



**City Of Richmond, Virginia  
Office of the City Clerk**

**Request to Withdraw Legislation**

Paper Number: Res. No. 2016-R007

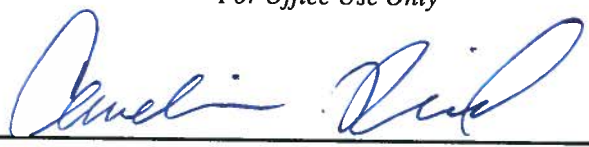
Chief Patron: President Chris Hilbert

Introduction Date: February 8, 2016

Chief Patron Signature: 

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*For Office Use Only*

Attestation: 

Effective Date: March 7, 2017

INTRODUCED: February 8, 2016

A RESOLUTION No. 2016-R007

To declare a public necessity and to initiate an amendment to the City’s zoning ordinance making the Department of Planning and Development Review, instead of the Office of the City Clerk, responsible for the mailing of required notices of City Planning Commission meetings.

\_\_\_\_\_  
Patron – Vice President Hilbert

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: MAR 14 2016 AT 6 P.M.

WHEREAS, section 15.2-2286 of the Code of Virginia (1950), as amended, provides that a zoning ordinance may include, among other things, reasonable regulations and provisions for the amendment of regulations or district maps from time to time; and

WHEREAS, in accordance with section 15.2-2286 of the Code of Virginia (1950), as amended, such amendment may be initiated by resolution of the governing body, provided that any such resolution by the governing body proposing an amendment to the regulations or district maps shall state the public purposes therefor; and

WHEREAS, the City’s zoning ordinance currently requires the Office of the City Clerk to mail notices required to be mailed for City Planning Commission meetings; and

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

WHEREAS, it is in the best interests of the citizens of the City of Richmond, that the City amend its zoning ordinance, codified as Chapter 30 of the Code of the City of Richmond (2015), as amended, to reassign the responsibility for mailing such notices from the Office of the City Clerk to the Department of Planning and Development Review;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the City Council hereby declares that the public necessity, convenience, general welfare and good zoning practices of the City require the initiation of an amendment of the City's zoning ordinance to make the Department of Planning and Development Review, instead of the Office of the City Clerk, responsible for the mailing of required notices of City Planning Commission meetings.

BE IT FURTHER RESOLVED:

That pursuant to section 15.2-2286 of the Code of Virginia (1950), as amended, the City Council hereby initiates an amendment to the City's zoning ordinance for the purpose of making the Department of Planning and Development Review, instead of the Office of the City Clerk, responsible for the mailing of required notices of City Planning Commission meetings.

BE IT FURTHER RESOLVED:

That the City Planning Commission is hereby directed to hold a public hearing on the proposed amendatory ordinance and submit its recommendations and any explanatory material to the City Council as soon as practicable.



# Richmond City Council

The Voice of the People

Richmond, Virginia

## Office of the Council Chief of Staff

### Ordinance/Resolution Request

**TO** Allen Jackson, Richmond City Attorney  
Richmond Office of the City Attorney

**THROUGH** Lou Brown Ali *LB*  
Council Chief of Staff

**FROM** William E. Echelberger, Jr, Council Budget Analyst *WE*

**COPY** Mr. Chris A. Hilbert, 3rd District Representative  
Haskell Brown, Deputy City Attorney  
Vincent Jones, Deputy Council Chief of Staff *V. Jones*  
Lisa F. Townes, 3rd District Council Liaison

**DATE** January 29, 2016

**PAGE/s** 1 of 4

**TITLE** Responsibility for Mailing Notices for the Planning Commission

JAN 29 2016

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an  Ordinance  Resolution

**REQUESTING COUNCILMEMBER/PATRON**

Mr. Chris A. Hilbert, 3rd District Representative

**SUGGESTED STANDING COMMITTEE**

Government Operations

**ORDINANCE/RESOLUTION SUMMARY**

- The patron requests an ordinance to assign the responsibility for mailing notices for the Planning Commission to the Department of Planning and Development Review.

**BACKGROUND**

**Summary:**

- The FY 2014-2015 Annual Report of the City Clerk's Office sets movement of the responsibility for mailing notices for the Planning Commission from the City Clerk to the Department of Planning and Development Review as a policy goal.
- Ord. No. 2002-277-274 required that the City Clerk would be responsible for mailing notices for the Planning Commission in several instances:
  - Sec. 30-1045.4 - Hearings on conditional use permits
  - Sec. 30-1050.3 - Hearings on special use permits
  - Sec. 30-1120 - Hearings on changes to Chapter 30 - Zoning
- Sections 30-1045.4, 114-1050.3, and 30-1120 of the City Code, require that the City Clerk give notice of the Planning Commission's public hearing in accordance with general law, which is set out in § 15.2-2204., Code of Virginia, which state in part:

"B. When a proposed amendment of the zoning ordinance involves a

change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant."

