter the information into the Access database Land Use Administration File Index (located here G:\PDR\Land Use Administration)

The file label should contain:

1. the file number;
2. the subject property address or project name;
3. the file category (SUP);
4. a very brief description of the nature of the request.

The file locator cards are maintained in the “Special Use Permits” drawer of the file cards in Room 511 of City Hall. A new number should be assigned to a request for a new SUP (i.e. 9500) by the staff planner based on the next available number. Each subsequent request related to that SUP (plan or text amendment) should be placed in its own file sharing the same base number, modified with a letter to distinguish it from the original (i.e. 9500a, 9500b, 9500c, etc.). Before assigning a file number and creating a new file card, it is important to check the existing file cards to ensure there are no existing special use files for the subject property.

File Label Example:

File No. 9373	SUP
1400, 1410, 1412 Grove Avenue	
Convert existing building for 10 condos	
Renovate two single-family houses	

File Locator Card Example:

SUP	
<hr/>	
File No. 9373	
1400, 1410, 1412 Grove Avenue	
Convert existing building for 10 condos	
Renovate two single-family houses	
Paul Holt	11/20/06

The staff planner should also coordinate updating the Land Use Project Mapper with the principal planner or GIS planner. The principal planner or GIS planner will need to know the file number, applicant information, and the parcels affected by the special use permit application to update the LUA Log layer. Once the Land Use Project Mapper is updated in ArcMap and uploaded onto the City's web server, the data will be available for viewing here: <http://map.richmondgov.com/LandUseProject/>

The staff planner should coordinate the updating of the Land Use Mapper every week, typically every Thursday. The working data is uploaded onto the web server on Friday by DIT and the updated data is available for viewing live on the City's web site by the following Tuesday.

Circulating the Special Use Permit Plans and Applicant’s Report to City Agencies, and Scheduling the Development Review Meeting

As with all Land Use applications, within 24 hours of receipt, the proposed SUP Plans and applicant’s report are circulated to various City agencies that would be involved in the development process. The intent is to identify potential conflicts or concerns that would have to be addressed during the project’s development in specific areas relative to building code, fire and emergency safety, erosion control, traffic engineering and control, right-of-way management, urban forestry, as well as gas, water and wastewater utilities. Other agencies such as Health and Social Services may be included with certain requests. Paper copies of the plans should be routed to the various City agencies. In addition, the electronic PDF file of the plans along with the automated email notification and tracking should be sent to these agencies using SharePoint.

The Development Review process assembles representatives from the reviewing agencies so that they may provide a comprehensive and efficient review of the proposal. It provides the opportunity for each of the agencies’ plan reviewers to meet with one another and discuss and resolve any conflicting concerns regarding the proposal.

Not all SUP requests would require Development Review. Based upon the nature and complexity of the SUP, the staff planner should schedule a Development Review meeting when they decide it would be beneficial.

The staff Planner should then prepare a memo to the following reviewing agencies:

Department of Public Utilities	Development Services	Rm. 115, City Hall
Department of Public Works	Right-of-Way	6 th Floor, City Hall
Department of Public works	Urban Forestry	800 Forest Lawn Rd.
Bureau of Permits and Inspections	Commissioner	Rm. 110, City Hall
Zoning Administration	Administrator	Rm. 110, City Hall
Department of Fire and Emergency Services	Fire Prevention	201 E. Franklin St.
Division of Traffic Engineering	Traffic Engineer	7 th Floor, City Hall
Department of Public Utilities	Water Resources	730 E. Broad St.
Community & Economic Development	Director	Main Street Station

Reviewing agencies are allotted a maximum of twenty-one (21) calendar days to review plans and provide comments. It is helpful to have the comments prior to the Development Review Meeting, so that the staff planner can review them as necessary. The original plans should be returned to the staff planner so as to prevent potential conflicts from future plan revisions.

The staff planner or division secretary should make photocopies of:

1. Application
2. Applicant's Report
3. Site Survey if attached separately and is letter or legal sized.

These documents are attached to the proposed SUP Plans. The Plans should be folded by the applicant to be 8 1/2" by 11", generally, although in some cases, the Plans may have to be rolled and bound with a rubber band. The cover memo is placed on top and all documents are circulated to the reviewing agencies. In the interest of time and efficiency, it is simplest and quickest to hand-deliver the plans to the agencies. The documents for agencies can also be sent via Intercity mail if they are not located within City Hall. Due to the nature of some requests, not all agencies will need to review the proposal.

The staff planner should also create a new folder for the project on SharePoint to which the PDF of the plans can be uploaded. After selecting the agencies from which to receive feedback and the deadline date, the workflow can be initiated to collect electronic feedback from the reviewing agencies.

Notifying the Applicant/Contact Person of Receipt of the Application

Notify contact/applicant that staff has received the request. Include copies of receipt and letters sent to neighborhood and civic groups.

The letter should state the recommendation for contacting the neighborhood, civic groups, and Council representative to explain the proposal and provide staff with position letters at least 10 days prior to the Planning Commission meeting. The letter should also contain contact information for the affected neighborhood and civic association presidents, and Council representative. The letter should also notify the applicant of the date, time, and place of the Development Review meeting, if applicable.

Notifying the Neighborhood Association(s)

Notify neighborhood associations, civic organizations, and district councilperson of request. This notification should be sent within one week of receiving the request. Obtain contact information from the City's website or the association's website. Insert a Development Response Form that the association can fax or mail back to the staff planner.

If the request is within one-half mile of a jurisdiction boundary, that county must also be notified. A letter would be sent to the Director of the Planning Department.

