



CITY COUNCIL AGENDA
Tuesday, September 6, 2016

5:30 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Acquisition of property in the Downtown area for a public purpose; and consultation with legal counsel regarding pending litigation with Charlottesville Parking Center, Inc.; Boards and Commissions; City Manager annual performance evaluation)

7:00 p.m. **Regular Meeting - CALL TO ORDER**
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS ANNOUNCEMENTS Pride Festival Week; Imagine A Day Without Water

APPOINTMENTS TO BOARDS & COMMISSIONS
CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers 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.

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

Passed 5-0 (Bellamy/Galvin)

- a. Minutes for August 15
- b. **APPROPRIATION:** Adult Drug Treatment Court Grant Award – \$205,000 (2nd of 2 readings)
- c. **APPROPRIATION:** Victim Witness Assistance Program Grant – \$250,902 (2nd of 2 readings)
- d. **APPROPRIATION:** Proceeds from the Sale of 1312 Nunley Street – \$126,731.08 (2nd of 2 readings)
- e. **APPROPRIATION:** Mobile Computer and Records System Equipment – \$173,272 (2nd of 2 readings)
- f. **APPROPRIATION:** Safe Routes to School Grant Application – \$56,000 (2nd of 2 readings)
- g. **APPROPRIATION:** Local Contributions for Crisis Intervention Training – \$71,200 (1st of 2 readings)
- h. **APPROPRIATION:** Grant Funding for W. Main St. National Register Nomination – \$24,000 (1st of 2 readings)
- i. **APPROPRIATION:** Virginia Homelessness Solutions Grant (V.H.S.P.) – \$477,151; Housing Opportunities for Persons with AIDS (H.O.P.W.A.) – \$186,940 (1st of 2 readings)
- j. **RESOLUTION:** Jane Jacobs Symposium Funding – \$2,000 (1st of 1 reading)
- k. **RESOLUTION:** Daughters of Zion Cemetery Rehabilitation Project – \$80,000 (1st of 1 reading)
- l. **RESOLUTION:** Abundant Life Ministries Reimbursement (1st of 1 reading)
- m. **RESOLUTION:** GO Virginia (1st of 1 reading)
- n. **RESOLUTION:** Transfer for C.A.T.E.C. Chiller Replacement Project – \$144,700 (1st of 1 reading)
- o. **RESOLUTION:** Online Voter Registration (1st of 1 reading)
- p. **ORDINANCE:** Telecommunications Ordinance Amendments (2nd of 2 readings)
- q. **ORDINANCE:** Dominion Utility Right-of-Way Agreements to Serve the YMCA (2nd of 2 readings)

2. PUBLIC HEARING / RESOLUTION* Comprehensive Plan Amendment – Streets That Work Plan (1st of 1 reading) – **Passed 5-0 (Galvin/Szakos)**

3. PUBLIC HEARING / ORDINANCE* Conditional Release of Road Widening, Drainage, and Public Access Easements to Accommodate Retail Development at 1200 Emmet St. (1st of 2 readings) – **carried (Szakos/Fenwick)**

4. RESOLUTION* 1248 Emmet Street Special Use Permit – Zaxby’s (1st of 1 reading) **Passed 3-2 (Bellamy/Szakos; no: Galvin, Signer) with condition change: hours 10am-12am.**

5. RESOLUTION* House Bill 2 (HB2/ SMART Scale) Submissions, Bicycle and Pedestrian Safety Program Transportation Funding **Passed 5-0 (Szakos/Galvin)**

6. REPORT Code Audit Update **Galvin proposed resolution; Szakos seconded; passed 5-0**

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION.
Charlottesville/Albemarle Adult Drug Treatment Court Grant Award
\$205,000

WHEREAS, the Supreme Court of Virginia awarded the Byrne Grant in the amount of \$205,000 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$121,316; and

WHEREAS, the grant award covers the period July 1, 2016 through June 30, 2017.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$205,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$205,000 Fund: 209 Internal Order: 1900267 G/L Account: 430120

Expenditures

\$205,000 Fund: 209 Internal Order: 1900267 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$205,000 from the Supreme Court of Virginia.

APPROPRIATION.

Charlottesville Victim Witness Assistance Program Grant

\$250,902.

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$218,902; and

WHEREAS, the City is providing a supplement in the amount of \$32,000, the source of which is the Commonwealth Attorney's operating budget;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$250,902 is hereby appropriated in the following manner:

Revenues

\$ 54,726	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$164,176	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 32,000	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

Expenditures

\$222,214	Fund: 209	Cost Center: 1414001000	G/L Account: 519999
\$ 7,379	Fund: 209	Cost Center: 1414001000	G/L Account: 530100
\$ 21,309	Fund: 209	Cost Center: 1414001000	G/L Account: 599999

Transfer

\$ 32,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$218,902 from the Virginia Department of Criminal Justice Services.

APPROPRIATION

**Proceeds from Sale of Property at 1312 Nunley Street
by Thomas Jefferson Community Land Trust
\$126,731.08**

WHEREAS, the City of Charlottesville has received \$126,731.08 from the Thomas Jefferson Community Land Trust; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$126,731.08 is hereby appropriated in the following manner:

Revenue – \$126,731.08

Fund: 426 WBS: CP-084 (P-00672) G/L Account: 451999

Expenditures - \$126,731.08

Fund: 426 WBS: CP-084 (P-00672) G/L Account: 599999

APPROPRIATION.

Police Mobile Computer and Records System Equipment - \$173,272.

WHEREAS, the recently upgraded integrated public safety data system (New World Systems), has necessitated the need to purchase or upgrade several components of the Police ;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$173,272 from the Capital Contingency Account (CP-080) is to be appropriated in the following manner:

TRANSFER FROM - \$173,272:

Fund: 426 Funded Program: CP-080 G/L Account: 599999

TRANSFER TO:

Revenues - \$109,916

Fund: 429 Funded Program: P-00236 G/L Account: 432030

Expenditures - \$109,916

Fund: 429 Funded Program: P-00236 G/L Account: 599999

Revenues - \$63,356

Fund: 705 Cost Center: 2131001000 G/L Account: 498010

Expenditures - \$63,356

Fund: 705 Cost Center: 2131001000 G/L Account: 520900

APPROPRIATION

Safe Routes to School Program (SRTS) Non-Infrastructure Grants
\$56,000

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$56,000;

WHEREAS, the SRTS program is a 100% reimbursement program requiring the City to meet all federal guidelines to qualify;

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

Revenues

\$56,000 Fund: 209 Cost Center: 3901008000 G/L Account: 430120

Expenses

\$26,000 Fund: 209 Cost Center: 3901008000 G/L Account: 519999
\$30,000 Fund: 209 Cost Center: 3901008000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$56,000 from the Virginia Department of Transportation.

RESOLUTION

**U.V.A. School of Architecture Sponsor Request – Jane Jacobs and the Design of the 21st Century Symposium “City Work and Equity” Session.
\$2,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$2,000 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to the U.V.A. School of Architecture:

\$2,000

Fund: 105

Cost Center: 10110010000

RESOLUTION
Transfer of Funds - Daughters of Zion Cemetery Rehabilitation Project
\$80,000

BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$80,000 is hereby transferred in the following manner:

Transfer From

\$80,000 Fund: 426 WBS Element: P-00818 G/L Account: 599999

Expenditure

\$80,000 Fund: 426 WBS Element: P-00924 G/L Account: 599999

RESOLUTION
Community Development Block Grant (CDBG) Repayment to the U.S. Department of
Housing and Urban Development
\$1,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$1,000 from previously appropriated funds to the CDBG Charlottesville Abundant Life Ministries project of 14-15 for repayment of CDBG funds to HUD.

Revenue:

\$1,000 Fund: 218 WBS: P-00001-02-67 G/L: 451050 Refund Prior Yr. Exp.

Expense:

\$1,000 Fund: 218 WBS: P-00001-02-67 G/L: 540368 Refund Disallowed

RESOLUTION OF SUPPORT
Virginia Initiative for Growth & Opportunity
GO Virginia

WHEREAS, the Virginia Initiative for Growth and Opportunity (GO Virginia) was initiated to encourage collaboration on private-sector growth and job creation by business, education, and government in each region; and

WHEREAS, the GO Virginia coalition's work is guided by three main points: (1) Virginia urgently needs strong private-sector growth; (2) Growth in Virginia's diverse regions requires collaboration; and (3) State government must be a catalyst and partner; and

WHEREAS, GO Virginia supports a voluntary, incentive-based approach as the best way to encourage regional cooperation on private-sector growth; and

WHEREAS, the General Assembly has approved \$35.95 million for GO! Grants, enacted legislation effective on July 1, 2016 and directed that guidelines be developed to implement the legislation by October 15, 2016; and

WHEREAS, as a regional economic development organization, the Central Virginia Partnership for Economic Development's main focus – fostering collaboration to promote economic growth and job creation in the region – aligns exactly with the GO Virginia initiative; and

WHEREAS, the Partnership has led a successful collaboration of public, private and educational stakeholders for two decades and is uniquely positioned to foster the regional cooperation required to successfully execute GO Virginia; and

WHEREAS, the Charlottesville City Council agrees that the success and sustainability of Virginia's economic future depends on strong private-sector growth and supports state policies that encourage business, education, and local government to work together to create jobs and achieve shared economic development goals; and

WHEREAS, it is anticipated that Planning Districts 9 and 10 will be combined to serve as a single region for the GO Virginia program and both Planning District Commission Directors have agreed to be integrally involved in supporting the Partnership in this endeavor;

NOW, THEREFORE BE IT RESOLVED, that the Charlottesville City Council supports the GO Virginia initiative to strengthen Virginia's economy in each region and, in the event that Planning Districts 9 and 10 are combined to serve as one of the defined regions for implementation of GO Virginia, supports the Central Virginia Partnership for Economic Development as the lead organization for GO Virginia in our region.

RESOLUTION

Fund Transfer to Facilities Capital Projects Lump Sum Account for the C.A.T.E.C. Chiller Replacement Project - \$144,700

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

Transfer From

\$144,700 Fund: 426 WBS: P-00845 G/L Account: 599999

Transfer To

\$144,700 Fund: 426 WBS: CP-017/P-00922 G/L Account: 599999

Revenue

\$144,700 Fund: 426 WBS: CP-017/P-00922 G/L Account: 498010

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of reimbursement from Albemarle County; and that any future capital project reimbursements from Albemarle County, above what was originally appropriated, shall automatically appropriate upon receipt of funds.

RESOLUTION
City Council Online Voter Registration Assistance

Whereas, we should do everything we can to assist City of Charlottesville citizens to register and vote, and;

Whereas, at present, the National Voter Registration Act (NVRA) mandates agencies such as the Department of Social Services, Department of Health, and the Community Services Board, to offer customers an opportunity to register to vote' and;

Whereas, currently, NVRA agencies use a paper voter registration application, which the applicant must take with them, fill out and mail in, or fill out there and leave to be submitted to the Elections Office., and;

Whereas, anyone who holds a Virginia driver's license or a Department of Motor Vehicles issued photo identification card can register or update their voter registration online via the Department of Elections website, and;

Whereas, due to online voter registration (OVR), we have an opportunity in the City of Charlottesville to streamline, expand access to, and increase the efficiency of voter registration, and;

Whereas, we can do this by expanding access to online voter registration through agencies that are currently required to provide voter registration services under the NVRA, and;

Whereas, the benefits of online voter registration are notable, OVR reduces voter registration errors because the voter enters the information directly into the system and receives instantaneous prompts to correct or fill-in missing information.

Therefore, be it resolved that the City Council request every NVRA mandated agency and office in the City of Charlottesville's government that has an information desk, an intake desk or other public serving desk, and has a computer with Internet access easily available for public use, to make it available for voter registration. Additionally, we request that these agencies ask all clients or applicants if they have an interest in registering to vote, and;

Be it also resolved, that the Office of Voter Registration work collaboratively with the City's Office of Communications to develop an information sheet for participating agencies.

ORDINANCE
AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO UPDATE REGULATIONS SET FORTH WITHIN ARTICLE IX (GENERAL REGULATIONS), DIVISION 5 (TELECOMMUNICATIONS FACILITIES) TO COMPLY WITH REQUIREMENTS OF FEDERAL LAW AND TO MODIFY THE HEIGHT REQUIREMENTS APPLICABLE TO ATTACHED FACILITIES

WHEREAS, by resolution City Council initiated this zoning text amendment; and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held jointly by the Planning Commission and City Council on July 12, 2016, after notice to the public and to adjacent property owners as required by law, and following conclusion of the public hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment as presented, with two additions; and

WHEREAS, after consideration of the Planning Commission’s recommendation, this Council is of the opinion that that the proposed zoning text amendment has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the proposed zoning text amendment, and (ii) the proposed zoning text amendment is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and re-enacted as follows:

1. Sec. 34-420 (Use matrix—Residential districts) of Article III (Residential Districts), Sec. 34-480 (Use matrix—Commercial districts) of Article IV (Commercial Districts), and Sec. 34-796 (Use matrix—Mixed use corridor districts) of Article VI (Mixed Use Districts), of Chapter 34 (Zoning), are hereby amended and re-enacted, to incorporate the following changes in the columns titled “Use Types”:

<i>Use Types....</i>
NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL
Communications facilities and towers:
Antennae or microcells mounted on existing towers established prior to 02/20/01
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure

Attached facilities not visible from any adjacent street or property
Attached facilities visible from an adjacent street or property
<u>Carrier on Wheels (COW)*</u> [*Note: Insert "P" in all Commercial district columns for this use]
<u>Towers</u> Alternative tower support structures
Monopole tower support structures
Guyed tower support structures
Lattice tower support structures
Self-supporting tower support structures

2. Chapter 34 (Zoning), Article IX (General Regulations), Division 5 (Telecommunications Facilities), is hereby amended and re-enacted, as follows:

Sec. 34-1070. Purpose and intent.

The purpose and intent of this division is to provide regulations that will serve the interests of the public necessity, convenience, general welfare and good zoning practice, by ensuring that residents, businesses and public safety operations within the City of Charlottesville have reliable and convenient access to communications networks, while also ensuring a convenient, attractive and harmonious community; protection against destruction of or encroachment upon historic areas; and encouragement of economic development. The provisions of this division are also intended to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal laws, including, without limitation, Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012. establish guidelines for the siting of communications towers and personal wireless service facilities. The goals of this division are to:

- ~~(1) Allow for a range of locations for communications towers and personal wireless service facilities, subject to clear buffering and safety standards.~~
- ~~(2) Encourage the joint use of new and existing support structures, and minimize the total number of communications towers and personal wireless service facilities throughout the community.~~
- ~~(3) Encourage users of communications towers and personal wireless service facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.~~
- ~~(4) Minimize adverse visual impacts of towers and antenna through careful design, siting, landscaping screening and innovative camouflaging techniques.~~
- ~~(5) Encourage users of communications towers and personal wireless service facilities to configure them in a way that minimizes adverse visual impact;~~
- ~~(6) Promote compatibility of communications towers and personal wireless service facilities with surrounding land uses, and protect the attractiveness, health, safety, general welfare and property values of the community.~~
- ~~(7) Avoid potential damage to adjacent properties from tower failure through responsible engineering practices and careful siting of tower structures.~~
- ~~(8) Minimize traffic impacts on surrounding residential areas.~~

- ~~(9) Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single use towers.~~

Sec. 34-1071. Definitions.

For definitions of special terms utilized within this division, refer to Article X (Definitions), section 34-1200.

Sec. 34-1072. Nonconforming facilities Applicability.

- (a) Communications facilities that were legally permitted on or before the date this ordinance was enacted, but which do not conform to current zoning regulations, shall be considered lawful, nonconforming uses. A communications facility or tower that was completely constructed on a site prior to February 20, 2001, in any zoning district, shall be considered a conforming use.
- (b) A collocation shall not be construed as an expansion, enlargement or increase in intensity of an existing nonconforming tower or base station, provided that the collocation does not involve any Substantial Change. A communications facility, in any zoning district, which has received city approval in the form of either a building permit, site plan approval or special use permit, but which has not yet been constructed or placed into operation on February 20, 2001, shall be considered an existing, conforming use if the building permit, site plan approval or special use permit remains valid, and has not expired.
- (c) City Council may, by special use permit, authorize a Substantial Change of a nonconforming tower or base station. Placement of an attached communications facility on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure.
- ~~(d) The requirements of this division shall supersede conflicting requirements contained in other city zoning or site plan ordinances regarding the siting and permitting of communications facilities.~~

Sec. 34-1073. Design control Facilities by districts.

- (a) Within the city's historic and entrance corridor overlay districts attached communications facilities that are visible from any adjacent street or property are prohibited; provided, however, that by special use permit, City Council may authorize such facilities on a specific lot.
- (1) The following shall be permitted uses: antennae or microcells mounted on existing communications towers established prior to February 20, 2001; attached communications facilities utilizing utility poles or other electric transmission facilities as the attachment structure; and other attached communications facilities if such other attached communications facilities are not visible from any adjacent street or property.
- (2) The following shall be prohibited uses: attached communications facilities where such facilities are visible from any adjacent street or property, and communications facilities utilizing alternative tower, monopole tower, guyed tower, lattice tower and self-supporting tower support structures.
- (b) In the event of a conflict between the provisions of this section and the provisions of the use matrix for any applicable zoning district, the provisions of this section shall govern.
- ~~(b) Within other zoning districts of the city, the permitted communications facilities are identified within the use matrix for the applicable districts. Facilities other than those identified within the use matrix for a particular district shall be prohibited.~~

Sec. 34-1074. Height; measurement of changes.

- (a) Where attached communications facilities are permitted within a zoning district, the attachment structure shall be at least forty (40) feet in height, and the total height of the communications facility (including the attachment structure, antenna and any attachment device(s)) shall not be more than twenty (20) feet greater than the original height of the attachment structure, and:
- (1) no part of any antenna or attachment device shall be lower than (i) the level of the floor of the second story of the building that serves as the attachment structure, or (ii) fifteen (15) feet measured from grade level, whichever is greater; and
- (2) in cases where an appurtenance (as defined in City Code Sec. 34-1200) is utilized as an attachment structure, no part of any antenna or attachment device may project above the top of the appurtenance.
- (b) The following ~~height~~-restrictions shall apply to freestanding communications facilities, wherever located:
- (1) Where a support structure is used by and for a single antenna ~~communications facility~~, maximum height shall not exceed seventy (70) feet.
- (2) Where a support structure is used by and for two (2) co-located antennas ~~communications facilities~~, then maximum height shall not exceed one hundred (100) feet.
- (3) Where a support structure is used by and for three (3) or more co-located antennas ~~communications facilities~~, then maximum height shall not exceed one hundred fifty (150) feet.
- (4) The height of a freestanding communications facility shall be determined by the number of antennas for which binding commitments can be demonstrated at the time of approval. No freestanding communications facility shall be permitted to be constructed when the number of antennas that may be installed on it is speculative at the time of any approval.
- (c) By special use permit, City Council may modify Any communications facility that exceeds the height restrictions or dimensions allowed by right under paragraphs (a) or (b)(1)-(3), above, shall require a special use permit.
- (d) When an application involves or proposes a change in the height of any communications facility, the change in height will be measured from the original support structure, in cases where deployments are or will be separated horizontally (such as on the rooftop of a building); in other circumstances, changes in height will be measured from the dimensions of the tower or base station—inclusive of originally-approved appurtenances and any modifications that were approved prior to the passage of the federal Spectrum Act (P.L. 112-96, signed February 22, 2012).

