



**CITY COUNCIL AGENDA  
October 4, 2010**

**6:00 – 7:00 p.m.**

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

**TYPE OF ITEM**

**SUBJECT**

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

**AWARDS/RECOGNITIONS**

**ANNOUNCEMENTS**

**MATTERS BY THE PUBLIC** Public comment will be permitted until 7:35 p.m. (limit of 3 minutes per speaker) and at the end of the meeting on any item, including items on the agenda, provided that a public hearing is not planned or has not previously been held on the matter. Persons are asked to sign up in advance of the start of the meeting.

**COUNCIL RESPONSES TO MATTERS BY THE PUBLIC**

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

- a. Minutes of September 20
- b. APPROPRIATION: *Uma D. Shuffert* \$48,390 – 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) (2<sup>nd</sup> of 2 readings)
- c. APPROPRIATION: *Sarah Dawkins, Scott Hendrix* \$135,398 – BJA Drug Court Discretionary Grant Program Award (2<sup>nd</sup> of 2 readings)
- d. APPROPRIATION: *→* \$4,385 – Insurance Reimbursement for Storm Damage Repairs to Gas Building on 29N (2<sup>nd</sup> of 2 readings)
- e. APPROPRIATION: \$1,540 – U.S. Department of Justice (A.T.F.) Overtime Reimbursement for the Charlottesville Gun Violence Task Force (2<sup>nd</sup> of 2 readings)
- f. APPROPRIATION: \$247,036 – Appropriation of CACVB Fund Balance (1<sup>st</sup> of 2 readings)
- g. APPROPRIATION: \$500,000 – 2010 Fast Charging Electric Vehicle Research and Development Project (1<sup>st</sup> of 2 readings)
- h. APPROPRIATION: \$182,500 – Charlottesville/Albemarle Adult Drug Treatment Court Grant Award (1<sup>st</sup> of 2 readings)
- i. RESOLUTION: *Brian H.* SUP at 850 Estes St. (1<sup>st</sup> of 1 reading)
- j. RESOLUTION: *Jim, Jeanie* Intersection Improvement Project (1<sup>st</sup> of 1 reading)
- k. ORDINANCE: *Jim, Rich, Aubrey* Change to Snow Ordinance (2<sup>nd</sup> of 2 readings)
- l. ORDINANCE: *Nick Rogers* Amend Commercial Zoning Use Matrix (2<sup>nd</sup> of 2 readings)
- m. ORDINANCE: *Mossy/Brian* Amendments to Address State Legislative Code Changes (2<sup>nd</sup> of 2 readings)
- n. ORDINANCE: *Craig / Barb.* Closing of Portion of Alley off Dice Street (2<sup>nd</sup> of 2 readings)
- o. ORDINANCE: Text Amendments for Definitions and Penalties Related to the Historic Conservation District (1<sup>st</sup> of 2 readings)

**2. REPORT** PVCC Update

**3. REPORT/ORDINANCE** Martha Jefferson Historic Conservation District (1<sup>st</sup> of 2 readings)

**4. REPORT** Storm Report

**APPROPRIATION**

**2010 Edward Byrne Memorial Justice Assistance Grant (JAG)  
Grant # 2010-DJ-BX-0881  
\$48,390**

**WHEREAS**, the City of Charlottesville, through the Police Department, has received the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$48,390 to be used for approved law enforcement training and equipment.

**WHEREAS**, the grant award covers the period from period October 1, 2009 through September 30, 2013,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$48,390, received from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, is hereby appropriated in the following manner:

**Revenue**


\$ 48,390      Fund: 211      I/O: 1900148      G/L Account: 431110 Federal Grants

**Expenditure**

\$ 37,195      Fund: 211      IO: 1900148      G/L: 520990 Other Supplies  
\$ 11,195      Fund: 211      IO: 1900148      G/L: 530210 Education and Training

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$48,390 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance.

