



## Legislation Text

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**File #:** ORD. 2018-325, **Version:** 1

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To authorize the special use of the property known as 1412 Grove Avenue for the purpose of either a single-family attached dwelling or a single-family detached dwelling and up to four rooms or groups of rooms for short-term rental use, upon certain terms and conditions.

WHEREAS, the owner of the property known as 1412 Grove Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of either a single-family attached dwelling or a single-family detached dwelling and up to four rooms or groups of rooms for short-term rental use, which use, among other things, is not currently allowed by section 30-412.1, concerning permitted principal uses, and 30-412.4, concerning lot area and width requirements, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2018), 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 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 (2015), 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 1412 Grove Avenue and identified as Tax Parcel No. W000-0528/031 in the 2018 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Re-Establishment of Lot Lines on 1400, 1410 and 1412 Grove Avenue in Richmond, VA.,” prepared by Jolliffe & Associates, Inc., and dated April 26, 2005, 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 either a single-family attached dwelling or a single-family detached dwelling and up to four rooms or groups of rooms for short-term rental use, hereinafter referred to as the “Special Use,” substantially as shown on the Survey and the plans entitled “Floor Plan for 1412 Grove Avenue, Richmond, VA 23220,” prepared by Joe Nelson, and dated August 27, 2018, hereinafter referred to collectively 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:

(a) The Special Use of the Property shall be as either a single-family attached dwelling or a single-family detached dwelling and up to four rooms or groups of rooms for short-term rental, as section 15.2-983(A) of the Code of Virginia (1950), as amended, defines “short-term rental,” and substantially as shown on the Plans.

(b) No rooms or groups of rooms used for short-term rental shall be rented to more than two adult persons per bedroom at any given time.

(c) The Property shall be used as either a single-family attached dwelling or a single-family detached dwelling, and not for short-term rental, for no fewer than a combined total of 185 days per year.

(d) 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,” and a statement that the operator is the party responsible for the operation of the Special Use. The contact information must include the operator’s name, address of residence, telephone number at which the operator can be contacted 24 hours per day, and e-mail address.

(e) Smoke detectors shall be provided in compliance with applicable state and local laws and regulations.

(f) A fire extinguisher shall be provided at all times in an accessible location within the unit.

(g) Carbon monoxide detectors shall be provided in any individual room used for sleeping or cooking.

(h) The first of the certificates of zoning compliance required by subsection (k) shall be obtained and an inspection for conformance to applicable regulations performed by applicable City agencies prior to the commencement of the operation of the Special Use.

(i) A certificate of zoning compliance for the short-term rental use shall be obtained every two years. The period authorized shall run from January 1 through December 31 of each two-year period. The certificate of zoning compliance approval number shall be posted on all advertisements for the property.

(j) Outdoor lighting shall be located, directed, or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights, or lighting on emergency vehicles.

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

(m) Secure storage for no fewer than four bicycles shall be provided on-site for the Special Use of the Property.

(n) No fewer than three on-site parking spaces shall be provided on the Property, substantially as shown on the Plans.

(o) In addition to signage permitted in all districts, as set forth in section 30-505 of the Code of the City of Richmond (2015), as amended, and signage permitted in R-6 Districts, as set forth in section 30-506 of the Code of the City of Richmond (2015), as amended, signage pertaining to the short-term rental use shall be limited to one non-illuminated wall-mounted sign not to exceed two square feet in area.

**§ 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 (2015), 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), 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), 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 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 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 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.

### **O & R Request**

**DATE:** August 13, 2018

**EDITION:** 1

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

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

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

**THROUGH:** Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

**RE:** To authorize the special use of the property known as 1412 Grove Avenue for the purpose of permitting single-family residential use and up to four rooms or groups of rooms for short-term rental use, upon certain terms and conditions

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 1412 Grove Avenue for the purpose of permitting single-family residential use and up to four rooms or groups of rooms for short-term rental use, upon certain terms and conditions

**REASON:** The reason for the application is to allow 1412 Grove Avenue to be used as short-term rental units and as a single-family dwelling. The city's zoning ordinance does not allow short-term rental units within the R-6 Single-Family Attached District. A special use permit is therefore required. The special use permit would also authorize the existing single-family residential use of the property.

**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 October 1, 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 4,493 SF or .10 acre parcel of land improved with a four-bedroom, 3,524 SF dwelling located on Grove Avenue, between North Plum Street and North Harvie Street, in the Fan neighborhood and Near West Planning District.

The subject property is subject to Ord. No. 2007-131-174, a special use permit authorizing single-family residential use of 1410 and 1412 Grove Avenue and multi-family residential use of 1400 Grove Avenue. At the time of adoption, these properties were one parcel. The parcel has subsequently been subdivided and 1400, 1410 and 1412 Grove Avenue are currently owned by different entities. As part of this proposal, Ord. No. 2007-131-174 would be amended to remove 1412 Grove Avenue and a new ordinance would be adopted authorizing the existing single-family residential use and the proposed short-term rental use of 1412 Grove Avenue.

The City of Richmond's current Master Plan designates the subject property for Single-Family Medium Density land use which includes, "...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” (p.133).

Adjacent and nearby properties are within the same R-6 Single-Family Attached Residential District as the subject property. Single-family, two-family, and multi-family residential land use is present in the vicinity of the subject property.

**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:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** September 10, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** October 8, 2018

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, October 1, 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.:** Amendment to Ord. 2007-131-174

**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. 18-09*

**Key Issues:**

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: