

Agenda

PLANNING COMMISSION REGULAR WEDNESDAY, November 12, 2025 at 5:30 P.M. Hybrid Meeting

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

Beginning: 5:00 p.m.

Location: (CitySpace, 100 5th Street NE, Charlottesville, VA 22902)

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: (CitySpace, 100 5th Street NE, 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. Development Code Text Initiation – Minor Amendments

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)

V. WORK SESSION

1. Minor Development Code (Zoning) Amendments

VI. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday November 25, 2025 – 5:00 PM	Work Session	Capital Improvement Program
Tuesday December 9, 2025 – 5:00 PM	Pre-Meeting	

Tuesday December 9, 2025 – 5:30 PM	Regular Meeting	Capital Improvement Program, Minor Development Code (Zoning) Amendments Minutes – October 15, 2025 – Regular Meeting Minutes – October 28, 2025 – Work Session
------------------------------------	-----------------	--

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.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR INITIATION OF A ZONING TEXT AMENDMENT
PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: November 12, 2025

Staff Contact: Matt Alfele, Development Planning Manager

Date of Staff Report: November 4, 2025

Origin of Request: City staff request to Planning Commission

Applicable City Code Provisions: Chapter 34 – Article 5, Division 5.2.5

Initiation Process

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Council of the City of Charlottesville, Virginia (“City Council”), may, by Ordinance, amend, supplement, or change the City of Charlottesville, Virginia’s (“City”), zoning district regulations, district boundaries, or zoning district classifications of property. A Zoning Text Amendment (“ZTA”) may be initiated by: (1) City Council Resolution; or (2) Planning Commission (“PC”) Motion (See City Development Code (“DC”) Section 34-5.2.5.B.1.a, which is based on Virginia Code § 15.2-2286(A)(7)).

Discussion

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

These proposed changes have been categorized into three tiers:

- Tier 1: Minor grammatical revisions and small adjustments to ensure the Code accurately reflects its intended purpose and state mandated changes due to legislative action.
- Tier 2: Modifications, additions, or removals that address oversights or clarify existing provisions. This tier also includes suggested amendments to facilitate improvements to the Development Review process.

- Tier 3: Policy changes or confirmations that require in-depth analysis and a comprehensive community engagement strategy.

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

Standard of Review

If initiated, the Planning Commission shall review and study each proposed amendment to determine:

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the Comprehensive Plan;
2. Whether the proposed amendment will further the purposes of this Chapter and public necessity, convenience, general welfare, and good zoning practice require such amendment;
3. Whether there is a need and justification for the change;
4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the Planning Commission must consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification; and
5. Such other considerations as permitted by law.

Appropriate Motions

1. **For approval:** The PC may initiate the ZTAs, by making the following Motion:

“In accordance with Virginia Code § 15.2-2285(A) and City Code Section 34-5.2.5.B.1.a, and as required by public necessity, convenience, general welfare, and good zoning practice, I move to initiate consideration of amendments to City Code Chapter 34 (Development Code) Articles 2, 3, 4, 5, 6 and 7.”
2. **For Denial:** No motion is needed; if the PC does not adopt a Motion to initiate, then the proposal will not proceed.

Attachments

- A. Motion Initiating Amendment of the 2024 Development Code (Zoning and Subdivision Ordinances)

**Motion Initiating Amendment of the 2024 Development Code
(Zoning and Subdivision Ordinances)**

In accordance with Virginia Code § 15.2-2285(A) and City Code Section 34-5.2.5.B.1.a, and as required by public necessity, convenience, general welfare, and good zoning practice, I move to initiate consideration of amendments to City Code Chapter 34 (Development Code) Articles 2, 3, 4, 5, 6 and 7.

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: November 12, 2025
SUBJECT: Planning Commission Work Session Tier 2 Zoning Text Amendments

Introduction and Background

NDS staff is preparing a package of twenty-three (23) Tier 2 Zoning Text Amendments in advance of a Planning Commission Public Hearing scheduled for December 9, 2025. These Tier 2 amendments are limited in scope and are intended to correct oversights, clarify existing provisions, or improve the development review process.

Each proposed amendment is presented as an individual summary sheet that outlines the issue, recommended text, and anticipated administrative or development implications. On October 14, 2025, the Planning Commission held a Listening Session with local builders and developers. Feedback from that session, along with additional input received via email, has been catalogued and is being reviewed alongside the proposed Tier 2 changes.

This work session provides the Planning Commission with an opportunity to review the proposed amendments, suggest edits or additions that fall within the Tier 2 scope, and provide direction to staff on which items should move forward to the December 9th Public Hearing, and which should be deferred for further analysis or outreach.

Meeting format and Commission actions (staff recommendation)

- **Staff presentation and context:** Staff will briefly recap the October 14, 2025 Listening Session with local builders and developers, summarize key feedback and next steps for staff review.
- **Commission review and options:** Each Tier 2 amendment is prepared as a one-sheet proposal. For each amendment, the Planning Commission should choose one of three actions:
 - advance as presented
 - advance with suggested edits

- or not advance
- **Documentation and follow up:** Staff will record the Commission's direction and suggested edits; suggested edits will be considered and evaluated as part of staff's revision process, after which staff will prepare the Public Hearing materials to move forward to the December 9, 2025 Public Hearing.

Attachments and Links:

- [Current Development Code](#)
- [May 27th Planning Commission Work Session Agenda](#)
- [June 16th City Council Work Session \(see NDS Workplan FY26 materials\)](#)
- [October 14th Planning Commission Work Session](#)
- Development Code Tier 2 Amendments
- Code Amendment Working Document

Tier 2 Amendment

Section 34-2.8.10, 2.8.11 (New Section)

Page: 2-68

Working Document reference: B.1

Existing language:

None (adding new sections to Div. 2.8)

Proposed language:

New Alternate Form Section (three new pages added)

2.8.10 Attached Residential

A. District Summary

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

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

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

B. Applicability

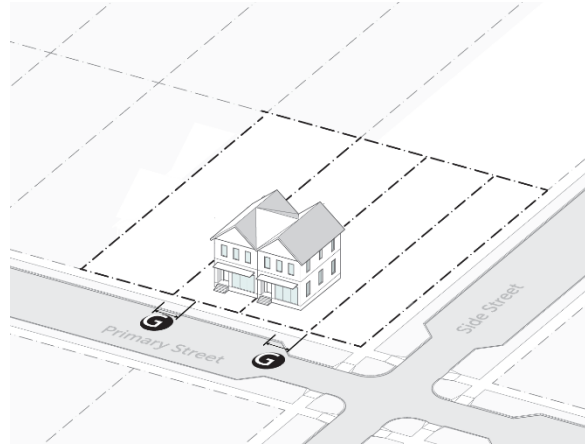
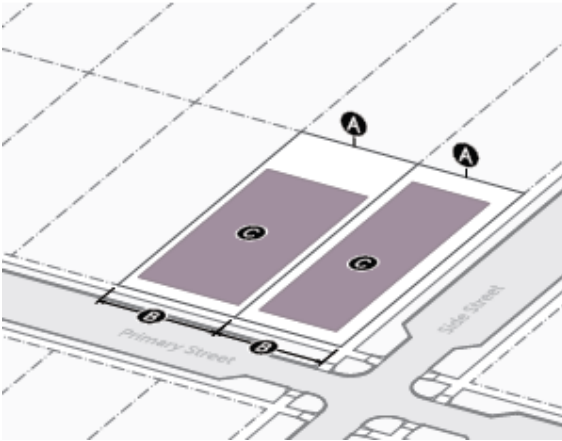
When allowed in Residential (R- and RN-) districts, the following principal uses may follow the Attached Residential Form standards:

1. Any allowed Residential uses.

Tier 2 Amendment

2.8.11 Attached Residential

A. Lot



1. LOT SIZE	Sec. 2.10.2.
A Area (min)	Set by district
B Width (min)	Set by district
2. DENSITY	Sec. 2.10.3.
Dwellings per lot (max)	Set by district
3. COVERAGE	Sec. 2.10.4.
C Building coverage (max)	Set by district
Building footprint (max)	Set by district
Outdoor amenity space (min)	Set by district

4. BUILDING SETBACKS	Sec. 2.10.5.
Primary street lot line (min/max)	10' / 20' or existing range
Side street lot line (min/max)	Set by district
Side lot line, Attached side (min)	0'
G Side lot line, Unattached side (min)	8'
Rear / alley lot line (min)	4'
5. BUILD-TO	Sec. 2.10.6.
Build-to width (min)	
Primary street (min)	Set by district
Side street (min)	Set by district
6. PARKING LOCATION	Sec. 2.10.8.
Front yard	Driveway only
Side street yard	Driveway only
Side yard	Allowed
Rear yard	Allowed

Tier 2 Amendment

B. Building



1. HEIGHT	Sec. 2.10.9.
A Building height (max stories/feet)	Set by district
2. MASSING	Sec. 2.10.10.
Building width (max)	
B Primary street	Set by district
C Side street	Set by district
D Active depth (min)	9'
3. GROUND STORY	Sec. 2.10.11.
E Ground story height (min)	9'
F Finished floor elevation (min/max)	0' / 6'

	Primary St.	Side St.
4. TRANSPARENCY	Sec. 2.10.12.	
G Ground story (min)	20%	15%
H Upper story (min)	10%	10%
I Blank wall width (max)	10'	20'
5. ENTRANCES	Sec. 2.10.13.	
J Street-facing entry spacing (max)	40'	60'
Entry feature	Yes	Yes
6. FENCES AND WALLS	Sec. 2.10.14.	
Front yard height (max)	4'	
Side street yard height (max)	6'	

Analysis:

The current side setback requirements for R- and RN- districts make it impossible to construct single-family attached residential structures which are divided by common lot lines. The creation of an alternate zoning form for those districts will allow for attached residential construction, while preserving the existing setback requirements for other types of development.

