

**RESOLUTION
OF THE CHARLOTTESVILLE PLANNING COMMISSION:**

**RECOMMENDATIONS TO AMEND AND REORDAIN A NEW CHAPTER 34 AND TO
REPEAL CHAPTER 29 OF THE CHARLOTTESVILLE CITY CODE AND TO ADOPT A NEW
OFFICIAL ZONING MAP FOR THE CITY OF CHARLOTTESVILLE**

WHEREAS, City staff began the Cville Plans Together process in January 2020, which resulted in a new Comprehensive Plan adopted by City Council in November 2021. Among other matters, the Comprehensive Plan recommended adoption of a new zoning ordinance and map, and work on the new Zoning Ordinance and Zoning Map began in January 2022; and

WHEREAS, the City's consultant recommended reorganization of the City's zoning and development regulations into a Development Code to replace the current Zoning Ordinance Chapter 34 and current Subdivision Ordinance Chapter 29 with a new Chapter 34 containing both sets of land use regulations; and

WHEREAS, on August 7, 2023, the City Council initiated the proposed City of Charlottesville Development Code and new Zoning Map and directed the Planning Commission to conduct a public hearing and provide recommendations to the City Council; and

WHEREAS, a public hearing on the proposed Development Code and new Zoning Map was held by the Planning Commission on September 14, 2023, after providing notice as required by law; and

WHEREAS, following conclusion of the public hearing, the Planning Commission determined that additional deliberation was required and continued its deliberation to a work session on September 19, 2023, and then to a work session on September 26, 2023, and then to a work session on October 4, 2023. At the conclusion of each session, the Commission determined that they needed additional time to deliberate; and

WHEREAS, following further deliberation at the meeting continued on October 4, 2023 to October 10, 2023, the Planning Commission determined that it was ready to make recommendations; and

WHEREAS, the Planning Commission has determined that certain revisions/changes should be made to the initiated Development Code and new Zoning Map; and

WHEREAS, the Planning Commission finds that public necessity, convenience, general welfare and good zoning practice require the proposed Development Code and the new Zoning Map with the changes recommended by the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the Charlottesville Planning Commission does hereby recommend City Council approval of the proposed City of Charlottesville Development Code and

new Zoning Map, respectively, and repeal of Chapter 29 of the Charlottesville City Code with the changes outlined in Attachment A - Development Code Updates October 10, 2023 and Attachment B - Zoning Map Updates October 10, 2023; and

BE IT FURTHER RESOLVED that the Secretary of the Planning Commission shall transmit this Resolution and the Planning Commission’s recommendations to the Charlottesville City Council.

Adopted by the Planning Commission, this 10th day of October 2023.

Attest:

— — — — —

Secretary, Charlottesville Planning Commission

The Planning Commission recommends adoption of the Charlottesville Development Code with the following modifications:

Article 2. ZONING DISTRICTS

1. Sec. 2.2.4.A.

2. DENSITY

Dwellings per lot (max)

Base 8

Bonus:

Existing Structure Preservation 10

Bonus:

Affordable Dwelling Unit 12

2. Sec. 2.2.4.A.

4. BUILDING SETBACKS

Primary street lot line (min/max) 10'/20' or Existing Range

3. Sec. 2.2.2.B.

1. HEIGHT

Building height (max stories/feet)

~~Up to 2 1 units~~ 2.5/~~32~~ 35'

More than ~~21~~ units 3/~~35~~ 40'

Side wall height (max)

~~Up to 2 1 units~~ ~~25~~ 28'

More than ~~21~~ units ~~35~~ 40'

4. Sec. 2.2.2.B.

2. MASSING

Building width (max)

Primary street 60'

~~Up to 60' wide lot~~ ~~40'~~

~~More than 60' wide lot~~ ~~60'~~

5. Sec. 2.2.2.B.

4. TRANSPARENCY

Primary St. Side St.

Ground Story (min)	30 <u>20</u> %	15%
Upper Story (min)	15 <u>10</u> %	15 <u>10</u> %
Blank Wall width (max)	10'	20'

6. Sec. 2.2.3.B.

1. HEIGHT

Building height (max stories/feet)

~~Up to 2 1 units~~ 2.5/~~32~~ 35'

More than ~~21~~ units 3/~~35~~ 40'

Side wall height (max)

~~Up to 2 1 units~~ ~~25~~ 28'

More than ~~21~~ units ~~35~~ 40'

7. Sec. 2.2.3.B.

2. MASSING

Building width (max)

Primary street 60'

~~Up to 60' wide lot~~ ~~40'~~

~~More than 60' wide lot~~ ~~60'~~

8. Sec. 2.2.3.B.

4. TRANSPARENCY

	Primary St.	Side St.
Ground Story (min)	30 <u>20</u> %	15%
Upper Story (min)	15 <u>10</u> %	15 <u>10</u> %
Blank Wall width (max)	10'	20'

9. Sec. 2.2.4.B.

1. HEIGHT

Building height (max stories/feet)

Base 3 / ~~35~~ 40'

Bonus:

Affordable Dwelling Unit 4 / 52'

10. Sec. 2.2.4.B.

4. TRANSPARENCY

	Primary St.	Side St.
Ground Story (min)	30 <u>20</u> %	15%
Upper Story (min)	15 <u>10</u> %	15 <u>10</u> %
Blank Wall width (max)	10'	20'

11. Sec. 2.4.4.B.1. HEIGHT

Building height (max stories/feet)

Base 8 / 114'

Bonus ~~10~~ 11 / ~~142~~ 156'

12. Sec. 2.5.4.B.1. HEIGHT

Building height (max stories/feet)

Base 8 / 114'

Bonus ~~10~~ 11 / ~~142~~ 156'

13. Sec. 2.5.5.B.1. HEIGHT

Building height (max stories/feet)

Base 10 / 142'

Bonus ~~12~~ 13 / ~~170~~ 184'

14. Sec. 2.5.6.B.

1. HEIGHT

Building height (max stories/feet) ~~10 / 142' or BAR Review~~

Base 10 / 142'

Bonus 13 / 184'

~~Street step back~~

~~Stories without step back (max) — 3~~

~~Step back depth (min) — See Map~~

15. Sec. 2.6.3.B.1. HEIGHT

Building height (max stories/feet)

Base 8 / 114'

Bonus ~~10~~ 11 / ~~142~~ 156'

16. Sec. 2.8.5.B.

1. HEIGHT

Building height (max stories/feet) ~~2~~ 2.5 / ~~30~~ 35'

6. FENCES AND WALLS

Front yard height (max) ~~0~~ 4'

17. Sec. 2.9.2.B. Established Architectural Design Control Districts

The following areas have been determined by City Council to be of unique architectural or historic value, and are hereby designated as Architectural Design Control (ADC)

Districts, the limits of which are shown on the City's zoning map. City Council has designated only certain buildings within these district as "contributing structures."

Those contributing structures are identified on a map included within the design guidelines for each district:

1. Downtown Architectural Design Control District ~~(DADC)~~

~~All buildings within this overlay district are deemed by City Council to be “contributing structures,” except that, with respect to certain properties added to this district on or after January 17, 2006, City Council has designated only certain buildings as “contributing structures,” as specifically identified on a map included within the design guidelines for this district.~~

2. North Downtown Architectural Design Control District

~~All buildings within this overlay district are deemed by City Council to be “contributing structures,” except that, with respect to certain properties added to this district on or after January 17, 2006, City Council has designated only certain buildings as “contributing structures,” as specifically identified on a map included within the design guidelines for this district.~~

3. Ridge Street Architectural Design Control District

~~All buildings within this overlay district are deemed by City Council to be “contributing structures.”~~

4. West Main Street Architectural Design Control District

~~City Council has designated only certain buildings within this overlay district as “contributing structures.” Those contributing structures are identified on a map included within the design guidelines.~~

5. Wertland Street Architectural Design Control District

~~All buildings within this overlay district are deemed to be “contributing structures.”~~

6. Corner Architectural Design Control District

~~City Council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines.~~

7. Oakhurst-Gildersleeve Neighborhood Architectural Design Control District

~~City Council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines.~~

8. Rugby Road, University Circle, Venable Neighborhood Architectural Design Control

~~City Council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines.~~

18. Sec. 2.9.2.C.

1. City Council may, by ordinance, from time to time, designate additional properties and areas for inclusion within an ADC District; or remove properties from a ADC District. Any such action will be undertaken following the rules and procedures applicable to the adoption of amendments to the City's Development Code and official zoning map.

3. Before an area is designated as an Architectural Design Control District, each structure will be determined to be either "contributing" or "non-contributing." Thereafter, at least once every 15 years, this determination will be reconfirmed.

