



## Planning Commission Meeting Agenda

**January 13, 2026**

605 East Main Street  
City Council Chambers  
Charlottesville, Virginia 22902

Carl Schwarz, Chair  
Danny Yoder, Vice Chair  
Philip d'Oronzio  
Hosea Mitchell  
Betsy Roettger  
Lyle Solla-Yates  
Rory Stolzenberg  
Michael Joy

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

Beginning: 5:00 p.m. Location: (NDS Conference Room, 610 East Market Street, Charlottesville, VA 22902)

### **II. Commission Regular Meeting**

Beginning: 5:30 p.m. Location: (Council Chambers, 605 E. Main Street, Charlottesville, VA 22902 and Electronic/Virtual)

#### **1. Commissioner's Reports**

#### **2. University of Virginia Report**

#### **3. Chair's Report**

#### **4. Department of NDS Report**

a Tax Abatement Study

b ADU Manual and Student Housing Study

#### **5. Matters to be Presented by the Public not on the Formal Agenda**

#### **6. Consent Agenda**

a Minutes - October 28, 2025 Work Session

### **III. Planning Commission Public Hearing Items**

Beginning: 6:00 p.m.

#### **1. Development Code Text Amendments - Tiers 1 and 2**

### **IV. Commission's Action Items**

Beginning: following any public hearings

### **V. Future Meeting Schedule/Adjournment**

Next Regular Session: Tuesday, February 10 - 5:30 PM

**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](mailto: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](http://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](http://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.



# *Charlottesville*

Affordable Housing Tax Abatement Study



**Draft**  
December 5th, 2025

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# Executive Summary

The purpose of this study was to assess how tax abatement may affect the market feasibility of new housing projects that include the required 10 percent affordable units in the new inclusionary zoning ordinance. This entailed extensive data collection and analysis described in the following sections, engagement with housing builders and advocates of affordable housing, and finally the creation and refinement of a model known as the Charlottesville Development Feasibility Assessment Tool. The process yielded several key findings, summarized here:

- **Market Conditions are Challenging Regardless of City Policy:** The current market conditions make many housing products difficult to build in 2025. Construction costs have increased and interest rates are high. These conditions make it difficult for developers to build larger housing projects even in the absence of the inclusionary zoning ordinance. Adding the costs of the affordable units increases this financial difficulty that even the presence of a tax abatement program may struggle to overcome.
- **Inclusionary Zoning is a Material Financial Burden:** The inclusionary zoning policy aims to alleviate the shortage of affordable housing units in Charlottesville. However, it does have quantifiable, negative impacts on financial returns of housing development. While projects may still earn a return on investment, the lenders that typically help finance projects are weighing other investment options and the inclusionary zoning ordinance substantively reduces the returns that can be realized from building 10-plus unit housing projects in the Charlottesville market.
- **A Traditional Tax Abatement<sup>1</sup> Provides Financial Relief, But Not Equivalent to the Cost of Inclusionary Zoning:** Through the process of modeling multiple levels of tax abatement for several project types it became clear that in the current conditions a traditional tax abatement model is unlikely to close the gap enough to entice developers to build most housing products without assuming long-term risk to city tax revenue. In general, the inclusionary zoning requirement impacts yields on cost by around one-half of one percent, while traditional improvement-value based abatements often contribute less than one-tenth of one percent to project yields. In order to significantly improve the feasibility of housing construction, the traditional abatement model would require long-term commitment of tax reductions based upon a number of hard to predict variables such as land values, improvement values, and

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<sup>1</sup> Traditional tax abatement is defined as the calculation model that preserves the original pre-construction **base** tax revenue as none of that original tax is eligible for abatement/credit relief. Rather, the abatement percentage, at whatever level is only applied to the new **increment** tax revenue that is the result of the new construction finished product. This calculation, therefore, can fluctuate dramatically over time as it is based upon changing land values, improvement values, and tax rates, all of which have multiple change drivers.

tax rates. The greatest risk of a tax abatement program is the risk of providing an abatement to a project that would have been built anyway. The traditional model that is based on these variables exacerbates that risk and thus increases the risk to city tax revenue.

- **A Tax Abatement Based on a Rent Gap Approach Merits Consideration:** An abatement model that is based on the gap between market rent and affordable rent, similar to Baltimore's High-Performance Inclusionary Housing Tax Credit, is worth considering in Charlottesville and by limiting the number of calculation variables, reduces the long-term budget risks. Such an approach that is applied only to the affordable units when using the accompanying feasibility model, essentially covers just the cost of the financial loss attributed to inclusionary zoning and lowers the cost risk of over subsidizing projects that may well have been built anyway. By addressing the rent gap, this approach covers what is considered by some to be an unfunded mandate of requiring a share of units to be offered at a reduced rent. This method also benefits from the ease of administration in calculating the abatement and monitoring it over time, as well as the ease of understanding by the public. And finally, with this model the City's cost will decrease going forward if market rate rents drop as the consequence of building more housing units across the city and the gap between market rate and affordable rent is reduced.
- **Other Incentives and Policies Merit Consideration:** As the initial results on tax abatement came in, the study expanded to incorporate other potential incentives into the Charlottesville Development Feasibility Assessment Tool. Approaches the City can use - such as pre-development timeline reduction, gap financing, and loan forgiveness - all have quantifiable benefits to development feasibility, and can be used in combination or tailored to maximize utility in specific situations.
- **Conditions Will Change and the Tool Has Lasting Utility:** These findings represent a snapshot in time. Costs and revenues are constantly changing in response to market forces and government policy. The efficacy of tax abatement and other policy interventions will change too as time rolls on. The Charlottesville Development Feasibility Assessment Tool is transparent and usable by City staff for this very reason. Steady upkeep of the tool will allow the City the best opportunity to be informed about the efficacy and magnitude of any intervention

The analysis presented in this study comes with an important caveat. It assumes that the primary obstacle to the construction of more mixed-income projects by the private sector is a financial one. It is not clear that simply removing the financial burden will lead to construction of mixed-income projects where 10 percent of the units are affordable to households at 60 percent of the area median income.

# Introduction

This report documents the methods and findings of a study to assess the efficacy of tax abatement to increase the production of affordable housing units in the City. The study also considered other possible policy tools and strategies to understand their effectiveness.

The primary outcome of the study is a model, called the Charlottesville Development Feasibility Assessment Tool, which the City can use to assess the effectiveness of various policies and strategies for increasing the production of affordable housing units, with an emphasis on tax abatement. The tool is non-proprietary, which means all the assumptions, inputs, and math are visible to all and can be adjusted by staff, the development community, and the public at large to test different levels of tax abatement and other policies. The intent is that the City can maintain the tool by updating the inputs and use it on an ongoing basis to assess various policies aimed at increasing affordable housing.

The tool is informed by a market analysis that identified and quantified the cost drivers and income associated with housing development. For the purposes of this study the focus was solely on for-rent housing products. However, the methods can be adjusted to account for the for-sale market as well. This study also focused on housing projects with 10 or more units, which are subject to the new inclusionary zoning ordinance, which requires that 10 percent of units be affordable for households at or below 60 percent of the area median income. Additionally, the study considered submarkets to incorporate variations in cost and rent differences across the different geographies of the City. The report documents these inputs and provides instructions for how the City can update the data over time.

The study finds that the inclusionary zoning ordinance has a demonstrable financial impact on development feasibility, ***but that even without inclusionary zoning development feasibility within Charlottesville is limited due to a mismatch between development costs and anticipated revenues.*** Moreover, the study finds that a tax abatement has quantifiable financial benefits, and affords City decision-makers with a flexible development incentive. However, an abatement alone is unlikely to immediately produce significant shifts in development activity across all housing types due to the underlying market conditions mentioned above. As the underlying conditions driving up costs change, tax abatement may become a stronger incentive for affordable housing development, especially abatements designed to directly address the rent gap between affordable and market rate units.

## Background

**Origins of the Affordable Housing Tax Abatement Study.** Charlottesville adopted a new development code on December 18, 2023. The code became effective on February 19, 2024. The new code includes a requirement that any development project of 10 or more residential dwelling units provides 10 percent of the units as affordable for households at or below 60 percent of the area median income. These affordable dwelling units must be income restricted for a minimum of 99 years. The requirement does not apply to projects in the Residential A, Residential B, Residential C, and Residential Core Neighborhood zoning districts.

The City adopted this inclusionary housing element of its zoning ordinance following a robust planning and community engagement process that began with the creation of an Affordable Housing Plan adopted by the City Council in 2021, and a Comprehensive Plan update also adopted in 2021.

The City's Affordable Housing Needs Assessment in 2018 informed the City's policies included in the Affordable Housing Plan, Comprehensive Plan, and inclusionary zoning ordinance. The assessment found a need for 3,318 affordable housing units in 2017 and 4,020 by 2040. The 2021 Affordable Housing Plan found that more than 2,700 renter households in Charlottesville pay more than 50 percent of their income on rent and utilities. These figures highlight the need for more housing construction and more affordable units.

Charlottesville City Council has recognized the need for public investment in affordable housing and committed \$10 million per year for a decade to help the City achieve its affordable housing goals. The tax abatement under consideration is being considered in this context. The tax abatement policy can also help advance the Comprehensive Plan's stated goal to "focus and align subsidy programs with community-defined priorities and make changes to increase the impact of public spending."

**Affordable Housing Tax Abatement Overview.** Tax abatement is a temporary reduction or exemption from taxes levied by a unit of government, typically to encourage a particular activity. The purpose of the tax abatement under consideration in this study is to encourage mixed income housing developments of 10 or more units, which are subject to the City's Affordable Dwelling Unit Ordinance. Local governments across the United States and Virginia, including the City of Richmond and Albemarle County, have used tax abatement for similar purposes. This study provides insights on the efficacy of varying levels and terms of abatement based on conditions in the Charlottesville market.

An important caveat about tax abatement in Virginia is that state code does not allow abatement of taxes to private entities for affordable housing development. However, Virginia Code §15.2-

4905 allows for financial incentives, including grants tied to affordable housing development. Therefore, if Charlottesville were to adopt a tax abatement for affordable housing, the financial incentive would be leveraged from the increase in value and the associated increase in real estate tax revenue attributed to development, and reimbursed to the owner as a performance grant.

The property owner would therefore pay the full real estate taxes on the entire post-development assessed value, and then receive a reimbursement for some portion of the taxes on the increase in assessed value, post-construction.

# Tax Abatement Analysis

**Method Overview.** The methods for the study are oriented towards providing reliable inputs to the Charlottesville Development Feasibility Assessment Tool. The tool uses inputs related to the costs and income associated with housing development to enable the evaluation of tax abatement, and other policies, on the feasibility of general housing projects.

In the tax abatement under consideration by the City of Charlottesville, the abatement would apply to the increase in property value resulting from a development of 10 or more units that includes affordable dwelling units. The baseline, pre-development, value would continue to be taxed as it was prior to the development. Meanwhile, only a portion of the increased value would be subject to real

estate taxes. The portion of the increased value subject to real estate taxes, and the time period for the abatement, is a policy decision to be made by the City Council. This study, and resulting Charlottesville Development Feasibility Assessment Tool for assessing the efficacy of tax abatement, is intended to support informed decision making.

The tool uses a generalized pro-forma to summarize, for a “typical” project, the fiscal impacts of developments costs and revenues along traditional development timelines. However, it also runs parallel pro-formas for projects with and without City policy interventions. This allows the user to quantify the fiscal impacts of their selected intervention. As property taxes are

CHARLOTTESVILLE DEVELOPMENT FEASIBILITY ASSESSMENT   Project Evaluator																																						
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traditionally incorporated in a pro-forma as an input to net operating income, a pro-forma based evaluation for the impacts of a tax abatement is a natural fit.

The City first analyzed underlying development feasibility absent the inclusionary zoning requirement. In other words, the study evaluated how feasible large-scale development projects would be given current development costs and revenues with no affordable housing units. These findings were then compared to the same set of large-scale development projects, but with the 10 percent affordable units requirement. Finally, the development projects were analyzed using both the inclusionary zoning requirement and a range of tax abatement options.

The differences in findings between these three general conditions (no inclusionary zoning, with inclusionary zoning, with inclusionary zoning and tax abatements) reflects the financial implications of the inclusionary zoning mandate and associated abatements.

**Housing Types.** This analysis looked at six common housing types. These housing types are common in the City, except for high rise. The table below summarizes each type's general conditions. These conditions can be updated in the tool as needed. The following graphics also give the reader a sense of what each "housing type" means.

Housing Type	# Floors	Construction Materials	Assumed Average Unit Size (GSF)
High Rise	9+	Steel & concrete	900
Mid Rise	5-8	Wood & concrete	1,000
Low Rise	3-4	Wood	1,100
Garden Apartment	1-2	Wood	1,300
Townhouse	2	Brick & wood	1,800
Single Family	2	Brick & wood	2,000

## GENERAL HOUSING TYPES ASSESSED IN THE STUDY

GARDEN APARTMENT



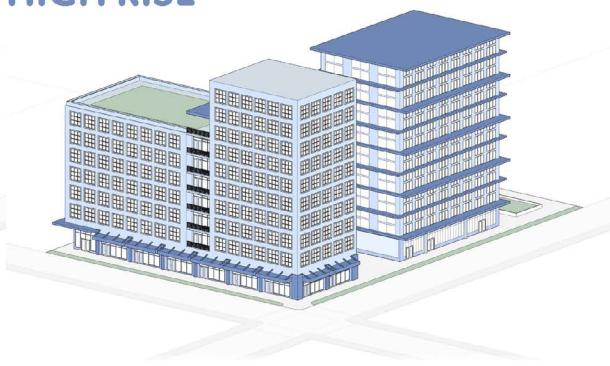
LOW RISE



MID RISE



HIGH RISE



SINGLE FAMILY



TOWNHOUSE

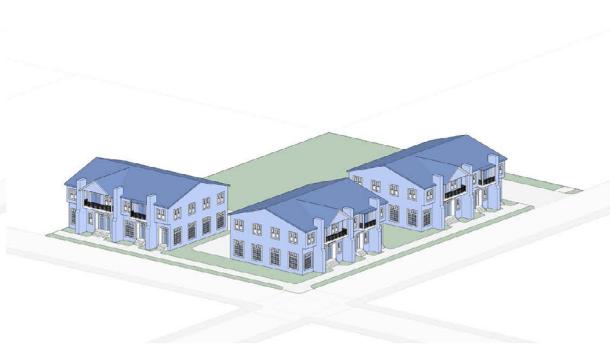


Figure 1 | Graphical Examples of Housing Types



**Submarkets.** The tool allows the user to select a “submarket” as part of the analysis. This is important because the feasibility of a housing project is heavily influenced by its location, with both costs (in the form of land prices) and revenues (in the form of rents) being subject to location-specific variables that can vary widely even within a single locality.

As such, this model provides five different price-based “submarkets”, representing tiers of land costs and rents. Importantly, these five submarkets are not tied directly to Charlottesville neighborhoods. This is because neighborhood-based prices in any specific neighborhood can change relative to others over time.

However, the tool assumes that more expensive tiers would typically be situated on smaller lots than less expensive tiers. The tool assumes parcel sizes for tier 1 projects (most expensive areas) are 1 to 2 acres, while parcel sizes for tier 5 (least expensive) projects were 3 to 4 acres. As with all assumptions in the tool, these can be changed to reflect changes in the underlying conditions and typical development situations in the City.

**Tool Inputs.** All model inputs are grouped into one of five categories: hard costs, soft costs, land costs, revenues, and other assumptions. Each category is described below:

**Hard Costs.** “Hard costs” include all costs associated with the physical construction effort, including construction of the building, parking, and site preparation. Initial estimates for building construction costs are a blend of multiple sources. Initial data was acquired from the online cost estimating resource RSMeans Online, which provides total construction and per square foot construction cost estimates for a wide range of building types based on user inputs on materials and dimensions.

The study developed estimates for each building type using dimensions sourced from local examples, such that a “typical” mid-size development in the model reflects an amalgam of existing mid-size projects throughout the City. This data was then vetted and adjusted via feedback from local developers who contributed confidential financial data to this project.

Notably, the estimates from RSMeans and local developers often aligned but not always. The reasons for the cost differences between sources is elusive due to the many assumptions required in any cost estimating. But in such cases, it was assumed that the local developer input was more accurate as they are the local experts, and that data was used in place of RSMeans.

**Soft Costs.** “Soft costs” include all costs primarily associated with the development and approval of plans necessary for building permit approval, such as consultant fees and municipal fees.

Municipal fees can vary by project and project type, but were set as 4 percent of total hard cost estimates, incorporating fees expected to be paid by typical projects from the building inspection fee schedule and the City’s Neighborhood Development Services fee schedule.

Consultant fees cover services such as civil engineering, architecture, and legal. They are sensitive both to project complexity and timeline. As such, the model uses assumptions for standard (15 percent of hard costs) and minimum (12 percent of hard costs) consultant fees, and applies the standard fee to a typical development timeline. The tool assumes that changes to the typical predevelopment timeline would change the consultant fee.

**Land Costs.** “Land costs” relate exclusively to the cost of purchasing land in the City. Other costs that may be considered land costs, such as site preparation, are included in hard costs.

Land costs are extremely sensitive to market conditions and land entitlements, and can vary widely over time. While there was general consensus on hard costs and soft costs from the local development community, there was less agreement on land costs. Additionally, there have been too few land sales since the adoption of the new zoning code to fully assess the effects of the code on land prices. As such, the model relied more heavily on tax assessor data on assessed land values.

The process for developing typical land costs as an input to the tool started with comparing recent land sales to current assessed land values. The study found that for the limited number of 2024 and 2025 sales, sale prices were routinely 33% to 50% higher than assessed value, while 2023 sales were nearly identical to assessed values.

Next the study assigned each building type to a primary land use code from the City assessor. Each building type was also assigned an estimated units per acre. These assumptions allowed for estimated per door land cost by parcel by primary land use code.

Land cost tiers were initially defined simply by the percentile rank of assessed land values for all parcels with housing in the City. Next the study assigned a percentile rank to each tier as outlined on the following page.

Tier	Percentile
Tier 1	85th
Tier 2	65th
Tier 3	50th
Tier 4	35th
Tier 5	15th

In other words, a Tier 1 land cost is the equivalent of the 85th percentile per acre assessed land value, Tier 2 is the equivalent of the 65th percentile per acre assessed land value, etc.

As a final step in the initial data-based land cost estimate, the study applied a sales-based adjustment factor of 33 percent increase to reflect the difference between assessed values and recent sales.

The developed land cost estimates were considered reasonable by some local developers, but too high by others. As such, land costs were adjusted down as a middle ground between estimates, but it is possible that land costs could be higher than those calculated based on the method described in this section and incorporated into the model.

**Revenues.** “Revenues” include market rate and affordable rents. The study estimated market rents by collecting existing asking rents across multiple online real estate platforms. The collected rents were assumed to be generally consistent with the tier 2 submarket, as the sources were generally from new or recent construction, and tended to have higher-end amenities. A typical tier 2 rent was defined as the average of available median and maximum asking rents. In the event there was insufficient data for a particular unit type, an estimate was created based on professional experience. Rents for each of the five tiers were then based on a proportion of that tier 2 rent, ranging from 85 percent (Tier 5) to 110 percent (Tier 1) of the tier 2 rents.

Affordable rents are set as 30 percent of gross income for the respective area median income band (mid-point of the area’s income distribution). The City requires projects with 10 or more units to include 10 percent of the units leased at rents affordable to incomes that are 60 percent of the are median income. However, the tool allows users to assess other levels of income-based affordability.

The U.S. Department of Housing and Urban Development income limits are provided by household size, not number of bedrooms. To convert from household size to bedrooms, the study assumed that the bedrooms by household number was equivalent to one fewer bedrooms than the number of persons in the household (so the affordable rent for a 2 bedroom apartment equaled 30 percent of income for a 3-person household).

**Other Assumptions.** There are several other assumptions and necessary inputs to a pro-forma model, including predevelopment and construction timelines, property taxes, typical parcel sizes, unit mixes, and structures in a single development. Each was determined based on professional experience and vetted through consultation with staff and the local development community.

It is important to note that the tool is intended for use in assessing the effect of policy interventions of a “typical” project and is not intended for use to assess a specific project on a specific site. Such an analysis would require data on costs that are not accessible to the City at a reasonable level of effort. Furthermore, that level of analysis is not necessary to answer the key question of the City, which is about the effectiveness of tax abatement.

# Findings & Implications

**Current Market Feasibility.** An initial step in the study was to assess the feasibility of various housing products under current conditions in the City, which includes the inclusionary zoning ordinance, but not a tax abatement policy. The table below shows that new housing construction feasibility is limited when applying the assumptions outlined earlier in this report. There is evidence that high-rise housing construction has the highest yields and internal rate of return (IRR), and may be feasible in some specific instances. Yet no housing product in any submarket reached the threshold of “likely feasible”, defined as 7.0 percent yield on cost or 15 percent IRR. (See tables below for feasibility threshold definitions, but note that these are merely suggested thresholds for visualization and summarization purposes.) No other housing type had sufficient yields or IRR to suggest anything other than limited to unlikely feasibility, meaning there would need to be some substantial change in either costs or revenues to support investment.

Yield on Cost					
Typology	Tier 1 Highest value areas	Tier 2	Tier 3	Tier 4	Tier 5 Lowest value areas
High Rise	6.1%	5.9%	5.8%	5.5%	5.5%
Mid Rise	5.0%	4.8%	4.5%	4.3%	4.8%
Low Rise	4.4%	4.1%	4.2%	4.1%	4.1%
Garden Apartment	4.2%	3.9%	4.1%	4.0%	4.0%
Townhouse	4.4%	4.1%	4.2%	4.0%	3.9%
Single Family	5.1%	4.7%	4.8%	4.6%	4.4%

Likely Feasible	7%+
Possibly Feasible	5.5-7%
Not Likely Feasible	<5.5%

IRR					
Typology	Tier 1 Highest value areas	Tier 2	Tier 3	Tier 4	Tier 5 Lowest value areas
High Rise	8%	8%	7%	6%	6%
Mid Rise	4%	3%	1%	0%	3%
Low Rise	1%	0%	-1%	0%	0%
Garden Apartment	-2%	0%	-2%	0%	0%
Townhouse	0%	-2%	-1%	-2%	0%
Single Family	4%	3%	4%	2%	1%

Likely Feasible	15%+
Possibly Feasible	10-15%
Not Likely Feasible	<10%

**Market Feasibility without Inclusionary Zoning.** A next step in the study was to assess the market feasibility of various housing products without the inclusionary zoning ordinance. Higher density developments, particularly with higher rents, would be most likely to reach “possibly feasible” investment thresholds, while most other large-scale projects would struggle to do so.

