



CITY OF CHARLOTTESVILLE

"A Great Place to Live for All of Our Citizens"

Department of Neighborhood Development Services

Memorandum

To: Planning Commission

From: James Freas, Director, Neighborhood Development Services

Date: January 24, 2023

Re: Critical Slopes, Floodplains, & Entrance Corridor Rules

CC: City Council

The January 24, 2023 Planning Commission work session will offer an opportunity to discuss potential changes to a number of different sections of the Zoning Ordinance that have been previously identified as areas of concern by the Planning Commission. These sections include those addressing critical slopes, floodplains, and Entrance Corridors. Critical slopes and entrance corridors were both identified for changes in the Zoning Diagnostic + Approach report released this past summer and last discussed by the Commission at the August 9, 2022 meeting. The following memo offers specific ideas for ordinance amendments as well as raising potential ordinance amendment ideas without making a specific recommendation.

Critical Slopes

The Critical Slopes ordinance is an important part of the City's land use and environmental protection regulatory system. Staff has identified a number of challenges with the ordinance as written and in practice and believe that changes to this ordinance could improve both the environmental outcomes of the ordinance and the review process. The following provides staff's analysis of the ordinance and offers general recommendations for improvement.

The Critical Slopes ordinance is designed to protect steep slopes associated with the City's waterways with the intent of protecting against erosion and overall protecting potentially environmentally sensitive areas. The ordinance directs development towards areas not on critical slopes, with the ability for City Council to waive this requirement if at least one of two possible findings can be made; 1) that the public benefits of the project outweigh the public benefit of the undisturbed slope or 2) that application of the critical slopes requirement would prohibit or unreasonably restrict development of the lot due to its size, shape, topography or other physical condition.

The demand for housing and other development within the city is increasingly putting pressure on lots that are difficult to develop, including those with steep slopes. That demand has translated into development revenues that can support the development costs of these difficult sites. Staff's presumption is that protection of natural critical slope areas are preferred as a matter of policy over developed alternatives and therefore, the task at hand is to offer a new

ordinance that provides greater clarity to developers and property owners, review staff, and decision makers.

Staff is currently considering a two-phase approach to improving the critical slopes ordinance. The first phase would be to clarify the existing ordinance but mostly leave it as is for inclusion into the zoning ordinance rewrite. The second phase would be a more substantial project to draft a new ordinance intended to broadly protect sensitive environmental areas inclusive of critical slopes and stream buffers. This phase of work would be dependent on available funding and staff time within an upcoming annual work plan.

As proposed, during phase 1 / current zoning rewrite, we would leave the critical slopes ordinance as part of the zoning ordinance and retain the waiver system. Amendments would focus on clarifying the ordinance relative to the following issues:

1. Review Process - As written, the ordinance presents what appears as three review processes as a waiver application is reviewed by staff, the Planning Commission, and then City Council. This review process and standards need to be consolidated/clarified.
2. Public Benefit - Construction of the ordinance suggests that the review body is meant to only be weighing environmental public benefits but in practice a full suite of public benefits have been assessed against the impacts of disturbing critical slopes. The nature of the public benefits to be assessed needs to be clarified.
3. Order of Operations – Understanding whether a critical slope can be disturbed is an essential early decision for a developer. At the stage where this decision must happen, a developer will not have invested significantly into the technical details of site development but the review process seems to be expecting those details. Language should be improved in the ordinance that clarifies how the City is expecting developers to approach site design where there are critical slopes present and the City's expectations for such projects.
4. What are we Protecting – Further clarify the purpose of the ordinance as distinguished from other existing and potential ordinances so that when a waiver is granted, the City can require the appropriate set of conditions.
5. Subdivision Ordinance – Address inconsistencies in the critical slopes section of the subdivision ordinance.

Floodplains

The Flood Hazard Protection Overlay District (Floodplain Ordinance) regulates development in the City's floodplain areas.

The floodplain ordinance is an overlay district, meaning it is a district that modifies the underlying zoning rules. Broadly speaking, the floodplain ordinance limits uses allowed in portions of the floodplain, requires verification and studies of the extent of the floodplain area

and/or floodplain impacts related to a given development proposal, and requires that development be elevated above the base flood elevation.

Staff would like the Planning Commission to consider amendments to this ordinance that would strengthen the City's ability to reduce the risk of flood damage and harm to people and property. These considerations are aligned with recommendations in the City's draft flood resiliency plan aimed at improving flood protection and prevention in a strategic, equitable, and proactive manner.

Many states and municipalities, as allowed by the Federal Emergency Management Agency (FEMA), have floodplain ordinances that exceed the minimums required for participation in the National Flood Insurance Program (NFIP). Per Federal Code 44 CFR 60.1(d) "...any floodplain management regulations adopted by a state or a community which are more restrictive than the criteria set forth in this part are encouraged and shall take precedence."

There are many ways to regulate development in floodplains above the minimum standards. The Association of State Floodplain Managers (ASFPM) identifies four tools, three of which are applicable to floodplains within City limits, that illustrate the range of possible strategies to prevent adverse impacts associated with development in the floodplain.

1. Prevent adverse impacts to other properties
 - a. Encroachments / floodway delineations
 - b. Fill
 - c. Materials storage
2. Prevent adverse impacts to health & safety
 - a. Dry land access
3. Prevent adverse impacts to natural floodplain
 - a. Fill
 - b. Materials storage
 - c. Erosion hazard zones

Considerations for both short-term and long-term strategies for floodplain management, including development ordinance amendments, will reflect existing and future uses of floodplain in the City.

Entrance Corridors

The purpose behind the Entrance Corridor design review process is to ensure the quality of development compatible with the community's existing urban fabric along corridors identified as important gateways leading to the City's historic core areas. However, the process of design review represents a cost and degree of uncertainty for the development process within these corridors. The Zoning Diagnostic and Approach Report (2022) suggested that the Entrance Corridor requirements could be incorporated into the base zoning. In the Planning Commission discussion of this topic in August 2022, there was some indication that the Commission wished to retain at least some aspect of the Entrance Corridor design review process.

Local Entrance Corridor ordinances are authorized by State code Section 15.2-2306, which allows a locality to regulate the design of development along streets, roads, and highways that are tourist routes connecting to designated historic landmarks, structures or districts. In Charlottesville, the historic features considered appear to be the downtown and its environs and the University of Virginia. The regulations and design guidelines are intended to ensure that development along these corridors is compatible with these historic resources. Albemarle County has designated the entire length of all major roads leading into Charlottesville, including Routes 29, 20, 64, and 250, as well as Rio and Hydraulic, among others, as Entrance Corridors <https://www.albemarle.org/government/community-development/learn-more-about/entrance-corridors>.

The Entrance Corridor ordinance was adopted by the City in 1991. In 2005 the City adopted a detailed design guide document, with specific guidelines associated with each of the 12 designated entrance corridors. The Planning Commission is the Entrance Corridor Review Board (ERB). The review can incorporate all aspects of the design, including materials, but the focus is on review as compared to the published standards. Projects subject only to a building permit are reviewed by staff, projects subject to site plan review by the ERB, and single and two-unit structures are exempt.

As staff has noted before, one of the directions, and potential challenges, the Comprehensive Plan offers is to accommodate density while working to “celebrate the unique cultural and historical identity of the city” (p. 23). The Entrance Corridor review process offers a very strong tool for the City to meet this vision for land use and development in the City. As with any body of regulation, this tool must be considered and balanced with the costs it imposes. In light of the objectives of the Comprehensive Plan and this balance, staff is considering the following proposed changes:

1. Expand the exemption to include all residential projects up to 4 units.
2. Remove the landscaping and lighting standards. Standards for these issues for the entire City will be covered in the Development Standards chapter of the zoning ordinance and therefore do are not necessary in this section.
3. Review signage only through the sign ordinance section of zoning.
4. Remove the submittal requirements and put these in the design guidelines document.
5. Provide greater clarity on the review process. Clarity is needed in the timing of the Entrance Corridor review relative to site plan review and consideration of special use permits or rezonings; with how this design review relates to the height and massing allowances granted by zoning; with how the ERB is to conduct its review process; and other issues. This clarity may be provided in the ordinance and/or in the design guidelines document.

6. Consider switching the ERB from the Planning Commission to the Board of Architectural Review (BAR). Regardless of who the ERB is, the design guidelines should be reviewed by the Planning Commission with a recommendation to Council for approval. Staff believes, with the appropriate guidance from staff and published design guidelines, that either body is fully qualified to conduct the review. The question is what type of review is desired. The BAR review, based on how review is done for the historic resources under their purview, is likely to be a more intensive review over likely more meetings whereas the Planning Commission has generally completed their review in one meeting.
7. Consider removing some entrance corridor designations. There are generally three types of corridor – those characterized by modern, large scale automobile-oriented commercial areas like Route 29; those characterized by denser commercial areas with more, smaller parcels such as Preston or E. High; and those that are primarily residential like JPA or Avon. In thinking about removing the entrance corridor designation, each corridor could be considered individually or in terms of the general groupings offered above.
8. The Entrance Corridor Design Guidelines need to be substantially updated or completely rewritten. The objective in this rewrite would be to more clearly define the guidance so that it is more useful to the review process while also reducing/eliminating the aspects that overlap with the Comprehensive Plan.

