

CITY OF CHARLOTTESVILLE
"A World Class City"

Department of Neighborhood Development Services

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October 20, 2014

**TO: Charlottesville Planning Commission, Neighborhood Associations &
News Media**

Please Take Notice

A Work Session of the Charlottesville Planning Commission will be held on **Tuesday October 28, 2014 at 5:00 p.m. in the NDS Conference Room in City Hall (610 East Market Street).**

AGENDA

1. Technology Discussion
2. Update on Community Planning Efforts
3. Unified Development Review Code
4. Market Plaza Project

cc: City Council
Maurice Jones
Aubrey Watts
Jim Tolbert
Neighborhood Planners
Melissa Thackston, Kathy McHugh
Mary Joy Scala
Craig Brown, Lisa Robertson

**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES**



MEMORANDUM

To: Planning Commission
From: Missy Creasy AICP, Planning Manager
Kristel Riddervold, Environmental Manager
Carrie Rainey, Urban Designer
Amanda Poncy, Bike and Pedestrian Coordinator
Date: October 20, 2014
Re: Current Community Planning Efforts

The Commission requested that an update of each planning effort be provided at PC work sessions. The following presents status as of October 20, 2014:

Streets that Work (Multimodal Plan) – Staff has created an outline of necessary components to the plan and identified areas which are feasible for staff to accomplish and areas where consultant assistance is warranted. The schedule for this project is tied into the schedules for the code audit and Bike and Pedestrian Master Plan update in addition to availability of resources. Staff is currently refining the process to gain feedback and additional resources from Council on November 3rd.

Code Audit – Staff presented a report of the data collected at a September 23, 2014 Joint work session of Council, Planning Commission, PLACE and the BAR. This report included an executive summary and information gleaned from our current code concerning a number of topics identified by these groups in the summer of 2014. The Boards provided comments to staff raising a concern that some broader perspective work needed to be provided to further identify the direction the City wants to go in. Staff was tasked with gathering additional data including maps as well as identifying places that are “great” and those that are “not so great” to allow for review of elements that need review. A new timetable for this project will need to be developed including details on the community engagement processes and should be included in the November 3rd discussion with Council. As part of the effort to further understand the current code’s impact on the built environment, staff is exploring options to procure digital modeling of the City in key growth areas that will inform both decisions regarding code changes and future development projects. Staff is ascertaining the level of detail and allowable manipulation necessary to facilitate informed discussions on the growth of the City and the quality of its corridors and neighborhoods.

Bike and Pedestrian Master Plan -The Bicycle and Pedestrian Master Plan Update is approximately 75% complete. A number of public outreach activities have been conducted to inspire, educate and inform participants as they engaged in the public process. The project team has defined project goals/objectives, evaluated existing conditions including areas of existing and potential demand as well as barriers to biking and walking. Overall, at this point in the project we’ve heard from nearly 300 people. This includes people who attended the public meeting in June, interacted with the online WikiMap, sent emails, talked to staff at community events or participated in stakeholder meetings. Further, a bicycle tour was organized for the steering committee and project team to experience first-hand the opportunities, challenges and potential solutions associated with bicycling and walking in Charlottesville.

The Bicycle and Pedestrian Master Plan Advisory Committee met on 9/17 to review and provide feedback on a draft bicycle network, as well as provide feedback on pedestrian policies/improvements to support a more walkable community. A public meeting will be held later this year to gather additional feedback on proposed pedestrian policies, sidewalk improvements and the draft bicycle network. More detailed information about project process can be found online: <http://www.charlottesville.org/Index.aspx?page=1309>

Green Infrastructure Plan – Green infrastructure, which can be implemented at several scales (municipal, neighborhood, and site), is the strategic integration of nature into urban environments to enhance environmental values. By weaving natural processes into the built environment, green infrastructure provides a range of benefits including stormwater management, flood mitigation, air quality management, habitat, and improved aesthetics. Specifically with respect to stormwater management, green infrastructure can provide source control of stormwater, limit its transport and pollutant conveyance to the collection system, restore predevelopment hydrology to the extent possible, and provide environmentally enhanced systems.

Staff has been assessing green infrastructure through the NDS-led code audit process (code and policy gaps and opportunities) and has been collaborating with the IT department on organizing existing green infrastructure data sets (including watersheds, waterways, wetlands, stream buffers, tree canopy cover, parks, trails, schoolyard and other urban gardens) and making them available through a group layer accessible via the City's online Web Mapping Application (<http://gisweb.charlottesville.org/GISViewer>). There are ongoing efforts to establish a dedicated webpage with additional locally relevant tools and information (including best practices, strategies, and guidance from other well developed green infrastructure programs). The development of a standalone Web application that will enable the user to drill down into a larger set of project details (including date of installation, design elements, projected pollution reductions and co-benefits) is also currently under discussion.

As stated earlier, current Green Infrastructure Inventory and Planning should segway nicely with the commitment to pursue a Water Resources Master Plan, a key priority effort of the Stormwater Utility funded Water Resources Protection Program (WRPP), and which will assess and strategize the integration of water quality improvement goals and requirements with drainage improvement projects over three 5-year permit cycles.

What is a Unified Development Ordinance?

A UDO is a local ordinance that combines zoning and subdivision regulations, traditionally set forth within two separate chapters of the City Code, into one location in the City Code. By combining these regulations in one location, the intention of the UDO is (i) to make it simpler for property owners and staff to identify applicable regulations and submission requirements, (ii) to remove inconsistencies between two sets of development regulations, where there is no policy or substantive reason for those differences, and (iii) to make process and procedure simpler for decision-makers to identify and follow.

What are the legal implications?

By proposing the unification of the processes, procedures and requirements for approval of developments (as that term is defined within Va. Code 15.2-2201) we are proposing a revision of our local ordinance that is entirely consistent with state enabling legislation. By state law, pursuant to Va. Code §§ 15.2-2246, the process and procedures for review of proposed subdivisions are also applicable to the review of a proposed site plan.

Likewise, under state law, there are certain mandatory provisions that must be covered within a subdivision ordinance (such as requirements and standards dedication, construction and acceptance of public facilities; provisions for drainage and flood control; bonding of required improvements, etc.), and pursuant to Va. Code §§ 15.2-2246, these mandatory provisions must also be covered by the city's site plan ordinance. *Ref.* Va. Code §§ 15.2-2241 through 15.2-2246.

What's incorporated within these Discussion Draft Documents?

We started with the existing Zoning Ordinance's Site Plan Ordinance (Chapter 34, Article VII) and Development Regulations (i.e., "Required Improvements", Chapter 34, Article VIII). Then we deleted any procedural or substantive requirements that are required by state law, and inserted a simple reference to the applicable state requirements (*for example, Va. Code 15.2-2259 specifies a mandatory procedure and timeline for the review of proposed subdivision plats/ site plans*). Next, we inserted any substantive development regulations and submission requirements that appeared in the current subdivision ordinance; if a subdivision ordinance repeated something already in the site plan regulations, we did not duplicate it. Finally, we created a Matrix, to consolidate in one place the ordinances' two sets of submission requirements. The end result: a set of development regulations that, even in Discussion Draft form, are easier to follow, and are approximately 20 pages shorter than the duplicative sets of regulations we started with.

What do we need from the Planning Commission?

Before we go any further, we ask the Planning Commission to:

- (1) confirm whether or not it will authorize us to prepare a final draft ordinance that would be suitable for public advertisement and formal consideration by the Commission ("Proposed UDO"), and
- (2) provide input, individually or collectively, as to any editorial or other changes it would like to see incorporated into a Proposed UDO.

CHAPTER 34 ZONING, SUBDIVISION AND DEVELOPMENT OF LAND

ARTICLE VII. UNIFIED DEVELOPMENT REGULATIONS

DIVISION 1. APPLICABILITY AND ADMINISTRATION

Sec. 34-800. Intent.

(a) The purpose and intent of site plans and subdivision plats is to assure the orderly development of land; to assure compliance with general subdivision and zoning regulations in the development of land; to encourage innovative and creative design; to facilitate use of the most advantageous techniques and highest standards in the development of land; and to ensure that land is used in a manner which is efficient, harmonious with neighboring property, and consistent with the comprehensive plan.

(b) It is the intention of the city that the provisions of this article, as such provisions are made applicable to the subdivision of land, shall serve as the subdivision ordinance of the City of Charlottesville, pursuant to Virginia Code § 15.2-2240. A certified copy of the ordinance adopting this article, and of any amendments thereto, shall be filed in the office of the director of neighborhood development services and in the clerk's office of the circuit court for the city of Charlottesville.

(c) The provisions of this article are intended to be supplemental and in addition to the requirements set forth within Virginia Code §§ 15.2-2240 et seq.

State law references—Virginia Code 15.2-2201 (definitions); 15.2-2240; 15.2-2252; 15.2-2286(A)(8)

Sec. 34-801. Administration.

(a) City council shall be responsible for administering and enforcing the provisions of this article, through the City's planning commission or otherwise, consistent with the provisions of Virginia Code § 15.2-2255. .

(1) The planning commission shall serve as the agent of city council for purposes of the review and approval of site plans and subdivision plats for major subdivisions, planned unit developments (PUDs), developments authorized by special use permit, and any development for which a critical slopes waiver is being requested pursuant to City Code sec. 34-1120(b). Additionally, the director of neighborhood development services, an applicant, or any two (2) members of the planning commission, may require any site plan or subdivision plat to be assigned to the planning commission for review and approval. The signature of the chairman of the planning commission shall be required as evidence of the final approval of a site plan and subdivision plat by the planning commission.

(2) The city's director of neighborhood development services shall serve as the agent of city council responsible for administering and enforcing the provisions of this article, including for review and approval of site plans and subdivision plats other than those assigned to the planning commission. The signature of the director or authorized representative shall be required as evidence of the final approval of a site plan and subdivision plat pursuant to this paragraph.

(b) The city's planning commission, and the city's director of neighborhood services ("director") shall have such duties and responsibilities for administration and enforcement of this article as may be specifically set forth herein.

(1) The director may from time to time establish such reasonable administrative forms and procedures as shall be necessary for the proper administration of this article. On an annual

basis, the planning commission may review such administrative procedures and recommend any changes that a majority thereof deems necessary.