19. Sec. 2.10.5.E.2. Unlimited Encroachments

b. Covered structures located entirely below grade. Examples include footings, cellars, basements, storm water storage, and cisterns;

20. Sec. 2.10.6.A.2. Applicability

d. For through lots ~~in Residential (R-) All Zoning Districts~~, the Administrator may waive or vary the build-to width requirement for one of the street lot lines. The Administrator will consider the following standards when making the decision to waive or vary the requirement for one street lot line:

21. Sec. 2.10.6.A.5. Exceptions

b. ~~Heritage~~ Tree Preservation Allowance

Where the preservation of a ~~designated heritage~~ tree of 15" diameter breast height (dbh) or greater prevents a building from meeting the build-to width requirement, a reduced build-to width may be allowed by the Administrator.

22. Sec. 2.10.9.A.4.b.i.

b) The top of the structural roof deck, for a building with a roof having a pitch of 4:12 or less; and

23. Sec. 2.10.9.A.5. Exceptions

		District Height (max)	
		Up to 42'	More Than 42'
Vertical Circulation	<i>Sec. 7.1.2.A.3.</i>		
Encroachment (max)		<u>10 14'</u>	<u>10 14'</u>
Setback from roof edge (min)		5'	5'
Unenclosed Structures	<i>Sec. 7.1.2.A.3.</i>		

Encroachment (max)	8 10'	8 10'
Setback from roof edge (min)	5'	5'

24. Sec. 2.10.9. Height

~~C. Street Step-Back~~

~~Step-like recesses in the upper story massing of a building along street lot lines.~~

~~1. Intent~~

~~To reduce the perceived bulk and mass of a building along facades facing streets, and ensuring building height along the street is appropriate to neighboring context, while allowing for additional building height.~~

~~2. Applicability~~

~~a. Street step-back requirements apply to lots fronting on streets designated on the Downtown Step-Back Map in Appendix ____.~~

~~b. When required by the Downtown Step-Back Map, street step-back requirements apply to all buildings or structures that face a street lot line.~~

~~3. Standards~~

~~The following standards apply for a minimum of 85% of the building width:~~

~~a. All stories above the maximum stories without step-back requirement must step back from the street-facing facade by at least the minimum step-back depth required by the Downtown Step-Back Map.~~

~~b. No building or structure may extend into the minimum step-back depth, unless listed as an exception below.~~

~~c. Buildings with a height up to the maximum stories without step-back are not required to provide a street step-back.~~

~~4. Measurement~~

~~a. Stories without Step-Back~~

~~Stories without step-back is measured according to Sec. 2.10.9.A. Building Height.~~

~~b. Step-Back Depth~~

~~The minimum step-back depth is measured as a horizontal distance from the exterior of the uppermost story without a step-back to the exterior of the stepped back stories.~~

~~5. Exceptions~~

~~a. The following are allowed to horizontally encroach beyond the required street step-back as listed below:~~

		Horizontal Encroachment (max)
Architectural Elements	Sec. 7.1.2.A.2.	2'
Roof Projections	Sec. 7.1.2.A.2.	2.5'
Unenclosed Structures	Sec. 7.1.2.A.2.	5'
Enclosed Structures	Sec. 7.1.2.A.2.	2.5'

~~Mechanical and Electrical Equipment Sec. 7.1.2.A.2. 1.5~~

~~b. The following are allowed to vertically encroach beyond the required street step back as listed below:~~

		Vertical Encroachment (max)	Setback from Roof Edge (min)
Architectural Elements	Sec. 7.1.2.A.3.	3'	0'
Safety Barriers	Sec. 7.1.2.A.3.	6'	0'
Vertical Circulation	Sec. 7.1.2.A.3.	10'	5'
Unenclosed Structures	Sec. 7.1.2.A.3.	8'	5'
Mechanical and Electrical Equipment	Sec. 7.1.2.A.3.	5'	3'
Flatwork	Sec. 7.1.2.A.3.	2.5'	1'
Vegetation	Sec. 7.1.2.A.3.	unlimited	1'

25. Sec. 2.10.10.B.2. Applicability

d. Single unit residential buildings do not have to meet active depth requirements.

26. Sec. 2.10.12.B.3.b. Ground Story Façade Blank Wall Treatments

PUBLIC ART

A noncommercial image attached to the blank wall and is sufficiently different from the building facade to meet the intent of this section. Murals must be reviewed by the Administrator to confirm any mural or art display is not considered a sign.

27. Sec. 2.10.12.B.3.c. Blank Foundation Wall Treatments

~~PLANTER~~

~~Permanent structure containing plants and their growing medium located between a foundation wall with no window or door openings and the public realm.~~

~~DIMENSIONAL STANDARDS~~

Treatment area (min % of blank foundation wall area)	75%
Planting area depth (min)	2.5'
Height above sidewalk (min)	4'
Foundation wall reveal (max)	2'

28. Sec. 2.10.13.A.2. Applicability

d. Single unit residential buildings do not have to provide street-facing entries.

29. Sec. 2.10.13.B – what was decided on entry features?

30. Sec. 2.10.14. Fences and Walls

For requirements see ~~2.10.14.~~ 4.8.1 Fences and Walls.

Article 3. USE REGULATIONS

31. Sec. 3.2.2. Permitted Use Table

Update the links in the Use Standards column to link to the Use Standards section – 3.4.x. – on pages 3-4 through 3-7.

Day care center (12+ persons) - allow by Special Use Permit (SUP) required in the Residential (R-) districts rather than Use not allowed.

Homestay – allow as Use permitted by right and Use standards apply (P*) in the Residential (R-) districts rather than Use not allowed.

General outdoor entertainment and recreation – allow by Special Use Permit (SUP) required in the Residential (R-) districts rather than Use not allowed.

Remote parking – allow by Special Use Permit (SUP) required and Use standards apply in the Residential Mixed Use (RX-) districts rather than Use Permitted by right and Use standards apply.

32. Sec. 3.4.4.A.2.

c. There must be at least one residential unit on each lot with a commercial use. This requirement may be waived by Special Use Permit.

d. Commercial uses otherwise allowed by Special Use Permit in the Residential B (R-B) and Residential C (R-C) districts are allowed by-right on corner lots in the Residential B (R-B) and Residential C (R-C) districts, subject to the above standards.

33. Sec. 3.5.2.B. Drive-Through

3. A dining room or walk-up window must also be provided with any drive-through facility and must be available to customers at all times the drive-through is operating.

34. Sec. 3.5.2. Specific Standards

E. Homestay

1. Allows for an individual who owns a dwelling and uses it as their permanent residence to hire out, as lodging:

- a. Such dwelling, or any portion thereof, or
- b. A lawful accessory dwelling.

2. Homestays must comply with the standards of Sec. 3.5.2.D., Home Occupation, subsections 1, 2, 4 through 12, 14, and 15.

3. No more than 6 adult overnight guests are allowed, per lot, per day.

4. Homestays may not have an exterior sign.

5. An individual who applies for an accessory use permit to authorize the operation of a homestay must present proof of:

a. Such individual's ownership of, and permanent residence at, the property that is the subject of the application. Acceptable proof of permanent residence includes: applicant's driver's license, voter registration card or U.S. passport, showing the address of the property, or other document(s) which the Zoning Administrator determines provide equivalent proof of permanent residence by the applicant at the property that is the subject of the application.

b. Contact information for a responsible party. If the owner is not the responsible party who will be available during the time of service, then the responsible party must be identified and must sign the application form.

6. Food cannot be prepared for or served to guests of the homestay by the owner or the owner's agent(s) or contractor(s).

7. Every homestay must have working smoke detectors, carbon monoxide detectors and fire extinguishers, and all such equipment must be accessible to overnight guests of the homestay at all times. Every homestay must comply with requirements of the applicable version of the Virginia Uniform Building Code, as determined by the City's Building Code Official.

8. By their application for an accessory use permit for a homestay, an applicant authorizes City inspectors to enter the subject property, upon reasonable advance written notice to the applicant, at least 1 time during the calendar year for which the permit is valid, to verify that the homestay is being operated in accordance with the regulations set forth within this section.

9. Each accessory use permit for a homestay will be valid from January 1 (or such other date during a calendar year on which such permit is issued) through December 31 of the calendar year in which the permit is issued. During this period of validity, the owner of the homestay must occupy the dwelling as their residence for more than 184 days.

10. A accessory use permit for a homestay may be revoked by the Zoning Administrator:

- a. In the event that 3 or more substantiated complaints are received by the City within a calendar year, or;
- b. For failure to maintain compliance with any of the regulations set forth within this section.

A property owner whose accessory use permit has been revoked pursuant to this paragraph is not eligible to receive any new accessory use permit for a homestay, for the remaining portion of the calendar year in which the permit is revoked, and for the entire succeeding calendar year.

35. Sec. 3.5.2.E. Outdoor Dining

1. Outdoor dining cannot encroach upon any street, sidewalk or parking areas. Outdoor dining cannot impair the ability of pedestrians ~~or cyclists~~ to use the sidewalk. There must be a minimum ADA compliant width of clear distance of sidewalk at all times.

