



CITY COUNCIL AGENDA
November 21, 2011

6:00 p.m. – 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 for the first 12 speakers to sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

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. APPROPRIATION: Runaway Emergency Shelter Program Grant - \$222,222 (2nd of 2 readings)
- b. APPROPRIATION: Statewide Information Sharing Strategic Plan and Pilot Geospatial Visualization Project - \$1,000,000 (2nd of 2 readings)
- c. APPROPRIATION: State Criminal Alien Assistance Program Grant - \$16,738 (1st of 2 readings)
- d. APPROPRIATION: Charlottesville Police Foundation Contribution - \$2,376.14 (1st of 2 readings)
- e. APPROPRIATION: Bullet Proof Partnership DOJ Grant - \$4,300.92 (1st of 2 readings)
- f. RESOLUTION: Allocation of Funds for Vinegar Hill Monument (1st of 1 reading)
- g. ORDINANCE: Reauthorization of the Technology Zone Tax Incentives (2nd of 2 readings)
- h. ORDINANCE: Planned Unit Development application requirement revisions (2nd of 2 readings)
- i. ORDINANCE: Update Civil Penalties for Zoning Violations and Correction to Code Section re Zoning Matrix (2nd of 2 readings)
- j. ORDINANCE: Extension of Home Improvement Tax Exemption Program (1st of 2 readings)

2. PUBLIC HEARING/ORDINANCE*

Abandon Gas Line Easement in Pavillions Subdivision (Albemarle County) (1st of 2 readings)

3. PUBLIC HEARING/APPROPRIATION*

Fiscal Year 2011 Year End Appropriation (1st of 2 readings)

4. PUBLIC HEARING

Lee Park – Overnight Activities

5. RESOLUTION*

600 Preston Place Special Use Permit (1st of 1 reading)

6. REPORT/RESOLUTION*

Allocation of Funds to Piedmont Housing Alliance for Purchase of Region Ten Properties - \$750,000 (1st of 1 reading)

7. REPORT/RESOLUTION*

Allocation of Charlottesville Housing Fund dollars for FY2012 - \$344,500 (1st of 1 reading)

8. REPORT/RESOLUTION*

Legislative Program – Thomas Jefferson Planning District Commission (1st of 1 reading)

9. REPORT/RESOLUTION*

City Legislative Program for 2012 General Assembly (1st of 1 reading)

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

Reasonable accommodations will be provided for persons with disabilities upon request.

APPROPRIATION
Runaway Emergency Shelter Program
\$222,222

WHEREAS, the City of Charlottesville has been awarded \$200,000 from the Department of Health and Human Services Administration for Children and Families with matching funds of \$22,222 provided by Community Attention (\$12,444) and Children, Youth and Family Services (\$9,778) .

WHEREAS, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between Community Attention and Children, Youth and Family Services. The grant award covers the period from September 30, 2011 through September 29, 2012.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$222,222 is hereby appropriated in the following manner:

Revenue – \$222,222

\$200,000	Fund: 211	Internal Order: 1900180	G/L Account: 431110
\$ 9,778	Fund: 211	Internal Order: 1900180	G/L Account: 432080
\$ 12,444	Fund: 211	Internal Order: 1900180	G/L Account: 498010

Expenditures - \$222,222

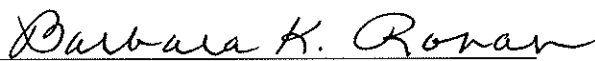
\$ 98,172	Fund: 211	Internal Order: 1900180	G/L Account: 519999
\$124,050	Fund: 211	Internal Order: 1900180	G/L Account: 599999

Transfer - \$12,444

\$12,444	Fund: 213	Cost Center: 3413001000	G/L Account: 561211
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Department of Health and Human Services Administration for Children and Families.