The Formal Staff Review Process (Research and Analysis)

The formal staff review of the proposed Special Use Permit encompasses a review of the applicant's proposed plans. The staff planner should review the submitted plans to ensure that all requirements of Section 114-1050.1 of the zoning ordinance are met. The applicant's report and plans should be a cohesive and comprehensive unit that establishes and identifies the proposed use and development of the site. The plans should show, if relevant to the request, the specific locations of:

1. existing and/or proposed buildings and uses
2. encroachments
3. driveways and parking areas
4. sidewalks and internal circulation
5. landscaping
6. lighting
7. signage locations

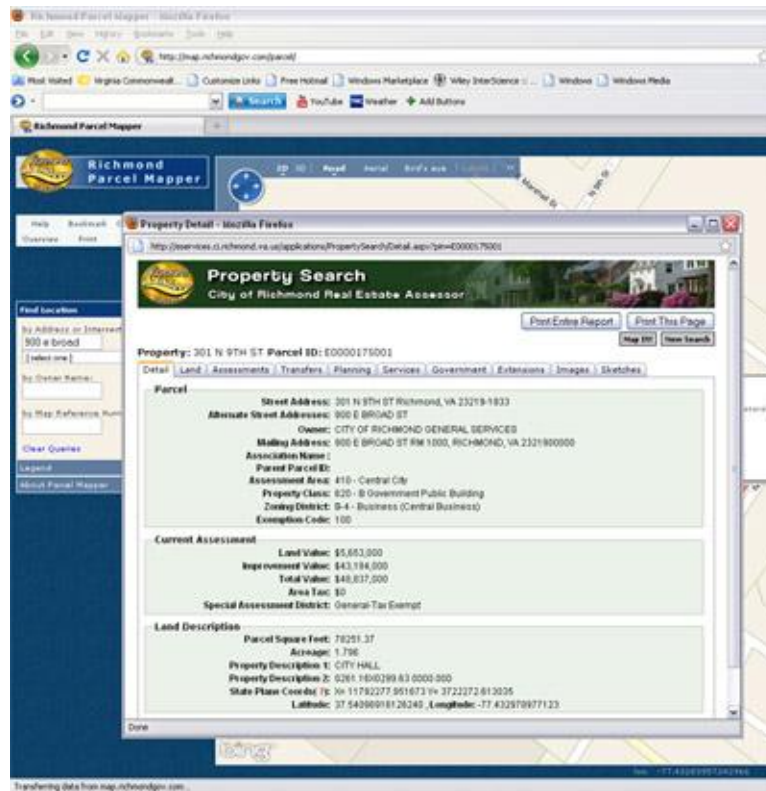
The staff planner should consider the following when researching and analyzing:

1. The zoning map* and the zoning district regulations contained in the zoning ordinance;
2. The City's Master Plan* recommendation, policy statements, and text guidance;
3. The central zoning file in Room 110, City Hall;
4. The Sanborn Map* (located in the Zoning office in Room 110);
5. The tax parcel information* from the Assessor's Office records and property file card;
6. Status of any delinquent taxes;
7. GIS data;
8. History of the property
9. Visiting the site and adjacent properties.

*A copy of the Master Plan Land Use Plan, Sanborn map and Tax Assessor's map should be placed in the file. The GIS system, ParcelMapper, and ZoningMapper can be used to replicate most of the information contained in these maps. In fact, in many cases, the use of features such as ortho-photography and contour lines can be very helpful in providing additional insight into the condition of the site, particularly during the

preliminary plan review, when less information is provided by the applicant. The Zoning data contained within the City's GIS database is the official Zoning Map and this information can be accessed using ArcMap or ZoningMapper. However, be advised that other GIS information is subject to inaccuracies. So, it should be used somewhat cautiously.

The Assessor's records can be accessed through the any web browser using ParcelMapper at <http://map.richmondgov.com/parcel>.



The information includes: the date of purchase including deed book and page number or instrument number; lot size; building area; date built (usually approximate); number of rooms; number of baths; and floor area per floor. The construction date of structures located on properties in annexed areas often mirrors the date of the annexation and does not accurately reflect the actual date of construction. Floor areas are taken from exterior dimensions of the building(s). For the purpose of the SUP Plan review, some of

this detail, beyond the ownership information, may or may not be applicable.

A print out of the assessment, property characteristics and any additional comments from the Assessor's records accessed through ParcelMapper should be placed in the file.

Should additional assessor's information be required, the 1955 Assessor's Work Cards are available for review in the Assessor's office on the 8th Floor in room 800. These are the Appraiser's notes from 1955 to the present.

In accordance with Ordinance No. 2001-357-340, Assessor's tax delinquency records will be reviewed at the time an application is submitted to the Division of Land Use Administration. If records indicate delinquent taxes in any amount, applicants will be notified in the staff comment letter of any taxes owed and explained that the SUP ordinance, if adopted by City Council, may not be implemented until all taxes are paid.

Additional concerns that the staff planner should consider may vary on a site-by-site basis. Relying on sound planning practices, past policy and lessons learned, the planner must distill, from the application materials and a review of the site specifics, the critical issues associated with the proposed development of the site. These issues may include:

1. The proposed project's relationship to the Master Plan;
2. Adequacy of submitted materials – do the standard application materials and standard level of detail provide adequate information regarding the request? Is any additional information required? (Traffic study, buffer study, drainage studies, and/or other impact studies that would usually be requested during the pre-application meeting.);
3. Appropriateness of the proposed use(s) in the context of the surrounding development;
4. Appropriateness of the proposed use(s) as they relate internally;
5. Appropriateness of the proposed density if indicated (Unit per acre, Floor Area Ratio);
6. Adequacy of proposed buffers;

7. Adequacy of proposed setbacks;
8. Adequacy of proposed open space (Usable Open Space)
9. Adequacy of proposed landscaping
10. Adequacy of proposed screening
11. Adequacy of proposed lighting
12. Amount of proposed signage
13. Adequacy of site amenities
14. Adequacy of site circulation
15. Adequacy of site access
16. Adequacy of pedestrian circulation and access
17. Sensitivity to existing vegetation
18. Sensitivity to existing topography

The staff planner should also discuss and review the proposed Plans with the principal planner to ensure that the staff planner has identified all concerns.

All of above information about the property and the request assists the staff planner in evaluating the request and making decisions, requests for additional information, making recommendations about the application, and composing the staff comment letter.

