



**City Council  
Public Hearing  
Tier 1 and 2 Development Code  
Amendments**

**February 17, 2026**

# Development Code Amendments: Background

- **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 1 Amendments

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- **Staff is proposing sixty-three (63) Amendments**
- **Purpose** – Addresses copy editing issues, missing text, and small refinements to accurately reflect the intended intent of the Development Code.
- **Legislative Updates** – Incorporates recent actions passed by the Virginia General Assembly to ensure compliance.
- **Scope** – Primarily technical corrections and minor adjustments, ensuring clarity and consistency without altering policy direction.
- **Process** – Tonight's Public Hearing is the culmination of nearly 12-months of work by staff and the Planning Commission.
- **Annual Initiative** – Establishing regular updates to maintain accuracy and alignment with evolving legislative and regulatory standards.

# Tier 1 Amendment Examples

Page	Section	Existing Language or Issue	Proposed Language
4-10	4.3.2.B.1.A	“...Administrator may allow <b>once</b> side of a block...”	“...Administrator may allow <b>one</b> side of a block...”
6-15	6.7.3.B.1.a.iii	“See <b>5.2.7</b> Major Historic Review and 5.2.7 Major Historic Review”	“See <b>5.2.6</b> Minor Historic Review and 5.2.7 Major Historic Review.”
2-40	2.5.6.A.6	“Type <b>X</b> ”	“Type <b>B, D</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 is not readily visible and should be added to the RX-district pages in Division 2.
5-5	5.1.3.B.1	Missing Special Exception Permits	<b>“f. Special Exception Permits”</b>
Throughout the code		RN-A is missing, Example: RN-A is not listed in the Screening Transition Matrix under 4.7.1.B.1 on page 4-48	

# Tier 1 Amendment Examples State Regulations

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

## Tier 2 Amendments

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- **Staff is proposing twenty-three (23) Amendments**
- **Purpose** – Addresses oversights and ambiguities in the Development Code to enhance clarity and functionality and to enforce the Intent sections of the Code.
- **Fee Schedule** – Minor Amendments to the Neighborhood Development Services Fee Schedule to reflect changes to the Development Review process.
- **Scope** – Includes modifications, additions, and removals that improve interpretation and implementation of existing provisions.
- **Impact** – Ensures regulations align more effectively with intended planning goals while maintaining consistency.
- **Process** – Tonight's Public Hearing is the culmination of nearly 12-months of work by staff and the Planning Commission.
- **Continuous Refinement** – Part of the ongoing commitment to keeping the Development Code responsive and well-structured.

## Tier 2 Amendment Examples: Overview of a few key Amendments

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### **Amendment B.1 – Side Setbacks for Attached Dwellings**

- Allows Zero Setbacks when dwelling units are attached.
- Improves flexibility for urban infill projects.

### **Amendment B.5 – Accessory Structures**

- Permits sheds/garages without forcing Primary Buildings into Build-to compliance.
- Supports practical site design.

### **Amendment B.15 – Height Bonus Standards**

- Clarifies Affordable Housing requirements for height bonuses.
- Ensure consistency with the City Housing Policy goals.

### **Amendment B.28 – Fences and Walls**

- Exempts small non-privacy fences and guardrails.
- Streamlines minor improvements to property.

# Tier 2 Amendment Examples: Overview of a few key Amendments

## **Amendment B. 32 – Development Review Process**

**Unified Development Plan** Removes “Major/Minor” distinction; serves as zoning compliance review and establishes vesting rights.

- New Final Site Plan Categories
- Major Final Site Plan: For new construction/additions with public improvements.
- Minor Final Site Plan: For smaller projects without public improvements.
- Final Site Plan approval becomes prerequisite for permits (E&S, VESMP, bonding).

## **Streamlined Path for Small Projects**

- Codifies policy allowing one- and two-unit projects to bypass Development Review and go directly to Building Permit.

## **Why It Matters for Fees:**

Creates new review categories requiring distinct fee structures.

- Fee Schedule adds:
- Development Plan Review: \$400
- Final Site Plan Major: \$1,800
- Final Site Plan Minor: \$800
- Removes outdated categories and aligns fees with updated **process**.

## **Goal:**

- Improve efficiency, predictability, and cost recovery while supporting housing and land use goals.



# Public Comment and Community Engagement

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- **Data Collection:** Staff continuously gathers data from daily Development Review and community engagement.
- Updates feed into the Amendment “Working Document” reflecting feedback from staff, builders, developers, and the community
- **May 27, 2025, Planning Commission Work Session:** Reviewed early work on proposed amendment categories
- **October 14, 2025, Planning Commission Work Session** Engaged with Commission and local builders/developers to identify issues in the Development Code
- **November 12, 2025, Planning Commission Work Session:** Working meeting to review first draft of Tier 2 Amendments and receive feedback
- **January 13, 2026, Planning Commission Public Hearing:** Planning Commission voted unanimously to recommend all 86 amendments for approval

# Recommendation

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## **Staff recommends:**

- Holding a Public Hearing on the Development Code Amendments, then holding a Public Hearing on the Amended Fee Schedule
- Approve Development Code Amendments as presented
- Approve ordinance amending Fee Schedule
- Implementation targeted for March 2026

# Thank You

