

CITY OF CHARLOTTESVILLE

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TO: Charlottesville Planning Commission
FROM: Matthew Alfele, Development Planning Manager
DATE: July 28, 2026
SUBJECT: Development Code Clean-Up: Follow-Up Discussion on Active Depth, Setbacks, and Build-To

Tonight's Work Session continues the Planning Commission's engagement in the 2026 Development Code Clean-Up effort following the July 9th Subcommittee Meeting. Staff is bringing forward a set of interrelated topics—Active Depth, Setbacks, and Build-To (which might be more of a conversation around Nonconformity)—for full Commission discussion. These topics represent areas where technical refinements may improve clarity, resolve internal inconsistencies, and provide more predictable outcomes for applicants and reviewers. As with all items in this year's Clean-Up cycle, the focus remains on small, technical adjustments rather than major policy changes. Larger policy questions raised through community feedback or prior Commission discussions will continue to be tracked separately as part of long-range planning efforts, consistent with the established Clean-Up framework described in the June 23rd Listening Session Memo.

Below is a brief recap from the Planning Commission's Work Session from June 23rd framed around receiving feedback from local builders and developers; and the Subcommittees work from July 9th.

At the June 23rd Work Session, the Commission engaged directly with local builders and design professionals to hear how the Development Code functions in practice. Several key themes emerged from that session:

- Conflicts between minimum Build-To widths and maximum building widths, especially for townhouse or multifamily configurations.
- Requests for clearer interpretation of attached dwellings and building massing relationships.
- Interest in better defining how covenants or external conditions interact with Code standards.

During the Subcommittee's July 9th work meeting, committee members focused directly on three technical areas slated for refinement in the Clean-Up cycle:

1. Active Depth Standards

- Existing depth requirements in the different Zoning Districts may not reflect functional realities—especially the upper-story 30' requirement for DX.

- Subcommittee members noted that it might better serve the intent of the code to allow a wider variety of uses to count towards “active space” and only call out what should not be permitted.
 - Discussions included exempting interior residential spaces while preserving ground-level activation and transparency requirements.
2. Setbacks
- The group examined how Setbacks interact with Build-To, especially on constrained sites, nonconforming lots, and locations where utility or environmental constraints limit placement options.
 - Consideration included whether technical flexibility could better support code intent without creating loopholes.
3. Build-To
- The Subcommittee raised several instances where strict Build-To compliance unintentionally prevents additions to nonconforming buildings—because a property owner would need to first build new frontage solely to meet Build-To before adding to the side or rear.
 - Members encouraged framing options that maintain the street-engagement goals of Build-To while allowing reasonable improvements to existing nonconforming structures.

These topics directly set the agenda for tonight’s discussion and reflect the Commission’s expressed interest in receiving practical feedback from practitioners before moving toward draft language.

Staff recommends the Commission focus on four key questions during the Work Session:

1. Active Depth

- Are current depth standards achieving activation goals?
- Should depth requirements differ between ground stories and upper stories?
- Should interior residential (regardless of Zoning District) spaces be exempted?
- Would adjusting the definition achieve many of these goals?

2. Build-To and Setbacks

- How should the Code treat **nonconforming buildings** where strict Build-To prevents functional additions?
- Should alternative compliance pathways be created for existing structures?
- What technical tweaks might balance flexibility with urban design intent?

3. Integration Across Standards

- Active Depth, Setbacks, and Build-To function in combination—not isolation. Staff encourages the Commission to articulate guiding principles for how these standards should relate and support each other.

Attachments and Links:

- [City's Development Review Webpage and Current Development Code](#)
- [Connect Charlottesville Development Code Clean-Up Page](#)
- Code Amendment Working Document Updated July 21, 2026