Tier 2 Amendment

Section 34-4.10.1.B

Page: 4-80

Working Document reference: B.3

Existing language:

B. Applicability

[...]

2. Where the Administrator determines that there is no reasonable alternative location or alignment, and that the applicant has identified protective and restorative measures, the following are exempt from the requirements of this Section:

- a. Driveways;
- b. Public utility lines and appurtenances;
- c. Stormwater management facilities;
- d. Other public facilities necessary to allow the use of the parcel; and
- e. Environmental restoration projects.

Proposed language:

3. 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.

4. 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.

Analysis:

Current critical slopes provisions do not contain exemptions for lots of record, or for the first dwelling unit constructed on a lot. Lack of these provisions would be considered a taking under Virginia state law section 15.2-961.3.

Tier 2 Amendment

Sections 34-2.10.13.A.2

Pages 2-148

Working Document reference: B.4

Existing language:

Applicability

- a Street-facing entry spacing requirements apply to all ground story street-facing facades.
- b The maximum street-facing entry spacing requirements must be met for each building and abutting buildings on a lot or within a project site, but are not applicable to buildings unrelated to the project.
- c Accessory structures do not have to provide a street-facing entry, and are not included in the calculation of maximum street-facing entry spacing requirement.
- d Lots with 1 dwelling unit do not have to provide street-facing entries.

Proposed language:

- a Street-facing entry spacing requirements apply to all ground story street-facing facades.
- b The maximum street-facing entry spacing requirements must be met for each building and abutting buildings on a lot or within a project site, but are not applicable to buildings unrelated to the project.
- ~~c—Accessory structures do not have to provide a street-facing entry, and are not included in the calculation of maximum street-facing entry spacing requirement.~~
- d A lot or subplot consisting of only 1 primary dwelling unit and no additional uses is not required to provide a street-facing entry.

Analysis:

With additional changes being proposed to building setbacks and meeting the build-to requirement, staff recommend removing the exception that currently exempts accessory structures from providing a street-facing entry. This ensures that any accessory building placed within a street-facing yard maintains the same façade rhythm and aesthetic continuity as principal structures. Staff also propose clarifying that only lots or sublots containing a single residential dwelling unit—and no other uses—are exempt from the street-facing entry requirement. Under the previous language, a lot with just one dwelling unit could have all its buildings bypass the entry standard, creating an unintended loophole in mixed-use districts where residential and nonresidential uses coexist.

Sections 34-3.5.1.A. – Sec. 34-3.5.1.C., Sec. 34-5.3.3. and Sec. 7.2

Pages 3-34, 5-62 and 7-11 – 7-21

Working Document reference: B.5

Existing Language:

Div. 3.5. **ACCESSORY USES AND STRUCTURES**

3.5.1. **General**

A. Allowed Accessory Uses and Structures

The permitted use table in 3.2.2. Permitted Use Table establishes the allowed accessory uses and structures by district. Multiple accessory uses are allowed on a lot when the uses are all allowed in the district and the standards for all uses on the lot may be met.

B. Accessory Uses and Structures Not Listed

1. An accessory use or structure not specifically listed in 3.2.2. Permitted Use Table is not allowed unless the Administrator determines the use:
 - a. Is clearly incidental to and customarily found in connection with an allowed principal use;
 - b. Is subordinate to and serving an allowed principal use;
 - c. Is subordinate in area, extent and purpose to the principal use served; and
 - d. Is located on the same lot as the principal use served.
2. Electronic gaming cafes are prohibited as an accessory use.

C. Rules for All Accessory Uses and Structures

1. A permit is required for any accessory use or structure exceeding 256 square feet of gross floor area.
2. Accessory structures must comply with the dimensional requirements of the zoning district, unless listed as an allowed encroachment in 2.10.5. Building Setbacks.
3. No accessory use or structure is permitted on the lot until after the principal use or structure is approved.

Proposed Language:

Div. 3.5. **ACCESSORY USES, BUILDINGS AND STRUCTURES**

3.5.1. **General**

A. Allowed Accessory Uses and Structures

The permitted use table in 3.2.2. *Permitted Use Table* establishes the allowed accessory uses ~~and structures~~ by district. Multiple accessory uses are allowed on a lot when the uses are all allowed in the district and the standards for all uses on the lot may be met. **Accessory buildings and structures are allowable as provided in this Division.**

B. Rules for Accessory Uses ~~and Structures Not Listed~~

Tier 2 Amendment

1. An accessory use ~~or structure~~ not specifically listed in 3.2.2. *Permitted Use Table* is not allowed unless the Administrator determines the use:
 - a. Is clearly incidental to and customarily found in connection with an allowed principal use;
 - b. Is subordinate to and serving an allowed principal use;
 - c. Is subordinate in area, extent and purpose to the principal use served; and
 - d. Is located on the same lot as the principal use served.
2. Electronic gaming cafes are prohibited as an accessory use.
3. **No accessory use is permitted on the lot until after the principal use is established.**

C. Rules for Accessory ~~Uses and~~ Buildings and Structures

- ~~1. A permit is required for any accessory use or structure exceeding 256 square feet of gross floor area.~~
- ~~1.2:~~ Accessory **buildings and** structures must comply with the dimensional requirements of the zoning district, unless listed as an allowed encroachment in 2.10.5. *Building Setbacks*.
- ~~2.3:~~ No accessory ~~use building~~ or structure is permitted on the lot until after the principal use or structure is approved.
3. **No accessory building or structure may be located within any front yard; or, on a corner lot, project into the required yard adjacent to any street frontage.**
4. **No accessory building or structure may be used for dwelling purposes.**
5. **Accessory buildings and structures are not exempt from Building Code requirements.**

Existing Language:

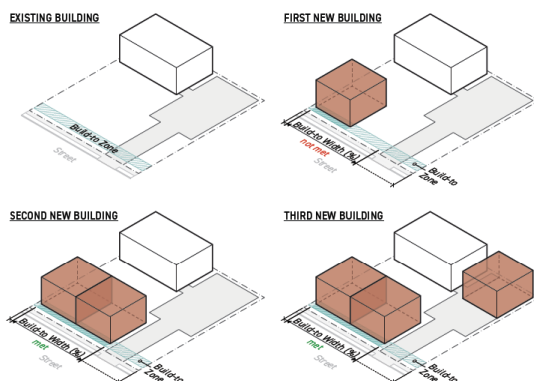
Div. 5.3. Nonconformities

C. Nonconforming Build-To Requirement

When an existing building is being expanded or a new building is being constructed, and the building or lot does not meet the build-to width requirement, the following provisions apply:

1. New Buildings on an Interior Lot

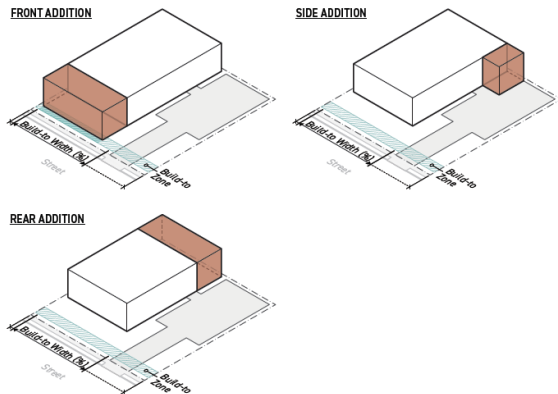
All new construction buildings or structures must occupy the build-to zone until the build-to width requirement has been met. Until all build-to width standards have been met, new buildings must occupy the build-to zone for their entire building width.



Tier 2 Amendment

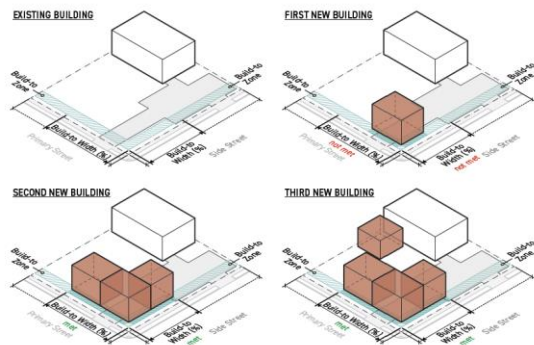
2. Additions on an Interior Lot

- Any additions to the front of an existing building must occupy the build-to zone. The addition does not have to meet the required build-to width for the entire lot. Front additions with a maximum floor area of 10% of the existing building footprint are allowed behind the build-to zone.
- Side additions having a floor area less than 20% of the existing building footprint are allowed. Once the build-to width standard has been met, side additions of any size are allowed.
- Rear additions of any size are allowed. Transition setbacks may apply, see Div. 4.7. Transitions and Screening.



3. New Buildings on a Corner Lot

- All new buildings must occupy the build-to zone until the build-to width requirement for both streets have been met.
- Once the build-to width requirement has been met for both streets, new buildings may be placed behind the build-to zone.

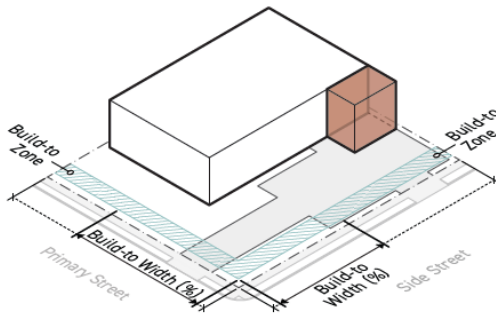


4. Additions on a Corner Lot

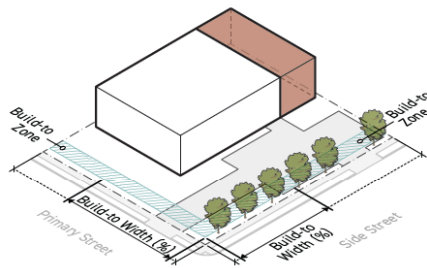
- Any addition to the front of an existing building must be located within the build-to zone on the primary street. The addition does not have to meet the minimum build-to width for the entire lot. Front additions with floor area no greater than 10% of the existing building footprint are allowed behind the build-to zone.

Tier 2 Amendment

- b. Side additions with floor area no greater than 20% of the existing building footprint are allowed. Once the build-to width standard has been met for both streets, side additions of any size are allowed.



- c. Rear additions of any size, located behind the build-to zone, are allowed provided:
- A landscape area at least 6 feet wide adjacent to the side street lot line is installed across the entire length of the side street frontage. Breaks for pedestrian, bicycle, and vehicular access of the minimum practical width are allowed.
 - The landscape area must include medium or large trees planted an average of 30 feet on center along the entire landscape area.



- Trees should be planted offset from street trees to maximize space for canopy growth.
- All landscaping must meet the applicable standards of Div. 4.9. Landscaping.

Proposed Language:

Sec. 5.3.3. **NONCONFORMING BUILDINGS AND STRUCTURES**

5.3.3.C. Nonconforming Build-To Requirement

When an existing building is being expanded or a new building is being constructed, and the building or lot does not meet the build-to width requirement, the following provisions apply:

1. New **Primary** Buildings on an Interior Lot
All new **construction primary** buildings **or structures** must occupy the build-to zone until the build-to width requirement has been met. Until all build-to width standards have been met, new **primary** buildings must occupy the build-to zone for their entire building width

GRAPHIC TO REMAIN

2. Additions on an Interior Lot
 - a. Any additions to the front of an existing **primary** building must occupy the build-to zone. The addition does not have to meet the required build-to width for the entire lot. Front

Tier 2 Amendment

additions with a maximum floor area of 10% of the existing building footprint are allowed behind the build-to zone.

- b. Side additions having a floor area less than 20% of the existing **primary** building footprint are allowed. Once the build-to width standards are met, side additions of any size are allowed.
- c. Rear additions of any size are allowed. Transition setbacks may apply, see Div. 4.7. Transitions and Screening.

GRAPHIC TO REMAIN

3. New **Primary** Buildings on a Corner Lot

- a. All new **primary** buildings must occupy the build-to zone until the build-to width requirement for both streets have been met.
- b. Once the build-to width requirement has been met for both streets, new **primary** buildings may be placed behind the build-to zone.

GRAPHIC TO REMAIN

4. Additions to **Primary Buildings** on a Corner Lot

- a. Any addition to the front of an existing **primary** building must be located within the build-to zone on the primary street. The addition does not have to meet the minimum build-to width for the entire lot. Front additions with floor area no greater than 10% of the existing **primary** building footprint are allowed behind the build-to zone.
- b. Side additions with floor area no greater than 20% of the existing **primary** building footprint are allowed. Once the build-to width standard has been met for both streets, side additions of any size are allowed.

GRAPHIC TO REMAIN

- c. [keep existing language and graphic]

5. **Accessory Buildings**

- a. **Accessory buildings may occupy any rear or side yard provided all development standards are met.**
- b. **Accessory buildings may not occupy a front yard.**

Tier 2 Amendment

Existing Language

Definitions: Div. 7.2

Building. A covered and enclosed structure, either temporary or permanent, intended for human occupation or shelter of animals or property of any kind.

Building, accessory. A building or structure subordinate to the principal structure on a lot and used for purposes incidental to the principal building or structure located on the same lot.

Building, primary. The building occupied or designated for the primary use.

Structure. Any constructed object more than 30 inches in height.

Proposed Language:

Definitions: Div. 7.2

Building. A covered and enclosed structure, either temporary or permanent, intended for human occupation or shelter of animals or property of any kind.

Building, accessory. A building subordinate to the **primary building(s)** on a lot and used for purposes incidental to the **primary** building located on the same lot. **An accessory building may not be utilized for dwelling purposes.**

Building, primary. The building or buildings occupied or designated for the primary use.

Structure: ~~Any constructed object more than 30 inches in height~~ A constructed or erected object that is permanently or temporarily located on the ground or attached to something having a permanent location on the ground, and which is intended to support, shelter, or enclose persons, animals, or property. This includes buildings and similar improvements, but does not include flatwork such as patios, sidewalks, driveways, or other at-grade surfaces not intended for enclosure or occupancy.

Analysis:

The proposed amendments clearly separate accessory buildings from the nonconforming build-to requirements that once forced homeowners to expand or reconstruct their primary façade before adding a shed or garage. By adding subsection 5.3.3.C.5 and revising Division 3.5, accessory buildings are explicitly allowed in rear and side yards without occupying the build-to zone or requiring a front addition. Under the new language, an accessory building permit no longer hinges on bringing the existing primary structure into conformity with build-to width standards. The updated definitions in Section 7.2 further reinforce that accessory buildings remain subordinate to primary buildings and may not serve as dwellings, preventing their reclassification as new primary structures. Front-yard placement remains prohibited, preserving neighborhood character, while backyard and side-yard installations become straightforward so long as dimensional and building-code standards are met. Overall, these changes eliminate the prior barrier that effectively barred small outbuildings unless significant new construction occurred, streamlining the permitting process for homeowners who simply wish to add a tool shed, workshop, or storage structure.

Tier 2 Amendment

Sections 34-2.5.2.B.4, 2.5.3.B.4, 2.5.4.B.4, 2.5.5.B.4, 2.5.6.B.4

Pages 2-33, 2-35, 2-37, 2-39, 2-41

Working Document reference: B.7

Existing language:

	Primary St.	Side St.
4. TRANSPARENCY	Sec. 2.10.12.	
H Ground story (min)		
Primary street	70%	35%
Side street	50%	35%

Proposed language:

	Primary St.	Side St.
4. TRANSPARENCY	Sec. 2.10.12.	
H Ground story (min)	70%	35%
Primary street	70%	35%
Side street	50%	35%

Analysis:

Transparency standards for the NX- and DX districts contain redundant references to Primary and Side Streets.

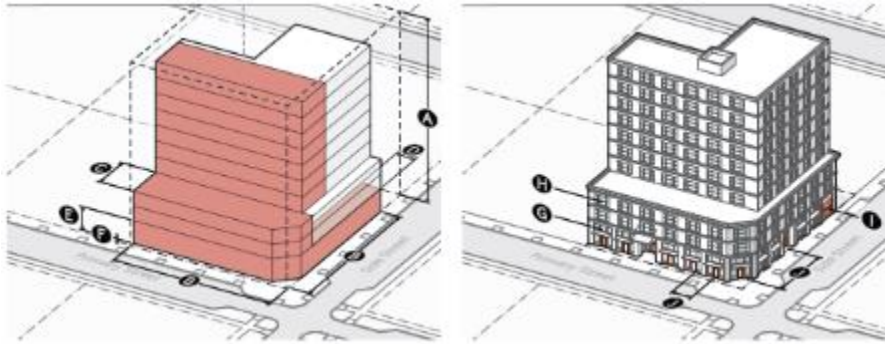
Tier 2 Amendment

Section 34-2.5.6.B

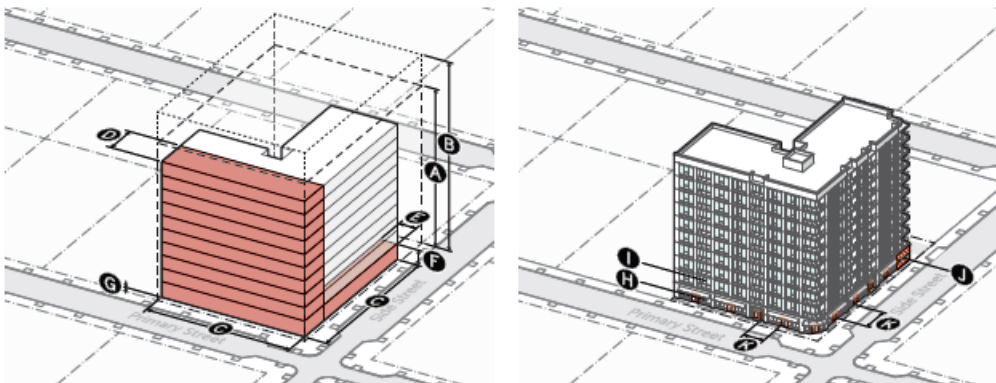
Page 2-41

Working Document reference: B.8

Existing Language/Graphic



Proposed Language/Graphic



Update DX graphic to remove the stepback; implies the stepback is required. It also is implying an additional 30' and 15' of active depth is required (shaded in red).

Analysis:

Stepbacks are only required in the DX district when a Transition per Section 34-4.7.1.B apply (adjacent to R-, RN-, RX-3, CX-3, or NX-3). The current graphic displays building with these stepbacks , but stepbacks would not be required on the majority of parcels currently zoned DX. A revised graphic provides the zoning envelope applicable to most properties within the DX zone. All DX parcels are within an ADC District, and subject to 2.9.2.D. In approving a Certificate of Appropriateness, the BAR (or Council on appeal) may require stepbacks per 5.2.7.C.2.c.

Tier 2 Amendment

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 show Primary street, Side street, Side, and Rear setbacks, but the text only addresses Primary street, Side street, and Rear setbacks. Staff proposes adding text for Side setbacks to match the graphics.

Sections 34-4.5.1.C

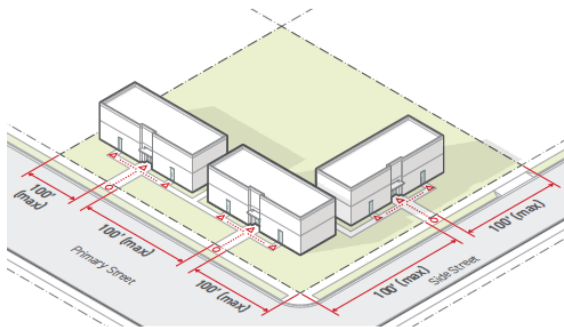
Pages 4-23

Working Document reference: B.12

Existing language:

PEDESTRIAN ACCESS TYPE 2

Intended to ensure buildings are conveniently accessible from the public realm and to promote walking as a safe and convenient mobility option to improve connectivity through large sites.