Yield on Cost					
Typology	Tier 1 Highest value areas	Tier 2	Tier 3	Tier 4	Tier 5 Lowest value areas
High Rise	6.6%	6.4%	6.2%	5.9%	5.9%
Mid Rise	5.3%	5.1%	4.8%	4.5%	5.0%
Low Rise	4.7%	4.3%	4.4%	4.3%	4.3%
Garden Apartment	4.4%	4.1%	4.2%	4.1%	4.2%
Townhouse	4.8%	4.4%	4.5%	4.3%	4.1%
Single Family	5.6%	5.1%	5.2%	5.0%	4.7%

Likely Feasible      7%+  
 Possibly Feasible    5.5-7%  
 Not Likely Feasible <5.5%

IRR					
Typology	Tier 1 Highest value areas	Tier 2	Tier 3	Tier 4	Tier 5 Lowest value areas
High Rise	10%	9%	9%	8%	8%
Mid Rise	6%	5%	3%	2%	5%
Low Rise	2%	0%	1%	0%	0%
Garden Apartment	0%	-3%	-1%	-2%	-1%
Townhouse	2%	0%	1%	0%	-2%
Single Family	7%	5%	6%	5%	4%

Likely Feasible      15%+  
 Possibly Feasible    10-15%  
 Not Likely Feasible <10%

This suggests two important findings. First, development feasibility is difficult to achieve under current market conditions even absent inclusionary zoning requirements. Second, the inclusionary zoning requirement has a substantive effect on feasibility. The following table compares returns with and without inclusionary zoning. The difference in yields are as large as 0.5%, and the difference in IRRs reach close to 3% in some circumstances.

## INCLUSIONARY ZONING FEASIBILITY IMPACTS

Typology	Yield on Cost				
	Tier 1 Highest value areas	Tier 2	Tier 3	Tier 4	Tier 5 Lowest value areas
High Rise	-0.5%	-0.5%	-0.4%	-0.4%	-0.4%
Mid Rise	-0.3%	-0.3%	-0.3%	-0.2%	-0.2%
Low Rise	-0.3%	-0.2%	-0.2%	-0.2%	-0.2%
Garden Apartment	-0.2%	-0.2%	-0.1%	-0.1%	-0.2%
Townhouse	-0.4%	-0.3%	-0.3%	-0.3%	-0.2%
Single Family	-0.5%	-0.4%	-0.4%	-0.4%	-0.3%

Typology	IRR				
	Tier 1 Highest value areas	Tier 2	Tier 3	Tier 4	Tier 5 Lowest value areas
High Rise	-2%	-1%	-2%	-2%	-2%
Mid Rise	-2%	-2%	-2%	2%	-2%
Low Rise	-1%	0%	-2%	0%	0%
Garden Apartment	-2%	-3%	-1%	-2%	-1%
Townhouse	-2%	-2%	-2%	-2%	-2%
Single Family	-3%	-2%	-2%	-3%	-3%

**Tax Abatement Strategies.** With a firm understanding of the housing market, both with and without the inclusionary zoning ordinance, the focus shifted to modeling the effects of a tax abatement policy. Tax abatement can take many forms, therefore, the model Charlottesville Development Feasibility Assessment Tool is built to allow users to explore many abatement strategies.

Traditional tax abatements provide property tax relief for qualifying units. In general as typical best practice, only affordable units qualify for the abatement, and that was assumed for this analysis. (Note however, that for policy illustrations the Tool allows users to select abatements to apply to either affordable units only or all units, though in the tax gap approach the policy option to apply the abatement to “all” units violates the elegance of that model in addressing **only** the direct financial impact of the ADU requirement.) Therefore, if the typical approach were applied in Charlottesville it would mean that for projects meeting the minimum inclusionary zoning requirement, only those 10 percent of units set aside as affordable would be eligible for tax relief.

It bears reminding that the underlying theory of tax abatement programs is that the abatement applies only to the additional improvement value from the project and so it does not impact any

pre-development property taxes. The feasibility model assumes pre-development property taxes would be equivalent to the property's land sale price.

There are many ways a traditional abatement can be structured, with modifications to the abatement proportion, the length of the abatement, or eligibility requirements as examples. In discussions with local stakeholders and staff, several different abatement options were mentioned as worthy of evaluation, including policies from Minneapolis, MN; Columbus, OH; and Baltimore, MD. This is by no means an exhaustive list, nor was a thorough review of existing abatement policies a purpose of this study (though the model can be used to evaluate a wide range of policies at the City's discretion). However, a brief summary of these three programs is provided here for context.

**Minneapolis, MN.** Per the City of Minneapolis website, the 4d Affordable Housing Incentive Program provides a 10-year reduction in property taxes on all qualified units, to 0.25% (compared to around 1.2%), for property owners that agree to provide 20 percent of units affordable to households making 50 percent or 60 percent of AMI for 10 years. Eligible properties are offered additional incentives, including green infrastructure grants and rebates.

**Columbus, OH.** Program eligibility includes a geographic component, whereby the City includes three area designations based on a mix of economic indicators, each with their own set of requirements, generally targeting 20 percent or more of units available for 60 percent to 100 percent of AMI. All taxes on improved value are waived under this program.

**Baltimore, MD.** In January of 2024, Baltimore instituted the High-Performance Inclusionary Housing Tax Credit. This policy effectively serves as a rebate for all qualified affordable units, based on the revenue gap between the affordable rent and the market rate rent the unit otherwise would have commanded. Each year the program provides a tax credit equal to the rent difference between affordable units and comparable market-rate units.

**Tax Abatement Efficacy.** The following tables summarize the feasibility impacts of example abatement strategies.

The first example employs a traditional improvement-value-based tax abatement providing 30 years of abatement in a Mid-Rise tier 3 development, with 135 total units of which 14 are affordable to households at 60 percent AMI. The following table shows the fiscal impacts of abatements at four different rates, from 25% to 100% of estimated taxes on the affordable units.

Mid-Rise Tier 3 Abatement	Yield Change	IRR Change	Monthly “Loss” for Affordable Units	Abatement “Return” for Affordable Units	Annual Revenue “Waived”	New Tax Revenue*
25%	0.02%	0.17%	\$13,636	\$1,162	\$13,944	\$527,943
50%	0.05%	0.35%	\$13,636	\$2,324	\$27,888	\$513,599
75%	0.07%	0.52%	\$13,636	\$3,486	\$41,382	\$500,035
100%	0.09%	0.67%	\$13,636	\$4,516	\$54,189	\$487,699

\*This calculation assumes that a project would not be developed without the abatement, and thus no tax revenue would be generated.

As the tax abatement increases the returns increase, as the tax revenue waived by the City is accrued by the property owner.

But importantly, the gap between the revenue loss incurred by the property owner is never matched by the value of the of the abatement. The inclusionary zoning requirement “cost” the development more \$13,000 in foregone market-rate revenue while returning no more than \$4,500 through the abatement.

Another analysis examined the impact of different submarkets to evaluate the locational element of the Columbus example. The table below shows the findings of the same Mid-Rise project but in a tier 1 submarket.

Mid-Rise Tier 1 Abatement	Yield Change	IRR Change	Monthly “Loss” for Affordable Units	Abatement “Return” for Affordable Units	Annual Revenue “Waived”	New Tax Revenue*
25%	0.03%	0.15%	\$17,285	\$1,284	\$15,412	\$572,619
50%	0.05%	0.30%	\$17,285	\$2,569	\$30,824	\$557,207
75%	0.08%	0.44%	\$17,285	\$3,853	\$46,236	\$541,795
100%	0.10%	0.56%	\$17,285	\$4,900	\$58,803	\$529,282

\*This calculation assumes that a project would not be developed without the abatement, and thus no tax revenue would be generated.

The Mid-Rise Tier 1 abatement provides generally similar impacts to yields and IRR, with feasibility benefits increasing as the abatement percentage increases. However, the monthly revenue loss associated with affordable unit provision is several thousand dollars a month higher in the Tier 1 project than in the Tier 3 project, driven largely by the higher market rate rents found in this tier (and thus larger gap between this project's market rent and citywide affordable rent). Additionally, the abatement “return” the City provides in this scenario is several thousand dollars higher than the previous scenario. The result is that while the tax revenue abated in this scenario is higher than in the Tier 3 scenario, that extra abatement does not provide substantive improvements in development feasibility.

Finally, the table below summarizes the impacts of a gap-based abatement on a Mid-Rise Tier 3 product. As in the examples on the previous page, four abatement percentages were used.

Mid-Rise Tier 3 Abatement	Yield Change	IRR Change	Monthly “Loss” for Affordable Units	Abatement “Return” for Affordable Units	Annual Revenue “Waived”	New Tax Revenue*
25%	0.07%	0.51%	\$13,636	\$3,409	\$40,909	\$500,797
50%	0.14%	0.99%	\$13,636	\$6,818	\$81,817	\$460,070
75%	0.21%	1.45%	\$13,636	\$10,227	\$122,726	\$419,162
100%	0.29%	1.90%	\$13,636	\$13,636	\$163,634	\$378,253

\*This calculation assumes that a project would not be developed without the abatement, and thus no tax revenue would be generated.

The findings reveal several key distinctions between the traditional improvement-value based and rent-gap based abatement styles:

- At each abatement percentage, the fiscal impacts are higher in the Rent Gap method than traditional abatements. With a gap of nearly \$1,000 between estimated market rates and affordable rates in this example project, even small gap closures have significant implications. Even an abatement or reimbursement of 25 percent of the rent gap in this example has a higher return per affordable unit and thus overall amount of annual tax revenue waived.
- The Rent Gap method provides the opportunity to reimburse any proportion of revenue lost in the inclusionary zoning requirements, including all or more of market rent revenues lost.
- The Rent Gap model tends to have larger financial implications on tax revenues waived, making it a more “costly” intervention for the City.
- Qualification and enforcement would be different, with the Rent Gap model relying on market rents while other methods rely on assessed improvement values.

This last point is particularly notable, as the different methods create different theoretical incentives for City action. In traditional improvement value-based abatement policies, changes to property values have a positive effect on City tax revenue, but also increases the amount of the abatement the City provides. However, in rent gap abatement policies, changes in improvement value do not increase the amount of revenue “lost” through an abatement. Furthermore, as market rate rents decline relative to areawide income, so too does the cost of the abatement. In other words, lower housing costs lead to lower abatement “losses”.

**Other Potential Incentives.** Recognizing that tax abatement alone is likely insufficient to stimulate the development of mixed-income housing products, the study incorporated other incentives for City exploration now and in the future. The list of incentives and basic descriptions are provided below:

- **Gap Financing:** This would be a low-interest loan provided by the City that offsets commercial construction or commercial loan costs. The model allows for a per-unit loan at a user-defined amount and rate. Using the mid-rise tier 3 project example, a \$100,000 per unit affordable loan (totaling \$1,400,000) at 1 percent interest would generate an IRR improvement of 0.45%, an impact similar to a 75 percent traditional improvement value-based tax abatement or 20 percent reimbursement in the Rent Gap method.
- **Land Provision:** This incentive adjusts land costs by allowing users to set the proportion of land costs that are waived by the prior landowner, thus reducing initial land costs. Using the mid-rise tier 3 project example, if land were provided for free (estimated value of approximately \$1,600,000) it would generate an IRR improvement of 1.4 percent.
- **Reduced Review/Approval Timeline:** This incentive provides time and soft cost benefits by reducing the assumed timeline for construction permits. The model formulas assume that soft costs like consultant fees are lower through fewer review cycles or less onerous initial documentation requirements, while it also increases net present value of revenue, as units become available for rent sooner. The model allows for a user-determined timeline reduction in months. Using the mid-rise tier 3 project example, a 6-month reduction in the pre-development timeline generates an IRR improvement of 0.9 percent and a yield under 0.1 percent.
- **Forgivable Loans:** This incentive presumes a grant or loan that is not repaid, effectively reducing the project cost without incurring any additional downstream repayments. The model allows for a per-unit forgivable loan amount. Using the mid-rise tier 3 project example, a \$1,500,000 forgivable loan would generate an IRR improvement of 1.5 percent and a yield improvement of 0.1 percent.

Incentive Approach	Incentive Amount	Units	IRR Impact
Gap Financing	\$1,400,000	1% Loan	0.45%
Land Provision	\$1,600,000	Land	1.40%
Reduced Review/Approval Timeline	6 months	Time (Months)	0.90%
Forgivable Loans	\$1,500,000	Loan	1.50%

**Future Potential Analyses.** During the course of this task, stakeholders suggested several ideas for future analyses that may be beneficial to the City's decision-making process but were out of scope of this particular task. They include:

- Adding an analysis of workforce gained through construction or otherwise lost by not supporting construction
- Reviewing peer community permitting processes and recent activity
- Adding a voucher holder gap analysis
- Adding Opportunity Zone benefits to the model calculations

These are all potential future enhancements to the Charlottesville Development Feasibility Assessment Tool.

## Conclusion



Tax abatement is one of many tools the City can use to increase the feasibility of housing development. However, it likely will not in 2025 or 2026 help a project get to the threshold of "likely feasible" on its own. The current market conditions and inclusionary zoning ordinance are headwinds that are hindering the feasibility of projects with 10 or more units. The City may need to look at additional incentives to get projects built. The good news is that conditions can change quickly, and the City now has a tool it can use to assess the efficacy of various policies now and in the future.



# **ADU Manual In Lieu Fee/ Student Housing Study**

**Kellie Brown**

**Director**

**Neighborhood Development Services Department**



# Development Code Amendments: Background

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- **The Current Development Code was Adopted on December 18, 2023** – Designed to facilitate a more form-based zoning ordinance, increasing density in alignment with the 2021 Comprehensive Plan.
- **Need for Amendments** – Staff identified both minor and significant issues requiring revisions to better support City goals.
- **Three-Tier Approach:**
  - **Tier 1** – Minor grammatical corrections, small adjustments, and state requirements.
  - **Tier 2** – Modifications addressing oversights and clarifications to support the Intent sections of the code.
  - **Tier 3** – Policy changes requiring in-depth analysis and community engagement.
- **Next Steps:**
  - **Tier 1 & 2** – Advancing to Public Hearing with Planning Commission January 13, 2026, then a Public Hearing with City Council later in the winter of 2026.
  - **Tier 3** – Considered in the broader FY26 NDS workplan and beyond.
- **Ongoing Process** – Annual updates for Tier 1 & 2 to ensure adaptability, best practices, and sustainable growth.



## Tier 3 Amendments

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



## Purpose of the Study

- Annual review and update of the Affordable Dwelling Unit (ADU) Monitoring and Procedures Manual
- Focus on refining expectations for:
  - In-lieu fee payments
  - Bonus height projects
  - Student housing

# Zoning Categories and Overlay Districts

## Residential Districts:

- R-A, RN-A, R-B, R-C

## Mixed Use Districts:

- *Corridor*: NX-3, NX-5, NX-8, NX-10, DX
- *Node*: RX-3, RX-5
- *Residential Mixed Use*: CX-3, CX-5, CX-8

## Other Zoning Districts:

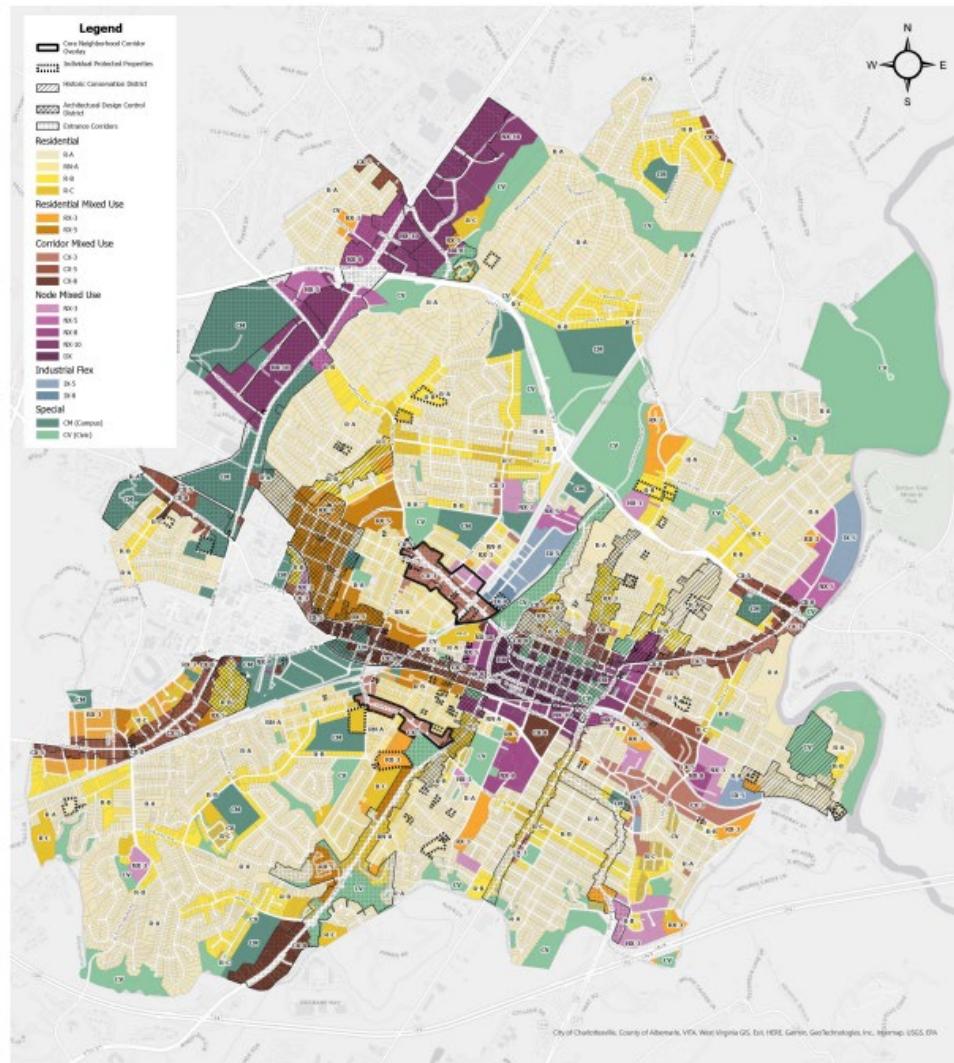
- Industrial Flex: IX-5, IX-8
- Special: CM, CV, Alternate Forms

## Overlay Districts (\* Design

### review required):

- Core Neighborhood Corridors
- Entrance Corridors \*
- Architectural Design Control Districts \*
- Historic Conservation Districts \*
- Individually Protected Properties \*
- Floodways and Floodplains

**City of Charlottesville Zoning Map**



Approved December 18, 2023

# Affordable Housing Requirements

## Residential Development:

- Projects  $\geq 10$  units provide 10% at  $\leq 60\%$  AMI or pay in-lieu fee
- Bonus height for units at  $\leq 50\%$  AMI or same fee
  - In-lieu fee = average total cost per unit of developing a residential unit in the Charlottesville market, based on bedroom count up to 3 bedrooms

## Student Housing

- Projects that rent by the bedroom within  $\frac{1}{2}$  mile of Campus Grounds
- No on-site affordable units are required
- Bonus height may also be realized
- In-lieu fee is required
  - In-lieu fee = difference between the value of a market rate unit and that of an affordable unit (i.e. value gap), based on bedroom count up to 3 bedrooms

## Non-Student Housing

Figure 1: Construction Cost Per Unit and Average Total Cost Per Unit In-lieu Fee

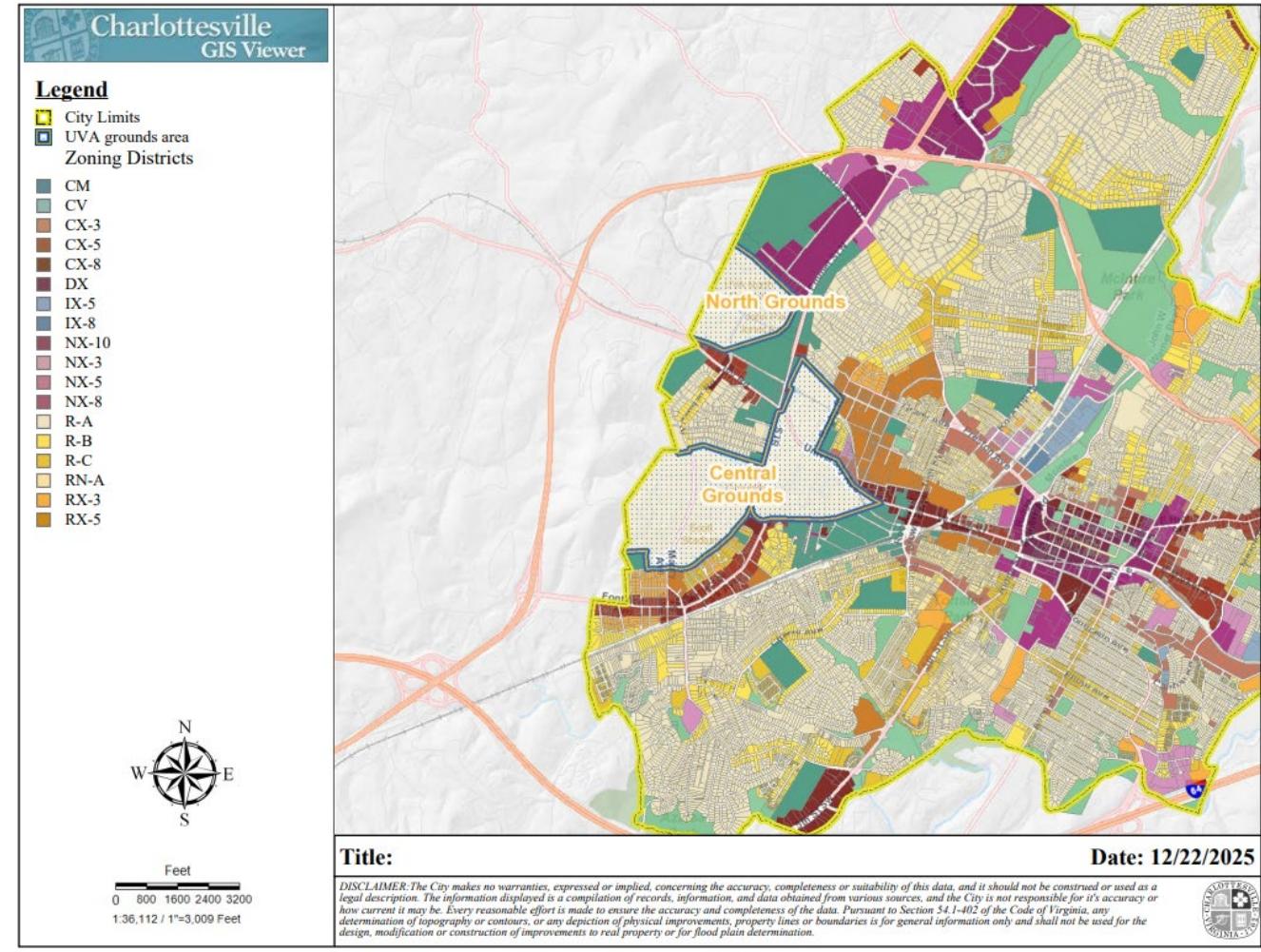
Number of Bedrooms	Cost Per Rental Unit	Cost Per Ownership Condominium Unit
Studio	\$184,152	\$324,510
1	\$250,797	\$362,120
2	\$368,303	\$413,709
3	\$547,339	\$483,138
<b>Average Total Cost Per Unit In-lieu Fee</b>	<b>\$337,648</b>	<b>\$395,869</b>

