

**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES**



MEMORANDUM

To: Charlottesville Planning Commission
Missy Creasy, AICP, Planning Manager
James E. Tolbert, AICP, Director
From: Nick Rogers, Neighborhood Planner
Date: April 22, 2010
Re: Residential Zoning Matrix Update

Background

In 2003, City Council passed a new zoning ordinance that brought significant change to how land use is regulated in Charlottesville. Some of the key features in the new ordinance included mixed use zoning throughout more of the city, the entrance corridor overlay along the main roads and new university-specific districts close to grounds.

- *What is a matrix?*

The new ordinance also reorganized how land uses are regulated. Three tables were placed in the ordinance listing the land uses covered by the zoning code. Each table, or matrix, corresponds with a general group of zones – residential, commercial, and mixed use zones. Land uses were listed along the left side in rows, and individual zones went across the top in columns.

To figure out whether a land use is permitted in a zone, first find the use amongst those listed along the left side of the page. Then, find the particular zone of interest in the columns that span the top of the page. Moving with your eyes to the right of the use, and moving down from the zone, follow along to the cell where the row and column intersect. Whatever is listed in this box is how the land use is permitted. If there is nothing in the box, the use is not permitted in that zone.

- *What do the zones at the top of the matrix stand for? What do those letters mean?*

A majority of Charlottesville is zoned for residential use, or where people live. The zoning code breaks down residential land use into distinct zones for different types of housing. While the zones focus on dwelling types, there are many other land uses also permitted in neighborhoods that have been traditionally appropriate to place amongst houses or apartments. These include libraries, parks, cemeteries, schools and churches.

Residential zones are classified in the following categories (§34-350)–

- a) *Single-family (R-1)*: low-density areas where the dominate pattern of residential development is the single-family dwelling.

- i) **R-1**; low-density residential areas
- ii) **R-1S**; low-density residential areas characterized by smaller lots
- iii) **R-1U**; low-density residential areas in the vicinity of the University of Virginia
- iv) **R-1SU**; low-density residential areas in the vicinity of the University of Virginia characterized by smaller lots
- b) *Two-family (R-2)*: low-density areas where additional housing opportunities are available beyond the single-family dwelling
 - i) **R-2**; low-density residential areas in which single-family attached and two-family dwellings are encouraged
 - ii) **R-2U**; low density residential areas in the vicinity of the University of Virginia in which single-family attached and two-family dwellings are encouraged
- c) *Multifamily*: areas for medium-density and high-density residential development, with the high density permitted only when harmonious with surrounding areas
 - i) **R-3**; medium-density residential areas in which medium-density developments, including multifamily uses, are encouraged
 - ii) **R-UMD**; areas in the vicinity of the University of Virginia in which medium-density developments, including multifamily uses, are encouraged
 - iii) **R-UHD**; areas in the vicinity of the University of Virginia in which high-density residential developments, including multifamily uses, are encouraged

Generally speaking, the older residential neighborhoods such as Fifeville, North Downtown, Woolen Mills and Rose Hill are predominantly R-1S, with smaller properties characterizing a pre-World War II development pattern. “Newer” residential neighborhoods, like Greenbrier, Meadowbrook Heights and The Meadows that developed after World War II are predominantly R-1.

Pockets of two-family zoning can be seen in the Fry’s Spring, Martha Jefferson, Starr Hill, Fifeville and Belmont neighborhoods.

Neighborhoods like Lewis Mountain and Venable contain most of the city’s R-1U zoning, and the Jefferson Park Avenue neighborhood has the majority of the city’s R-2U zoning.

The medium-density R-3 property is minimal, mostly confined to the northern tip of Park Street and to sites owned by the Charlottesville Redevelopment and Housing Authority. The “university” multifamily zones (R-UMD and R-UHD) are seen exclusively in the Jefferson Park Avenue and Venable neighborhoods.

- *What do the letters in the matrix mean?*

Land uses are permitted in a number of ways, and the matrix is a useful tool to quickly identify what a property owner can do on their land. A system of letters is used as a code to signify how the land use is treated for a zone. A legend is included at the beginning of each matrix in the zoning code to assist users with what each letter means:

- If it is **blank**, it is **not** permitted in that zone

- If there is a "**B**", the use is permitted "**by right**". As long as the property owner conforms to all other zoning laws, the use is allowed in that zone.
- If there is a "**S**", the use is permitted by **special use permit (SUP)**. A special use permit can only be obtained from City Council. The Planning Commission reviews all special use permits and makes an advisory recommendation on each to Council.
- If there is a "**P**", the use is permitted by **provisional use permit (PUP)**. A provisional use permit can be obtained by application to NDS. An example of a provisional use would be a home occupation or an accessory apartment.
- If there is a "**M**", the use is only permitted as a component of a **mixed use** project. Mixed use projects typically blend dwellings amongst offices or other businesses.
- If there is an "**A**", the use is only permitted when it is the secondary, or **ancillary**, use. An example would be a parking deck being allowed only as an ancillary use to an office building.
- If there is a "**T**", the use is only permitted on a **temporary** basis. An example of a temporary use would be a festival or flea market.