- (2) The director may delegate in writing to an employee under his supervision any of the duties, responsibilities, or actions for which the director is responsible under the provisions of this article; thereafter, any action taken by such employee shall be deemed an action of the director. Wherever the term "director" is used within this division, the term shall mean and include any city employee or official to whom the director has delegated responsibility for carrying out a particular action, duty or responsibility.
- (c) All city officers, officials and employees responsible for the administration and enforcement of this article shall have the right to enter upon property which is subject to a site plan at all reasonable times, beginning during review of an application and continuing during the period of construction, for the purpose of making periodic inspections for compliance with this article. It shall be the responsibility of the developer to notify the director when each stage of a development is ready for inspection as to compliance with an approved site plan.
- (d) Site plans and subdivision plats shall be subject to the provisions of Virginia Code secs. 15.2-2240 et seq., in addition to the requirements of this article.
- (e) For purposes of this article, and notwithstanding the provisions of sec. 34-1200 of this chapter, the following terms shall have the meanings set forth below:
 - (1) "development" means and includes the process of land disturbing activity (including any clearing, grading or excavation of land, **any removal of trees having a caliper of 15 inches or more**) and of the making, installing or constructing improvements (including, without limitation: buildings, structures, waterlines and water supply installations; sewer lines and sewage disposal and treatment installations; steam, gas and electric lines and installations; roads, streets, curbs, gutters, sidewalks, storm drainage facilities, or other installations or works) as may be necessary or desirable to for the construction of any commercial, institutional, industrial or other buildings, structures, or improvements, or for construction of three (3) or more residential dwellings;
 - (2) "development site" means a tract of land, consisting of one or more lots (including, without limitation, a subdivision) developed or proposed to be developed as a unit under single ownership or unified control, which is to be used for any business or industrial purpose, or is to contain three or more residential dwelling units;
 - (3) "site plan" means a common plan of development for a subdivision or other development site, including all covenants, grants, easements and other conditions and requirements relating to the use, location and bulk of buildings, density of development, common open space, layout of streets and other public facilities and such other information as required by the city's development regulations. For every development involving a division of land, a subdivision plat shall be presented simultaneously with the required site plan; and
 - (4) "plat" or "subdivision plat" means the schematic representation of land divided, or to be divided, and information in accordance with the provisions of Divisions 4 and 5 of this Article, and with the provisions of Virginia Code §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264 and other applicable statutes.

Sec. 34-802. Site plans and subdivision plats required.

- (a) *Site plans required.* No person shall, on or within a development site, commence or engage in any development, until a site plan has been approved in accordance with the provisions of this article. Notwithstanding the foregoing, no site plan shall be required for the following:

- ¹(1) Any accessory structure to a single-family detached or two-family dwelling.
- (2) Any change of an existing use of land, provided that:
- a. Such change does not occasion additional parking under the requirements of this chapter;
 - b. No additional ingress/egress, or alteration of existing ingress/egress is recommended by the city, based on intensification of use; and
 - c. No additional ingress/egress, or alteration of existing ingress/egress is proposed.
 - d. No removal of trees having a caliper of fifteen (15) inches or more is proposed.
- (b) *Subdivision plats required.* Following the adoption of this article:
- (1) No person shall sell or transfer any land of a subdivision before a plat has been duly approved and recorded as provided within this article.
 - (2) No plat of any subdivision shall be recorded unless and until it has been submitted to and approved as a final subdivision plat by the city's agent. No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded, until the plat has been granted final approval as required by this article.
 - (3) No person shall subdivide any land without complying with the provisions of this article and of Virginia Code § 15.2-2254.
 - (4) Any person violating any of the provisions of subsections (b)(1)-(3), above, shall be subject to a fine of not more than \$500 for each lot or parcel of land subdivided, transferred or sold, and shall be required to comply with all provisions of this article.
 - (5) For the purposes of this section, any boundary line adjustment, and any single division of land into two lots, shall require submission of a subdivision plat for approval in accordance with this article and Virginia Code § 15.2-2258.²
 - (6) Unless a subdivision plat is filed for recordation in the circuit court's land records within six (6) months after final approval, or such longer period (not to exceed one year) as may be approved by the agent, such approval shall be withdrawn and the plat shall be marked void and returned to the agent. In any case where construction of facilities to be dedicated for public use has commenced, pursuant to an approved plan or permit and written surety agreement approved by the agent, the time for plat recordation shall be extended to one year after final approval.³
- (c) *Approval required prior to commencement of development.* No City officer, official or employee shall issue any building permit, or grant any other zoning or building code approval authorizing any construction; authorizing any land-disturbing activity; or authorizing the use of any land or building, until a final site plan and, when required, a final subdivision plat, has been submitted to and approved by the city as prescribed within this article.

Sec. 34-803.Deleted.⁴

¹ Previous subsections (1) and (2) (referencing exceptions for lots on which fewer than 3 dwellings are to be constructed) are rendered redundant, in light of the terms "development" and "development site", see Sec. 34-801(e)

² VA Code 15.2-2201 (within definition of a "subdivision")

³ Mandatory provision, see VA Code 15.2-2241(A)(8)

⁴ See 34-921, *infra*.

Sec. 34-804. Pre-application comments—optional.

(a) At the option of a landowner, a draft site plan and/or subdivision plat may be submitted for pre-application review and comment by City officers, officials and employees, prior to submission of an application pursuant to the procedures set forth in Division 2 of this article.

(b) No comments shall be binding upon the city, nor shall they constitute any action, determination or approval upon which a landowner may rely. The sole purpose of a pre-application review is to facilitate a prospective applicant's identification of issues and regulations applicable to a prospective development, and to promote preparation of a high-quality plan of development, and thereby to increase the efficiency of the procedures set forth within Division 2. No city comments shall be deemed or construed to be an approval or disapproval of a site plan or subdivision plat for purposes of the provisions of §§ 15.2-2259 or 15.2-2260 of the Virginia Code.

Secs. 34-805—34-819. Reserved.

***DIVISION 2. PROCEDURES FOR APPROVAL OF SITE PLANS
AND SUBDIVISION PLATS***

Sec. 34-820. Site plans and subdivision plats to be submitted for approval.

(a) Any person seeking to obtain the City's approval of a site plan and/or subdivision plat shall submit the proposed site plan and/or subdivision plat to the director, along with a completed application form and all applicable fee(s), as set forth in the most recent fee schedule approved by city council. Every site plan and subdivision plat shall include the **details and information specified in the Matrix set forth within sec. 34-853 of this article.**

(b) The director shall establish application submission forms, required submission materials, and deadlines for submission of applications.

(c) No proposed application may be considered as officially submitted for approval, unless the application is complete. A complete application is one that includes all of the documents, data, information, and other submission materials specified or referred to in this article. The director shall determine whether an application is complete, within 10 business days of receipt of the application. An incomplete application shall be rejected and returned to the applicant, along with a written statement of the specific submission requirements that were not satisfied. A complete application shall be deemed officially submitted for approval as of the next submission deadline following the determinations required by paragraph (b).

Sec. 34-822. Action by agent.

(a) The planning commission or director, as specified herein, shall act on a proposed site plan and/or subdivision plat that has been officially submitted for approval, by either approving or disapproving the site plan and/or plat in writing. **Such action shall be taken in accordance with the time period(s) and procedures specified within §§ 15.2-2259 and 15.2-2260 of the Virginia Code, as may be applicable.**

(b) After a proposed final site plan has been reviewed and approved by the city's agent, the approval shall be deemed final when the only requirement(s) remaining to be satisfied in order to obtain a building permit are the posting of required bonds and escrows, and/or the submission of other administrative documents, agreements, deposits or fees required by the building official in order to obtain a building permit. The city's agent shall not sign a site plan until it can be deemed final in accordance with this provision.

Sec. 34-821. Optional—preliminary site plan or subdivision plat.

- (a) A landowner may, at its option, submit a preliminary site plan for tentative approval by the city, in the same manner as set forth within Sec. 34-820.
- (b) Notwithstanding the approval or deemed approval of any preliminary site plan, any deficiency in the plan, or any feature shown on the plan, that if left uncorrected, would violate local, state or federal law, regulations, or any engineering specifications, standards or safety requirements shall not be considered, treated or deemed as having been approved by the planning commission or director.

Sec. 34-823. Deleted

Sec. 34-824. Deleted

Sec. 34-825. Deleted

Sec. 34-826. Amendments to site plans.

- (a) A modification of an approved site plan and/or subdivision plat, preliminary or final, shall require submission of an amended site plan and/or subdivision plat, pursuant to sec. 34-820. An application seeking approval of an amendment shall be subject to review for compliance with ordinances, laws, regulations and policies in effect as of the date of action on such application.
- (b) Notwithstanding the foregoing, minor modifications to an approved site plan and/or subdivision plat, preliminary or final, may be approved by the director. A minor modification is one that, in the opinion of the director, will not materially change the design or layout of public facilities or other required improvements; the phasing of development; the character or type of the development; the character, amount or location of open space, common areas, tree canopy, landscaping or recreational amenities; or the location, orientation or layout of buildings, structures, or improved parking depicted within the original approval. Approval of minor modifications of any approved site plan, made during periods of validity referred to within Virginia Code § 15.2-2261 shall not extend the period of validity of any such plans.

Sec. 34-827. Deleted

Sec. 34-828. Submission requirements.

- (a) A landowner seeking approval of a site plan or subdivision plat shall submit to the city an application and supporting documentation, as follows:
 - (1) A completed application form, signed by the landowner;
 - (2) The required fee, as set forth within the most recent fee schedule approved by city council;
 - (3) A proposed site plan and, when required, a proposed subdivision plat, demonstrating compliance with all applicable requirements of divisions 3 through 9 of this article, as may be applicable; and
 - (4) Additional relevant information, documents or materials identified by the city's agent as being necessary for a determination of compliance with divisions 3 through 9 of this article, as may be applicable.

***DIVISION 3. GENERAL REGULATIONS APPLICABLE TO SUBDIVISIONS
AND OTHER DEVELOPMENTS***

Sec. 34-850. Applicability; authority.

- (a) The regulations set forth within this division shall apply with respect to every subdivision and to every other development that is subject to the requirement of a site plan, in accordance with Virginia Code §§ 15.2-2246, 15.2-2258 and 15.2-2286(A)(8). As used within this article, the term “development plan” is used as a general term, and shall be interpreted to mean and include every site plan, and every subdivision plat, for a proposed development.
- (b) The general regulations set forth within Divisions 6 and 7 of this article are enacted pursuant to the authority of Virginia Code §§ 15.2-2241 through 15.2-2245.

Sec. 34-851. Exceptions.

- (a) Pursuant to Virginia Code § 15.2242(A)(1), the agent may approve a variation or exception to the general regulations set forth within divisions 6 and 7 of this Article:
 - (1) in cases of unusual situations; or
 - (2) when strict adherence to these regulations would result in substantial injustice or hardship.

Any decision made by the director of neighborhood development services, or designee, acting as agent under this division, may be appealed to the planning commission. The decision of the planning commission, on appeal, shall serve as the final decision of the city’s agent under this division.

