

**AN ORDINANCE AMENDING AND REORDAINING ARTICLE X OF  
CHAPTER 34 OF THE CHARLOTTESVILLE CITY CODE, 1990, AS  
AMENDED, BY ADDING A NEW ARTICLE X-A, TO BE NUMBERED  
SECTIONS 34-359 THROUGH 34-369 RELATING TO A ZONING DISTRICT  
TO BE NAMED TRANSITION ZONE.**

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that a new Article is hereby added to Chapter 34 of the Code of the City of Charlottesville, 1990, as amended, to be identified as Article X-A and numbered Sections 34-359 through 34-369, to read as follows:

**ARTICLE X-A. TRANSITION ZONE DISTRICT**

**Sec. 34-359. Purpose and Intent**

The Transition Zone Mixed Use Zoning Ordinance establishes a zoning classification which encourages the conservation of land resources, the minimization of automobile travel and the location of employment and retail centers in proximity to housing. This zone permits developments that include a mixture of residential, commercial, cultural, and institutional uses in a single structure or multiple but integrated and related structures. It also permits increased development on busier streets without fostering a strip commercial appearance. The intent is to encourage development that will consist primarily of businesses on the ground floor with offices and housing on upper stories. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk.

The following are the objectives of the Transition Zone District regulations:

- (1) To create a dynamic street life, encouraging the placement of buildings close to property lines, and/or heavily landscaped yard areas, in order to engage pedestrians and de-emphasize parking facilities.
- (2) To encourage mixed-use development.
- (3) To facilitate development which demonstrates an appropriateness of scale.
- (4) To encourage development which offers creative minimization of the impact of parking facilities and vehicular traffic.
- (5) To encourage landscaped spaces available for pedestrian use (*e.g.*, pocket parks, tree-lined streets and walkways).
- (6) To encourage development which facilitates alternative forms of transportation (*e.g.*, pedestrian travel, bicycle paths, use of public transit).
- (7) To encourage neighborhood-enhancing economic activity.
- (8) To encourage home ownership.
- (9) To encourage neighborhood participation in the development process.

### **Sec. 34-360. Compliance with article and other provisions of chapter**

A building or premises shall be used only for the purposes set forth in this article. All buildings and uses permitted in this district, except single-family detached dwellings, single-family attached dwellings not exceeding two (2) units, and two-family dwellings, shall be subject to the requirements of Article XXI of this chapter (Site Plans).

### **Sec. 34-361. Definitions.**

For the purposes of this article, the following terms or words shall have the meanings ascribed to them by this section:

*Floor-to-Area Ratio or FAR:* The gross floor area of the building or buildings on a lot or tract of land, divided by the total area of that lot or tract or tract of land.

*Gross Floor Area:* The sum of the area of the horizontal surfaces of the several floors of a building measured from the exterior faces of exterior walls.

*Mixed Use:* A building or project containing residential uses in combination with commercial and/or institutional uses.

*Project:* All the components of a particular development, which may include one or more parcels or tracts of land, and all the buildings and other improvements located or to be constructed on that land.

*Street Wall:* The façade of a building which faces a public street.

*Technology-Based Business:* A business such as computer component assembly, computer software development/testing, financial service company, graphic design firm, research laboratory or other research facility, etc., where: (i) the use will have no more than a minimal adverse environmental impact, including noise, odor, light, glare, traffic or vibration, at the nearest property line; and (ii) all operations, including storage, are housed completely within an enclosed building.

*Training Center:* A use, including business or vocational schools, where professional, vocational or technical skills training is provided to individuals.

### **Sec. 34-362. Permitted Uses – By Right**

The following uses shall be permitted by right in the Transition Zone District, subject to regulations set forth in this article:

(1) Residential Uses:

- a. Single Family Detached Dwellings.
- b. Single Family Attached Dwellings.
- c. Townhouse Dwellings, subject to the provisions of Article VI, Section 34-221 of this chapter.
- d. Multiple Family Dwellings.
- e. Home occupation or office of resident, in connection with a dwelling unit, subject to the provisions of Article IV, Section 34-138 (6) of this chapter.