Obtaining, Reviewing, and Analyzing Comments from Other City Agencies and the Development Review Process

Agency comments should be received by the staff planner prior to any scheduled Development Review meeting. The reviewing agencies should also be prepared to provide their comments at the scheduled Development Review meeting.

Representatives for each agency should be able to answer and respond to questions or concerns that might arise. The representatives should have the authority to make decisions for their agency during the meeting in order to provide the petitioner with a meaningful review.

Comments from other agencies should be received via SharePoint on department/division letterhead with the appropriate contact information and signature of the staff person reviewing the project. The comments from other agencies will be forward to the applicant as attachments to the comment letter from Land Use Administration.

The staff planner should review all comments, even for those projects that may not require the Development Review process, received from other agencies to provide a coordinated review. This allows the planner to be informed of any potential issues that may affect the proposal and the plans. It is important that comments forwarded to the applicant are clear, understandable, and informative. Any confusing or vague comments should be clarified before including them with the staff comment letter. The staff planner should contact the agency's plans reviewer for a detailed explanation if the planner does not understand the comment.

In some cases, it may be necessary for the staff planner to follow-up with other City agencies that are reviewing the proposed plan to get their comments in a timely manner. Although SharePoint will send an automatic reminder if comments from a reviewer are overdue, an e-mail reminder or phone message from the staff planner can be effective. Should a reviewer be unable to provide comments within the appropriate amount of time, it may be necessary for the staff planner to send the late comments as an addendum rather than delaying the delivery of all comments to the applicants.

The Staff Comment Letter

The staff comment letter represents the City's official response to the applicant's request and proposal. The letter must inform the applicant of additional information that is needed to provide the staff planner with sufficient review of the request. The comments must clearly identify what action needs to be taken, why, and when. While the letter typically is sent to the contact person, if there are major concerns, a copy of the letter should also be sent to the property owner.

The comment letter should include the Land Use Administration position if staff is unable to support the request. Specific reasons should be included. A dual purpose of the comment letter is to educate the applicant, therefore, the letter should include explanatory comments and suggestions to improve the request. The letter should also include a paragraph reminding the petitioner of the need to meet with the civic association and provide staff with position letters.

The Land Use Administration Division work plan requires that the comment letter must be mailed to the applicant no later than thirty days after receipt of the application. It is important to remember that the principal planner will need adequate time to review the comment letter prior to mailing it. The planner should either schedule a meeting or leave the draft comment letter, plans, and applicant's report for the principal planner to review and comment. It is imperative that the staff planner and the principal planner are in agreement regarding staff's position relative to the special use permit application.

For complex projects, for which there are many comments, it is a good practice to offer the petitioner the option of meeting with staff prior to revising their plans to address the comments. This option is included in the comment letter text. This meeting is helpful to both the developer and staff as it can reduce the applicant's cost and staff's time associated with creation and review of numerous revisions.

In those instances where the staff planner has had trouble obtaining comments from all reviewing agencies, the staff-developer meeting allows one last chance to receive their comments. When facing a meeting with the applicant, there is added pressure on

reviewing agencies to complete the comments. However, be advised that it is still desirable to receive the comments before the meeting. If a reviewing agency brings their comments to the meeting, it means that the staff planner will not have had a chance to review them. This increases the chance of inappropriate comments being conveyed to the applicant. This is only tolerable as a worst-case scenario.

The staff planner reviewing the application coordinates the meeting with the reviewing agencies via an e-mail or memo. Those agencies who have responded indicating that they had no comments would not be required to attend but should be included in case any changes are made. However, it would be their choice to attend. An e-mail or a meeting scheduled through Microsoft Outlook would suffice. Documentation of such a request should be placed in the file. A week is standard for notification of the meeting. Anything less will likely result in you having to coordinate schedules to find an acceptable time. As with any meeting, ensure that you indicate in the notification that the staff members attending the meeting must be operating in a decision-making capacity. Otherwise, there may not be a worthwhile outcome of the meeting.

Reviewing the Revised Plans and Applicant's Report

After the applicant has received the staff comment letter, it is anticipated that the concerns and suggestions stated in the letter will be reflected on the revised plans and applicant's report. The staff planner should review the revised plans and applicant's report with a copy of the comment letter to verify that the changes are correct. In some cases, it may be necessary to re-route the plans to certain City departments for their review and comment to determine compliance. Any other changes or modifications to the plans that were not part of the original submittal or requested by the comment letter must also be identified. In some instances, the changes may affect other aspects of the plans, such as fire safety access or curb cuts that were previously not contemplated. If after reviewing the plans, the staff planner determines that the plans are satisfactory, it can be considered complete and preparations for public hearings can be initiated. If the plans are not complete, the staff planner will mail or email the applicant another comment letter identifying the deficiencies. Comments on revised submittals must be addressed to the applicant within two weeks of receiving the revised plans.

The Special Use Permit Ordinance

The ordinance is the legal document that authorizes the implementation of the proposed special use permit. All new ordinances should follow the template pattern that the Law Department has created.

The staff planner would begin preparation of the draft ordinance once all of the plan revisions and development details have been established and completed.

The ordinance must include the property tax parcel number(s) and address(es). The ordinance incorporates the final version of the special use permit plans. The ordinance text contains the conditions that the property owner would adhere to, such as permitted use, hours of operation, number of employees, and minimum or maximum square footages. A common condition that has been included in the past is the requirement that final lighting and final landscaping plans be approved by the Director of Planning and Development Review prior to the issuance of a building permit, if the applicant is unable to provide them to be included as part of the special use permit. This condition should be discouraged from being included, and the applicant should be encouraged to submit the lighting and landscaping plan with the special use permit in order to avoid conflicts when the applicant's apply for building permits.

Amended special use permit ordinances should be revised to include the following standard text language:

Delinquent Rest Estate Taxes:

No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the subject property have been paid.