- *Why is each matrix being reviewed and changed?*

Since its adoption in 2003, the matrices have been amended several times, but have never been comprehensively reviewed. Modern planning practice recommends that such changes be monitored and reviewed on a periodic basis to ensure they are achieving the originally stated goals and objectives.

Staff recommended that the Planning Commission place the matrix reviews on their 2010 Work Plan in the fall of 2009. The review was incorporated into the Work Plan. In its recommendation, staff offered the following reasons why the review needed to happen:

1. To correct errors and inconsistencies that had been discovered;
2. To align the land uses permitted in each district better to each zone's purpose and intent, as several uses had been identified in zones that were allowed or not allowed that didn't make sense;
3. To adjust the CH – Cherry Avenue Corridor zone so that its uses are more closely aligned with other similar mixed use zones in Charlottesville; and,
4. To eliminate as much confusion as possible in using each matrix.

Analysis

Staff began reviewing each matrix in September, meeting on a monthly basis to evaluate where changes needed to be made. Once the review was complete, staff presented the evaluation to the Planning Commission at their January 2010 work session. While each matrix's proposed changes were circulated to Commissioners, staff recommended that the project be divided into three phases, with each phase devoted to one of the matrices. Commissioners adopted this approach and developed a timeline to use for each phase:

1. Staff presentation of the matrix update process at the Commission's February 2010 meeting (moved to March due to the February meeting's cancellation);
2. Two month public comment period, with additional review at work sessions to identify changes that needed discussion, needed no discussion, or needed discussion along with a change to the land use's zoning definition;
3. A workshop at the Commission's next monthly meeting after the comment period, where speakers could provide comments on the proposed changes interactively with Commissioners and staff; and,
4. A public hearing the following month if the review has been completed. The Commission would have the opportunity to make a recommendation to City Council about the proposed changes after the hearing.

Each proposed changes is listed below, followed by the staff rationale supporting the change. For changes where the Planning Commission has had discussion, a summary of their thoughts and any decisions to move forward or table the changes has been included. For changes where staff anticipates discussion by the Planning Commission, the zoning definition has been added for easy reference.

- **Accessory Apartments**

Proposed changes:

1. No longer permit internal accessory apartments by right in the R-1 zone.
2. No longer permit internal accessory apartments by right in the R-1S zone.
3. No longer permit internal accessory apartments by right in the R-2 zone.
4. No longer permit internal accessory apartments by right in the R-2U zone.
5. No longer permit internal accessory apartments by right in the R-UMD zone.
6. No longer permit internal accessory apartments by right in the R-UHD zone.
7. No longer permit internal accessory apartments by right in the MR zone.
8. No longer permit internal accessory apartments by right in the MHP zone.
9. Permit internal accessory apartments by provisional use permit in the R-1 zone.
10. Permit internal accessory apartments by provisional use permit in the R-1S zone.
11. Permit internal accessory apartments by provisional use permit in the R-2 zone.
12. Permit internal accessory apartments by provisional use permit in the R-UMD zone.
13. Permit internal accessory apartments by provisional use permit in the R-UHD zone.
14. Permit internal accessory apartments by provisional use permit in the MR zone.
15. No longer permit external accessory apartments by right in the MHP zone.

Definition:

Accessory apartments are defined as “an independent dwelling unit, the presence and use of which is clearly subordinate to a single-family detached dwelling and in which no more than two (2) persons reside. When contained within the structure of a single family dwelling, such apartment constitutes an *interior accessory apartment*.”

Public Comment:

Staff and Commissioners received a letter on April 5th from Kay Slaughter of the Southern Environment Law Center with numerous concerns about educating residents

about the regulations and history behind accessory apartments. Staff has included commentary below on both topics in response to Ms. Slaughter's letter.

