

Agenda

PLANNING COMMISSION REGULAR TUESDAY, October 14, 2025 at 5:30 P.M. Hybrid Meeting

I. Commission Pre-Meeting (Agenda discussion(s))

Beginning: 5:00 p.m.

Location: (NDS Conference Room, 610 East Market Street, Charlottesville, VA 22902)

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: (Council Chambers, 605 E. Main Street, Charlottesville, VA 22902 and Electronic/Virtual)

A. COMMISSIONERS' REPORTS

B. UNIVERSITY REPORT

C. CHAIR'S REPORT

D. DEPARTMENT OF NDS

E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

F. CONSENT AGENDA

(Items removed from the consent agenda will be considered at the end of the regular agenda)

1. Minutes – August 26, 2025 – Special Meeting
2. Minutes – September 9, 2025 – Regular meeting

III. PLANNING COMMISSION PUBLIC HEARING

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

None Scheduled

IV. COMMISSION'S ACTION ITEMS

Beginning: following the hearings

Continuing: until all public hearings and action items are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing (as applicable)

1. Special Exception – Critical Slope - 1000 2nd St SE

V. LISTENING SESSION

1. Minor Development Code (Zoning) Amendments

VI. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday October 28, 2025 – 5:00 PM	Work Session	Environmental Review Project
Tuesday November 12, 2025 – 5:00 PM	Pre-Meeting	
Tuesday November 12, 2025 – 5:30 PM	Regular Meeting	Development Code Text Initiation – Minor Amendments Planning Commission Work Session – Minor Development Code Amendments

Anticipated Items on Future Agendas

PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.

PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3185 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.

Planning Commission premeeting and regular meetings are held in person and by Zoom webinar. The webinar is broadcast on Comcast Channel 10 and on all the City's streaming platforms including: Facebook, Twitter, and www.charlottesville.gov/streaming. Public hearings and other matters from the public will be heard via the Zoom webinar which requires advanced registration here: www.charlottesville.gov/zoom. You may also participate via telephone and a number is provided with the Zoom registration or by contacting staff at 434-970-3182 to ask for the dial in number for each meeting.

PLANNING COMMISSION REGULAR MEETING

September 9, 2025 – 5:30 P.M.

Hybrid Meeting

I. COMMISSION CLOSED SESSION (Agenda discussion(s))

Beginning: 5:00 PM

Location: NDS Conference Room

Members Present: Chairman Mitchell, Commissioner Schwarz, Commissioner Stolzenberg, Commissioner d’Oronzio, Commissioner Solla-Yates, Commissioner Yoder, Commissioner Joy, Commissioner Roettger

Staff Present: Patrick Cory, Missy Creasy, Kellie Brown, Ben Koby, Remy Trail, Matt Alfele, Ose Akinlotan

Chair Mitchell called the meeting to order at 5pm. Commissioner Roettger noted that there may be some members of the community attending to provide public comment. Ms. Brown provided an overview of the current status of the zoning code. Commissioner Schwarz asked about the process for code related changes and the process was provided. Mr. Alfele provided information on the differences between Development Plans and Final Site Plans. Commissioner Stolzenberg asked if a development plan provides vesting, and it was noted that it would not. There was additional discussion about code changes. Commissioner Solla-Yates presented two items for correction to the minutes. It was asked about the fire department comments related to the Myrtle Street application. Staff noted that the applicant is working with fire on a solution. Commissioner Yoder asked if the funds provided in-lieu for the sidewalk would allow for construction in this area of the city. It was noted those funds would go towards sidewalk priority construction.

II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Mitchell at 5:31 PM.

Beginning: 5:30 PM

Location: City Hall Chambers

A. COMMISSIONERS’ REPORTS

Commissioner Stolzenberg – The MPO met last month just before our last meeting. My only meeting was LUPEC. We got an update on Albemarle’s adopted solar ordinance, which includes by right, small scale, commercial, and industrial. It has more set rules for larger utility-scaled projects to apply for special use permits. We got an interesting update on the Ivy Landfill Solar Project. It was approved several years ago. It is now under construction. We got an update on the water supply pipeline that has been underway. You might have heard about the blasting as they go up through Observatory Hill. We got updates on VDOT transportation projects. A couple plans are in process. We got 29 north and the 29/250 interchange. There is the project at 29 and 64. There is another pipeline project at 5th Street and 64. There are no huge updates with those. There is the VDOT study in the city at West Main and Ridge. There are no major updates on those projects. We will wait to hear what comes out of the West Main and Ridge public comments and what they come up with as the preferred alternative. With the construction of projects that are in process by VDOT, the big news is that everything is now a bundle. VDOT loves bundling things into large contracts to pull in big contractors and pique their interest, so they are willing to do it. I have previously talked about Fontaine Avenue roundabout. All those are being bundled together and should be going out to bid.

Commissioner Schwarz – For the BAR, we had a couple projects. We had a 2nd story addition to what was a floral shop on 300 Ridge Street. There was an interesting duplex infill project on Ridge Street. It was an interesting way of fitting in some density using the new zoning code. We had 2 pre-application conferences. We had one on 835 – 847 West Main Street, which is the parking lots just south of Westhaven. That is proposed to be an 11-story student housing building. There was a significant amount of public comment. If anybody is interested, the BAR video is available online to listen to that public comment. The public comment was more directed at us and Council than it would be at the BAR. We had a pre-application conference for another large student housing project.

Commissioner Solla-Yates – The 2024 Virginia Code Development Cycle, the statewide organization working to update the building code that effects all of us, is holding the second general stakeholder work group meeting on October 3rd. Two proposals from me, on behalf of Charlottesville, will be considered. One of them is regarding permitting having more affordable elevators in R-2 residential development up to 6 stories. They were permitted but were banned a few years ago. The hope was that everyone would build larger elevators. The other one was about permitting a 4th story of single-stair development, which incorporates several safety improvements, which were recommended by the fire-safety people at the state level. I am optimistic about this. I am hoping for consensus on both. It is a consensus driven process. There was a meeting of the Charlottesville City Schools Capital Improvement Work Group. We considered 2 pieces of information about possible costs for updating existing facilities. One of them was \$70 million and the other was \$100 million. There were 2 different assessments based on looking at different buildings on different dates. The overall impression that I gained was that we are looking at some substantial capital costs in the coming years. We need to get a handle on it.

Commissioner d’Oronzio – There was no HAC meeting. We will be meeting next week. We will be getting an update on the restructuring of the housing staffing. With the Planning District, most of our last 2 meetings have not been relevant to the city of Charlottesville. We have applied for the housing preservation grant. That is a USDA project. That is inapplicable to any money going our way. We have ‘played around’ with how we are going to be scored for smart scale. The MPO is excluded from that. That is going to stay the same. We had the CAPER report for the consortium come through. We had the public hearing on that. In terms of directly impacting the city, not so much.

Commissioner Roettger – I have a report from the Tree Commission meeting. The Tree Commission needs 2 new members. If anyone is interested, you can reach out to me or look on the website. The Tree Commission continues on multiple fronts dealing with trees. One of them is invasive species control. There is a good group of volunteers in different neighborhoods, who are learning how to cut vines. Kellie Brown (Director of NDS) came in to talk about some of the Tree Commission’s worries and ideas around tree removal and all that goes into the site planning. She gave a great presentation on what the city is doing. There was a lot of back and forth, a lot of ideas where educational materials and pre-meetings with developers about potentially keeping existing trees. This all came about after there was a public tree taken down by Friendship Court, which sparked a lot of interest in digging into the details of the process of how the tree removals are approved.

Commissioner Yoder – I am on the Citizen Transportation Advisory Committee of the MPO. We have not met. Last week, the MPO policy board did discuss what the role of this committee should be in the future since not every MPO has a citizen transportation advisory committee. Some of the ways citizens engage with the MPO has shifted over the decades since this committee was formed. It is an important discussion to have. They are considering whether they should have the committee. If we do, what should that committee do? That discussion will be ongoing at their next policy board meeting.

B. UNIVERSITY REPORT -

Commissioner Joy – The Board of Visitors is meeting this week. This Thursday will be the Buildings and Grounds meeting. I will have more to report at our next meeting. I wanted to ‘touch’ briefly on the agenda items that will be discussed there that are relating to some of the capital projects in the pipeline. The first is the concept design guidelines approval for the School of Data Science and Entrepreneurship Building. This is the second phase of the School of Data Science. It sits adjacent to the existing School of Data Science. The next item that I want to highlight is the schematic design approval for 220,000 square foot Center for the Arts. That includes a 1200-seat Richard & Tessa Ader Performing Arts Center. That is exciting. We have a schematic design review for a research data center at Fontaine Research Park. There are a couple smaller items. There is the proposed renaming of the Federal Executive Institute at Sycamore Hill. There is a discussion regarding the future use of the Oak Lawn property. I look forward to getting feedback on how the various votes go relative to those items. Darden Graduate Housing is progressing along the bypass. They are under construction and scheduled to be completed in the Fall of 2027. That is 348 beds. The Emmet/Ivy 2nd Year Housing is under construction. That is on schedule and going to be completed the fall of 2027. That is the P-3 project with the Capstone Development. That is 780 beds. With parking projects, we opened a garage this week. The Fontaine garage is done. Parking is available this week. That is 1250 spaces. What is exciting about that is that it is a dedicated commuting resource for many of the UVA Health staff. Hopefully, that will streamline some commutes for the important and hardworking staff. We have the North Ground garage. That is making great strides in construction. If you have driven by Massie Road, you can see it. That is slated to be completed in 2026. That is an additional 1000 spaces. The Olympics Sports Center ribbon cutting is this Thursday. That is state-of-the-art training spaces for all UVA varsity sports teams, dedicated locker rooms for 7 of the varsity sports. That means we can remove the temporary modular units by the Copeley Bridge. The Manning Institute of Bio-technology structure is nearing its topping out at the Fontaine Research Park. That is on schedule for a fall 2027 opening. There is a next generation heat plant at Fontaine as well. That is also nearing completion. That is the first extensive non-combustion geothermal plant that is going to provide thermal energy for the Institute of Biotechnology and the upcoming Data Center. We have 2 updates on the Emmet/Ivy Corridor. The Karsh Institute of Democracy exterior envelope is progressing. It is about two-thirds complete. That is on track to open the fall of 2026. The Virginia Guest Hotel & Conference Center is complete on the exterior. They are working on guest room interiors. That is shooting for substantial completion this year with the public opening in 2026. There are Foundation housing updates on Wertland and Piedmont. Both projects are moving ahead. Each site is unique and continues to progress on their own timeline. The timeline for construction depends on financing and entitlements. Based on conversations with the developers, the earliest start date for construction is 2027 at Wertland & 10th. Piedmont will be following by 1- or 2-years pending completion of rezoning and project funding.

C. CHAIR’S REPORT

Chairman Mitchell – There is nothing much to report. Commissioner Roettger will be taking over as our representative to the Parks & Recreation Advisory Board. This will be my last meeting as the moderator. I have done this for 4 different seasons.

1. Annual Meeting

Ms. Creasy – We will start with a report from our nominating committee.

a. Presentation by Nominating Committee

Commissioner Roettger – I will do the report. On behalf of the whole board, I would like to thank Commissioner Mitchell for his service this year. The committee had some good conversations with our commissioners. We have a nominee for Chair and Vice-Chair. We would like to nominate Commissioner Schwarz as the new Chair of the Planning Commission and Commissioner Yoder as the Vice-Chair of the

Planning Commission. We would like for Commissioner Solla-Yates and Commissioner d’Oronzio to continue their leadership on the legislative issues.

b. Election of Officers

Ms. Creasy – We have a slate of officers that have been provided from the Nominating Committee with Commissioner Schwarz as the Chair and Commissioner Yoder for the Vice-Chair. This is an opportunity for the Commission to provide any additional nominations. Currently, we have a slate of officers to vote on.

Commissioner Mitchell – Motion – I move that we accept the nominating committee’s recommendations – second by Commissioner Solla-Yates. Motion passes 7-0.

D. DEPARTMENT OF NDS

Missy Creasy, Deputy Director – We are not planning for a work session for September. We are getting ready for additional work sessions coming forward. Because the zoning case that is under litigation has been stayed, we continue to move forward with the code now. We are going to pick back up where we were in our zoning amendments. We had a work session where we discussed tier 1, tier 2, and tier 3 changes to the code with tier 1 being more administrative, tier 2 being more mid-level, and tier 3 being something that would require significant public participation opportunities. You all directed us at the last work session in the spring to schedule a listening session, so that the community has opportunities to provide feedback on the tiers and the zoning amendments. We would then move forward to a more formal work session. We are working to schedule that. At this point in time, we have the listening session for the regular meeting in October. Our Tuesday regular meeting in November is on a holiday. We will make sure to make that adjustment and will let you know. Usually, it is the day following the holiday when we attempt to schedule the meeting. Sometimes we have conflicts. We have some time to work through that.

E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

Joy Johnson (Hardy Drive) – I am here tonight as the PHAR Chair. I am here tonight to talk about the 12-story building that is being proposed in the back of Westhaven. The residents of Westhaven and 10th & Page don’t want it because it overshadows our buildings. When they were building The Standard, they said that The Standard was a mistake. It was 8 stories. You are now thinking about building a 12-story building. What is so disrespectful about this whole thing is that we have at least 23 residents, some who do not speak any English, but they still participate. They have been meeting for the last 3 years to redevelop what Westhaven would look like. This company waited until we came to a consensus. We did not agree on everything. We came to a consensus of what our site plan would look like. They decided in April to do a design and put up a 12-story building that blocks the main theme of what we were trying to do. It was how we accessed Westhaven. Westhaven was dug out so many feet down to build, so that people on West Main Street, when they were going by, would see poor people. They came to one of our meetings and told us what they were getting ready to do. That is not how it works with our residents. We don’t want you to come and tell us what you are going to do. You should come and participate with us. Let us be a part of the process of what they are doing. They only talked to Westhaven but not to the 10th & Page neighborhood. We challenged them. We asked them, ‘Why are you not talking to the whole neighborhood? Why are you just talking to Westhaven residents? We did have a meeting at the Jefferson School. The people from 10th & Page and Westhaven residents were pushing back on the 12-story building. We are still pushing back on that 12-story building. From April, you had an opportunity to engage with us and you didn’t about what is built on the skirt or in our backyard. Something needs to be changed where it goes back to City Council, or we have more opportunities to speak on what it is we don’t like about what is being built in our neighborhood.

I am asking the Planning Commission to use the opportunity to change the zoning for West Main Street. Changing the zoning should consider the neighborhood connection to West Main Street. Changing the zoning should recognize that West Main Street sits on top of a hill. All neighborhoods on both sides are below it. Height is an issue. Transition in height is needed to protect the neighborhood under West Main Street. Special use permits need to be utilized to bring democracy to city planning. That can compel community benefit arrangement. There are 2 student housing projects bringing a negative impact to the neighborhood next to West Main Street. These issues and more like it will continuously be brought to City Council if the change of the zoning is not made.

Sofia Marrero (1950 Beachcrest) – I am a community organizer at the Public Housing Association of Residents. I am here to speak to the zoning policy. I am here to ask that priority of land use should be given to those most negatively impacted. Impacted communities need more than one opportunity to comment on massive by right developments next to historically black neighborhoods. We need to bring back special use permits and discretionary approval for developments around 10th & Page, Westhaven, Fifeville, Rose Hill, 6th Street, Crescent Halls, Kindewood, etc. We must not forget the history of Vinegar Hill and the impact it continues to have on black and brown communities in the area. We need to implement a core neighborhood overlay district from 4th Street to 10th Street to protect historically black neighborhoods and promote neighborhood friendly development.

Wendy – I am a community organizer at The Public Housing Association of Residents. I am here to discuss the 11-story luxury student housing apartment building proposed to be constructed by right at 835, 843, and 847 West Main Street. Not only would this enormous concrete building overshadow and loom over the Westhaven community, but it would also enclose Westhaven residents and restrict access to West Main Street, which they have been working so hard on for over 3 years to achieve through their redevelopment site plan. Across the street, our neighbors in the Fifeville District are fighting the exact same fight against a 7-story luxury student housing apartment building that would sit on top of the hill above the Fifeville community, bringing more students into the historic Fifeville Neighborhood. The fact that these gigantic buildings of such density are allowed to be built by right in these historically black neighborhood corridors is a blatant error in Charlottesville's zoning code despite the historic wins achieved by the zoning ordinance. It is Westhaven and Fifeville fighting these buildings today. We will be fighting in Venable, Rose Hill Drive, South First Street, and Garrett Street tomorrow. Ms. Johnson says that they are developing while we are sleeping. To remedy these flaws in the transitions between areas and repair historical injustices from urban renewal and the destruction of Vinegar Hill, PHAR advocates for the following changes in the zoning code. Give priority of land use management to those most negatively impacted. Impacted communities need more than 1 opportunity to comment on massive by right developments in and next to historically black neighborhoods. We need to bring back special use permits and discretionary approval for developments around 10th & Page, Westhaven, Fifeville, Rose Hill, 6th Street, Crescent Halls, Kindewood, Venable, etc. We need to implement a core neighborhood overlay district from 4th to 10th Street to protect historically black neighborhoods and promote neighborhood friendly development.

Latricia Giles (911 Nassau) – I am the executive director of PHAR. You have already heard a few things. I am going to mention those same things. Our residents are not anti-development. They have drafted redevelopment plans, name priorities, and envisioned a healthier and safer neighborhood for themselves. At the same time, LV Collective can propose an 11-story student tower right next door by right with no meaningful process for residents to respond. That is not equity. That is not collaboration. What we are calling for is that residents deserve to have an opportunity to be heard more than once. You could establish a neighborhood overlay from 4th to 10th Street. We already know that overlays exist here in Charlottesville to protect corridors and commercial areas. It is time to use the same tool to continue to protect historically black neighborhoods. Right now, the zoning commission gives maximum certainty to developers and minimum certainty to residents. That is backwards. We already have the tools. It is time for us to use them.

Paul Reeder (211 5th Street SW) – We were shocked when this 7-story proposal for student housing was lobbed into Fifeville. There will be more students living in that property as proposed now than in the entire section. A historic black community in Charlottesville is once again being dumped upon. One thing with this RX zoning is that you had rezoned our properties, which we were unaware. The vaunted consultation process did not make it clear that these properties were going to be rezoned. My property, which is 6 2-story cottages on a third of an acre is exactly the type of development that you want to have in this city, is now zoned to put a 7-story building on there. I invite you to walk this, walk Fifeville. If you have not walked Fifeville, please walk Fifeville, please walk Westhaven. Go and see what they look up at every day. I am pleased to hear that you are considering amendments to the zoning code. The only thing that I would urge you to do is to do this quickly. As Ms. Johnson said, they are developing while we are sleeping. It is no point if you say in 2 years' time, we will reconsider this. By that stage, you will have an 11-story development on West Main Street. You will have a 7-story development in Fifeville that will completely blow out the existing character of Fifeville, which is a national historic district. The action that I can personally take and that we will be taking for both of our 6-unit housing developments is that at the earliest opportunity, we will be applying to downzone our properties back to the zoning that is applicable to the rest of that part of Fifeville. We don't want 7 stories. We like our properties. They provide the missing middle of the housing market.

F. CONSENT AGENDA

1. Minutes – May 27, 2025 – Work Session
2. Minutes – June 10, 2025 – Regular Meeting
3. Minutes – July 8, 2025 – Regular Meeting
4. Annual Adoption of Electronic Meeting Policy

Motion to Approve Consent Agenda – Commissioner d'Oronzio – Commissioner Solla-Yates with the 2nd – Motion passes 9-0.

III. PLANNING COMMISSION PUBLIC HEARINGS

None Scheduled

IV. PLANNING COMMISSION ACTION ITEMS

1. Special Exception – Build to Requirement – 1107 Myrtle Street

i. Staff Report

Ben Koby, City Planner – We are here for the consideration of a special exception permit of the build-to requirements at 1107 Myrtle Street, Project Number PL-25-0118. 1107 Myrtle Street is an RA zoned parcel with no overlay districts. The future land use designation of it is General Residential. The purpose of this special exception permit is to facilitate the construction of 3 attached dwelling units behind the existing house. Part of their intention is to create 4 total sublots and preserve the existing house. Each dwelling unit will be on its own subplot within the parent parcel. With the existing structure preservation in the RA district, they are permitted to have those 4 dwelling units total. There are no issues there. There is an issue with the build-to. In the RA zoning district, the developer has a choice. To meet the build-to requirement, the front setback is between 10 and 20 feet or utilizing the existing range. That calculation comes from the 2 properties on either side of the subject parcel. Any construction to be considered conforming with that would have to be no closer to the street than the smallest setback in that range and no further back than the largest setback in that range. Utilizing that consideration, they are meeting the existing range component of this project. They are not quite meeting the build-to width requirement. The build-to width requirement is defined as the cumulative building width that occupies the build-to zone relative to the width of the site at the street lot line. This is a 50-foot-

wide parcel. The existing house is 21.9 feet in width, making a 43-percent build-to percentage, which is shy of that 50-percent requirement that they would need. They are coming in to request a special exception permit for that build-to width requirement. That existing house is being preserved. You can see the general lot layout of the sublots and the formulation of the attached dwelling units off the rear. They are proposing improvements to the alleyway to a certain extent, where it would be a 10-foot-wide asphalt driveway to service each of these sublots and the dwelling units on top of them. To consider what we approve special exceptions for, those consideration points are whether the development is harmonious with the patterns of development in the area and on the same side of the road. It is fair to say that the existing house along Myrtle will be preserved. That house is in line with the area. It is of a similar size, of a similar shape, they have the same type of porches on that side of Myrtle. Preserving the existing house does speak to how harmonious it will be. Generally, in this area, the houses are smaller on the same type of same sized lots. The additional dwelling units would not pose an issue. If the special exception was not required, if they were meeting the build-to, those 3 units in the rear would be permitted by right. While I believe that it would be harmonious with it, that does not touch on the criteria of the special exception. Item 2 of the criteria we are supposed to be looking at: Is this development or would this approval be meeting the goals and the strategies of the Comprehensive Plan? This infill development is one-to-one. It is overly one-to-one in line with some goals outlined in the Comprehensive Plan. Per Table 2 of the Land Use Category Descriptions on page 29 of the Comprehensive Plan, the General Residential areas should allow up to 4 dwelling units if the existing structure is maintained. That goal and strategy was directly ported over into our development code. This is right in line with that. Planning Commission and City Council can consider whether with conditions then if a development would generally be consistent with the public necessity, convenience, general welfare, and good zoning practices. This project hits all those criteria in order. This is the sort of development we are looking for. Maintaining the existing structure also speaks to the goals of the Comprehensive Plan. In Chapter 4, goal 3 of the Comprehensive Plan, that goal is to protect neighborhood identities while allowing for infill development. With the existing structure preservation, this hits the mark. We did consider the alternatives that would make this compliant where the applicant would not need the special exception, subdivision is not a viable option to meet the build-to requirements there. A front addition could be a viable option on meeting the build-to requirement. In my opinion, that is not a reasonable requirement. It is going to be costly and would alter the feel of the neighborhood. It would be more harmful to the streetscape than approving the special exception permit. We did consider an administrative modification. The criteria on an administrative modification are hardship standards (topographical, geographic, interruptions that would allow for an administrative modification of the 15 percent of the physical dimensions outlined in the code). In my opinion, it does not meet those hardship criteria. The special exception would be the most viable. Staff are recommending approval of this special exception permit in the RA residential zoning district.

Commissioner d’Oronzio – This building is 19 inches too skinny. That would get you under 10 percent. I thought that could be administratively handled.

Mr. Koby – The criterion on the administrative modification is that of a hardship.

Commissioner d’Oronzio – I thought at one point we had 10-percent at discretion of the administrator.

Commissioner Stolzenberg – The administrator can give the modification. It still must be a hardship.

Matt Alfele, Development Manager – There is criteria to the issuing of that.

Commissioner d’Oronzio – I guess it is another conversation of how we define a hardship. In order to proceed by modifying that building, that would be expensive in a substantial way.

Mr. Koby – I don’t think cost can be a hardship.