## Student Housing

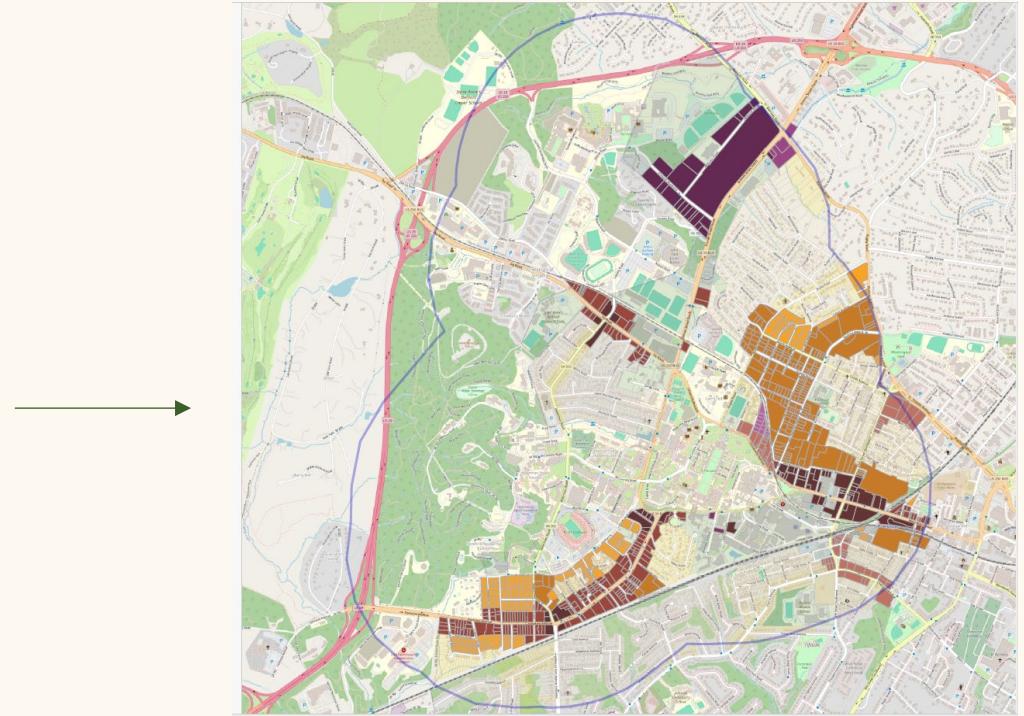
Figure 2: Value Gap Cost Per Unit and Average Total Cost Per Unit In-lieu Fee

Number of Bedrooms	Cost Per Rental Unit	Cost Per Ownership Condominium Unit
Studio	\$41,380	\$269,727
1	\$107,472	\$342,937
2	\$186,038	\$284,653
3	\$261,209	\$403,741
<b>Average Total Cost Per Unit In-lieu Fee</b>	<b>\$149,025</b>	<b>\$325,265</b>

# Locations Where Affordable Housing Expectations for Student Housing Apply



UVA Grounds



Area within 1/2 Mile of Grounds

# Initial Observations and Concerns

## Residential Development (Non-Student Housing):

- Inconsistent in-lieu fee payment structure for bonus height
- Projects opting to pay the in-lieu fee are being charged for bonus height as if the on-site requirement is **60% AMI**, not 50% AMI

## Student Housing

- Lack of requirement for on-site units limits new affordable housing where student housing is most financially feasible reinvestment option
- Student housing have lower per-bedroom cost requirement for in-lieu fee, which further incentivizes student housing
- No consideration for conversions to non-student housing
- No consideration for four-bedroom units
- Large geography applies this policy to neighborhoods where displacement is a concern

## Non-Student Housing

Figure 1: Construction Cost Per Unit and Average Total Cost Per Unit In-lieu Fee

Number of Bedrooms	Cost Per Rental Unit	Cost Per Ownership Condominium Unit
Studio	\$184,152	\$324,510
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<b>Average Total Cost Per Unit In-lieu Fee</b>	<b>\$337,648</b>	<b>\$395,869</b>

## Student Housing

Figure 2: Value Gap Cost Per Unit and Average Total Cost Per Unit In-lieu Fee

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<b>Average Total Cost Per Unit In-lieu Fee</b>	<b>\$149,025</b>	<b>\$325,265</b>

# Key Study Questions

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## Research and Analysis

- Do the current in-lieu fee payment structures accurately reflect construction costs (for non-student housing) and the value gap (for student housing)?
- What are the approaches of other Virginia jurisdictions?
- What approach to requirements for in-lieu fee payments provide the best balance of incentivizing production of on-site units without limiting development feasibility?

## Goals and Guiding Principles

- What are the City's goals for in-lieu fee payment policies?
- What are the City's goals for student housing?
- Should affordable housing expectations be the same for student housing as for non-student housing?
- Should in-lieu fee payments be greater for bonus height than for non-bonus height?



# Key Questions for Stakeholder Engagement

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- What do you believe is the most important outcome this policy should accomplish for our community?
- What impacts or unintended consequences should we work (hardest) to prevent?

# Timeline

## December 2025 – January 2026: Consultant Evaluation of Key Study Questions

- Do the current in-lieu fee payment structures accurately reflect construction costs and the value gap?
- What are the approaches of other Virginia jurisdictions?
- What approach to requirements for in-lieu fee payments best incentivize production of on-site units without limiting development feasibility?

## January 2026 – February 2026: Stakeholder Engagement

- What are the most important things for the policy to achieve?
- What impacts do we want to avoid?

## March– May 2026: Develop Proposals and Commission and Council Review

- Guiding Principles
- Policy Recommendations
- Manual and Development Code Amendments

# Thank You



## Planning Commission Work Session

**October 28, 2025 5:00 PM to 7:00 PM**

**Hybrid Meeting – City Space Conference Room**

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

**Staff Present:** Patrick Cory, Missy Creasy, Tori Kanellopoulos, Brennen Duncan, Remy Trail, Dannan O'Connell, Matt Alfele, Kristal Riddervold, Ose Akinlotan, Jason McIlwee, Donald Schrager, Steven Gaines

Chairman Schwarz called the Planning Commission Work Session to order at 5:02 PM

### **1. Environmental Regulations and Policy Review Project**

#### **Staff Presentation**

**Tori Kanellopoulos, Staff Report** – This evening we have a work session on the environmental regulations and policy review project. I am joined by many colleagues in Public Works, Utilities, Parks, Office of Sustainability, and NDS to help answer questions that you might have this evening.

#### **Next slide**

I will start with the project objectives. That is what we are looking to achieve with this project. We will talk about the background, why we are doing this project, and why at this time. I will talk about some of the related city plans and programs: both that have been adopted and that are happening concurrently. I will go through each of the 6 project topics at a high level and some of the key takeaways that we have identified to date. We will open it up for your feedback on the draft project phasing and topics. What we are looking for at this work session, now that we have completed an internal review of existing conditions and current policies and regulations, is your feedback and Council's direction on the proposed phasing of project topics. We want to make sure that we are going in the right direction and see if anything is missing at this point. There will be future opportunities for input as we dive deeper into more specific topics. This is looking at the overall project scope.

#### **Next Slide – Project Objectives**

Objectives for the project include:

- balancing community and comprehensive plan priorities of housing choice and affordability with protecting the natural and built environments.
- increasing community resilience especially to the risks identified in the community vulnerability assessment, such as flooding and extreme heat.
- ensuring alignment between regulations and across the different topics.
- making sure prioritization and implementation are done equitably.

Potential project outcomes include:

- updates to the city codes including the Development Code.
- updated policies for the Comprehensive Plan.
- updated programs and policies.

- Coordination across the various plans and programs.

### **Next Slide – Project Background**

Why are we doing it now? It is relevant to both the Comprehensive Plan and the Development Code. Comprehensive Plan priorities include implementing zoning changes that support housing choice and affordability. Protect the natural environment, mitigate the effects of climate change, and increase walkability. Implementing the climate action plan and preserving and enhancing the natural environment. From a development code perspective, there have been some challenges with implementation, especially for some of the smaller infill sites that have less room for required infrastructure and for other improvements. There are some other identified challenges and opportunities to look at including mitigating and preparing for the impacts of climate change, planning for infrastructure replacement and upgrades, and that coordination across the different plans and policies.

### **Next Slide – Project Background**

The top half of this slide may look familiar. This was from the NDS work plan for FY26. Since the work plan presentation, NDS has been coordinating across various departments to document existing conditions, policies, regulations, key takeaways, and areas for collaboration across all the project topics. NDS has met with staff from the Office of Sustainability, Public Works, Utilities, and Parks. Additional departments will be involved at key points, including the City Manager's Office, City Attorney's Office, Communications, and Emergency Management. We held an internal project kickoff meeting in August.

### **Next Slide – Adopted and Ongoing Related Plans and Programs**

The project scoping that we have been doing has included looking at the adopted and ongoing related plans and programs and incorporating relevant initiatives. Resources from these plans and programs include maps and data, community & development, developer input, and staff technical expertise. We also want to make sure that we are being consistent across all of these. I did want to highlight in the climate action plan: actions include updating recommendations and coordinating on land use and transportation. For the flood resilience plan that was adopted in 2023, we have recently received a community flood preparedness fund grant to look at updating the flood plain management program. Utilities has been working on stormwater modeling with the Moores Creek watershed complete and Meadow Creek and Rivanna River in progress.

### **Next Slide – Concurrent Related Plans and Programs**

These are additional related plans and programs that are going on right now. We will share recommendations and knowledge across the different teams as these move forward. These are the main ones that we are tracking along with our other ones that we will be paying attention to incorporating as relevant including the Regional Solid Waste Plan update and the regional water supply update. As the community recently pointed out, incorporating our recent initiative to join the biofilic cities network. I want to highlight the fund preparedness fund grant and the urban forest management plan, which will be important to inform tree canopy and preservation requirements and street tree requirements. This project will inform updates to the Comprehensive Plan policies, which we will be reviewing next year.

### **Next Slide – Stormwater Management: Recommended Areas of Study**

I will go through each of the 6 project topics in order of the proposed project phasing. These recommended areas of study were put together based on our review of existing conditions and current regulations within input across departments, Comprehensive Plan policies & recommendations, state code requirements, constraints, and related city plans and programs as we just reviewed. While NDS is leading the coordination for this project, the work that I am going to go through and describe is being completed by multiple staff across many departments. I want to recognize their work and collaboration and how this effort spans across many staff.

For stormwater management, we have identified looking at stormwater requirements. One thing that we have heard input on is that for by-right infill development, smaller lots that require stormwater management may not be large enough to fit by-right housing that is allowed and development lot coverage but also fit onsite stormwater management. Developers can buy offsite nutrient credits to meet water quality requirements, which benefits larger watersheds, but not necessarily our local waterways. That might be something we can better incentivize and encourage. We will also look at stormwater management infrastructure needs including those identified in the flood resilience plan and through community input.

#### **Next Slide – Floodplain Management: Recommended Area of Study**

For floodplain management, we would look at the city's floodplain management program. That will be part of that grant the city received in looking at floodplain development regulations. The city currently complies with FEMA's minimum requirements for the National Flood Insurance Program and cannot go below those standards without risking compliance. The city can adopt higher standards, which would need to be balanced with other city policies and goals. Changes must be justified on the grounds of protecting life and property from flood risk and balancing allowed higher density that is allowed by-right with protecting the natural and built environment.

#### **Next Slide – Tree Canopy: Recommended Areas of Study**

For the tree canopy, we would like to look at the city's requirements for tree canopy, street trees, and tree preservation. There have been comments from the development community about fitting in required trees to meet canopy requirements on smaller infill sites. Those canopy percentages are set by each zoning district. There are maximum percentage limits that are set by state code. We have also looked at the need for improved guidance for tree protection and preservation including during construction. That would be led by the Parks Department. We are looking at the preservation incentives, which do not seem sufficient for developers to choose tree preservation versus planting new trees. We will also have updated data and recommendations from the urban forest management plan looking at tree canopy and the urban heat island effect and how those vary by each neighborhood. Canopy coverages range from 21 percent in 10<sup>th</sup> & Page to 67 percent in Barracks-Rugby. All this work will include coordination with Tree Commission and build on work done by community partner organizations such as RELEAF Charlottesville and the Tree Stewards.

#### **Next Slide – Stream Buffers: Recommended Areas of Study**

For stream buffers, we would look at the water protection ordinance and regulations for stream buffers. There are 3 waterways that have a regulated stream buffer, which are the Rivanna River, Meadow Creek, and Moores Creek. Those buffers must be 100 feet on each side of the stream and must be maintained and incorporated into development design. If we made updates to those buffers or looked at other streams that should have buffers, there would be a data driven rationale behind it. We would also need to consider administration, enforcement, property impacts, and development impacts. We can also look at incentives and voluntary measures that protect streams since there are many streams on private property and property that might never develop. That could be a good opportunity to encourage more protection even if it is not required.

#### **Next Slide – Critical Slopes: Recommended Areas of Study**

Critical slopes are defined as 25 percent grade or greater area of 6,000 square feet or more and within 200 feet of a waterway as shown on the critical slopes map. Generally, they are not allowed to be disturbed. There is a special exception process for that request. We have looked at developing more objective and clear criteria for that review process. The Comprehensive Plan also only has one recommendation related to critical slopes and their value is clearly defined. That could be a good opportunity for a Comprehensive Plan policy update.

#### **Next Slide – Energy Efficiency: Recommended Areas of Study**

There are several initiatives happening related to energy efficiency including The Office of Sustainability leading the development of high-performance building standards. There are a variety of existing tax incentives

for certain energy efficient buildings. There may be more challenges with changes at the federal level for tax incentives that could slow that uptake. Virginia localities cannot require energy efficiency requirements for development that are more stringent than the building code. They can have higher standards for projects that need legislative review and can offer incentives and model best practices. The city is working with a consultant on an EV charging plan in anticipation of increased demand for EV charging in the city and regionally. That is another opportunity for coordination.

### **Next Slide – Summary of Potential Project Outcomes**

Final outcomes will depend on data and findings, best practices, staff technical expertise, Commission input, Council direction, and community input where needed. For all these topics, we would expect increased community resilience, equitable prioritization, implementation, and relative updates to the Comp Plan where needed. I have most of these in previous sections. They would be focused on code and policy updates, such as updated stormwater management requirements and updated floodplain management program, and tree canopy and preservation requirements.

### **Next Slide – Draft Project Phasing**

This is the proposed grouping and phasing of topics starting with stormwater management, floodplain management, and tree canopy together with stream buffers fitting in as staff capacity allows. The proposed phasing is based on input from staff alignment with related plans and programs and the impact on Comprehensive Plan implementation including the Development Code. The first phase of topics is especially important for addressing challenges with infill developing and with tracking parallel initiatives such as the community flood preparedness fund grant and the urban forest management plan. A lot of these topics overlap and are interconnected and can be addressed at the same time. We can make revisions based on the feedback we hear from you and from City Council.

### **Next Slide – Planning Commission Discussion and Feedback**

1. Do the recommended areas of study in Attachment 1 capture the key areas of needed study for the 6 topics identified for this project?
2. Are there additional topics or supporting information that should be included?

### **Next Slide – Next Steps**

- Anticipated to be approximately a 2-year process moving parallel with related plans and programs.
- City Council work session on November 17, 2025.
- Scope more detailed work plans by topic, based on topic-grouping phasing.
- Establish staff internal stakeholder groups/technical committees.
  - Technical expertise: data and best practices, develop and review draft recommendations.
  - Participate in Planning Commission and City Council work sessions and community engagement.
- Develop public engagement plan.

### **Planning Commission Discussion, Questions, and Feedback**

**Commissioner Mitchell** – We put a lot of focus on water that comes from the sky. We are quiet about droughts. We are quiet about the fires that happen when we have a lack of water. There is value in giving a little more thought to what we do when we don't get water. There have been many years since I have been in Charlottesville that we have had water issues. Last year, there were a lot of local fires because of the lack of water. I am wondering if we should give some thought to investment in drought mitigation, things like groundwater recharging systems. What I would like us to do if we could is put together a drought management

plan like they do in California. Every municipality in California has a drought management system. I would ask that we give more thought to too little water.

**Commissioner Joy** – Was this topic in the pipeline? Are you going to bring it up at LUPEC or any of the 3-party meetings? I am curious what kind of interface you have had with UVA people at Environmental Resources or Sustainability to see if there is some alignment with the University and County.

**Ms. Kanellopoulos** – We have been doing more internal scoping. We would like to do regional collaboration and engagement as we move forward. We have also been working with the Office of Sustainability and coordinating on resilient together. That could be another good opportunity for regional coordination.

**Commissioner Joy** – Can I send your slides to my colleagues? I was thinking about the prioritization and the work plans. It would be great if there was a cohesiveness to where people are focusing first.

**Commissioner Mitchell** – There was also a question about other groups that we might want to work with. The Weldon Cooper Center is another group that we ought to be working closely with.

**Chairman Schwarz** – You guys are not looking for any sort of policy direction at this point. We are just looking for topics that might be missing.

**Ms. Kanellopoulos** – That is correct. Basically, if we are going in the right direction, if anything is missing. If there are clarifying questions or information that would be helpful for you to have at this point, we are happy to answer questions. We have a lot of expertise here. I know that some of the current regulations can be very detailed and convoluted. We are happy to answer those types of questions.

**Commissioner d'Oronzo** – With some of these topics, there is a sense of what we are thinking in the particulars. For example, what sort of thought do we have about our floodplain issues? Where are we pointing to this? Do we still want stricter guidelines? Is the present guideline about the 1-foot rise anywhere in the city the appropriate one? How do we balance that for density? Have we started thinking and having those conversations? In my industry the way The National Flood Insurance Program is described is that it is bad. Does it make sense to self-insure for construction there? Can we meet and do better? By definition, the city is better funded than the National Flood Insurance Program. What are we thinking of how we are going to approach some of these? It seems that a lot of these things are dovetailing on infill lots. What is possible on stormwater control on a 6000-square-foot lot? Is there a next level of how we are going to integrate these things? What happens in what order? How do we start this analysis?

**Kristal Riddervold, Office of Sustainability** – All the things you just said are the same things that we have said out loud in staff meetings. On the grant-supported floodplain program management, our goal is to start with ‘the lay of the land, baseline assessment.’ What are we doing? What are we not doing? Where are there some gaps? What are some best practices in comparable communities? How is that relevant or not? We don’t know what we don’t know about whether we should change things, or we shouldn’t. That is the entry point of that project. What are the roles and responsibilities? Maybe we are saying we have a best of class program and maybe not. If we don’t, where are the gaps? What are some strategies to fill those? What are some policy options for the city to consider? Floodplains, as defined by the floodplain maps, are only one universe of flooding. There is also the opportunity to talk about floodplains and stormwater management. That is where a lot of the coordination on these different topics and lumping them together by some themes are going to be efficient, hopefully.

**Commissioner d'Oronzo** – It seemed that it might be a great benefit to grasp early on, what are the point and shoot solutions available? What can we go to City Council? These 3 things in order accomplish this. We know that we can do this. Are we looking for the fastest implementation?

**Ms. Riddervold** – I think we are still trying to tease apart the best opportunities. Are they programmatic or are they policy? We still have not finalized a scope of work. This conversation is helpful. I would offer an invite. If somebody says floodplains, what are the questions that come to mind? Now is the time to throw those in the hopper, not when we come with what we think we should do.

**Commissioner d'Oronzo** – With floodplains, it is 7 percent of the city's land. How much of it is otherwise developable and buildable? What do we have to do in terms of guarding the floodplain for what it is, what it is used for, and what utility we can get out of the dirt that is on it? If everything is density related, we might as well ask that question. Can we go our own way if we elect to opt out of the National Flood Insurance Program? There are methods of doing it. As far as I can tell, no locality has done it right. I view that as building houses on floodplains.

**Commissioner Solla-Yates** – I would love more information on stormwater. I would love a whole work session just on that topic. That would be spectacular.

With the items for number 2, capital spending. We can throw money at some of this. If there is high value and low money, let's throw the money. If you do or when you, please tell us.

With wildfire prevention, we have not had a bad wildfire so far. I would like that on the list. I expect the fire department would feel the same way.

There are several people who have worked on this that I would like to mention. Kay Slaughter wrote the critical slopes ordinance that we had. It was the first in the state. Everybody else copied it because it was way ahead of its time. I think that she had a nightmare scenario in mind that she was trying to prevent. I don't know what that was. That might be helpful to know. Karen Firehock was a former planning commissioner. She is now on the Albemarle County Planning Commission. She did a lot of work updating our Comprehensive Plan during her time. Diane Dale served on our steering committee for the Comprehensive Plan. She was frustrated that we did not get to it. We kept pushing it back. She has thought about this problem for years. The Nature Conservancy does this work every day and would be a good resource for us.

**Commissioner Stolzenberg** – One thing that I would like you to think about, as you approach many of the different objectives here, how to best utilize the public right-of-way. At this point, we have rigid standards for what goes into the right-of-way and limited use of it. I am looking at the open data portal, green infrastructure stormwater, and public infrastructure map. I think there is one bio-swale in the right-of-way that I can find. It is the one on 5<sup>th</sup> Street across from Tonsler Park. That one was built over 10 years ago but is not well maintained. I am not sure that there is a process to maintain it. I don't know if there was any effort to keep inundation tolerant plants in there. That would filter the water. When you have one swale, it is hard to have a process to do that. Ideally, we could have many swales. When we are talking about stormwater management, tree canopy, and our transportation plan & traffic calming, making smarter use of the right-of-way for a lot of this infrastructure is going to be important to doing it well. It is also difficult and will require thinking through what the standards should be, whether for public or private development of this infrastructure and when & how it can be accepted and maintained by the city. You see other cities that have done a good job of this.

Some of this has touched on climate change. Adopting to climate change is important here. My hope is that it will also be central to every piece of this as you think through it, and not just thinking about the specific costs and benefits of each individual program or requirement, but it fits into that larger whole, citywide, regionwide,

and globally. I appreciate that you put the regional context into your earlier presentation. It is critical. The hardest thing about this whole effort is going to be all about balancing it. You are going to get a lot of pressure from the public and even some appointed or elected officials. It is easy to focus on one thing and take one side. It is a spectrum. We need to be landing somewhere in the middle, somewhere that takes all those costs and benefits and trade-offs into account and lands somewhere that adequately addresses all of them. I do not envy you in trying to thread that needle. I hope you will keep sight of that. It is a tricky needle to thread. We must be balancing it in every part of this process.