Staff also received an email on April 8th from Charlie Armstrong opposing the shift from by right to provisional use permit. Mr. Armstrong believes in "reducing/removing regulatory and procedural barriers wherever possible," but saw the barriers as small and not devoid of benefits.

Commission Discussion:

Commissioners felt some discussion was needed to educate the public on accessory apartments, and were unsure if the oversight of a PUP was needed for them. They were supportive of the proposed change at their February work session and had no further discussion at that time.

Rationale:

Staff opinion is that internal accessory apartments should be treated the same way as external accessory apartments. The provisional use permit process provides a verification that the owner understands the regulations they must abide to legally have an accessory apartment. By making this change, residents can be reassured that anyone who has an accessory apartment is subject to the same regulations whether it is internal or external. Section 34-1171 outlines the requirements for such apartments "authorized by provisional use permit."

Eliminating accessory apartments in the MHP zone primarily serves to eliminate any potential conflicts between a Mobile Home site plan and the zoning regulations.

Permitting internal accessory apartments in the R-2U zone has been a topic of discussion in the past. Staff feels that permitting such apartments is a redundant regulation given that properties so zoned are permitted to have two units per lot as a matter of right. The internal layout of those units and the ownership structure is not a matter of public concern, provided they meet all applicable codes.

These apartments have separate regulations that govern them, listed in §34-1105 and §34-1171. The apartment must comply with all building code regulations. Either the apartment or the main dwelling must be owner occupied. No more than two persons may reside in an accessory apartment.

Regulations specific to internal accessory apartments –

- No separate entrance is allowed that is located on any façade of the principal dwelling that fronts on a public street. No exterior stairs providing access to the apartment shall be visible from any public street.
- The apartment must be entirely contained within the principal structure.
- The gross floor area of the accessory apartment may not exceed 40% of the gross floor area of the principal structure in which it is located.

Regulations specific to external accessory apartments

- The apartment may not exceed 25 feet in height or the height of the primary dwelling, whichever is less.
- The apartment must not occupy more than 30% of the rear yard, and be at least 5 feet away from the property line.
- The apartment may not be located in a front yard or, on a corner lot, project into the required yard adjacent to any street frontage.
- The apartment's footprint may not exceed 40% of the primary dwelling's footprint.

Accessory apartments are scattered throughout Charlottesville and can take the form of a basement apartment, an attic loft, or a “granny flat” above a rear garage. External apartments are typically seen in neighborhoods that have larger lots to support the square footage needs of a small dwelling unit.

Internal accessory apartments were first allowed with the adoption of the 1991 zoning ordinance in R-1A and all other residential zones of greater density. A dwelling had to have a minimum of 1600 square feet, while the property required at least two off-street parking spaces. The apartment had to be internal, and could not exceed 400 square feet.

External accessory apartments were first allowed by PUP with the adoption of the 2003 zoning ordinance. Internal apartments were allowed by right at that time.

The myriad of regulations surrounding accessory apartments has developed over the years because of concerns from members of the public. Staff regularly receives phone calls about accessory apartments that have allegedly exceeded the two-person maximum and investigates each to determine if the apartment is in compliance. Recent changes to the regulations were made to ensure that future external apartments were not out of character with surrounding houses and built within a reduced envelope compared to the primary structure.

- **Accessory Structures**

Proposed changes:

16. Permit accessory structures by-right in the MHP zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners were supportive of the change at their February work session and had no further discussion at that time.

Rationale:

Staff feels it is proper to permit persons residing in a mobile home area to have small accessory structures such as sheds, which would not be currently permitted.

- **Adult Assisted Living**

Proposed changes:

17. Permit adult-assisted living facilities of 3 or less residents by right in the MR zone.
18. Permit adult-assisted living facilities of 4 or more residents by special use in the MR zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners were supportive of the change at their February work session and had no further discussion at that time.

Rationale:

This change would bring the MR zone into line with the other multi-family residential zones in the City with regards to this use.

• **Adult Day Care**

Proposed changes:

19. Permit adult day care by special use in the R-1 zone.
20. Permit adult day care by special use in the R-1 zone.
21. Permit adult day care by special use in the R-1U zone.
22. Permit adult day care by special use in the R-1S zone.
23. Permit adult day care by special use in the R-1SU zone.
24. Permit adult day care by special use in the R-2 zone.
25. Permit adult day care by special use in the R-2U zone.
26. No longer permit adult day care by special use in the R-3 zone.
27. Permit adult day care by right in the R-3 zone.
28. Permit adult day care by right in the R-UMD zone.
29. Permit adult day care by right in the R-UHD zone.
30. Permit adult day care by right in the MR zone.