Mr. Alfele – The hardship under the administrative modifications is spelled out. There is a criteria.

Commissioner Roettger – It looks like a great addition to the neighborhood.

Commissioner Yoder – It seems like the code is incentivizing people to keep the existing building. The build-to requirement is working against that. I don't know if this is in tier 2 or tier 3 of the things you are looking at to adjust. Can we undo the parts of the code that are working against each other and make preserved buildings exempt from build-to or something like that? It is just a thought for consideration.

Commissioner d'Oronzio – This use of sublots and putting 4 in there and preserving the structure. This is exactly what we were thinking with these sublots. I have been a little weary of the build-to for this reason. Detangling that might be something to do in terms of revisions.

Commissioner Stolzenberg – It seems that in residential zones, the build-to requirements and the way they are formulated are not quite hitting the mark. I hope we will pick that up at some point in this revision process. You mentioned that you explored subdivision as an alternative. The house was in the way. This is a 7500-square-foot lot.

ii. Planning Commission Discussion and Motion

Motion – Commissioner Stolzenberg – I move to recommend approval of this application for a Special Exception Permit in the R-A Residential A zone at 1107 Myrtle St to permit the construction of three single unit homes outside of the build-to requirement.

a. The size, location, and use will be consistent with the materials submitted in application PL-25-0033 dated February 12th, 2025.

Second by Commissioner Solla-Yates. Motion passes 7-0.

Continuing: until all public hearings and action items are completed.

V. ADJOURNMENT

The Meeting was adjourned at 6:24 PM.

Planning Commission Special Meeting

August 26, 2025 5:00 PM to 7:00 PM

Hybrid Meeting – City Space Conference Room

Commissioners Present: Chairman Mitchell, Commissioner Yoder, Commissioner d’Oronzio, Commissioner Schwarz, Commissioner Roettger, Commissioner Solla-Yates, Commissioner Solla-Yates, Commissioner Stolzenberg

Staff Present: Patrick Cory, Missy Creasy, Matt Alfele, Kellie Brown, Remy Trail, John Maddux

Chairman Mitchell called the Planning Commission Special Meeting to order at 5:02 PM.

Commissioner Roettger – I wanted to make a quick statement. I spoke at the public hearing at the BAR meeting last Tuesday about something having to do with zoning adjacent to the Westhaven neighborhood. I said that it was the city’s fault. I saw that come back in an article. I think everyone at the city does an amazing job. It was more of the whole umbrella of the systems and how we maybe need to protect certain corridors and places where people need to travel. I want to apologize. I did not mean anyone at the city personally, who we are grateful to get to work there.

1. Special Exception – 1114 East High Street

Staff Presentation

Matt Alfele, Staff Report – Tonight, you are being asked to review a special exception permit located 1114 East High Street, to make a recommendation to City Council. The applicant, Mr. Mike Ball of Element Construction, is proposing to construct a small workshop behind the primary business structure that is on East High Street. This workshop will be used for cabinet fabrication and related activities in support of the design-build business. On March 11, 2025, the Planning Commission reviewed the original application, which requested relief from the build-to requirements due to the non-conforming nature of the existing structure that is on East High Street. At that time, the Planning Commission recommended approval. City Council granted the special exception on April 7, 2025.

During the development review process, it was determined that the proposed location of the workshop does not comply with the transition screening requirements outlined in Section 34-471c of the zoning ordinance. When a CX-5 zoning property abuts an R-1 zone district, a type C transition screen is required. This includes a 20-foot building setback and moderate screening.

In addition to the previously approved relief from the build-to requirements, the applicant is now requesting modifications to the transition screening standards. These include reducing the required building setback from 25 feet to 5 feet, decreasing the screening depth from 8 feet to 5 feet, and requesting exemption from the planting requirements within 5 feet. The applicant proposes to utilize the existing fence between the CX-5 and the RA properties to satisfy screening requirements. Staff recommends approval of the request, subject to the conditions outlined on page 10 of the staff report.

However, the applicant and staff would like the Planning Commission to consider one modification to condition D, which is currently stated that ‘the workshop shall not exceed a height of 14 feet, 5 inches based on refinements to the construction drawings. We recommend this be amended to allow a maximum height of 16 feet.

Commissioner Solla-Yates – With the 16 feet, is that about part D there?

Mr. Alfele – That is correct, putting in a condition going from 14.5 feet to 16 feet.

Planning Commission Discussion and Motion

Commissioner Solla-Yates – Do you have any concerns with the conditions recommended by staff?

Mike Ball, Applicant – I don't.

Commissioner Schwarz – We already looked at the front setback. We can ignore that. The neighbor seems to be Ok with this. A 16-foot blank wall is a lot.

Commissioner Stolzenberg – It seems that there are 2 things that trigger the transition requirements. There is use and size. It seems that these conditions are focused on the size, which is not what is causing the actual transition requirement to hit here. With the height limitation, I don't see that as necessary. The height is not what is triggering the transition requirement. The application took a tone of it is absurd that this requirement exists. It is not clear to me at all that a transition requirement to separate an industrial use from your low-density residential use is all that ridiculous. There are potentially real externalities associated with an industrial use. I would have questions for the applicant on what those impacts might be, for a carpentry use. I imagine there is some noise generated. The report and application were focused on that it does not make sense to have a 50-foot setback on a 50-foot lot. I agree with that. Maybe these concerns are reduced because the current neighbor is Ok with it. What are the impacts from this use here? Are these conditions properly mitigating those?

Mr. Ball – I think the absurdity was mostly coming from zoning not knowing about this requirement. Having spoke with zoning prior to buying the property, purchasing the property based on zoning's feedback, talking to zoning about it, saying 'apparently there is a 20-foot setback that I did not see. Can you clarify for me?' They said that there is no 20-foot setback here. We had to investigate it. The zoning is not well written. With the transition type on there, it is hard to follow. It brings you to a link. It brings you to another page. It brings you to a chart. If you look at it the wrong way, which is easy to do, it tells you that there is no setback. The whole thing needs to be clarified. It is very confusing. Most properties in Charlottesville seem to be non-conforming. There is a lot of work that still needs to be done. We are in a confusing state of zoning. I am seeing it a lot in building.

Commissioner Stolzenberg – Most properties are non-conforming as to build-to requirements. What do you feel that the external impacts of the use you are proposing here are? Is there going to be noise audible from the property line on the RA side because of your use? If so, what hours would they be?

Mr. Ball – Yes. There will be noise. That noise would not be any different with the 20-foot setback versus the 5-foot setback.

Commissioner Stolzenberg – It would not be any different at the property line.

Mr. Ball – With 15 feet, running a saw does not make a difference in decibels. Without a barrier, the sound is going to travel just as much in that distance. We are going to have the block wall. It is going to be well insulated. We don't have a lot of fenestration on it on purpose for this reason. We have windows out the front side. Those are the only ones out the shop side. Those are going to our parking lot. We own the building next door. We own the whole parking lot. That only affects us. Coming out the backside, I don't think there is going to be any difference. We are going through the whole major development plan for a building that is basically a large shed. It is going to have some tool use occasionally. A lot of it is going to be storage. We are going to have a few people in it a few times a month. I have had 2 guys my shop 1.5 days this week building a specialty gate. They have run a band saw for maybe 5 minutes. They have used a chop saw a few times. A lot of it is just

screwing, measuring, cutting by hand specialty cuts. That is the type of work that we are doing. We are not doing major carpentry work.

Commissioner d’Oronzio – I looked at this today. The difference in the height of the building does not come into play. The neighbor, on which one is impinging is 1119 Merriweather, which is on a steep lot. The house is down the hill. We have a 6-foot privacy fence there. I don’t think, from a window in the back of that house, that you will be able to see this building at all because of the geometry. I am not concerned about that. In this case because we have an extant privacy fence, which has been incorporated, what we need in the buffer there becomes a fuzzier question to answer. The fence is opaque. Any shrubbery is going to have a negligible sound barrier. What you are ‘glad’ for is that 6-foot fence. My inclination is that this is exactly what we have exceptions for. You look at it. This does not meet a typical transition at all.

Mr. Ball – The feedback from the neighbor is that he is glad it is not a 5-story building.

Commissioner Stolzenberg – It is not the height of the building that is triggering the transition requirement. He could build a 3-story building with no transition.

Commissioner d’Oronzio – In that case, I would be very interested to see what we are planting back there. The transition is being driven by that fence.

Motion – Commissioner Solla-Yates – I move to recommend approval of this application for a Special Exception Permit in the CX-5 Corridor Mixed Use 5 zone at 1114 E High Street to permit the construction of a studio workshop space outside of the build-to requirement.

a. The size, location, and use will be consistent with the materials submitted in application PL-25-0038 and PL-25-0041 both dated August 12th 2025.

b. Two large trees shall be provided on the subject property in accordance with Section 34-4.7 (Transition Screening). However, placement of these trees is not required between the studio workshop and the property line.

c. A minimum six (6) foot fence—existing or future—shall be provided between the studio workshop and the property line. The fence shall be maintained and kept in good repair.

d. The height shall not exceed one story.

Second by Commissioner Schwarz. Motion passes 7-0.

2. State Legislative Items Discussion

Planning Commission Discussion and Recommendations

Chairman Mitchell – Commissioners Solla-Yates and d’Oronzio have put a lot of effort into this. They have about 14 things that they would like to chat with us about. The last 6 things are old things. We have already had these in the docket before. We can go through those again. We ought to begin with spending a lot of time on items 1 through 5, which are new recommendations.

Commissioner Solla-Yates – The more recent content was inspired by the work of the last year. I hope you will recognize the origin of this. Number 1 was regarding an issue about having to submit every rezoning proposal for review by the Virginia Department of Transportation, even though they do not manage city streets. We believe that it would be helpful to have a clear exemption for cities. To make it clear, that section does not apply.

Commissioner Stolzenberg – I have some issue with the phrasing. We do not have to submit every rezoning proposal under the law as written. As you may have seen in the news, I would say a better phrasing would be

something about clarifying the requirements of 2222.1 as it pertains to comprehensive rezonings. If determined that it should be applicable to those, to direct VDOT to promulgate standards for review that make sense for comprehensive rezonings.

Commissioner d’Oronzio – At present, VDOT will not step in even if asked.

Commissioner Stolzenberg – VDOT promulgates regulations that say the standard for whether it substantially effects transportation on state-controlled highways for a city that maintains its own roads is generating more than 5,000 trips per day for lots within for proposals with the nearest lot line within 3,000 feet of a state-controlled highway measured along local roads.

What I propose is that we direct the City Attorney to craft a recommendation for the General Assembly to clarify 2222.1.

John Maddux, City Attorney – This is something, as you can imagine, is under consideration by legislative change being one of the pathways we are looking to resolve some of the issues we have had around our rezoning.

There are several paths that we can take. I have crafted some language that ultimately will be up to the City Council to decide what path they want to take, but possibly some of our other partners in this kind of effort around the state and with some of the various organizations. What I am thinking about right now is the idea to remove ‘if any locality failure to comply with this statute or failure to comply with any or partially comply with it will not serve as grounds to void a rezoning or a comprehensive rezoning or any action taken by the local government.’ Basically, it is saying that this is a directory-type of regulation or law rather than a mandatory thing. There are a couple different considerations. We are on it. With your recommendation, I would like to keep it more general if possible.

Commissioner d’Oronzio – Last year, we deferred on this item. We did not want to step in and provide any noise or attention, positively or negatively in that whole direction, while we had this ongoing matter. We did not want to ‘muddy any waters.’ I think that still applies now. If we are going to do something, you will have to ‘drive that bus,’

Commissioner Stolzenberg – Last year, we were advised by counsel to stay out of it. I think it would be appropriate for us to endorse the city attorney’s efforts.

Mr. Maddux – I appreciate the support.

Missy Creasy, Deputy Director – Are you Ok with the statement that you made to direct the City Attorney to craft a recommendation to clarify the language in 15.222221, part B?

Mr. Maddux – I understand what it means. I would say to make modifications to that statute with respect to its effect on rezonings initiated by the locality.

Ms. Creasy – ‘Direct the City Attorney to craft a recommendation to make modifications to the language of 15.222221, part B pertaining to rezonings proposed by the locality.’