(2) Commercial Uses not exceeding 4,000 square feet of gross floor area:

- a. Retail Sales and Consumer Service Uses (*e.g.*, pharmacies, drug stores, convenience stores, newsstands, book stores, barber shops, beauty shops, salons, day spas, restaurants, bakeries, Laundromats, low-hazard dry-cleaning establishments, as defined by the Virginia Uniform Statewide Building Code, and other similar uses).
- b. Health clinics, ambulatory-care facilities, outpatient clinics and similar uses.
- c. Nonresidential training centers (*e.g.*, professional continuing education centers, paralegal schools, computer training schools, vocational or technical schools, etc.), nonresidential schools of the arts, and similar uses
- d. Art galleries, artists' studios, and photography or photographic studios.
- e. Funeral homes.
- f. Bakeries, wholesale.
- g. Television repair shops and shops for the repair of small household appliances.
- h. Recreational facilities open to the general public (but not arcades).
- i. Sign painting businesses.
- j. Bicycle sales and service businesses.
- k. Copy centers, photographic processing, printing, print shops, and similar uses.
- l. Florists.

(3) Other Commercial Uses:

- a. Offices.
- b. Day-care centers, play schools and similar establishments.
- c. Banks.
- d. Motels and Hotels (with and without restaurants), and bed and breakfast establishments.
- e. Technology-based businesses.
- f. Residential nursing facilities, nursing homes, convalescent homes and adult care facilities
- g. Theaters (but not drive-in theaters)
- h. Private recreational facilities which are only open to members of a club,

group or organization (e.g., country clubs, tennis clubs, swimming clubs, health clubs, and similar uses).

- i. Parking garages, which: (i) meet the standards set forth within Section 34-880, and (ii) enclose at least forty-five percent (45%) of the parking area, and (iii) have ramps which are not visible from the exterior of the structure and (iv) contain at least one permitted use, other than parking, on the street-level floor of the parking garage building.
- j. Grocery stores not exceeding 10,000 square feet of gross floor area.

(4) Institutional and Other Uses:

- a. City-owned parks, playgrounds and related recreational buildings.
- b. Libraries and museums.
- c. Non-residential schools and other educational facilities, public or private, offering primary education (e.g., nursery schools, kindergartens, preschools, elementary schools, middle schools, high schools) or secondary education (e.g., community colleges or other colleges offering advanced degrees).
- d. Religious places of worship, such as churches, synagogues, temples, mosques and similar facilities.
- e. Non-residential philanthropic institutions and agencies.

**Sec. 34-363. Same—Uses Permitted with Special Use Permit**

The following uses may be permitted with a special use permit in the Transition Zone District:

- (1) Multifamily dwellings containing up to forty-three (43) dwelling units per acre, except those allowed by right per Section 34-366(2)(b).
- (2) Animal hospitals.
- (3) Any use listed in Section 34-362(2)(a) - (l), exceeding 4,000 square feet of gross floor area, of up to 10,000 square feet of gross floor area.
- (4) Grocery stores in excess of 10,000 square feet of gross floor area.

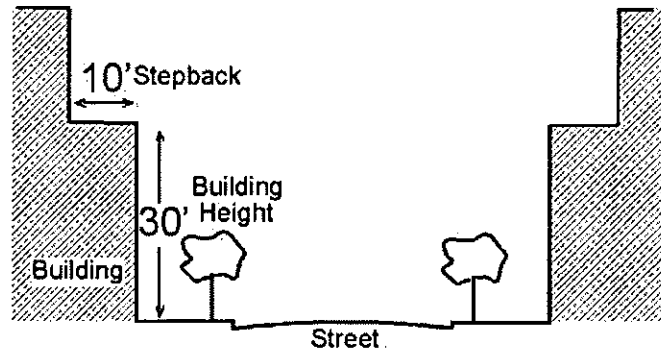
**Sec. 34-364. Height Regulations**

The height regulations for the Transition Zone District shall be as follows:

- (1) Within a project containing only commercial uses, no building or structure shall exceed thirty (30) feet in height, or two (2) stories, whichever is less.
- (2) Within a project containing only institutional uses, no building or structure shall exceed thirty (30) feet in height, or two (2) stories, whichever is less.
- (3) Within a project containing only residential uses, no building or structure shall exceed forty-five (45) feet in height, or four (4) stories, whichever is less.
- (4) Within a project containing a mixture of residential and at least one other type of use, no building or structure shall exceed forty-five (45) feet in height, or four (4)

stories, whichever is less.

- (5) In any commercial, institutional or mixed-use project, the maximum height of the street wall of any building shall be thirty (30) feet. After 30 feet of building height there shall be a stepback of at least ten (10) feet.



### Sec. 34-365. Yard Regulations

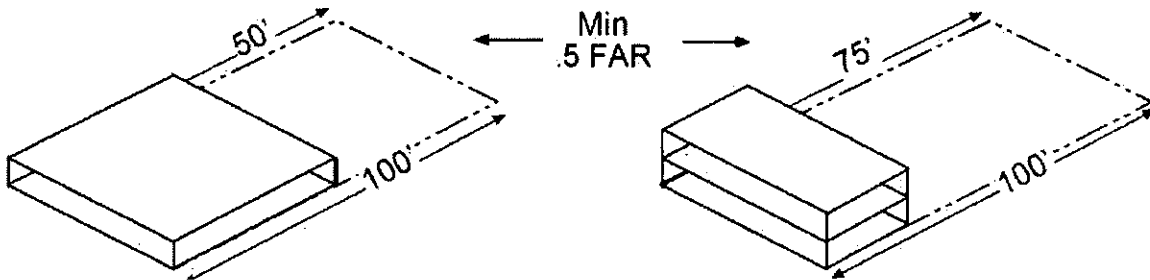
The following requirements shall be met in the Transition Zone District:

- (1) Front Yard. Front yards shall conform to the following:
- a. There shall be no minimum front yard.
  - b. In projects containing only commercial uses, in projects containing only institutional uses, and in projects containing mixed uses, a minimum of seventy-five (75) percent of the front yard street wall is required to be within fifteen (15) feet of the property line. The planning commission may allow a reduction of the street wall down to fifty (50) percent of the total property length to accommodate topographical conditions.
  - c. No front yard area may be used for parking.
- (2) Side Yard. Side yards shall conform to the following:
- a. There shall be a maximum side yard of five (5) feet the full length of the lot on the street side of a corner lot.
  - b. Where any side lot line is contiguous to a residential zoning district, there shall be a minimum side yard of ten (10) feet the full length of the residential zoning district lot line. Otherwise no side yard shall be required.
- (3) Rear Yard. Where any rear lot line is contiguous to a residential zoning district, there shall be a minimum rear yard of twenty (20) feet the full length of the residential zoning district rear lot line. Otherwise no rear yard shall be required.
- (4) For any use requiring a site plan a street wall, whether on the property line or set back from the property line, shall vary by at least four (4) inches every fifty (50) feet.

## Sec. 34-366. Area and Density

The following requirements shall apply in the Transition Zone District:

- (1) FAR. There shall be a minimum Floor Area Ratio of 0.5 on every lot.



- (2) Residential Density.

- a. Within a project containing only townhouse or multifamily uses the maximum number of dwelling units shall be twenty-one (21) dwelling units per acre. For projects containing only single family detached uses, the maximum number of dwelling units shall be seven (7) units per acre.
- b. Within any mixed-use project which includes residential uses (including, without limitation, townhouses), residential dwelling units shall be allowed at a density of up to forty-three (43) units per acre.