Approved by Council  
October 4, 2010

  
Clerk of Council

**APPROPRIATION**  
**BJA Drug Court Discretionary Grant Program Award**  
**\$135,398**

**WHEREAS**, the U. S. Department of Justice has awarded the City \$135,398 for the Charlottesville/Albemarle Drug Court Enhancement Program; and

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

**WHEREAS**, the grant award covers the period October 1, 2010 through September 30, 2012;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$135,398, received as a grant from the U. S. Department of Justice, is hereby appropriated in the following manner:

**Revenues**

\$135,398      Fund: 211      Internal Order: 1900156      G/L Account: 431110

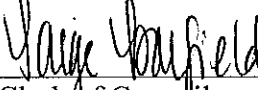
**Expenditures**

\$135,398      Fund: 211      Internal Order: 1900156      G/L Account: 530550

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$135,398 from the U. S. Department of Justice.

Approved by Council

October 4, 2010

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

**APPROPRIATION**

**Insurance Reimbursement for Storm Damage Repairs to Gas Building on 29N  
\$ 4,385**

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$4,385, received as reimbursement is appropriated in the following manner:

**Revenue - \$4,385**

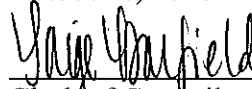
Fund: 107                      Project: P-00617                      G/L Account: 451110

**Expenditures - \$4,385**

Fund: 107                      Project: P-00617                      G/L Account: 599999

Approved by Council

October 4, 2010



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

**APPROPRIATION**

**U.S. Department of Justice (A.T.F.) Overtime Reimbursement for the  
Charlottesville Gun Violence Task Force**

**\$1,540**

**WHEREAS**, the City of Charlottesville, through the Police Department, will received reimbursement from the U.S. Department of Justice (A.T.F.) for overtime expenditures incurred by the Police Department through its Charlottesville Gun Violence Task Force in the amount of \$1,540; and:

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$1,540, received from the U.S. Department of Justice (A.T.F.) is hereby appropriated in the following manner:

**Revenue**

\$1,540      Fund: 105      Cost Center: 3101001000    G/L: 431110

**Expenditure**

\$1,540      Fund: 105      Cost Center: 3101001000    G/L: 510060

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$1,540 from the U.S. Department of Justice (A.T.F.);

**BE IT FURTHER RESOLVED** that future funds received from the U.S. Department of Justice (A.T.F.) for this purpose will be considered as a continuing appropriation and immediately available unless further altered by Council.

Approved by Council

October 4, 2010

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

**RESOLUTION GRANTING A SPECIAL USE PERMIT  
TO ESTES STREET PARTNERS TO ALLOW INCREASED DENSITY  
(UP TO 24 DWELLING UNITS PER ACRE)  
ON PARCELS 55, 59, 60, 61 AND 62 ON CITY TAX MAP 30  
(218 9<sup>TH</sup> STREET, SW AND 848-854 ESTES STREET)**

**WHEREAS**, Estes Street Partners, owner of the property at 218 9<sup>th</sup> Street, S.W. and 848-854 Estes Street, has requested a special use permit with respect to the property identified on City Tax Map 30 as Parcels 55, 59, 60, 61 and 62, consisting of approximately 0.719 acres or 31,320 square feet ("Subject Property"), to allow an increase in the residential density from 21 dwelling units per acre (DUA) to up to 25 dwelling units per acre; and

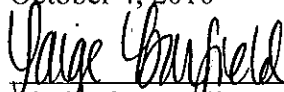
**WHEREAS**, the Subject Property is zoned "CH" (Mixed Use – Cherry Avenue Corridor District) and, pursuant to Sec. 34-659 of the City Code, residential density of up to 21 DUA is allowed by-right, and 22-43 DUA is allowed by Special Use Permit; and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on September 14, 2010, this Council finds that such residential density in the CH district is allowed under City Code Section 34-659 by special use permit, and will conform to the criteria applicable to special use permits generally under Chapter 34 of the City Code; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a special use permit is hereby approved and granted to Estes Street Partners to allow increased residential density of up to 25 DUA at 218 9<sup>th</sup> Street, S.W. and 848-854 Estes Street (City Tax Map 30, Parcels 55, 59, 60, 61 and 62). Approval of this special use permit is conditioned upon the following:

1. The inclusion of bicycle storage facilities in the amount of one space per two dwelling units.
2. The height of building in the development shall be limited to 35 feet at the streetfront.
3. The applicant shall incorporate Low Impact Development strategies that equal to at least 13 points on the City's LID Worksheet. These points shall approved by the City Engineer or his designee.
4. All 15 units fronting directly on Estes Street shall have a façade and entrance on Estes Street and 100% of those units shall be within 15 feet of the front property line.
5. A reduction of the rear yard setback adjacent to low density residential zoning from 20 feet to 15 feet for units 16 and 17.
6. The development shown on the site plan shall remain consistent to the concept plan as submitted as a part of this application.

