

6/5/06 trr

Form and Correctness Approved: *7 AP*

Contents Approved:

By

Charles W. B.
Office of the City Attorney

NORFOLK, VIRGINIA

By
DEPT.*James J. Lewis***ORDINANCE No. 42,293****R-4**

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE EXPANSION OF A NONCONFORMING USE ON PROPERTY LOCATED AT 3015 AND 3021 LUXEMBOURG AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the expansion of a nonconforming use on property located at 3015 and 3021 Luxembourg Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property extending 85 feet, more or less, along the western line of Luxembourg Avenue and beginning 355 feet, more or less, from the southern line of Vendome Place and extending southwardly; premises numbered 3015 and 3021 Luxembourg Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The site and structure shall be developed in conformity with the site plan and elevations set forth in "Exhibit A," attached hereto and consisting of two (2) pages. The attached site plan may, at the request of the Department of Planning, be required to be revised during the site plan approval process so as to comply with applicable regulations.
- (b) The property will be developed in accordance with the requirements of Chapter 26 "Site Plan Review" and Chapter 17, "Landscaping and Buffers," of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- Violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT
Exhibit A (2 pages)

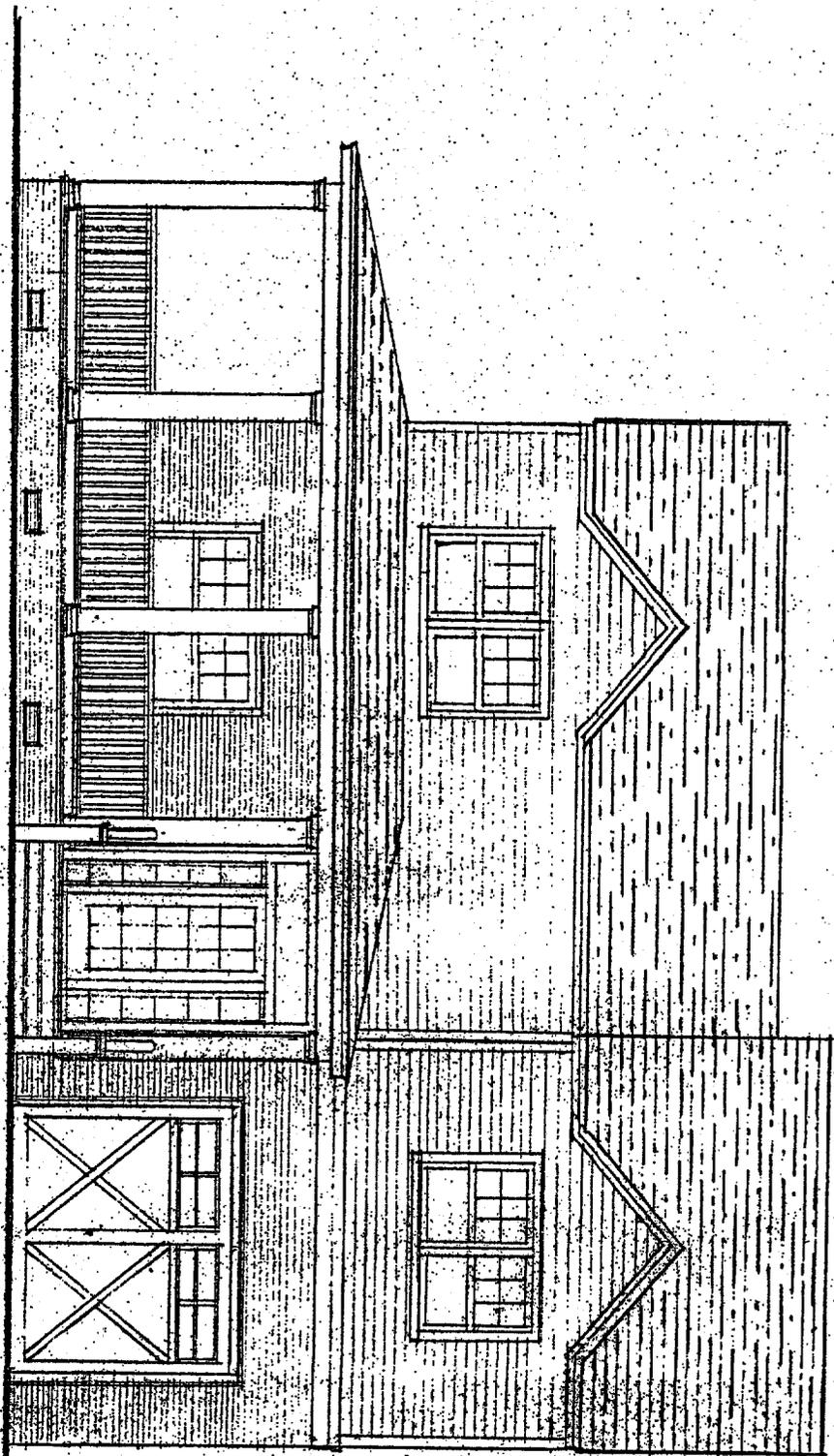
Adopted by Council June 6, 2006
Effective June 6, 2006

