



Planning Commission Meeting Agenda

October 27, 2026

100 5th Street Northeast
City Space Conference Room
Charlottesville, Virginia 22902

Carl Schwarz, Chair
Danny Yoder, Vice Chair
Ross Harness
Hosea Mitchell
Betsy Roettger
Lyle Solla-Yates
Josh Carp
Michael Joy

I. Commission Work Session

Beginning: 5:00 p.m. Location: (Cityspace, 100 5th Street NE, Charlottesville, VA 22902)

1. Code Amendments and Food Trucks

II. Future Meeting Schedule/Adjournment

Tuesday November 10 - 5:30 PM - Regular Meeting

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3185 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

Planning Commission pre-meeting and regular meetings are held in person and by Zoom webinar. The webinar is broadcast on Comcast Channel 10 and on all the City's streaming platforms including: Facebook, Twitter, and www.charlottesville.gov/streaming. Public hearings and other matters from the public will be heard via the Zoom webinar which requires advanced registration here: www.charlottesville.gov/zoom. You may also participate via telephone and a number is provided with the Zoom registration or by contacting staff at 434-970-3182 to ask for the dial in number for each meeting. Written comments may be submitted via email to planningcommission@charlottesville.gov.

CITY OF CHARLOTTESVILLE

Department of Neighborhood Development Services

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TO: Charlottesville Planning Commission
FROM: Matthew Alfele, Development Planning Manager
DATE: November 10, 2026
SUBJECT: Planning Commission Work Session Food Trucks and Final Review of the 2026 Development Code Clean-Up Amendments

Introduction and Background

Neighborhood Development Services (NDS) staff is preparing a package of approximately twenty-four (24) Development Code amendments for Planning Commission consideration in advance of a scheduled joint Public Hearing on December 8, 2026. The proposed amendments are part of the City's ongoing Development Code maintenance and refinement efforts and include technical corrections, administrative clarifications, state-law conformity updates, and targeted revisions intended to improve implementation of the Development Code while maintaining its adopted policy framework. The amendment package addresses a range of topics, including administrative procedures, zoning standards, subdivision regulations, historic preservation processes, mapping and graphic clarifications, and development review procedures.

Throughout 2026, staff has worked with the Planning Commission through a series of work sessions, listening sessions, subcommittee meetings, and project-specific discussions to identify issues and refine potential amendments. Feedback received from Commissioners, applicants, property owners, preservation stakeholders, development professionals, and City staff has informed the amendment package presented for review.

Each amendment has been summarized in an individual one-page summary sheet that identifies the issue, explains the proposed amendment, and highlights anticipated implementation effects. Several amendment sheets consolidate multiple related corrections or clarifications into a single proposal where the changes address the same subject matter of the Development Code. The attached one-pagers are intended to facilitate discussion and help Commissioners provide direction on each proposed amendment.

The purpose of this work session is to provide the Planning Commission with an opportunity to review the complete amendment package before the December Public Hearing, identify any remaining concerns, and provide direction to staff regarding which amendments should advance as proposed, be modified, or be deferred for future consideration.

Food Truck Discussion

In addition to reviewing the Development Code amendment package, staff requests Planning Commission feedback regarding potential amendments related to food truck operations within the City.

On October 6, 2026, staff convened an interdepartmental working group that included representatives from several City departments and members of the Planning Commission to discuss current food truck regulations and potential opportunities for amendments. The discussion focused on how existing regulations align with current operating practices and whether modifications could improve flexibility while maintaining compatibility with surrounding properties and neighborhoods.

Topics discussed by the working group included the City's temporary use regulations, limitations on the number of food trucks operating on a property, administrative and permitting considerations, host-site responsibilities, distinctions between temporary food truck operations and longer-term food truck gathering spaces (Food Truck Courts), and operational standards related to utilities, waste management, circulation, and customer amenities.

The discussion generally supported exploring amendments that would provide additional flexibility for food truck operations while establishing clear operational standards and maintaining compatibility with surrounding properties. Staff has prepared a draft summary sheet for Planning Commission review and is seeking feedback on potential approaches and policy considerations before determining next steps.

Meeting Format and Requested Commission Direction

Staff proposes the following format for the work session:

Overview of the Amendment Package

Staff will provide a brief overview of the 2026 Development Code amendment package and summarize any changes that have occurred since prior Planning Commission discussions.