Approved by Council  
October 4, 2010

  
Clerk of Council

## RESOLUTION

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the attached Standard Operating Procedure, entitled "Intersection Improvement Project", is hereby approved, and shall become effective on October 5, 2010.

Approved by Council

October 4, 2010

  
Clerk of Council

**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 28-26 OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, 1990, AS AMENDED,  
RELATING TO THE DEPOSIT OF ICE AND SNOW ON PUBLIC RIGHTS-OF-WAY**

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that Section 28-26 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

**Sec. 28-25. Removal of snow, sleet and ice from sidewalks.**

(a) It shall be the duty of every owner and/or occupant of every house or lot which abuts or fronts on, or is otherwise situated on, a paved sidewalk or walkway to have all snow removed from such sidewalk or walkway within twenty-four (24) hours after the same has ceased falling. This requirement shall exist whether or not an unpaved strip of publicly-owned property runs between the paved sidewalk and the private property line and the words "abuts," "fronts on," "otherwise situated on," should be interpreted in accord with such requirement. The duty of snow removal imposed on each owner and/or occupant by this section extends only to that portion of a particular paved sidewalk or walkway which runs in front of that particular owner's or occupant's private property.

(b) The provisions of subsection (a) of this section shall apply to ice or sleet on sidewalks or walkways, except that the same, when it cannot be removed without damage to the sidewalk or walkway, shall be covered, within the period of time specified, with sand, ashes or some other substance which will render it safe for travel.

(c) Whenever any house or lot is unoccupied, it shall be the duty of the owner or the agent of the owner thereof to have the snow or ice removed from the sidewalk or walkway abutting, fronting on, or otherwise situated on such owner's property as is required by this section.

(d) A warning shall be issued for a violation of this section. The warning shall be posted on the property or delivered by hand to the property owner and/or occupant, and shall provide the owner and/or occupant twenty-four (24) hours in which to correct the conditions. If after such warning and the passage of twenty-four (24) hours, the owner or occupant of the property affected by the provisions of this section shall fail to abate or obviate the condition, the Director of Neighborhood Development Services may do so and charge and collect the cost thereof from the owner or occupant of the property affected in any manner provided by law for the collection of Commonwealth or local taxes.



**Sec. 28-26. Deposit of ice and snow on public rights-of-way.**

(a) It shall be unlawful for any person to deposit in the public rights-of-way accumulations of snow and ice removed from private property, other than pursuant to subsection (b) below.

(b) In the event that an owner and/or occupant of a building which abuts or fronts on, or is otherwise situated on, a paved sidewalk or walkway cannot comply with the provisions of §28-25(a) due to inadequate space upon which to deposit snow that has accumulated on the property's paved sidewalk, walkway or driveway, he or she may deposit excess snow onto the public right-of-way abutting the house, paved sidewalk or walkway, provided that snow is not deposited in or on a travel lane, crosswalk, sidewalk, or designated handicapped parking space.

(c) Any violation of this subsection shall be a Class IV misdemeanor.