There was consensus on the proposed language by Ms. Creasy.

Commissioner d’Oronzio – I recommend that to expedite development review 15.2286.3 be amended to give the governing party the power to delegate the power to approve special exceptions to the Planning Commission.

This is on the grounds that if we are going to have as arcane as it has been admitted some matters in this zoning code that the expertise that resides in the Planning Commission. City Council ought to be able to say, 'you do it,' instead of having them 'reinvent the wheel,' particularly on highly technical matters.

Commissioner Yoder – Would this basically mean that a special exception works like a BAR finding of a CoA and should we deny a special exception, they can appeal to Council?

Commissioner d'Oronzio – It would be an appellant instead of Council making the decision on everyone. Council is not going to do the dive that we do.

Commissioner Yoder – That makes sense. Do you know if Council is interested in delegating this to us?

Commissioner Stolzenberg – I can say that the Albemarle County Board of Supervisors used to be interested in delegating the slope authority to their planning commission, which led to the case of Sinclair vs Singular. It threw out all that delegation, and it was not in accord with the Dylan Rule. This would be a significant change that overturns 1.5 decades of a fair amount of stuff. I don't necessarily oppose it. I don't know if we have fully thought through the implications.

Commissioner d'Oronzio – We will leave it to Council to 'yes' or 'no.' We can litigate then.

Commissioner Solla-Yates – 'We recommend that to expedite development review that 15.2-2286.4 be amended to allow the given "hardship standard" to be replaced by guidelines approved by the local governing body to set parameters for modifications of the zoning ordinance as required. If Council wants to set a standard, they are permitted to. Everything does not have to be a hardship standard.

Commissioner d'Oronzio – This is really marred to number 4, which is what we need clarify about what hardship and harm mean.

Commissioner Stolzenberg – I would argue that harm for standing and hardship for a variance as different concepts.

Commissioner d'Oronzio – Yes, they are. It is the same idea of how making definitional changes and being able to figure out what the guidelines are in each case.

Commissioner Solla-Yates – We recommend asking the state legislature to allow all localities the option of enacting a 1-cent sales tax. This is very similar to what we did last year.

Commissioner Stolzenberg – My comment is probably the same as last year. Council is already going to ask for this. Why is this us asking Council to do this? It is fine because they are going to do it anyway.

Chairman Mitchell – Numbers 6 thru 14 are repeats. Do we want to go through each one of those?

Commissioner Stolzenberg – Did we have the thing in 6 about the rest of TJPDC last year?

Commissioner Solla-Yates – I think that is the difference.

Commissioner Stolzenberg – I don't know that I necessarily feel the need to be asking on behalf of our partner localities. It is just authorization. They have no obligation to do anything with that authority.

Chairman Mitchell – Do we want to talk about 7 thru 14? Ms. Creasy helped me understand the state School Streets program. I did not remember what that was. Once I read what she sent, I did. Did anybody else have any?

Commissioner Stolzenberg – With 7, I have the same comment as last year. 20 percent is quite high. We don't fully understand the implications of that. I am sure that I will be outvoted on that. My other comment would be on 13. I would use the North Carolina example. North Carolina passed a bill like the one we are asking for.

Commissioner Schwarz – I looked it up last year, the last time we talked about this. It did not look like it existed in Memphis. They tried to pass it.

Commissioner Solla-Yates – It looks like it has been rescinded or changed. I thought the same issue.

Commissioner Stolzenberg – In North Carolina, they passed a bill instructing that the DOT equivalent create a committee, with the direction of creating the regulations to implement the law. They did not want to write the whole code in the law. That committee has taken a long time and is still working on it because it turns out to be non-trivial.

Commissioner d'Oronzio – It does not mean anything to be engaged.

Commissioner Schwarz – I am Ok with somebody studying this. This has a lot of implications that might be negative. The residential code is a lot more lax with egress requirements, fire rating requirements, and sprinkler requirements.

Chairman Mitchell – Council did not do anything with this last year. Why? Is it because of the confusion we are having today? Do we want to resubmit it? Do we want to modify it?

Commissioner Schwarz – I am Ok with this being in there. Again, it is the idea that somebody is going to study it. It is not going to be like a state legislator changed the code for us. Somebody set up some process to figure it out.

Commissioner Solla-Yates – I would be comfortable with changing it to study.

'We recommend studying the adjustment of the state building code to treat 6 units and below, etc.'

Chairman Mitchell – The only other one that was in question was number 7. Commissioner Stolzenberg had some concern about number 7. What was your concern with number 7?

Commissioner Stolzenberg – Requiring doubling the tree canopy requirement on parcels, even on dense urban lots, even on the Downtown Mall where you would expect the trees to be in the right of way. This is only authority to do that. That will be used in the most restrictive way.

Commissioner d'Oronzio – I apologize for this being at the last minute. I don't know if anybody got a chance to read that statute. The statute is one page. My email proposes making some revisions to 15.2-319, which is about subordinate mortgages and the subordination of mortgages. This is applicable. Let's say you have a mortgage on your house, and you get a home equity line of credit. At some point, it becomes clear that refinancing your first mortgage is since you bought your house in the last 3 years, rates have dropped. It makes sense to refinance. When you pay off a mortgage, any subordinate lien takes priority. As soon as you pay off that mortgage, your HELOC is now the primary mortgage. The problem with that is that the new mortgage company is not going to like that and permit that. In many circumstances, you must go to the bank that gave you

the HELOC and say, 'pretty please.' 'Will you allow me to refinance my house?' This opens the door for that entity to relitigate, re-underwrite you, and start making decisions about your original mortgage. It does take forever. There is no way to tell whether you are dealing with a great actor as the subordinating body or a terrible one until you realize it has taken you 3 weeks to find the right person on the phone to do it. This law was put in place to make that easier. What it said was that if your new mortgage is no more than \$5,000 greater in principal balance than at the moment you refinance and it is a lower rate and single-family residence and the deed of trust is recorded with the old notes information and originally your balance is no more than \$50,000, it will automatically happen. A few years ago, I went to the state and got them to clean up a couple of things. We pushed through jumping that to \$150,000. The changes I am proposing to make are designed to make it easier, particularly in a denser housing environment to get this automatic subordination. We would make it apply to any primary residence because it specifically says single-family residence. That has caused problems with things like accessories. If we have 4 units on a lot, we will have a lot of situations in the future of duplexes that are owner occupied. I have already seen that up-ticking in my activities. We want to include everybody. We need to adjust the amount of the principal increase from 5,000 to 10,000 because that was designed to roll in your closing cost. Move the thing to \$250,000 to \$300,000. In places like northern Virginia and Charlottesville, getting larger with larger equity pieces is common. Many people bought houses 5 years ago and got HELOC. They are never going to refinance their first mortgage. Their rates are at 2.875 percent. You will have to drag them out of there in a box. They are not selling that house or refinancing that house. In the last 2 or 3 years, you have people at 7 percent, who bought houses. If you wanted to fix your house up or put in an accessory in it with, now is the time to refinance. I am trying to modernize it and put a cast on it that this is good for people who are doing good with. It is not in our 'wheelhouse.' My colleague and I who did this 15 years ago, we will put together some language for it. We also want to put in a point about switching from an adjustable rate to a fixed rate.

Chairman Mitchell – Your objective is to make this recommendation and package it in with these?

Commissioner Stolzenberg – I can say modernize and expand to allow accessory units.

Commissioner d'Oronzio – I am going to put together proposed language to the Community's Bankers Association or Mortgage Bankers Association.

Commissioner Stolzenberg – In 2011, \$102,000 is when it was last raised. That is \$216,000 now.

Commissioner d'Oronzio – \$250,000 to \$300,000 is a good place to stop too. With most HELOC, treatment gets different at your bank with 250 or 300.

Chairman Mitchell – Are we interested in making this recommendation? Can you take Ms. Creasy through the language?

Commissioner d'Oronzio – Recommend revision § 55.1-319 to expand its applicability for primary residences and update figures and process to meet current timeframes.

Ms. Creasy – Recommend revision § 55.1-319 to expand its applicability for primary residences and update figures and process to meet current timeframes.

I will find out when that group is meeting. If you have for markup version, it sounds like another group might take it on.

Commissioner d'Oronzio – I will mark it up and get it to you. It is not a lot.

Adjournment

The meeting was adjourned at 5:45 PM

Public Comments

There were no public comments made during this meeting.

Charlottesville Planning Commission Chair asked Commissioners Solla-Yates and d'Oronzio to draft a memo of potential legislative items for discussion at their August 26, 2025 work session. The Commission discussed and would like to provide the following for consideration of the City Legislative Committee:

1. We recommend directing the City Attorney to craft a recommendation to make modifications to the language of 15.2-2222.1 part B pertaining to rezonings proposed by the locality.
2. We recommend that in order to expedite development review, 15.2-2286.3 be amended to give the governing body the power to delegate the power to approve special exceptions to the Planning Commission.
3. We recommend that in order to expedite development review, 15.2-2286.4 be amended to allow the given "hardship standard" to be replaced by guidelines approved by the local governing body to set parameters for modifications of the zoning ordinance as required.
4. We recommend that in order to clarify legal authority, Virginia code section 15.2-2285 part F offer clear guidance on what "harm" is to establish legal standing for appeal. Increased property values is not harm. Residential use is not harm.
5. We recommend again asking that the state legislature "...allow all localities the option of enacting a one-cent sales tax increase to provide local revenue for the construction or renovation of public-school facilities. Currently, only a few localities have been designated as "qualifying localities" under the provisions of Va. Code
 - a. §§58.1-602, 58.1-605.1, and 58.1-606.1 to raise revenue in this manner, yet the need for this additional revenue source extends beyond those few localities that have it."

<https://law.lis.virginia.gov/vacode/title58.1/chapter6/>
6. We additionally recommend that House Bill number 2012 offered January 11, 2023 by Delegate Sally Hudson amending "58.1-3221.1. Classification of land and improvements for tax purposes." be considered again and add all other localities participating in the Thomas Jefferson Planning District Commission. This speaks to current housing and transportation plans. <https://lis.virginia.gov/cgi-bin/legp604.exe?231+ful+HB2112>
7. We recommend expanding tree requirement powers granted in "15.2-961.3. Replacement of trees during development process in localities." to permit the requirement of twenty percent tree canopy for all uses and a greater percent in flood plains and riparian areas.

<https://law.lis.virginia.gov/vacode/title15.2/chapter9/section15.2-961.3/>
8. We support statewide permitting of Accessory Dwelling Units.
9. We support expanded state resources for land holding nonprofit organizations to provide affordable housing.
10. We support an expanded timeline and resources to purchase mobile home parks. Supporting purchase documentation should be required to be shared with tenants as they become available. We likewise recommend increasing compensation for tenants at purchase and linking that rate to inflation.
11. We support the creation of a state School Streets program and funding for design and implementation similar to Canadian and European examples.

- 12. We recommend the creation of a committee to study deed restrictions and covenants to ensure compliance with law, equity and affordable housing goals. We recommend studying regularization of terms for consistency.**
- 13. We recommend studying the adjustment of the state building code to treat six units and below as residential code, the same as single family and duplex and continue to treat buildings with seven units and above as commercial, similar to the Memphis, Tennessee example.**
- 14. We recommend creation of a study committee to review issues of safe and efficient street design as they may conflict with fire apparatus access.**
- 15. We recommend revision of § 55.1-319 to expand its applicability for primary residences and update figures and process to meet current market conditions.**

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



PLANNING COMMISSION REGULAR MEETING
APPLICATION FOR A CRITICAL SLOPE SPECIAL EXCEPTION
APPLICATION NUMBER: PL-25-0066
DATE OF MEETING: October 14th , 2025

Project Planner: Benjamin Koby
Date of Staff Report: October 10th, 2025

Applicant: Joseph Baber
Current Property Owner: Joseph Baber

Application Information

Property Street Address: 1000 2nd Street SE
Tax Map & Parcel/Tax Status: 270050001 (Sublot 6-B of a parent lot containing two sublots)
Total Project Area (Limits of Disturbance): up to 2,340 sq. ft.
Total Area of Critical Slopes on Parcels: 1,314 sq ft 27% |
Area of Proposed Critical Slope Disturbance: 1,314 sq. ft. | 27% of total site area | 100% of total critical slopes area on parcel
Comprehensive Plan (General Land Use Plan): General Residential (Sensitive Community Areas)
Current Zoning Classification: Residential A (R-A)
Overlay District: None

Applicant's Request (Summary)

Mr. Joseph Baber (applicant & property owner) is proposing improvements to the above referenced subplot (Subject Property) that could include between two (2) and five (5) residential dwelling units as permitted by the R-A zoning. The applicant has yet to determine final unit count, as securing a critical slope exception is a determining factor that needs to be addressed prior to Mr. Baber developing a final site plan. Any proposed development will be located on Sublot B within the building footprint shown in the application materials. Development rights between Sublots A and B are tied together under the zoning regulations of the parent lot. The parent lot is zone R-A and is allowed three (3) dwellings units at base allowance, four (4) units with existing structure preservation, and six (6) units with provision of affordable housing.

