

**Charlottesville City Council and Planning Commission**  
**Joint Work Session – City Council Minutes**  
**Tuesday, August 29, 2023, at 4:00 p.m.**  
**CitySpace, 100 Fifth Street NE**

The Charlottesville Planning Commission held a joint work session with the Charlottesville City Council to discuss the process for adopting the proposed Zoning Ordinance. Chair Lyle Solla-Yates called the work session to order at 5:00 p.m. with a quorum of Planning Commissioners. The following City Council members were present: Mayor Lloyd Snook and Councilors Michael Payne and Leah Puryear. Vice Mayor Juandiego Wade gave prior notice of his late arrival to the meeting. Councilor Brian Pinkston gave prior notice of his absence.

Planning Commission Chairperson, Lyle Solla-Yates, announced that Public Comment was not on the agenda for the joint work session and that the Planning Commission had scheduled two (2) public hearings at which time public comment would be taken. Missy Creasy, Deputy Director of Neighborhood Development, explained that public comment for the joint work session may be submitted in writing to, [creasym@charlottesville.gov](mailto:creasym@charlottesville.gov), and that notecards and pens would be provided to in-person attendees to submit written comments for the meeting. All comments received through the end of the meeting will be attached to the meeting minutes.

Director of Neighborhood Development, James Freas, summarized the purpose of the joint work session. As part of the process to adopt a new Zoning Ordinance the Planning Commission will conduct a public hearing beginning at 4:00 p.m. on Thursday, September 14, 2023, in Council Chambers in City Hall. The Commission may choose to vote on the proposed Zoning Ordinance at the September 14 Public Hearing. The Planning Commission has tentatively scheduled a meeting on Tuesday, September 19 beginning at 5:00 p.m. and Tuesday, September 26 beginning at 5:00 p.m. both in Council Chambers for the purpose of deliberations of the proposed Zoning Ordinance, if needed. A regularly scheduled Planning Commission meeting will take place on October 10 beginning at 5:30 p.m. at CitySpace, where, if necessary, the Commission may prepare its recommendation of a new Zoning Ordinance. City Council will engage in a series of work sessions to discuss the proposed Ordinance. Council will also conduct a Public Hearing for the recommended Zoning Ordinance. The Zoning Ordinance will have two (2) readings by City Council with an adoption and effective date respectively.

Mr. Freas explained that Site Plans that have not entered the process for review upon the approval of the new Zoning Ordinance will be subject to the regulations of the new Zoning Ordinance. Staff will identify the Site Plans that have reached a uniform marker in the review process at the time the new Zoning Ordinance is approved for exemption from the requirements of the new Zoning Ordinance. Mr. Freas presented the proposal for an annual clean-up of the Zoning Ordinance for minor changes and/or corrections as a matter of standard practice. Mr. Freas submitted his suggestion to carry forward the current zoning code for short-term rentals with the new Zoning Ordinance to be most effective in the current process to adopt a Zoning Ordinance and plan to review the zoning regulations for short-term rentals in the future. City

Attorney, Jacob Stroman, clarified that the update to the current Zoning Ordinance is part of a general re-zoning which cannot be deemed as a “taking” as it pertains to short-term rentals. Mr. Stroman will submit a Memorandum on the legalities of zoning changes to City Council and the Planning Commission for short-term rentals and its impact on AirBnB rentals for discussion at the Planning Commission Closed Session on September 12. Members of the Planning Commission expressed support for postponing the review of zoning regulations for short-term rentals.

Per Mr. Freas, there are no changes in the proposed Zoning Ordinance for Sensitive Community Areas (SCAs); however, some of the recommendations for SCAs is incorporated into the general zoning ordinance. Councilor Payne requested further view of areas of the proposed Zoning Ordinance that will impact Sensitive Community Areas. Mr. Freas acknowledged that research indicates that customized zoning is needed for Sensitive Community Areas. Councilor Payne noted that the 10<sup>th</sup> and Page Neighborhood Association is concerned about the impact that the proposed Zoning Ordinance will have on the neighborhood. In response to a question from Mayor Snook, Mr. Freas indicated that declaring an area as a historic preservation district is likely to be considered part of a designation under a CSA custom zoning regulation.

City staff and members of the Planning Commission will structure a format for deliberations on post-City Council Public Hearing discussion.

Commissioner Stolzenberg asked for further clarification in the proposed Zoning Ordinance of “height versus number of units” regulation and the costs associated with an affordable unit, such as the cost of parking. Mr. Freas agreed to the update.

In response to a question from Councilor Payne, Mr. Freas asserts that the proposed Zoning Ordinance is substantively the same. The process for the approval of a Critical Slope Waiver is the same and language has been added to the Ordinance to establish a standardized practice for Council to consider the public benefit of the request. Mr. Freas confirmed that the proposed Zoning Ordinance includes some updates to regulations for Special Use Permits (SUPs). The Special Exception Process will be available to non-profit organizations and property owners under the proposed Zoning Ordinance. Councilor Payne expressed support of an SUP for commercial corridors abutting Sensitive Community Areas and developments in floodplain areas. Staff will review the zoning regulations for floodplains for potential updates within the proposed ordinance.

Mr. Freas explained that under the current Zoning Ordinance proposal developers are: (1) required to hold neighborhood meetings for all discretionary permitting processes; (2) encouraged to hold a neighborhood meeting for Site Plan reviews; (3) required to hold neighborhood meetings where the transportation demand management requirement is triggered.

Staff will follow up with Council on the purpose statements that were removed from the proposed Zoning Ordinance. There will be no updates to the proposed Zoning Ordinance that is

posted on the City of Charlottesville website until it is submitted to City Council for a Public Hearing.

The meeting adjourned at 6:10 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council