

INTRODUCED: March 25, 2019

AN ORDINANCE No. 2019-085

To amend ch. 30, art. I of the City Code by adding therein a new section 30-101, concerning the duties of the Department of Planning and Development Review with regard to the mailing of notices, and to amend City Code §§ 30-456.6, 30-1045.4, 30-1050.3, 30-1050.4, 30-1120, and 30-1130, concerning actions, notices, and public hearings by the City Council and the City Planning Commission, for the purpose of making the Department of Planning and Development Review, instead of the Office of the City Clerk, responsible for mailing all notices of public hearings required by ch. 30 of the City Code and general law.

Patrons – President Newbille and Ms. Robertson

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 22 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 30, Article I of the Code of the City of Richmond (2015) be and is hereby amended and reordained **by adding therein a new** section numbered 30-101 as follows:

Sec. 30-101. Duties of Department of Planning and Development Review with regard to mailing of notices.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: APR 22 2019 REJECTED: _____ STRICKEN: _____

Whenever this chapter or general law requires that notice of a public hearing concerning a matter to which this chapter applies be sent by mail to a property owner, the Department of Planning and Development Review shall send by mail such notice.

§ 2. That sections 30-456.6, 30-1045.4, 30-1050.3, 30-1050.4, 30-1120, and 30-1130 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

Sec. 30-456.6. Action of City Council.

The City Council shall hold a public hearing on the preliminary community unit plan. Notice of the time and place of such public hearing shall be given [~~by the City Clerk~~] in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished [~~to the City Clerk~~] by the City Assessor and shall be as shown on the then-current tax records of the City. The City Council may, by ordinance, approve the plan if it concurs in the finding of fact of the Commission.

Sec. 30-1045.4. Procedure for issuance.

(a) *Review by staff.* Staff of the Department of Planning and Development Review shall review each application for a conditional use permit and forward the application to the Planning Commission along with a report indicating the manner in which the proposed conditional use complies or does not comply with this chapter and its recommendations regarding approval, disapproval or conditions to be attached.

(b) *Action by Planning Commission.* The Planning Commission shall review each conditional use permit application for compliance with this chapter and shall provide a recommendation to the City Council in accordance with the following:

(1) The Commission shall hold a public hearing on the conditional use permit application. Notice of the time and place of such public hearing shall be given [~~by the City Clerk~~] in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished [~~to the City Clerk~~] by the City Assessor and shall be as shown on the then-current tax records of the City.

(2) After holding a public hearing, the Commission may recommend approval or disapproval of the conditional use permit or that additional conditions be imposed. In making its recommendation, the Commission shall consider at least the standards indicated in Section 30-1045.5.

(3) Action by the Commission shall be in the form of a motion, giving the reasons for its action.

(4) When the Commission is unable to adopt a motion to recommend approval or disapproval, it shall forward a written report to the City Council stating such fact and summarizing its discussions on the matter.

(5) Failure of the Commission to provide a recommendation or report to the City Council within 100 days after the first meeting of the Commission at which the conditional use permit application appears on its agenda shall be considered a recommendation of approval, unless the application has been withdrawn by the applicant prior to the expiration of such time period.

(c) *Action by City Council.* The City Council shall take action on each conditional use permit application in accordance with the following:

(1) After receiving the recommendation of the Planning Commission, the Council shall hold a public hearing on the conditional use permit application. Notice of the time and place of such public hearing shall be given ~~[by the City Clerk]~~ in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished ~~[to the City Clerk]~~ by the City Assessor and shall be as shown on the then-current tax records of the City.

(2) The City Council may, by ordinance, approve or disapprove the conditional use permit application and may impose additional conditions as authorized by this division.

Sec. 30-1050.3. Notice and public hearing by Planning Commission.

The Planning Commission shall hold a public hearing on any ordinance to authorize the issuance of a special use permit. Notice of the time and place of such public hearing shall be given ~~[by the City Clerk]~~ in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished ~~[to the City Clerk]~~ by the City Assessor and shall be as shown on the then-current tax records of the City.

Sec. 30-1050.4. Notice and public hearing by City Council.

The City Council shall hold a public hearing on the ordinance to authorize the issuance of a special use permit. Notice of the time and place of such public hearing shall be given ~~[by the City Clerk]~~ in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished ~~[to the City Clerk]~~ by the City Assessor and shall be as shown on the then-current tax records of the City.

Sec. 30-1120. Notice and public hearing by Planning Commission.

The Planning Commission shall hold a public hearing on any ordinance to amend, supplement or repeal the sections of this chapter or the boundaries of the districts established by this chapter. Notice of the time and place of such public hearing shall be given [~~by the City Clerk~~] in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished [~~to the City Clerk~~] by the City Assessor and shall be as shown on the then-current tax records of the City.

Sec. 30-1130. Notice and public hearing by Council.

The City Council shall hold a public hearing on the ordinance to amend, supplement or repeal the sections of this chapter or the boundaries of the districts established by this chapter. Notice of the time and place of such public hearing shall be given [~~by the City Clerk~~] in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished [~~to the City Clerk~~] by the City Assessor and shall be as shown on the then-current tax records of the City.

§ 3. This ordinance shall be in force and effect on July 1, 2019.



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

RECEIVED

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

MAR 15 2019

THROUGH Meghan K. Brown *MLB*
Interim Council Chief of Staff

OFFICE OF CITY ATTORNEY

FROM William E. Echelberger, Jr, Council Budget Analyst *[Signature]*

COPY Dr. Cynthia I. Newbille, Council President
Haskell Brown, Deputy City Attorney
Sam Patterson, 7th District Liaison

DATE March 14, 2019

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TITLE Transfer Zoning Notification Responsibility

This is a request for the drafting of an Ordinance Resolution

REQUESTING COUNCILMEMBER/PATRON

Dr. Cynthia I. Newbille, Council President

SUGGESTED STANDING COMMITTEE

Planning Commission

ORDINANCE/RESOLUTION SUMMARY

- The Patron requests an ordinance to amend 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 all notices of public hearings required by Va. Code § 15.2-2204.

BACKGROUND

Summary:

- Council adopted Resolution No. 2017-R029 on July 24, 2017 to express its intent to amend the Zoning Ordinance to make the Department of Planning and Development Review, instead of the Office of the City Clerk, responsible for the mailing of all notices of public hearings required by Va. Code § 15.2-2204.
- Currently, the City Clerk's Office gives notice of public hearings by both the Planning Commission and the City Council on land use ordinances "in accordance with general law."
- In addition to newspaper advertisements of these public hearings, Section 2.2-2204(8) of the Code of Virginia requires localities to mail notices of the public hearings to the owners of the affected parcels, as well as the owners of abutting parcels, and certain other property owners.

- The extent of the required mailings varies based on the number of parcels involved in the land use ordinance.
- The patron further intends that the Office of the City Clerk remain responsible for all newspaper advertisements required by general law for public hearings on land use ordinances.
- The patrons' objective is for the new zoning requirement to be effective July 1, 2019, to coincide with the Fiscal Year 2019-2020 budget, which should be amended to make the necessary funding for the mailings available.

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Budget Amendment Required	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Estimated Cost or Revenue Impact		
<p>The FY20 Proposed Budget will need to be amended to reduce the City Clerk's budget by (\$20,000) and Increase the budget for the Department of Planning & Development Review by \$20,000 for postage and mailing expenses.</p>		

Attachment/s Yes No

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