**Commissioner d'Oronzo** – It came up on infill development. We must coordinate this infill development with the possibility of where we are using stormwater. How do we fund the offsite credits for some people? Maybe there is a way that the city can provide some assistance in upfronting some of that cost to be taken out on the sale on the back end. These smaller infills are smaller operations doing them. At the same time, we are looking at the development code. We are looking at the building code that we don't have any power over. For all those things to come together in a sensible way, we cannot be pinging people for stormwater fees. Threading that needle is going to be tricky. That is coming from every possible direction on that.

**Commissioner Yoder** – On question 1, one area that is closely related to many of these topics is resilience. I wonder if there would be a way to incorporate thinking about resilience in terms of our infrastructure, how it responds to different kinds of environmental disasters or effects of climate change. There is some interesting research on one of the predictive factors of making it through a natural disaster well is your community. We all know that the way our neighborhoods are built can impact how many friends you have that are neighbors. How many neighbors you know impacts how well you do in a disaster. Maybe there are things we can take back to the zoning code from a look at resilience. The main disaster that I think is power outages in the wintertime. What happens if power goes out? In my mind, I can walk to that store and get some groceries. Do people have access to things they need in certain situations? Is our zoning code making it harder for people to get things that they need in a disaster?

Environmental issues are not limited to borders. There are a lot of regional things at play. We live in a watershed with how many jurisdictions. I don't know. I would suggest that, as you are cataloging things, doing existing condition studies, if it is reasonable to take inventory on a regional level, I would encourage you to do it. For example, thinking about tree canopy issues, there is a balance between us wanting infill in the city and preserving our tree canopy. If infill development turns into green field development in the county, the tree canopy hit is much greater than if you must clear a site in the city. What does that look like? There is ground cover data. Does it come within the boundary of the city but comes in more of a grid? That is an idea looking at general trends with population growth and tree canopies. I want to echo Commissioner Stolzenberg's comment about the public right-of-way. Thinking about trees and the biofilic cities, where you put things matters. A backyard tree is good and benefits everyone. The sidewalk tree really benefits a lot of people who walk there. How do we get more things close to where people are and will benefit from those things?

**Commissioner d'Oronzo** – With regards to the resilience, the Planning District has done some work on that recently on the regional level. One of the more interesting things about that is the perception of leadership on how resilient they are or aren't. Sometimes when you look at that and you look at the dispassionate responses, are you kidding? Some of it is self-diluting in some respects. I can dig up what their work has last year for the most part. Apparently, we use the word 'resilience' a lot in the commission packets. That is worth chasing. I agree with how this plays into the resilience piece.

**Commissioner Roettger** – It is all great. With the Tree Commission, I like seeing all that. We have been talking a lot about that. When you get to the community engagement part, I like the word 'resilience,' even though it is overused. It could be human, systems. With talking to people and thinking about money, priorities, and neighborhoods, I looked at the 81 pages. I wonder if there is a way to make some graphics that group these

things. There are maybe scales to each of them like block scale or street scale versus regional scale in some way where people are not overwhelmed. This works well with everyone in here. If it goes out to neighborhood associations or people that have not thought through how these things intersect. There could be something to make it digestible like a page of all the things that we are thinking about at these different scales. That was what I was getting out of it. It is wonderful. If housing is an issue, what are the biggest hurdles? Some of the things are important but maybe on a longer track in the way you will prioritize all this. I am thinking of the community engagement part.

**Chairman Schwarz** – I want to echo the efficiency of the right-of-way and revisiting our Standards & Design Manual as necessary. Are we working with the Fire Department in thinking specifically about trees? I am sure it probably comes into play with other components of this. Even our best plans can be wrecked by fire regulations are out of our control and making sure that they are a partner in all of this. Are we looking at redefining what a steep slope is? I know there was talk about manmade versus natural. Is the 200 feet from a waterway the right number?

There was an introduction of the different staff who attended the work session. The following city staff attended the work session and provided input on their role with the environmental regulations and the policy review project, the purpose of this work session:

- Dannan O'Connell, City Planner
- Don Shrager, Stormwater Utility Administrator
- Jason McIlwee, Deputy Director of Utilities
- Matt Alfele, Development Planning Manager
- Ose Akinlotan, Long Range Planning Manager
- Kristel Riddervold, Office of Sustainability Director
- Steven Gaines, Urban Forester
- Brennen Duncan, City Engineer

**Commissioner Stolzenberg** – I wonder how we could structure incentives around credits or onsite treatment and whether we can give zoning bonuses for doing onsite treatment, whether there is any way to incentivize upstream credits versus downstream credits. You do sometimes see them getting it from Ivy Creek. It would feed into the Rivanna River. It does help with our local water quality. I don't know if there is a good lever to pull to help with that.

With the utilities capacity and a capacity study, it would be helpful to everyone, to the city, to developers, and to the public, for the results of that to be made public, to know where there is maybe spare capacity. We could potentially tailor regulations to be looser when we have places where we have a lot of excess capacity and tighter in places where we are running out of capacity and to focus infrastructure upgrades on places where we need it most. I would love to see that made public. I would like to see the locations of underground utilities. I know there is a map, and people can request snippets of the map. We don't post it publicly.

When we talk about trees in the right-of-way, the thing that we hear all the time is that 'we cannot do that because there are underground utilities there.' I have seen a couple of these snippet maps. There are some corners where you could do a bump-out with a tree. The utilities are clustered to the other side of the street. It would be great to try to identify potential locations for trees, for deep paving, and for bioswales across the city more systematically. The only way I think you could do that would be with the map. Maybe we do that internally within the city, so you don't have to give it to the public.

On the groups of phasing, it seems to me that stream buffers and critical slopes are in separate phases. They feel like one thing. They are all about protecting the waterways. The critical slopes are defined as being near the waterways. Critical slopes were before we had the state stormwater standards. That was how we prevented erosion into our waterways, made sure slopes were stabilized. Every time we have a hearing where we have this discretionary review of critical slopes, we say, 'what would be some good conditions to apply?' Mr. Duncan says that we must make them do all these things for stormwater management by state regulations. Our goal in 2023 was to maybe try to differentiate places where we don't want to be ever developed, such as stream buffers. With slopes, we need to be careful about development and apply appropriate oversight and erosion sediment control to make sure that it is done right. Originally, we needed a discretionary review because that was the only way to impose those conditions. I think the plan back in 2023 was looking at seeing what is obsolete from having the state terminal requirements in place and what needs to be done today. I thought that we would be moving towards stream buffers and away from critical slopes rather than tweaking critical slopes at the margin.

**Commissioner Joy** – Both of these are about public outreach. I was thinking as you begin to draft how to engage the public, one area that could be an exciting opportunity is to engage with some of the city schools and some of our youngest residents in the city. I feel that you will have an excited audience there around these topics. You could help cultivate the ground up the support for these environmental issues. You will have a lot of fans within the schools. That would also be an interesting way to pressure parents.

On the topic of public appearances, I had the same issue when we were looking at the zoning and the phasing. I understand that resources are finite. We must prioritize them. I feel that the graphics that we present are loaded. I would suggest that instead of stacking it and saying that this was based on input from the staff, you may have people who feel strongly certain communities think critical slopes are critical. There are developments that are about to happen. The whole challenge that we have is around energy and that we need to decarbonize quickly. Having good infrastructure is critical because we don't have to worry about stormwater if we are not making as much carbon. If there is a way to shift to a prioritization matrix or something that they are all equally important. Some have more risk and some have more complexity. They are presented in a way that we are trying to prioritize the ones with the highest risk and maybe the lowest complexity. Shift it away from these that were subjectively ranked depending on who is looking at them. I wonder if there is a way optically to adjust the graphic when it goes public.

**Commissioner Solla-Yates** – At issue, this relates to Commissioner Joy's point. What might be helpful to understand is feasibility. There are some areas that we are not going to see infill development. We might see some in 2 years. Prioritizing those more feasible locations for review will be helpful and may get at the neighborhood and specific concerns. We are putting substantial public resources and services in high land cost. Maybe we want some revenue and some housing back. There are areas where we do want development.

**Commissioner Stolzenberg** – With all these other studies in play, we probably want to be making decisions based on the best possible data. That might mean having to wait for the study to be complete before we make decisions based on it. I think back to the 2022 canopy study. I have done some research into the data underneath that. I was trying to understand the root of the 5 percent of the city's land area in canopy loss the study was claiming. Comparing the aggregate acreage of that versus the aggregate acreage of development or invasive species clearing, I could not get it. I have concluded that it is methodologically flawed. I know we are doing a new study with a different vendor that is hopefully close to completion and will hopefully be a lot better. I don't know what the timing is on when we should expect results of that. It seems like something that would be good to have before start to dig into some of the tree stuff. You can do other parts of the tree stuff without thinking of that broader picture. Do we have a timeline on that?

**Mr. Gaines** – Things were significantly delayed with the grant. That is now just getting back on track. We will start making more headway quickly at this point. The reports that we were trying to generate have been

generated. There is probably going to be significant surveying to see public opinion about what is important and then recompiling some of the information.

**Ms. Riddervold** – There might have been some differences between the methodology in the different canopy assessment years. One of the things we tasked the consultant with was to do an ‘apples-to-apples.’ Weed intervention might have been part of one of the data sets. It does not mean that we are trending upward. It may not be as precipitous as that last snapshot was telling us.

**Commissioner Roettger** – I don’t know if it would be worth doing outreach to small builders. Maybe it is being able to walk in during advertised office hours. There might be an opportunity in advocating for single lots that want to double or triple. I am thinking about being more encouraging working with whoever might be interested.

**Commissioner Stolzenberg** – Beyond the high-level phasing of all the major different pieces, the more we can find easy wins and implement them immediately rather than preparing a package, the better. I was looking back at that work session where we reviewed the Development Review Manual. We had that discussion about when stormwater management requirements apply and trying to figure out when they apply. The manual originally set the line between minor and major at 6 units. We rolled it back to two based on the idea that stormwater management requirements would trigger for 3 units. It sounds like that is not the case. Bumping up the unit count but also putting in a 6000-square-foot threshold will allow some of those smaller developments to get through without a major development plan. Some of the minor development plans will still be detailed.

**Ms. Kanellopoulos** – It has been helpful feedback. How would you like to be kept updated? Thinking about previous work sessions you have had technical topics, what has worked well that we can keep in mind from a timing or format standpoint and how we share information? Is it helpful to show up with a longer presentation that goes into these topics? Is it better to have plenty of time for discussion?

**Commissioner Mitchell** – Detailed documentation taking us through what drove you to the conclusions you got to would be helpful with a short presentation. We can speak to that.

**Commissioner Stolzenberg** – Make commissioners do the reading. I appreciate what you did with this one. I did not realize that was what was happening. I was not sure if we were going to go back in the presentation. Having those discussion topic slides like that is helpful for prompting things. For a complicated topic, having a few points during the presentation where we stop and chat. The tricky part is that we are going to go off topic at the first one. Don’t let us do that. Have a general time at the end so that everyone can get their general comments out.

**Mr. Schrager** – With capacity studies, we are looking at those across all utilities right now. That will inform our standards update. We are looking at that as we go through this zoning process and what changes we need to make across all our utilities to allow for this increased zoning. We must finish these capacity studies first. With the maps, I will visit that. I am not going to make any promises. With drought management, we do have a drought management plan with the Rivanna that we have worked on. It was just submitted to the DEQ in 2025. It is up to date. We must do that every 10 years as part of our permits. If we need to put any of that into this document, we can work with Tori on what we need to do and what you would like to see there.

**Commissioner Stolzenberg** – With hydrant location and fire flow test results, I know they must do them every year. I know it is easy to ask for it. For these small projects, it would be best having that in advance.

**Mr. Schrager** – The hard part about that is we do not do fire flow tests every year on every hydrant. We do inspections. That is different than an actual flow test for fire capacity. That is the reason that we do have that

request come in. We may not even have that flow information for the specific hydrant they are looking for. If we have data that is within the past year, we sent that back to them as long as is within the last year. The fire marshal can accept it. If we need to do a test, we must schedule that. We are happy to speed that process along as fast as possible.

**Commissioner Stolzenberg** – Even just having outdated tests available will help people make decisions quickly and less manual intervention from you guys.

**Mr. Duncan** – I have one final comment about stormwater facilities in the right-of-way. That has been a citywide policy for as long as I have been here. We do not want private facilities in our public right-of-way that the city must maintain. We don't have the staff, resources, and expertise. Most of our Parks & Recreation staff are doing the roadside mowing. We don't want them inadvertently mowing down something that is supposed to be planted over a specific species. That is the main reason for that. We have done some city projects where we have done some kind. We have recently reverted to going the route of buying credits. We don't have the space to do it. It is a lot of money to buy eminent domain on somebody's property to put a stormwater facility on that rather than just buying the credits. It is something that I am willing to look at. That is a thread that if you pull on, there is a lot more behind it as far as how much staff would need to do to facilitate allowing that in the right-of-way.

### **Adjournment**

The work session was adjourned at 6:20 PM.

### **Public Comments**

There were no public comments submitted during this work session.

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**PLANNING COMMISSION PUBLIC HEARING**  
**REQUEST FOR A ZONING TEXT AMENDMENTS**

**APPLICATION NUMBER: PL-25-0172: A Comprehensive list of Tier 1 and Tier 2 Amendments**

**DATE OF HEARING: January 13, 2026**

**Project Planner:** Matthew Alfele, AICP, Development Planning Manager

**Date of Staff Report:** December 16, 2025

**Applicable City Code Provisions:** Chapter 34 – Article 5, Division 5.2.5 and Articles 2, 3, 4, 5, 6, and 7.

**Summary**

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 amendments have been categorized into three tiers:

- Staff is proposing sixty-three (63) Tier 1 (Attachment A) amendments: The following Tier 1 Development Code Amendments are categorized into three distinct subcategories.
  - The first subcategory addresses Scrivener errors, which are minor typographical or clerical mistakes.
  - The second subcategory includes changes necessitated by recent state legislation, specifically under HB2660 and SB974. HB2660: Shortens the timeframes for various local government approvals of subdivision plats and site plans. Additionally, the bill calls on the Virginia Code Commission to convene a work group consisting of various stakeholders to review existing provisions related to the submission, review, and approval of subdivision plats and site plans. The work group shall develop recommendations to (i) organize procedural steps in a clear, logical, and sequential order to enhance ease of reference; (ii) clarify the processes, requirements, and timelines applicable to each type of plat or plan; (iii) standardize terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and (iv) identify and eliminate redundant or

- duplicative provisions to streamline the Code and improve its usability and shall submit a report to the General Assembly by November 1, 2025.
- SB974: Removes planning commission and governing body approval authority for the administrative review process for plats and plans and assigns such authority solely to a designated agent, defined in the bill. However, the bill provides that the local planning commission may serve as the designated agent of any locality with a population of 5,000 or less. The bill also expedites the review process by shortening the timeframe for forwarding plats and plans to state agencies for review.
  - The final subcategory comprises minor amendments aimed at clarifying or providing missing information that required minimal feedback from Planning Commission. Each amendment includes a reference to the Working Document designation, the Development Code Section, page number, the current existing text, track changes to the text staff is suggesting, and finally a clean version of the proposed amendment.
- Staff is proposing twenty-three (23) Tier 2 amendments (Attachment B): These amendments include modifications/updates, additions, or removals that address oversights or clarify existing provisions and were presented to Planning Commission at the November 12, 2025, Work Session. As with Tier 1, each amendment includes a reference to the Working Document designation, the Development Code Section, page number, the current existing text, track changes to the text staff is suggesting, and finally a clean version of the proposed amendment. In addition, each Tier 2 code amendment include a detailed analysis explaining staff's position and reason for the change.
- Tier 3: Policy changes or confirmations that require in-depth analysis and a comprehensive community engagement strategy. This Tier is not part of the proposed amendments staff is presenting, but the issues expressed in this tier, along with additional background information can be found in the attached (Attachment C) Working Document.

#### **Standard of Review**

The role of the Planning Commission is to make an advisory recommendation to the City Council, as to whether or not Council should approve a proposed zoning text amendment based on the factors listed in the Charlottesville Development Code - Article 5, Division 5.2.5.D

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.

**5.2.5.D.1 Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan.**

*Below are specific areas of the Comprehensive Plan for which the request is in compliance:*

**a. Land Use, Urban Form, and Historic & Cultural Preservation**

**Goal 1: Zoning Ordinance**

*With the community, create a new zoning ordinance to reinforce and implement the vision for Charlottesville's future as articulated in the Comprehensive Plan, Affordable Housing Plan, Small Area Plans, Vision Plans, and the Standards and Design Manual.*

**b. Housing**

**Goal 2: Diverse Housing Throughout the City**

*Support a wide range of rental and homeownership housing choices that are integrated and balanced across the City, and that meet multiple City goals including community sustainability, walkability, bikeability, ADA accessibility, public transit use, increased support for families with children and low-income households, access to food, access to local jobs, thriving local businesses, and decreased vehicle use.*

**c. Transportation**

**Goal 2: Coordination with Land Use & Community Design**

*Improve quality of life and promote active living by reducing automobile use and congestion and supporting multimodal options for safe and convenient travel in conjunction with implementation of the Future Land Use Vision.*

**d. Environment, Climate, and Food Equity**

**Goal 6: Tree Canopy**

*Contribute to the creation, protection, and expansion of robust urban forests.*

**e. Community Engagement & Collaboration**

**Goal 3: Transparent Procedures**

*Establish and maintain transparent planning processes.*

**5.2.5.D.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.**

These amendments are intended to be part of an annual process and should be regarded as routine maintenance of the code. This approach ensures that the code remains up-to-date and continues to serve the public necessity, convenience, general welfare, and good zoning practice.

**5.2.5.D.3: Whether there is a need and justification for the change.**

The proposed amendment addresses current gaps and inconsistencies within the code, ensuring it remains relevant and effective. This change will enhance the overall functionality and applicability of the code, aligning it with the evolving needs of the community.

**5.2.5.D.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**  
This zoning text amendment does not include a change in the zoning district classification of any particular property.

**5.2.5.D.5: Such other considerations as permitted by law.**

No additional areas have been identified at this time.

**Public Comment**

Planning Commission held Work Sessions on the proposed Development Code Amendments on May 27, 2025, October 14, 2025, and November 12, 2025. Comments from these meetings can be found in the Working Document (Attachment C). In addition, staff has received comments from the community regarding the Development Code and amendments needed. These comments can also be found within the Working Document.

During the Planning Commission's November 12, 2025, Work Session, commissioners discussed various amendments and provided suggestions to staff. Below are some key points and how they have been addressed:

- **A.70 (now B.42) - Existing Structure Date** The Planning Commission was concerned that a fixed date might exclude new units from qualifying for the existing structure bonus. Staff's proposed amendment aims to preserve and rehabilitate existing housing stock, aligning with the affordable housing goals of the Comprehensive Plan and Charlottesville Affordable Housing Plan. The current proposal uses the code adoption date (December

18, 2023) as the cutoff. A rolling allowance could undermine preservation efforts and allow developers to exploit loopholes. Clear guidelines are needed to prevent new homes from immediately qualifying for the bonus.

- **B.1 - Side Setbacks and Attached Dwelling Units** The Planning Commission expressed concern that developers might only build one side of attached units. Staff reworked the amendment to add minimum side lot line setbacks for attached structures in R- and RN-districts, allowing for attached residential construction while preserving existing setback requirements for other developments. Staff also added language to better define that side lot line attached setbacks are only permitted with in a common project.
- **B.28 - Fences and Walls** The Planning Commission had concerns about changing the definition of a fence and allowing 6-foot fences. Staff revised the amendment to provide exceptions for small non-privacy fences, maintaining established standards while introducing flexibility. Guardrails required by building codes or state regulations are exempted, ensuring safety and compliance while reducing regulatory burdens.

### **Staff Recommendations**

Staff recommends that the zoning text amendments be recommended for approval by the Planning Commission to City Council as written to amend and clarify the City of Charlottesville Development Code.

### **Suggested Motion**

1. Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice. I move to recommend approval of the batch of zoning text amendments as proposed by staff within this report:

**OR,**

2. Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice. I move to recommend approval of the batch of zoning text amendments as with the following modifications:
  - a. ...
  - b. ...
  - c. ...

**OR,**

3. I move to recommend denial of this batch of zoning text amendments on the basis that the proposal would not service the interests of the general public and good zoning practice.

### **Attachments**

- A. Tier 1 Amendments
- B. Tier 2 Amendments
- C. Working Document

## Tier 1 Amendments

The following Tier 1 Development Code Amendments are categorized into three distinct subcategories. The first subcategory addresses Scrivener errors, which are minor typographical or clerical mistakes. The second subcategory includes changes necessitated by recent state legislation, specifically under HB2660 and SB974. The final subcategory comprises minor amendments aimed at clarifying or providing missing information. Each amendment includes a reference to the Working Document designation, the Development Code Section, page number, the current existing text, track changes to the text staff is suggesting, and finally a clean version of the proposed amendment.

## Scrivener Errors

### Working Document A.1

**Code Section:** 34-4.3.2.B.1.a

**Page Number:** 4-10

**Old Text:**

...Administrator may allow once side of a block...

**"Track Changes"**

**Version:** ...Administrator may allow ~~once~~ one side of a block...

**Clean Version:**

...Administrator may allow one side of a block...

### Working Document A.2

**Code Section:** 34-6.7.3.D.1.a.iii

**Page Number:** 6-15

**Old Text:**

See 5.2.7 Major Historic Review and 5.2.7 Major Historic Review.

**"Track Changes" Version:**

See 5.2.7 ~~Major~~5.2.6. Minor Historic Review and 5.2.7 Major Historic Review.

**Clean Version:**

See 5.2.6 Minor Historic Review and 5.2.7 Major Historic Review.

### Working Document A.18

**Code Section:** 34-2.10.2.B.2.b

**Page Number:** 2-104

**Old Text:**

...regardless of the width of the lot, provided, that all other requirements...

**"Track Changes" Version:**

...regardless of the width of the lot, provided, ~~that~~ all other requirements...

**Clean Version:**

...regardless of the width of the lot, provided that all other requirements...

**Working Document A.48**

**Code Section: 34-5.2.15.C.1.c**

**Page Number: 5-55**

**Old Text:**

When the property is within an ADC district, HC district, or an IPP, the Administrator will refer the application to the BAR for review as to whether the proposed exception will have an adverse impact on the district, and for recommendation reasonable conditions which, if imposed, would mitigate any such impacts. The BAR must submit a written report of its findings in support of its recommendation to City Council.

**"Track Changes" Version:**

When the property is within an ADC district, HC district, or an IPP, the Administrator will refer the application to the BAR for review as to whether the proposed exception will have an adverse impact on the district, and for recommendation ~~as the to as to the~~ reasonable conditions which, if imposed, would mitigate any such impacts. The BAR must submit a written report of its findings in support of its recommendation to City Council.

**Clean Version:**

When the property is within an ADC district, HC district, or an IPP, the Administrator will refer the application to the BAR for review as to whether the proposed exception will have an adverse impact on the district, and for recommendation as to the reasonable conditions which, if imposed, would mitigate any such impacts. The BAR must submit a written report of its findings in support of its recommendation to City Council.

