

INTRODUCED: March 28, 2022

AN ORDINANCE No. 2022-101

To authorize the special use of the property known as 1514 North 22nd Street for the purpose of a wildlife rehabilitation facility accessory to an existing single-family dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 25 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 1514 North 22nd Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a wildlife rehabilitation facility accessory to an existing single-family dwelling, which use, among other things, is not currently allowed by section 30-412.2 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and 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

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: APR 25 2022 REJECTED: _____ STRICKEN: _____

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 30-1050.1 of the Code of the City of Richmond (2020), 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 known as 1514 North 22nd Street and identified as Tax Parcel No. E000-0776/006 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lot and Improvements Thereon Located at #1514 N. 22nd Street, Richmond, Virginia,” prepared by A. G. Harocopos and Associates, P.C., and dated October 15, 2020, 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 of a wildlife rehabilitation facility accessory to an existing single-family dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the survey entitled “Survey of Lot and Improvements Thereon Located at #1514 N. 22nd Street, Richmond, Virginia,” prepared by A. G. Harocopos and Associates, P.C., and dated October 15, 2020, hereinafter referred to as “the Plans,” a copy of which is 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:

(a) The Special Use of the Property shall be as a wildlife rehabilitation facility accessory to an existing single-family dwelling, substantially as shown on the Plans and as described in the Applicant’s Report, with the exception of the photograph referenced on the first page thereof, a copy of which report is attached to and made a part of this ordinance.

(b) The Special Use shall be regulated by the Virginia Department of Game and Inland Fisheries and shall only be operated by a person or persons licensed by such agency as Wildlife Rehabilitators. No rehabilitation for wild animals not designated on such Wildlife Rehabilitator's license shall occur on the Property.

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

(a) 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.

(b) 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.

(c) 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.

(d) 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 (2015), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 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 30-1220 of the Code of the City of Richmond (2020), 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 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), 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 30-1080 of the Code of the City of Richmond (2020), 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, 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

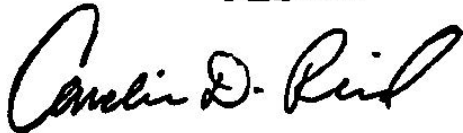
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The 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 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Carol D. Reil". The signature is written in a cursive style with a large initial 'C'.

City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Item Request

File Number: PRE.2022.0043

O & R Request

DATE: February 14, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

FROM: Kevin Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 1514 North 22nd Street for the purpose of a wildlife rehabilitation facility accessory to a single-family dwelling, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 1514 North 22nd Street for the purpose of a wildlife rehabilitation facility accessory to a single-family dwelling, upon certain terms and conditions.

REASON: The property is located in the R-6 Single-Family Attached Residential District. In this district, the keeping or raising of domestic animals for noncommercial purposes is a permitted accessory use. However, a wildlife rehabilitation facility is not specifically listed as a permitted accessory use. A special use permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its April 4, 2022 meeting.

BACKGROUND: The subject property is located midblock on the western side of North 22nd Street between U Street and V Street. A service alley runs adjacent to the rear property line. The subject property is 40 feet wide with a depth of 125 feet for a total area of 5,000 square feet.

Wildlife rehabilitation is allowed only with a permit from the Department of Game and Inland Fisheries (DGIF). DGIF requires that any wildlife rehabilitation facility shall have verification from the local zoning administrator that wildlife rehabilitation is a permitted use for the property where it is to occur. Thus a special use permit must be authorized prior to certification by DGIF.

The proposed special use will consist of a rehabilitation room inside the dwelling and the number of animals kept will be small due to space available and the time commitments for care. Several small outdoor cages are located in the enclosed back yard and these are use in order to acclimate animals to the outdoor environment prior to release. No animals shall roam at large on the property.

The Richmond 300 Master Plan calls for Neighborhood Mixed Uses for the property. Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings, and open space.

All properties surrounding the subject property are located within the same R-6 Single-Family Attached Zoning District. Within the area of the subject property, properties are developed primarily with two-family detached dwellings.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City’s budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 14, 2022

CITY COUNCIL PUBLIC HEARING DATE: April 11, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
April 4, 2022

AFFECTED AGENCIES: Office of Chief Administration Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant’s Report, Survey, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

Project Name/Location

Property Address: _____ Date: _____

Tax Map #: _____ Fee: _____

Total area of affected site in acres: _____

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: _____

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _() _____ Fax: _() _____

Email: _____

Property Owner: _____

If Business Entity, name and title of authorized signee: _____

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _() _____ Fax: _() _____

Email: _____

Property Owner Signature: *Alicia Clinton* *Max Richmond*

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

City of Richmond
Special Use Permit for Wildlife Rehabilitation
Applicant's Report: Adrianna Clinton
January 13, 2022

Background

Wildlife Rehabilitation Permits. The Virginia Department of Wildlife Resources (DWR) licenses wildlife rehabilitators to provide care for injured and orphaned wildlife. The goal is to return wildlife to their natural habitats. DWR requires extensive hands-on training and supervision and 6 hours of course education annually. Wildlife Rehabilitators are subject to State rules and regulations and inspections and must submit reports to DWR each year. In Virginia, Wildlife Rehabilitators are not allowed to request donations for services, but can accept donations.

The Need. There are only 100-200 permitted wildlife rehabilitators in the Commonwealth of Virginia. Each year the demand for wildlife rehabilitation far exceeds the capacity of area wildlife rehabbers. I understand the number of wildlife rehabilitators is declining due to the difficulty of the work, high level of stress and rising out of pocket expenses. The public's awareness of human impact on wildlife has only increased as COVID-19 has more people interacting with natural areas, this has caused a surge in the number of calls for help for our native wildlife.

Applicant Proposal

I am a member of AWARE, Alliance of Wild Animal Rehabilitators & Educators. AWARE is an all volunteer non-profit organization working with concerned citizens and wildlife rehabilitators. AWARE has relationships with local veterinarians, who assist with diagnosis and treatment, and with large facilities such as the Wildlife Center of Virginia. Animal control officers, police, vets and the general public may assist with transporting orphaned and injured animals for wildlife rehabilitation. AWARE provides educational programs to organizations and schools, primarily in the Richmond Metro area. All proceeds from programs go to the care of injured and orphaned wildlife so they can be returned to the wild.

I obtained my first Wildlife Rehabilitation Permit in 2017 and have worked with our mentors for over five years. On January 22, 2020, DWR informed me that I must obtain a Special Use Permit from the City of Richmond. I am, therefore, requesting a Special Use Permit to provide wildlife rehabilitation of small animals at my home at 1514 N 22nd street.

Rehabilitation area. I use my upstairs office with a fully closed door (11foot x11 ft) as my rehabilitation room (see attached photo). After the baby animals have reached a certain size indoors and injured animals have sufficiently recovered, they must become acclimated to the outdoors in cages. I have several secure cages located in the privacy fenced area of my property that meet the needs of small animals. Once acclimated, the animals will be returned to their native habitat.

Why the special use will not be detrimental:

My outdoor rehabilitation area is secluded and out of sight of the public. There will be no impact to any of the neighbors. I have my own off street parking for my vehicles and will not impact roads or streets. These small animals will not roam at large in the neighborhood as they will be kept in locked cages securely behind the privacy fence.

I hope that my proposal will be approved so that I can carry on this valuable service to the community saving lives as a volunteer.