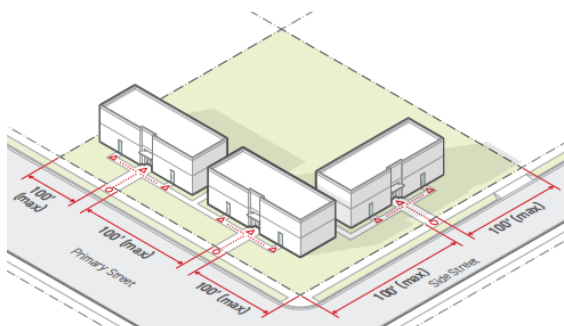
ACCESS STANDARDS

Pedestrian accessway type	Linked
Pedestrian accessway spacing (max)	100'
Distance from street intersection (max)	100'

Proposed language:

PEDESTRIAN ACCESS TYPE 2

Intended to ensure buildings are conveniently accessible from the public realm and to promote walking as a safe and convenient mobility option to improve connectivity through large sites.



Tier 2 Amendment

ACCESS STANDARDS

Pedestrian accessway type	Linked
Pedestrian accessway spacing (max)	100'
Distance from street intersection (max)	100'

(For lots and developments not within
100' of an intersection, only Pedestrian
accessway spacing applies)

Analysis:

All R districts currently require Pedestrian Access Type 2 under Section 34-4.5.1.B.1. Type 2 access mandates that any sidewalk linking the development to the public right-of-way be located no more than 100 feet from an intersection. However, this standard overlooks the many lots situated beyond that 100-foot threshold. The staff's draft amendment corrects this gap by clarifying that developments outside the 100-foot radius need only comply with the Pedestrian Accessway Spacing requirements.

Tier 2 Amendment

Sections 34-4.2.2.C.4

Pages 4-9

Working Document reference: B.15

Existing language:

4. Height Bonus in All Other Districts Standards
 - a. In any zoning district other than Residential A (R-A), Residential Core Neighborhood A (RNA), Residential B (R-B), and Residential C (R-C), a project must provide 10% of all residential units to households at or below 50% AMI or provide an in-lieu fee according to the formula described in the ADU Manual.

Proposed language:

4. Height Bonus in All Other Districts Standards
 - a. **When permitted by the Zoning District,** a project **utilizing the district's Bonus Building Height provision** must provide 10% of all residential units to households at or below 50% AMI or provide an in-lieu fee according to the formula described in the ADU Manual.

Analysis:

The existing language does not clearly indicate that the 50% AMI (Area Median Income) threshold for bonus building height takes precedence over the 60% AMI requirement outlined in Section 34-4.2.2.C.2.a.

Tier 2 Amendment

Sections 34-4.4.5.D.2

Pages 4-20

Working Document reference: B.17

Existing language:

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.

Proposed language:

Remove

~~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.~~

Analysis:

Because Section 34-4.4.5.D.1 grants the Administrator discretion to permit alignment with existing streetscapes for project with less than a 100' of frontage, and Section 34-4.4.5.E provides a formal process for applicants to request exceptions based on defined criteria, Section 34-4.4.5.D.2 is rendered redundant and may be removed without impacting the intent or functionality of the regulation.

Tier 2 Amendment

Sections 34-7.2

Pages 7-11

Working Document reference: B.24

Existing language:

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.

Proposed language:

Active space. Any occupiable space designed and intended for human activity such as living, working, commerce, sleeping, eating, or cooking as determined by the Administrator. Restrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered active space.

Analysis:

The amendment expands “active space” to include a wider array of uses—living, working, commerce, and social activities—ensuring the definition keeps pace with modern mixed-use developments. Granting the Administrator discretion to interpret this definition streamlines reviews and accommodates innovative programming without frequent text amendments. Retaining exclusions for restrooms, closets, corridors, and utility spaces preserves clear boundaries around true active areas.

Tier 2 Amendment

Sections 34-.2.10.10.A.3.a

Pages 2-131

Working Document reference: B.26

Existing language:

No building located on a lot may be wider than the maximum building width allowed by the zoning district.

Proposed language:

No building located on a lot may be wider than the maximum building width allowed by the zoning district.

- i. If a single building spans multiple zoning districts, the more restrictive Building Width applies to the entirety of the building.

Analysis:

Nothing in this section takes into account buildings being in multiple zoning districts.

Tier 2 Amendment

Sections 34-4.9.1.D.1.a

Pages 4-75

Working Document reference: B.27

Existing language:

All projects must include provisions for the preservation and planting of trees on the site to the extent that, at 10 years from planting, minimum tree canopy cover will be provided as follows:

Zoning Districts	Percentage of Canopy Cover (min)
Residential All R – districts	20%
Residential Mixed Use All RX – districts	10%
Corridor Mixed Use All CX – districts	10%
Node Mixed Us All NX – districts DX	10% 10%
Industrial All IX – districts	10%
Special All special districts	15%

Proposed language:

All projects must include provisions for the preservation and planting of trees on the site to the extent that, at 20 years from planting, minimum tree canopy cover will be provided as follows:

Zoning Districts	Percentage of Canopy Cover (min)
Residential All R – districts	10%
Residential Mixed Use All RX – districts	10%
Corridor Mixed Use All CX – districts	10%
Node Mixed Us All NX – districts DX	10% 10%
Industrial All IX – districts	10%

Tier 2 Amendment

Special All special districts	15%
----------------------------------	-----

Analysis:

Under the 2023/24 code, we had explicitly carried forward the June 25, 1990, tree canopy ordinance to enforce a 10-year canopy standard—but the new zoning text omits that cross-reference link and the current Code of Virginia (§ 15.2-961.3) now requires tree canopy to be measured at 20-years standard over that of 10-years. This is particularly pressing as our updated zoning map’s higher densities shift minimum canopy obligations from 10 percent to 20 percent due to § 15.2-961.3.B of the state code outlining density ranges based in dwelling units per acre. The City Attorney has reviewed the situation and confirms that, without the historic ordinance link, we no longer have authority to maintain a 10-year requirement; we must comply with the state’s 20-year, 10 percent standard. Staff therefore recommends updating our zoning ordinance to align with the current state code.

Tier 2 Amendment

Sections 34-.7.2

Pages 7-14

Working Document reference: B.28

Existing language:

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.

Proposed language:

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 **and is a minimum of six (6') feet in height or taller.** A fence differs from a wall in not having a solid foundation along its entire length. **Constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas are not "Structures" as defined by Division 7.2 of this Code.**

Analysis:

Existing fence regulations have generated significant confusion and placed a considerable strain on staff resources, despite fences rarely presenting issues historically. By defining fences as barriers six feet or taller without a solid foundation, we preserve the established fence and wall standards in each zoning district while introducing greater flexibility for smaller enclosure elements.

Tier 2 Amendment

Sections 34-4.12.3.B.3

Pages 4-104

Working Document reference: B.30

Existing language:

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.

Proposed language:

3. Lighting must not trespass onto adjacent properties, ~~and~~ sidewalks **not within the proposed development**, or rights-of-way and the footcandles at the property line must be no more than 0.5.

Analysis:

The existing language requires developments covering multiple lots to limit interior site lighting at 0.5 footcandles along interior lot boundaries regardless of the physical layout of the development. The amendment permits developments covering multiple lots to provide adequate site lighting within the development without impacting rights-of-way or properties outside of the development.

Tier 2 Amendment

Sections 34- 4.10.1.C

Pages 4-80

Working Document reference: B.31

Existing language:

C. Standards

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.

Proposed language:

C. Standards

1. No buildings, structures, or other improvements are permitted in the part of a project site with ~~in critical slope areas a grade of 25% or greater.~~
2. No land disturbance is permitted in the part of a project site with ~~in critical slope areas a grade of 25% or greater.~~

Analysis:

Clarifies prohibitions on critical slope disturbance to be in line with the definition specified in Section 34-4.10.1.B.1.

Tier 2 Amendment

Section 34-5.2.9

Page: 5-37

Working Document reference: B.32

Existing language:

5.2.9. Development Review

A. Applicability

1. Development Review applies to any of the following project activities:

- a. New construction;
 - b. Addition;
 - c. Site modification; and
 - d. Some changes of use.
2. Development Review is not required for a change of use provided that:
- a. No additional site access, or alteration of existing site access is recommended by the City, based on intensification of use; and
 - b. No additional site access, or alteration of existing site access is proposed.
3. Projects not requiring Development Review may require a Building Permit.

B. Application Requirements

1. Pre-Application Conference

Before submitting a Development Review application, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

2. Application Submittal

- a. The required documents and drawings for Development Review are contained in the Development Review Administration Manual.
- b. Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in 5.2.1. *Common Review Procedures*.

C. General Development Review Process

1. Development Review consists of two separate approvals, a Development Plan and Final Site Plan. A Development Plan and Final Site Plan are required for all projects that require Development Review.
2. Development Plans and Final Site Plans may be reviewed simultaneously or may be phased. An applicant may choose to apply for Development Plan approval and engineering approval, and then apply for Final Site Plan approval and building approval in order to start building construction. Development Plan and Final Site Plan reviews include the

Tier 2 Amendment

requirements of this Development Code, and engineering and building reviews include requirements of separate Chapters of the City of Charlottesville Code and the Standards and Design Manual.

3. Anything regulated by this Development Code will be reviewed for compliance by the Administrator, with additional review by other City Departments.