Approved by Council

October 4, 2010



Clerk of Council

**AN ORDINANCE  
TO AMEND AND REORDAIN SECTION 34-216 OF ARTICLE I (Administration)  
AND SECTION 34-480 (Use Matrix – Commercial Districts)  
OF ARTICLE IV (Commercial Districts)  
OF CHAPTER 34 (ZONING) TO REVISE AND ADJUST CERTAIN LAND USES  
ALLOWED IN COMMERCIAL DISTRICTS.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Sections 34-216 and 34-480 of Chapter 34 of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

**Sec. 34-216. Division of the city into districts.**

For the purposes enumerated in section 34-3, the city is divided into zoning districts. The zoning districts shall be known as follows:

- (1) Flood Hazard Protection Overlay District.
- (2) Historic Overlay District.
- (3) Entrance Corridor Overlay District.
- (4) Public Park Protection Overlay District.
- (5) R-1 ("single-family") Residential District.
- (6) ~~R-1(S)~~ R-1S ("small lot") Residential District.
- (7) R-1U ("university") Residential District.
- (8) ~~R-1U(S)/R-1(S)U~~ R-1SU (each referring to "university, small lot") Residential District.
- (9) R-2 ("two-family") Residential District.
- (10) R-2U ("university") Residential District.
- (11) R-3 ("multifamily") Residential District.
- (12) R-UMD ("university, medium density") Residential District.
- (13) R-UHD ("university, high density") Residential District.
- (14) McIntire Residential Corridor District (MR).
- (15) Manufactured Home Park (MHP).
- (16) B-1 Business District.
- (17) B-2 Business District.
- (18) B-3 Business District.
- (19) Manufacturing/Industrial District (M-I).
- (20) Emmet Street Corridor Commercial District (ES).
- (21) Industrial Corridor District (IC).
- (22) Planned Unit Development Districts (PUD).
- (23) Downtown Corridor Mixed Use District (D).
- (24) Downtown Extended Corridor Mixed Used District (DE).
- (25) North Downtown Corridor Mixed Used District (DN).
- (26) West Main North Corridor Mixed Used District (WMN).

- (27) West Main South Corridor Mixed Used District (WMS).
- (28) Cherry Avenue Corridor Mixed Used District (CH).
- (29) High Street Corridor Mixed Used District (HS).
- (30) Neighborhood Commercial Corridor Mixed Used District (NCC).
- (31) Highway Corridor Mixed Used District (HW).
- (32) Urban Corridor Mixed Used District (URB).
- (33) Central City Corridor Mixed Use District (CC).
- (34) Water Street Corridor District (WSD).
- (35) South Street Corridor Mixed Use District (SS).
- (36) Corner District (CD).

...

**Sec. 34-480. Use Matrix – Commercial districts.**

The uses and residential densities allowed within the city’s commercial zoning districts are those identified within the matrix following below. (For a list of each of the city’s zoning districts and their abbreviations, see section 34-216).

- |                                       |                               |
|---------------------------------------|-------------------------------|
| A = Ancillary use                     | GFA = Gross floor area        |
| B = By-right use                      | MFD = Multifamily development |
| CR = Commercial/residential           | P = Provisional use permit    |
| A/S = Ancillary or Special Use Permit | S = Special use permit        |
| DUA = Dwelling units per acre         | T = Temporary use permit      |

*[See attached Matrix with amended areas highlighted in yellow - Changes to Matrix described below]*

For the M-I (Manufacturing-Industrial) zoning district, under the category “RESIDENTIAL AND RELATED USES”, allow “Residential Treatment Facilities of 1-8 Residents” with a Special Use Permit by removing the “B” and adding an “S” in the M-I column of the Use Matrix.

For the ES (Emmet Street Corridor) and IC (Industrial Corridor) zoning districts, under the category “RESIDENTIAL AND RELATED USES”, prohibit “Residential Treatment Facilities of 1-8 Residents” by removing the “B” in the ES and IC columns of the Use Matrix.

For the B-1 zoning district, under the category “NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL”, allow “Clubs, private” with a Special Use Permit by adding an “S” in the B-1 column of the Use Matrix.


For the B-2 zoning district, under the category “NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL, Educational facilities (non-residential)”, allow “Artistic up to 10,000 SF, GFA” as a by-right use, by removing the “S” and adding a “B” in the B-2 column of the Use Matrix.

For the B-1, B-2, B-3, M-I, ES and IC zoning districts, under the category "NON-RESIDENTIAL USES: RETAIL, Other retail stores (non-specified)", remove the row labeled "Up to 3,000 SF, GFA".

