



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2018-276:** To amend and reordain City Code § 30-1020.3, concerning the issuance of certificates of zoning compliance, for the purpose of requiring that all certificates of zoning compliance and zoning confirmation letters and applications filed therefor be published on the City's website within two working days after such issuance and filing.

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**To:** City Planning Commission  
**From:** Department of Planning and Development Review, Office of the Director  
**Date:** December 3, 2018

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#### PETITIONER

City Council of the City of Richmond, Councilman Parker Agelasto (Patron)

#### LOCATION

Citywide

#### PURPOSE

To amend and reordain City Code § 30-1020.3, concerning the issuance of certificates of zoning compliance, for the purpose of requiring that all certificates of zoning compliance and zoning confirmation letters and applications filed therefor be published on the City's website within two working days after such issuance and filing

#### SUMMARY & RECOMMENDATION

The current Zoning Ordinance states that no certificate of zoning compliance shall be issued by the Zoning Administrator unless the Zoning Administrator is satisfied, after inspection of the building, structures or premises involved, that all applicable sections of this chapter are met. It also permits the writing of letters of zoning compliance specifying conformance with zoning requirements for properties. There are currently no specific requirements relative to posting them on the website or posting within a specified timeframe.

The proposed ordinance amendment would require further action after issuance (proposed amendment underlined in italics):

**Sec. 30-1020.3. Issuance.** No certificate of zoning compliance shall be issued by the Zoning Administrator unless the Zoning Administrator is satisfied, after inspection of the building, structure or premises involved, that all applicable sections of this chapter are met. Within two working days after the filing of an application for a certificate of zoning compliance or a letter of zoning confirmation, the Zoning Administrator shall cause such application to be published on the City's website. Within two working days after the Zoning Administrator issues a certificate of zoning compliance or a letter of zoning confirmation, the Zoning Administrator shall cause such certificate of zoning compliance or letter of zoning confirmation to be published on the City's website.

The original Resolution included a provision requiring City Attorney review of all certificate of zoning compliance and letter of zoning confirmation requests prior to the Zoning Administrator approving them. This requirement was subsequently removed. In addition, the original resolution required that such approvals be published on the City's website within ten (10) business days. This language was also amended to reduce the publishing requirement to two (2) business days, which is less processing time than what is required for a Freedom of Information Act (FOIA) request.

Staff initially expressed concerns with the proposed ordinance amendment, but has since met with the Patron and has received clarity on the expectations of the intended means of implementing the ordinance. Staff is supportive of the ordinance's intent to provide timely and important information to the public and will move forward with implementation.

Staff therefore recommends approval of the proposed ordinance amendment.

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## FINDINGS OF FACT

### Background

On June 25, 2018, Councilman Agelasto introduced Resolution No. 2018-R068, *"To declare a public necessity to amend the City's zoning ordinance and to initiate an amendment to the City's zoning ordinance to require that certificates of zoning compliance and letters of zoning confirmation be reviewed by the City Attorney prior to issuance and published on the City's website shortly after issuance."*

The Resolution was to require City Attorney review for all certificate of zoning compliance and letters of zoning confirmation requests as well as to mandate the publishing of those approvals on the City website within ten (10) working days.

The resolution was referred to the City Council Land Use, Housing and Transportation Standing Subcommittee on July 17, 2018 and continued to the September 18, 2018, Land Use, Housing and Transportation Standing Subcommittee meeting, at which the Resolution was forwarded to City Council with no recommendation.

The resolution was amended to delete the requirement for City Attorney review and also decreased the time period for publishing on the City website from ten (10) days to two (2) days.

City Council approved the amended resolution at its September 24, 2018 meeting and the City Attorney subsequently drafted the proposed ordinance amendment currently being considered.

The proposed ordinance to amend the Zoning Ordinance was introduced to City Council at its October 8, 2018, meeting for City Planning Commission consideration on November 5, 2018 and City Council action on November 13, 2018.

On November 5, 2018 the ordinance was continued to allow staff to further discuss the proposal with the

Patron. The ordinance is scheduled to be heard by the Planning Commission on December 3, 2018 and City Council on December 10, 2018.

**Proposed Zoning Amendment**

The City Zoning Ordinance would be amended to require the publishing of certificate of zoning compliance and letter of zoning confirmation applications and approvals within two (2) working days on the city's website.

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**Staff Contact**

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