

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



**REQUEST FOR INITIATION OF ZONING TEXT
AND MAP AMENDMENTS**

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: February 10, 2008

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Origin of Request

Staff members maintain a running list of zoning discrepancies that can reflect changes in areas such as office policy, general planning practice, or legislative authority. These line items tend to be smaller changes that are bundled periodically and submitted for adoption as a group. If initiated, the discrepancies will be studied, rewritten, and brought to the Planning Commission for a recommendation to City Council.

Applicable City Code Provisions: §34-286, §34-420, §34-828, §34-896, §34-897, §34-972, §34-976, §34-1200

Initiation Process

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by ordinance, amend, supplement, or change the city's zoning district regulations, district boundaries, or zoning district classifications. Any such amendment may be initiated either by (1) resolution of council or (2) motion of the planning commission. (See City Code §34-41(a), which is based on Virginia Code §15.2-2286(a)(7))¹.

If a person or groups seeks to effectuate such a change, the amendment can be initiated by Council or Commission, as required by Code. In such an instance, an applicant will be given the opportunity at a regularly scheduled Planning Commission meeting to present their request, seeking a vote in favor of *initiating* the amendment. Initiating, in this context, is the action by which the Commission decides whether to begin a formal study on the proposal, or to decline the request.

Public Comments Received

No public comment has been received on this item.

¹ A rezoning of a particular piece of property can be initiated by Council, Planning Commission, the property owner, owner's agent, or contract purchaser.

Appropriate Motions

After listening to the proposal, the Planning Commission has the following options for moving forward:

- 1) Initiate the process by making a motion such as:
“I move to initiate a proposed amendment to the city’s zoning ordinance, to wit: amending Article 2 – Division 2, Article 3 – Division 7, Article 7 – Division 2, Article 8 – Divisions 4 and 6, Article 9 – Division 2, and Article 10 concerning the need to correct several zoning discrepancies.”;
- 2) Decline to initiate the process, by voting against such a motion; or
- 3) Defer voting on the motion until a later time.

If the Planning Commission votes in favor of initiation, the study period will begin (see below). Otherwise, the proposal goes no further. The applicant, however, would not be precluded from seeking initiation by City Council.

Study period and public hearing

Once an amendment has been initiated, it is *deemed* referred by city council to the planning commission for study and recommendation. (See City Code §34-41(d)). From the time of initiation, the planning commission has **100 days** in which to make its recommendation to City Council, or else it will be deemed to be a recommendation of approval. If the Planning Commission initiates the request, the 100 day recommendation requirement does not apply. Staff will provide Planning Commission with reports and analyses as appropriate and a joint public hearing will be scheduled for the next available date. The following is the standard of review to be applied by the Commission:

Standard of review

If initiated, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification. City Code § 34-42

If the Planning Commission wishes to move to recommend adoption of the ordinance, the following motion may be used:

“We find that the *public necessity, general welfare and good zoning practice* require that the proposed revisions to the zoning ordinance be enacted. Based upon these criteria, I move to recommend that City Council approve and enact the proposed changes to the Zoning Ordinance.”

AN ORDINANCE
AMENDING AND RE-ENACTING CHAPTER 34 OF THE CODE OF THE CITY OF
CHARLOTTESVILLE (1990), AS AMENDED,
RELATING TO VARIOUS ZONING ORDINANCE AMENDMENTS

Article II. Overlay Districts.

Sec. 34-286. City council appeals.

Replace (a) with the following:

A decision of the BAR may be appealed to city council by the applicant, or any other aggrieved person, within ten (10) days from the date of decision. The appeal shall be submitted in writing and shall identify the particular actions or conditions about which the appellant is aggrieved. Council shall overturn the BAR decision only if the BAR has erred in applying the criteria, standards and guidelines for approval.

Article III. Residential Zoning Districts.

Sec. 34-420. Use matrix – Residential zoning districts.

For the two-family university zoning district, remove each of the following uses as a by-right use, by deleting the “B” to the matrix in the “R-2U” column:

Occupancy, residential – 4 unrelated persons

Article VII. Site Plans.

Sec. 34-828. Final site plan contents.

Replace (d)(11) with the following:

Signature panel for the director

Article VIII. Improvements Required For Developments.

Sec. 34-896. Access.

Replace the second sentence of (b) with the following:

All such entrances shall be designed and constructed in accordance with the requirements and specifications set forth within the most recent version of the City of Charlottesville Standards and Design Manual.

Sec. 34-897. Pedestrian walkways.

Replace (b) with the following:

All sidewalks, curbs and gutters proposed to be accepted for maintenance by the city shall be built in accordance with constructions standards set forth within the most recent version of the City of Charlottesville Standards and Design Manual.

Replace (e)(4) with the following:

The pedestrian access and circulation systems must be of a width specified in the most recent version of the City of Charlottesville Standards and Design Manual.

Sec. 34-934. Parking garages.

Replace (d) with the following:

Driveway widths at the street line shall be not less than twenty (20) feet for driveways accommodating one (1) lane of traffic and twenty-four (24) feet for driveways accommodating two (2) lanes of traffic. In no case shall any driveway width at the street line be greater than thirty-six (36) feet.

