



CITY COUNCIL AGENDA
Monday, July 16, 2018

2:45 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Interviews for interim City Manager; Legal Consultation)

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

PLEDGE OF ALLEGIANCE
ROLL CALL
PROCLAMATIONS

Boys & Girls Club

CITY MANAGER RESPONSE TO COMMUNITY MATTERS & August 12 Planning Update

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.

- 1. CONSENT AGENDA*:** (Items removed from consent agenda will be considered at the end of the regular agenda.)
Passed 5-0 (Hill / Signer)
- a. Minutes for July 2, 2018
 - b. APPROPRIATION: 2018-2019 Safe Routes to School Non-Infrastructure Grant -- \$77,000 (1st of 2 readings)
 - c. APPROPRIATION: Virginia Department of Social Services (V.D.S.S.) Employment for Temporary Aid to Needy Families (T.A.N.F.) Participants Grant (1st Renewal) – \$66,667 (1st of 2 readings)
 - d. RESOLUTION: Review of discretionary funding process for nonprofits (1st of 1 reading) **pulled**
 - e. RESOLUTION: Authorizing the City Attorney to retain legal counsel (1st of 1 reading) **pulled**
 - f. RESOLUTION: Delegation of Contracting Authority to Director of Emergency Management (1st of 1 reading) **pulled**
 - g. ORDINANCE: **Parking Modified Zone Amendments (2nd of 2 readings)**
 - h. ORDINANCE: Restaurants: Drive-through windows in Highway Corridor Zoning Text Amendment (2nd of 2 readings) **deferred to Aug. 20 regular agenda**
 - i. ORDINANCE: **Mixed Use Development Standards Zoning Text Amendment (2nd of 2 readings)**
 - j. ORDINANCE: **Amended Ordinance Regulating Use of Explosives for Excavation and Demolition Activities (1st and 2nd of 2 readings) 2nd reading waived**
- 2. PUBLIC HEARING / ORDINANCE*:** Release of a Stormwater Management Agreement across 550 Water Street (1st of 2 readings) **carried (Galvin / Hill)**
- 3. PUBLIC HEARING / ORDINANCE*:** Closing a Portion of the Coleman Street Right of Way (1st of 2 readings) **carried (Hill / Bellamy)**
- 4. PUBLIC HEARING / ORDINANCE*:** Regulation of Small Cell Wireless Facilities in Public Rights of Way (1st of 2 readings) **carried (Signer / Galvin)**
- 5. RESOLUTION*:** **Emancipation Park and Justice Park Renaming (1st of 1 reading) passed 4-1 (Hill / Galvin; Bellamy no) for Market Street Park & Court Square Park**
- 6. REPORT:** Transition to the Mayor-Council Form of Government: A Preliminary Analysis
- 7. RESOLUTION*:** **Belmont Bridge Replacement Project – Approving Design Public Hearing (1st of 1 reading) passed 5-0 (Galvin / Hill)**
- 8. APPROPRIATION*:** Mountainside Funding Request for Memory Care Unit – \$50,000 (1st of 2 readings) **carried (Hill / Bellamy)**
- 9. RESOLUTION*:** **Policy on Public ROW for Paper Streets and Alleyways (1st of 1 reading) passed 5-0 as amended (Galvin / Hill)**

10. ORDINANCE*:

Amending City's Special Events Ordinance (1st of 2 readings) **passed 4-1**
(Hill / Signer; Walker no) 2nd reading waived

OTHER BUSINESS

RESOLUTION: Authorizing the City Attorney to retain legal counsel (1st of 1 reading)
passed 5-0 (Hill / Galvin)

RESOLUTION: Delegation of Contracting Authority to Director of Emergency Management
(1st of 1 reading) **passed 5-0 (Hill / Galvin) as amended**

RESOLUTION: Review of discretionary funding process for nonprofits (1st of 1 reading)
passed 5-0 (Hill / Galvin)

RESOLUTION: WSPG Settlement **passed 5-0 (Signer / Galvin)**

ORDINANCE: Amending and Ordaining the Code of the City related to the time and place of
City Council Meetings (1st of 2 readings) **passed 5-0 (Hill/Signer) 2nd reading waived**

*ACTION NEEDED

**AN ORDINANCE
AMENDING THE CITY'S OFFICIAL ZONING MAP
TO INCLUDE CERTAIN ADDITIONAL PROPERTIES IN THE
PARKING MODIFIED ZONE**

WHEREAS, by Resolution approved on March 18, 2018, City Council initiated a Zoning Map amendment proposing to add four (4) additional areas to the Parking Modified Zone referenced in City Code Sec. 34-971(e)(3), hereinafter the "Map Amendment"; and

WHEREAS, on June 12, 2018 the Planning Commission reviewed the proposed Map Amendment and recommended that only Friendship Court be added to the Parking Modified Zone; and

WHEREAS, a public hearing on the proposed Map Amendment was held by City Council on July 2, 2018, after notice to the public as required by law; now, therefore,

BE IT ORDAINED that the Charlottesville City Council hereby designates the following properties to be included in the Parking Modified Zone, and amends the most recently approved Official Zoning Map accordingly:

1. Friendship Court (Tax Map Parcel 280112000)
2. Crescent Halls (Tax Map Parcel 280218000)
3. 405 Levy Avenue and 405 Avon Street (Tax Map Parcel 580115000 and 580114000)
4. CRHA property at 6th Street, S.E. and Monticello Avenue (Tax Map Parcel 270019000)

**AN ORDINANCE AMENDING AND REORDAINING
ARTICLE VI (MIXED USE CORRIDOR DISTRICTS)
OF CHAPTER 34 (ZONING) RELATING TO
BONUS HEIGHT OR DENSITY IN MIXED USE DISTRICTS**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

1. Sections 34-540, 34-541, and 34-542 of Article VI of Chapter 34 of the Charlottesville City Code (1990), as amended, are hereby amended and reordained; and
2. Sections 34-564, 34-584, 34-604, 34-624, 34-644, 34-663, 34-682, 34-702, 34-740A, 34-748, 34-760A, 34-767A, 34-775, and 34-783 are hereby added to the Charlottesville City Code (1990), as amended, all as follows:

**ARTICLE VI. MIXED USE CORRIDOR DISTRICTS
DIVISION 1. GENERAL**

Sec. 34-540. Purpose of article.

