



## Legislation Details (With Text)

<b>File #:</b>	ORD. 2020-118	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Adopted	
<b>File created:</b>	9/16/2019	<b>In control:</b>		City Council	
<b>On agenda:</b>	6/8/2020	<b>Final action:</b>		6/8/2020	
<b>Title:</b>	To amend Ord. No. 91-220-208, adopted Jul. 8, 1991, which authorized use of the properties known as 1704 and 1706 Floyd Avenue, containing 4847.82 square feet located on the north side of Floyd Avenue between Vine Street and Allen Avenue, being more completely described as follows: beginning at a point being 43.00 feet west of the west line of Vine Street, thence fronting 37.58 feet in a westerly direction along the north line of Floyd Avenue and extending back 129.00 feet between parallel lines, parallel to the west line of Vine Street, to the south line of a 10.75 foot wide east-west public alley, to be split into two separate lots, for the purpose of a two-family dwelling on each property, to authorize a third dwelling unit at 1706 Floyd Avenue, together with accessory parking, upon certain terms and conditions.				
<b>Sponsors:</b>	Mayor Stoney (By Request)				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ord. No. 2020-118, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Plans & Survey, 5. Map, 6. Letter of No Opposition_FDA				

Date	Ver.	Action By	Action	Result
6/8/2020	1	City Council	adopted	Pass
6/1/2020	1	Planning Commission	recommended for approval	
5/11/2020	1	City Council	introduced and referred	

To amend Ord. No. 91-220-208, adopted Jul. 8, 1991, which authorized use of the properties known as 1704 and 1706 Floyd Avenue, containing 4847.82 square feet located on the north side of Floyd Avenue between Vine Street and Allen Avenue, being more completely described as follows: beginning at a point being 43.00 feet west of the west line of Vine Street, thence fronting 37.58 feet in a westerly direction along the north line of Floyd Avenue and extending back 129.00 feet between parallel lines, parallel to the west line of Vine Street, to the south line of a 10.75 foot wide east-west public alley, to be split into two separate lots, for the purpose of a two-family dwelling on each property, to authorize a third dwelling unit at 1706 Floyd Avenue, together with accessory parking, upon certain terms and conditions.

I. That Ordinance No. 91-220-208, adopted July 8, 1991, be and is hereby amended and reordained as follows:

§ 1. That the [~~real estate, property~~] properties known as 1704 and 1706 Floyd Avenue, containing 4847.82 square feet, located on the north side of Floyd Avenue between Vine Street and Allen Avenue, being more completely described as follows: beginning at a point on the north line of Floyd Avenue, thence fronting 37.58 feet in a westerly direction along the north line of Floyd Avenue and extending back 129.00 feet between

parallel lines, parallel to the west line of Vine Street, to the south line of a 10.75 foot wide east-west public alley, ~~[is]~~ are hereby permitted to be used ~~[each]~~ as a two family dwelling at 1704 Floyd Avenue and a multifamily dwelling, containing no more than three units, at 1706 Floyd Avenue,~~[on a separate lot,]~~ together with accessory parking.

§ 2. That the ~~[Commissioner of Buildings]~~ Zoning Administrator is hereby authorized to issue to the owner or owners of the ~~[real-estate]~~ properties, or successor in fee simple title, a ~~[special use permit]~~ certificate of zoning compliance for ~~[splitting the property into two separate lots for the purpose of a two-family dwelling on each lot]~~ a multifamily dwelling containing no more than three units at 1706 Floyd Avenue, substantially in accordance with surveys entitled “Improvements on 1704 Floyd Avenue” and “Improvements on 1706 Floyd Avenue”, prepared by Balzer and Associates, Planners, Architects, Engineers, Surveyors, dated November 8, 1989, copies of which surveys are attached to ~~[the draft of this ordinance]~~ Ordinance No. 91-220-208, adopted July 8, 1991, and the survey entitled “Improvements on 1704 & 1706 Floyd Avenue, City of Richmond, Virginia,” prepared by Balzer and Associates, Inc., dated September 1, 1989, and last revised October 31, 1989, and on the plans entitled “1706 Floyd Avenue, Dimension Annotations, Basement Unit 3,” prepared by W. Kent Ruffin, and dated August 26, 2019, copies of which ~~[surveys]~~ survey and plans are attached to ~~[the draft of]~~ this amendatory ordinance and made a part hereof. The ~~[permits]~~ special use permit shall be transferrable to the successor in title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land, subject to the following terms and conditions:

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

(b) That the lots shall be used as a two-family dwelling ~~[on each lot]~~ at 1704 Floyd Avenue and a multifamily dwelling, containing no more than three units, at 1706 Floyd Avenue, together with accessory parking;

(c) That four parking spaces shall be provided at the rear of the properties; (two at the rear of 1704; two at the rear of 1706);

(d) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works;

(e) The final grading and drainage plans, if required, shall be approved by the Director of [ ~~Community Development~~] Public Utilities prior to the issuance of building permits;

(f) That storm and surface water shall not be allowed to accumulate on the land and adequate facilities for the drainage of storm or surface water from the land or buildings shall be provided by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof.

(g) That in all other respects, the two properties shall be subject to applicable zoning regulations.

(h) That should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions or foregoing paragraphs (a) through (g) and does not terminate such use or comply with such provisions within ninety days after written notice so to do has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

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

(j) The dwelling unit located in the basement level of 1706 Floyd Avenue shall not be used as a short term rental unit.

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

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

### **O & R Request**

**DATE:** April 14, 2020

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (by request)  
(This is no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** Lenora G. Reid, Acting Chief Administrative Officer

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

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

**RE:** To amend and reordain Ord. No. 91-220-208, adopted July 8, 1991, which authorized use of property known as 1704 and 1706 Floyd Avenue for the purpose of a two-family dwelling on each property, to authorize a third dwelling unit at 1706 Floyd Avenue, together with accessory parking, upon certain terms and conditions.

#### **ORD. OR RES. No.**

**PURPOSE:** To amend and reordain Ord. No. 91-220-208, adopted July 8, 1991, which authorized use of property known as 1704 and 1706 Floyd Avenue for the purpose of a two-family dwelling on each property, to authorize a third dwelling unit at 1706 Floyd Avenue, together with accessory parking, upon certain terms and conditions.

**REASON:** The applicant is requesting an amendment to a Special Use Permit which would authorize the renovation of a basement of a two-family dwelling into a third dwelling unit.

**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 June 1, 2020, meeting.

**BACKGROUND:** The subject property consists of a .056 acre (2,423 SF) parcel of land improved with a two-family dwelling constructed, per tax assessment records, in 1915. The property is located in the Fan neighborhood of the Near West planning district, on Floyd Avenue between North Vine Street and North Allen Avenue.

The City of Richmond's Master Plan designates a future land use category for the subject property as Single Family Residential at Medium densities. Primary uses for this category are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses

such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. The density of the proposed use of 1706 Floyd Avenue would be approximately 54 units per acre.

The current zoning for this property is R-6, Single Family Attached Residential. The property is subject to a special use permit (Ord. No. 91-220-208) which authorized a lot split from 1704 Floyd Avenue for the purpose of a two-family dwelling on each separate parcel.

All surrounding properties are located within the same R-6 Residential District as the subject property. A mix of single, two-, and multi-family residential, mixed-use, institutional, commercial, and open space land uses are present in the vicinity.

**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 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** May 11, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** June 8, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission June 1, 2020

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

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amendment of Ord. No. 91-220-208

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

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

Key Issues:  
Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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