

Development Review Procedures Manual

City of Charlottesville, Virginia



Neighborhood Development Services

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1. Introduction

This manual is a companion document to the Charlottesville Development Code, serving as a reference for project developers and the public seeking to understand and navigate the required development review processes. The manual includes details for application submittal requirements and required public notice and engagement consistent with the Code of Virginia state statutes associated with certain development review processes and community expectations.

2. Application Requirements

General

Submission through the City Portal <https://permits.charlottesville.gov/portal> is required unless alternate instructions are denoted in a section below.

2.1 Comprehensive Plan Review

2.1.1 Comprehensive Plan Adoption

The Planning Commission and City Council initiate the process of reviewing and updating the Comprehensive Plan. Reference 5.2.2. and 5.2.3.

2.1.2 Comprehensive Plan Amendment

The Planning Commission and City Council initiate the process of reviewing and updating the Comprehensive Plan. Reference 5.2.1. and 5.2.3.

2.1.3 Review of Public Facilities

Reference 5.2.1 and 5.2.4.

2.2 Zoning Amendment

2.2.1 Zoning Text Amendment

A Zoning Text Amendment must be initiated by City Council or the Planning Commission. An applicant may submit a request to either of these groups for consideration for initiation of an amendment to the zoning text. Reference Sec. 5.2.5. *Zoning Amendments*.

2.2.2 Zoning Map Amendment

An application for a Zoning Map Amendment must be filed per the requirements in Sec. 5.2.1 *Common Review Procedures* and Sec. 5.2.5. *Zoning Amendments*.

General Requirements

For any Zoning Map Amendment application to implement a project requiring Development Review, the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to completion of the Zoning Map Amendment application.

Applications for Zoning Map Amendments must be filed in the Department of Neighborhood Development Services. Each application must be composed of a completed application and supplemental information required in order for the City to review and act on the application. At a minimum, a complete application must include:

1. Verification of the applicant's attendance at a pre-application meeting with the Administrator, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;
2. A City-provided application, signed by the owner of the property. Alternatively, the application form may be signed by the owner's authorized representative, if the application form is accompanied by the owner's written authorization (digital options for this are available in most cases);
3. Certification of evidence that any delinquent real estate taxes owed to the locality have been paid;
4. The required application fee, as set forth within the most recent fee schedule adopted by City Council;
5. All information required by any provision of the Development Code and any other applicable city ordinances, or state law, including the following:
 - a. A Development Plan when required by *Sec. 5.2.9. Development Review*.
 - b. A written disclosure of the information required by *Sec. 5.2.1.C.2. Disclosure of Real Parties in Interest* of the Development Code and, if the applicant is not the owner of the property, written evidence of their status as either the authorized agent of the property owner, or a contract purchaser of the property whose application is with the permission of the property owner;
 - c. Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development; and
 - d. Other supporting data sufficient to demonstrate compliance with the purposes and standards of the Development Code, including, without limitation, graphic materials that illustrate the context of the project as well as information and data addressing the criteria for review and decision set forth within *Sec. 5.2.5. Zoning Amendments*.
6. Project proposal narrative: Consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent, or objectives of the applicable zoning district classification.
7. Comprehensive plan analysis: Consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
8. Impacts on public facilities and infrastructure: A detailed narrative statement describing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the City for maintenance, etc.
9. Context Maps: One (1) or more maps showing the proposed project's neighborhood context, existing natural and human caused conditions, and existing topography.

10. Impacts on environmental features: A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, critical slopes, streams, etc. Photographs must be provided of features described in the narrative.
11. All required supplemental information.

Supplemental Information

For each application for a Zoning Map Amendment, the Administrator may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the Administrator will consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the Administrator determines to be relevant according to sound zoning practices. Required supplemental information may consist of any or all of the following:

1. **Project concept plan.** For any Zoning Map Amendment to implement a project not requiring a Development Plan, a Conceptual Plan may be required showing, as applicable:
 - a. Street network, including circulation within the project and connections to existing and planned streets within and outside the project;
 - b. General location of pedestrian and bicycle facilities;
 - c. Building envelopes;
 - d. Parking envelopes;
 - e. Public spaces and amenities;
 - f. Conceptual stormwater management facility locations and types;
 - g. Conceptual grading;
 - h. Conceptual landscape plan;
 - i. Topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; and
 - j. General location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.
 - k. For applications proposing the alteration of the footprint or height of an existing building, or the construction of 1 or more new buildings:
 - i. Building massing diagram
 - ii. Elevations
2. **Other information.** Including, without limitation, special studies or documentation, identified by the Administrator as being necessary for a full and complete review of the proposed Zoning Map Amendment consistent with good zoning practices.

Conditional Zoning Requirements

All proffered conditions must be submitted in a written format per the requirements of Sec. 5.2.5. *Zoning Map Amendments*, and must include the following, as applicable:

1. Written statements;
2. Development plans;
3. Profiles;
4. Elevations; and
5. Other demonstrative documents depicting, describing, or otherwise pertaining to a proposed development.

The Administrator may establish specific forms for use by persons who wish to submit proffered conditions. Each submission must be accompanied by the required fee, as set forth within the most recent fee schedule adopted by City Council.

2.3 Historic Preservation and Corridor Design Review

2.3.1 Minor Historic Review and Major Historic Review *General Requirements*

Pre-Application Conference (per Div.5.2.7.B.2.):

- For all projects, applicant should consult with preservation & design staff to initiate a design review inquiry and to determine if a pre-application meeting with the Development Review Team [ref. Div.5.2.9.B.1] is recommended prior to initiating the design review process. [Note: For those projects that require a Pre-Application Discussion with the full BAR (see below), a pre-application meeting with the Development Review Team is required prior to that meeting with the BAR.]
- For projects that require a Pre-Application Conference with the BAR (Div. 5.2.7.2.c), preservation & design staff will provide guidance on the information to be provided. The deadline for submitting materials is the same as for formal CoA requests.

Formal Application (per Div.5.2.7.B.3.):

- For any Historic Design Review application to implement a project requiring Development Review [per Section 34-5.2.9 of the Development Code], the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to BAR formally considering the Certificate of Appropriateness (CoA) application.

The following information and exhibits may be required for each application for a Certificate of Appropriateness (COA) for any project in an Architectural Design Control (-ADC) or Historic Conservation (-HC) overlay district or an Individually Protected Property (-IPP), requiring a Minor or Major Historic Review. Not everything listed is necessary for a specific project; applicants should coordinate with **preservation & design** staff to determine what is needed.

1. Detailed and clear descriptions of proposed construction and/or proposed changes in the exterior features of the subject property, including but not limited to the following, as applicable: the general design, architectural style, form, and details, building location and arrangement, materials (including textures and color palette), windows and exterior doors (including glass specifications), lighting (including Color Temperature and Color Rendering Index), landscaping (including removal of existing trees and site elements), parking, signs, locations of utility boxes/meters and mechanical equipment (including planned screening), and other exterior fixtures and appurtenances.
2. At the discretion of the Administrator, for new construction and projects proposing expansion of the footprint of an existing building: a 2D representation of a three-dimensional model, in digital form (i.e. renderings, illustrative drawings) depicting the site, and all buildings and structures to be

located thereon, as it will appear upon completion of the work that is the subject of the application.

3. Photographs of the subject property and contiguous properties, indicating the relationship of the proposed change to surrounding properties and/or buildings.
4. Photographs and/or catalog cutsheets showing the nature, texture and color of materials proposed. Staff may request physical samples.
5. The history of an existing building or structure.
6. For applications also requiring the review of a Development Plan, that must be submitted. For applications that include landscaping, include a landscape plan as follows:
 - a. For a project requiring the review of a Development Plan, the Landscape Plan must meet the requirements set forth in that Section-
 - b. For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the Administrator to determine whether the applicable design standards are met.
7. In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates for rehabilitation, prepared by a professional engineer.
8. For sign permit Certificate of Appropriateness (CoA), see requirements under 2.6.3. Similarly, the fee will be calculated on a per sign basis, not a single CoA application.
9. If significant and substantive modifications to the approved design are necessary due to the Development Plan or final site plan, staff, following consultation with the Administrator, may void the CoA and require a new application, including the associated fee.

Minor Historic Review.

Reference Div. 5.2.6.

In the event of a party appealing an administrative review (ref Div. 5.2.6.D.), the matter will be referred to the BAR and treated as a Major Review, applying the timelines stated to complete such reviews.