36. Sec. 3.5.2.F. Outdoor Display

4. Outdoor display cannot encroach upon any street or sidewalk. Outdoor display cannot impair the ability of pedestrians ~~or cyclists~~ to use the sidewalk. There must be a minimum ADA compliant width of clear distance of sidewalk at all times.

37. Sec. 3.6.2.C. Amusement Enterprises (Circuses, Carnivals, etc.)

~~5. Must provide parking for persons expected to attend the event, no fewer than one space per 4 persons of the capacity of the site, as determined by the Administrator.~~

Article 4. DEVELOPMENT STANDARDS

38. Sec. 4.2.2.C.1.a. Term of Affordability

i. For-rent Affordable dwelling units must be income-restricted for a minimum of 99 years. Deed restrictions for affordable dwelling units must be recorded in the Charlottesville Land Records.

ii. For-Sale affordable dwelling units must be sold to a qualifying purchaser who earns 60% of the area median income or below. The dwelling unit must include a deed restriction granting the City of Charlottesville or a qualifying non-profit organization a right of first refusal to repurchase the home upon its first resale. The repurchase price must be established by an appraisal. This deed restriction must be recorded in the Charlottesville Land Records.

iii. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, the Administrator may

accept modifications to these requirements consistent with the guidance of the Affordable Dwelling Unit Monitoring and Procedures Manual.

39. Sec. 4.2.2.C.b. Determining the Affordable Rent or For Sale Unit Cost

i. Rental units are to be priced to be affordable to a household having a gross annual income at the required household income limit expressed in terms of the percent of AMI. Monthly housing costs, inclusive of rent, utilities, one parking space (where provided), and any other amenity cost, must not exceed 30% of the applicable household income limit. If utilities are separately metered, the maximum allowable rent will be reduced to reflect the tenant's payment of utilities. Maximum affordable rents based on Department of Housing and Urban Development (HUD) standards are provided in the Affordable Dwelling Unit Monitoring and Procedures Manual.

ii. For sale units are to be priced to be affordable to a household having a gross annual income at the required household income limit expressed in terms of the percent of AMI. The monthly housing costs, inclusive of mortgage principal and interest, private mortgage insurance, property taxes, condominium or homeowner's association fees, hazard insurance, and one parking space (where provided) must not exceed 30% of the applicable household income limit.

40. Sec. 4.2.2.C.1.c. Equivalency of Units

ii. Affordable dwelling units must include the same interior features as the other units in the same building, but appliances and finishes need not be the same make, model, or style, so long as they are new and of good quality.

41. Sec. 4.2.2.C.3. Affordable Dwelling Unit Bonus

a. Bonus in Residential Districts

In Residential A (R-A), Residential B (R-B), and Residential C (R-C) zoning districts, a project must provide 100% of all bonus units to households at or below 60% AMI. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, the Administrator may accept modifications to the equivalency requirements of Sec. 4.2.2.C.1.c. and the concurrency requirements of Sec. 4.2.2.C.1.d. Projects in the Residential A (R-A) are exempt from the requirements of Sec. 4.2.2.C.1.c. and of Sec. 4.2.2.C.1.d.

b. Bonus in All Other Districts

In any zoning district other than Residential A (R-A), Residential B (R-B), and Residential C (R-C), a project must provide 10% of all residential units to households at or below 50% AMI or provide an in-lieu fee according to the formula described in the Affordable Dwelling Unit Monitoring and Procedures Manual. To qualify for the bonus height, a project must have a minimum of 40% residential floor area.

42. Sec. 4.3.2.A. Applicability

3. The Administrator may increase maximum block length standards to 1,200 feet (with a corresponding increase in the maximum allowed block perimeter as necessary) for portions of the site that abut and are located within 600 feet of obstructions to the street network that are permanent and accessible. Accessible obstructions include public school campuses, public park land, waterways, stream buffers, cemeteries, and other similar obstructions.

43. Sec. 4.3.2.B.1. Block Perimeter and Length

a. A block must be bound by public or private streets on all sides. The Administrator may allow one side of a block to abut public park land or similar publicly accessible spaces.

44. Sec. 4.3.2.C.3. Pedestrian Passageways

c. The degree of pedestrian passageway variance from an access point on a primary street is measured from the farthest edges of the pedestrian passageway.

45. Sec. 4.4.5.C. Greenscape Zone

6. The greenscape zone must be designed to preserve existing trees to the greatest extent feasible.

46. Sec. 4.5.1.C.2. Pedestrian Connection Types

PEDESTRIAN ACCESS TYPE 1

ACCESS STANDARDS

Pedestrian Accessway type	Direct
Pedestrian accessway spacing (max)	See District <u>Entrance Standards</u>
Distance from street intersection (max)	See District <u>Entrance Standards</u>

47. Sec. 4.5.1.C.3.a.i. Linked

e) Where a retaining wall, open drainage, or similar obstacle interrupts a required accessway, the connection must be designed to facilitate passage through or over the obstacle. If the connection is not ADA compliant, a separate, compliant accessway must be provided unless the Administrator determines that a separate compliant accessway is not feasible.

48. Sec. 4.5.3.D.1.a.

ii. Spacing between driveways on abutting parcels should be such that driveways are not immediately adjacent to one another.

iii. For driveways serving parking lots or structures with 6 or more spaces, minimum spacing between driveways must be no less than 100 feet, unless otherwise permitted by the Administrator.

49. Sec. 4.7.1.B. Applicability

3. Transitions are not required along street lot lines where the RoW between the abutting zoning designations is greater than 29 feet.

50. Sec. 4.7.1.D. Measurement

4. Street Step-Back

See 2.10.9. Height for measuring street step-backs.

a. Stories without Step-Back

Stories without step-back is measured according to Sec. 2.10.9.A. Building Height.

b. Step-Back Depth

The minimum step-back depth is measured as a horizontal distance from the exterior of the uppermost story without a step-back to the exterior of the stepped back stories.

5. Exceptions

a. The following are allowed to horizontally encroach beyond the required step-back as listed below:

		<u>Horizontal Encroachment (max)</u>
<u>Architectural Elements</u>	<u>Sec. 7.1.2.A.2.</u>	<u>2'</u>
<u>Roof Projections</u>	<u>Sec. 7.1.2.A.2.</u>	<u>2.5'</u>
<u>Unenclosed Structures</u>	<u>Sec. 7.1.2.A.2.</u>	<u>5'</u>
<u>Enclosed Structures</u>	<u>Sec. 7.1.2.A.2.</u>	<u>2.5'</u>
<u>Mechanical and Electrical Equipment</u>	<u>Sec. 7.1.2.A.2.</u>	<u>1.5'</u>

b. The following are allowed to vertically encroach beyond the required step-back as listed below:

		<u>Vertical Encroachment (max)</u>	<u>Setback from Roof Edge (min)</u>
<u>Architectural Elements</u>	<u>Sec. 7.1.2.A.3.</u>	<u>3'</u>	<u>0'</u>
<u>Safety Barriers</u>	<u>Sec. 7.1.2.A.3.</u>	<u>6'</u>	<u>0'</u>
<u>Vertical Circulation</u>	<u>Sec. 7.1.2.A.3.</u>	<u>10'</u>	<u>5'</u>
<u>Unenclosed Structures</u>	<u>Sec. 7.1.2.A.3.</u>	<u>8'</u>	<u>5'</u>
<u>Mechanical and Electrical Equipment</u>	<u>Sec. 7.1.2.A.3.</u>	<u>5'</u>	<u>3'</u>
<u>Flatwork</u>	<u>Sec. 7.1.2.A.3.</u>	<u>2.5'</u>	<u>1'</u>
<u>Vegetation</u>	<u>Sec. 7.1.2.A.3.</u>	<u>unlimited</u>	<u>1'</u>

51. Sec. 4.8.1.C.1. Material

d. ~~Chain-link fences are not allowed in front or side street yards except in the following districts: Industrial Flex (IX-), Campus (CM), and Civic (CV). When allowed, chain link fences must be vinyl coated.~~

52. Sec. 4.8.1.D.1. Front and Side Street Yards

c. When a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the wall or fence to the midpoint of the retaining wall except that where the fence or wall serves as a guardrail, a minimum height of 42 inches is allowed.

53. Sec. 4.8.1.D.2. Side and Rear Yards

b. When a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the wall or fence to the midpoint of the retaining wall except that where the fence or wall serves as a guardrail, a minimum height of 42 inches is allowed.

54. Sec. 4.8.1.D.2. Side and Rear Yards

c. Fences and walls that are located in the rear or side yard abutting an alley are measured from the surface of the adjacent alley, vertically to the topmost point of the wall or fence. Where the fence or wall is elevated more than 2 feet above the surface of the alley, the height is measured from the top of the wall or fence to the midpoint of the slope.