Definition:

Adult day care is defined as “a facility that provides care and protection to four (4) or more aged, infirm, or disabled adults who reside elsewhere, during only a part of the day (a period of less than twenty-four (24) hours). The term shall not include any facility, or portion thereof, that is licensed by the State Board of Health, the State Department of Mental Health, Mental Retardation and Substance Abuse Services, or the home or residence of an individual who cares only for persons related to him by blood or marriage.

Public Comment:

Staff received a concerned phone call from Nina Barnes, the president of the Jefferson Park Avenue Neighborhood Association about this change. She was concerned that this change would result in a spread of businesses into residential neighborhoods.

Commission Discussion:

Commissioners discussed this change at length at their March 23rd work session. Ms. Keller differentiated the impacts related to adult day care from child day care. Wheelchair ramps are more prevalent with adult day cares, while patrons are dropped off and picked up intermittently instead of during peak hours of the day. This transportation could be handled by cars as well as JAUNT buses or other similar vehicles. Ms. Keller was also concerned about destabilization of the city’s outer ring suburban properties given the economic downturn. The concern stemmed from the possibility of many such properties being converted to adult day cares and saturating residential areas.

Rationale:

Staff would like Commissioners to discuss their specific concerns with traffic and adult day cares. It is unclear if the impacts associated with unpredictable pick-up/drop off are perceived to be more severe than the impacts associated with the type of vehicles, such as paratransit vans, that are making the trips.

Staff does not see this proposed change creating a proliferation of wheelchair ramps in Charlottesville. Such ramps can be constructed on any property with an approved building permit, regardless of use. Given the region’s increasing elderly population, wheelchair ramps that allow homeowners increased mobility should be encouraged and not viewed as a negative impact.

The market demand for adult day care will likely increase as the baby boom generation moves into retirement, but staff does not predict a dramatic surge that would flood neighborhoods with elder care facilities. The proposed change to allow them by special use permit would prevent this excess by allowing staff to recommend denial of day cares that concentrate in a small number of neighborhoods.

The economic downturn has impacted Charlottesville’s low income neighborhoods more severely than those near the city boundaries. While foreclosure rates have not increased dramatically as in other parts of the country, there have been small increases in the Fifeville, Ridge Street, and Jefferson Park Avenue neighborhoods. There are numerous other factors that must be curbed in these neighborhoods in order to maintain stable home ownership percentages, and allowing adult day cares by special use permit would not exacerbate the status quo.

Staff feels that adult day care and child day care should be treated the same in the zoning ordinance. This group of changes would enact this change. Staff recommends that the proposed changes for adult day cares be left in the matrix.

• Bed-and-Breakfast: “B & B”

Proposed changes:

- 31. Permit bed-and-breakfast: B & B’s by special use permit in the R-1 zone.
- 32. Permit bed-and-breakfast: B & B’s by special use permit in the R-1U zone.

33. Permit bed-and-breakfast: B & B's by special use permit in the R-1S zone.
34. Permit bed-and-breakfast: B & B's by special use permit in the R-1SU zone.
35. Permit bed-and-breakfast: B & B's by special use permit in the R-2 zone.
36. Permit bed-and-breakfast: B & B's by special use permit in the R-2U zone.
37. Permit bed-and-breakfast: B & B's by special use permit in the R-1 zone.

Definition:

A bed and breakfast “B & B” is defined as a temporary lodging facility operated within a residential dwelling, which is owner occupied and managed or having a residential manager; having no more than eight (8) guest rooms; and wherein food service shall be limited to breakfast and light fare.

Public Comment:

Staff received an email objecting to the proposed change that would permit bed and breakfasts to be allowed by special use permit in R-1 zones. The person felt the change would discourage “stable, family-friendly, owner-occupied housing”. The impacts, he felt, would be greater near the university, especially on big event weekends. The person was speaking on behalf of the Venable Neighborhood Association.

Commission Discussion:

When first discussed in February, Commissioners felt that there were representative properties in the city, citing the older mansions along Park Street, which would be excellent candidates for this use. They noted that bed and breakfasts were permitted now in more zones as a result of changes adopted in 2009, but more restrictive because a special use permit is needed to establish the use. Commissioners wanted to bring this insight to City Council’s attention and revisit the original recommendation for bed and breakfasts in low-density residential zones.