- (a) The purpose of this article is to encourage mixed-use development within appropriate areas of the city, located along or adjacent to streets or highways found by the city council to be significant routes of access to the city. Objectives of these districts include the following: (i) creation of a dynamic street life, encouraging the placement of buildings close to property lines, and/or heavily landscaped yard areas, in order to engage pedestrians and de-emphasize parking facilities; (ii) encouragement of mixed-use development; (iii) facilitation of development that demonstrates an appropriateness of scale; (iv) encouragement of development that offers creative minimization of the impact of parking facilities and vehicular traffic; (v) encouragement of landscaped spaces available for pedestrian use (e.g., pocket parks, tree-lined streets and walkways); (vi) encouragement of alternate forms of transportation (e.g., pedestrian travel, bicycle paths, use of public transit); (vii) encouragement of neighborhood-enhancing economic activity; (viii) encouragement of home ownership; and (ix) encouragement of neighborhood participation in the development process.
- (b) The districts in which such development is encouraged fall, generally, into two (2) categories:
 - (1) *Commercial/residential mixed use districts.* With little remaining vacant land, the city's continued vitality depends upon its ability to attract and facilitate a harmonious mixture of commercial and residential development and redevelopment. Generally, each of these zoning districts seeks to encourage a mixture of residential, commercial and cultural uses within a single building, or within multiple related buildings and structures. Of particular importance is the creation of corridors to serve as vital centers for economic growth and development while at the same time encouraging development that is friendly to pedestrians and alternate modes of transportation characteristic of an urban setting.

- (2) *Commercial/industrial mixed use districts.* Each of these zoning districts seeks to provide an area in which important industrial uses, of limited scale, may be located, but in which opportunities for incorporation of related or harmonious commercial uses can be facilitated.

Sec. 34-541. Application of the term “mixed-use” for determining bonus height or density.

Where a provision of any mixed use zoning district included within this article allows additional height for a “mixed use building”, or allows additional residential density for a “mixed use building”, “mixed use development” or “mixed use project”, the following requirements must be met for such building, development or project to become entitled to the additional height or density (unless different percentages are specified within the division containing the regulations for the applicable district):

(1) where a provision allows additional height for a “mixed use building”, residential and non-residential uses shall each occupy at least 12.5% of the gross floor area (GFA) of the mixed use building;

(2) where a provision allows additional residential density for a “mixed use building”, residential and non-residential uses shall each occupy at least 12.5% of the gross floor area (GFA) of the mixed use building; and

(3) where a provision allows for additional residential density for a “mixed use development” or “mixed use project”, residential and non-residential uses shall each occupy at least 12.5% of the total gross floor area (GFA) of the buildings within the proposed development or project.

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

~~(1) *Downtown Corridor.* The intent of the Downtown Corridor district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial environment in the city's downtown area. Ground floor uses facing on primary streets should be commercial in nature. The area within this zoning district is the entertainment and employment center of the community and the regulations set forth within this district are designed to provide appropriate and convenient housing for persons who wish to reside in proximity to those activities. Within the Downtown Corridor district the following streets shall have the designations indicated:~~

~~*Primary streets:* All streets are primary.~~

~~*Linking streets:* None.~~

~~(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, Market Street, Carlton Road and 10th Street, N.E.~~

~~Linking streets: Avon Street, Dice Street, 1st Street, 4th Street, Gleason Street, Goodman Street, Oak Street, and Ware Street.~~

- (3) ~~North Downtown 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: 8th Street, N.E. (between High Street and Jefferson Street), 5th Street, N.E., 1st Street, 4th Street, N.E., High Street, Jefferson Street, Market Street, 9th Street, 9th 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: East Jefferson Street (east of 10th Street, N.E.), 8th Street, 11th Street, N.E., Lexington Street, Locust Street, Maple Street, Sycamore Street.~~

- (4) ~~West Main West Corridor.~~ The land use and lots on West Main Street west of the railroad bridge are generally larger in size than those east of the bridge. The West Main West district ("WMW") is established to provide the opportunity for large scale redevelopment that may alter established patterns of commercial and residential development along West Main Street and that will respect the character of neighborhoods in close proximity. Within this district, the purpose of zoning regulations is to facilitate redevelopment while at the same time creating a walkable, mixed use "main street" setting that encourages vibrant pedestrian activity. The following streets shall have the designations indicated:

a. ~~Where only one (1) street abuts a lot, that street is considered the primary street.~~

b. ~~Where more than one (1) street abuts a lot, the following are considered primary streets:~~

~~(i) West Main Street;~~

~~(ii) Roosevelt Brown Boulevard;~~

~~(iii) Jefferson Park Avenue;~~

~~(iv) Wertland Street;~~

~~(v) 10th Street NW.~~

c. ~~Where a lot with multiple street frontages on the primary streets listed in subsection b. exists, each frontage is considered a primary street.~~

d. ~~Where a lot has multiple street frontages, streets not listed in subsection b. above will be considered a linking street.~~

- (5) ~~West Main East Corridor.~~ The land use and lots on West Main Street east of the railroad bridge are smaller than those west of the bridge, containing existing buildings (including historic buildings) that have been renovated to accommodate modern commercial uses.

Established buildings are located in close proximity to the street on which they front. Within this district, the purpose of zoning regulations is to encourage a continuation of the established pattern and scale of commercial uses, and to encourage an extension of a walkable, mixed use "main street" setting eastward from the railroad bridge, continuing into the area where the West Main Street Corridor transitions into the city's downtown. Within the West Main Street East district ("WME"), the following streets shall have the designations indicated:

- a. Where only one (1) street abuts a lot, that street is considered the primary street.
- b. Where more than one (1) street abuts a lot, the following are considered primary streets:
 - (i) West Main Street;
 - (ii) Commerce Street;
 - (iii) South Street;
 - (iv) Ridge Street;
 - (v) 7th Street SW;
 - (vi) 4th Street NW.
- c. Where a lot with multiple street frontages on the primary streets listed in subsection b. exists, each frontage is considered a primary street.
- d. Where a lot has multiple street frontages, streets not listed in subsection b. above will be considered a linking street.

- (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, 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.

- (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: East High Street and Meade Avenue.

~~Linking streets: 11th Street, Gillespie Avenue, Grace Street, Grove Avenue, Hazel Street, Moore's Street, Orange Street, Riverdale Drive, Stewart Street, Sycamore Street, Ward Avenue, and Willow Street.~~

- ~~(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 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 Rd., Emmet Street, 5th Street, Harris Road, Hydraulic Road, Monticello Ave., and Seminole Trail.~~

~~Linking streets: Angus Road, East View Street, Holiday Drive, India Road, Keystone Place, Knoll Street, Linden Avenue, Line Drive, Michie Drive, Mountain View 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, and Ivy Road.~~

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

- ~~(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, Harris Street, Long Street, Preston Avenue, Rose Hill Drive, 10th Street, Preston Avenue, and River Road.

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

- (12) *Water Street Corridor District.* The intent of the Water Street Corridor District is to provide for a mix of commercial, retail and entertainment uses in a way that complements and supports the Downtown Pedestrian Mall area. As the Downtown Pedestrian Mall develops, the natural spillover will be to this area. While not a complete pedestrian zone, it contains many characteristics thereof. Development therefore should blend the pedestrian scale with a slightly more automobile-oriented feel to achieve this supportive mixed-use environment.

Primary streets: All.

Linking streets: None.

- (13) *South Street Corridor District.* Adjacent to the downtown area and wedged against the railroad tracks is a small grouping of large historic homes, many of which have been converted to offices and/or apartments. In order to preserve the rich character and style of these few remaining structures from another era, the South Street Corridor District has been created. This district is intended to preserve the historic pedestrian scale, recognizing the importance of this area to the history of the downtown area.

