

INTRODUCED: October 8, 2018

A RESOLUTION No. 2018-R092

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.

Patron – Mr. Agelasto

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

WHEREAS, the City's zoning ordinance, codified as Chapter 30 of the Code of the City of Richmond (2015), as amended, currently provides for the issuance of certificates of zoning compliance and letters of zoning compliance by the Zoning Administrator; and

WHEREAS, the Council believes that it is in the best interests of the residents 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 require that certificates of zoning compliance and letters of zoning confirmation be reviewed by the City Attorney prior to issuance;

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 zoning ordinance set forth in Chapter 30 of the Code of the City of Richmond (2015), as amended, to modify section 30-1020.3 of the Code of the City of Richmond (2015), as amended, as follows:

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. No certificate of zoning compliance or letter of zoning confirmation involving an issue, question, or factual circumstance never before decided or considered by the Zoning Administrator shall be issued by the Zoning Administrator until the Office of the City Attorney has reviewed such certificate of zoning compliance or letter of zoning confirmation, together with such other information available to the Zoning Administrator as the Office of the City

Attorney may deem necessary. The Zoning Administrator shall maintain written evidence that the Office of the City Attorney has reviewed a certificate of zoning compliance or a letter of zoning confirmation in the file for that certificate of zoning compliance or letter of zoning confirmation.



Richmond City Council

The Voice of the People

Richmond, Virginia

Lou Brown Ali
Council Chief of Staff

Office of the Council Chief of Staff

RECEIVED

SEP 14 2018

Ordinance/Resolution Request

OFFICE OF CITY ATTORNEY

TO Allen Jackson, City Attorney

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

FROM Charles M. Jackson, Council Budget Analyst *C. S.*

COPY Parker Agelasto, 5th District Council Member
Amy Robins, 5th District Liaison
Meghan K. Brown, Deputy Council Chief of Staff *MKB*
Haskell Brown, Deputy City Attorney

DATE September 14, 2018

PAGE/s 1 of 2

TITLE To Require Certificates of Zoning Compliance (CZC) and Zoning Confirmation Letter (ZCL) be reviewed by the City Attorney.

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

Councilman Agelasto

SUGGESTED STANDING COMMITTEE

Land use, Housing and Transportation

ORDINANCE/RESOLUTION SUMMARY

The patron requests a resolution to initiate an amendment to the City's zoning ordinance to require that all Certificates of Zoning Compliance and Zoning Confirmation Letters be reviewed by the City Attorney.

BACKGROUND

To develop or reuse property that has been zoned, individuals must obtain a certificate of zoning compliance (CZC) from the City's Zoning Administration Office. A CZC is a certification issued by the Zoning Administration Office that certifies conformance with the City's **Zoning Ordinance**. A CZC is required for any use of land, building or structures, other than an existing single-family dwelling or an individual residential unit (apartment) within multi-family buildings.

A Zoning Confirmation Letter (ZCL) is a letter indicating conformance with city zoning regulations and is typically requested by lenders, title companies, attorneys and/or prospective purchasers of properties and/or requested for properties undergoing re-financing arrangements. Reviews for A ZCL typically includes the verification of use, density and subdivision, "buildability" of a property or "lot-splits" of property.

In the City of Richmond, administration and final oversight of the zoning certification process and zoning confirmation, is performed solely by the City's Planning and Development Review Department. From a technical (expertise) perspective, the department is adequately suited to manage the requirements and standards of zoning regulations. Occasionally however, situations can occur in which discrepancies may require legal review (and opinion) from the City's legal department. Such cases may involve longstanding development projects that overlap changes in zoning requirements. This can create significant controversy and costs for property owners, developers and lenders.

This paper seeks to address this issue by requiring all 'certificates of zoning compliance' and 'zoning confirmation letters' to be reviewed by the City Attorney. This change would apply to all pending and new site plan applications.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact:

Personnel and operating resources required to complete this request may vary. The City Attorney Office may experience a shift in workload and staff responsibilities as a result of the change and may also require additional staffing.

Attachment/s Yes No