

CITY COUNCIL AGENDA
Tuesday, January 22, 2019



5:30 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Boards & Commissions; Personnel Matter)

6:30 p.m. **Regular Meeting - CALL TO ORDER**
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

1. CONSENT AGENDA* 4-0 (Items removed from consent agenda will be considered at the end of the regular agenda)
Hill / Galvin
(BELLAMY- absent)

- a. Minutes – January 7, 2019 Regular Meeting; January 11, 2019 Work Session
- b. **APPROPRIATION:** Meadow Creek Trail Bridge Grant from VDOT - \$375,000 (2nd of 2 readings)
- c. **APPROPRIATION:** 250 Bypass Greenbelt Trail Grant from VDOT - \$500,000 (2nd of 2 readings)
- d. **APPROPRIATION:** Information Technology Funding for Office 365 Licenses - \$53,774 (2nd of 2 readings)
- e. **APPROPRIATION:** Grant for bicycle and pedestrian improvements at Monticello Ave/Ridge Street and Monticello/2nd Street - \$547,730 (1st of 2 readings)
- f. **APPROPRIATION:** Housing Opportunities for People with AIDS/H.I.V. - \$213,012 (1st of 2 readings)
- g. **APPROPRIATION:** Employment for Temporary Aid to Needy Families (TANF) Grant - \$66,623.53 (1st of 2 readings)
- h. **RESOLUTION:** Bridge Ministry Funding Allocation - \$17,400 (1st of 1 reading)
- i. **RESOLUTION:** Funding Transfer for Form Based Code Contract Amendment \$42,553 (1st of 1 reading)
- j. **ORDINANCE:** Release of Stormwater Detention Facility Easement in Seminole Square North Wing (2nd of 2 readings)
- k. **ORDINANCE:** Underground Utility Easement to Dominion Energy at Ragged Mountain Reservoir (2nd of 2 readings)
- l. **ORDINANCE:** ZTA: Revise definition of amusement centers and allowable zoning classifications (2nd of 2 readings)
- m. **ORDINANCE:** ZTA: Street Designations in Mixed Use Zones (2nd of 2 readings)
- n. **ORDINANCE:** ZTA: Modifying Definition of Dwelling Unit (2nd of 2 readings) **Pulled for discussion later; 5-0**
- o. **ORDINANCE:** Approve Amendments to CACVB Operating Agreement (1st of 2 readings) **Galvin / Hill**

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

- 2. APPROPRIATION*:** Home to Hope Peer Navigators Funding - \$405,000 (1st of 2 readings)
- 3. RESOLUTION*:** **Deferred** Establishment of Priority-Setting Commission to Inform Council Funding Priorities (1st of 1 reading)
- 4. REPORT:** Lease Terms for Albemarle-Charlottesville Historical Society at 200 2nd Street, NE

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION
TAP Grant for Construction of Meadow Creek Trail Bridge
\$375,000

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$300,000 from the Virginia Department of Transportation to construct a bicycle and pedestrian bridge over Meadow Creek near Greenbrier Drive; and

WHEREAS, the City will match this grant in the amount of \$75,000 which will come from the Trail (PR-001) account.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$375,000 is hereby appropriated in the following manner:

Revenue

\$300,000 Fund: 426 WBS: P-00995 G/L Account: 430120

Expenditures

\$300,000 Fund: 426 WBS: P-00995 G/L Account: 599999

Transfer From

\$75,000 Fund: 426 WBS: PR-001 G/L Account: 599999

Transfer To

\$75,000 Fund: 426 WBS: P-00995 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$300,000 from the Virginia Department of Transportation.

APPROPRIATION
TAP Grant for Construction of 250 Bypass Trail
\$500,000

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$400,000 from the Virginia Department of Transportation to construct a bicycle and pedestrian trail along the 250 bypass; and

WHEREAS, the City will match this grant in the amount of \$100,000 which will come from the Trail (PR-001) and Bike/Ped (CP-083) accounts.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$500,000 is hereby appropriated in the following manner:

Revenue

\$400,000	Fund: 426	WBS: P-00891	G/L Account: 430120
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Expenditures

\$400,000	Fund: 426	WBS: P-00891	G/L Account: 599999
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Transfer From

\$50,000	Fund: 426	WBS: PR-001	G/L Account: 599999
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\$50,000	Fund: 426	WBS: CP-083	G/L Account: 599999
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Transfer To

\$100,000	Fund: 426	WBS: P-00891	G/L Account: 599999
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$400,000 from the Virginia Department of Transportation.

APPROPRIATION

**Appropriation of Information Technology Fund Balance for Office 365 Licenses
\$53,774**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of up to \$53,774 in Information Technology fund balance, will be transferred to the General Fund to be used as funding for the Office 365 licensing and shall be hereby appropriated in the following manner:

Revenues - \$53,774

Fund: 105 Cost Center: 2141001000 G/L Account: 498010

Expenditures - \$53,774

Fund: 105 Cost Center: 2141001000 G/L Account: 519999

BE IT ALSO RESOLVED that the fund balance transfer from the Information Technology fund is hereby appropriated in the following manner;

Expenditure - \$53,774

Fund: 705 Cost Center: 2101001000 G/L Account: 561105

RESOLUTION
Bridge Ministry Funding Allocation
\$17,400

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$17,400 is hereby paid to the Bridge Ministry from currently appropriated funds in the Citywide Reserve in the General Fund as follows:

\$17,400 Fund: 105 Cost Center: 1631001000 G/L Account: 599999

BE IT FURTHER RESOLVED that the release of these funds is conditioned upon the Bridge Ministry demonstrating progress on their audit within the timeline that was stated. Release of funding is also conditioned upon a revised funding agreement specifying all conditions be drawn up and signed by both the City and Bridge Ministry.

RESOLUTION

**Transfer from SIA Implementation Account for Form-Based Code Contract Amendment
\$42,553**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the additional funding for the Strategic Investment Area Form-Based Code and housing strategy workshops is hereby transferred in the following manner:

Transfer From:

\$42,553 *Fund: 426* *WBS: P-00818* *G/L Account: 599999*

Transfer To

\$42,553 *Fund: 426* *WBS: P-00947* *G/L Account: 599999*

**AN ORDINANCE
RELEASING THE 1985 STORMWATER DETENTION EASEMENT
ACROSS PROPERTIES KNOWN AS SEMINOLE SQUARE SHOPPING CENTER
AND PEPSI BOTTLING PLANT**

WHEREAS, Towers Limited Partnership and Pepsi Bottling Company, hereinafter the “Owners” own property designated as City Tax Map Parcel 41C003100 (Seminole Square Shopping Center) and City Tax Map Parcel 41C003000 (Pepsi Bottling Company), respectively, hereinafter the “Property”; and

WHEREAS, the Owners have asked the City to release the 1985 Stormwater Detention Easement (“Easement”) crossing the Property, said easement being shown on a plat of record in the Charlottesville Circuit Court Clerk’s Office in Deed Book 470, Pages 807-808; and

WHEREAS, the Easement to the City was created in 1985 to provide stormwater detention facilities, which the City has maintained, as part of the development of the Seminole Square Shopping Center; and

WHEREAS, City Council approved two (2) resolutions on October 2, 2017 granting critical slope waivers to the Owners, conditioned upon the Owners accepting maintenance of the stormwater detention facilities and petitioning City Council to release the existing 1985 Easement; and

WHEREAS, Towers Limited Partnership submitted a site plan for redevelopment of Seminole Square Shopping Center which includes alternative stormwater management facilities to replace the existing 1985 stormwater detention facility; and

WHEREAS, City staff have reviewed the request to release the Easement, and have no objection to the release of the 1985 Easement because it would relieve the City of the burden of maintenance, but still provide management of stormwater through the new site plan; now, therefore

BE IT ORDAINED that the Mayor is hereby authorized to sign a Deed of Release, in form approved by the City Attorney, to release the above-described Stormwater Detention Easement granted in 1985 to the City; provided, however, such Deed of Release shall not be recorded by the City Attorney until the aforementioned site plan submitted by Towers Limited Partnership is approved by the City.

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF AN EASEMENT
TO DOMINION ENERGY VIRGINIA TO UNDERGROUND ELECTRICAL
FACILITIES ON AND ACROSS CITY PROPERTY
AT RAGGED MOUNTAIN RESERVOIR**

WHEREAS, the Virginia Electric and Power Company, a Virginia public service corporation doing business in Virginia as Dominion Energy Virginia (“Dominion”), has requested this Council to grant an easement across property owned by the City of Charlottesville within Ragged Mountain Reservoir (Albemarle County Tax Map Parcel No. 075-00-00-0000100), as identified within a Right of Way Agreement (DVP ID No. 13-17-0324) and accompanying Plat submitted by Dominion, for the underground installation and maintenance of electrical facilities; and

WHEREAS, on January 7, 2019, this City Council conducted a public hearing on the requested easement, as required by law; 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 Agreement, in form approved by the City Attorney, granting the above-described easement to Dominion Energy Virginia for installation of electrical facilities at Ragged Mountain Reservoir property.

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO UPDATE REGULATIONS PERTAINING TO AMUSEMENT CENTERS.

WHEREAS, upon the recommendation of City staff, the Planning Commission initiated a zoning text amendment to consider updating the City’s ordinance to permit a land use referred to as an “amusement center” in various zoning districts (“Proposed Zoning Text Amendment”); and

WHEREAS, the Proposed Zoning Text Amendment seeks to (i) prohibit amusement centers within the South Street Mixed Use District, instead of continuing to allow the use with a Special Use Permit; (ii) to continue to allow amusement centers with a Special Use Permit within the Corner Mixed Use Zoning District; and (iii) to allow amusement centers with a provisional use permit in zoning districts where they previously would have been allowed only with a Special Use Permit, and to add amusement centers as a use permitted with a provisional use permit to the Cherry Street and Central City Mixed Use Zoning Districts, where they previously were prohibited.

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held by the Planning Commission on December 11, 2018, 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, modified to allow amusement centers within the Corner Mixed Use Zoning District by provisional use permit; and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held by the City Council on January 7, 2019, after notice to the public and to adjacent property owners as required by law, and after conclusion of the public hearing, and after consideration of the Planning Commission’s recommendation, and the recommendations given by staff to the Planning Commission, 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:

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

Use Matrix – Commercial Districts (Sec. 34-480)					
<i>Use Types....</i>					
NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL	B-2	B-3	M-I	IC	Requirements 34-XXX
Amusement center	s-P	s-P	s-P	s-P	1176

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

Use Matrix – Mixed-Use Districts (Sec. 34-796)													
<i>Use Types....</i>													
NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL	<i>D</i>	<i>DE</i>	<i>DN</i>	<i>WME</i>	<i>WMW</i>	<i>CH</i>	<i>HW</i>	<i>WSD</i>	<i>URB</i>	<i>SS</i>	<i>CD</i>	<i>CC</i>	<i>Requirements 34-XXX</i>
Amusement center	s-P	s-P	s-P	s-P	s-P	P	B-P	s-P	s-P	S	s-P	P	1176

Sec. 34-1176. Amusement centers.

For amusement centers the following requirements shall apply:

- (1) Any amusement center that remains open after 2:00 a.m. on any day shall have a security guard on site between the hours of 2:00 a.m. and 6:00 a.m. or until one-half hour after the amusement center closes, whichever is earlier.
- (2) In the event more than four (4) incidents at the property require police service/response over any two (2) month period, the provisional use permit shall be suspended by the zoning administrator, for three hundred sixty-five (365) days. Following any such suspension, any other uses on the site may continue to operate, but only in the form that is permitted within the applicable zoning district without the requirement of a provisional use permit.00

**AN ORDINANCE
AMENDING AND REORDAINING SEC. 34-541 OF ARTICLE VI
OF CHAPTER 34 (ZONING) OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, REGARDING
PRIMARY AND LINKING STREET DESIGNATIONS IN MIXED USE DISTRICTS**

WHEREAS, upon the recommendation of City staff, the Planning Commission initiated a zoning text amendment to consider updating the City’s zoning ordinance to designate certain streets as “primary streets” or as “linking streets” in various mixed use zoning districts (“Proposed Zoning Text Amendment”); and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held by the Planning Commission on December 11, 2018, 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; and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held by the City Council on January 7, 2019, after notice to the public and to adjacent property owners as required by law, and after conclusion of the public hearing, and upon consideration of the Planning Commission’s recommendation, as well as consideration of the recommendations given by staff to the Planning Commission, 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 for the City of Charlottesville, Virginia, that Section 34-541 of Article VI of Chapter 34 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

**CHAPTER 34. ZONING
ARTICLE VI. MIXED USE CORRIDOR DISTRICTS**

Sec. 34-541. Mixed use districts—Intent and description.

(1) *Downtown Corridor*. . . .

(2) *Downtown Extended Corridor*. Historically, the areas within the Downtown Extended district contained manufacturing uses dependent upon convenient access to railroad transportation. In more recent times, use patterns within this area are similar to those within the Downtown district. The intent of this district is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area.

Within the Downtown Extended district, the following streets shall have the designations indicated:

Primary streets: Garrett Street, Monticello Avenue, 6th Street, East Market Street, Carlton Road, ~~and 10th Street NE, N.E.~~, Elliott Avenue, Levy Avenue, and East Water Street.

Linking streets: Avon Street, City Walk Way, Dice Street, 1st Street S, 4th Street SE, Gleason Street, Goodman Street, Graves Street, Lyman Street, Oak Street, East South Street, and Ware Street.

(3) *North-Downtown North Corridor.* The Downtown North Corridor district is the historic center of the City of Charlottesville, and contains many historic structures. In more recent years this area has also developed as the heart of the city's legal community, including court buildings and related law and professional offices, and commercial and retail uses supporting those services. Within this area, residential uses have been established both in single-use and in mixed-use structures. Many former single-family dwellings have been converted to office use. The regulations for this district are intended to continue and protect the nature and scale of these existing patterns of development. Within the Downtown North Corridor district, the following streets shall have the designations indicated:

Primary streets: 10th Street NE, 8th Street NE, N.E. (between High Street and Jefferson Street), 5th Street NE, N.E., 1st Street N, 4th Street NE, N.E., East High Street, West High Street, Jefferson Street, East Market Street, West Market Street, 9th Street NE, 9½th Street N.E., 2nd Street, N.E., 2nd Street, N.W., 7th Street, N.E., 6th Street, N.E., and 3rd Street, N.E.

Linking streets: Altamont Circle, East Jefferson Street (east of 10th Street, N.E.), 8th Street NE, 11th Street, N.E., Court Square, Lexington Avenue Street, Locust Avenue Street, Maple Street, Park Street, and Sycamore Street.

(4) *West Main West Corridor.* . . .

(5) *West Main East Corridor.* . . .

(6) *Cherry Avenue Corridor.* This zoning classification establishes a district designed to encourage conservation of land resources, minimize automobile travel, and promote employment and retail centers in proximity to residential uses. It permits increased development on busier streets without fostering a strip-commercial appearance. It is anticipated that development will occur in a pattern consisting of ground-floor commercial uses, with offices and residential uses located on upper floors. This district is intended to promote pedestrian-oriented development, with buildings located close to and oriented towards the sidewalk areas along primary street frontages. Within the Cherry Avenue Corridor district the following streets shall have the designations indicated:

Primary streets: Cherry Avenue, Roosevelt Brown Boulevard ~~9th/10th Connector~~.

Linking streets: 4th St., 5th St., Delevan St., Estes St., Grove St., King St., Nalle St., 9th St., 6th St., 6½ St., 7th St. 4th Street SW, 5th Street SW, Delevan Street, Estes Street, Grove Street, King Street, Nalle Street, 9th Street SW, 6th Street SW, 6½ Street SW, and 7th Street SW.

(7) *High Street Corridor.* The areas included within this district represent a section of High Street that has historically developed around medical offices and support services, as well as neighborhood oriented service businesses such as auto repair shops and restaurants. The regulations within this district encourage a continuation of the scale and existing character of uses established within this district, and are intended to facilitate infill development of similar uses. Within the High Street corridor district the following streets shall have the designations indicated:

Primary streets: 10th Street NE, East High Street and Meade Avenue.

Linking streets: 11th Street NE, 13th Street NE, Duke Street, Gillespie Avenue, Grace Street, Grove Avenue, Hazel Street, Little High Street, Moore's Street, Orange Street, Riverdale Drive, Stewart Street, Sycamore Street, Ward Avenue, and Willow DriveStreet.

(8) *Neighborhood Commercial Corridor district.* The intent of the Neighborhood Commercial Corridor district is to establish a zoning classification for the Fontaine and Belmont commercial areas that recognize their compact nature, their pedestrian orientation, and the small neighborhood nature of the businesses. This zoning district recognizes the areas as small town center type commercial areas and provides for the ability to develop on small lots with minimal parking dependent upon pedestrian access. The regulations recognize the character of the existing area and respect that they are neighborhood commercial districts located within established residential neighborhoods. Within this district the following streets shall have the designations indicated:

Primary streets: Bainbridge Street, Carlton Avenue, Douglas Avenue, Fontaine Avenue, Garden Street, Goodman Street, Hinton Avenue, Holly Street, Jefferson Park Avenue, Lewis Street, Maury Avenue, Meridian Street, Monticello Road, Price Avenue and Walnut Street. Bainbridge St., Carlton Ave., Douglas Ave., Fontaine Ave., Garden St., Goodman St., Hinton Ave., Holly St., Lewis St., Maury Ave., Monticello Rd., and Walnut St.

Linking streets: None.

(9) *Highway Corridor district.* The intent of the Highway Corridor district is to facilitate development of a commercial nature that is more auto oriented than the mixed use and neighborhood commercial corridors. Development in these areas has been traditionally auto driven and the regulations established by this ordinance continue that trend. This district provides for intense commercial development with very limited residential use. It is intended for the areas where the most intense commercial development in Charlottesville occurs. Within this district the following streets shall have the designations indicated:

Primary streets: Bent Creek Road, Carlton Road~~Rd.~~, Emmet Street, 5th Street SW, Harris Road, Hillsdale Drive, Hydraulic Road, Monticello Avenue~~e.~~, and Seminole Trail.

Linking streets: 250 Bypass, Angus Road, Druid Avenue, ~~East View~~ Eastview Street, Holiday Drive, India Road, Keystone Place, Knoll Street, Linden Avenue, Line Drive, Michie Drive, Monticello Road, Mountain View Street, Nassau Street, Quarry Road, Rives Street, Seminole Circle, and Zan Road.

(10) *Urban Corridor*. The intent of the Urban Corridor district is to continue the close-in urban commercial activity that has been the traditional development patterns in these areas. Development in this district is both pedestrian and auto oriented, but is evolving to more of a pedestrian center development pattern. The regulations provide for both a mixture of uses or single use commercial activities. It encourages parking located behind the structure and development of a scale and character that is respectful to the neighborhoods and university uses adjacent. Within this district the following streets shall have the designations indicated:

Primary streets: Barracks Road, Emmet Street, University Avenue, and Ivy Road.

Linking streets: 250 Bypass, Arlington Boulevard, Cedars Court, Copeley Drive, Copeley Road, Earhart Street, Massie Road, Meadowbrook Road, Millmont Street, ~~and Morton Drive~~, Old Ivy Road, and Wise Street.