D. Development Plan Review

1. Review and Decision Process

a. Administrator Decision

i. Once the Administrator determines the application is complete, the Administrator will notify the Planning Commission of the application and review the application against the requirements of this Development Code and other applicable technical requirements of the City.

ii. In reviewing the application, the Administrator will distribute the application for consultation and review by other City Departments.

iii. When the property is within an ADC District, HC District, or an Individually Protected Property, a Certificate of Appropriateness may also be required. See 5.2.7. *Major Historic Review* and 5.2.7. *Major Historic Review*.

iv. If, after the internal review, the Administrator finds that the application does not meet all requirements of this Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to amend the Development Plan.

v. Following review, the Administrator will approve, approve with conditions that bring the application into conformance with this Development Code and other technical requirements of the City, or deny the application.

b. Planning Commission Decision

i. The Planning Commission will take action on a Development Plan when:

a) The Administrator refers the application to the Planning Commission for review;

b) Two or more members of the Planning Commission request to review the application; or

c) The application is the subject of an appeal from a decision by the Administrator, as allowed by this Section.

ii. When the Planning Commission takes action on a Development Plan, the Administrator will review the application and provide a staff report and recommendation to the Planning Commission in advance of the meeting. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

2. Action After Decision

a. Appeal of Administrative Decision

Tier 2 Amendment

i. The applicant may appeal the failure of the Administrator or Planning Commission to either approve or deny the application to the Circuit Court in accordance with the *Code of Virginia § 15.2-2259*.

ii. The applicant may appeal the denial of the application by the Administrator or Planning Commission to the Board of Zoning Appeals within 30 days after the denial in accordance with the *Code of Virginia § 15.2-2309*.

b. Expiration of a Development Plan

Once a Development Plan is approved, it is valid for a period of 5 years, as specified in the *Code of Virginia § 15.2-2260*.

E. Engineering Review

1. Review and Decision Process

a. Upon approval of a Development Plan, applications for review and approval of infrastructure permits required by separate Chapters of the City of Charlottesville Code and the Standards and Design Manual may be prepared and submitted.

b. The Administrator will not sign any Final Site Plan, unless and until final plans and approvals required by the City Code of Ordinances Chapter 10, Water Protection have been obtained.

F. Final Site Plan Review

1. Review and Decision Process

a. Administrator Decision

i. The Administrator will review the Final Site Plan for compliance with the requirements of this Development Code in effect at the time of Development Plan approval, except as authorized by *Code of Virginia § 15.2-2261*. The Administrator must make a good faith effort to identify all deficiencies, if any, during the review of the initial Final Site Plan submittal. The Administrator must consider the recommendations and determinations made by the plan reviewers.

ii. If the Administrator determines that the Final Site Plan complies with the requirements of this Development Code and that all conditions of approval of the Development Plan have been satisfied, the Administrator will sign the Final Site Plan.

iii. If the Administrator determines that the Final Site Plan does not comply with all requirements of this Development Code or that all conditions of approval of the Development Plan have not been satisfied, the Final Site Plan will be denied and the Administrator will promptly inform the project developer of the denial by issuing a notice of denial to the project developer.

2. Action After Decision

a. Permits for Construction

Tier 2 Amendment

Upon approval of a Final Site Plan, any applicable permits for construction required by the City Code of Ordinances Chapter 5, Building Regulations; Property Maintenance may be prepared and submitted.

b. Appeal of Administrative Decision

i. The applicant may appeal the failure of the Administrator to either approve or deny the application to the Circuit Court in accordance with the *Code of Virginia § 15.2-2259*.

ii. The applicant may appeal the denial of the application by the Administrator to the Board of Zoning Appeals within 30 days after the denial in accordance with the *Code of Virginia § 15.2-2309*.

c. Revisions to an Approved Development Plan or Final Site Plan

i. Minor revisions to an approved Development Plan or Final Site Plan may be approved by the Administrator. The following revisions are considered minor:

a) Up to 10% increase in the gross floor area of a single building;

b) Any decrease in gross floor area of a single building;

c) Up to 10% reduction in the approved setbacks from street or common lot lines; and

d) Relocation of parking areas, internal driveways or structures where relocation occurs more than 100 feet from street or common lot lines.

ii. All other changes to an approved Development Plan or Final Site Plan must be resubmitted as a new application.

3. Expiration of Final Site Plan

a. An approved Final Site Plan will be valid for 5 years from the date of approval, or for a longer period determined by the Administrator at the time of approval, taking into consideration the size and phasing of the proposed project. A Final Site Plan will be deemed final once it has been reviewed and approved, where the only requirement remaining to be satisfied in order to obtain a building permit is the posting of required bonds and escrows.

b. Upon application filed prior to expiration of a Final Site Plan, the Administrator, may grant an extension of such approval, taking into consideration the size and phasing of the proposed site and the laws, ordinances, and regulations in effect at the time of the request for an extension.

Proposed language:

5.2.9. Development Review

A. Applicability

1. Development Review applies to any of the following project activities:

a. New construction;

b. Addition;

Tier 2 Amendment

- c. Site modification; and
- d. Some changes of use.

2. Development Review is not required for the following project activities:

- a. New construction or addition activities for any project with no public improvements except Streetscape improvements per *Article 4 Development Standards* and no more than 2 new dwelling units.
 - b. Site modification activities for any project with no new construction or addition activities and no public improvements except Streetscape improvements per *Article 4 Development Standards* and:
 - i. In an R-A, RN-A, R-B, or R-C district; or
 - ii. Proposing no modification to site elements regulated by Division 4.5 Access and Parking, Division 4.6 Utilities, Division 4.7 Transitions and Screenings, Division 4.12 Outdoor Lighting, and Section 34-2.10.4.C Outdoor Amenity Space.
 - c. Development Review is not required for a change of use provided that:
 - i. No additional site access, or alteration of existing site access is recommended by the City, based on intensification of use; and
 - ii. No additional site access, or alteration of existing site access is proposed.
3. Projects not requiring Development Review may require a Building Permit.

B. Application Requirements

1. Pre-Application Conference

Before submitting a Development Review application, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

C. General Development Review Process

1. Development Review consists of two separate approvals, a Development Plan and Final Site Plan. A Development Plan and Final Site Plan are required for all projects that require Development Review.

2. Development Plans and Final Site Plans may be reviewed simultaneously or may be phased. An applicant may choose to apply for Development Plan approval ~~and engineering approval~~, and then apply for Final Site Plan approval and building permit approval in order to start building construction. ~~Development Plan and~~ Final Site Plan reviews include the requirements of this Development Code; ~~and engineering and building reviews include~~ requirements of separate Chapters of the City of Charlottesville Code and the Standards and Design Manual.

3. Anything regulated by this Development Code will be reviewed for compliance by the Administrator, with additional review by other City Departments.

D. Development Plan Review

Tier 2 Amendment

1. Review and Decision Process

a. Administrator Decision

i. Once the Administrator determines the application is complete, the Administrator will ~~notify the Planning Commission of the application and~~ review the application against the requirements of this Development Code and other applicable technical requirements of the City.

~~ii. In reviewing the application, the Administrator will distribute the application for consultation and review by other City Departments.~~

iii. When the property is within an ADC District, HC District, ~~EC District~~, or an Individually Protected Property, a Certificate of Appropriateness may also be required. See 5.2.67.

~~Major Minor~~ Historic Review, ~~and~~ 5.2.7. Major Historic Review, ~~and~~ 5.2.8 Corridor Review.

iv. If, after ~~the internal~~ review, the Administrator finds that the application does not meet all requirements of this Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to amend the Development Plan.

v. Following review, the Administrator will approve, approve with conditions that bring the application into conformance with this Development Code and other technical requirements of the City, or deny the application.

~~b. Planning Commission Decision~~

~~i. The Planning Commission will take action on a Development Plan when:~~

~~a) The Administrator refers the application to the Planning Commission for review;~~

~~b) Two or more members of the Planning Commission request to review the application;~~

~~or~~

~~c) The application is the subject of an appeal from a decision by the Administrator, as allowed by this Section.~~

~~ii. When the Planning Commission takes action on a Development Plan, the Administrator will review the application and provide a staff report and recommendation to the Planning Commission in advance of the meeting. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.~~

2. Action After Decision

a. Appeal of Administrative Decision

i. The applicant may appeal the failure of the Administrator ~~or Planning Commission~~ to either approve or deny the application to the Circuit Court in accordance with the Code of Virginia § 15.2-2259.

ii. The applicant may appeal the denial of the application by the Administrator ~~or Planning Commission~~ to the Board of Zoning Appeals within 30 days after the denial in accordance with the Code of Virginia § 15.2-2309.

b. Expiration of a Development Plan

Once a Development Plan is approved, it is valid for a period of 5 years, as specified in the Code of Virginia § 15.2-2260.

Tier 2 Amendment

~~34-5.2.9.E. Engineering Review~~

~~1. Review and Decision Process~~

~~a. Upon approval of a Development Plan, applications for review and approval of infrastructure permits required by separate Chapters of the City of Charlottesville Code and the Standards and Design Manual may be prepared and submitted.~~

~~b. The Administrator will not sign any Final Site Plan, unless and until final plans and approvals required by the City Code of Ordinances Chapter 10, Water Protection have been obtained.~~

EF. Final Site Plan Review

1. Review and Decision Process

a. Administrator Decision

i. The Administrator will review the Final Site Plan for compliance with the requirements of this Development Code in effect at the time of Development Plan approval, except as authorized by Code of Virginia § 15.2-2261. The Administrator must make a good faith effort to identify all deficiencies, if any, during the review of the initial Final Site Plan submittal. ~~The City Engineer will review the Final Site Plan for compliance with the engineering requirements of separate Chapters of the City of Charlottesville Code and the Standards and Design Manual.~~ The Administrator and City Engineer must consider the recommendations and determinations made by the plan reviewers.

ii. If the Administrator determines that the Final Site Plan complies with the requirements of this Development Code and that all conditions of approval of the Development Plan have been satisfied, the Administrator will sign the Final Site Plan.

iii. If the Administrator determines that the Final Site Plan does not comply with all requirements of this Development Code or that all conditions of approval of the Development Plan have not been satisfied, ~~or if the City Engineer determines that the Final Site Plan does not comply with all engineering requirements of separate Chapters of the City of Charlottesville Code and Standards and Design Manual,~~ the Final Site Plan will be denied and the Administrator will promptly inform the project developer of the denial by issuing a notice of denial to the project developer.

