

**ORDINANCE AMENDING AND RE-ENACTING CHAPTER 34 (CHARLOTTESVILLE DEVELOPMENT CODE) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, TO CORRECT ERRORS AND MAKE MINOR CHANGES TO THE CODE SECTIONS OUTLINED IN THIS ORDINANCE**

**WHEREAS**, upon City Staff's recommendation, the Planning Commission ("PC") initiated a Zoning Text Amendment proposing amendments to the City's Development Code, for a series of Tiered changes. Tier 1 Amendments include updates to address scrivener errors and codify Virginia Code legislative updates. Tier 2 Amendments include updates to provide clarifying information and make minor changes and modifications to better reflect the Intent Section(s) of the City's Development Code; and

**WHEREAS**, on January 13, 2026, the PC held a Public Hearing on the Proposed Zoning Text Amendments, after Notice was given to the public and adjacent property owners as required by law, and, at the conclusion of the Public Hearing, the PC recommended approval of the Proposed Zoning Text Amendments to Chapter 34 of the City Code; and

**WHEREAS**, on February 17, 2026, the Council of the City of Charlottesville, Virginia ("City Council"), held a Public Hearing on the Proposed Zoning Text Amendments, after Notice was given to the public and adjacent property owners as required by law; and

**WHEREAS**, after consideration of the Public Hearing, the PC's recommendation, and City Staff's recommendation, City Council believes that the Proposed Zoning Text Amendments, are carefully designed to give reasonable consideration to the purposes listed in § 15.2-2283 of the Code of Virginia (1950), as amended.

**NOW THEREFORE, BE IT FORMALLY ORDAINED**, that City Council hereby finds and determines that: (i) the public necessity, convenience, general welfare, and good zoning practice require the Proposed Zoning Text Amendments; and (ii) the Proposed Zoning Text Amendments are consistent with the City's Comprehensive Plan; and

**BE IT FURTHER ORDAINED** by City Council that Chapter 34 (City Development Code) of the City Code is hereby amended and re-enacted as follows, effective on March 23, 2026.

Amend Chapter 34:

**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...

**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.

### **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...

### **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.

### **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.

**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.

### **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

### **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.

### **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:

### **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 5.2.76. *Major 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*.

## **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

## **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.

### **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.

### **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.

### **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.

**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.

**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.

**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.

### **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.

### **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.

### **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.

### **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

### **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

### **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

### **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

### **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

### **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

### **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

### **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

### **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

### **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

### **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

### **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

### **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

### **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%

### **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.

## **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:

## All R- and RN- Districts

## **Code Section: 34-2.8.4.B**

Page Number: 2-57

### Old Text:

When allowed in Residential (R-) districts, the following principal uses may follow the Shopfront House Form standards:

## "Track Changes" Version:

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

## **Clean Version:**

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

## **Code Section: 34-2.10.4.A.3.b**

Page Number: 2-106

## Old Text:

In Residential A (R-A), Residential B (R-B), and Residential C (R-C), the building coverage cannot exceed the maximum allowed based on the number of units provided on the lot.

## **"Track Changes" Version:**

In Residential A (R-A), **Residential Core Neighborhood A (RN-A)**, Residential B (R-B), and Residential C (R-C), the building coverage cannot exceed the maximum allowed based on the number of units provided on the lot.

## Clean Version:

In Residential A (R-A), Residential Core Neighborhood (RN-A), Residential B (R-B), and Residential C (R-C), the building coverage cannot exceed the maximum allowed based on the number of units provided on the lot.

## **Code Section: 34-2.10.9.B.2**

**Page Number:** 2-130

**Old Text:**

Side wall height limitations apply to all lots in Residential A (R-A), and Residential B (R-B) zoning districts.

**"Track Changes" Version:**

Side wall height limitations apply to all lots in Residential A (R-A), **Residential Core Neighborhood A (RN-A)**, and Residential B (R-B) zoning districts.

**Clean Version:**

Side wall height limitations apply to all lots in Residential A (R-A), Residential Core Neighborhood (RN-A), and Residential B (R-B) zoning districts.

## **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.

## **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.

## **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.

**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.

**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.

**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.

**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.

### **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.

### **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.

### **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.

**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:

**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.

**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.

**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:

**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.

**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-)

### **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

### **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.*

### **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.*

### **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.

**Code Section: 34-5.3.3.B.1.b**

**Page Number: 5-62**

**Existing 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.

**Proposed Language:**

*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.*

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

**Page Number: 7-9**

**Existing Text:**

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

**Proposed Language:**

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

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

**Page Number: 5-29**

**Existing 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'.

**Proposed Language:**

~~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 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'.*

### **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

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

Existing Language:

4. BUILDING SETBACKS		<a href="#">Sec. 2.10.5.</a>
<b>D</b>	Primary street lot line (min/max)	10' / 20' or Existing Range
<b>E</b>	Side street lot line (min)	10'
<b>F</b>	Side lot line (min)	4'
<b>G</b>	Rear / alley lot line (min)	4'

*Proposed Language:*

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

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

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

**Existing Language:**

4. BUILDING SETBACKS		<a href="#">Sec. 2.10.5.</a>
<b>D</b>	Primary street lot line (min/max)	10' / 20' or Existing Range
<b>E</b>	Side street lot line (min)	10'
<b>F</b>	Side lot line (min)	4'
<b>G</b>	Rear / alley lot line (min)	4'

*Proposed Language:*

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

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

#### Section 34-2.2.4.A.4

Existing Language:

4. BUILDING SETBACKS		<a href="#">Sec. 2.10.5.</a>
<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		<a href="#">Sec. 2.10.5.</a>
<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 34-2.2.5.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.*

### **Section 34-4.10.1.B**

Page: 4-80

**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" must 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 must be exempt from the requirements of these critical slopes provisions for the establishment of the first dwelling unit on such lot or parcel.*

## **Sections 34-2.10.13.A.2**

Pages 2-148

**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 sublot consisting of only 1 primary dwelling unit and no additional primary/principal uses is not required to provide a street-facing entry.*

## **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

### **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.
3. No accessory use is permitted on a site until after the principal use is established.

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

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

#### **Existing Language:**

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

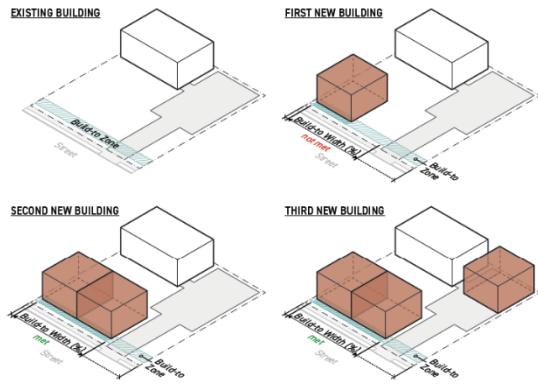
###### **5.3.3.C. Nonconforming Build-To Requirement**

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**

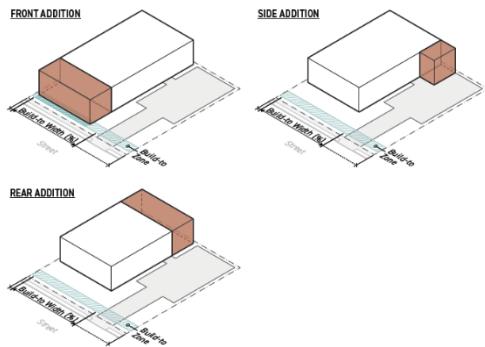
All new construction buildings or structures must occupy the build-to zone until the build-to width requirement has been met. Until all build-to width standards have been

met, new buildings must occupy the build-to zone for their entire building width.



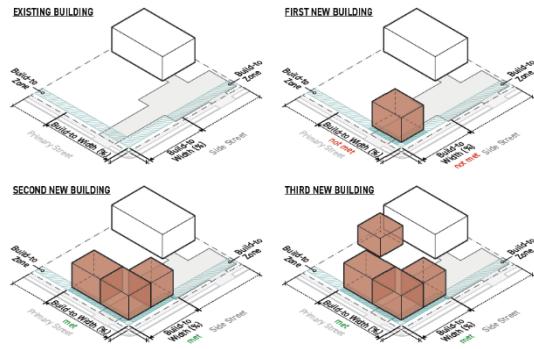
## 2. Additions on an Interior Lot

- 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.