Data for Reference

Number of Applications per Year

App Type	2019	2020	2021	2022
Critical Slopes Waiver	3	1	8	3
Entrance Corridor PC Review	4	1	0	6

Questions to Consider

For each ordinance section discussed above, please consider the following questions:

1. How does the zoning ordinance section help to achieve the vision and goals of the 2021 Comprehensive Plan? What challenges does the zoning ordinance section create for the visions and goals of the Comprehensive Plan?
2. For the specific ordinance amendment ideas presented, do any go too far? Do any not go far enough? What concerns arise relative to these proposed amendments?

3. For any of the proposed amendments or more general areas of consideration for possible amendment, what additional information would be useful to you in making a decision?

Attachment:

Entrance Corridor Materials from January 10, 2023 Planning Commission meeting
Current Critical Slopes Ordinance (zoning)

City of Charlottesville
Department of Neighborhood Development Services
Staff Report



**Summary and Discussion of the Entrance Corridor Review Board's
Role and Responsibilities**

Planning Commission Regular Meeting
Date of Planning Commission Meeting: December 13, 2022

Note: This is an informal discussion only. No action will be taken.

ERB Staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner

Relevant Code Section

Per Chapter 34 (Zoning), Article II (Overlay Districts), Division 3 (Entrance Corridor Overlay Districts), the Planning Commission serves as the Entrance Corridor Review Board (ERB) responsible for administering the design review process in Entrance Corridor (EC) Overlay Districts. The ERB reviews design Certificate of Appropriateness (CoA) requests associated with the exterior design of new buildings, applying the adopted design guidelines (links below). [Note: There is no review for interior work or alterations/construction that is not visible from the EC. Exterior alterations to existing buildings are typically reviewed administratively.] The ERB is also responsible for recommendations to Council regarding proposed changes to the ECs [including zoning text and map amendments], requests for Special Use Permits (SUP), and Comprehensive Signage Plans (CSP) within an EC, and recommending to Council updates and revisions to the EC Design Guidelines. Additionally, on behalf of the ERB, design staff reviews EC CoA requests [administratively, as allowed by code], site plans, [exterior] building permits, and signage permit applications.

Sec. 34-306. - Purpose.

The entrance corridor overlay district is intended to implement the comprehensive plan goal of protecting the city's historic, architectural and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this article are to stabilize and improve property values; to protect and enhance the city's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the city from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

Links to EC Code Sections

- EC Overlay Districts: [City Code EC Overlay Districts](#)
- Signs: [City Code Sign Regulations](#)

Links to EC Design Guidelines

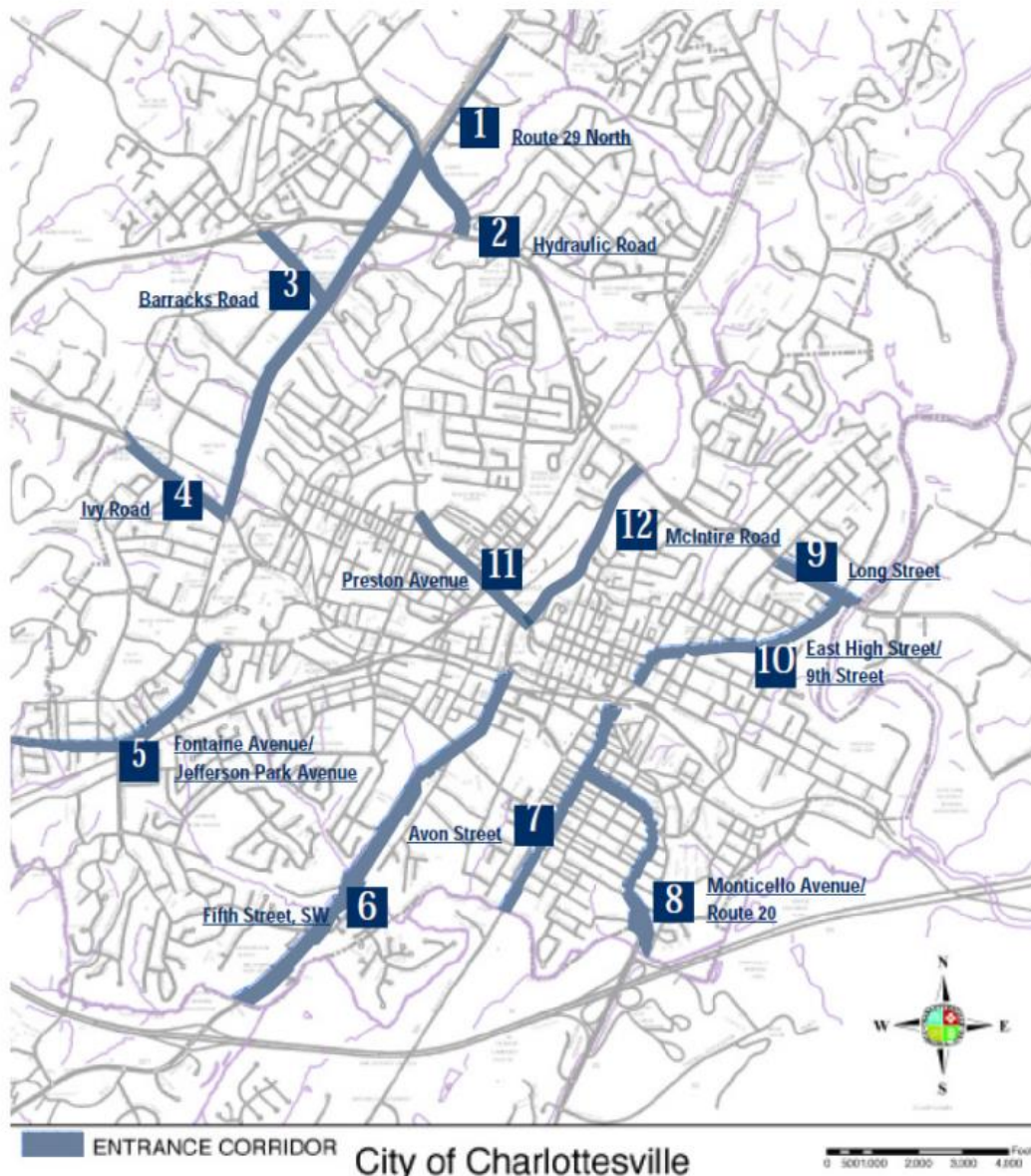
- [EC Design Guidelines Chap 1 Introduction](#)

- [EC Design Guidelines Chap 2 Streetscape](#)
- [EC Design Guidelines Chap 3 Site](#)
- [EC Design Guidelines Chap 4 Buildings](#)
- [EC Design Guidelines Chap 5 Corridor Plans](#)

Background

The City has designated twelve significant routes of tourist access as Entrance Corridors to ensure design review a quality of development compatible with the City’s historic, architectural and cultural resources. In 2003, by ordinance, the Planning Commission was designated as the ERB. The Entrance Corridor Design Guidelines were adopted by Council in 2005 and most recently updated in 2011.

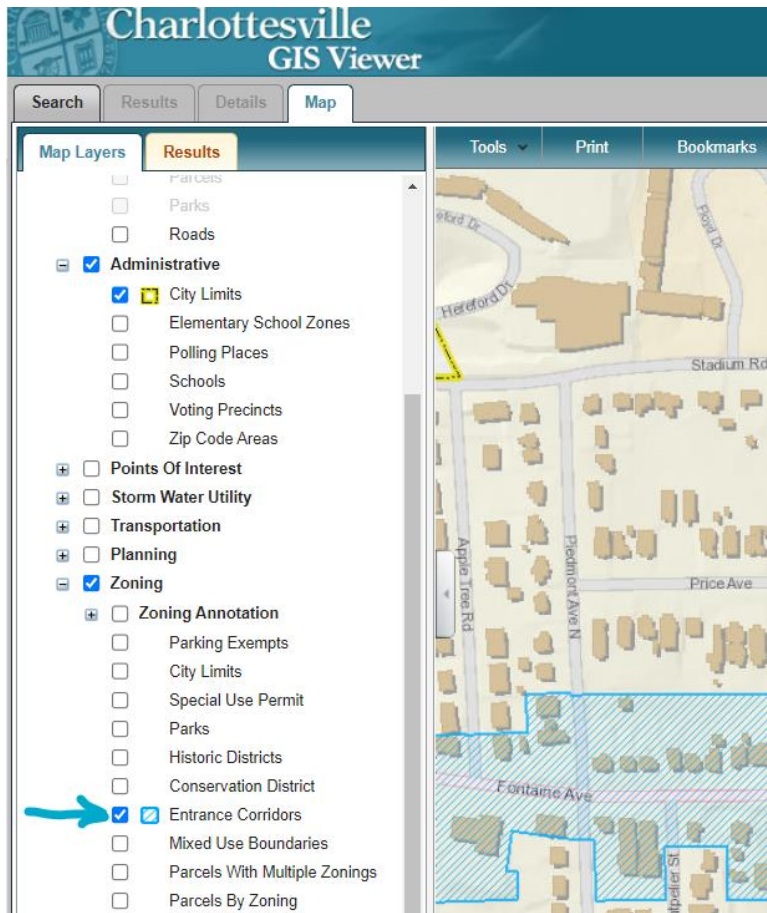
A. DESIGNATED ENTRANCE CORRIDORS IN CHARLOTTESVILLE



When established, only parcels with frontage on the primary street were designated as being within the EC Overlay District. (Map below is a section of the Fontaine Ave/JPA EC.)