Adopted by City Council
On November 21, 2011


Barbara K. Ronan, Acting Clerk of Council

APPROPRIATION
Statewide Information Sharing Strategic Plan and Pilot Geospatial Visualization
Project
\$ 1,000,000

WHEREAS, the City of Charlottesville received a grant for the development of a statewide information strategic plan and geospatial visualization project; and

WHEREAS, the cost of this project will be \$1,000,000 which is offset entirely by a Public Safety Interoperability Communications Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that \$1,000,000 in received grant funds designated for the Statewide Information Sharing Strategic Plan and Geospatial Visualization Pilot Project appropriated in the following manner:

Revenues- \$ 1,000,000

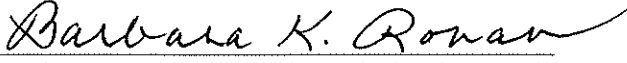
Fund: 211 Internal Order: 1900179 G/L Account: 431110

Expenditures-\$ 1,000,000

Fund: 211 Internal Order: 1900179 G/L Account: 599999

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia, that this appropriation is conditioned upon the receipt of \$ 1,000,000 in PSIC Grant Funds.

Adopted by City Council
On November 21, 2011


Barbara K. Ronan
Barbara K. Ronan, Acting Clerk of Council

**AN ORDINANCE AMENDING AND RE-ORDAINING CHAPTER 14
(LICENSES), SECTION 14-24 (TAX INCENTIVES FOR TECHNOLOGY
BUSINESSES) TO EXTEND ELIGIBILITY PERIOD FOR FIVE YEARS TO
DECEMBER 31, 2016**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Section 14-24 of Chapter 14 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 14-24. Tax incentives for technology businesses.

(a) A "qualified technology business" is a business which meets each of the following criteria:

- (1) The business must constitute a "technology business," as that term is defined within City Code Chapter 2, Article XIV;
- (2) The business must not be operating under a certificate of public convenience issued by the Virginia State Corporation Commission;
- (3) The business must not be engaged in the provision of a "utility service" as that term is defined within section 30-221 of the City Code;
- (4) The business must certify that it expects to be engaged in a technology business throughout the tax year for which a reduction is sought (or, for new technology businesses which had not commenced doing business as of January 1 of the tax year for which application is made, for the balance of the tax year); and
- (5) The business must have submitted an application for qualification to the commissioner of revenue, on or before March 1st of the tax year for which a reduction of taxes is sought under this section. A separate application shall be required for each tax year. A business seeking to obtain a reduction of taxes under this section shall have the burden of demonstrating, to the satisfaction of the commissioner, that it meets the definition of a technology business and that it meets all applicable criteria for a reduction.

(b) The following incentives, in the form of reduction of taxes owed, shall be available to qualified technology businesses:

- (1) For a qualified technology business whose gross receipts from a technology business subject to licensure are fifty thousand dollars (\$50,000.00) or less, any license fee which would otherwise be required

by this chapter shall be reduced by one hundred (100) percent for no more than ~~three (3)~~ five (5) years.

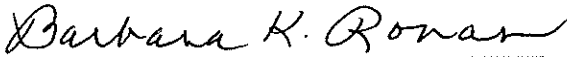
- (2) A qualified technology business whose gross receipts from a technology business subject to licensure are more than \$50,000 shall receive a fifty (50) percent reduction of any taxes owed pursuant to this chapter for no more than ~~three (3)~~ five (5) years.

Where a qualified technology business' license tax is determined pursuant to section 14-13(c) of this chapter, the commissioner shall determine the appropriate reduction based on the actual tax owed by the business for a tax year, as may be corrected by the commissioner.

(c) Except as otherwise specifically provided, nothing set forth within this section shall affect a technology business's status or classification for tax purposes, its obligation to report gross receipts and to file tax returns, or to pay any license issuance fees or local taxes under this chapter. Nothing contained in this section shall relieve any technology business from its obligation to comply with the requirements of section 14-11, or any other section, of this chapter.

(d) The tax incentives provided by this section shall be available to qualified technology businesses ~~for the tax year beginning on January 1, 2007 through the tax year ending on December 31, 2011 ("program period")~~ 2016. A qualified technology business shall receive the applicable tax reduction for no more than ~~three (3)~~ five (5) tax years ~~during the program period.~~

Adopted by City Council
On November 21, 2011


Barbara K. Ronan, Acting Clerk of Council

**AN ORDINANCE AMENDING AND REORDAINING
SECTIONS 34-503, 34-516, 34-517 AND 34-1200 OF CHAPTER 34 (ZONING)
RELATING TO CRITICAL SLOPES IN PLANNED UNIT DEVELOPMENTS.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Sections 34-503, 34-516 and 34-517 of Article V (Planned Unit Development Districts), and Section 34-1200 of Article X (Definitions) of Chapter 34 (Zoning) of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained as follows:

CHAPTER 34. ZONING

ARTICLE V. PLANNED UNIT DEVELOPMENT DISTRICTS

Sec. 34-503. Sensitive areas.