In March, Commissioners expressed support for allowing bed & breakfasts in low density residential neighborhoods. They identified the use as a live/work opportunity for greater housing affordability and aging in place. Commissioners wanted Council to reevaluate B & B's as a viable use in low density residential neighborhoods, given the continued economic downturn, declining property values, declining tax base and reduced rates of home sales. Commissioners were also concerned about more houses being converted to bed & breakfasts due to an increase in listings for similar alternatives on the internet.

Recommendation:

Based on the short time span that has passed since Council adopted the bed and breakfast changes, staff recommends that the Commission remove this change from the proposed matrix. While there are a number of representative properties in the city that would make idea bed and breakfast locations, staff has not seen a demand to convert these homes to such a use. A “wait and see” approach is more appropriate, allowing potential applicants for B & B's to pursue a text amendment in the future or pursue a rezoning.

Houses in low-density zones already permit the “homestay” bed and breakfast as a by-right use. While properties along Park Street and Ridge Street would make compelling

bed and breakfast buildings, the use is not as compatible from a land use perspective throughout all low density districts. Moreover, properties along Park Street that are zoned B-1 are already permitted to be bed and breakfasts.

If Commissioners feel strong about this change, staff recommends that the change be tabled for now. Staff can propose additional regulations, such as minimum acreage and house square footage requirements, which would make the use more compatible in low-density residential areas.

- **Convent/Monastery**

Proposed changes:

38. No longer permit convents and monasteries by right in the R-1 zone.
39. No longer permit convents and monasteries by right in the R-1U zone.
40. No longer permit convents and monasteries by right in the R-1S zone.
41. No longer permit convents and monasteries by right in the R-1SU zone.
42. No longer permit convents and monasteries by right in the R-2 zone.
43. No longer permit convents and monasteries by right in the R-2U zone.
44. No longer permit convents and monasteries by right in the R-3 zone.
45. No longer permit convents and monasteries by right in the R-UMD zone.
46. No longer permit convents and monasteries by right in the R-UHD zone.
47. No longer permit convents and monasteries by right in the MR zone.
48. Permit convents and monasteries by special use permit in the R-1 zone.
49. Permit convents and monasteries by special use permit in the R-1U zone.
50. Permit convents and monasteries by special use permit in the R-1S zone.
51. Permit convents and monasteries by special use permit in the R-1SU zone.
52. Permit convents and monasteries by special use permit in the R-2 zone.
53. Permit convents and monasteries by special use permit in the R-2U zone.
54. Permit convents and monasteries by special use permit in the R-3 zone.
55. Permit convents and monasteries by special use permit in the R-UMD zone.
56. Permit convents and monasteries by special use permit in the R-UHD zone.
57. Permit convents and monasteries by special use permit in the MR zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

The Commission has chosen not to move forward with staff's proposed changes to convents/monasteries at this time. This use, along with other group housing uses such as fraternities/sororities and boarding houses across all zones, will be taken up by Commissioners as a future work plan item for review and amendment.

Rationale:

The definition of convent/monasteries does not set a limit on the number of residents. Staff feels the best method to insure that a religious residential facility is not out of scale with the neighborhood is to permit them by special use.

- **Criminal justice facilities**

Proposed changes:

58. No longer permit criminal justice facilities in the R-UHD zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners were supportive of the change at their February work session and had no further discussion at that time.

Rationale:

Staff feels that criminal justice facilities are not compatible with multi-family residential zones.

- **Home occupation**

Proposed changes:

59. Permit home occupations by provisional use in the MHP zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners were supportive of the change at their February work session and had no further discussion at that time.

Rationale:

This change would permit residents of a mobile home park to operate home occupations, as is permitted in all other residential zones.

- **Occupancy, residential**

Proposed changes:

60. Permit residential occupancy of up to three (3) unrelated persons by right in the MHP zone.

61. Permit residential occupancy of up to four (4) unrelated persons by right in the MHP zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

The Commission proposed these changes to bring greater consistency to the MHP zone's permitted uses when compared to other zones.

Recommendation:

Staff recommends inclusion of these changes and agrees with the Commission's rationale.

- **Residential treatment facility**

Proposed changes:

62. Permit residential treatment facilities of 1-8 residents in the R-UMD zone.

63. Permit residential treatment facilities of 1-8 residents in the R-UHD zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

The Commission has chosen not to move forward with staff's proposed changes to residential treatment facilities at this time. This use, along with other group housing uses such as fraternities/sororities and boarding houses across all zones, will be taken up by Commissioners as a future work plan item for review and amendment.

Rationale:

This change reflects a state regulation that residential treatment facilities of 8 or less residents be treated as single-family residences.