For the B-1 zoning district, under the category "NON-RESIDENTIAL USES: RETAIL, Other retail stores (non-specified)", allow "Up to 4,000 SF, GFA" as a by-right use by adding a "B" in the B-1 column of the Use Matrix.

Approved by Council

October 4, 2010

\_\_\_\_\_

Clerk of Council

**AN ORDINANCE  
AMENDING AND REORDAINING SECTIONS 34-27,  
34-420, 34-480, 34-796, 34-1194, AND 34-1200  
OF CHAPTER 34 (ZONING) OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
RELATING TO AMENDMENTS TO THE COMPREHENSIVE PLAN,  
ADULT ASSISTED LIVING FACILITIES, AND  
TEMPORARY FAMILY HEALTH CARE STRUCTURES.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia that Section 34-27 of Article I (Administration), Section 34-420 of Article III (Residential Zoning Districts), Section 34-480 of Article IV (Commercial Districts), Section 34-796 of Article VI (Mixed Use Corridor Districts), and Section 34-1200 of Article X (Definitions), all of Chapter 34 (Zoning), are hereby amended and reordained, and a new Section 34-1194 is hereby added to Article IX (Generally Applicable Regulations) of Chapter 34 of the Code, all to read as follows:

**CHAPTER 34. ZONING**

**ARTICLE I. ADMINISTRATION**

**Division 2. Comprehensive Plan**

**Sec. 34-26. Adoption.**

...

**Sec. 34-27. Amendment.**

(a) An amendment of the comprehensive plan may be initiated by the planning commission, by city council, or by any person.

- (1) The planning commission may initiate an amendment at any time.
- (2) The city council may initiate an amendment at any time, by submitting a ~~formal~~ written request to the planning commission directing the planning commission to prepare an amendment and submit it to a public hearing within sixty (60) days after such request. Alternatively, the city council may initiate an amendment at any time by preparing an amendment and referring it to the planning commission for public hearing within sixty (60) days or such longer timeframe as may be specified in the written request. If the planning commission fails to make a recommendation on the amendment within the sixty (60) day timeframe, the governing body may conduct a public hearing, which shall be advertised as required by Section 15.2-2204.
- (3) Applicants seeking approval of a telecommunications facility pursuant to Article IX, section 34-1070, *et seq.* may initiate an amendment at any time.

(4) All other applications for an amendment to the land use plan of the comprehensive plan shall be accepted annually, between November 1 and January 2 of the succeeding calendar year.

(b) All other amendments to the comprehensive plan shall be recommended, approved and adopted, respectively, in accordance with the requirements set forth within Title 15.2, Chapter 22, Article 3 of the Code of Virginia, as amended. In considering any amendments to the plan, the city council shall act within ninety (90) days of the planning commissions' recommending resolution.

...

### ARTICLE III. RESIDENTIAL ZONING DISTRICTS

#### Sec. 34-420. Use matrix – Residential zoning districts.

The uses and residential densities allowed within the city's residential zoning districts are those identified within the matrix following below. (For a list of each of the city's zoning districts and their abbreviations, see section 34-216.)

A = Ancillary use	GFA = Gross floor area
B = By-right use	MFD = Multifamily development
CR = Commercial/residential	P = Provisional use permit
A/S = Ancillary or Special use permit	S = Special use permit
DUA = Dwelling units per acre	T = Temporary use permit

*[See attached Matrix with amended areas highlighted in yellow – Changes to Matrix described below]*

Under the category "RESIDENTIAL AND RELATED USES, Adult assisted living", change the row labeled "1-3 residents" to "1-8 residents", and change the row labeled "4+ residents" to "Greater than 8 residents".

For the R-1, R-1U, R-1S, R-2, R-2U, R-3, R-UMD, R-UHD, MR, and MHP zoning districts, allow Assisted Living Facilities for 1-8 residents as a by-right use by adding a "B" in the R-1, R-1U, R-1S, R-2, R-2U, MR and MHP columns, and leaving the "B" in the R-3, R-UMD and R-UHD columns.

For the R-3, R-UMD and R-UHD zoning districts, allow Assisted Living Facilities for Greater than 8 Residents with a special use permit by leaving the "S" in the R-3, R-UMD and R-UHD columns.

