

CITY OF CHARLOTTESVILLE

Department of Neighborhood Development Services

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Please Take Notice

The Charlottesville Planning Commission will hold a Work Session on **Tuesday May 27, 2025, at 5pm in the CitySpace, 100 5th St NE, Charlottesville, VA 22902 and Electronic/Virtual.**

AGENDA

1. Development Code Amendment Discussion

Materials for this meeting are available here:

[Events • Agendas & Minutes • CivicClerk](#)

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

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TO: Charlottesville Planning Commission
FROM: Matthew Alfele, Development Planning Manager
DATE: May 27, 2025
SUBJECT: Development Code Amendment Discussion

The Planning Commission has requested an opportunity to review and provide feedback on the proposed Development Code Amendments scheduled for implementation this summer and fall. This work session will serve as a platform for the Commission to examine the nature of the proposed changes, assess specific amendment language recommended by staff, and contribute additional recommendations and feedback to refine the amendments further.

Background

On December 18, 2023, City Council adopted a new Development Code designed to facilitate a more form-based zoning ordinance, allowing for increased density throughout the City in alignment with the 2021 Comprehensive Plan. As with any evolving framework, staff has identified both minor and significant issues within the code that require amendments to better support the City's stated goals. These proposed changes have been categorized into three tiers:

- **Tier 1:** Minor grammatical revisions and small adjustments to ensure the Code accurately reflects its intended purpose and state mandated changes due to legislative action.
- **Tier 2:** Modifications, additions, or removals that address oversights or clarify existing provisions. This tier also includes suggested amendments to facilitate improvements to the Development Review process.
- **Tier 3:** Policy changes or confirmations that require in-depth analysis and a comprehensive community engagement strategy.

Staff recommends advancing Tier 1 and Tier 2 amendments to a Public Hearing for review and formal adoption into the Code this fall. Tier 3 amendments will be considered within the context of prioritization in the broader NDS workplan for FY26 and beyond, given the time and resources for more in-depth analysis, community engagement.

As staff continues to refine this process, the goal is to establish Tier 1 and Tier 2 amendments as an annual initiative, ensuring that the Development Code remains adaptable and responsive to the community's evolving needs. Regular updates will help address challenges, incorporate best

practices, and support sustainable growth while maintaining a balanced regulatory framework. The practice will also help identify Tier 3 priorities for future consideration and community engagement.

Format for the Meeting and Focused Questions

1. **Staff Presentation** – A PowerPoint presentation outlining the proposed Development Code Amendments.
2. **Group Discussion** – An open forum for Planning Commission members to collectively review and discuss the amendments and ask specific questions.
3. **Individual Input (Round Robin)** – Each Planning Commissioner will have an opportunity to provide feedback on specific aspects, including:
 - a. Whether any proposed amendments have been assigned to the incorrect tier.
 - b. Whether any amendments should be removed.
 - c. Whether additional amendments should be considered, and if so, which tier they should be assigned to.

Attachments and Links

The current Development Code may be viewed here: <https://www.charlottesville.gov/268/Zoning>

- A. PDF of the PowerPoint
- B. Amendment Tiers Document



**Neighborhood Development
Services Department
Development Code Amendments
Planning Commission
Work Session**

May 27, 2025



Vision:
**To be a place where
everyone thrives.**

Agenda

- 1. Background**
- 2. Explanation of Amendment Tiers**
- 3. Examples of Proposed Amendments**
- 4. Next Steps in the Process**
- 5. Questions for Planning Commission**

Background: Development Code Amendments

- **The Current Development Code was Adopted on December 18, 2023** – Designed to facilitate a more form-based zoning ordinance, increasing density in alignment with the 2021 Comprehensive Plan.
- **Need for Amendments** – Staff identified both minor and significant issues requiring revisions to better support City goals.
- **Three-Tier Approach:**
 - **Tier 1** – Minor grammatical corrections, small adjustments, and state requirements.
 - **Tier 2** – Modifications addressing oversights and clarifications.
 - **Tier 3** – Policy changes requiring in-depth analysis and community engagement.
- **Next Steps:**
 - **Tier 1 & 2** – Advancing to Public Hearing for adoption this fall.
 - **Tier 3** – Considered in the broader FY26 NDS workplan and beyond.
- **Ongoing Process** – Annual updates for Tier 1 & 2 to ensure adaptability, best practices, and sustainable growth.

Tier 1 Amendments

- **Purpose** – Addresses copy editing issues, missing text, and small refinements to accurately reflect the intended intent of the Development Code.
- **Legislative Updates** – Incorporates recent actions passed by the Virginia General Assembly to ensure compliance.
- **Scope** – Primarily technical corrections and minor adjustments, ensuring clarity and consistency without altering policy direction.
- **Process** – Proposed amendments will be included an upcoming Public Hearing for formal adoption.
- **Annual Initiative** – Establishing regular updates to maintain accuracy and alignment with evolving legislative and regulatory standards.

Tier 1 Amendment Examples

Page	Section	Existing Language or Issue	Proposed Language
4-10	4.3.2.B.1.A	“...Administrator may allow once side of a block...”	“...Administrator may allow one side of a block...”
6-15	6.7.3.B.1.a.iii	“See 5.2.7 Major Historic Review and 5.2.7 Major Historic Review”	“See 5.2.6 Minor Historic Review and 5.2.7 Major Historic Review.”
2-40	2.5.6.A.6	“Type X ”	“Type B, D ”
3-32	3.4.4.A	“In a RX-District, commercial uses must not exceed 25% of the floor area on a lot.”	*This information is not readily visible and should be added to the RX-district pages in Division 2.
5-5	5.1.3.B.1	Missing Special Exception Permits	“f. Special Exception Permits”
Throughout the code		RN-A is missing, Example: RN-A is not listed in the Screening Transition Matrix under 4.7.1.B.1 on page 4-48	

Tier 1 Amendment Examples State Regulations

Bill	General Changes that need to be made
HB2660	Review timelines have been reduced for Subdivisions, Site Plans, and Development Plans. Most of this information is in the City's Development Review Procedures Manual and not subject to requiring a code amendment. Acceptance of applications has been shortened from 10 days to 5 days, and this will need to be amended in the Development Code. Page 5-12 (5.2.1.C.4.a)
SB974	Removes Planning Commission as the approval authority for administrative review for Subdivisions, Site Plans, and Development Plans. Staff is in the process of identifying the required edits conform to the new regulation.

Tier 2 Amendments

- **Purpose** – Addresses oversights and ambiguities in the Development Code to enhance clarity and functionality.
- **Fee Schedule** – Minor Amendments to the Neighborhood Development Services Fee Schedule to reflect changes to the Development Review process.
- **Scope** – Includes modifications, additions, and removals that improve interpretation and implementation of existing provisions.
- **Impact** – Ensures regulations align more effectively with intended planning goals while maintaining consistency.
- **Process** – Proposed amendments will be included an upcoming Public Hearing for formal adoption.
- **Continuous Refinement** – Part of the ongoing commitment to keeping the Development Code responsive and well-structured.

Tier 2 Amendment Examples

Page	Section	Existing Language or Issue	Proposed Language or Recommendation
2-8, 2-10, 2-12, & 2-14	2.2.2.A.4.F, 2.2.3.A.4.F, 2.2.4.A.4.G, 2.2.5.A.4.G	“Side lot line (min) 4’” (R-A, RN-A, R-B, and R-C). This section is preventing single-family attached style housing on abutting Zoning lots.	Utilize the Alternate Forms Section (2.8) to allow attached housing types on Zoning lots in the Residential Districts.
5-64 & 65 7-12	5.3.3.C 7.2	Due to the definition of Building and Structure this section is preventing accessory structures on nonconforming lots.	Add “..Primary Building...” to many of these sections. “Building, primary. The Building(s) occupied or designated for the primary use.”
5-37	5.2.9	“Development Review applies to...New construction, Addition, Site Modification...” “Development Review consists of two separate approvals, Development Plan and Final Site Plan.”	“5.2.9.A.4 The following project activities are exempt from Development Review. a. New Construction of up to two dwelling units on one Zoning Lot or Sublot. b. Additions to an existing dwelling unit that does not expand the total number of units above two units post construction.

Example of the “Attached” Amendment



ALTERNATE FORMS

2.8.10. Attached Residential

A. District Summary

The Attached Residential Alternate Form is intended to accommodate duplexes, triplexes, fourplexes, townhomes, and other housing options consisting of residential units which share common walls and are divided by side or rear lot lines.

The following table includes a summary of the allowances for the Attached Residential Form. Detailed requirements are further described in this Division.



Attached Residential	
Lot width set by district	
Density set by district	
2.5 stories / 35' height (max)	
60' building width (max)	

B. Applicability

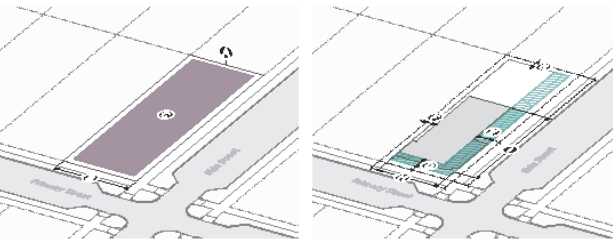
When allowed in Residential (R- and RN-) districts, the following principal uses may follow the Attached Residential Form standards:

- Any allowed Residential uses.

ALTERNATE FORMS

2.8.11. ATTACHED RESIDENTIAL

A. LOT

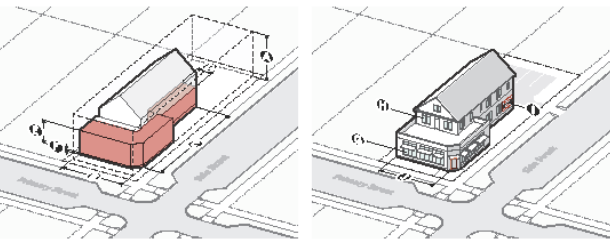


1. LOT SIZE		Sec. 2.10.2
1. Area (min)		Set by district
2. Width (min)		Set by district
2. DENSITY		Sec. 2.10.3
Dwellings per lot (max)		Set by district
3. COVERAGE		Sec. 2.10.4
1. Building coverage (max)		80%
2. Outdoor amenity space		None
4. BUILDING SETBACKS		Sec. 2.10.5
1. Primary street lot line (min/max)		10' / 20' or existing range
2. Side street lot line (min/max)		Set by district
3. Side lot line (min)		0'
4. Rear / alley lot line (min)		4'
5. BUILD-TO		Sec. 2.10.6
Build-to width (min)		
1. Primary street (min)		Set by district
2. Side street (min)		Set by district
6. PARKING LOCATION		Sec. 2.10.8
Front yard		Driveway only
Side street yard		Driveway only
Side yard		Allowed
Rear yard		Allowed

ALTERNATE FORMS

ATTACHED RESIDENTIAL

B. BUILDING



1. HEIGHT		Sec. 2.10.9
1. Building height (max stories/feet)		Set by district
2. MASSING		Sec. 2.10.10
Building width (max)		
1. Primary street		Set by district
2. Side street		Set by district
3. Active depth (min)		9'
3. GROUND STORY		Sec. 2.10.11
1. Ground story height (min)		9'
2. Finished floor elevation (min/max)		0' / 6'
4. TRANSPARENCY		Sec. 2.10.12
1. Ground story (min)	20%	15%
2. Upper story (min)	10%	10%
3. Blank wall width (max)	10'	20'
5. ENTRANCES		Sec. 2.10.13
1. Street-facing entry spacing (max)	40'	60'
2. Entry feature	Yes	Yes
6. FENCES AND WALLS		Sec. 2.10.14
Front yard height (max)		4'
Side street yard height (max)		6'



Amendments to the Fee Schedule

Staff is proposing amendments to the NDS Fee Schedule to facilitate upcoming updates to the Development Review process. Some anticipated amendments will include:

- Changes to Development Plan Review and Final Site Plan
- Addition of Sublots and Easements Plats as stand-alone applications

Tier 3 Amendments

- **Purpose** – Focuses on policy changes and confirmations requiring in-depth analysis and broader community engagement.
- **Scope** – Significant amendments that impact long-term planning and require careful evaluation of goals and implications.
- **Community Input** – Extensive outreach to gather feedback and ensure alignment with public priorities.
- **Process** – Will be prioritized within the broader future NDS workplans, given the complexity and resources required.
- **Future Considerations** – Helps shape long-term regulatory strategies to maintain an adaptable and effective Development Code.

Tier 3 Amendment Examples

- Reevaluate Height in feet AND stories within the Residential Districts.
- Reevaluate Fences and Walls as it relates to Special Exception Permits.
- Reevaluate the RN-A District.
- Reevaluate and better define “Building” as it refers to Massing and allowable height based on units within the “R” districts. The “Townhouse effect”. Height and Massing looks different solely on internal property lines.
- Evaluate the existing structure preservation bonus as no established date is provided to qualify as “existing”.
- Nothing in the Lighting Section (4.12) address athletic fields on public or private land.

Next Steps in the Process

- **May 27, 2025:** Work Session with Planning Commission
- **June 16, 2025:** Work Session with City Council
- **June through August:** Drafting of materials by staff
- **September 9, 2025:** Initiation and Public Hearing at Planning Commission
- **October 20, 2025:** Public Hearing at City Council
- **November 3, 2025:** Adoption



Questions for Planning Commission

1. **Staff Presentation** – A PowerPoint presentation outlining the proposed Development Code Amendments.
2. **Group Discussion** – An open forum for Planning Commission members to collectively review and discuss the amendments and ask specific questions.
3. **Individual Input (Round Robin)** – Each Planning Commissioner will have an opportunity to provide feedback on specific aspects, including:
 - a. Whether any proposed amendments have been assigned to the incorrect tier.
 - b. Whether any amendments should be removed.
 - c. Whether additional amendments should be considered, and if so, which tier they should be assigned to.

Thank You



2023 Development Code Proposed Amendments Outline

This is a working document and provides an outline of Development Code issues and proposed amendments to the City’s 2023 Development Code (Chapter 34). The outline is divided into three categories to help prioritize amendments and desired outcomes.

Tier 1

This category includes grammatical edits and small changes that will clarify selected code language without altering the intent of each section. Public engagement should be limited to Public Hearings at Planning Commission and City Council. . **This will also include updates to the Development Code required to stay in compliance with State enabling legislation changes.**

Tier 2

This category includes edits and/or changes to sections of the code that will better reflect the intent statement of each section. Public engagement should be limited to Public Hearings at Planning Commission and City Council. This sections also include changes to supporting documents such as the Neighborhood Development Services (NDS) Fee Schedule.

Tier 3

This category includes edits, additions, and/or removal of language that could change the intent of the code. These changes require dedicated study and analysis. Public engagement should involve community outreach and inclusion.

Tier 1 (A)				
Number	Page	Code Section	Current Language/Issue	Suggested Language/Change
A.1	4-10	4.3.2.B.1.A	“...Administrator may allow once side of a block...”	“...Administrator may allow one side of a block...”
A.2	6-15	6.7.3.D.1.a.iii	“See 5.2.7 Major Historic Review and 5.2.7 Major Historic Review.”	“ See 5.2.6 Minor Historic Review and 5.2.7 Major Historic Review.”
A.3	4-48	4.7.1.B.1	Transition matrix is missing the RN-A district.	Add RN-A to the “R” list in both columns.
A.4	2-19	2.3.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.5	2-21	2.3.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.6	2-25	2.4.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.7	2-27	2.4.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.8	2-29	2.4.4.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.9	2-33	2.5.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.10	2-35	2.5.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.11	2-37	2.5.4.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.12	2-39	2.5.5.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.13	2-41	2.5.6.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.14	2-45	2.6.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.15	2-47	2.6.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”
A.16	2-40	2.5.6.A.6	“Type X”	“Type B, D”
A.17	2-87	2.9.3.B	Chart entry: 104 Stadium Road. This IPP was removed by City Council as part of the VERVE rezoning.	Remove 104 Stadium Road from chart. *Not an amendment.
A.18	2-104	2.10.2.B.2.b	“...regardless of the width of the lot, provided, that all other requirements...”	“...regardless of the width of the lot, provided that all other requirements...”
A.19	3-32	3.4.4.A	“In a RX- District, commercial uses must not exceed 25% of the floor area on a lot.”	This information needs to be within the RX- district pages in Division 2.
A.20	4-5	4.2.1.B.1	“The existing structure bonus applies to any project within Residential A (R-A) or Residential B (R-B) zoning districts where a developer chooses to meet all	Needs to include RN-A and R-C, as both districts provide allowances for existing structure bonuses.

