

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 34 (CHARLOTTESVILLE DEVELOPMENT CODE) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, TO HOLD PROPERTIES HARMLESS WHEN A PORTION IS OBTAINED FOR PUBLIC PROJECT.

WHEREAS, upon the recommendation of City staff, the Planning Commission initiated a zoning text amendment proposing an amendment to the City's Development Code, for a lot, building or structure established in conformity with this Development Code that it will not create a violation of this Code as a result of the acquisition, purchase or condemnation of a portion of it by an agency of the federal, state or local government possessing the power of eminent domain; and

WHEREAS, a public hearing on the Proposed Text Amendment was held by the Planning Commission on April 9, 2024, after notice to the public and to adjacent property owners as required by law, and following conclusion of the public hearing the Planning Commission voted to recommend approval of the Proposed Text Amendment of Article 5 Division 5.4.2 of the City's Development Code to include this provision; and

WHEREAS, a public hearing on the Proposed Text Amendment was held by City Council on May 20, 2024, after notice to the public and to adjacent property owners as required by law; and

WHEREAS, after consideration of the public hearing, the Planning Commission's recommendation, and the recommendations given by staff, this Council is of the opinion that the Proposed Text Amendment, as recommended by the Planning Commission, has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the Proposed Text Amendment, as recommended by the Planning Commission, and (ii) the Proposed Text Amendment, as recommended by the Planning Commission, is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 34 (Charlottesville Development Code) of the Code of the City of Charlottesville is hereby amended and re-enacted as follows:

Amend Article 5 Division 5.4.2 to include the addition of C. :

5.4.2. Compliance with Chapter

A. ...

B. ...

C. A lot, building or structure established in conformity with this Development Code will not create a violation of this Code as a result of the acquisition, purchase or condemnation of a portion of it by an agency of the federal, state or local government possessing the power of eminent domain.