Review of Amendment One-Pagers

Each proposed amendment has been prepared as an individual summary sheet. For each amendment, staff requests that the Planning Commission identify one of the following recommended actions:

- Advance as presented;
- Advance with modifications; or
- Defer for future consideration.

Staff will document Commissioner feedback and incorporate direction where appropriate.

Food Truck Policy Discussion

Staff will facilitate discussion regarding potential changes to food truck regulations and seek Planning Commission feedback regarding overall policy direction, operational standards, and implementation considerations.

Next Steps

Staff is currently completing final peer review and legal review of the proposed amendments. Amendments receiving Planning Commission support at this work session will be incorporated into the final Public Hearing package scheduled for December 8, 2026.

Staff anticipates that minor revisions resulting from this work session can be incorporated without affecting the amendment schedule. More substantial revisions may require additional research, public outreach, or drafting and may be more appropriately considered during a future amendment cycle.

Attachments and Links:

- 2026 Amendment Log (dated October 13, 2026)
- Proposed Development Code Amendments One-Pagers

Development Code Proposed Amendments Working and Tracking Document 2026 (Updated October 13, 2026)

This is a working document and is ONLY INTENDED to log of Development Code issues and proposed amendments to the City’s 2023 Development Code (Chapter 34). The outline is divided into three categories to help distinguish different issues and is not intended as a priority list.

Clarifications & Technical Fixes (A)

This category includes grammatical edits and minor changes. Public engagement should be limited to Public Hearings at Planning Commission and City Council. **This will also include updates to the Development Code required to stay in compliance with State enabling legislation changes.**

Refinements (B)

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

Policy Changes or Major Amendments (C)

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

Additional Categories

The additional categories that fall after “C” are intended to capture comments and suggestions from other sources. The “source” is indicated in the title of each section.

Key Point of Housing Keeping. Once an issue is assigned a number, i.e. A.1 or B.11 it should not be moved. When new issues are added or more spaces is needed on a Tier ALWAYS ADD THE NEW ROW TO THE END OF THE TIER. If an issue is moved or removed from a tier, only strike through the issue and do not delete the row.
Example: Planning Commission wants to move “Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure.” From Tier 3 to Tier 2. The issue is being “crossed out” on C.8 and added to B.70 (as that was the next open row in Tier 2.

Clarifications & Technical Fixes (A)						
Number	Page	Code Section	Current Language/Issue	Suggested Language/Change	Responsible Staff	Date Adopted by CC
A.1	5-41	5.2.10.A.1	The Tree Removal Permit does not distinguish between a stand alone permit to remove a tree and tree removal related to a larger site development (going through Development Review). This is causing two applications for Development Plans and FSP.	Add a “b. Trees being removed as part of a project required to go through Development Review.”	Matt	
A.2			Private Streets do not clearly indicate they must be on dedicated property and not easements over underling private property. This is creating issues as the code uses a lot of “street side lot line” which does not work well with easements. 2/10/26: Move to Tier 1 (needs to be addressed with the 2026 updates). Moved from B.11	Staff suggests updating the definition of Street under section 7 to clearly state a street (public or private) is an independent parcel or ROW. Street: A street is a public or private way that provides a principal means of access to abutting property and includes the roadway and associated streetscape elements. Streets shall meet the following criteria: Public Street: A street located entirely within a publicly dedicated and accepted right-of-way, under the ownership and maintenance of a governmental entity and design per the City’s Standards and Design Manual.	Carrie	

