



**CITY COUNCIL AGENDA  
May 6, 2013**

6:00 p.m. – 7:00 p.m.

**Closed session as provided by Section 2.2-3712 of the Virginia Code  
(Second Floor Conference Room)**

**TYPE OF ITEM**

**SUBJECT**

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

**AWARDS/RECOGNITIONS  
ANNOUNCEMENTS**

Race Unity Week; Public Works Appreciation; GED Resolution

**MATTERS BY THE PUBLIC**

Public comment will be permitted for the first 12 speakers to sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

**COUNCIL RESPONSES TO MATTERS BY THE PUBLIC**

**1. CONSENT AGENDA\***

(Items removed from the consent agenda will be considered at the end of the regular agenda.)

a. Minutes for April 15

b. **APPROPRIATION:**

J&DR Phone System Upgrade - \$39,954.16 (2<sup>nd</sup> of 2 readings)

c. **APPROPRIATION:**

Virginia Department of Health Special Nutrition Program Summer Food Service Program - \$95,000 (1<sup>st</sup> of 2 readings)

d. **APPROPRIATION:**

Police Department - Special Events Overtime and Miscellaneous Revenue - \$100,000 (1<sup>st</sup> of 2 readings)

e. **RESOLUTION:**

SUP at 600 McIntire Rd (1<sup>st</sup> of 1 reading)

f. **RESOLUTION:**

Emergency Communications Center Emergency Telephone Replacement System - Transfer of Funds from Capital Improvement Program Contingency Account - \$520,298 (1<sup>st</sup> of 1 reading)

g. **RESOLUTION:**

Neighborhood Drainage Policy (1<sup>st</sup> of 1 reading)

h. **RESOLUTION:**

Bike Pedestrian Coordinator Summer Intern – Transfer \$15,000 from Bike Infrastructure Capital Account to NDS General Fund Budget (1<sup>st</sup> of 1 reading)

i. **RESOLUTION:**

Easement to ACSA across Darden Towe Park Property (Lewis & Clark Exploratory Center) (1<sup>st</sup> of 1 reading)

j. **ORDINANCE:**

Vending from Vehicles Chapter 28 (2<sup>nd</sup> of 2 readings)

k. **ORDINANCE:**

Mobile Food Units Chapter 34 (2<sup>nd</sup> of 2 readings)

l. **ORDINANCE:**

Affordable Dwelling Unit Ordinance – Index Used to Calculate Optional Cash Contribution (1<sup>st</sup> of 2 readings)

m. **ORDINANCE:**

Amendment to Subdivision Ordinance to Allow an Option to Contribute to Sidewalk Fund (1<sup>st</sup> of 2 readings)

**2. PUBLIC HEARING /  
RESOLUTION\***

Consolidated Plan (1<sup>st</sup> of 1 reading)

**3. APPROPRIATION\***

Hillsdale Drive Improvements – Appropriation of Payment from Stonefield Developers for Traffic Improvements - \$800,000 (1<sup>st</sup> of 2 readings)

**4. REPORT**

CCS “STEM” Presentation

**5. REPORT**

~~RWSA Quarterly Update~~ *deferred*

**6. REPORT**

Rivanna River Basin Commission Watershed Snapshot

**7. REPORT**

Social Services Advisory Board Update

**APPROPRIATION**  
**J&DR Phone System Upgrade Project**  
**\$39,954.16**

**WHEREAS**, the City of Charlottesville will receive a reimbursement in the amount of \$19,977.08 from Albemarle County to cover their share of the J&DR phone system upgrade project;

**WHEREAS**, fifty percent of the funding will be transferred from Fund 705.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$39,954.16, required for the purchase and installation of a new phone system for the J&DR Court, is hereby appropriated in the following manner:

REVENUE - \$19,977.08

Fund 705                      Cost Center 2101001000                      G/L Account: 432030

EXPENDITURE - \$19,977.08

FUND 705                      Cost Center 2101001000                      G/L Account: 599999

TRANSFER

**Revenue**

From:

\$39,954.16                      Fund: 705                      Cost Center: 2101001000                      G/L Account: 561426

To:

\$32,504.32                      Fund: 426                      Funded Program: P-00760                      G/L Account: 498010

To:

\$7,449.84                      Fund: 426                      Funded Program: P-00761                      G/L Account: 498010

**Expenditures**

\$32,504.32                      Fund: 426                      Funded Program: P-00760                      G/L Account: 599999

\$7,449.84                      Fund: 426                      Funded Program: P-00761                      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$19,977.08 from Albemarle County, to be received as a reimbursement upon completion of the project.