The following areas shall be left natural and undisturbed, except for street crossings, hiking trails, utilities and erosion control devices:

- (1) Land within a floodway or floodway fringe; and
- (2) Wetlands; and,
- (3) ~~Steep slopes.~~

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Sec. 34-516. Application.

(a) Following the required pre-application review, the developer may submit an application seeking a rezoning approval for a PUD.

(b) The rezoning application shall consist of the following materials:

- (1) A city rezoning application form;
- (2) A development plan prepared in accordance with section 34-517, below.
- (3) A written statement of any proffers proposed in connection with the PUD.
- (4) In the event the development plan indicates that any critical slopes will be disturbed, the applicant shall submit a request to modify or waive the critical slopes provisions as provided for in Sec. 34-1120.

(c) The completed application shall be processed in accordance with the procedures applicable to rezonings. In the event that subsection (b)(4) applies, the critical slope waiver application shall be considered simultaneously therewith by the Planning Commission, and if granted, conditioned upon compliance with the approved plan of development.

Sec. 34-517. PUD development plan--Requirements.

(a) Each of the following is a required component of a complete plan of development submitted in connection with an application for approval of a planned unit development:

- (1) A survey plat describing and depicting the entire land area to be included within the PUD development site, including identification of present ownership, existing zoning district classification(s) of the parcel(s) to be included within the PUD.
- (2) A narrative statement of how the objectives described within section 34-490 are met by the proposed PUD.
- (3) A concept plan, supporting maps, and written or photographic data and analysis which show:
 - a. Existing and proposed public utilities and infrastructure;
 - b. An inventory, by tax map parcel number and street address, of all adjacent parcels within a five hundred-foot radius of the perimeter of the PUD, indicating the existing zoning district classification of each.
 - c. A site inventory of the significant natural, environmental and cultural features of a site, including at a minimum: historic landmarks contained on any state or federal register; vegetation; existing trees of eight-inch caliper or greater; wetlands, topography, shown at intervals of five (5) feet or less, steep critical slopes, and other, similar characteristics or features, and a plan for preserving, protecting, utilizing and/or incorporating such features into the design and function of the proposed PUD.
 - d. A proposed land use plan. Such plan will identify:
 - (i) Proposed land uses and their general locations (including, without limitation, building and setbacks);
 - (ii) Proposed densities of proposed residential development;
 - (iii) Location and acreage of required open space;
 - e. A general landscape plan which focuses on the general location and type of landscaping to be used within the project as well as the special buffering treatment proposed between project land uses and adjacent zoning districts;
 - f. Where development is to be phased, organization of site into general development phases ("land bays"), wherein all of the information specified within this section is indicated and provided with respect to each phase, and wherein an overall phasing schedule is provided.

- g. A proposed transportation plan showing internal road improvements, including typical sections for each project street category, as well as proposed pedestrian and bicycle improvements.
- (4) A comprehensive signage plan.

ARTICLE X. DEFINITIONS

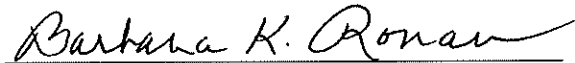
Sec. 34-1200. Definitions.

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~~Steep slope refers to the portion of a lot that has a grade in excess of twenty five (25) percent.~~

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Adopted by City Council
On November 21, 2011


Barbara K. Ronan, Acting Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 34-86 OF CHAPTER 34 (ZONING)
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATING TO CIVIL PENALTIES FOR ZONING VIOLATIONS, AND
AMENDING SECTION 34-352 OF CHAPTER 34 (ZONING)
TO CHANGE AN INCORRECT REFERENCE.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Section 34-86 of Article I (Administration), and Section 34-352 of Article III (Residential Zoning Districts) of Chapter 34 (Zoning) of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained, as follows:

**CHAPTER 34. ZONING
Article I. Administration
Division 5. Compliance and Enforcement**

Sec. 34-86. Schedule of civil penalties.