(11) *Central City Corridor*. The intent of the Central City Corridor district is to facilitate the continued development and redevelopment of the quality medium scale commercial and mixed use projects currently found in those areas. The district allows single use development, but encourages mixed use projects. The regulations are designed to encourage use of and emphasize proximity to natural features or important view sheds of natural features. Development allowed is of a scale and character that is appropriate given the established development that surrounds the district. Within the Central Corridor district the following streets shall have the designations indicated:

Primary streets: East High Street, Grady Avenue, Harris Street, Long Street, Preston Avenue, Rose Hill Drive, 10th Street NW, Preston Avenue, and River Road.

Linking streets: Albemarle Street, Booker Street, Caroline Avenue, Dale Avenue, Duke Street, 8th Street NW, Forest Street, 9th Street NW, Landonia Circle, and West Street.

(12) *Water Street Corridor District*. . . .

(13) *South Street Corridor District*. . . .

(14) *Corner District*. The Corner District is established to provide low-intensity missed-use development to primarily serve the area surrounding the University of Virginia. It encourages development at a scale that respects the established character of the historic commercial area adjacent to the central grounds of the University. Within the district two- and three-story buildings front the streets establishing a pedestrian scale for retail and commercial uses.

Primary streets: Jefferson Park Avenue, University Avenue, West Main Street, Wertland Street, Elliewood Avenue, 13th Street NW, and 14th Street NW.

Linking streets: Chancellor Street, Minor Court Lane, 12th Street NW, 12½ Street NW, and 13th Street NW.

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO UPDATE REGULATIONS DEFINING AND “DWELLING UNIT” AND CLARIFYING HOW CERTAIN DWELLINGS ARE COUNTED FOR PURPOSES OF RESIDENTIAL DENSITY CALCULATION.

WHEREAS, upon the recommendation of City staff, the Planning Commission initiated a zoning text amendment proposing an amendment to the City’s zoning ordinance, to (i) clarify the definition of “dwelling unit”; (ii) to clarify how certain types of dwellings will be counted for purposes of calculating residential density, and (iii) to make housekeeping changes to definitions of various types of dwellings, in order to omit unnecessary wording and clarify the difference between boarding houses and multifamily dwellings (“Proposed Zoning Text Amendment”); and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held by the Planning Commission on December 11, 2018, 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, only in part: (i) amendment of §34-6 of the City’s Zoning Ordinance, to clarify how certain dwellings will be counted for purposes of calculating residential density, and (ii) amendment of §34-1200, the definition of “dwelling unit” to strike language referring to exclusive use of kitchen areas; and

WHEREAS, a public hearing on the Proposed Zoning Text Amendment was held by the City Council on January 7, 2018, after notice to the public and to adjacent property owners as required by law, and after conclusion of the public hearing, and after consideration of the Planning Commission’s recommendation, and the recommendations given by staff, this Council is of the opinion that that the Proposed Zoning Text Amendment, as recommended by the Planning Commission, 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, as recommended by the Planning Commission, and (ii) the Proposed Zoning Text Amendment, as recommended by the Planning Commission, 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. Amend the provisions of Sec. 34-6, to add a new subparagraph (j), as follows:

Sec. 34-6. Interpretation of district boundaries; rules of construction.

(a)....

(j) For purposes of calculating residential density of development (dwelling units per acre) the following uses shall be counted as one (1) dwelling unit: boarding house; boarding, fraternity and sorority house; convent; monastery; family day home; residential treatment facility.

2. Amend the provisions of §34-1200, definition of “dwelling unit”, as follows:

Sec. 34-1200. Definitions.

...

Dwelling unit means a building, or any portion thereof, containing a complete set of living accommodations suitable for occupancy by one (1) or more persons, consisting of sleeping, bathroom, and complete kitchen facilities ~~for the exclusive use of such occupants~~, and having either direct access from the outside of the building or through a common hall to the outside of the building.

3. The provisions of this Zoning Text Amendment shall not apply to Site Plan P18-0203-513 & 0 Rugby.

4. This ordinance is effective January 22, 2019.