Sec. 34-1075. Setback requirements.

- (a) All communications facilities shall comply with the minimum setback and yard requirements of the zoning district in which they are located.
- (b) Each tower and base station Support structures shall be set back from all property lines a distance equal to its engineered fall zone for freestanding communications facilities shall be located on a lot in such a manner that, in the event of collapse, the structure and supporting devices shall be contained within the confines of the property lines.
- (c) No above-ground portion of any freestanding communications facility shall project into a required setback more than the maximum projection permitted in the zoning districts in which the facility or antenna is located. Any communications facility that projects over a public right-of-way shall have a

minimum clearance of sixteen feet six inches, and is subject to city council's approval of a right-of-way use agreement for the facility itself, or for the structure to which it is attached.

- (d) Where ~~alternative tower~~, monopole tower, lattice tower or other self-supporting tower support structures are permitted, either by right or by special use permit:
 - (1) The communications facility shall be set back from any existing residence, residentially-zoned property, public street or other public property, a distance of at least the height of the PWSF or communications facility, but in no event less than one hundred (100) feet.
- (e) By special use permit, City Council may modify the requirements of paragraphs (a) or (b).

Sec. 34-1076. Separation requirements.

- ~~(a)~~ Freestanding communications facilities shall conform to the following separation requirements (i.e., minimum distance from the nearest established freestanding communications facility):

<u>Structure Facility Height</u>	Minimum Separation Requirement
<50 feet	300 feet
50—100 feet	500 feet
101—150 feet	750 feet

- ~~(b) Alternative tower structures, and attached communications facilities, shall be exempt from the provisions of section (a), above.~~
- ~~(c)~~ (b) When a freestanding communications facility is located on a lot site containing one (1) or more ~~other buildings principal uses or other uses~~, the minimum distance between the facility tower support structure and any principal other building or principal use located on the same lot site shall be the greater of twenty (20) percent of the height of the facility communications facility, or twenty-five (25) feet.

Sec. 34-1077. Screening and landscaping.

- (a) Landscaping shall be used at ground level to screen the view of towers and base stations freestanding communications facilities from adjacent public streets and public property, and from adjacent residentially-zoned property and ~~adjacent~~ residences. The minimum landscaping requirements shall be as follows:
 - (1) For towers and base stations facilities one hundred fifty (150) feet in height or less, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be spaced not more than five (5) feet apart within ten (10) feet of the perimeter of the required setback area.
 - (2) For towers and base stations more than one hundred fifty (150) feet in height, in addition to the requirements set forth in subsection (a)(1), above, at least one (1) row of deciduous trees, with a minimum caliper of two and one-half (2½) inches at the time of planting, and spaced not more than forty (40) feet apart, shall be provided within twenty (20) feet of the perimeter of the required setback area.
 - (3) All security fencing shall be screened from view.
- (b) Landscaping materials shall consist of drought-resistant native species.

- (c) Landscaping materials shall be maintained by the owner and operator of the lot on which the support structure is constructed or installed, for the life of the support structure installation.
- (d) Existing vegetation on the site shall be preserved to the greatest practical extent. Existing vegetation, topography, walls and fences, etc., combined with shrubs or other features may be substituted for the required shrubs or trees, if the director of neighborhood development services or his designee finds that they achieve the same degree of screening as the required shrubs or trees.
- (e) The requirements of this section shall not apply to an existing building that serves as the support for an antenna, but they shall apply to any related equipment and shelters placed on the ground adjacent to such buildings.

Sec. 34-1078. Lighting and security fencing.

- (a) No communications facility shall be artificially lighted, except for:
 - (1) Security and safety lighting of equipment and shelters buildings, if such lighting is appropriately down-shielded to keep light within the boundaries of the site.
 - (2) Such lighting as may be required by the FAA, FCC or other applicable governmental authority, installed in such a manner as to minimize impacts on adjacent residences. Where the FAA or FCC requires lighting "dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA or FCC guidelines.
- (b) Security fencing shall be required around the perimeter of towers and base stations (but not for existing buildings that serve as the support for an antenna) ~~support structures and any accessory utility structures associated with freestanding communications facilities~~, in accordance with the following minimum requirements:
 - (1) Security fencing shall be maintained by the owner and operator(s) of the communications facility, for the life of the facility. Security fencing shall be constructed of decay-resistant materials, and shall be not less than six (6) feet in height.
 - (2) Security fencing shall be equipped with anti-climbing devices.
 - (3) When a For alternative tower structures where the support structure is secured so that the public cannot access any component of a wireless facility the antenna array, equipment shelter and other apparatus for a PWSF or other communications facility, security fencing shall not be required.

Sec. 34-1079. Signs and advertising.

- (a) No sign(s) shall be permitted on any communications facility, except as may be required for public safety purposes, or as required by the FAA or FCC.
- (b) No materials or markings containing any advertising or advertisement shall be permitted on any communications facility.

Sec. 34-1080. Visibility and placement.

- (a) Attached communications facilities that are permitted to be visible from adjacent streets or properties shall comply with the following standards requirements as to visibility and placement:
 - (1) ~~Where~~ Such facilities ~~are visible from adjacent properties, or from public rights of way, they shall be designed and located so as to blend in with the existing support structure. The facilities shall be attached to the support structure to the maximum extent feasible, through measures such as placement~~ in the least visible location that which is consistent with proper functioning

~~of the communications equipment, and~~ The colors of the facility and the attachment structure will be coordinated, and use of compatible or neutral colors shall be utilized.

- (2) Where such facilities are visible to adjacent residences, but have a visual impact that cannot reasonably be mitigated by placement and color solutions, the facilities shall be screened by planted materials or building appurtenances, to an extent that they are not readily apparent to the occupants of the adjacent residence ~~from view or concealed~~.
 - (3) Antennas and any supporting electrical and mechanical equipment shall be of a neutral color that is compatible with the color of the attachment structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- (b) Attached communications facilities that are permitted only if not visible from adjacent streets or properties shall comply with the following standards:
- (1) Such facilities must be concealed by an architectural feature or lawful appurtenance of the support structure, provided that ground-level equipment may be concealed by landscape screening.
 - (2) The concealment referenced in (b)(1), above, shall be provided to such an extent that the communications facilities cannot be distinguished from the architectural feature, appurtenance, or landscape plantings used to conceal them.
 - (3) Within a design control district, any exterior construction, reconstruction, and alteration proposed for the purpose of providing concealment for any component of a communications facility requires a certificate of appropriateness.
- (c) In addition to the requirements of paragraphs (a) and (b), above:
- (1) ~~Portions of towers and base stations that extend~~ All support structures shall be of a galvanized finish, or painted gray, above a the surrounding treeline or built environment shall be painted gray or shall have a galvanized finish. Below the surrounding treeline such facilities support structures shall be painted gray or green. ~~Below ; or, below~~ the line of the surrounding built environment, such facilities structures shall be painted in a neutral color that ~~will blends~~ with the surrounding built environment.
 - (2) Alternative coloring or marking may be utilized if an applicant identifies. These requirements shall apply unless other coloring or marking is required by FAA or FCC regulations requiring such alternative coloring or marking.
- (e) (3) ~~Equipment shelters shall , to the extent practicable, use be fabricated, constructed and installed using materials, colors, textures, screening and landscaping that will blend with the natural setting and built environment. Equipment~~ The equipment shelters and/or cabinets used ancillary to a microcell shall be contained wholly within a building, or structure, or enclosure, unless otherwise concealed and/or camouflaged, as may be required, or located underground.
- (d) (4) ~~Collocated antennas Antennas and other broadcasting or receiving equipment collocated on a single support structure or attachment structure~~ shall, to the greatest extent feasible, be of similar size, design, coloring and appearance.
- (5) For towers having a height in excess of one hundred fifty (150) feet, the number and placement of antennas or other receiving or transmitting devices collocated on a single support structure shall be limited so that, in the aggregate, the facility(ies) will not have an excessive adverse visual impact on adjacent properties, or on the view from any historic or entrance corridor overlay district.
- (de) As long as all siting, setback, separation and general requirements of this division are met, towers, where permitted, freestanding communications facilities may occupy a parcel meeting the minimum lot size requirements for the zoning district in which they are located.

- ~~(f) For freestanding communications facilities with a height in excess of one hundred fifty (150) feet, the number and placement of antennas or other receiving or transmitting devices collocated on a single support structure shall be limited so that, in the aggregate, the facility(ies) will not have an excessive adverse visual impact on adjacent properties, or on the view from any historic or entrance corridor overlay district.~~

Sec. 34-1081. Construction and operational standards.

