



Applicant **City of Virginia Beach**
Public Hearing **May 8, 2019**
City Council Initiation of Amendments

Agenda Item

10

Request

An Ordinance to Amend Section 107 of the City Zoning Ordinance pertaining to the permitted time to consider a City Council referral of Zoning Amendments by the Planning Commission.

Summary of Request

This ordinance is in response to a change in the Code of Virginia. The ordinance will make section 107 of our City Zoning Ordinance consistent with the regulations set forth by the General Assembly.

This ordinance permits City Council to initiate code amendments and adds the following language to the section of the Zoning Ordinance covering the initiation of amendments to the Zoning Ordinance.

“...City Council may refer to Planning Commission an amendment or reenactment of the Zoning Ordinance. Planning Commission must report within 100 days of the first meeting of the Planning Commission after its referral. City Council may require Planning Commission to report earlier after a public hearing; notice published in a newspaper having general circulation in the locality at least two weeks prior to the public hearing; and publish the notice on the city website....”

Recommendation

Staff recommends approval of this ordinance. This amendment will ensure that the City Zoning Ordinance is responsive to legislative changes to the Code of Virginia. The requirements set forth in this ordinance are reasonable and ensure that the public will have sufficient notification of a proposed amendment change.

1 AN ORDINANCE TO AMEND SECTION 107
2 OF THE CITY ZONING ORDINANCE
3 PERTAINING TO CITY COUNCIL REFERRAL
4 OF AMENDMENT

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6 Section Amended: § 107 of the City Zoning
7 Ordinance

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9 WHEREAS, the public necessity, convenience, general welfare and good zoning
10 practice so require;

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12 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
13 BEACH, VIRGINIA:

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15 That Section 107 of the City Zoning Ordinance is hereby amended and
16 reordained to read as follows:

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18 **Sec. 107. – Amendments.**

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20 (a) *Initiation.* Whenever the public necessity, convenience, general welfare, or good
21 zoning practice requires, the city council may by ordinance, amend, supplement, or
22 change the regulations, district boundaries, or zoning district classifications of
23 property. Any such action may be initiated by resolution of the city council, or by
24 motion of the planning commission, or, where a change of the zoning district
25 classification of property is sought, by petition of the owner, contract purchaser
26 with the owner's written consent, or the owner's duly authorized agent therefor, of
27 the property which is the subject of the proposed change of zoning district
28 classification, addressed to the city council. City Council may refer to Planning
29 Commission an amendment or reenactment of the Zoning Ordinance. Unless a
30 shorter time is prescribed in the referral resolution, Planning Commission must
31 report its recommendation within 100 days of its first meeting after the date of the
32 referred ordinance. City Council shall require a report in less than 100 days only
33 after a public hearing. Notice of such public hearing shall be published in a
34 newspaper having general circulation in the locality at least two weeks prior to the
35 public hearing and such notice shall also be published on the city website. In the
36 latter case, the petition shall be addressed to city council but shall be filed with the
37 director of planning. The director shall cause the petition to be placed on the
38 agenda of the planning commission. For purposes of this section, a change of
39 zoning district classification shall be deemed to include modifications of the
40 conditions of a conditional change of zoning district classification pursuant to
41 subdivision (h).

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Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day
of _____, 2019.

APPROVED AS TO CONTENT:



Planning Department

CA14733
R-1
April 9, 2019

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office