Termination Due to Violations of the Ordinance Conditions (Limit of Three):

That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall

inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, or any other applicable laws or regulations.

The O&R Request

The O&R is an intracity memorandum that serves as the official request that is submitted to the Mayor's Administration. This document explains the purpose, reason, and background of the proposed special use permit. Normally, the "O&R" request is submitted with the anticipation that the Law Department would draft the ordinance. However, the Division of Land Use Administration is responsible for drafting their own ordinances and attaching them to the O&R request. The O&R is prepared by the staff planner and follows an established format that briefly states the purpose, reason, recommendation, and background of the request. The O&R also indicates if the request should be on the consent or regular City Council agenda. The staff planner assigns the O&R a number from the "O&R List" of that year. The O&R List is located in the principal planner's office and used by the Department as a way to track our own O&R's. The DPDR O&R number would be the next in the series. The number includes the last two digits of the present year (07) and the next O&R (such as 33, meaning it would be the 33rd O&R submitted by the Department of Planning and Development Review). The O&R must be submitted to the principal planner for review and comment prior to submitting it to the Director of the Department of Planning and Development Review. The O&R is then submitted to the Director. The Director will review and may request additional changes. The Director will initial the request prior to it being submitted. The O&R request must also be accompanied by the memo to the Chief Administrative Office which must also be initialed by the Director. These documents are then submitted to the Deputy Chief Administrative Office (DCAO), who will forward it to the Chief Administrative Office (CAO), who then submits the request to the Law Department.

The O&R is submitted to the Deputy Chief Administrative Officer no later than 5:00 p.m. on scheduled days, typically every other Wednesday. Generally, the O&R must be submitted in a final form. The O&R schedule that is published on starnet by the Administration is used to determine submittal deadlines and tentative dates for Planning Commission and City Council public hearings.

The staff planner attaches the following documents to the O&R request:

1. Application sheet;
2. Applicant's report;
3. Plans;
4. Survey of the property;
5. Proposed (draft) ordinance.

All documents submitted should be single-sided copies.

The staff planner should also enter the O&R request and attachments as a TMP file in Legistar.

Once the O&R and ordinance are submitted to the Deputy Chief Administrative Officer an electronic copy should be e-mailed to the Law Department. The staff planner should also mail or email a copy of the draft ordinance to the applicant and ensure that they understand and are in agreement with the terms and conditions of the ordinance. The applicant should respond in writing that they have reviewed the ordinance and that they agree to the terms and conditions. This correspondence is also a good time to remind the applicant of the sign posting requirements.

At this time, the staff planner should also submit the blurb and additional advertisement language to the City Clerk's office. See page 28 for more information regarding these documents. This is also a good time to send the electronic version of the draft ordinance to the Law Department.

The staff planner has until noon Wednesday prior to introduction to make any minor text changes to the ordinance and submit to the Law Department. All Land Use Administration ordinances are thirty-day papers and hearing dates are tentatively based on when the O&R is submitted.

The Law Department will give the staff planner a copy of any changes they may have to the ordinance. The staff planner needs to check the changes to make sure that nothing adversely affects the intent of the ordinance conditions.

Introduction of the Ordinance at City Council

After the review period, the Law Department forwards the draft ordinance to the City Clerk's Office to be introduced and scheduled for a public hearing at a meeting of the City Council. At the end of a regular meeting of the City Council, the proposed ordinance is assigned an ordinance number and public hearing date. The Planning Commission public hearing is three weeks after introduction and the City Council public hearing date is four weeks after the introduction date per the O&R schedule.

The introduction is a formality that is done at the end of the Council meeting. The petitioner does not need to be present.

The applicant should be reminded again that the sign posting requirement must be met by the Friday after the ordinance is introduced at the Monday Council meeting.

The “Blurb” and Advertisement Language

During the four week period between introduction and public hearing, the proposed rezoning ordinance is advertised by the City Clerk’s Office and notices mailed to adjacent property owners in accordance with State code.

The Assessor’s Office uses the O&R to provide the City Clerk’s Office with address labels to mail notices to adjacent property owners. If a property owner complains that they were not notified, the planner should check with the City Clerk’s Office to determine if that person was outside of the area or if there was a label produced. The City is required by state law to mail the notices but not required to verify they are received.

The staff planner is required to provide the Clerk’s Office with the information that is mailed to the adjacent property owners. This information is referred to as the “blurb”. The blurb is generally composed of the purpose, reason, and background sections of the O&R. The blurb is needed by the Clerk’s Office the week it is introduced. As a last resort, the Clerk’s Office will send a reminder, but the staff planner should have the blurb prepared ahead of time and e-mailed to the Clerk’s Office.

Another document that the Clerk’s Office needs from the staff planner is the newspaper advertisement language. The Clerk’s Office is also required to place advertisements in City newspapers to notify the general public of the upcoming public hearing for the ordinance. This language describes the purpose of the ordinance and describes the residential density that the ordinance would authorize in comparison to that recommended by the Master Plan for the subject property. In many cases, residential density ranges for neither the land use authorized by the special use permit or the Master Plan recommendation for the property are established. Accordingly, the advertisement language should indicate this situation.

NOTE: See “Advertising and Notice Requirements for the Special Use Permit” for additional information on mailing the blurb.

Advertising and Notice Requirements for the Special Use Permit

The Planning Commission and the City Council both hold public hearings on the proposed Special Use Permit ordinance. Advertising of the public hearings and mailing of notices must follow State Code. The Zoning Ordinance requires the City Clerk's Office to place an ad and to mail notices per "general law" which is the State Code. The ad and mailing includes information on both the Planning Commission and City Council public hearings. Specific details of this process are listed below. The subject property is posted within 15 days of the Planning Commission public hearing. The posting process is listed below.

Advertising Requirements:

Section 15.2-2204 A of the State code states, "*The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality...*" The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. The Legal Notices section of the Richmond Times-Dispatch meets the intent of this criterion. The code section further states, "*The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than twenty-one days after the second advertisement appears in such newspaper.*" Finally, the code states, "*Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.*" In order to satisfy this requirement, the advertisement must include a general description of the petitioner's request including density for residential uses in the request or zoning district and in the City's Master Plan.

