



CITY COUNCIL AGENDA
Monday, April 17, 2017

7:00 p.m.

Regular Meeting - CALL TO ORDER
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

Arbor Day Proclamation; Child Abuse Prevention Month

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC

Public comment is provided for up to 15 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 10 of these spaces, and pre-registered speakers are announced by noon the day of the meeting. An unlimited number of spaces are available at the end of the meeting.

- 1. CONSENT AGENDA*** (Items removed from consent agenda will be considered at the end of the regular agenda.)
Szakos/Fenwick 5-0
- a. Minutes for April 3, 2017
 - b. **APPROPRIATION:** Supplemental Appropriation of FY 2017 Transit Grants -\$97,528 (2nd of 2 readings)
 - c. **APPROPRIATION:** Reimbursement from RWSA for Paving Costs to Ragged Mountain Roadway - \$11,796.48 (1st of 2 readings)
 - d. **APPROPRIATION:** Domestic Violence Services Coordinator Grant - \$49,336 (1st of 2 readings)
 - e. **APPROPRIATION:** Use of Charlottesville Albemarle Convention & Visitors Bureau Fund Balance for Marketing - \$100,000 (1st of 2 readings)
 - f. **RESOLUTION:** Fund Transfer from CIP Reserve to Comprehensive Plan 2018 Account - \$100,000 (1st of 1 reading)
 - g. **ORDINANCE:** Historic Conservation District Ordinance Amendments (2nd of 2 readings)
- 2. RESOLUTION*** Adoption of Historic Conservation District Design Guidelines (1st of 1 reading) – 10 min
Fenwick/Szakos with amendments 5-0
- 3. RESOLUTION*** Initiate Zoning Text Amendments for Legal Audit of the Zoning Ordinance (1st of 1 reading)
10 min **Fenwick/ Szakos 5-0**
- 4. RESOLUTION*** Thomas Jefferson Community Land Trust Allocation of Funds for Nassau Street Development - \$240,000 (1st of 1 reading) – 15 min **Szakos/ Galvin 3-2**
- 5. ORDINANCE*** Increase in Salary Compensation for City Council Members (1st of 2 readings) – 10 min
Galvin/Bellamy
- 6. RESOLUTION*** Welcoming City Update (1st of 1 reading) – 10 min Resolution: **Galvin/ Szakos 5-0**; Legal Aid Funds Resolution: **Szakos/Galvin 5-0**
- 7. REPORT** Removal of Robert E. Lee Statue – 20 min Resolution: **RFB Galvin/Bellamy 3-2**;
Resolution: **Park Renaming: Galvin/Bellamy 5-0**
- 8. REPORT** Ivy Creek Foundation – 15 min
- 9. REPORT** Community Health Improvement Plan – 20 min
- 10. REPORT** Murray/Van Yahres Memorial Grove in McIntire Park – 15 min Resolution: **5-0**
- 11. REPORT** Integrated Pest Management Report **(Written Report Only)**
- 12. REPORT** Quarterly Update by Rivanna Water and Sewer Authority and Rivanna Solid Waste Authority **(Written Report Only)**

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION
Transit Division Project Funds
\$97,528

WHEREAS, a new Federal Capital Grant of \$97,528 has been awarded to Charlottesville Area Transit for FY17;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner, contingent upon receipt of the grant funds:

Revenue (Capital)

\$97,528 Fund: 245 Cost Center: 2804001000 G/L: 431110

Expenditures (Capital)

\$97,528 Fund: 245 Cost Center: 2804001000 G/L: 541040

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$97,528 from the Federal Transit Administration.

Approved by Council
April 17, 2017



Acting Clerk of Council

RESOLUTION

**Transfer from CIP Contingency Account to Comprehensive Plan 2018 Project
\$100,000**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

Transfer From

\$100,000 Fund: 426 WBS: CP-080 G/L Account: 599999

Transfer To

\$100,000 Fund: 426 WBS: P-00935 G/L Account: 599999

Approved by Council
April 17, 2017



Acting Clerk of Council

For 2nd reading on April 17, 2017 (amended on 1st reading)

**AN ORDINANCE
AMENDING ARTICLE II (OVERLAY DISTRICTS) OF CHAPTER 34 (ZONING) OF
THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO HISTORIC CONSERVATION OVERLAY DISTRICTS.**

WHEREAS, City Council has determined that certain amendments to the text of the City's Zoning Ordinance, as set forth within this ordinance ("Zoning Text Amendments") are required by public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, on March 14, 2017 a joint public hearing was held by the City's Planning Commission and City Council for the Zoning Text Amendments, pursuant to public notice as required by Virginia Code Sec. 15.2-2204 and applicable provisions of the City's Zoning Ordinance; and

WHEREAS, following the joint public hearing, the Planning Commission, by motion duly adopted on March 14, 2017, voted to recommend that City Council should adopt the Zoning Text Amendments because they are required by the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 34-336, 34-340, 34-341, and 34-343 through 34-349 of Chapter 34, Article II, Division 5 of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

CHAPTER 34. ZONING

ARTICLE II. OVERLAY DISTRICTS

Division 5. Historic Conservation Overlay Districts

Sec. 34-335. Purposes.

The City of Charlottesville seeks, through establishment of its historic conservation overlay ("CV" or "conservation") districts, to protect community health and safety, and to promote the education, prosperity and general welfare of the public through the identification and conservation of buildings, structures, and areas with special historical, cultural, architectural and archaeological significance. To achieve these general purposes, the City of Charlottesville seeks to pursue the following specific purposes:

- (1) To identify and preserve buildings, structures and areas with special historical, cultural, architectural and archaeological significance, or with a collective character and quality, which serve as important visible reminders of the heritage of this city, the Commonwealth of Virginia, or this nation;
- (2) To assure that new structures, additions, and related elements will be in harmony with the scale and character of the existing buildings, structures and areas;

- (3) To document and promote an understanding of the social history of city neighborhoods, and to protect their cultural institutions.

Sec. 34-336. Establishment of, and additions to or deletions from, conservation districts.

(a) City council may, by ordinance, from time to time, designate properties and areas for inclusion or removal within a conservation district. Any such action shall be undertaken following the rules and procedures applicable to the adoption of amendments to the city's zoning ordinance and zoning map.

(b) Prior to the adoption of any such ordinance, the board of architectural review ("BAR") shall define, taking into consideration information that may be provided by neighborhood residents, the architectural character-defining features of the proposed conservation district. Those features would be referenced and reinforced when applying the conservation district design guidelines.

(c) Prior to the adoption of any such ordinance, the city council shall consider the recommendations of the planning commission and the BAR as to the proposed addition, removal or designation. The commission and BAR shall address the following criteria in making their recommendations:

- (1) The age of buildings and structures;
- (2) Whether the buildings, structures and areas are listed on the Virginia Landmarks Register or the National Register of Historic places, or are eligible to be listed on such registers;
- (3) Whether the buildings, structures or areas are of locally important historic, cultural, architectural or archaeological interest;
- (4) Whether the buildings, structures or areas are associated with an historic person or event or with a ~~renowned~~ significant architect or master craftsman, or have special public value because of notable features relating to the cultural or artistic heritage of the Charlottesville community;
- (5) Whether the buildings, structures or areas are part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exists a number of buildings or structures separated geographically but linked by association or history; and
- (6) Whether the buildings, structures or areas, when viewed together, possess a distinctive character and quality or historic significance.

Sec. 34-337. Conservation districts.

The following areas have been determined by city council to meet the criteria for designation as a conservation district, the limits of which are shown on the city's zoning map:

- (1) The Martha Jefferson Historic Conservation District; and
- (2) The Rugby Road Historic Conservation District.

Within each district designated above, city council has determined that only certain buildings are considered "contributing structures." Those contributing structures are identified on a map of each district included within the city's conservation district design guidelines, copies of which are available within the department of neighborhood development services.

Sec. 34-338. Relationship to individually protected properties.

(a) Within a conservation district all individually protected properties listed in section 34-273 shall retain that designation, and shall be reviewed under the Code provisions applicable to those properties.

(b) Before an area is designated as a historic conservation district, each of the structures that may qualify for designation as an individually protected property under section 34-273 within that area shall be identified.

Sec. 34-339. Contributing structures.

Before an area is designated as a conservation district, each structure shall be determined to be either "contributing" or "non-contributing." Thereafter, at least once every fifteen (15) years, this determination shall be reconfirmed.

Sec. 34-340. Actions requiring certificate of appropriateness; exemptions; penalties.

~~(a) Within a conservation district no building, structure or addition shall be constructed, and no contributing structure should be demolished, razed, or moved, in whole or in part, unless and until an application for a certificate of appropriateness has been approved by the board of architectural review (BAR), or by city council on appeal.~~

(a) A certificate of appropriateness (COA) must be approved in accordance with this division, prior to the commencement of construction, erection, alteration, or demolition of certain buildings, structures or improvements, as follows:

- ~~(1) (b)~~ All proposed new construction buildings and structures requires approval of a COA by the BAR if they require a building permit, and unless they are concealed by the principal structure from all abutting streets.
- ~~(2)~~ All new fences and walls that abut a street, or which are located in a side yard between a street and the front of the principal structure on a lot, require a COA.

~~(e)(b)~~ The following proposed additions to existing buildings or structures require approval of a COA:

- ~~(1) — Additions located on a corner lot.~~
- ~~(2) (1)~~ Additions located wholly or partially to the side or front of an existing building, the principal structure on a lot, or
- ~~(2)~~ Additions located on a lot that abuts a street on the side or rear, or

- (3) Additions that are equal to or greater than fifty (50) percent of the total gross floor area of the existing building; or
- (4) Additions located to the rear that exceed the height or width of the existing building or structure.

~~(d)~~(c) The proposed demolition, razing or moving of any building or structure requires ~~approval~~ of a COA only when:

- (1) The building is a contributing structure; and,
- (2) The proposed demolition is located in whole or in part to the front or side of the contributing structure, or
- (3) The proposed demolition is located on a lot that abuts a street on the side or rear, or
- ~~(3)~~ (4) The proposed demolition is equal to or greater than thirty-three (33) percent of the total gross floor area of the existing building.

However, the removal or replacement of windows or doors shall not constitute a demolition under this conservation district ordinance, provided the size of the opening is not altered.

(d) The proposed painting of previously unpainted brick or other masonry requires a COA.

(e) The following shall be exempt from the requirement of a COA certificate of appropriateness:

- (1) Interior features, details, alterations and improvements;
- (2) Ordinary maintenance or repair of exterior elements or features;
- (3) Painting or repainting a material other than unpainted brick or other masonry;
- ~~(3)~~ (4) Construction, reconstruction or other improvements to a building or structure made pursuant to an order of correction issued by the city's building code official, upon a determination by the city's building code official that a building or structure is an "unsafe structure," as that term is defined by the state's building code and regulations. In the event any such order or determination is issued with respect to a building or structure subject to BAR review pursuant to this division, the director of neighborhood development services shall notify the BAR of any alterations or repairs ordered by the building code official; and
- ~~(4)~~ (5) The demolition, razing or removing, in whole or in part, of any contributing structure allowed pursuant to an order of the city's building code official, upon a determination by the city's building code official that a building or structure is in such dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury before review under the provisions of this division. Upon such a determination, the building code official shall deliver a copy of the order to the director of neighborhood development services and to the chairperson of the BAR.

(f) Failure to obtain a COA as required by this section for the demolition, razing or moving of any contributing structure shall be subject to the civil penalty described within section 34-86(b) (i.e., not to exceed twice the fair market value of the building or structure).

Sec. 34-341. Criteria for approval.

(a) In considering a particular application the BAR shall approve the application unless it finds:

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the conservation district design guidelines; and
- (2) The proposal is incompatible with the historic, cultural or architectural character of the conservation district in which the property is located.

(b) ~~The BAR's Review of the proposed new construction or addition to a building or structure shall be limited to factors specified in section 34-342. The BAR, or council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition would be compatible with the scale and character of the historic conservation district. Prior to attaching conditions to an approval, due consideration shall be given to the cost of compliance with the proposed conditions.~~ The BAR's review of the proposed demolition, razing or moving of any contributing structure shall be limited to the factors specified in section 34-343.

~~(c) Review of the proposed demolition, razing or moving of any contributing structure shall be limited to the factors specified in section 34-343. The BAR, or city council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition would be compatible with the scale and character of the historic conservation district. Prior to attaching conditions to an approval, due consideration shall be given to the cost of compliance with the proposed conditions.~~

Sec. 34-342. Standards for review of new construction and additions.

The following features and factors shall be considered in determining the appropriateness of proposed new construction and additions to buildings or structures:

- (1) Whether the form, height, scale, mass and placement of the proposed construction are visually and architecturally compatible with the site and the applicable conservation district;
- (2) The harmony of the proposed changes in terms of overall proportion and the size and placement of entrances and windows;
- (3) The impact of the proposed change on the essential architectural form and integrity of the existing building;
- (4) The effect, with respect to architectural considerations, of the proposed change on the conservation district neighborhood;
- (5) Any applicable provisions of the city's conservation district design guidelines.

Sec. 34-343. Standards for review of demolition, razing or moving of a contributing structure.

The following factors shall be considered in determining whether or not to permit the demolition, razing or moving, in whole or in part, of a contributing structure:

- (1) The historic, architectural or cultural significance, if any, of the specific building or structure, including, without limitation:
 - a. The age of the building or structure;
 - b. Whether it has been listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;
 - c. Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;
 - d. Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
 - e. The degree to which distinguishing characteristics, qualities, features or materials remain;
- (2) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within the conservation district, and whether the proposed demolition would affect adversely or positively the historic or aesthetic character of the district;
- (3) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant, or other information provided to the BAR;
- (4) Whether, and to what extent, the applicant proposes to preserve portions, features or materials that are significant to the property's historic, architectural or cultural value; and
- (5) Any applicable provisions of the city's conservation district design guidelines.

Sec. 34-344. Validity of certificates of appropriateness.

~~The same requirements and procedures specified in~~ An approved certificate of appropriateness shall be and remain valid for the same time period(s) and under the same circumstances as set forth within section 34-280. shall apply.

Sec. 34-345. Application procedures.

- (a) ~~Applications shall be submitted to the director by a property owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person. Each application shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.~~

A landowner who proposes to initiate any action(s) referenced in sec. 34-340 shall contact the NDS Director and shall submit information sufficient to allow the

director to render a preliminary determination as to whether a certificate of appropriateness is required, and if so, whether the COA must be reviewed by the BAR or may be reviewed administratively pursuant to sec. 34-346.

(b) If the NDS Director determines that review and approval by the BAR is required, then a complete application shall be submitted to the director, including all of the following information:

- (1) A written description of proposed exterior changes;
- (2) A general sketch plan of the property including: the location of existing structures; property and setback lines; and any proposed new construction, additions or deletions, parking areas, and fences;
- (3) The total gross floor area of the existing building and of any proposed additions;
- (4) Elevation drawings depicting existing conditions and proposed exterior changes;
- (5) Photographs of the subject property in context of the buildings on contiguous properties;
- (6) In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates (unless the building is the applicant's primary residence) for rehabilitation, prepared by a professional engineer.

Applications shall be submitted to the director by a landowner or authorized agent (such as a person authorized under a power of attorney, or a contract purchaser) or a lessee of the property, or lessee's authorized agent.

~~(b) The director shall require the applicant to submit sufficient information for the a preliminary review to make a determination whether further review and a certificate of appropriateness is required.~~

~~If the director determines that review and approval by the BAR is required, then the applicant shall submit a complete application that includes the following information:~~

- ~~(1) A written description of proposed exterior changes;~~
- ~~(2) A general sketch plan of the property including: the location of existing structures; property and setback lines; and any proposed new construction, additions or deletions, parking areas, and fences;~~
- ~~(3) The total gross floor area of the existing building and of any proposed additions;~~
- ~~(4) Elevation drawings depicting existing conditions and proposed exterior changes;~~
- ~~(5) Photographs of the subject property in context of the buildings on contiguous properties;~~
- ~~(6) In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates (unless the building is the applicant's primary residence) for rehabilitation, prepared by a professional engineer.~~

(c) Each application shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council, except that no fee shall be required for any of the following:

- (1) an application subject to administrative review under sec. 34-346,
- (2) an application subject to BAR review (other than an application seeking a COA for new construction or demolition of a contributing structure, which shall be subject to the required application fee); and
- (3) an appeal of a BAR decision to city council pursuant to sec. 34-347(a), if the original application seeking approval of a COA was not subject to an application fee.

Sec. 34-346. Administrative review

- (a) The director of neighborhood development services may review, and may approve or deny, or may refer to the full BAR for review and approval, the following types of applications for certificates of appropriateness:
 - (1) Fences;
 - (2) Applications that have previously been reviewed by the BAR, if the BAR has authorized final review by the director;
 - (3) Applications for minor accessory buildings or additions, after consultation with the Chair of the BAR.
- (b) In reviewing an application for a certificate of appropriateness, the director of neighborhood development services shall be deemed the agent of the BAR and shall apply the same criteria and design guidelines that the BAR must use in its review process.
- (c) Within ten (10) working days after the date an application is submitted, the director of neighborhood development services shall take one of the following actions: approve, deny, or refer the COA to the BAR for action.
- (d) Upon approval of an application by the director of neighborhood development services, the director shall issue the approved certificate. If the application is denied, the director shall convey written notice of this decision to the applicant, which notice shall set forth the specific reasons for the denial, with reference to specific provisions of this ordinance or applicable design guidelines. The director shall inform the BAR of his administrative decisions at the next regular meeting following the date of such decisions.
- (e) Following a decision of the director of neighborhood development services upon an application, the applicant, or any other aggrieved party, may appeal that decision to the BAR within ten (10) working days from the date of the director's decision.
- (f) In considering an appeal from a decision of the director of neighborhood development services, the BAR shall review the application as if the application had come before it in the first instance. In an appeal the BAR may consider any information or opinions relevant to the application, including, but not limited to, those provided by the director.

Sec. 34-346 347. Approval or denial of applications by BAR.

- (a) The BAR shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. The director of neighborhood development services shall send written notice of the time, date, place and subject of a meeting to the applicant, or his agent, and to each property owner, or his agent, abutting or immediately across a street or road from the property that is the subject of the application, and to all properties having frontage along the same city street block. Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment books, postmarked not less than fourteen (14) days before the meeting, shall be deemed adequate. Additionally, a sign shall be posted at the property which is the subject of the application, at least ten (10) days prior to the BAR's meeting, and identifying the time, date, place and nature of the application which has been scheduled for a hearing.
- (b) Failure of the BAR to act on an application submitted under this division, and determined by the director to be subject to BAR review, within sixty (60) thirty (30) days after receipt thereof shall be deemed approval.
- (c) Upon BAR approval of an application, the director shall issue the approved certificate. Upon denial of an application (approval of an application with conditions over the objections of the applicant shall be deemed a denial), the applicant shall be provided written notice of the decision, including a statement of the reasons for the denial or for the conditions to which the applicant objects.

Sec. ~~34-347~~ 34-348. Appeals.

(a) A decision of the BAR may be appealed to city council by the applicant, or any other aggrieved person, by filing a written notice of appeal within ten (10) days from the date of decision. An appellant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions he or she deems relevant to the application. The applicant, or his agent, and any aggrieved person, shall be given an opportunity to be heard on the appeal.

(b) In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria set forth within section 34-276 or 34-278, as applicable, and any other information, factors, or opinions it deems relevant to the application.

(c) A final decision of the city council may be appealed to the Charlottesville Circuit Court by the owner of the land for which the certificate of appropriateness is sought, ~~subject property to the Circuit Court for the City of Charlottesville~~, by filing with the court a petition setting forth the alleged illegality of the action taken. Such petition must be filed with the Circuit Court within thirty (30) days after council's final decision. The filing of the petition shall stay the council's decision pending the outcome of the appeal; except that the filing of the petition shall not stay a decision of city council denying permission to demolish a building or structure.

(d) Any appeal which may be taken to the Circuit Court from a decision of the city council to deny a permit for the demolition of a building or structure shall not affect the right

of the property owner to make the bona fide offer to sell as described in section 34-286(d) and section 34-286(e).

Sec. ~~34-348~~ 34-349. Responsibilities of BAR.

With respect to conservation districts, the city's BAR shall oversee the administration of this division. In addition to any other responsibilities assigned to the BAR within this division, or in section 34-288, the BAR shall:

- (1) Recommend surveys of potential conservation districts, and recommend properties for inclusion in, or deletion from, conservation districts.
- (2) Develop and recommend to the city council for council's approval design guidelines for the city's conservation districts ("conservation district design guidelines"), consistent with the purposes and standards set forth within this division. Conservation district design guidelines shall have the status of interpretive regulations. The BAR shall undertake a comprehensive review and shall update the conservation district guidelines at least once every five (5) years.

Sec. ~~34-349~~ 34-350. Reserved.

Approved by Council
April 17, 2017



Acting Clerk of Council

**RESOLUTION
ADOPTING AMENDMENTS TO THE
HISTORIC CONSERVATION DISTRICT DESIGN GUIDELINES**

BE IT RESOLVED that the Council for the City of Charlottesville hereby adopts the attached Historic Conservation District Design Guidelines, as amended by Council on April 17, 2017.

Approved by Council
April 17, 2017

A handwritten signature in cursive script, appearing to read "Saw Brad", is written over a horizontal line.

Acting Clerk of Council

Charlottesville Historic Conservation District Design Guidelines
Proposed revisions for City Council approval

INTRODUCTION

The “Historic Conservation District” designation is intended to protect the character and scale of the more modest historic Charlottesville neighborhoods that are facing tear-downs and increased development, without imposing excessive requirements on the current residents who may want to remodel their homes. Therefore, the ordinance regulations and the following guidelines focus on preventing demolitions of historic buildings, and preventing construction of inappropriate new buildings and additions. Modern and sustainable, energy-efficient construction is encouraged when done thoughtfully in concert with older structures.

A Historic Conservation District is different from an Architectural Design Control (ADC) District in three main respects: (1) Unlike in an ADC District, where review is required of all exterior changes to existing buildings, in a Historic Conservation District no approval is required from the Board of Architectural Review (BAR) for certain smaller structures, additions, and demolitions that are not in view of a public street; (2) The Historic Conservation District Design Guidelines have been greatly condensed and simplified; and (3) The residents of a Historic Conservation District help identify architectural character-defining features (included in these Design Guidelines) to be referenced and reinforced when applying the Design Guidelines.

A map of each designated Historic Conservation District is included in these Design Guidelines, with each structure determined to be either contributing or non-contributing. A non-contributing building or structure does not require BAR approval prior to demolition. Otherwise, both contributing and non-contributing buildings and structures follow the same design review process.

The following Design Guidelines offer general recommendations on the design for all new buildings and additions in Charlottesville’s Historic Conservation Districts. The guidelines are flexible enough to both respect the historic past and to embrace the future. The intent of these guidelines is not to be overly specific or to dictate certain designs to owners and designers. The intent is also not to encourage copying or mimicking particular historic styles. These guidelines are intended to provide a general design framework for new construction. Designers can take cues from the traditional architecture of the area and have the freedom to design appropriate new architecture for Charlottesville’s historic districts.

The Design Guidelines are based on the Secretary of Interior’s Standards for Rehabilitation, which are intended to assist the long-term preservation of a property’s significance through the preservation of historic materials and features.

Charlottesville Historic Conservation District Design Guidelines

NEW CONSTRUCTION AND ADDITIONS

Building Location – setback and ~~orientation~~ spacing

1. Align a new building close to the average building setback line on the same street, if established, or consistent with the surrounding area.
2. Maintain ~~existing consistency in~~ average spacing between buildings on the same street.
3. ~~The front elevation should be respectful of the neighborhood characteristics and features of adjacent buildings.~~

Building Scale – height and massing

1. Keep the footprint, and massing of new buildings consistent with the neighborhood characteristics and compatible with the character of buildings on the same street.
2. Keep the height and width of new buildings within the prevailing average height and width. Exceptions up to 200% of the prevailing height and width in the surrounding neighborhood may be approved when contextually appropriate.
3. An addition needs to be perceived as an addition and therefore should not visually overpower the existing building in scale and design.
4. An accessory building should appear secondary to the main building in scale and design.
- 4.5. Multi-lot Larger buildings (commercial or multi-family) otherwise permitted by zoning should be designed and articulated to be compatible with the scale of the majority of adjacent buildings on the same street or block.

Building Form – roofs and porches

1. Roof forms should ~~be respectful of~~ reference contributing buildings on the same street or surrounding area. Other roof forms may be approved when contextually appropriate.
2. If many of the contributing buildings on the same street have porches, then the design of a new residence should include including a porch or similar form of similar width and depth. ~~in the design of a new residence is strongly recommended.~~

Building Openings – orientation, doors and windows

1. A single entrance door (~~or both doors, if a two-family dwelling~~, or main entrance ~~if of~~ a multifamily dwelling) facing the street is recommended.
2. Window and door patterns and the ratio of solids (wall area) to voids (window and door area) of new buildings should be compatible with contributing buildings in the surrounding area.
3. Windows should be simple shapes compatible with those on contributing buildings, ~~and should be oriented vertically (taller than they are wide).~~ which are generally vertically oriented in residential areas.

Building Materials and Textures

1. The selection of materials and textures for a new building should relate architecturally to the ~~district, Charlottesville locality,~~ and should be compatible with and complementary to neighboring buildings.
2. Sustainable Long-lasting, durable and natural materials are preferred, including brick, wood, stucco, and cementitious siding ~~and trim~~, and standing seam metal roofs. Clear glass windows (VLT of 70% or more) are preferred.

Building Paint

1. ~~The selection and use of colors for a new building should be coordinated and compatible with adjacent buildings, not intrusive.~~

~~2. More lively color schemes may be appropriate in certain sub-areas dependent on the context of the sub-areas and the design of the building.~~

1. Painting unpainted brick or other masonry is discouraged because it is irreversible and may cause moisture problems.

Site

1. Fences or walls ~~in front yards~~ that abut a street (including or fences located in the a side yards between the a street and the front of the house principal structure on a lot) should not exceed three and one-half feet in height.

DEMOLITIONS

The following factors shall be considered in determining whether or not to permit the demolition, partial demolition, encapsulation, or moving of a contributing structure:

1. The age of the structure or building;
2. Whether it has been listed on the National Register of Historic Places, or the Virginia Landmarks Register;
3. Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;
4. Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
5. The degree to which distinguishing characteristics, qualities, features or materials remain;
6. Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within the conservation district; and whether the proposed demolition would affect adversely or positively the character of the district.
7. The overall condition and structural integrity of the building or structure, as indicated by a study prepared by a qualified professional engineer and provided by the applicant (may be waived if primary residence of applicant); or other information provided to the board.
8. Whether, and to what extent, the applicant proposes to preserve portions, features or materials that are significant to the property's historic, architectural or cultural value.
9. The public necessity of the proposed demolition and the public purpose or interest in buildings to be protected.

ADOPTED HISTORIC CONSERVATION DISTRICTS

For each adopted Historic Conservation District, this section includes:

- A list of defined architectural character-defining features (See Sec.34-336(b));
- A list of identified properties that may potentially qualify as Individually Protected Properties (see Sec. 34-338(b); and
- A map that outlines the boundaries of the district, and identifies which structures are contributing or non-contributing (see Sec. 34-337).

1. MARTHA JEFFERSON Historic Conservation District
Adopted October 18, 2010

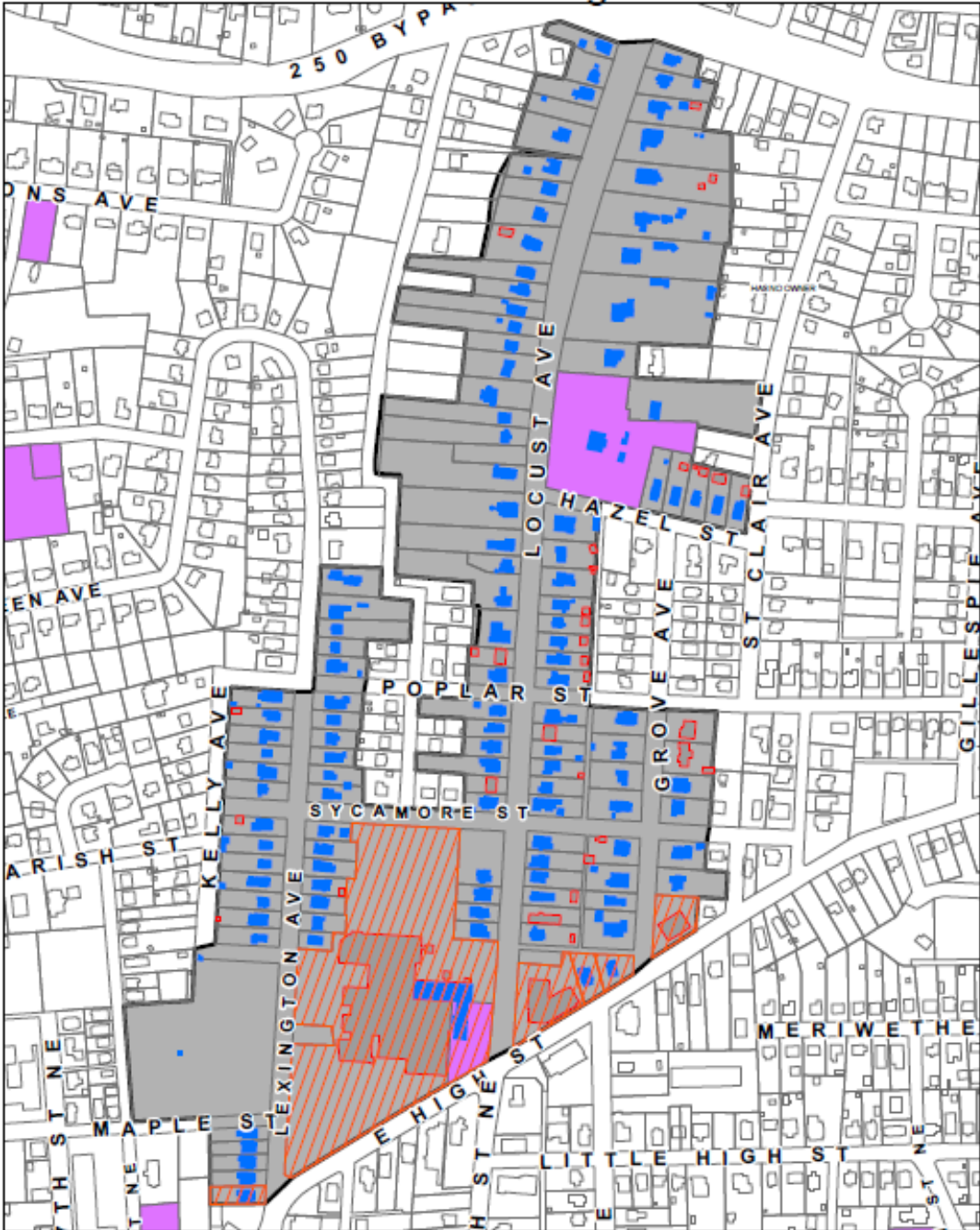
Architectural character-defining features:

1. Encourage one-story front porches;
2. Encourage garages to be located in the rear yards;
3. The levels of a building's stories should be consistent with those on surrounding structures with respect to the natural grade [for example, a first floor should not be raised so that it is higher than most surrounding first floors];
4. Do not exclude well-designed, new contemporary architecture [there may be a misconception that only historic-looking new buildings are permitted];
5. Encourage standing seam metal roofs;
6. Maintain and encourage tree canopy [Maintain the existing tree canopy and encourage new large shade trees];
7. The following *Historic Conservation Overlay District* Design Guidelines are especially pertinent: maintain neighborhood massing and form; encourage the use of sustainable materials; and limit the height of fences in front yards to 3 ½ feet in height.
8. Regarding the future development of the hospital properties, the neighborhood's focus has been: not to tear down the old houses; to encourage low density residential development north of Taylor Walk (with the suggestion that Taylor Street be reinstated); and to expect the High Street area to develop as a sensitively designed, high-quality, mixed use development;
9. Encourage good stewardship of Maplewood Cemetery.

Potential Individually Protected Properties:

No additional structures that may potentially qualify for designation as Individually Protected Properties (IPP) IPP structures have been identified.

Proposed Historic Conservation Overlay District for the Martha Jefferson Neighborhood



Legend

- MJ-Hospital-Conservation District
- Individually Protected Properties
- Contributing Structures
- Non Contributing Structures
- EC District

1 inch = 400 feet

City of Charlottesville
 Department of Neighborhood Development Services
 September 2010

2. RUGBY ROAD Historic Conservation District
Adopted September 2, 2014

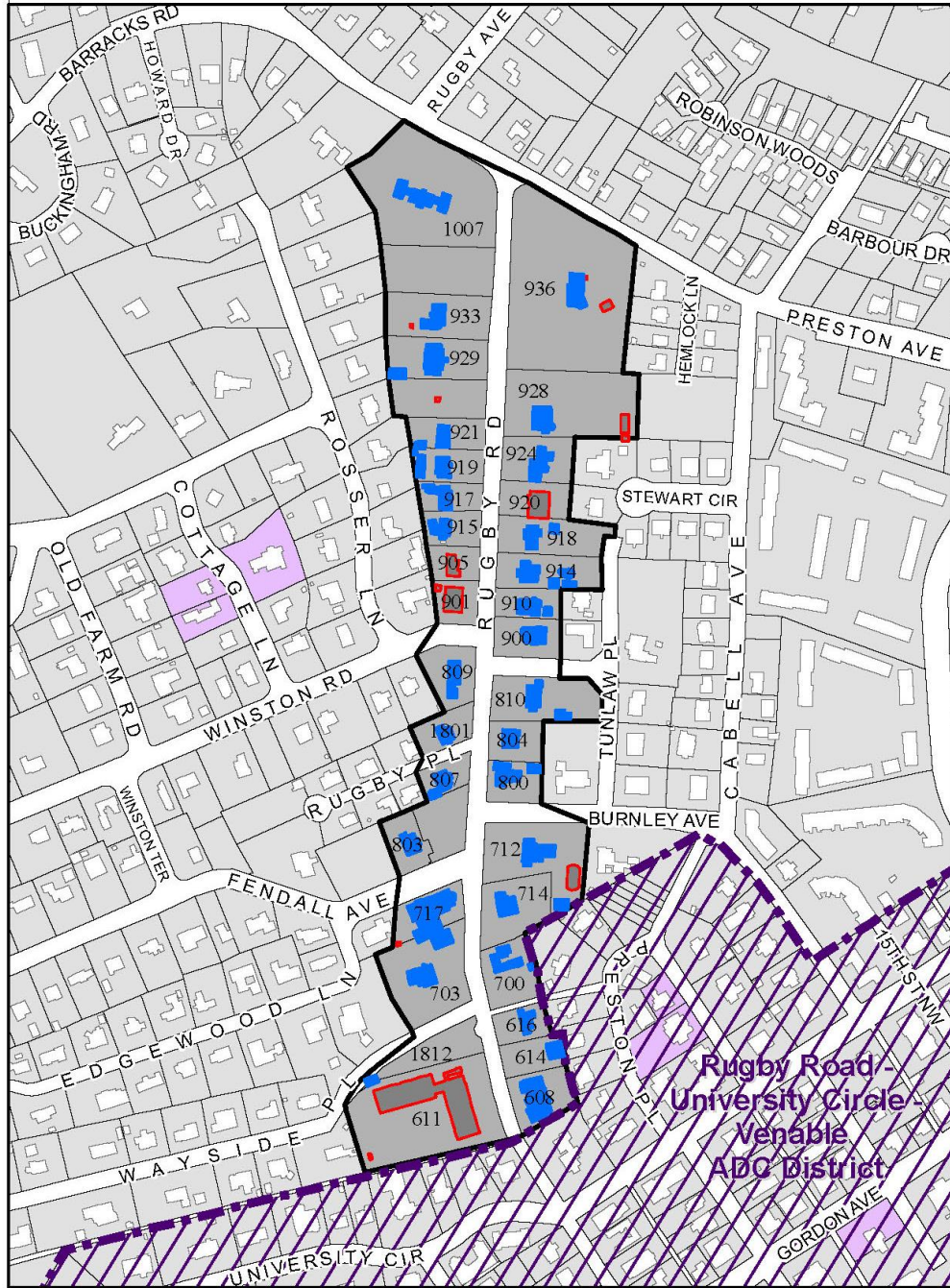
Architectural character-defining features:

1.5, 2.0, or 2.5 story dwellings with stucco, red brick or painted brick, or wood siding,
Front porticos or porches,
Slate shingle roofs, gable or hipped roof forms, roof dormers,
Contributing outbuildings, and deep-set, planted front yards mostly unpaved with no visible
garages.

Potential Individually Protected Properties:


Structures that may potentially qualify for designation as Individually Protected Properties (IPP)
are identified as: 712, 924, 928, 929, 933, 936, and 1007 Rugby Road.

Proposed Rugby Road Historic Conservation District



Legend

- Non Contributing Structure
- Contributing Structure
- Individually Protected Property
- Conservation District Boundary
- 123 Property Address


1 inch = 375 feet
 City of Charlottesville Neighborhood
 Development Services
 July 8, 2014

Attachment 1.

Charlottesville Historic Conservation District Design Guidelines Proposed revisions for City Council approval

INTRODUCTION

The “Historic Conservation District” designation is intended to protect the character and scale of the more modest historic Charlottesville neighborhoods that are facing tear-downs and increased development, without imposing excessive requirements on the current residents who may want to remodel their homes. Therefore, the ordinance regulations and the following guidelines focus on preventing demolitions of historic buildings, and preventing construction of inappropriate new buildings and additions. Modern and sustainable, energy-efficient construction is encouraged when done thoughtfully in concert with older structures.

A Historic Conservation District is different from an Architectural Design Control (ADC) District in three main respects: (1) Unlike in an ADC District, where review is required of all exterior changes to existing buildings, in a Historic Conservation District no approval is required from the Board of Architectural Review (BAR) for certain smaller structures, additions, and demolitions that are not in view of a public street; (2) The Historic Conservation District Design Guidelines have been greatly condensed and simplified; and (3) The residents of a Historic Conservation District help identify architectural character-defining features (included in these Design Guidelines) to be referenced and reinforced when applying the Design Guidelines.

A map of each designated Historic Conservation District is included in these Design Guidelines, with each structure determined to be either contributing or non-contributing. A non-contributing building or structure does not require BAR approval prior to demolition. Otherwise, both contributing and non-contributing buildings and structures follow the same design review process.

The following Design Guidelines offer general recommendations on the design for all new buildings and additions in Charlottesville’s Historic Conservation Districts. The guidelines are flexible enough to both respect the historic past and to embrace the future. The intent of these guidelines is not to be overly specific or to dictate certain designs to owners and designers. The intent is also not to encourage copying or mimicking particular historic styles. These guidelines are intended to provide a general design framework for new construction. Designers can take cues from the traditional architecture of the area and have the freedom to design appropriate new architecture for Charlottesville’s historic districts.

The Design Guidelines are based on the Secretary of Interior’s Standards for Rehabilitation, which are intended to assist the long-term preservation of a property’s significance through the preservation of historic materials and features.

Charlottesville Historic Conservation District Design Guidelines

NEW CONSTRUCTION AND ADDITIONS

Building Location – setback and ~~orientation~~ spacing

1. Align a new building close to the average building setback line on the same street, if established, or consistent with the surrounding area.
2. Maintain ~~existing consistency in~~ average spacing between buildings on the same street.
3. ~~The front elevation should be respectful of the neighborhood characteristics and features of adjacent buildings.~~

Building Scale – height and massing

1. Keep the footprint, and massing of new buildings consistent with the neighborhood characteristics and compatible with the character of buildings on the same street.
2. Keep the height and width of new buildings within the prevailing average height and width. Exceptions up to 200% of the prevailing height and width in the surrounding neighborhood may be approved by the BAR when contextually appropriate.
3. An addition needs to be perceived as an addition and therefore should not visually overpower the existing building in scale and design.
4. An accessory building should appear secondary to the main building in scale and design.
- 4.5. Multi-lot Larger buildings (commercial or multi-family) otherwise permitted by zoning should be designed and articulated to be compatible with the scale of the majority of adjacent buildings on the same street or block.

Building Form – roofs and porches

1. Roof forms should ~~be respectful of~~ reference contributing buildings on the same street or surrounding area. Other roof forms may be approved by the BAR when contextually appropriate.
2. If many of the contributing buildings on the same street have porches, then **it is strongly recommended that** the design of a new residence should include including a porch or similar form of similar width and depth. ~~in the design of a new residence is strongly recommended.~~

Building Openings – orientation, doors and windows

1. A single entrance door (~~or both doors, if a two-family dwelling,~~ or main entrance ~~if of a~~ multifamily dwelling) facing the street is recommended.
2. Window and door patterns and the ratio of solids (wall area) to voids (window and door area) of new buildings should be compatible with contributing buildings in the surrounding area.
3. Windows should be simple shapes compatible with those on contributing buildings, ~~and should be oriented vertically (taller than they are wide).~~ which are generally vertically oriented in residential areas.

Building Materials and Textures

1. The selection of materials and textures for a new building should relate architecturally to the ~~district, Charlottesville locality,~~ and should be compatible with and complementary to neighboring buildings.
2. Sustainable Long-lasting, durable and natural materials are preferred, including brick, wood, stucco, and cementitious siding ~~and trim~~, and standing seam metal roofs. Clear glass windows (VLT of 70% or more) are preferred.

Building Paint

1. ~~The selection and use of colors for a new building should be coordinated and compatible with adjacent buildings, not intrusive.~~

~~2. More lively color schemes may be appropriate in certain sub-areas dependent on the context of the sub-areas and the design of the building.~~

1. Painting unpainted brick or other masonry is discouraged because it is irreversible and may cause moisture problems.

Site

1. Fences or walls ~~in front yards that abut a street (including or fences located in the a side yards between the a street and the front of the house principal structure on a lot)~~ should not exceed three and one-half feet in height.

DEMOLITIONS

The following factors shall be considered in determining whether or not to permit the demolition, partial demolition, encapsulation, or moving of a contributing structure:

1. The age of the structure or building;
2. Whether it has been listed on the National Register of Historic Places, or the Virginia Landmarks Register;
3. Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;
4. Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
5. The degree to which distinguishing characteristics, qualities, features or materials remain;
6. Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within the conservation district; and whether the proposed demolition would affect adversely or positively the character **and continuity** of the district.
7. The overall condition and structural integrity of the building or structure, as indicated by a study prepared by a qualified professional engineer and provided by the applicant (may be waived if primary residence of applicant); or other information provided to the board.
8. Whether, and to what extent, the applicant proposes to preserve portions, features or materials that are significant to the property's historic, architectural or cultural value.
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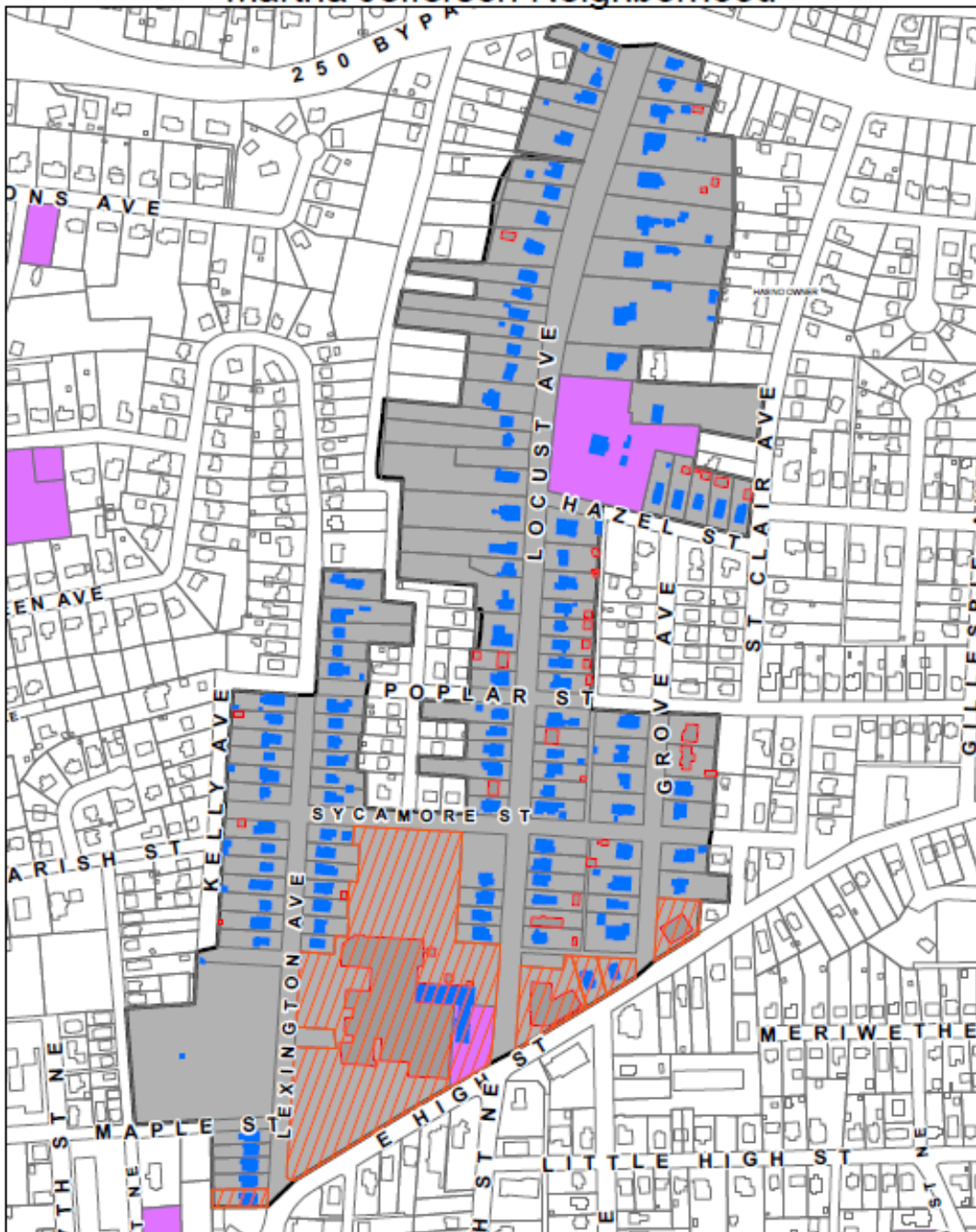
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City of Charlottesville
 Department of Neighborhood Development Services
 September 2010

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Adopted September 2, 2014

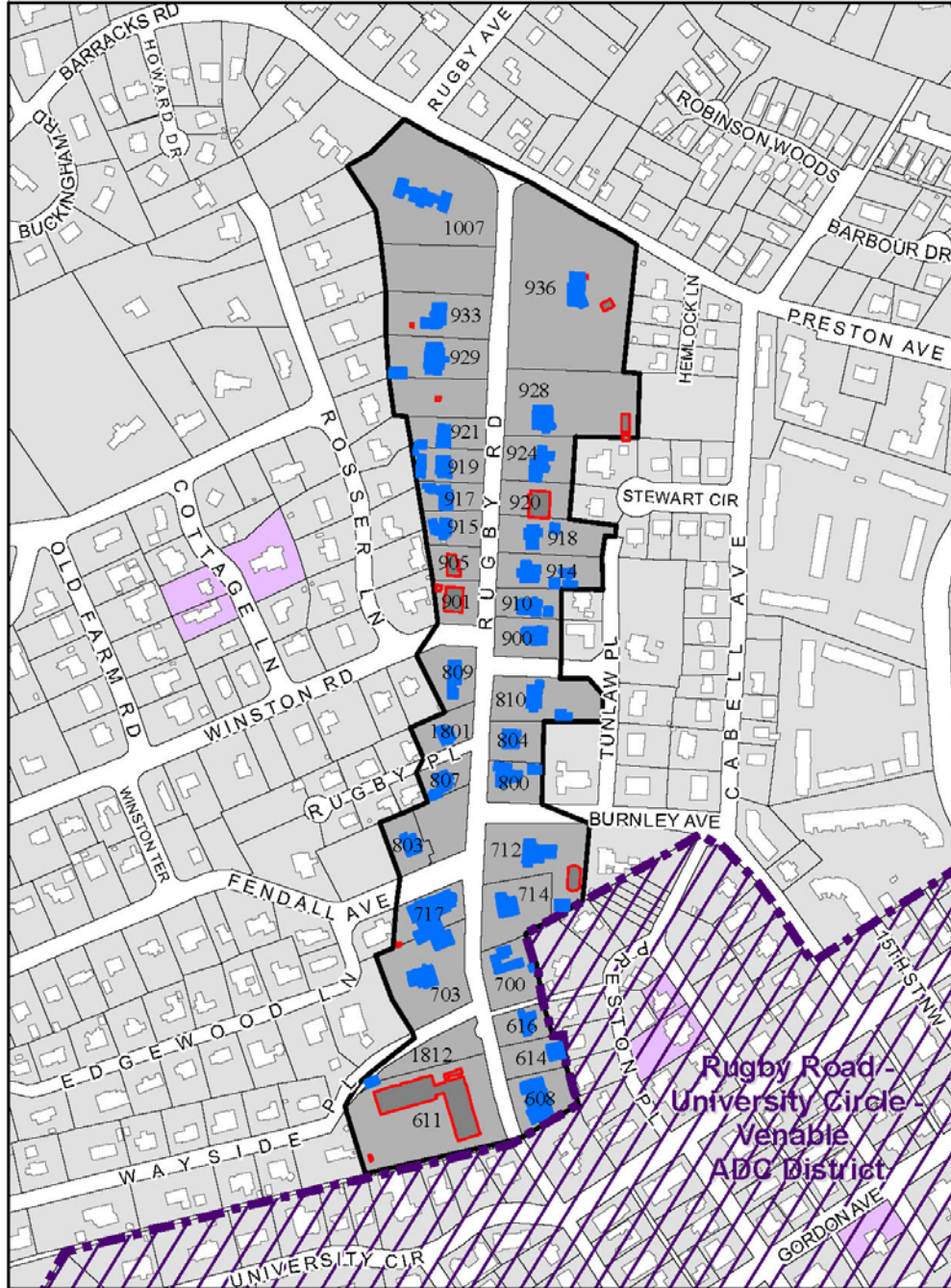
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- Conservation District Boundary
- 123 Property Address

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 City of Charlottesville Neighborhood
 Development Services
 July 8, 2014

**RESOLUTION
INITIATING ZONING TEXT AMENDMENTS
TO AMEND AND RE-CODIFY CHAPTER 34 OF THE CODE OF THE CITY OF
CHARLOTTESVILLE (1990) (ZONING)**

BE IT RESOLVED by the City Council of the City of Charlottesville that City Council hereby finds and determines that certain amendments of Chapter 34 (Zoning) of the City Code are required by the public necessity, convenience, general welfare or good zoning practice, and therefore, City Council hereby initiates such zoning text amendments, as set forth within the Legal Audit which has been presented by the City Attorney's Office, and City Council hereby refers the proposed Legal Audit to the Planning Commission for its review and recommendations, and for a joint public hearing with City Council. The Commission is requested to report its recommendations back to City Council within 100 days after its first regular meeting following the date of this resolution, in accordance with Va. Code Sec. 15.2-2285.

Approved by Council
April 17, 2017

A handwritten signature in cursive script, appearing to read "Sara Bragg", written over a horizontal line.

Acting Clerk of Council

RESOLUTION

**Allocation of \$240,000 from the Charlottesville Affordable Housing Fund (CAHF)
for the Purchase and Development of Properties on Nassau Street
by the Thomas Jefferson Community Land Trust**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$240,000 is hereby allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Thomas Jefferson Community Land Trust for costs related to land acquisition of land and construction of four (4) homes on Nassau Street for an affordable homeownership project.

Fund: 426

Project: CP-084

G/L Account: 530670

Thomas Jefferson Community Land Trust \$240,000

Approved by Council
April 17, 2017



Acting Clerk of Council

Welcoming City Update Resolution
April 17, 2017

WHEREAS, Charlottesville City Council passed a Welcoming City Proclamation on October 5, 2015, and

WHEREAS, the recent executive actions and immigration enforcement announcements by the administration, paired with intimidating and divisive statements, have created a climate of fear, rumor and distrust of federal, state and local governments, and

WHEREAS, Charlottesville City Council seeks to address this climate of fear by providing a positive statement of our values and actions to a community seeking reassurance,

BE IT THEREFORE RESOLVED, the City of Charlottesville embraces the values of a Welcoming City, and we stand for the principle that all members of this community are our neighbors and deserve trust and protection, and that those values should be embodied by our public safety, law enforcement and social services professionals, and

BE IT FURTHER RESOLVED, the City Council upholds Attorney General Mark Herring's January 2015 conclusion that localities in Virginia can and must have discretion when faced with federal mandates regarding immigration issues, and

BE IT FURTHER RESOLVED, as a locality, we have limited public resources, both in terms of staff and funds, for public safety, law enforcement, and social services, and we believe that our professionals should employ those limited resources to meet their obligations under local and state law and to serve all the members of our community, consistent with the values of a Welcoming City, and

BE IT FURTHER RESOLVED, in service of providing vulnerable populations with information about their rights and resources available to them in our Welcoming city, we request that the Office of Human Rights prepare, promulgate and maintain a research guide on these topics for the public, and to work with appropriate partners in our government and our community to ensure that these populations have access to the guide and underlying resources,

NOW THEREFORE BE IT RESOLVED, that whereas public safety is a paramount mission of local government, that we defer to the considered judgment of our law enforcement and public safety professionals that the limited and welcoming approach to immigration questions they currently employ, which emphasizes local discretion and the maintenance of trust between residents and our public safety professionals, is our best option for maintaining security in our local community.

Approved by Council
April 17, 2017



Acting Clerk of Council

RESOLUTION

Legal Aid Justice Center Immigration Services Allocation of Funds

BE IT RESOLVED, in this time of confusion, intimidation and fear regarding immigration, we approve an allocation of \$10,000 be provided to our non-profit partner, Legal Aid, to support a program providing legal services to immigrants in our community.

Approved by Council
April 17, 2017

A handwritten signature in black ink, appearing to read "Saw Brad", written over a horizontal line.

Acting Clerk of Council

CITY OF CHARLOTTESVILLE



PROCLAMATION

WHEREAS: *The City of Charlottesville is committed to building a welcoming and neighborly atmosphere in our community, where all people, including recent immigrants, are welcome, accepted, and integrated; and*

WHEREAS: *The City of Charlottesville, Virginia, recognizes that cities that proactively welcome immigrants and take steps to ensure their successful integration will be strategically positioned as globally competitive, 21st century leaders; and*

WHEREAS: *City efforts and policies that promote full access for all, including recent immigrants, are crucial to individual and community success; and*

WHEREAS: *Policies that negate opportunities for contributions to our community in the fullest capacity hinder Charlottesville's prosperity and compromises our commitment to the American values here stated; and*

WHEREAS: *Fostering a welcoming environment for all individuals, regardless of race, ethnicity or place of origin, enhances Charlottesville's cultural fabric, economic growth, global competitiveness and overall prosperity for current and future generations;*

NOW, THEREFORE, BE IT RESOLVED, *by the City Council of Charlottesville, Virginia, that the City of Charlottesville is a "WELCOMING CITY" and we encourage all our staff and our community to join us in welcoming immigrants in our midst.*

Signed and sealed this 5th day of October, 2015.

Satyendra Singh Huja, Mayor
Charlottesville City Council

Resolution
The Disposition of the Robert E. Lee Statue

WHEREAS City Council voted on February 6, 2017, to remove the statue of Robert E. Lee from the park currently known as Lee Park, and to change the name of the park; and

WHEREAS City Council instructed staff to analyze options to carry out this decision, and to present them for within 60 days to City Council, which they have done; and

WHEREAS Council has considered this report and decided that a Request for Proposals is the option it prefers;

THEREFORE, BE IT RESOLVED that the City of Charlottesville will issue a Request for Bids for sale of the statue, and will advertise this RFB widely, including to organizations responsible for sites with historic or academic connection to Robert E. Lee or the Civil War, with the following criteria for award:

- The statue will not be displayed to express support for a particular ideology.
- The successful applicant will pay for or take responsibility for removal and transportation.
- The removal and transportation will be carried out in a manner that preserves the integrity of the sculpture.
- The display of the statue will preferably be in an educational, historic or artistic context.
- The purchaser will repair any damage to the park incurred as a result of the removal.
- Some preference will be given to proposals that include a plan for maintenance of the statue's National Register of Historic Places listing.

BE IT FURTHER RESOLVED that if no responsive proposals are received, Council may consider donation of the statue to an appropriate venue.

Approved by Council
April 17, 2017



Acting Clerk of Council

Resolution
The Re-naming of Lee Park

BE IT RESOLVED that the City will hold a contest to select a new name for the park according to the following procedure:

- Announcement of the contest will be made immediately and widely disseminated, and entries will be received through May 10.
- The top five appropriate* suggestions will be submitted to the Parks and Recreation Advisory Board for consideration at their May 17th meeting and to the Historic Resources Committee meeting for their consideration; and each body will make a recommendation to Council to include no more than three choices.
- Council will select the new name at its June 5 meeting.
- A drawing for a prize will be taken from among the contestants who made the winning suggestion.

* Names that are offensive or that espouse neo-Confederate positions will not be considered. The City Manager will be the final arbiter of appropriateness.

Approved by Council
April 17, 2017



Acting Clerk of Council

RESOLUTION

To adopt the Chamber Promenade to the Murray Van Yahres Memorial Grove as part of the East McIntire Park Plan

WHEREAS the Chamber Promenade to the Murray Van Yahres Memorial Grove – McIntire Park (herein referred to as the Memorial Grove) is in keeping with the “**McIntire Park East Schematic Park Plan**” designed by Mahan Rykiel that was adopted by City Council on **March 16, 2015** and the product of extensive public engagement; and

WHEREAS the Memorial Grove design was presented to the Parks and Recreation Advisory Committee on January 18, 2017 and met with unanimous approval; and

WHEREAS the Memorial Grove will be privately funded and maintained and include a tree maintenance endowment fund to care for the large oak trees in The Great Lawn for many years into the future,

BE IT RESOLVED that City Council hereby approves of and adopts the Chamber Promenade to the Murray Van Yahres Memorial Grove for inclusion into the McIntire Park East Plan and the City’s public park system.

Approved by Council
April 17, 2017



Acting Clerk of Council