EC parcels can be identified using the City’s GIS Viewer. On the Map page, using the Map Layers tab, under Zoning toggle on the Entrance Corridors layer.



Relevant chronology

- 1988: City develops an Urban Design Plan, focused on the entrance corridors, downtown, West Main Street, and the University Corner.
- 1989: Historic preservation chapter added to Comprehensive Plan
- 1991: Amended Zoning Ordinance establishes Entrance Corridor Historic Overlay Districts for twelve corridors leading to the City’s historic areas. (Renamed *Entrance Corridor Overlay Districts* in 2003).
- 1993: City adopts the Historic Preservation Plan, intended to protect historic resources and guide preservation activities. Plan summarizes the current conditions, recommends strategies for increasing preservation awareness and activity.
- 2003: Zoning Ordinance amended to incorporate historic preservation and EC provisions. Planning Commission designated as the Entrance Corridor Review Board (ERB).
- 2005: Entrance Corridor (EC) Design Guidelines adopted.
- 2011: Entrance Corridor Design Guidelines updated. (Links above)
- 2013: Comprehensive Plan updated. In the Historic Preservation & Urban Design chapter, Goal #8 states: *Ensure quality of development in the City’s designated entrance corridor overlay districts compatible with the city’s historic, architectural, and cultural resources.* (Link: [2013 Comprehensive Plan](#))
- 2021: Comprehensive Plan updated. In the Land Use, Urban Form, and Historic & Cultural Preservation chapter, Goal #7 states: *Ensure that the quality of development in Charlottesville’s designated Entrance Corridor Overlay Districts is compatible with the City’s requirements and standards, and with the adjacent neighborhood’s historic, architectural, and cultural resources, while allowing for reuse of structures and evolution of uses in these areas.* (Link: [2021 Comprehensive Plan](#))

Review Activity

Requests for design CoAs, Special Use Permits, and Comprehensive Signage Plans within the Entrance Corridors are infrequent, with most of the design reviews approved administratively. In fact, many EC-related questions are resolved during the review of the site plan or building permit, without requiring a separate EC submittal or application.

Over the last decade, in an average year the ERB will formally review only five requests (CoAs, SUPs, and CSPs) with eight requests (CoAs) addressed administratively. (In contrast, in an average year, design staff will present over 80 requests to the BAR.)

Entrance Corridor Review Board (2012-2022)

EC Reviews	ERB	Admin	Total
Annual Average	5	8	13

Board of Architectural Review (2012-2022)

Historic District Reviews	BAR	Admin	Total
Annual Average	84	19	103

Examples of EC reviews

Special Use Permit (ERB)

Chick-Fil-A BRSC, 1000 Emmet Street North

Fast food restaurant. SUP for drive-through window

December 10, 2019: ERB recommended no adverse impact.

See page 4 of: [Chick-Fil-A BRSC SUP Dec 10 2019](#)

2005 JPA

Apartment building. SUP for additional height.

May 10, 2022: ERB recommended the increased height will result in an adverse impact, but the impact can be mitigated during design review process.

See page 6 of: [2005 JPA SUP May 10 2022](#)

Design Review (ERB)

Wawa 5th Street

Retail store and gas service

May 10, 2022: CoA approved

See page 6 of: [Wawa 5th Street May 10 2022](#)

Dairy Central Phase 2, 946 Grady Avenue.

Apartment building.

November 13, 2018: CoA approved

See page 124 of: [Dairy Central Phase 2 Nov 13 2018](#)

Comprehensive Signage Plan (ERB)

Hillsdale Place, 1800 Hydraulic Road

September 10, 2019: ERB recommended Council approve CSP with modifications.

See page 90 of: [Hillsdale Place CSP Sept 10 2019](#)

Sentara, 920 East High Street

July 12, 2022: ERB recommended Council approve the CSP.

See page 6 of: [Sentara CSP July 12 2022](#)

Administrative Design Review (Staff)

KFC, 1705 North Emmet Street

Fast food restaurant. Exterior alterations (See attached)

February 10, 2020: CoA approved

Warby-Parker, 1039 North Emmet Street

Store in Barracks Road Shopping Center. Storefront Alterations. (See attached)

January 14, 2022: CoA Approved

Looking Forward

- Design review CoA for 2005 JPA.
- Anticipated update of the CSP for Barracks Road Shopping Center.

- Revise/update the design guidelines following the updates to zoning ordinance. [Note: Regardless of the ordinance revisions, updates to the design guidelines, adopted in 2011, are overdue. Per Sec. 34-308(b): “The ERB shall undertake a comprehensive review and update its design guidelines at least once every five (5) years.”]

Attachments

- City Code re: Entrance Corridors
- Examples of Administrative Reviews

- CODE
Chapter 34 - ZONING
ARTICLE II. - OVERLAY DISTRICTS
DIVISION 3. ENTRANCE CORRIDOR OVERLAY DISTRICTS

DIVISION 3. ENTRANCE CORRIDOR OVERLAY DISTRICTS

Sec. 34-306. Purpose.

The entrance corridor overlay district is intended to implement the comprehensive plan goal of protecting the city's historic, architectural and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this article are to stabilize and improve property values; to protect and enhance the city's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the city from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

(9-15-03(3))

Sec. 34-307. Applicability.

- (a) Subject to subsection (b), below, entrance corridor overlay districts are hereby established upon and along the following arterial streets or highways, which are deemed by the city council to be significant routes of tourist access to the city, or to designated historic landmarks, buildings, structures or districts within the city ("EC streets"):
- (1) Route 29 North from the corporate limits to Ivy Road;
 - (2) Hydraulic Road from the corporate limits to the 250 Bypass;
 - (3) Barracks Road from the corporate limits to Meadowbrook Road;
 - (4) Ivy Road from the corporate limits to Emmet Street;
 - (5) Fontaine Avenue/Jefferson Park Avenue from the corporate limits to Emmet Street;
 - (6) Fifth Street, SW from the corporate limits to the beginning of the Ridge Street Architectural Design Control District;
 - (7) Avon Street from the corporate limits to the CSX Railroad tracks;
 - (8) Monticello Avenue/Route 20 from the corporate limits to Avon Street;
 - (9) Long Street from the corporate limits to St. Clair Avenue;
 - (10) East High Street/9th Street from Long Street to East Market Street;
 - (11) Preston Avenue from McIntire Road to Rosser Avenue; and
 - (12) McIntire Road, from Preston Avenue to Route 250.

-
- (b) Entrance corridor overlay districts are hereby established upon the lots and parcels of land contiguous to the streets and highways enumerated within subsection (a), above, from the edge of the right-of-way to the full depth of the lot or parcel, as the lot or parcel existed on the date the adjacent EC street was designated.
 - (c) The entrance corridor overlay districts are hereby established over the existing zoning district classifications of the land contiguous to the streets and highways enumerated within subsection (a), above. The regulations set forth within this article shall apply to all such land, in addition to the regulations of the underlying zoning district and in addition to other generally applicable zoning ordinance provisions (e.g., generally applicable standards governing parking, lighting, landscaping, signs, etc.). In the event of a conflict between the regulations set forth within this article and those set forth within the regulations of the underlying zoning district classification, or elsewhere within this zoning ordinance, the more restrictive regulation shall govern.

(9-15-03(3))

Sec. 34-308. Review board.

- (a) The provisions of this article shall be administered by an entrance corridor review board ("review board" or "ERB") hereby created by the city council. The city's planning commission shall serve as the review board.
 - (1) The meetings of the ERB shall be held at the call of its chair or at such times as a quorum of the board may determine.
 - (2) The ERB shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact.
 - (3) All records of official actions shall become part of the permanent records of the ERB.
 - (4) The ERB shall choose annually its own chair and vice-chair, who shall act in the absence of the chair.
 - (5) The ERB may, from time to time, adopt and amend bylaws for the regulation of its affairs and the conduct of its business.
 - (6) The ERB may, from time to time, recommend areas for designation as entrance corridor overlay districts and may also recommend removal of any such designation.
 - (7) The ERB shall serve in an advisory capacity to city council and the board of zoning appeals in rezonings, special use permits, site plans, subdivisions, variances and other matters within entrance corridor overlay districts.
 - (8) The ERB shall be responsible for issuance of certificates of appropriateness required by this article.
- (b) The ERB shall develop and recommend to the city council for its approval design guidelines for the entrance corridor overlay districts ("Entrance Corridor Design Guidelines"), consistent with the purposes and standards set forth within this article. The ERB shall develop such guidelines in consultation with the city's director of neighborhood

development services and after seeking input from business and property owners in the various overlay districts. Guidelines developed by the ERB shall become effective upon approval by city council and thereafter shall have the status of interpretive regulations. The ERB shall undertake a comprehensive review and update its design guidelines at least once every five (5) years. Until the initial guidelines have been completed and approved, the ERB shall apply the design guidelines developed by the city's BAR for the entrance corridor districts.

(9-15-03(3); 9-7-21(1) , § 2)

Sec. 34-309. Certificates of appropriateness.