**RESOLUTION**  
**GRANTING A SPECIAL USE PERMIT TO SARAH GEROME**  
**TO OPERATE A FAMILY DAY HOME FOR 12 CHILDREN**  
**ON PROPERTY AT 600 McINTIRE ROAD**

**WHEREAS**, Sarah Gerome (“Applicant”) has requested a special use permit to operate a family day home for up to 12 children on property identified on City Tax Map 34 as Parcel 55, identified as 600 McIntire Road, consisting of approximately 0.278 acre (hereafter the “Subject Property”); and

**WHEREAS**, the Subject Property is currently zoned R-1S Residential; and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on April 9, 2013, this Council finds that such use is allowed under City Code Section 34-420 by special use permit, and the special use permit will conform to the criteria applicable to special use permits generally under Section 34-157 of the City Code; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a special use permit is hereby granted to Sarah Gerome to allow operation of a family day home for up to 12 children at 600 McIntire Road, as described above. Approval of this special use permit is conditioned upon the following:

Hours of operation are limited from 8:00 a.m. – 7:00 p.m. Monday-Friday.

**RESOLUTION**  
**Emergency Communications Center Emergency Telephone Replacement System –**  
**Transfer of Funds from Capital Improvement Program Contingency Account**  
**\$520,298**

**BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia, that the \$520,298 will be transferred from the Capital Projects Contingency account to the ECC Telephone System account.

**Transfer From**

\$520,298

Fund: 426

WBS: CP-080

GL Account 599999

**Transfer To**

\$520,298

Fund: 426

WBS: P-00762

GL Account 599999

## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the attached Neighborhood Drainage Improvement Program policy, as revised on this date, is hereby approved, effective on the date of Council approval.

## **CITIZEN PARTICIPATION NEIGHBORHOOD DRAINAGE IMPROVEMENT PROGRAM**

### **PURPOSE**

This program was developed to provide assistance to citizens in dealing with drainage concerns. It is intended to provide simple solutions to problems associated with street drainage. It is intended to reduce flooding of structures.

### **SCOPE**

The program is designed to install curb and gutter, storm drainage, sidewalks or pipe in public right-of-way or easements adjacent to public right-of-way. The program is further designed to address drainage improvements in the right-of-way when they encompass a block face, complete a block face or address a specific problem area.

### **PROCEDURES**

When citizen drainage concerns do not meet the legal liability and/or public health and safety criteria of the City's drainage policy, they will be informed of this program.

The program allows the City to share the cost of drainage improvements with the property owner who benefits directly from those improvements.

1. The City staff will review the request on a quarterly basis and use the criteria outlined in the policy and determine the priority as well as the nature of improvements to be made.
2. A cost estimate will be developed and sent to all affected property owners.
3. If needed, property owners must agree to sign easements over the work area.
4. Property owners will be responsible for paying 25% of the cost of the improvements, except as specified below. The City will pay the other 75% and coordinate all construction. Following construction the City will assume maintenance responsibility of improvements within the right-of-way or easements. The City will set aside 20% of its allocation for such projects to assist in subsidizing, on a sliding scale, the match for property owners who fall under the low and moderate income guidelines as adopted by the City. In such cases the Department of Neighborhood Development Services will verify their eligibility and extent of assistance.
5. Property owners will be required to sign a Promissory Note, with the Owner to pay their full pro rata or one fourth share prior to construction of the improvements. Should the property owner(s) choose the option to pay their one-fourth share, the remaining three-fourths

share must be paid in three equal annual installments.

5. Should the actual cost of construction exceed the estimate the City will provide the additional funds. If the actual cost is less than the estimate, property owners pro rata share will be adjusted accordingly.

6. Construction will be scheduled once all property owners have entered into an agreement with the City.

7. Twenty percent of the total appropriated for this program will be set aside for emergency projects, as determined by the Director of Neighborhood Development Services. Work on no single property should exceed \$15,000 but the Director of Neighborhood Development Services may authorize a greater amount for difficult circumstances.

8. This program cannot be used to meet existing requirements of the City Code with regard to site plans and subdivisions.