- (b) Notwithstanding the foregoing, city council must approve the following:
 - 1. Use or occupancy of City-owned rights-of-way and easements by person(s) other than the City or for facilities or improvements other than those owned and operated by the City;
 - 2. Variations or exceptions to the City’s design standards for public streets;
 - 3. Vacation or abandonment of any public easement or other property interest held by the City in any land; except that the agent may approve the vacation/ abandonment of a public utility easement, in cases where such easement is proposed to be relocated and an equivalent easement re-established in a different location.
- (c) In considering requests for variations or exceptions from the general regulations set forth within Divisions 4 and 5 of this Article, the agent or city council, as applicable, shall consider the opinions

and recommendations of city officials and employees having expertise or relevant knowledge on the matter that is the subject of the request (for example, the city engineer and traffic engineer, the director of public works, the fire code official, the ADA coordinator, etc.).

Secs. 34-852. Document specifications.

(a) Pursuant to Va. Code §§15.2-2241(A)(1) and 15.2-2246, all development plans shall meet the standards for plats promulgated by the Virginia Library Board, pursuant to Va. Code § 42.1-82 of the Virginia Public Records Act, as such standards are set forth within the Virginia Administrative Code. A copy of these standards shall be kept on file within the office of the Director. Document size shall be at least eight and one-half (8.5) inches by eleven (11) inches, and not more than eighteen (18) by twenty-four (24) inches.⁵

(b) Every development plan shall meet the minimum standards and procedures for land boundary surveying practice, including minimum field procedures and office procedures, as set forth within the Virginia Administrative Code.⁶

(1) At least four (4) control points, evenly distributed across the property and located at survey property corners, shall be shown on each sheet of a development plan. These points shall be sub-centimeter accurate and meet the definition of "control point". One of the four control points shall be a benchmark showing elevation and horizontal coordinates related to the city's GPS base station; this benchmark shall be located in the field in concrete with a brass disk provided by the city.

(2) Exterior boundary lines of the property shall be shown with bearings in degrees, minutes and seconds.

(3) The location and material of all permanent reference monuments shall be identified. Acceptable material for monuments shall be as specified within the Standards and Design Manual. Monuments found or installed prior to plat recordation may be referred to if they are permanent and undisturbed. If any monument will be installed after recordation of a final subdivision plat, that shall be noted within the certification of the engineer or land surveyor.

(4) A definite bearing and distance tie shall be given, between no fewer than two (2) permanent monuments on the exterior boundary of the property, and a further tie shall be given to existing street intersection or nearby benchmark.

(b) Every development plan shall clearly depict the boundary lines for every portion of the premises as is set apart for streets, alleys or other public use, or otherwise to be transferred to the city any easement for a right of passage over the land for persons, utilities or other purposes. Whenever this Article requires the dedication of an easement to the city, whether for public streets and related improvements, utilities, drainage, or other purposes, and whenever this article authorizes certain conditions or restrictions to be imposed in connection with the approval of a site plan, the agent may require the terms and conditions of such easement, conditions or restrictions to be set forth within a deed or other instrument, suitable for

⁵ S.O. 29-110(a)(1)

⁶ S.O. 29-110(a)(2)

recording in the city's land records, to assure that the easement, conditions or restrictions shall be and remain binding upon land within a development.

Sec. 34-853. Required contents.

Every development plan shall contain the information and details specified within the matrix following below: [Insert matrix]

Secs. 34-854—34-860. Reserved.

DIVISION 4. LANDSCAPING AND SCREENING

Secs. 34-861 through 34-865 (Omitted from this draft ordinance--No changes proposed).

Sec. 34-866. Preservation of existing landscape features.

- (a) Every proposed development plan shall demonstrate that reasonable efforts have been made to preserve, replenish, protect and utilize the following types of landscape features: trees of eight-inch caliper or larger; ornamental trees of any size; trees within required setbacks or along boundaries, unless necessary to remove for access, grading, tree health, circulation, utilities or drainage; streams in their natural condition; natural features of the site which promote energy conservation; slopes of 25% or greater.
- (b) The director may require a developer to preserve existing landscape features, upon a determination (following a site inspection) that the features contribute significantly to the character of the neighborhood and/or are unique in character, and that the preservation of such features is necessary to satisfy the purpose and intent of this section.
- (c) With the approval of the director trees of exceptional size, canopy, specimen type, age or historical value may be credited as up to four (4) trees of the same function group, for purposes of satisfying landscaping and screening requirements ("tree preservation bonus").
- (d) As a condition of any requested approval, or in conjunction with a requirement imposed pursuant to paragraph (b), above, the director may require the developer to include on the erosion and sediment control plan for the development measures to protect existing trees.
- (e) No development shall be designed, laid out, or undertaken in a manner that proposes unnecessary destruction of trees or other natural landscape features.

Sec. 34-867. Landscape plan-contents.

When required in connection with a site plan, a landscape plan shall show the following:

- (1) The location, size and shape of all proposed plant materials, and verification that minimum landscaping and screening requirements have been satisfied (dimensions of landscaped areas shall be indicated and trees shall be depicted at full canopy). Plant materials may be indicated in generic terms, e.g. large or medium canopy tree; evergreen tree; shrub; hedge, etc.
- (2) A schedule of proposed plantings, including number, height, caliper or gallon size, and botanical name, and tree cover required and provided in accordance with Sec. 34-869.

- (3) With respect to street trees, the plan should be marked to indicate the classification of the street on which such trees front (including, without limitation, whether such street is within an entrance corridor overlay district) and, if the street is within one (1) of the city's corridor districts whether such street is a "primary" or "linking" street.
- (4) At the option of the developer existing healthy trees, of at least eight-inch caliper, or wooded areas, may be preserved in lieu of planting new materials, in order to satisfy landscaping and screening requirements, subject to the determination of the director that the trees or wooded areas to be preserved will serve the purposes of this section. In such case, the landscape plan shall indicate the trees to be saved; limits of clearing; location and type of protective fencing; grade changes requiring tree wells or walls; and trenching or tunneling proposed beyond the limits of clearing. The applicant shall provide a signed conservation checklist to insure that the trees and wooded areas approved by the director for preservation will be protected during construction. Except as otherwise expressly approved by the director in a particular case, such checklist shall conform to specifications contained in the Virginia Erosion and Sediment Control Handbook.
- (5) The landscape plan shall depict existing landscape features, including, without limitation: wooded areas (indicated by general type, e.g., evergreen or deciduous) and location of tree line; small groupings of trees; individual trees of eight (8) inch caliper or greater; ornamental trees of any size (indicated by common name), approximate caliper, and location; distinctive natural features, such as rock formations or water features; and man-made features of local or historic significance.

Sec. 34-868 through 34-879 (Intentionally omitted from this draft ordinance—no other changes proposed to landscaping provisions/ requirements)

DIVISION 5. OFF-STREET PARKING AND LOADING

Sec. 34-880 through 34-895 (Intentionally omitted from this draft ordinance—no changes proposed to off-street parking and loading requirements).

DIVISION 6. ACCESS AND PEDESTRIAN WAYS

Sec. 34-896. Access.

- (a) Each development shall provide safe and convenient means of ingress from and egress to one (1) or more public streets.
- (b) Each entrance onto any public street for vehicular traffic to and from a development site shall be designed and constructed in accordance with the requirements and specifications set forth within the Standards and Design Manual. Additionally each entrance to a public street shall be subject to the following:
 - (1) For a development of fifty (50) or more dwelling units, reasonably direct vehicular access shall be provided from all residential units to two (2) public street connections. For other residential developments, the commission may require two (2) points of access to a public street where such access is deemed warranted due to the character of the residents of such development, including but not limited to: the elderly, handicapped and developmentally disabled. Multifamily developments having a density greater than 43 DUA must have access

on a public collector or arterial street, or have access to a collector or arterial street within two hundred (200) feet along a fifty-six-foot right-of-way developed to city street standards.

- (2) No entrance shall be of a design or location that is likely to impede or create congestion of vehicular traffic within the adjacent public street, and each entrance shall be designed and located to minimize potential conflicts with traffic on the adjacent public street.
 - (3) Each entrance onto any public street shall provide adequate access for emergency vehicles, such as police, fire and rescue service vehicles.
 - (4) Upon a written determination of the traffic engineer that a proposed entrance onto a public street would create unsafe traffic conditions, or is likely to result in congestion of traffic within the public street, the proposed entrance shall be deemed non-compliant with the requirements of this section.
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a residential development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.
 - (d) The development shall provide travel lanes or driveways to provide a means of vehicular access between the development and adjoining properties.
 - (e) On-site parking and circulation shall be designed and constructed in accordance with off-street parking and loading requirements of this chapter. Off-street parking and loading facilities and areas shall be designed and located in a manner that facilitates safe and convenient circulation of vehicular traffic. Upon a written determination by the city engineer that the proposed grade, drainage, paving or other characteristics of a proposed off-street parking or loading area or facility would be unsafe, or inconsistent with sound engineering practices, the proposed area or facility shall be deemed noncompliant with this section.
 - (f) All streets within and contiguous to a development shall be coordinated with other existing or planned streets, and such streets shall also be coordinated with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions, as to location, widths, grades and drainage.⁷ Public streets within a development shall be extended, improved and connected to existing streets adjacent to the development site, Where public streets have been platted on property adjacent to the development site, but have not yet been accepted into the city's public street system for maintenance, public easements and rights of way shall be provided, as necessary to allow future completion and connection of such streets when the adjacent land is developed.
 - (g) *Exceptions.* Upon consideration of a request for a variation or exception of the provisions of paragraphs (d) or (f), above, the agent shall take into account the extent to which (i) engineering requirements preclude coordination or connections in accordance with applicable standards; (ii) whether existing streams, stream buffers, steep slopes, floodplain, or other existing landscape features are of sufficient environmental significance as to outweigh the city's interest in connectivity of its public streets; and (iii) whether there is an alternative connection from another location in the subdivision that is preferable because of design, traffic flow, or the promotion of the goals of the comprehensive plan, including the applicable neighborhood plan.

If the agent or commission grants a variance or exception: (i) the street shall be constructed past the point at which the primary structures on the lots abutting the street would rely on the finished grade for landscaping and other improvements, but in no case less than thirty (30) feet beyond the curb line or ditch line on those lots; (ii) the required right-of-way shall be dedicated to the abutting property line, along with all easements required to allow the street connection to be constructed in the future; (iii) the required easements shall prohibit any improvements being established therein; (iv) the developer shall provide a surety bond or other financial guarantee in the amount of its share of the

⁷ From S.O. Sec. 29-181

cost to complete the extension if determined by the agent to be necessary; any financial guarantee other than a surety bond shall be in a form acceptable to the city engineer and approved by the city attorney; and (v) the agent may require a sign to be installed maintained at the end of the constructed portion of the street, stating that the street is a future through street, and such sign shall be maintained until the extension of the street to the abutting property has been constructed and accepted by the city for maintenance.

Sec. 34-897. Pedestrian walkways.