Major Historic Review

Reference Div. 5.2.7

For a property in an ADC District or IPP: Following submittal of a complete application, the BAR will have 60 days from the application deadline to take an action--within the first two consecutive BAR meetings following the deadline. Following the first meeting, the BAR may approve or deny the CoA, or defer action to the next BAR meeting, at which time the BAR must approve or deny the CoA. An applicant may request a deferral, after which they will have 18-months from the original submittal deadline to return under the same application. If that period exceeds 18-month, the deferred request will expire and a new application, including fee, is required. Under unusual circumstances, and at the request of the applicant, the BAR may consider extending that period by no more than 12-months.

In the event of a party appealing a BAR action (ref 5.2.7.E.), the validity period of an approval will start on the date of the final action taken as available under 5.2.7.E.

For a property in a HC District: Following submittal of a complete application, the BAR will have thirty (30) days from the application deadline to take an action. Following the first BAR meeting, only the applicant may request a deferral, the BAR must either approve or deny the CoA. Staff will consider a failure to act as consent for an administrative approval. Following an applicant's request for a deferral, they will have 18-months from the original submittal deadline to return under the same application. If that period exceeds 18-month, the deferred request will expire and a new application, including fee, if

applicable, is required. Under unusual circumstances, and at the request of the applicant, the BAR may consider extending that period by no more than 12-months.

2.3.2 Corridor Review

General Requirements

Pre-Application Conference (per Div.5.2.8.B.1.):

- For all projects, applicant should consult with preservation & design staff to initiate a design review inquiry and to determine if a pre-application meeting with the Development Review Team [ref. Div.5.2.9.B.1] is recommended prior to initiating the design review process.

Formal Application (per Div.5.2.8.B.2.):

- For any Entrance Corridor Design Review application to implement a project requiring Development Review [per Section 34-5.2.9 of the Development Code], the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to ERB formally considering the issuance of the Certificate of Appropriateness (COA) application.

The following information and exhibits must be submitted along with each application for a Certificate of Appropriateness for any project in the Entrance Corridor (-EC) overlay district, requiring Corridor Review. Not everything listed is necessary for a specific project; applicants should coordinate with historic preservation staff to determine what is needed.:

1. Detailed and clear descriptions of proposed construction and/or proposed changes in the exterior features of the subject property, including but not limited to the following, as applicable: the general design, architectural style, form, and details, building location and arrangement, materials (including textures and color palette), windows and exterior doors (including glass specifications), lighting (including Color Temperature and Color Rendering Index), landscaping (including removal of existing trees and site elements), parking, signs, locations of utility boxes/meters and mechanical equipment (including planned screening), and other exterior fixtures and appurtenances.
2. At the discretion of the Administrator, for new construction and projects proposing expansion of the footprint of an existing building: a 2D representation of a three-dimensional model, in digital form (i.e. renderings, illustrative drawings) depicting the site, and all buildings and structures to be located thereon, as it will appear upon completion of the work that is the subject of the application.
3. Photographs of the subject property and contiguous properties, indicating the relationship of the proposed change to surrounding properties and/or buildings.
4. Photographs and/or catalog cutsheets showing the nature, texture and color of materials proposed. Staff may request physical samples, if warranted.
5. For applications that include landscaping, include a landscape plan as follows:
 - a. For a project requiring the review of a Development Plan, the Landscape Plan must meet the requirements set forth in that Section.
 - b. For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the director to determine whether the applicable design standards are met.
6. For sign permit CoA, see requirements under code section 2.6.3. Similarly, the fee will be calculated on a per sign basis, not as a single CoA application.

For an Entrance Corridor application referred to the ERB: Following submittal of a complete application, the ERB will have 60 days from the application deadline to take an action--within the first two consecutive ERB meetings following the deadline. Following the first meeting, the ERB may approve or deny the CoA, or defer action to the next ERB meeting, at which time the ERB must approve or deny the CoA. An applicant may request a deferral, after which they will have 18-months from the original submittal deadline to return under the same application. If that period exceeds 18-month, the deferred request will expire and a new application, including fee, is required. Under unusual circumstances, and at the request of the applicant, the ERB may consider extending that period by no more than 12-months.

If significant and substantive modifications to the approved design are necessary due to the Development Plan or final site plan, staff, following consultation with the Administrator, may void the CoA and require a new application, including the associated fee.

2.4 Development and Subdivision Review

Development Review

Development Review applies to all Projects (see Div.7.2 Definitions); including, but not limited to: New Construction, Additions, Site Modifications, and Changes of Use. Development Review is not required for a change of use/site modification provided that no additional site access, or alteration of existing site access is recommended by the City based on intensification of use; and no additional site access, or alteration of existing site access is proposed. Projects not requiring Development Review may require a Building Permit.

Projects subject to Development Review require approval of a Final Site Plan prior to any site activity or issuance of a Land Disturbance Permit and/or Building Permit.

If a project is subject to Development Review, an applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to applying for any discretionary approvals such as a Special Exception Permit, Special Use Permit, Administrative Modification, Variance, Critical Slopes Special Exception, or Floodplain Variance application. If a project is subject to Historic Preservation or Corridor Design Review, an applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to the issuance of a Certificate of Appropriateness.

Final Site Plan

A Final Site Plan is a collection of approved subplans that meet all requirements set forth within the Code of Virginia§ 15.2-2240 et seq and may include:

- Development Plan (Major or Minor)
- Stormwater Management Plan
- Public Improvement Plan
- Certificate of Appropriateness (coordinate with Historic or Entrance Corridor Review)
- Traffic Demand Management Plan (if required)
- All applicable:
 - Special Use Permits
 - Administrative Modifications and Exceptions
 - Special Exception Permits

- Waivers
- Permits
- Variances

Note: not all subplans may be required for every Project.

Projects with over 50,000 square feet of gross floor area must submit a Traffic Demand Management Plan. Reference Section 4.5.4.C.1

Development Plan – Minor

Minor Development Plans include Projects consisting of residential construction of up to two dwelling units on one lot; residential additions; site modifications; and change of use; and are subject to the discretion of the Administrator. Minor Development Plans do not need to be prepared by an architect, professional engineer, land surveyor or certified landscape architect licensed to practice within the Commonwealth of Virginia; and may be prepared as a dimensioned sketch provided enough information is included for staff to complete their review. All plans must be submitted electronically to the City for review.

Requirements for a Minor Development Plan may include (and must be shown on the plan documents):

- a. The name of the development; names of the owners, developers and individuals who prepared the plan; tax map(s) and parcel number(s) (unabbreviated and expressed in full); address(es); zoning district classification(s); descriptions of all variances, zoning proffers and bonus factors applicable to the project; north point; scale (in engineering or architectural units); sheet number(s) and total number of sheets; date of drawing; date and description of revisions; property lot lines.
- b. All applications for waivers, variations, permits, special exceptions, special use permits, design review, and administrative modifications and exceptions may be submitted with the Minor Development Plan or individually. Approval of a Final Site Plan will not be granted until all outstanding requests are addressed by the appropriate body.
- c. A legend showing all symbols and abbreviations used on the plan.
- d. Existing Use(s) and Proposed Use(s).
- e. Lot size; density (or maximum number of dwelling units); coverage; building setbacks and build-to dimensions; transition; entrances; parking location; fences and walls; building separation; vehicular circulation; and elevations.
- f. Indicate if residential units are sale or rental units; number of bedrooms per unit; description of any affordable dwelling unit requirements applicable to the subject property or project and reference to the specific deeds, agreements, or other evidence of the property owner's binding obligation to provide affordable dwelling units applicable to the subject property. Reference the Affordable Dwelling Unit Manual.
- g. Critical slopes, as defined in Sec. 4.10.1. *Critical Slopes*.
- h. Existing landscape features as described in Sec. 4.9.1. *Tree Preservation and Replacement*, including all individual trees of 8-inch caliper or greater.
- i. One hundred-year flood plain limits, as shown on the official flood insurance maps for the City of Charlottesville, as well as the limits of all floodway areas and base flood elevation data required by Sec. 2.9.1. *Flood Hazard Protection District*.
- j. Existing and proposed access easements and alley easements.