2023 Development Code Proposed Amendments Outline

			of the standards of this Section in order to receive a density bonus to the maximum allowed dwelling units per lot.”	
A.21	4-22	4.5.1.B.1	Is missing RN-A	Add to Residential category.
A.22	2-57	2.8.4.B	Is missing RN-A	
A.23	2-106	2.10.4.A.3.b	Is missing RN-A	
A.24	2-130	2.10.9.B.2	Is missing RN-A	
A.25	3-20	3.4.2.B	Is missing RN-A	
A.26	3-32	3.4.4.B.1	Is missing RN-A	Tie to updates to Transition section (must be added there as well).
A.27	3-32	3.4.5.A.1.a	Is missing RN-A	Tie to updates to Transition section (must be added there as well).
A.28	3-33	3.4.5.A.3.c	Is missing RN-A	Tie to updates to Transition section (must be added there as well).
A.29	3-33	3.4.5.A.4.a	Is missing RN-A	Tie to updates to Transition section (must be added there as well).
A.30	3-38	3.5.2.H.1	Is missing RN-A	
A.31	3-39	3.5.2.I.3	Is missing RN-A	
A.32	3-42	3.6.2.C.3	Is missing RN-A	
A.33	3-45	3.6.2.F.3.c	Is missing RN-A	
A.34	4-20	4.4.5.D.3	Is missing RN-A	
A.35	4-37	4.5.5.C.7	Is missing RN-A	
A.36	4-43	4.5.7.C.2	Is missing RN-A	
A.37	4-43	4.5.7.C.3	Is missing RN-A	
A.38	4-75	4.9.1.D.1	Is missing RN-A	
A.39	4-83	4.11.3.B.2.e.ii	Is missing RN-A	
A.40	4-86	4.11.6.A.2	Is missing RN-A	
A.41	4-89	4.11.9.A	Is missing RN-A	
A.42	4-90	4.11.9.C	Is missing RN-A	
A.43	4-101	4.11.11.B	Is missing RN-A	
A.44	4-103	4.12.2.C.4	Is missing RN-A	
A.45	4-104	4.12.3.C.3	Is missing RN-A	
A.46	5-62	5.3.3.B.1.b	Is missing RN-A	
A.47	7-9	7.1.2.E	Is missing RN-A	
A.48	5-55	5.2.15.C.1.c	“When the property is within an ADC district... recommendation as the to reasonable conditions which, if imposed, would mitigate any such impacts...”	“...recommendation as to the reasonable conditions....”
A.49	5-57	5.2.16.C.1	“... Planning Commission in advance of the public hearing ...”	A public hearing is not required per 5.1.1. Update to public meeting .
A.50	5-5	5.1.3.B.1	List of recommendation authority is missing Special Exception Permit	Planning Commission also makes a recommendation on Special Exception Permits per 5.1.1 and 5.2.15.
A.51	5-29	5.2.7.C.2.c	Move this section to Section 2.9 and provide a reference here to Overlay Districts.	Design standard information is included here but would make more sense to be within Section 2.9 (Overlay Districts).
A.52	5-62	5.3.3.B	Expansions	The code otherwise uses Addition for this activity. Update to Additions for consistency.
A.53	5-63	5.3.3.B.2	... or an Individually Protected Property, , then that structure...	Remove extra comma and space.
A.54	5-34	5.2.8.A	A Corridor Review for a Certificate of Appropriateness is required for the following project activities n on any property located in the Entrance Corridor District:	Remove the extra “ n ” from sentence.
A.55	5-38	5.2.9.D.1.a.iii	A Certificate of Appropriateness is also required for 5.2.8 Corridor Review.	Add information regarding COA for Entrance Review.

2023 Development Code Proposed Amendments Outline

A.56	Throughout		SB974	Removes Planning Commission as the approval authority for administrative review for Subdivisions, Site Plans, and Development Plans. Staff is in the process of identifying the required edits conform to the new regulation.
A.57	5-3	5.1.1	The Planning Commission is designated as the Appeal body for Development Review.	State authority has been removed. Remove Planning Commission as the Appeal authority.
A.58	5-4	5.1.3.B.2	The Planning Commission is given authority over preliminary plats and appeals of Development and Subdivision review.	State authority has been removed. Remove Planning Commission authority for Preliminary Plats, Development Review and Subdivision Review. The Commission appears to retain authority over Comp Plan and Entrance Corridor COAs (group/AO to confirm).
A.59	5-38	5.2.9.D.1.a.i	Planning Commission receives notice of application.	Remove “notify the Planning Commission of the application and” as the Commission no longer has authority over Development Review.
A.60	5-38	5.2.9.D.1.b	Planning Commission is given authority over Development Review appeals.	State authority has been removed. Remove this section. The revised state code does not appear to give Council appeal authority either?
A.61	5-39	5.2.9.D.2.a.i	Planning Commission is listed as an authority on Development Review.	State authority has been removed. Remove reference to Planning Commission.
A.62	5-39	5.2.9.D.2.a.ii	Planning Commission is listed as an authority on Development Review.	State authority has been removed. Remove reference to Planning Commission.
A.63	6-15	6.7.3.D.1.a	Planning Commission receives notice of application.	Remove “notify the Planning Commission of the application and” as the Commission no longer has authority over Development Review.
A.64	6-15	6.7.3.D.1.b	Planning Commission is listed as authority for preliminary plats.	State authority has been removed. Remove this section. The revised state code does not appear to give Council appeal authority either?
A.65	6-16	6.7.3.D.2.a	Planning Commission is listed as an authority on Subdivision Review.	State authority has been removed. Remove reference to Planning Commission.
A.66	6-19	6.7.4.A	Planning Commission is listed as an authority on Subdivision Review.	State authority has been removed. Remove reference to Planning Commission.
A.67	6-19	6.7.4.A.4	Planning Commission is listed as an authority on Subdivision Review.	State authority has been removed. Remove reference to Planning Commission.
A.68	Throughout		HB2660	Review timelines have been reduced for Subdivisions, Site Plans, and Development Plans. Most of this information is in the City’s Development Review Procedures Manual and not subject to requiring a code amendment. Acceptance of applications has been shortened from 10 days to 5 days, and this will need to be amended in the Development Code. Page 5-12 (5.2.1.C.4.a)
A.69	5-12	5.2.1.C.4.a	<i>“All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has 10 days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision.”</i>	“All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has 5 days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision.”
Tier 2 (B)				
Number	Page	Code Section	Current Language or Problem	Suggested Language or Issue in Question
B.1	2-8, 2-10, 2-12, 2-14	2.2.2.A.4.F, 2.2.3.A.4.F, 2.2.4.A.4.G, 2.2.5.A.4.G	<i>Side lot line (min) 4’</i> (R-A, RN-A, R-B, and R-C). This section is preventing single-family attached style housing on abutting Zoning lots.	Side lot line (min) 4’ Where permitted, Dwelling Unit-Attached with a shared property line may encroach to 0’. Or is could be added to Section 34-2.10.5.E.1 (Exceptions) Dwelling Unit-Attached (this would need a definition under Section 34-7.1.2.A.2) Dwelling Unit-Attached: A dwelling unit that is located on a separate Zoning Lot or Sublot and shares a common wall or one or both sides with a neighboring dwelling. Duplexes and Townhomes are examples of Dwelling Unit-Attached. Working towards an Alternate Form concept.
B.2	Fee	Fees	Update Fee language to match what we are doing with Amendments and the Development Review process.	Remove Development Plan Review Minor and Major; Amend Final Site Plan to Major; add Final Site Plan Minor, Development Plan, Sublots, Easement Plat, Revisions to an Approved Development Plan or Final Site Plan; and Remove or Edit Title under Chapter 10 as PWE.
B.3	4-80	4.10.1.B.2	The code is missing exemptions for the first unit and for lots of record. This would be considered a taking under state regulations.	Add in :” 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