Under the category "RESIDENTIAL AND RELATED USES", add a row labeled "Temporary family health care structure" and allow such use with a temporary use permit in all residential zoning districts by inserting a "T" in the R-1, R-1U, R-1S, R-2, R-2U, R-3, R-UMD, R-UHD, MR, and MHP columns.

## ARTICLE IV. COMMERCIAL DISTRICTS

### Sec. 34-480. Use matrix – Commercial districts.

The uses and residential densities allowed within the city's commercial zoning districts are those identified within the matrix following below. (For a list of each of the city's zoning districts and their abbreviations, see section 34-216.)

A = Ancillary use	GFA = Gross floor area
B = By-right use	MFD = Multifamily development
CR = Commercial/residential	P = Provisional use permit
A/S = Ancillary or Special use permit	S = Special use permit
DUA = Dwelling units per acre	T = Temporary use permit

*[See attached Matrix with amended areas highlighted in yellow – Changes to Matrix described below]*

Under the category "RESIDENTIAL AND RELATED USES, Adult assisted living", change the row labeled "1-3 residents" to "1-8 residents", and change the row labeled "4+ residents" to "Greater than 8 residents".

For the B-1, B-2, B-3, and M-I zoning districts, allow Assisted Living Facilities for 1-8 residents as a by-right use by leaving the "B" in the B-1, B-2, B-3, and M-I columns.

For the B-1, B-2, B-3, and M-I zoning districts, allow Assisted Living Facilities for Greater than 8 Residents as a by-right use by leaving the "B" in the B-1, B-2, B-3, and M-I columns.

Under the category "RESIDENTIAL AND RELATED USES", add a row labeled "Temporary family health care structure" and allow such use with a temporary use permit by inserting a "T" in the B-1, B-2, B-3, and M-I columns.

## ARTICLE VI. MIXED USE CORRIDOR DISTRICTS

### Sec. 34-796. Use matrix – Commercial districts.

The uses and residential densities allowed within the city's mixed use corridor zoning districts are those identified within the matrix following below. (For a list of each of the city's zoning districts and their abbreviations, see section 34-216.)

A = Ancillary use	GFA = Gross floor area
B = By-right use	MFD = Multifamily development

CR = Commercial/residential	P = Provisional use permit
A/S = Ancillary or Special use permit	S = Special use permit
M/S = Mixed use or special use permit	T = Temporary use permit
DUA = Dwelling units per acre	M = Mixed use development

*[See attached Matrix with amended areas highlighted in yellow -- Changes to Matrix described below]*

Under the category “RESIDENTIAL AND RELATED USES, Adult assisted living”, change the row labeled “1-3 residents” to “1-8 residents”, and change the row labeled “4+ residents” to “Greater than 8 residents”.

For the DE, DN, WMN, WMS, CH, HS, NCC, CD and CC zoning districts, allow Assisted Living Facilities for 1-8 residents as a by-right use by adding a “B” in the DE, DN, WMN, WMS, HS, NCC, CD, and CC columns, and leaving the “B” in the CH column.

For the CH, HS, NCC and HW zoning districts, allow Assisted Living Facilities for Greater than 8 Residents as a by-right use by leaving the “B” in the CH column, and allow such use with a special use permit by leaving the “S” in the HS, NCC, and HW columns.

Under the category “RESIDENTIAL AND RELATED USES”, add a row labeled “Temporary family health care structure” and allow such use with a temporary use permit by inserting a “T” in the DE, DN, WMN, WMS, CH, HS, NCC, CD and CC columns.

## ARTICLE IX. GENERALLY APPLICABLE REGULATIONS

...

### Sec. 34-1194. Temporary family health care structures.

(a)Temporary family health care structures shall be a permitted accessory use in single family residential zoning districts on lots zoned for single-family detached dwellings if such structure (i) is used by a caregiver in providing care for a mentally or physically impaired person, and (ii) is on property owned or occupied by the caregiver as his residence. For purposes of this section, “caregiver” and “mentally or physically impaired person” shall have the same meaning as defined in Virginia Code Sec. 15.2-2292.1.

(b)Any person proposing to install such structure shall first obtain a temporary use permit.