Primary streets: South Street.

Linking streets: None.

- (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: University Avenue, West Main Street, Wertland Street, Elliewood Avenue 13th Street and 14th Street.

Linking streets: Chancellor Street, 12th Street, 12½ Street and 13th Street.

Sec. 34-542. Additional regulations.

Other zoning regulations may also apply to uses, construction and development within the zoning districts included within this article. Without limitation, such other zoning regulations

include the following ~~For additional regulations governing use and development of land within a mixed-use corridor zoning district, refer to:~~

- (1) Article VIII, sections 34-850, et seq. (Landscaping and Other Developments Subject to Site Plans)
- (2) Article IX (General Regulations), including, without limitation:
 - (i) Off-Street Parking (sections 34-970, et seq.),
 - (ii) Outdoor Lighting (sections 34-1000, et seq.),
 - (iii) Sign Regulations (sections 34-1020, et seq.),
 - (iv) Buildings and Structures (sections 34-1100, et seq.),
 - (v) Lots and Parcels (sections 34-1120, et seq.),
 - (vi) Approvals of residential dwellings (section 34-1125), and
 - (vii) Mixed-use density calculation and required notations on subdivision plats, site plans, building permits and certificates of occupancy for a mixed use development (section 34-1126).

Secs. 34-543—34-555. Reserved.

DIVISION 2. REGULATIONS—DOWNTOWN CORRIDOR (“D”)

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Sec. 34-564. Intent and Description.

Downtown Corridor. The intent of the Downtown Corridor district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial environment in the city's downtown area. Ground-floor uses facing on primary streets should be commercial in nature. The area within this zoning district is the entertainment and employment center of the community and the regulations set forth within this district are designed to provide appropriate and convenient housing for persons who wish to reside in proximity to those activities. Within the Downtown Corridor district the following streets shall have the designations indicated:

Primary streets: All streets are primary.

Linking streets: None.

DIVISION 3. REGULATIONS—DOWNTOWN EXTENDED CORRIDOR (“DE”)

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Sec. 34-584. Intent and Description.

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, Market Street, Carlton Road and 10th Street, N.E.

Linking streets: Avon Street, Dice Street, 1st Street, 4th Street, Gleason Street, Goodman Street, Oak Street, and Ware Street.

DIVISION 4. REGULATIONS—DOWNTOWN NORTH CORRIDOR (“DN”)

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Sec. 34-604. Intent and Description.

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: 8th Street, N.E. (between High Street and Jefferson Street), 5th Street, N.E., 1st Street, 4th Street, N.E., High Street, Jefferson Street, Market Street, 9th Street, 9th 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: East Jefferson Street (east of 10th Street, N.E.), 8th Street, 11th Street, N.E., Lexington Street, Locust Street, Maple Street, Sycamore Street.

DIVISION 5. REGULATIONS—WEST MAIN STREET WEST CORRIDOR (“WMW”)

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Sec. 34-624. Intent and Description.

West Main West Corridor. The land use and lots on West Main Street west of the railroad bridge are generally larger in size than those east of the bridge. The West Main West district (“WMW”) is established to provide the opportunity for large-scale redevelopment that may alter established patterns of commercial and residential development along West Main Street and that will respect the character of neighborhoods in close proximity. Within this district, the purpose of zoning regulations is to facilitate redevelopment while at the same time creating a walkable, mixed use “main street” setting that encourages vibrant pedestrian activity. The following streets shall have the designations indicated:

a. Where only one (1) street abuts a lot, that street is considered the primary street.

b. Where more than one (1) street abuts a lot, the following are considered primary streets:

(i) West Main Street;

(ii) Roosevelt Brown Boulevard;

(iii) Jefferson Park Avenue;

(iv) Wertland Street;

(v) 10th Street NW.

c. Where a lot with multiple street frontages on the primary streets listed in subsection b. exists, each frontage is considered a primary street.

d. Where a lot has multiple street frontages, streets not listed in subsection b. above will be considered a linking street.

DIVISION 6. REGULATIONS—WEST MAIN STREET EAST CORRIDOR (“WME”)

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Sec. 34-644. Intent and Description.

West Main East Corridor. The land use and lots on West Main Street east of the railroad bridge are smaller than those west of the bridge, containing existing buildings (including historic buildings) that have been renovated to accommodate modern commercial uses. Established buildings are located in close proximity to the street on which they front. Within this district, the purpose of zoning regulations is to encourage a continuation of the established pattern and scale of commercial uses, and to encourage an extension of a walkable, mixed use "main street" setting eastward from the railroad bridge, continuing into the area where the West Main Street Corridor transitions into the city's downtown. Within the West Main Street East district ("WME"), the following streets shall have the designations indicated:

a. Where only one (1) street abuts a lot, that street is considered the primary street.

b. Where more than one (1) street abuts a lot, the following are considered primary streets:

(i) West Main Street;

(ii) Commerce Street;

(iii) South Street;

(iv) Ridge Street;

(v) 7th Street SW;

(vi) 4th Street NW.

c. Where a lot with multiple street frontages on the primary streets listed in subsection b. exists, each frontage is considered a primary street.

d. Where a lot has multiple street frontages, streets not listed in subsection b. above will be considered a linking street.

DIVISION 7. REGULATIONS—CHERRY AVENUE CORRIDOR (“CH”)

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Sec. 34-663. Intent and Description.

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, 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.

DIVISION 8. REGULATIONS—HIGH STREET CORRIDOR (“HS”)

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Sec. 34-682. Intent and Description.

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: East High Street and Meade Avenue.

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

DIVISION 9. REGULATIONS—NEIGHBORHOOD COMMERCIAL CORRIDOR (“NCC”)

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Sec. 34-702. Intent and Description.

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 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.

DIVISION 10. REGULATIONS—HIGHWAY CORRIDOR (“HW”)

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Sec. 34-740A. Intent and Description.

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 Rd., Emmet Street, 5th Street, Harris Road, Hydraulic Road, Monticello Ave., and Seminole Trail.

Linking streets: Angus Road, East View Street, Holiday Drive, India Road, Keystone Place, Knoll Street, Linden Avenue, Line Drive, Michie Drive, Mountain View Street, Seminole Circle, and Zan Road.

DIVISION 11. REGULATIONS—WATER STREET DISTRICT (“WSD”)

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Sec. 34-748. Intent and Description.

Water Street Corridor district. The intent of the Water Street Corridor District is to provide for a mix of commercial, retail and entertainment uses in a way that complements and supports the Downtown Pedestrian Mall area. As the Downtown Pedestrian Mall develops, the natural spillover will be to this area. While not a complete pedestrian zone, it contains many characteristics thereof. Development therefore should blend the pedestrian scale with a slightly more automobile oriented feel to achieve this supportive mixed-use environment.

Primary streets: All.

Linking streets: None.

DIVISION 12. REGULATIONS—URBAN CORRIDOR (“URB”)

...

Sec. 34-760A. Intent and Description.