- According to the FY 2014-2015 Annual Report of the City Clerk's Office, the Department of Planning and Development Review has requested additional mailings that include:
  - Sending notices to property owners within 150 feet of the subject property. This requirement was stricken from the City Code by Ord. No. 2002-277-274.
  - Sending notices for papers continued in Planning Commission meetings. This was not requested prior to June 2014.
- Based on information from the City Clerk's Office, there are approximately 70 mailings in support of special use permits, community unit plans and rezoning annually.
  - A typical mailing consists of approximately 35 adjacent property addresses, within a 150 ft. radius of the subject property.
  - Certified mailings are done for 25 or fewer adjacent property addresses - \$6.48 each.
  - Regular mailings are done if the subject property consists of more than 25 adjacent property addresses - 48¢ each.
  - The annual cost for FY 2015 was \$7,136:

	Cost	Planning Commission Papers	Pieces Mailed
Certified Mail	\$ 6,363.36	68	68
Regular Mail	\$ 772.80	27	1,610
<b>Total</b>	<b>\$ 7,136.16</b>	<b>95</b>	<b>1,678</b>

- The process of mailing notices currently involves three City Departments:
  - Planning Commission Staff (Department of Planning and Development Review): Schedule the public hearing and notify the City Clerk.
  - City Assessor: Provide addresses of property owners, and others to receive the

notice to the City Clerk.

- o City Clerk: Assemble and mail the notices.
- Staff of the Department of Planning and Development Review have the capability to access the required addresses directly from the City Assessor's information system.
- Other than the mailing of notices, staff support for the Planning Commission is provided by the Department of Planning and Development Review.
- Since the adoption of Ord. No. 2002-277-274 the following have occurred.
  - 1. Richmond's form of government changed.
  - 2. The Planning Commission has a designated secretary.
  - 3. According to information supplied by the Office of the City Clerk, functions and responsibilities of the Office of the City Clerk have significantly increased:
    - a. Support to Richmond City Council standing committee's and boards and commissions has increased
      - Human Development is now Education and Human Services
      - Land Use and Transportation is now Land Use, Housing and Transportation
      - Governmental Operations was newly added
      - More detailed minutes required
      - Boards and commissions records management and FOIA training now coordinated
      - Boards and commissions volunteer receptions now coordinated and held annually
    - b. Office of the City Clerk content, updates and oversight of website has increased
      - Legislative actions now typed in by staff and formatted via Adobe and not simply scanned into the system (this allows electronic searching)
      - Informal meeting material added online
        - i. Agendas
        - ii. Minutes
        - iii. Handouts
        - iv. Presentations
      - Boards and Commissions meeting calendar added
      - Standing committee meetings material added online
        - i. Agendas
        - ii. Summaries
        - iii. Handouts
        - iv. Presentations
    - c. Number of adjacent property notices we are mailing have increased
      - In 2003, 2,331 property notices were mailed
      - In 2015, 3,295 property notices were mailed
    - d. Increase in the number of media advisories created/distributed
      - Posting of notices now done
    - e. Increase in citizen interest, involvement and participation at meetings
      - More citizen requests
      - More FOIA requests
    - f. Records management practices and oversight, governing Virginia localities, have significantly increased
- Relocation of the responsibility for mailing notices for the Planning Commission from the City Clerk to the Department of Planning and Development Review is consistent with the Clerk's plan for organization of the City Clerk's Office. This reassignment will consolidate responsibility for the required mailings in one department, which will

increase efficiency, reduce the potential for errors

- The costs of mailing the required notices shall be charged to the applicant for zoning approval, as specified by § 15.2-2204. (Code of Virginia) Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

**Fiscal Impact:**

The proposed ordinance will result in the costs of preparing and mailing being borne by the Department of Planning and Development Review, rather than the City Clerk. As required by state law, these costs shall be recovered from applicants for zoning changes.

**FISCAL IMPACT STATEMENT**

Fiscal Impact Yes  No

Budget Amendment Required Yes  No

**Estimated Cost or Revenue Impact**

The proposed ordinance will result in the costs of preparing and mailing being borne by the Department of Planning and Development Review, rather than the City Clerk. As required by state law, these costs shall be recovered from applicants for zoning changes.

**Attachment/s** Yes  No

- § 15.2-2204. (Code of Virginia) Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.
- FY 2014-2015 Annual Report of the City Clerk's Office, Page 15.
- Ord. No. 2002-277-274.

Richmond City Council Ordinance/Resolution Request Form/updated 10.5.2012 /rs