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				Private Street: A street located on a separate, recorded lot or tract that is not part of any abutting property. Private streets shall not be established solely by easement across private property and must comply with the City's Standards and Design Manual and be bonded to the same standards as a Public Street during construction. Ownership and maintenance shall be the responsibility of a private entity such as a homeowners' association or other legally binding documents.		
A.3			Yard designation details This could be a Tier 1 as the change might only involve including "primary building". 2/10/26: PC moved to Tier 1. Moved from C.4. 6/16/2026: Reviewed by staff and this is not an issue due to the updated language from 2025 regarding primary structures and uses.	This section refers to primary structures, but we should consider changing to primary buildings. If structures, a raised deck (etc.) would qualify and we should work through implications.		
A.4	4-17	4.4.5.A.1	The Street Typology Map needs revision. The Local designation is not in the legend, and the green marking on the Mall needs to be removed as it is not a category on the map. 2/10/26: PC moved from C.9. 6/16/2026: The paper map will be worked on with the goal of embedding the map into the GIS viewer. No text amendment is needed but should be pointed out during adoption.	Map quality is also substandard. Not a code change, but we need a better map.	Dannan	
A.5	5-9	5.1.6.B.2	Add Special Exception Permits	The Administrator reviews and provides a recommendation on Special Exception Permits per 5.1.1.	Carrie	
A.6	4-20	4.4.5.D.9.c	Add "RN-" districts	RN- districts were left out of several sections of the code where R-districts are referenced	Carrie	
A.7	6-13	6.7.1.A.2.a.iv	Remove "Provision of expertise and technical assistance to the Planning Commission."	The Planning Commission no longer has authority over subdivisions per changes to state code.	Carrie	
A.8			Review all new state regulations post July 1 st . VA 15.2-2292.3 ADU (accessory dwelling units) must be permitted in all single family residential districts by-right	This is an issue in the RN-A districts due to the preservation bonus timing. Staff suggestion is to up the by-right density to 2 units and you get a 3 rd unit with the preservation bonus and a total of 6 for affordable.	Full Team and CAO	
A.9		2.10.6 Build-To	<i>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.</i>	Update "utilizing" to "eligible".	Carrie	
A.10	2-98	2.10.1.D	<u>B.10 on the 2025 list (did not move forward).</u> Yard designation details graphics. 2/10/26: No Comments from PC 6/16/2026: This is just a graphic fixt as the existing graphic shows a façade at 15' that is not part of the front yard. The graphic needs to be update to show the façade OVER 15' away to not be part of the front yard.	The text bases yard on street-facing facades, which are within 50-ft of the lot line. It uses "the primary building's street-facing facade" but it is not clear if it is the primary building or the primary facade and how that is defined. So, the text reads that the yard is between lot line and any facade which meets the street-facing facade standard, or any facade within 15-ft of a street-facing facade. This is inconsistent with the graphic.	Carrie	
A.11	5-58	5.2.16.C.4	<u>B.23 on the 2025 list (did not move forward).</u> City Council Decision details <i>"The City Council will conduct a public meeting on the application. The City Council may hold a joint public meeting with the Planning Commission."</i> 8/12/2025: Staff note. Add this to next year's (2026) review. Change Critical Slopes Planning Commission and City Council action to match that of Special Exception Permit and/or what comes out of the Long Range Planning Environmental study.	This language matches items such as SUPs which require a public hearing, but not items like SEPs which require a public meeting same as the Critical Slope SEP.	Carrie	

