

INTRODUCED: June 22, 2015

AN ORDINANCE No. 2015-148-158

To amend and reordain City Code §§ 114-456.11, 114-1045.13, 114-1050.5, and 114-1140, concerning the requirements for the posting of public notices on property related to community unit plans, conditional use permits, special use permits and changes in the boundaries of a zoning district, for the purpose of making the Department of Planning and Development Review responsible for such posting instead of the applicant.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 27 2015 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 114-456.11, 114-1045.13, 114-1050.5, and 114-1140 of the Code of the City of Richmond (2004) be and are hereby amended and reordained as follows:

Sec. 114-456.11. Posting of notice on property.

In the case of each application for a community unit plan or amendment to a community unit plan, it shall be the responsibility of the [applicant] Department of Planning and Development Review to post on the property that is the subject of the community unit plan, a

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 27 2015 REJECTED: _____ STRICKEN: _____

sign or signs notifying interested parties of the application and pending public hearings thereon. Such sign(s) (i) shall [eomply with the following requirements:

~~(1) — The sign(s) shall be posted at least 15 days prior to the scheduled planning commission public hearing on the application, shall remain on the property until final disposition of the application by the city council, and shall be removed from the property within ten days after final action by the city council. Failure to remove the sign(s) within the specified time shall constitute a violation of this chapter.~~

~~(2) — The sign(s) shall contain the words “Zoning Application Pending” together with the words “For Planning Commission and City Council Public Hearings Information Call (804) 646-6304.” The format of the sign information shall be as furnished by the secretary of the planning commission.~~

~~(3) — The sign(s) shall be posted within five feet of the right of way of the street along each street frontage of the property, and shall be located at approximately the mid-point of the street frontage in such manner as to be readable from the street. In the case of street frontages greater than 1000 feet in length, in addition to the foregoing requirement, signs shall be posted at approximately 500-foot intervals. The required number and/or location of signs may be adjusted by the secretary of the planning commission in cases where the applicant can present sufficient justification to warrant such adjustment, provided that the spirit and intent of the notice requirements of this section are met.~~

~~(4) — The sign(s) shall be of wood or metal material, 36 inches by 48 inches in size, with black lettering at least three inches in height on a white background. The top edge of such sign(s) shall not be greater than six feet in height as measured from the adjacent ground level,~~

~~provided that greater height may be authorized by the secretary of the planning commission if necessary to enable adequate visibility.~~

~~(5) — The support element for such sign(s) shall be a four inch by four inch wood post fastened securely in the ground, provided that alternative means of support may be approved by the secretary of the planning commission.~~

~~(6) — The sign(s) shall not be illuminated.~~

~~(7) — The applicant shall submit an affidavit to the secretary of the planning commission not less than ten days prior to the scheduled planning commission public hearing attesting to the fact that the sign(s) is posted on the property as required. The affidavit shall be on a form supplied by the secretary of the planning commission. The applicant shall also submit a photo of the sign(s) verifying that the sign(s) is posted as required.~~

~~(8) — The applicant shall be responsible for maintaining the sign(s) in a sound and legible condition, and shall be responsible for reporting to the secretary of the planning commission the theft or damage of any required sign. Any sign which is the subject of theft or damage shall immediately be replaced or repaired in accordance with the provisions of this section.]~~ be posted at least 15 days prior to the scheduled Planning Commission public hearing on the application, (ii) shall remain on the property until final disposition of the application by the City Council, and (iii) shall comply with any applicable standards established by the Department of Planning and Development Review and approved by resolution of the Planning Commission.

Sec. 114-1045.13. Posting of notice on property.

In the case of each application for a conditional use permit or amendment to a conditional use permit, it shall be the responsibility of the [applicant] Department of Planning and

Development Review to post on the property that is the subject of the conditional use permit, a sign or signs notifying interested parties of the application and pending public hearings thereon.

Such sign(s) (i) shall ~~[comply with the following requirements:~~

~~(1) — The sign(s) shall be posted at least 15 days prior to the scheduled planning commission public hearing on the application, shall remain on the property until final disposition of the application by the city council, and shall be removed from the property within ten days after final action by the city council. Failure to remove the sign(s) within the specified time shall constitute a violation of this chapter.~~

~~(2) — The sign(s) shall contain the words “Zoning Application Pending” together with the words “For Planning Commission and City Council Public Hearings Information Call (804) 646-6304.” The format of the sign information shall be as furnished by the secretary of the planning commission.~~

~~(3) — The sign(s) shall be posted within five feet of the right of way of the street along each street frontage of the property, and shall be located at approximately the mid-point of the street frontage in such manner as to be readable from the street. In the case of street frontages greater than 1,000 feet in length, in addition to the foregoing requirement, signs shall be posted at approximately 500 foot intervals. The required number and/or location of signs may be adjusted by the secretary of the planning commission in cases where the applicant can present sufficient justification to warrant such adjustment, provided that the spirit and intent of the notice requirements of this section are met.~~

~~(4) — The sign(s) shall be of wood or metal material, 36 inches by 48 inches in size, with black lettering at least three inches in height on a white background. The top edge of such sign(s) shall not be greater than six feet in height as measured from the adjacent ground level,~~

~~provided that greater height may be authorized by the secretary of the planning commission if necessary to enable adequate visibility.~~

~~(5) — The support element for such sign(s) shall be a four inch by four inch wood post fastened securely in the ground, provided that alternative means of support may be approved by the secretary of the planning commission.~~

~~(6) — The sign(s) shall not be illuminated.~~

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Sec. 114-1050.5. Posting of notice on property.

