

INTRODUCED: February 5, 2018

AN ORDINANCE No. 2018-022

As Amended

To amend Ord. No. 2002-17-48, adopted Feb. 11, 2002, which authorized the special use of the properties known as 8 and 10 East Main Street for conversion and use of the ground floor levels of the existing buildings for dwelling purposes, together with off-street parking, to also permit such properties to be used for short-term rental, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 26 2018 AT 5 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2002-17-48, adopted February 11, 2002, be and is hereby amended and reordained as follows:

§ 1 That the real [~~estate~~] properties known as 8 and 10 East Main Street, located on the north side of East Main Street between North 1st Street and North Foushee Street, identified as Tax Parcel [~~Nos.~~] No. W000-0082/020[~~, and W000-082/019~~] in the [~~2001~~] 2018 records of the City Assessor, and shown on the attached survey entitled: “East Main Street,” prepared by Thomas and Associates, Certified Land Surveyors, and dated June 13, 2001, [~~are~~] is hereby permitted to be used for dwelling or short-term rental, as section 15.2-983(A) of the Code of Virginia (1950), as

AYES: 7 NOES: 2 ABSTAIN: _____

ADOPTED: APR 9 2018 REJECTED: _____ STRICKEN: _____

amended, defines the term “short-term rental,” purposes, substantially as shown on sheets CS-1, CS-2, and CS-3 of the plans entitled [“Renovations to #8 & #10 East Main Street,” “8 & 10 East Main New Carriage House,” prepared by Johannas Design Group, [consisting of sheets A100-A103,] and dated October [31, 2001, and last revised December 17, 2001] 3, 2017, and sheets A101-A, A102, and A103 of the plans entitled “Townhouse Renovations, #8 & #10 East Main Street, Richmond, Virginia,” prepared by Johannas Design Group and dated December 17, 2001, October 31, [2017] 2001, and October 31, [2017] 2001, respectively, copies of which are attached hereto and made a part of this amendatory ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the real estate, which shall be transferable from the owner of the real estate to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That [~~the Commissioner of Buildings is hereby authorized to issue to the owner of the real estate a building permit in accordance with the above referenced plans for such purposes,]~~ the special use permit authorized by this ordinance is subject to the following terms and conditions:

(a) That the owner of the property shall be bound by, shall observe, and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance;

(b) That application for a building permit shall be made within twenty-four (24) months from the effective date of this amendatory ordinance, which building permit shall expire by limitation and become null and void if construction is not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (180) days at any time after the work is commenced, as provided in

applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twenty-four (24) months from the effective date of this amendatory ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(c) That [~~a maximum of two (2) dwelling units shall be permitted to occupy the ground floor level of each of the main buildings on the premises substantially as shown on the attached plans~~] the special use of the property shall be up to seven multifamily dwelling units, up to seven rooms or groups of rooms to be used for short-term rental, as section 15.2-983(A) of the Code of Virginia (1950), as amended, defines the term “short-term rental,” or a combination thereof. Up to six of such rooms or groups of rooms shall be located in the existing multifamily dwelling and one of such rooms or groups of rooms shall be located in the proposed second floor of an existing garage, substantially as shown on the plans attached to this amendatory ordinance.

(d) That the owner shall maintain access to the alley for use by tenants of [~~both buildings~~] the property. Such access may be provided off-site by recorded lease or easement. If access is provided off-site, the owner shall record a copy of the executed lease or easement prior to the issuance of the building permit;

(e) That [~~not less~~] no fewer than three (3) parking spaces shall be provided on the property, substantially as shown on the attached plans, and shall be paved with an all-weather dust-free surface, and be delineated on the pavement surface;

(f) That 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;

(g) That storm or surface water shall not be allowed to accumulate on the land and that adequate facilities for the drainage of storm or surface water from the land and building shall be provided and maintained at all times by the owner at its cost and expense so as not to adversely affect or damage adjacent property or public streets and the use thereof; and

(h) That signage ~~[shall be in accordance with the applicable underlying zoning regulations]~~ pertaining to the special use shall comply with the signage standards for permitted uses of the R-73 Multifamily Residential District as set forth in section 30-507(2) of the Code of the City of Richmond (2015), as amended. Signage pertaining to the special use shall also meet the requirements of the Commission of Architectural Review.

(i) No unit used for short-term rental shall be rented to more than two adult persons per ~~room~~ bedroom at any given time.

(j) All building materials and elevations shall be substantially as shown on the plans attached to this amendatory ordinance, unless otherwise approved by the Commission of Architectural Review prior to the issuance of a building permit for the property.

(k) The Owner shall ensure that the Zoning Administrator is furnished with contact information for the operator of the special use, as section 15.2-983(A) of the Code of Virginia (1950), as amended, defines the term “operator.”

(l) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(m) No fewer than five long-term bicycle parking spaces shall be provided for the special use.

§ 4. That [~~should the owner use the premises for any purpose which is not permitted by this ordinance or fail, refuse or neglect to comply with all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty (60) days after written notice to do so has been given by the Zoning Administrator,]~~ the privileges granted by this ordinance [~~shall terminate and the special use permit shall become null and void, unless an application for a special use amendment is filed with the Director of Community Development, which filing shall stay the sixty (60) day period]~~ may be revoked pursuant to the provisions of sections 30-1050.7 through 30.1050.11 of the Code of the City of Richmond (2015), 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 [~~32.1-1080~~] 30-1080 of the Code of the City of Richmond [~~(1993)~~] (2015), as amended and all future amendments to such law or any other applicable [~~provision~~] laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~premises~~] property is abandoned for a period of twenty-four (24) consecutive months, use of the [~~real-estate~~] property shall be governed thereafter by the zoning regulations prescribed for the district in which the [~~real-estate~~] property is then situated.