It is essential that the staff planner fully review and understand section 15.2-2204 of the State code so that all requirements are satisfied. The proposed project must be maintained on file, in the Division office or in the location specified in the advertisement so that the public may review it.

Written Notice Requirements (the blurb):

The Zoning Ordinance requires that the names and addresses of all the property owners to whom notification is to be sent are to be furnished by the City Assessor as shown on the then-current tax records of the City. The Zoning Ordinance also requires the City Clerk's Office to send the notices. The Clerk's Office uses the blurb to fulfill this requirement. The GIS technician in the Assessor's Office uses the copy of the O&R that the staff Planner provides to prepare a map identifying properties within the 150-foot radius. Envelope labels containing the name and address of the applicable owners are printed. The labels are given to the Clerk's Office. The Clerk's Office mails the notices to the owners based on the labels. The mailed notices include information on both the Planning Commission and City Council public hearings.

Affidavit of Mailings:

Section 15.2-2204 B of the State code further states, "*A Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement.*" However, it continues, "*Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.*" In order to fulfill this requirement, the public notices are sent by first class mail. The City Clerk's Office fills out the Affidavit of Mailings form for their mailed notices.

Failure to Receive Notice:

It is worth noting that individuals may wish to challenge the validity of the special use permit proceedings based on their failure to receive proper notification. With regard to these claims the State code states, "*A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.*" In other words, by actively participating in the process, while it is ongoing, the rights to challenge its validity

are lost. This complaint, when filed during the process, is not valid.

Posting the Property:

Sec. 114-1050.5 of the Zoning Ordinance requires that the applicant post notice of the pending special use permit on the property.

This section states "In the case of each application for a special use permit or amendment to a special use permit, it shall be the responsibility of the applicant to post on the property that is the subject of the special use permit, a sign or signs notifying interested parties of the application and pending public hearings thereon. Such sign(s) shall comply with the following requirements.

(1) The sign(s) shall be posted at least 15 days prior to the scheduled planning commission public hearing on the application, shall remain on the property until final disposition of the application by the city council, and shall be removed from the property within ten days after final action by the city council. Failure to remove the sign(s) within the specified time shall constitute a violation of this chapter.

(2) The sign(s) shall contain the words "Zoning Application Pending" together with the words "For Planning Commission and City Council Public Hearings Information Call (804) 646-6304." The format of the sign information shall be as furnished by the secretary of the planning commission.

(3) The sign(s) shall be posted within five feet of the right-of-way of the street along each street frontage of the property, and shall be located at approximately the mid-point of the street frontage in such manner as to be readable from the street. In the case of street frontages greater than 1000 feet in length, in addition to the foregoing requirement, signs shall be posted at approximately 500-foot intervals. The required number and/or location of signs may be adjusted by the secretary of the planning commission in cases where the applicant can present sufficient justification to warrant such adjustment, provided that the spirit and intent of the notice requirements of this section are met.

(4) The sign(s) shall be of wood or metal material, 36 inches by 48 inches in size, with black lettering at least three inches in height on a white background. The top edge of

such sign(s) shall not be greater than six feet in height as measured from the adjacent ground level, provided that greater height may be authorized by the secretary of the planning commission if necessary to enable adequate visibility.

(5) The support element for such sign(s) shall be a four-inch by four-inch wood post fastened securely in the ground, provided that alternative means of support may be approved by the secretary of the planning commission.

(6) The sign(s) shall not be illuminated.

(7) The applicant shall submit an affidavit to the secretary of the planning commission not less than ten days prior to the scheduled planning commission public hearing attesting to the fact that the sign(s) is posted on the property as required. The affidavit shall be on a form supplied by the secretary of the planning commission. The applicant shall also submit a photo of the sign(s) verifying that the sign(s) is posted as required.

(8) The applicant shall be responsible for maintaining the sign(s) in a sound and legible condition, and shall be responsible for reporting to the secretary of the planning commission the theft or damage of any required sign. Any sign which is the subject of theft or damage shall immediately be replaced or repaired in accordance with the provisions of this section.”

The staff planner may email a reminder notice to the applicant the Tuesday after the ordinance is introduced to insure that the sign posting requirements are met. The staff planner should also notify the Division secretary of the addresses and general locations of any signs that are posted, so he or she will forward calls inquiring about the signs to the correct person.

County Notification:

State Code requires that when a proposed special use permit involves any parcel of land located within one-half mile of a boundary of an adjoining county or municipality, then, in addition to the advertising required above, written notice shall also be given at least 10 days before the hearing to the chief administrative officer or his designee, of the adjoining county. This is usually done when an application is received if it is a large project or is controversial and input from the county is desired. The staff planner should

include a set of plans with the letter.

Amendments to Ordinances:

The Planning Commission and City Council can amend ordinances, however the amendment cannot include a more intensive use or less restrictive condition than was contained in the public notice without an additional public hearing following all of the notice requirements noted above.

Preparing the Staff Presentation to the Planning Commission

Once the date of the Planning Commission and City Council public hearings have been determined, the staff planner should consult with the staff planner I to discuss what items will be needed for the staff planner's power point presentation of the proposed SUP plans to the City Planning Commission. The presentation should contain the following slides in this order:

- Oblique aerial photography
- Current and adjacent zoning
- City Master Plan designation
- photographs of the subject property
- SUP Plans
- SUP conditions
- Staff findings and recommendation
- City seal

The following slides should be included after the City seal slide in case they are needed to refer to, as questions from the Commission arise:

- Ortho-photography
- Current and adjacent land uses
- Additional photographs of the subject property
- Photos of adjacent properties and area

It is essential that the staff planner convey the essential information about the case while keeping the presentation brief, **five minutes maximum**. The preparation of the presentation should be coordinated with the division staff planner I. Presentations are located in the CPC PRESENTATIONS folder in the SHARED folder. The staff planner should review all of the images and verify that the information is correct, including land uses and zoning. Any discrepancies should be brought to the attention of the staff planner I and corrected. The staff planner should ensure that the presentation contains enough information for the Planning Commission to fully evaluate the request without being too lengthy.

