

City of Charlottesville

Development Review Procedures

Produced by the Department of Neighborhood Development Services

July 28, 2015





The purpose of this document is to summarize in one brief document how the most common applications for development are processed in the City of Charlottesville.

In each of the following sections, you will see a short definition of the application, some general facts about the application, and a graphic detailing the general review process.

It is important to remember that in the interest of simplicity these review processes are described in the broadest terms possible. There are many steps involved in each of the applications covered in this document, and the specific process an individual application goes through depends on the details of that application. However, regardless of the details of a particular application, the general processes outlined in this document are followed in all but the rarest of situations.

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Further information or questions can be directed to:

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Rezoning

A rezoning is a proposal to change the zoning of a specific parcel of land. Such a request may be submitted by the property's owner or designated agent. Rezonings of larger areas of the City must be initiated by City Council or the Planning Commission.

Things to remember regarding rezoning applications:

- **City Council is the only body that can approve or deny a rezoning request.**
- A rezoning is legally binding. If approved, the new zoning regulations run with the land, not the owner. This decision can only be altered through another rezoning process
- A rezoning application is a discretionary process. This means that City Council is not under any obligation to approve a rezoning request.
- Rezoning requests for land in an Architectural Design Control District are discussed by the Board of Architectural Review prior to the Planning Commission.
- The Planning Commission makes a recommendation to City Council on all rezoning requests.
- The standard of review for a rezoning request is found in Section 34-42(a) of the City Code.
- Applicants requesting a rezoning may choose to make proffers that serve to mitigate the impacts of the request. Proffers typically take the form of some voluntary restrictions on the property if the rezoning is approved, or some type of contribution to the community.
- In Virginia, localities may not request proffers, they must be offered voluntarily by the applicant.
- Under Charlottesville code, Planned Unit Developments (PUDs) are a form of zoning that applicants can request. A PUD request is a rezoning, and the applications follow the same process as any other rezoning.

Rezoning Process

Application

The applicant submits a complete application for a rezoning.

Preliminary Discussion

The item is discussed by the Planning Commission, usually three weeks after application submission.

Joint Public Hearing

The item is presented at a Planning Commission meeting with City Council present. Public input is heard at this meeting. These meetings are held on the second Tuesday of each month.

Planning Commission Recommendation

The Planning Commission discusses the request and makes a recommendation to City Council.

City Council Action

City Council considers the item at one of their regular meetings (first or third Monday of each month) and votes on the proposal.

Special Use Permit

In each zoning district, the City allows certain uses and intensities of use without further review by City Council, and some uses with further review. The special use permit is a request by a property owner or their agent to establish one of the uses that the City has deemed as needing further review.

If the City Council ultimately decides that the proposal is reasonable, and that any potential adverse impacts can be mitigated by suitable regulations and safeguards (“conditions”) then they may choose to approve the request.

Things to remember regarding special use permit applications:

- **City Council is the only body that can approve or deny a special use permit request.**
- A special use application is a discretionary process. This means that City Council is not under any obligation to approve a special use permit request.
- Special Use Permits run with the land, not the applicant.
- A special use permit is only made permanent if the permission granted in the permit is exercised in a timely manner. (Ex: an applicant cannot receive a special use permit for additional residential density, and then wait 20 years to take advantage of the increased density.)
- Special Use Permit requests for land in an Architectural Design Control District are discussed by the Board of Architectural Review prior to Planning Commission review.
- The Planning Commission makes a recommendation to City Council on all special use permit requests.
- The standard of review for a special use permit request is found in Section 34-157 of the City Code.
- The City can impose conditions on a special use permit. The conditions must generally mitigate an identified impact of the proposed development.

Special Use Permit Process

Application

The applicant submits a complete application for a special use permit.

Preliminary Discussion

The item is discussed by the Planning Commission, usually three weeks after application submission.

Joint Public Hearing

The item is presented at a Planning Commission meeting with City Council present. Public input is heard at this meeting. These meetings are held on the second Tuesday of each month.

Planning Commission Recommendation

The Planning Commission considers the request and makes a recommendation to City Council.

City Council Action

City Council considers the item at one of their regular meetings (first or third Monday of each month) and votes on the proposal.