- (a) ~~All towers and base stations shall comply with requirements of the applicable version of the Virginia Uniform Statewide Building Code (USBC). All support structures shall be constructed to comply with the Electronic Industries Association (EIA) current standards (EIA222-D, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by EIA, effective June 1, 1987, as from time to time amended or revised).~~
- (b) ~~All support structures shall be constructed to comply with the Virginia Uniform Statewide Building Code (USBC), effective September 1, 1973, as from time to time amended or revised, and with the provisions of any applicable city ordinance(s). Structures necessary for the housing or shelter of equipment used in direct support of a communications facility shall be allowed as accessories to the communications facility, but such structures may not be used for offices, vehicle storage or other storage. No equipment, machinery or vehicles other than that which is utilized in direct support of a communications facility shall be stored or parked at the site, except when necessary in connection with repairs to the facility.~~
- (c) ~~All communications facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal or state government having authority to regulate such facilities. An applicant seeking approval of a communications facility shall be required to certify such compliance. Every twelve (12) months from the date of issuance of a building permit, or, where required, from the date of final approval of a site plan, the owner or operator of an approved communications facility shall submit to the director of neighborhood development services or his designee documentation that the communications facility complies with all applicable federal and state standards and regulations.~~
- (d) ~~The owner and operator of a tower freestanding communications facility shall provide for and conduct an inspection of the tower support structure at least once every three (3) years. Such inspection shall be conducted by a structural engineer authorized licensed to practice within the Commonwealth of Virginia. A written report of the results of the inspection shall be provided to the City's Building Official director of neighborhood development services or his designee, verifying structural integrity and the name(s) and address(es) of any tenant(s) having equipment located on the structures.~~
- (e) ~~Machinery and equipment used ancillary to a communications facility shall be automated to the greatest extent possible. Communications facilities may be located on sites containing one (1) or more other principal uses, or such facilities may be the principal use of a lot. However, multiple uses of a single lot shall be prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas or dangerous chemicals.~~
- (f) ~~Areas sufficient for the temporary off street parking of at least two (2) vehicles shall be provided for freestanding communications facilities. The type and configuration of parking may be approved by the director of neighborhood development services or his designee.~~
- (fg) ~~A copy of any road maintenance agreement for any site accessed by private easement shall be provided as part of any application for a freestanding communications facility, or for a modification of an existing such facility. Where a freestanding communications facility site abuts or has access to~~

a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street.

- ~~(h) Freestanding communications facilities in excess of one hundred fifty (150) feet of height (including antenna arrays) shall be constructed to accommodate no less than three (3) telecommunications carriers or service providers.~~

Sec. 34-1082. Collocation.

- (a) Providers of communications services are encouraged to design, construct and site their facilities PWSF and other communications facilities, attached or freestanding, in a manner that will promote with a view towards sharing facilities and support structures with other utilities, collocation with other providers, and to accommodating the future collocation of other future facilities, wherever technically, practically and economically feasible. The city shall work with telecommunications providers to facilitate the siting of PWSF or other communications facilities on city owned and other publicly owned property, by identifying existing facilities, the appropriate contact persons, and the appropriate leasing procedures.
- (b) A person seeking approval of a site plan or special use permit for a new freestanding communications facility shall document that reasonable attempts have been made to find a collocation site acceptable to engineering standards, and that none was practically or economically feasible.
- ~~(c) Accessory structures necessary for the housing or shelter of equipment used in direct support of a communications facility shall be allowed, but such structures may not be used for offices, vehicle storage or other storage. No equipment, machinery or vehicles other than that which is utilized in direct support of a communications facility shall be stored or parked at the site, except when necessary in connection with repairs to the facility.~~
- ~~(d) Communications facilities may be located on sites containing one (1) or more other principal uses; however, such joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas or dangerous chemicals.~~
- (c) Proposed collocations shall be reviewed by the city in accordance with (i) requirements of federal law, and (ii) unless pre-empted by federal law, the applicable requirements of this division.

Sec. 34-1083. Required approvals Permit processes.

- (a) Building permit. The facilities listed below may be authorized by Zoning Verification pursuant to paragraph (b), below, and issuance of a building permit, if required by the USBC): Where a microcell or attached communications facility is a permitted use, and will not exceed the by right height restrictions or dimensions set forth within this division, only a building permit shall be required.
- (1) Eligible Facility requests;
- (2) A new attached communications facility permitted by right, if such new facility meets all applicable requirements of this division;
- (3) Ordinary maintenance of a communications facility in existence on the date of an application; or
- (4) Placement of a COW at any location within the City, (i) for a single, temporary period of not more than one hundred twenty (120) days, or (ii) for any period corresponding with the duration of an emergency or disaster declared by the Governor or City Council.

- (b) Zoning Verification. Upon receipt of an application seeking approval for a facility, or modification, listed in paragraph (a), above, ~~Prior to issuance of a building permit,~~ the zoning administrator shall verify in writing that the ~~certify that~~ the proposed facility or modification meets applicable requirements of the zoning ordinance (“Zoning Verification”). If the zoning administrator determines that the facility or modification is not within the scope of (a)(1)-(4), above, or does not meet applicable zoning requirements, the zoning administrator shall notify the applicant in writing of the basis of his determination, and the facility or modification shall not be permitted until all applicable requirements have been satisfied. ~~microcell or attached communications facility meets all applicable standards and requirements set forth within this division.~~
- (1) The zoning administrator may require documentation and information to the extent reasonably related to determining whether a request is within the scope of (a)(1)-(4) above and otherwise meets applicable zoning requirements.
 - (2) Within 60 days of the date on which an applicant submits an Eligible Facility request, the request shall be approved, unless the zoning administrator determines, with the concurrence of the city attorney, that the application does not involve an Eligible Facility. For the purposes of this paragraph “approved” refers to issuance of the required Zoning Verification and approval of any certificate of appropriateness that may be required for a concealment element. All aspects of the city’s review of an Eligible Facility request shall be conducted in accordance with, and shall be governed by, the mandates set forth within 47 C.F.R. § 1.40001 (April 8, 2015), as such regulations may subsequently be amended.
 - (3) The 60-day review period (“shot clock”) begins to run from the date on which the application is filed, and it may be suspended only by mutual agreement or in cases where the city determines the application is incomplete. To suspend the running of the shot clock for incompleteness, the city must give written notice to the applicant within 30 days after the date on which the application is filed. The notice must reference all missing documents and information. Thereafter, the shot clock will begin running again when the applicant makes a supplemental submission in response to the notice. Following a supplemental submission, the city will have 10 days to notify the applicant in writing, if the supplemental submission did not provide all of the information required in the original notice. If a second or subsequent notice of incompleteness is given, the shot clock will be suspended until the next resubmission. Second and subsequent notices of incompleteness may not specify missing documents or information that were not referenced in the original notice of incompleteness.
- (c) ~~Upon application for a building permit, review will be conducted by the department of neighborhood development services and the zoning administrator, with support from other city staff and/or city-retained consultants as may be designated or deemed necessary by the director of neighborhood development services or his designee. The city shall have the right to obtain retain independent technical consultants and experts that it deems as necessary to render the required determination, and the city may properly evaluate such applications, and to require an applicant to bear the reasonable cost of such services, charge a reasonable fee for such services to the applicant as part of the required application fee. Such reasonable costs fee shall include but shall not be limited to, the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate such applications.~~
- (d) Materials required for a Zoning Verification:
- (1) Application form and related information completed and signed by the applicant, accompanied by the application fee(s) set forth within the most recent fee schedule adopted by city council;
 - (2) Copy of a property lease or notarized power of attorney from the property owner (if the applicant is not the property owner) expressly authorizing the applicant to apply for and make binding

representations as the legal agent of the owner in relation to the proposed communications facility (alternatively, the property owner may co-sign the application form);

c. An Eligible Facility request shall also be accompanied by (i) a written opinion of an attorney licensed to practice within Virginia, certifying that the facility is an Eligible Facility, (ii) drawings prepared by an engineer authorized to practice within Virginia, setting forth all dimensions, elevations and other details establishing the factual basis for the attorney's opinion, and illustrating all proposed changes in dimension—including all existing and proposed concealment elements, (iii) the date(s) and type(s) of approvals previously granted by the city for the existing facilities, and (iv) for applications involving towers or base stations within a design control district, a comprehensive concealment plan, consisting of drawings prepared by an architect or engineer authorized to practice within Virginia, demonstrating how the concealment elements for all antennas and related equipment, in the aggregate, will satisfy the standards set forth within City Code 34-276, 34-310, or 34-342, as applicable.

(e) Zoning approval shall be required for any proposed communication facility other than those referenced within paragraph (a)(1)-(4), above. Each application seeking zoning approval of a proposed communication facility shall include the following:

(1) An application form and such related materials as may be required by the director of neighborhood development services for a proper review of the request, accompanied by the application fee set forth within the most recent fee schedule adopted by city council;

(2) Copy of a property lease or notarized power of attorney from the property owner (if the applicant is not the property owner) expressly authorizing the applicant to apply for and make binding representations as the legal agent of the owner in relation to the proposed communications facility (alternatively, the property owner may co-sign the application form);

(3) A proposed final site plan in accordance with sec. 34-1084; and

(4) An application for approval of a certificate of appropriateness, and related fees and supporting materials, when required by sec. 34-275, 34-309, or 34-340.