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

II. This amendatory ordinance shall be in force and effect upon adoption.

City of Richmond

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

Item Request

File Number: PRE. 2017.550

O & R REQUEST

4-7423

JAN 5 2018

Office of the
Chief Administrative Officer

RECEIVED

JAN 18 2018

OFFICE OF CITY ATTORNEY

O & R Request

DATE: January 4, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *LS 1/17/18*
(This is no way reflects a recommendation on behalf of the Mayor.)

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

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning *PLD 1-5-17*

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

RE: To authorize an amendment to the special use of real estate properties known as 8 and 10 East Main Street for the conversion construction of a second story, 1 bedroom apartment on an existing garage and use of the ground floor levels of the new and existing buildings for short-term rental uses, together with off-street parking, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize an amendment to the special use of real estate properties known as 8 and 10 East Main Street for the conversion construction of a second story, 1 bedroom apartment on an existing garage and use of the ground floor levels of the new and existing buildings for short-term rental uses, together with off-street parking, upon certain terms and conditions.

REASON: The reason for the amendment is to allow 8 & 10 East Main Street to be used for short-term rental uses. The current zoning ordinance does not allow short-term rental uses within the B-3 (General Business) zone, which is the primary reason for this Special Use Permit.

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 February 5, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 6,447 SF or .15 acre parcel of land improved with a three (3) story, 7,182 SF multi-family building with 6 apartments and a detached garage constructed, per tax assessment records, in 1910. The property is located in the Monroe Ward neighborhood within the City's Downtown Planning District.

The City of Richmond's current Downtown Master Plan designates the subject property as a part of an Urban Center Area which is characterized by higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks. (Multifamily) buildings are typically attached in rows, or are larger buildings on larger lots. (City of Richmond, Downtown Master Plan, p. 3.24 (5))

The current zoning designation for this property is B-3 (General Business). Adjacent properties are the same B-3 with nearby zones of RO-3 (Residential Office) and B-4 (Central Business).

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: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: January 22, 2018

CITY COUNCIL PUBLIC HEARING DATE: February 26, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, February 20, 2018

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

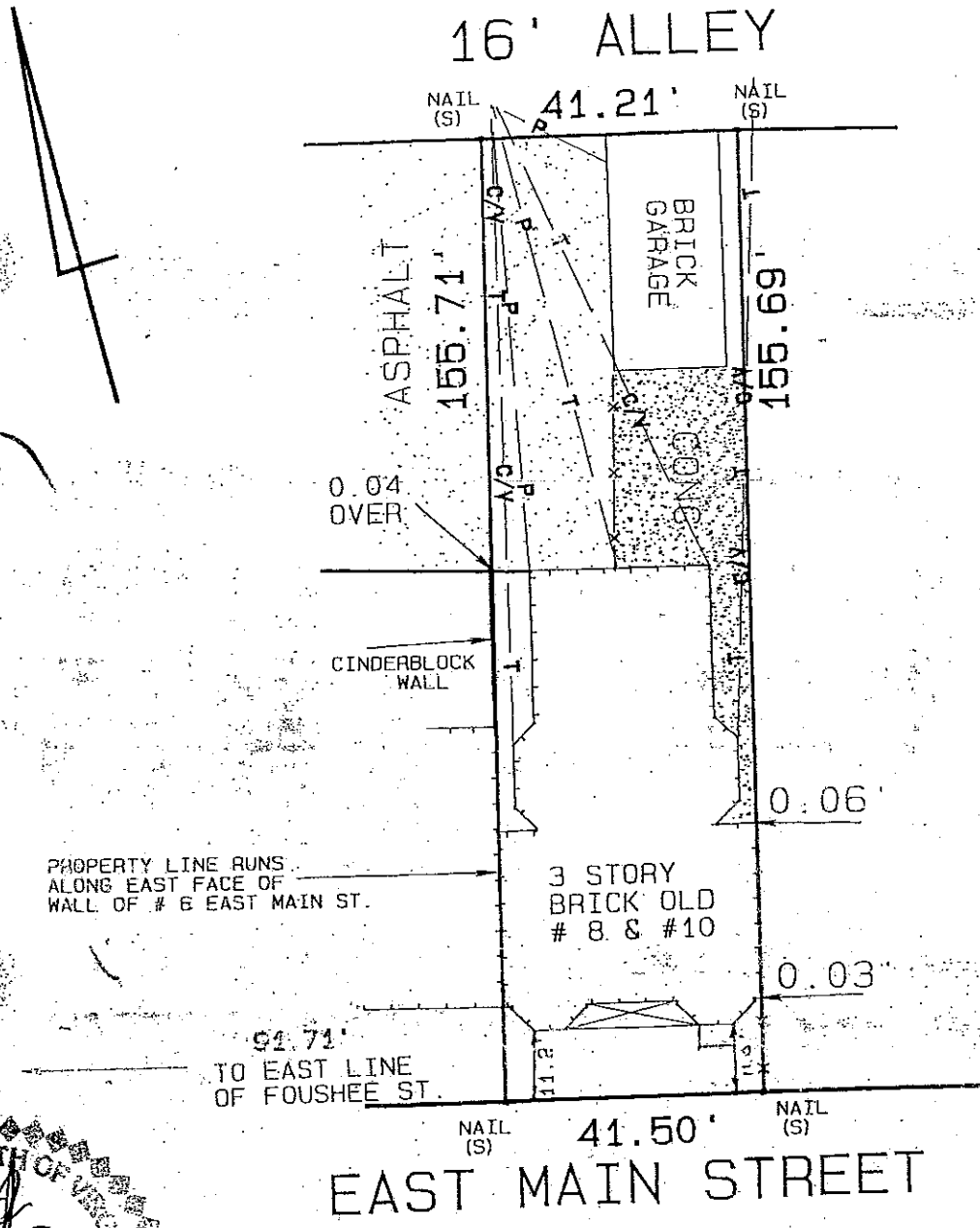
ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646 5734