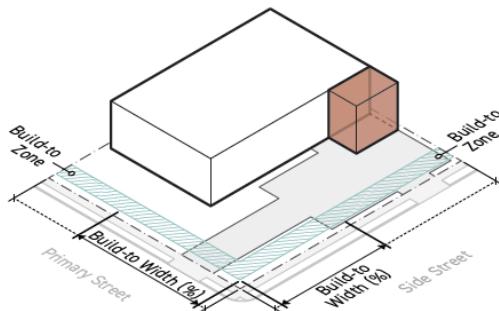
## 3. New Buildings on a Corner Lot

- 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.

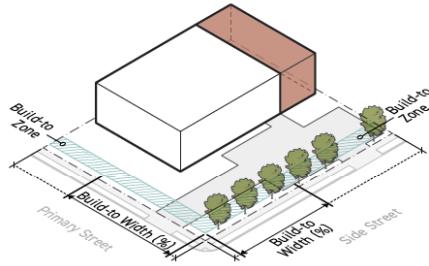


#### 4. Additions on a Corner Lot

- 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.
  - 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**

- 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.

*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.

**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

**Existing language:**

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

***Proposed language:***

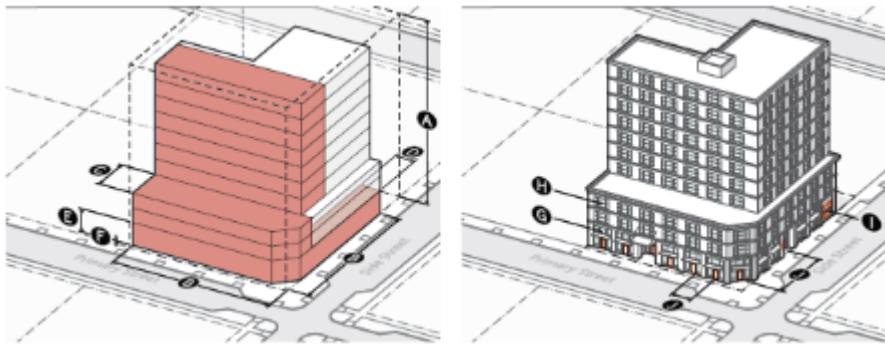
*Primary St. Side St.*

<i>4. TRANSPARENCY</i>	<i>Sec. 2.10.12.</i>	
<i>H Ground story (min)</i>	<i>70%</i>	<i>35%</i>
<i>Primary street</i>	<i>70%</i>	<i>35%</i>
<i>Side street</i>	<i>50%</i>	<i>35%</i>

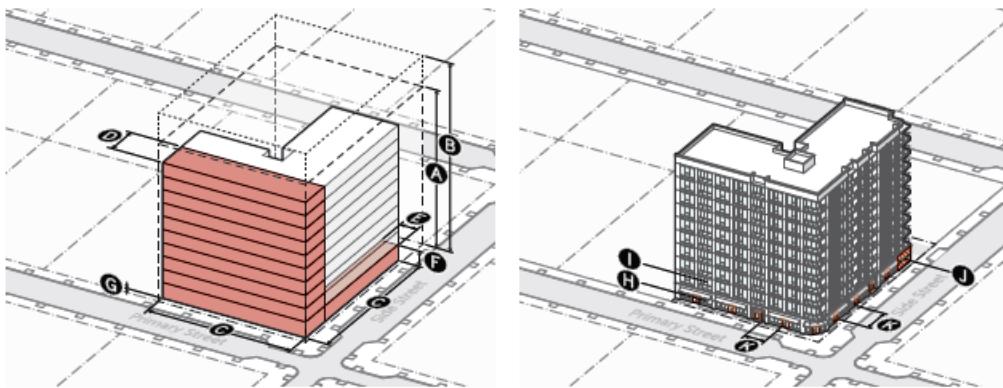
### **Section 34-2.5.6.B**

Page 2-41

#### **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).*

### **Sections 34-2.10.5.D**

Pages 2-114

#### **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

- 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.
- 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:*

