

CHARLOTTESVILLE CITY COUNCIL SPECIAL MEETING MINUTES
WORK SESSION - Draft Zoning Ordinance Deliberations
December 14, 2023 at 6:00 p.m.
City Hall Council Chamber, 605 E. Main Street

The Charlottesville City Council held a special meeting in the format of a work session on Thursday, December 14, 2023, to continue deliberation of proposed changes to Chapter 34 of the Code of the City of Charlottesville - Zoning Ordinance/Development Code. Mayor Snook called the meeting to order and noted all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, Councilors Michael Payne, Brian Pinkston and Leah Puryear.

James Freas, Director of Neighborhood Development Services, introduced the topics for the meeting, and areas for Council guidance. He referenced a memo that he sent to City Council earlier in the day regarding disposition of pending projects and the maps showing the map decisions Council has already made (including the one from December 13). The following remaining items were discussed:

1. Homestays Ordinance
2. Accessory Dwelling Unit provisions and the RN-A and Core Corridor Districts
3. Disposition of Pending Projects
4. Next Steps

Council acknowledged agreement by unanimous consent for adding two districts which would allow the use of homestays. Councilors except Snook were in favor of keeping the RN-A (Residential Core Neighborhood District) designation and they provided guidance on mapping for the RN-A districts and corridor overlays.

Council discussed staff's recommendations for affordability and length of affordability. A notable concern with the proposed Accessory Dwelling Unit provisions was the significant difference between the proposed requirements as they apply to rental versus ownership units.

Mayor Snook introduced a discussion about implementing a gross floor area limit in at least R-A Districts to comply with the Comprehensive Plan. Christy Dodson, Code Studio, provided justification for the "house-sized" building footprint. Councilors generally agreed to limit habitable spaces on a lot in residential areas to 7500 square feet.

Regarding disposition of pending projects, there are a number of projects in various stages of the site plan review process from some nearing completion of their review after many months and others only recently submitted. These projects do not qualify for vesting under state law and have no legal entitlement to continued review under the existing zoning ordinance after the effective date of the new ordinance. Council has the option to establish a set of criteria that grant some or all of these projects the right to continue the review and approval process under the existing zoning through a resolution adopted at the time of the adoption of the new zoning ordinance. The primary decision to be made is regarding the submission cutoff date. A project submitted before this date would continue under the existing zoning. A project submitted after that date would be subject to the new zoning code. Staff have identified three reasonable options.

1. August 31, 2023 – This date was the first advertisement of the draft zoning ordinance for the Planning Commission’s public hearing. The advertisement represents a clear notice of the pending decision by the City of the upcoming change to the zoning ordinance.
2. November 21, 2023 – This date was the first advertisement of the draft zoning ordinance for the Council’s public hearing. Again, the advertisement represents a clear notice of the pending decision by the City of the upcoming change to the zoning ordinance. This date is later and reflective of some of the proposed amendments to the ordinance by the Planning Commission.
3. December 18, 2023 – This date is the (presumed) adoption date for the new ordinance.

Staff concluded that option 1 above offers a fair balance between those projects that have been diligently pursuing approval over a number of months and minimizing the number of projects under review using the provisions of what will be the old ordinance in the future. Therefore, staff recommended Option 1. In addition to the cutoff date, the resolution should also establish a deadline or criteria for a project to maintain its status as “vested” under the terms of this proposed Disposition of Pending Projects resolution in the existing ordinance. Staff recommended that these projects be required to actively pursue approval unless given a time extension by the Director of NDS and have a deadline of completing site plan review by July 1, 2025. In addition, the new ordinance includes a requirement that, after the third submission, if a project does not get approval, the applicant must submit a new application, with new fees and any other requirements. Staff recommends that if a new submission is required, that a project lose its “vested” (by Council resolution) status. Council was in favor of staff recommendations.

After further discussion of specific areas of the city and zoning designations, Council by unanimous consent agreed on the R-B designation for areas that currently house trailer parks. They provided additional guidance to staff on zoning map considerations for other areas.

On motion by Pinkston, seconded by Puryear, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) continued its consideration of adoption of the draft Development Code to its Monday, December 18, 2023, regular meeting.

The meeting adjourned at 8:37 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council