

Form and Correctness Approved

Contents Approved:

By *Charles M. [Signature]*  
Office of the City Attorney

By *[Signature]*  
DEPT.

NORFOLK, VIRGINIA

**ORDINANCE No. 43,340**

R-6

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A RELIGIOUS INSTITUTION ON PROPERTIES LOCATED AT 5204 AND 5225 ELMHURST AVENUE.

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

Section 1:- That a Special Exception is hereby granted authorizing the operation of a religious institution on properties located at 5204 and 5225 Elmhurst Avenue. The properties which are the subject of this Special Exception are more fully described as follows:

Property fronting 200 feet, more or less, along the northern line of Elmhurst Avenue, beginning 100 feet, more or less, from the eastern line of Thomas Street and extending eastwardly, and; property fronting 100 feet, more or less, along the southern line of Elmhurst Avenue, beginning 200 feet, more or less, from the eastern line of Thomas Street and extending eastwardly; premises numbered 5204 and 5225 Elmhurst Avenue.

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

- (a) The property will be developed in accordance with an approved site plan, designed in accordance with the requirements of Chapter 26 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Site Plan Review."

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 § 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 January 13, 2009  
Effective January 13, 2009

TRUE COPY  
TESTE:

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R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: \_\_\_\_\_  
DEPUTY CITY CLERK