2. Action After Decision

a. Permits for Construction

Upon approval of a Final Site Plan, any applicable permits for construction required by the City Code of Ordinances Chapter 5, Building Regulations; Property Maintenance may be prepared and submitted.

b. Appeal of Administrative Decision

i. The applicant may appeal the failure of the Administrator to either approve or deny the application to the Circuit Court in accordance with the Code of Virginia § 15.2-2259.

ii. The applicant may appeal the denial of the application by the Administrator to the Board of Zoning Appeals within 30 days after the denial in accordance with the Code of Virginia § 15.2-2309.

Tier 2 Amendment

c. Revisions to an Approved Development Plan or Final Site Plan

i. Minor revisions to an approved Development Plan or Final Site Plan may be approved by the Administrator. The following revisions are considered minor:

- a) Up to 10% increase in the gross floor area of a single building;
- b) Any decrease in gross floor area of a single building;
- c) Up to 10% reduction in the approved setbacks from street or common lot lines; and
- d) Relocation of parking areas, internal driveways or structures where relocation occurs more than 100 feet from street or common lot lines.

ii. All other changes to an approved Development Plan or Final Site Plan must be resubmitted as a new application.

3. Expiration of Final Site Plan

a. An approved Final Site Plan will be valid for 5 years from the date of approval, or for a longer period determined by the Administrator at the time of approval, taking into consideration the size and phasing of the proposed project. A Final Site Plan will be deemed final once it has been reviewed and approved, where the only requirement remaining to be satisfied in order to obtain a building permit is the posting of required bonds and escrows.

b. Upon application filed prior to expiration of a Final Site Plan, the Administrator, may grant an extension of such approval, taking into consideration the size and phasing of the proposed site and the laws, ordinances, and regulations in effect at the time of the request for an extension.

Analysis:

This section has been updated to address recent state legislative changes, to codify the City's policy to exempt 1- and 2- unit projects from Development Review, and to implement process changes to the Development Review procedures. Process changes to the procedures will establish a modified process for Final Site Plan review, which must be completed prior to moving forward to other required applications such as those in Chapter 10 (Water Protection). Process changes will also provide an opportunity for applicants to submit a streamlined Development Plan focused on zoning compliance demonstration and receive vesting approval prior to moving forward with a Final Site Plan application.

Tier 2 Amendment

Sections 34-.7.2

Pages 7-12

Working Document reference: B.33

Existing language:

Building. A covered and enclosed structure, either temporary or permanent, intended for human occupation or shelter of animals or property of any kind.

Proposed language:

Building. 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.**

Analysis:

The current definition unintentionally fragments multi-unit structures that cross property lines—treating them as separate single-unit buildings and stripping them of the extra height bonus meant to encourage higher density—so clarifying that a building may span multiple lots or sublots and still count as one structure realigns the code with its intended goal of supporting townhouse and similar developments without layering in new housing categories or creating unintended loopholes.

Tier 2 Amendment

Sections 34-.2.2.2.B.1.A, 2.2.3.B.1.A, 2.2.4.B.1.A, and 2.2.5.B.1.A

Pages 2-9, 2-11, 2-13, 2-15

Working Document reference: B.34

Existing language: (page 2-9)

Building height (max stories/feet)

1 unit 2.5 / 35'

More than 1 unit 3 / 40'

Proposed language: (page 2-9)

Building height (max feet)

1 unit 35'

More than 1 unit 40'

Existing language: (page 2-11)

Building height (max stories/feet) 2.5 / 35'

Proposed language: (page 2-11)

Building height (max feet) 35'

Existing language: (page 2-13)

Building height (max stories/feet)

1 unit 2.5 / 35'

More than 1 unit 3 / 40'

Proposed language: (2-13)

Building height (max feet)

1 unit 35'

More than 1 unit 40'

Existing language: (page 2-15)

Building height (max stories/feet)

Base 3.5 / 40'

Bonus: Affordable Dwelling Unit 4 / 52'

Proposed language:

Building height (max feet)

Base 40'

Bonus: Affordable Dwelling Unit 52'

Analysis:

Tier 2 Amendment

Removing maximum story limits in low-density residential districts in favor of regulating height strictly by feet addresses long-standing challenges with sloped terrain and the rigid definition of “story” under Section 34-2.10.9.4.a. This change preserves the traditional scale of development while giving builders more flexibility in interior design—especially for smaller infill projects—and restores a height metric that historically functioned well without conflict.

Tier 2 Amendment

Sections 34-2.10.10.B.2

Pages 2-133

Working Document reference: B.35

Existing language:

Applicability

- a Active depth standards apply to the portions of a building used to meet the minimum build-to width requirement. See 2.10.6. *Build-To*.
- b On primary streets, the active depth applies to all stories.
- c On side streets, the active depth requirement applies to the ground story only.
- d Lots with 1 dwelling unit do not have to meet the active depth requirements

Proposed language:

- a Active depth standards apply to the portions of a building used to meet the minimum build-to width requirement. See 2.10.6. *Build-To*.
- b On primary streets, the active depth applies to all stories.
- c On side streets, the active depth requirement applies to the ground story only.
- d **A Primary Building on a lot or subplot consisting of a maximum of only 1 dwelling unit and no additional uses does** not have to meet the active depth requirements.

Analysis:

The proposed amendment sharpens the one-unit exemption by specifying that only a standalone primary building on a lot or subplot containing a single dwelling unit—with no additional uses—is exempt from active-depth standards. This replaces the broader “lots with 1 dwelling unit” language, closing potential loopholes around accessory or mixed uses and clarifying the scope of applicability without altering the remaining depth requirements.

Tier 2 Amendment

Sections 34-2.10.5.D.1

Pages 2-113

Working Document reference: B.36

Existing language:

Measurement

1. All building setbacks are measured perpendicular to the applicable lot line.
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.

Proposed language:

Measurement

1. All building setbacks are measured perpendicular to the applicable lot line.
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.

Analysis:

The current code provision grants the Administrator authority to modify setback requirements solely in relation to the location of access easements. This narrow scope presents a concern, as it overlooks other relevant easement categories—such as utility or sight distance easements—that can significantly influence appropriate structure placement on a site. By limiting administrative discretion to access easements alone, the regulation may inadvertently undermine considerations necessary for safe, functional, or compliant development.

To address this gap, staff recommends eliminating the term “access” from the code language. This revision would expand the Administrator’s purview, allowing setback adjustments in response to a broader range of easement types. Such flexibility ensures that decisions reflect the full spectrum of site constraints, ultimately supporting more informed and context-sensitive planning outcomes.

Tier 2 Amendment

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.

Tier 2 Amendment

Sections 34- 2.10.6.A.2

Pages 2-117

Working Document reference: B.40

Existing language:

2. Applicability

- a. The build-to width applies to all lots.
- b. The build-to width requirements apply to the ground story of the building only. The ground story is determined according to *2.10.9. Height*.
- c. Where sublots are permitted, build-to width is calculated for each lot, not individual sublots.
- d. For through lots, the Administrator may waive or vary the build-to width requirement for one of the street lot lines. The Administrator will consider the following standards when making the decision to waive or vary the requirement for one street lot line:
 - i. The proposed number and arrangement of units on the lot to determine if meeting the build-to width requirement is practical for all street lot lines; and
 - ii. The prevailing pattern of development on the surrounding parcels to determine which street must meet the build-to requirement and which street can waive or vary the requirement.

Proposed language:

2. Applicability

- a. The build-to width applies to all lots.
- b. The build-to width requirements apply to the ground story of the building only. The ground story is determined according to *2.10.9. Height*.
- c. Where sublots are permitted, build-to width is calculated for each lot, not individual sublots.
- d. For through lots, the Administrator may waive or vary the build-to width requirement for one of the street lot lines. The Administrator will consider the following standards when making the decision to waive or vary the requirement for one street lot line:
 - i. The proposed number and arrangement of units on the lot to determine if meeting the build-to width requirement is practical for all street lot lines; and
 - ii. The prevailing pattern of development on the surrounding parcels to determine which street must meet the build-to requirement and which street can waive or vary the requirement.
- e. For lots with existing easements that would prevent complying with the required build-to width set by the Zoning district, the Administrator will determine an appropriate build-to width based on the restraints of the existing conditions.

Tier 2 Amendment

Analysis:

The proposed revision to the development code enhances administrative flexibility by introducing a new provision that explicitly addresses lots encumbered by existing easements. While the original language provides limited discretion—primarily for through lots—the updated version empowers the Administrator to determine an appropriate build-to width when easements make strict compliance impractical. This change not only acknowledges real-world site constraints but also streamlines the approval process, allowing projects to meet the intent of the build-to width standard without resorting to time-consuming alternatives like variances or Special Exception Permits.

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 note that this document only reflects comments up to **October 28, 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 section also includes 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 are 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.		
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.		
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.		
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)		
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</i>	<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</i>		

Development Code Proposed Amendments Working and Tracking Document 2025

			<i>completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision.”</i>	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 code adoption as the preservation date.	Code Studio has confirmed 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>Mislabeled 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						
A.79						
A.80						
A.81						
A.82						
A.83						
A.84						
A.85						
A.86						
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.	Side lot line (min) 4’ Where permitted, Dwelling Unit-Attached with a shared property line may encroach to 0’.		

