



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.

To: City Planning Commission
From: Department of Planning and Development Review, Office of the Director
Date: November 5, 2018

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.

While the removal of the City Attorney's Office review requirement is a major positive change from the language of the original resolution, it is recommended that this Ordinance amendment be further revised.

The Department of Planning and Development Review and is still opposed, for the following reasons:

1. The Zoning Administration Office processed over 335 Letter of zoning compliance requests during the most recently concluded fiscal year. Letter of zoning compliance requests are typically requested by attorneys, lenders, title and other insurance companies to verify zoning conformance of properties for loans for prospective purchasers, construction loans for developers or re-financing by current ownership.

The posting of a LETTER OF ZONING COMPLIANCE, after issuance, currently involves the following process:

- Approved LETTER OF ZONING COMPLIANCE signed by Zoning Administrator.
- Signed LETTER OF ZONING COMPLIANCE scanned and converted to a PDF.
- Scanned PDF of LETTER OF ZONING COMPLIANCE attached to property parcel in City's permitting system (EnerGov).
- Scanned PDF of LETTER OF ZONING COMPLIANCE forwarded to Department of Planning and Development Review GIS Analyst.
- GIS Analyst inputs LETTER OF ZONING COMPLIANCE information into GIS system.
- The PDF GIS information is sent to the Department of Information Technology (Migration Services) to post to the GIS Zoning Mapper on the City's website.
- GIS Zoning Mapper information is updated automatically (during each weekend) and available for public viewing the beginning of the start of the next business week.

The Zoning Administration Office currently publishes all letters of zoning confirmation on the City's website (GIS Zoning Mapper) and these are, in the majority of instances, posted within five (5) days of issuance. These documents are visible to the general public through the City's Zoning Mapper on each individual parcel in the City.

PLANNING AND DEVELOPMENT REVIEW staff has no issue with the requirement of posting the documents, which is already done. However, PLANNING AND DEVELOPMENT REVIEW staff feels that the proposed amended two (2) working day timeline is too burdensome. Non-compliance with a two business day publishing requirement would automatically result in a violation of the Zoning Ordinance. Based on the agencies involved, it is not reasonable to expect the publishing process to

be completed in all respects and in all instances. Non-compliance would be affected by staffing levels, staff leave schedules and staffing workloads.

As indicated, LETTER OF ZONING COMPLIANCE's are typically posted within five (5) business days after completion. However, the reduced timeframe will significantly affect these agencies by requiring additional services and requiring additional administrative policies to implement and audit the publishing of documents, which will affect both Planning & Development Review staff and other agencies staffing levels and processes, specifically the Department of Information Technology.

2. The Zoning Administration Office processed over 1,100 Certificate of zoning compliance application requests during the most recent concluded fiscal year. Certificate of zoning compliance approval is required by City Code in order to obtain a business license within the City of Richmond as well as being necessary to occupy or own property, except single-family dwellings or individual dwelling units within multi-family buildings.

Certificate of zoning compliance approvals are not published in the same manner as letters of zoning confirmation. The applications and approved documents are scanned as PDF's and are stored in the new ENERGOV permitting system. However, ENERGOV access does not currently provide the capability for direct citizen viewing access to these approvals. Citizen access to view these documents is minimal, only providing a limited amount of information. Interested citizens would be required to request the specific applications or approval document(s), separately. The original and proposed amended resolution is not specific on the type of information that would be available or the location of the information on the website. If the intent is to post all CERTIFICATE OF ZONING COMPLIANCE approval documents, in the same manner as LETTER OF ZONING COMPLIANCE documents, it will necessitate Department of Information Technology (DIT) input relative to the ability to meet a specific timeline, staffing levels and response times as well as technical issues relative to storage capabilities of the current technology.

If it is anticipated that the CERTIFICATE OF ZONING COMPLIANCE approval documents are also to be posted on the City Zoning Mapper, it will significantly increase the amount of documents and require additional staffing levels, administrative services and additional administrative policies to implement and audit the publishing of documents as well as, possibly, requiring additional hardware and/or software. Such increases will affect both Planning & Development Review staff and other agencies staffing levels and processes, specifically the Department of Information Technology.

Staff is supportive of the ordinance's intent to provide timely and important information to the public. However, based on the concerns listed above, staff finds that the desired outcome of the ordinance would not be reached if the ordinance were to be adopted as currently written.

Staff therefore recommends a 60 day continuance of this ordinance to amend the City Zoning Ordinance to allow staff to discuss modifications of the ordinance with the Patron.

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.

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.

Staff Contact

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