- (a) The following shall require a certificate of appropriateness issued in accordance with this division:
 - (1) All improvements requiring a building permit (but for which no site plan is required), other than single- or two-family dwellings where the work requiring the building permit (i) is new construction, or (ii) represents an addition or modification of 25% or more of the gross area of an existing building or structure.
 - (2) Regardless of whether a building permit is required: (i) signs; and (ii) installations or replacements of roof coverings, windows, doors or siding on any building or structure, any part of which, once installed, will be visible from an EC street referenced in section 34-307(a) above, other than those installed on a single- or two-family dwelling.
 - (3) All development requiring a site plan.
- (b) All applications for the certificates required by subparagraphs (a)(1) or (a)(2) above, shall be reviewed and approved administratively by the director. If administrative approval is granted the applicant shall post a notice of such approval on the subject property. If the application is denied the director shall mail or hand-deliver notice of their decision to the applicant. In either case, the applicant or any other aggrieved party shall have ten (10) working days from the date of the director's decision to appeal the decision to the ERB; no certificate shall be issued prior to expiration of the ten-day period.
- (c) All applications for the certificates required by subparagraph (a)(3) above shall be reviewed and approved by the ERB following the process set forth within sections 34-310 through 34-313.
 - (1) The ERB shall approve or disapprove an application and, if approved, shall issue a certificate of appropriateness with any reasonable conditions as it may deem necessary to ensure compliance with this division. Failure of the ERB to act upon an application within sixty (60) days from the date of its original submission shall be deemed to constitute approval of the application.
 - (2) Nothing contained in this subsection shall be deemed to compromise, limit, or otherwise impair the planning commission in its exercise of preliminary or final site plan review as set forth within Article VII, section 34-800, et seq. of this zoning ordinance.

-
- (3) It is the express intent of the city council in enacting the provisions of this subsection that matters related to public health and safety, as may be defined by the planning commission, shall prevail over issues within the purview of the ERB.
- (d) Notwithstanding the foregoing provisions of this section, no certificate of appropriateness shall be required for the following activities:
- (1) Interior alterations to a building or structure.
 - (2) Construction of ramps and other modifications to serve the handicapped.
 - (3) Repair and maintenance of buildings or structures which are non-conforming for failure to comply with the provisions of this article.
 - (4) General maintenance of buildings or structures, where no substantial change in design or materials is proposed.
 - (5) Additions or modifications to a building or structure, where no substantial change in design or materials is proposed, as determined by the director of neighborhood development services or their designee.
- (e) Once issued, a certificate of appropriateness shall be binding upon the proposed development, as to any conditions of issuance specified therein. The certificate shall certify that the proposed development (subject to any conditions stated within the certificate) is consistent with the design guidelines applicable to the specific EC street. Signature by the zoning administrator upon a final site plan or building permit, as the case may be, shall constitute such certification.
- (f) The validity period of a certificate of appropriateness shall be as follows:
- (1) A certificate of appropriateness associated with a project for which a valid site plan is not required shall expire and become void eighteen (18) months from the date of approval by the entrance corridor review board, unless a building permit to construct the authorized improvements or activities has been issued; or, if no building permit is required, unless construction of the authorized improvements or activities has substantially commenced.
 - (2) The validity period of a certificate of appropriateness associated with a project for which a valid site plan is required shall be consistent with that of the approved preliminary and final site plan pursuant to sections 34-822 and 34-825, except a certificate of appropriateness shall expire and become void eighteen (18) months from the date of approval by the entrance corridor review board if preliminary site plan approval has not been granted, or upon revocation of an approved preliminary site plan or expiration of an approved final site plan.
 - (3) Prior to the expiration of a certificate of appropriateness, upon written request and for reasonable cause, the director of neighborhood development services or the entrance corridor review board may extend the validity of any such certificate for a period not to exceed one (1) year.

(9-15-03(3); 6-6-05(2); 7-18-11; 7-16-12; 9-7-21(1) , § 2)

Sec. 34-310. Standards for considering certificates of appropriateness.

The review board, the city council on review of an application, and the director in conducting an administrative review, shall consider the following features and factors in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to this article:

- (1) Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
- (2) Exterior architectural details and features of the subject building or structure;
- (3) Texture, materials and color of materials proposed for use on the subject building or structure;
- (4) Design and arrangement of buildings and structures on the subject site;
- (5) The extent to which the features and characteristics described within paragraphs (1)—(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.
- (6) Provisions of the Entrance Corridor Design Guidelines.

(9-15-03(3))

Sec. 34-311. Sign standards.

Signs within any entrance corridor overlay district shall comply with the standards set forth within Article IX, section 34-1020, et seq.

(9-15-03(3))

Sec. 34-312. Application requirements.

- (a) Application for a certificate of appropriateness pursuant to this division shall be filed with the director of neighborhood development services by the owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person, of the subject property.
 - (1) A complete application shall include all plans, maps, studies, reports, photographs, drawings, building elevations, and other informational materials which may be reasonably required in order to make the determinations called for in a particular case.
 - (2) [*Reserved.*]
 - (3) Each application for a certificate of appropriateness shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

-
- (b) The director shall establish submission deadlines for applications. For purposes of this division a complete application shall be deemed to be "officially submitted" on the date of the next submission deadline following the date on which the application was received by the director.
- (c) Each application shall include a landscaping plan, for the uses described following below.
- (1) For development subject to site plan review, such plan shall meet the requirements set forth below as well as those required within Article VII, section 34-867.
 - (2) For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the director to determine whether the following requirements are satisfied:
 - a. *Uses to be screened:* Parking lots, loading areas, refuse areas, storage areas, detention ponds and mechanical equipment shall be screened from view from the adjacent EC street.
 - b. *Standards for screening:* When required, screening shall consist of the following:
 - (i) A planting strip of vegetation or trees, an opaque wall, an opaque fence or a combination of these.
 - (ii) Where only vegetative screening is provided, such screening strip shall not be less than twenty (20) feet in depth and shall consist of a double staggered row of evergreen trees on fifteen-foot centers, a minimum of five (5) feet in height when planted, or a double staggered row of evergreen shrubs on five-foot centers, a minimum of twenty-four (24) inches in height when planted. Alternative methods of vegetative screening may be approved by the ERB or the director in connection with approval of a certificate of appropriateness.
 - (iii) Where a fence or wall is provided for screening, it shall be a minimum of six (6) feet in height with planting required at ten-foot intervals along such structure.
 - (3) *Landscaping.* All nonresidential uses, including parking lots and vehicular display areas, shall have all of the street frontage, exclusive of driveways and walkway connections, landscaped with trees and other varieties of plant material at least eighteen (18) inches in height at maturity. The tree varieties shall conform to those recommended in the city's list of approved plantings. All uses shall have the side and rear property edges defined with a fence, wall or curbed planting strip of trees and other plantings a minimum of twenty-four (24) inches in height at maturity.
- (d) Each application shall include information about proposed lighting. Lighting fixtures shall be harmonious with the character of existing and proposed structures fronting along the EC street, and shall not exceed the height of any buildings on the site. Further, lighting shall comply with the provisions of Article IX, Division 3, section 34-100, et seq.

(9-15-03(3); 6-6-05(2); 7-16-12)

Sec. 34-313. ERB review process.

Following receipt of a complete application requiring review by the ERB, the director shall forward the application, together with all accompanying informational materials, to the ERB. Upon receipt of an application, the review board shall schedule a hearing on the application.

- (1) Notice of the hearing shall be provided to the applicant and to other persons in the same manner as set forth within section 34-284(a).
- (2) Written notice of the hearing shall also be provided to each member of the city council, at least (10) days in advance of the hearing. Such notice may be hand-delivered, mailed or transmitted via electronic communication.
- (3) The notices required by this subsection shall state the type of use or development proposed, the specific location of such use or development, and a general description of the appearance and materials proposed for the development which is the subject of the application.

(9-15-03(3))

Sec. 34-314. Appeals.

- (a) Following approval of an application by the ERB, the director of neighborhood development services, or any aggrieved person, may note an appeal of that decision to the city council, by filing a written notice of appeal with the clerk of city council within ten (10) working days of the date of the decision. If no such appeal is noted, then upon the expiration of the ten-day appeal period the director of neighborhood development services shall issue the approved certificate of appropriateness.
- (b) Upon denial of an application (approval of an application with conditions, over the objections of the applicant, shall be deemed a denial) the applicant shall be provided written notice of the decision, including a statement of the reasons for the denial or for the conditions to which the applicant objects. Following a denial, the applicant, the director of neighborhood development services, or any aggrieved person may appeal the decision to the city council, by filing a written notice of appeal with the clerk of city council within ten (10) working days of the date of the decision.
- (c) In any review of an ERB decision the city council shall review the application as if the application had come before it in the first instance. Any aggrieved person, shall be given an opportunity to be heard on the appeal. City council may consider any information or opinions relevant to the application which is the subject of such decision, including, but not limited to, those provided by the ERB.

(9-15-03(3); 6-6-05(2))

Secs. 34-315—34-325. Reserved.