- k. Existing and proposed drainage easements.
- l. Location and size of existing water, sanitary and storm sewer facilities, and easements, and proposed conceptual layout for water and sanitary sewer facilities and public storm sewer facilities.
- m. Location of other existing and proposed utilities and utility easements.
- n. Location of existing and proposed ingress to and egress from the property, showing the distance to the centerline of the nearest existing street intersection.
- o. Location and dimensions of all existing and proposed improvements.
- p. The location, character, size, height, and orientation of proposed signs, as proposed to be installed or erected in accordance with *Div. 4.11. Signs*; and elevations of buildings showing signs to be placed on exterior walls. Signs which are approved in accordance with this Section will be considered a part of the approved Development Plan and Final Site Plan. Thereafter, signs will not be installed, erected, painted, constructed, structurally altered, hung, rehung, or replaced except in conformity with the approved Development Plan and Final Site Plan. Any changes in signs from the approved Development Plan and Final Site Plan or any additions to the number of signs as shown on the Development Plan and Final Site Plan will be allowed only after amendment of the Development Plan and Final Site Plan by the Administrator.
- q. Specific written schedules or notes as necessary to demonstrate that the requirements of the Development Code are being satisfied.
- r. For all parking and loading areas, indicate: size, angle of stalls; width of aisles, specific number of spaces, and type of surfacing.
- s. Landscape Plan.
- t. Traffic Demand Management Plan (if required)
- u. Demonstrate adherence to the building façade Transparency, Height; Massing; Active Depth; and ground story requirements.
- v. The Administrator may require additional information to be shown on the Development Plan as deemed necessary in order to provide sufficient information for the Administrator to adequately review the Development Plan.
- w. Signature panels for:
 - o The Administrator
 - o Code Official

Development Plan – Major

Major Development Plans include Projects consisting of residential construction of three or more dwelling units on one lot; nonresidential construction; and change of use; and are subject to the discretion of the Administrator. Applicants may provide a written request for consideration to be processed as a Minor Development Plan prior to application submission.

Major Development Plans shall be submitted electronically and shall be prepared, sealed, signed, and dated by an architect, professional engineer, land surveyor or certified landscape architect licensed to practice within the Commonwealth of Virginia.

Requirements for a Major Development Plan may include:

- a. All applications for waivers, variations, permits, special exceptions, special use permits, design review, and administrative modifications and exceptions may be submitted with the Major Development Plan or individually. Approval of a Final Site Plan will not be granted until all outstanding requests are addressed by the appropriate body.
- b. Major Development Plan must be prepared to a standard engineering scale and submitted electronically. Paper plans will not be accepted for review.
- c. The name of the development; names of the owner, developer and individual who prepared the plan; tax map(s) and parcel number(s) (unabbreviated and expressed in full); address(es); zoning district classification(s); descriptions of all variances, zoning proffers and bonus factors applicable to the site; description of affordable dwelling unit requirements applicable to the subject property; city and state; north point; scale; 1 datum reference for elevation (where a flood hazard overlay district is involved, U.S. Geological Survey vertical datum shall be shown or correlated to plan topography); source of the topography; source of the survey; sheet number and total number of sheets; date of drawing; date and description of latest revision; property lines; minimum setback lines, yard and building separation requirements.
- d. A legend showing all symbols and abbreviations used on the plan.
- e. Existing Use(s) and Proposed Use(s).
- f. Lot size; density (or maximum number of dwelling units); coverage; building setbacks and build-to dimensions; transition; parking location; height; massing; ground story; transparency; entrances; fences and walls; building separation; vehicular circulation; outdoor lighting; and elevations.
- g. Indicate if residential units are sale or rental units; number of bedrooms per unit; description of any affordable dwelling unit requirements applicable to the subject property or project and reference to the specific deeds, agreements, or other evidence of the property owner's binding obligation to provide affordable dwelling units applicable to the subject property.
- h. If phasing is planned, phase lines and proposed timing of development.
- i. Topographic information submitted with a Development Plan must be in the form of a topographic survey, which shall identify areas of critical slopes, as defined in Sec. 4.10.1. *Critical Slopes*, natural streams, natural drainage areas, and other topographic features of the site.
- j. Proposed grading: maximum two-foot contours.
- k. Existing landscape features as described in Sec. 4.9.1. *Tree Preservation and Replacement* (requirements of landscape plans), including all individual trees of 8-inch caliper or greater. The landscape plan shall depict existing landscape features, including, without limitation: wooded areas (indicated by general type, e.g., evergreen or deciduous) and location of tree line; small groupings of trees; individual trees of eight (8) inch caliper or greater; ornamental trees of any size (indicated by common name), approximate caliper, and location; distinctive natural features, such as rock formations or water features; and human caused features of local or historic significance.)
- l. The name and location of all watercourses, waterways, wetlands and other bodies of water adjacent to or on the site.

- m. One hundred-year flood plain limits, as shown on the official flood insurance maps for the City of Charlottesville, as well as the limits of all floodway areas and base flood elevation data required by Sec. 2.9.1. *Flood Hazard Protection District*.
- n. Existing and proposed streets, access easements, alley easements, paper streets, and rights-of-way, and other vehicular travel-ways, together with street names, highway route numbers, right-of-way lines and widths.
- j. Location and size of drainage channels, and existing and proposed drainage easements; and a conceptual stormwater management plan showing how the applicant will achieve adequate drainage post-development, including a description of the specific design concept the applicant plans to apply.
- k. Location and size of existing water, sanitary and storm sewer facilities and easements, and proposed conceptual layout for water and sanitary sewer facilities and public storm sewer facilities.
- l. Location of other existing and proposed utilities and utility easements.
- m. Location of existing and proposed ingress to and egress from the property, showing the distance to the centerline of the nearest existing street intersection.
- n. All areas intended to be dedicated or reserved for public use.
- o. The location, character, size, height and orientation of proposed signs, as proposed to be installed or erected in accordance with Div. 4.11. Signs; and elevations of buildings showing signs to be placed on exterior walls. Signs which are approved in accordance with this Section will be considered a part of the approved Development Plan and Final Site Plan. Thereafter, signs will not be installed, erected, painted, constructed, structurally altered, hung, rehung or replaced except in conformity with the approved Development Plan and Final Site Plan. Any changes in signs from the approved Development Plan and Final Site Plan or any additions to the number of signs as shown on the Development Plan and Final Site Plan will be allowed only after amendment of the Development Plan and Final Site Plan by the Director of Neighborhood Development Services.
- p. Specific written schedules or notes as necessary to demonstrate that the requirements of the Development Code are being satisfied.
- q. For all parking and loading areas, indicate: size, angle of stall; width of aisles, specific number of spaces, and type of surfacing.
- r. Traffic Demand Management Plan (if required)
- s. A final landscape plan including Transitions and Screening, Retaining Walls, Landscaping, and Streetscape Standards. The location, size and shape of all proposed plant materials, and verification that minimum landscaping and screening requirements have been satisfied. - A schedule of proposed plantings, including number, height, caliper or gallon size, and botanical name, and tables calculating the amount of any open space and tree cover required and provided. - With respect to street trees, the plan should be marked to indicate the classification of the street on which such trees front and if the street is within one (1) of the city's corridor districts.)
- t. Demonstrate adherence to the building façade Transparency, Height; Massing; Active Depth; and ground story requirements.
- u. Signature panel for the preparer.

- v. Signature panels for:
 - A. The Administrator
 - B. Code Official

The Administrator may require additional information to be shown on the Development Plan as deemed necessary in order to provide sufficient information for the Administrator to adequately review the Development Plan.

Development Review

Development Review follows the process outlined in Div. 5.2.1 Common Review Procedures and 5.2.9 Development Review.

Development Review consists of two separate approvals, a Development Plan and Final Site Plan. A Development Plan and Final Site Plan are required for all projects that require Development Review.

Development Plans and Final Site Plans may be reviewed simultaneously or may be phased. An applicant may choose to apply for Development Plan approval and engineering approval, and then apply for Final Site Plan approval and building approval in order to start building construction. Development Plan and Final Site Plan reviews include the requirements of this Development Code, and engineering and building reviews include requirements of separate Chapters of the City of Charlottesville Code and the Standards and Design Manual.

If an applicant pursues Final Site Plan approval prior to receiving approval of a Development Plan, no Building Permits required by the City Code of Ordinances *Chapter 5, Building Regulations; Property Maintenance* shall be accepted for review until the Final Site Plan is approved by the appropriate bodies.

If an applicant receives approval of a Development Plan prior to applying for a Final Site Plan, Building Permits required by the City Code of Ordinances *Chapter 5, Building Regulations; Property Maintenance* may be reviewed at the same time the Final Site Plan is under review. Building Permits may not be issued prior to Final Site Plan approval.

Anything regulated by this Development Code will be reviewed for compliance by the Administrator, with additional review by other City Departments.

Fees:

Application and review fees (Div.5.2.1.C.3. Fee Schedule) must be received, processed, and accepted by the City prior to the commencement of any review.

Completeness:

Prior to the acceptance of any application for review, completeness must be determined as outlined in Div.5.2.1.C.4 Completeness Determination.