- (a) A pedestrian access and circulation system shall be provided for every development, and shall be designed so as to provide for safe, attractive and convenient pedestrian travel. Provision shall be made for sidewalks and pedestrian walkways which will enable pedestrians to walk safely and conveniently between buildings on the site, and from the site to adjacent property. When feasible, pedestrian underpasses or overpasses are encouraged in conjunction with major vehicular routes. Provision shall be made, where appropriate, for pedestrian walkways in relation to private and public areas of recreation and open space, such as schools, parks, gardens, hiking trails, and areas of similar nature. Connection shall be made wherever possible of walkways, hiking trails and bicycle ways with similar facilities on adjacent property.
- (b) All sidewalks, curbs and gutters proposed to be accepted for maintenance by the city shall be built in accordance with construction standards set forth within the most recent version of the City of Charlottesville Standards and Design Manual. Sidewalks shall be constructed to approved city standards on both sides of every new street, and the dedicated right-of-way for a public street shall be sufficient to permit installation of the sidewalk within the right-of-way on both sides of such street.⁸
 - i. Where land being subdivided or developed fronts on an existing street and adjacent property on either side has an existing sidewalk, a sidewalk shall be required, and land shall be dedicated for public use for such sidewalk, to connect to the existing sidewalk. On a residential lot or a lot containing at least one (1) residential unit, a person improving such lot may, in the alternative, choose to contribute to a sidewalk fund, maintained and administered by the city, an amount equivalent to the cost of the dedication of land for and the construction of a sidewalk on the property.⁹
 - ii. Each sidewalk proposed to be accepted for maintenance by the city shall be marked on a plat as being "dedicated to the city for public use," and where practicable shall be located within the dedicated right-of-way for a public street. Each sidewalk proposed to be privately maintained shall be conveyed to a homeowners association or other private individual or entity, for ownership and perpetual maintenance, and shall be located outside the dedicated right-of-way for a public street. The agent may require that a proposed sidewalk be privately owned and maintained instead of being dedicated to the public, if the agent determines there is not a need for the sidewalks to be publicly owned and maintained.¹⁰
 - iii. A request for a variance or exception of sidewalk requirements shall include a written statement of the justification for the request. In reviewing a request, the agent shall consider: (i) whether a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood; (ii) whether sidewalks on only one side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one (1) side of the street; (iii) whether the sidewalks reasonably can connect into an existing or future pedestrian system in the area; (iv) whether the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit; (v) whether an alternate pedestrian system including an alternative pavement, could provide

⁸ S.O. 29-182(j)(2)

⁹ S.O. 29-182(j)(3)

¹⁰ S.O. 29-182(j)(4)

more appropriate access throughout the subdivision and to adjoining lands, based on a specific proposed alternative profile; (vi) whether the sidewalks would be publicly or privately maintained; (vii) whether the waiver promotes the goals of the comprehensive plan, including the applicable neighborhood plan; and (viii) whether waiving the requirement would enable a different principle of the neighborhood plan to be more fully achieved.¹¹

- (c) Where curbs are required, curb ramps shall be constructed at intersections for use by persons with disabilities. The curb ramps shall comply with requirements of the Americans with Disabilities Act. Variation or waiver of this requirement is prohibited.
- (d) All sidewalks and walkways shall be of materials, specifications and design consistent with the standards set forth in the city's Standards and Design Manual. Within residential developments of a proposed density of two (2) or more dwelling units per acre, and in mixed-use, commercial, and industrial developments, sidewalks and pedestrian walkways may be required on one (1) or both sides of internal streets, as well as along any part of a property or development that fronts on a public street, to the satisfaction of the agent, pursuant to a determination by the agent that the same are reasonably necessary to protect the public health, safety and welfare and that the need therefor is substantially generated by the proposed development.
- (e) The following standards shall apply to all nonresidential and mixed use developments:
 - (1) The pedestrian access and circulation system must connect all public rights-of-way to the main entrance(s) of the buildings within a development, and to one (1) another (for instance, if there is a public right-of-way along the front of the property, and one (1) along the rear of the property, then the pedestrian access and circulation system shall connect those two (2) public rights-of-way).
 - (2) The pedestrian access and circulation system must connect all buildings within the project, and must provide connections between all buildings and other activities/uses within the project (such as vehicle parking, bicycle parking, outdoor recreation areas, outdoor open spaces, pedestrian amenities, etc.).
 - (3) The pedestrian access and circulation system must be hard-surfaced with materials approved by the city engineer.
 - (4) Where the pedestrian access and circulation system crosses any driveway, parking area, or loading zone, the crossing must be clearly identifiable through the use of lawful elevation changes, different surfacing material, or other similar methods, and in accordance with any applicable requirements of the Americans With Disabilities Act. Striping shall not meet this requirement.
 - (6) Where the pedestrian access and circulation system is parallel and adjacent to an automobile travel lane, the system must either be a raised path or be separated from the travel lane by raised curb, bollards, landscaping or some other, physical barrier, consistent with applicable requirements of the Americans With Disabilities Act. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
 - (7) The pedestrian access and circulation system must be adequately lighted, so as to be safely usable at night by pedestrians.

Secs. 34-898—34-909. Reserved.

¹¹ S.O. 29-182(j)(5)

DIVISION 7. PUBLIC FACILITIES

Sec. 34-910. Generally.

- (a) In the case of any public facility required to be reviewed under sec. 34-28 of this zoning ordinance and Code of Virginia § 15.2-2232, the provisions of this article shall be deemed supplementary to and shall be construed in accordance with said code sections.
- (b) All public areas, facilities and uses shall be designed and constructed in accordance with applicable requirements and standards set forth within the city's zoning and other local ordinances, the City's Standards and Design Manual, and any applicable provisions of federal and state law.

Sec. 34-911. Alternate transportation facilities.

Bus stops, bicycle paths and pedestrian trails shall be provided. Such facilities shall be laid out, located and designed such that they will connect areas within a development to areas adjacent to the development.

Sec. 34-912. Fire protection.

Fire hydrants and distribution systems shall be provided. . No development plan shall be approved by the agent without verification from the city's fire code official that the plan demonstrates adequate capability for the provision of fire protection to serve the development, including required fire flows. Fire hydrants and distribution systems shall be installed and constructed in accordance with applicable requirements of the USBC and the USFPC; additionally, hydrant locations and fire flow requirements shall be as prescribed by Insurance Service Offices (ISO) standards, as determined by an authorized representative of the city's Fire Chief.¹²

Sec. 34-913. Drainage; flooding; topography.¹³

- (a) When any part of the development site lies within a drainage district, such fact shall be set forth on the development plan.
- (b) Every development will be designed to achieve state and local requirements for post-development Stormwater management, including measures addressing both the quantity and quality of Stormwater, as set forth within Chapter 10 of the City Code and the City's Standards and Design Manual. The development plan shall include a stormwater management concept, detailing how adequate drainage will be achieved post-development, including a description of the specific design concept the applicant plans to apply. References to specific types of stormwater management facilities, specific treatments, BMPs, LID techniques, etc. shall be provided. The stormwater management concept shall be prepared by a professional engineer or landscape architect, as those terms are defined in Virginia Code § 54.1-400, and shall describe the manner in which stormwater runoff from the subdivision will be controlled in order to minimize the damage to neighboring properties and receiving streams, and prevent the discharge of pollutants into surface waters, in accordance with the requirements of City Code Chapter 10.
- (c) Every development shall be designed and laid out in a manner (i) that, in the construction of buildings, structures, public facilities and other site-related improvements, will minimize disturbance of natural drainage areas and critical slopes, and (ii) will provide building sites adequate to allow construction of proposed buildings and structures in accordance with requirements of the city's flood hazard overlay district.

¹² S.O. 29-203

¹³ S.O. 29-202

- (d) Every development plan shall delineate all area(s) of land within the development site that are within a mapped dam break inundation zone. Alternatively, the development plan shall set forth an affirmative statement verifying that no part of the land within the development site lies within a mapped dam break inundation zone.
- (e) Each development plan shall delineate all area(s) of land within the development site that are part of any stream buffer(s) required by Chapter 10 of the City Code, and shall include a statement that "the stream buffer(s) shown hereon shall be maintained in accordance with Chapter 10 of the Charlottesville City Code (Water Protection Ordinance)".
- (f) Each development plan shall include a topographic survey, which shall identify areas containing slopes in excess of 25%, natural streams, natural drainage areas, and other topographic features of the development site. Every development shall be designed so that construction of buildings, structures, public facilities and other site-related improvements will minimize disturbance of natural drainage areas and slopes in excess of 25%. Structures necessary to ensure stability of slopes in excess of 25% shall be provided. When required by Chapter 10 of the City Code, a mitigation plan shall be provided as part of the development plan.
- (g) Areas of "critical slopes", as defined within City Code § 34-1120(b)(2) shall be shown on the development plan. If the need for a critical slopes waiver is known at the time of development plan submission, the submission shall include a written waiver request and justification. The applicant shall provide information, drawings and narrative details sufficient to identify all critical slopes areas, to identify the area and dimension(s) of the land that is the subject of the requested waiver, and describing how the layout and location of proposed streets, utilities, Stormwater management facilities, etc. will minimize the disturbance of the existing critical slopes.

Sec. 34-914. Street standards¹⁴.

¹⁵(a) *Layout.* Each development plan and subdivision plat shall depict the location, width, grades and drainage improvements of all existing streets located within and adjacent to the development site. Additionally, each development plan and subdivision plat shall depict the location and widths of all previously platted public easements and rights of way located within and adjacent to the development site. Every proposed development plan shall demonstrate the coordination of streets within and contiguous to the development with other existing or planned streets within the general area of the development, as to location, widths, grades and drainage. Each street shall be laid out, to the extent practicable, in a manner that conforms to the natural topography, minimizes the disturbance of critical slopes and natural drainage areas, and that provides connections to existing or future streets contiguous to the development. If a street cannot be aligned with an existing street, it shall have an offset of no less than one hundred fifty (150) feet between centerlines.

¹⁶(1) Each block within a development shall be wide enough to allow two (2) tiers of lots of the minimum depth required by applicable zoning district regulations, relative to all streets. Blocks shall be identified using letters in alphabetical order.

(2) Where any block adjoins an arterial street, the greatest dimension of the block should be parallel to such street. Such block shall not be more than one thousand (1,000) feet in length.

¹⁴ S.O. 29-181 and 29-182

¹⁵ S.O. 29-182(a)

¹⁶ S.O. 29-163

(3) No residential block shall be longer than one thousand (1,000) feet.

[DIAGRAM]

(b) *Intersections.* No more than two (2) streets shall intersect at any one (1) point. Intersections shall be laid out so as to intersect as nearly as possible at right angles.

(c) *Grades.* The maximum allowable street grade shall be eight (8) percent. In the event the agent grants a variation or exception to this requirement, such variation or exception may not authorize a grade of more than ten (10) percent.