PDR O&R No.17-44

This is to certify that on 6/13/01 Thomas & Associates made a field survey of the premises shown hereon; that to the best of my knowledge and belief all improvements and visible evidence of easements are shown hereon, that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises other than as shown hereon. According to the current respective National Flood Insurance Program rate map, this house is located within zone C.

Power is underground, overhead; Telephone is underground, overhead.
 New Percent complete _____%; Old By F. Todd J. Life



DATE: 6/13/01

THOMAS AND ASSOCIATES
 CERTIFIED LAND SURVEYORS
 RICHMOND, VIRGINIA

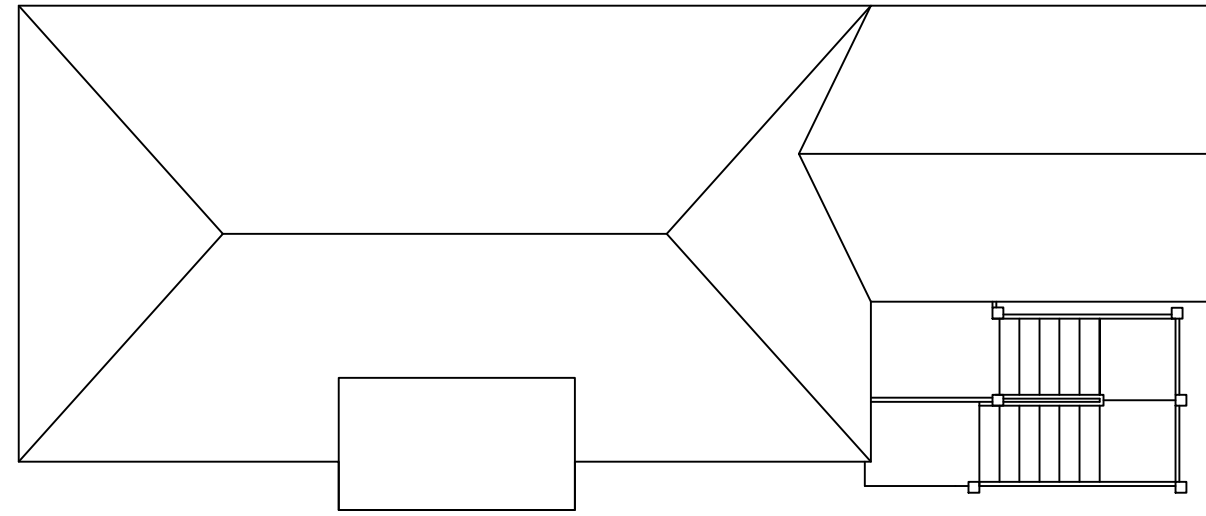
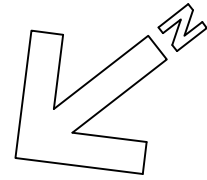
SCALE: 1" = 30'

THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OR REPORT.