Development Code Proposed Amendments Working and Tracking Document 2025

			<p>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.</p>	<p>Or is could be added to Section 34-2.10.5.E.1 (Exceptions) Dwelling Unit-Attached (this would need a definition under Section 34-7.1.2.A.2)</p> <p>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.</p> <p>Working towards an Alternate Form concept.</p>		
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.	<p>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.”</p> <p>And</p> <p>“Any lot or parcel of record which was lawfully a lot of record on the effective date of this chapter shall be exempt from the requirements of these critical slopes provisions for the establishment of the first dwelling unit on such lot or parcel; however, subparagraph (5)(b) above, shall apply to such lot or parcel if it contains adequate land area in slopes of less than 25% for the location of such structure.”</p>		
B.4	2-148	2.10.13.A.2.d	<p>Lots with 1 dwelling unit do not have to provide street-facing entries.</p> <p>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.</p>	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	<p>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 meet.</p> <p>Due to the definition of Building and Structure this section is preventing accessory structures on nonconforming lots.</p>	<p>(5.3.3.C Sections) Add “...Primary Building...” to many of these sections.</p> <p>(7.2 Definition Section) “Building, primary. The Building(s) occupied or designated for the primary use.”</p>		
B.6	Sight Distance	NA	<p>Nothing in the new code provides details on a sight distance triangle.</p> <p>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.</p> <p>9/9/2025: Due to timing this will be moved to the 2026 list.</p>	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.		

Development Code Proposed Amendments Working and Tracking Document 2025

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 setback; implies the setback 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.		
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. 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.	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. 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? 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. 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. 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.		

Development Code Proposed Amendments Working and Tracking Document 2025

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. May 27, 2025, Planning Commission Work Session: PC found this language to be confusing and believes there needs to be a standard.	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). Removed 4.4.5.D.2 as it is not applicable due to having the exception section.		
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. Moved and combined with B-36.	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. 9/9/2025: Staff determined that we have enough language in the code to address. No change needed.	Kennel is not otherwise defined or used. Consider updating to match other language.		
B.20	4-24	4.5.1.C.3	Provides "linking" requirements before "direct" requirements, but this should be reversed to match 4.5.1.C.2. Also not clear why we need a Type 1 and direct when they are one and the same and vice versa. 10/7/2025: This amendment is not ready to move forward and will be placed on the 2026 list.	Reverse order and reconsider categories.		
B.21	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.	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 <i>"The City Council will conduct a public meeting on the application. The City Council may hold a joint public meeting with the Planning Commission."</i> 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.		

Development Code Proposed Amendments Working and Tracking Document 2025

B.28	4-70	4.8.1	Fences and Walls	<p>Section does not contemplate requirements such as ADC district guidelines.</p> <p>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”.</p> <p>OR: 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.</p>		
B.29	4-9	4.2.2.C.3.c	<p>Bonuses in Residential Districts Standards</p> <p>9/9/25: Studied by staff and this is not an issue.</p>	<p>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?</p>		
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.	<p>“Lighting must not trespass onto adjacent properties and sidewalks not within the proposed development, public rights-of-way and the ...”</p>		
B.31	4-80	4.10.1.C.1 & 2	<p>1. No buildings, structures, or other improvements are permitted in the part of a project site with a grade of 25% or greater.</p> <p>2. No land disturbance is permitted in the part of a project site with a grade of 25% or greater.</p>	<p>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.</p> <p>2. No land disturbance is permitted in the part of a project site within Critical Slopes. grade of 25% or greater.</p>		
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	<p>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.</p> <p>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</p>		

Development Code Proposed Amendments Working and Tracking Document 2025

				<p>very differently but the only difference is where the invisible property line is.</p> <p>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.</p>		
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		
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. Moved B-18 down to this slot to work into the solution.	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). 10/29/2025: Based off information we received during our one-on-one meetings with different departments and division, a more aggressive approach to allow more types of development to move straight to Building Permitting is not feasible at this time. We will reengage in the future.	Based off our internal meetings we are moving forward with putting our current policy of exempting 1- and 2- unit residential projects in the code.		
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	2-85 to 2-87	2.9.3.B	Individually Protected Properties are represented as both a chart and a overlay on the official Zoning map. This creates issues as any change (adding an IPP or removing and IPP) requires both a Zoning Map amendment and a Zoning Text amendment	Staff recommends removing the chart and only using the overlay on the official Zoning Map.		
B.40	2-177	2.10.6.A.2	Running into an issue where an easement my prevent a building from meeting the required Build-to width. The only relief is a variance for SEP.	Update the code to allow the Administrator to set a different build-to width based on existing easements.		
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		

Development Code Proposed Amendments Working and Tracking Document 2025

				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.
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 confirmed 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.

Development Code Proposed Amendments Working and Tracking Document 2025

				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:”
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 could be: “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

Development Code Proposed Amendments Working and Tracking Document 2025

				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 “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.” 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 CodeStudio 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 a entry.	Staff originally placed this on the list to highlight that “lots” with only 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.	

Development Code Proposed Amendments Working and Tracking Document 2025

			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 its 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. 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.				
D.25.				
D.26.				
D.27.				
D.28.				
D.29.				
D.30.				
D.31.				
Tree Commission				
Number	Page	Section	Notes	Staff Notes
E.1.			Incentives for Tree Preservation - Reevaluate 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.	

Development Code Proposed Amendments Working and Tracking Document 2025

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.				
EV Charging Plan				
Number	Page	Section	Notes	Staff Notes
F.1			<p>What: The City can make several changes to the current zoning ordinance to streamline the EV charger permitting process. It can permit chargers as an allowable accessory use to parking lots in all zoning districts for both private and public charging.</p> <p>Why: Public charging stations are accessory use in most instances. However, land use and zoning codes often do not reference or properly categorize EVSE. Subjecting EV charger applications to a conditional or special use permit process requiring additional approvals can add significant staff time to projects and create delays. Explicit directives can increase efficiency to the process by which new EV charging infrastructure can be approved. Providing this information to the public will not only clarify whether a type of charger can be installed but also show that the City supports public EV charging.</p> <p>How: The City can amend Charlottesville Development Code Div. 3.5. Accessory Uses and Structures to establish requirements concerning the siting of EV charging systems for Level 1 and Level 2 charging. The City can codify in the zoning ordinance that EV charging stations are allowed by right in parking lots as an accessory use across residential, commercial, industrial, and other major zoning categories. For DCFC installations, the City may wish to adopt specific provisions, explicitly detailing when EV charging is considered a primary use.</p> <p>The City may require that EV charging in City historic districts, architectural control districts (Figure 41), and entrance corridors be conditional on a Certificate of Appropriateness to ensure that infrastructure additions, landscaping, and related elements will complement the existing area. Providing specific guidance about what types of charging installations the City permits in these zones and any project criteria will aid installation projects and preserve the character of protected areas.</p>	<p>See the CV Charging Plan and look at the City of Fairfax Link to what they are doing</p>
F.2				
F.3				
F.4				
Builders and Developers				
Number	Page	Section	Notes	Staff Notes
G.1	2-101	2.10.1.F	<p>Kevin Riddle: On a project at Cabell Avenue, we encountered a question about ground story interpretation. (See the attached PDF for a graphic.)</p> <p>A question arose about which building level should be classified as the ground level. The doors at the top of the metal stairs are too far above grade— over 6 feet— to count as the ground story. So I determined the level below— accessed from the terrace at the 994’ elevation— should be the ground story. Our architecture and civil engineering team debated this. Some people read the Code to say that the lowest allowable floor elevation in RX-5 is 0’ above <i>existing</i> grade. I argued that it should be interpreted as 0’ above <i>finished</i> grade, based on the language in Division 2.10.1.F.1.a and 2.10.1.F.1.b. (page 2-101). I think the</p>	<p>Staff believes this is a Tier 1 (grammatical issue and can be address with the current round of amendments or in the future). Staff believes the code is clear that words outweigh graphical information per Section 34-7.1.1.D.</p>