Application Deadline:

Complete applications shall be submitted in accordance with the City's published schedule as outlined in Div.5.2.1.C.5 Application Deadline. If an application is deemed completed per Div.5.2.1.C.4 prior to the next submission deadline date, the application will be given that date as its "Official Submission Date". All review deadlines and milestones will be based off the "Official Submission date".

- 1) Except as otherwise provided herein, the Administrator shall approve or disapprove a Development Plan within forty (40) days after the date such application was officially submitted.

- 2) The Administrator shall not be required to approve a Development Plan in fewer than forty (40) days after the date it was officially submitted, or thirty (30) days after it has been officially resubmitted after a previous disapproval.
- 3) Any state agency making such review is required to complete its review within thirty (30) days after receipt of the application. Upon receipt of approval from all relevant state agencies, the Administrator shall act upon the application within twenty (20) days. All actions on an application shall be completed by the agent and if necessary, state agencies, within a total of ninety (90) days after the date the plan was officially submitted.

Revised Application Materials:

Within ninety (90) days after receiving a notice of denial ("grace period"), a developer may resubmit the revised Development Plan/Final Site Plan, without application fees, and request reinstatement of review of the plan ("resubmittal"). A Resubmitted Development Plan/Final Site Plan must be accompanied by a detailed "Comment Response Letter" outlining how each deficiency from the original submission has been corrected. Staff will review the revised plans to ensure deficiencies identified within the original submission have been corrected and identify all deficiencies that arise as a result of the corrections made to address previous deficiencies. The date of the next submission deadline following such re-submittal shall be deemed to be the original date on which the application was "officially submitted".

- 1) Except as otherwise provided herein, the Administrator shall approve or disapprove a resubmitted Development Plan/Final Site Plan within thirty (30) days after the date such application was officially submitted.

Revised application materials that solely address deficiencies from the original submission can be resubmitted up to three (3) times before a new application fee will be required for further application review. The Administrator may allow for additional revisions to be submitted without requiring a new application fee in circumstances that are beyond the control of the applicant.

- 1) Initial submission with application fees and an official submission date set by Application Deadline.
 - a) 40 days for staff to approve or disapprove the application.
- 2) Resubmission #1. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 30 days for staff to approve or disapprove the application.
- 3) Resubmission #2. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 30 days for staff to approve or disapprove the application.
- 4) Resubmission #3. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 14 days for staff to approve or disapprove the application.

In the event the developer fails to resubmit an updated plan within the ninety (90)-day grace period, a new application and fee shall be required for a subsequent submission. The Administrator shall notify the applicant in writing within fifteen (15) days after the revision deadline that if such revisions are not made, the plan will be denied approval. Within fifteen (15) days after mailing the notice of denial, the developer may resubmit the Development Plan/Final Site Plan, together with any required reinstatement fee. The date of the next submission deadline following such re-submittal of the Development Plan/Final Site Plan shall be deemed to be the date on which the application was "officially submitted"

At any time during the review process, an applicant may request that further processing or formal action on their application for approval of a Development Plan or Final Site Plan be indefinitely deferred.

Thereafter, the application shall be deemed to have been voluntarily withdrawn by the applicant if the applicant fails to initiate, in writing, a reinstatement of review so that final action on the plan can be taken within six (6) months after the date the deferral was requested. Upon written request received by the Administrator before the date on which the application will be deemed to be withdrawn, the director may grant a onetime extension of the deferral for a period determined to be reasonable, taking into consideration the size or nature of the proposed development, the complexity of the review, and the laws in effect at the time the request for extension is made.

If an application does not receive approval on the third (3rd) resubmission, a new application and fees will be required to continue the review process. In a detailed letter to the Administrator, the applicant may request an additional review without a new application fee for circumstances that are beyond the control of the applicant. Each additional review will require this request. It is up to the discretion of the Administrator to approve or deny the request and may be granted with conditions.

Withdrawal of an Application:

Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.

No portion of a required application fee will be refunded on any withdrawn application.

For applications requiring a public meeting or hearing, when a meeting or hearing has been advertised, the withdrawn application will be announced at the meeting or hearing.

Revisions to an Approved Development Plan or Final Site Plan, as described in Div. 5.2.9.F.2.C, shall follow the same process as outlined in Div. 5.2.1 and 5.2.9.

2.5 Subdivision Review

Subdivision Review applies to any division of land for the purpose of sale, lease, or development, boundary line adjustments, creation of sublots and easement plats and follows the process as described in Div. 5.2.1 Common Review Procedures and 6.7.3 Subdivision Review. The Administrator may grant variations or exceptions to particular submission requirements articulated within this section, however, the Administrator may not grant variations or exceptions to (i) any requirements of Chapter 10, or any requirements or standards set forth within this chapter relating to drainage or flood control, or (ii) any requirements applicable to the layout, design and construction of public streets or other public facilities.

General Plat Requirements

All plats required for Subdivision Review must comply with the following requirements:

1. **State standards.** Every plat must meet the standard for plats promulgated by the Virginia Library Board pursuant to Va. Code § 42.1-82 of the Virginia Public Records Act, as such standards are set forth within the Virginia Administrative Code. A copy of these standards will be kept on file within the Department of Neighborhood Development Services. Document size must be between 8.5 inches by 11 inches and 18 inches by 24 inches, or 8.5 inches by 14 inches, the maximum size accepted by the Charlottesville Circuit Court Clerk's Office.
2. **State professional standards.** Every plat must meet the minimum standards and procedures for land boundary surveying practice, including minimum field procedures and office procedures, as set forth within the Virginia Administrative Code. A copy of such standards and procedures will be kept on file within the Department of Neighborhood Development Services.
3. **Name of plat preparer.** Every plat must contain the name and signature of the person who prepared the plat, who must be either a certified professional engineer or land surveyor.

4. **General information.** Every plat must contain the following information:
 - a. Date of drawing, including the date of the last revision;
 - b. Number of sheets;
 - c. North point;
 - d. Signature panels for the Designated Agent;
 - e. Scale; and
 - f. If true north is used, the method of determination must be shown.
5. **Name of subdivision.** Every plat must contain the name or title under which the subdivision is proposed to be recorded in the City's land records. The title must not duplicate or be a homonym of an existing or reserved subdivision name within the City or the County of Albemarle, except if the subdivision is an extension of an existing subdivision.
6. **Instrument creating property proposed for subdivision.** The engineer or land surveyor who prepared the plat must endorse upon the plat a certificate signed by them setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts must be indicated upon the plat. The plat must also identify the deed book and page number of any previously recorded subdivision plat applicable to the subject property, or any portion thereof.
7. **Identification of all owners and certain interest holders; statement of consent.** Each plat must contain the names and addresses of each owner of record of any land that is the subject of the proposed plat, and of the holders of any easements affecting the land that is the subject of the plat. Every plat, or deed of dedication to which a plat is attached, must contain a statement as follows: "The platting or dedication of the following described land [insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement must be signed and duly acknowledged before an officer authorized to take acknowledgment of deeds.
8. **Vicinity map.** Each plat must contain a vicinity map showing the property and its relationship with adjoining land and streets, its relationship with landmarks in the area and, if the subdivision is a phased subdivision, all other phases of the subdivision for which a final plat has been approved, in detail adequate to describe the location of the property without field review.
9. **Existing or platted streets.** Each plat must specifically identify the location, width, grades and drainage of all existing streets and the location and widths of previously-platted rights-of-way.
10. **Alleys, shared driveways, and private streets.** Each plat must identify the location and dimensions of all easements for alleys, shared driveways and private streets. Easements shown for private streets, alleys and shared driveways must be labeled as "private street easement," "alley easement" or "shared driveway easement," as may be applicable.
11. **Land to be dedicated in fee or reserved.** Each plat must identify the location, acreage, and current owners of all land intended to be dedicated for public use, and the location, acreage and current owners of all land to be reserved in a deed for the common use of lot owners in the subdivision. All land intended to be dedicated for public use must be identified and set forth on the plat as required by *Div. 6.6. Fees and Dedication.*