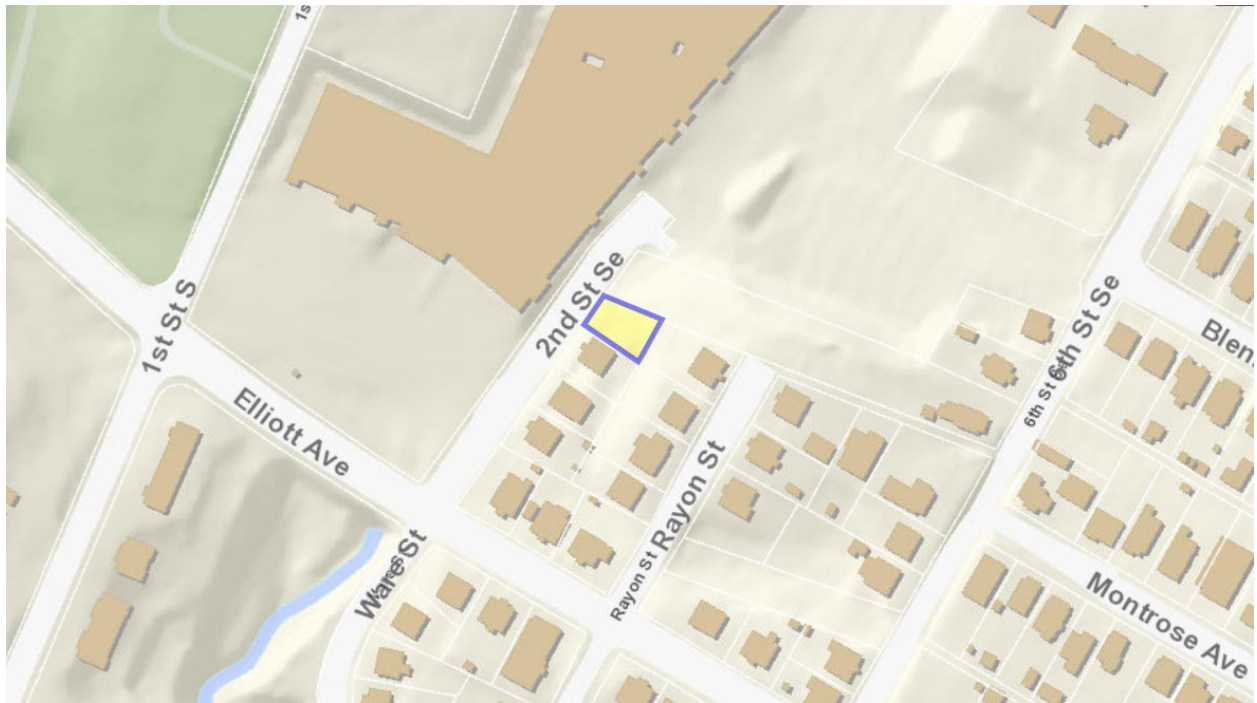
Since, Sublot development rights are tied to the parent lot and there is already one existing dwelling unit on Sublot A; subplot B is capped at a theoretical maximum of five dwelling units. However, the applicant is stating within his application materials that regardless of final unit count, the limits of disturbance will not change and the applicant is proposing to disturb all Critical Slopes within the buildable area during construction. The applicant is aware that no Zoning compliance review of the Subject Property has taken place, and any proposed development will need to go through full Development Review per Section 34-5.2.9 of the Development Code. The applicant is aware and fully acknowledges granting of a Critical Slope Waiver will not vest a development on the Subject Property that does not completely conform to all Zoning, Building, Fire, Utility, and Engineering regulations. As this is a subplot, the applicant is also aware he will need to coordinate with the property owner of subplot 6-A for any future development plan or Final Site Plan to ensure all Zoning regulations are being met for the parent lot.

The applicable definition of “critical slope” is as follows:

1. A grade of 25% or greater;
2. A portion of the slope has a horizontal run of greater than 20 feet;
3. An area of 6,000 square feet or greater; and
4. A portion of the slope is within 200 feet of any waterway protected by the Standard and Design Manual or Chapter 10 of the Charlottesville Code of Ordinances, or shown on the map entitled “Properties Impacted by Critical Slopes”, maintained by the Neighborhood Development Services. (Sec. 34-4.10.1.B.2)

Based on the information presented within the application materials, Staff verifies that the area for which this waiver is sought meets all of the above-referenced components of the definition of “critical slope”.

Vicinity Map



Critical Slopes per the Zoning Ordinance



Standard of Review

Per Sec. 34-5.2.16, The Planning Commission will review the application and report its findings and recommendations to the City Council. City Council may then grant a Critical Slopes Special Exception when it finds that:

- a. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, the requirements of 4.10.1. Critical Slopes 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; or
- b. The public benefit of the proposed encroachment outweighs the public benefit of protecting the area of slope proposed to be impacted.

City Council will review an application for a Critical Slopes Special Exception according to the following criteria:

- a. Whether the amount of impact has been limited to the greatest extent possible;
- b. Whether sufficient mitigation has been proposed to limit the impact of the proposed encroachment;
- c. Whether steps have been taken to limit or prevent impacts to portions of the sloped area with environmental or scenic value or vulnerability to disturbance; and
- d. Whether the proposed project is consistent with the zoning district and Comprehensive Plan.

Project Review and Analysis**Staff Analysis 34-5.2.16.D.1, Criteria A:**

Staff finds that Criteria A may be applicable to this application. The topography of the Subject Property prevents additional development of the subplot outside that of the existing residential dwelling unit on subplot 6-A. While staff acknowledges that topography presents a constraint on the Subject Property, we respectfully disagree with the applicant's assertion that: "A substantial portion of the parcel is encumbered by steep slopes that meet the city's definition of a critical slope. This is not a condition created by the applicant but is an inherent physical characteristic of the land. The location and extent of these slopes severely limit the buildable area, making strict adherence to the critical slope ordinance prohibitive to any reasonable development on the property." In staff's view, the limitations cited were introduced by the applicant during the subdivision process, which resulted in the creation of two sublots. The applicant elected to

establish a subplot within the parent parcel that was already constrained by existing topographic conditions. It is important to note that the Subject Property is a recorded lot with development rights for increased density, which are tied to the parent parcel. However, any attempt to realize additional density on this site will necessitate disturbance of designated Critical Slopes.

Staff Analysis 34-5.2.16.D.1, Criteria B:

The granting of a Critical Slope Special Exception would allow for the Subject Property (subplot 6-B) to be buildable which would contribute the public benefit by providing additional housing. Under the R-A zoning district, subplot 6-A is already developed with one existing residential unit leaving and additional five (5) residential units possible for the parent lot as a whole. This is broken down into a base unit count of three (3) units for the parent lot; an additional unit for the Existing Structure Preservation bonus; and two (2) affordable units giving the parent lot the maximum of six (6) residential dwelling units.

The Subject Property is designated General Residential (Sensitive Community Area) by the Comprehensive Plan's Future Land Use Map. The intention of this Designation speaks to the goal of allowing for additional housing choice while looking for ways to mitigate displacement of the current residents. Additional residential dwelling units on the Subject Property would be in line with the future land use designation of the parent parcel and subplot.

Per the application: "The proposed project is designed to directly address the City's well-documented need for greater housing choice by introducing "missing middle" housing, with a flexible plan to construct between two (2) and five (5) residential units. This range of housing types—which can include duplexes, triplexes, or small multiplexes—is essential for creating diverse, accessible neighborhoods but is often difficult to achieve on infill parcels. The public benefit of this encroachment is significant: it unlocks an otherwise undevelopable parcel to provide a variety of housing options that are currently in short supply. This contributes to a more inclusive and economically diverse community, a core goal of the City. Allowing this thoughtful development, which includes robust mitigation measures, outweighs the public benefit of leaving this parcel vacant and underutilized."

Staff Analysis 34-5.2.16.D.2,:

While considering the criteria as outlined in Code Section 34-5.2.16.D.2, regarding impact limitation, impact mitigation, Impact reduction to scenic or environmentally critical areas, and consistency with the zoning and comprehensive plan, the applicant speaks to and considers all criteria points within their application narrative (referenced attached narrative document). However, since design still appears to be in preliminary stages, there are no construction documents to verify the information given within the narrative document. Therefore, Staff

believes it to be reasonable to attach conditions to any approval, if granted. Any approval should be stipulated to include the considerations given within the project narrative and that the conditions of their application be verified during the development plan review phase or the building permits review phase. If it is determined during review that the applicant is not meeting the standard they have described in the application, the applicant will either be required to amend their Development Plan Application to bring it in line with the conditions of this Critical Slopes Special Exception or amend the Critical Slopes Special Waiver.

- a. Whether the amount of impact has been limited to the greatest extent possible;*

Staff has determined that, due to the limited size of the subplot, any proposed development would result in disturbance to 100% of the designated Critical Slopes. This level of impact remains consistent regardless of whether the site is developed with a single dwelling unit or the maximum of five (5) units permitted under the current zoning regulations.

- b. Whether sufficient mitigation has been proposed to limit the impact of the proposed encroachment;*

The applicant has stated that they are currently undecided about the future use of the lot—whether it will accommodate a single dwelling unit or multiple units—and that a Critical Slope waiver is necessary before development plans can proceed. Staff acknowledges concern regarding the lack of concrete information at this stage. However, staff finds the proposed residential use appropriate and believes that any required mitigation for disturbance to Critical Slopes can be effectively addressed through conditions and regulatory oversight during Development Review and/or Building Permit Review.

- c. Whether steps have been taken to limit or prevent impacts to portions of the sloped area with environmental or scenic value or vulnerability to disturbance;*

As noted under item “b,” the applicant has not yet advanced detailed development plans for the lot. Accordingly, any preservation of slopes outside the disturbed area will be evaluated and addressed during the Development Review and/or Building Permit Review processes. Staff finds that the Critical Slopes in question possess limited scenic value, and any environmental concerns can be mitigated through the application of appropriate conditions.

- d. Whether the proposed project is consistent with the zoning district and Comprehensive Plan.*

Providing additional dwelling units at this location is consistent with the Zoning District and the City’s Comprehensive Plan.

Staff Recommendation

Staff recommends approval of the Critical Slope application, with conditions, and that the Planning Commission consider the following when making a recommendation to City Council:

Purpose and Intent of the Critical Slope Provisions

The purpose and intent of the critical slope provisions in Section 34-4.10.1 are to protect and maintain the environmental quality in the City by limiting development and disturbance of steeply sloped areas near waterways, adjacent properties, and environmentally sensitive areas and to protect those steeply sloped areas and waterways from the negative impacts of erosion and stormwater as well as preserve their ecological value.

Recommended Conditions

Staff acknowledges that providing additional housing on the Subject Property presents challenges due to the presence of Critical Slopes. However, staff believes that enhanced erosion and sediment control (E&S) measures—developed in coordination with the City VSMP Administrator—can be implemented to effectively mitigate potential adverse impacts. Staff remains concerned that the applicant has not submitted sufficiently detailed development plans. This lack of specificity raises the possibility that unforeseen Zoning issues may arise during the Development Review process, which could necessitate amendments to any Critical Slope Waiver granted.