55. Sec. 4.8.1.D.3. Opacity

b. The total area of the fence or wall is measured as the smallest regular shape containing all elements of the fence or wall, excluding the top portions of finials or posts.

56. Sec. 4.9.1. Tree Preservation and Replacement

A. Intent

To facilitate the creation of a convenient, attractive, ~~and~~ harmonious, sustainable, and resilient community and to protect and maintain the environmental quality in the City by providing standards for the preservation of trees as a part of the land development process, including the protection of specimen trees while providing for reasonable use of land, in support of a healthy urban ecological system.

57. Sec. 4.9.2.C.1. General

d. Plant materials must be able to survive on natural rainfall once established with no loss of health, ~~or an irrigation system must be provided.~~

58. Sec. 4.9.2.C.3. Trees

b. Only trees having a mature height of less than 20 feet may be installed under overhead utility lines, except with the approval of the Administrator.

59. Sec. 4.11.6.A.

2. Large temporary signs are not permitted in Residential (R-), ~~ADC~~ Districts ~~or IPPs~~.

60. Sec. 4.11.9.D.2. General Standards

~~a. An awning sign must be placed on the face of the valance of the awning that are parallel to the building face.~~

61. Sec. 4.11.9.H.2. General Standards

~~d. All wall signs for a single building must be coordinated as to color and lettering.~~

62. Sec. 4.11.9.M.2. General Standards

~~a. A suspended pole sign must be located in a landscaped bed.~~

63. Sec. 4.11.11. Illumination

~~E. Internally lit signs are not allowed in ADC Districts.~~

64. Sec. 4.12.2.C. Exemptions

4. Security lighting controlled by sensors, generating a maximum of 6,000 lumens per fixture, and which provides illumination for 15 minutes or less. In Residential districts (R-) security lighting must generate a no more than 3,000 lumens per fixture.

65. Sec. 4.12.3.B. Design and Installation

2. Light sources must ~~be yellow and not white~~ use a color temperature of no more than 3,000K, with a Color Rendering Index (CRI) value of 80 or higher.

3. Lighting must not trespass onto adjacent properties, sidewalks, or rights-of-way and the footcandles at the property line must be no more than .5.

66. Sec. 4.12.3.C.4.

a. Non-cutoff (unshielded) fixtures may be used when the maximum initial lumens generated by each fixture ~~is~~ are less than ~~3,000~~ 1,600 lumens.

67. Sec. 4.12.3.F. Building Lighting

3. Only lighting used to accent architectural features, landscapes, or art may be directed upward, provided that the fixture is located, aimed, or shielded to minimize light spill into the night sky. Such lighting must have a maximum of 1,600 lumens.

Article 5. ADMINISTRATION

68. Sec. 5.1.5.C.1. General

a. In order to administer the provisions of the Architectural Design Control Districts and the Individually Protected Properties the Board of Architecture Review (BAR) must:

69. Sec. 5.1.5.C.1.b

ii. Develop and recommend to the City Council for Council's approval design guidelines for the City's HC Districts, consistent with the purposes and standards set forth within Div. 2.9. Overlay Districts. The BAR must develop the design guidelines after seeking input from business and property owners in the various districts. Guidelines developed by the BAR will become effective upon approval by City Council and thereafter ~~Design guidelines~~ will have the status of interpretive regulations. The BAR must undertake a comprehensive review and update the design guidelines at least once every 5 years.

70. Sec. 5.2.6.A.2. Architectural Design Control District and Individually Protected Property

.e. Structural changes to a building or structure which do not require issuance of a building permit under the Uniform Statewide Building Code except for the following, which must be reviewed by the BAR: replacement, if not in-kind, of roof coverings and installation or replacement, if not in-kind, of siding on any buildings or structures, and replacement of windows and doors on any buildings or structures.

71. Sec. 5.2.7.A.1. Architectural Design Control District and Individually Protected Property

~~d. Applications for signs that require a permit, associated with a new construction project.~~

e. Any replacement of windows and doors, not in-kind replacement of roof coverings, and installation or not in-kind replacement of siding, on any buildings or structures.

72. Sec. 5.2.7.A.2. Historic Conservation District

a. Construction ~~erection, alteration, or demolition~~ of ~~certain~~ buildings, structures, or improvements, ~~of new buildings and structures~~ that require a building permit, and are visible from any abutting street (hidden from view by vegetation or a fence is still considered visible for the purposes of this section).

b. Additions or alterations to existing buildings or structures that are:

73. Sec. 5.2.7.C.2. Board of Architectural Review Decision

~~c. Architectural Design Control District and Individually Protected Property~~

~~The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition would be compatible with the scale and character of the Architectural Design Control District, Individually Protected Property, or Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines.~~

~~The BAR, or City Council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to protect the safety of adjacent buildings, structures, or properties, and of any persons present thereon; and, in the case of a partial removal, encapsulation or demolition:~~

- ~~i. To protect the structural integrity of the portions of a building or structure which are to remain following the activity that is the subject of a building permit,~~
- ~~or~~
- ~~ii. To protect historic or architecturally significant features on the portions of a building or structure which are to remain following the activity that is the subject of a building permit.~~

~~d. Historic Conservation District Demolition~~

~~The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition would be compatible with the scale and character of the Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions.~~

~~The BAR, or City Council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to protect the safety of adjacent buildings, structures, or properties, and of any persons present thereon; and, in the case of a partial removal, encapsulation or demolition:~~

- ~~i. To protect the structural integrity of the portions of a building or structure which are to remain following the activity that is the subject of a building permit,~~
- ~~or~~
- ~~ii. To protect historic or architecturally significant features on the portions of a building or structure which are to remain following the activity that is the subject of a building permit.~~

74. Sec. 5.2.7.D. Criteria for Review and Decision

1. Architectural Design Control District and Individually Protected Property

Review of the proposed construction, reconstruction, alteration or restoration of a building or structure is limited to exterior architectural features, including signs, and the following features and factors:

- a. Whether the material, texture, color, height, scale, mass, and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable District;
- b. The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs, and signs;
- c. The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
- d. The effect of the proposed change on the adjacent building or structures;
- e. The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls, and walks;
- f. Whether the proposed method of construction, renovation, or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
- g. When reviewing any proposed sign as part of an application under consideration, the standards set forth within Div. 4.11. Signs will be applied; and
- h. Any applicable provisions of the City's design guidelines.

2. Historic Conservation District

Review of the proposed construction, reconstruction, alteration or restoration of a building or structure is limited to exterior architectural features, including signs, and the following features and factors:

- a. Whether the form, height, scale, mass and placement of the proposed construction are visually and architecturally compatible with the site and the applicable conservation district;
- b. The harmony of the proposed changes in terms of overall proportion and the size and placement of entrances and windows;
- c. The impact of the proposed change on the essential architectural form and integrity of the existing building;
- d. The effect of the proposed change on the adjacent building or structures;
- e. Any applicable provisions of the city's conservation district design guidelines.

75. Sec. 5.2.8.C.2. Entrance Corridor Review Board Decision

- a. The Entrance Corridor Review Board will ~~to~~ decide on a Certificate of Appropriateness for a Corridor Review when:

76. Sec. 5.2.9.D.1.b. Planning Commission Decision

- i. The Planning Commission will ~~take~~ take action on a Development Plan when:

77. Sec. 5.2.15. Special Exception Permit [New section]

5.2.15. Special Exception Permit

A. Applicability

1. The City Council may grant a modification of any physical dimensional standard of this Development Code by Special Exception Permit.

2. A Special Exception Permit may be granted for physical dimensional standards described in the following sections:

_____ a. Div. 2.10

_____ b. Div. 4.3

_____ c. Div. 4.5

_____ d. Div. 4.7

_____ e. Div. 4.8

2. A Special Exception Permit cannot be granted to the following standards:

a. Dwelling units per lot;

b. Building height in stories; or

c. Development bonuses.

B. Application Requirements

1. Pre-Application Conference

Before submitting an application for a Special Exception Permit, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

2. Submitting an Application

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed the Administrator. Other general submittal requirements for all applications are listed in 5.2.1. Common Review Procedures.

C. Review and Decision Process

1. Administrative Review

a. The Administrator will review the application for a Special Exception Permit. Other City staff will be involved in the review on an as-needed basis, depending on the type of request.

b. The Administrator will provide a staff report and recommendation to Planning Commission.

c. When the property is within an ADC District, HC District, or an Individually Protected Property, the Administrator will refer the application to the BAR for review as to whether the proposed exception will have an adverse impact on the district, and for recommendation as to reasonable conditions which, if imposed, would mitigate any such impacts. The BAR must submit a written report of its findings in support of its recommendation to City Council.

2. Planning Commission Review

a. The Planning Commission will review and make recommendations to City Council in accordance with the review criteria. If the Planning Commission recommends approval of the Special Exception Permit, the Commission may set forth any reasonable conditions which they recommend apply to the approval if granted.