- (3) Square Footage; Bonuses. The following bonus provisions shall be available for qualifying uses within a mixed use project. The bonuses afforded by this section may be applied only to increase the square footage of a use listed within Section 34-362(2), and where a bonus will allow square footage greater than that offered by right for a particular use, the provisions of Section 34-363(3) shall not apply.

- a. For every one square foot of space used for child care, an additional two square feet of space shall be granted.
- b. For every one square foot of landscaping above those required by Sections 34-369 and 34-853, an additional twenty-five hundredths (0.25) square feet of space shall be granted.
- c. For every one square foot of space used for a training center whose facilities would not be limited exclusively to employees of a business, or to residents, within the mixed-use project, an additional two (2)

square feet of space shall be granted.

- d. For every one square foot of space used for a courtyard, plaza, open space or porch, an additional two (2) square feet of area shall be granted.

#### **Sec. 34-367. Parking.**

The following parking requirements shall apply in the Transition Zone District:

- (1) Projects Containing only Residential Uses: For projects containing only residential uses, the parking requirements of Article XIX shall apply.
- (2) Projects Containing only Institutional Uses: For projects containing only institutional uses, the parking requirements of Article XIX shall apply.
- (3) Projects Containing only Commercial Uses: For projects containing only commercial uses, the parking requirements of Article XIX shall apply.
- (4) Projects Containing Mixed Uses: For residential units in mixed-use projects, the number of parking spaces required will be one-half of what is required by Article XIX. In all other aspects, the parking requirements of Article XIX shall apply to mixed-use projects.
- (5) No project shall have more than one-half of its total lot area devoted to at-grade, outside parking.

#### **Sec. 34-368. Pedestrian Access and Circulation**

- (1) A pedestrian access and circulation system shall be provided for every project, and shall be designed so as to provide for safe, attractive and convenient pedestrian travel. The pedestrian access and circulation system shall be designed so as to ensure a direct pedestrian connection between public rights of way and buildings within the project, as well as between buildings and other activities within the project. Pedestrian access and circulation systems shall be designed so as to provide pedestrian connections with adjacent lots, where feasible.
- (2) In addition to the requirements of Section 34-858, the following standards shall apply to all commercial, institutional and mixed use projects located within the Transition Zone District:
  - a. The pedestrian access and circulation system must connect all public rights of way to the main entrance(s) of the buildings within a project.
  - b. The pedestrian access and circulation system must connect all buildings within the project, and must provide connections between all buildings and other activities/uses within the project (such as vehicle parking, bicycle parking, outdoor recreation areas, outdoor open spaces, pedestrian amenities, etc.).
  - c. The pedestrian access and circulation system must be hard-surfaced.
  - d. The pedestrian access and circulation system must be at least six (6) feet wide

along public street frontage and at least four (4) feet wide elsewhere within a project.

- e. Where the pedestrian access and circulation system crosses any driveway, parking area, or loading zone, the crossing must be clearly identifiable through the use of lawful elevation changes, different surfacing material, or other similar methods. Striping shall not meet this requirement.
- f. Where the pedestrian access and circulation system is parallel and adjacent to an automobile travel lane, the system must either be a raised path or be separated from the travel lane by raised curb, bollards, landscaping or some other, physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
- g. The pedestrian access and circulation system must be adequately lighted, so as to be safely usable at night by pedestrians. Lighting shall not be permitted to glare or be directed into adjacent residential uses or upwards to the sky.

- (3) The requirements of this section shall be included in the standards applicable to site plans for projects developed in the Transition Zone District. In the event that the requirements of this section conflict with any requirements of Section 34-858, then the requirements of this section shall be deemed the applicable requirements.

#### **Sec. 34-369. Landscaping and Landscaped Buffer**

- (1) All developments shall be required to have a vegetative or other opaque buffer from adjoining residential zoning districts.
- (2) Where a front yard is provided, at least fifty percent (50%) of the property's linear frontage shall be landscaped.

Approved by Council  
November 1, 1999

  
Clerk of City Council