# SPECIAL ASSISTANCE GUIDELINES

## FOR CITIZEN PARTICIPATION

### NEIGHBORHOOD DRAINAGE AND SIDEWALK IMPROVEMENT PROGRAM

**PURPOSE:** These special assistance guidelines have been developed for use in the City of Charlottesville Neighborhood Drainage Program to help pay for the property owner's share of 25% for drainage improvements that meet the criteria for assistance.

**PROCEDURES:** Once the City's Neighborhood Development Services Department has reviewed a request for a neighborhood drainage project, designed the solution and developed a cost estimate, the property owners are informed of the total cost and what their 25% share is to be. Property owners can then request that they be considered for special assistance by doing the following:

1. See if you meet the test for low to moderate income by finding family size (total number of those living in the household) on the following chart and seeing if your family's total yearly income is at or below the income listed in either of the two columns. The following income limits are established by HUD and may be adjusted from time to time by HUD.

#### Special Assistance Eligibility Income Limits Effective January 29, 2013

	Max. Amount	Max. Amount
<u># Persons in Family/Household</u>	<u>50% "Very Low" Income</u>	<u>80% "Low" Income</u>
1 Person -----	\$27,150 -----	\$43,400
2 Persons -----	\$31,000 -----	\$49,600
3 Persons -----	\$34,900 -----	\$55,800
4 Persons -----	\$38,750 -----	\$62,000
5 Persons -----	\$41,850 -----	\$67,000
6 Persons -----	\$44,950 -----	\$71,950
7 Persons -----	\$48,050 -----	\$76,900
8 Persons -----	\$51,150 -----	\$81,850

2. If you fall under the income limits in the chart, then you should submit a request for assistance to the Department of Neighborhood Development Services, P.O. Box 911, Charlottesville, Va. 22902, Room 202, (970-3182), with proof of total income (the most recent year's income tax return and current paycheck stub) for verification of income.

3. The Department of Neighborhood Development Services will then request that the appropriate level of special assistance be granted if adequate funds are available. This will be based on the following revised schedule if funds are available.

#### **Neighborhood Drainage Program Payments Schedule** (For Special Assistance Recipients Only)

<u>Income Level</u>	<u>City's Share</u>	<u>Special Assistance Share</u>	<u>Property Owner's Share</u>
"Very Low"	75%	25%	0%
"Low"	75%	15%	10%

4. The residents must agree to pay their share in accordance with the guidelines of the program. They may either pay their full share of the improvement cost or pay one-fourth of their share before construction and the other three-fourths in three equal annual installments. Residents will have to enter into a written agreement with the City if they choose the financing option.



**RESOLUTION**  
**Bike Pedestrian Coordinator Summer Intern**  
**Transfer from Bike Infrastructure Capital Account to NDS**  
**General Fund Budget**  
**\$15,000**

**BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia, that the \$15,000 will be transferred from the Bike Infrastructure Capital Account to the Neighborhood Development Services General Fund operating budget for the purpose of hiring a Bike Pedestrian Coordinator Summer Intern.

**Transfer From**

\$15,000	Fund: 425	WBS: CP-083	GL Account 561427
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**Transfer To**

\$15,000	Fund: 105	Cost Center: 3901001000	GL Account 498010
\$15,000	Fund: 105	Cost Center: 3901001000	GL Account 519999

**BE IT FURTHER RESOLVED**, that this appropriation shall not be deemed to expire on July 1, 2013 unless further altered by Council.

## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the Mayor is hereby authorized to sign the following document, in form approved by the City Attorney:

Deed of Easement from the City of Charlottesville and the County of Albemarle to the Albemarle County Service Authority, granting an easement across Darden Towe Park to construct and maintain water line facilities to serve the Lewis and Clark Exploratory Center.