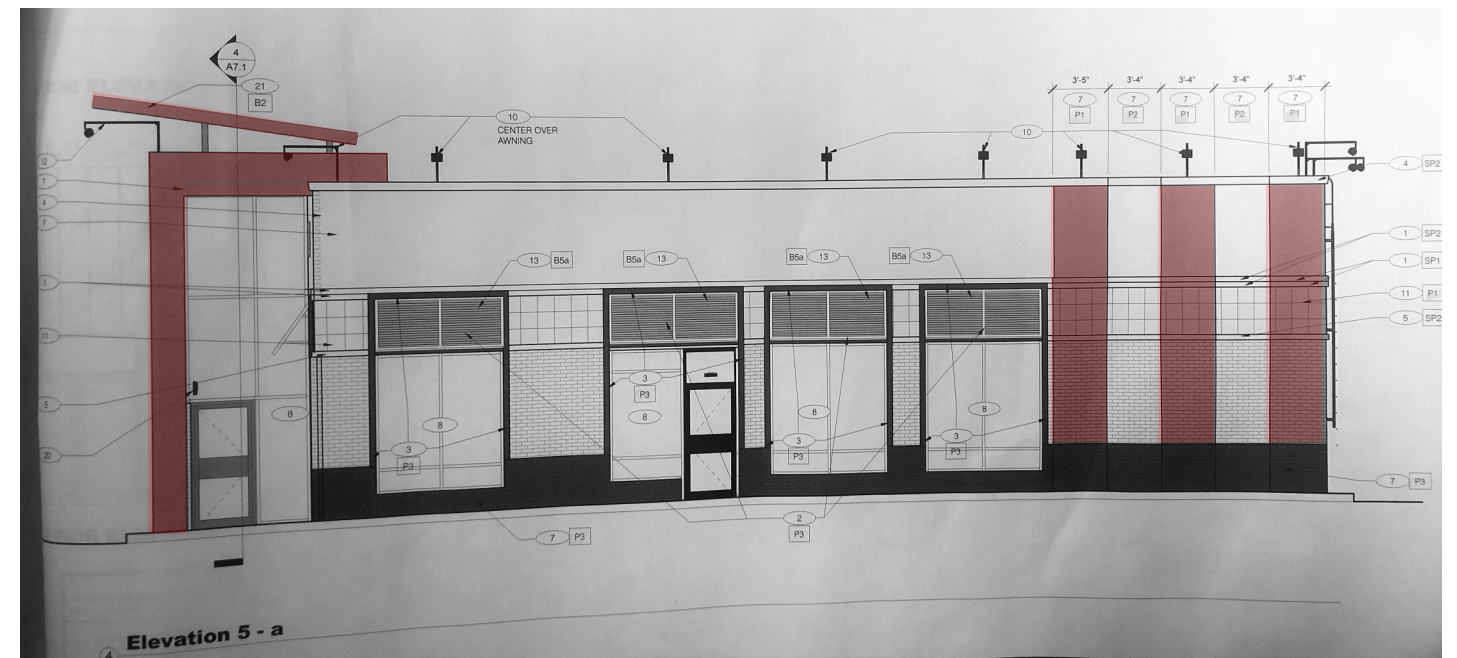
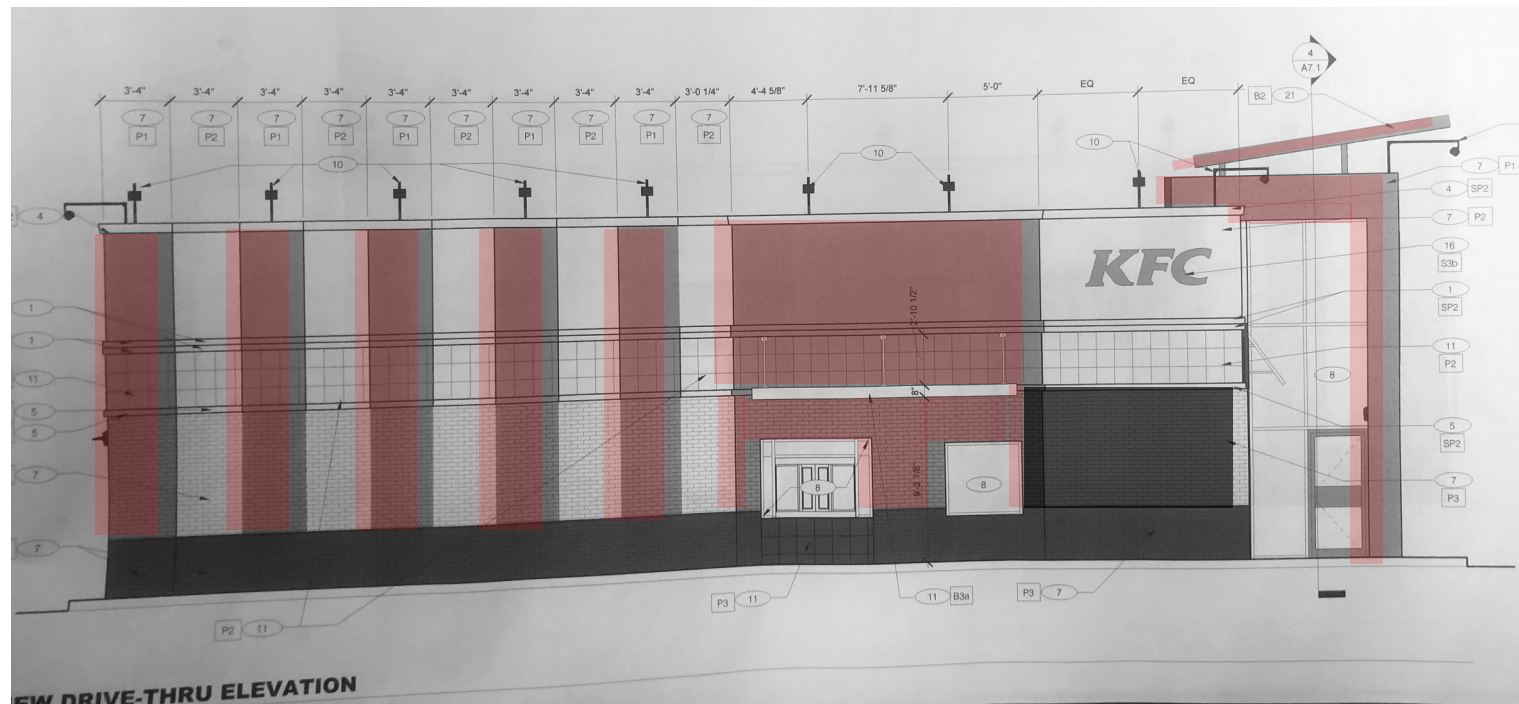
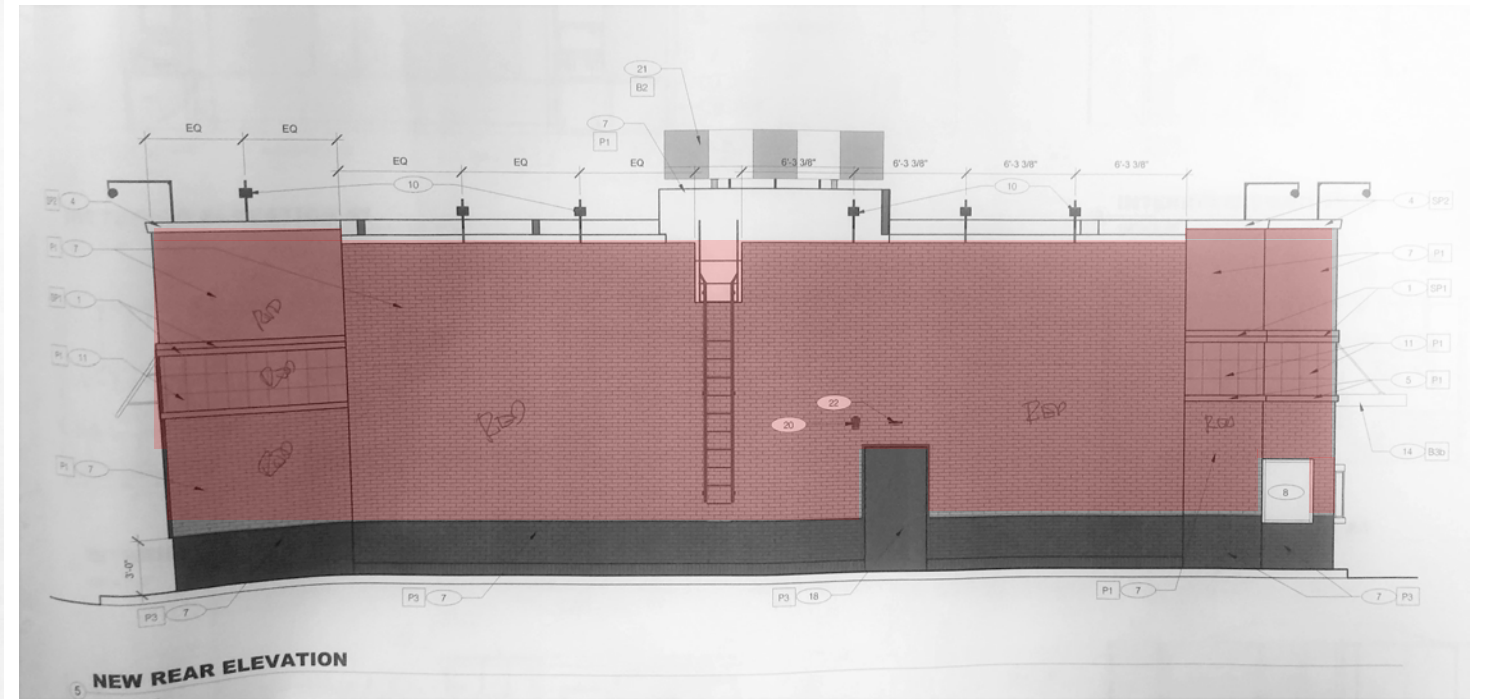
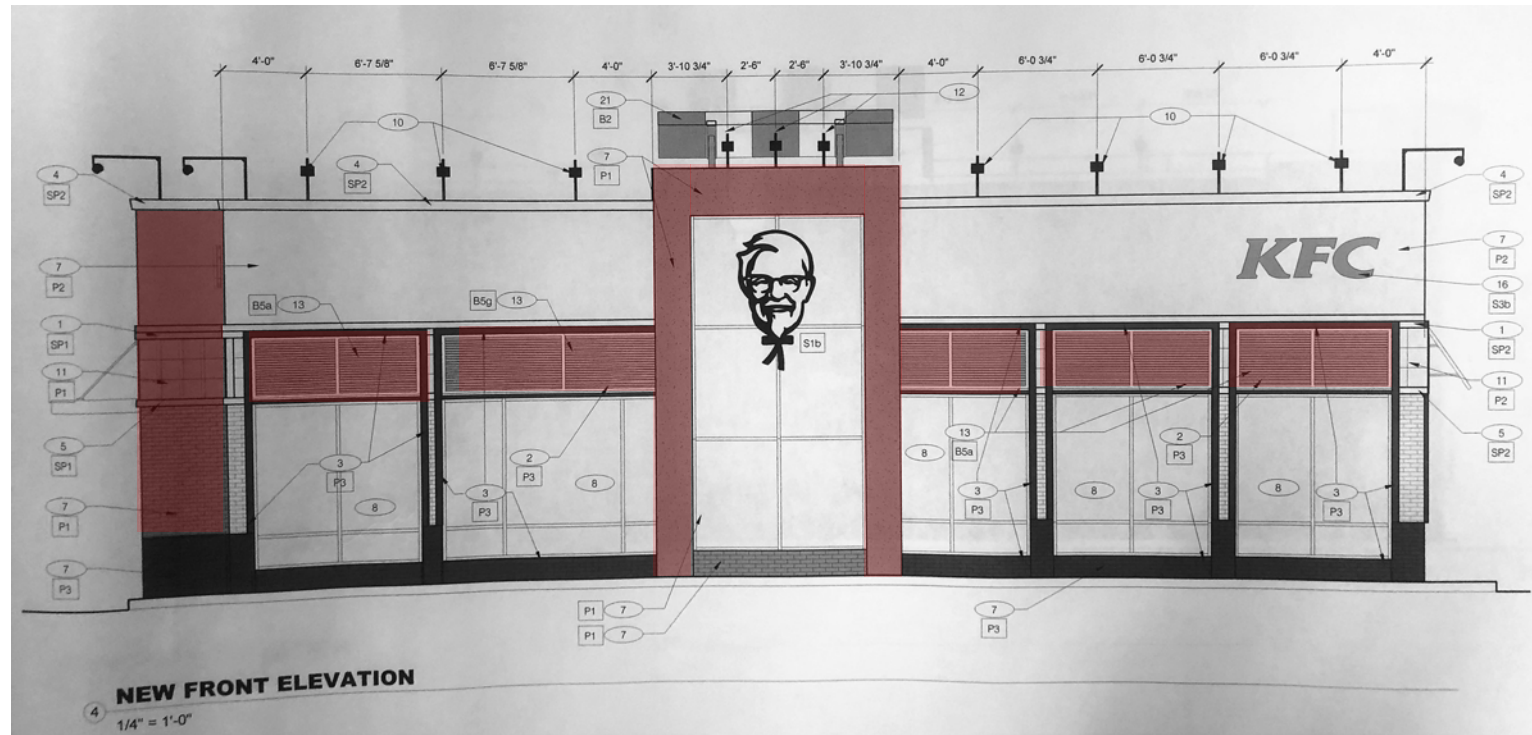
Administrative review:

KFC N. Emmet Street - Exterior alterations

1705 North Emmet St

CoA approved February 10, 2020

Initial Color Palette (approximate) - January 8, 2020



Administrative review:
KFC N. Emmet Street - Exterior alterations
 1705 North Emmet St
 CoA approved February 10, 2020

Revised Color Palette #1



③ **FRONT ELEVATION**
 1/2" = 1'-0"



② **MAIN ENTRY ELEVATION**
 1/2" = 1'-0"



④ **REAR ELEVATION**
 1/2" = 1'-0"



① **DRIVE-THRU ELEVATION**
 1/2" = 1'-0"

Project No. 18-123
snjdesign
 ARCHITECTS

Design +
 Architecture
 1705 N. EMMET ST.
 CHARLOTTEVILLE, VA. 22901

KFC-American Showman
 1705 N. EMMET ST.
 CHARLOTTEVILLE, VA. 22901

Permitting		
DRAWN BY	CLP	
CHECKED BY	JKB	
DATE	05/2019	
NO.		
DATE		
NO.		
DATE		
NO.		
DATE		
NO.		
DATE		
NO.		

The Client warrants that the information provided is true and correct. The Architect shall not be responsible for the accuracy of the information provided. The Architect shall not be responsible for the accuracy of the information provided. The Architect shall not be responsible for the accuracy of the information provided. The Architect shall not be responsible for the accuracy of the information provided.

SHEET TITLE
 RENDERINGS

R1.1

1/10/2019 4:48:10 PM

Administrative review:
KFC N. Emmet Street - Exterior alterations
 1705 North Emmet St
 CoA approved February 10, 2020

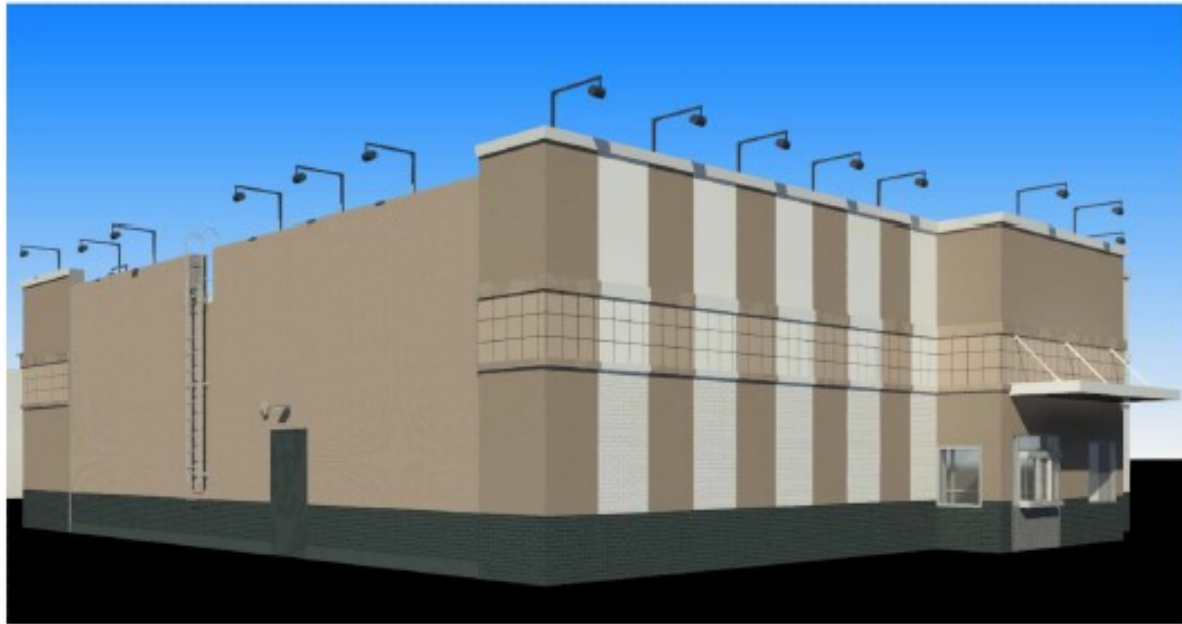
Revised Color Palette #2 - Approved February 10, 2020



③ **FRONT ELEVATION**
 1/2" = 1'-0"



② **MAIN ENTRY ELEVATION**
 1/2" = 1'-0"



④ **REAR ELEVATION**
 1/2" = 1'-0"



① **DRIVE-THRU ELEVATION**
 1/2" = 1'-0"

Project No. 18-123



Design by
 snjdesign+ architects
 1705 N. EMMET ST.
 CHARLOTTEVILLE, VA. 22901

KFC-American Showman
 1705 N. EMMET ST.
 CHARLOTTEVILLE, VA. 22901

Permitting	
DRAWN BY	CLP
CHECKED BY	KRB
DATE	06/02/19
NO.	
DESCRIPTION	

The Client has authorized the architect to prepare the architectural drawings for the project. The architect shall be responsible for obtaining all necessary permits and for ensuring that the drawings comply with all applicable codes and regulations. The architect shall also be responsible for coordinating with the client and other stakeholders to ensure that the project is completed on time and within budget.