4. City Council Decision

a. If the City Council grants a Special Exception Permit, the Council may set forth any reasonable conditions which apply to the approval granted.

D. Criteria for Review and Decision

In considering an application for a Special Exception Permit, the City Council will consider the following factors:

1. Whether the proposed modifications to physical dimensional standards will be harmonious with existing and approved patterns of development on the same or an opposing block face or abutting property;

2. Whether the proposed modification supports the goals and strategies of the Comprehensive Plan;

3. Whether, with the conditions, the Special Exception Permit is consistent with public necessity, convenience, general welfare, and good zoning practice.

E. Action After the Decision

1. Amendments

A Special Exception Permit may be amended following the same procedures as for approval of an original Special Exception Permit application.

2. Applicability and Validity

a. A Special Exception Permit, together with any amendments and modifications, apply to the property for which it was issued so long as such property is used for the purpose approved by such permit, and is not transferable to any other property.

b. A Special Exception Permit will expire:

i. 18 months from the date of approval by City Council if no Development Review is required and a building permit to construct the authorized improvements has not been approved.

ii. 18 months from the date of approval by City Council in the case of proposed new construction if Development Plan approval has not been granted.

iii. Upon revocation of an approved Development Plan or expiration of an approved Site Plan.

c. Prior to the expiration of a Special Exception Permit and upon written request by the applicant to the Administrator, the Administrator, if the Special Exception Permit remains in compliance with all applicable ordinances and policies, may grant an extension of up to one year. A request for an extension must be submitted prior to expiration of the Special Exception Permit. The Administrator will provide written notification of the decision on the extension request within 14 business days.

78. Sec. 5.4.4.A.

2. The following conduct is hereby declared to be unlawful and subject to the enforcement provisions of this Division:

d. Failure to maintain or repair a contributing structure or protected property as identified in *Sec. 2.9.2. Architectural Design Control District (-ADC)*, *Sec. 2.9.3. Individually Protected Properties (-IPP)*, and *Sec. 2.9.4. Historic Conservation District (-HC)*. Contributing structures and protected properties may not be allowed to fall into a state of disrepair that could result in the deterioration of any exterior appurtenance or architectural feature so as to produce a detrimental effect upon the character of a design district or the life and character of a contributing structure or protected property.

Article 6. SUBDIVISION

79. Sec. 6.2.1.A. General Standards

2. Lot standards do not apply when a lot is to be conveyed to the City or held in common ownership for open space, recreation, or conservation purposes only, and the plat contains a notation that no building permit will be issued for the lot unless it satisfies the lot requirements of this Division and the building permit is consistent with open space, recreation or conservation uses.

Article 7. GENERAL STANDARDS AND DEFINITIONS

80. Sec. 7.2 Definitions

R

Residential treatment facility. A residential facility licensed by the Virginia Department of Behavioral Health and Developmental Services or the Virginia Department of Social

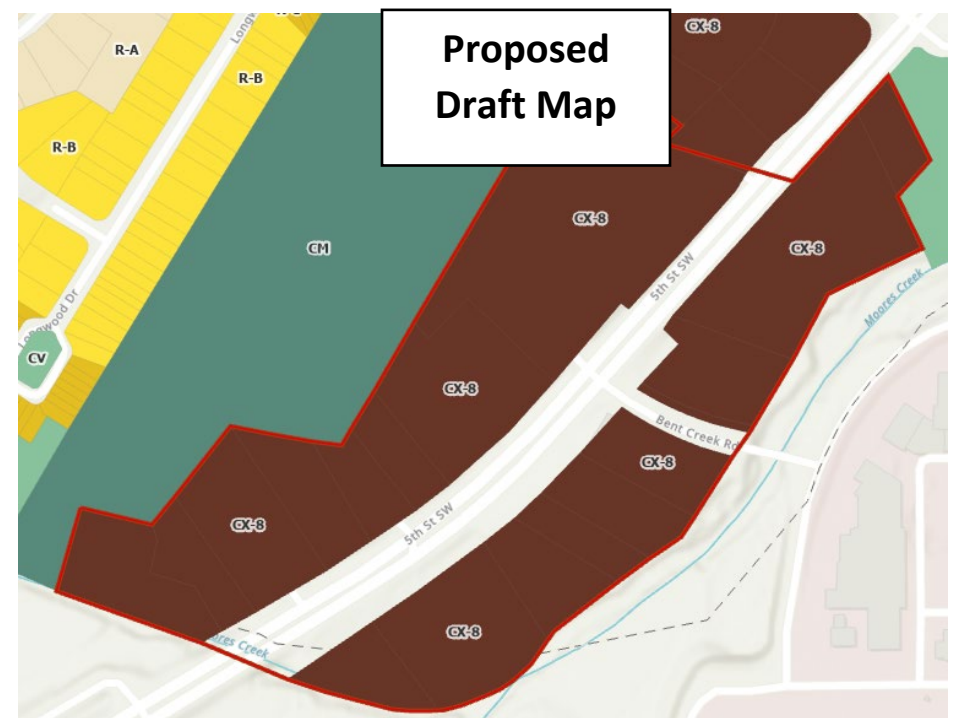
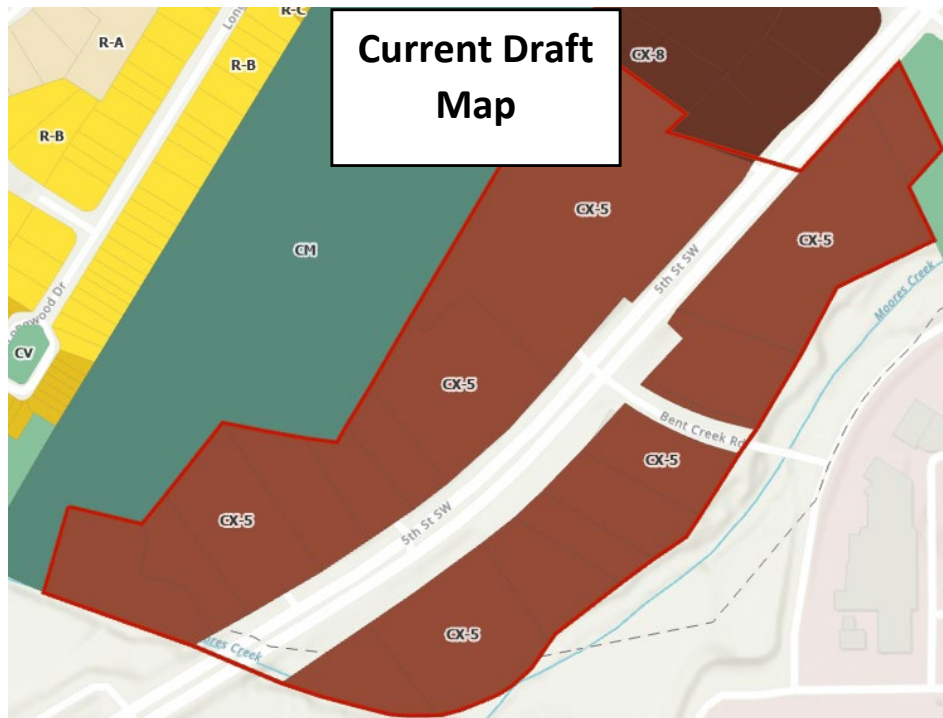
Services, where up to 8 persons reside together with one or more resident counselors or other resident staff.

Attachment B

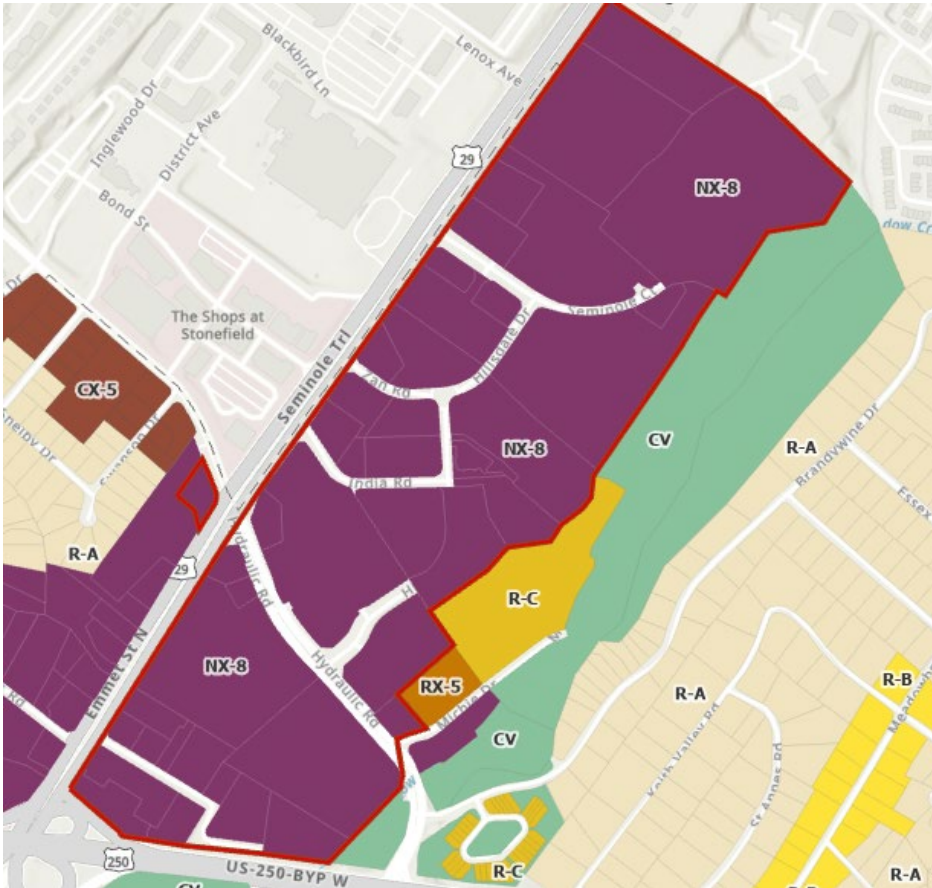
Zoning Map Updates – October 10, 2023

The Planning Commission recommends adoption of the Charlottesville Development Code with the following modifications to the proposed zoning map:

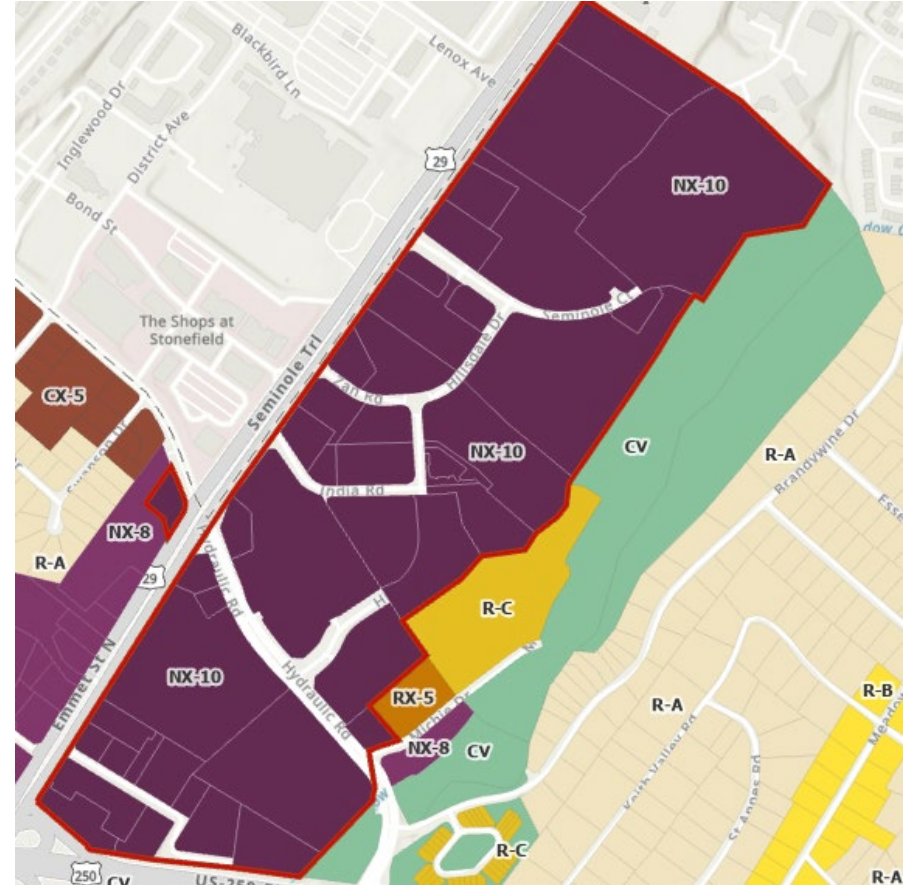
Area on 5th Street – change from CX-5 to CX-8.



Area on the east side of Seminole Trail, north of the Rt 250 bypass – change from NX-8 to NX-10

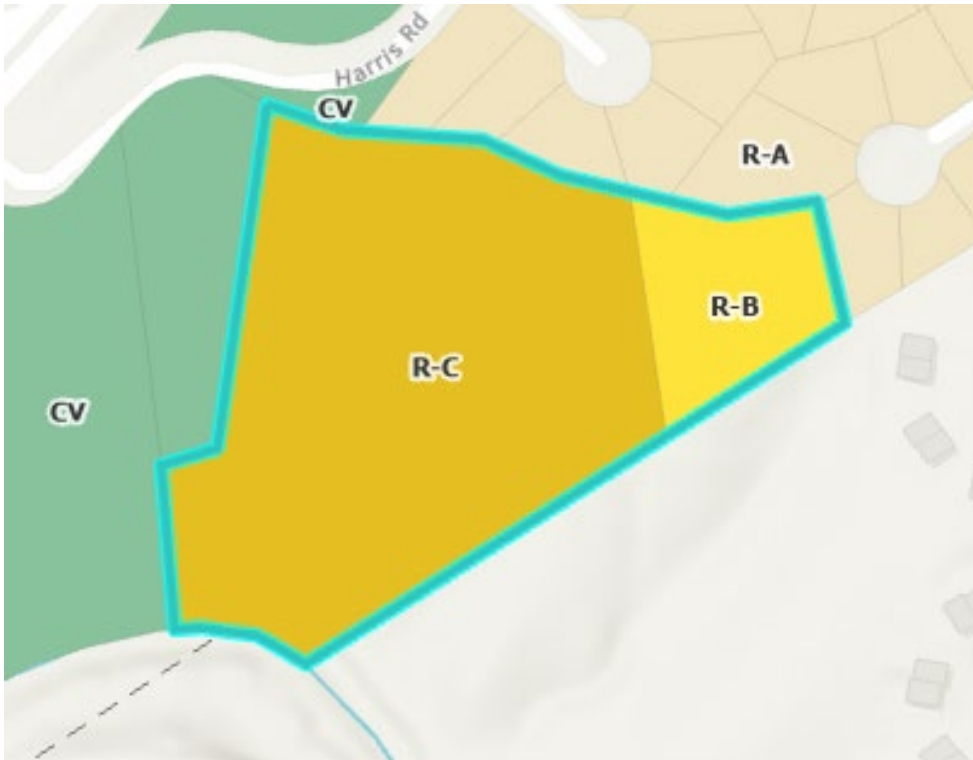


**Current Draft
Map**

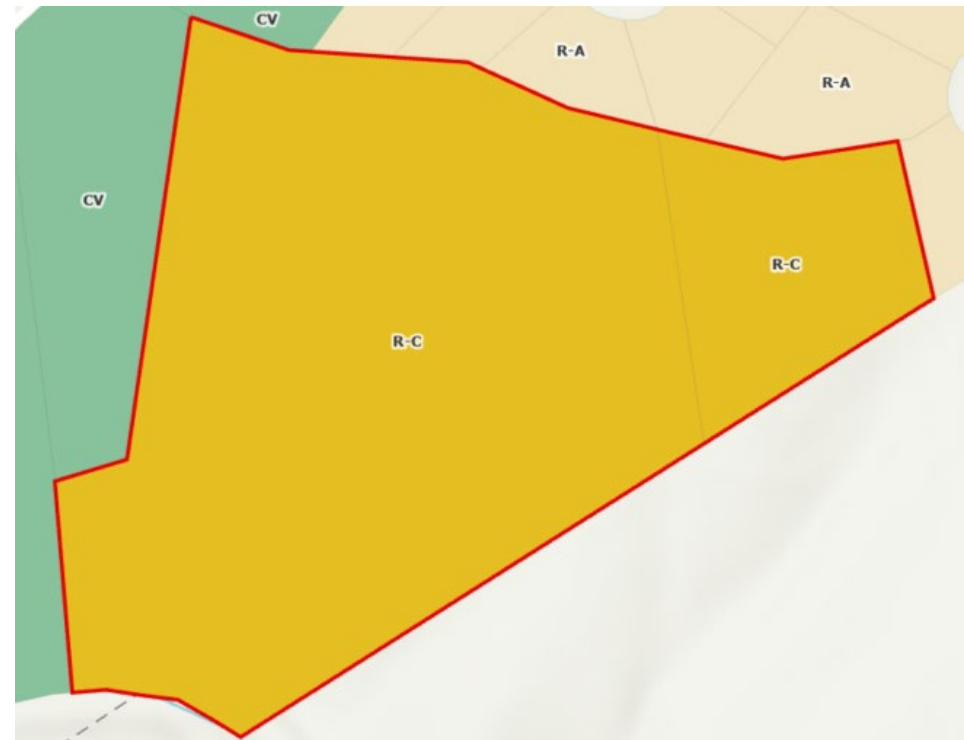


**Proposed
Draft Map**

Area off Harris Road – change from R-B to R-C.