(a) Any violation of the following provisions of this chapter shall be subject to a civil penalty of ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200.00) for the first violation, and a civil penalty of ~~two hundred fifty dollars (\$250.00)~~ five hundred dollars (\$500.00) for each subsequent violation arising from the same set of operative facts:

- (1) The placement, allowance of, erection or maintenance of a material impediment to visibility so as to restrict sight distance in violation of section 34-1121.
- (2) Violation of Article IX, Division 2, Sections 34-970, et seq., regulating parking.

~~(b) Any violation of the following provisions of this chapter shall be subject to a civil penalty of one hundred dollars (\$100.00) for the first violation, and a civil penalty of two hundred fifty dollars (\$250.00) for each subsequent violation arising from the same set of operative facts:~~

- ~~(1)~~ (3) Each use of a lot, including the use of any structure thereon, not authorized either as a matter of right or by special use permit, provisional use permit, or temporary use permit by the zoning regulations applicable to the district in which the lot is located.
- ~~(2)~~ (4) Any violation of sections 34-1170 through 34-1193, establishing supplementary regulations for certain uses authorized in the several zoning districts.
- ~~(3)~~ (5) Any violation of the zoning district regulations contained within Articles III through VI, pertaining to dimensional requirements.
- ~~(4)~~ (6) Any violation of any approved proffers, planned unit development plans, special use permits, provisional use permits, temporary use permits, variances, site plans, certificates of appropriateness or any condition related thereto.
- ~~(5)~~ (7) Any violation of the regulations set forth within sections 34-1100 through 34-1126 (buildings and structures).
- ~~(6)~~ (8) Any violation of sections 34-1140 through 34-1151, regulating nonconforming uses, lots and structures.
- ~~(7)~~ (9) Violation of sections 34-1020 through 34-1054, regulating permanent and temporary signs, except as otherwise provided in this division.

- ~~(8)~~ (10) Any violation of Article II, Divisions 1--5, sections 34-240, et seq., regarding requirements for overlay districts.
- ~~(9)~~ (11) Any violation of Article VIII, Divisions 1--6, sections 34-850, et seq., regarding improvements required for developments.
- ~~(10)~~ (12) Any violation of Article IX, Division 5, sections 34-1070, et seq., regarding requirements for telecommunications facilities.

~~(e)~~ (b) Any person who demolishes, razes or moves any building or structure which is subject to the regulations set forth within section 34-277 or section 34-340 without approval of the BAR of city council, shall be subject to a civil penalty equal to twice the fair market value of the building or structure, as determined by the city real estate tax assessment as the time of the demolition, razing or moving.

- (1) For purposes of this section, the term "person" shall include any individual, firm, partnership, association, corporation, company or organization of any kind, which is deemed by the Charlottesville Circuit Court to be responsible for the demolition, razing or moving.
- (2) An action seeking the imposition of the penalty shall be instituted by petition filed by the city in the Circuit Court of the City of Charlottesville, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.
- (3) The defendant may, within twenty-one (21) days after the filing of the petition, file an answer and, without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties or as established by the court, the petition shall be dismissed from the court's docket.
- (4) The filing of the action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.

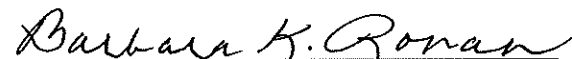
State law reference—Va. Code Sec. 15.2-2209.

Article III. Residential Zoning Districts
Division 1. Generally

Sec. 34-352. Uses.

The uses allowed within the city's various residential zoning districts are those designated in the matrix set forth within section 34-416 34-420.

Adopted by City Council
On November 21, 2011


Barbara K. Ronan, Acting Clerk of Council

**RESOLUTION GRANTING AN AMENDMENT TO THE SPECIAL
USE PERMIT GRANTED JULY 21, 1986 TO XI CHAPTER OF THE
ALUMNI ASSOCIATION OF THETA CHI
TO ALLOW AN EXPANSION OF THE FRATERNITY HOUSE
AT 600 PRESTON PLACE**

WHEREAS, Xi Chapter of the Alumni Association of Theta Chi, owner of the property at 600 Preston Place, was granted a special use permit on July 21, 1986 for expansion of the fraternity house at 600 Preston Place, with a limit of 13 residents in the fraternity house; and,