12. **Public easements.** Each plat must identify the specific location and dimensions of all existing and proposed public easements and improvements situated outside of a public street right-of-way, including, without limitation, easements for water, sewer and gas lines and related improvements, sidewalk and other pedestrian easements; sight distance easements; and easements for drainage and stormwater management facilities. All previously recorded easements must be labeled with the deed book and page number of the recorded instrument by which such easements were created. Proposed dedications of public easements must be labeled as to the type of easement, and must be identified and set forth on the plat.
13. **Proposed private easements and facilities.** Each plat must identify the specific location and dimensions of existing and proposed non-public easements, including, without limitation: stormwater management facilities and related improvements; drainage easements; privately owned and maintained sidewalks; common or shared easements to public service corporations furnishing cable television, gas utilities, telephone and electric service to the proposed subdivision and to franchised cable television operators furnishing cable television services; and other private easements. Where easements are not parallel to lot lines, bearing and distance measurements are required. An existing easement must be labeled with the deed book and page number of the recorded instrument by which such easement was created. Proposed easements must be labeled as to the nature and type of easement. All final plats containing any proposed common or shared easements must expressly reference a declaration of the terms and conditions of such easements recorded with the subdivision plat in the City's land records.
14. **Existing and departing lot lines.** Each plat proposing a subdivision of more than one existing lot must show existing lots and their outlines, which must be indicated by dashed lines, and the location of departing lot lines of abutting lots.
15. **Proposed lots.** Each plat must show the number, approximate dimensions, and area of each proposed lot.
16. **Building sites on proposed lots.** Each plat must show the location, area and dimensions of a building site on each proposed lot, complying with the requirements of the Subdivision Code as well as the regulations of the zoning district in which such lot is situated. The plat must also contain the preparer's certification that "Each parcel [letter or number] created by this subdivision plat contain a building site that complies with the requirements of the City of Charlottesville's Zoning, Water Protection and Subdivision Ordinances."
17. **Floodplain and floodway limits.** Each plat must provide floodplain limits, elevations, and flood plain profiles and cross-sections, and shall provide the same information for the floodway.
18. **Drainage district.** When any part of the land proposed for subdivision lies within a drainage district such fact must be set forth on the plat.
19. **Places of burial.** When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure must be identified on the plat.
20. **Control points.** At least 4 control points, evenly distributed across the property and located at survey property corners, must be shown on each sheet depicting the property. These points must be sub-centimeter accurate and meet the definition of control point. One of the four points must be a bench mark showing elevation and horizontal coordinates related to the city's GPS base station. The point must be located in the field in concrete with a brass disk provided by the Engineering Department.

21. **Public areas, facilities or uses.** The location of all areas shown in the Comprehensive Plan as proposed sites for public areas, facilities or uses, as described in Va. Code § 15.2-2232, which are located wholly or in part within the boundaries of the property that is the subject of the proposed plat.
22. **Zoning classification.** The zoning classification of the property, including all applicable zoning overlay districts, proffers, special use permits and variances.
23. **Tax map and parcel number; street address.** The current city tax map and parcel number of the property, and the street address.
24. **Stream buffers.** The location of stream buffers required by the city's water protection ordinance, with the following note: "The stream buffer(s) shown hereon shall be maintained in accordance with Chapter 10 of the City Code, the City of Charlottesville's Water Protection Ordinance."
25. **Boundary lines.** The exterior boundary lines of the property must be shown with bearings in degrees, minutes and seconds.
26. **Monuments.** The location and material of all permanent reference monuments shall be identified. Acceptable material for monuments is specified in the Standards and Design Manual. Monuments found or installed prior to plat recordation may be referred to if they are permanent and undisturbed. If any monument required by this chapter will be installed after recordation of the final plat, the certification of the professional engineer or land surveyor shall so note.
27. **Bearing and distance ties.** A definite bearing and distance tie between not less than 2 permanent monuments on the exterior boundary of the property and further tie to existing street intersection or nearby benchmark, at the discretion of the agent.
28. **Identification of sections, blocks and lots.** Sections (phases) shall be identified by numbers; blocks must be identified by letters; lots must be identified by numbers, assigned in numerical or alphabetical order, as appropriate.
29. **Acreage and square footage of lots.** The total acreage and square footage of each existing lot and each proposed lot.
30. **Ownership of common areas.** The intended ownership of all common areas with reference to a declaration of the rights and responsibilities of such owner with respect to the common areas, to be recorded along with the final plat.
31. **Street names.** The name of each proposed street.
32. **Temporary turnarounds.** The location of temporary turnarounds, if needed, with the following accompanying note: "The area on this plat designated as a temporary turnaround will be constructed and used as other streets in the subdivision until (street name) is/are extended to (street name), at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining property owners in accordance with specific provisions in their respective deeds."
33. **Statement pertaining to private alleys, driveways and streets.** If alleys or shared driveways are shown, a note must be added to the plat stating that maintenance shall be by the owners of the lots benefited by the alley or shared driveway, not by the city. If the subdivision will contain one or more private streets, the following statement is required: "The streets in this subdivision are not accepted into the city's street system and will not be maintained by the City of Charlottesville."

Grantors of any subdivision lots to which this statement applies must include the statement on each deed of conveyance.

34. **Restrictions.** Restrictions imposed in conjunction with the approval of the preliminary plat, and their period of existence, must be noted on the plat, including, without limitation: sidewalk maintenance agreements; stormwater/BMP facilities maintenance agreements, affordable dwelling unit, etc. If the length of the wording necessary to describe a particular restriction makes its inclusion on the final plat impractical, and if the nature of the restriction does not necessitate the preparation of a separate instrument for recordation with the plat, then a summary reference must be made to the restriction on the final plat.
35. **Terms of public easements.** All plats containing easements dedicated to the public must expressly reference a declaration of the terms and conditions of such public easements to be recorded with the subdivision plat in the city's land records.
36. **Topography.** A topographic map derived from aerial topographic surveys or, where required by the director of public works, from actual field surveys, with a contour interval of 5 feet referred to city data, showing the boundary lines of the tract to be subdivided.
37. **Building setback lines.** Building setback lines must be referenced on the plat.
38. **Critical slopes.** Critical slopes as defined under Sec. 4.10.1. *Critical Slopes* must be referenced on the plat.

Sublot Requirements

Sublot plat review is procedurally identical to a traditional subdivision application. Reference 2.5 of this manual for process.

However, sublots must include language referencing that Sublots are defined in Chapter 34-7.1.2.E.3 as “a parcel of land, existing with other sublots on a single lot, intended for the purpose of the transfer of ownership or possession or for development.” To ensure the orderly creation and tracking of sublots, the City is requiring the following information be included on plats and subdivision creating or altering sublots as defined in Chapter 34 of the City Code.

The code section permitting sublots within the Zoning District must be provided on the plat. Sublots are only permitted in the Residential “R” districts per Chapter 34- 7.1.2.E.3.A.

Sublots will be identified on plats using alphanumeric lettering and must explicitly state the lots created are sublots. An example being “Sublot A”. (Please note that once a sublot is created on a Parent Lot, any remaining lots must also be a sublot. An example would be turning a Parent Lot into Sublot A and Sublot B. What would not be acceptable would be turning a Parent Lot into Lot 1 and Sublot A.)

Sublots should be called out in the narrative/title description of the plat. Example being “Final Plat showing the subdivision of Tax Map X Parcel X of a portion of Lots X, X, X Name of Subdivision, creating Sublots A, B, and C”.

The appropriate code section for allowable density for the Parent Lot must be provided on the plat. Examples are; by text, “Dwelling Units for the Parent Lot (Sublots A, B... combined) will not exceed 3 base dwellings, 4 dwellings with existing structure preservation, or 6 dwellings, with affordable dwelling unit bonus in the R-A Residential District per Chapter 34-2.2.2.A.2”

The appropriate code section for coverage for the Parent Lot must be provided on the plat. Examples are; by text, “Building coverage for the Parent Lot (Sublots A, B,... combined) will not exceed 55% for one to

two units; 50% for three to four units; 65% for five units or more; and the maximum buildable footprint for any building on the Parent Lot will not exceed 3,000 square feet per Chapter 34-2.2.2.A.3”.

Although not required by the City, we would encourage surveyors to work with their clients to address the following when creating sublots.

- Through deed, restrictive covenants, or other tools, ensure development rights are clearly stated and understood for any future purchaser of the land. Thought should be given to minimizing future issue related to dwelling unit allotment and coverage maximums for each subplot as it relates to the underlining rights of the Parent Lot.
- Sublots which do not abut an existing street or alley must abut a permanent access easement, as described in Chapter 34- 6.2.1.B.
- Sublots in R-B and R-C districts must provide a percentage of common or public outdoor amenity space that is legally accessible to all residents, per Chapter 34- 2.10.4.C.