- **Private clubs**

Proposed changes:

64. No longer permit private clubs in the R-1 zone.

65. No longer permit private clubs in the R-1U zone.

66. No longer permit private clubs in the R-1S zone.

67. No longer permit private clubs in the R-1SU zone.

68. No longer permit private clubs in the R-2 zone.

69. No longer permit private clubs in the R-2U zone.

Definition:

A club is defined as a building, or portion thereof, used by a corporation, association, or other grouping of persons for private social, civic, educational or recreational purposes, and to which access is restricted to members of such group.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners wanted to pinpoint the specific neighborhood impacts private clubs would have in residential areas. The only private club that has been approved in recent memory was for the Boys and Girls Club, and this was more a product of the zoning ordinance's lack of a community center category. Commissioners were uneasy with the prospect of an objectionable type of club occupying an approved site. In that scenario, they would have no oversight on the new club when it changed hands.

The Fry's Spring Beach Club was offered as an example of a club that has expanded its programming in recent years with new offerings like live music. The Commission was concerned that removing clubs as permitted uses would reveal a higher number in operation than previously estimated in residential zones.

Rationale:

The impacts staff focused on were increased traffic associated with club events and the prospect of late night activities disrupting the evenings of nearby residents. Staff shares the same concern about an ownership change from an existing club to one that could be incompatible with the surrounding residences. Once staff is able to develop a text amendment for allowing community centers, this could give groups the opportunity to locate similar uses like the Boys and Girls Club closer to their target audiences without being classified as a private club.

While the definition restricts club events to members, many clubs allow members to bring a limited number of non-members to events. Alternatively, clubs could hold events open to all members of the public. Staff is not equipped to enforce such activities of clubs within or outside of their membership.

Regardless, staff is cognizant of the civic benefit such events have on the greater community in a similar manner as those run by a community center. Staff supports the protection of neighborhood character, but does not support the stifling of beneficial events that these organizations promote. Staff recommends that changes to clubs be tabled and taken up along with the development of a definition for community centers.

- **Daycare facility**

Proposed changes:

70. Permit daycare facilities by right in the MHP zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

The Commission proposed these changes to bring greater consistency to the MHP zone's permitted uses when compared to other zones.

Recommendation:

Staff recommends inclusion of these changes and agrees with the Commission's rationale.

- **Educational facilities (nonresidential)**

Proposed changes:

71. No longer permit elementary schools by right in the R-1 zone.
72. No longer permit elementary schools by right in the R-1U zone.
73. No longer permit elementary schools by right in the R-1S zone.
74. No longer permit elementary schools by right in the R-1SU zone.
75. No longer permit elementary schools by right in the R-2 zone.
76. No longer permit elementary schools by right in the R-2U zone.
77. Permit elementary schools by special use permit in the R-1 zone.
78. Permit elementary schools by special use permit in the R-1U zone.
79. Permit elementary schools by special use permit in the R-1S zone.
80. Permit elementary schools by special use permit in the R-1SU zone.
81. Permit elementary schools by special use permit in the R-2 zone.
82. Permit elementary schools by special use permit in the R-2U zone.
83. No longer permit high schools by right in the R-1 zone.
84. No longer permit high schools by right in the R-1U zone.
85. No longer permit high schools by right in the R-1S zone.
86. No longer permit high schools by right in the R-1SU zone.
87. No longer permit high schools by right in the R-2 zone.
88. No longer permit high schools by right in the R-2U zone.
89. Permit high schools by special use permit in the R-1 zone.
90. Permit high schools by special use permit in the R-1U zone.
91. Permit high schools by special use permit in the R-1S zone.
92. Permit high schools by special use permit in the R-1SU zone.
93. Permit high schools by special use permit in the R-2 zone.
94. Permit high schools by special use permit in the R-2U zone.

Definitions:

An elementary educational facility means an educational facility for children attending any of the following grades: kindergarten through eighth grade.

A high school educational facility means an educational facility authorized to award diplomas for completion of secondary education.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners identified the traffic and parking impacts that schools can make on the surrounding neighborhood and suggested that they be permitted in the same fashion as day care facilities and universities.

Recommendation:

Staff sees this as a matter of design as well as use; a good school design on a properly sized site that is sensitive to the neighborhood’s circulation needs can mitigate some of these negative impacts during busy periods of the day. With a declining school population in Charlottesville, the demand for such facilities will be seen only amongst private educators.