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			2/10/26: PC would like staff to have more administrative authority but also wants to see the results of the Long Range Planning Environmental study to see what it says regarding Critical Slopes. 6/16/2026: To match of permit types that do not require a Public Hearing, remove 5.2.16.C.2.			
A.12	2-101, 2-126, 2-127		See G.1 for more details. This is a graphic fix to show finished grade over existing grade.	Update the graphics.	Carrie	
A.13			The Development Code only speaks to Width limitations when it comes to a Lot that is split Zoned. We need to establish the governing standards	Draft language: when a lot has more than one Zoning designation the more restrictive District standards apply to the lot as a whole. If we make this update, we should remove the section (34-.2.10.10.A.3.a) as the “general” language would capture this too.	Matt	
A.14	5-37	5.2.9.A.2.a	New construction or addition activities for any project with no public improvements except Streetscape improvements...9/25/2026: This was a scrivener's error in the revisions to the code which has since been corrected. Council adopted “except” in the ordinance.	New construction or addition activities for any project with no public improvements except Streetscape improvements...	Carrie	
A.15	5-70	5.4.4.A.d	Contributing structures and protected properties are not allowed to fall into a state of disrepair that could result in the deterioration of any exterior appurtenance or architectural feature so as to produce a detrimental effect upon the character of a design district of the life and character of a contributing structure or protected property.	Contributing structures and protected properties are not allowed to fall into a state of disrepair that could result in the deterioration of any exterior appurtenance or architectural feature so as to produce a detrimental effect upon the character of a design district or the life and character of a contributing structure or protected property.		
A.16	5-40	5.2.9.E.2.C	This section is regarding revision to an approved Development Plan or Final Site Plan. This section needs to be clearer in relation to the statues of an approved plan and also need to give the Administrator more authority to allow revisions for additional small alterations that do not fundamentally change the plan.	Update the language to state “Minor revisions to an vested Development Plan or ...” Add “e) additional minor alterations that do not substantially alter the vested plans as determined by the Administrator”.	Matt	
A.17						
Refinements (B)						
Number	Page	Code Section	Current Language or Problem	Suggested Language or Issue in Question	Responsible Staff	Date Adopted by CC
B.1	Sight Distance	NA	<u>B.6 on the 2025 list (did not move forward).</u> Nothing in the new code provides details on a sight distance triangle. May 27, 2025, Planning Commission Work Session: This needs more study as PC would not want VDOT regs as it would create too large of a triangle. 9/9/2025: Due to timing this will be moved to the 2026 list. 2/10/26: No Comments from Planning Commission	Could use the section from the 2003 Code (Sec. 34-1121. - Sight distance—Required sight triangle.) Collaboration with the City Traffic Engineer before any change is made.	Brennen	
B.2	2-98	2.10.1.D	<u>Moved to A.10</u>			
B.3	4-24	4.5.1.C.3	<u>B.20 on the 2025 list (did not move forward).</u> Provides “linking” requirements before “direct” requirements, but this should be reversed to match 4.5.1.C.2. Also not clear why we need a Type 1 and direct when they are one and the same and vice versa. 10/7/2025: This amendment is not ready to move forward and will be placed on the 2026 list. 2/10/26: No Comments from PC	Reverse order and reconsider categories.	Carrie	
B.4	7-15	7.2	<u>B.22 on the 2025 list (did not move forward).</u> Grade, finished. 9/9/2025: This needs additional study and will be moved to the 2026 list.	Additional clarifying language is needed. Is the intent to measure at building footprint?	BK	

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			2/10/26: PC would like to know how the terrain of the City is taken into account. Is the issue related to graphics within the code, or is it a larger issue related to terrain? 6/16/2026: This might just need a better definition of "Finished Grade".			
B.5	5-58	5.2.16.C.4	Moved to A.11			
B.6	5-37	5.2.9	B.37 on the 2025 list (did not move forward). Changes to the Development Code Process to allow more types of development to go straight to Building Permit review 9/9/25 (more information will be provided after we meet with different departments and get additional feedback). 2/10/26: PC is supportive and wants to see what comes out of the Missing Middle Round Table discussions. 6/16/2026: This will not be worked on until after conclusion of the Missing Middle Working Group.	We are looking at two options. 1 would keep our current policy of allowing one and two units to go straight to Building permit review (codifying it). The other option (which is the one we are moving forward) would allow development within the R districts (provided certain standards are met) to go straight to Building Permit review		
B.7	2-85 to 2-87	2.9.3.B	Moved to ADC.1			
B.8	4-27	4.5.2.C.1	B.41 on the 2025 list (did not move forward). Required Bicycle Parking. The code is requiring Hotels to be treated as Commercial which is in turn requires a unreasonable amount of bicycle parking. 2/10/26: Important issue to PC, but no guidance yet.	Staff reached out to Code Studio to make sure we were reading the code section correctly and they responded in an email on November 6, 2025 with: <i>"Great question, under the current code language, you are interpreting this correctly that a lodging use is a commercial use and would be calculated as you have outlined. This could be an opportunity for administrative relief, or a potential text amendment where lodging uses get listed as a new line on the bicycle parking table with lesser requirements. This could be per SF or per room, for example, in Raleigh, NC we specified long-term bike parking as 1 space per 20 rooms (4 min) and short-term bike parking as 1 space per 40 rooms (4 min).Happy to brainstorm more as needed, Christy"</i>	Matt	
B.9			Food truck courts (places in the City where multiple food trucks could gather. This came out of a conversation that under the current Temporary Use section only one food truck is permitted per lot. This is an issue, but it also prevents something like a food court for food trucks. 2/10/26: This is important to PC and something they want to be involved in (subcommittee) 10/6/26: Subcommittee meeting. The Food Truck Court issue may need to be pushed to next year's cycle. The focuses of this round will be to fix the regulations already in the code under Temporary use.	An idea to address this is 1. Amend the temporary sections, and 2. Look into the idea of an Alternant Form section for Food Truck Courts.	PC/Sub/Team/Craig	
B.10	2-108	2.10.4.C	Outdoor Amenity Space. The requirements for outdoor amenity space is just a flat percentage and does not take into account the quality of the space. 2/10/26: Not a priority to PC.	Could allow for less percentage if the amenity space is active instead of passive. This is used in other localities and would take some research.		
B.11	7-21	7.2	Moved to A.2			
B.12	2-9, 2-13, and 3-4	2.2.2.A.B.1, 2.2.4.B.1, and 3.2.2	(3/13/2026) In the R districts (R-A and R-B) height is only restricted for Buildings with "units". There is no stated height for nonresidential uses and there are some nonresidential uses allowed in these districts (Religious assemble and Day care,		Matt	
B.13	4-11	4.3.2.B.2	Mid-block pedestrian pathways 2/10/26: PC would like to see more study. moved from Tier 3 (from C.7)	This section is set up on the assumption there is only 1 primary street frontage, which is often not the case. Needs revision/study.		
B.14	5-54	5.2.15.A	A <i>Special Exception Permits</i> may be granted for physical dimensional standards described in the following Division... needs revision to account for the determination that parking location and other potential locations are permitted modifications allowed under SEP. May 27, 2025, Planning Commission Work Session: PC did not feel removing or adjusting the SEP is appropriate at this time.	Also consider removal of 5.2.15.A.2.a (Div 2.10 Rules for Zoning Districts) per input from Freas on requiring a ZMA instead. Staff would recommend changing 5.2.15.A.1 to state "The City Council may grant a modification of any physical dimensional <u>or</u>	Matt	

