

Form and Correctness Approved

Contents Approved:

By [Signature]
Office of the City Attorney

By [Signature]
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 42,988

R-7

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO OPERATE AN AUTOMOBILE SALES AND SERVICE ESTABLISHMENT ON PROPERTY LOCATED AT 1559 AND 1601 EAST LITTLE CREEK ROAD.

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

Section 1:- That a Special Exception is hereby granted to permit the operation of an automobile sales and service establishment on property located at 1559 and 1601 East Little Creek Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 220 feet, more or less, along the southern line of East Little Creek Road, beginning 316 feet, more or less, from the eastern line of Gifford Street and extending eastwardly; property also fronts 200 feet, more or less, along the northern line of Harmon Street; premises numbered 1559 and 1601 East Little Creek Road.

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

- (a) The hours of operation shall be from 9:00 a.m. until 9:00 p.m. Monday through Saturday and closed on Sunday.
- (b) Motorcycles or vehicles displayed outdoors shall be limited to that area in front of the showroom on the eastern portion of the site facing East Little Creek Road. No vehicles being displayed shall occupy any required parking space or spaces.
- (c) There shall be no storage of wrecked or inoperative automobiles or vehicles of any kind anywhere on the property.

- (d) All repair work shall be done inside of the buildings located on the site.
- (e) No automobiles or vehicles having four (4) or more wheels shall be displayed for sale nor repaired on the property.
- (f) All signage on the premises shall conform to the regulations of the applicable zoning district and any nonconforming signs, including the poles or structures supporting or related to such signs, shall be removed within 60 days of the adoption of this ordinance.
- (g) No access from the site shall be permitted from Harmon Street.
- (h) There shall be no pay phones located anywhere on the site outside of any enclosed building.
- (i) The site shall be kept in a clean and sanitary condition at all times.
- (j) No vehicle or automobile which has been or is waiting to be serviced on the site shall be parked in any required yard or in any public right-of way.
- (k) A landscaped area not less than five feet wide shall be provided along that portion of the lot abutting East Little Creek Road and installation of such shall be completed during the next planting season following the adoption of this ordinance.
- (l) The existing fence along the property shall be modified or a new fence constructed along the full length of the southern property line and along the southernmost 133 feet of the eastern property line so as to shield the site from the view of nearby residential uses and installation of such shall be completed within 90 days of the adoption of this ordinance.

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

Adopted by Council February 5, 2008
Effective February 5, 2008

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK