



**CITY COUNCIL AGENDA**  
**Tuesday, February 17, 2015**

**6:00 p.m. – 7:00 p.m.**      **Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room* (Disposition of City-owned property on Water Street; consideration of candidates for appointment to City boards and commissions; acquisition of real property for public park purposes.)

**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**                      *Council Chambers*

**AWARDS/RECOGNITIONS**      BigRead2015; Black History Month; Planning Commission Awards  
**ANNOUNCEMENTS**

**MATTERS BY THE PUBLIC**      Public comment permitted for the first 12 speakers who sign up before the meeting (limit 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

**COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

- 1. CONSENT AGENDA\***      (Items removed from consent agenda will be considered at the end of the regular agenda.)
- a. Minutes for February 2
  - b. **APPROPRIATION:**      Charlottesville Affordable Housing Fund – \$215,913.33 and Tonsler Park Capital Project Account – \$156,391.02 (2<sup>nd</sup> of 2 readings)
  - c. **APPROPRIATION:**      Fire Department Donations – \$1,500 (1<sup>st</sup> of 2 readings)
  - d. **RESOLUTION:**      Proposal to Submit Grant Application to the Virginia Department of Rail and Public Transportation for FY 2016 Funding (1<sup>st</sup> of 1 reading)
  - e. **RESOLUTION:**      Support for the Clean Water Act (1<sup>st</sup> of 1 reading)
  - f. **ORDINANCE:**      Designated Trees Under the Tree Ordinance (2<sup>nd</sup> of 2 readings)
  - g. **ORDINANCE:**      Spot Blight – 610 Ridge Street (2<sup>nd</sup> of 2 readings)
- 2. ORDINANCE\***      Lee Jackson Day Observance (1<sup>st</sup> of 2 readings)
- 3. REPORT**      Growing Opportunity Update
- 4. RESOLUTION\***      Transient Lodging Facilities Zoning Text Amendment Initiation (1<sup>st</sup> of 1 reading)
- 5. RESOLUTION\***      Initiation of Changes to Procedures for Submission and Public Review of Certain Applications (1<sup>st</sup> of 1 reading)

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**  
**COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

\*ACTION NEEDED

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CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.



<b>Agenda Date:</b>	February 2, 2015
<b>Action Required:</b>	Approval of Appropriation
<b>Staff Contacts:</b>	Kathy McHugh, Housing Development Specialist
<b>Presenter:</b>	Kathy McHugh, Housing Development Specialist Brian Daly, Parks & Recreation Director
<b>Title:</b>	<b>Appropriation of Funds - \$215,913.33 to the Charlottesville Affordable Housing Fund (CP-084) and \$156,391.02 to the Tonsler Park Capital Project Account (P-00777).</b>

**Background:** The City received funds that need to be appropriated. The Pavilion at North Grounds (d.b.a. Blue Atlantic Cville, L.L.C.) made a cash contribution of \$59,522.31 for Phase II as required by the Affordable Dwelling Unit Ordinance per Charlottesville City Code Section 34-12. Southern Development paid \$312,782.04 for property purchased from the City at Cherry and Ridge (Tax Map Parcel numbers 290145000 and 290149000). The Land Purchase and Sales Agreement for this sale, dated October 28, 2008, stated that the purchase price would be used for a cash contribution to a Fifeville neighborhood affordable housing fund, another affordable housing fund designated by the City, or for improvements to Tonsler Park, in the discretion of City Council.

**Discussion:** The revenue from the sale of land has been deposited to the contingency account (CP-080). One half of that amount, \$156,391.02, will be transferred to the Charlottesville Affordable Housing Fund (CP-084) and the other half to Tonsler Park Capital Project Account (P-00777). The cash contribution received from The Pavilion at North Grounds will be appropriated to the Charlottesville Affordable Housing Fund (CP-084).

**Community Engagement:** There has been no direct community engagement on this issue.

**Alignment with City Council Vision and Strategic Plan:** Approval of this item aligns with the City Council Vision of 'Quality Housing for All' and 'A Green City'.

**Budgetary Impact:** This will have a positive impact on the Capital Budget.

**Recommendation** Staff recommends approval of the appropriation.

**Alternatives:** There is no alternative for appropriation of the funds received from the Affordable Dwelling Unit payment for Pavilion at North Grounds, as these must be appropriated to the Charlottesville Affordable Housing Fund per City Code 34-12(d)(2). As for appropriation of the funds received for the purchase of land at Cherry and Ridge, City Council could choose to appropriate the funds differently (rather than 50/50%); however, pursuant to the Land Purchase and Sale Agreement dated October 28, 2008, funds should go to either an affordable housing fund or improvements for Tonsler Park. The proposed division of funds provides an equal share to both affordable housing and Tonsler Park.

**Attachments:** N/A

**APPROPRIATION.**  
**Charlottesville Affordable Housing Fund (\$215,913.33) and**  
**Tonsler Park Capital Project (\$156,391.02)**  
**\$372,304.35.**

**WHEREAS**, the City of Charlottesville has received funding from The Pavilion at North Grounds (\$59,522.31) as its Affordable Dwelling Unit payment for Phase II as required by the Zoning Ordinance Section 34-12, and Southern Development (\$312,782.04) for the purchase of property at Cherry and Ridge; and

**WHEREAS**, the Affordable Dwelling Unit payment must be paid into the city's affordable housing fund pursuant to Section 34-12(d)(2); and

**WHEREAS**, the Land Purchase and Sale Agreement dated October 288, 2008 stated that those funds will be appropriated for either affordable housing or for improvements to Tonsler Park.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$59,522.31, to be received as payments from The Pavilion at North Grounds, is appropriated as follows:

**Revenues**

\$59,522.31	Fund: 426	Project: CP-084	G/L Code: 451020
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**Expenditures**

\$59,522.31	Fund: 426	Project: CP-084	G/L Code: 599999
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**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**

\$312,782.04	Fund: 426	Project: CP-080	G/L Code: 599999
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**Transfer To**

\$156,391.02	Fund: 426	Project: CP-084	G/L Code: 599999
\$156,391.02	Fund: 426	Project: P-00777	G/L Code: 599999

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**CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.**



Agenda Date:	February 17, 2015
Action Required:	Appropriation of Donations to Charlottesville Fire Department
Presenter:	Emily Pelliccia – Deputy Chief; Charlottesville Fire Department
Staff Contacts:	Emily Pelliccia – Deputy Chief; Charlottesville Fire Department
<b>Title:</b>	<b>Donations Appropriation: \$1,500</b> <b>1) Ms. Elizabeth Tankard - \$200</b> <b>2) Virginia Diodes, Inc. - \$1,000</b> <b>3) Charlottesville Area Community Foundation - \$300</b>

**Background:** On occasion, the Charlottesville Fire Department may receive unsolicited donations from companies and/or individuals. The department has received three (3) donations as outlined below that require appropriation:

- 1) Ms. Elizabeth Tankard (\$200)
- 2) Virginia Diodes, Inc. (\$1,000)
- 3) Charlottesville Area Community Foundation (\$300)

**Discussion:** These funds will be utilized for training and safety initiatives for fire department personnel.

**Alignment with Council Vision Areas and Strategic Plan:** N/A

**Community Engagement:** N/A

**Budgetary Impact:** The funds will be appropriated into the Fire Department's operating budget in the General Fund.

**Recommendation:** Staff recommends approval of this appropriation.

**Alternatives:** The purpose of these donations is for the fire department to have benefit of these funds. The alternative to appropriating these funds is to return the funds to the individuals

**Attachments:** N/A

**APPROPRIATION**  
**Donation Appropriations: \$1,500**

- 1) Ms. Elizabeth Tankard - \$200**
- 2) Virginia Diodes, Inc. - \$1,000**
- 3) Charlottesville Area Community Foundation - \$300**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$1,500, to be received as donations from the above donors, be appropriated in the following manner:

**Revenues**

\$1,500	Fund: 105	Internal Order: 2000115	G/L Account: 451999
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**Expenditures - \$84,194**

\$1,500	Fund: 105	Internal Order: 2000115	G/L Account: 599999
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**CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.**



<b>Agenda Date:</b>	February 17, 2015
<b>Action Required:</b>	Approve Resolution
<b>Presenter:</b>	John Jones, Charlottesville Area Transit Manager
<b>Staff Contacts:</b>	John Jones, Charlottesville Area Transit Manager Leslie Beauregard, Director, Budget and Performance Management Judy Mueller, Public Works Director
<b>Title:</b>	<i>Proposal to Submit Grant Application to the Virginia Department of Rail and Public Transportation for F.Y. 2016 Funding</i>

**Background:**

The proposed resolution is required by the Virginia Department of Rail and Public Transportation (V.D.R.P.T.) as part of the grant application process. Requested funding is for F.Y. 2016.

**Discussion:**

Charlottesville Area Transit (C.A.T.) works closely with The Thomas Jefferson Planning District and local M.P.O. to meet the transportation needs of our community.

**Capital projects slated for F.Y. 2016 are as follows:**

- Purchase one <30-ft. B.O.C. (replace C.A.T. Bus 306)
- Purchase two C.A.T. support vehicles (replace vehicles 832 & 806)
- System-wide A.V.L. (Automatic Vehicle Locator) replacement, I.T.S., Bus Safety Upgrades
- Bus Stop improvements to include benches, shelters, trash cans, etc.

**Required Match:** Federal & State Capital Assistance for C.A.T. Bus and Bus- Related Purchases included in F.Y. 2016 C.A.T. C.I.P. require a 4% Local Match in the amount of \$57,732.

**Non-Capital Projects for F.Y. 2016 are as follows:**

- C.A.T. Operations: Federal and State Operating Assistance

**Required Match:** Required Match: Federal Operating funds in the amount of 1,881,095.00 require a 50% local match. The combined Requested Revenue Budget for F.Y. 2016 lists contributions as follows:

State Operating Assistance	\$1,366,366.00
Federal Operating Assistance	\$1,881,095.00
Revenue – Albemarle County	\$905,477.00
U.V.A. Trolley Service	\$70,600.00
U.V.A. General Revenue	\$163,900.00
Transit Farebox Revenue	\$585,000.00
Vehicle Wash Revenue	\$11,700.00
Rental Income	\$52,908.00

Advertising Revenue	\$100,000.00
Total	\$5,137,046.00

These additional revenue contributions leave an operating deficit of \$2,091,918.00. The City's required match for F.Y. 2016 Federal operating is \$1,881,095.00. Charlottesville Area Transit respectfully requests that the City provide the larger amount \$2,091,918.00 to cover the operating deficit not covered by the State and Federal Operating assistance grants and other revenue sources detailed above.

**Alignment with City Council's Vision and Strategic Plan:**

This request aligns with the City's vision of A Connected Community with an efficient and convenient transit system that enables citizens of all ages and incomes to easily navigate the community.

**Community Engagement:**

There is a federal requirement regarding public involvement for all grantees. The proposed Program of Projects (P.O.P.) will be advertised in local newspapers with a solicitation for public comments once grants have been submitted. Any citizen wishing a public hearing may request one, in which case it will be brought to an appropriate public forum. The proposed P.O.P. is also made available for public scrutiny at Neighborhood Development Services. Projects must also be incorporated into the regional Transportation Improvement Plan (T.I.P.) and State Transportation Plan (S.T.I.P.) in order to be eligible for assistance. The T.I.P. process is overseen by the Charlottesville-Albemarle Metropolitan Planning

**Budgetary Impact:**

All required City match is included in either the F.Y. 2016 C.A.T. budget or C.I.P. request. By this resolution, the City certifies that, the City will provide the required local match.

**Recommendation:**

Staff recommends approval of the attached resolution.

**Alternatives:** Without approval of this Resolution C.A.T. will not be able to accept these operating funds.

**Attachments:**

N/A

**Resolution Authorizing the Application for  
State Aid to Public Transportation**

**BE IT RESOLVED** by the Charlottesville City Council that Transit Manager is authorized, for and on behalf of the City of Charlottesville, hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$ 3,878,181.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize the Transit Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request. This amount includes the following requested grant amounts:

Federal Operating Assistance	\$1,881,095.00
State Operating Assistance	\$1,366,366.00
Federal Capital Assistance	\$ 526,000.00
State Capital Assistance	\$ 104,720.00

The Charlottesville City Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$2,149,650.00 - broken down as follows: \$1,881,095.00 for federal operating match, \$57,732.00 as Capital programs match, and \$210,823.00 as overmatch to defray local operating costs - which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Clerk of Council of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Charlottesville City Council held on the 17th day of February, 2015.

If applicant has an official seal  
(Official Seal goes here)

\_\_\_\_\_  
(Signature of Recording Officer)

\_\_\_\_\_  
(Title of Recording Officer)

\_\_\_\_\_  
(Date)

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## Clean Water Act Rule to Protect Our Nation's Streams and Wetlands from Pollution



In March 2014 the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) proposed a long-overdue Clean Water Act rule (*Definition of "Waters of the United States" Under the Clean Water Act*) to end the confusion over which streams and wetlands are protected by the law. Congress originally protected these vital water resources when it passed the landmark Clean Water Act in 1972, but those protections were called into question over a decade ago because of two polluter-friendly Supreme

Court decisions in 2001 and 2006 and subsequent Bush administration policies. Following these controversial decisions, Clean Water Act enforcement has declined, putting the health of our rivers, lakes and bays at risk.

### Why These Resources Matter and Need Protection

The health of our nation's rivers, lakes, and bays depends on the network of small streams and wetlands that flow into them. Here's what's at stake:

**The drinking water sources for over 117 million Americans.** One in three Americans get drinking water from public systems that rely on headwater and seasonal streams.

**20 million acres of wetlands** that provide flood protection, recharge groundwater supplies, filter pollution, and provide essential wildlife habitat.

**Over half of all the stream miles in the United States.** Many of these streams are critical habitat for fish and other aquatic life and provide the majority of the water flow in rivers.

These resources are economic drivers for our communities. Recreationists, farmers, hunters, anglers and businesses ranging from clean tech to craft brewers all depend on clean water. Anglers alone generated nearly \$115 billion in economic activity in 2011, breathing life into rural communities and supporting more than one million jobs. Craft brewers contributed nearly \$34 billion to the U.S. economy in 2012, supporting over 360,000 jobs.

### What the Rule Covers

This proposed rule definitely restores Clean Water Act protections to most tributary streams and wetlands:

1. **Tributaries to waters already covered by the Clean Water Act** — for example, intermittent or ephemeral streams that have a defined bed and bank and flow to traditionally navigable waters, interstate waters, territorial seas, or impoundments of those waters.
2. **Wetlands, lakes and other waters located near or within the floodplain** of waters already covered by the Clean Water Act, including tributary streams of those waters.

Waters positioned outside of a floodplain or riparian area, also known as "other waters" will continue to require a case-by-case analysis to determine whether or not they have a "significant nexus" to waters already covered by the Clean Water Act and can therefore be protected by the law. The 2001 Supreme Court ruling signaled an upper limit on jurisdiction by rejecting a Reagan-era policy that based federal jurisdiction of geographically isolated waters on their use by migratory birds. **To be consistent with this ruling, the proposed rule does not restore protections to all the wetlands and other waters that were protected for almost 30 years before 2001.**

## What the Rule Does *Not* Cover

The proposed rule reaffirms existing exemptions from Clean Water Act permitting requirements for agriculture, mining, forestry and certain other activities that produce food, fuel or fiber:

- Most common farming and ranching practices, including “plowing, cultivating, seeding, minor drainage, harvesting.”
- “Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches.”
- “Agricultural stormwater discharges and return flows from irrigated agriculture.”
- “Construction of temporary sediment basins on a construction site.”
- “Construction or maintenance of farm or forest roads or temporary roads for moving mining equipment.”

The proposed rule also codifies waters that have long been excluded from Clean Water Act permitting requirements in practice but not explicitly exempted by rule:

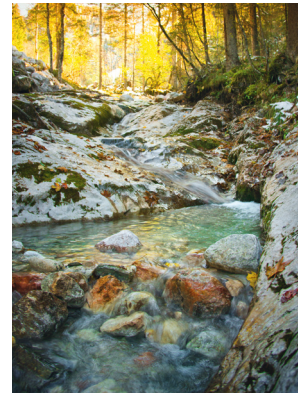
- Upland drainage ditches with less than perennial flow
- Artificially irrigated areas that would revert to upland should irrigation cease
- Artificial lakes or ponds used for purposes such as stock watering
- Artificial ornamental waters created for primarily aesthetic reasons
- Water-filled depressions created as a result of construction activity
- Groundwater, gullies, rills and non-wetland swales

Previous exemptions in the regulation also remain for waste treatment systems, including treatment ponds and lagoons, as well as prior converted cropland.

## Rule Provides More Benefits Than Costs

**EPA estimates that the proposed rule would provide \$388 million to \$514 million annually in benefits** to the public, including reducing flooding, filtering pollution, providing wildlife habitat, supporting hunting and fishing, and recharging groundwater. These public benefits significantly outweigh the costs of about \$162 million to \$279 million per year for mitigating impacts to streams and wetlands, and taking steps to reduce pollution to waterways.

Another benefit of this rule is that it will streamline the permitting process by providing greater certainty to the regulated community and better guidance to regulators, by establishing specific categories of which waters are protected by the Clean Water Act, and specific categories of waters which are not protected by the law.



## Additional Resources

Learn more about the proposed Clean Water Rule at: <http://www2.epa.gov/uswaters>

Read comments submitted to the Proposed Rule Docket for “Definition of ‘Waters of the United States’ Under the Clean Water Act” at [www.regulations.gov](http://www.regulations.gov), search for docket number EPA-HQ-2011-0880.

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**For more information visit:** <http://cleanwater.org/Protecting-All-Water>

**Contact:** Jennifer Peters, Clean Water Action, [jpeters@cleanwater.org](mailto:jpeters@cleanwater.org) | 202.393.3224

**RESOLUTION OF THE CITY OF CHARLOTTESVILLE, VIRGINIA IN SUPPORT OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND ARMY CORPS OF ENGINEERS' PROPOSED *DEFINITION ON "WATERS OF THE UNITED STATES"* UNDER THE CLEAN WATER ACT**

A resolution for the purpose of protection of public health, recreational resources, economic livelihood related to clean water, under the Waters of the United States as it provides an extraordinary value for the City of Charlottesville and;

**WHEREAS**, the Mayor and Council recognize that the Clean Water Act is the fundamental federal law protecting the Waters of the United States from pollution, degradation and destruction, and that strong federal standards are needed because water does not respect political boundaries; and

**WHEREAS**, critical streams and wetlands which supply drinking water, protect against floods and filter pollution previously were protected under the Clean Water Act, but federal policy changes over the last decade have left these streams and wetlands vulnerable to degradation or destruction; and

**WHEREAS**, these vulnerable waters of the United States impact sources of drinking water for over 117 million Americans, including 2.36 million residents in Virginia; and

**WHEREAS**, more than 1,000 peer reviewed scientific studies have confirmed that headwater intermittent and ephemeral streams and wetlands affect the quantity and quality of water in larger bodies of water downstream; and

**WHEREAS**, the U.S. Environmental Protection Agency and Army Corps of Engineers have proposed a clarifying rulemaking that all tributary streams, regardless of size or frequency of flow are covered under the Clean Water Act, which will restore protections to over 5,000 miles of streams in Virginia that 57% of our residents depend on for drinking water.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Mayor and Council of the City of Charlottesville, Virginia supports the proposed *Definition of "Waters of the United States"* under the Clean Water Act and urges the Environmental Protection Agency and Army Corps of Engineers to finalize these important protections for our nation's water resources.

**INTRODUCED** by the Mayor and Council of the City of Charlottesville, Virginia at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

**ADOPTED** by the Mayor and Council of the City of Charlottesville, Virginia at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	February 2, 2015
Action Required:	Public Hearing/Ordinance
Presenter:	Bitsy Waters, Chairperson, Tree Commission Doug Ehman, Parks Division Manager, Parks and Recreation
Staff Contacts:	Doug Ehman, Parks Division Manager, Parks and Recreation
<b>Title:</b>	<b>Designation of Trees per the Tree Conservation Ordinance</b>

**Background:**

On November 4, 2013 the City Council passed a tree conservation ordinance that permitted the designation of public or private trees as protected under one of four categories:

1. Heritage tree means any tree that has been individually designated by city council to have notable historic or cultural interest.
2. Memorial tree means any tree that has been individually designated by city council to be a special commemorating memorial.
3. Specimen tree means any tree that has been individually designated by city council to be notable by virtue of its outstanding size and quality for its particular species.
4. Street tree means any tree that has been individually designated by city council and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Attached are the first two trees forwarded for designation under this program. One is a large Sycamore tree in Quarry Park that has been requested to be designated as a specimen tree and the other a large private tree, a white oak, located on a property commonly known as “the Farm” with a requested designation of Heritage tree.

Pursuant to section 18-9(b)(2) Council is required to conduct a public hearing on these requests. The Tree Commission and City Arborist findings along with the original applications and departments of Neighborhood Development Services and Public Works reviews are attached.

## **Discussion:**

In 2012 the Tree Commission began to work, in earnest, on a tree conservation ordinance that would afford protection to trees that had a unique or unusual set of attributes or conditions. After working extensively with the City Attorney, individuals and organizations such as the Tree Stewards and a careful and thoughtful review of the Commonwealth enabling legislation a proposed ordinance was forwarded to City Council and approved November 4, 2013.

The program is voluntary in nature and requires that all public tree nominations originate with the Tree Commission while private trees may only be nominated by the owner of the property on which the tree resides. The nomination then undergoes a review by the City Arborist as to condition and verification of species, Neighborhood Development Services to determine if the tree could be impacted by any anticipated development and Public Works for an assessment of impact from any known or anticipated maintenance or construction activity. The Tree Commission then considers all these findings and makes a determination whether or not to forward the nomination to the City Council on a quarterly basis. The two nominations requested for consideration are the first fruits of this exhaustive process.

The provisions of this ordinance, pursuant to the enabling legislation, shall not apply to:

- (1) Work conducted on federal or state property;
- (2) Emergency work to protect life, limb or property;
- (3) Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;
- (4) Activities with minor effects on trees, including but not limited to, home gardening and landscaping of individual homes; and
- (5) Commercial, silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

Upon designation the ordinance notes that:

A property owner shall undertake reasonable efforts to preserve and protect any trees designated pursuant to this article. No heritage, memorial, specimen or street tree may be removed or intentionally damaged in a way that could destroy the tree unless authorized by City Council. City Council may authorize the removal or other action upon making a determination that: (i) there is an overriding need for public improvements which necessitate removal of the tree; or (ii) not removing the tree will cause severe hardship to the property owner.

Any person or entity that knowingly violates any provision of this article shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Civil penalties shall be imposed by the issuance of a civil summons returnable in the general district court

## **Alignment with Council Vision Areas and Strategic Plan:**

The initiative supports City Council's "Green City" vision. It contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving, and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

**Community Engagement:**

There has been no extensive community engagement on these two proposed designations. However, notice of the public hearing on February 2, 2015 was advertised to the public at least 7 days in advance of the hearing.

**Budgetary Impact:**

There is not an anticipated budgetary impact.

**Recommendation:**

The Tree Commission recommends and requests that these two trees be designated as requested and staff can find no reason that should not occur.

**Alternatives:**

Council could take no action on the designation of these trees.

**Attachments:**

- |               |   |
|---------------|---|
| Attachment 1  | Quarry Park sycamore application          |
| Attachment 2  | Quarry Park NDS review                    |
| Attachment 3  | Quarry Park Public Works review           |
| Attachment 4  | Quarry Park City Forester review          |
| Attachment 5  | Quarry Park Tree Commission Review        |
| Attachment 6  | The Farm white oak application            |
| Attachment 7  | The Farm NDS review                       |
| Attachment 8  | The Farm white oak Public Works review    |
| Attachment 9  | The Farm white oak City Forester review   |
| Attachment 10 | The Farm white oak Tree Commission Review |

**ORDINANCE**  
**DESIGNATING CERTAIN TREES AS PROTECTED TREES**  
**UNDER THE CITY’S TREE CONSERVATION ORDINANCE**

**WHEREAS**, the City of Charlottesville (the City) adopted a Tree Conservation Ordinance on November 4, 2013 to preserve certain significant trees within the City of Charlottesville; and

**WHEREAS**, per Section 18-5 *et seq.* of the City Code (Tree Conservation Ordinance), the City Arborist and Tree Commission may make recommendations to Council on a quarterly basis to consider designation of certain trees as Heritage, Memorial, Specimen, or Street trees; and

**WHEREAS**, Michael Bednar and Elizabeth Lawson, owners of property at 1201 East Jefferson Street, have made application to the City to designate a large White Oak tree on their property as a Historic tree, and the Tree Commission has made application for a large Sycamore tree in Quarry Park to be designated as a Specimen tree; and

**WHEREAS**, after the required review by City staff, the City Arborist and the Tree Commission, the Tree Commission has recommended that the above-described trees be afforded protection by designation under the Tree Conservation Ordinance; and

**WHEREAS**, City Council has considered the report and recommendations of the City Arborist and the Tree Commission, and conducted a public hearing on February 2, 2015; now, therefore,

**BE IT ORDAINED** by the Council for the City of Charlottesville, that:

(1) The large Sycamore tree in Quarry Park on Quarry Road (as shown in the attached photograph) is hereby designated as a Specimen Tree, notable for its outstanding size and quality for the particular species; and

(2) The large White Oak tree, with an approximate circumference of 16 feet and estimated to be over 400 years old, located on private property at 1201 East Jefferson Street (“The Farm”) is hereby designated as a Historic Tree, notable for its historic or cultural interest.

Tree Conservation - Nomination Form

Instructions: Please complete all sections highlight in        and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911

Application Number: 0001-4

Date Received: July 21, 2014

Nominator: Name (Print) Dorothy Smith for Tree Commission  
E-Mail: dotcostume@gmail.com  
Phone: 295-1576  
Signature: Dorothy Smith

Please place address, description and location sketch of tree in box

Quarry Park  
Sycamore  
Long  $78^{\circ}28'37.25''$  ~~W~~ <sup>de</sup>  
LAT  $38^{\circ}00'51.68''$  N

Category of Tree (Circle one): Public Private (If selected see added requirements below)

Designation Requested (circle one):

**Heritage tree** means a tree that has notable historic or cultural interest.

**Memorial tree** means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

**Street tree** means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attached additional information)

The Quarry Park sycamore has the second largest registered canopy spread in Virginia at 119 ft. The tree was designated a landmark Tree by the C'ville Area Tree Stewards on Arbor

If Private Tree the following information must also be received or the nomination cannot be processed:

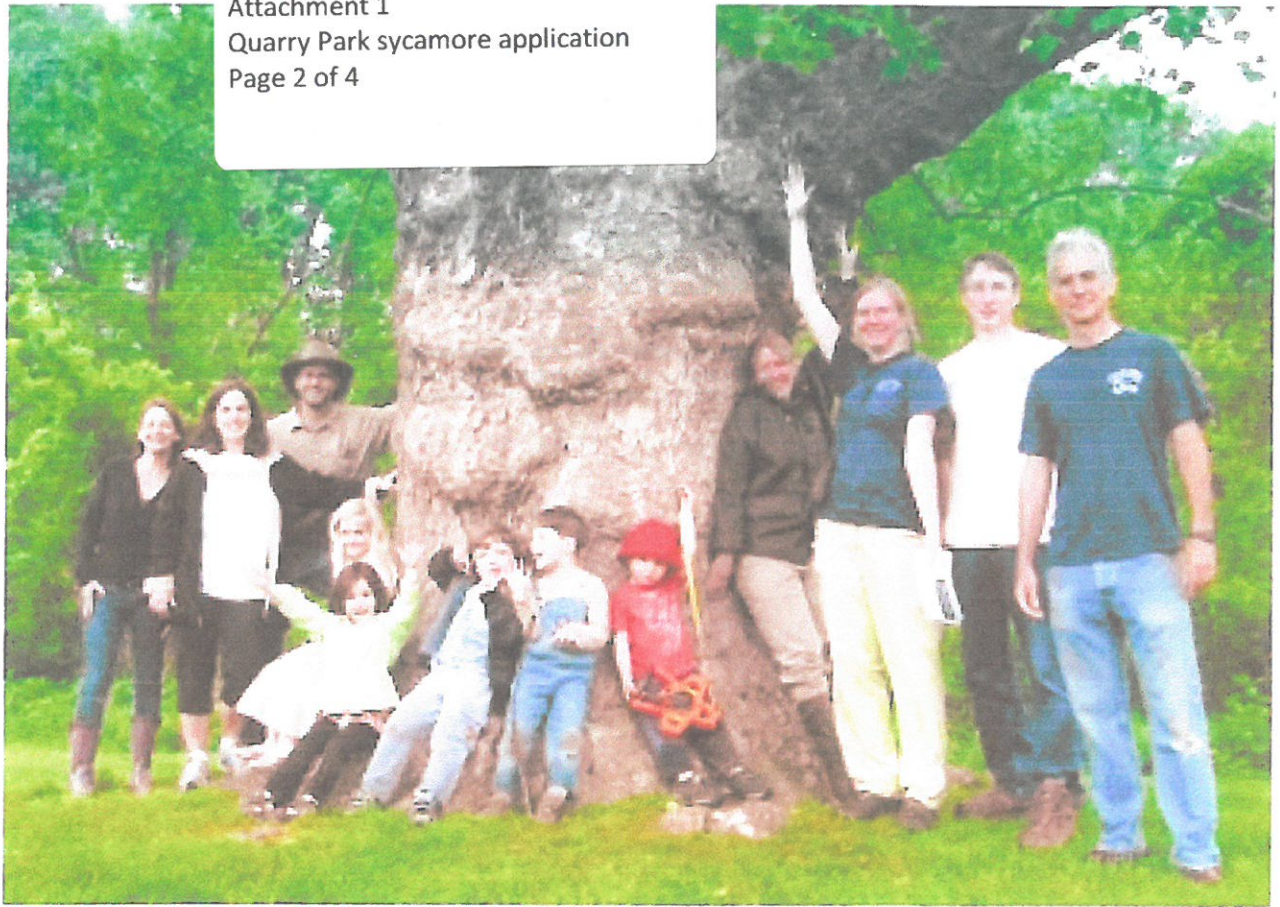
Owner: Name (Print) C'ville  
E-Mail: \_\_\_\_\_  
Phone: \_\_\_\_\_

Day 2013. Sycamores are a host for songbirds and other

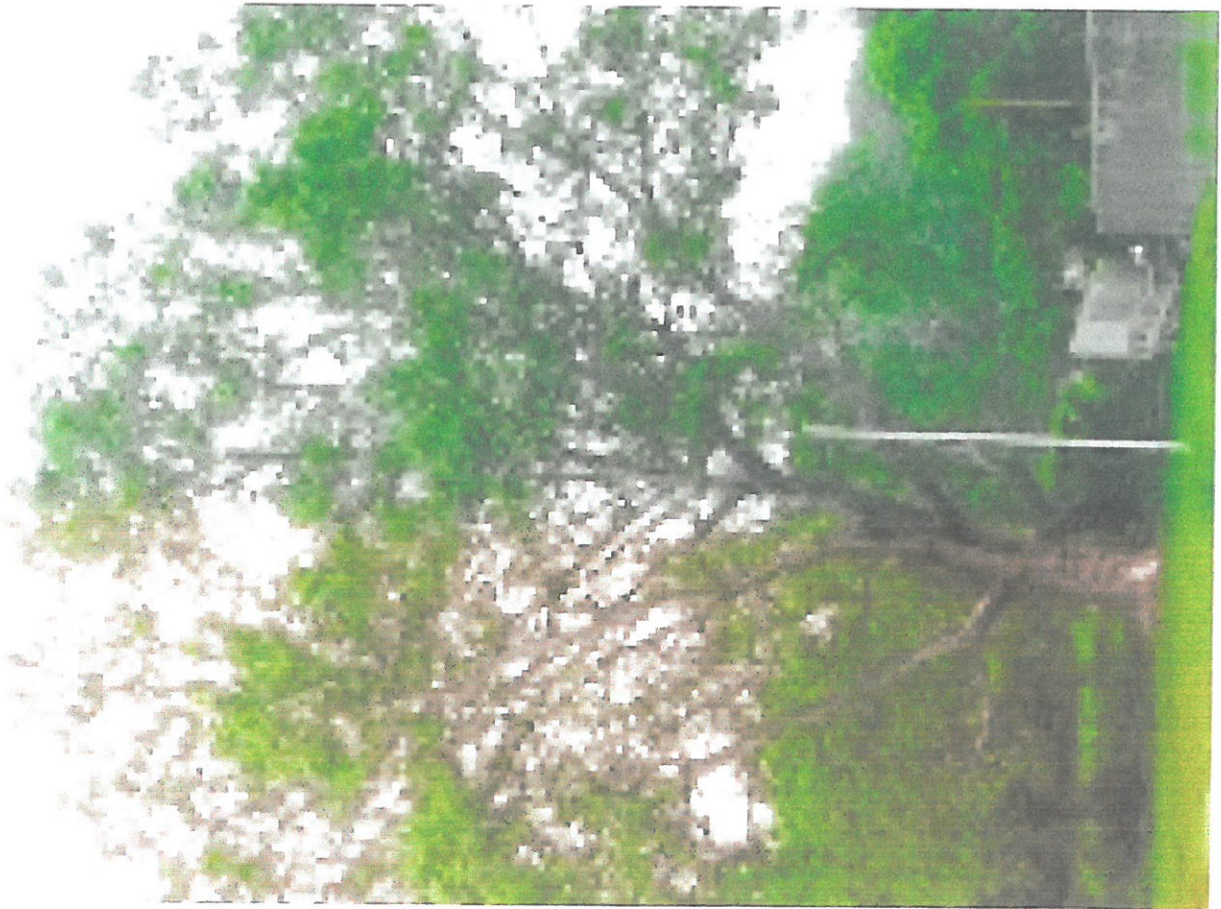
wildlife; so no surprise that Quarry Park is on the Virginia Birding & Wildlife Trail. For what children learned about the Quarry Park Sycamore visit

115 ft is the 5th largest in VA. The height of about

photos attached Piedmont discovery.blogspot.com/2011/05/giant-at-quarry-park.htm









Tree Conservation - NDS Report

Application Number: 0001

Date Received: July 21, 2014

Date Assigned: July 21, 2014

Date Returned: 7/21/14

Nominator: Name (Print) \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_

*On application*

Please place address, description and location sketch of tree in box

Large Sycamore @ Quarry PK behind  
BALL field

ON ATTACHMENT

Are there any current, anticipated or pending site, subdivision or similar development plans that could impact this tree? Not at this time If yes please detail below:

If Parks were to ~~consider~~ plan changes to this site, a site plan would be required. If designated the tree would be added as such on the plan + adequate measures put in place to preserve

Name (Printed) Missy Creasy

Signature: *Missy Creasy*

Date: 7/21/14

Tree Conservation-Public Works Report

Application Number: 0001

Date Received: July 21, 2014

Date Assigned: July 21, 2014

Date Returned: \_\_\_\_\_

Nominator: Name (Print) \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_

ON ATTACHED  
~~FORM~~ NOMINATION FORM

Please place  
address,  
description and  
location sketch  
of tree in box

LARGE SYCAMORE @ Quarry Pk behind  
Gailfield

Are there any road, sidewalk, utility or rights-of-way work now active, planned or anticipated that could impact this tree? NO If yes please detail below:

[Empty box for detailing work that could impact the tree]

Name (Printed) Kathryn McNamee

Signature: [Handwritten Signature]

Date: 7/23/14

Tree Conservation - Arborist Report

Application Number: 0001

Date Received: July 21, 2014

Date Assigned: July 21, 2014

Date Returned: 7/22/14

Verification of Information: Common Name AMERICAN SYCAMORE Genus/Species PLATANUS OCCIDENTALIS

DBH: 46.6" Height: 130' General Condition: Poor Good Excellent

Narrative assessment please note pluses and minuses of nominated trees:

This tree is a true specimen of the species,  
HAS excellent structure + huge canopy spread.

Designation Requested: Specimen

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

None -  
\*Removable bollards would be a good idea to only allow mtc + stagg entry near the tree w/ vehicles

Name (Printed) Timothy A. Hughes

Signature: [Signature]

Date: 7/22/14

## Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 0001

Date Received: July 21, 2014

Date Assigned: July 23, 2014

Date Returned:

### Verification of Information:

Common Name: American Sycamore Genus/Species: *Platanus occidentalis*

Location: Quarry Park, behind the field, near the stream

Public:  Private:

DBH in inches: 61.6 Height in feet: 130 Average Crown Spread in feet: 117

General Condition: Poor  Good  Excellent

Designation Requested: Specimen

### Narrative assessment, summary and recommendation:

The sycamore was remeasured by Tim Hughes and Tree Commission member Ineke Dickman on July 24<sup>th</sup>, 2014. The trunk perimeter is 194"; its height of 130' is the third largest recorded in VA if compared with the VA Big Tree Register. Its spread is the largest recorded in Virginia. It truly is a specimen tree, as it is in excellent condition, has good structure, little deadwood or decay and a thick dense healthy crown with huge spread. While it is not a Big Tree Champ it would come in as # 6 with a point total of 353. The VA Champ has a total of 504 points. The national champion according to American Forests has a circumference of 341" and height of 132 feet and a spread of 126 feet with a point total of 505. The tree was designated as a Landmark Tree by the Charlottesville Tree Stewards on Arbor Day 2013. There do not appear to be any objections from Public Works, NDS or Tim Hughes to approve this tree as a Specimen Tree under the Tree Conservation Ordinance. The Tree Commission recommends that this tree receives the status of specimen tree under the Charlottesville Tree Conservation Ordinance.

Name: Ineke Dickman, Certified ISA Arborist MA-4441A

Signature: Ineke Dickman

Date:

## Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to [ehmand@charlottesville.org](mailto:ehmand@charlottesville.org).

Application Number: 003

Date Received: \_\_\_\_\_

**Nominator:** Name (Print) Michael Bednar  
E-Mail: mjb6g@virginia.edu  
Phone: 434-293-3411  
Signature: \_\_\_\_\_

**Tree to be nominated:**

Address: 1201 E. Jefferson St.

Location description (if address unknown: Please include sketch below if needed). E. Jefferson and 12<sup>th</sup> St. NE

Common name or Latin name of tree (if known): white oak

Category of Tree (check one): Public:  Private (If selected see added requirements below)

Designation Requested (check one):

**Heritage tree** means a tree that has notable historic or cultural interest.

**Memorial tree** means a tree that is intended to be a special commemorating memorial.

**Specimen tree** means a tree that is notable by virtue of its outstanding size and quality for its particular species.

**Street tree** means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

When Colonel Banastre Tarleton and his Green Dragoons came to Charlottesville to capture Governor Thomas Jefferson and the Virginia General Assembly they probably camped under this tree, the so called Tarleton Oak. It is north of a spring on 12<sup>th</sup> Street and within 150 feet of the Nicholas Lewis House (1770) where Tarleton had words with Mrs. Lewis.

<http://people.virginia.edu/~mjb6g/LewisHouse/nicholaslewishouse.htm>

This tree is a very large white oak with a circumference of 16'-3". Based on the average growth rate of this species it is over 400 years old. Two large branches have broken off in the last ten years and the crown has been struck by lightning. Nevertheless, it is a majestic specimen perched on its embankment. A photo is attached.

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print) Michael Bednar  
E-Mail: mjb6g@virginia.edu  
Phone: 434-293-3411

<b>If Private Tree:</b>	<b>Requested</b>	<b>Received</b>
Owner Affidavit:	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

<b>All Nominations:</b>	<b>Assigned</b>	<b>Returned</b>
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	
Nominator Notified:	_____	
Owner Notified:	_____	
Loaded in GIS:	_____	

Tree Conservation - NDS Report (Fillable fields expand)

Application Number: 003

Date Received: \_\_\_\_\_

Date Assigned: \_\_\_\_\_

Date Returned: 11/24/2014

Nominator: Name (Print): Michael Bednar  
E-Mail: mjb6g@virginia.edu  
Phone: 434-293-3411  
Signature: \_\_\_\_\_

Please place  
address,  
description and  
location sketch  
of tree in box

Are there any current, anticipated or pending site, subdivision or similar development plans that could impact this tree? no If yes please detail below:

Name (Printed) Missy Creasy

Signature: \_\_\_\_\_

Date: 11/24/2014

Tree Conservation-Public Works Report (all fields expand)

Application Number: 003

Date Received: November 21, 2014

Date Assigned: November 21, 2014

Date Returned: December 4, 2014

Nominator: Name: Michael Bednar  
E-Mail: mjb6g@virginia.edu  
Phone: 434-293-3411  
Signature: \_\_\_\_\_

Address of tree/and or description of location: 1201 E. Jefferson

Add location sketch if needed:

GIS photo attached-no Utilities w/in area of tree; Gas line on other side of the house.

Is there any roadwork, sidewalk, utility or rights-of-way work now active, planned or anticipated, that could impact this tree? No

Name: Lauren Hildebrand, Director of Utilities

Signature: 

Date: December 4, 2014



Attachment 8  
 "The Farm" white oak application  
 Public Works review  
 Page 2 of 2

Subject Tree  




This map was prepared by the City of San Mateo, California, and is provided for informational purposes only. It is not intended to be used as a legal document. The City of San Mateo, California, is not responsible for any errors or omissions on this map. The City of San Mateo, California, is not responsible for any damages or losses resulting from the use of this map.



-  Water Valves
-  City Waterlines
-  Private Waterlines
-  Manholes
-  City Manhole
-  Private Manhole
-  Abandoned
-  Sanitary Pipes
-  City Manhole
-  Privately Maintained
-  Abandoned
-  Abandoned Gas Service
-  Active Gas Line
-  Active Infield Gas
-  Gas Main

Tree Conservation - Arborist Report (all fields are fillable and expand)

Application Number: 003

Date Received: 11/24/2014

Date Assigned:

Date Returned:

Verification of Information: Common Name: white oak Genus/Species: Q. alba

DBH in inches: 63 Height in feet: 96 Average Crown Spread in feet: 126

General Condition: Poor  Good  Excellent

Narrative assessment, please note pluses and minuses of nominated trees:

Condition rating 55 out of 100. Tree has a large column of decay down one entire side- there is healthy callus growth along both sides of decay column. The loss of two large leaders and branches and a possible lightning strike caused the decay column. The remaining branches and leaders appear to be healthy and growing well. The street side of tree with the heavy branching could benefit by some weight reduction pruning.

Designation Requested: Heritage

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

N/A

Name (Printed) Timothy A. Hughes

Signature: TAH

Date: 11/26/2014

Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 003

Date Received: 11-24-14

Date Assigned: 12-5-14

Date Returned:

Verification of Information:

Common Name: White oak Genus/Species: Quercus alba

Location: within property located at corner of 12 St NE and E. Jefferson Street

Public:  Private:

DBH in inches: 63 Height in feet: 96 Average Crown Spread in feet: 126

General Condition: Poor  Good  Excellent

Designation Requested: Heritage

Narrative assessment, summary and recommendation:

The white oak was measured by the property owner/applicant and listed in the applicants nomination form having a 16'-3" circumfrance with an estimated age of 400 years based upon the applicants opinion of the average growth rate of white oak in a wooded condition. Tim Hughes the City Arborist has measured the tree with a DBH of 63" with an estimate height of 96' and crown of 126' and evaluated the tree as "good" with major limb damage and some rot. The tree is listed by the applicant of having historic significance due to its age and its relation to the Nicholas Lewis House (1770) near the tree on the adjoining property. There does not appear to be objections or utility issues from reviewing City staff or from the City Arborist to approve this tree as a Heritage Tree under the Tree Conservation Ordinance. Therefore the Tree Commission recommends that this tree receive the status of Heritage Tree under the Charlottesville Tree Conservation Ordinance.

Name: John Schmidt, PLA, ASLA

Signature:

Date: 12-7-14

Certified Letter re: Tree Com.  
 Tree designation as req'd per code.

Downtown Station  
 Charlottesville, Virginia  
 229029998  
 5176530902 -0099  
 01/14/2015 (800)275-8777 04:30:05 PM

Product Description	Sales Receipt Sale Qty Unit Price	Final Price
CHARLOTTESVILLE VA 22902-5414 Zone-0 First-Class Mail Letter 0.50 oz. Expected Delivery: Fri 01/16/15 @@ Certified USPS Certified Mail #: 70142120000279319505		\$0.49
Issue Postage:		\$3.30
		=====
Total:		\$3.79

Paid by:  
 VISA \$3.79  
 Account #: XXXXXXXXXXXXX3566  
 Approval #: 014550  
 Transaction #: 641  
 23 903420941

@@ For tracking or inquiries go to  
 USPS.com or call 1-800-222-1811.

Order stamps at usps.com/shop or call  
 1-800-Stamp24. Go to usps.com/clicknship  
 to print shipping labels with postage. For  
 other information call 1-800-ASK-USPS.

\*\*\*\*\*  
 \*\*\*\*\*  
 Get your mail when and where you want it  
 with a secure Post Office Box. Sign up for  
 a box online at usps.com/poboxes.  
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7034 2120 0002 7931 9505

<b>U.S. Postal Service™</b>			
<b>CERTIFIED MAIL® RECEIPT</b>			
Domestic Mail Only			
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®			
CHARLOTTESVILLE VA 22902			
<b>OFFICIAL USE</b>			
Postage	\$	\$0.49	0902
Certified Fee		\$3.30	08
Return Receipt Fee (Endorsement Required)		\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$3.79	
Sent To <b>Michael Bednar &amp; Elizabeth Lawson</b>			
Street & Apt. No., or PO Box No. <b>1201 E. Jefferson St.</b>			
City, State, ZIP+4 <b>Charlottesville, VA 22902</b>			
PS Form 3800, July 2014		See Reverse for Instructions	

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



<b>Agenda Date:</b>	February 2, 2015
<b>Action Required:</b>	Approval of Ordinance
<b>Presenter:</b>	Jim Tolbert
<b>Staff Contacts:</b>	Jim Tolbert, Director NDS; Patricia Carrington, NDS; Richard Hunt, NDS
<b>Title:</b>	<b>Spot Blight Property at 610 Ridge Street</b>

**Background:** At their January 13, 2015 meeting, the Planning Commission adopted a resolution declaring 610 Ridge St. as a blighted property and agreed with the NDS Director's plan of action. The Planning Commission staff report and resolution are attached.

**Discussion:** In finding the property blighted, the Commission made the following findings:

- (1) The property is a blighted property, as defined within City Code section 5-192;
- (2) The owner has failed to cure the blight or to present a reasonable plan to do so;
- (3) The property is not occupied for personal residential purposes;
- (4) The property has not been condemned for human habitation for more than one (1) year;
- (5) The director's plan for the repair or other disposition of the property is reasonable and in accordance with the city's adopted comprehensive plan, zoning ordinances, and other applicable land use regulations; and
- (6) The property is located within an area listed on the National Register of Historic Places. This commission has referred the director's plan to the board of architectural review for comment regarding the director's proposed plan for repair or other disposition of the property.

The Commission also agreed with the Director's recommendation to first attempt to purchase the property and then, only if it cannot be purchased, move through the process to demolish the property. The specific recommendation as contained in the Planning Commission resolution is as follows:

BE IT FURTHER RESOLVED THAT this Planning Commission hereby directs staff to transmit these findings to City Council after receipt of the BAR's written comments on the Director's plan, and the Council transmittal shall include a recommendation that City Council should affirm these findings and take all necessary action to abate the blight on this Property.

If staff is unsuccessful in purchasing the property it will be brought back to Council for further action.

This item was reviewed by the Board of Architectural Review on January 20, 2015, as requested by the Planning Commission. The BAR recommended approval of the proposed plan by a 7-0 vote.

**Alignment with Council Vision Areas and Strategic Plan:** This agenda item furthers the City Council's vision to be a Smart, Citizen-Focused Government.

**Community Engagement:** The Planning Commission held a public hearing on this item on January 13, 2015. No members of the public spoke.

**Budgetary Impact:** If the City does agree to purchase the property, the potential impact to the budget will be the appraised value of the property.

**Recommendation:** Staff recommends that Council adopt the attached ordinance declaring 610 Ridge Street to be a blighted property and approving the Director's plan. The ordinance instructs the Director to attempt to purchase the property and if unsuccessful, to work with the City Attorney to demolish the house. If demolition is the option, staff recommends that an application be submitted to the Board of Architectural Review for a Certificate of Appropriateness as required by the zoning code. Staff further recommends that if purchased, funds come from the Housing Fund, with repayment at the time the property is sold.

**Alternative:** Council could decide not to declare this a blighted property.

**Attachments:** Planning Commission Staff Report  
Ordinance

**ORDINANCE  
TO DECLARE THE PROPERTY LOCATED AT 610 RIDGE STREET  
A BLIGHTED PROPERTY**

**WHEREAS**, on October 27, 2014 the Director of Neighborhood Development Services made a preliminary determination (“Director’s Determination”) that the property located at 610 Ridge Street, further described on City Tax Map 29 as Parcel 263 (“Property”) is a blighted property; and

**WHEREAS**, notice of the Director’s Determination was provided to the owner of the Property in accordance with the requirements of Sec. 5-193 of the Code of the City of Charlottesville (“City Code”) and Sec. 36-49.1:1(B) of the Virginia Code, and the owner failed to respond with a reasonable plan to cure the blight; and

**WHEREAS**, the Director requested the City’s Planning Commission to conduct a public hearing and make findings and recommendations concerning the repair or other disposition of the Property in question, in accordance with Sec. 5-193 of the City Code, and the Planning Commission conducted the public hearing on January 13, 2015, following notice to the public and to the owner as required by Sec. 5-194 of the City Code; and

**WHEREAS**, following the January 13, 2015 public hearing, the Planning Commission made a finding that the Property is a blighted property, as defined within Sec. 5-192 of the City Code, and adopted the other findings, as required by City Code Sec, 5-195, and the Planning Commission’s findings and recommendations are set forth within a Resolution adopted on January 13, 2015; and

**WHEREAS**, Council conducted a public hearing on this Ordinance on February 2, 2015 after advertised notice as required by Sec. 5-196 of the City Code, and Council has considered all of the information, facts, data and recommendations presented; and now,

**THEREFORE, BE IT ORDAINED** that the Charlottesville City Council hereby finds and declares the Property located at 610 Ridge Street to be a “blighted property,” as that term is defined within Sec. 5-192 of the City Code. The Director of Neighborhood Development Services is authorized, on behalf of this Council, to acquire the property as authorized by Virginia Code Sec. 36-49.1:1(A).

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**Report of the Director of Neighborhood Development Services  
To The Planning Commission  
Repair or Disposition of Blighted Property (City Code 5-194)  
December 15, 2014**

Subject Property: 610 Ridge Street  
Tax Map: 29-263  
Zoning: Residential, Historic Overlay District (Ridge Street)  
Owner: Juanita L. Jones and Ruth L. Jones (together, "owner")  
10902 Oakwood Street, Silver Springs, MD 20901  
Local Agent: None

Background

On October 27, 2014 I rendered a preliminary determination that the above referenced property is a "blighted property" as that term is used within City Code §5-191 et seq. Upon making that determination, I notified the owner of the property. A copy of my preliminary determination letter is attached.

At this time, pursuant to §5-193 of the City Code, I request that the planning commission conduct a public hearing and make findings and recommendations concerning the repair or other disposition of this property. Following a public hearing, the planning commission will be required to make specific findings and a recommendation to Council. The remaining portion of this report sets forth my analysis, and pertinent factual information, as to the matters on which the Commission is required to make findings.

Background

Virginia's Housing Code provides a procedure for abatement of properties that constitute spot blight. The enabling legislation is found in Virginia Code §36-49.1:1 (spot blight abatement authorized; procedure). In 2001 the City Council enacted an ordinance incorporating the spot blight procedures into our local code, set forth within §§50-191 through 5-197 of the City Code.

Proposed Plan

For the reasons analyzed below, it is my opinion that any further attempt to elicit the property owner's cooperation and follow-through with a plan for the repair and rehabilitation of this property would be futile. At this time, I believe that the only course of action that will achieve the repair of this property for beneficial residential use will be for the City to acquire the property as authorized by Virginia Code §36-49.1:1(A). Therefore, my recommendation is that the Planning Commission should confirm my finding that this is a blighted property, and should recommend to City Council that it take all steps necessary to acquire the property from the owner and repair it.

## Analysis – Findings Required of the Planning Commission

(1) **Is this a Blighted Property?** The City Code, §5-192 et seq. defines a blighted property as follows:

“any property with buildings or improvements which, by reason of dilapidation, overcrowding, lack of ventilation, light and sanitary facilities, deleterious land use, or any combination of these or other factors, are detrimental to the safety, health, or welfare of the community.”

For more than a decade, this property has remained vacant. The house currently has no working facilities for heat or water. The exterior of the house has deteriorated, and there is evidence that the owner's long-term neglect is also having an impact on the interior. Frequently, City Housing Inspectors find it necessary to board the first-floor windows and doors in an attempt to secure the house from public entry. Other than City personnel, no person(s) regularly remove trash and debris, or mow weeds and grass, on the property. In this condition, the property is attractive to trespassers and is having an adverse impact on surrounding properties within the Ridge Street Architectural Design Control District. In my opinion, these circumstances cause the property to fit within the definition of “blighted property”.

In October 2006, the Planning Commission issued a determination that this was a blighted property. At the City Council meeting the Council decided against a blight finding based on the promise of the owner to begin repair to the property. The owner subsequently began those repairs but has since ceased repairs.

(2) **Has the Owner, after reasonable notice, failed to cure the blight, or to present a reasonable plan to do so?** Since the date on which my preliminary determination was issued, the owner has failed to cure the blight or to present a reasonable plan to do so. My determination was mailed, as required by law, to the owner at her address specified in the City's real estate records, which is also the last known address available to us.

Since at least 1989 the City's Housing Inspectors have cited the property owner(s) with approximately fifty (50) violations of City or state property maintenance codes. The City routinely mows the grass, cuts and removes weeds, shrubbery and damaged trees, removes accumulations of garbage, rubbish, and shopping carts, and paints and repairs exterior wood surfaces, and boards first-floor windows and doors to secure the house against public entry. With each violation, the City has provided the property owner with notice of the violation, as required by law, and the property owner has either ignored or failed to respond to the notice. As allowed by law, the City then performs the necessary work and charges the cost back to the property owner as a lien on the real property. The property regularly pays off the accumulated lien(s). Our Property Maintenance Official, Patricia Carrington, has unsuccessfully attempted on numerous occasions to communicate with the owner, or someone authorized to act on her behalf. The owner has a brother who lives in Crozet who, for at least a time, undertook a level of

responsibility for the property. However, subsequent to 1995, when the City initiated a building code enforcement action in Circuit Court, the brother has not been provided with the legal authority or financial ability to make the necessary repairs. He has no ownership interest in the property.

In 1998 the property owner entered into an agreement with the City, allowing the City's Building Official to remove a building located at 818 Page Street. This property, which was uninhabited at the time, had been allowed to deteriorate to the point of presenting a danger to the public. The owner authorized a demolition of the structure by the City, at a total cost of \$2,600.00, and granted to the City a lien in that amount recoverable upon the sale of the property. The property remains in the same ownership, and is currently a vacant lot with an assessed value of approximately \$166,000

As a result of the foregoing history, it was not unexpected that the property owner would fail to respond to my October 27, 2014 notice of determination of blight, and fail to submit a plan for rehabilitating the property. The owner is elderly; however, our staff is without information as to her financial resources. All that we can say is that, when the City has placed lines against the property for work performed to abate housing code violations, those amounts are routinely paid off along with the real estate taxes.

**(3) Is this property currently occupied for residential purposes? What is/are the other current land uses?**

This property is not currently occupied by any persons for residential purposes. It is vacant.

**(4) Has this property been condemned for human habitation? What is the status of any outstanding Building Code Violations?**

On several occasions, our Building Maintenance official and inspectors have acted under the building code to board the property against public entry. This process involves posting a notice that "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL". According to the Building Maintenance Official, the property has been without proper heat or water facilities since 1993 and therefore cannot be lawfully inhabited. The City's Building Code official has issued about fifty (50) notices of property maintenance code violations to this property since 1989.

**(5) Is the Director's Plan reasonable, and is it in accordance with the requirements of the City's comprehensive plan, zoning ordinance, and other applicable City ordinances or regulations?**

In my opinion, the proposal for the City to acquire the property is the minimum necessary course of action to permanently remedy the conditions that are the basis of my blight determination.

- a. The comprehensive plan contains the following language, relevant to the desired use(s) and proportion of this property: Ridge Street is an urban residential neighborhood with a small mix of detached dwelling and cottages and suburban style single-family detached dwelling. It remains an important residential area in the City African-American community.
- b. If acquisition of the property is recommended as the desired course of action to remedy this blighted property, subsequent repair and disposition of the property would be conducted in accordance with applicable City ordinances, including consultation with the BAR regarding any necessary alterations, and consistent with the purposes set forth within Title 36 (Housing) of the Virginia Code.

The City Attorney's Office has been given an opportunity to review my proposal in advance of this report and agrees that (i) the property is a blighted property, and (ii) acquisition of the property by the City appears to be the only option that will be likely to remedy the blight.

**(6) Is this property listed on the National Register, or locally designated a protected property?**

This property is a contributing structure in a National Register Historic District.

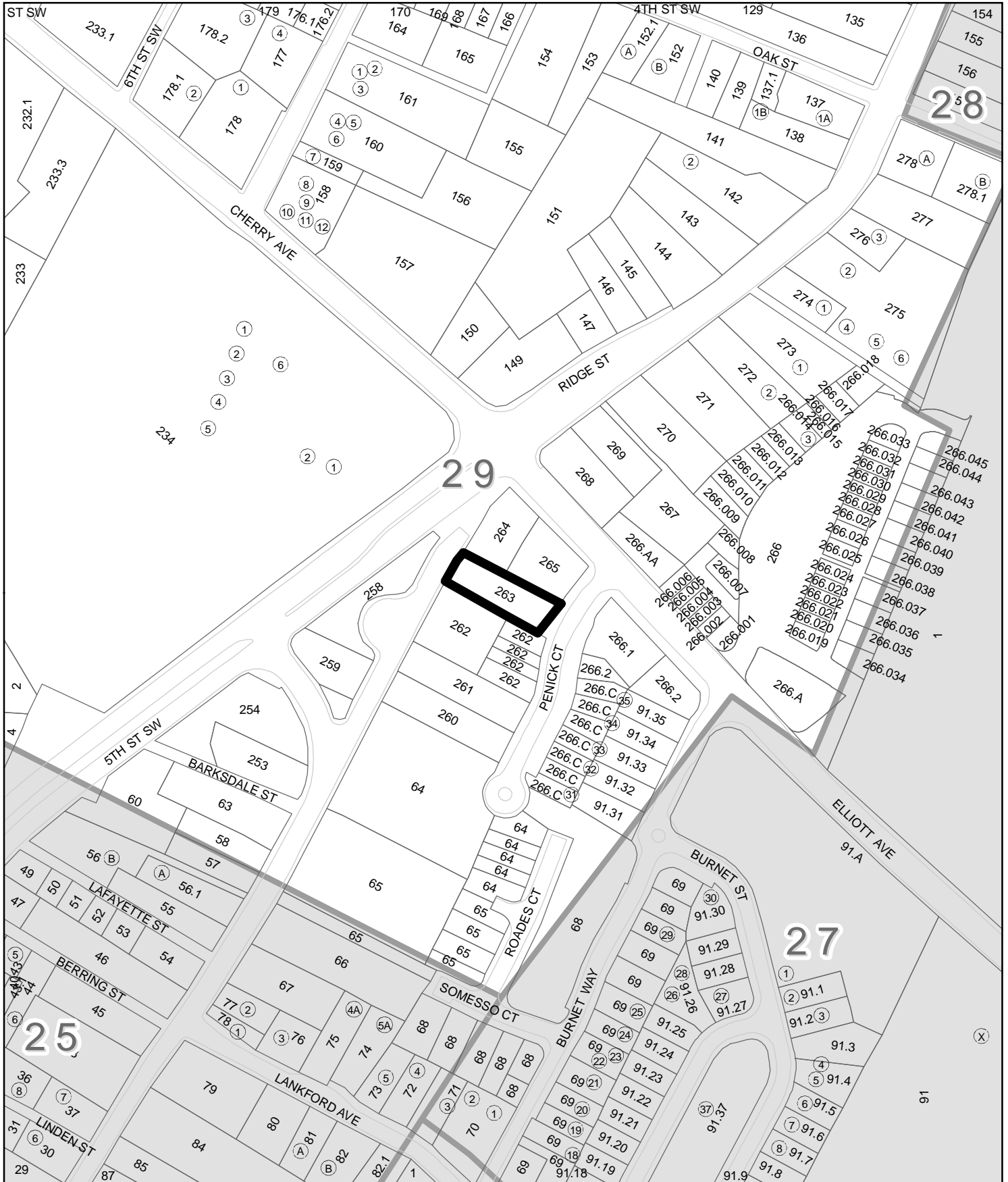
The property is situated within the Ridge Street Architectural Design Control District, and it is a contributing property under §34-272(3) of the City's zoning ordinance.

610 Ridge Street was constructed in 1894 by John Gleason and represents an example of a late 19 C. vernacular house with the irregular form and gabled projecting bays associated with the Queen Anne style. It is akin in form and scale to other house of that period in the Ridge Street district and stands in a prominent location near the intersection of Ridge Street, Fifth Street, Cherry Avenue, and Elliott Avenue.

**Final Process**

Following the public hearing, the commission is required to report its findings and recommendations concerning the repair or other disposition of the blighted property to the City Council. Upon receipt of findings and recommendations from the Planning Commission, the City Council may affirm, modify or reject the Planning Commission's findings and recommendations. If the repair or other disposition of the property is approved, the City may carry out the approved plan in accordance with the approved plan and applicable law.

# CITY OF CHARLOTTESVILLE



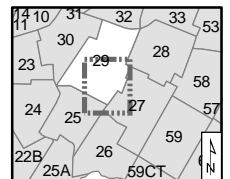
This map is for display only.  
Distances shown are from plats  
and may not measure accurately.  
These maps have been updated  
as of December 2014.



1 inch = 200 feet

## TAX MAP

**610 Ridge Street  
TMP 290263000**



CITY OF CHARLOTTESVILLE  
"A World Class City"



Department of Neighborhood Development Services

City Hall • P.O. Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
www.charlottesville.org

**NOTICE: DETERMINATION OF BLIGHTED  
PROPERTY PER CITY CODE § 5-193**

**CERTIFIED MAIL**

Jones, L Juanita & Ruth L  
10902 Oakwood Street  
Silver Springs, MD 20901

October 27, 2014

Re: 610 Ridge Street, Charlottesville, VA (Tax Map Parcel No. 290263000)

Dear Owner(s):

Our records show that you are the owner of the above-referenced property. Pursuant to the authority granted to me within the Charlottesville City Code, Chapter 5, Article 5, Division 5, the purpose of this letter is to notify you of the determination that this property constitutes a **blighted property**, as defined within § 5-192(a) of the City Code.

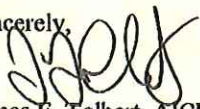
This determination is based on the following factors and circumstances: Window trim and other areas of untreated wood need to be painted (VMC Section 304.2 Protective treatment). The stucco is cracked, loose, and falling away from the structure in several places, as well as holes that need to be filled (VMC Section 304.6 Exterior walls). Downspouts need to be secured to the gutter (VMC Section 304.7 Roofs and drainage). : The soffit and fascia are rotten and/or missing in several places (VMC Section 304.8 Decorative features). A letter stating the above mentioned was sent to you on September 9, 2014. On October 13, 2014, a reminder letter was sent to you requesting your reply to this matter. As of October 27, 2014, there has been no contact between you (the property owner) and the City of Charlottesville, and no repairs have been made to the structure which is causing blight on the neighborhood.

**PLEASE TAKE NOTICE** that you have until **November 27, 2014** to contact me and to respond with a plan of action that will cure the blight. At a minimum, the plan must address the following: compliance with the property maintenance codes and applicable provisions of the statewide building codes; include a detailed time frame in which this work will be completed.

If you fail to respond to me by **November 27, 2014** with an acceptable plan to cure the blight, then this matter will be referred to the Charlottesville Planning Commission for a public hearing to discuss the condition of the property and for recommendations as to how this property might be repaired and the blight abated by the City at your expense.

Please contact Richard T. Hunt, Property Maintenance and Housing Inspector at 434-970-3728 immediately with any questions you may have.

Sincerely,

  
James E. Tolbert, AICP  
Director

cc: Craig Brown

Attachments

October 13, 2014

Jones, L Juanita & Ruth L  
10902 Oakwood Street  
Silver Springs, MD 20901

**Re: *September 9, 2014* Inspection Made at 610 Ridge St (TMP No. 290263000)**

On September 9, 2014, you were cited for violations of the 2012 Virginia Maintenance Code (copy enclosed) with a corrective date of October 10, 2014. As of today the violation has not been corrected.

This is to advise you that a reinspection will be done on **October 27, 2014**. If the violation has not been abated and/or corrective measures have not been initiated, we will be required to take the necessary legal action for correction.

Please contact me at 434-970-3728 if you have any questions.

Sincerely,

Richard T Hunt  
Property Maintenance Inspector

cc: Tony Edwards, Development Services Manager

September 10, 2014

**CERTIFIED MAIL**

Jones, L Juanita & Ruth L  
10902 Oakwood Street  
Silver Springs, MD 20901

**Re: September 9, 2014 Inspection Made at 610 Ridge St (Tax Map Parcel No. 290263000)**

During the above-referenced inspection, City Housing Inspectors found one or more violations of the Virginia Maintenance Code, Part III of the Uniform Statewide Building Code (USBC) referencing the 2012 International Property Maintenance Code (IPMC). The violations are outlined in the attached Notice of Violation and Order of Correction. It is our hope that you will make every effort to correct these violations by the date specified as the reinspection date. If you believe the corrective action required or the time allowed for correction to be unreasonable, you may contact our office for information.

You should also be aware of the following:

1. Any work, including construction, initiated to correct the identified violations must conform to all applicable provisions of the USBC as well as to applicable provisions of the City Code, **including approval of all exterior improvements by the Board of Architectural Review (BAR) if applicable.** City permits are required prior to commencement of any construction or demolition of property. Once you decide on a plan of corrective action, you may contact this office to confirm the need, if any, for any specific permits or approvals.
2. The USBC has been adopted and incorporated by reference into the Code of the City of Charlottesville. You should note that a violation of the USBC is therefore a violation of the City Code, and may result in criminal penalties. If you are unwilling or unable to work with the City to correct the identified violations, the City may take initiate legal proceedings for the purpose of enjoining, correcting or abating the violations and/or imposing the criminal sanctions allowed by law. Your prompt attention to this notice is necessary.
3. The attached Notice of Violation and Order of Correction constitutes the decision of the City's Property Maintenance Code Official that one or more violations exist at your property. You may appeal this decision by applying to the City's Board of Building Code Appeals. If you choose to appeal, you must submit an application for appeal within fourteen (14) days from the receipt of the attached Notice of Violation. Failure to timely submit an application for appeal constitutes acceptance of the code official's determination. Information regarding the appeals process may be obtained from the City's Department of Neighborhood Development Services.

I have scheduled **October 10, 2014** as the re-inspection date for correction of the listed violations.

On behalf of the Building Code Official,

Richard Hunt  
Property Maintenance Code Official  
Attachment

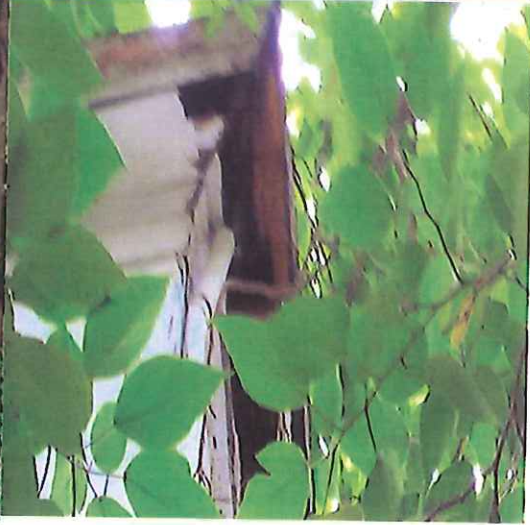
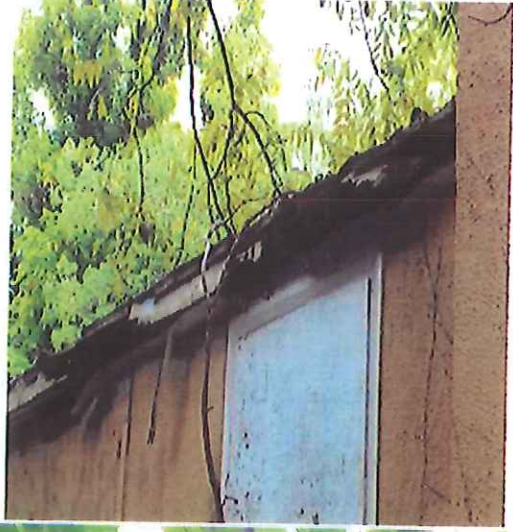


**NOTICE OF VIOLATION**  
-----  
**ORDER OF CORRECTION**

**TO:** Jones, L Juanita & Ruth L  
**DATE:** September 9, 2014  
**INSPECTOR:** Richard Hunt  
**ADDRESS OF VIOLATION:** 610 Ridge Street

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1. **VIOLATION: Virginia Maintenance Code Section 304.2 Protective treatment.** All exterior surfaces shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. **Please paint window trim and any other exposed wood surfaces.**
  
2. **VIOLATION: VMC Section 304.8 Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. **Replace all rotting and deteriorated soffit and fascia trim on all roof overhangs.**
  
3. **VIOLATION: VMC Section 304.6 Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. **Repair stucco that is cracked, loose, and falling away from the structure and fill any holes.**
  
4. **VIOLATION: VMC Section 304.7 Roofs and drainage.** Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage. **Please secure all downspouts to the gutters.**



**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	February 17, 2015
Action Required:	Motion/Vote Ordinance Change
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Maurice Jones, City Manager
<b>Title:</b>	<b>Ending the Observance of Robert E. Lee/Thomas “Stonewall” Jackson Holiday</b>

**Background:**

There is a long and complex history associated with the observance of the birthdays of former Confederate Generals Robert E. Lee and Thomas “Stonewall” Jackson in the state of Virginia. The Commonwealth first commemorated Lee’s birthday (January 19) in 1889. Fifteen years later in 1904, Jackson was added to the holiday.

In 1983, Dr. Martin Luther King, Jr. Day became an official federal holiday to honor the life and achievements of the Civil Rights leader. Here in Virginia, there was a successful movement in the legislature to combine the Dr. King holiday with Lee-Jackson Day. It remained that way until 2000, when Governor Jim Gilmore requested splitting the holidays by moving Lee/Jackson Day to the Friday before Dr. King Day.

The City of Charlottesville continues to observe both holidays.

**Discussion:**

A request has been made of City Council to end the City’s observance of Lee-Jackson Day. There is a growing concern that commemoration of the lives of two Confederate generals is offensive to many in our community, especially people of color.

Many cities around the state have elected not to observe Lee-Jackson Day, including Alexandria, Danville, Fairfax, Fredericksburg, Galax, Hampton, Lynchburg, Norfolk, Richmond, Roanoke, Staunton, Virginia Beach, Waynesboro and Winchester.

**Alignment with Council Vision Areas and Strategic Plan:**

**Community of Mutual Respect**

*In all endeavors, the City of Charlottesville is committed to racial and cultural diversity, inclusion, racial reconciliation, economic justice, and equity. As a result, every citizen is respected. Interactions among city leaders, city employees and the public are respectful, unbiased, and without prejudice.*

### **Citizen Engagement:**

City Council held a public hearing to gather input from the public on this issue. In addition, scores of people have sent emails to Council or posted on social media sites encouraging the Council to end the observance of Lee-Jackson Day. Twenty-one members of the public spoke during the hearing.

### **Recommendation:**

If City Council decides to end the observance of Lee-Jackson Day, staff recommends adding another holiday to the City's official holidays list. There are several options for replacing the holiday:

- Observance of Veterans Day, a federal holiday that is observed on November 11.
- Adding the day before Thanksgiving as a holiday.
- Adding December 26<sup>th</sup> as an official holiday.

Council may also offer up other alternatives or simply end the observance without an additional holiday. Council does not need to make a decision about a new holiday immediately.

### **Budgetary Impact:**

There is no budgetary impact.

### **Alternatives:**

The City Council could decide to continue observing Lee-Jackson Day.

**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 2-6 OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
TO REMOVE LEE-JACKSON DAY AS A LEGAL HOLIDAY**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 2-6 of Article I (In General) of Chapter 2 (Administration) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

**Sec. 2-6. Legal holidays.**

In each year, the first day of January (New Year's Day), ~~the Friday preceding the third Monday in January (Lee Jackson Day)~~, the third Monday in January ( Martin Luther King, Jr. Day), the third Monday in February (George Washington Day), the thirteenth day of April (Jefferson's Birthday), the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the fourth Thursday in November (Thanksgiving Day), the Friday after the fourth Thursday in November, the twenty-fifth day of December (Christmas Day) or, whenever any of such days shall fall on Saturday, the preceding Friday shall be a legal holiday, and whenever such days shall fall on Sunday, the Monday next following such day shall be a legal holiday.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



<b>Agenda Date:</b>	February 17, 2015
<b>Action Required:</b>	None
<b>Presenter:</b>	Chris Engel, CEcD, Director of Economic Development Hollie Lee, Chief of Workforce Development Strategies
<b>Staff Contacts:</b>	Chris Engel, CEcD, Director of Economic Development Hollie Lee, Chief of Workforce Development Strategies
<b>Title:</b>	<i>Growing Opportunity Update</i>

**Background & Discussion:** In September 2012, the Strategic Action Team on workforce development (SAT) was formed including representatives from the Office of Economic Development, the Department of Human Services, the City Manager’s Office, the Department of Social Services, and Neighborhood Development Service. The SAT was charged with fostering employment opportunities that move City residents towards self-sufficiency.

In July 2013, the Strategic Action Team issued its report, *Growing Opportunity: A Path to Self-Sufficiency*, which was subsequently endorsed by the City Council. Since that time, the SAT has made significant progress towards many of the workforce development action items in its report. Staff will provide highlights of these accomplishments and answer any questions the Council may have as part of the update. The full 2014 update is available online by clicking [HERE](#) or visiting ([http://issuu.com/cvillecity/docs/2014sat\\_growingopportunities](http://issuu.com/cvillecity/docs/2014sat_growingopportunities)). Hard copies have been provided to the Council.

**Community Engagement:** Practically all of the SAT’s workforce development efforts involve community engagement. From the Workforce Advisory Council (WAC), which is comprised of 15 community partners and guides the City on its workforce development initiatives, to the Downtown Job Center, which is a satellite of the Virginia Workforce Center – Charlottesville and relies on more than 30 workforce services providers for referrals and collaboration, to the City’s various employment training programs, such as GO Driver, which is supported by more than 10 agencies and organizations, none of the work that is currently being done could be possible without strong community engagement.

**Alignment with City Council’s Vision and Priority Areas:** This agenda item aligns with Council’s vision for Economic Sustainability. It also addresses two goals in the City’s Strategic Plan that were recently adopted by Council: Goal 1: Enhance self-sufficiency of residents, and Goal 3: Have a strong and diversified economy.

**Budgetary Impact:** There is no budget impact or request associated with this update.

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**CITY OF CHARLOTTESVILLE, VIRGINIA**  
**CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	February 17, 2015
<b>Action Required:</b>	Approval of Resolution
<b>Staff Contacts:</b>	Matt Alfele, Neighborhood Development Services
<b>Presenter:</b>	Matt Alfele, Neighborhood Development Services
<b>Title:</b>	<b>Initiation of a Zoning Text Amendment for Transient Lodging Facilities</b>

**Background:** Section 34-41 of the City of Charlottesville Code of Ordinances provides that a change to zoning may be initiated by resolution of the City Council.

**Discussion:** Accommodations offered through website clearinghouses such as “Airbnb” and “HomeAway,” are popping up in localities all over the country. This model of travel/ temporary lodging is creating more options for travelers and new opportunities for individuals and small businesses, but has potential to be disruptive to some neighborhoods—particularly low-density residential neighborhoods. Many localities are under-prepared for the rapid growth of Transient Lodging Facilities (TLF) within their communities. Three (3) of the most popular short term rental websites; Stay Charlottesville, Airbnb, and HomeAway listed a combined (250+) available units in the Charlottesville area as of January 28, 2015. The shared economy is developing quickly and changes to the City Code could serve to balance the needs of neighborhoods and economic innovation.

The other significant side to this issue is taxation. If short-term rentals are going to be allowed in any way, the City needs to be concurrently addressing the appropriate way to collect tax revenue. This is a fairness issue for the hotels,

motels, and bed and breakfast establishments. Many have raised concerns with Kurt Burkhart of the Convention and Visitors Bureau and with Todd Divers with the Commission of Revenue. Mr. Divers believes short-term rentals should pay taxes, but is reluctant to pursue the issue until there is a clear enforcement path.

Council received a report on TLF from the Planning Commission on January 5, 2015. The report outlined concerns and questions about the impact of TLF on the community. As part of the report the Planning Commission included a draft Zoning Text Amendment (ZTA) as a starting point for discussion. Staff asks City Council to consider a resolution initiating a ZTA in order to address in more detail aspects of the January 6th report.

**Alignment with City Council Vision and Strategic Plan:** There is no direct alignment with the City Council Vision or Strategic Plan. However, this effort is not in conflict with any vision or plan item.

**Citizen Engagement:** Staff participated in four (4) outreach meetings and received feedback at the December 9, 2014 Planning Commission work session. A Planning Commission work session is planned for February 24, 2015 that will be open to the public. Staff will be holding an Open House February 26, 2015 to engage the public on this matter.

**Budgetary Impact:** A budgetary impact cannot be determined at this time.

**Recommendation** Staff recommends approval of the resolution to initiate the ZTA.

**Alternatives:** The alternative is to not initiate the ZTA and to continue to operate under existing codes.

**Attachments:** Resolution

Link to January 5, 2015 City Council materials

<http://www.charlottesville.org/index.aspx?page=3661>

**RESOLUTION  
TO INITIATE A PUBLIC PROCESS FOR CONSIDERATION OF  
ZONING ORDINANCE TEXT AMENDMENTS  
TO PERMIT TRANSIENT LODGING USE OF RESIDENTIAL DWELLING UNITS**

**WHEREAS**, upon consideration of the matters set forth within a Report received from the City's Planning Commission on the proliferation of the use of residential dwelling units as for-hire transient occupancy/ accommodations, the Charlottesville City Council does hereby find and determine that the public necessity, convenience, general welfare or good zoning practice requires public consideration of the advisability of amendments to the City's zoning regulations to allow "transient lodging" uses within residential dwelling units, within certain specified zoning districts, subject to certain conditions and limitations; and

**WHEREAS**, taking into account the various options, regulations and impacts referenced within the Planning Commission Report on this matter, this Council believes that initiation of zoning text amendments, for further debate and consideration within a public hearing process, is advisable; **NOW, THEREFORE**,

**BE IT RESOLVED THAT** this City Council hereby initiates amendments of the Charlottesville City Code, Chapter 34 (Zoning), as follows: **to Sec. 34-1200**, add a definition of "transient lodging facility"; **to Sec. 34-1176**, add provisions to establish the conditions and regulations under which "transient lodging facilities" would be authorized through issuance of a provisional use permit; and **to Secs. 34-420, 34-480, and 34-796**, add annotations to the use matrices for the City's residential, commercial and/or mixed use corridor districts, to indicate the zoning district classifications in which "transient lodging facilities" will be authorized; and

**BE IT FURTHER RESOLVED THAT** this matter is hereby referred to the Planning Commission for its recommendations, and for an advertised joint public hearing with Council. In the interest of expediting the public hearing process by which these zoning text amendments may be considered, that the Planning Commission is requested to utilize the attached Discussion Draft Ordinance, dated January 21, 2015, as a starting point for their discussions; **HOWEVER**, the Commission's consideration of the zoning text amendments need not be limited to the specific provisions within the Discussion Draft. Based on input received during the public hearing process, and the Planning Commission's own deliberations, the Planning Commission should report back to Council, its specific recommendations:

(1) as to whether or not amendments of the City's zoning and subdivision ordinances, allowing the use of residential dwelling units as transient lodging facilities, are necessary or advisable, and

(2) if the Commission determines that amendments are necessary or advisable, then the Commission shall return to this Council its recommendations as to final language proposed for the referenced zoning text amendments, including a list of the specific zoning district classification(s) in which the Planning Commission recommends that transient lodging facilities should be permitted.

## DISCUSSION DRAFT ORDINANCE

January 21, 2015

### **City Code Sec. 34-1200 Definitions:**

Add the following definition: “*Transient Lodging Facility*” refers to any dwelling unit offering guest rooms or other lodging rented out for continuous occupancy for fewer than 30 days, excluding any bed and breakfast.

**City Code Sec. 34-420 (Residential Zoning Districts):** allow “*Transient Lodging Facility*” in every residential zoning district (Provisional Use Permit)

**City Code Sec. 34-480 (Commercial Zoning Districts):** allow “*Transient Lodging Facility*” in the B-1, B-2, B-3 and IC zoning districts (Provisional Use Permit), but NOT in the Emmet Street Corridor (ES) district, because residential dwelling units are not allowed within ES.

**City Code Sec. 34-796 (Mixed Use Corridor Districts):** allow “*Transient Lodging Facility*” in ALL of the zoning districts (Provisional Use Permit)

### **Add: New City Code Sec. 34-1176. Transient Lodging Facilities**

(a) A transient lodging facility authorized by a provisional use permit shall be subject to the following regulations:

(1) No person other than a property owner shall be eligible for a provisional use permit authorizing the use of a dwelling unit as a transient lodging facility.

(2) A property owner who submits an application seeking a provisional use permit for a transient lodging facility shall provide the following:

(i) Evidence of a city business license, as may be required, and proof of payment of the transient occupancy taxes required by City Code 30-251 et seq.

(ii) The name, phone number, e-mail address and other contact information of a local person who will serve as the property manager. The property manager must have an office within the City of Charlottesville, or outside the City limits and within 10 miles of the property.

(iii) A written fire evacuation plan for the transient lodging facility, in a format suitable for posting at each exit from the facility, and a written certification that the fire evacuation plan will be and remain posted at each exit inside the transient lodging facility for the duration of the provisional use permit.

(iv) Evidence that all adjacent property owners have been given written notice by the applicant that the property will be utilized as a transient lodging facility.

(b) A provisional use permit authorizing a transient lodging facility will be valid for one (1) year from the date of issuance.

(c) A provisional use permit authorizing a transient lodging facility may be revoked by the zoning administrator:

(i) in the event that four (4) or more calls for police service are received by the city within any two (2) month period, or

(ii) for failure to maintain compliance with the requirements of paragraph (a) (2), above.

Following revocation of a provisional use permit for a transient lodging facility, no provisional use permit will subsequently be issued for the subject property for a period of one year (365 days).

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CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date: February 17, 2015

Action Required: Approval of Resolution to Initiate Text Amendments to the Zoning and Subdivision Ordinances

Presenter(s): Lisa Robertson; Missy Creasy

Staff Contacts: Lisa Robertson; Missy Creasy

**Title: INITIATION OF CHANGES TO THE PROCEDURES BY WHICH CERTAIN APPLICATIONS FOR REZONING, SPECIAL USE PERMITS AND DEVELOPMENT PLANS ARE SUBMITTED AND PUBLICLY REVIEWED**

**Background:**

The City Manager and Director of Neighborhood Development Services have requested us to prepare zoning and subdivision text amendments, to provide for community meetings at which the public would have an opportunity to receive information, and to comment on development projects, before applications seeking approval of the projects move forward for formal approval by the planning commission and city council. The purpose of this community meeting would be to enhance and promote public information and participation in the review process.

**Discussion:**

Attached is a Resolution that would initiate the planning commission's consideration of ordinance amendments to accomplish the requested community meeting procedures. The changes set forth within the Resolution are modeled on procedures found within Section 33 of the Albemarle County Zoning Ordinance. They are lengthy; however, we strongly recommend that consideration of zoning and subdivision text amendments should be commenced at a broad scope, and then, following a public hearing and receipt of recommendations from the planning commission, City Council could narrow the scope of amendments.

In our opinion, the elements of the Albemarle County ordinance which contribute to a flexible, meaningful public review process are:

**(A) Timing**—in Albemarle, community meetings take place after application materials are submitted, but before an application is officially referred to the planning commission for public hearing and recommendations. *(By law, a zoning ordinance amendment cannot be adopted by city council unless and until the proposed amendment has been referred to the planning commission for its recommendations. Currently, in sec. 34-41(d) of the City’s zoning ordinance, every application is automatically “deemed” to be referred by council to the planning commission. In Albemarle, the referral is not automatic, but occurs only after the application has been presented at a community meeting and the application is otherwise deemed ready by County officials for consideration in the formal public hearing process).*

**(B) Flexibility to allow Council, the Commission and the BAR an opportunity to review the application materials in detail, in advance of being required to act on it--** the County’s ordinance allows its Planning Director to recommend public work sessions for council, the planning commission, BAR, etc., as might be beneficial—again, before an application is ever referred to the Commission for commencement of a formal public hearing process;

**(C) Detailed requirements as to application materials**—a list of supplemental information requirements that can be required of applicants, as deemed beneficial for adequate consideration and understanding of a particular project *(this list of supplemental requirements provides a selection of items that can be required, or not, depending on the complexity or extent of a proposed development)*, and

**(D) Mandatory pre-application staff meetings**—the requirement for a pre-application meeting at which, among other things, the required application submission materials will be established and the community meeting requirement will be explained by the Director.

Given the structure of our own City Ordinances, we do not believe that simply adding a pre-application requirement for a community meeting will achieve the desired additional level of public notice and information. Establishing specific details as to information that must be contained within an application is necessary to ensure a meaningful level of information and review by citizens at the community meetings. Additionally, reserving to the Director and City Council the ability to determine when an application is ready for formal consideration within the structure of a public hearing process (instead of the current practice of automatically referring it upon receipt) would add significant flexibility for a better-informed public vetting of proposed developments.



**Alignment with Council Vision Areas and Strategic Plan:**

This item aligns with the City Council Vision to be a smart citizen-focused government.

**Community Engagement:**

There has been no community engagement prior to preparation of this Resolution for your consideration; however, the purpose of the proposed text amendments is specifically to provide for enhanced community engagement on an ongoing basis. If you initiate the planning commission's consideration of the Discussion Draft Ordinance, the Discussion Draft will be studied within a public process and then the Planning Commission will return its recommendations for additions or revisions to you, within the next 100 days.

**Budgetary Impact:**

Not known at this time. The procedures suggested within the text amendment will potentially require a substantial additional amount of staff time to contribute information and support to the scheduling and conduct of community meetings.

**Recommendation:**

Approved the attached Resolution, to initiate a public hearing process for zoning and subdivision text amendments that would establish enhanced procedures for public review and citizen engagement, in relation to proposed development projects within the City.

**Alternatives:**

Take no action.

**Attachments:**

- (1) Resolution to Initiate Public Consideration of Amendments of the Zoning and Subdivision Ordinances, to Provide for Enhanced Citizen Engagement in the Review of Proposed Developments.
- (2) Discussion Draft Ordinance, dated February 2, 2015

**RESOLUTION**  
**TO INITIATE A PUBLIC PROCESS FOR CONSIDERATION OF**  
**AMENDMENTS OF THE CITY'S ZONING AND SUBDIVISION ORDINANCES**  
**TO PROVIDE FOR ENHANCED CITIZEN ENGAGEMENT IN THE REVIEW OF**  
**PROPOSED DEVELOPMENTS**

WHEREAS, this City Council desires to enhance opportunities for citizens to obtain information about proposed developments within the City, and to allow expanded opportunities for public discussions of development applications; and

WHEREAS, Council believes that revising established application review processes for certain types of applications will have the effect of improving citizens' opportunities to understand, review and comment on applications seeking development approvals, and will assure that Council, the Planning Commission, the BAR and other public bodies can make their decisions based on more detailed application materials and public comments, and

WHEREAS, Council desires to expedite the time frame in which changes to the City's procedures for review of development applications can be implemented; NOW, THEREFORE,

BE IT RESOLVED THAT this Council does hereby initiate amendments of the Charlottesville City Code, Chapters 34 (Zoning, §§ 34-8, 34-4, 34-42, 34-158, 34-160, 34-515, and 34-804) and 29 (Subdivisions, § 29-59) for the purpose of revising the City's regulations and procedures for submitting applications seeking approval of proposed zoning map amendments, special use permits, subdivisions and site plans, and refers such amendments to the Planning Commission for its recommendations and for commencement of a public hearing process.

BE IT FURTHER RESOLVED that the Planning Commission is requested to utilize the Discussion Draft Ordinance, dated February 2, 2015, as a guide for their discussions; however, the Commission's consideration of amendments need not be limited to this Discussion Draft. Based on input received during the public hearing process, and the Planning Commission's own deliberations, the Planning Commission should report back to Council its own recommendations:

(1) as to whether any amendments of the City's zoning and subdivision ordinances are necessary or advisable, and

(2) if the Commission determines that amendments are necessary or advisable, then the Commission should return to this Council an ordinance containing their recommended language for such amendments.

FEBRUARY 2, 2015

DISCUSSION DRAFT AMENDMENTS

TO CITY ZONING AND SUBDIVISION ORDINANCES

**I. CHANGES TO THE APPLICATION REQUIREMENTS FOR SPECIAL USE PERMITS AND REZONINGS (INCLUDING PUD AND PUD AMENDMENT)**

**Sec. 34-8. Disclosure of real parties in interest.**

- (a) An applicant for a special exception, a special use permit, an amendment to the zoning ordinance or a variance shall make complete disclosure of the equitable ownership (i.e., the real parties in interest) of the real estate to be affected. The applicant shall provide the names and addresses of all of the real parties in interest, including, without limitation: each of the stockholders, officers and directors of a corporate entity (corporations, professional corporations, limited liability companies, professional limited liability companies, etc.). However, the requirement of listing names of stockholders shall not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.
- (b) All petitions initiated by property owners or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships.<sup>1</sup>

**Sec. 34-41. Amendments to the zoning ordinance.**

- (a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the city council may, by ordinance, amend, supplement or change the city's zoning district regulations, district boundaries or zoning district classifications of property. Any such amendments may be initiated by:
- (1) Resolution of the city council;

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<sup>1</sup> [Moved from 34-41(c)]

- (2) Motion of the planning commission; or
- (3) Petition of any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property, where such petition proposes a change of the zoning district classification of such property ("zoning map amendments"). For purposes of this section, the term zoning map amendment includes, without limitation: petitions seeking to establish or to amend a planned unit development; petitions to amend established proffers; and petitions for approval of a special use permit.

(b) Petitions for zoning map amendments shall be made in writing, shall be addressed to the city council, and shall be filed in the department of neighborhood development services; and shall be submitted to the city's department of neighborhood development services at least forty-nine (49) days prior to a regular meeting of the planning commission. Each application shall be accompanied by the required application fee, as set forth within the most recent fee schedule adopted by city council. Each application shall be composed of a completed city-provided application form and supplemental information required in order for the city to review and act on the application. At a minimum, a complete application shall include:

(1) Verification of the applicant's attendance at a pre-application meeting with a City planner, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;

(2) A city-provided application form, signed by the owner of the property. Alternatively, the application form may be signed by the owner's authorized representative, if the application form is accompanied by the owner's written authorization;

(3) Written certification of compliance with sec. 34-10(b);

(4) The required application fee, as set forth within the most recent fee schedule adopted by city council;

(5) All information required by any provision of this zoning ordinance (including, without limitation: sec. 34-158 and 34-other applicable city ordinances, or state law;

(6) All required supplemental information.

The director of neighborhood development services shall establish and maintain appropriate ~~uniform~~ application forms for zoning map amendments. ~~documents and informational requirements for making such petition,~~ as well as a list identifying all materials required to be submitted along with the petition, which shall include any information the director deems necessary for the planning commission and city council to adequately evaluate the request which is the subject of the petition. Upon receipt of an application, the director shall within ten (10) business days review the application for completeness. Incomplete applications shall be rejected and shall not proceed for review or

decision, and the applicant shall be notified in writing of the rejection and the reasons therefor.

(c) All petitions initiated by property owners, contract purchasers, or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships. Following receipt of a complete application for a zoning map amendment:

(1) Either the city council or the director may request work sessions or other public presentations to be scheduled before the city council, the planning commission, the board of architectural review ( if property is within an historic district), or other public bodies, as the director determines to be appropriate, taking into consideration the nature of the approval requested, the acreage affected, potential impacts of an approved application, applicable legal requirements, and any other factors consistent with good zoning practices. The purpose of a work session or other public presentation is to allow an applicant to present a proposed project, to allow the department of neighborhood development services to present a preliminary scoping of major issues, to seek directions as to the board's or commission's expectations in addressing those issues, and to allow the board or commission to receive public comments. The applicant's consent to a work session is required, if the work session would extend the time for action by the board or commission beyond applicable deadlines established by law.

(2) The applicant shall hold a community meeting for the application. The purposes of a community meeting are to provide citizens an opportunity to receive information about a proposed project, about applicable zoning processes and procedures, about applicable policies of the comprehensive plan and city ordinances or regulations that may apply to the project, and to give citizens an opportunity to ask questions about the project. The director of neighborhood development services is authorized to establish written guidelines pertaining to which applications should have community meetings, when in the process such meetings should be conducted, the manner in which the meeting should be conducted, and how (and to whom) notice of the community meeting should be given. The applicant's consent to a community meeting is required, if the community meeting cannot, due to no fault of the applicant, be scheduled in sufficient time to allow action by the board or planning commission within applicable deadlines established by law. The director may waive the requirement for a public meeting, upon a determination that the meeting is not likely to achieve the public purposes intended to be served, after consideration of the following: (i) the nature of the approval requested,

the acreage affected, the proposed density, the proposed scale, and potential impacts, (ii) any other factors deemed relevant upon applying sound zoning principles, (iii) whether other public work sessions or meetings have already been held regarding the application, so as to make a community meeting unreasonably duplicative.

- (3) Unless otherwise directed by city council, upon the director's receipt of proof by the applicant that a community meeting has been held in accordance with applicable policies and procedures, the director is authorized to refer the matter to the planning commission's for review in accordance with sec. 34-42(c), by written notice given to the planning commission chair.
  
- (d) ~~Once a proposed amendment has been initiated as set forth within this section, it shall be deemed referred by the city council to the planning commission for study and recommendation reviewed by the director of neighborhood development for completeness. Incomplete applications shall be rejected and shall not proceed for review or decision.~~ For each application for a zoning map amendment, the director may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the director shall consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the director determines to be relevant according to sound zoning practices. Required supplemental information may consist of any or all of the following:
  - (1) Project Proposal Narrative, consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent or objectives of the applicable zoning district classification.
  
  - (2) Comprehensive Plan Analysis, consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
  
  - (3) Impacts on Public Facilities and Infrastructure. A detailed narrative statement detailing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the city for maintenance, etc.
  
  - (4) Maps. One or more maps showing the proposed project's neighborhood context, existing natural and man-made conditions, and existing topography. If the proposal is to amend an existing planned unit development district, and the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing PUD and identifying any area to be added to or deleted from the district, or identifying the area to which the amended PUD plan or any amended proffers, would apply. If the proposal is for a special use permit, and the area proposed

to be subject to the special use permit is less than an entire lot (or less than an entire PUD, if applicable) a map shall be provided showing the area proposed to be subject to the special use permit.

- (5) Impacts on Environmental Features. A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, steep slopes, streams, etc. Photographs shall be provided of features described in the narrative.
- (6) Project Concept Plan. For any zoning map amendment to establish a conventional zoning district (i.e., a district other than a PUD) or seeking approval of a special use permit, a conceptual plan shall be provided showing, as applicable: (i) street network, including circulation within the project and connections to existing and planned streets within and outside the project; (ii) general location of pedestrian and bicycle facilities; (iii) building envelopes; (iv) parking envelopes; (v) public spaces and amenities; (vi) conceptual stormwater management facility locations and types; (vii) conceptual grading; (viii) conceptual landscape plan, (ix) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (x) general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.
- (7) PUD Concept Plan. In addition to any information required by city code sec. 34-517, a PUD concept plan shall include: (i) typical cross-sections to show proportions, scale, and streetscape/cross-sections/ circulation; (ii) conceptual stormwater management facility locations and types; (iii) conceptual grading; (iv) a use table listing the specific uses to be included by right, and the number of dwelling units, by type; (v) building envelopes; (vi) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (vii) general layout for water and sewer systems; (viii) the general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities; (viii) a code of development identifying standards for proposed yards, open space characteristics, and any landscape or architectural characteristics relating to scale, proportions, and massing; and (ix) a conceptual lot layout.
- (8) Proposed Proffers to Address Impacts, consisting of a written statement of conditions, limitations, restrictions or amenities that the property owner offers as a means of mitigating impacts of a project or enhancing the public benefits of a project.
- (9) Other Information, including, without limitation, special studies or documentation, identified by the director as being necessary for a full and complete review of the proposed zoning map amendment consistent with good zoning practices.

**Sec. 34-42. Commission study and action.**

(a)...[NO CHANGE PROPOSED]

(b)...[NO CHANGE PROPOSED]

(c) The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Owner-initiated petitions for zoning map amendments shall be deemed referred to the commission as of the date on which: (i) city council, by motion or by resolution, refers an amendment to the commission for review, or (ii) the first planning commission meeting following the referral acceptance of the petition by the director of neighborhood development services pursuant to sec. 31-41(c)(3). Failure of the commission to report to city council within the 100 one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

**II. CHANGES TO SPECIAL USE PERMIT APPLICATION REQUIREMENTS**

**Sec. 34-158. Application generally.**

(a) The procedure for filing and consideration of an application for a special use permit is the same as that required by sec. 34-41 for an owner-initiated rezoning petition for a zoning map amendment, except that ~~each~~ a complete application for a special use permit shall also include:

(b) ...[NO CHANGE PROPOSED]

**Sec. 34-160. Review and action on application.**

(a)...[NO CHANGE PROPOSED]

(b) The planning commission shall review and make recommendations to city council in the same manner as provided within sec. 34-41 for an owner-initiated petition for a zoning map amendment rezoning application. The planning commission may concurrently approve a preliminary site plan, subject to city council's approval of a special use permit, and subject to any necessary amendments to the site plan as a result of the city council's action. Alternatively, the planning commission may choose to defer consideration of a site plan until after council has rendered a final decision on the application for a special use permit.

**III. CHANGES TO PUD APPLICATION REQUIREMENTS**



**Sec. 34-515. Pre-application review process.**

- (a)...
- (b) Upon confirmation by the director that all materials and information submitted by the applicant satisfy the requirements referenced within paragraph (c), below, in this section, the pre-application will be scheduled for a preliminary discussion to be held at a regular planning commission meeting application will be reviewed and acted upon in the manner prescribed within sec. 34-41.
- (c) Each application shall ~~be accompanied by the required fee, as set forth within the most recent fee schedule adopted by city council~~ satisfy the requirements of sec. 34-41 as well as all of the requirements of this article.

**IV. CHANGES TO SITE PLAN APPLICATION REQUIREMENTS**

**Sec. 34-804. Pre-application ~~conference~~ requirements**

- (a) No application seeking approval of a site plan, preliminary or final, for property that will be used for any commercial or industrial purpose, or that will contain six (6) or more residential dwelling units, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development at the time of city council's consideration of an application for approval of a special use permit or petition for a zoning map amendment. The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. Prior to submission of a preliminary site plan, an applicant for site plan review should meet with the director to ~~verify~~ determine whether a site plan will be required and if so, what information and application materials must be provided in either case.
- (b) The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. At a pre-application conference, the director will verify whether a site plan will be required for a proposed development and if so, what information and application materials must be provided. As part of the pre-application conference the developer shall confer with the director to determine if the site plan should include provision for the reservation and/or dedication of suitable areas for parks, open space and other public facilities, utilities and uses as recommended in the comprehensive plan. The developer shall also confer with the director and/or other appropriate public officials of the city, to ascertain if, and when, and in what

manner, any such areas should be reserved for acquisition by the city. Nothing in this provision shall be construed to preclude the dedication of any property for public use which is not included in the comprehensive plan, provided such property is acceptable to the city for dedication and maintenance.

## V. CHANGES TO SUBDIVISION APPLICATION REQUIREMENTS

Sec. 29-59. Review and approval.

- (a) No application seeking approval of a subdivision, preliminary or final, that would divide any parcel(s) of land into six (6) or more lots, or involving a new street, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development as part of city council's consideration of an application for approval of a special use permit or a petition for approval of a zoning map amendment. Within fourteen (14) days of receipt of ~~such~~ an applicant's official submission of a complete application for approval of a subdivision, plats the agent shall forward copies to the affected city departments for their review and comments.
- (b) ....[NO CHANGE PROPOSED]
- (c) ....[NO CHANGE PROPOSED]