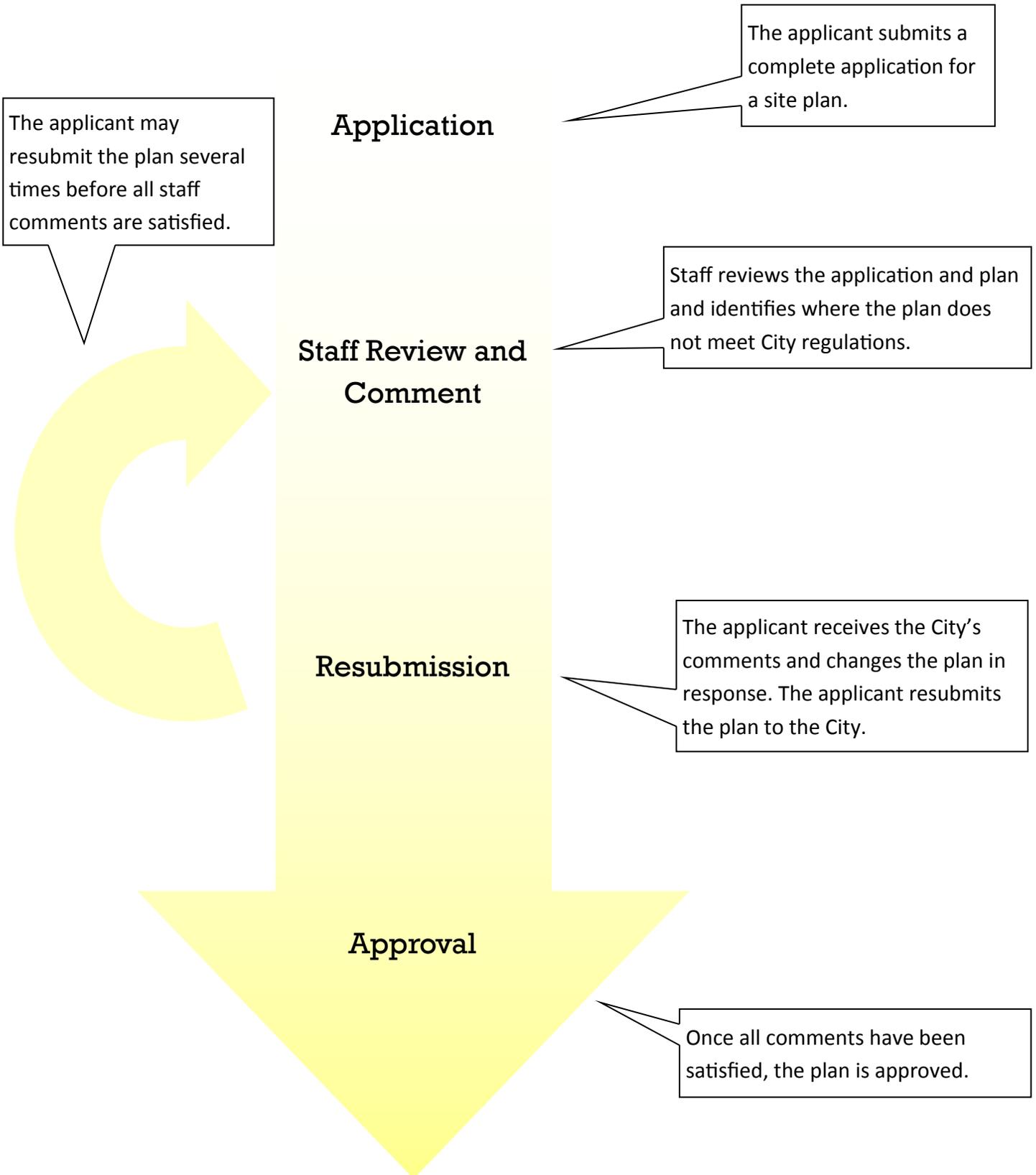
Site Plans

All developments—with the exception of single and two family construction—require a plan of development, or site plan. Site plans show the location of the proposed buildings, parking, landscaping, utility service, stormwater management facilities, etc. The site plan is the document by which the owner of the property demonstrates compliance with City regulations, and once approved serves as the guide for the development activity of the property.

Things to remember regarding site plan applications:

- **Site plans can be approved administratively by staff or by the Planning Commission.**
- A site plan application is a ministerial process. This means that the application must be approved after the applicant has complied with all applicable regulations.
- Site plans are typically valid for five years after approval.
- Site plan applications on land in an Architectural Design Control District must be accompanied by a submission for review by the Board of Architectural Review. The BAR must approve the project prior to site plan approval.
- The Planning Commission reviews specific site plans, but typically these are placed on a consent agenda—a list of items that are approved at the beginning of a meeting with no discussion.
- Site plans must comply with all applicable sections of the City Code.
- The City cannot impose conditions or request proffers on a site plan. Each comment or requested revisions must be based on a requirement in the City Code.

Site Plan Process



Subdivisions

A request to alter the boundary lines of a parcel of land, or create new lots comes to the City in the form of a request for a subdivision. These applications are accompanied by a subdivision plat that shows the current boundaries of the property and the proposed lot lines.

Things to remember regarding subdivision applications:

- **Subdivision plats can be approved administratively by staff or by the Planning Commission.**
- A subdivision application is a ministerial process. This means that the application must be approved after the applicant has complied with all applicable regulations.
- Signed subdivision plats must be recorded in the Circuit Court within six months of City approval. Once recorded, the plat is legally binding unless the owner decides to have the plat abandoned.
- Plats may be required to be accompanied with supporting documents that are similar to a site plan. These documents are valid for five years after approval, after which they would need to be updated to reflect any changes in the Code.
- The Planning Commission reviews specific subdivision plats, but typically these are placed on a consent agenda—a list of items that are approved at the beginning of a meeting with no discussion.
- Subdivision plats must comply with all applicable sections of the City Code.
- The City cannot impose conditions or request proffers on a subdivision plat. Each comment or requested revisions must be based on a requirement in the City Code.

Subdivision Process