- Primary street setback is measured from the primary street lot line.*
- Side street setback is measured from the side street lot line.*
- Rear setback is measured from the rear lot line*
  - 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.*
  - 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.*

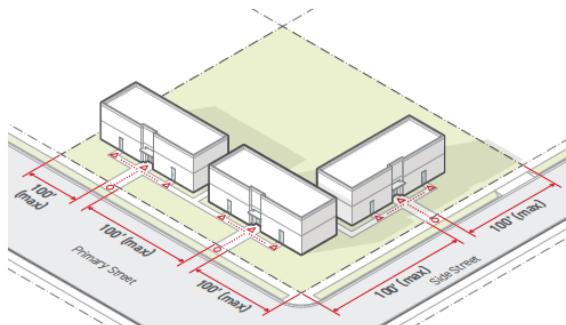
## Sections 34-4.5.1.C

Pages 4-23

**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.



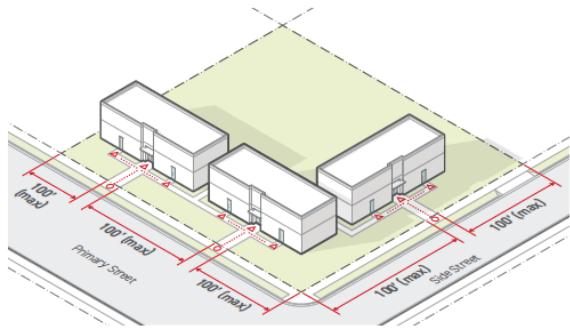
## **ACCESS STANDARDS**

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.*



### **ACCESS STANDARDS**

<i>Pedestrian accessway type</i>	<i>Linked</i>
<i>Pedestrian accessway spacing (max)</i>	<i>100'</i>
<i>Distance from street intersection (max)</i>	<i>100'</i>
<i>(For lots and developments not within 100' of an intersection, only Pedestrian accessway spacing applies)</i>	

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

Pages 4-8

#### **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.*

**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.*

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

Pages 4-20

**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;
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;
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.

## **Sections 34-7.2**

Pages 7-11

**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.

### **Sections 34-.2.10.10.A.3.a**

Pages 2-131

#### **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.*

### **Sections 34-4.9.1.D.1.a**

Pages 4-75

#### **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	10%
DX	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	

<i>All R and RN-districts</i>	<i>10%</i>
<i>Residential Mixed Use</i>	
<i>All RX-districts</i>	<i>10%</i>
<i>Corridor Mixed Use</i>	
<i>All CX-districts</i>	<i>10%</i>
<i>Node Mixed Use</i>	
<i>All NX-districts</i>	<i>10%</i>
<i>DX</i>	<i>10%</i>
<i>Industrial</i>	
<i>All IX-districts</i>	<i>10%</i>
<i>Special</i>	
<i>All special districts</i>	<i>15%</i>

## **Sections 34-4.8 Fences and Walls**

Pages 4-70 to 4-75

### **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.*

## **Sections 34-4.12.3.B.3**

Pages 4-104

**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.*

### **Sections 34- 4.10.1.C**

Pages 4-80

**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.~~*

### **Section 34-5.2.9**

Page: 5-37

**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 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

- 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**

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;*
- 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*

*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.*

***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 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.*

**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

**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'*

## **Sections 34-2.10.10.B.2**

Pages 2-133

**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.

### **Sections 34-2.10.5.D.1**

Pages 2-113

**Existing language:**

Measurement

1. All building setbacks are measured perpendicular to the applicable lot line.
2. Where a lot line abuts an access easement, the Administrator will determine whether the setback may be measured from the interior edge of the access easement rather than the lot line.

*Proposed language:*

Measurement

1. All building setbacks are measured perpendicular to the applicable lot line.
2. Where a lot line abuts an access easement 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.

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

Pages 2-112 & 2-117

**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.

## **Sections 34- 2.10.6.A.2**

Pages 2-117

### **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.*

## **Sections 34-4.2.1.B**

Pages 4-5

**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.*