



Legislation Text

File #: ORD. 2023-092, **Version:** 1

To amend and reordain Ord. No. 2018-310, adopted Dec. 17, 2018, which authorized the special use of the property known as 2712 East Leigh Street for the purpose of up to seven multifamily dwelling units and an accessory office, to authorize certain uses permitted on corner lots within the R-63 Multifamily Urban Residential District, upon certain terms and conditions. (7th District)

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond [~~(2015)~~] (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 2712 East Leigh Street and identified as Tax Parcel No. E000-0480/023 in the [2018] 2023 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing the Property Limits for E0000480023, 2712 East Leigh Street, VMAX, LLC,” prepared by C.E. Duncan & Associates, Inc., and dated October 2, 2017, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2018-310, adopted December 17, 2018, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of up to seven multifamily dwelling units [~~and~~], an accessory office, and permitted principal uses on corner lots in accordance

with section 30-419.3 of the Code of the City of Richmond (2020), as amended, except for grocery stores, convenience stores, and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises, and restaurants, tea rooms, cafes, delicatessens, ice cream parlors, and similar food and beverage service establishments, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Horse Stable Renovation, 2712 E Leigh Street, Richmond, Virginia,” prepared by Johannas Design Group, dated March 21, 2018, and last revised November 7, 2018, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of [this ordinance] Ordinance No. 2018-310, adopted December 17, 2018.

(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 up to seven multifamily dwelling units [~~and~~], substantially as shown on the Plans, an accessory office, [substantially as shown on the Plans] and permitted principal uses on corner lots in accordance with section 30-419.3 of the Code of the City of Richmond (2020), as amended, except for grocery stores, convenience stores, and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises, and restaurants, tea rooms, cafes, delicatessens, ice cream parlors, and similar food and beverage service establishments. [The office shall be used for property management purposes] The area of the Special Use labeled on the Plans as “Office” may contain an accessory office used for property management purposes or for the permitted principal uses on corner lots authorized by this ordinance and shall not contain grocery stores, convenience stores, or specialty food and

beverage stores, including bakeries where products are sold principally at retail on the premises, and restaurants, tea rooms, cafes, delicatessens, ice cream parlors, and similar food and beverage service establishments.

(b) Up to seven on-site parking spaces shall be provided for the Special Use of the Property, substantially as shown on the Plans.

(c) All building materials, elevations, and landscaping shall be substantially as shown on the Plans, unless otherwise approved by the Commission of Architectural Review prior to the issuance of a building permit for the Property.

(d) The height of the Special Use shall not exceed the height as shown on the Plans.

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

(f) Exterior bicycle storage for four bicycles shall be provided, substantially as shown on the Plans.

(g) The hours of operation for the permitted principal uses on corner lots authorized by this ordinance shall be limited to 8:00 a.m. to 6:00 p.m. daily.

(h) The number of employees for the permitted principal uses on corner lots authorized by this ordinance shall be limited to two.

§ 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)~~] (2020), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including repairs to existing sidewalks, 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, and (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.

(f) 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 [~~(2015)~~ (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 [~~(2015)~~ (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 [~~(2015)~~ (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 [~~Commissioner of Buildings~~] Zoning Administrator is authorized to issue a [~~building permit~~] certificate of zoning compliance [~~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~~]

certificate of zoning compliance shall be made within 730 calendar days following the date on which this amendatory ordinance becomes effective. If [~~either~~] the application for the [~~building permit~~] certificate of zoning compliance 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 amendatory 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.

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