**Working Document A.49**

**Code Section: 34-5.2.16.C.1**

**Page Number: 5-57**

**Old Text:**

Administrative Review

The Administrator will review the application for a Critical Slopes Special Exception and will provide a staff report and recommendation to Planning Commission in advance of the public. Prior to the preparation of the staff report, City staff may make recommendations to the Administrator to include in the staff report.

**"Track Changes" Version:**

Administrative Review

The Administrator will review the application for a Critical Slopes Special Exception and will provide a staff report and recommendation to Planning Commission in advance of the public ~~hearing meeting~~. Prior to the preparation of the staff report, City staff may make recommendations to the Administrator to include in the staff report.

**Clean Version:**

Administrative Review

The Administrator will review the application for a Critical Slopes Special Exception and will provide a staff report and recommendation to Planning Commission in advance of the public

meeting. Prior to the preparation of the staff report, City staff may make recommendations to the Administrator to include in the staff report.

**Working Document A.50**

**Code Section: 34-5.1.3.B.1**

**Page Number: 5-5**

**Old Text:**

**1. Review Authority**

The Planning Commission is responsible for review and recommendation regarding:

- a. Comprehensive Plan adoption and amendments;
- b. Text amendments to this Development Code;
- c. Map amendments to the official zoning map (rezoning);
- d. Special Use Permits; and
- e. Critical Slopes Special Exceptions.

**"Track Changes" Version:**

**1. Review Authority**

The Planning Commission is responsible for review and recommendation regarding:

- a. Comprehensive Plan adoption and amendments;
- b. Text amendments to this Development Code;
- c. Map amendments to the official zoning map (rezoning);
- d. Special Use Permits;
- e. Special Exception Permits;** and
- f. Critical Slopes Special Exceptions.

**Clean Version:**

**1. Review Authority**

The Planning Commission is responsible for review and recommendation regarding:

- a. Comprehensive Plan adoption and amendments;
- b. Text amendments to this Development Code;
- c. Map amendments to the official zoning map (rezoning);
- d. Special Use Permits;
- e. Special Exception Permits; and
- f. Critical Slopes Special Exceptions.

**Working Document A.52**

**Code Section: 34-5.3.3.B**

**Page Number: 5-62**

**Old Text:**

**Expansions**

Expansions of a nonconforming structure must meet the requirements of this Development Code with the following exceptions:

- a. If the nonconforming structure does meet build-to width requirements of the zoning district, the expansion must meet the requirements of this Section.

- b. In a Residential (R-) District, a nonconforming structure that encroaches into the setback may be expanded as long as the expansion will not result in an increase in the encroachment

**"Track Changes" Version:**

**Expansions-Additions**

**Expansions of Additions to** a nonconforming structure must meet the requirements of this Development Code with the following exceptions:

- a. If the nonconforming structure does meet build-to width requirements of the zoning district, the **expansion addition** must meet the requirements of this Section.
- b. In a Residential (R-) District, a nonconforming structure that encroaches into the setback may be expanded as long as the **expansion addition** will not result in an increase in the encroachment

**Clean Version:**

**Additions**

Additions to a nonconforming structure must meet the requirements of this Development Code with the following exceptions:

- a. If the nonconforming structure does meet build-to width requirements of the zoning district, the addition must meet the requirements of this Section.
- b. In a Residential (R-) District, a nonconforming structure that encroaches into the setback may be expanded as long as the addition will not result in an increase in the encroachment

**Working Document A.53**

**Code Section: 34-5.3.3.B.2**

**Page Number: 5-63**

**Old Text:**

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.

**"Track Changes" Version:**

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.

**Clean Version:**

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.

**Working Document A.54**

**Code Section: 34-5.2.8.A**

**Page Number: 5-34**

**Old Text:**

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:

**"Track Changes" Version:**

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:

**Clean Version:**

A Corridor Review for a Certificate of Appropriateness is required for the following project activities on any property located in the Entrance Corridor District:

**Working Document A.55**

**Code Section: 34-5.2.9.D.1.a.iii**

**Page Number: 5-38**

**Old Text:**

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 *Minor Historic Review* and 5.2.7. *Major Historic Review*.

**"Track Changes" Version:**

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

**Clean Version:**

When the property is within an ADC District, Entrance Corridor, HC District, or an Individually Protected Property, a Certificate of Appropriateness may also be required. See 5.2.6. *Minor Historic Review* and 5.2.7. *Major Historic Review*.

**Working Document A.72**

**Code Section: 34-4.7.1.A.1**

**Page Number: 4-48**

**Old Text:**

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

**"Track Changes" Version:**

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

**Clean Version:**

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

**Working Document A.73**

**Code Section: 34-2.10.1.B.1.e**

**Page Number: 2-95**

**Old Text:**

For lots that abut multiple streets, the Administrator will determine primary streets using the following criteria listed from most important to less important:

- (i) The street or streets with the highest classification according to the Street Typology Map;
- (ii) The established orientation of the block;
- (iii) The street abutting the longest face of the block; and
- (iii) The street parallel to an alley within the block.

**"Track Changes" Version:**

For lots that abut multiple streets, the Administrator will determine primary streets using the following criteria listed from most important to less important:

- (i) The street or streets with the highest classification according to the Street Typology Map;
- (ii) The established orientation of the block;
- (iii) The street abutting the longest face of the block; and
- (iv) **(iii)** The street parallel to an alley within the block.

**Clean Version:**

For lots that abut multiple streets, the Administrator will determine primary streets using the following criteria listed from most important to less important:

- (i) The street or streets with the highest classification according to the Street Typology Map;
- (ii) The established orientation of the block;
- (iii) The street abutting the longest face of the block; and
- (iv) The street parallel to an alley within the block.

**State Required Changes per HB2660 and SB974**

**HB2660:** Shortens the timeframes for various local government approvals of subdivision plats and site plans. Additionally, the bill calls on the Virginia Code Commission to convene a work group consisting of various stakeholders to review existing provisions related to the submission, review, and approval of subdivision plats and site plans. The work group shall develop recommendations to (i) organize

procedural steps in a clear, logical, and sequential order to enhance ease of reference; (ii) clarify the processes, requirements, and timelines applicable to each type of plat or plan; (iii) standardize terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and (iv) identify and eliminate redundant or duplicative provisions to streamline the Code and improve its usability and shall submit a report to the General Assembly by November 1, 2025.

**SB974:** Removes planning commission and governing body approval authority for the administrative review process for plats and plans and assigns such authority solely to a designated agent, defined in the bill. However, the bill provides that the local planning commission may serve as the designated agent of any locality with a population of 5,000 or less. The bill also expedites the review process by shortening the timeframe for forwarding plats and plans to state agencies for review.

**Working Document A.57**

**Code Section: 34-5.1.1**

**Page Number: 5-3**

**Old Text:**

Summary of Review Authority Table giving Planning Commission Review and Appeal (A) Authority over Development Review.

**"Track Changes" Version: NA**

**Clean Version:**

Remove Planning Commission as the Appeal (A) Authority over Development Review.

**Working Document A.58**

**Code Section: 34-5.1.3.B.2**

**Page Number: 5-6**

**Old Text:**

Authority

2. Approval Authority

The Planning Commission is responsible for final action regarding:

a. Review of Public Facilities;

b. Preliminary Plats; and

c. Appeals regarding Development Review, Subdivision Review, and Certificates of Appropriateness subject to Corridor Review.

**"Track Changes" Version:**

Authority

2. Approval Authority

The Planning Commission is responsible for final action regarding:

a. Review of Public Facilities;

b. ~~Preliminary Plats~~; and

c. Appeals regarding ~~Development Review, Subdivision Review, and~~ Certificates of Appropriateness subject to Corridor Review.

**Clean Version:**

Authority

2. Approval Authority

The Planning Commission is responsible for final action regarding:

- a. Review of Public Facilities; and
- c. Appeals regarding Certificates of Appropriateness subject to Corridor Review.

**Working Document A.63**

**Code Section: 34-6.7.3.D.1.a**

**Page Number: 6-15**

**Old Text:**

Once the Subdivision Administrator determines the application is complete, the Subdivision 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.

**"Track Changes" Version:**

Once the Subdivision Administrator determines the application is complete, the Subdivision 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.

**Clean Version:**

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

**Working Document A.64**

**Code Section: 34-6.7.3.D.1.b**

**Page Number: 6-15**

**Old Text:**

**Section b Planning Commission Decision**

**"Track Changes" Version: NA**

**Clean Version:**

Section removed.

**Working Document A.65**

**Code Section: 34-6.7.3.D.2.a**

**Page Number: 6-16**

**Old Text:**

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

**"Track Changes" Version:**

The applicant may appeal a decision of denial, or failure of the Subdivision Administrator ~~or~~ Planning Commission to approve or deny the application, to the Circuit Court in accordance

with the *Code of Virginia* § 15.2-2259.

**Clean Version:**

The applicant may appeal a decision of denial, or failure of the Subdivision Administrator to approve or deny the application, to the Circuit Court in accordance with the *Code of Virginia* § 15.2-2259.

**Working Document A.66**

**Code Section: 34-6.7.4.A**

**Page Number: 6-19**

**Old Text:**

Whenever this Article contains provisions for variation or exception to a requirement, the Subdivision Administrator or Planning Commission in considering a request for a variation or exception, will consider whether, because of unusual size, topography, shape of the property, location of the property or other unusual conditions (excluding the proprietary interests of the subdivider) the requirement that is proposed to be varied or excepted would result in substantial injustice or hardship and would not forward the purposes of this chapter or serve the public interest.

**"Track Changes" Version:**

Whenever this Article contains provisions for variation or exception to a requirement, the Subdivision Administrator ~~or Planning Commission~~ in considering a request for a variation or exception, will consider whether, because of unusual size, topography, shape of the property, location of the property or other unusual conditions (excluding the proprietary interests of the subdivider) the requirement that is proposed to be varied or excepted would result in substantial injustice or hardship and would not forward the purposes of this chapter or serve the public interest.

**Clean Version:**

Whenever this Article contains provisions for variation or exception to a requirement, the Subdivision Administrator in considering a request for a variation or exception, will consider whether, because of unusual size, topography, shape of the property, location of the property or other unusual conditions (excluding the proprietary interests of the subdivider) the requirement that is proposed to be varied or excepted would result in substantial injustice or hardship and would not forward the purposes of this chapter or serve the public interest.

**Working Document A.67**

**Code Section: 34-6.7.4.A.4**

**Page Number: 6-19**

**Old Text:**

A subdivider may appeal the Subdivision Administrator's decision to deny a variation or exception request to the Planning Commission. In reviewing the request, the Planning Commission may approve or disapprove the request based on the applicable findings set forth in this Section.

**"Track Changes" Version:**

A subdivider may appeal the Subdivision Administrator's decision to deny a variation or exception request to the ~~Planning Commission~~ **Circuit Court in accordance with the Code of Virginia § 15.2-2259**. In reviewing the request, the ~~Planning Commission~~ **Circuit Court** may approve or disapprove the request based on the applicable findings set forth in this Section.

**Clean Version:**

A subdivider may appeal the Subdivision Administrator's decision to deny a variation or exception request to the Circuit Court in accordance with the Code of Virginia § 15.2-2259. In reviewing the request, the Circuit Court may approve or disapprove the request based on the applicable findings set forth in this Section.

**Working Document A.69**

**Code Section: 34-5.2.1.C.4.a**

**Page Number: 5-12**

**Old Text:**

All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has 10 days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision.

**"Track Changes" Version:**

All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has ~~10~~ **5** days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision.

**Clean Version:**

All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has 5 days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision.

**Minor amendments aimed at clarifying or providing missing information**

**Working Document A.3**

**Code Section: 34-4.7.1.B.1**

**Page Number: 4-48**

**Old Text:**

The Applicability table is missing the RN-A district.

**"Track Changes"**

Version: **NA**

**Clean Version:**

Add RN-A to the District of Lot Column after R-A and to the Abutting District Row after R-A.

**Working Document A.4**

**Code Section: 34-2.3.2.B.1**

**Page Number: 2-19**

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

Bonus: Affordable Dwelling Unit

**Working Document A.5**

**Code Section: 34-2.3.3.B.1**

**Page Number: 2-21**

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

Bonus: Affordable Dwelling Unit

**Working Document A.6**

**Code Section: 34-2.4.2.B.1**

**Page Number: 2-25**

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.7**

**Code Section: 34-2.4.3.B.1**

**Page Number: 2-27**

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.8**

**Code Section: 34-2.4.4.B.1**

**Page Number:** 2-29

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.9**

**Code Section: 34-2.5.2.B.1**

**Page Number:** 2-33

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.10**

**Code Section: 34-2.5.3.B.1**

**Page Number:** 2-35

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.11**

**Code Section: 34-2.5.4.B.1**

**Page Number:** 2-37

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.12**

**Code Section: 34-2.5.5.B.1**

**Page Number:** 2-39

**Old Text:** With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.13**

**Code Section: 34-2.5.6.B.1**

**Page Number: 2-41**

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.14**

**Code Section: 34-2.6.2.B.1**

**Page Number: 2-45**

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.15**

**Code Section: 34-2.6.3.B.1**

**Page Number: 2-47**

**Old Text:**

With bonus

**"Track Changes" Version:**

With-~~bonus~~ Affordable Dwelling Unit Bonus

**Clean Version:**

With Affordable Dwelling Unit Bonus

**Working Document A.16**

**Code Section: 34-2.5.6.A.6.**

**Page Number: 2-40**

**Old Text:**

Type X

**"Track Changes" Version:**

Type ~~X~~ B, D

**Clean Version:**

Type B, D

**Working Document A.19**

**Code Section: 34-3.4.4.A**

**Page Number: 3-32**

**Old Text:**

In a RX- District, commercial uses must not exceed 25% of the floor area on a lot.

**"Track Changes"**

Version: This information needs to be within the RX- district pages in Division 2.

**Clean Version:**

2.3.2.B.7 Commercial Uses Section 3.4.4.A: (First Column) Commercial Uses per floor area per lot (Second Column) max 25%

2.3.3.B.7 Commercial Uses Section 3.4.4.A: (First Column) Commercial Uses per floor area per lot (Second Column) max 25%

**Working Document A.20**

**Code Section: 34-4.2.1.B.1**

**Page Number: 4-5**

**Old Text:**

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.

**"Track Changes" Version:**

The existing structure bonus applies to any project within Residential A (R-A), **Residential Core**

**Neighborhood A (RN-A)**, Residential B (R-B), or **Residential C (R-C)** 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.

**Clean Version:**

The existing structure bonus applies to any project within Residential A (R-A), Residential B (R-B), Residential C (R-C), or Residential Core Neighborhood A (RN-A) 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.

**Working Document A.21**

**Code Section: 34-4.5.1.B.1.**

**Page Number: 4-22**

**Old Text:**

The Applicability table is Missing RN-A

**"Track Changes" Version:**

**NA**

**Clean Version:**



**Working Document A.25**

**Code Section: 34-3.4.2.B**

**Page Number: 3-20**

**Old Text:**

Residential treatment facilities for sex offender treatment services are not allowed in Residential (R-) and Residential Mixed Use (RX-) districts.

**"Track Changes" Version:**

Residential treatment facilities for sex offender treatment services are not allowed in Residential (R-), **Residential Core Neighborhood (RN-)**, and Residential Mixed Use (RX-) districts.

**Clean Version:**

Residential treatment facilities for sex offender treatment services are not allowed in Residential (R-), Residential Core Neighborhood (RN-), and Residential Mixed Use (RX-) districts.

**Working Document A.26**

**Code Section: 34-3.4.4.B.1**

**Page Number: 3-32**

**Old Text:**

When abutting a common lot line of any R- or RX- District, a Low Impact Transition Screen is required.

**"Track Changes" Version:**

When abutting a common lot line of any R-, **RN-**, or RX- District, a Low Impact Transition Screen is required.

**Clean Version:**

When abutting a common lot line of any R-, RN-, or RX- District, a Low Impact Transition Screen is required.

**Working Document A.27**

**Code Section: 34-3.4.5.A.1.a**

**Page Number: 3-32**

**Old Text:**

When abutting a common lot line or across an alley of a R- or RX- District, a Transition Type E is required.

**"Track Changes" Version:**

When abutting a common lot line or across an alley of a R-, **RN-**, or RX- District, a Transition Type E is required.

**Clean Version:**

When abutting a common lot line or across an alley of a R-, RN-, or RX- District, a Transition Type E is required.

**Working Document A.28**

**Code Section: 34-3.4.5.A.3.c**

**Page Number: 3-33**

**Old Text:**

When abutting a common lot line or across an alley of a R-or RX- District, a Transition Type E is required.

**"Track Changes" Version:**

When abutting a common lot line or across an alley of a R-, RN-, or RX- District, a Transition Type E is required.

**Clean Version:**

When abutting a common lot line or across an alley of a R-, RN-, or RX- District, a Transition Type E is required.

**Working Document A.29**

**Code Section: 34-3.4.5.A.4.a**

**Page Number: 3-33**

**Old Text:**

When abutting a common lot line or across an alley of a R-or RX- District, a Transition Type E is required.

**"Track Changes" Version:**

When abutting a common lot line or across an alley of a R-, RN-, or RX- District, a Transition Type E is required.

**Clean Version:**

When abutting a common lot line or across an alley of a R-, RN-, or RX- District, a Transition Type E is required.

**Working Document A.30**

**Code Section: 34-3.5.2.H.1**

**Page Number: 3-38**

**Old Text:**

Outdoor entertainment areas must be a minimum of 150 feet from a R- District

**"Track Changes" Version:**

Outdoor entertainment areas must be a minimum of 150 feet from a R- District or RN- District.

**Clean Version:**

Outdoor entertainment areas must be a minimum of 150 feet from a R- District or RN- District.

**Working Document A.31**

**Code Section: 34-3.5.2.I.3**

**Page Number: 3-39**

**Old Text:**

When abutting a common lot line of a R-or RX- District, a Fence Type X is required.

**"Track Changes" Version:**

When abutting a common lot line of a R-, RN-, or RX- District, a Fence Type X High Impact Transition Screen is required.

**Clean Version:**

When abutting a common lot line of a R-, RN-, or RX- District, a High Impact Transition Screen is required.

**Working Document A.32**

**Code Section: 34-3.6.2.C.3**

**Page Number: 3-42**

**Old Text:**

Must not be approved to take place within 300 feet of a R- District.

**"Track Changes" Version:**

Must not be approved to take place within 300 feet of a R- **or RN-** District.

**Clean Version:**

Must not be approved to take place within 300 feet of a R- or RN- District.

**Working Document A.33**

**Code Section: 34-3.6.2.F.3.c**

**Page Number: 3-45**

**Old Text:**

All lighting associated with the site must meet the requirements of Div. 4.12. Outdoor Lighting and must be screened from view from any rights-of-way, or Residential (R-) zoning district.

**"Track Changes" Version:**

All lighting associated with the site must meet the requirements of Div. 4.12. Outdoor Lighting and must be screened from view from any rights-of-way, or Residential (R-) **or Residential Core Neighborhood (RN-)** zoning district.

**Clean Version:**

All lighting associated with the site must meet the requirements of Div. 4.12. Outdoor Lighting and must be screened from view from any rights-of-way, or Residential (R-) or Residential Core Neighborhood (RN-) zoning district.

**Working Document A.34**

**Code Section: 34-4.4.5.D.3**

**Page Number: 4-20**

**Old Text:**

In Residential (R-) zoning districts, when the project fronts on an existing street and adjacent property on either side of the project does not have an existing streetscape, the Administrator may allow the project developer to contribute to a streetscape fund, maintained and administered by the City, an amount equivalent to the cost of the dedication of land for and the construction of the streetscape on the property.

**"Track Changes" Version:**

In Residential (R-) **or Residential Core Neighborhood (RN-)** zoning districts, when the project fronts on an existing street and adjacent property on either side of the project does not have an existing streetscape, the Administrator may allow the project developer to contribute to a

streetscape fund, maintained and administered by the City, an amount equivalent to the cost of the dedication of land for and the construction of the streetscape on the property.

**Clean Version:**

In Residential (R-) or Residential Core Neighborhood (RN-) zoning districts, when the project fronts on an existing street and adjacent property on either side of the project does not have an existing streetscape, the Administrator may allow the project developer to contribute to a streetscape fund, maintained and administered by the City, an amount equivalent to the cost of the dedication of land for and the construction of the streetscape on the property.

**Working Document A.35**

**Code Section: 34-4.5.5.C.7**

**Page Number: 4-37**

**Old Text:**

Where a parking structure is visible from a street or a Residential (R-) district, the entire visible portion must be screened with a permanent structure that meets the following standards:

**"Track Changes" Version:**

Where a parking structure is visible from a street, ~~or~~ a Residential (R-) district, **or a Residential Core Neighborhood (RN-)** district, the entire visible portion must be screened with a permanent structure that meets the following standards:

**Clean Version:**

Where a parking structure is visible from a street, a Residential (R-) district, or Residential Core Neighborhood (RN-) district, the entire visible portion must be screened with a permanent structure that meets the following standards:

**Working Document A.36**

**Code Section: 34-4.5.7.C.2**

**Page Number: 4-43**

**Old Text:**

The following requirements apply to a project in a Residential (R-) zoning district with a front- or side-accessed driveway.

**"Track Changes" Version:**

The following requirements apply to a project in a Residential (R-) **or Residential Core Neighborhood (RN-)** zoning district with a front- or side-accessed driveway.

**Clean Version:**

The following requirements apply to a project in a Residential (R-) or Residential Core Neighborhood (RN-) zoning district with a front- or side-accessed driveway.

**Working Document A.37**

**Code Section: 34-4.5.7.C.3**

**Page Number: 4-43**

**Old Text:**

The following requirements apply to a project in a Residential (R-) zoning district with a rear-accessed driveway.

**"Track Changes" Version:**

The following requirements apply to a project in a Residential (R-) or Residential Core Neighborhood (RN-) zoning district with a rear-accessed driveway.

**Clean Version:**

The following requirements apply to a project in a Residential (R-) or Residential Core Neighborhood (RN-) zoning district with a rear-accessed driveway.

**Working Document A.39**

**Code Section: 34-4.11.3.B.2.e.ii**

**Page Number: 4-83**

**Old Text:**

**ii. Residential (R-) Districts, ADC Districts, and IPPs**

In a R- District, ADC District, and IPPs, small temporary signs must meet the following standards:

**"Track Changes" Version:**

**ii. Residential (R-) Districts, Residential Core Neighborhood (RN-), ADC Districts, and IPPs**

In a R- District, RN- District, ADC District, and IPPs, small temporary signs must meet the following standards:

**Clean Version:**

**ii. Residential (R-) Districts, Residential Core Neighborhood (RN-), ADC Districts, and IPPs**

In a R- District, RN- District, ADC District, and IPPs, small temporary signs must meet the following standards:

**Working Document A.40**

**Code Section: 34-4.11.6.A.2**

**Page Number: 4-86**

**Old Text:**

Large temporary signs are not permitted in Residential (R-) Districts.