**EXHIBIT A**

**UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE  
GENERAL OBLIGATION PUBLIC IMPROVEMENT [REFUNDING]  
BOND, SERIES 201\_[A][B]**

**REGISTERED**

**NO. [R-201\_A-1] [R-201\_B-1]**

**REGISTERED**

**\$\_\_\_\_\_**

**INTEREST  
RATE:**

**%**

**MATURITY  
DATE:**

**DATE OF BOND:**

**CUSIP NO.:**

**161069**

**REGISTERED OWNER: CEDE & CO.**

**PRINCIPAL SUM:**

**DOLLARS**

The City of Charlottesville, a municipal corporation of the Commonwealth of Virginia (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above), [unless this Bond shall have been duly called for previous redemption and payment of the redemption price duly made or provided for,] the Principal Sum (specified above) and to pay interest on such Principal Sum until the payment of such Principal Sum in full, at the Interest Rate (specified above) per annum, on \_\_\_\_\_, \_\_\_\_\_ and semiannually on each \_\_\_\_\_ and \_\_\_\_\_ thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date. *[To be substituted if the interest payment date is the 15th day of the month:* or unless such date of authentication is within the period from the first (1st) day to the fourteenth (14th) day of the calendar month in which the following interest payment date shall occur, in which event from such following interest payment date]. Such interest shall be computed on the basis of a three hundred sixty (360) day year comprised of twelve (12) thirty (30) day months. Such interest is payable on each interest payment date by check mailed by the Registrar and Paying Agent hereinafter mentioned to the Registered Owner hereof at the address of such Registered Owner as it appears on the books of registry kept by the Registrar and Paying Agent, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date. *[To be substituted if the interest payment date is the 15th day of the month:* Such interest is payable on each interest payment

date by check mailed by the Registrar and Paying Agent hereinafter mentioned to the Registered Owner hereof at the address of such Registered Owner as it appears on the books of registry kept by the Registrar and Paying Agent, as of the close of business on the last day (whether or not a business day) of the calendar month next preceding each interest payment date]; *provided, however,* that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

The principal of this Bond is payable on presentation and surrender hereof at the office of **the Director of Finance of the City**, as Registrar and Paying Agent, in the City of Charlottesville, Virginia. The principal of and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

This Bond is one of an issue of Bonds aggregating \_\_\_\_\_ Dollars (\$\_\_\_\_\_) in principal amount issued for the purpose of providing funds [to pay the cost of various public improvement projects of and for the City] [to refund in advance of their stated maturities certain outstanding general obligation bonds of the City], under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), and a resolution and proceedings of the Council of the City duly adopted and taken under the Public Finance Act of 1991.

The Bonds of the series of which this Bond is one (or portions of the principal amount thereof in installments of \$5,000 or any integral multiple thereof) maturing on and after \_\_\_\_\_, \_\_\_\_\_ are subject to redemption at the option of the City prior to their stated maturities, on or after \_\_\_\_\_, \_\_\_\_\_, in whole or in part on any date, in such order as may be determined by the City (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bonds of such maturity or portions thereof in installments of \$5,000 to be redeemed shall be selected by lot), upon payment of a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

If this Bond is redeemable and this Bond (or any portion of the principal amount hereof in installments of \$5,000) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption, and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the Registered Owner hereof at the address of such Registered Owner as it appears on the books of registry kept by the Registrar and Paying Agent as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of this Bond shall have been given as aforesaid, and payment of the principal amount of this Bond (or of the portion of the principal amount hereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for,

interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

Any notice of the optional redemption of this Bond may state that it is conditioned upon there being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, on the date fixed for the redemption hereof an amount of money sufficient to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of this Bond, together with the interest accrued thereon, is due and payable if any such condition so specified is not satisfied. If a redemption of this Bond does not occur after a conditional notice is given due to there not being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, a sufficient amount of money to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, the corresponding notice of redemption shall be deemed to be revoked.

So long as the Bonds of the series of which this Bond is one are in book-entry only form, any notice of redemption of this Bond shall be given only to Cede & Co., as nominee of The Depository Trust Company (“DTC”), and any notice of redemption otherwise required by the resolution pursuant to which this Bond and the Bonds of the series of which this Bond are issued to be given by first class mail, postage prepaid, may be given electronically in lieu of being given by first class mail, postage prepaid, if and to the extent delivery of notices of redemption electronically is acceptable to DTC.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, this Bond may be exchanged at the office of the Registrar and Paying Agent for a like aggregate principal amount of Bonds of other authorized principal sums and of the same series, interest rate and maturity. This Bond is transferable by the Registered Owner hereof or by the attorney for such Registered Owner duly authorized in writing, on the books of registry kept by the Registrar and Paying Agent for such purpose at the office of the Registrar and Paying Agent, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount, series, interest rate and maturity as the Bond surrendered will be issued to the transferee in exchange herefor.