(d) *Surface.* Every street shall be improved in accordance with the standards set forth within the Standards and Design Manual. Paved surface shall be provided to the width specified within such Manual, measured from the face of the curb line or edge of pavement.

(e) *Temporary turnarounds.* Streets that terminate temporarily, and that are (i) located more than three hundred (300) feet in length from an intersection, or (ii) proposed to serve more than four (4) dwelling units, shall be served by a temporary turnaround. The temporary turnaround shall be extended to the abutting property line. The temporary turnaround shall remain in place until the street has been improved and accepted into the city's street system for maintenance. The following accompanying note shall be included on the development plan: "The area on this plat designated as a temporary turnaround will be subject to a public easement and right-of-way until such time as (street name) is/are extended to (street name) and accepted by the city for maintenance. Upon acceptance of the street by the city for maintenance, the land in the temporary turnaround area will be released from the burden of the public easement and right-of-way for the temporary turnaround."

(f) *Alleys.* Alleys with a width of not less than twelve (12) feet may be provided in the rear or side of any commercial, industrial, or residential lots; however, no dead-end alleys shall be permitted. However, when an alley will serve as the principal means of access for providers of emergency services, or as access for utility service vehicles, the alley shall be at least twenty (20) feet in width.

(g) *Reserved strips.* Reserved strips restricting access from adjoining lands to an existing or future street or alley shall not be permitted; provided that nothing herein shall prohibit areas for plantings and landscaping where adequate access to the adjoining lands is otherwise available.

(h) *Access.* The principal means of access to a residential development shall be a public street, unless the subdivision will be a townhouse development. Within a townhouse development pursuant to City Code sec. 34-388(b), a private street may provide the principal means of access.

(i) *Construction.*

(1) If a development fronts on a dedicated, but unaccepted right-of-way, then a street shall be constructed within that right-of-way in accordance with the requirements specified within this division. If the existing, dedicated right-of-way is insufficient for construction of a street to the standards required by this division,

then additional right-of-way shall be dedicated to allow construction of the street to the applicable standards.

(2) Streets and related improvements (such as sidewalks, curb and gutter) shall be constructed in accordance with the Standards and Design Manual. Where required, public facilities and infrastructure shall be constructed within the dedicated right-of-way.

(i) *Street names.* Each street within a development shall be named. Where a street is planned as a continuation of an existing street, it shall have the same name as the existing street. New street names shall be different from existing street names within the city or in Albemarle County, except that a cul-de-sac may have the same name as the street from which it originates (example: "Rugby Circle" which originates from "Rugby Road").

(ii) *Street signs.* Street signs shall be installed on all streets within the development, in accordance with the Federal Highway Administration Manual of Uniform Traffic Control Devices.

(3) If existing streets within and adjacent to a development will be inadequate to accommodate the increase in traffic that is reasonably expected to result from the development, then those existing streets shall be improved as necessary to accommodate the additional traffic that will be generated by the development. The agent shall consider the trip generation data and any other traffic impact data required by the Standards and Design Manual.

(4) In the event that streets or alleys within a subdivision or other development will not be constructed to meet the standards necessary for inclusion within the city's public street system for maintenance, every subdivision plat, site plan and all approved deeds of subdivision, or similar instruments, shall contain the following statement: "The streets within this subdivision/ development do not meet the city's public street standards and will not be maintained by the city of Charlottesville or the Virginia Department of Transportation." The grantor(s) of any lots within such subdivision or other development shall include this statement on each deed of conveyance thereof.

Sec. 34-915. Water and sewer service.

(a) Every development shall provide water and sewer facilities capable of furnishing the needs of the eventual inhabitants or users of the buildings within the development, including all water, sewer and other utility mains, piping, conduits, connections, pumping stations and other facilities that are necessary in connection therewith. A proposed development plan shall include provision for the extension of public mains and for connections to public water and sewer systems abutting or adjacent to the development. All buildings constructed on lots resulting from the subdivision of a larger tract of land that abuts or adjoins a public water or sewer system or main shall be connected to that public water or sewer system or main.

(b) If public water and sewer are not reasonably available, then a development shall be served by individual private wells and septic systems having conventional drainfields. A development plan proposing the use of any private well(s) or septic system(s) shall include a preliminary written opinion from the local

health official regarding the suitability of the land within the development for installation of subsurface sewage disposal system(s). Installation of any such facilities shall be in accordance with all requirements of the state health department and with applicable city zoning or other ordinances or regulations.

(c) In addition, the following requirements apply to public water and sewer facilities:

(1) Public water and sewage facilities shall be designed and constructed in accordance with applicable requirements of City Code Chapter 31 (Utilities), and in accordance with additional standards and specifications set forth within the City's Standards and Design Manual.

(2) Public water and sanitary sewer mains shall be located within a dedicated public street right-of-way, unless topography renders that impractical. When any such mains must be located on private property, easements shall be dedicated for public use, to authorize the installation and maintenance of the public water and sewer mains and related facilities on private property, with a perpetual right of access thereto by the city and its authorized agents. Such easements shall be at least twenty (20) feet in width.

Sec. 34-916. Other utilities.¹⁷

All utility facilities (including but not limited to wires, cables, pipes, conduits and appurtenant equipment) for the provision of electricity, gas, cable television, telephone, internet, or similar service, shall be located and installed within a development as follows:

(1) Each utility shall be located, to the extent practicable, in a manner that conforms to the natural topography and that minimizes the disturbance of critical slopes and natural drainage areas.

(2) All new utilities shall be located underground except the following, which may be located above-ground: (i) equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antennae and associated equipment, which is, under accepted utility practices, normally installed aboveground; (ii) meters, service connections, and similar equipment normally attached to the outside wall of a utility customer's premises; and (iii) satellite dishes.

(3) No utility facilities, other than those which are city-owned and operated, shall be located within the right-of-way for any public street, except with the advance approval by city council of a franchise ordinance or encroachment. In the event council approval of any such facility is granted, construction plans for those facilities shall be presented to the city engineer for approval, prior to commencement of installation. The city engineer shall have forty-five (45) days in which to approve or disapprove the plans. In the event of the failure of the city engineer to act within such period, the plans and specifications may be submitted, after ten (10) days' notice to the city attorney, to the city's circuit court for its approval or disapproval.

(4) Installation of utilities in or adjacent to the right-of-way shall be performed in a manner that will not preclude the installation of street trees or required landscaping.

¹⁷ S.O. 29-204

(5) Each development shall provide for the conveyance of common or shared easements to: (i) franchised cable television operators furnishing cable television, and (ii) public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Such easements (the location of which shall be adequate for use by public service corporations and franchised cable television operators which may be expected to occupy them) shall be conveyed by reference on a subdivision plat or, where no subdivision is involved, a boundary survey plat, to a declaration of the terms and conditions of such common or shared easements recorded in the city's land records. All such easements shall be located outside of the public street right-of-way.

Sec. 34-917. Natural gas.

Installation of gas mains shall be governed by the applicable provisions of Chapter 31 of the City Code and the Standards and Design Manual. Where any city-owned gas main or related facilities must be located on private property, the proposed development plan must include provision for a dedication of an easement for public use allowing the installation and maintenance of such facilities and a perpetual right of access thereto by the city and its authorized agents for construction and maintenance.

Sec. 34-918. Contributions for off-site improvements. ¹⁸

Each site plan and subdivision plat may be approved on the condition that the developer contributes a pro rata share of the cost of the following off-site improvements, as follows:

(1) Each developer shall pay to the city his pro rata share of the cost of providing reasonable and necessary sewer, water and drainage improvements not located on the property, if such improvements are necessitated or required, at least in part, by the construction or improvement of the subdivision, provided that: (i) no payment shall be required until the city establishes a general sewer, water and drainage improvement program for an area having related and common sewer, water and drainage conditions and within which the property is located or the city council has committed itself by ordinance to the establishment of such a program; and (ii) the program complies with the requirements of Va. Code § 15.2-2243.

(2) Each developer may voluntarily contribute, and the city council may accept, funds for reasonable and necessary off-site street improvements, the need for which is substantially generated and reasonably required by the construction or improvement of the subdivision. The determination of whether the need for an improvement is substantially generated and reasonably required by the subdivision shall be made by city council. In determining whether the need for an improvement is substantially generated by the subdivision, the city council shall consider whether: (i) the impact of the subdivision would create a threat to the public health, safety or welfare if not addressed by the improvement; (ii) the street improvement is identified in the city's capital improvement program; (iii) the street improvement is identified in the comprehensive plan as a needed or desired improvement;

¹⁸ S.O. §29-230

and (iv) the need generated is more than an incremental effect that would otherwise result, as determined by annual population growth, vehicular traffic or other relevant criteria.

Sec. 34-919. Dedications of property for public use.¹⁹

(a) The agent or commission shall require a dedication to the city for public use of every easement and right-of-way located within a subdivision or other development which has constructed or proposed to be constructed therein any public street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement dedicated for public use and to be maintained by the city or another public agency, as follows:

(1) The city council shall not be required to compensate the developer for any such dedicated land or improvements.

(2) The land and improvements to be dedicated shall be set apart on the final plat and shall be identified by a note on the plat stating that the land is dedicated for public use.

(3) When a subdivision abuts one (1) side of an existing or platted street, there shall be a dedication for public use of at least one-half (½) of the right-of-way necessary to make the street comply with the minimum width required for the street as designated in the Standards and Design Manual.

(b) The agent or commission shall require a dedication to the city for public use of all water and sewerage facilities designed, constructed and approved to be dedicated as public water and sewerage systems, and shall require dedication of an easement on the land appurtenant to such facilities, extending to any abutting property, if the facilities are required by this article, as follows:

(1) The city council shall not be required to compensate any property owner for the dedicated facilities or the establishment of any easement.

(2) The facilities to be dedicated and any easement to be established shall be specifically identified and set apart on the final plat and shall be identified by a note on the plat stating that the facilities are dedicated to, and the easement is established for, the City of Charlottesville.

(3) All final plats containing proposed public easements shall expressly reference a declaration of the terms and conditions of such public easements recorded with the subdivision plat in the city's land records.

(c) The agent or commission shall require easements for facilities for stormwater management and drainage control, as follows:

(1) An easement for all stormwater management facilities and drainage control improvements located on the property shall be established whenever the improvement is designed and/or constructed beyond a street right-of-way or access easement and shall extend from all drainage outfalls to an adequate channel that satisfies minimum standards established by the Virginia Department of Environmental Quality or the State Water Control Board, to the boundary of the property.

(2) An easement shall be established along every natural stream, natural drainage area to be preserved, and every manmade waterway located on the property.