FILE: Rich - 13W

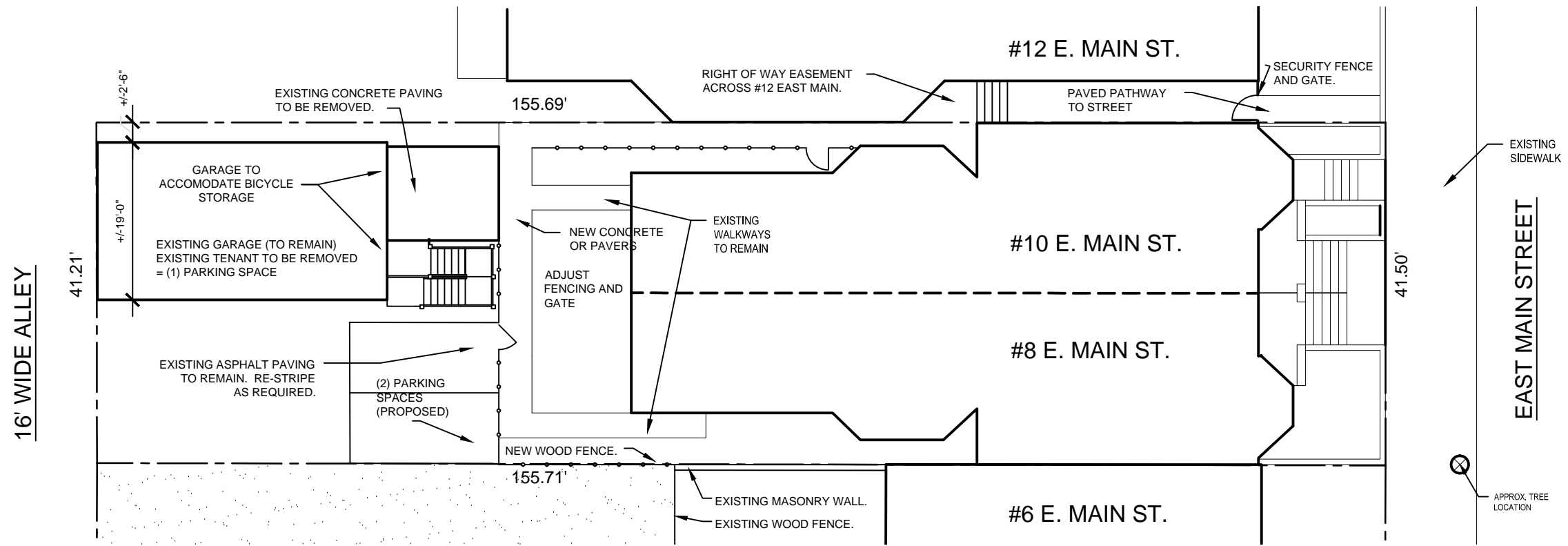
BOOK NO: 422-103

BY: LLL



ROOF PLAN

1/8" = 1'-0"



SITE PLAN

1/16" = 1'-0"

REVISIONS

J O H A N N A S D E S I G N G R O U P 1901 WEST CARY STREET RICHMOND, VA 23220 P 804.358.4993 F 804.358.8211

8 & 10 East Main New Carriage House

SHEET TITLE

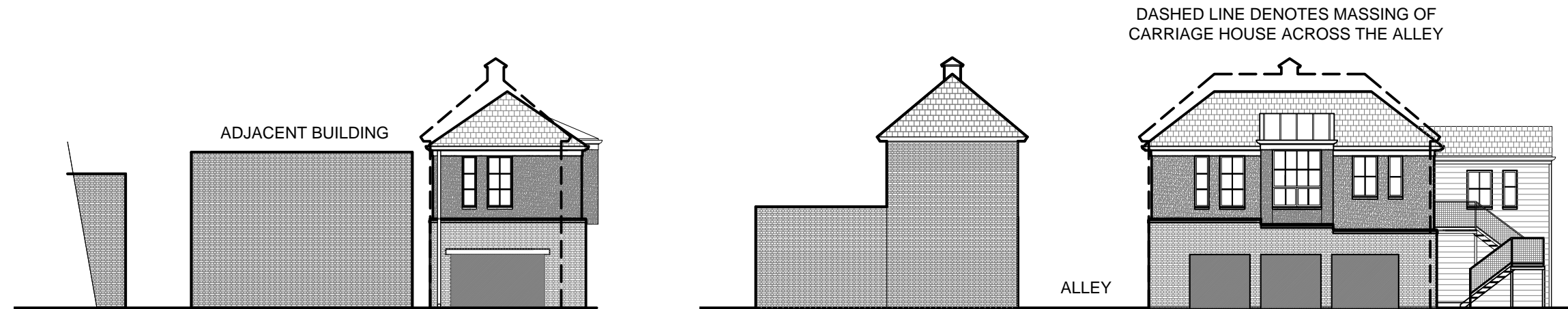
Site Plan & Roof Plan

PROJECT NO. 1743

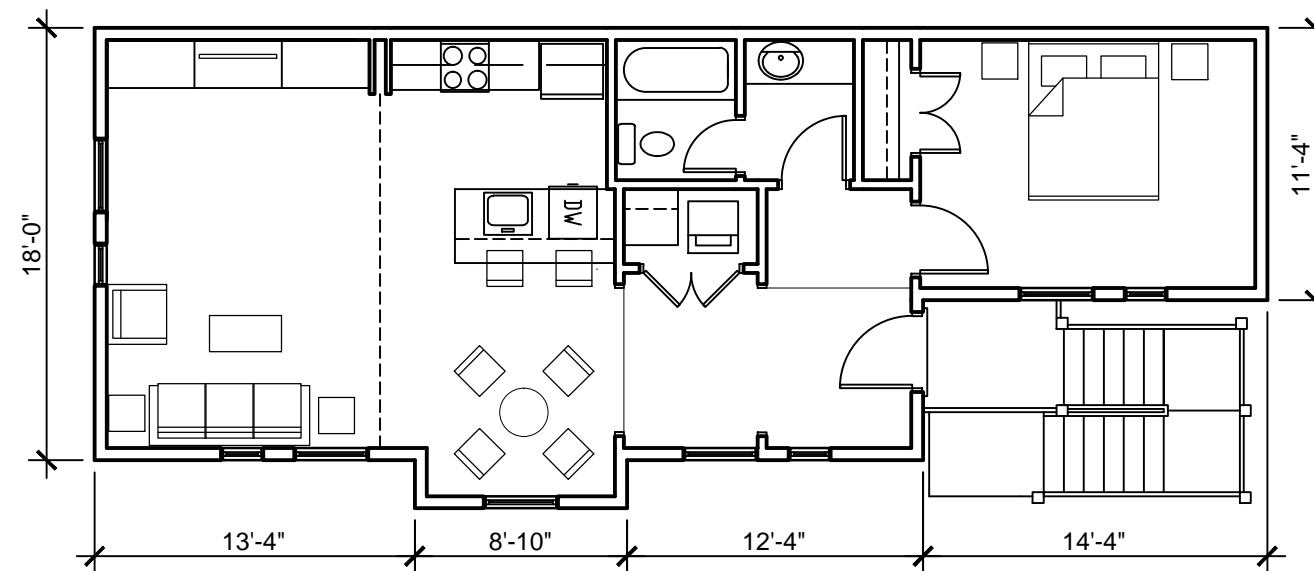
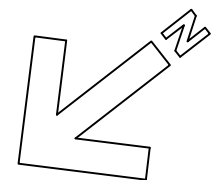
DATE 10.03.17