The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by or on behalf of the Registrar and Paying Agent.

It is certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limitation of indebtedness prescribed by the Constitution or statutes of the Commonwealth of Virginia or the Charter of the City.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the facsimile signature of its Mayor; a facsimile of the corporate seal of the City to be imprinted hereon, attested by the facsimile signature of the Clerk of Council of the City; and this Bond to be dated the date first above written.

[SEAL]

CITY OF CHARLOTTESVILLE, VIRGINIA

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk of Council

### **CERTIFICATE OF AUTHENTICATION**

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

\_\_\_\_\_  
Director of Finance, as Registrar and Paying Agent

Dated: \_\_\_\_\_

**ASSIGNMENT**

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto \_\_\_\_\_

\_\_\_\_\_  
(Please print or type name and address, including postal zip code of Transferee)

PLEASE INSERT SOCIAL SECURITY OR  
OTHER IDENTIFYING NUMBER OF TRANSFEREE:

the within-mentioned Bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, agent, to transfer the same on the books of registry in the office of Registrar and Paying Agent with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange, Inc. or a commercial bank or trust company.

\_\_\_\_\_  
(Signature of Registered Owner)  
NOTICE: The signature above must correspond with the name as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

**AN ORDINANCE  
AMENDING AND REORDAINING SECTIONS 28-151, 28-155, 28-156,  
28-158, 28-159, AND 28-160 OF CHAPTER 28 OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
RELATING TO VENDING IN STREETS FROM MOBILE FOOD VEHICLES.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Sections 28-151, 28-155, 28-156, 28-158, 28-159, and 28-160 of Article V of Chapter 28 of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

**Sec. 28-151. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

*Vending* means the sale of food, drink, ice cream or other frozen dessert to a retail customer within the right-of-way of any public street in the city.

*Vending Vehicle* means motor vehicle used for vending to a retail customer on the city streets. This definition shall not include towed trailers or push carts.

**Sec. 28-152. Violations of article.**

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a Class 3 misdemeanor.

**Sec. 28-153. Exemptions from article.**

The provisions of this article shall not apply to persons vending farm produce grown by the vendor, nor to persons vending wood.

**Sec. 28-154. Vehicles subject to article.**

Except as otherwise provided in this article, every motor vehicle used to transact the business of vending to a retail customer where the sale is made in the city street right-of-way shall be subject to the provisions of this article.

**Sec. 28-155. Sales prohibited on certain streets.**

No sales shall be made ~~by~~ from a vending vehicle on any street where posted speed limits are in excess of twenty-five (25) miles per hour.

~~**Sec. 28-156. Impeding traffic prohibited; parking, etc., prohibited except to transact business.**~~  
~~No vehicle vending within the city shall interfere with or impede the flow of traffic on any city street, and except for emergency stops, no such vehicle shall be parked or stopped on any street when not engaged in transacting its business.~~

**Sec. 28-156. Parking vehicles overnight.**



No unattended vending vehicle shall be permitted to park on any City street between the hours of 2:00 a.m. and 7:00 a.m.

**Sec. 28-157. Stopping near schools.**

No vending vehicle shall stop, except for emergency reasons, within one hundred (100) feet of any school property without the annual written consent of the principal of such school permitting such stop.

**Sec. 28-158. Manner and hours of making sales.**

(a) Whenever a vending vehicle is stopped for the purpose of making sales, it shall be stopped at the right-hand curb of the street in a legal parking space, or if there is no curb, at the extreme right-hand edge of pavement in a legal parking space. No sales shall be made from any ~~such~~ vending vehicle to any person not standing on the sidewalk, or where no sidewalk has been installed, not standing off the paved roadway. At such stops, the vending vehicle's motor shall be cut off unless its operation is essential to producing the product sold.

(b) Vending from vending vehicles, as defined in this article, is prohibited in areas zoned as residential between the hours of 8:00 p.m. and 7:00 a.m. during Daylight Savings Time and between the hours of 6:00 p.m. and 7:00 a.m. during Eastern Standard Time.

(c) No vending vehicle shall park or make sales in front of an established restaurant on the same side of the street during the restaurant's operating hours.

**Sec. 28-159. Limitation on number of vehicles within one block.**

Up to four (4) ~~Only one~~ vending vehicles may be used to dispense merchandise in any given city block at any one time.