¹⁹ S.O. 29-231, 29-232

(3)The area of each required easement shall be sufficient, as determined by the city engineer, to: (i) accommodate the facilities and the drainage characteristics from each drainage outfall from a drainage control, (ii) allow access to a natural stream or manmade waterway to allow widening, deepening, relocating, improving, or protecting the natural stream or manmade waterway for drainage purposes, and (iii) to meet applicable standards and requirements set forth within Chapter 10 of the City Code and the Design and Standards Manual.

(4)Each required easement shall include a right of ingress and egress for installation, maintenance, operation, repair and reconstruction of any improvement within the easement. The agent or commission may require that an easement be provided through abutting land under the same ownership as the property.

(5)The city council shall not be required to compensate any landowner for any easement or any improvements thereon.

(6)All final plats containing proposed public easements shall expressly reference a declaration of the terms and conditions of such public easements recorded with the subdivision plat in the city's land records.

(7)No easement shall be considered part of any required street width.

(d) A landowner may dedicate to the city any land within the subdivision that is suitable for parks, open space, stormwater management facilities and other public facilities or uses, as follows:

(1)The city council shall not be required to compensate a landowner if a dedication is a gift; is required by a proffer as part of a conditional rezoning; is required as a condition of a special use permit, variance or other approval; or if the need for the land is substantially generated by a subdivision or other development.

(2)Land dedicated under this section shall be set apart on a final subdivision plat and shall be identified by a note on the final plat, stating that the land is dedicated for public use. The proposed dedication shall be subject to review as to consistency with the City's Comprehensive Plan, as required by Code of Virginia § 15.2-2232.

(3)A proposed dedication of a stormwater management facility shall be reviewed and governed by the provisions of City Code sec. 10-56. No such dedication shall be accepted unless and until the city receives a financial guarantee, in the form of a bond or like surety, in an amount sufficient for and conditioned upon the construction of such stormwater management facilities in accordance with the standards and requirements set forth within City Code Chapter 10 and within the Design and Standards Manual.

Sec. 34-920. Reservations of land.²⁰

Land may be reserved for future dedication to the city, when such land is suitable for parks, schools, open space and other public facilities, utilities and other public or semipublic uses, as follows:

(1)The city council shall not be required to compensate a landowner for the reservation of land, if the land to be dedicated is a gift; is required by a proffer as part of a conditional rezoning; is required as a condition of a special use permit, variance, or other approval; or if the need for the land is substantially generated by the development.

²⁰ S.O. 29-233

(2) Land reserved under this section shall be set apart on a final subdivision plat and shall be identified by a note on the plat stating that the land is reserved for future dedication for public use.

(3) A landowner may petition the city council to release a reservation if the land is not used for a public purpose, using the procedure required for vacation of a subdivision plat.

(4) Nothing in this section precludes land being reserved for a public use which is not included in the comprehensive plan, provided the land is acceptable to the city for reservation.

Secs. 34-921. Completion of site-related improvements; surety.²¹

(a) A developer shall either (i) complete all site-related improvements required by this chapter prior to issuance of the first certificate of occupancy for any building within a development, or (ii) execute a written agreement with the city to complete the construction of all such site-related improvements within a period of time set forth within such agreement, relative to a specified plan for phasing of the proposed development. In either case: prior to issuance of any building permit, and prior to issuance of any permit authorizing any land disturbing activity within the development, the developer shall provide a financial performance guarantee for completion of the site-related improvements, as set forth within paragraph (c), below. For the purposes of this section, the term "site-related improvements" means the following facilities: every public street, curb, gutter sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement dedicated for public use and proposed to be maintained by the city or another public agency; and other improvements required by this chapter, and to be financed in whole or in part by private funds, for: vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities.

(b) Upon completion of required site-related improvements, a developer shall submit to the agent a certificate of completion prepared by a professional engineer or a land surveyor, and the developer shall also submit his or her own certification to the agent that all of the construction costs for the improvements, including those for materials and labor, have been paid to the person(s) constructing the improvements.

(c) Every final plat approval shall be conditioned upon compliance with all of the requirements of this section. Prior to such final approval, and prior to the agent's signature of the final plat, the agent shall obtain the developer's written acknowledgement of the obligation and applicable time period for completing construction of the site-related improvements. The obligation to complete construction of all site-related improvements in accordance with city requirements, standards and specifications, and within the applicable time period, shall be backed by an adequate performance guarantee, established as follows:

(1) A developer shall furnish to the agent a financial guarantee, which shall be one (1) of the following: (i) a certified check or cash escrow; (ii) a personal, corporate or property bond, with surety satisfactory to the city; (iii) a contract for the construction of such facilities and the

²¹ S.O. 29-260

construction contractor's bond, with like surety; or (iii) a bank or savings institution's letter of credit on certain designated funds satisfactory to the city as to the bank or savings institution, the amount and the form. Each financial guarantee shall be in an amount equal to the estimated cost of construction of the site-related facilities, based on unit prices for new public or private sector construction within the city, plus a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 25% percent of the estimated construction costs. Every financial guarantee shall be conditioned upon completion of construction of the site-related improvements in accordance with city ordinances, regulations and standards, within the time period applicable under paragraph (a) of this section.

(2) If a landowner records a final plat which may be a section of a subdivision as shown on an approved preliminary plat, and furnishes to the governing body at the same time a certified check, cash escrow, bond, or letter of credit, in such amount and conditioned as specified within paragraph (c)(1), above, to ensure completion of construction of site-related facilities be dedicated for public use within that section, then the landowner shall have the right to record the remaining sections shown on the preliminary subdivision plat for a period of five (5) years from the recordation date of the first section, or for such longer period as the agent may, at the time of approval of the plat for the first section, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject further to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. For any development that is not subject to the requirement for a subdivision plat, upon entering into a written agreement with the city delineating sections within a proposed development, the developer shall not be required to provide the required bond or other performance guarantee, until such time as construction plans are submitted for the section of the development in which required improvements are to be located. In any event, the amount of the financial guarantee for site-related improvements in each subsequent section shall be established, and such financial guarantee shall be provided by the developer to the agent, prior to issuance of any building permit or any other permit authorizing land disturbing activity within that section.

(d) The city shall provide periodic partial release, and final complete release, of any bond, escrow, letter of credit, or other performance guarantee required by the city under this article, within thirty (30) days after receipt of written notice of completion of part or all of any public facilities required to be constructed hereunder, unless the director of neighborhood development services notifies the developer in writing, prior to the expiration of the thirty-day period, of any grounds preventing the city's approval or acceptance of the facilities and of any specified defects or deficiencies in construction and suggested corrective measures.

(1) Requests for partial or final release(s) of performance guarantees shall be in writing and accompanied by as-built drawings, certified by a professional engineer licensed by the Commonwealth of Virginia, certifying that construction of the improvements and facilities that

are the subject(s) of such performance guarantees is in substantial conformity with the approved final subdivision plat and applicable city standards. An engineer's certification pertaining to construction of street improvements shall also certify that on-site typical pavement sections are consistent with the approved design specifications and that standard pavement construction practices were followed.

(2) Requests for partial or final release(s) of performance guarantees shall be processed by the city in accordance with the requirements of Va. Code § 15.2-2245.

(3) If the agent fails to take written action within the thirty-day period on a request for partial release, the request shall be deemed approved and a partial release shall be granted. No final release shall be granted until after expiration of the thirty-day period and an additional request in writing is sent by certified mail return receipt to the city manager. The agent shall act within ten (10) working days of receipt by the city manager of any such request; if the agent fails to act, then the request shall be deemed approved and final release shall be granted.

(e) For the purposes of this chapter, a public improvement shall be deemed to be accepted when it is formally accepted by city council and taken over for operation and maintenance by the city, as evidenced by a resolution of city council. Nothing in this chapter, including the approval of a final plat, shall obligate the city to accept and take over for operation and maintenance any improvements. Acceptance or approval of an improvement shall be made only if the improvement satisfies all applicable statutes, regulations, ordinances, guidelines, design and construction standards for acceptance or approval of the improvement, upon completion of inspections by the city.

(f) All site-related improvements required by this chapter shall be completed at the expense of the developer, except in cases where the developer and the city enter into a cost-sharing or reimbursement agreement prior to final plat approval. The city shall not be obligated to maintain, repair, replace or reconstruct any improvement required by this chapter. Nothing in this chapter obligates the city to pay any costs arising from any improvement, unless the city has a recorded ownership interest in the improvement, evident from an inspection of the city's land records, or has otherwise agreed in writing to maintain, repair, replace or reconstruct the improvement.

Secs. 34-922. Inspections; right of entry.²²

(a) Submittal of a preliminary or final plat shall constitute consent by the landowner(s), their successors and assigns, to all officers and employees of the city, and any state department or agency, to enter upon the property at all reasonable times for the purpose of making periodic inspections related to the review of the preliminary and final plat for compliance with this chapter and applicable state laws and regulations.

²² S.O. 29-261

(b)The developer shall provide at least five (5) days' prior notice to the city engineer when each stage of construction and improvement of the subdivision is ready for inspection.

(c)Any inspection of public improvements shall be conducted solely to determine compliance with the requirements and specifications provided by law and the approved plat.

Secs. 34-923—34-929. Reserved.

DIVISION 8.LOTS

Sec. 34-925. Lots.²³

(a) Every subdivision plat and site plan shall show the number, dimensions and area of every lot within the proposed development. Every lot shall comply with the provisions of Sec. 34-1120 through 34-1126. Building sites shall be delineated on every site plan and subdivision plat. Each building site shall have such dimensions and area as may be required by Sec. 34-1120 (b)(3)-(4). Sections (phases of development) shall be identified by numbers; blocks shall be identified by letters; and lots shall be identified by numbers. All designations shall be assigned in numerical or alphabetical order, as applicable.

(b) Each lot within a subdivision shall satisfy the requirements of secs. 34-1120 through 34-1126 of the city's zoning ordinance, as may be applicable. Each site plan and subdivision plat shall show the total acreage and square footage of each individual lot within the proposed development. Lots served by public sanitary sewers and public water supply shall have an area no less than the minimum lot size required by the applicable zoning district regulations. Lots served by private wells and septic systems shall have an area sufficient to meet applicable state health laws and regulations. Required building setback lines, and required build-to lines, shall be depicted for each lot within the development.

(c) Each lot within a subdivision shall have its principal frontage either:

(1)On a street or place dedicated for public use, that (a) has been improved and accepted by the city for maintenance, or (ii) is subject to a bond or other financial guarantee for the construction of such street or place to city standards; or

(2)On a private street in a townhouse development, pursuant to City Code sec. 34-388(b).

(3)The requirements of paragraphs (a)(1) and (2), above, do not apply if:

(i)The lot is to be conveyed to the city for open space, recreation or conservation purposes only, and the site plan or subdivision plat contains a notation that no building permit shall be issued authorizing the construction of any building(s) upon the lot; or

²³ S.O. 29-161

(ii) The lot is part of an approved planned unit development or cluster development, is created for open space, recreational or conservation purposes only, is accessible by a public access easement, and the plat contains a notation that no building permits shall be issued authorizing the construction of any building(s) upon the lot.