SHEET NO.

CS-1



MASSING COMPARISON
 1/16" = 1'-0"



SECOND FLOOR PLAN
 1/8" = 1'-0"

JOHANNAS DESIGN GROUP 1901 WEST CARY STREET RICHMOND, VA 23220 P 804.358.4993 F 804.358.8211

REVISIONS	
8 & 10 East Main New Carriage House	
SHEET TITLE	
Floor Plan & Massing	
PROJECT NO.	
1743	
DATE	
10.03.17	
SHEET NO.	
CS-2	

8 & 10 East Main New Carriage House

SHEET TITLE

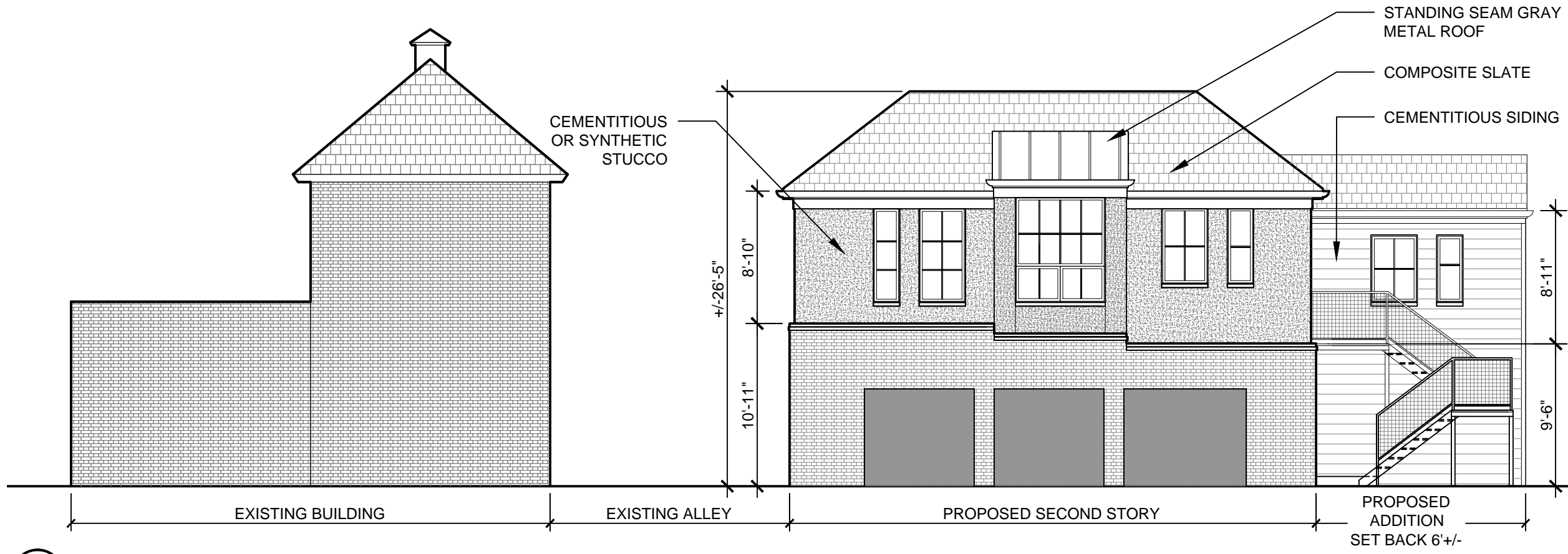
Elevations

PROJECT NO.
1743

DATE
10.03.17

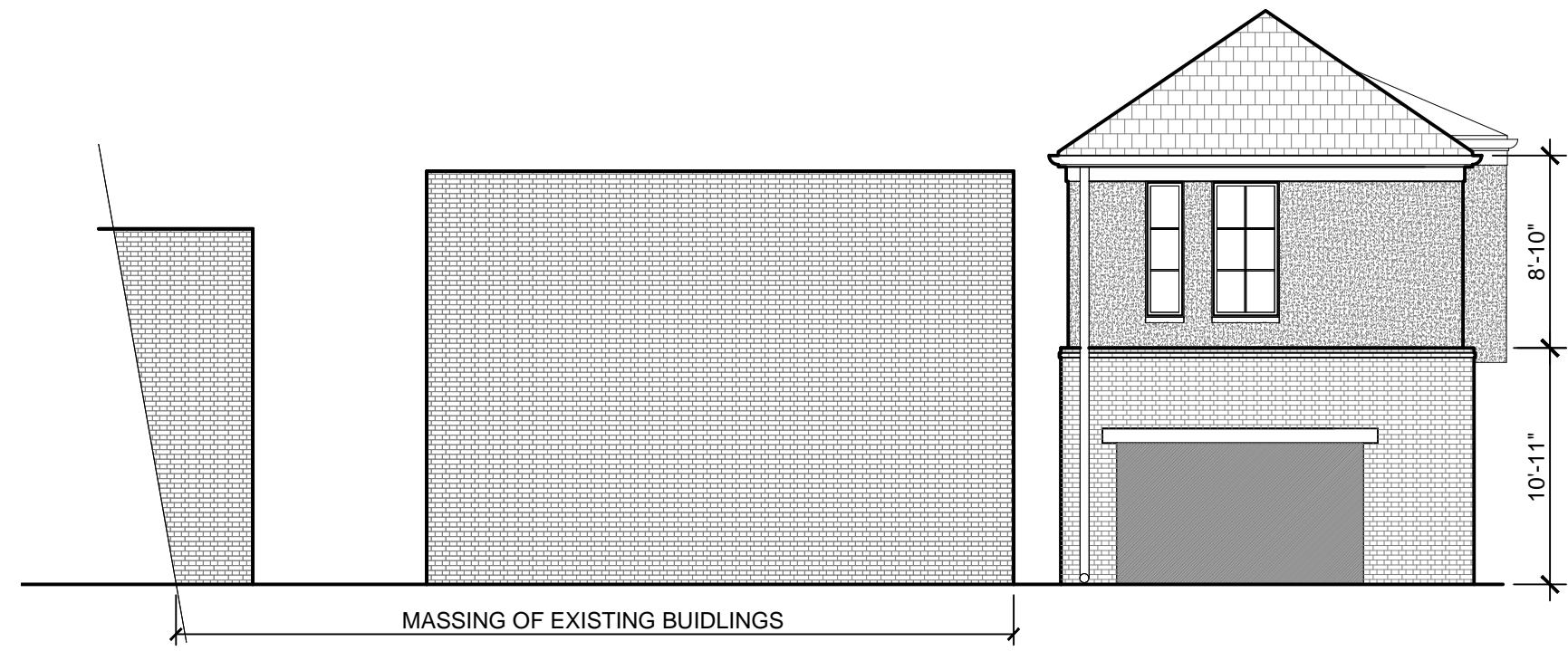
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CS-3



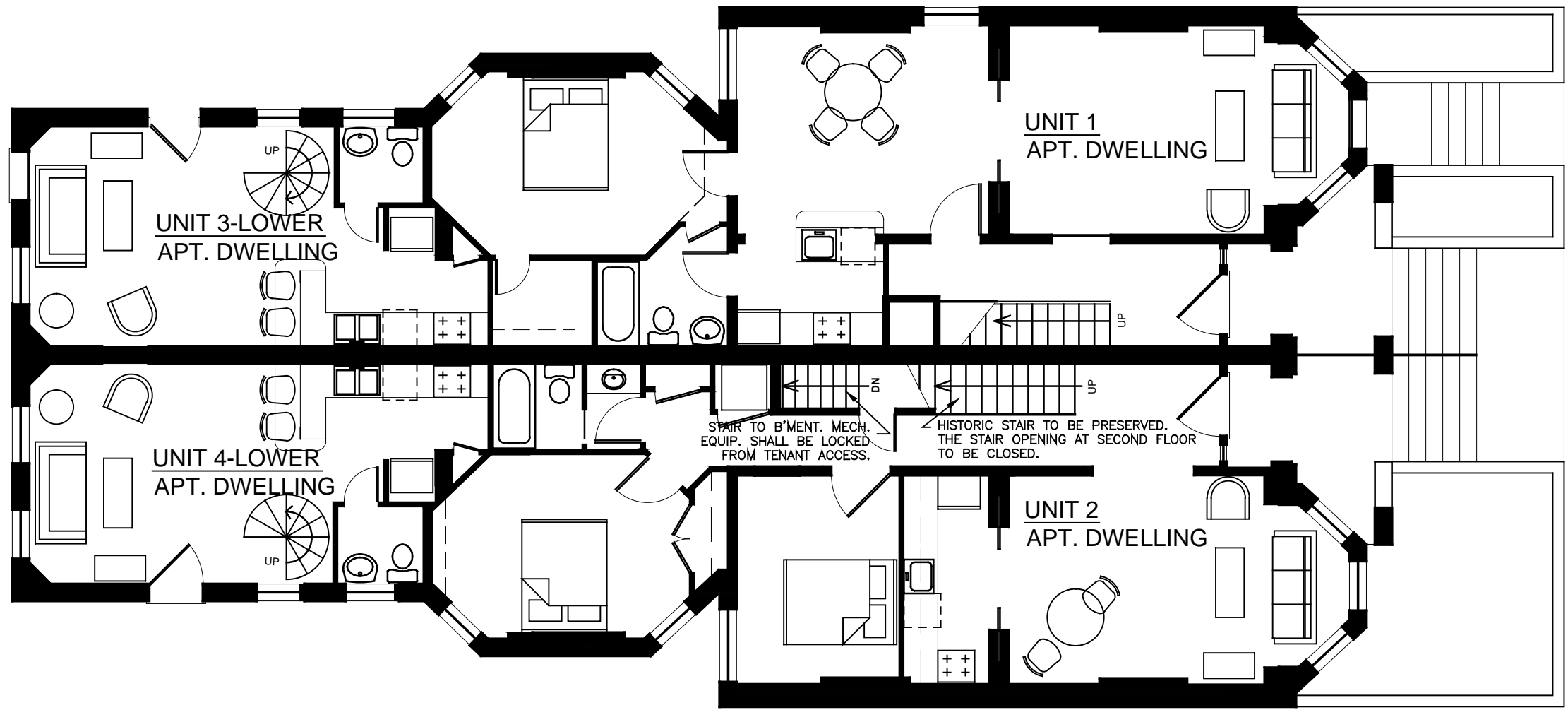
1 WEST ELEVATION
1/8"