**Sec. 28-160. Amber signal lights required on vehicles.**

Each vending vehicle shall be equipped with four (4) amber signal lights, of a minimum diameter of four (4) inches, located on each corner of the top of the vending vehicle. All four (4) lights shall flash simultaneously while such vending vehicle is stopped with the engine running for the purpose of making sales.

**Sec. 28-161. Use of noise-making devices restricted.**

No person operating a vending vehicle shall use any noise-making device for the purpose of attracting customers, except the sounding of bells, and such bells shall be used only while the vending vehicle is in motion from one regular stop to the next regular stop.

**Sec. 28-162. - Refuse disposal.**

Each vending vehicle shall be equipped with a receptacle for the disposal of wrappers, papers, containers and other trash. The driver of each vending vehicle, before he leaves for his next regular stop, shall ensure that no wrappers, papers, containers or the like have been left on the sidewalk or street.

**AN ORDINANCE  
AMENDING AND REORDAINING SECTIONS 34-480, 34-796, 34-1175 AND 34-1200  
OF CHAPTER 34 (ZONING) OF THE CODE OF THE CITY  
OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING TO MOBILE FOOD UNITS**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 34-480 (Article IV), Section 34-796 (Article VI), Section 34-1175 (Article IX), and Section 34-1200 (Article X), all in Chapter 34 of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

**Sec. 34-480. Use matrix—Commercial districts.**

The uses and residential densities allowed within the city’s commercial zoning districts are those identified within the matrix following below.

...

Use Types	ZONING DISTRICTS					
	B-1	B-2	B-3	M-I	ES	IC
<b>NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL</b>						
Microbrewery		B	B	B		B
<b>Mobile food units</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Movie theaters		B	B			B

...

**Sec. 34-796. Use matrix—Mixed use corridor districts.**

The uses and residential densities allowed within the city’s mixed use corridor districts are those identified within the matrix following below.

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Use Types	ZONING DISTRICTS													
	D	DE	DN	WMN	WMS	CH	HS	NCC	HW	WSD	URB	SS	CD	CC
<b>NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL</b>														
Microbrewery	B	B	B	B	B		B		B	B	B	B	B	B
<b>Mobile food units</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Movie theaters, cineplexes	S	S	S	S	S	B	S		B	S	S	S	S	S

**Sec. 34-1175. Mobile food unit.**

A mobile food unit located on private property authorized by a provisional use permit shall be subject to the following regulations:

- (1) No mobile food unit may be operated on private property without the mobile food unit Owner or his designee having first been issued a provisional use permit pursuant to this section.
- (2) A provisional use permit allows the permittee to operate at up to ten (10) different properties. An applicant may apply for more than one (1) provisional use permit.
- (3) Applicants for a provisional use permit authorizing a mobile food unit to operate on private property must provide:
  - a. A City business license (or a statement from the Commissioner of Revenue that no City business license is required).
  - b. A valid Health Permit from the Virginia Health Department stating that the mobile food unit meets all applicable standards. A valid health permit must be maintained for the duration of the provisional use permit.
  - c. Written permission from the owner(s) of the private properties upon which the permittee will operate.
  - d. A sketch to be approved by the zoning administrator for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from property lines, garbage receptacles and any other feature associated with the mobile food unit.
- (4) A mobile food unit provisional use permit is valid for one year from the date of issuance.
- (5) A mobile food unit operator shall not:
  - a. Sell anything other than food and non-alcoholic beverages and items incidental to the product and its consumption;
  - b. Set up more than one (1) covered 10x10 table to provide condiments to patrons;
  - c. Play any music that is audible outside of the vehicle;
  - d. Place or utilize any signage that is not permanently affixed to the mobile food unit;
  - e. Fail to provide receptacles and properly dispose of all trash, refuse, compost and garbage that is generated by the use;
  - f. Cause any liquid wastes to be discharged from the mobile food unit;

- g. Locate a mobile food unit within 100 feet of a single family or two-family residential use.
- (6) A provisional use permit may be revoked by the zoning administrator at any time, due to the failure of the permit holder to comply with all requirements of this chapter. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the board of zoning appeals.

**Sec. 34-1200. Definitions.**

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*Mobile Food Unit* means a readily movable wheeled vehicle or a towed vehicle designed and equipped for the preparation, service and/or sale of food.

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