



Applicant **City of Virginia Beach**
Public Hearing **May 8, 2019**
Notification to Property Owners

Agenda Item

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Request

An Ordinance to Amend Section 103 of the City Zoning Ordinance pertaining to Notification to Property Owners.

Summary of Request

This ordinance is in response to a change in the Code of Virginia. The ordinance will make section 103 of our City Zoning Ordinance consistent with the regulations set forth by the General Assembly.

This ordinance adds “Certified” mail as a legal method of notification to which the appeal period begins once received by the property owner or their registered agent. The current ordinance only recognizes registered mail or posting of the notice at the last known address or usual place of abode of the property owner or registered agent.

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. Adding certified mail as an acceptable form of notification will have a positive impact on the zoning notification process.

1 AN ORDINANCE TO AMEND SECTION 103
2 OF THE CITY ZONING ORDINANCE
3 PERTAINING TO NOTIFICATION TO
4 PROPERTY OWNER

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6 Section Amended: § 103 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 103 of the City Zoning Ordinance is hereby amended and
16 reordained to read as follows:

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18 **Sec. 103. – Administration.**

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22 (I) The zoning administrator shall provide written notice to the owner of any real
23 property that is the subject of a request for a written order, requirement, decision,
24 or determination of the zoning administrator. Such notice shall be given by the
25 zoning administrator or by the applicant on forms provided by the zoning
26 administrator within ten (10) days of the date of the request. The appeal period for
27 such order, requirement, decision or determination shall not commence until the
28 notice is sent by registered or certified mail to, or posted at, the last known
29 address or usual place of abode of the property owner or its registered agent, if
30 any. There is a rebuttable presumption that the property owner's last known
31 address is that shown on the current real estate tax assessment records, or the
32 address of a registered agent that is shown in the records of the Clerk of the State
33 Corporation Commission.

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

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:



Planning Department



City Attorney's Office

CA14732
R-1
April 9, 2019