Preliminary Plat Requirements

The following documents and information must be submitted along with each preliminary plat, or, if none, with each final plat:

1. **Request for critical slopes waiver.** If the need for a waiver is known at the time of submission, the subdivider must submit a written request and justification for any requested waiver authorizing the disturbance of critical slopes. The applicant must provide information, drawings and narrative details, addressing how the layout and location of proposed streets, utilities, stormwater management facilities, etc. will minimize the disturbance of critical slopes and natural drainage areas.
2. **Stormwater management information.** Topographic information submitted with a preliminary plat must be in the form of a topographic survey, which shall identify areas of critical slopes, natural streams, natural drainage areas, and other topographic features of the site. The applicant must provide a stormwater management concept detailing how the applicant will achieve adequate drainage post-development, including a description of the specific design concept the applicant plans to apply. References to specific types of stormwater management facilities, specific treatments, BMPs, LID techniques, etc. must be provided. The stormwater management concept must be prepared by a professional engineer or landscape architect, as those terms are defined in Code of Virginia § 54.1-400, and must describe the manner in which stormwater runoff from the subdivision will be controlled in order to minimize the damage to neighboring properties and receiving streams, and prevent the discharge of pollutants into surface waters, in accordance with the requirements of City Code Chapter 10.
3. **Mitigation plan.** If applicable, a mitigation plan as provided in the water protection ordinance.

Final Plat Requirements

In addition to any information required by Preliminary Plat, the following documents or information must be submitted with each final plat:

1. Infrastructure plans and computations in accordance with the Standards and Design Manual. Detailed plans, computations and necessary supporting documents for physical improvements including, but not limited to, traffic studies, street plans and cross sections, soil testing results, gas utilities, sewer and water plans and computations, landscape plans, parking calculations and other requirements of applicable zoning regulations, flooding computations and plans (if applicable),

and any other plans, calculations and details deemed necessary by the city engineer in consultation with the director of public works, in order to determine compliance with the development standards set forth within the Subdivision Code. Information, details, calculations, construction plans and other documents or data required by Chapter 10 for a final stormwater management plan and a final erosion and sediment control plan must be included.

2. **Construction plans, public facilities.** Construction plans must be submitted to and approved by the city engineer in consultation with the director of public works for all proposed streets, and for all water, gas, storm and sanitary sewer and other city-owned public utilities or facilities.
3. **Construction plans, utility fixtures and systems.** If the owner of any subdivision desires to construct in, on or under any public streets or alleys located in the subdivision, any gas, electric, cable or other non-city-owned utility works, pipes, wires, fixtures or systems, the owner must present plans and specifications to the city engineer for approval in consultation with the director of public works.
4. **Location of existing buildings.** A survey showing the location of all existing buildings within 50 feet of a proposed lot line or a proposed street.
5. **Building envelope.** A depiction of the building envelope for each lot, in accordance with the requirements of applicable zoning district regulations.
6. **Interests to be vacated in city property.** A plan which shows all rights and interests of the city that would be terminated and extinguished by recordation of the final plat, with reference to the deed book and page number at which the instruments creating such interests are recorded.
7. **Instrument evidencing maintenance of certain improvements.** If the subdivision will contain one or more improvements or facilities serving more than one lot within the subdivision, and that are not to be maintained by the city or any other governmental authority or other public agency, the subdivider must submit with the final plat an instrument assuring the perpetual maintenance of the improvement or facilities, as such instrument will be recorded with the final plat. For each such improvement or facility, the plat must contain the following notation: "No public agency, including the City of Charlottesville, Virginia, will be responsible for maintaining this improvement [or facility]."
8. Required bonds and surety.
9. **Environmental disclosures.** Subdividers must disclose and remediate contamination and other adverse environmental conditions of the property prior to final plat approval. Along with a final subdivision plat, the subdivider must submit a Phase I environmental site assessment based on the anticipated use of the property proposed for the subdivision or development, and if the agent deems it to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with EPA regulations and American Society for Testing and Materials (ASTM) standards, the subdivider must submit a Phase II environmental site assessment. Required assessments must meet generally accepted national standards, such as those established by ASTM. The subdivider must also submit a written plan for remediation of any contamination or conditions noted in the required assessments, and confirmation that such plan has been submitted to state or federal authorities for review and approval. The agent, in its sole discretion, may waive this requirement for minor subdivisions, but this waiver does not exempt the subdivider from any applicable state and federal law requirements.
10. **Instruments evidencing affordable housing requirements.** If the subdivision includes land that is subject to an affordable housing obligation, the subdivider must submit with the final plat the

instruments assuring the reservation of land for such obligation, in such format as may be required by the regulations enacted.

Fees:

Application and review fees (Div.5.2.C.3. Fee Schedule) must be received, processed, and accepted by the City prior to the commencement of any review.

Completeness:

Prior to the acceptance of any application for review, completeness must be determined as outlined in Div.5.2.C.4 Completeness Determination.

Application Deadline:

Complete applications shall be submitted in accordance with the City's published schedule as outlined in Div.5.2.C.5 Application Deadline. If an application is deemed completed per Div.5.2.C.4 prior to the next submission deadline date, the application will be given that date as its "Official Submission Date". All review deadlines and milestones will be based off the "Official Submission date".

1. Except as otherwise provided herein, the Administrator shall approve or disapprove a subdivision/plat within forty (40) days after the date such application was officially submitted.
2. The Administrator shall not be required to approve a subdivision/plat in fewer than forty (40) days after the date it was officially submitted, or thirty (30) days after it has been officially resubmitted after a previous disapproval.
3. Any state agency making such review is required to complete its review within thirty (30) days after receipt of the application. Upon receipt of approval from a state agency, the Administrator shall act upon the application within twenty (20) days. If the Planning Commission conducts a public review, it shall act on the application within thirty (30) days after receipt of approval from the state agency. All actions on an application shall be completed by the agent, and if necessary, state agencies, within a total of ninety (90) days after the date the application was officially submitted.

Revised Application Materials:

Within ninety (90) days after receiving a notice of denial ("grace period"), a developer may resubmit the subdivision/plat, without application fees, and request reinstatement of review of the application("resubmittal"). The date of the next submission deadline following such re-submittal shall be deemed to be the original date on which the application was "officially submitted".

1. Except as otherwise provided herein, the Administrator shall approve or disapprove a resubmitted subdivision/plat within thirty (30) days after the date such application was officially submitted.

Revised application materials can be submitted up to three (3) times before a new application fee will be required for further application review. The Administrator may allow for additional revisions to be submitted without requiring a new application fee in circumstances that are beyond the control of the applicant.

- 5) Initial submission with application fees and an official submission date set by Application Deadline.
 - a) 40 days for staff to approve or disapprove the application.
- 6) Resubmission #1. The applicant has 90 days to resubmit per Revised Application Materials.

- a) 30 days for staff to approve or disapprove the application.
- 7) Resubmission #2. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 30 days for staff to approve or disapprove the application.
- 8) Resubmission #3. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 14 days for staff to approve or disapprove the application.

In the event the developer fails to resubmit an updated application within the ninety (90)-day grace period, a new application and fee shall be required for a subsequent submission. The Administrator shall notify the applicant in writing within fifteen (15) days after the revision deadline that if such revisions are not made, the plan will be denied approval. Within fifteen (15) days after mailing the notice of denial, the developer may resubmit the subdivision/plat, together with any required reinstatement fee. The date of the next submission deadline following such re-submittal of the subdivision/plat shall be deemed to be the date on which the application was "officially submitted"

At any time during the review process, an applicant may request that further processing or formal action on their application for approval of a subdivision/plat be indefinitely deferred. Thereafter, the application shall be deemed to have been voluntarily withdrawn by the applicant if the applicant fails to initiate, in writing, a reinstatement of review so that final action on the application can be taken within six (6) months after the date the deferral was requested. Upon written request received by the Administrator before the date on which the application will be deemed to be withdrawn, the director may grant a onetime extension of the deferral for a period determined to be reasonable, taking into consideration the size or nature of the proposed development, the complexity of the review, and the laws in effect at the time the request for extension is made.

If an application does not receive approval on the third (3rd) resubmission, a new application and fees shall be required to continue the review process. In a detailed letter to the Administrator, the applicant may request an additional review without a new application fee for circumstances that are beyond the control of the applicant. Each additional review will require this request. It is up to the discretion of the Administrator to approve or deny the request and may be granted with conditions.

Withdrawal of an Application:

Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.

No portion of a required application fee will be refunded on any withdrawn application.

For applications requiring a public meeting or hearing, when a meeting or hearing has been advertised, the withdrawn application will be announced at the meeting or hearing.

2.6 Permit Review

As referenced in 5.2.10

2.6.1 Tree Removal Permit

Reference 4.9.1 and 5.2.10

The following information and exhibits must be submitted along with each application requiring a Tree Removal Permit

General Requirements

For tree removals associated with the review/approval of a Development Plan, the necessary fee and permit application will be finalized following completion of the Development Plan. Any item not included in the development plan for the site must be submitted with the tree removal permit.