~~(b) *Site plan.* All freestanding communications facilities, all microcells or attached communications facilities exceeding the height or dimensions specified in section 34-686, and all modifications of existing such facilities, shall require an approved site plan. For the purpose of this requirement, location of additional antennas or microcells on a previously approved facility shall not be deemed a modification of an existing facility requiring a new site plan, so long as such additional antennas or microcells themselves meet any applicable requirements of this division.~~

~~(1) Upon application for site plan review, review will be conducted by the department of neighborhood development services, with support from other city staff and/or city retained consultants as may be designated or deemed necessary by the director of neighborhood development services or his designee.~~

~~(2) The city shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate such applications, and to charge a reasonable fee for such services to the applicant as part of the required application fee. Such fee shall include but shall not be limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate such applications.~~

~~(c) *Site plan applications.* Each applicant requesting site plan review under this division shall submit the following information as part of the application:~~

~~(1) A site plan and elevations, drawn to scale, and other supporting drawings or photographic simulations, specifying the appearance, height, location and dimensions of the proposed facility, including: support structure; equipment shelters; accessory uses; coloring of materials; parking;~~

access; landscaped areas; fences; adjacent land uses; separation and setback calculations; and property boundaries. A cross section of the support structure shall be included.

- ~~(2) A landscape plan to scale, indicating the size, spacing and type of plantings, and indicating existing significant vegetation to be removed, and vegetation proposed for planting to replace any lost vegetation; and a natural resources screening, based upon direct observation and/or generally available data sources, of the proposed support structure site; and information as to how the applicant will implement practical measures to avoid, minimize and/or mitigate (in that order of preference) potential adverse impacts.~~
- ~~(3) A utilities inventory showing the location of all water, sewer, drainage, gas, and power lines at the site.~~
- ~~(4) Information concerning support structure specifications, and compliance with applicable EIA, ANSI and USBC standards, as applicable.~~
- ~~(5) Demonstration of the structural integrity of the proposed facility and its support structure; information as to the failure characteristics of the proposed facility and its support structure; demonstration that site conditions and setbacks are adequate to contain debris within the boundaries of the site in the event of structural collapse.~~
- ~~(6) A description of anticipated maintenance and operational needs, including frequency of necessary maintenance services, personnel needs, equipment needs, and traffic, noise or safety impacts of the maintenance and operation of the facility.~~
- ~~(7) Total anticipated capacity of the support structure as proposed, including a description of the number, type, technical capabilities and limitations, and the placement of antenna or other receiving or transmitting devices to be located on the support structure, and information sufficient to enable the city to evaluate the visual impact of the proposed facility on adjacent properties and views.~~
- ~~(8) Information as to the additional tower capacity anticipated, including the approximate number and types of antennas or other equipment the structure could ultimately accommodate, together with a description of any limitations on the ability of the facility to accommodate other facilities or uses (e.g., radio frequency interference, mass height, frequency or other characteristics). The applicant shall include a description of the technical options available to overcome any listed limitations, and reasons why such technical options were not chosen to be incorporated in the proposed facility.~~
- ~~(9) A certification that the applicant has made reasonable efforts to find a collocation site acceptable to engineering standards, and that none was practically or economically feasible.~~
- ~~(10) A statement from a qualified radio frequency engineer licensed to practice in the Commonwealth of Virginia, or from the FCC, certifying that, as proposed, a communications facility complies with FCC guidelines concerning radio frequency radiation and emissions.~~
- ~~(11) Written statements from the FAA, FCC and any state governmental authority having jurisdiction or regulatory authority over the proposed facility, verifying that the proposed facility complies with all applicable regulations administered by that agency or authority, or that the proposed facility is exempt from any such regulations.~~
- ~~(12) Any other information which may be requested by the city to facilitate evaluation and review of the application.~~

~~(d) Special use permits.~~

~~The following uses may be permitted with a special use permit:~~

- ~~(1) A microcell which exceeds the dimensions specified within section 34-683 (the definition of microcell), or which is mounted on a support structure exceeding the height restrictions set forth within section 34-1074.~~
- ~~(2) An attached communications facility that exceeds the height or dimensions specified in section 34-1074.~~
- ~~(3) A freestanding communications facility that exceeds the height specified in section 34-1074.~~
- ~~(e) Where a facility is permitted by special use permit approval, receipt of final site plan approval and a building permit shall also be required. Each application for a special use permit seeking approval of a special use permit for a communications facility under this division shall include the following information and materials, in addition to the information required as part of a site plan or building permit application:
 - (1) A proposed final site plan, in accordance with 34-1084;
 - ~~(2)~~Demonstration that the proposed site is appropriate for the location of the facility. Information relevant to this factor includes, without limitation: topographic features or advantages of the site; site location in relation to provision of adequate wireless communications transmission or other type of communications broadcast, transmission or receipt; physical site characteristics in relation to the construction of the facility, including potential impacts on adjacent land uses; technical capabilities and limitations of the facility to be established; adequacy of setbacks to protect adjacent residential or public properties, or public streets in the event of a support structure failure; the ability to buffer, through use of vegetative, topographic or other measures, the impact of the use on adjacent residential or public streets or properties; impact on adjacent buildings, structures or sites of historic significance.
 - ~~(3)~~ A list of all existing support structures and antenna sites within a two-mile radius from the proposed site (list to include street address, tax parcel number, existing uses and existing height), outlining opportunities for shared use as an alternative to the proposed use. The applicant shall demonstrate that the proposed support structure, antenna or microcell cannot be accommodated by other existing approved facilities due to one (1) or more of the following reasons:
 - a. Unwillingness of the owner of the existing facilities to entertain a wireless communication facility proposal, or unwillingness of such owner to provide space on economically reasonable terms;
 - b. The planned equipment would exceed the structural capacity of existing and approved support structures and facilities, considering existing and planned use for those facilities;
 - c. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
 - d. Existing or approved support structures of facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
 - e. Other reasons, described in specific factual detail, make it impracticable to place the equipment on existing and approved support structures or facilities;
 - f. The proposed co-location of an existing support structure or antenna site would be, by virtue of the requirements of this division, any city ordinance or the city's comprehensive plan, considered a prohibited use.~~
- ~~(4)~~ A statement certifying that, as proposed, the facility is consistent with provisions of Subchapter I of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321—4335. If

an environmental assessment is performed pursuant to 47 C.F.R. Chapter I, Part I, Subpart I, a copy shall be provided to the city.

- (54) Technical, engineering, and other pertinent factors which led to the selection of the particular design and proposed height of the facility.
- (65) An inventory of the applicant's existing ~~PWSFs or other~~ communications facilities located within the city and ~~or~~ within one (1) mile of the city's boundaries, including specific information about the location, height and design of each facility.
- (76) A detailed description of any ~~the~~ gap in service (described in technical terms and geographic area) that a proposed communications facility ~~PWSF~~ is designed to serve, together with documentation that the ~~proposed PWSF is the least intrusive alternative available (e.g., that the applicant has considered alternatives that would obviate any need for the proposed installation, including, without limitation: collocation at alternative less sensitive sites, alternative system designs, alternative tower designs, etc.).~~
- (87) Any other information requested by the city to enable it to fully evaluate and review the application and the potential impact of the proposed facility.
- (9f) The criteria to be applied by the city in reviewing an application for a special use permit are as follows:
 - a. Whether the proposed facility has been designed and configured in a way that minimizes the adverse visual impact of support structures, antenna arrays and other associated structures and equipment on adjacent properties, particularly any adjacent residentially-zoned properties or any conservation or historic districts or protected properties, or any entrance corridors;
 - b. Whether the proposed facility has been designed and configured to promote compatibility with surrounding land uses and to protect the health, safety, general welfare and property values of the community;
 - c. Whether the proposed facility has been designed and configured so that it will not have undue adverse impact on traffic or parking congestion in the surrounding neighborhood or the community;
 - d. Whether the applicant has made all reasonable efforts to identify and locate opportunities for shared use (co-location) of existing support structures and antenna sites within an appropriate radius from the proposed site, as an alternative to the proposed use;
 - e. Whether the proposed facility will meet all applicable federal, state and local laws and regulations, including building, fire and safety regulations; and
 - f. Whether the proposed facility meets the applicable requirements and standards set forth within this division and within article I, division 8 of this chapter.
- (g) The planning commission shall review and make recommendations to city council concerning approval or disapproval of the application for a special use permit ~~for a PWSF or other communications facility~~, based upon its ~~the~~ review of the application materials and site plan for the proposed facility and upon the criteria set forth in this division and chapter.
 - (1) ~~The planning commission may concurrently approve a site plan subject to city council's approval of a special use permit, and subject to the necessary amendments to the site plan as a result of the city council action; or, alternatively,~~
 - (2) ~~The planning commission may choose to consider the site plan after the approval of the special use permit by the city council.~~

