

INTRODUCED: OCT 09 2006

A RESOLUTION No. 2006-R 146

To request the Richmond delegation to the General Assembly of Virginia to introduce and support the enactment of legislation to amend section 17.10, concerning the zoning powers of Council, of and to add a new section 17.30, concerning an Affordable Housing Dwelling Unit Program, to the Charter of the City of Richmond.

\_\_\_\_\_  
Patron – Mayor Wilder  
\_\_\_\_\_

Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: **NOV 13 2006** AT 6 P.M.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That, in accordance with section 15.2-202 of the Code of Virginia (1950), as amended, the Richmond delegation to the General Assembly of Virginia is hereby requested to introduce and support the enactment of legislation to amend the Charter of the City of Richmond as set forth in the document entitled “Requests of the City of Richmond for City Charter Amendments during the 2007 Session of the General Assembly of Virginia,” a copy of which is attached to and made a part of this resolution.

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

**REQUESTS OF THE CITY OF RICHMOND FOR CITY CHARTER AMENDMENTS**  
**DURING THE 2007 SESSION OF THE GENERAL ASSEMBLY OF VIRGINIA**

**Amended Section:**

**Sec. 17.10. Zoning powers of Council.**

In addition to the powers granted elsewhere in this Charter the Council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets, secure safety from fire, panic and other danger, promote health, sanitation and general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provision for schools, parks, playgrounds, and other improvements and requirements. The comprehensive zoning plan shall include the division of the City into districts with such boundaries as the Council deems necessary to carry out the purposes of this Charter and shall provide for the regulation and restriction of the use of land, buildings and structures in the respective districts and may include but shall not be limited to the following:

- (a) It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses.
- (b) It may restrict the height, area and bulk of buildings and structures in the districts.
- (c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.
- (d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.
- (e) It may prescribe the area of lots and the space in buildings that may be occupied by families.
- (f) It may require that spaces and facilities deemed adequate by the Council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the Council shall be provided on lots for off-street loading or unloading of vehicles.
- (g) It may permit the use and development of land not less than [~~ten~~] five acres in extent in a manner that does not conform in all respects with the regulations and restrictions prescribed for the district or districts in which such land is situated; provided, that such use shall be approved by the City Planning Commission and the Council.
- (h) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are

situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event within a reasonable period of time to be specified in the ordinance.

**New Section:**

**Sec. 17.30. Affordable Housing Dwelling Unit Program.**

A. The Council shall have the power to adopt by ordinance an affordable housing dwelling unit program as authorized by the provisions of the Charter. The affordable housing dwelling unit program shall be designed to address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing by providing for optional increases in density and other incentives in order to reduce the costs of developing such moderately priced housing.

B. The ordinance establishing an affordable housing dwelling unit program may include, among other things, reasonable regulations and provisions as to any or all of the following:

1. The affordable housing dwelling unit program shall be at the election of the property owner such that the property owner may develop the property without participating in the affordable housing dwelling unit program. However, if the property owner elects to participate in the program, the property owner will be entitled to bonus densities as set out in the ordinance.

2. The affordable housing dwelling unit program shall be applicable to any property with residential dwelling units to be located thereon including properties with a combination of residential dwelling units and nonresidential uses. However, the program shall not be applicable to property with only nonresidential uses.

3. The bonus density shall be calculated using the base density permitted for the property as it is zoned at the time of the plan of development or subdivision submission, with the bonus density being an additional density granted administratively through the plan of development or subdivision process, as otherwise applicable under the Charter and implementing ordinances.

4. In order to qualify for density bonus, the plan of development or subdivision plan shall comply with the following criteria:

(a) Affordable dwelling units shall be located on a site so as to be interspersed among the market rate dwelling units on the site, and shall not be concentrated together or otherwise separated from market rate dwelling units.

(b) The exterior appearance of affordable dwelling units shall be similar to and compatible with the typical exterior appearance of market rate units of the same dwelling unit type on the site by provision of similar architectural style and similar exterior building materials, finishes and quality of construction.

(c) The floor area of affordable dwelling units shall comprise not less than 80 percent of the typical floor area of market rate dwelling units of the same dwelling unit type on the site.

5. On any site where dwelling units are to be developed in phases, in order to qualify for density bonus, the plan of development or subdivision plan shall comply with the following provisions:

(a) A phasing plan describing the phasing of construction of affordable dwelling units and market rate dwelling units shall be submitted.