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			The other issue is that Special Exception Permits are only for “physical dimensional standards” and not the regulation for the standard. The example being a SEP could be requested to change the dimensional standards of a bike parking space, but it could not be used to reduce the number of spaces required. 2/10/26: PC moved this to Tier 2 (Moved from C.11).	<u>numerical</u> standard of this Development Code by Special Exception Permit.”		
B.15	7-10	7.1.2.E.3.b	Sublot access 2/10/26: PC moved to Tier 2 (C.15).	Add clarifying language that easement may be through other zoning lots.	Carrie	
B.16	2-133	2.10.10B.2	Active Depth Applicability Planning Commission has expressed an interest to reexamine active depth. They would like to have a better definition and look at where active depth is needed and where it is not needed. An example would be the current requirement on the mall that active depth is the full height of the building along the façade. 2/10/26: This is a priority to PC and they moved to Tier 2. They would like to look at the required depth, definition, should it be in the residential districts at all, should it be on all stories of a building. This is their #1 priority for Tier 2. This is something for the subcommittee and could move back to Tier 3 if it proves to be too complicated and needs community engagement. Gagrages need to be part of this study too (from C. 18) Moved from C.16. 7/28/26: At the Work Session the PC wants to move forward with updates listed in the next box.	This section prevents structured parking as a standalone use, but the structured parking section (4.5.5.C.7) provides screening requirements which may imply the standalone use is okay. Language on 2-133 is contradictory regarding ground floor. The section states Active Depth is for the portion of the building use to meet the minimum build to width requirement. But that requirement is only for ground stories of a building. 7/28/26 PC Work Session: - Exclude Active Depth requirements from Residential Units - Only require Active Depth for the first two stories of the Primary Street facing façade. - Remove “Hall” from the definition of non-active space.	PC/Sub/Team	
B.17		2.10.5 and 2.10.6	Setbacks and Build-to. Planning Commission would like to do a deeper dive into the current regulations related to Build-to and Setbacks. 2/10/26: This is number 2 priority to PC and something for the subcommittee to look into. Moved to Tier 3. Moved from C.22. Build-to width is creating a lot of issues. Utility requirements is a big issue as it takes away from what can be done with sublots. (October 14, PC work session) 2/10/26: This is creating a lot of issues, and we need to find a way to allow administrative relief. PC moved to Tier 3 (Moved from G.14). 7/28/26 PC Work session. PC has the following changes to address the Build-to and setback issues (related to nonconforming buildings). See the box next to this.	The new Development Code relies heavily on Build-to requirements. This is very different from our old code, and it is creating a lot of issues. It would be a big lift to redo the code to remove Build-to regulations, but it might be worth studying where there can be relief from the regulations. In 2025 we updated sections of the code to allow relief for developments taking advantage of the existing structure bonus. There might be an opportunity to look at other such reliefs (buildings that are IPPs or Contributing structures in the Design Districts). 7/28/26 PC Works Session: - Allow primary buildings to be build behind non-conforming buildings (do not make the nonconforming building first meeting build-to before allowing this). - Allow side additions to a nonconforming building of any size provide it meets all other Development Code requirements (only being allow to not meet Build-to and front setbacks).	PC/Sub/Team	
B.18	2-132	2.10.10.A.5	2.10.10.A.5: Building Width Exception. “The depth of the open space must be at least equal to the width of the open space or 30’, whichever is less.” I propose reducing that minimum depth to 25’. A building built over a parking garage is 60’ wide (1’+18’+22’+18’+1’). If you have a double-loaded corridor building above the parking garage, a 30’ deep open space will cut into the corridor. The depth should be no deeper than an apartment depth. 2/10/26: PC wants this on Tier 2. Moved from D.5.		PC/Sub/Team	
B.19	4-103	4.12	Nothing in the Lighting section addresses athletic field lighting. The maximum fixture height is 15’ and that would not work for ball fields. 2/10/26: This is not a priority to PC at this time but should be looked at latter. 6/16/2026: There is room to permit field lighting, but we should update the code to be clear that filed lights are permitted in Parks (public use).	Language in city's Standards & Design Manual should be inclusive.	Dannan	