- (h) ~~Except as set forth above, the procedure for filing and consideration of an application for a special use permit for a communications facility is the same as that required by Article I, division 8 of this chapter for a rezoning petition, except that each application for a special use permit under this division shall, in addition, contain a site plan and other supporting data sufficient to demonstrate compliance with the purposes and standards of this division and the other requirements set forth in this division.~~
- (i) Each application for a special use permit for a ~~PWSF or other~~ communications facility, or an amendment to such a special use permit, shall be accompanied by a fee as set forth within the most recent fee schedule adopted by city council in the amount of one hundred dollars (\$100.00), plus an additional amount specified by the director of neighborhood development services or his designee, as and for the cost of technical consultant(s) and experts deemed necessary by the city. Such fee shall include but shall not necessarily be limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate the application.
- (j) In granting any special use permit for a communications facility the city council may expand, modify, reduce or otherwise grant exceptions to the setback regulations, landscaping and screening requirements, height restrictions or visibility and placement restrictions set forth within this division, provided that the city council determines that such conditions are reasonable and will serve approval of the proposed facility meets the purpose and goals of this chapter. The resolution adopted by city council to grant any such special use permit shall include any exceptions or modifications as specific conditions of such permit.
- (k) Special use permits issued under the terms of this division shall be reviewed by the department of neighborhood development services no less than every five (5) years from the date of issuance for compliance with this division and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities are being violated.
- (l) Special use permits for communications facilities ~~granted by the city council~~ shall be subject to the provisions of City Code Sec. 34-156 et seq., except as follows:
- (1) Application materials shall be reviewed, and zoning decisions rendered, in the following order: (i) the City's agent for approval of a site plan shall take action on the proposed final site plan, as submitted, and any approval shall be subject to the approval of a special use permit, (ii) the BAR or ERB, as applicable, shall make a decision on any required certificate of appropriateness. Approval of a COA shall be conditioned upon approval of a special use permit, and a denial of a COA shall be deemed appealed to city council for resolution in connection with its decision on the special use permit; and (iii) the planning commission and city council shall take final action on the proposed special use permit, subject to final approval of the site plan.
 - (2) All required zoning decisions referenced within paragraph (1), above, shall be completed by the City within 150 days of receipt of an application, or within 90 days if the application involves a collocation (other than an Eligible Facility request). The City's review and responses to the application shall be in accordance with requirements of federal and state law. Denial of a special use permit by city council shall be set forth in writing and must be supported by substantial evidence in the record of the proceedings.
- (m) Notwithstanding the provisions of Sec. 34-164, if a tower or base station is abandoned, and it remains abandoned for a period of at least twelve (12) consecutive months, then upon written notice to the owner, the city may require that the tower be removed, or that all communications equipment be removed from the base station, within six (6) months after the date of such notice. ~~expire eighteen (18) months from the date of permit approval, if construction of improvements necessary to the use~~

for which the permit was granted has not commenced to a degree that, in the opinion of the zoning administrator, clearly establishes the intent to utilize the granted special permit in a period of time deemed reasonable for the type and scope of improvements involved.

- (n) Procedures for the amendment of a special use permit shall be the same for the original special use permit application.
- (o) In the event of a conflict between any provisions of this article and the provisions of any applicable federal law, regulation, or binding regulatory interpretation or directive, the federal requirement(s) shall govern.

Secs. 34-1084—34-1099. Reserved.

3. Chapter 34 (Zoning), Article X (Definitions) is hereby amended and re-enacted, as follows:

Sec. 34-1200. Definitions.

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

Antenna ~~or antenna array~~ as used in Article IX, section 34-1070, et seq. means communications equipment mounted on a support structure for the purpose of transmitting, receiving, or transmitting and receiving electromagnetic radio signals used in the provision of all types of wireless communications services one (1) or more whips (omni directional antenna), panels (directional antenna), discs (parabolic antenna) or similar devices used for broadcast, transmission and/or reception of radio frequency signals. Reference to an antenna or antenna array does not include the support structure. The following shall be excluded for the purposes of this division, from the definition of antenna and antenna array: amateur radio antennas, satellite earth station antennas one (1) meter in diameter or less; receive only home television antennas; and satellite earth station antennas two (2) meters or less in diameter located in a commercial or industrial zoning district.

Attached communications facility and attached facility as used in Article IX, section 34-1070, et seq. and any zoning use matrix, shall mean a communications facility ~~an antenna or other communications equipment (broadcasting or receiving, including any PWSF or microcell)~~ that ~~uses~~ is attached to an existing building or structure, ("attachment structure") as its support structure. For the purposes of this definition, the term structure shall include, without limitation: utility poles, signs, and water towers; however, the term shall exclude ~~communications~~ towers. Where reference is made to an attached facility, unless otherwise specified the reference will be deemed to include any accompanying pole or device ("attachment device") which attaches the antenna ~~array or communications equipment~~ to the existing building or structure, any concealment element(s), as well as transmission cables and any equipment shelter which may be located either inside or outside the attachment structure.

Attachment structure as used in Article IX, section 34-1070, et seq. refers to the structure to which an attached communications facility is affixed.

Base station means a structure or equipment at a fixed location that enables FCC-licensed or authorized communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.

Carrier On Wheels (COW) means a portable, self-contained wireless facility that can be moved to a location and set up to provide wireless communications services on a temporary or emergency basis.

Collocation, Co-location (collocation) for purposes of Article IX, section 34-1070, et seq. shall mean the mounting or installation of antennas on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes use of an attachment structure or support structure by (i) two (2) or more wireless license holders, radio stations or television stations, or combination thereof, (ii) one (1) wireless license holder, radio station or television for more than one (1) type of communications technology, or (iii) two (2) or more communications facilities owned or operated by government or other public and quasi-public users.

Communications facility for purposes of Article IX, section 34-1070, et seq. means any antenna, ~~antenna array or other communications equipment (including any PWSF)~~ used by any commercial, governmental, or other public or quasi-public user(s). Where reference is made to a communications facility, unless otherwise specified or indicated by context, such referenced ~~will be deemed to include any base station, tower or other support structure on which the antenna or other communications equipment is mounted, any concealment element(s), and any attachment device and other equipment referenced within 47 C.F.R. §4.0001(b)(1)(i)-(ii) transmission cables, and any associated equipment shelter.~~

Concealment element means an architectural feature or treatment (paint, for example), landscaping, screening or other means or method of rendering a communications facility invisible, or minimally visible, from adjacent streets and properties, as may be required by Article IX, sec. 34-1070 et seq.

Communications facility, freestanding for purposes of Article IX, section 34-1070, et seq. means any communications facility other than an attached communications facility or a microcell located on an existing building, pole or other existing support structure.

Dish antennas means a satellite antenna, also known simply as a "dish," used for satellite communication and broadcast reception.

Eligible Facility means an eligible support structure proposed to be modified in a manner that does not result in a Substantial Change, and such modification involves: (i) collocation of transmission equipment, (ii) removal of transmission equipment; or (iii) replacement of transmission equipment. As used in Article IX, sec. 34-1070 et seq. of this chapter, the term "Eligible Facility request" means a request seeking a determination that the proposed modification of an existing tower or base station is an Eligible Facility.

Eligible support structure means any tower or base station that is existing at the time of an Eligible Facility request. For the purposes of this definition, a constructed tower or base station is "existing", if it has been reviewed and approved under the applicable zoning or siting process, or another state or local regulatory review process (provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition).

Freestanding communications facility means any tower.

Microcell for purposes of Article IX, section 34-1070, et seq. means a facility for wireless communications, consisting of an antenna that is either: (i) not more than four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or (ii) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length.

Personal wireless service facility (PWSF) means an unstaffed communications facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, transmission cables, an equipment shelter and a support structure to achieve necessary elevation.

Radio and television broadcasting station means an establishment engaged in transmitting oral and visual programs to the public and that consists of a studio, transmitter, and antennas.

Tower, alternative means for purposes of Article IX, section 34-1070, et seq. means a support structure that camouflages or conceals the presence of the antenna array, equipment shelter and other

apparatus for a PWSF or other communications facility, to an extent that the communications facility is either invisible or otherwise made an integrated part of the feature enclosing it. Examples of an alternative tower structure include, but are not limited to: clock towers, bell towers, church steeples, water towers, and light poles.

Substantial Change, for purposes of Article IX, section 34-1070 et seq., means a modification of an existing tower or base station, if (i) for a tower outside a public right-of-way: the modification increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater; and, for a tower located within a public right-of-way, and for a base station: the increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater; (ii) for a tower outside a public right-of-way: the modification protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; and, for a tower located within a public right-of-way, and for a base station, it protrudes from the edge of the structure more than 6 feet; (iii) the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; (iv) the modification entails any excavation or deployment outside the current site of the tower or base station; (v) the modification would defeat the existing concealment elements of the tower or base station; or (vi) the modification does not comply with conditions associated with the prior approval of construction or modification of the tower or base station (provided that this limitation does not apply to any modification that is non-compliant only in a manner that does not exceed the thresholds identified in (i)-(iv) preceding above). As used in this definition, the term “site” means: for towers other than towers in a public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and for other eligible support structures: further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Tower, ~~communications~~ refers to ~~a support structure~~ a structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

Tower, guyed means a monopole or lattice tower support structure that is secured and stabilized by diagonal cables (guy wires) anchored to the ground or other surface.

Tower, lattice means a support structure that is self-supporting with multiple legs and cross-bracing of structural steel.

Tower, monopole means a support structure consisting of a single pole, constructed without any guy wires and ground anchors.

Tower, self-supporting means a support structure that is self-supporting with a single shaft of wood, steel or concrete and antennas or other communications facilities at the top. Structures commonly referred to as “monopoles” are included in this definition.

Transmission equipment means equipment that facilitates transmission for any FCC-licensed or authorized wireless communications service, including, but not limited to antennas, radio receivers, coaxial or fiber-optic cable, and regular and backup power supply.