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, and Ivy Road.

Linking streets: Arlington Boulevard, Cedars Court, Copeley Drive, Copeley Road, Earhart Street, Massie Road, Meadowbrook Road, Millmont Street and Morton Drive.

DIVISION 13. REGULATIONS—SOUTH STREET DISTRICT (“SS”)

...

Sec. 34-767A. Intent and Description.

South Street Corridor District. Adjacent to the downtown area and wedged against the railroad tracks is a small grouping of large historic homes, many of which have been converted to offices and/or apartments. In order to preserve the rich character and style of these few remaining structures from another era, the South Street Corridor District has been created. This district is intended to preserve the historic pedestrian scale, recognizing the importance of this area to the history of the downtown area.

Primary streets: South Street.

Linking streets: None.

DIVISION 14. REGULATIONS—CORNER DISTRICT (“CD”)

...

Sec. 34-775. Intent and Description.

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: University Avenue, West Main Street, Wertland Street, Elliewood Avenue 13th Street and 14th Street.

Linking streets: Chancellor Street, 12th Street, 12½ Street and 13th Street.

DIVISION 15. REGULATIONS—CENTRAL CITY CORRIDOR (“CC”)

...

Sec. 34-783. Intent and Description.

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, Harris Street, Long Street, Preston Avenue, Rose Hill Drive, 10th Street, Preston Avenue, and River Road.

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

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 5-208 OF CHAPTER 5 (Building
Regulations; Property Maintenance) OF THE CODE OF THE CITY OF
CHARLOTTESVILLE, 1990, AS AMENDED, REGULATING
THE USE OF EXPLOSIVES FOR AND IN CONNECTION WITH EXCAVATION OF
LAND OR DEMOLITION OF BUILDINGS OR STRUCTURES**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Section 5-208 of Article VI of Chapter 5 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

CHAPTER 5. BUILDING REGULATIONS; PROPERTY MAINTENANCE

ARTICLE VI. REGULATION OF EXPLOSIVES

Sec. 5-203. Purpose And Objectives.

The purpose of this division is to enumerate the policies of the City of Charlottesville for use in the review of applications seeking approval for the use of explosives for and in connection with construction and demolition activities within the City limits.

Further, this chapter is enacted for the protection of persons and property owners from damage to life or property as a result of excavation or demolition by blasting, and to protect the health, safety and general welfare of the community by preventing the interruption of essential services resulting from the destruction of, disruption of, or damage to underground utility lines during excavation or demolition by blasting.

Sec. 5-204. Scope.

The scope of this chapter is intended to encompass:

- (a) all utility operators serving any portion of or maintaining any utility line within the City of Charlottesville, Virginia; and
- (b) all landowners and contractors engaged by landowners or developers to perform demolition or excavation on any private property, public rights of way, or public easements within the City of Charlottesville.

Sec. 5-205. Definitions.

As used in this chapter:

- (a) "Blasting" means the use of an explosive for or in connection with excavation or demolition.
- (b) "Contractor" means any person, including a subcontractor, who contracts with an operator or the owner of public or private property, for the purpose of engaging in excavation, demolition, or blasting.
- (c) "Demolition" means the razing of any structure above the existing grade, or the demolition

of any structure below the existing grade.

(d) “Emergency” means any condition which may cause an interruption of essential services resulting from the destruction of, disruption of, or damage to underground utility lines. “Emergency” is classified as less severe than “hazardous”.

(e) “Excavate” or “excavation” means any operation in which earth, rock, or other material in the grounds is moved, removed, or otherwise displaced by means of any tools, equipment, or explosives and includes, without limitation, grading, trenching, digging, ditching, dredging, drilling, auguring, tunneling, scraping, cable or pipe plowing and riving, wrecking, razing, rendering, moving, or removing any structure or mass of material, but not including the tilling of the soil for agricultural purposes.

(f) “Hazardous” means any condition which may cause an interruption of essential services and, in addition, may result in death or injury to persons or property due to destruction of, disruption of, or damage to underground utility lines. “Hazardous” is classified as more severe than “emergency”.

(g) “Mechanized equipment” means powered equipment used to excavate, and includes equipment used for plowing-in or pulling-in cable or pipe.

(h) “Notify, notice or notification” means the completed delivery of information to the person to be notified and the receipt of same by such person to be notified within the time limits prescribed in this chapter.

(i) “Notification center” means any organization among whose purpose is the dissemination to one or more operators of the notification of planned construction activities in a special area. For the purpose of this chapter, Miss Utility and/or the current holder of the one-call State Certification Center, shall be considered to be the notification center.

(j) “Operator” means any person who furnishes or transports any of the following materials or services by means of a utility line:

- (1) Flammable, natural, toxic or corrosive gas;
- (2) Petroleum, petroleum products and hazardous liquids;
- (3) Electricity;
- (4) Sanitary sewer;
- (5) Communications;
- (6) Water; or
- (7) Cable television.

(k) “Person” means any individual, partnership, association, corporation, state, subdivision or instrumentality of a state, or the legal representative thereof.

(l) “Property owner” means any person who owns fee title to or leases a given area of land.

(m) “Surface replacement” means the routine maintenance or limited replacement of sidewalks, curbs and gutters, and similar structures, including patch-type road paving and street repairs.

(n) “Utility line” means any underground conduit and its related facilities including pipe or cable, by which an operator furnishes or transports material or services.

(o) “White lining” means the designation of the proposed limits of excavation or demolition with white paint by the contractor.

(p) “Working days” means Monday through Friday, excluding, however, any public and legal holidays.

Sec. 5-206. Applicability Of Existing Ordinances And Other Laws.

No provision of this chapter shall exempt any person from complying with the requirements and provisions of any existing laws, regulations, or ordinances, including, without limitation: Chapters 12 (Fire prevention), 29 (Subdivisions), 31 (Utilities) and 34 (Zoning) of the Code of the City of Charlottesville; the statutes and regulations of the Commonwealth of Virginia, the State Corporation Commission of Virginia, the Virginia Board of Housing and Community Development/ Virginia Fire Services Board; and the statutes and regulations of the Office of Pipeline Safety of the U.S. Department of Transportation, or the U.S. Department of Labor. The duties and requirements imposed by all such other existing laws, regulations and ordinances shall be in addition to the duties and requirements imposed by the provisions of this division.

Sec. 5-207. Administration And Enforcement.

This chapter shall be administered and enforced by the City Manager, or his or her designee, who may cause to be performed such tasks and inspections as he or she may deem reasonably necessary.

Sec. 5-208. Demolition Or Excavation By Blasting; Prior Notice And Permit.

(a) No landowner shall make or commence any blasting, nor shall any landowner allow any blasting to be made or commenced on his or her land, without first notifying the Office of the City Manager and obtaining a permit therefor.