**"Track Changes" Version:**

Large temporary signs are not permitted in Residential (R-) or Residential Core Neighborhood (RN-) Districts.

**Clean Version:**

Large temporary signs are not permitted in Residential (R-) or Residential Core Neighborhood (RN-) Districts.

**Working Document A.41**

**Code Section: 34-4.11.9.A**

**Page Number: 4-89**

**Old Text:**

RN-A is missing from District Permissions

**"Track Changes" Version: NA**

**Clean Version:**

Under the zoning district row  
Residential (R-) and (RN-)

**Working Document A.42**

**Code Section: 34-4.11.9.C**

**Page Number: 4-90**

**Old Text:** Maximum Sign Area is missing RN-A under the Residential Zoning Districts table.

**"Track Changes" Version:** **NA**

**Clean Version:**

Zoning Districts  
Residential  
All R- and RN- districts

**Working Document A.43**

**Code Section: 34-4.11.11.B**

**Page Number: 4-101**

**Old Text:**

Each outside lighting installation and each illuminated sign must be controlled by a time switch or externally operable switch which will open all underground conductors and must be suitable for conditions of installation, such as exposure to the weather. Illumination for any sign cannot be directed toward any Residential (R-) or Residential Mixed Use (RX-) district or toward any adjacent street.

**"Track Changes" Version:**

Each outside lighting installation and each illuminated sign must be controlled by a time switch or externally operable switch which will open all underground conductors and must be suitable for conditions of installation, such as exposure to the weather. Illumination for any sign cannot be directed toward any Residential (R-), **Residential Core Neighborhood (RN-)**, or Residential Mixed Use (RX-) district or toward any adjacent street.

**Clean Version:**

Each outside lighting installation and each illuminated sign must be controlled by a time switch or externally operable switch which will open all underground conductors and must be suitable for conditions of installation, such as exposure to the weather. Illumination for any sign cannot be directed toward any Residential (R-), Residential Core Neighborhood (RN-), or Residential Mixed Use (RX-) district or toward any adjacent street.

**Working Document A.44**

**Code Section: 34-4.12.2.C.4**

**Page Number: 4-103**

**Old Text:**

Security lighting controlled by sensors, generating a maximum of 6,000 lumens per fixture, and which provides illumination for 15 minutes or less. In Residential (R-) districts, security lighting must not generate more than 3,000 lumens per fixture.

**"Track Changes" Version:**

Security lighting controlled by sensors, generating a maximum of 6,000 lumens per fixture, and which provides illumination for 15 minutes or less. In Residential (R-) and Residential Core Neighborhood (RN-) districts, security lighting must not generate more than 3,000 lumens per fixture.

**Clean Version:**

Security lighting controlled by sensors, generating a maximum of 6,000 lumens per fixture, and which provides illumination for 15 minutes or less. In Residential (R-) and Residential Core Neighborhood (RN-) districts, security lighting must not generate more than 3,000 lumens per fixture.

**Working Document A.45**

**Code Section: 34-4.12.3.C.3**

**Page Number: 4-104**

**Old Text:**

Light fixtures within 30 feet of any R-A, R-B or R-C District may be no higher than 12 feet.

**"Track Changes" Version:**

Light fixtures within 30 feet of any R-A, RN-A, R-B or R-C District may be no higher than 12 feet.

**Clean Version:**

Light fixtures within 30 feet of any R-A, RN-A, R-B or R-C District may be no higher than 12 feet.

**Working Document A.46**

**Code Section: 5-62**

**Page Number: 34-5.3.3.B.1.b**

**Old Text:**

In a Residential (R-) District, a nonconforming structure that encroaches into the setback may be expanded as long as the expansion will not result in an increase in the encroachment.

**"Track Changes" Version:**

In a Residential (R-) or Residential Core Neighborhood (RN-) district, a nonconforming structure that encroaches into the setback may be expanded as long as the expansion will not result in an increase in the encroachment.

**Clean Version:**

In a Residential (R-) or Residential Core Neighborhood (RN-) district, a nonconforming structure that encroaches into the setback may be expanded as long as the expansion will not result in an increase in the encroachment.

**Working Document A.47**

**Code Section: 34-7.1.2.E.3.a**

**Page Number: 7-9**

**Old Text:**

Sublots are only permitted in Residential (R-) districts.

**"Track Changes" Version:**

Sublots are only permitted in Residential (R-) **and Residential Core Neighborhood (RN-)** districts.

**Clean Version:**

Sublots are only permitted in Residential (R-) and Residential Core Neighborhood (RN-) districts.

**Working Document A.51**

**Code Section: 34-5.2.7.C.2.c**

**Page Number: 5-29**

**Old Text:**

The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the scale and character of the Architecture Design Control District, Individually Protected Property, or Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines and subject to the following limitations:

- i. Along the Downtown Mall, the BAR may limit story height to within 2 stories of the prevailing story height of the block;
- ii. In all other areas subject to review, the BAR may reduce the allowed height by no more than 2 stories; and
- iii. The BAR may require upper story stepbacks of up to 25'.

**"Track Changes" Version:**

~~The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the scale and character of the Architecture Design Control District, Individually Protected Property, or Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines and subject to the following limitations:~~

- i. ~~Along the Downtown Mall, the BAR may limit story height to within 2 stories of the prevailing story height of the block;~~
- ii. ~~In all other areas subject to review, the BAR may reduce the allowed height by no more than 2 stories; and~~
- iii. ~~The BAR may require upper story stepbacks of up to 25'.~~

**Clean Version:**

(This section is moved to) 2.9.2.D. ADC Certificate of Appropriateness

- a. A Certificate of Appropriateness is required for certain projects in ADC Districts in accordance with 5.2.6. *Minor Historic Review* and 5.2.7. *Major Historic Review*.
- b. The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the

## Tier 1 Amendments

scale and character of the Architecture Design Control District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines and subject to the following limitations:

- i. Along the Downtown Mall, the BAR may limit story height to within 2 stories of the prevailing story height of the block;
- ii. In all other areas subject to review, the BAR may reduce the allowed height by no more than 2 stories; and
- iii. The BAR may require upper story stepbacks of up to 25'.

### 2.9.3.D. IPP Certificate of Appropriateness

- a. A Certificate of Appropriateness is required for certain projects on Individually Protected Properties in accordance with 5.2.6. *Minor Historic Review* and 5.2.7. *Major Historic Review*.
- b. The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the scale and character of the Individually Protected Property. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines and subject to the following limitations:
  - a. Along the Downtown Mall, the BAR may limit story height to within 2 stories of the prevailing story height of the block;
  - b. In all other areas subject to review, the BAR may reduce the allowed height by no more than 2 stories; and
  - c. The BAR may require upper story stepbacks of up to 25'.

### 2.9.4.F. HC Certificate of Appropriateness

- a. A Certificate of Appropriateness is required for certain projects in the HC Districts in accordance with 5.2.6. *Minor Historic Review* and 5.2.7. *Major Historic Review*.
- b. The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the scale and character of the Historic Conservation (-HC) District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines and subject to the following limitations:
  - iv. Along the Downtown Mall, the BAR may limit story height to within 2 stories of the prevailing story height of the block;
  - v. In all other areas subject to review, the BAR may reduce the allowed height by no more than 2 stories; and
  - vi. The BAR may require upper story stepbacks of up to 25'.

## Tier 2 Amendment

### B.1 Side Setbacks and Attached Dwelling Units

#### **Section 34-2.2.2.A.4, 34-2.2.3.A.4, 34-2.2.4.A.4, 34-2.2.5.A.4 and 34-2.10.5.C**

Page: 2-8, 2-10, 2-12, 2-14, 2-112

Working Document reference: B.1

#### **Section 34-2.2.2.A.4**

##### **Existing Language:**

4. BUILDING SETBACKS	<u>Sec. 2.10.5.</u>
④ Primary street lot line (min/max)	10' / 20' or Existing Range
⑤ Side street lot line (min)	10'
⑥ Side lot line (min)	4'
⑦ Rear / alley lot line (min)	4'

##### **Proposed Language:**

*Graphics to be updated to reflect change to text.*

4. BUILDING SETBACKS	<u>Sec. 2.10.5.</u>
④ Primary street lot line (min/max)	10' / 20' or Existing Range
⑤ Side street lot line (min)	10'
⑥ Side lot line, detached (min)	4'
Side lot line, attached (min)	0'
⑦ Rear / alley lot line (min)	4'

#### **Section 34-2.2.3.A.4:**

##### **Existing Language:**

4. BUILDING SETBACKS	<u>Sec. 2.10.5.</u>
④ Primary street lot line (min/max)	10' / 20' or Existing Range
⑤ Side street lot line (min)	10'
⑥ Side lot line (min)	4'
⑦ Rear / alley lot line (min)	4'

Tier 2 Amendment  
B.1 Side Setbacks and Attached Dwelling Units

**Proposed Language:**

*Graphics to be updated to reflect change to text.*

4. BUILDING SETBACKS		Sec. 2.10.5.
D	Primary street lot line (min/max)	10' / 20' or Existing Range
E	Side street lot line (min)	10'
F	Side lot line, detached (min)	4'
	Side lot line, attached (min)	0'
G	Rear / alley lot line (min)	4'

**Section 34-2.2.4.A.4**

**Existing Language:**

4. BUILDING SETBACKS		Sec. 2.10.5.
E	Primary street lot line (min/max)	10' / 20' or Existing Range
F	Side street lot line (min/max)	5' / 20'
G	Side lot line (min)	4'
H	Rear / alley lot line (min)	4'

**Proposed language:**

*Graphics to be updated to reflect change to text.*

4. BUILDING SETBACKS		Sec. 2.10.5.
E	Primary street lot line (min/max)	10' / 20' or Existing Range
F	Side street lot line (min/max)	5' / 20'
G	Side lot line, detached (min)	4'
	Side lot line, attached (min)	0'
H	Rear / alley lot line (min)	4'

Tier 2 Amendment  
B.1 Side Setbacks and Attached Dwelling Units

**Section 34-2.2.5.A.4**

**Existing language:**

4. BUILDING SETBACKS		<u>Sec. 2.10.5.</u>
<b>E</b>	Primary street lot line (min/max)	10' / 20' or Existing Range
<b>F</b>	Side street lot line (min/max)	5' / 20'
<b>G</b>	Side lot line (min)	4'
<b>H</b>	Rear / alley lot line (min)	4'

**Proposed language:**

*Graphics to be updated to reflect change to text.*

4. BUILDING SETBACKS		<u>Sec. 2.10.5.</u>
<b>E</b>	Primary street lot line (min/max)	10' / 20' or Existing Range
<b>F</b>	Side street lot line (min/max)	5' / 20'
<b>G</b>	Side lot line, detached (min)	4'
	Side lot line, attached (min)	0'
<b>H</b>	Rear / alley lot line (min)	4'

**Section 34-2.10.5.C**

**Existing Language:**

No existing language.

**Proposed Language:**

New Section 34-2.10.5.C.4

**C. Standards**

**4. Side lot line, Detached/Attached**

When *Side Lot Line, Attached* is permitted by the Zoning district, buildings within the project site are permitted a zero setback when attached to an adjacent building within the same project site. Any buildings side not attached within the project site must conform to the *Side Lot Line, Detached* minimum requirement for that Zoning district.

## Tier 2 Amendment

### B.1 Side Setbacks and Attached Dwelling Units

#### **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 addition of the minimum side lot line setback for attached structures in those districts will allow for attached residential construction, while preserving the existing setback requirements for other types of development.

Tier 2 Amendment  
B.3 Critical Slopes and Lots of Record

**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  
B.4 Street Facing Entry and Single Dwelling Unit

**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 primary/principal 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.

Tier 2 Amendment  
B.5 Accessory Uses/Structures and Nonconformity Build-to

**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**

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.

## Tier 2 Amendment

### B.5 Accessory Uses/Structures and Nonconformity Build-to

- No accessory use is permitted on a site until after the principal use is established.

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

- ~~A permit is required for any accessory use or structure exceeding 256 square feet of gross floor area.~~
- ~~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.~~
- ~~No accessory **use** building or structure is permitted on the **lot** site until after the principal use or structure is approved.~~
- ~~No accessory building or structure may be used for dwelling purposes.~~
- ~~Accessory buildings and structures are not exempt from Building Code requirements.~~

#### Existing Language:

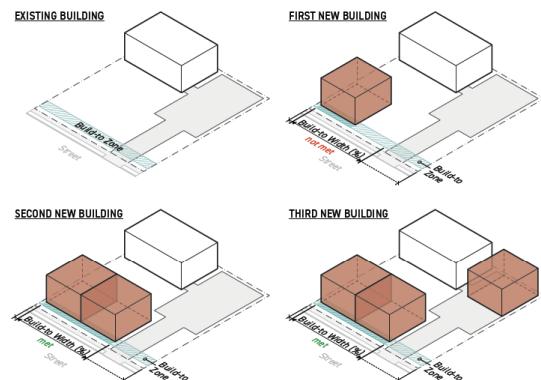
### Sec. 5.3.3 NONCONFORMING BUILDINGS AND STRUCTURES

#### 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 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.

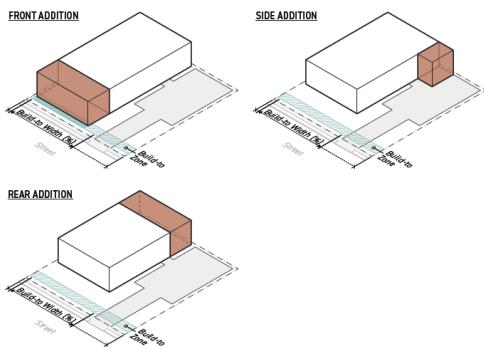


##### 2. Additions on an Interior Lot

- 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.

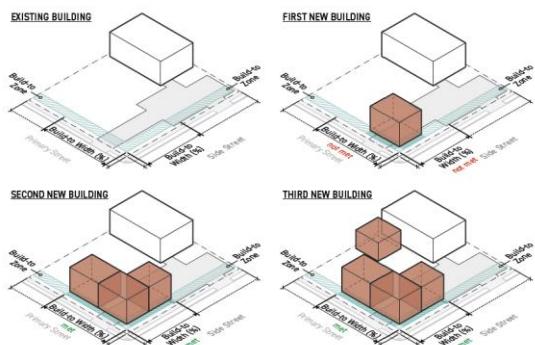
## Tier 2 Amendment

### B.5 Accessory Uses/Structures and Nonconformity Build-to



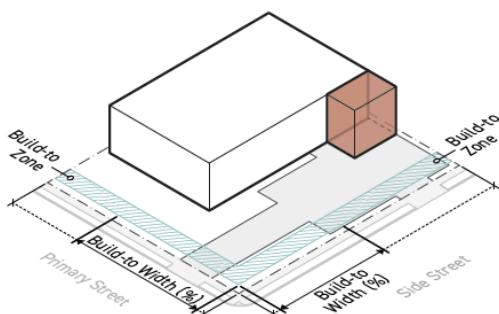
#### 3. New Buildings on a Corner Lot

- 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.
- 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.

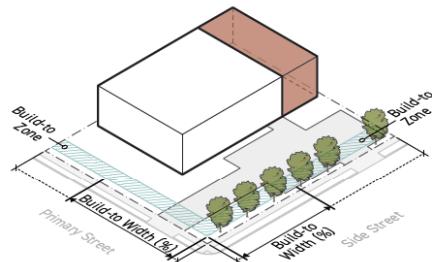


- Rear additions of any size, located behind the build-to zone, are allowed provided:
  - A landscape area at least 6 feet wide adjacent to the side street lot line is installed across the entire length of the side street frontage. Breaks for pedestrian, bicycle, and vehicular access of the minimum practical width are allowed.

## Tier 2 Amendment

### B.5 Accessory Uses/Structures and Nonconformity Build-to

- ii. The landscape area must include medium or large trees planted an average of 30 feet on center along the entire landscape area.



iii. Trees should be planted offset from street trees to maximize space for canopy growth.

iv. 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, ~~all~~ 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 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

## Tier 2 Amendment

### B.5 Accessory Uses/Structures and Nonconformity Build-to

- 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. Rear additions of any size, located behind the build-to zone, are allowed provided:
  - i. 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.
  - ii. The landscape area must include medium or large trees planted an average of 30 feet on center along the entire landscape area.

*GRAPHIC TO REMAIN*

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

#### **5. Exceptions**

- a. On any lot with an established Primary Building(s), Accessory Building(s) and structure(s) are permitted without first requiring the Primary Building(s) to meet the build-to width requirement. This exception only applies to lots and not sites.

#### **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.

## Tier 2 Amendment

### B.5 Accessory Uses/Structures and Nonconformity Build-to

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

*Building, primary.* The building or buildings occupied or designated for the primary/principal use on a lot or site.

**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 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. 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

### B.7 Transparency in the NX and DX Districts

**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.

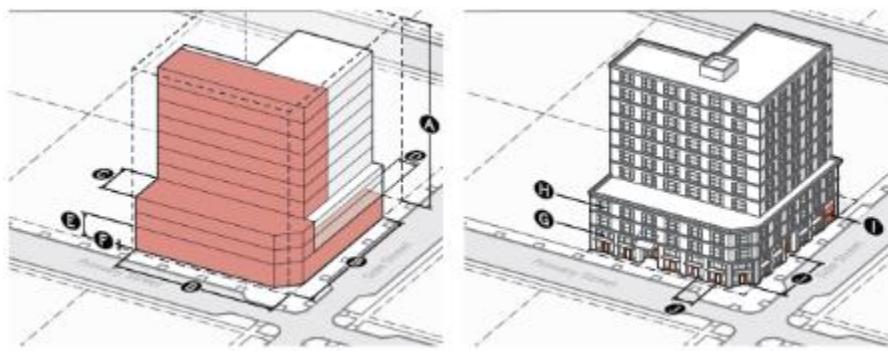
Tier 2 Amendment  
B.8 Stepbacks Graphic DX Districts

**Section 34-2.5.6.B**

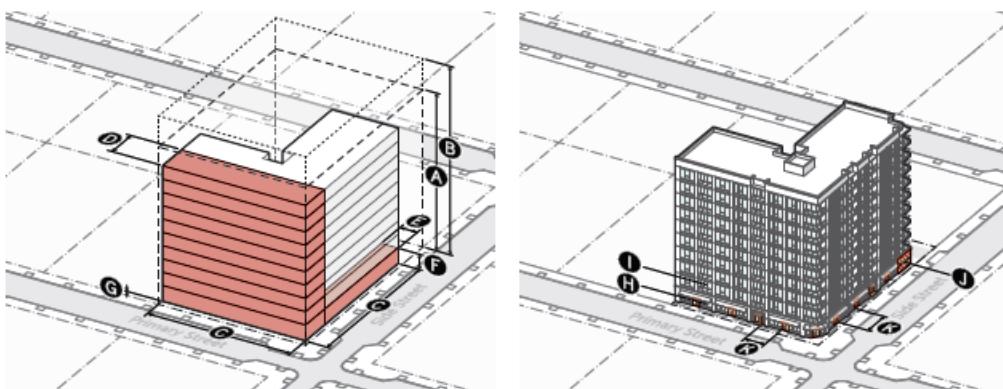
Page 2-41

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  
B.11 Side Setbacks Measurement

**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.

Tier 2 Amendment  
B.12 Pedestrian Access Types

**Sections 34-4.5.1.C**

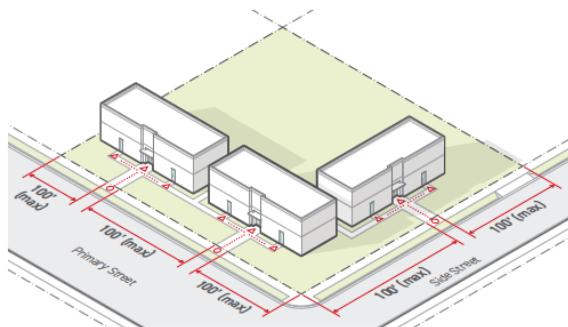
Pages 4-23

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.



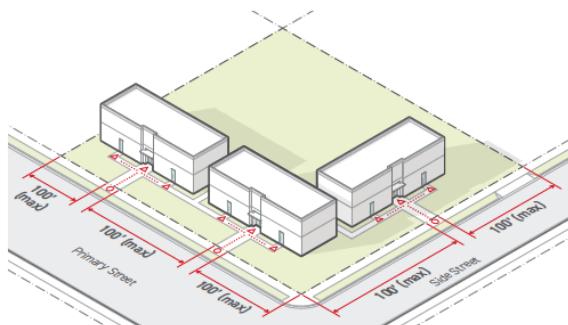
**ACCESS STANDARDS**

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  
B.12 Pedestrian Access Types

**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  
B.15 Bonus Height

**Sections 34-4.2.2.C.3 and 34-4.2.2.C.4**

Pages 4-8

Working Document reference: B.15

**Existing language, Section 34-4.2.2.C.3:**

3. Unit Bonus in Residential Districts Standards
  - a. In Residential A (R-A), Residential Core Neighborhood A (RN-A), Residential B (R-B), and Residential C (R-C) zoning districts, a project must provide 100% of all bonus units to households having a gross annual income at or below 80% AMI. Such affordable dwelling units must be income-restricted for a minimum of 30 years. Deed restrictions for affordable dwelling units must be recorded in the Charlottesville Land Records.
  - b. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, such as through reinvestment of resources in ongoing affordable housing, the Administrator may accept modifications to the requirements in 4.2.2.
  - c. Projects in the Residential A (R-A) and Residential Core Neighborhood (RN-A) districts are exempt from the equivalency of units and concurrency requirements in 4.2.2.C. Standards.

**Proposed language, Section 34-4.2.2.C.3:**

3. Unit **and Height** Bonuses in Residential Districts Standards
  - a. In Residential A (R-A), Residential Core Neighborhood A (RN-A), Residential B (R-B), and Residential C (R-C) zoning districts, a project must provide 100% of all bonus units to households having a gross annual income at or below 80% AMI. Such affordable dwelling units must be income-restricted for a minimum of 30 years. Deed restrictions for affordable dwelling units must be recorded in the Charlottesville Land Records.
  - b. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, such as through reinvestment of resources in ongoing affordable housing, the Administrator may accept modifications to the requirements in 4.2.2.
  - c. Projects in the Residential A (R-A) and Residential Core Neighborhood (RN-A) districts are exempt from the equivalency of units and concurrency requirements in 4.2.2.C. Standards.
  - d. **Projects in a Residential (R-) or Residential Neighborhood Core (RN-) district where a height bonus is permitted must provide at least one Affordable Dwelling Unit meeting the requirements above to apply the height bonus to the project.**

Tier 2 Amendment  
B.15 Bonus Height

**Existing language, Section 34-4.2.2.C.4:**

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.
  - b. To qualify for the bonus height, a project must have a residential use for a minimum of 40% of the total floor area.

**Proposed language, Section 34-4.2.2.C.4:**

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.
  - b. To qualify for the bonus height, a project must have a residential use for a minimum of 40% of the total floor area.
  - c. When a project qualifies for the bonus height per the requirements above, the bonus height may be applied to any building within the project.