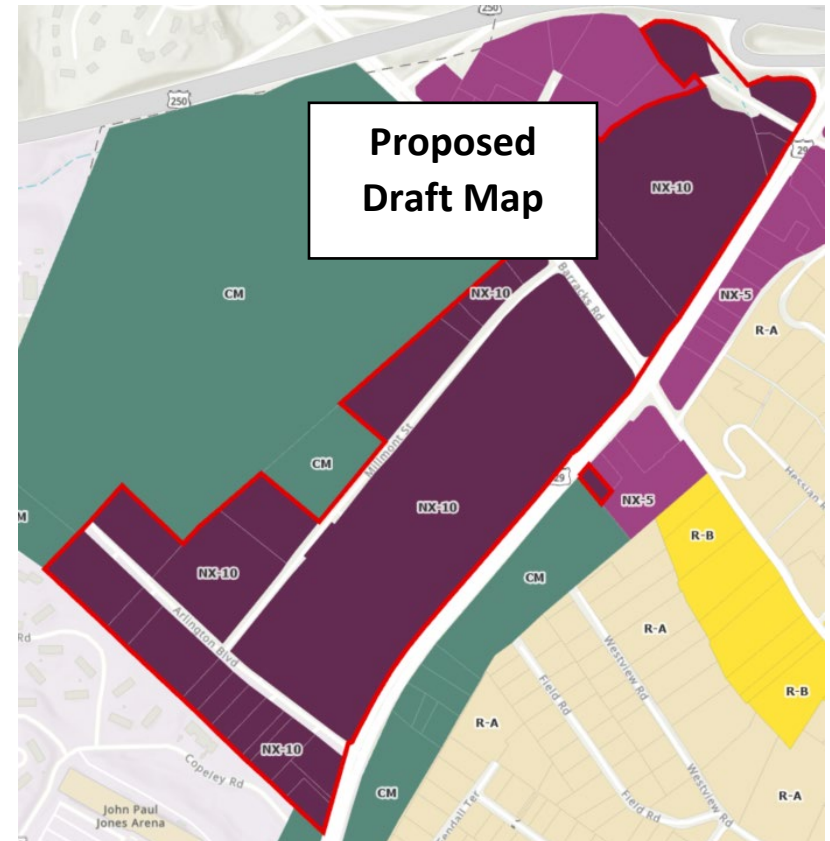
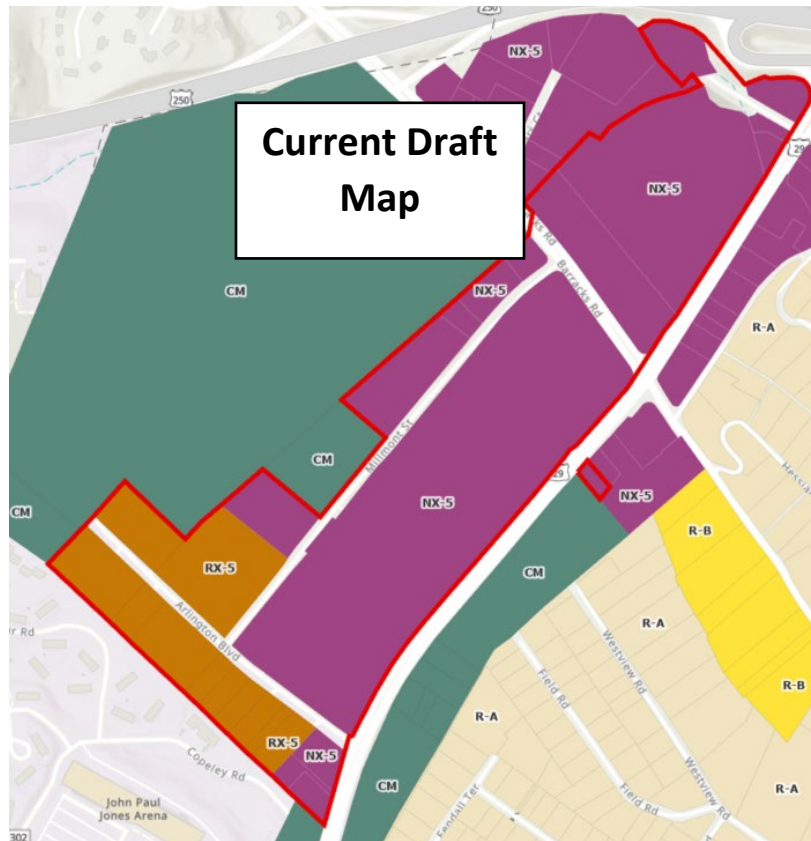


**Current Draft
Map**



**Proposed
Draft Map**

Area along Route 29 south of the Route 250 bypass – change from NX-5 to NX-10.



Area along Lexington Avenue – change from R-A to R-B.

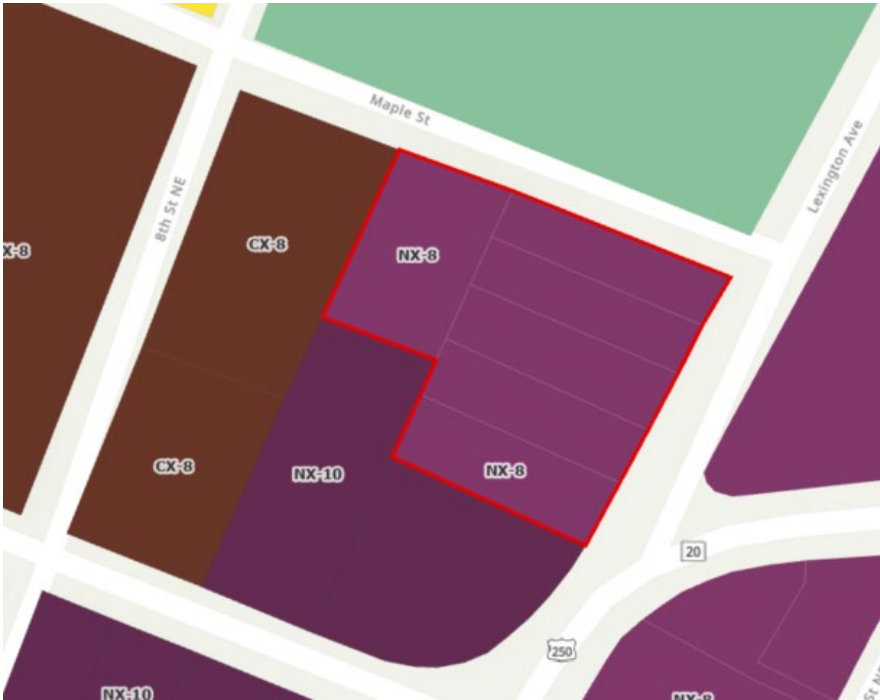


**Current Draft
Map**



**Proposed
Draft Map**

Area near downtown and off E. High Street, Lexington Avenue, and Maple Street – change from NX-8 to NX-10