As part of the application for a tree removal permit for which the tree removal is not associated with the review/approval of a Development Plan, an applicant shall provide a written plan containing the following information:

1. Site diagram(s) showing the following:
 - a. Boundaries of the subject site;
 - b. Tax map and parcel numbers for the subject site and adjacent property owners;
 - c. Zoning district classifications of the subject site and each adjacent property;
 - d. Layout of the structures, parking and other pertinent features of the site;
 - e. Diagram showing the tree(s) to be removed on the lot with specifications of the tree(s);
 - f. Exhibit indicating the total tree coverage of the lot (existing and proposed) with tree type(s) and percentage lot coverage. Required lot coverage must be maintained per Section 4.9.1.D Existing tree canopy may be measured by surveying the canopy for each tree located on a site and summing the canopy area of each tree to calculate the total existing canopy. Alternatively, for heavily forested sites, canopy area can be estimated using a recent aerial photo; and
 - g. Tree replacement plan (type of tree (from the City tree list only, location etc.)

An applicant may find some of the above information here: <https://gisweb.charlottesville.org/GisViewer/>

2. Narrative outlining work requested to occur, other alternatives to removal explored, estimated timeframe for proposed removal and, if required by staff, a letter from a licensed arborist verifying the necessity of the proposed removal.
3. Written permission of the owner of the subject property (if different than the applicant) authorizing the applicant to request removal of the tree(s)
4. Proof that the applicant or owner of the subject property have obtained, or will obtain, all licenses, permits and other governmental approvals required by any federal, state or local laws or regulations, required for or in connection with tree removal
5. Other information deemed necessary by the Administrator in order to evaluate the application.
6. If the tree removal is proposed/necessary for construction or alteration on a parcel within an ADC District or an IPP, an approved CoA is required prior to requesting a Permit.

Submission through the City Portal <https://permits.charlottesville.gov/portal> is required. Application is reviewed by the administrator as well as other City staff (including Parks and Recreation)

2.6.2 Floodplain Permit

Applications for Floodplain Permits shall contain all information referenced in Div. 5.2.10.B, Floodplain Permit. Applications which include a FEMA Letter of Map Change (LOMC) shall provide copies of all forms and supplemental data required by FEMA for submission.

For any Floodplain Permit application to implement a project requiring Development Review, the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to completion of the Floodplain Permit application.

2.6.3 Sign Permit/Certificate of Appropriateness for Signs

As referenced in 4.11 and 5.2.6 - 5.2.10

General Requirements

As part of the application for a Sign Permit, an applicant shall provide at a minimum, the following information:

1. Site diagram showing the following:
 - a. boundaries of the subject site
 - b. location and number of existing signage for entire subject site
 - c. location of proposed signage
2. Visual representation of each proposed sign showing the following:
 - a. proposed sign dimensions
 - b. proposed sign lighting
 - c. proposed sign material
 - d. proposed method of installation

Submission through the City Portal <https://permits.charlottesville.gov/portal> is required.

Alternate Sign Plans

For projects subject to Development Review (5.2.9. Development Review) or Subdivision Review (Div. 6.7. Administration), City Council may modify requirements of this Division by approving an Alternate Sign Plan for a development or project.

Contact staff prior to submission.

2.6.4 Temporary Use Permit

As referenced in 3.6.1 and 5.2.10

General Requirements

As part of the application for a temporary use permit, an applicant shall provide a written plan containing, at a minimum, the following information:

1. Site diagram showing the following:
 - a. Boundaries of the subject site;
 - b. Tax map and parcel numbers for the subject site and adjacent property owners;
 - c. Name of the owner of the subject property, and the name(s) of all adjacent property owners;
 - d. Zoning district classifications of the subject site and each adjacent property; and
 - e. The location of all signs, structures, outdoor furniture, parking, equipment and lighting to be utilized on the lot or parcel.
2. Written permission of the owner of the subject property (if different than the applicant) authorizing the applicant to use the subject property for the temporary use.

3. Proof that the applicant or owner of the subject property have obtained, or will obtain, all licenses, permits and other governmental approvals required by any federal, state or local laws or regulations, required for or in connection with the proposed temporary use.
4. Other information may be deemed necessary by the zoning administrator in order to evaluate the application.

2.7 Relief

2.7.1 Administrative Modification

As references in 5.2.11

The Administrator may grant a modification of 15% or less of any physical dimensional standard from the Development Code except for those outlined in 5.2.11.A.2.

For any Administrative Modification application to implement a project requiring Development Review, the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to completion of the Administrative Modification application.

1. An Application and all associated fees must be submitted to the Zoning Administrator to be considered for a modification to the Zoning Ordinance. The applicant shall include any pertinent materials with the applicant that help to prove that there is a hardship. Submission through the City Portal <https://permits.charlottesville.gov/portal> is required.
2. Prior to the granting of the Administrative Modification, all adjoining property owners shall receive written notice of the request for modification and be given an opportunity to respond to the request within 21 days of the date of the notice.
3. A written decision must be provided to both the Applicant and any adjacent property owner that responded to the initial written notice.
4. A determination must be made within 90 days of the request.
5. The Applicant or other aggrieved party may appeal the Zoning Administrator's decision to the Board of Zoning Appeals.

2.7.2 Variance

As referenced in 5.2.12

For any Variance application to implement a project requiring Development Review, the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to completion of the Variance application.

A. Application Process:

- 1 Application Initiation: Contact Zoning Staff to schedule pre-application meeting
2. Pre-Application Conference: Schedule meeting with Zoning Staff to speak about the hardship. This will also ensure that a complete application is submitted for the request.
3. Application Submittal: Submission of all materials and fee(s) through the City Portal <https://permits.charlottesville.gov/portal> is required.

B. Review and Decision Process:

1. A variance request will be advertised in accordance with Code of Virginia § 15.2-2204 and placed on the agenda for the next regularly scheduled meeting.
2. The Administrator will organize all submitted materials and any other pertinent information from staff members and create a staff report. The Board of Zoning Appeals will be provided with the staff report prior to the meeting, and it will also be available to be viewed by the public.
3. The BZA has the power to grant a Variance if the criteria set forth below are met; provided that the burden of proof will be on the applicant to provide by a preponderance of the evidence that the application meets the standard for a Variance in the Code of Virginia § 15.2-2201 and 15.2-2309 and as set forth in the criteria below. If the criteria are not met, the BZA will deny the Variance. The BZA will make findings in its Order granting or denying the Variance.
4. Any person aggrieved by a ruling of the BZA may appeal to the Charlottesville Circuit Court. Such petition must be made within thirty (30) days after the Board rendered its decision.

2.7.3 Floodplain Variance

Applications for Floodplain Variances must be made in writing, must be addressed to the Administrator, and must be submitted to the Department of Neighborhood Development Services.

For any Floodplain Variance application to implement a project requiring Development Review, the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to completion of the Floodplain Variance application.

At a minimum, a complete application shall include:

1. Verification of the applicant's attendance at a pre-application meeting with the Administrator, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;
2. A petition narrative, consisting of a detailed written description of the variance request, as well as a narrative explaining why a failure to grant a variance would result in an exceptional hardship on the property;
3. A surveyed plat of the property, including floodplain limits, elevations, and the footprints of any existing or proposed structures.

The Administrator may require supplemental information to be submitted along with the application, which may include building massing diagrams, hydrologic and hydraulic analyses, or a Development Plan. A list of required supplemental materials shall be provided to the applicant at their pre-application meeting.

2.7.4 Special Use Permit

For any Special Use Permit application to implement a project requiring Development Review, the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to completion of the Special Use Permit application.

The procedure for filing and consideration of an application for a special use permit is the same as that required for an owner-initiated petition for a Zoning Map Amendment, except that a complete application for a Special Use Permit must also include:

1. A Development Plan or Final Site Plan when required by Sec. 5.2.9. *Development Review*.

2. A written disclosure of the information required by Sec. 5.2.1.C.2. *Disclosure of Real Parties in Interest* of the Development Code and, if the applicant is not the owner of the property, written evidence of their status as either the authorized agent of the property owner, or a contract purchaser of the property whose application is with the permission of the property owner;
3. For developments including any non-residential uses, and developments proposing the construction of 3 or more single- or two-family dwellings, the applicant must provide a completed low-impact development (“LID”) methods worksheet;
4. Information and data identifying how many, if any, existing dwelling units on the development site meet the city’s definition of an “affordable dwelling unit” and whether any such existing units, or equivalent affordable units, will remain following the development; and
5. Other supporting data sufficient to demonstrate compliance with the purposes and standards of the Development Code, including, without limitation, graphic materials that illustrate the context of the project as well as information and data addressing the criteria for review and decision set forth within Sec. 5.2.14. *Special Use Permits*.
6. Project proposal narrative: Consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent or objectives of the applicable zoning district classification.
7. Comprehensive plan analysis: Consisting of a detailed written statement of the project’s consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
8. Impacts on public facilities and infrastructure: A detailed narrative statement detailing the project’s impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the City for maintenance, etc.
9. Context Maps: One (1) or more maps showing the proposed project’s neighborhood context, existing natural and human caused conditions, and existing topography.
10. Impacts on environmental features: A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, critical slopes, streams, etc. Photographs must be provided of features described in the narrative.
11. All required supplemental information.