(d) Each site plan and subdivision plat shall identify all areas to be reserved as required open space, and shall identify other common areas, and shall describe the intended ownership of such areas with reference to a separate deed setting forth a declaration of the rights and responsibilities of such owner with respect to such areas. The declaration shall be recorded in the city's land records.

(e) Each subdivision plat proposing a division of more than one (1) existing lot shall show existing lots and their outlines, which shall be indicated by dashed lines, and shall also show the location of departing lot lines of abutting lot lines. No division of land shall create any remnant. All pre-existing remnants shall be eliminated when land is subdivided or resubdivided, and when boundary lines of existing lots are adjusted.

(f) Side lot lines of each lot shall be approximately at right angles or radial to the street line, except turnaround terminal points. No lot lines shall be drawn to create peculiarly shaped elongations designed for the purpose of providing the required square footage of area or required street frontage.

(g) *Minimum street frontage.* All lots proposed for residential use shall have a minimum frontage of fifty (50) feet at the street right-of-way, except:

(1) Lots fronting on the turnaround portion of a cul-de-sac shall have a minimum of twenty (20) feet of frontage, and an average width of at least fifty (50) feet;

(2) Lots containing single-family attached dwelling units shall have a minimum frontage of twenty (20) feet;

(3) Lots containing a townhouse shall have a minimum frontage of sixteen (16) feet; and

(4) Corner lots shall have such additional frontage as may be necessary to comply with side yard requirements of the applicable zoning district.

DIVISION 9. ADDITIONAL STANDARDS FOR SPECIFIC USES

Sec. 34-930 through 34-959 (Intentionally omitted from this draft ordinance—no changes proposed)

MATRIX OF **SUBMISSION REQUIREMENTS** FOR SITE PLANS

Or

MATRIX OF INFORMATION REQUIRED TO BE SHOWN ON OR INCLUDED WITH SITE PLANS AND SUBDIVISION PLATS

Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
Vicinity sketch					City Code 29-110(a)(8) City Code 34-827(d)(1)
Address and tax map identification number of all adjoining lots and parcels; current zoning district(s)					City Code 34-827(d)(1)
Title abstract or title report					VA Code 15.2-2262
Physical and topographical survey, showing location of existing buildings and structures, grave sites, and other cultural or historical resources, existing utilities, monuments, streams, flood plain, etc.					VA Code 15.2-2258 City Code 29-110(a)(6) City Code 34-827(d)(4)
Environmental disclosures					City Code 29-111(b)(9)
Transportation plan/ impact analysis, or other traffic study, when required					SDM, Chapt. 5 City Code 29-111(b)(1)

MATRIX OF **SUBMISSION REQUIREMENTS** FOR SITE PLANS

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MATRIX OF INFORMATION REQUIRED TO BE SHOWN ON OR INCLUDED WITH SITE PLANS AND SUBDIVISION PLATS

Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
Agreement for Completion of Required Improvements, if proposed, on form(s) provided by city					City Code 29-260(a) City Code 34-803
Documentation of approval of any city council waivers or BZA variance(s) necessary for or in connection with the proposed development					City Code 29-110(a)(22) City Code 34-827(d)(1)
Documentation of justification for any waiver(s) requested, but not yet granted by city council					City Code 34-827(b)
Documentation of any rezoning, special use permit, or other zoning approval necessary for or in connection with the proposed development					City Code 34-827(b)
Documentation of required ADUs					City Code 34-12
Plat details					17VAC15-70-10 et seq.; 18VAC10-20-370 (land

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Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
					boundary surveys); 18VAC10-20-380 (physical surveys);
Statement of consent to subdivision					VA Code 15.2-2264 City Code 29-110(a)(7)
Preparer's certification					VA Code 15.2-2262 City Code 29-110(a)(16) City Code 34-828(d)(10)
ENVIRONMENTAL/ DRAINAGE AND FLOOD CONTROL					
Topographic survey					City Code 29-111(a)(2) City Code 34-827(d)(4)
Inventory of Environmental Resources and Significant Landscape features					Zoning Ordinance 34-866
Building sites					Zoning Ordinance 34-1120 (b)(3)-(5)
FIRM or FEMA panel map, and letter identifying floodplain status; flood hazard evaluation					Zoning Ordinance 34-242 City Code 29-110(a)(17) City Code 34-827(d)(7)
Identification of area(s) located within a drainage district					Va. Code 15.2-2258 City Code 29-110(a)(18) City Code 34-827(d)(1)

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Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
Mitigation plan, when required by Water Prot. Ord					City Code 10-75 City Code 29-111(a)(3)
Location of any area(s) of the development site that fall within a mapped dam break inundation zone					Va. Code 15.2-2258
Grading plan					City Code 34-828(d)(6)
Stormwater concept					City Code 34-827(d)(6) City Code 29-111(a)(2)
Stormwater management plan					City Code 10-53 City Code 34-828(d)(6) City Code 29-111(b)(1)
Boundary survey showing location of private drainage easements; and showing location of easements to be dedicated to the public for drainage					City Code 34-827(d)(9) City Code 29-110(a)(12)-(13)
Schedules, calculations, notes, demonstrating compliance with specific requirements					City Code 29-111(b)(1) City Code 34-282(6)(f)-(g) SDM Chapter 3

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Or

MATRIX OF INFORMATION REQUIRED TO BE SHOWN ON OR INCLUDED WITH SITE PLANS AND SUBDIVISION PLATS

Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
ACCESS/ STREETS					
Documentation of existing legal and physical means of access; and deed book references for existing recorded access easements, public street rights-of-way, and location of existing utility easements, lines and facilities					City Code 29-110(a)(9)- (11) City Code 34-827(d)(8)
Proposed layout of new streets, alleys and driveways					City Code 29-110(a)(9)-,(10), (31)-(33) City Code 29-111(b)(1), (2), (31)-(33) City Code 29-180, et seq. City Code 34-827(d)(8) City Code 34-828(d)(7) VA Code 15.2-2265
Engineering plans for all Required Improvements					City Code 29-111(b)(1)- (3) City Code 34-828(d)(5),(6)
Proposed road plans and profiles					City Code 29-110(a)(9)-(10), (31)-(33); City Code 29-111(b)(1), (2), (31)-(33) City Code 29-180, et seq. City Code 34-827(d)(8) City Code 34-828(d)(7)

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Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
Delineation of sections within the development development, and Phasing Plan, if development of different sections will be completed in phases					City Code 29-110(a)(8) City Code 34-827(d)(3)
Plans or specifications for any gas, water, sewer, electric light or power works, pipes, wires, fixtures or systems proposed to be constructed in, on, under or adjacent to any streets					VA Code 15.2-2269 City Code 29-111(b)(3)
Schedules, calculations, notes, as necessary to demonstrate compliance with specific requirements					City Code 29-111(b)(1) City Code 34-828(d)(2) SDM Chapter 2
Location of monuments, installed to establish street and property lines					VA Code 15.2-2241(A)(7) City Code 29-110(a)(26)

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MATRIX OF INFORMATION REQUIRED TO BE SHOWN ON OR INCLUDED WITH SITE PLANS AND SUBDIVISION PLATS

Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
Private streets: maintenance notice					VA Code 15.2-2242(3) City Code 29-110(a)(10) City Code 34-338 (private streets in townhouse developments only)
PUBLIC AND OTHER UTILITIES					
Boundary survey, showing location of existing public water, sewer, or gas utility easements of record, and proposed easement areas					City Code 29-110(a)(12), (13) City Code 34-827(d)(11)
Boundary survey, showing location of existing and proposed cable television, telephone electric utility lines, and related easements of record, and proposed easement areas, including common/ shared easement areas					VA Code 15.2-2241(A)(6) (common or shared easements to be conveyed) City Code 29-110(a)(13) City Code 34-827(d)(11)
Hydrant locations					City Code 34-828(d)(5)

MATRIX OF **SUBMISSION REQUIREMENTS** FOR SITE PLANS

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Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
Schedules, calculations, notes, as necessary to demonstrate compliance with specific requirements					City Code 29-111(b)(1) City Code 34-828(d)(2) SDM Chapter 7
PROPOSED DEVELOPMENT					
Proposed uses, and identification of the area to be occupied by each use					City Code 34-827(d)(2)
Proposed number of residential dwelling units, listed by type(s). For MFDs, number of BRs per DU shall be shown					City Code 34-828(d)(3)
Size, height, area, bulk, and location of each building and structure					City Code 29-110(a)(16) City Code 34-827(d)(13)
Area(s) of land to be left unoccupied by uses and structures (open space; common areas; recreational areas, etc.); calculations showing maximum lot coverage					City Code 29-110(a)(11) City Code 34-827(d)(2), (13)
Landscaping plan					City Code 29-110(b)(1)

MATRIX OF **SUBMISSION REQUIREMENTS** FOR SITE PLANS

Or

MATRIX OF INFORMATION REQUIRED TO BE SHOWN ON OR INCLUDED WITH SITE PLANS AND SUBDIVISION PLATS

Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
					City Code 34-827(d)(15) City Code 34-828(d)(9) City Code 34-867 City Code 34-861, et seq. (Landscaping and screening requirements)
Outdoor lighting plan					City Code 34-827(d)(13)
On-site Parking layout and calculations					City Code 29-110(b)(1) City Code 34-827(d)(13) City Code 34-828(d)(8)
Schedules, calculations, notes, as necessary to demonstrate compliance with specific requirements					City Code 29-110(b)(1) City Code 34-828(d)(2)
MISCELLANEOUS					
Calculations showing area of required open space, recreational space, etc.					City Code 29-110(b)(1) City Code 34-827(d)(2)
Property owners association documents, including draft articles of incorporation, declaration and bylaws					City Code 29-110(A)(30)
Existing covenants, deed restrictions,					City Code 34-827(d)(1)

MATRIX OF **SUBMISSION REQUIREMENTS** FOR SITE PLANS

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MATRIX OF INFORMATION REQUIRED TO BE SHOWN ON OR INCLUDED WITH SITE PLANS AND SUBDIVISION PLATS

Submission Information and Materials	Preliminary Subdivision Plats, (Optional)	Preliminary Site Plans, (Optional)	Final Subdivision Plats	Final Site Plans	Reference to Specific City Ordinances, Regulations and Policies (Existing)
special use permit conditions, and proffered development conditions					
Signature panel(s) signed by each owner, or a person authorized to sign legal instruments on behalf of the owner					VA Code 15.2-2264 City Code 29-110(a)(7)
Matters shown within a previously approved preliminary site plan for the development or subdivision					City Code 34-827(d)(1)

DISCUSSION DRAFT—For Consideration by the Planning Commission at its Workshop on October 28, 2014

SP-13-10-19: SAMPLE/ POSSIBLE SPECIAL USE PERMIT CONDITIONS

Water Street Plaza (“Development”)

General

- 1) The design, height, density, and other characteristics of the Development shall be and remain, in all material aspects, as described within the application materials dated October 14, 2014, submitted to the City for and in connection with SP-13-10-19 (“Application”). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City’s BAR, or by any provision(s) of these SUP Conditions, any change of the Development that is inconsistent with the Application shall require a modification of this SUP.