Article IX. Generally Applicable Regulations.

Sec. 34-972. Location, yard areas

Rename the section to “Location, yard areas, and driveways”, and replace with the following:

(a) For lots containing a single-family detached or two-family dwelling, parking may be located within any yard. Driveways and off-street parking spaces, regardless of zoning district, shall be subject to the following location and dimensional requirements, with such requirements applying to the portion of the driveway and off-street parking spaces located between the right-of-way and the building line:

- (1) No driveway entrance or exit shall intersect with a street at a location closer than fifteen (15) feet to any street intersection;
- (2) No driveway within a residential district, or used for residential purposes, shall be located within three (3) feet from the line of an adjacent property.
- (3) Driveways and off-street parking spaces, except those off-street parking spaces provided in a garage or carport, shall not exceed a maximum of twenty-five (25) percent of the lot area between the right-of-way and building line;

(4) All driveways shall meet a minimum width requirement of ten (10) feet and shall not exceed a maximum width of twenty (20) feet.

(b) Driveways and common parking areas, except for single-family detached or two-family dwellings, shall be subject to the following location and dimensional requirements, with such requirements applying to the portion of the driveway located between the right-of-way and the building line:

(1) No driveway entrance or exit shall intersect with a public street at a location closer than fifteen (15) feet to any street intersection, or less than five (5) feet from the end of a curb radius;

(2) The total width of driveway entrances (curb cuts) shall not exceed thirty-three (33) percent of the lot frontage. This does not prohibit a lot from having one (1) two-way driveway entrance of a maximum width of eighteen (18) feet.

(3) Parking may be located in side or rear yards, except that:

(a) Parking may not be located within any yard that faces a public street; and

(b) Parking may be located within any yard in the following districts: Urban Corridor, Highway Corridor, and Industrial Corridor.

(4) Parking may be located in any yard for the following uses:

(a) Gas stations and other automobile service related uses

(b) Motor vehicle dealerships

(c) Industrial uses

(5) Parking may be located underground, or on one (1) or more floors of a building served by such parking (for example, in townhouse developments, parking may be located under each individual unit); or within common areas.

(6) No off-street parking area shall be located closer than three (3) feet to any side or rear property line.

(c) For lots containing a single-family attached dwelling, parking may be located within any yard. Driveways and off-street parking spaces, except those off-street parking spaces provided in a garage or carport, shall not exceed a maximum of twenty-five (25) percent of the lot area between the right-of-way and building line. This does not prohibit a lot from having one (1) one-way driveway entrance of a maximum width of nine (9) feet.

(d) Parking spaces must be designed and used in such a manner as to prevent cars parked in a driveway from encroaching into the public right-of-way.

(e) For zoning purposes, driveways begin at the boundary separating a property from the right-of-way. Entrances must conform to designs listed in the most recent version of the City of Charlottesville Standards and Design Manual.

Sec. 34-976. Driveways.

Remove the text from §34-976 and place in reserve.

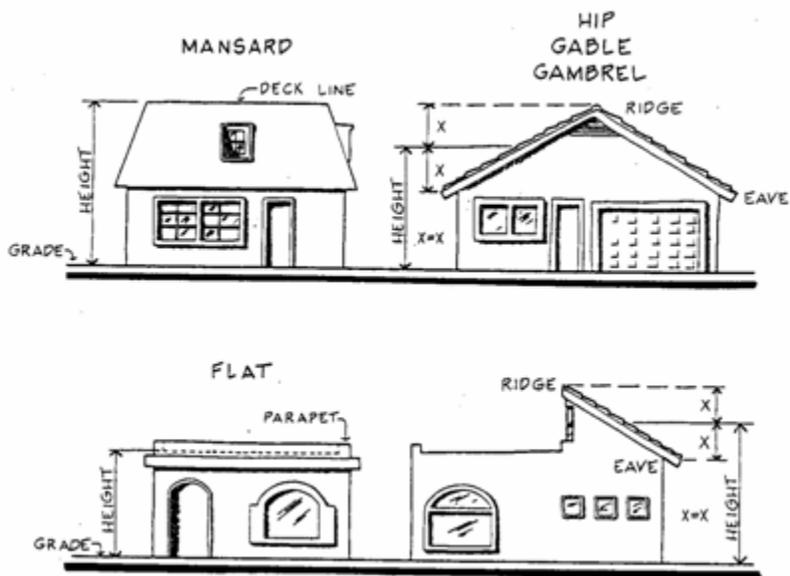
Article X. Definitions.

Sec. 34-1200. Definitions.

For "Building height", the definition should be changed to the following:

Building height means the vertical distance measured from the grade of the building footprint to the level of the highest point of the structure's roof surface. This distance is calculated by measuring separately the average height of each building wall, then averaging them together. The height is measured to the level of a flat roof, to the deck line of a mansard roof, and to the average height level between the eaves and ridge for gable, hip, or gambrel roofs.

Replace the existing Building Height graphic with the following:



For "Grade", the definition should be changed to the following:

Grade means the average level of the ground adjacent to the exterior walls of the building. In a case that walls are parallel to and within 15 feet from a sidewalk, the grade may be measured at the sidewalk.