(b) Every notice served by any person to the Office of the City Manager shall contain or be accompanied by the following information and materials:

(1) The blasting contractor's name and telephone number and verification of the contractor's authority to conduct business and blasting activities within the Commonwealth of Virginia (State Corporation Commission Registration number; Virginia contractor's license number, or evidence of a license recognized by the applicable Virginia licensing board);

(2) The name of the landowner on whose land the proposed blasting is being done;

(3) The date and approximate time blasting is to commence;

(4) An engineering plan depicting and describing:

(i) the nature and extent of the excavation or demolition by blasting (“work”) including:

a. a map of the blast area and a map of the potential impact area,

b. the type of explosives proposed, including specifying whether modular, composite, or other

c. a description of the ignition system planned specifying whether use of electric wire, wireless, shock tube, polytechnic compound, or other is to be used and a description of the safety plan for the selected method

- d. a listing of the number and frequency of the proposed detonations including a copy of the blast hole placement plan
- e. an analysis of the estimated off-gassing and the proposed means of mitigating them
- f. a description of the weight/volume of the blasting medium per incidence (per shot)
- g. an analysis of the estimated shock release direction and magnitude
- h. an analysis of the estimated shock waves with sound decibels tabulated by distance
- i. a copy of the blast design calculations for overburden depth, blast time spacing, stemming material/method analysis, and load factor/charge weight calculations
- j. a copy of the complete and certified “Blast Containment Plan” and the projectile avoidance plan (outlining the use of mats, curtains, or other)
- k. a copy of the “Blast Area Security Plan” including a listing of the planned number and locations of the ground and air blast monitoring stations and the Fire and Emergency Services participation plan
- l. a copy of any field test detonations performed in similar substrate conditions

(ii) the location and approximate depth of proposed work;

(iii) the topographic and geological conditions that will be disturbed by such excavation or demolition, based upon topographical and geological survey data, respectively, including, without limitation:

- a. rock type
- b. rock depth and graining
- c. subsurface water presence
- d. rock and overburden profile

(iv) an engineering professional’s opinion rendered in writing by an engineer certified to practice within the Commonwealth of Virginia, as to whether, based on topographical and geological survey data, and the nature and extent of the excavation or demolition by blasting, any emergency or hazardous conditions could occur as a result of blasting. If so, the engineering plan shall also include a mitigation plan designed to eliminate the risk of potential emergency or hazardous condition(s), or to reduce such risk to an acceptable level;

(v) a physical survey identifying the location of all utility lines owned or used by any operator within and adjacent to the parcel of land on which the blasting will occur, along with: the name and contact information for each operator; a detailed plan describing how the utility lines will be protected during the blasting; and evidence of written confirmation from each operator that the operator is aware of the blasting application to be presented to city council and has been given an opportunity to request a pre-blast survey of utility structures.

(vi) a pre-blast survey log containing a list of structures and utility lines eligible for pre-blast survey and list of those that have already received pre-blast surveys;

(vii) Applicant’s certification that it will pay all costs for pre-blasting seismic surveys of potentially affected properties, to be performed by a contractor engaged by the applicant

but selected from a list of qualified firms provided by the City, with data from such surveys to be provided to property owners.

(viii) written consent forms executed by the owner of every building, structure or utility line within one hundred (100) feet of any proposed blast, where each such written consent form, on its face, contains a certification of the blasting contractor that all blasting will conform to limits recommended by the U.S. Bureau of Mines Table of Scaled Distances.

(ix) proof of insurance from the applicant as well as the blasting contractor, ~~minimum shall not be less than~~ (for each): General Aggregate, \$5,000,000.00; ~~\$2,500,000.00~~ ~~\$2,000,000.00~~, for each occurrence; \$1,000,000.00 automobile liability; Workers Compensation, as required by Virginia law.

(x) a list of the most recent five sites at which the blasting contractor has performed excavations or demolitions by blasting.

(5) The blasting contractor's field representative or field contact, and field telephone number;

(6) An affidavit by the applicant, averring that written notice of the application has been given by U.S. mail, first class, postage pre-paid, to every landowner within five hundred (500) feet of the parcel of land on which the proposed blasting would occur, with a copy of the written notice and a list of all such landowners and their addresses attached to such affidavit. The list of landowners shall be obtained by the applicant from the online tax assessor's records of the City of Charlottesville. The written notice shall include the following information:

(i) Notice of intent to conduct blasting, estimated duration of blasting activities;

(ii) Name of the contractor who will perform the blasting activities

(iii) Name and contact information for the blasting contractor's liability insurance provider;

(iv) Name of an independent firm approved by the Fire Marshal, which shall conduct seismographic monitoring of all blast(s) during blasting activities and which shall make reports thereof directly to the Fire Marshall, at the cost and expense of the person who has made application to the City under this division; and written evidence that seismology equipment to be used has been calibrated and certified within 1 year of proposed blasting operation.

(7) Any special remarks or information the applicant deems relevant to the considerations referenced in paragraph (c), following below.

(8) An application fee in the amount of five hundred dollars (\$500.00).

(c) Upon receipt of the notice and application materials referenced in paragraphs (a) and (b) preceding above, the Office of the city Manager shall schedule a public hearing to be conducted at a regular meeting of the City Council, within sixty (60) days of the date the application is submitted. Notice of the date, time and location of the public hearing shall be given by newspaper advertisement, and by U.S. mail, first-class, postage pre-paid, to every landowner

within five hundred (500) feet of the parcel of land on which the proposed blasting would occur. Following conclusion of the public hearing, the city council will consider:

- (i) whether or not the proposed blasting presents an unreasonable danger to the life or health of any individual(s), or an unreasonable interference with the use or occupancy of adjacent property;
- (ii) whether or not, as a result of information received by council in connection with the public hearing, the blasting plan adequately takes into account unique topographical and geological conditions present in the vicinity of the proposed blasting;
- (iii) whether or not the insurance requirements referenced within this ordinance adequately cover the risks reasonably to be anticipated from the blasting;
- (iv) such other factors as the city council deems relevant for the protection of the welfare and safety of individuals and property within the vicinity of the blasting.

City Council may either approve or deny a permit for the proposed blasting. Any permit may be subject to suitable regulations and safeguards approved by city council as conditions of a permit. The City does not, by granting any permit or by identifying regulations or safeguards for blasting activities, assume any responsibility or liability for such blasting activity.

(d) If City Council approves a blasting permit, it may condition the permit upon proof of higher insurance coverage than the minimums specified within this ordinance, upon finding that specific blasting site conditions indicate that a higher minimum is necessary to ensure sufficient payment of all damages to persons or property which may arise from or be caused by the conduct of such blasting. In addition, upon a recommendation of the City Manager's office that a surety bond can be obtained to guarantee the proper performance of blasting activities, in addition to liability insurance coverage, and that an appropriate arrangement can be made by which individuals who have damage claims can present those to the surety for payment, then City Council may also require a surety bond in such amount as it deems reasonable and appropriate.

(e) No permit approved by City Council under paragraph (c), above, shall authorize any blasting, unless and until a separate permit has been obtained from the Fire Code Official, in accordance with applicable requirements of the Virginia Statewide Fire Prevention Code, and related codes and standards.