**Analysis:**

The proposed amendment to Sections 34-4.2.2.C.3 and 34-4.2.2.C.4 aims to provide more detailed and specific guidelines for the application of height bonuses in various residential districts. The current language allows for height bonuses in the Residential C (R-C) district but lacks clear parameters on how these bonuses should be applied. Additionally, it does not specify how the height bonus in other districts can be applied to mixed-use projects, leading to inconsistent application and potential misuse.

The amendment supports the existing language that projects in Residential A (R-A), Residential Core Neighborhood A (RN-A), Residential B (R-B), and Residential C (R-C) zoning districts must provide 100% of all bonus units to households with a gross annual income at or below 80% AMI. These affordable dwelling units must be income-restricted for a minimum of 30 years, with deed restrictions recorded in the Charlottesville Land Records. The Administrator may accept modifications if the project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan. Projects in the Residential A (R-A) and Residential Core Neighborhood (RN-A) districts are exempt from

## Tier 2 Amendment

### B.15 Bonus Height

the equivalency of units and concurrency requirements. Projects in a Residential (R-) or Residential Neighborhood Core (RN-) district where a height bonus is permitted must provide at least one Affordable Dwelling Unit meeting the above requirements to apply the height bonus to the project.

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. To qualify for the bonus height, a project must have a residential use for a minimum of 40% of the total floor area. When a project qualifies for the bonus height per the requirements above, the bonus height may be applied to any building within the project.

The proposed amendment will help by providing clear and specific guidelines for the application of height bonuses, ensuring consistent and fair implementation across different districts. By requiring affordable dwelling units and setting clear parameters for the application of height bonuses, the amendment supports the goals of the Comprehensive Plan and Affordable Housing Plan. It also ensures that the benefits of height bonuses are aligned with the city's affordability goals, promoting equitable development and addressing the housing needs of low- and moderate-income households.

Tier 2 Amendment  
B.17 Streetscape Standards

**Sections 34-4.4.5.D.2**

Pages 4-20

Working Document reference: B.17

**Existing language:**

D. Existing Streetscapes

1. In areas with predominant patterns of existing streetscapes that conflict with the requirements of this Division, where a project's primary or side street lot line is less than 100' in length, the Administrator may allow for streetscapes to be constructed to match existing clear walk zone and greenscape zone configurations.
2. 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.
3. In Residential (R-) zoning districts, when the project fronts on an existing street and adjacent property on either side of the project does not have an existing streetscape, the Administrator may allow the project developer to contribute to a streetscape fund, maintained and administered by the City, an amount equivalent to the cost of the dedication of land for and the construction of the streetscape on the property.

E. Exceptions

The Administrator may vary or waive streetscape requirements. A request to vary or waive the requirements of this Section must be made prior to or with the submittal of a Development Plan or Preliminary Plat. The request must include a written statement of the justification of the request. In reviewing a request, the Administrator must consider each of the following criteria that are applicable to the request:

1. Whether a surface other than concrete is more appropriate for the project because of the character of the proposed project and the surrounding neighborhood;
2. Whether sidewalks on only one side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one side of the street;
3. Whether the sidewalks can reasonably connect into an existing or future pedestrian system in the area;

**Tier 2 Amendment**  
**B.17 Streetscape Standards**

4. Whether the length of the street is so short and the density of the project so low that it is unlikely that a sidewalk would be used to an extent that it would provide a public benefit;
5. Whether an alternate pedestrian system, including an alternative pavement, could provide more appropriate access through the project and to adjoining lots, based on a proposed alternative profile submitted by the project developer;
6. Whether the sidewalks would be publicly or privately maintained;
7. Whether the waiver promotes the goals of the Comprehensive Plan, including any applicable neighborhood plan; and
8. Whether waiving the requirement would enable a different principle of the neighborhood plan to be more fully achieved.

**Proposed language:**

Incorporate Existing Streetscapes into the Exception section.

**D E. Exceptions**

The Administrator may vary or waive streetscape requirements. A request to vary or waive the requirements of this Section must be made prior to or with the submittal of a Development Plan or Preliminary Plat. The request must include a written statement of the justification of the request. In reviewing a request, the Administrator must consider each of the following criteria that are applicable to the request:

1. Whether a surface other than concrete is more appropriate for the project because of the character of the proposed project and the surrounding neighborhood;
2. Whether sidewalks on only one side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one side of the street;
3. Whether the sidewalks can reasonably connect into an existing or future pedestrian system in the area;
4. Whether the length of the street is so short and the density of the project so low that it is unlikely that a sidewalk would be used to an extent that it would provide a public benefit;
5. Whether an alternate pedestrian system, including an alternative pavement, could provide more appropriate access through the project and to adjoining lots, based on a proposed alternative profile submitted by the project developer;

**Tier 2 Amendment**  
**B.17 Streetscape Standards**

6. Whether the sidewalks would be publicly or privately maintained;
7. Whether the waiver promotes the goals of the Comprehensive Plan, including any applicable neighborhood plan; and
8. Whether waiving the requirement would enable a different principle of the neighborhood plan to be more fully achieved.

**9. Existing Streetscapes**

- a. In areas with predominant patterns of existing streetscapes that conflict with the requirements of this Division, where a project's primary or side street lot line is less than 100' in length, the Administrator may allow for streetscapes to be constructed to match existing clear walk zone and greenscape zone configurations.
- b. 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.~~
- c. In Residential (R-) zoning districts, when the project fronts on an existing street and adjacent property on either side of the project does not have an existing streetscape, the Administrator may allow the project developer to contribute to a streetscape fund, maintained and administered by the City, an amount equivalent to the cost of the dedication of land for and the construction of the streetscape on the property.

**Analysis:**

The proposed amendment to Section 34-4.4.5.D.2 involves moving the "existing streetscape" language to the exception section and removing the phrase "provided they comply with all standards in this Division." This change addresses the concern that the original language made the section unenforceable by allowing the use of existing streetscapes while also requiring them to meet all the standards of the Division.

The amendment ensures that the section is enforceable and aligns with the suggested changes. By moving the "existing streetscape" language to the exception section, the Administrator now has the discretion to allow the use of existing streetscapes if they are in good condition. This is considered an exception and must be approved by the Administrator, providing a clear and enforceable process for applicants.

The amendment also maintains the flexibility for the Administrator to permit alignment with existing streetscapes for projects with less than 100' of frontage and provides a formal process for applicants to request exceptions based on defined criteria. This ensures that the regulation remains functional and aligned with the intent of the Development Code.

## Tier 2 Amendment

### B.17 Streetscape Standards

Overall, the proposed changes improve the clarity and enforceability of the regulation, ensuring that applicants can use existing streetscapes in good condition while providing a clear process for exceptions to be approved by the Administrator.

Tier 2 Amendment  
B.24 Active Space

**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  
B.26 Buildings Spaning Multiple Zoning Districts

**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  
B.27 Tree Canopy

**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:

<b>Zoning Districts</b>	<b>Percentage of Canopy Cover (min)</b>
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:

<b>Zoning Districts</b>	<b>Percentage of Canopy Cover (min)</b>
Residential All R <b>and RN</b> – districts	<b>10%</b>
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**  
**B.27 Tree Canopy**

Special All special districts	15%
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**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  
B.28 Fences and Walls

**Sections 34-4.8 Fences and Walls**

Pages 4-70 to 4-75

Working Document reference: B.28

**Existing Language:**

No existing language.

**Proposed language:**

**C. Exceptions**

1. Fences and Guardrails

- a. Any constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas and not having a solid foundation, and with a maximum height of four (4') feet six (6") is not considered a Fence or Structure for the purposes of this division and is not required to follow the regulations set forth.
- b. Any guardrails, railings, or barriers, which are required by Building code to prevent falls and ensure safety is not considered a Fence or Structure for the purposes of this division and is not required to follow the regulations set forth.
- c. Any constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas and not having a solid foundation, and required to separate areas for compliance with state regulations, such as those enforced by the Alcoholic Beverage Control (ABC) authority is not considered a Fence or Structure for the purposes of this division and is not required to follow the regulations set forth.

**Analysis:**

Existing fence regulations have generated significant confusion and placed a considerable strain on staff resources, despite fences rarely presenting issues historically. By providing exceptions for small non-privacy fences with detailed language on height, materials and foundation type, we preserve the established fence and wall standards in each zoning district while introducing greater flexibility for smaller enclosure elements. Additionally, by exempting guardrails required by building codes or state regulations (such as ABC regulations) from the Fence and Wall regulations, we ensure that essential safety measures are not hindered by these standards. This approach maintains safety and compliance while reducing unnecessary regulatory burdens, ultimately facilitating a more efficient and effective regulatory framework.

Tier 2 Amendment  
B.30 Outdoor Lighting

**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  
B.31 Critical Slope Definition

**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.

B. Applicability

1. Critical slope requirements apply to project sites that include any portion of sloped area that has all of the following criteria:
  - a. A grade of 25% or greater;
  - b. A portion of the slope has a horizontal run of greater than 20 feet;
  - c. An area of 6,000 square feet or greater; and
  - d. A portion of the slope is within 200 feet of any waterway protected by the Standard and Design Manual or Chapter 10 of the Charlottesville Code of Ordinances, or shown on the map entitled "Properties Impacted by Critical Slopes", maintained by the Neighborhood Development Services.

Tier 2 Amendment  
B.32 Development Review

**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

### B.32 Development Review

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

### B.32 Development Review

- 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

### B.32 Development Review

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

### B.32 Development Review

- 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*, no more than two new dwelling units (Household Living), and no other principal uses proposed.

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 a Residential (R-) or (RN-) 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 independently or 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 ~~the 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

### B.32 Development 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, **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  
B.32 Development Review

**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, ~~and the City Engineer determines that the Final Site Plan complies with all engineering requirements of separate Chapters of the City of Charlottesville Code and Standards and Design Manual,~~ the Administrator will ~~sign~~ approve 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 ~~and City Code of Ordinances Chapter 10, Water Protection~~ 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

## Tier 2 Amendment

### B.32 Development Review

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.

#### **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

### B.34 Low Density Residential Building Height

#### **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

#### **Building Height**

##### **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'

**Tier 2 Amendment**  
**B.34 Low Density Residential Building Height**

**Analysis:**

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  
B.35 Massing/Active Depth

**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 primary/principal 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. By adding in primary/principal uses this allows secondary uses such as a accessory and/or temporary uses to be permitted and still qualify for the exception for active depth.

Tier 2 Amendment  
B.36 Building Setbacks

**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~~ a required easement would prevent standard setbacks, the Administrator will determine whether the setback may be measured from the interior edge of the 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  
B.38 Existing Structure Preservation

**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 eligible for 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 eligible for 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  
B.40 Build-to Width

**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

### B.40 Build-to Width

#### **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.

Tier 2 Amendment  
B.42 Existing Structure Date

**Sections 34-4.2.1.B**

Pages 4-5

Working Document reference: B.42

**Existing language:**

**B. Standards**

1. To be considered an existing structure, a project must maintain the primary street-facing building facade and the exterior building envelope for a minimum distance of 25 feet behind the primary street-facing building facade. Interior reconfiguration in this area is permitted.
2. A project must maintain any existing entry features, such as a porch, raised entry, or forecourt.
3. Minor modifications to the exterior building envelope or entry features for repair or reconstruction are allowed when the modifications are the same or substantially similar to the design of the original structure, as determined by the Administrator.

**Proposed language:**

1. To be considered an existing structure **the building must have been constructed and occupied prior to the adoption of this code (December 18, 2023)**, and the lot must maintain the primary street-facing building facade and the exterior building envelope for a minimum distance of 25 feet behind the primary street-facing building facade. Interior reconfiguration in this area is permitted.
2. A project must maintain any existing entry features, such as a porch, raised entry, or forecourt.
3. Minor modifications to the exterior building envelope or entry features for repair or reconstruction are allowed when the modifications are the same or substantially similar to the design of the original structure, as determined by the Administrator.

**Analysis:**

The proposed amendment to Sections 34-4.2.1.B, specifically focusing on the Existing Structure Preservation Bonus, aims to incentivize the preservation and rehabilitation of existing housing stock while implementing the affordable housing goals of the adopted Comprehensive Plan and Charlottesville Affordable Housing Plan. The current proposal stipulates that to be considered an existing structure, the building must have been constructed and occupied before the adoption of this code (December 18, 2023).

There is a need for future discussions regarding whether structures built after the adoption of the code should be eligible for the preservation bonus. The Planning Commission (PC) has suggested a rolling allowance every 8 years. However, staff currently prefers to use the

## Tier 2 Amendment

### B.42 Existing Structure Date

adoption date of the code as the cutoff. A rolling allowance could undermine the intent to preserve buildings that existed at the time the code was adopted. Staff is concerned that a rolling date could allow developers to exploit a loophole. For instance, a developer could remove an older home that the City would have valued the preservation of, build a new one, wait a few years, and then qualify for the preservation bonus. This scenario may contradict the intent of preserving existing units and could lead to the loss of historical and architectural value in the community.

There is currently no context provided for why existing units are being preserved. If the goal is to allow a structure to receive the bonus after being in place for a certain period, it is essential to determine what that period (X) should be. Alternatively, the density allowed could be increased to achieve the same goal. For now, it is crucial to have clear guidelines to prevent developers from building new homes today and immediately qualifying for the preservation bonus. The intent of the bonus is to provide an incentive for the preservation and rehabilitation of existing housing stock, aligning with the affordable housing goals of the Comprehensive Plan and Charlottesville Affordable Housing Plan.

The proposed amendment is a step in the right direction to preserve and rehabilitate existing housing stock. However, it is essential to address the concerns mentioned above to ensure the effectiveness and integrity of the preservation bonus. Future discussions and potential adjustments to the proposal will be necessary to refine the criteria and prevent exploitation of the bonus system.

# 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 December 16, 2025.

## **Tier 1**

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

## **Tier 2**

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

## **Tier 3**

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

\*PP (Planning Commission Suggestions)

\* (Tree Commission Suggestions)

**Key Point of Housing Keeping.** Once an issue is assigned a number, i.e. A.1 or B.11 it should not be moved. When new issues are added or more spaces is needed on a Tier ALWAYS ADD THE NEW ROW TO THE END OF THE TIER. If an issue is moved or removed from a tier, only strike through the issue and do not delete the row.

Example: Planning Commission wants to move “Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure.” From Tier 3 to Tier 2. The issue is being “crossed out” on C.8 and added to B.70 (as that was the next open row in Tier 2.

<b>Tier 1 (A)</b>						
Number	Page	Code Section	Current Language/Issue	Suggested Language/Change	In the 2025 Staff Report? (mark “Yes”)	Date Adopted by CC
<b>A.1</b>	4-10	4.3.2.B.1.A	“...Administrator may allow <del>once</del> side of a block...”	“...Administrator may allow <del>one</del> side of a block...”		
<b>A.2</b>	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.”		
<b>A.3</b>	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.		
<b>A.4</b>	2-19	2.3.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”		
<b>A.5</b>	2-21	2.3.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”		
<b>A.6</b>	2-25	2.4.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”		
<b>A.7</b>	2-27	2.4.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”		
<b>A.8</b>	2-29	2.4.4.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”		
<b>A.9</b>	2-33	2.5.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”		
<b>A.10</b>	2-35	2.5.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”		
<b>A.11</b>	2-37	2.5.4.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”		
<b>A.12</b>	2-39	2.5.5.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”		

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<b>A.13</b>	2-41	2.5.6.B.1	"With bonus"	"Bonus: Affordable Dwelling Unit"		
<b>A.14</b>	2-45	2.6.2.B.1	"With bonus"	"Bonus: Affordable Dwelling Unit"		
<b>A.15</b>	2-47	2.6.3.B.1	"With bonus"	"Bonus: Affordable Dwelling Unit"		
<b>A.16</b>	2-40	2.5.6.A.6	"Type X"	"Type B, D"		
<b>A.17</b>	2-87	2.9.3.B	Chart entry: 104 Stadium Road. This IPP was removed by City Council as part of the VERVE rezoning.  This does not need to go to CC as we already have the Ordinance stating this. We just need to update the code.	Remove 104 Stadium Road from chart. *Not an amendment.		
<b>A.18</b>	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, <b>provided that</b> all other requirements..."		
<b>A.19</b>	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.		
<b>A.20</b>	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.		
<b>A.21</b>	4-22	4.5.1.B.1	Is missing RN-A	Add to Residential category.		
<b>A.22</b>	2-57	2.8.4.B	Is missing RN-A			
<b>A.23</b>	2-106	2.10.4.A.3.b	Is missing RN-A			
<b>A.24</b>	2-130	2.10.9.B.2	Is missing RN-A			
<b>A.25</b>	3-20	3.4.2.B	Is missing RN-A			
<b>A.26</b>	3-32	3.4.4.B.1	Is missing RN-A	Tie to updates to Transition section (must be added there as well).		
<b>A.27</b>	3-32	3.4.5.A.1.a	Is missing RN-A	Tie to updates to Transition section (must be added there as well).		
<b>A.28</b>	3-33	3.4.5.A.3.c	Is missing RN-A	Tie to updates to Transition section (must be added there as well).		
<b>A.29</b>	3-33	3.4.5.A.4.a	Is missing RN-A	Tie to updates to Transition section (must be added there as well).		
<b>A.30</b>	3-38	3.5.2.H.1	Is missing RN-A			
<b>A.31</b>	3-39	3.5.2.I.3	Is missing RN-A			
<b>A.32</b>	3-42	3.6.2.C.3	Is missing RN-A			
<b>A.33</b>	3-45	3.6.2.F.3.c	Is missing RN-A			
<b>A.34</b>	4-20	4.4.5.D.3	Is missing RN-A			
<b>A.35</b>	4-37	4.5.5.C.7	Is missing RN-A			
<b>A.36</b>	4-43	4.5.7.C.2	Is missing RN-A			
<b>A.37</b>	4-43	4.5.7.C.3	Is missing RN-A			
<b>A.38</b>	4-75	4.9.1.D.1	Is missing RN-A			
<b>A.39</b>	4-83	4.11.3.B.2.e.ii	Is missing RN-A			
<b>A.40</b>	4-86	4.11.6.A.2	Is missing RN-A			
<b>A.41</b>	4-89	4.11.9.A	Is missing RN-A			
<b>A.42</b>	4-90	4.11.9.C	Is missing RN-A			
<b>A.43</b>	4-101	4.11.11.B	Is missing RN-A			
<b>A.44</b>	4-103	4.12.2.C.4	Is missing RN-A			
<b>A.45</b>	4-104	4.12.3.C.3	Is missing RN-A			
<b>A.46</b>	5-62	5.3.3.B.1.b	Is missing RN-A			
<b>A.47</b>	7-9	7.1.2.E	Is missing RN-A			

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<b>A.48</b>	5-55	5.2.15.C.1.c	"When the property is within an ADC district... recommendation <b>as the to</b> reasonable conditions which, if imposed, would mitigate any such impacts..."	"...recommendation <b>as to the</b> reasonable conditions...."		
<b>A.49</b>	5-57	5.2.16.C.1	"... Planning Commission in advance of the <b>public hearing</b> ..."	A public hearing is not required per 5.1.1. Update to <b>public meeting</b> .		
<b>A.50</b>	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.		
<b>A.51</b>	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).		
<b>A.52</b>	5-62	5.3.3.B	Expansions	The code otherwise uses Addition for this activity. Update to Additions for consistency.		
<b>A.53</b>	5-63	5.3.3.B.2	... or an Individually Protected Property,, then that structure...	Remove extra comma and space.		
<b>A.54</b>	5-34	5.2.8.A	A Corridor Review for a Certificate of Appropriateness is required for the following project activities <b>n on</b> any property located in the Entrance Corridor District:	Remove the extra "n" from sentence.		
<b>A.55</b>	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.		
<b>A.56</b>	Throughout		SB974	Removes Planning Commission as the approval authority for administrative review for Subdivisions, Site Plans, and Development Plans. Staff is in the process of identifying the required edits conform to the new regulation.		
<b>A.57</b>	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.		
<b>A.58</b>	5-4	5.1.3.B.2	The Planning Commission is given authority over preliminary plats and appeals of Development and Subdivision review.	State authority has been removed. Remove Planning Commission authority for Preliminary Plats, Development Review and Subdivision Review. The Commission appears to retain authority over Comp Plan and Entrance Corridor COAs (group/AO to confirm).		
<b>A.59</b>	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.		
<b>A.60</b>	5-38	5.2.9.D.1.b	Planning Commission is given authority over Development Review appeals.	State authority has been removed. Remove this section. The revised state code does not appear to give Council appeal authority either?		
<b>A.61</b>	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.		
<b>A.62</b>	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.		
<b>A.63</b>	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.		
<b>A.64</b>	6-15	6.7.3.D.1.b	Planning Commission is listed as authority for preliminary plats.	State authority has been removed. Remove this section. The revised state code does not appear to give Council appeal authority either?		
<b>A.65</b>	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.		
<b>A.66</b>	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.		
<b>A.67</b>	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.		
<b>A.68</b>	Throughout		HB2660	Review timelines have been reduced for Subdivisions, Site Plans, and Development Plans. Most of this information is in the City's Development Review Procedures Manual and not subject to requiring a code amendment. Acceptance of applications has been		

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				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)		
<b>A.69</b>	5-12	5.2.1.C.4.a	"All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has <b>10</b> days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision."	"All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has <b>5</b> days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision."		
<b>A.70</b>	4-5	4.2.1.C	Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure. <del>Moved by PC to Tier 1 (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.</del> Moved to Tier 2 (B. 42) by Planning Commission at the Work Session on November 12, 2025	Code Studio has verbally stated that this is for structures pre-dating the code, but that is not specified here. As written, someone can build a structure and then immediately use it to get the bonus as an existing structure. <del>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."</del>		
<b>A.71</b>	3-39	3.5.2.I.3	Fence Type X. <del>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)</del>	Change Fence Type X to "High Impact Transition Screens"		
<b>A.72</b>	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> <del>Missing comma or conjunction</del>	To protect and enhance the character and stability of neighborhoods <b>and</b> the compatibility of new development with its surrounding context where the scale of development changes between lots of differing zoning districts; and		
<b>A.73</b>	2-95	2.10.1.B.1.e.	Miss labelled roman numerals			
<b>A.74</b>	2-41	2.5.6.B	Existing graphic. <del>9/9/2025: Moved from B.8</del>	Update DX graphic to remove the stepback; implies the stepback is required. It also is implying an additional 30' and 15' of active depth is required (shaded in red).		
<b>A.75</b>	2-97	2.10.1.D	Yard designation details <del>9/9/2025: Moved from B.9</del>	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>A.76</b>						
<b>A.77</b>						
<b>A.78</b>						
<b>A.79</b>						
<b>A.80</b>						
<b>A.81</b>						
<b>A.82</b>						
<b>A.83</b>						
<b>A.84</b>						
<b>A.85</b>						
<b>A.86</b>						
<b>Tier 2 (B)</b>						
Number	Page	Code Section	Current Language or Problem	Suggested Language or Issue in Question		Date Adopted by CC