The Staff Report

The staff report represents the Division's official recommendation of the request to the Planning Commission. The staff report is composed in a memo to the Planning Commission. The staff report generally includes the following information:

1. a general description of the nature of the request;
2. current zoning and use;
3. adjacent zoning and uses;
4. Master Plan recommendation;
5. site location, land area, number of buildings, and other background information;
6. any concerns that have not been resolved;
7. comparison of the request to the City's Master Plan recommendation;
8. staff's evaluation of the request;
9. public participation and feedback
10. conclusion with staff's formal recommendation to the Planning Commission.

The recommendation may be for approval, disapproval, amendment, or continuance. The report also identifies the area civic associations that were involved with the request and states their position. If their position is not indicated, then a statement of what efforts the staff planner went through to try to get the position would be included in the report. Also noted are any positions of support or objection by others. The staff planner should have already obtained a copy of the associations' position in writing, as well as any other groups or individuals.

The staff report is due to the principal planner by noon the Wednesday prior to distribution of the agenda packets on Monday. However, it is recommended that it be done sooner in case there are any major unresolved issues or concerns. The staff report is stored in the CPC folder for that meeting in the SHARED folder on the G: drive. The planner should work on the staff report in this folder, never in the personal folder or C: drive in case the staff planner is unavailable. Once the staff report is complete the staff planner must attach it to the file in Legistar along with the plans, the introduced ordinance, a location map, neighborhood letters and any other information about the case that should be distributed to the Planning Commission.

The Planning Commission Agenda Packets

The staff planner should remind the contact person of the items that will be needed for the Planning Commissioners. These items are:

1. seven (7) copies of the proposed Special Use Permit plans;
2. applicant's report;
3. letters of support
4. other supporting documentation or graphics.

The staff planner may need to remind the applicant that letters from the area civic associations need to be forwarded to staff as well, if they have not been received. Packets can include letters received by staff if citizens of civic associations request that the letters or information be included in the packets.

The division staff planner I is responsible for preparing the location map for the agenda item and including the "agenda item #" designation on the location map. The staff planner should coordinate the location map with the staff planner I.

The items for the agenda packet are assembled in the following order:

1. Staff report;
2. Location map;
3. Introduced ordinance;
4. Proposed plans
5. Application & Applicant's report;
6. Letters of support or opposition

The principal planner will produce the agenda with the attachments in an electronic format on Legistar. It is the staff planner's responsibility to ensure that all the attachments are loaded in Legistar for this electronic agenda. The staff planner I is responsible for distributing the agenda packets. Once the staff planner I has left the building to do so, the staff planner would send a copy of the staff report and agenda to the petitioner. This can be done Thursday afternoon or Friday morning prior to the Planning Commission meeting.

The City Planning Commission Public Hearing of the Proposed Special Use Permit

At the scheduled and advertised public hearing, the staff planner will give a presentation and formal recommendation of the proposed Special Use Permit and respond to questions or concerns that the Commission may have. The petitioner will also be given the opportunity to make a brief presentation as well. Depending on the circumstances, the petitioner may need to provide additional clarification or information, as well as respond to direct questions from the Commissioners. The audience attending the meeting is given the opportunity to address the Commission. The Planning Commission's recommendation is then forwarded to the City Council following the Commission meeting. The Action Summary from the Planning Commission is prepared by the Division principal planner. A copy is also placed in the project file.

The City Council Public Hearing

At the City Council Public Hearing, the proposed ordinance would be considered by City Council for adoption. The item would be on the consent or regular agenda depending on the O&R recommendation. However, Planning Commission recommendation, unresolved concerns, or community opposition to the request may cause an item to be pulled from the consent agenda and placed on the regular agenda.

If the item is on the regular agenda, the Secretary of the Planning Commission presents the Planning Commission's recommendation to City Council. The Secretary of the Planning Commission generally modifies the existing staff report and power point presentation that were used at the Planning Commission meeting with necessary updates to reflect what transpired at or since the Commission's hearing.

It is in the petitioner's best interest to attend the City Council public hearing. The staff planner should verbally remind the petitioner that attending the Council public hearing is suggested. If the petitioner is not at the meeting, the request could be continued or denied if not available to answer questions. This could occur even if the item is on the consent agenda.

The public audience is also given the opportunity to address City Council with any concerns or objections to the petitioner's request. In most cases, the Council will allow the public audience the opportunity to speak first, with the intent that the petitioner can respond to any concerns in a more time efficient manner.

The petitioner, or the petitioner's representative, is given the opportunity to address City Council and provide additional information and respond to questions that the Council may have. If the item is on the consent agenda, it is generally good practice that the petitioner not formally address City Council.

After any discussion of the item, the Council may vote to approve, disapprove, amend, or continue the request. An amendment may require that the item goes back to the Planning Commission to make a recommendation on the changes.

Final Letter to Applicant

Following the City Council meeting, the staff planner sends a cover letter or email to the petitioner indicating the Council's decision with a copy of the ordinance, if adopted. The cover letter or email should draw attention to specific ordinance sections, reminding the petitioner of their need to fulfill certain required conditions, such as submitting final lighting or landscaping plans for approval by the Director of the Planning and Development Review prior to the issuance of a building permit.

The staff planner would then forward a copy of the ordinance to the petitioner if approved. A copy of the cover letter or email and ordinance are forwarded to the Zoning Administrator in Room 110 of City Hall. The Assessor's office on the 8th floor of City hall also receives a copy so that the property can be re-assessed accordingly.

The staff planner must also coordinate adding a triangle for the property on the official GIS zoning map with the GIS Technician. The GIS zoning map must be updated within one week of adoption of the ordinance.