(f) The following documents shall be available for inspection at the site of any blasting, at all times during any blasting: (i) a copy of the approved permit from the Fire Code Official, (ii) a copy of the approved site plan or subdivision plan for a development, and (iii) a copy of the engineering plan required by paragraph (b)(4), above.

(g) In the event of ongoing excavation or demolition by blasting, notification by a contractor as provided in subsection (b) hereof shall be required every ten working days and so long as said excavation or demolition is continuous all markings of underground utility lines remain clearly visible, as provided in Section 1024.10(b).

Sec. 5-209. Contractor Requirements; Demolition Or Excavation.

(a) Any contractor performing excavation or demolition by blasting shall have an approved site

plan and/or subdivision plan, as applicable, or an engineering plan, indicating the plan view of all known existing and proposed utility lines at the site during such excavation or demolition.

(b) Any contractor performing excavation or demolition by blasting shall designate the proposed limits of such excavation or demolition: (i) within a survey submitted with the application (depicting the boundaries of the parcel(s) of land on which the excavation or blasting is proposed to occur, and containing a topographical survey of those parcel(s); and (ii) if a permit is approved, by white lining the affected area at the site.

(c) The act of obtaining information or any approval as required by this division shall not excuse any person making any excavation or demolition by blasting from doing so in a careful and prudent manner nor shall it excuse such person from liability for any damage resulting from his or her negligence.

Sec. 5-210. Contractors; Hazardous And Emergency Procedures.

(a) Communication between the job site and the contractor's base office shall be maintained at all times through the use of a two-way radio system or some other means approved by the City's Fire Code Official.

(b) When any person damages a utility line or the protective coating thereof, or accidentally exposes or severs a utility line during excavation or demolition by blasting, an emergency condition shall be deemed to exist and the operator of such utility line shall be directly notified at that time.

(c) When any gas or flammable liquid utility line is severed, or damaged to the extent that there is escapement of its contents, a hazardous condition shall be deemed to exist and the operator of such utility line and the City's Emergency Communications Center (Dial "911") shall be immediately notified.

(d) Contractors shall display in plain sight on the instrument or control panel or the dashboard of all trucks and mechanized equipment operated by them, the current telephone number which is to be utilized to serve hazardous-condition notice as required by subsection (c) hereof.

(e) The telephone numbers to be utilized in serving emergency-condition notice as required in subsection (b) hereof shall be located on the approved site plan, subdivision plan or engineering plan which is to be at the site during excavation or demolition as required by Sec. 5-209(a).

(f) It shall be unlawful to backfill around a damaged utility line, as described in subsection (b) or (c) hereof, until the operator of said utility line has been notified of such incident and has repaired the damage and/or has given clearance in writing to backfill.

(g) During an emergency or hazardous condition, it shall be lawful to excavate, without using blasting, if notification as required in subsection (b) or (c) hereof is given as soon as reasonably possible.

Sec. 5-211. Operators; Hazardous And Emergency Procedures.

(a) All operators shall make available on a twenty-four hour basis adequate emergency response crew(s), including answering personnel, radio dispatchers, appliance servicemen and utility repair crews capable of performing all work tasks necessary to cope with emergency or

hazardous situations. The number of emergency work crews shall be determined by the operator based upon reasonable response time (one hour estimated time or arrival to the emergency scene during other than work hours) and the number and frequency of experiences recorded.

(b) All reports of hazardous and/or emergency conditions received by operators shall be reported immediately to the City's Emergency Communications Center (Dial "911") and all reports of hazardous conditions received by the Emergency Communications Center, or the Charlottesville Fire Department shall be reported immediately to the appropriate operator.

(c) The decision to shut off a utility line during a hazardous condition shall be jointly made by the Incident Commander, Charlottesville Fire Department and an authorized representative for the utility operator concerned. If time and circumstances require, the decision may be made by either the Incident Commander or the authorized utility operator representative, with immediate notification provided to the other and to the Emergency Communication Center and Charlottesville Fire Department.

(d) Utility services interrupted under hazardous conditions, as referenced in subsection (d) hereof, may be restored by the authorized utility operator only after investigation and verification of safety by the Charlottesville Fire Department.

Sec. 5-212. Penalties.

(a) Any person who violates any provision of this division, by doing a prohibited act, failing to perform a required act, or failing to perform permitted acts in the prescribed manner, shall be deemed guilty of a Class 1 misdemeanor. Each day a violation of this chapter shall continue shall constitute a separate offense.

(b) If, during excavation or demolition by blasting, an underground utility line is damaged by any person who has failed to comply with any provision of this chapter, any permit(s) acquired through the City of Charlottesville to perform work related to said excavation or demolition (including permits for building, grading, blasting, plumbing, electrical and/or mechanical work) shall be revoked and any fees paid to the City for said permit(s) shall be forfeited. In order to continue work, a new application for permit(s) must be filed; plans of the proposed excavation or demolition by blasting must be re-examined; the location of all existing utility lines must be verified in writing by each operator having facilities in the area of proposed excavation or demolition; and new fees must be paid.

(c) Any person who is convicted two or more times within a twelve-month period of violating any provision of this division which resulted in damage to any existing utility line, shall be subject to suspension or revocation of any license(s) or permit(s) issued by the City of Charlottesville to perform related work for a period not to exceed twelve-months. Furthermore, no subsequent permits or licenses to perform said related work shall be issued to such convicted persons during that suspension or revocation period.

(d) The operator of a utility line shall notify the City of Charlottesville of any action by a contractor that is deemed to be a violation of this chapter and that may result in a hazardous condition. Upon such notification, a representative of the City shall promptly inspect the work site and, if deemed necessary, require the contractor to stop work until compliance with this chapter is verified by the City or operator of the line.

Secs. 5-213 - 5-218. Reserved.

A RESOLUTION CHANGING THE NAME(S) OF EMANCIPATION PARK and JUSTICE PARK TO MARKET STREET PARK and COURT SQUARE PARK, RESPECTIVLY

WHEREAS City Council voted on June 5, 2017, to re-name Lee Park to Emancipation Park and Jackson Park to Justice Park; and

WHEREAS in December 2017 City Council received a petition requesting the City reconsider its decision to change the name of Lee Park to Emancipation Park; and

WHEREAS City Council held a public hearing on February 20, 2018 and directed staff to conduct a new round of community engagement to collect feedback on the names for both parks and specified that the names Lee Park, Jackson Park and Emancipation Park were not to be considered; and

WHEREAS City staff collected more than 7,500 votes during March 2018 on park naming preferences via paper, an online survey, voicemail line and email ballots; and

WHEREAS on April 16, 2018, City Council directed staff to conduct a final round of community engagement to collect feedback on names for each park and to restrict the community engagement to City residents;

NOW THEREFORE, BE IT RESOLVED that the City of Charlottesville will change the name of Emancipation Park to Market Street Park, and will change the name of Justice Park to Court Square Park.