Notwithstanding these concerns, the Subject Property is zoned R-A, which primarily permits residential dwelling units. Given the zoning designation, the applicant's stated intent, and the City's ongoing need for additional housing, staff recommends approval of the application, subject to the following conditions:

- i. An advanced erosion and sediment control measures to be in place before, during, and after construction as approved by the VSMP Administrator,
- ii. Engineered retaining structures designed to blend with the natural landscape, and
- iii. A detailed landscaping and re-vegetation plan using native species to permanently stabilize all disturbed areas upon completion of the project."

Suggested Motions

2. "I move to recommend approval of the critical slope special exception for Tax Map and Parcel 270050001 as requested, **with no reservations or conditions**, based on a finding that *[reference at least one]*:

- Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, the requirements of Section 34-4.10.1 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.”
 - The public benefit of the proposed encroachment outweighs the public benefit of protecting the area of slope proposed to be impacted.”
3. “I move to recommend approval of the critical slope special exception for Tax Map and Parcel 270050001 as requested, **with the conditions that:**
- The applicant provides a comprehensive mitigation plan that goes beyond standard requirements for site stability and downstream protection which will include:
 - i. An advanced erosion and sediment control measures to be in place before, during, and after construction as approved by the VSMP Administrator,
 - ii. Engineered retaining structures designed to blend with the natural landscape, and
 - iii. A detailed landscaping and re-vegetation plan using native species to permanently stabilize all disturbed areas upon completion of the project.”
4. “I move to recommend denial of the critical slope special exception for Tax Map and Parcel 270050001.”

Attachments

1. Conceptual Site Plan
2. Narrative

Critical Slope Waiver

Joseph Baber

7/27/2025

Phone: 434-270-9466

Email: jbaber0004@gmail.com

Property : 1000 2nd st SE

TMP270050001

Dear Honorable Members of the City Council,

I am formally submitting this request for a Critical Slopes Special Exception in accordance with Section 5.2.15 of the Charlottesville Development Code. The proposed project at 1000 2ND St. SE necessitates a land disturbance on an area defined as a "critical slope" under Section 4.10.1 of the Development Code.

We have undertaken a thorough analysis of the site and the proposed development and believe this request aligns with the standards and intent of the city's regulations. We are committed to a development approach that respects the environmental sensitivity of the site while allowing for its reasonable use to provide much-needed housing options for the community.

This request is based on the criteria for granting a special exception as outlined in Section 5.2.15.D of the Development Code. Below, we detail how our project meets these specific criteria.

1. Justification for Special Exception

- **Unusual Physical Conditions of the Property (Section 5.2.15.D.1.a):** The property at 1000 2ND St. SE is characterized by significant and challenging topography. A substantial portion of the parcel is encumbered by steep slopes that meet the city's definition of a critical slope. This is not a condition created by the applicant but is an inherent physical characteristic of the land. The location and extent of these slopes severely limit the buildable area, making strict adherence to the critical slope ordinance prohibitive to any reasonable development on the property.
- **Public Benefit of Proposed Encroachment (Section 5.2.15.D.1.b):** The proposed project is designed to directly address the City's well-documented need for greater housing choice by introducing "missing middle" housing, with a flexible plan to construct between two (2) and five (5) residential units. This range of housing types—which can include duplexes, triplexes, or small multiplexes—is essential for creating diverse, accessible neighborhoods but is often difficult to achieve on infill parcels. The public benefit of this encroachment is significant: it unlocks an otherwise undevelopable parcel

to provide a variety of housing options that are currently in short supply. This contributes to a more inclusive and economically diverse community, a core goal of the City. Allowing this thoughtful development, which includes robust mitigation measures, outweighs the public benefit of leaving this parcel vacant and underutilized.

2. Considerations for Review

- **Limitation of Impact (Section 5.2.15.D.2.a):** The proposed site plan has been meticulously designed to minimize the encroachment into the critical slope area. The proposed building footprint and access have been sited to utilize the most stable and least sensitive portions of the slope. The total area of disturbance has been limited to the absolute minimum necessary to achieve a viable project. It is critical to note that this defined area of disturbance is consistent regardless of the final unit count. The site plan accommodates a range of 2 to 5 units within the same disturbance footprint, ensuring that the environmental impact is fixed and does not increase with the number of homes built.
- **Proposed Mitigation (Section 5.2.15.D.2.b):** We are proposing a comprehensive mitigation plan that goes beyond standard requirements to ensure the long-term stability of the site and protection of downstream properties and waterways. This plan, which will be detailed in our full engineering submission, includes:
 - Advanced erosion and sediment control measures to be in place before, during, and after construction.
 - Engineered retaining structures designed to blend with the natural landscape.
 - A detailed landscaping and re-vegetation plan using native species to permanently stabilize all disturbed areas upon completion of the project.
- **Protection of Valuable or Vulnerable Areas (Section 5.2.15.D.2.c):** Our plan prioritizes the protection of the most vulnerable portions of the slope. This particular location was graded during the construction of the adjacent properties, so the site has a very small portion of “natural topography” which will not need to be disturbed.
- **Consistency with Zoning and Comprehensive Plan (Section 5.2.15.D.2.d):** The proposed residential use is fully consistent with the properties R-A Residential zoning designation. Furthermore, the project directly supports key goals of the Charlottesville Comprehensive Plan and the intent of the Development Code. Specifically, it aligns with Section 1.1.3.K, which seeks to "Promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing." By creating missing middle housing on a challenging infill site, this project exemplifies the type of sensitive, responsive development the City encourages to meet its housing needs without sprawling into undeveloped areas.

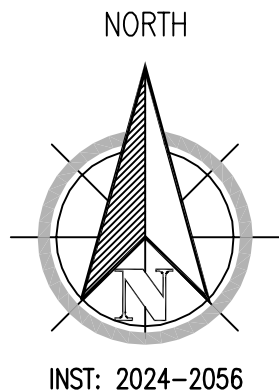
We are confident that the proposed development can be executed in a manner that is safe, environmentally responsible, and beneficial to the City of Charlottesville. We scheduled and participated in a pre-application conference with the Administrator and will submit all required documentation as outlined in the Development Review Administration Manual.

We respectfully request your favorable consideration of this Critical Slopes Special Exception. We are available to meet with you or city staff at your convenience to discuss this proposal in greater detail.

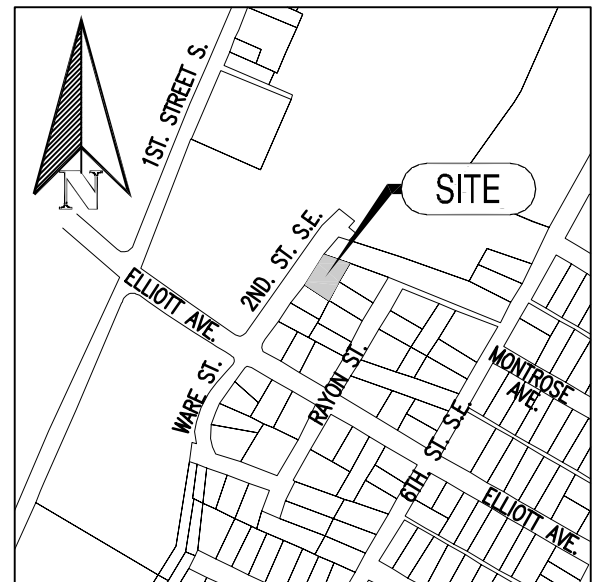
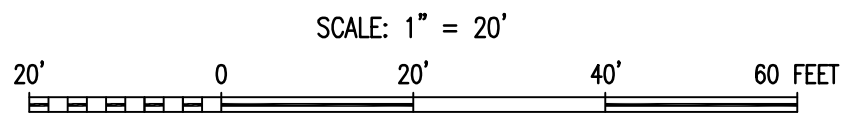
Thank you for your time and consideration.

Sincerely,

Joseph Baber



Applicant: Joseph Baber
TMP- 270050001
address 1000 2nd st SE - sub lot 6-B
Zone - R-A
Date:9/23/2025
Request for critical slope waiver
total lot size: 3601sqft
project footprint: 1000-2,340sqft max
total area of critical slope: 1,314sqft
percent of site designated CS: 27%
percent of critical slope disturbed:
100% during construction
40-80% post construction
Red line indicates maximum building footprint and access
Dimensions for building footprint (red lines)
Entrance rectangle : 10'x30'
North set back: 4' (orange)
east set back : 4' (fushcia)
south setback 4' (blue)
west (front) 10' (purple)
Total sqft of footprint: 2,340sqft (green)



VICINITY MAP
SCALE: 1" = 500'

SUBLOT 6-A AREA SUMMARY (S.F.)	
SUBLOT 6-A	4330
- PARCEL "A"	48
SUBLOT 6-A	4282

SUBLOT 6-B AREA SUMMARY (S.F.)	
SUBLOT 6-B	3601
+ PARCEL "A"	48
SUBLOT 6-B	3649



BOUNDARY LINE ADJUSTMENT
SUBLOTS 6-A & 6-B,
BLOCK C
FRANK IX & SONS, INC, ADDITION
SECTION ONE

CITY OF CHARLOTTESVILLE, VIRGINIA
NOVEMBER 22, 2024

KIRK HUGHES & ASSOCIATES
LAND SURVEYORS AND PLANNERS
220 EAST HIGH STREET
CHARLOTTESVILLE, VA. 22902
(434) 296-6942

CITY OF CHARLOTTESVILLE

Department of Neighborhood Development Services

City Hall Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
Fax 434-970-3359
www.charlottesville.gov



TO: Charlottesville Planning Commission
FROM: Matthew Alfele, Development Planning Manager
DATE: October 6, 2025
SUBJECT: Development Code Listening Session with local Builders and Developers

Staff continues to work diligently on advancing a collection of proposed minor amendments to the City's Development Code, targeting adoption by early 2026. At the Work Session held on May 27, 2025, the Planning Commission reviewed the materials below and an outlined laying out a path forward regarding select draft amendments. Due to issues related to the ongoing litigation of the Development Code, the path presented on May 27th has been adjusted. Staff now anticipates holding a Work Session with Planning Commission on Wednesday November 12th to review proposed amendments. After this Work Session staff will determine next steps in the process. To ensure meeting the November 12th deadline, staff is moving forward with engaging the local building and development community for feedback on the current state of the Development Code.

In December 2023, the City adopted a new Development Code designed to encourage infill development and missing middle housing through a form-based zoning approach. Over the past 18-months, City staff has collaborated with numerous stakeholders on projects utilizing the new Code. Although the Code offers significant advantages—including increased density and expanded residential options—several unintended challenges have emerged. To address these issues, staff is preparing a set of amendments which will be presented at a Public Hearing for potential adoption by City Council. The proposed amendments are categorized into three tiers:

- **Tier 1:** Minor grammatical revisions and small adjustments to ensure the Code accurately reflects its intended purpose and complies with 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 will require in-depth analysis and a comprehensive community engagement strategy.

Staff will advance Tier 1 and Tier 2 amendments for review and formal adoption while Tier 3 amendments and any additional feedback noted in the Working Document will be evaluated as part of the broader NDS workplan for FY26 and beyond, given the need for additional analysis and community engagement.

During the May 27th Work Session, Planning Commission expressed a strong desire to hear from local builders and developers regarding their experiences with the Development Code. Specifically, the Commission is interested in feedback about changes that would make the Code more user-friendly and facilitate the creation of the "missing middle" housing types that the City aims to provide. Originally staff and the Planning Commission intended hold this meeting on July 8, 2025, but due to issue outside of our control, the meeting was postponed. This meeting and listening session with local builders will get staff and the Planning Commission back on track to move Tier 1 and Tier 2 amendments forward.

Meeting Format:

- **Staff Overview:** A brief presentation by staff outlining the materials presented at the May 27th Work Session for background.
- **Open Comment Period:** Builders and developers will have the opportunity to provide comments. A sign-up sheet will be available, and each participant will be allotted three minutes to speak.
- **Commission Discussion:** Following the speakers, the Planning Commission will have 15–20 minutes to deliberate on the feedback received.
- **Next Steps:** Staff will integrate pertinent feedback from this meeting into the draft code amendment language that will be presented to Planning Commission at the Work Session scheduled for November 12th (Wednesday). Broader issues and themes from this meeting that fall outside the immediate scope of Tier 1 and Tier 2 are important but will be documented, categorized, and reserved for future study.