WHEREAS, Xi Chapter of the Alumni Association of Theta Chi has requested an amendment to the special use permit with respect to the property identified on City Tax Map 5 as Parcel 109, consisting of approximately 0.38 acres or 15,555 square feet (“Subject Property”), to allow an addition of 2,690 square feet of space to the fraternity house (increasing the number of bedrooms from 6 to 11) on the subject property; and

WHEREAS, the Subject Property is zoned “R-3” (Residential District) with Historic District Overlay and, pursuant to §34-156 of the City Code, such modifications of the property are allowed by Special Use Permit; and

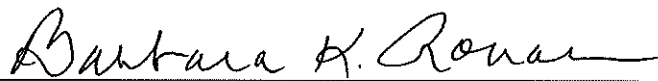
WHEREAS, following a public hearing before the Planning Commission, duly advertised and held on October 31, 2011, and a public hearing before City Council, duly advertised and held on November 7, 2011, this Council finds that such use is allowed under City Code Section 34-420 (specifically under the category “Boarding: fraternity and sorority house”) by special use permit, and will conform to the criteria applicable to special permits generally under Chapter 34 of the City Code; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that an amendment to the special use permit is hereby approved and granted to Xi Chapter of the Alumni Association of Theta Chi to allow an addition of 2,690 square feet of space to the fraternity house at 600 Preston Place (increasing the number of bedrooms from 6 to 11). Approval of this special use permit is conditioned upon the following:

1. The property owner shall provide the City's property maintenance office with the contact information of a local representative, and an alternate representative, responsible for addressing property maintenance issues and violations identified by City staff.
2. The inclusion of bicycle parking that accommodates a minimum of fourteen (14) bicycles.
3. Administrative approval of the preliminary site plan.
4. The property owner shall incorporate a 5' landscaped buffer on Grady Avenue.
5. The property owner shall provide a dumpster with an enclosure that meets ordinance requirements.
6. No more than fourteen (14) occupants shall reside on the property.

Adopted by City Council

On November 21, 2011

A handwritten signature in cursive script, reading "Barbara K. Ronan".

Barbara K. Ronan, Acting Clerk of Council

RESOLUTION
\$750,000


BE IT RESOLVED by the City Council of the City of Charlottesville that \$750,000 of previously appropriated funds for Affordable Housing set aside from Strategic Investment Funds (P-00574) is hereby allocated to **Piedmont Housing Alliance** for the purchase of three properties (1907 Cedar Hill Rd., 719 Shamrock Rd., and 720 Shamrock Rd.) for development of affordable housing.

Amount: \$750,000

Project: P-00574

G/L Code: 599999

Adopted by City Council
on November 21, 2011



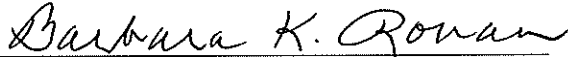
Barbara K. Ronan
Barbara K. Ronan, Acting Clerk of Council

**RESOLUTION
ALLOCATION OF
CHARLOTTESVILLE HOUSING FUND DOLLARS
\$344,500**

BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$344,500 is hereby allocated / reallocated from currently appropriated funds in the Charlottesville Housing Fund (P-00672) account of the Capital Improvement Program, as follows:

JABA	\$10,500
Building Goodness Foundation	\$20,000
AHIP	\$250,000
AHIP & Habitat for Humanity of Greater Charlottesville	\$35,000
Habitat for Humanity of Greater Charlottesville	\$15,000
Charlottesville Abundant Life Ministries	\$11,000
Purchase of Houses at 8 th Street N.W.	<u>\$3,000</u>
Total	\$344,500.00


Adopted by City Council
On November 21, 2011


Barbara K. Ronan, Acting Clerk of Council

**A RESOLUTION
APPROVING THE 2012 LEGISLATIVE PROGRAM FOR THE
CITY OF CHARLOTTESVILLE**

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the attached 2012 Legislative Program for the City of Charlottesville is hereby approved. The Clerk of Council is directed to forward a copy of the Program to the City's elected representatives in the General Assembly.

Adopted by City Council
On November 21, 2011


Barbara K. Ronan
Barbara K. Ronan, Acting Clerk of Council