## Development Code Proposed Amendments Working and Tracking Document 2025

<b>B.1</b>	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	<p>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.</p> <p><b>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.</b></p> <p><b>11/12/25 PC Work Session: PC does not like the Alternate Form approach.</b> Staff has updated the proposed amendment to provide the allowance in the rules section for applicable zoning districts instead of an Alternate Form addition to move forward to January 2026.</p>	<p>Side lot line (min) 4' Where permitted, Dwelling Unit-Attached with a shared property line may encroach to 0'. Or is could be added to Section 34-2.10.5.E.1 (Exceptions) Dwelling Unit-Attached (this would need a definition under Section 34-7.1.2.A.2)</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>B.2</b>	Fee	Fees	<p>Update Fee language to match what we are doing with Amendments and the Development Review process.</p> <p><b>Staff is working on to move forward to City Council in February or March 2026.</b></p>	<p>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.</p>		
<b>B.3</b>	4-80	4.10.1.B.2	<p>The code is missing exemptions for the first unit and for lots of record. This would be considered a taking under state regulations.</p>	<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; <b>however, subparagraph (5)(b) above, shall apply to such lot or parcel if it contains adequate land area in slopes of less than 25% for the location of such structure."</b></p>		
<b>B.4</b>	2-148	2.10.13.A.2.d	<p>Lots with 1 dwelling unit do not have to provide street-facing entries.</p> <p><b>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.</b></p> <p><b>11/12/25 PC Work Session: PC wants to add something along the lines of "and no additional primary/principal use..."</b></p>	<p>This might need more study, but staff may suggest striking this language from the code.</p>		
<b>B.5</b>	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 met.</p> <p>Due to the definition of Building and Structure this section is preventing accessory structures on nonconforming lots.</p> <p><b>11/12/25 PC Work Session: PC is not concerned with accessory uses or buildings in the front yard. Staff is updating. The fix from staff will only allow accessory buildings to be built without bringing the primary building into conformity. PC would like to look into this in more detail in the future as it would take a deeper look at the code as a whole. The goal of the code is to bring building up to the street. PC is okay with the half fix, but wants to look at it more. (D.22)</b></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>		

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<b>B.6</b>	Sight Distance	NA	Nothing in the new code provides details on a sight distance triangle. <b>May 27, 2025, Planning Commission Work Session:</b> This needs more study as PC would not want VDOT regs as it would create too large of a triangle. <b>9/9/2025:</b> Due to timing this will be moved to the 2026 list.	Could use the section from the 2003 Code (Sec. 34-1121. - <b>Sight distance—Required sight triangle.</b> ) Collaboration with the City Traffic Engineer before any change is made.		
<b>B.7</b>	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>B.8</b>	2-41	2.5.6.B	Existing graphic. <b>9/9/2025: Moved to A.74</b>	Update DX graphic to remove the stepback; implies the stepback is required. It also is implying an additional 30' and 15' of active depth is required (shaded in red).		
<b>B.9</b>	2-97	2.10.1.D	Yard designation details <b>9/9/2025: Moved to A.75</b>	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>B.10</b>	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>B.11</b>	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>B.12</b>	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>B.13</b>	4-31	4.5.3.D	Vehicle Access. <b>May 27, 2025, Planning Commission Work Session:</b> 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. <i>"All vehicle access designs must be approved by the Administrator and must conform to the provisions of the Standards and Design Manual."</i> Traffic and Fire view "lanes" within a parking lot as travel lanes and what a minimum of 10' and not 8'.		
<b>B.14</b>	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. <b>May 27, 2025, Planning Commission Work Session:</b> 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? <b>Moved to B.28</b>	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>B.15</b>	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. <b>May 27, 2025, Planning Commission Work Session:</b> PC did not think the 50% AMI should apply and that this section is not in line with the intent of the code.	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).		

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			<b>8/12/2025: staff note: Might need to combine language with B.16.</b>		
<b>B.16</b>	4-9	4.2.2.C.4	Current language is not clear that 50% requirement replaces 60% requirement for affordable units. <b>Combined with B.15 above.</b>	Add clarifying language.	
<b>B.17</b>	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.  <b>May 27, 2025, Planning Commission Work Session: PC found this language to be confusing and believes there needs to be a standard.</b>  <b>11/12/25 PC Work Session: PC suggests removing this section as staff suggest, but adding it to the exemption criteria under 4.4.5.E</b>	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>B.18</b>	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.  <b>Moved and combined with B.36.</b>	Language should be clearer. Define access easement types allowed (pedestrian, vehicular, etc.) to be clear other types of easements do not qualify.	
<b>B.19</b>	3-36	3.5.2.D.17.k	Refers to kennels.  <b>9/9/2025: Staff determined that we have enough language in the code to address. No change needed.</b>	Kennel is not otherwise defined or used. Consider updating to match other language.	
<b>B.20</b>	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.  <b>10/7/2025: This amendment is not ready to move forward and will be placed on the 2026 list.</b>	Reverse order and reconsider categories.	
<b>B.21</b>	3-39	3.5.2.I.3	Fence Type X.  <b>May 27, 2025, Planning Commission Work Session: PC is not sure what this is for, fencing for storage, or for landscaping and transition requirements.</b>	Tie to larger fence discussions?	
<b>B.22</b>	7-15	7.2	Grade, finished.  <b>9/9/2025: This needs additional study and will be moved to the 2026 list.</b>	Additional clarifying language is needed. Intent to measure at building footprint?	
<b>B.23</b>	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>  <b>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.</b>	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>B.24</b>	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.  <b>11/12/25 PC Work Session: PC would like to look into this more as active space and active depth created a lot of conversation (with a lot of it around the term "hall"). For now PC is okay with staff language, but they would like to revisit the concept and where it should be used.(D.23)</b>	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>B.25</b>	2-133	2.10.10.B.2.d	Lots with 1 dwelling unit do not have to meet the active depth requirements.  <b>(Moved to B.35)</b>	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 sublot do not have to meet the active depth requirements." We might need to also add something for existing buildings.	
<b>B.26</b>	2-131	2.10.10.A.3.a	No building located on a lot may be wider than the maximum building width allowed by the zoning district.	This section does not contemplate buildings spanning more than one zoning district. Revision or clarification needed.	

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			May 27, 2025, Planning Commission Work Session: PC recommended requiring the owner to rezone the lots into one zoning designation.		
<b>B.27</b>	4-75	4.9.1.D.1	Canopy set at 10 years  May 27, 2025, Planning Commission Work Session: PC brought this up, but only acknowledged it was an issue with no more explanation.	Previous code included language to allow us to continue with 10 years (state code is at 20 years), which was not included in this development code. Further study needed.	
<b>B.28</b>	4-70	4.8.1	Fences and Walls  11/2/25 PC Work Session: Planning Commission would like to adjust staff's recommendation from 8' to 4' and have an exception for guardrails/handrails and barriers required by state regulations or building code. Staff is working on updates.  Staff updated the amendment to focus more on exceptions and not redefining what a "Fence" is. The update language now excepts fences under 4.5', guardrails, and enclosures required by the state.	Section does not contemplate requirements such as ADC district guidelines.  I believe we can address the "fence" issue(s) by: <i>Define Fence (7.2) as A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas and is a minimum of six (6') in height or taller. A fence differs from a wall in not having a solid foundation along its entire length.</i> Remove 4' or 0' Fence reference from R-A, RN-A, R-B, R-C, RX-3, RX-5, CX-3, CX-5, CX-8, NX-3, NX-5, NX-8, NX-10, DX, CM, CV, Shopfront House, and Civic Institution with "not allowed". OR: Just remove "Fence" from the Fences and Walls in each district under Article 2. Example page 2-15 2.2.5.6 Change Fences and Walls to just Walls. We would also need to change 4.8 to "Walls". Keep 4.8.1 the same.	
<b>B.29</b>	4-9	4.2.2.C.3.c	Bonuses in Residential Districts Standards  9/9/25: Studied by staff and this is not an issue.	Does this section conflict with the ADU manual requiring a certification for ALL residential projects? <b>Does not conflict so long as "0" or "N/A" certification forms are accepted.</b> OCS staff have accepted these certifications for recent projects. Perhaps the certification form could be adapted to make this easier?	
<b>B.30</b>	4-104	4.12.3.B.3	Lighting must not trespass onto adjacent properties, sidewalks, or rights-of-way and the footcandles at the property line must be no more than 0.5.	"Lighting must not trespass onto adjacent properties and sidewalks not within the proposed development, public rights-of-way and the ..."	
<b>B.31</b>	4-80	4.10.1.C.1 & 2	1. No buildings, structures, or other improvements are permitted in the part of a project site with a grade of 25% or greater. 2. No land disturbance is permitted in the part of a project site with a grade of 25% or greater.	1. No buildings, structures, or other improvements are permitted in the part of a project site <b>within Critical Slopes a grade of 25% or greater.</b> 2. No land disturbance is permitted in the part of a project site <b>within Critical Slopes. grade of 25% or greater.</b>	
<b>B.32</b>			5.2.9. development review rework to match development update processes		
<b>B.33</b>	2-9 {etc.}	2.2.2.B.1 (etc.) And 2.10.10 Massing	Height is based on unit count. <b>Moved from C.1 and C.2</b>  <b>11/12/25: PC Work Session moved this back to Tier 3 (C.1 and C.2) as there needs to be a deeper dive into what a Building is and if it is the Lot or the Building that needs to have more than one unit in it to get the bonus height.</b>	Building height is for the number of units within the building. If you have one building and it has more than one unit within the building, you get the additional height. If you have multiple units on a site, but they are each in their own individual unit, you do not get the additional height. This is problematic for R-A, R-B, and R-C.  Building is not clearly defined when it comes to "Height" and "Massing". The example is: If I have seven townhomes along a primary street in the R-B, the massing and height is all dependent on where the property lines are for each unit. If it is seven townhomes with no property line at the shared wall (all seven are on one lot in a condo) the "building" can only be 60' long on the	

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				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.  <b>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 sublot.</b>		
<b>B.34</b>	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>B.35</b>	2-133	2.10.10.B.2.d	Update Lots with 1 dwelling unit do not have to meet the active depth requirements. <b>11/12/25 PC Work Session: PC suggest adding “and no additional primary/principal use...”</b>	Change language to match that of the 1 dwelling unit section for entry feature.		
<b>B.36</b>	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. <b>Moved B-18 down to this slot to work into the solution.</b>	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>B.37</b>	5-37	5.2.9	Changes to the Development Code Process to allow more types of development to go straight to Building Permit review <b>9/9/25 (more information will be provided after we meet with different departments and get additional feedback).</b>	We are looking at two options. 1 would keep our current policy of allowing one and two units to go straight to Building permit review (codifying it). The other option (which is the one we are moving forward) would allow development within the R districts (provided certain standards are met) to go straight to Building Permit review		
<b>B.38</b>	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. <b>11/12/25 PC Works Session: Change “utilizing” to “eligible”.</b>	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>B.39</b>	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>B.40</b>	2-177	2.10.6.A.2	Running into an issue where an easement may 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>B.41</b>	4-27	4.5.2.C.1	Required Bicycle Parking. The code is requiring Hotels to be treated as Commercial which in turn requires a unreasonable amount of bicycle parking.	Staff reached out to Code Studio to make sure we were reading the code section correctly and they responded in an email on November 6, 2025 with: <i>“Great question, under the current code language, you are interpreting this correctly that a lodging use is a commercial use and would be calculated as you have outlined. This could be an opportunity for administrative relief, or a potential text amendment where lodging uses get listed as a new line on the bicycle parking table with lesser requirements. This could be per SF or per room, for example, in Raleigh, NC we specified long-term bike parking as 1 space per 20 rooms (4 min) and short-term bike parking</i>		

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				<i>as 1 space per 40 rooms (4 min). Happy to brainstorm more as needed, Christy"</i>		
<b>B.42</b>	4.5	4.2.1	Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure.  <b>11/12/25 PC Work Session:</b> PC would like to have the a moving date of 8 years to allow new units that are built to use the existing structure preservation bonus. This is moved from C.8 and A.70.	CodeStudio has verbally stated that this is for structures pre-dating the code, but that is not specified here. As written, someone can build a structure and then immediately use it to get the bonus as an existing structure.		
<b>B.43</b>						
<b>B.44</b>						
<b>B.45</b>						
<b>B.46</b>						
<b>B.47</b>						
<b>B.48</b>						

## Tier 3 (C)

Number	Page	Code Section	Current Language	Staff Notes <i>*Community Engagement and analysis will be required.</i>
<b>C.1</b>	2-9 (etc.)	2.2.2.B.1 (etc.)	<del>Height is based on unit count. (moved to B.33)</del>  <b>11/12/25:</b> PC Work Session moved this back to Tier 3 as there needs to be a deeper dive into what a Building is and if it is the Lot or the Building that needs to have more than one unit in it to get the bonus height.	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.
<b>C.2</b>		2.10.10 Massing	<del>This dovetails into the item C.1 (moved to B.33)</del>  <b>11/12/25:</b> PC Work Session moved this back to Tier 3 as there needs to be a deeper dive into what a Building is and if it is the Lot or the Building that needs to have more than one unit in it to get the bonus height.	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.
<b>C.3</b>	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.
<b>C.4</b>	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.
<b>C.5</b>	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.
<b>C.6</b>	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).
<b>C.7</b>	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.
<b>C.8</b>	4-5	4.2.1	<del>Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure.</del>  <del>Moved to Tier 1 (A.70) by Planning Commission at the work session on May 27, 2025</del> <del>Moved to Tier 2 (B. 42) by Planning Commission at the Work Session on November 12, 2025</del>	<del>CodeStudio has verbally stated that this is for structures pre-dating the code, but that is not specified here. As written, someone can build a structure and then immediately use it to get the bonus as an existing structure.</del>
<b>C.9</b>	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.

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<b>C.10</b>	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.
<b>C.11</b>	5-54	5.2.15.A	A <i>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. <b>May 27, 2025, Planning Commission Work Session: PC did not feel removing or adjusting the SEP is appropriate at this time.</b>	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.
<b>C.12</b>	7-19	7.2	Project Any activity, including subdivisions, new construction, additions, site modifications, façade modifications, changes of use, renovations, and maintenance and repair, <b>on a parcel</b> that is controlled by this Development Code.	Language implies this is only upon one parcel. Discuss intention and revision.
<b>C.13</b>	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. <b>Site: A single lot or group of connected lots</b> owned or functionally controlled by the same person or entity, assembled for the purpose of development. <b>Lot: A parcel, tract, or area of land established by a plat</b> or other means as permitted by law, which is to be used, developed, or built upon. <b>Site Modification:</b> Any modification of an existing <b>site</b> that affects less than 50% of the existing site area, up to 25,000 square feet of affected site area.
<b>C.14</b>	7-9	7.1.2.E.2	Defining a lot	This and the definition of parcel should be considered together. <b>Parcel.</b> A contiguous portion of land that is assigned a unique identification number by the Office of the Assessor. (7-19) <b>Lot:</b> 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)
<b>C.15</b>	7-10	7.1.2.E.3.b	Sublot access	Add clarifying language that easement may be through other zoning lots.
<b>C.16</b>	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.
<b>C.17</b>	2-148	2.10.13	Entrances	Update to match previous determinations or better clarify.
<b>C.18</b>	4-43	4.5.7.C	Active depth vs. garage. Link to active depth.	Further study needed.
<b>C.19</b>	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.	
<b>C.20</b>	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.	
<b>C.21</b>	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 <b>not subject to Erosion and Stormwater Management (ESM) Plans</b> that include any portion of sloped area that has all of the following criteria:"
<b>C.22</b>			(10/30/2025) Food truck courts (areas in the City where multiple food trucks could gather. This came out of a conversation that under the current Temporary Use section only one food truck is permitted per lot. This is an issue, but it also prevents something like a food court for food trucks.	<b>An idea to address this is 1. Amend the temporary sections, and 2. Look into the idea of an Alernant Form section for Food Truck Courts.</b>
<b>C.23</b>				
<b>C.24</b>				
<b>C.25</b>				

# Development Code Proposed Amendments Working and Tracking Document 2025

C.26			
C.27			
C.28			

## Planning Commission

Number	Page	Section	Notes: Some PC notes are found within Section B if it is related to a specific amendment	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.	After reviewing with staff and the code. This interpretation is correct and has been utilized by Planning staff. Other types of easements such as utilities is not contemplated in the code, but is being addressed with this batch of amendments.
D.2.			Doors swinging over the ROW. The building code actually prohibits this, but there have been instances where it has been excused by our code officials because there's not life safety issue. Can we add to the zoning code that doors should not swing over the public sidewalk?	
D.3.			Definition of an entry: I think you all are on this after the apartment project at 1609 Gordon Ave. Does an entrance have to open to an active space? Should it be allowed to go to a garage, internal courtyard, or exterior stair? We should add some clarity to the code on this.	2.10.13 Entrances (page 2-148) The Street-Facing Entry Spacing states "A maximum distance between street-facing doors providing access from the public realm to the interior of a building." For this project (RX-5) the code requires an "Entry Feature" and "A street facing entry every 40' or 60' depending on the type of street. This section of the code is very confusing and convoluted. It would need a lot of thought and work.
D.4.			Active Depth – this seems to keep coming up as preventing buildings from providing internal parking. Is it too deep? Do we need to consider some exceptions or methods for providing internal parking?	
D.5.	2-132	2.10.10.A.5	2.10.10.A.5: Building Width Exception. "The depth of the open space must be at least equal to the width of the open space or 30', whichever is less." I propose reducing that minimum depth to 25'. A building built over a parking garage is 60' wide (1'+18'+22'+18'+1'). If you have a double-loaded corridor building above the parking garage, a 30' deep open space will cut into the corridor. The depth should be no deeper than an apartment depth.	
D.6.			Ground floor definitions seem to keep tripping people up on sloping sites. Are ours too strict?	
D.7.	4-31	4.5.3.D.1.a.vii	Driveway widths – there seem to be no regulations for driveway widths for single family and duplex lots. 4.5.3.D.1.vii seems to show maximum widths, but I understand that staff interprets the code as there being no maximum width for single family or duplex parcels.	Staff does enforce this requirement. The issue can arise from the fact that "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.	

## Development Code Proposed Amendments Working and Tracking Document 2025

		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.	
<b>D.11.</b>		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.	
<b>D.12.</b>		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.	
<b>D.13.</b>		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 <u>lot</u> 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."
<b>D.14.</b>		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.	
<b>D.15.</b>		See B.15: This section is only about Unit Bonus allowances in residential districts, but R-C also has a Height Bonus which is not detailed. May 27, 2025, Planning Commission Work Session: PC did not think the 50% AMI should apply and that this section is not in line with the intent of the code.	
<b>D.16.</b>		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.	
<b>D.17.</b>		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.	
<b>D.18.</b>		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?	
<b>D.19.</b>		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.	
<b>D.20.</b>		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.	
<b>D.21.</b>		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.	

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<b>D.22.</b>		See B.5: At the November 12, 2026 PC work session, the PC wanted to add this (allowing more primary buildings on a lot without first bringing it up to conformity in regards to Build-to) to a the list to look at in the future.	
<b>D.23.</b>		11/12/25 PC Work Session: PC would like to look into this more as active space and active depth created a lot of conversation (with a lot of it around the term "hall"). For now PC is okay with staff language, but they would like to revisit the concept and where is should be used. (B.24)	
<b>D.24.</b>			
<b>D.25.</b>			
<b>D.26.</b>			
<b>D.27.</b>			
<b>D.28.</b>			
<b>D.29.</b>			
<b>D.30.</b>			
<b>D.31.</b>			

### Tree Commission

Number	Page	Section	Notes	Staff Notes
<b>E.1.</b>			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.	
<b>E.2.</b>			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).	
<b>E.3.</b>			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.	
<b>E.4.</b>				
<b>E.5.</b>				
<b>E.6.</b>				
<b>E.7.</b>				

### EV Charging Plan

Number	Page	Section	Notes	Staff Notes
<b>F.1</b>			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. 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. 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	See the CV Charging Plan and look at the City of Fairfax <a href="#">Link to what they are doing</a>

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		major zoning categories. For DCFC installations, the City may wish to adopt specific provisions, explicitly detailing when EV charging is considered a primary use. 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.	
<b>F.2</b>			
<b>F.3</b>			
<b>F.4</b>			

## Builders and Developers

Number	Page	Section	Notes	Staff Notes
<b>G.1</b>	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 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 very 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. <i>(by email)</i></p>	Staff believes this is a Tier 1 (grammatical issue and can be addressed 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.
<b>G.2</b>	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><i>(by email)</i></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.
<b>G.3</b>			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 <i>(October 14, PC work session)</i>	
<b>G.4</b>			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	

## Development Code Proposed Amendments Working and Tracking Document 2025

		as posable 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. <b>(October 14, PC work session)</b>	
<b>G.5</b>		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. <b>(October 14, PC work session)</b>	
<b>G.6</b>		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. <b>(October 14, PC work session)</b>	<b>Staff believes the max height issue will be resolved with the current round of amendments).</b>
<b>G.7</b>		From a Historic Preservation perspective, make existing buildings in the Historic District conforming. This would help with preventing teardowns. <b>(October 14, PC work session)</b>	<b>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.</b>
<b>G.8</b>		Changing the zoning along West Main to CX-3. Remove the pay for affordable housing and provide affordable within student housing buildings. <b>(October 14, PC work session)</b>	
<b>G.9</b>		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. <b>(October 14, PC work session)</b>	<b>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.</b>
<b>G.10</b>		Look at adjusting the required AMI for affordable units and base it off the Zoning district and not uniformly across the City. <b>(October 14, PC work session)</b>	
<b>G.11</b>		Reevaluate the “activities” sections (i.e. New Construction, Addition, Site Modification...) to allow small changes to a site without going through full Development Review. <b>(October 14, PC work session)</b>	<b>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</b>
<b>G.12</b>		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. <b>(October 14, PC work session)</b>	
<b>G.13</b>		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. <b>(October 14, PC work session)</b>	
<b>G.14</b>		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. <b>(October 14, PC work session)</b>	
<b>G.15</b>	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 <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.16</b>	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 <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.17</b>	2.10.6.5.c.ii	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.	

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		Ped. outdoor amenity space	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. <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.18</b>		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 <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.19</b>		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 <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.20</b>		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. Do not apply the active depth requirements to the facade that is pushed back when using the open space exception. <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.21</b>		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. <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.22</b>		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. <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.23</b>		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 <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.24</b>		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. <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.25</b>		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 <b>Dan Bracey – Two Street Studio October 2025</b>	

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<b>G.26</b>		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. <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.27</b>		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. <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.28</b>		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. <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.29</b>		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. <b>Dan Bracey – Two Street Studio October 2025</b>	
<b>G.30</b>			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. <b>Reference Jeff Levien Letter dated October 21, 2025</b>	
<b>G.31</b>				
<b>G.32</b>				
<b>G.33</b>				
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