ALL HEIGHT DIMENSIONS ARE APPROXIMATE



2 NORTH ELEVATION
1/8"

ALL HEIGHT DIMENSIONS ARE APPROXIMATE



FIRST FLOOR-APARTMENT

1/8" = 1'-0"

JOHANNAS DESIGN GROUP 3313 WEST CARY STREET RICHMOND, VA 23221 P 804.358.4993 F 804.358.8211

CONSULTANT

SEAL

REVISIONS

TOWNHOUSE RENOVATIONS
 #8 & #10 EAST MAIN STREET
 RICHMOND, VIRGINIA

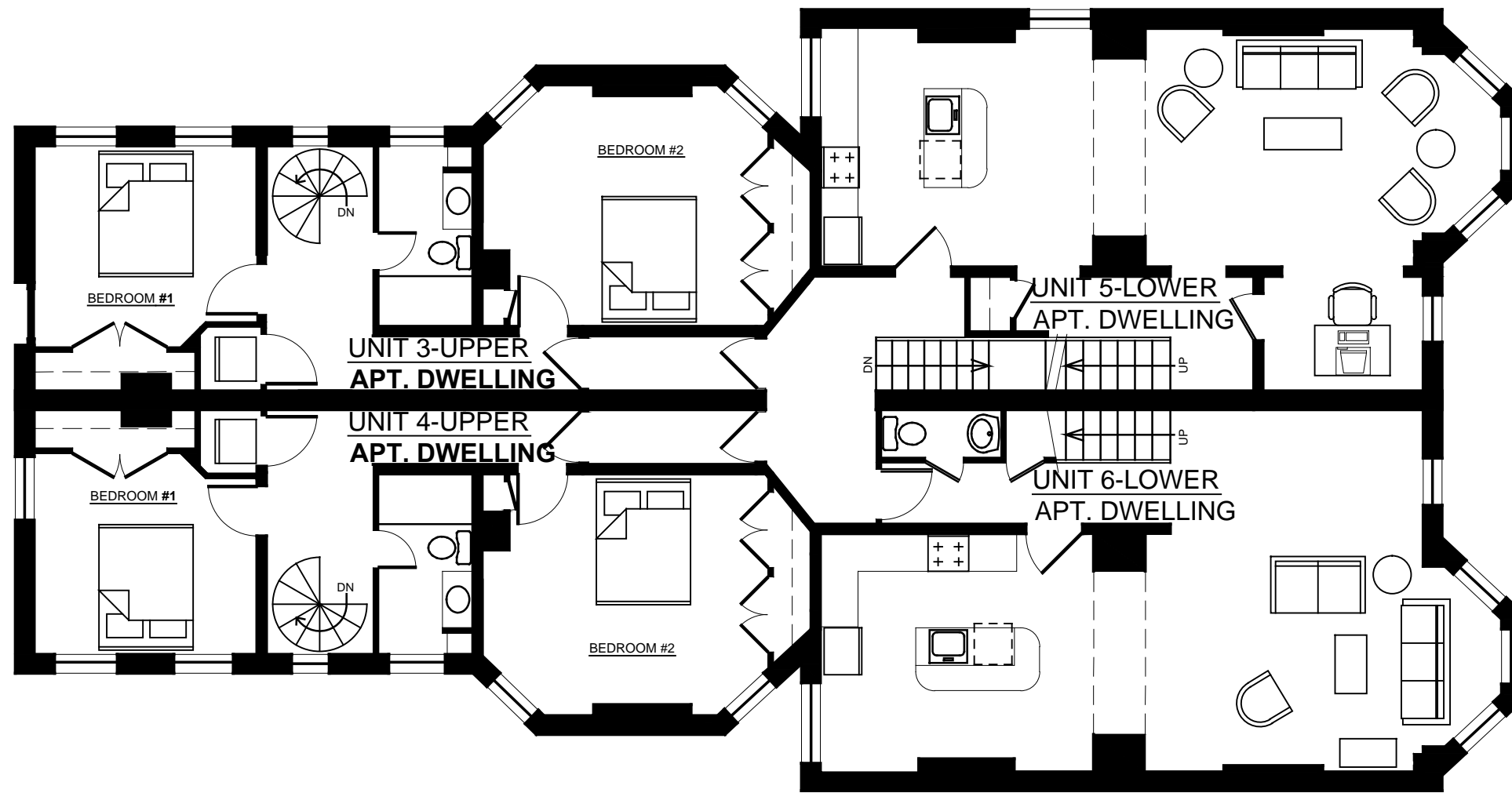
SHEET TITLE
 FIRST FLOOR PLAN
 APARTMENT

PROJECT NO.
 0137

DATE
 17 DEC 01

SHEET NO.