2023 Development Code Proposed Amendments Outline

				<p>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."</p> <p>And</p> <p>"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 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."</p>
B.4	2-148	2.10.13.A.2.d	Lots with 1 dwelling unit do not have to provide street-facing entries.	This might need more study, but staff may suggest striking this language from the code.
B.5	Sheds and accessory buildings 5-64 & 65 7-12	Multiple Code Sections within 5.3.3.C 7.2	As the code is written, it is almost imposable to have an accessory structure (shed, garage, pavilion...) on a lot before the build-to requirements are meet. Due to the definition of Building and Structure this section is preventing accessory structures on nonconforming lots.	(5.3.3.C Sections) Add "... Primary Building..." to many of these sections. (7.2 Definition Section) "Building, primary. The Building(s) occupied or designated for the primary use."
B.6	Sight Distance	NA	Nothing in the new code provides details on a sight distance triangle.	Could use the section from the 2003 Code (Sec. 34-1121. - Sight distance—Required sight triangle.) Collaboration with the City Traffic Engineer before any change is made.
B.7	2-33 (etc.)	2.5.2.B.4 (etc.)	Double reference to primary/side.	Update to non-residential and residential (currently double references to primary and side street) This is problematic for NX-3, NX-5, NX-8, NX-10 and DX.
B.8	2-41	2.5.6.B	Existing graphic.	Update DX graphic to remove the stepback; implies the stepback is required. It also is implying an additional 30' and 15' of active depth is required (shaded in red).
B.9	2-97	2.10.1.D	Yard designation details	Based on text, if a site has 2 primary street frontages, they have 2 front yards but there is no graphic demonstrating this or clear language confirming this.
B.10	2-98	2.10.1.D	Yard designation details graphic	The text bases yard on street-facing facades, which are within 50-ft of the lot line. It uses "the primary building's street-facing facade" but it is not clear if it is the primary building or the primary facade and how that is defined. So, the text reads that the yard is between lot line and any facade which meets the street-facing facade standard, or any facade within 15-ft of a street-facing facade. This is inconsistent with the graphic.
B.11	2-114	2.10.5.D	Measurements based on lot line.	The code provides for "Primary Street", "Side Street", and "Rear" setbacks. No text for "Side lot line" setback. This measurement not defined.
B.12	4-23	4.5.1.C	Pedestrian Access Type 2	Pedestrian Access Type 2: This type of pedestrian access is required in all Residential districts. The standards call for "distance from street intersection (max) to be 100'". No consideration is given for lots that are more than 100' from an intersection.
B.13	4-31	4.5.3.D	Vehicle Access.	Maximum lane widths contradict fire code and the Standards and Design Manual (SADM). 4.5.3.C.1 outlines the conflict. <i>"All vehicle access designs must be approved by the Administrator and must conform to the provisions of the Standards and Design Manual."</i> Traffic and Fire view "lanes" within a parking lot as travel lanes and what a minimum of 10' and not 8'.
B.14	7-14	7.2 Fence	Fence. A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas. A fence differs from a wall in not having a solid foundation along its entire length.	This is too vague. Deck railings required by the building code meet this definition, which should not be our intent. We need a better definition of Fence, or we should stop regulating fences (we did not regulate them under the old code).
B.15	4-8	4.2.2.C.3	This section is only about Unit Bonus allowances in residential districts, but R-C also has a Height Bonus which is not detailed.	A new section or subsection should be added to provide standards for height bonus in R-C. Match standards to the Height Bonus in other districts (50% AMI).