The staff planner must close-out the file. Any duplicated material should be removed, such as correspondence and plans. Copies of the following should also be in the file:

1. Copy of the Adopted Plans;
2. Staff report for the Commission meeting
3. Agenda for the Commission meeting
4. Minutes from the Commission meeting
5. Copy of adopted ordinance
6. Copy of final letter sent to petitioner

The Division secretary can also assist with closing out the file. A check list can be provided to ensure that the items are in the file. However, the staff planner should be responsible for removing any duplicate plans, etc.

APPENDIX

CITY OF RICHMOND
PLANNING AND DEVELOPMENT REVIEW
LAND USE ADMINISTRATION



DATE

APPLICANT/CONTACT
APPLICANT/CONTACT ADDRESS

RE: **PLAN TYPE AND WORK CLASS**
SITE ADDRESS
PARCEL NUMBER
FILE NUMBER



Dear SALUTATION APPLICANT/CONTACT:

I am in receipt of your **PLAN TYPE AND WORK CLASS** for the above referenced property and your proposal has been circulated to various City agencies for their review and comments. After staff's review of your proposal, I will contact you to discuss any changes that must be made to the plans.

The City is obligated to provide notice of this request to surrounding property owners. If you have not already done so, it is important that you take the initiative and discuss your plans with nearby property owners, particularly abutting property owners, the City Council representative, and any civic association representatives, prior to the mailing of our notice so that they will fully understand the nature of your proposal and be able to contact you directly with any questions or concerns. I have notified the following representatives of your application:

CIVIC ASSOCIATION CONTACT
CIVIC ASSOCIATION ADDRESS
CIVIC ASSOCIATION EMAIL
CIVIC ASSOCIATION PHONE

COUNCIL REPRESENTATIVE
COUNCIL REPRESENTATIVE ADDRESS
COUNCIL REPRESENTATIVE EMAIL
COUNCIL REPRESENTATIVE PHONE

CIVIC ASSOCIATION CONTACT
CIVIC ASSOCIATION ADDRESS
CIVIC ASSOCIATION EMAIL
CIVIC ASSOCIATION PHONE

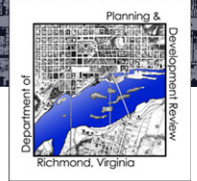
Comment [m1]: There may be multiple Civic Associations associated with each plan. The contact info for all of them should be pulled into this letter.

Should you have any questions, please do not hesitate to contact me at **ASSIGNED TO STAFF MEMBER PHONE #** or **ASSIGNED TO STAFF MEMBER EMAIL ADDRESS**.

Sincerely,

ASSIGNED TO STAFF MEMBER

CITY OF RICHMOND
PLANNING AND DEVELOPMENT REVIEW
LAND USE ADMINISTRATION



DATE

CIVIC ASSOCIATION
CIVIC ASSOCIATION ADDRESS

Re: **PLAN TYPE AND WORK CLASS**
SITE ADDRESS
PARCEL NUMBER
FILE NUMBER

Dear **SALUTATION CIVIC ASSOCIATION CONTACT PERSON:**

The **PLAN TYPE AND WORK CLASS** for the above referenced property, which is located in the **ZONING DISTRICT**, was introduced to City Council and is slated for **DATE OF PLANNING COMMISSION MEETING** Planning Commission and **DATE OF CITY COUNCIL MEETING** City Council public hearings. The applicant has requested a **PLAN TYPE AND WORK CLASS** to **DESCRIPTION**.

Please find enclosed a copy of the Applicant's Report and plans for your review. The applicant is:

APPLICANT
APPLICANT ADDRESS
APPLICANT EMAIL ADDRESS
APPLICANT PHONE NUMBER

If you have any additional comments or questions about this proposal or about the **PLAN TYPE AND WORK CLASS** process, please do not hesitate to contact me at **ASSIGNED TO STAFF MEMBER PHONE #** or **ASSIGNED TO STAFF MEMBER EMAIL ADDRESS**.

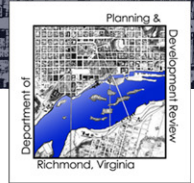
Sincerely,

ASSIGNED TO STAFF MEMBER

Enclosed: Applicant's Report
Development Proposal Response Form

cc: **APPLICANT**
COUNCIL REPRESENTATIVE

CITY OF RICHMOND PLANNING AND DEVELOPMENT REVIEW LAND USE ADMINISTRATION



DATE



APPLICANT/CONTACT
APPLICANT/CONTACT ADDRESS

RE: **PLAN TYPE AND WORK CLASS**
SITE ADDRESS
PARCEL NUMBER
FILE NUMBER

Dear **SALUTATION APPLICANT/CONTACT**:

Your application for the above referenced property has been circulated to various City agencies for their review and comments have been prepared. Please review the following considerations and comments pertaining to your proposal.

As a reminder, please make every effort to discuss your proposal with **COUNCIL REPRESENTATIVE** and the local civic association. Staff is appreciative of your continuing efforts in engaging both City staff and neighborhood residents in order to achieve the goal of creating developments that respect the existing character of the community. With these considerations, staff offers the following comments for your proposal:

Land Use Administration (REVIEWER NAME, REVIEWER PHONE NUMBER):

COMMENTS

[REPEAT FOR ALL REVIEWERS ASSOCIATED WITH PLAN]

Please submit revised plans and a letter detailing your response or revisions to the plans. Be advised that these comments apply to the previously submitted plans. Any subsequent submissions will generate another review by the above-mentioned agencies, and all comments are subject to change. Should you have any questions or if you would like to schedule a meeting before resubmitting your proposal, please do not hesitate to contact me at **ASSIGNED TO STAFF MEMBER PHONE #** or **ASSIGNED TO STAFF MEMBER EMAIL ADDRESS**.

Sincerely,

ASSIGNED TO STAFF MEMBER

cc: **PROPERTY OWNER**

Template Special Use Permit Ordinance

INTRODUCED:

AN ORDINANCE No.