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B.20	2-102	2.10.1.G	This section defines average grade as calculated from the highest and lower elevation of existing grade but should be set by finished grade.	Change “existing grade” to “finished grade.”	Carrie	
B.21						
Policy Changes or Major Amendments (C)						
Number	Page	Code Section	Current Language	Staff Notes *Community Engagement and analysis will be required.		
C.1	2-9 (etc.)	2.2.2.B.1 (etc.)	11/12/25: PC Work Session moved this back to Tier 3 as there needs to be a deeper dive into what a Building is and if it is the Lot or the Building that needs to have more than one unit in it to get the bonus height. 2/10/26: This could be a deeper conversation with PC.	Building height is for the number of units within the building. If you have one building and it has more than one unit within the building, you get the additional height. If you have multiple units on a site, but they are each in their own individual unit, you do not get the additional height. This is problematic for R-A, R-B, and R-C.		
C.2		2.10.10 Massing	11/12/25: PC Work Session moved this back to Tier 3 as there needs to be a deeper dive into what a Building is and if it is the Lot or the Building that needs to have more than one unit in it to get the bonus height. Resolved 2025 with B.5 Accessory Uses/Structures and Nonconformity Build-to 2/10/26: Staff explained to PC that this was resolved with B.5 for buildings that cross a property line (duplexes and townhomes) but not resolved for multiple buildings on one lot (building a large SFD in the backyard of an existing SFD and getting the height bonus).	Building is not clearly defined when it comes to “Height” and “Massing”. The example is: If I have seven townhomes along a primary street in the R-B, the massing and height is all dependent on where the property lines are for each unit. If it is seven townhomes with no property line at the shared wall (all seven are on one lot in a condo) the “building” can only be 60’ long on the primary street, but it is a building with seven units in it and can be 3 stories (and 40’). But, if there are property lines running through the shared walls, each unit is a building and can, individually, be 60’ long, but only 2.5 stories (35’). From the outside they would present very differently but the only difference is where the invisible property line is. Staff believes this was resolved with the B.5 amendment as it added the definition of Primary Building: “Building, Primary- The building or buildings occupied or designated for the primary/principal use on a lot or site.” By adding “site” a building can now cross a property line (duplex or townhouse) and be considered one “building” on a site for the purpose of bonus height.		
C.3	2-40	2.5.6.A.6	Will eventually reference Type B and D (in Category 1 as well). Resolved 2025 with A.16	See Downtown Mall Management Plan for recommendations on transitions.		
C.4	2-97	2.10.1.D	Moved to A.3			
C.5	2-104	2.10.2.B.3.c	Lots having vehicular access from any street other than a primary street, or not having vehicular access at all, must meet the minimum width required for lots with other vehicular access specified by the zoning district. 2/10/26: More information is needed, but this could be a Tier 1.	Assuming this is meant to describe the "side/rear access" width in the districts, should this say: "...from any side street, alley, easement, or other right-of-way not designated a primary street..."? This seems confusing because it only says "from a street or no access" which leaves out everything I listed out.		
C.6	Various	Various	Structure, accessory structure, etc. Resolved 2025 with B.5 Accessory Uses/Structures and Nonconformity Build-to	Deeper dive on structure, accessory structure, and associated requirements. Consistency issues, as well as intent (interior non-conforming lots vs corner non-conforming lots).		
C.7	4-11	4.3.2.B.2	Moved to B.13			
C.8	4-5	4.2.1	Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure. Moved to Tier 1 (A.70) by Planning Commission at the work session on May 27, 2025 Moved to Tier 2 (B. 42) by Planning Commission at the Work Session on November 12, 2025 Resolved 2025 with B.42	Code Studio has verbally stated that this is for structures pre-dating the code, but that is not specified here. As written, someone can build a structure and then immediately use it to get the bonus as an existing structure.		
C.9	NA	4.4	Moved to A.4	Map quality is also substandard.		
~~C.10~~	4-27	4.5.2.B.2	~~Projects with 1 to 4 dwelling units are not required to provide short term or long term bicycle parking.~~ 2/10/26: Not a priority to PC.	~~Consider whether this should be applied per lot or per project. Tie to discussion of definition of project. Do we want project with 4 or fewer dwelling units to be exempt from short and long term bicycle parking?~~		
C.11	5-54	5.2.15.A	Moved to B.14			