2023 Development Code Proposed Amendments Outline

B.16	4-9	4.2.2.C.4	Current language is not clear that 50% requirement replaces 60% requirement for affordable units.	Add clarifying language.
B.17	4-20	4.4.5.D	Where existing streetscapes are determined to be in good condition by the Administrator, they may be used to comply with clear walk zone and greenscape zone requirements provided they comply with all standards in this Division.	Comply with all standards is confusing. Interpreted to mean the standards within 4.4.5.D (100-ft max frontage from 4.4.5.D.1).
B.18	2-113	2.10.5.D.2	Where a lot line abuts an access easement, the Administrator will determine whether the setback may be measured from the interior edge of the access easement rather than the lot line.	Language should be clearer. Define access easement types allowed (pedestrian, vehicular, etc.) to be clear other types of easements do not qualify.
B.19	3-36	3.5.2.D.17.k	Refers to kennels.	Kennel is not otherwise defined or used. Consider updating to match other language.
B.20	4-24	4.5.1.C.3	Provides “linking” requirements before “direct” requirements, but this should be reversed to match 4.5.1.C.2. Also not clear why we need a Type 1 and direct when they are one and the same and vice versa.	Reverse order and reconsider categories.
B.21	3-39	3.5.2.I.3	Fence Type X.	Tie to larger fence discussions?
B.22	7-15	7.2	Grade, finished.	Additional clarifying language is needed. Intent to measure at building footprint?
B.23	5-58	5.2.16.C.4	City Council Decision details <i>“The City Council will conduct a public meeting on the application. The City Council may hold a joint public meeting with the Planning Commission.”</i>	This language matches items such as SUPs which require a public hearing, but not items like SEPs which require a public meeting same as the Critical Slope SEP.
B.24	7-11	7.2 Active Space	Active space. Any occupiable space designed and intended for living, sleeping, eating, or cooking. Restrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered active space.	We need a better definition of "Active Space" or a Determination of "Living". The current definition and interpenetration of living prevents a lot of activities from being allowed in the active space depth. These include retail, bookstores, office, CVS... Building suggested using "habitable" space, but that building code section only applies to residential and not commercial spaces.
B.25	2-133	2.10.10.B.2.d	Lots with 1 dwelling unit do not have to meet the active depth requirements.	This is creating a lot of confusion. Should this say, "single unit dwellings do not have to meet the active depth requirements". Or something along the lines of "Buildings with only one dwelling unit on a lot or subplot do not have to meet the active depth requirements." We might need to also add something for existing buildings.
B.26	2-131	2.10.10.A.3.a	No building located on a lot may be wider than the maximum building width allowed by the zoning district.	This section does not contemplate buildings spanning more than one zoning district. Revision or clarification needed.
B.27	4-75	4.9.1.D.1	Canopy set at 10 years	Previous code included language to allow us to continue with 10 years (state code is at 20 years), which was not included in this development code. Further study needed.
B.28	4-70	4.8.1	Fences and Walls	Section does not contemplate requirements such as ABC guidelines.
B.29	4-9	4.2.2.C.3.c	Bonuses in Residential Districts Standards	Does this section conflict with the ADU manual requiring a certification for ALL residential projects?
B.30	4-104	4.12.3.B.3	Lighting must not trespass onto adjacent properties, sidewalks, or rights-of-way and the footcandles at the property line must be no more than 0.5.	“Lighting must not trespass onto adjacent properties and sidewalks not within the proposed development , public rights-of-way and the ...”
B.31	4-80	4.10.1.C.1 & 2	1. No buildings, structures, or other improvements are permitted in the part of a project site with a grade of 25% or greater. 2. No land disturbance is permitted in the part of a project site with a grade of 25% or greater.	1. No buildings, structures, or other improvements are permitted in the part of a project site within Critical Slopes a grade of 25% or greater. 2. No land disturbance is permitted in the part of a project site within Critical Slopes . grade of 25% or greater.
Tier 3 (C)				
Number	Page	Code Section	Current Language	Staff Notes *Community Engagement and analysis will be required.
C.1	2-9 (etc.)	2.2.2.B.1 (etc.)	Height is based on unit count.	Building height is for the number of units within the building. If you have one building and it has more than one unit within the building, you get the additional height. If you have