Supplemental Information

For each application for a Special Use Permit, the Administrator may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the Administrator will consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the director determines to be relevant according to sound zoning practices. Required supplemental information may consist of the following Project concept plan. For any Special Use Permit to implement a project not requiring a Development Plan, a Conceptual Plan may be required showing, as applicable:

- a. Street network, including circulation within the project and connections to existing and planned streets within and outside the project;
- b. General location of pedestrian and bicycle facilities;

- c. Building envelopes;
- d. Parking envelopes;
- e. Public spaces and amenities;
- f. Conceptual stormwater management facility locations and types;
- g. Conceptual grading;
- h. Conceptual landscape plan;
- i. Topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; and
- j. For applications proposing the alteration of the footprint or height of an existing building, or the construction of 1 or more new buildings:
 - i. Building massing diagram
 - ii. Elevations
- k. General location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.

City Council's "reasonable conditions" must be directly related to use. Site related changes would be referred to the special exception process.

2.7.5. Special Exception Permit

Reference development rules 5.2.9. and Special Exception Section 5.2.15.

This application requires public notice, but no public hearing.

For any Special Exception Permit application to implement a project requiring Development Review, the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to completion of the Special Use Permit application.

2.7.6 Critical Slopes Special Exception

Reference Critical Slope Code Section 5.2.16. and Environmental Sustainability Code Section 4.10.1.

This application requires public notice, but no public hearing.

For any Critical Slopes Special Exception Permit application to implement a project requiring Development Review, the applicant must submit a Development Plan or Final Site Plan application and receive staff comments or notice of approval prior to completion of the Special Use Permit application.

2.7.7 Bond Requirements

1. The Administrator may require a bond or other suitable guarantee sufficient to ensure the following:
 - a. That signs, trash, temporary structures and debris will be removed from the site and from the immediate vicinity of the site;

- b. That the activity will not remain for longer than a temporary period; and
 - c. Compliance with applicable provisions of City Ordinances.
- 2. The bond or other guarantee will be forfeited to the City if the site is not adequately cleared of all trash, debris, signs and temporary structures.
- 3. The bond or guarantee will be forfeited to the City if the activity remains on the site after expiration of the permit.
- 4. The bond will be forfeited to the City if violations of any applicable city ordinances are established.
- 5. Bonds shall be required when outlined by the Temporary Use Permit section, the Landscape Plan section, and Standards and Design Manual.

3. Public Notice Requirements

3.1 General Notice Requirements

1. Public notice is required for certain procedures by the Code of Virginia § 15.2-2200 et seq. and must follow the requirements for public notice according to the Code of Virginia § 15.2-2204.
2. The City may choose to provide additional notice as a courtesy, but is not required to do so. The fact that a notice is not received due to an error that was not the fault of the City does not prevent the public meeting or hearing from happening, change any decision made at the public meeting or hearing, or prevent the application from continuing to move forward through the review process.
3. This Section outlines the general requirements for public notice and specific requirements for public notice required by some processes. For public notice, meeting, and hearing requirements applicable to each procedure, see Sec. 5.1.1, Summary of Review Authority.
4. A certification of notice and a listing of those to whom notice has been sent must be supplied by the applicant to the City at least 5 days prior to the first public hearing.
5. Cost of any notice required by this Section can be taxed to the applicant.
6. For any process that requires review and decision by both the Planning Commission and City Council, a joint public meeting or hearing may be held. If a joint meeting or hearing is held, then public notice needs only to be given by the City Council.

3.2 Written Notice

General Requirements

1. Where a written notice is required, written notice must be given by the Planning Commission, or the Administrator, at least 5 days before the hearing to the owner(s) of each parcel involved in the application and to the owners of all abutting property and property immediately across the street or road from the subject property.
2. In the case of a condominium or a cooperative, written notice may be mailed to the unit owners' association or proprietary lessees' association in lieu of each individual unit owner.
3. Notice sent by registered or certified mail to the last known address of the property owners as shown on the current real estate tax assessment books or tax assessment records is deemed adequate compliance with the written notice requirement.

4. Notice sent by first class mail to the last known address of the property owner as shown on the current real estate tax assessment books or tax assessment records is deemed adequate compliance with the written notice requirement, provided that the Administrator makes an affidavit that the mailings have been made and files the affidavit with the papers in the application.
5. A party's actual notice of, or active participation in, the proceedings for which the written notice is required will waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this Code.
6. Nothing in this Section can be construed to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the Administrator or Planning Commission to give written notice to the owner of any parcel involved in the application.

Zoning Map Amendments with 25 Parcels or Less

1. In addition to the parties listed in general written notice requirements, written notice must also be given to properties that lie in other localities of the Commonwealth.
2. When a proposed amendment involves a tract of land 500 acres or more owned by the Commonwealth of Virginia or the federal government, and the proposed change only affects a portion of the larger tract, notice can only be given to the owners of the property adjacent to the affected area of the larger tract.

Zoning Map Amendments with More Than 25 Parcels

Written notice must be provided according to the general written notice requirements, except no written notice is required to owners of approved and recorded lots that are less than 11,500 square feet.

Other Processes

1. When a comprehensive plan adoption or amendment, zoning map amendment, or special use permit application involves a parcel of land located within a 1/2 mile boundary of an adjoining locality of the Commonwealth, then written notice must also be given by the Administrator, at least 10 days before the hearing to the chief administrative officer, or their designee.
2. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice must also be given by the Administrator, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.
3. When any applicant requests a written order, requirement, decision, or determination from the Administrator, and the applicant is not the owner of the subject property, written notice will be given to the owner of the property within 10 days of the receipt of such request. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or tax assessment records is deemed adequate compliance with this requirement.

3.3 Published Notice

General Requirements

1. Where a published notice is required, the Administrator must publish a notice of the public meeting or hearing in the newspaper of general circulation once a week for two successive weeks, with the first notice appearing no more than 14 days before the intended adoption. "Two successive

weeks” means that the notice must be published at least twice in such newspaper, with not less than six days between the first and second publication.

2. The notice for the Planning Commission and City Council public meeting or hearing may be published concurrently.
3. The notice must specify the time and place of hearing at which a person may appear and present their views.
4. In any instance in which the City has submitted a correct and timely notice request to a newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, the City will be deemed to have met the notice requirements of the Code of Virginia § 15.2-2204 so long as the notice was published in the next available edition of a newspaper having general circulation. After enactment of any plan, ordinance or amendment, further publication is not required.

Zoning Map Amendments with 25 Parcels or Less

When a proposed amendment involves a change in the zoning map classification of 25 or fewer parcels of land, then in addition to the general published notice requirements, the advertisement must also include the street address or tax map parcel number of the each parcel involved in the application.

Zoning Text Amendments and Zoning Map Amendments with More Than 25 Parcels

When a proposed amendment involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the general published notice requirements, the advertisement must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area.

3.4 Posted Notice

Where a posted notice is required, a sign must be posted on the property within 10 feet of the edge of the nearest street right-of-way. In the case of multiple parcels, sufficient signs must be posted to provide reasonable notice to interested persons. Signs must be posted at least 7 days prior to the date of the public meeting or hearing.

3.5 Website Notice

Where website notice is required, the application will be posted on a website accessible to the public.

4. Community Engagement Requirements

The City of Charlottesville strongly values the voice and perspective of its community. To that end, the following standards direct the use of public meetings to inform and receive feedback from community members on applications for development.

4.1 Zoning Map Amendment and Special Permits

Applicants seeking rezonings and special use permits must hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. No application for a Zoning Map Amendment, or special use permit, will be placed on any agenda for a public hearing, until the required community

meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.

The applicant is responsible for the following, in connection to the community meeting required for a given project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting must be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant must be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant must make records of attendance and also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City can provide a format acceptable for use as the supplemental attendance sheet.

4.2 Site Plan Applications

Applicants beginning the site plan review process are strongly encouraged to conduct a community meeting. Where a project triggers the requirement to develop a Transportation Demand Management (TDM) plan (Section 4.5.4.C), a community meeting is required according to the standards outlined above under 4.1.