The Commission and staff are particularly interested in hearing the following from builders and developers:

1. What opportunities have you identified under the new Code that were not available under previous zoning regulations?
2. What challenges have you encountered (please reference specific code sections), and where do you see room for improvement within the current Development Code regulations?

Participation Options: Interested parties unable to attend in person may participate virtually via the provided link.

[Link to attend virtually](#)

Written comments are also welcome and can be submitted to:
PlanningCommission@charlottesville.gov

Attachments and Links:

- [Current Development Code](#)
- [May 27th Planning Commission Work Session Agenda](#)
- [June 16th City Council Work Session \(see NDS Workplan FY26 materials\)](#)
- Code Amendment Working Document



Neighborhood Development Services Department

Local Builders and Developers Listening Session with Planning Commission

October 14, 2025



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

Agenda

- 1. Recap of the May 27, 2025, Planning Commission Work Session**
- 2. Next Steps in the Process**
- 3. Opening the Listening Session**

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 Winter
 - **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 in an upcoming Public Hearing for formal adoption.
- **Annual Initiative** – Establishing regular updates to maintain accuracy and alignment with evolving legislative and regulatory standards.

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.

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 Amendments Examples

- Clarification of acceptable height and building length for townhouses and other infill housing types allowed in Residential districts, and related amendments to standards including definition of "Building", requirements for Height in feet and stories, bonus height for additional units, and build-to width
- Clarification of goals for RN-A districts, including consideration of benefits and burdens of requirements for RN-A as distinct from other Residential Districts, and related amendments to address policy refinements
- Additional study of issues and opportunities for allowing neighborhood service retail and services within residential areas and Zoning amendments, and related amendments to address new policies

Next Steps in the Process

- **May 27, 2025 – Planning Commission Work Session** Staff provided an in-depth overview of the amendment process. As a result, the Commission expressed interest in hearing directly from local builders and developers.
- **June 16, 2025 – City Council Work Session** Staff presented the NDS FY26 Work Plan, including proposed Development Code Amendments and enhancements to the Development Review process.
- **October 14, 2025 – Listening Session with Builders and Developers**
- **November 12, 2025 – Planning Commission Work Session** The Commission will review Tier 2 Amendments and initiated the Zoning Text Amendment process. Note: This session will occur during the Commission's regularly scheduled November meeting, which falls on a Wednesday due to the Veterans Day holiday.
- **December 9, 2025 – Planning Commission Public Hearing** Formal public hearing to consider Tier 1 and Tier 2 amendments.
- **January 19, 2026 – City Council Public Hearing** Final public hearing to review and adopt Tier 1 and Tier 2 amendments.



November 12, 2025, Planning Commission Work Session

Sections 34-2.10.5.D

Pages 2-114

Working Document reference: B.11

Existing language:

- 3 Primary street setback is measured from the primary street lot line.
- 4 Side street setback is measured from the side street lot line.
- 5 Rear setback is measured from the rear lot line
 - a. For determining the rear setback for a triangular or gore-shaped lot, the rear lot line is measured from a 10-foot wide line, parallel to the primary street lot line that intersects two side lots lines at its endpoints.
 - b. For instances where the primary street lot line is not straight, the rear lot line must be parallel to a line connecting the end points of the primary street lot line.

Proposed language:

- 3 Primary street setback is measured from the primary street lot line.
- 4 Side street setback is measured from the side street lot line.
- 5 Rear setback is measured from the rear lot line
 - a. For determining the rear setback for a triangular or gore-shaped lot, the rear lot line is measured from a 10-foot wide line, parallel to the primary street lot line that intersects two side lots lines at its endpoints.
 - b. For instances where the primary street lot line is not straight, the rear lot line must be parallel to a line connecting the end points of the primary street lot line.

6 Side setback is measured from the side lot line.

Analysis:

The current code graphics showing Primary street, Side street, Side, and Rear setbacks, but the text only address Primary street, Side street, and Rear setbacks. Staff proposes adding text for Side setbacks to match the graphics.

Sections 34-2.10.5.3.B & 2.10.6.A.2

Pages 2-112 & 2-117

Working Document reference: B.38

Existing language:

No existing language.

Proposed language:

2.10.5. Building Setbacks

B. Applicability

3. When permitted by the Zoning District, a project utilizing the Existing Structure Preservation Bonus for density will be deemed to comply with the Building Setback requirements.

2.10.6 Build-To

A.2

e. When permitted by the Zoning District, a project utilizing the Existing Structure Preservation Bonus for density will be deemed to comply with the Build-To requirements.

Analysis:

The proposed amendments to Sections 2.10.5.B and 2.10.6.A.2 would streamline adaptive-reuse projects by deeming any development using the Existing Structure Preservation Bonus automatically compliant with Setback and Build-To requirements where allowed by the Zoning District. This change reduces administrative hurdles and incentivizes the retention of existing buildings, promoting sustainability and preserving neighborhood character.



Listening Session questions for local Builders and Developers

- 1. What opportunities have you identified under the new Code that were not available under previous zoning regulations?**
- 2. What challenges have you encountered (please reference specific code sections), and where do you see room for improvement within the current Development Code regulations?**

Thank You



Development Code Proposed Amendments Working and Tracking Document 2025

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. This is a living document and only intended for tracking and note taking. Comments within this document are not formal recommendations or actions presented by staff but only intended to track and work through issues in preparing any formal future recommendations. Please not that this document only reflects comments up to October 2, 2025.

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.

- *PP (Planning Commission Suggestions)
- * (Tree Commission Suggestions)

Key Point of Housing Keeping. Once an issue is assigned a number, i.e. A.1 or B.11 it should not be moved. When new issues are added or more spaces is needed on a Tier ALWAYS ADD THE NEW ROW TO THE END OF THE TIER. If an issue is moved or removed from a tier, only strike through the issue and do not delete the row.
Example: Planning Commission wants to move “Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure.” From Tier 3 to Tier 2. The issue is being “crossed out” on C.8 and added to B.70 (as that was the next open row in Tier 2.

Tier 1 (A)							
Number	Page	Code Section	Current Language/Issue	Suggested Language/Change	In the 2025 Staff Report? (mark “Yes”)	Date Adopted by CC	
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”			

Development Code Proposed Amendments Working and Tracking Document 2025

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 of the standards of this Section in order to receive a density bonus to the maximum allowed dwelling units per lot."	Needs to include RN-A and R-C, as both districts provide allowances for existing structure bonuses.		
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...."		

Development Code Proposed Amendments Working and Tracking Document 2025

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.		
A.56	Throug hout		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	Throug hout		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)		

Development Code Proposed Amendments Working and Tracking Document 2025

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."		
A.70	4-5	4.2.1.C	Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure. Moved by PC to Tier 2 (from Tier 3) at the May 27, 2025, Work Session. They want to use Code Studio date of the Development Code adoption as the preservation date.	Code Studio 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. Could add a 4.2.1.C.4 "To be considered existing, the structure must have been built and issued a Certificate of Occupancy prior to December 18, 2025."		
A.71	3-39	3.5.2.I.3	Fence Type X. May 27, 2025, Planning Commission Work Session: PC is not sure what this is for, fencing for storage, or for landscaping and transition requirements. (moved up from B.21)	Change Fence Type X to "High Impact Transition Screens"		
A.72	4-48	4.7.1.A.1.	<i>To protect and enhance the character and stability of neighborhoods the compatibility of new development with its surrounding context where the scale of development changes between lots of differing zoning districts; and</i> Missing comma or conjunction	To protect and enhance the character and stability of neighborhoods and the compatibility of new development with its surrounding context where the scale of development changes between lots of differing zoning districts; and		
A.73	2-95	2.10.1.B.1.e.	<i>Miss labelled roman numerals</i>			
A.74	2-41	2.5.6.B	Existing graphic. 9/9/2025: Moved from B.8	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).		
A.75	2-97	2.10.1.D	Yard designation details 9/9/2025: Moved from B.9	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.		
A.76						
A.77						
A.78						
Tier 2 (B)						
Number	Page	Code Section	Current Language or Problem	Suggested Language or Issue in Question		Date Adopted by CC
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. May 27, 2025, PC work session: PC does not like the Alternate Form approach and finds that it could be cumbersome. Staff will keep this in mind but is still focused on the Alternate Form as the best solution.	Side lot line (min) 4' Where permitted, Dwelling Unit-Attached with a shared property line may encroach to 0'. Or it 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.		

Development Code Proposed Amendments Working and Tracking Document 2025

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 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.” And “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. ”		
B.4	2-148	2.10.13.A.2.d	Lots with 1 dwelling unit do not have to provide street-facing entries. May 27, 2025, Planning Commission Work Session: PC does not see this as an issue and suggests something more in line with a street facing feature and not a entry.	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 impossible to have an accessory structure (shed, garage, pavilion...) on a lot before the build-to requirements are met. 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. May 27, 2025, Planning Commission Work Session: This needs more study as PC would not want VDOT regs as it would create too large of a triangle. 9/9/2025: Due to timing this will be moved to the 2026 list.	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 “Ground Story (Min)” row to show 70% for Primary Street and 35% for Side Street. Delete 2 rows: “Primary Street” and “Side Street”. This needs correction for NX-3, NX-5, NX-8, NX-10 and DX.		
B.8	2-41	2.5.6.B	Existing graphic. 9/9/2025: Moved to A.74	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 9/9/2025: Moved to A.75	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.		

Development Code Proposed Amendments Working and Tracking Document 2025

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. <i>May 27, 2025, Planning Commission Work Session: PC does not see an issue with what is in the Development Code, and it should not be changed to satisfy PWE or Fire.</i>	Maximum lane widths contradict fire code and the Standards and Design Manual (SADM). 4.5.3.C.1 outlines the conflict. "All vehicle access designs must be approved by the Administrator and must conform to the provisions of the Standards and Design Manual." 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. <i>May 27, 2025, Planning Commission Work Session: PC thinks we could exclude guardrails or measure fence from floor surface and allow 42-inch everywhere (should satisfy ABC). Also guardrail on a wall is exempt, use for elevated surfaces as well (café example, elevated deck). B.17- confusing. There seems to be some standard that needs to apply. B.21- Fence type x, think its about storage fencing? Or is this supposed to be landscape/transition requirement instead?</i> Moved to B.28	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. <i>May 27, 2025, Planning Commission Work Session: PC did not think the 50% AMI should apply and that this section is not in line with the intent of the code.</i> 8/12/2025: staff note: Might need to combine language with B.16.	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).		
B.16	4-9	4.2.2.C.4	Current language is not clear that 50% requirement replaces 60% requirement for affordable units. Combined with B.15 above.	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. <i>May 27, 2025, Planning Commission Work Session: PC found this language to be confusing and believes there needs to be a standard.</i>	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). <i>Removed 4.4.5.D.2 as it is not applicable due to having the exception section.</i>		
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.		