A101-A



SECOND FLOOR

1/8" = 1'-0"

JOHANNAS DESIGN GROUP 3313 WEST CARY STREET RICHMOND, VA 23221 P 804.358.4993 F 804.358.8211

CONSULTANT

SEAL

REVISIONS

TOWNHOUSE RENOVATIONS
 #8 & #10 EAST MAIN STREET
 RICHMOND, VIRGINIA

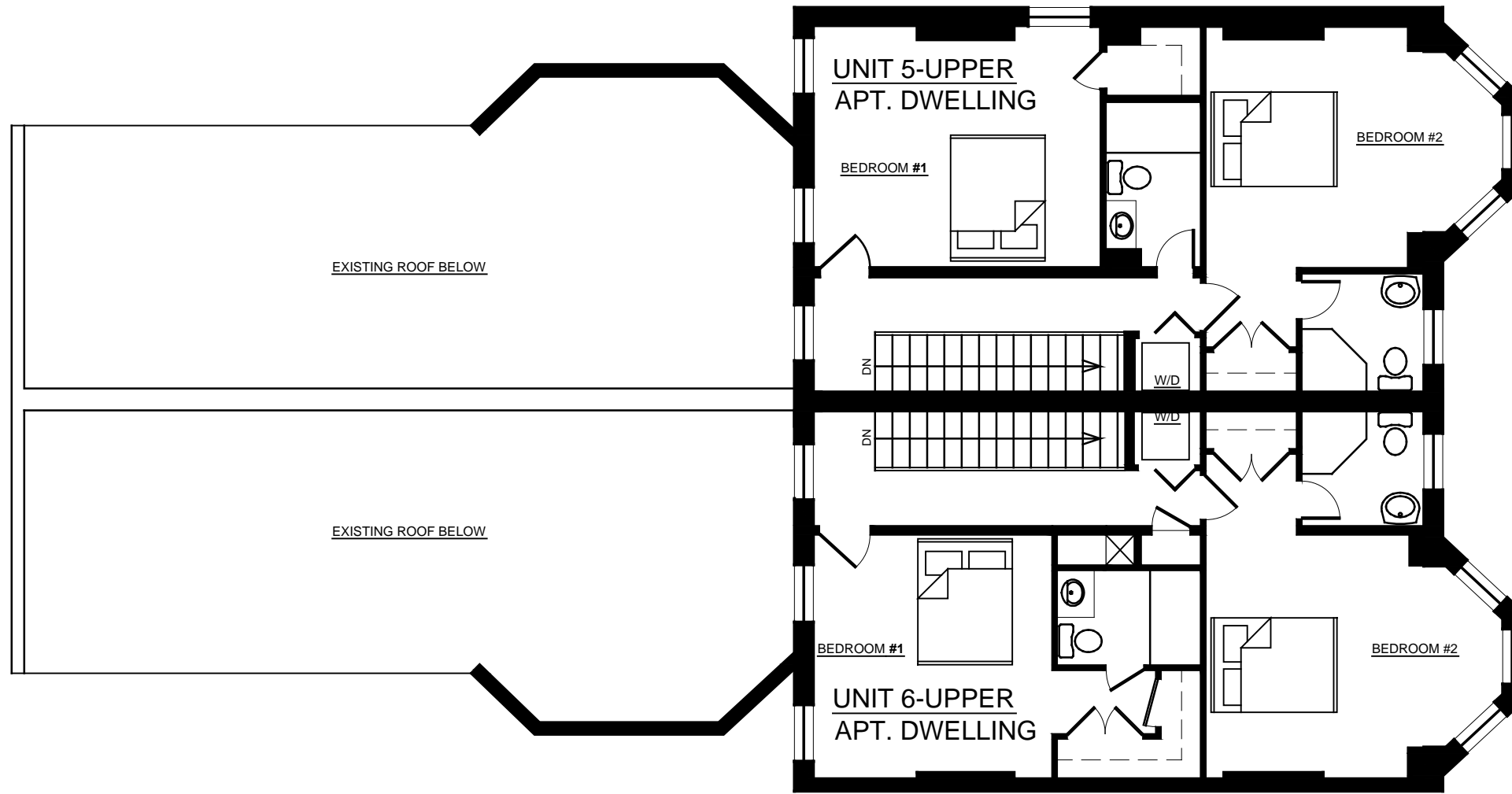
SHEET TITLE
 SECOND
 FLOOR
 PLAN

PROJECT NO.
 0137

DATE
 31 OCT 01

SHEET NO.

A102



THIRD FLOOR

1/8" = 1'-0"

JOHANNAS DESIGN GROUP 3313 WEST CARY STREET RICHMOND, VA 23221 P 804.358.4993 F 804.358.8211

CONSULTANT

SEAL

REVISIONS

TOWNHOUSE RENOVATIONS
 #8 & #10 EAST MAIN STREET
 RICHMOND, VIRGINIA

SHEET TITLE
 THIRD FLOOR PLAN

PROJECT NO.
 0137

DATE
 31 OCT 01

SHEET NO.

A103