

**AN ORDINANCE
REZONING LAND FRONTING ON 10th STREET N.W. AND GRADY AVENUE FROM
R-1S (RESIDENTIAL, SINGLE-FAMILY) TO B-2 (COMMERCIAL) SUBJECT TO
PROFFERED DEVELOPMENT CONDITIONS**

WHEREAS in order to facilitate a specific development project, Dairy Holdings, LLC (“Landowner”), has submitted rezoning application ZM22-00001, proposing a change in the zoning classification (“Proposed Rezoning”) of approximately 0.188 acres of land fronting on 10th Street N.W., and identified within the 2022 City real estate records by Real Estate Parcel Identification Number 040046000 (the “Subject Property”), from “R-1S” to “B-2”, with said Proposed Rezoning to be subject to several development conditions proffered by Landowner; and

WHEREAS the purpose of the Proposed Rezoning application is to increase the number of permitted uses within an existing structure; and

WHEREAS a public hearing on the Proposed Rezoning was conducted jointly by City Council and Planning Commission on July 12, 2022, following notice to the general public, to the property owner, and to adjacent property owners as required by law; and

WHEREAS on July 12, 2022, the Planning Commission voted to recommend the Proposed Rezoning to City Council for adoption, finding it to be consistent with the City’s goal of encouraging the adaptive use of existing buildings; NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, THAT the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning all of the land designated within te City’s City real estate assessment records by Parcel Identification Number 040046000 (“Subject Property”), containing, in the aggregate, approximately 0.1888 acres from R-1S (Single-family Residential) to B-1 (Commercial), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council:

Approved Proffers

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowner, which conditions shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance. Such proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land:

1. The Subject Property shall be used for the following non-residential uses: Art Gallery, Auditorium, Houses of Worship, Club (private), Music Hall, Educational Facilities,

Technology Based Business, and Offices. No other non-residential uses shall be permitted on the Subject Property, even if said use is otherwise permissible under the City's B-2 zoning district classification.

2. The maximum number of residential dwelling units located on the Subject Property shall be one (1).
3. There shall be no additional vehicular ingress or egress to the Subject Property.

BE IT FURTHER ORDAINED THAT the City's Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.