In the case of each application for a special use permit or amendment to a special use permit, it shall be the responsibility of the [applicant] Department of Planning and Development

Review to post on the property that is the subject of the special use permit, a sign or signs notifying interested parties of the application and pending public hearings thereon. Such sign(s) (i) shall ~~[comply with the following requirements.~~

~~(1) — The sign(s) shall be posted at least 15 days prior to the scheduled planning commission public hearing on the application, shall remain on the property until final disposition of the application by the city council, and shall be removed from the property within ten days after final action by the city council. Failure to remove the sign(s) within the specified time shall constitute a violation of this chapter.~~

~~(2) — The sign(s) shall contain the words “Zoning Application Pending” together with the words “For Planning Commission and City Council Public Hearings Information Call (804) 646-6304.” The format of the sign information shall be as furnished by the secretary of the planning commission.~~

~~(3) — The sign(s) shall be posted within five feet of the right of way of the street along each street frontage of the property, and shall be located at approximately the mid-point of the street frontage in such manner as to be readable from the street. In the case of street frontages greater than 1,000 feet in length, in addition to the foregoing requirement, signs shall be posted at approximately 500 foot intervals. The required number and/or location of signs may be adjusted by the secretary of the planning commission in cases where the applicant can present sufficient justification to warrant such adjustment, provided that the spirit and intent of the notice requirements of this section are met.~~

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~~(5) — The support element for such sign(s) shall be a four inch by four inch wood post fastened securely in the ground, provided that alternative means of support may be approved by the secretary of the planning commission.~~

~~(6) — The sign(s) shall not be illuminated.~~

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Sec. 114-1140. Posting of notice on property.

In the case of each application for a change in the boundaries of a zoning district, it shall be the responsibility of the [applicant] Department of Planning and Development Review to post

on the property that is the subject of such change, a sign or signs notifying interested parties of the application and pending public hearings thereon. Such sign(s) (i) shall ~~[comply with the following requirements.~~

~~(1) — The sign(s) shall be posted at least 15 days prior to the scheduled planning commission public hearing on the application, shall remain on the property until final disposition of the application by the city council, and shall be removed from the property within ten days after final action by the city council. Failure to remove the sign(s) within the specified time shall constitute a violation of this chapter.~~

~~(2) — The sign(s) shall contain the words “Zoning Application Pending” together with the words “For Planning Commission and City Council Public Hearings Information Call (804) 646-6304.” The format of the sign information shall be as furnished by the secretary of the planning commission.~~

~~(3) — The sign(s) shall be posted within five feet of the right of way of the street along each street frontage of the property, and shall be located at approximately the mid-point of the street frontage in such manner as to be readable from the street. In the case of street frontages greater than 1000 feet in length, in addition to the foregoing requirement, signs shall be posted at approximately 500-foot intervals. The required number and/or location of signs may be adjusted by the secretary of the planning commission in cases where the applicant can present sufficient justification to warrant such adjustment, provided that the spirit and intent of the notice requirements of this section are met.~~

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~~(6) — The sign(s) shall not be illuminated.~~

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§ 2. This ordinance shall be in force and effect upon adoption.

..Title

To amend the City's Zoning Ordinance for the purpose of modifying the requirements for posting public notification signs in conjunction with public hearings related to zoning cases.

..Body

O & R Request

DATE: May 27, 2015

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Jr., Interim Deputy Chief Administrative Officer for Economic
Development and Planning

FROM: Mark A. Olinger, Director, Dept. of Planning and Development Review

RE: Zoning Text Amendment to modify the sign posting requirements

ORD. OR RES. No. _____

PURPOSE: To amend the City's Zoning Ordinance for the purpose of modifying the requirements for posting public notification signs in conjunction with public hearings related to zoning cases.

REASON: Currently the City's Zoning Ordinance requires each applicant for a rezoning, special use permit, conditional use permit or community unit plan to post large signs on the subject property notifying the public of the pending zoning change. Applicants often miss the deadline for posting the sign despite being reminded by City staff and the public hearings must be continued. Applicants do not always meet the exact technical requirements of the ordinance (size of letters, location within 5 feet of the right-of-way, not being posted on a 4" by 4" wooden post, etc.), which is problematic particularly in controversial cases where opponents will push for continuances based on these type of procedural errors in the case. The proposed amendment would eliminate these causes for continuances by establishing City staff as the responsible party for the sign postings.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its September 8, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

RECEIVED

JUN 08 2015

OFFICE OF CITY ATTORNEY

BACKGROUND: This proposed amendment to the Zoning Ordinance would accomplish two objectives:

1. The Department of Planning & Development Review would assume the responsibility of posting the signs, as opposed to the current requirement that the applicant be the responsible party.
2. The specifications for the size, design, placement and timing of the signs would be removed from the code and would be established by a separate Resolution of the Planning Commission.