(b) Certificates of use and occupancy shall not be approved for more than 50 percent of the market rate dwelling units constructed on the site until certificates of use and occupancy are approved for at least 50 percent of the affordable dwelling units constructed on the site. Certificates of use and occupancy shall not be approved for more than 80 percent of the market rate dwelling units constructed on the site until certificates of use and occupancy are approved for 100 percent of the affordable dwelling units constructed on the site.

6. In addition to the review requirements otherwise applicable to the property, a property owner electing to participate in the affordable housing dwelling unit program shall submit the plan for administrative review through the plan of development or subdivision process, as applicable, in order to obtain entitlement for bonus density for development of the property. The plan shall indicate the bonus density and shall state the basis upon which the bonus density is calculated. The plan will not be approved under the affordable housing dwelling unit program until the affordable housing dwelling unit administrator certifies compliance with the bonus density provisions of the ordinance. Further, no building permit, certificate of use and occupancy or certificate of zoning compliance shall be issued until the affordable housing dwelling unit administrator certifies compliance with the bonus density provisions of the ordinance.

7. The ordinance shall set out a schedule of permitted bonus densities by zoning district available to the property owner if the property owner elects to participate in the affordable housing dwelling unit program.

C. An affordable housing fund shall be established and referred to as the "Affordable Housing Trust Fund". In lieu of providing affordable housing dwelling units on the property in

accordance with the provisions of the ordinance, the property owner may make a cash contribution in an amount specified in the ordinance not to exceed \$10,000.00 per affordable housing dwelling unit, such contribution to be made to the “Affordable Housing Trust Fund”. The money contributed under the provisions of the ordinance or appropriated by the City to the “Affordable Housing Trust Fund” shall only be used for purposes of providing affordable housing in the City as otherwise stated in the ordinance implementing the affordable housing dwelling unit program.

D. For purposes of the affordable housing dwelling unit program, “affordable housing” shall mean dwelling units which are affordable for purchase by households whose income is no more than 80% of the median for the City of Richmond and affordable for rental by households whose income is no more than 60% of the median income for the City of Richmond.

E. This Charter provision establishes the legislative authority for the City to enact an ordinance implementing an affordable housing dwelling unit program.



# CITY OF RICHMOND

INTRACITY CORRESPONDENCE

RECEIVED  
OCT 04 2006

OFFICE OF CITY ATTORNEY

**O&R REQUEST**

**DATE:** October 3, 2006 **EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** William E. Harrell, Chief Administrative Officer

**FROM:** L. Douglas Wilder, Mayor

**RE:** Request to Introduce Legislation to amend City Charter

*[Handwritten signature]*  
10/4/06  
Emergency Introduction

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To request that the Richmond delegation to the General Assembly of Virginia introduces and supports the enactment of legislation to amend various provisions of the Charter of the City of Richmond.

**REASON:** To encourage developers to make a certain percentage of their real estate projects available to low-and moderate-income City residents.

**RECOMMENDATION:** It is recommended that the City Council adopts this resolution.

**BACKGROUND:** This resolution is a product of the Mayor's Interagency Task Force on Community Infrastructure which was developed to resolve multiple housing issues and to recommend private housing options for low and moderate income residents to the Administration.

**FISCAL IMPACT/COST:** The adoption of this paper will not fiscally impact the City.

**FISCAL IMPLICATIONS:** The adoption of this paper will not affect the fiscal status of the City.

**BUDGET AMENDMENT NECESSARY:** Not applicable.

**REVENUE TO CITY:** Not applicable.

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** October 09, 2006.

**CITY COUNCIL PUBLIC HEARING DATE:** October 23, 2006.

**REQUESTED AGENDA:** Consent Agenda.

**RECOMMENDED COUNCIL COMMITTEE:** Pursuant to the City Council's Rules of Procedures, this paper should be referred to the Council Standing Committee for Land Use, Housing & Transportation.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** General Assembly of Virginia.

**AFFECTED AGENCIES:** Department of Community Development

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Not applicable.

**REQUIRED CHANGES TO WORK PROGRAM(S):** Not applicable.

**ATTACHMENTS:** Draft Resolution, Charter amendments desired.

**STAFF:** Sandra R. Robinson, Chief of Staff, Office of the Mayor, (804) 646-3944; Roy Benbow, Department of Community Development, (804) 646-3409.