

AN ORDINANCE

Amending and Re-enacting the Zoning Map for the City of Charlottesville, Virginia, to amend the Proffer Statement for the Planned Unit Development referred to as 240 Stribling Avenue PUD

WHEREAS, Belmont Station, LLC (“Landowner”) submitted rezoning application PL-24-0061 (“Application”) seeking to amend the approved Proffer Statement for land identified by City Real Estate Tax Parcel Identification No. 18A025000 (“Subject Property”); and

WHEREAS, the Landowner seeks to amend the approved Proffer Statement (approved by City Council on April 18, 2022) for the 240 Stribling Avenue Planned Unit Development (PUD); and that such amendment allows a portion of the required affordable dwelling units for the PUD be built within the Flint Hill PUD (project number P20-0107) development, which is currently under construction; and said proposed amendment would also lower the required affordability to 50% Area Medium Income, (AMI) from the current 60% AMI for a minimum of two (2) of the required affordable dwelling units; and upon approval of said amendment, up to eight (8) of the required twenty-six (26) affordable dwelling units at 240 Stribling Avenue could be built within the Flint Hill PUD development, while the remaining eighteen (18) required affordable units would still be built within the PUD, with at least 10.5% of the new units at the PUD designated as affordable dwelling units; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission on September 10, 2024, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by City Council on October 7, 2024, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing;

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (PL-24-0061), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning the property designated on City Tax Map and Parcel (TMP) 18A025000 (“Subject Property”), with the following amended Proffers:

1. The Owner shall establish affordable housing within the Subject Property, as follows:

a. For the purposes of this Proffer:

- i. The term “Affordable Dwelling Unit” means a dwelling unit reserved for occupancy by a “Very Low-Income Household” or a “Low-and Moderate-Income Household.”
- ii. “Low-and Moderate-Income Household” means a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
- iii. “Very Low-Income Household” means a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is fifty percent (50%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).

b. Fifteen percent (15%) of all dwelling units constructed within the area of the Subject Property shall be Affordable Dwelling Units (“Required Affordable Dwelling Units”). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the PUD (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.

- i. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for rental to Low-and Moderate-Income Households (“Rental Affordable Dwelling Units”). Each of the Rental Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g) as such regulations are in effect on March 29, 2022. For the purposes of this section and section 1.b. ii. below, if City regulations adopted pursuant to the provisions of City Code 34-12(g) are amended by the City after March 29, 2022, the Owner may elect in writing to the Zoning Administrator to instead be bound by the amended regulations.
- ii. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for ownership (“For-Sale Affordable Dwelling Units”), and shall be provided via one or both of the following methods:

- 1. Onsite Units: For-Sale Affordable Dwelling Units built onsite in the 240 Stribling PUD shall be reserved for ownership by **Low-and Moderate-Income** Households throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City’s building

official. The Onsite For-Sale Affordable Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g), as such regulations are in effect on March 29, 2022. During construction the For-Sale Affordable Dwelling Units shall be constructed incrementally, such that at least 5 Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th Building Permit for non-affordable for-sale dwelling units.

2. *Offsite Units: For-Sale Affordable Dwelling Units built in the Flint Hill PUD, **above and beyond** the number of Affordable Dwelling Units already required by the Statement of Final Proffer Conditions for the Flint Hill PUD. At least 25% of the Offsite Units shall be reserved for ownership by **Very Low-Income** Households, with the remainder being reserved for Low-and-Moderate Income Households. Offsite Units shall be reserved as For-Sale Affordable Dwelling Units throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City's building official. Offsite Units shall be governed by the Final Proffer Conditions for the Flint Hill PUD, except that the required affordability shall be deeper (maximum of 50% AMI) for at least 25% of the Offsite Units.*
- iii. *On or before July 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant of each Required Affordable Dwelling Unit.*
- c. *The land use obligations referenced in 1.b.i, 1.b.ii, and 1.b.iii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Subject Property shall have notice of and be bound by the obligations. In the event of re-sale of any of the Required Affordable Dwelling Units that reduces the number of Required Affordable Dwelling Units below the thresholds set forth in this proffer, the declaration of covenants shall provide a mechanism to ensure that an equivalent Affordable Dwelling Unit is created within the City of Charlottesville, either on or off of the Subject Property, that satisfies the requirements contained herein for the remainder of the Affordability Period.*

and the City's Zoning Administrator shall update the Zoning District Map to reflect this reclassification of the Subject Property.