Utility pole, for purposes of Article IX, section 34-1070 et seq. means a structure owned or operated by a public utility, municipality, electric membership corporation, or similar entity, that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, electricity, or to provide street lighting.

Wireless communications means any FCC licensed or authorized communications, including personal wireless services, as defined in the Federal Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio

~~(ESMR), and paging, as well as unlicensed wireless services and common carrier wireless exchange access services, and similar services that currently exist or that may in the future be developed. The term does not mean the provision of direct to home satellite services, as defined in Section 303(v) of the Act.~~

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF THREE (3) EASEMENTS
TO DOMINION VIRGINIA POWER
TO PERMIT ELECTRIC UTILITY POLES AND LINES
ON AND ACROSS CITY PROPERTY TO SERVE THE YMCA FACILITY IN
McINTIRE PARK**

WHEREAS, the Virginia Electric and Power Company, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power (“Dominion”), has requested this Council to grant easements across property owned by the City of Charlottesville within McIntire Park (Tax Map Parcel Identification No. 450001000), and on the same Tax Map Parcel on the south side of the U.S. Route 250 Bypass at the end of Sherwood Road, all as identified within Right of Way Agreements (DVP ID No(s) 81-16-0053, 81-16-0055, and 81-16-0057) and accompanying Plats submitted by Dominion, for the installation and maintenance of electric utility poles, lines and equipment; and

WHEREAS, on August 15, 2016, this City Council conducted a public hearing on the requested easements;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute the Dominion Right-of-Way Agreements, in a form approved by the City Attorney, granting the above-described easements to Dominion Virginia Power for electric utility service to the YMCA facility in McIntire Park.

RESOLUTION
APPROVING AN AMENDMENT TO THE CITY COMPREHENSIVE PLAN
BY INCORPORATING THE 2016 STREETS THAT WORK PLAN

WHEREAS, on June 14, 2016, after notice given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the Comprehensive Plan for the City of Charlottesville (2013), to include the contents of the proposed 2016 Streets that Work Plan (“Comprehensive Plan Amendment”); and

WHEREAS, on June 14, 2016, the Planning Commission adopted a resolution recommending approval by City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the Comprehensive Plan Amendment, the City Council hereby adopts the 2016 Streets that Work Plan as an amendment to the City’s Comprehensive Plan. Neighborhood Development Services staff shall post on the City’s website notice of Council’s adoption of the this Update, along with a copy of the approved Update.

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE THE ESTABLISHMENT AND OPERATION OF A
RESTAURANT WITH A DRIVE-THROUGH WINDOW
AT 1248 EMMET STREET NORTH**

WHEREAS, Building Management Company (“Applicant”), with the endorsement of CPD Properties, LLC (“Property Owner”) has requested City Council to approve a special use permit pursuant to City Code § 34-796, to authorize the establishment of a restaurant with a drive-through window (the proposed “Special Use”) at 1248 Emmet Street North, identified on City Tax Map 40 as Parcel 2.5 (Tax Map Parcel Id. # 400002500) (“Subject Property”). The Subject Property is within the City’s Urban Corridor (URB) Mixed Use zoning district; and

WHEREAS, the requested Special Use is generally described within the Applicant’s application materials dated June 21, 2016, submitted in connection with SP16-00007 (the “Application Materials”), and the Special Use is allowed by special use permit within the URB zoning district, pursuant to City Code 34-796; and

WHEREAS, the existing building at the Subject Property is currently vacant, and is proposed to be demolished/ removed to allow for establishment of the Special Use and related buildings and improvements; and

WHEREAS, the Planning Commission has reviewed the Application Materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on August 9, 2016, the Commission voted to recommend that City Council should approve the requested Special Use, subject to certain conditions recommended for Council’s consideration; and

WHEREAS, upon consideration of the comments received during the public hearing, and of the Planning Commission’s recommendations, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §34-796, a special use permit is hereby approved and granted to authorize a restaurant with a drive-through window to be established and operated on the Subject Property, subject to the following conditions:

1. Hours of operation for the drive-through window would coincide with the operations of the restaurant. The restaurant’s hours of operation shall be limited to 10 a.m. to 12 a.m. each day.
2. Noise:
 - a. A noise barrier shall be established on the island that separates the drive-through aisle from the rear parking lot. The noise barrier will meet the following

standards/ criteria: The barrier can be an opaque landscaping scheme, wall or fence and shall comply with Sec. 34-871(b) – Screen 3 (“S-3”).

- b. The proposed final site plan will include an acoustical report prepared by a professional acoustician , detailing the results of a study analyzing existing site conditions, as they relate to noise, established by taking decibel measurements at the site for 96 consecutive hours, and reporting as to whether (i) existing (“ambient”) noise conditions are less than 75 db(A) measured at points along the perimeter of the Subject Property, and (2) whether the operation of the Special Use is likely to itself generate sound in excess of 75 db(A).
 - c. No refuse collection shall be conducted at the Subject Property any day of the week, between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
3. The existing vegetative buffer (8,250 SF, along the length of the rear property line as shown on the Preliminary Site Plan titled ‘1248 Emmet Street’ dated May 24, 2016) will be maintained, and additional landscaping will be added to this buffer.
4. A traffic impact analysis shall be completed and included with submission of the proposed final site plan, at a level of detail satisfactory to the City’s Traffic Engineer. At a minimum, the traffic impact analysis shall address neighborhood traffic related concerns, access, parking, and circulation for all modes of transportation. If the results of the TIA indicate that additional traffic analysis is necessary, the Traffic Engineer may request a traffic impact study having a scope determined by the Traffic Engineer tailored to the specific proposed use and development of the subject property.
5. A sidewalk having a width of at least seven (7) feet shall be established along the entire length of the Subject Property’s frontage on Emmet Street North.
6. Bicycle storage facilities will be provided on the Subject Property: at least two (2) bicycle racks, each capable of storing two (2) bicycles. The final number and type of bicycle racks shall be reviewed and approved by the Bicycle and Pedestrian Coordinator and their location, dimensions and type shall be depicted on the final site plan for the development.
7. A continuous pedestrian connection shall be provided from the parking spaces located on the northeast side of the property to the building entrance facing Emmett Street. The dimension, location and paving materials for this connection shall be depicted on the final site plan for the development.

8. In addition to the minimum requirements of the City's outdoor lighting regulations (City Code Chapter 34, Article IX, Division 3, Sec. 34-1000 et seq.) the following enhanced lighting improvements shall be incorporated into the development: a vertical shield shall be placed on each light fixture installed on the rear half of the Subject Property. The final site plan shall depict the location of each light fixture subject to this requirement, and shall identify the type of fixture and shield that will be used to comply with this condition.

9. No demolition of existing building(s) or improvements shall be commenced prior to approval of a final site plan and approval of a permit authorizing land-disturbing activities pursuant to Sec. 10-9. For purposes of Chapter 10 of the City Code, demolition activities shall be planned and built into the E&S and stormwater management plan (if required), as part of the overall development plan for the subject property, and no such demolition activity shall be undertaken as a stand-alone activity.

RESOLUTION
AUTHORIZING THE CHARLOTTESVILLE CITY MANAGER
TO ACT ON BEHALF OF THE CHARLOTTESVILLE CITY COUNCIL
IN MATTERS RELATING TO FUNDING AND ADMINISTRATION OF
CITY TRANSPORTATION PROJECTS

WHEREAS, in 2014 the Virginia General Assembly enacted the provisions of Virginia Code §33.2-214.1 (“House Bill 2”), to establish a prioritization process for projects funded by the Commonwealth Transportation Board, and pursuant to House Bill 2 the CTB established a data-driven prioritization process referred to as the System for the Management and Allocation of Resources for Transportation, or “SMART SCALE”, and VDOT requires documentation of the authority of a local official to execute agreements relating to SMART SCALE projects; and

WHEREAS, the General Assembly has authorized the Commonwealth’s boards, departments, agencies and officials to enter into contracts with localities to administer contracts for SMART SCALE, and other federal- and state-funded transportation projects for highway/transportation infrastructure construction, maintenance and improvements; and

WHEREAS, the Charlottesville City Council desires that, when federal and/or state funding may be available for a priority transportation project, applications should be made, and project administration agreements should be executed on behalf of City Council, in the most expeditious manner possible; Now, therefore,

BE IT RESOLVED by the Charlottesville City Council that, effective on the date this Resolution is approved, the Charlottesville City Manager is hereby designated as the agent of the Charlottesville City Council, authorized to undertake the following actions in the name of the City of Charlottesville: **(i)** make and execute application(s) for federal and state funding for transportation projects; **(ii)** accept grants, and execute grant agreements and other documents necessary to secure funding for City transportation projects, **(iii)** execute and undertake obligations set forth within project administration agreements, and **(iv)** execute other documents, as may be necessary for or in connection with any of the foregoing. The authority conferred by this Resolution shall be exercised by the City Manager subject to the availability and appropriation of funds by City Council sufficient to support performance of the City’s obligations under such agreements.

ADOPTED this 6th day of September, 2016.