2023 Development Code Proposed Amendments Outline

				multiple units on a site, but they are each in their own individual unit, you do not get the additional height. This is problematic for R-A, R-B, and R-C.
C.2		2.10.10 Massing	This dovetails into the item C.1	Building is not clearly defined when it comes to “Height” and “Massing”. The example is: If I have seven townhomes along a primary street in the R-B, the massing and height is all dependent on where the property lines are for each unit. If it is seven townhomes with no property line at the shared wall (all seven are on one lot in a condo) the “building” can only be 60’ long on the primary street, but it is a building with seven units in it and can be 3 stories (and 40’). But, if there are property lines running through the shared walls, each unit is a building and can, individually, be 60’ long, but only 2.5 stories (35’). From the outside they would present very differently but the only difference is where the invisible property line is.
C.3	2-40	2.5.6.A.6	Will eventually reference Type B and D (in Category 1 as well).	See Downtown Mall Management Plan for recommendations on transitions.
C.4	2-97	2.10.1.D	Yard designation details	This section refers to primary structures, but we should consider changing to primary buildings. If structures, a raised deck (etc.) would qualify and we should work through implications.
C.5	2-104	2.10.2.B.3.c	Lots having vehicular access from any street other than a primary street, or not having vehicular access at all, must meet the minimum width required for lots with other vehicular access specified by the zoning district.	Assuming this is meant to describe the "side/rear access" width in the districts, should this say: "...from any side street, alley, easement, or other right-of-way not designated a primary street..."? This seems confusing because it only says "from a street or no access" which leaves out everything I listed out.
C.6	Various	Various	Structure, accessory structure, etc.	Deeper dive on structure, accessory structure, and associated requirements. Consistency issues, as well as intent (interior non-conforming lots vs corner non-conforming lots).
C.7	4-11	4.3.2.B.2	Mid-block pedestrian pathways	This section is set up on the assumption there is only 1 primary street frontage, which is often not the case. Needs revision/study.
C.8	4-5	4.2.1	Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure.	CodeStudio has verbally stated that this is for structures pre-dating the code, but that is not specified here. As written, someone can build a structure and then immediately use it to get the bonus as an existing structure.
C.9	NA	4.4	The Street Typology Map needs revision. The Local designation is not in the legend, and the green marking on the Mall needs to be removed as it is not a category on the map.	Map quality is also substandard.
C.10	4-27	4.5.2.B.2	Projects with 1 to 4 dwelling units are not required to provide short-term or long-term bicycle parking.	Consider whether this should be applied per lot or per project. Tie to discussion of definition of project.
C.11	5-54	5.2.15.A	<i>A Special Exception Permits may be granted for physical dimensional standards described in the following Division...</i> needs revision to account for the determination that parking location and other potential locations are permitted modifications allowed under SEP.	Also consider removal of 5.2.15.A.2.a (Div 2.10 Rules for Zoning Districts) per input from Freas on requiring a ZMA instead.
C.12	7-19	7.2	Project Any activity, including subdivisions, new construction, additions, site modifications, façade modifications, changes of use, renovations, and maintenance and repair, on a parcel that is controlled by this Development Code.	Language implies this is only upon one parcel. Discuss intention and revision.
C.13	7-8	7.1.2.C.4	Site Modification	If you read this with what a "site" is under E on page 7-9, a Site Modification is only a change to the land and not what is on it. We need something more like our old Site Plan Amendment. Site: A single lot or group of connected lots owned or functionally controlled by the same person or entity, assembled for the purpose of development. Lot: A parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon.

2023 Development Code Proposed Amendments Outline

				Site Modification: Any modification of an existing site that affects less than 50% of the existing site area, up to 25,000 square feet of affected site area.
C.14	7-9	7.1.2.E.2	Defining a lot	This and the definition of parcel should be considered together. Parcel. A contiguous portion of land that is assigned a unique identification number by the Office of the Assessor. (7-19) Lot: A parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon. (7-9)
C.15	7-10	7.1.2.E.3.b	Sublot access	Add clarifying language that easement may be through other zoning lots.
C.16	2-133	2.10.10B.2	Active Depth Applicability	This section prevents structured parking as a standalone use, but the structured parking section (4.5.5.C.7) provides screening requirements which may imply the standalone use is okay. Language on 2-133 is contradictory regarding ground floor. The section states Active Depth is for the portion of the building use to meet the minimum build to width requirement. But that requirement is only for ground stories of a building.
C.17	2-148	2.10.13	Entrances	Update to match previous determinations or better clarify.
C.18	4-43	4.5.7.C	Active depth vs. garage. Link to active depth.	Further study needed.
C.19	4-103	4.12	Nothing in the Lighting section addresses athletic field lighting. The maximum fixture height is 15’ and that would not work for ball fields.	
C.20	4-32	4.5.3.D.2	This section contradicts 4.5.1.C.a.i.d which calls for all pedestrian paths to be physically separated from the motor vehicle use.	