Massing and Scale

- 2) **Visual impacts.** The developer shall work with staff and the Board of Architectural Review to minimize the visual impacts of the building on the South Street, Second St., S.W. and First Street elevations, to the satisfaction of the BAR, while still maintaining a financially viable project.
 - a. In the design and layout of the Development, the City’s historic street grid pattern shall be respected. Although First Street may not ultimately be used or maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Access from the existing area of First Street to the Plaza referenced in Section 2, below, shall be provided with openings of a width and sequence consistent with the character of the historic district.
 - b. **[First Street shall not be closed, unless and until _____ (what trigger event makes sense??)--note: see also parking garage provisions, and city market provisions, following below].**
 - c. Along the Subject Property’s frontage on 2nd Street, S.W., the minimum height of the streetwall of any building or structure shall be forty (40) feet, and the maximum height shall be forty-five (45) feet; any building or structure shall contain only three (3) floors within such height. Above the streetwall height specified within this condition, there shall be a minimum stepback of five (5) feet **[10 feet? Other???**] along the length of such streetwall. This stepback shall be mirrored/ matched with that along South Street, so there is a continuous visual line wrapping around that corner.

DISCUSSION DRAFT—For Consideration by the Planning Commission at its Workshop on October 28, 2014

- d. All outdoor lighting and light fixtures shall be full cutoff luminaires.
- e. Transparency and Entrances/ openings shall be provided along street walls, consistent in number, character, and sequencing, with the historic district, in order to enhance pedestrian experience along street frontages. Minimum requirements for specific street frontages shall be as follows:
 - i. **Water Street frontage:** [at least 5 doors along street wall, in addition to width of proposed stairs?? Something else?]
 - ii. **2nd St., S.W. frontage:** [at least 2 doors along the street wall?? Something else?]
 - iii. **South Street frontage:** [?]
 - iv. **First Street frontage:** [?]
- f. Balconies: no exterior balconies shall project into the airspace above a required setback.
- g. **Other??**

Uses

- 3) **Public Use of Open-Air Plaza:** The development shall provide an open-air plaza oriented toward Water Street (“Plaza”). The Plaza shall be and remain an open-air plaza throughout the life of the Development.
 - a. The general public shall have a right of access to and use of the Plaza. If the Plaza area is not publicly owned, then this right of public access shall be recognized within a written instrument recorded within the City’s land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. If the Plaza area is not publicly owned, then the public’s right of access shall be subject to a right of the property owner, or its tenants, to reserve the Plaza, during discreet time periods, for events which may not be open to the general public; if publicly owned, use of the area for private events shall be in accordance with City procedures and regulations for approval of events and/or temporary uses, or with any written agreement(s) between the City and the owner of the adjacent Property. Upon the conclusion of every event on the Plaza, the Plaza shall promptly be returned to a clean condition, suitable and attractive for use as a public gathering space.

DISCUSSION DRAFT—For Consideration by the Planning Commission at its Workshop on October 28, 2014

- i. The design and construction of the Plaza shall be such that invites and facilitates its use as a public gathering space. The Plaza shall incorporate a water feature, art, benches or other seating areas, and/or other amenities that invite individuals to utilize and enjoy the Plaza in a manner similar to an urban, public park.
 - ii. The Plaza shall have a modern “town square” appearance and layout. A combination of fixed or moveable planters may be used to separate the outer edges of the Plaza from adjacent rights-of-way. No permanent or fixed walls or structures shall be installed to separate or limit access to the Plaza from adjacent rights-of-way along South and First streets, unless such walls or structures are less than [3 feet in height??] and have openings of at least [5 feet at 50 foot intervals??].
 - iii. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza, such as: water features, paving surfaces and materials, benches, trash receptacles, landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any “sails”, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that encourages public use of the Plaza and that is compatible with the character of the Development and the City’s Historic District guidelines.
- b. **Noise:** On and within the Plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db(A) or more, at a distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer’s Market authorized by this permit.
 - c. **Farmer’s Market:** The Plaza shall be designed and constructed with materials and amenities that make it desirable and convenient for use as a Farmer’s Market open to the public.
 - i. The proposed final site plan for the Development shall include a Farmer’s Market Plan showing the layout and configuration of the Farmer’s Market within the Plaza and related areas of the site, which shall have the feel of a “town square”. The Farmer’s Market Plan shall demonstrate that the Market will be conducted in a manner that is easily visible from adjacent vehicular rights-of-way, easily accessible from adjacent sidewalks, and is arranged in a manner that facilitates a comfortable flow of pedestrians among the various vendor stands within the Market and provides area(s) in which pedestrians may stand or sit comfortably out of the “flow” of circulation. The Farmer’s

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Market Plan, once approved, may be modified following the procedure for a minor site plan amendment, with the advance written approval of the operator of the Farmer's Market and the City's Director of neighborhood development services.

- ii. The Farmer's Market Plan shall provide details of how vendors will access the area(s) reserved for the Market for purposes of setting up and closing down, and shall identify any off-site areas on which arrangements have been made for parking of vendors' vehicles. If coverings, awnings or other shelter/protection is provided by the property owner (as opposed to the vendors themselves) the Market Plan shall illustrate the nature, materials and dimensions of such coverings or shelter/ protection. The Farmer's Market Plan shall identify the location and configuration of: no fewer than 110 vendor spaces, ranging in size from a minimum of 10 x 10 feet, to 10 x 30 feet, maximum. **At least 20 vendor spaces, 10 x 30 feet in size, shall be suitable to accommodate a pickup truck.** Unless otherwise acceptable to the Farmer's Market operator, all such spaces shall be located adjacent or contiguous to each other, all on the same level/ grade, in order that all vendors participating in the Farmer's Market clearly appear to be part of one coordinated "event." **[Note for discussion: according to the applicant, the 110 offered vendor spaces are contingent upon the closure/ ability to utilize First Street]**
- iii. The Plaza shall be designed and constructed of materials that can accommodate the vehicular uses, carts, vendors stands, etc. necessary for the Farmer's Market. Those materials shall be of a nature that are not easily damaged by the weight of trucks normally anticipated to be utilized by Farmer's Market vendors, and of a nature from which oil drips, tire marks, and other wear and tear reasonably to be anticipated from the Farmer's Market use can easily be removed or repaired. Outdoor water hose connections shall be provided, in a number and location that is easily accessed by Farmer's Market users, for the purposes of cleaning the Plaza area after each Farmer's Market day. The Property owner shall ensure, either itself, or through agreements with the Farmer's Market or third parties, that upon conclusion of the Farmer's Market, the Plaza will be restored to a clean condition, attractive and suitable for use as a public gathering space.
- iv. Prior to submission of its proposed final site plan for the Development, the developer shall hold a meeting with notice to the vendors who participated in the 2014 Farmer's Market, to allow the vendors to review and comment upon the proposed final site layout and design for areas and access points required for the Farmer's Market. Evidence that such meeting was held, and of the notice(s) provided to vendors, shall be submitted along with the proposed final site plan.

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- v. *[Insert any other material representations pertaining to the Farmer's Market, which have been offered, or referred to, within the application materials]*
- d. **On-site parking garage:** The on-site parking garage shall meet the following requirements:
- vi. *[The garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site ("Adjacent Property") through provision of knock-out panels or an alternate access design]*. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan and building construction plans submitted to obtain any building permits, and shall include the provision of an access easement. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped.
- vii. All traffic shall enter the parking garage from Water Street.
- viii. The garage shall be designed and constructed to provide no fewer than 102 public parking spaces, in addition to any additional spaces required by city regulations for the uses included within the Development.
- e. **Construction**
- a. Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners and the City's Downtown Business Association, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.
- b. The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.

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- c. The developer shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
- d. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.
- e. The developer shall submit a foundation survey, prior to commencement of construction of the first floor above-grade framing for the Building(s). The wall check shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation survey shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of framing.
- f. Encroachments: Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

g. **Other?**

Traffic

f. **Generally:**

- a. The Developer shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.
- b. In the event that the City determines, prior to the issuance of the final certificate of occupancy within the Development, that (i) relocation of any existing on-street parking, or (ii) changes to the direction of traffic on any adjacent street(s), (iii) elimination of any existing turn lane(s), and/or (iv) the addition of on-street parking adjacent to the

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Development Site, is reasonably necessitated by the proposed Development, then the Developer shall be responsible for the following:

- i. The cost of removal of existing signage and of installation of new signs and appurtenances necessary to shift or establish on-street parking, or to change the direction of traffic along the Development site's frontage with any existing public street; and
 - ii. Pavement marking modifications (such as eradication of existing and addition of new markings).
- c. The Development shall include one or more off-street loading docks/ areas, accessible from [South Street?]. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.
- d. There shall be no more than one (1) vehicular entrance or exit, not more than 30 feet wide, along each of the following street frontages:

Water Street

South Street

However, one (1) single opening, not exceeding the width specified above, may be used as a combined entrance/ exit.

- e. **Traffic Analysis.** For the purposes of the City's traffic analysis requirements, "projected traffic" figures and data shall include trip generation data for traffic projected to result from the complete build-out of all land to be served by adjacent public streets, including traffic which may be forecasted to be generated by development, both internal and external to the Development Site.
- iii. The developer shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 50 vehicles in any peak hour for any adjacent street.
 - iv. Trip generation data shall be separately provided for each and every category of use anticipated within the proposed development.

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- v. Except as otherwise required by these conditions, the TIA shall conform to the requirements of Chapter 5 of the City's Standards and Design Manual. The developer shall meet with the City's Traffic Engineer and Director of Neighborhood Development Services, or designee, to determine the scope of the TIA, prior to submission.
- f. A Site Access Plan shall be provided by the Developer, showing the layout of signs, signals, turning lanes, and other design details depicting the manner and patterns by which vehicles, pedestrians and other modes of transportation will interact, move to and from, and flow into, out of and across entrances and exits to the Site, and along sidewalks adjacent to public streets. The Site Access Plan shall be submitted to the City as a component of the proposed final site plan for the development.
- g. *[Insert any other traffic issues/ interests that need to be protected]*

Affordable Housing

- g. The developer has elected, pursuant to City Code 34-12, to make a contribution to the City's Affordable Housing Fund. No building permit shall be issued for the development until the amount of the contribution is calculated by the Director of Neighborhood Development Services, or designee, and until such contribution has been paid in full to the City.