(c)In addition to the specific requirements of a temporary family health care structure found in Sec. 34-1200 herein, such structures must meet the following requirements:



- (1) Only one (1) such structure shall be allowed on a lot or parcel of land.
- (2) The applicant must provide evidence of compliance with this section to the City one (1) year from the date of installation, and every year thereafter, as long as such structure remains on the property. Such evidence will involve inspection by the City of such structure at reasonable times.
- (3) The applicant must comply with all applicable requirements of the Virginia Department of Health.
- (4) No signage advertising or otherwise promoting the existence of the structure shall be permitted anywhere on the property.
- (5) Such structure shall be removed within thirty (30) days of the time from which the mentally or physically impaired person is no longer receiving, or is no longer in need of, the assistance provided for in this section.
- (6) The Zoning Administrator may revoke any permit granted hereunder if the permit holder violates any provision of this section, in addition to any other remedies that the City may seek against the permit holder, including injunctive relief or other appropriate legal proceedings to ensure compliance.

## ARTICLE X. DEFINITIONS

### 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:

...

*Occupancy, residential* for purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. Each of the following shall be deemed a single housekeeping unit: (i) one (1) person; (ii) two (2) or more persons related by blood or marriage, together with any number of their children (including biological children, stepchildren, foster children, or adopted children); (iii) two (2) persons unrelated by blood or marriage, together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children); (iv) within certain designated university residential zoning districts: up to three (3) persons unrelated by blood or marriage; (v) within all other residential zoning districts: up to four (4) persons unrelated by blood or marriage;

(vi) group homes, residential facilities and assisted living facilities, as defined in Section 15.2-2291 of the Code of Virginia, which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill, mentally retarded, developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; or (vii) a group of persons required by law to be treated as a single housekeeping unit, in accordance with the Federal Fair Housing Act, or a similar state law.

...

Temporary family health care structure means a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person, (iii) is no more than three hundred (300) gross square feet in area, (iv) complies with the applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code, as amended, and (v) is not placed on a permanent foundation.

Approved by Council

October 4, 2010

  
Clerk of Council

**AN ORDINANCE  
CLOSING, VACATING, AND DISCONTINUING  
THAT PORTION OF AN ALLEY, AN UNACCEPTED RIGHT OF WAY,  
BETWEEN DICE STREET AND DELEVAN STREET  
ADJACENT TO PARCELS 78 AND 88  
ON CITY REAL ESTATE TAX MAP 29.**

**WHEREAS**, Marlana Simon, the owner of the property at 599 Dice Street, has initiated a petition seeking to close that portion of an alley between Dice Street and Delevan Street, an unaccepted right-of-way adjoining Parcels 78 and 88 on City Tax Map 29; and

**WHEREAS**, the Alley which is the subject of this petition was created, circa 1911, by a subdivision plat recorded in the Charlottesville land records at Deed Book 22, page 467, but was never an accepted by the City as a public right-of-way; and

**WHEREAS**, there are no utility easements located in the subject Alley; and

**WHEREAS**, owners along the Alley proposed to be vacated have been duly notified; and

**WHEREAS**, following notice to the public pursuant to Va. Code Sec. 15.2-2006, a public hearing by the City Council was held on September 20, 2010, and comments from the City staff, and the public were made and heard; and

**WHEREAS**, after consideration of the factors set forth within the City's Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the petitioners' request should be granted; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the subject Alley is hereby closed, vacated and abandoned, the portion to be vacated being more particularly described as follows:

A twelve (12) foot wide platted alley, running approximately fifty-two feet (52') from its intersection with the western property lines of Parcel 78 and 88 on 2010 City Real Estate Tax Map 29, to its terminus, adjoining Parcels 78 and 88 on said City Tax Map 29.

**BE IT FURTHER ORDAINED** that, unless an appeal from Council's enactment of this ordinance is made to the Charlottesville Circuit Court within sixty (60) days of the date of adoption, the Clerk of the Council shall send a copy of this ordinance with plat attached to the Clerk of the Circuit Court for recordation in accordance with Va. Code Section 15.2-2006.

Approved by Council

October 4, 2010

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