Development Code Proposed Amendments Working and Tracking Document 2025

			9/9/2025: Staff determined that we have enough language in the code to address. No change needed.			
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	3.5.2.1.3	Fence Type X: May 27, 2025, Planning Commission Work Session: PC is not sure what this is for, fencing for storage, or for landscaping and transition requirements.	Tie to larger fence discussions?		
B.22	7-15	7.2	Grade, finished. 9/9/2025: This needs additional study and will be moved to the 2026 list.	Additional clarifying language is needed. Intent to measure at building footprint?		
B.23	5-58	5.2.16.C.4	City Council Decision details “The City Council will conduct a public meeting on the application. The City Council may hold a joint public meeting with the Planning Commission.” 8/12/2025: Staff note. Add this to next years (2026) review. Change Critical Slopes Planning Commission and City Council action to match that of Special Exception Permit and/or what comes out of the Long Range Planning Environmental study.	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. (Moved to B.35)	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. May 27, 2025, Planning Commission Work Session: PC recommended requiring the owner to rezone the lots into one zoning designation.	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 May 27, 2025, Planning Commission Work Session: PC brought this up, but only acknowledged it was an issue with no more explanation.	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 ADC district guidelines. I believe we can address the “fence” issue(s) by: Define Fence (7.2) as <i>A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas and is a minimum of six (6’) in height or taller. A fence differs from a wall in not having a solid foundation along its entire length.</i> Remove 4’ or 0’ Fence reference from R-A, RN-A, R-B, R-C, RX-3, RX-5, CX-3, CX-5, CX-8, NX-3, NX-5, NX-8, NX-10, DX, CM, CV, Shopfront House, and Civic Institution with “not allowed”. OR:		

Development Code Proposed Amendments Working and Tracking Document 2025

				Just remove “Fence” from the Fences and Walls in each district under Article 2. Example page 2-15 2.2.5.6 Change Fences and Walls to just Walls. We would also need to change 4.8 to “Walls”. Keep 4.8.1 the same.		
B.29	4-9	4.2.2.C.3.c	Bonuses in Residential Districts Standards 9/9/25: Studied by staff and this is not an issue.	Does this section conflict with the ADU manual requiring a certification for ALL residential projects? Does not conflict so long as “0” or “N/A” certification forms are accepted. OCS staff have accepted these certifications for recent projects. Perhaps the certification form could be adapted to make this easier?		
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.		
B.32			5.2.9. development review rework to match development update processes			
B.33	2-9 (etc.)	2.2.2.B.1 (etc.) And 2.10.10 Massing	Height is based on unit count. Moved from C.1 and C.2	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 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. 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. Proposes updating the definition of Building to: A covered and enclosed structure, either temporary or permanent, used or intended for human occupancy or for the sheltering of animals or property of any kind. For the purposes of this Code—including determination of lot coverage, unit count, setbacks, and height—any such structure shall be considered a single building even if it is situated on or spans more than one lot or subplot.		
B.34	R-A, RN-A, R-B, and R-C	2-9, 2-11, 2-13, and 2-15	Remove stories from the low density R district and only have height in feet	Suggested change is just to use feet for max height in R-A, RN-A, R-B, and R-C		

Development Code Proposed Amendments Working and Tracking Document 2025

B.35	2-133	2.10.10.B.2.d	Update Lots with 1 dwelling unit do not have to meet the active depth requirements.	Change language to match that of the 1 dwelling unit section for entry feature.		
B.36	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.	This only applies to “access easements” and does not consider other types of easements that would prevent building being placed in the required build-to area. Change language to just easement but keep the determination with the Administrator.		
B.37	5-37	5.2.9	Changes to the Development Code Process to allow more types of development to go straight to Building Permit review 9/9/25 (more information will be provided after we meet with different departments and get additional feedback).	We are looking at two options. 1 would keep our current policy of allowing one and two units to go straight to Building permit review (codifying it). The other option (which is the one we are moving forward) would allow development within the R districts (provided certain standards are met) to go straight to Building Permit review		
B.38	2-112 & 2-117	2.10.5.B & 2.10.6.A.2	Applicants are running into issues trying to utilize the Existing Structure Preservation bonus with meeting the Building Setbacks and Built-to regulations.	Update the Building Setbacks and Build-to sections to indicate that if an applicant is utilizing the Existing Structure Preservation bonus, they automatically meet the Setbacks and Build-to requirements.		
B.39						
B.40						
B.41						
B.42						
B.43						
B.44						
B.45						
B.46						
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. (moved to B.33)	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 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 (moved to B.33)	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.		

Development Code Proposed Amendments Working and Tracking Document 2025

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. Moved to Tier 2 (B.70) by Planning Commission at the work session on May 27, 2025	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. May 27, 2025, Planning Commission Work Session: PC did not feel removing or adjusting the SEP is appropriate at this time.	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. 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.	
C.21	4-80	4.10.1.B.1	Critical Slope regulations are redundant given current VESMP regulations for larger developments, which require engineered erosion and stormwater plans to be approved for land disturbance greater than 6,000 square feet.	Add language: "Critical slope requirements apply to project sites not subject to Erosion and Stormwater Management (ESM) Plans that include any portion of sloped area that has all of the following criteria:"

Development Code Proposed Amendments Working and Tracking Document 2025

C.22				
C.23				
C.24				
C.25				
C.26				
C.27				
C.28				
Planning Commission				
Number	Page	Section	Notes	Staff Notes
D.1.	4-18	4.4.5.A.3	Before the code was approved, I had asked James what happens if you can't fit the required greenscape and walk zones in the right of way, and my understanding was that the building setbacks would be moved back to allow for them to be installed. For example, if you have a maximum setback of 10', and due to site constraints, the streetscape can't fit, that maximum setback would be moved back enough to allow it to fit. That's how I interpret section 4.4.5.A.3. "When there is not enough room in the public right of way for the required streetscape, the clear walk zone and greenscape zone must be provided on-site as a permanent public access easement." Are we enforcing this? In preliminary discussions with applicants to the BAR, we've had some say they spoke to staff and are unable to provide the required street trees because of the maximum setbacks.	Nothing in the code gives staff the authority to alter setbacks from this section. Language that might work: "Where there is not enough room in the public right-of-way for the required streetscape, the clear walk zone and greenscape zone must be provided on-site as a permanent public access easement and the Administrator may alter required setbacks and build-to requirements to accommodate the required streetscape. "
D.2.			Doors swinging over the ROW. The building code actually prohibits this, but there have been instances where it has been excused by our code officials because there's not life safety issue. Can we add to the zoning code that doors should not swing over the public sidewalk?	
D.3.			Definition of an entry: I think you all are on this after the apartment project at 1609 Gordon Ave. Does an entrance have to open to an active space? Should it be allowed to go to a garage, internal courtyard, or exterior stair? We should add some clarity to the code on this.	2.10.13 Entrances (page 2-148) The Street-Facing Entry Spacing states "A maximum distance between street-facing doors providing access from the public realm to the interior of a building." For this project (RX-5) the code requires an "Entry Feature" and "A street facing entry every 40' or 60' depending on the type of street. This section of the code is very confusing and convoluted. It would need a lot of thought and work.
D.4.			Active Depth – this seems to keep coming up as preventing buildings from providing internal parking. Is it too deep? Do we need to consider some exceptions or methods for providing internal parking?	
D.5.	2-132	2.10.10.A.5	2.10.10.A.5: Building Width Exception. "The depth of the open space must be at least equal to the width of the open space or 30', whichever is less." I propose reducing that minimum depth to 25'. A building built over a parking garage is 60' wide (1'+18'+22'+18'+1'). If you have a double-loaded corridor building above the parking garage, a 30' deep open space will cut into the corridor. The depth should be no deeper than an apartment depth.	
D.6.			Ground floor definitions seem to keep tripping people up on sloping sites. Are ours too strict?	
D.7.	4-31	4.5.3.D.1.a.vii	Driveway widths – there seem to be no regulations for driveway widths for single family and duplex lots. 4.5.3.D.1.vii seems to show maximum widths, but I understand that staff interprets the code as there being no maximum width for single family or duplex parcels.	Staff does enforce this requirement. The issue can arise from the fact that a "parking" space are not defined for any lot with less than 6 spaces.
D.8.			Fences vs guardrails (I assume you all are already on this).	
D.9.			Existing buildings under BAR review – what changes are allowed: There seems to be a debate about the level to which contributing buildings in ADCDs are subject to the zoning code. Under the nonconformities section 5.3.3.B.2: "If the nonconforming structure to be expanded is also a contributing structure in an ADC District or HC District, or an Individually Protected Property, then that structure is not required to meet any development standard that would require modification of the structure itself, and the Board of Architectural Review must approve a Certificate of Appropriateness for the proposed expansion."	

Development Code Proposed Amendments Working and Tracking Document 2025

			I read that section as saying that if you add onto a contributing structure, the existing structure doesn't need to be modified to meet the zoning code. In a couple of cases, it appears that staff has interpreted that as saying that the existing building can also be modified in ways that are counter to the zoning code. This could be making it less compliant with transparency requirements by removing windows or removing required entry features for instance. Can we clarify exactly what is allowed to happen when a non-conforming contributing structure is modified and/or added onto?	
D.10.			See B.1: 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. May 27, 2025, PC work session: PC does not like the Alternate Form approach and finds that it could be cumbersome. Staff will keep this in mind but is still focused on the Alternate Form as the best solution.	
D.11.			See A.70: Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure. Moved by PC to Tire 2 (from Tire 3) at the May 27, 2025 Work Session. They want to use Code Studio date of the code adoption as the preservation date.	
D.12.			See B.6: Nothing in the new code provides details on a sight distance triangle. May 27, 2025 Planning Commission Work Session: This needs more study as PC would not want VDOT regs as it would create too large of a triangle.	
D.13.			See B.4: Lots with 1 dwelling unit do not have to provide street-facing entries. May 27, 2025, Planning Commission Work Session: PC does not see this as an issue and suggests something more in line with a street facing feature and not an entry.	Staff originally placed this on the list to highlight that "lots" with one dwelling do not need a street-facing entry. This is regardless of Zoning District and a little ambiguous. Is this stating that a lot with a commercial building AND one dwelling unit would not need a street-facing entry? Staff may suggest: "Lots in the R-A, RN-A, R-B, and R-C Zoning Districts do not have to provide street-facing entries on a single unit residential dwelling provided no additional dwellings or uses are provided."
D.14.			See B.13: Vehicle Access. May 27, 2025, Planning Commission Work Session: PC does not see an issue with what is in the Development Code, and it should not be changed to satisfy PWE or Fire.	
D.15.			See B.15: This section is only about Unit Bonus allowances in residential districts, but R-C also has a Height Bonus which is not detailed. May 27, 2025, Planning Commission Work Session: PC did not think the 50% AMI should apply and that this section is not in line with the intent of the code.	
D.16.			See B.27: Canopy set at 10 years May 27, 2025, Planning Commission Work Session: PC brought this up, but only acknowledged it was an issue with no more explanation.	
D.17.			See C.11: A Special Exception Permits may be granted for physical dimensional standards described in the following Division... needs revision to account for the determination that parking location and other potential locations are permitted modifications allowed under SEP. May 27, 2025, Planning Commission Work Session: PC did not feel removing or adjusting the SEP is appropriate at this time.	
D.18.			See B.14: 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. May 27, 2025, Planning Commission Work Session: PC thinks we could exclude guardrails or measure fence from floor surface and allow 42-inch everywhere (should satisfy ABC). Also, guardrail on a wall is exempt, use for elevated surfaces as well (café example, elevated deck). B.17- confusing. There seems to be some standard that needs to apply. B.21- Fence type x, think it's about storage fencing? Or is this supposed to be landscape/transition requirement instead?	
D.19.			See B.17: 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.	

Development Code Proposed Amendments Working and Tracking Document 2025

			May 27, 2025, Planning Commission Work Session: PC found this language to be confusing and believes there needs to be a standard.	
D.20.			See B.21: Fence Type X May 27, 2025, Planning Commission Work Session: PC is not sure what this is for, fencing for storage, or for landscaping and transition requirements.	
D.21.			See B.26: No building located on a lot may be wider than the maximum building width allowed by the zoning district. May 27, 2025, Planning Commission Work Session: PC recommended requiring the owner to rezone the lots into one zoning designation.	
D.22.				
D.23.				
D.24.				
Tree Commission				
Number	Page	Section	Notes	Staff Notes
E.1.			Incentives for Tree Preservation - Reevalue the city's current incentive structure for tree preservation to reward developers who retain healthy, large trees on-site and to ensure that preservation of mature trees is seen not as an obstacle but as a shared value and goal. The current incentive structure—where existing trees are allowed to contribute 1.50-4x canopy area toward meeting minimum canopy requirements—is not effective at promoting overall tree canopy cover in the city. Consider, for example, an incentive structure to reduce or waive stormwater fees as an incentive to preserve mature trees.	
E.2.			Bonds for Existing Plantings - Expand circumstances for when a bond is required to cover existing trees indicated for preservation in site plans for 1 year after the completion of construction (see the cities of Falls Church, Fairfax, and Vienna for precedents).	
E.3.			Tree Preservation Plans - Further define the existing preservation plan requirements to include tree canopies, trunks, critical root zones, and tree protection measures drawn to scale (reference “Best Management Practices for Tree Preservation, Transplanting, Removal, and Replacement”). Support a second Urban Forester position focused on plan review and enforcement of preservation plans.	
E.4.				
E.5.				
E.6.				
E.7.				