Certified:
By: Paige Rice
Paige Rice, Clerk of City Council

RESOLUTION
TO COMPLETE THE CITY OF CHARLOTTESVILLE'S REGULATORY FRAMEWORK REVIEW
AND REVISION SUCH THAT IT ALIGNS WITH THE 2018 COMPREHENSIVE PLAN UPDATE

WHEREAS, *The 2013 Comprehensive Plan of the City of Charlottesville* calls for a review and revision of the City's Regulatory Framework (herein defined as encompassing the Zoning and Subdivision Ordinance, Standards and Design Manual, District and Entrance Corridor Guidelines , Affordable Housing Guidelines and other supporting documents), inclusive of researching and learning from "applicable experiences, policies, procedures, ordinances and plans of other municipalities in Virginia and the United States", to ensure that the City's Regulatory Framework successfully and consistently implements the City's Comprehensive Plan, and

WHEREAS, the Charlottesville City Council tasked the City Manager on February 3, 2014 to develop, fund, coordinate and complete the following for Council review and adoption by June 2015: (1) a Policy and Regulatory Audit leading to code revisions that align with the City's Comprehensive Plan; (2) a Comprehensive Multi-Modal Plan, (with Street Design Standards and a Block Network Plan, herein referred to as the Streets that Work Plan); and (3) a Green Infrastructure Plan.

WHEREAS, the Streets that Work (STW) Plan was appended to the Comprehensive Plan on September 6, 2016 and a Green Infrastructure Plan is underway but has not yet been formally adopted by City Council; and a Policy and Regulatory Audit (leading to regulatory framework revisions that align with our Comprehensive Plan) has not yet been initiated city-wide; and

WHEREAS, the Charlottesville City Council and Planning Commission have undertaken several initiatives to promote the general welfare of our citizens such as the adoption of new zoning for the West Main Street Corridor District and directing staff to implement the zoning recommendations of the Strategic Investment Area (SIA) small area plan;

WHEREAS, the City of Charlottesville is required (Va. Code Sec. 15.2-2230) to update the City's vision, known as the Comprehensive Plan, every five (5) years and the next Comprehensive Plan update is due in 2018.

NOW THEREFORE, BE IT RESOLVED by the Charlottesville City Council that the City Manager and his staff, inclusive but not limited to the Office of the City Attorney, the Department of Neighborhood Development Services (NDS), the Office of Economic Development and the Office of Sustainability shall follow the "Work Plan" (attached to with timeline and deliverables) to complete the Regulatory Framework Review and Revision by December 31, 2017, in a manner that aligns with the 2018 Comprehensive Plan update and incorporates other City plans and initiatives and research of best practices from other institutions and localities .

BE IT FURTHER RESOLVED that the attached Work Plan and Timeline to complete the Regulatory Framework Review and Revision such that it aligns with and implements the 2018 Comprehensive Plan Update is hereby adopted by City Council on September 6, 2016 with quarterly updates and final deliverables thereafter presented to City Council, following Planning Commission review.

BE IT FURTHER RESOLVED by the Charlottesville City Council that a strong, coordinated public engagement strategy will be critical to the success of the development and implementation of the 2018 Comprehensive Plan update, and coincident Regulatory Framework Review and Revision and must be developed and executed as soon as possible in keeping with the Work Plan and Timeline.

BE IT FURTHER RESOLVED by the Charlottesville City Council, that the City Manager and his staff shall further define the additional resources that will be needed to fully execute this Work Plan (such as establishing formal working relationships with the University of Virginia; procuring professional consultants; and/or hiring additional staff well-versed in progressive zoning and code auditing and writing,) on December 19, 2016, the date of the first quarterly report as per the attached Work Plan.

WORK PLAN: to execute the Regulatory Framework Review and Revision such that it aligns with the 2018 Comprehensive Plan Update. (September 6, 2016)

COMPONENTS. The work plan shall consist of three components.

I. **Immediate Action.**

A. Legal Review.

- i. Initial review of inconsistencies in the zoning ordinance and legal provisions in need of immediate clarification such as; definition of micro-units and “mixed use”; maximum densities and building heights and how to measure building heights, when a site plan is required; shared parking; and others.
- ii. Comprehensive and thorough legal review of zoning ordinance contents, to make sure that the ordinance reflects current mandatory requirements of state zoning legislation, both substantively and procedurally (for example, process for review of site plans), and applicable Virginia Supreme Court decisions.
- iii. Determination of what provisions of the ordinance have become particularly problematic and if they should be amended now, or during the 2018 Comprehensive Plan review. Problematic areas are those where :
 1. staff may be making interpretations of the existing regulatory framework in a manner that might not be consistent with Council’s expectations;
 2. staff, the attorneys, the zoning administrator, and/or the planning commission may have identified specific items in the existing regulatory framework that are not leading to desired outcomes; and
 3. staff, the attorneys, the planning commission and stakeholders may have identified specific items in the existing internal review process that have led to unnecessarily long delays in processing development applications.
- iv. Review and development of supporting materials including but not limited to:
 1. provisions of the Standards and Design Manual;
 2. Affordable Housing guidelines;
 3. illustrations, plant lists, etc., that don’t fit well into a published ordinance format, but can have the status of approved administrative policies.

B. Implementation of the SIA regulatory changes/ development of a form-based code, and

C. Review and update of Standards and Design Manual so it will align with the STW Plan, which is now part of the Comprehensive Plan and;

- i. facilitate implementation of the STW Comprehensive Plan Addenda and
- ii. address zoning ordinance issues that relate to the inclusion of new streets and alleys such as block sizes, curb cuts, green infrastructure strategies, others;

D. Joint Work-session (WS) with the Planning Commission and City Council (with the PLACE Design Task Force invited to observe) to discuss the above on or by December 19, 2016.

II. **Near Term: 2018 Comprehensive Plan Review.** The Comprehensive Plan should guide the “harmonious development of the City.” (Ref. Va. Code 15.2-2223(A). The Review must also provide guidance on how best to amend the Regulatory Framework (inclusive of the zoning ordinance.) To that end:

- A. The 2018 Comprehensive Plan Review will be completed by June 30, 2018;
- B. Outside resources will be needed to augment staff’s work, estimated to cost \$150,000 (to be further refined and requested of council on Dec. 19, 2016), for components II and III;
- C. NDS and the City Attorney’s office will manage the “master documents” to ensure that outside resources focus on substantive issues, and not on document-drafting.
- D. Joint Work-session (WS) with the Planning Commission and City Council (with the PLACE Design Task Force invited to observe) to discuss the above on or by December 19, 2016.
- E. Community engagement strategy (CES) readied for Council adoption by Mar. 20, 2017.

- III. **Near Term: Regulatory Framework Review and Revision.** The Regulatory Framework (inclusive of the zoning ordinance) must effectively implement the updated 2018 Comprehensive Plan. To that end:
- A. The zoning ordinance review and revision will be coincident with the update of the 2018 Comprehensive Plan, and completed by December 31, 2017;
 - B. Outside resources will be needed to augment staff's work, estimated to cost \$150,000 (to be further refined and requested of council at a later date), for components II and III;
 - C. NDS and the City Attorney's office will manage the "master documents" to ensure that outside resources focus on substantive issues including but not limited to the following:
 - i. revising the future land use map and
 - ii. auditing and writing new zoning standards for
 - 1. parking;
 - 2. land use,
 - 3. building height, mass and placement,
 - 4. density;
 - 5. housing types;
 - 6. block size and curb cuts,
 - 7. design control and entrance corridor districts, planned unit developments,
 - 8. special use permits and rezoning requests;
 - 9. submittal requirements and review processes,
 - 10. integration with the STW and green infrastructure plans;
 - D. Joint Work-session (WS) with the Planning Commission and City Council (with the PLACE Design Task Force invited to observe) to discuss the above on or by December 19, 2016.
 - E. Community engagement strategy (CES) readied for Council adoption by Mar. 20, 2017.

REPORTING REQUIREMENTS. Progress reports will be prepared by NDS staff on a quarterly basis, for the purpose of informing and eliciting feedback from: neighborhood associations, property owners, developers, non-profits, business and industry, University of Virginia, Charlottesville Redevelopment and Housing Authority, Planning Commission, BAR, PLACE design task force, and others. They are also intended to inform and elicit guidance from City Council, before specific deliverables are proposed for adoption.

TIMELINE (September 6, 2016 to December 18, 2017-15 months).

Activity	Duration	Responsible Entity	Quarterly Report 1	Quarterly Report 2	Quarterly Report 3	Quarterly Report 4	Quarterly Report 5
Component 1: I							
1. A. Legal Review.	Sept. 2016- May 2017	City Attorney	12/19/16 (WS)	3/20/17	6/19/17 (final)		
1.B. Implement SIA code	Sept. 2016- Oct. 2017	NDS (w/ others)	12/19/16 (WS)	3/20/17	6/19/17	9/18/17 (final)	
1.C. STW integration	Sept. 2016- Oct. 2017	NDS (w/ others)	12/19/16 (WS)	3/20/17	6/19/17	9/18/17 (final)	
Component 2. 2018 Comp Plan Update	Jan. 2017- June. 2018	NDS (w/ others)	12/19/16 (WS)	3/20/17 (CES)	6/19/17	9/18/17	6/18 (final)
Component 3. Regulatory Revisions	Jan. 2017- Dec. 2017	City Attorney, NDS (others)	12/19/16 (WS)	3/20/17 (CES)	6/19/17	9/18/17	12/18/17 (final)

NOTE 1: Estimates for additional resources needed to execute this Work Plan (currently at \$150,000) will be further refined and presented to Council on Monday, December 19, 2016 as part of the first Quarterly Progress Report.

NOTE 2: The "final" quarterly report also constitutes a final deliverable that requires council action.