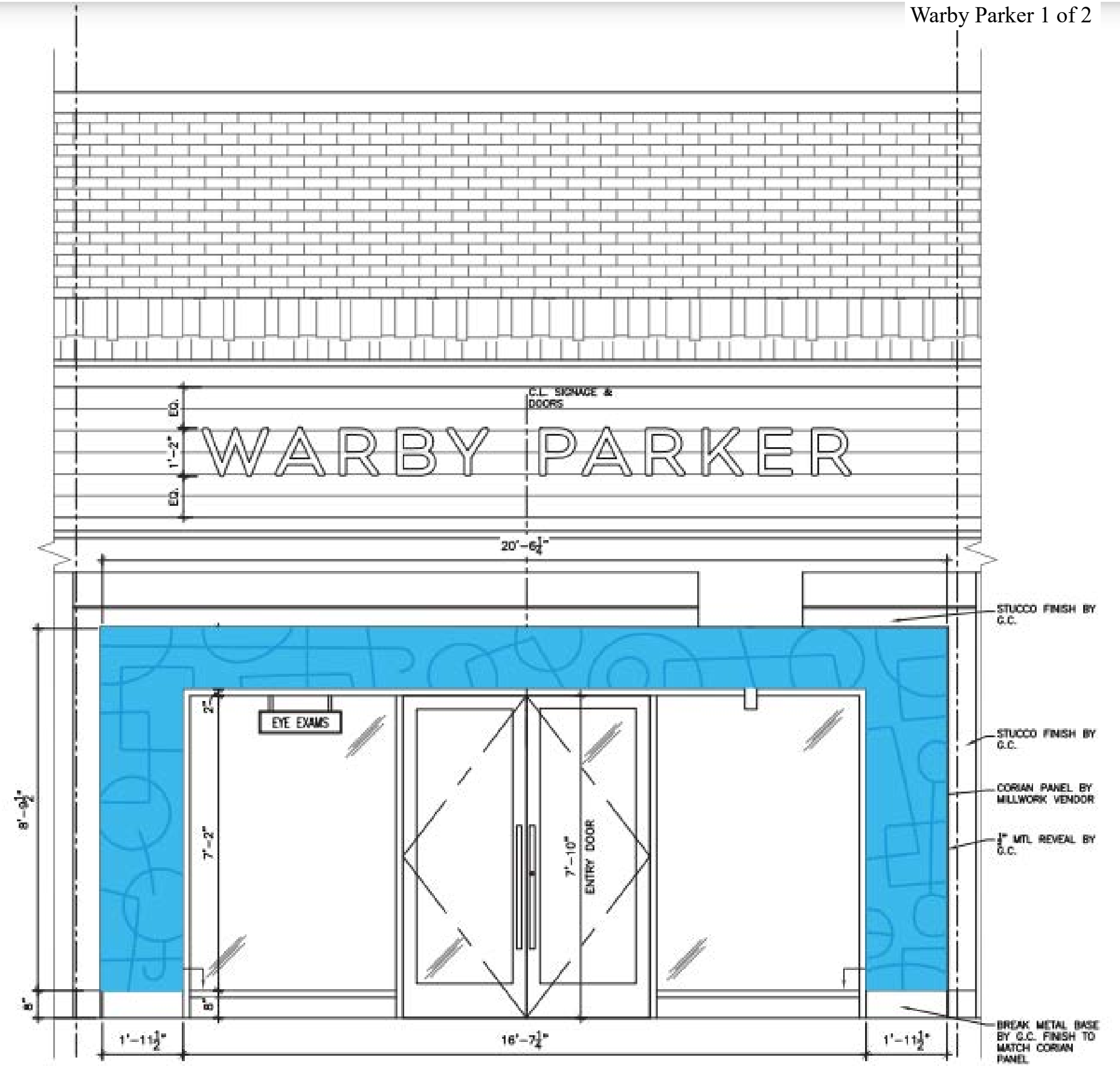
RENDERINGS

R1.1

11/13/2019 10:02:04 AM

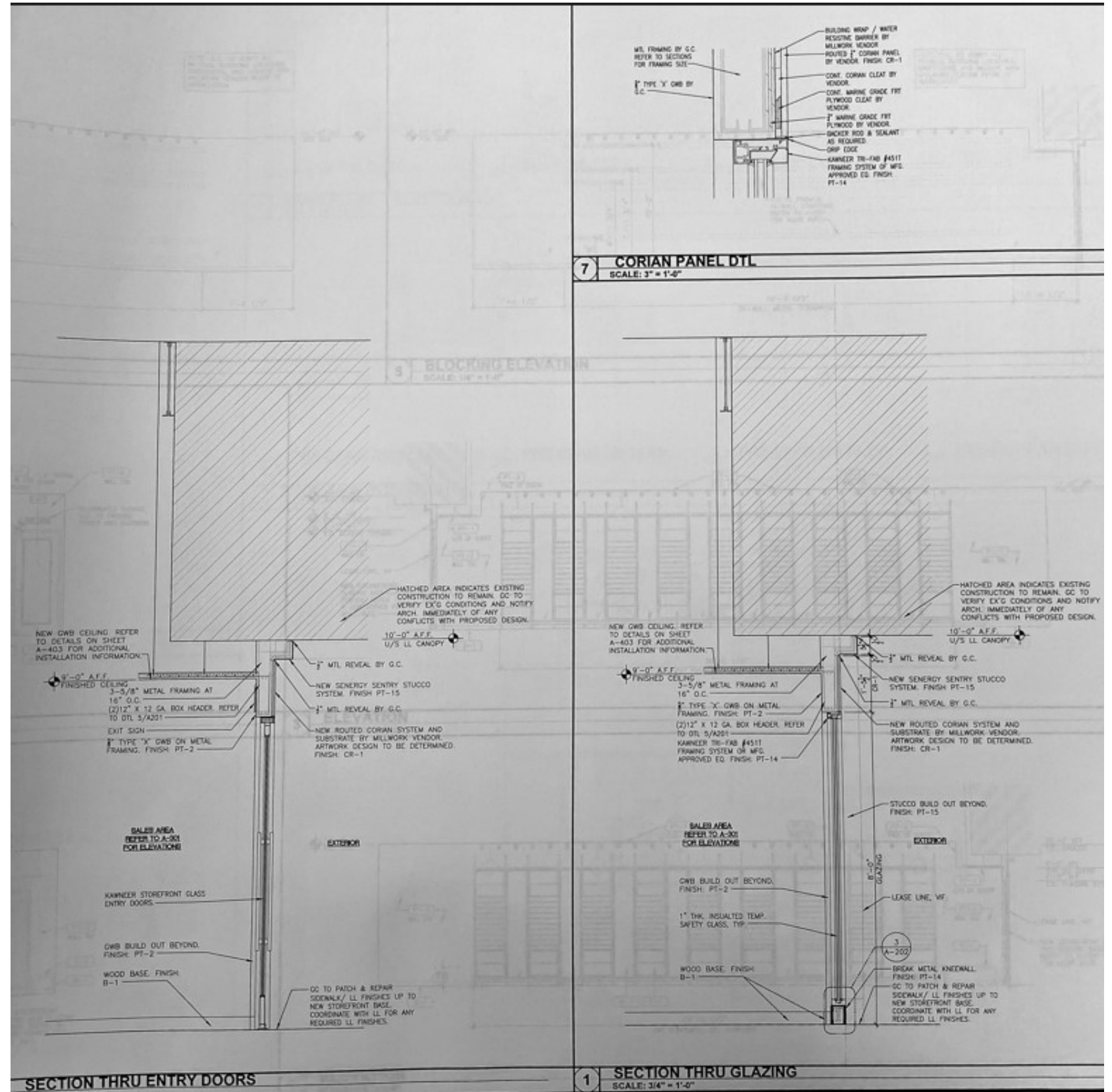
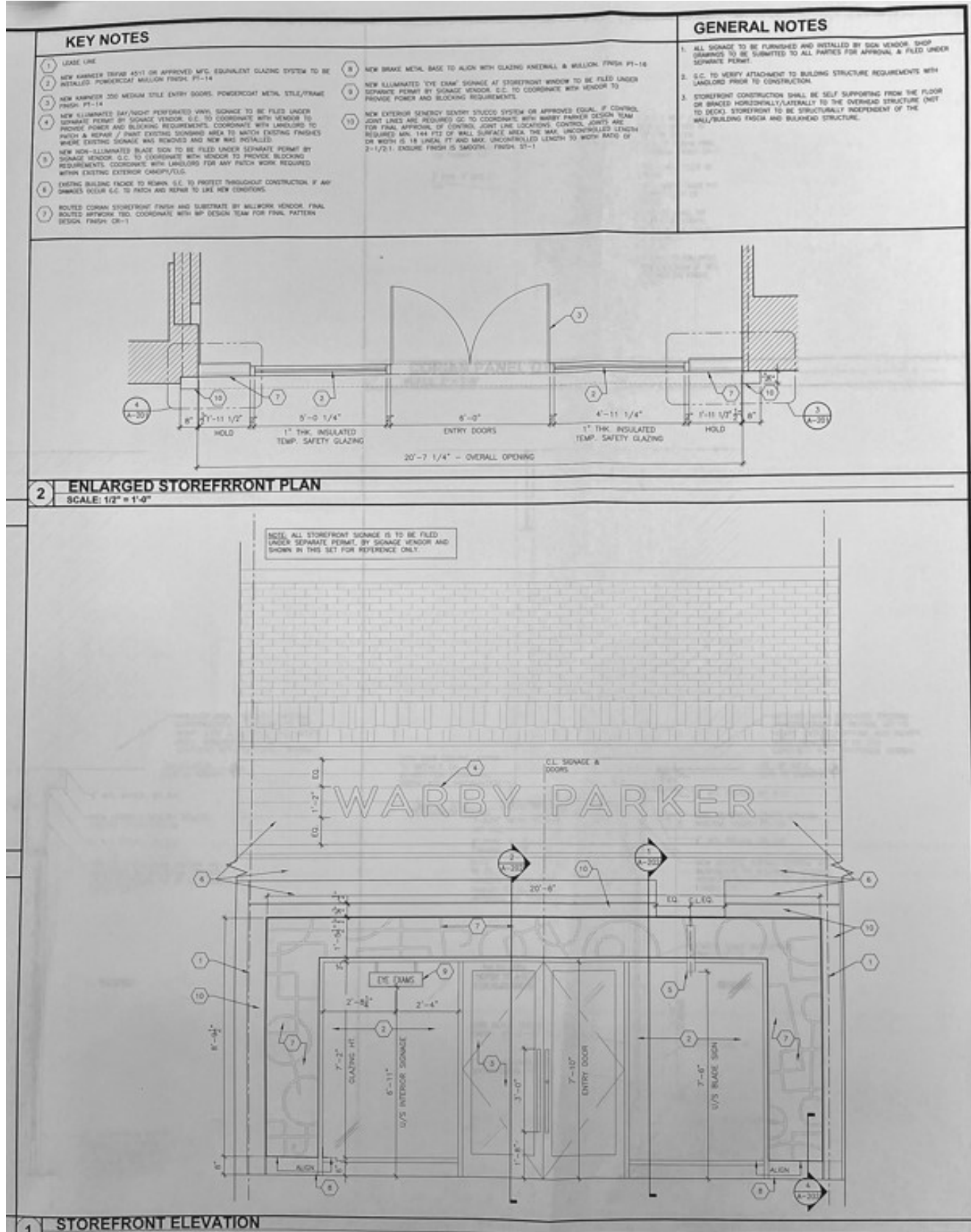
Administrative Review:

Warby Parker - Barracks Road - Storefront Alterations
1039 Emmet St N (BRSC South (formerly Lou Lou's))
CoA approved January 14, 2022



Administrative Review:

Warby Parker - Barracks Road - Storefront Alterations
 1039 Emmet St N (BRSC South (formerly Lou Lou's))
 CoA approved January 14, 2022



Sec. 34-1120. Lot regulations, general.

(a) *Frontage requirement.* Every lot shall have its principal frontage on a street or place (i) that has been accepted by the city for maintenance, or (ii) that a subdivider or developer has been contractually obligated to install as a condition of subdivision or site plan approval and for which an adequate financial guaranty has been furnished to the city. Except for flag lots, stem lots, and cul-de-sac lots, or other circumstances described within the city's subdivision ordinance, no lot shall be used, in whole or in part, for any residential purpose unless such lot abuts a street right-of-way for at least the minimum distance required by such subdivision ordinance for a residential lot.

(b) *Critical slopes.*

(1) *Purpose and intent.* The provisions of this subsection (hereinafter, "critical slopes provisions") are intended to protect topographical features that have a slope in excess of the grade established and other characteristics in the following ordinance for the following reasons and whose disturbance could cause one (1) or more of the following negative impacts:

- a. Erosion affecting the structural integrity of those features.
- b. Stormwater and erosion-related impacts on adjacent properties.
- c. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.
- d. Increased stormwater velocity due to loss of vegetation.
- e. Decreased groundwater recharge due to changes in site hydrology.
- f. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.

These provisions are intended to direct building locations to terrain more suitable to development and to discourage development on critical slopes for the reasons listed above, and to supplement other regulations and policies regarding encroachment of development into stream buffers and floodplains and protection of public water supplies.

(2) *Definition of critical slope.* A critical slope is any slope whose grade is 25% or greater and:

- a. A portion of the slope has a horizontal run of greater than twenty (20) feet and its total area is six thousand (6,000) square feet or greater; and
- b. A portion of the slope is within two hundred (200) feet of any waterway as identified on the most current city topographical maps maintained by the department of neighborhood development services.

Parcels containing critical slopes are shown on the map entitled "Properties Impacted by Critical Slopes" maintained by the department of neighborhood development services. These critical slopes provisions shall apply to all critical slopes as defined herein, notwithstanding any subdivision, lot line adjustment, or other action affecting parcel boundaries made subsequent to the date of enactment of this section.

(3) *Building site required.* Every newly created lot shall contain at least one (1) building site. For purposes of this section, the term building site refers to a contiguous area of land in slopes of less than 25%, as determined by reference to the most current city topographical maps maintained by the department of neighborhood development services or a source determined by the city engineer to be of superior accuracy, exclusive of such areas as may be located in the flood hazard overlay district or under water.

-
- (4) *Building site area and dimensions.* Each building site in a residential development shall have adequate area for all dwelling unit(s) outside of all required yard areas for the applicable zoning district and all parking areas. Within all other developments subject to the requirement of a site plan, each building site shall have adequate area for all buildings and structures, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements.
- (5) *Location of structures and improvements.* The following shall apply to the location of any building or structure for which a permit is required under the Uniform Statewide Building Code and to any improvement shown on a site plan pursuant to Article VII of this chapter:
- a. No building, structure or improvement shall be located on any lot or parcel within any area other than a building site.
 - b. No building, structure or improvement, nor any earth disturbing activity to establish such building, structure or improvement shall be located on a critical slope, except as may be permitted by a modification or waiver.
- (6) *Modification or waiver.*
- a. Any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property may request a modification or waiver of the requirements of these critical slopes provisions. Any such request shall be presented in writing and shall address how the proposed modification or waiver will satisfy the purpose and intent of these provisions.
 - b. The director of neighborhood development services shall post on the city website notice of the date, time and place that a request for a modification or waiver of the requirements of these critical slopes provisions will be reviewed and cause written notice to be sent to the applicant or their agent and the owner or agent for the owner of each property located within five hundred (500) feet of the property subject to the waiver. Notice sent by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books, postmarked not less than five (5) days before the meeting, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the site plan application.
 - c. All modification or waiver requests shall be submitted to the department of neighborhood development services, to be reviewed by the planning commission. In considering a requested modification or waiver the planning commission shall consider the recommendation of the director of neighborhood development services or their designee. The director, in formulating their recommendation, shall consult with the city engineer, the city's environmental manager, and other appropriate officials. The director shall provide the planning commission with an evaluation of the proposed modification or waiver that considers the potential for soil erosion, sedimentation and water pollution in accordance with current provisions of the Commonwealth of Virginia Erosion and Sediment Control Handbook and the Virginia State Water Control Board best management practices, and, where applicable, the provisions of chapter 10 of the City Code. The director may also consider other negative impacts of disturbance as defined in these critical slope provisions.
 - d. The planning commission shall make a recommendation to city council in accordance with the criteria set forth in this section, and city council may thereafter grant a modification or waiver upon making a finding that:
 - (i) The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent

or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or

- (ii) Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

No modification or waiver granted shall be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or adjacent properties, or contrary to sound engineering practices.

- e. In granting a modification or waiver, city council may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed. These include, but are not limited to:

- (i) Large stands of trees;
- (ii) Rock outcroppings;
- (iii) Slopes greater than 60%.

City council shall consider the potential negative impacts of the disturbance and regrading of critical slopes, and of resulting new slopes and/or retaining walls. City council may impose conditions as it deems necessary to protect the public health, safety or welfare and to insure that development will be consistent with the purpose and intent of these critical slopes provisions. Conditions shall clearly specify the negative impacts that they will mitigate. Conditions may include, but are not limited to:

- (i) Compliance with the "Low Impact Development Standards" found in the City Standards and Design Manual.
- (ii) A limitation on retaining wall height, length, or use;
- (iii) Replacement of trees removed at up to three-to-one ratio;
- (iv) Habitat redevelopment;
- (v) An increase in storm water detention of up to 10% greater than that required by city development standards;
- (vi) Detailed site engineering plans to achieve increased slope stability, ground water recharge, and/or decrease in stormwater surface flow velocity;
- (vii) Limitation of the period of construction disturbance to a specific number of consecutive days;
- (viii) Requirement that reseeded occur in less days than otherwise required by City Code.

- (7) *Exemptions.* A lot, structure or improvement may be exempt from the requirements of these critical slopes provisions, as follows:

- a. Any structure which was lawfully in existence prior to the effective date of these critical slopes provisions, and which is nonconforming solely on the basis of the requirements of these provisions, may be expanded, enlarged, extended, modified and/or reconstructed as though such structure were a conforming structure. For the purposes of this section, the term "lawfully in existence" shall also apply to any structure for which a site plan was approved or a building permit was issued prior to the effective date of these provisions, provided such plan or permit has not expired.

-
- b. Any lot or parcel of record which was lawfully a lot of record on the effective date of this chapter shall be exempt from the requirements of these critical slopes provisions for the establishment of the first single-family dwelling unit on such lot or parcel; however, subparagraph (5)(b) above, shall apply to such lot or parcel if it contains adequate land area in slopes of less than 25% for the location of such structure.
 - c. Driveways, public utility lines and appurtenances, stormwater management facilities and any other public facilities necessary to allow the use of the parcel shall not be required to be located within a building site and shall not be subject to the building site area and dimension requirements set forth above within these critical slopes provisions, provided that the applicant demonstrates that no reasonable alternative location or alignment exists. The city engineer shall require that protective and restorative measures be installed and maintained as deemed necessary to insure that the development will be consistent with the purpose and intent of these critical slopes provisions.

(9-15-03(3); 11-21-05; 1-17-06(7); 1-17-12; 7-16-12; 9-7-21(1) , § 2)