Commissioners would have the opportunity to review school sites on a case by case basis by special use permit. It acknowledges that there may be some areas where it is appropriate for these uses, while in others the impacts may be too significant. The special permit review gives the needed oversight of these potential impacts.

- **Laundromats**

Proposed changes:

95. Permit laundromats as an ancillary use in the MHP zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners were supportive of the change at their February work session and had no further discussion at that time.

Rationale:

Staff believes laundromats could exist in a mobile home park as an ancillary use that would serve nearby residents.

- **Libraries**

Proposed changes:

96. Permit libraries by-right in the MHP zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners were supportive of the change at their February work session and had no further discussion at that time.

Rationale:

This change would bring the MHP zone into line with the other residential zones with regards to this use.

- **Municipal/Governmental Offices, Buildings, Courts**

Proposed changes:

97. Permit municipal/governmental offices, buildings, courts by special use in the MHP zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners were supportive of the change at their February work session and had no further discussion at that time.

Rationale:

This change would bring the MHP zone into line with the other residential zones with regards to this use.

- **Property Management Offices**

Proposed changes:

- 98. Permit property management offices by ancillary use in the MHP zone.
- 99. No longer permit property management offices by ancillary use in the R-2 zone.
- 100. No longer permit property management offices by ancillary use in the R-2U zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

Commissioners requested additional analysis on whether the use would be appropriate in R-2 and R-2U zones, perhaps as an ancillary use or within the series of adjacent properties served by the office.

Rationale:

Staff can see no reason to permit property management offices in the R-2 zones, since R-2 zones are low-density residential areas, and property management offices serve high-density developments.

Property management offices need to manage a high number of tenants in order to justify their location in close proximity to their sites. It is staff's opinion that a property management office in a R-2 or R-2U zone, even as an ancillary use, would attract an increase of vehicular traffic from residents outside of the neighborhood paying monthly rent or making service requests. The density required to keep this traffic to a predominantly pedestrian level can not be achieved in R-2 zones.

Staff feels property management offices are an appropriate ancillary use in a MHP zone.

- **Utility lines**

Proposed changes:

101. Permit utility lines by right in the MHP zone.

Public Comment:

No public comment has been received on this change at the time of writing.

Commission Discussion:

The Commission proposed these changes to bring greater consistency to the MHP zone's permitted uses when compared to other zones.

Recommendation:

Staff recommends inclusion of these changes and agrees with the Commission's rationale.

Standard of Review

As per §34-42 of the City Code, if initiated, the planning commission shall review and study each proposed amendment to the zoning code 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.

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;

The proposed amendment would conform to the guidelines and policies in the 2007 Comprehensive Plan. Much of the Plan's guidance on land use and zoning matters is focused on land use issues specific to individual neighborhoods, corridors and districts. However, the Plan does recommend that when alternative ordinances are developed, they should "respect and protect adjacent residential areas" (p. 94).

In examining the land use issues identified in previous planning processes and studies, the Plan categorized the issues in three general areas. One of these was "the desire to protect residential neighborhoods from encroachment by unwanted and incompatible uses and changes that will de-stabilize the neighborhood" (p. 249). It is staff's opinion that the proposed changes to the residential matrix do not undermine the protected status that the Plan calls for using in residential districts.

2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;

The proposed amendment would further the purposes of the zoning chapter and the general welfare of the community. The following purposes from §34-3 relate the closest to the proposed changes, and are all furthered with an amended ordinance:

- To regulate and restrict the location of trades, industries and residences
- To facilitate the creation of a convenient, attractive and harmonious community, to protect against overcrowding of land and undue density of population in relation to the community facilities existing or available, and to protect the natural beauty and special features of the city
- To protect and enhance the character and stability of neighborhoods
- To promote economic development activities that provide desirable employment and enlarge the tax base
- To provide a balance of housing opportunities suitable for meeting the current and future needs of residents of the city

3. Whether there is a need and justification for the change;

The need and justification for the change is outlined on page 3.

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.

This zoning text amendment does not include a change in the zoning district classification of any particular property.

Public Participation

The Planning Commission expressed a strong need for public outreach to solicit citizen participation. Commissioners were concerned that the update would be perceived as a “mini-rezoning” and “under the radar”. They desired not only an outreach effort to community stakeholders, but also an educational piece from staff that explained zoning basics like the differences between zones, how uses are permitted and why it was important to be engaged in the review.