**BELMONT BRIDGE REPLACEMENT PROJECT
DESIGN PUBLIC HEARING APPROVAL RESOLUTION**

WHEREAS, a Design Public Hearing was conducted on May 24, 2018 in the City of Charlottesville by representatives of the City of Charlottesville and the Commonwealth of Virginia Department of Transportation after due and proper notice for the purpose of considering the proposed design of the Belmont Bridge Replacement project under State project number of 0020-104-101, PE-101, RW-201, C501, B-601 and Federal project number of BR-5104 (159) in the City of Charlottesville, at which hearing aerial photographs, drawings, environmental documentation and other pertinent information were made available for public inspection in accordance with state and federal requirements; and

WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and

WHEREAS, representatives of the City of Charlottesville were present and participated in said hearing; and

WHEREAS, the Council had previously requested the Virginia Department of Transportation to program this project; and

WHEREAS, the Council fully deliberated and considered all such matters; now

THEREFORE BE IT RESOLVED that the Council of the City of Charlottesville hereby approves the major design features of the proposed project as presented at the Public Hearing with the following changes:

- 4) Re-open access point or driveway entrance to Champion Brewing Company on South Street on Parcel 003;
- 5) Add a bicycle ramp on corner of Levy Avenue and Monticello Road to create a connection between the neighborhood street and shared use path; and
- 6) Creation of a pedestrian path that connects the pedestrian tunnel to new public, off-street parking spaces to Old Avon Street (south of Avon/9th Street).

BE IT FURTHER RESOLVED that the City of Charlottesville will acquire and/or furnish all right-of-way necessary for this project and certify the same to the Virginia Department of Transportation and Federal Highway Administration at the appropriate time.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute, on behalf of the City of Charlottesville, all necessary agreements required in conjunction with acquiring such rights of way, as well as all other associated standard agreements for construction activities.

Adopted this 16 day of July 2018.

City of Charlottesville, Virginia

ATTEST:

CLERK OF COUNCIL

BY: _____
MAYOR

|

RESOLUTION
To develop new policy on the public right of way (ROW)
as it pertains to alleys, local and “paper” streets

Whereas, the Charlottesville Streets that Work (STW) Plan identified that frequency and steep cross slopes of driveways can make walking along the street challenging (and sometimes unusable), particularly for pedestrians who are sight impaired, using a wheelchair or pushing strollers; and

Whereas, the National Association of City Transportation Officials’ (NACTO) Urban Street Design Guide (referenced in the STW Plan) states that alleys provide direct property access and eliminate the need for driveways along main roads where people are walking and biking; and

Whereas, Charlottesville City Council’s September 6, 2016 work plan resolution, specifically called for the *“Review and update of the Standards and Design manual (SADM) so it will align with the STW Plan and address zoning ordinance issues that relate to the inclusion of new streets and alleys such as block sizes, curb cuts, green infrastructure strategies, others.”*

Be it Resolved, that the Charlottesville City Council shall hear all applications to vacate alleys in general, as they may serve a public interest, until such time as a new policy is developed; and

Be it Further Resolved, that the Charlottesville City Council directs the PLACE Design Task Force, legal counsel, staff and City consultant to revise and create policies and procedures for the vacation, preservation and creation of the public right of way (ROW) as it pertains to alleys, local and “paper” streets including but not limited to the:

- definition, metrics, purpose and strategic inventory of alleys, local and “paper” streets (both public and private);
- retention, reacquiring and reactivation for public use of existing alleys, local and “paper” streets;
- design with construction standards of new public alleys, within a block network;
- determination of when the vacation of existing alleys, local and paper streets may be warranted; and
- incorporation into other important City documents, such as the Standards and Design Manual (SADM), and other City Council policies and procedures for the vacation, closing and abandonment of streets and alleys.

Be it Further Resolved, that the PLACE Design Task Force, legal counsel, staff and City consultant will submit draft policies and procedures for the vacation and preservation of the public right of way (ROW) as it pertains to alleys and “paper” streets for City Council review and adoption, within 6 months of the adoption of this resolution on February 2019, whichever is sooner.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 18-25 OF
ARTICLE III OF CHAPTER 18 OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO PERMITS FOR SPECIAL EVENTS AND DEMONSTRATIONS**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that:

1. Article III (Permits for Special Events and Demonstrations) of Chapter 18 (Parks and Recreation) is hereby amended and reordained, as follows:

Sec. 18-21. Purpose.

The purposes of this article are to:

(a) To establish procedures and standards governing the use of public property by non-city organizations and individuals for the purpose of conducting events, and to ensure the preservation of public convenience in the use of city streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses; and,

(b) To protect the right of persons and groups to organize and participate in peaceful assemblies to express their political, social, religious, or other views on city streets, sidewalks, other public ways, parks, and other public lands, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in such assemblies in not having their ability to use city streets, sidewalks, and other public ways to travel to their intended destinations, city parks for recreational purposes, and other city lands for their intended purposes unreasonably impaired.

(c) The application of the provisions of this article, and any rules and regulations adopted pursuant to these provisions, shall be without regard to the content of the beliefs expressed or anticipated to be expressed during any permitted event.

Sec. 18-22. Definitions.

Community event means the events listed in section 28-29(c) of this Code, and such other events designated by city council as "community events" from time to time.

Demonstration means an event involving non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual activity by persons which does not have an intent or propensity to attract a crowd or onlookers. The term "demonstration" shall exclude:

- (1) Any events conducted by tenant of the Economic Development Authority of the City of Charlottesville ("CEDA") under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within that Pavilion lease); and
- (2) Any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument.

Event may refer either to a demonstration or a special event, or to demonstrations and special events, collectively.

Open burning and *open fire* have the same meaning as set forth in this Code section 12-2.

Open flame means fire whose flame is supported by a wick, oil or other slow-burning means to sustain itself. "Open flame" includes, but is not limited to, flame producing devices such as candles, torches, and juggling or other fire artist equipment; provided, however, that "open burning and open fire" and "open flame" shall not include handheld candles when used for ceremonial purposes, provided that they are not held or used in an intimidating, threatening, dangerous or harmful manner.

Prohibited items shall mean:

- (1) All items prohibited by law from being held, carried, displayed, worn or otherwise used in public;
- (2) Items banned from public or park lands;
- (3) Any BB guns, pellet guns, air rifles or pistols, paintball guns, pellet guns, nun chucks, tasers, stun guns, heavy gauge metal chains, lengths of lumber or wood, poles, bricks, rocks, metal beverage or food cans or containers, glass bottles, axes, axe handles, hatchets, ice picks, acidic or caustic materials, hazardous, flammable, or combustible liquids, dogs (except service dogs), skateboards, swords, knives, daggers, razor blades or other sharp items, metal pipes, pepper or bear spray, mace, aerosol sprays, catapults, wrist rockets, bats, sticks, clubs, drones, explosives, fireworks, open fire or open flames, or other item considered an "implement of riot";
- (4) Any items capable of inflicting bodily harm when these items are held or used in an intimidating, threatening, dangerous or harmful manner; and
- (5) Law enforcement or military-like uniforms or uniform-like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that when held, carried, displayed or worn tend to suggest or imply that the wearer is a current member of law enforcement, the military, a private militia, or other public safety organization, such as a fire department or emergency medical services agency.