Development Code Proposed Amendments Working and Tracking Document 2025

			<p>confusion arose in part because the supporting graphic in this section refers to <i>existing</i> grade. It's in a very small font, but it's there, and it appears to conflict with the superseding language in the Code's text.</p> <p>(As an aside, I realize that the use of finished grade to define ground story could conceivably allow a strange— and typically undesirable— scenario where finished grade at building face is <i>very</i> far below the adjacent right-of-way. I think, however, such a scenario is exceedingly unlikely, because almost no owner would gain anything by creating this condition... and the obvious downside of using existing grade at building face to define ground story in a hilly town like ours would be the far more common scenario of a parcel where grade rises from the street: if an owner modified existing grade down to make a front door accessible to a disabled resident, the ground floor would be out of compliance— more than 0' below existing grade. To instead locate the ground floor elevation at 0' or higher above existing grade would create the need to ramp up to the front door, which in many situations would be a significant burden, especially where a building face is very close to the sidewalk. Allowing residents to define ground stories based on modified— ie, finished— grades seems entirely reasonable.)</p> <p>Long story short, I assume the Code should be edited so the notes on the Ground Story graphic read <i>finished grade</i>.</p> <p>Dannan O'Connell was part of this discussion, if you want to check in with him for his take.</p> <p>(by email)</p>	
G.2	2-132K	2.10.10.A.5	<p>Kevin Riddle: We've studied several projects recently where new development is being considered on a parcel— or parcels-- that make up an entire block. In these cases, a single building may have streets on four sides, and all four sides are longer than the building width maximum. In such a case, should one open space exception (page 2-132) be allowed on each street face of the building rather just one exception for the entire building? With only one exception per building, as the Code currently prescribes, an owner would have to separate one building into multiple buildings. While there may be upsides to multiple buildings, it's not obvious that a single building with nice fenestration, massing, materials, etc... would be worse than multiple buildings... and wouldn't multiple open space exceptions safeguard against a perception of a building looking too massive?</p> <p>(by email)</p>	Staff does not believe this is an issue and the intent of the code is to require developers to shrink their developments or to provide new streets or other elements to breakup large projects. More consideration may be warranted, but this would need to be a Tier 3 discussion.
G.3			<p>Bicycle parking regulations need to be looked at. Currently the code calls for a lot of bicycle parking in areas that are not bike friendly</p> <p>(October 14, PC work session)</p>	
G.4			<p>BAR is an issue and does not work with by-right. Active depth is an issue as although parking is not required, it is needed due to financing. Administrative Modification need to be made larger (more than 10%). If you want more housing it needs to be easy as possible and very standard. Developers need to know what they can do. Take away BAR authority and make as much as possible not go to PC or CC.</p> <p>(October 14, PC work session)</p>	
G.5			<p>The code is too complicated. We need to think more about what lots are left in the City for development. Stormwater regulations are an issue and the affordability regulations need to be looked at on a yearly basis so they can be adjusted based on real world changes.</p> <p>(October 14, PC work session)</p>	
G.6			<p>Max coverage regulations and max heights are an issue. Although parking is not required it is an issue for small lots as people (Habitat) will have cars. Think about bringing back allowing front facing garages.</p> <p>(October 14, PC work session)</p>	Staff believes the max height issue will be resolved with the current round of amendments.
G.7			<p>From a Historic Preservation perspective, make existing buildings in the Historic District conforming. This would help with preventing teardowns.</p> <p>(October 14, PC work session)</p>	This could be something to look at. Staff is already proposing that if someone is using the "existing structure preservation" allowance, things like build-to and setbacks are "conforming". This could be looked at for something broader in the Historic districts.
G.8			<p>Changing the zoning along West Main to CX-3. Remove the pay for affordable housing and provide affordable within student housing buildings.</p> <p>(October 14, PC work session)</p>	
G.9			<p>Up the amount of disturbed area for stormwater from 6,000 to 10,000. Change the major SD. Change the inclusionary requirements. What we have is not working.</p> <p>(October 14, PC work session)</p>	Under the current code we do not have major and minor SDs. We only have SDs and staff is recommending a new application for Sublots.

Development Code Proposed Amendments Working and Tracking Document 2025

G.10			Look at adjusting the required AMI for affordable units and base it off the Zoning district and not uniformly across the City. (October 14, PC work session)	
G.11			Reevaluate the “activities” sections (i.e. New Construction, Addition, Site Modification...) to allow small changes to a site without going through full Development Review. (October 14, PC work session)	Staff is already proposing a process that will allow small changes (below the threshold of Minor Site Plans) to be exempt from Development Review through a code amendment to 34-5.2.9
G.12			The Building Code needs to be changed. When you do over 2 units it is now commercial and not residential. The Zoning code is no longer the issue, and it is the Building Code. (October 14, PC work session)	
G.13			We are a hilly City and that is not reflected in the code. 40’ requirement for entrances is an issue. Build-to requirement is for partial blocks and not a development that is taking up the full block. (October 14, PC work session)	
G.14			Build-to width is creating a lot of issues. Utility requirements is a big issue as it takes away from what can be done with sublots. (October 14, PC work session)	
G.15		1.1.6.C Effect of Prior Code 1.1.7 Severability	In light of the issues with the ongoing lawsuit it seems like changing this section of the code to have a better fall back plan would be prudent. I recognize that the ab initio judgement would not have been alleviated by an improved version of this section, but it could help with issues in the future. Allow the prior code to exist as a fall back and/or provide an expedited path to a special use permit for projects that are under review and are impacted by judgements. If code readoption is required consider adopting on a district by district basis rather than all at once Dan Bracey – Two Street Studio October 2025	
G.16		2.10.6 / 2.10.7 Build-to & setbacks	Interactions with minimum primary street build-to widths and transition setbacks create undevelopable lots. For example in a NX lot which has an 85% primary street minimum build to width that has a Type B 15' transition that overlaps with the build to width, the minimum buildable site must have at least 100' of primary street frontage. Provide build-to width alleviation for sites where transition setback zones overlap with build-to width zones Dan Bracey – Two Street Studio October 2025	
G.17		2.10.6.5.c.ii Ped. outdoor amenity space	Meeting the 85% lot line or facade perimeter rule for pedestrian outdoor amenity space is very difficult on sites where the sidewalk and streetscape zone are within the lot boundary. Clarify or designate that the inner line of the required permanent public access easement for streetscape zones will be treated as the street lot line for zoning calculations. Dan Bracey – Two Street Studio October 2025	
G.18		2.10.9.4.a. Ground story definition	The 6' Min/Max determination for ground story is too limiting for the topography in this area leading to a need to break larger buildings into many modules which is very inefficient from a construction perspective Revert to the previous ground story definition of 50% of the floor above/below grade to define ground story or provide administrative alleviation for larger sites on hills Dan Bracey – Two Street Studio October 2025	
G.19		2.10.10.A.3.b Building width	The intent of this section is to "promote fine-grained patterns of development and prevent long (should read "wide") buildings that are out of context...by breaking wide buildings into multiple, clearly distinguished building widths. The allowance for buildings to abut, but not share structure or components makes building cost and environmentally efficient multifamily buildings on large sites very difficult. 175' (RX-3/NX) accommodates only 5-6 units per street facing facade, severely limiting multifamily buildings on some large sites. 10-12 units per 275' street facing facade in RX-5 and CX is an improvement, but still very limiting on some lots. Eliminate or increase the width restriction in higher density zonings, provide a path for administrative waiver, or provide a path for longer buildings with mandated distinct facades Dan Bracey – Two Street Studio October 2025	
G.20		2.10.10.A.5 Open Space Exception	Active depth requirements still apply to the facade that is pushed back to meet the open space requirement which creates an issue in a multifamily building with a typical podium or deck wrap plan. Pushing the facade back ~30' would typically expose either a corridor or a parking structure.	

Development Code Proposed Amendments Working and Tracking Document 2025

			Do not apply the active depth requirements to the facade that is pushed back when using the open space exception. Dan Bracey – Two Street Studio October 2025	
G.21		2.10.10.B.2 Active depth and parking	Residential corridors and parking spaces do not meet the requirements of active depth. This makes typical podium or deck wrap residential layouts very difficult to achieve on most lots that are big enough to support that style of high density multifamily development. Provide guidelines for allowable screening systems for parking areas within active depth zones, do not apply active depth to all stories of primary frontages, or only apply active depth on the primary street frontage. Dan Bracey – Two Street Studio October 2025	
G.22		2.10.11 Ground Story Height	Required ground story heights in mixed use buildings should be determined based on the predominant use of the building, e.g. a single commercial frontage in a predominantly residential building should not be required to have a taller ground floor height. Change 2.10.11.A.2(b) to define ground story height based on the predominant use of a building. Dan Bracey – Two Street Studio October 2025	
G.23		2.10.11.B Finished floor elevation	0' minimum finished floor elevations are extremely limiting on many sites that have significant grade changes or require vehicular access to garages on the same grade as the residential floors. Provide negative finish floor elevations for all districts Dan Bracey – Two Street Studio October 2025	
G.24		2.10.13 Entry requirements	The issues relating to setbacks, streetscape requirements, build-to, and finished floor elevation make it difficult or impossible to provide access to entries on sites with grade changes along primary facades since there is not enough space to provide the stairs and/or ramps required to access those entries while meeting build-to width requirements. Provide alleviation or alternate for additional entries on sites where this is an issue. Dan Bracey – Two Street Studio October 2025	
G.25		3.5.1.b.1 amenity bldgs as accessory us	Residential development amenity buildings currently meet the definitions for administrative determination of accessory use, but are not defined as such Include residential amenity buildings in the Permitted Use Table Dan Bracey – Two Street Studio October 2025	
G.26		4.2.2.C.1.b.iii distribution of affordable units	In multi-building residential projects, the requirement to evenly distribute affordable dwelling units throughout a project, i.e. throughout multiple buildings vs centralized in one building, eliminates the ability to utilize funding sources specific to low income/affordable housing Allow projects that fit this case to concentrate units in one building, perhaps with stricter equivalency requirements or with administrative approval. Dan Bracey – Two Street Studio October 2025	
G.27		4.4.5-A (1) / 4.4.5-A (3) Setbacks, streetscape, & build-to	Interactions with primary and side street setbacks and streetscape requirements create situations where build-to requirements cannot be met. Required streetscape zones occur within the property lines making it impossible or difficult to meet 15' (RX) and 10' (CX/NX) maximum primary street setbacks. Clarify or designate that the inner line of the required permanent public access easement for streetscape zones will be treated as the street lot line for zoning calculations. Dan Bracey – Two Street Studio October 2025	
G.28		4.5.5.B.2 parking structure requirements	This states that a parking structure must meet the standards of this Section, however the section includes requirements for continuous curbs, interior islands every 10 spaces, perimeter landscaping, and landscaping on islands and medians which are not generally feasible in parking structures. This is presumably an error that requires a formatting change to this section as parking structures should not and can not be built with these features. Dan Bracey – Two Street Studio October 2025	
G.29		4.8.2.C.1.c 0' max wall heights	Retaining walls in yards may not exceed the maximum fence/wall height for the district. Many districts have a 0' maximum wall height which would make it difficult or impossible to develop sites that are above the grade of the sidewalk. Provide exception for this case, restrict retaining walls separately from fences and walls, or do not have 0' maximum wall heights.	

Development Code Proposed Amendments Working and Tracking Document 2025

			Dan Bracey – Two Street Studio October 2025	
G.30			1. The less certainty, the less development. 2. Not all sites are equal. 3. We only know what we know until we know more. 4. Time kill deals. 5. Lawsuits are terrible for business. 6. Incentives work. 7. Markets always win out. Reference Jeff Levien Letter dated October 21, 2025	
G.31				
G.32				