With Commissioners’ input, staff developed a stakeholder list of almost 100 names of neighborhood leaders, nonprofits, business executives, real estate brokers and development-related professional firms. This group of stakeholders has been periodically updated with emails and/or letters from staff on the zoning matrix changes. In addition, staff has made use of a database compiled during the last Comprehensive Plan update that

contains emails from over 1000 community members to send similar updates with information on how to stay informed.

Staff has spoken before the following groups to inform community stakeholders about the zoning matrix update

- Greater Charlottesville Chamber of Commerce
- Charlottesville Housing Advisory Committee
- Charlottesville Neighborhood Federation

The slide show, along with other supporting materials, is available at <http://www.charlottesville.org/Index.aspx?page=2756>.

As of this date, staff has received a small amount of feedback from members of the public. Comments and opinions on the proposed changes have been included with each use in the Analysis section of this memo, starting on page 3. Summaries of other responses, with staff analysis, are below:

- **Residential Density in Commercial and Mixed Use Districts**

Commissioners and staff received an email recommending that the ceilings for residential density be removed from all commercial and mixed use districts. The person highlighted the addition of single room occupancy facilities (SRO) to the ordinance, which allows City Council to set the density regardless of the underlying zone's maximum density for SRO projects. He felt this rationale could be used in other districts to increase affordability while not impacting "building scale, appearance, or general neighborhood aesthetics". He believed that removing the density ceiling would not spark a wave of increased development in Charlottesville that would strain our infrastructure or neighborhood character.

Staff Analysis

The city's zoning allows increased density and mixed use zonings in areas deemed appropriate for more concentrated growth. Any increase of density on a property due to new construction would likely have impacts associated with it, such as parking needs, traffic congestion and utility capacity. The effectiveness of the city's commercial and mixed use zones should be constantly monitored to ensure any negative impacts do not spill over into adjacent districts. Staff has not recommended any changes in density in the three proposed matrices.

- **Density and Mixed Use Zoning**

Commissioners heard input during the public comment period at their March 2010 meeting that focused on concerns with "increased density and mixed use zoning". The speaker shared fears with the disruption of existing neighborhood stability, citing Belmont as an example of a "plan gone awry". Also, the speaker implored Commissioners to be mindful of existing, longtime residents when making changes that could result in impacts from a newer commercial tenant.

Staff Analysis

Staff recommends that Commissioners focus their attention to this inquiry during their review of the commercial and mixed use matrices. Staff does not recommend any changes to density ceilings in residential districts.

- **Telecommunications Ordinance**

Staff received an inquiry asking if this review was the opportunity to expand telecommunications facilities as a permitted use in residential areas.

Staff Analysis

Commissioners may recall the discussions concerning the update of the telecommunications ordinance based on an applicant request from 2008. The issue has not moved forward at this time due to the applicant withdrawing the request. In order to proceed with a sound, defensible telecommunications ordinance, staff recommends that an expert assist in that project. This update is not currently listed in the Planning Commission's work plan, nor is funding available at this time.

The person who inquired about telecommunications understood that it would be difficult to review without a comprehensive look at the whole ordinance, but wanted to ensure staff was aware of the issue for future study.

Recommendation

Staff recommends that Commissioners focus their attention on the proposed changes that generated the most discussion in the meetings and work sessions leading up to the May public hearing:

- Accessory apartments
- Adult day care
- Property management offices
- Educational facilities

Should additional information come to light as a part of the public hearing on other changes that have had no discussion previously, Commissioners can add those uses to their focus.

Staff recommends that Commissioners take no action at this time on any changes to the following land uses for reasons outlaid in the previous pages' analysis:

- Convent/monastery
- Residential treatment facility
- Bed and breakfast: "B & B"
- Private clubs

For all other changes not listed here, staff recommends approval of the zoning text amendment.

Appropriate Motions

1. “I move to recommend approval of this zoning text amendment to amend and re-ordain Sections 34-420 of the Code of The City of Charlottesville, 1990, as amended, to revise and adjust certain land uses allowed in residential districts on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*).”

2. “I move to recommend approval of this zoning text amendment to amend and re-ordain Sections 34-420 of the Code of The City of Charlottesville, 1990, as amended, to revise and adjust certain land uses allowed in residential districts on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) *with the following additions and modifications:*”
 - a.
 - b.

3. “I move to recommend denial of this zoning text amendment to amend and re-ordain Sections 34-420 of the Code of The City of Charlottesville, 1990, as amended, to revise and adjust certain land uses allowed in residential districts on the basis that the changes would not serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) *for the following reasons:*”
 - a.
 - b.

Enclosure

Residential Matrix – Updated April 22, 2010