Special event means sports events, pageants, celebrations, historical reenactments, carnivals, music festivals and other entertainments, exhibitions, dramatic presentations, fairs, festivals, races (i.e., runs/walks), block parties, parades and other, similar activities, conducted on public property, which (i) are not demonstrations, and (ii) are engaged in by fifty (50) or more persons. The term "special event" shall be construed to include a community event or private organization celebration held in or on city-owned property and is attended by more than fifty (50) people. The term "special event" shall *exclude* (i) any events conducted by CEDA's tenant under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within the Pavilion lease), and (ii) any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument; and (iii) gatherings of ten (10) or more people in a park for general recreational or sports activities.

Sponsor means the person (as defined above) or persons who sign, or whose authorized representative(s) sign, an application for an event permit and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these regulations. Where a purported sponsor is not a legal entity, the sponsor shall be the individual(s) signing the permit application.

...

Sec. 18-25. Violations and penalties.

The following conduct is declared to be unlawful and shall be, upon conviction, punishable as a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:

- (a) Sponsoring, holding or conducting an event for which a permit is required, without first obtaining a permit;
- (b) Sponsoring, holding or conducting a permitted event on days or at times not authorized by the permit;
- (c) Intentionally providing false, misleading or incomplete information in a permit application;
- (d) Failing to comply with any terms or conditions placed on a permit;
- (e) The failure to comply during an event with any lawful directive of a law enforcement officer, or with any lawfully posted public sign, direction or instruction;
- (f) Climbing, during an event, upon any tree, or any wall, fence, shelter, fountain, statue, or any other structure not specifically intended for climbing purposes;
- (g) Rendering any part of an event venue dangerous, unsafe or unsuitable for use by others;
- (h) Closing any street or public right-of-way during an event, or using any street or right-of-way in a manner that obstructs vehicular or pedestrian passage during an event, without first obtaining a street closing permit;
- (i) Holding, carrying, displaying or using any prohibited item as defined herein within an ~~the~~ area where an permitted event is taking place with a permit;
- (j) Holding, carrying, displaying or using any prohibited item as defined herein within a restricted area established by police officers as a security measure for or in connection with any event ~~without the prior written consent of the city manager or his or her designee~~;
- (~~k~~) Throwing or propelling objects of a potentially dangerous nature during an event, including but not limited to rocks, bottles, sticks, staffs, glass objects or cans;
- (~~l~~) Engaging in a course of conduct or committing any act that endangers the public welfare or safety of others during an event;
- (~~m~~) Damaging landscaping, plantings, improvements, equipment or structures located on city property where an event is being held.

In addition to the criminal sanctions authorized herein, any person engaging in the unlawful conduct proscribed by this section, or who violates any section in this article, may also be held civilly liable for any damages or loss, and may be banned from the future use of city-owned property for a specified period of time.

2. This ordinance shall be effective immediately upon adoption by City Council.

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville that, in accordance with Sec. 2-213(d) of the City Code, the City Attorney, including any individual serving as acting city attorney, is hereby authorized to retain such legal counsel as he or she deems necessary to assist him or her on legal matters for the City, subject to the following conditions: (i) any such engagement shall be subject to the availability of funds, as determined by the City's Finance Director, and (ii) any such engagement shall be for or in connection either with the pending Statue Litigation (Payne, *et al.* v. City of Charlottesville, *et al.*) or a City Council project or assignment.

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia (the “City Council”) that, on this 16th day of July, 2018, the City Council does hereby delegate to its Director of Emergency Management (“Director”) the power and authority to act as the agent of City Council for the following purposes:

- (1) To enter into agreements in the name of and on behalf of the City of Charlottesville in accordance with the provisions of Virginia Code §15.2-1726, for the cooperation in the furnishing of police services, with the Department of State Police, with any other Virginia locality, with police of the University of Virginia, with any agency of the Federal government, or any combination of the foregoing, as the Director of Emergency Management may deem advisable or expedient; and
- (2) To enter into agreements in the name of and on behalf of the City of Charlottesville with other law enforcement agencies, pursuant to any other statutory provisions within Title 15.2, Chapter 17, Article 2 of the Virginia Code; and
- (3) To enter into agreements in the name of and on behalf of the City of Charlottesville with any landowner(s) to authorize the temporary use of private property for or in connection with the provision of police services.

The terms and conditions of each such agreement shall be subject to the review and approval by the City Attorney and the City’s Director of Finance, prior to signature by the Director. Any such agreement signed and executed by the Director of Emergency Management shall be binding upon the City of Charlottesville, and shall have all of the same force and effect as if approved by City Council itself.

This Resolution shall be effective upon its adoption, and the authority hereby delegated to the Director of Emergency Management shall be and remain in effect through August 31, 2018.

RESOLUTION
Authorizing review of ABRT process and
Maintaining funding for currently funded organizations at FY19 level

NOW THEREFORE, BE IT RESOLVED, that Council hereby authorizes staff to engage in a review of the Agency Budget Review Team process; and

BE IT FURTHER RESOLVED, that Council directs the City to forego an application process for the fiscal year (FY) 2020 for external organizations and maintain funding for currently funded organizations at the FY19 level; and

BE IT FURTHER RESOLVED, that this applies only to organizations that are reviewed under the Agency Budget Review Team process; contractual organizations will still be required to submit full applications to be reviewed by the Budget office.

RESOLUTION

BE IT RESOLVED by the City Council for the City of Charlottesville, Virginia that City Council does hereby approve a settlement of the lawsuit pending in Charlottesville Circuit Court, between Charlottesville Parking Center, Inc. and the City of Charlottesville, as set forth within the Settlement Agreement made as of June 29, 2018, and in connection with this Settlement, this City Council hereby:

- 1) authorizes the City Manager to execute the Settlement Agreement on behalf of the City;
- 2) authorizes the City Manager to execute the Real Estate Purchase agreement made as of June 29, 2018, attached as Exhibit A to the Settlement Agreement; and
- 3) authorizes the Mayor to execute the Deed of Lease, made as of June 30, 2018, attached as Exhibit B to the Settlement Agreement.

ORDINANCE
AMENDING AND REORDAINING SECTION 2-41 OF
ARTICLE II OF CHAPTER 2 (ADMINISTRATION)
OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED,
RELATED TO THE TIME AND PLACE OF CITY COUNCIL MEETINGS

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 2-41 of Article II of Chapter 2 of the Charlottesville City Code (1990), as amended, is hereby amended and reordained, as follows:

Sec. 2-41. Place and time of regular meetings.

The city council shall hold its regular meetings at the council chamber of the city hall, or at such other place in the city as may be designated by the mayor or the council, beginning at 6:30 p.m. on the first and third Mondays of each month, unless such day is a legal holiday, in which event such meeting shall be held on the day following, or unless a majority of the council takes action by motion or resolution to cancel or move the date of any such regular meeting.