The current requirements that the applicant must adhere to state that the signs be made of wood or metal material, 36 inches by 48 inches in size, with black lettering at least three inches in height on a white background. The support element for such signs must be a four-inch by four-inch wood post and the top edge of the signs must not be greater than six feet in height as measured from the adjacent ground level. The ordinance requires the signs to be in place 15 days prior to the public hearing and removed 10 days after the final action on the case.

The Planning Commission's Draft Sign Posting Policy would include the same timing requirements that are currently in the ordinance; however, the size of the signs would be reduced to be more in line with a real estate or political sized sign that could be more easily installed and produced by the Department of Public Works sign shop.

FISCAL IMPACT / COST: There will be a one-time cost to fabricate the signs. However, the cost will be off-set by the savings that the City will realize from no longer having to continue and re-advertise and re-mail notices due to the applicant failing to meet the existing sign posting requirements.

FISCAL IMPLICATIONS: Staff time will be required to post the public notices.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: July 13, 2015

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2015

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, September 8, 2015

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amendment to the existing Zoning Ordinance, specifically put in place by Ord. Nos. 2006-259-262 and 2002-277-274.

ATTACHMENTS: Draft Ordinance, Planning Commission Resolution of Intent, Draft Sign Posting Policy of the Planning Commission

STAFF: Lory Markham, Principal Planner
Land Use Administration (Room 511)
646-6309

PDR O&R No. 15-10



CITY OF RICHMOND

PLANNING COMMISSION

June 1, 2015

MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION

TO DECLARE AN INTENT TO AMEND THE ZONING ORDINANCE FOR THE PURPOSE OF ALTERING REQUIREMENTS FOR THE POSTING OF PUBLIC NOTIFICATION SIGNS IN CONJUNCTION WITH PUBLIC HEARINGS

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 from time to time; and

WHEREAS, in accordance with section 15.2-2286 of the Code of Virginia an amendment to the zoning regulations or district maps may be initiated by motion of the City of Richmond Planning Commission provided any such motion of the Commission proposing an amendment to the regulations or district maps shall state the public purposes therefore; and

WHEREAS, good zoning practice dictates that the comprehensive zoning plan be amended as required to reflect current conditions and trends in land use; and

WHEREAS, the purposes of zoning cited in the Code of Virginia include facilitating the creation of a convenient, attractive harmonious community, encouraging economic development and enlarging the tax base and providing for public safety and preventing congestion in the streets; and

WHEREAS, the City has adopted a Master Plan which, among other things, suggests the appropriate land use for all of the neighborhoods of the City; and

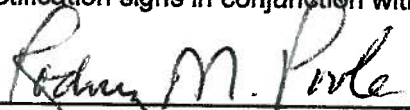
WHEREAS, the Code of Virginia provides, "the local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereto until notice of intention to do so has been published once a week for two successive weeks in a newspaper published or having general circulation in the locality"; and

WHEREAS, the purpose of this ordinance is to provide interested parties with an additional notification process for zoning ordinance related public hearings held by the Planning Commission and City Council; and

WHEREAS, a comprehensive notification procedure will help identify and potentially resolve issues affecting all interested parties prior to the required public hearings.

NOW, THEREFORE BE IT RESOLVED BY THE CITY PLANNING COMMISSION:

That in accordance with section 15.2-2286 of the Code of Virginia, the City Planning Commission hereby declares that the public necessity, convenience, general welfare and good zoning practices of the City require that an amendment to the zoning ordinance should be drafted for the purpose of amending the zoning ordinance concerning creation of requirements concerning the posting of public notification signs in conjunction with public hearings.


Rodney Poole
Chair, City Planning Commission


Lory Markham
Secretary, City Planning Commission



CITY OF RICHMOND

PLANNING COMMISSION

June 1, 2015

DRAFT Sign Posting Policy Established by the City Planning Commission

1. The sign(s) shall contain the words "Zoning Change Pending" together with the words "For Info on Planning Commission Hearing Please Call (804) 646-6304.
<https://richmondva.legistar.com>"
2. The sign(s) shall be posted along each street frontage of the property, and shall be located at approximately the mid-point of the street frontage in such manner as to be readable from the street. In the case of street frontages greater than 1000 feet in length, signs shall be posted at approximately 500-foot intervals. The required number and/or location of signs may be adjusted by the secretary of the planning commission, provided that the spirit and intent of the notice requirements are met.
3. The sign(s) shall not be illuminated.
4. The secretary of the planning commission shall keep a photo of the sign(s) verifying that the sign(s) is posted as required.
5. The applicant shall be responsible for notifying the secretary of the planning commission the theft or damage of any required sign. Any sign which is the subject of theft or damage shall immediately be replaced or repaired in accordance with this policy.
6. The color, size and material of the sign(s) shall be constructed as shown by the sign attached to this policy.