TRUE COPY
TESTE:

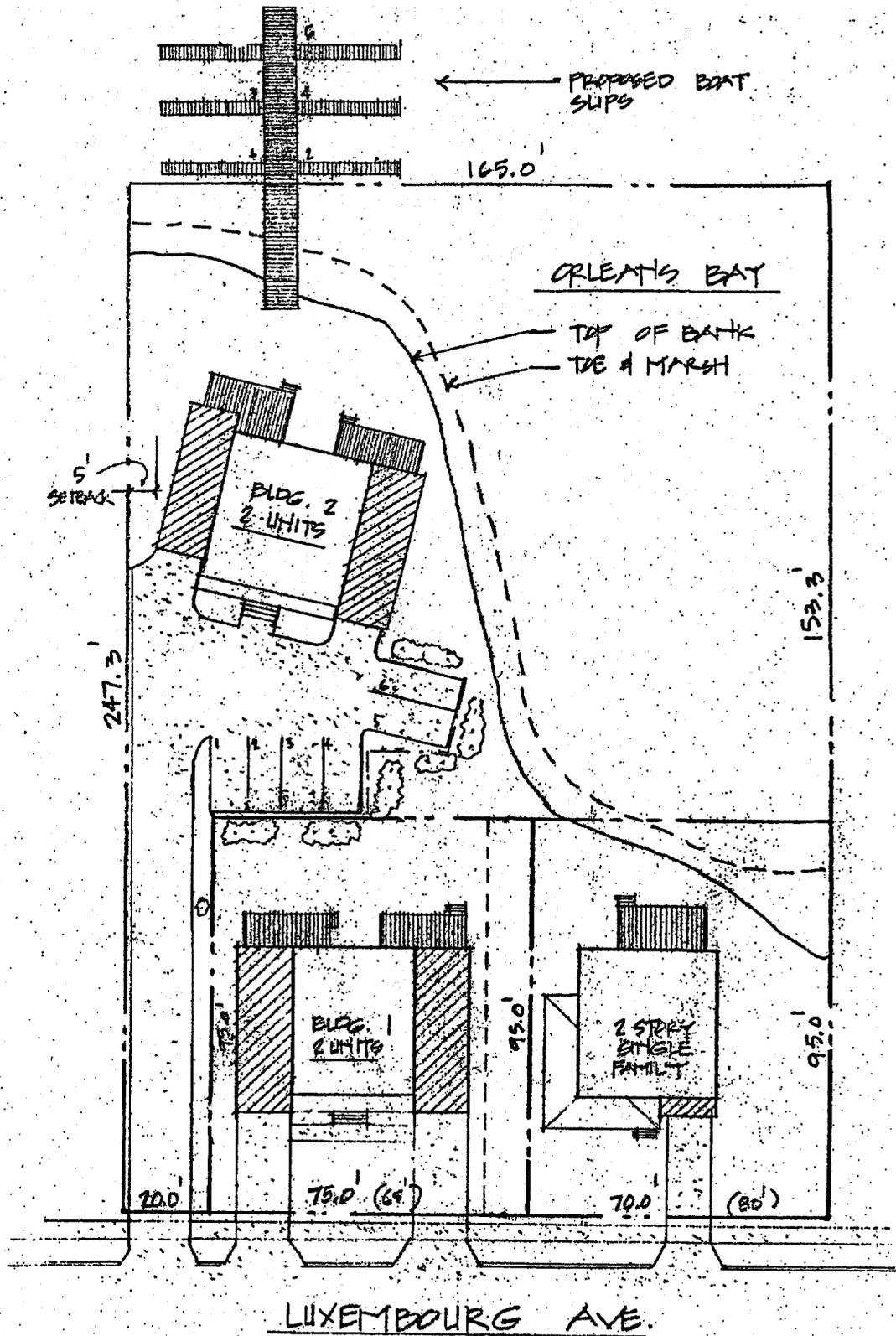
R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

FRONT ELEVATION
SINGLE FAMILY RESIDENCE



1/4" = 1'-0"



SITE PLAN

1" = 25'