To authorize the special use of the {property OR properties} known as <ADDRESS OR ADDRESSES> for the {purpose OR purposes} of <PURPOSE OR PURPOSES>, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING:

AT 6 P.M.

WHEREAS, the owner of the {property OR properties} known as <ADDRESS OR ADDRESSES>, which is situated in a <FULL NAME OF ZONING DISTRICT> District, desires to use such {property OR properties} for the {purpose OR purposes} of <PURPOSE OR PURPOSES>, which use, among other things, is not currently allowed by {section OR sections} <SECTION NUMBER OR NUMBERS> of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 114-1050.1 of the Code of the City of Richmond (2004), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water

supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the {property OR properties} known as <ADDRESS> and identified as Tax Parcel {No. OR Nos.} <NUMBER OR NUMBERS: XXXX-XXXX/XXX> in the <CURRENT YEAR> records of the City Assessor, being more particularly shown on a survey entitled “<TITLE>,” prepared by <PREPARER>, {and dated <DATE> OR dated <DATE>, and last revised <LATEST REVISION DATE>}, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the {purpose OR purposes} of <PURPOSE OR PURPOSES>, hereinafter referred to as “the Special Use,” substantially as shown on {pages OR sheets} <NUMBERS> of the plans entitled “<TITLE>,” prepared by <PREPARER>, {and dated <DATE> OR dated <DATE>, and last revised <LATEST REVISION DATE>}, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. Special Terms and Conditions. This special use permit is conditioned on the following special terms and conditions:

**<INSERT HERE IN LETTERED SUBSECTIONS ALL CONDITIONS PARTICULAR
TO THE SPECIAL USE OF THE PROPERTY NOT INCLUDED AS A POSSIBLE
SUPPLEMENTAL CONDITIONS BELOW.>**

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

**<FOR EACH OF THESE COMMON CONDITIONS THAT IS APPROPRIATE FOR THE
PARTICULAR SPECIAL USE PERMIT, INCLUDE IT AS WRITTEN BELOW AND
LETTER IT APPROPRIATELY.>**

(L) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(L) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(L) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(L) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2004), as amended, and all future amendments to such laws.

(L) The Owner shall make improvements within the right-of-way substantially as shown on the Plans, which improvements may be completed in one or more phases as approved

by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(L) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations. <NOTE: THIS CONDITION, IF USED, SHOULD ALWAYS BE LISTED LAST.>

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 114-1220 of the Code of the City of Richmond (2004), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void {OPTIONAL: or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of <NUMBER> consecutive calendar days}, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

{§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within <NUMBER> calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

OR

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a certificate of occupancy for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of occupancy shall be made within <NUMBER> calendar days following the date on which this ordinance becomes effective. If the application for the certificate of occupancy is not made with the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.}

OR

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within <NUMBER> calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made with the time period stated in the

previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.}

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

CITY OF RICHMOND
PLANNING AND DEVELOPMENT REVIEW
LAND USE ADMINISTRATION



DATE

CIVIC ASSOCIATION
CIVIC ASSOCIATION ADDRESS



Re: **PLAN TYPE AND WORK CLASS**
SITE ADDRESS
PARCEL NUMBER
FILE NUMBER

Dear **SALUTATION CIVIC ASSOCIATION CONTACT PERSON:**

We have received a **PLAN TYPE AND WORK CLASS** application for the above referenced property, which is located in the **ZONING DISTRICT**. The applicant has requested a **PLAN TYPE AND WORK CLASS**, which would allow **DESCRIPTION**. Please find enclosed a copy of the Applicant's Report for your review. The petitioner should contact you regarding this proposal, if he has not done so already. The petitioner is:

APPLICANT
APPLICANT ADDRESS
APPLICANT EMAIL ADDRESS
APPLICANT PHONE NUMBER

A Development Proposal Response Form has also been included for your Association's consideration. If you have additional information, feel free to submit it to our office. If you have any other questions about this proposal or about the **PLAN TYPE AND WORK CLASS** process, please do not hesitate to contact me at **ASSIGNED TO STAFF MEMBER PHONE #** or **ASSIGNED TO STAFF MEMBER EMAIL ADDRESS**.

Sincerely,

ASSIGNED TO STAFF MEMBER

Enclosed: Applicant's Report
Development Proposal Response Form

cc: **APPLICANT**
COUNCIL REPRESENTATIVE

Comment [m1]: There may be multiple Civic Associations associated with each plan. Each Association should generate a separate letter.



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. ?:

To: City Planning Commission
From: Land Use Administration
Date:

PETITIONER

LOCATION

PURPOSE

SUMMARY & RECOMMENDATION

FINDINGS OF FACT

Site Description

Proposed Use of the Property

Master Plan

Zoning & Ordinance Conditions

Surrounding Area

Neighborhood Participation

Staff Contact: , (804) 646-

CITY OF RICHMOND
PLANNING AND DEVELOPMENT REVIEW
LAND USE ADMINISTRATION



DATE

APPLICANT/CONTACT
APPLICANT/CONTACT ADDRESS



RE: **PLAN TYPE AND WORK CLASS**
SITE ADDRESS
PARCEL NUMBER
FILE NUMBER

Dear **SALUTATION APPLICANT/CONTACT**:

Enclosed for your records is a copy of the **PLAN TYPE AND WORK CLASS** ordinance adopted by City Council, on **CITY COUNCIL ADOPTION DATE**. This ordinance is in force and effect upon the date of adoption. Please be aware that, per the attached ordinance, you must submit a building permit application within twenty-four (24) months from the effective date of the ordinance.

Should you have any questions regarding the provisions of the ordinance, please do not hesitate to contact me at **ASSIGNED TO STAFF MEMBER PHONE #** or **ASSIGNED TO STAFF MEMBER EMAIL ADDRESS**.

Sincerely,

ASSIGNED TO STAFF MEMBER

Enclosed: Adopted Ordinance

cc: William Davidson, Zoning Administrator
City Assessor
File