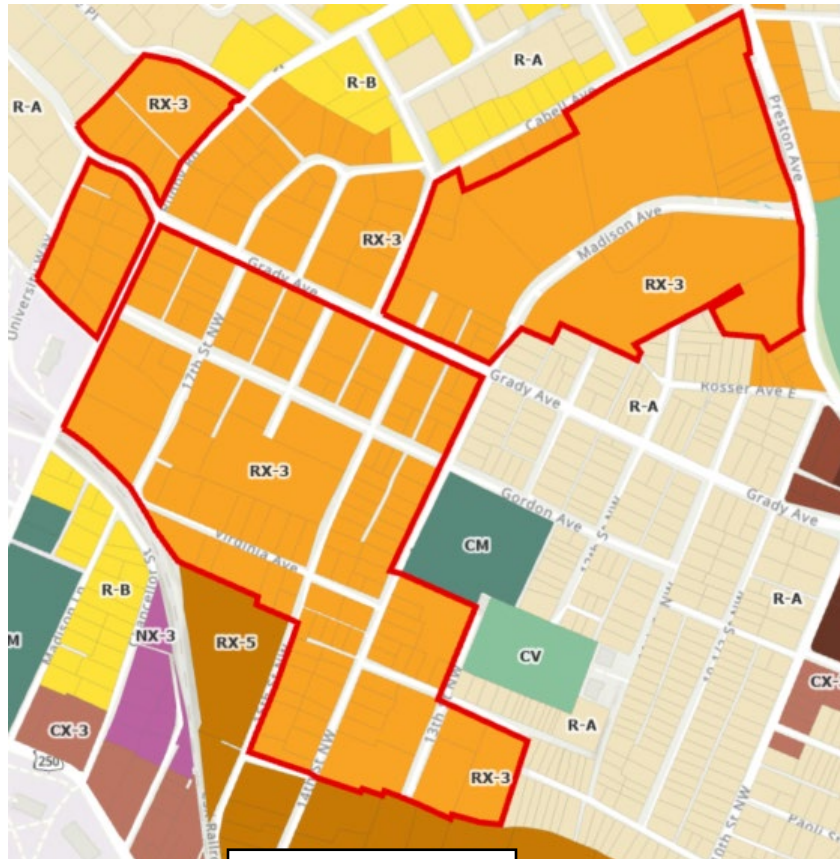


**Current Draft
Map**

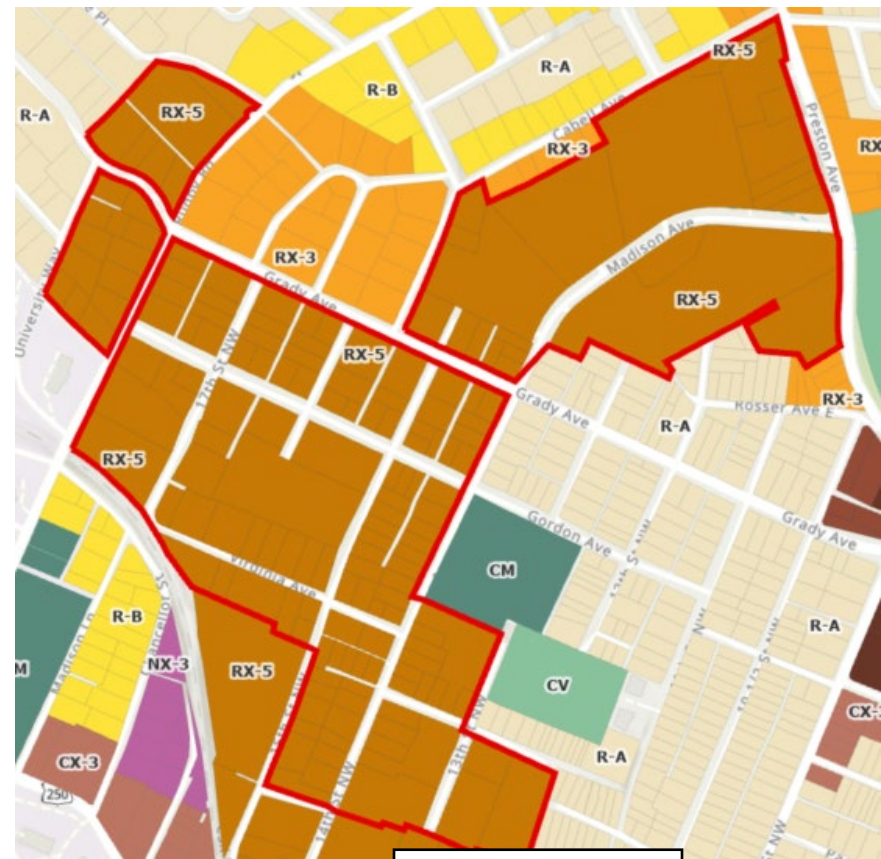


**Proposed
Draft Map**

Area in Venable neighborhood off 14th Street and Grady Ave – change from RX-3 to RX-5.



**Current Draft
Map**



**Proposed
Draft Map**

Area along the west end (west of the railroad tracks) of West Main Street – change from CX-5 to CX-8



**Current Draft
Map**



**Proposed
Draft Map**

UVA portion of parcel – change from CM to CX-8.



**Current Draft
Map**

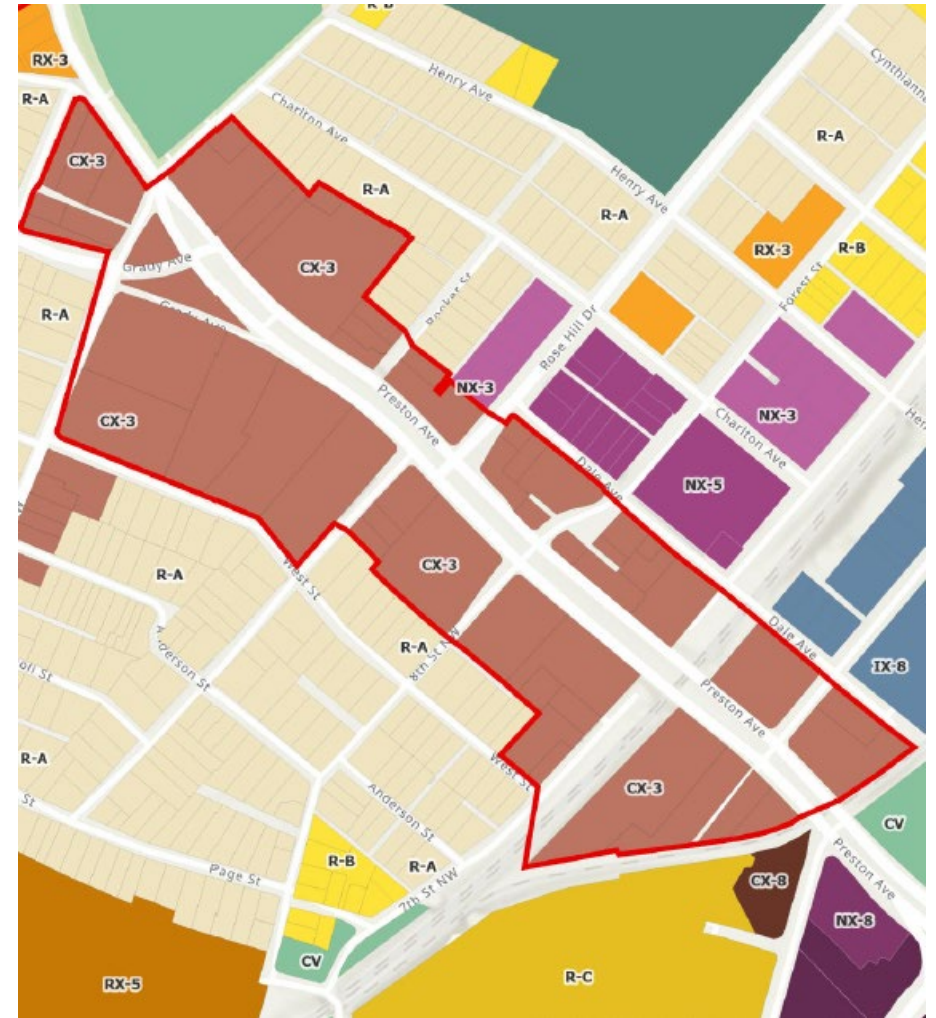


**Proposed
Draft Map**

Preston Avenue corridor – change from CX-5 and CX-8 to CX-3.



**Current Draft
Map**



**Proposed
Draft Map**

2.9.6. Core Neighborhoods Corridor Overlay District

A. Intent

Charlottesville's Core Neighborhoods have special significance to the City having provided homes for the City's workforce in close proximity to job centers at the University and downtown. These racially diverse and affordable neighborhoods historically met their day to day needs on the adjacent Preston and Cherry Avenue corridors. The Core Neighborhoods Corridor Overlay District is intended to support these neighborhoods and implement the Comprehensive Plan goals of encouraging the construction and continued existence of moderately priced housing, creating and preserving affordable housing, respecting the cultural heritage of the adjacent neighborhoods, supporting public health, encouraging economic development activities that provide desirable employment, and the overall promotion of a convenient and harmonious community.

B. Applicability

1. The following Core Neighborhoods Corridor Districts are hereby established along the following streets:

a. Preston Avenue

From Rosser Avenue to McIntire Road

b. Cherry Avenue

From Roosevelt Brown Boulevard to 5th Street/Ridge Street

2. The Corridor Districts extend from the designated street listed above to the next parallel street, encompassing only those parcels in the Corridor Mixed Use 3 (CX-3) district.

C. Special Exception Permit

1. Projects in a Core Neighborhoods Corridor District may apply for a Special Exemption Permit to exceed the base height of the district as follows:

a. Preston Avenue – May exceed the base district height by up to 4 stories for a maximum total of 7 stories.

b. Cherry Avenue - May exceed the base district height by up to 3 stories for a maximum total of 6 stories.

2. A project seeking the above Special Exemption Permit must conduct a community meeting before submitting an application and include at least two (2) items from the following list:

a. 25% affordable units at 60% AMI. Affordable units must meet the requirements of sec. 4.2.2.;

b. Affordably priced commercial space available for neighborhood-focused uses such as grocers, daycare, community banking or financial assistance offices, laundromats, recreational or fitness establishments, community health centers, or similar uses supporting the intent of this section;

c. Space for educational training facilities, job training, or similar uses;

- d. Dedicated indoor or outdoor community space, open for use by the local community;
- e. Community gardens or urban agriculture;
- f. Sustainable design features that serve to reduce the environmental impacts of the project;
- g. Local art installation; or
- h. Other features or amenities that support the intent of this section and the goals of the Comprehensive Plan.