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~~C.12~~	7-19	7.2	Project Any activity, including subdivisions, new construction, additions, site modifications, façade modifications, changes of use, renovations, and maintenance and repair, ~~on a parcel~~ that is controlled by this Development Code. Staff determined that this is not an issue due to section 7.1.1.K.1.d Tenses and Plurals 2/10/26: Not an issue for PC.	Language implies this is only upon one parcel. Discuss intention and revision.
C.13	7-8	7.1.2.C.4	Site Modification 2/10/26: PC would like staff to look at this more, it is a little confusing and might not be an issue.	If you read this with what a "site" is under E on page 7-9, a Site Modification is only a change to the land and not what is on it. We need something more like our old Site Plan Amendment. Site: A single lot or group of connected lots owned or functionally controlled by the same person or entity, assembled for the purpose of development. Lot: A parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon. Site Modification: Any modification of an existing site that affects less than 50% of the existing site area, up to 25,000 square feet of affected site area. Staff recommends changing the definition of a Site to “A single lot, group of connected lots, <u>or improvements</u>, owned or functionally controlled by the same person or entity, assembled for the purpose of development.” Additional study is suggested.
~~C.14~~	7-9	7.1.2.E.2	Defining a lot Staff determined that this is not an issue due to section 7.1.1.K.1.d Tenses and Plurals 2/10/26: Not an issue for PC.	~~This and the definition of parcel should be considered together.~~ ~~Parcel. A contiguous portion of land that is assigned a unique identification number by the Office of the Assessor. (7-19)~~ ~~Lot: A parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon. (7-9)~~
C.15	7-10	7.1.2.E.3.b	Moved to B.15	
C.16	2-133	2.10.10B.2	Moved to B.16	
C.17	2-148	2.10.13	Entrances 2/10/26: Keep here and look at in the future.	Update to match previous determinations or better clarify.
C.18	4-43	4.5.7.C	Moved to B.16	
C.19	4-103	4.12	Move to B.19	Language in city's Standards & Design Manual should be inclusive.
C.20	4-32	4.5.3.D.2	This section contradicts 4.5.1.C.a.i.d which calls for all pedestrian paths to be physically separated from the motor vehicle use. 2/10/26: Not an issue or priority for PC. They do not see small scale development having pedestrian and vehicular traffic overlapping. Look at this in the future.	
C.21	4-80	4.10.1.B.1	Critical Slope regulations are redundant given current VESMP regulations for larger developments, which require engineered erosion and stormwater plans to be approved for land disturbance greater than 6,000 square feet. This is being studied as part of the Comprehensive Environmental Study and Update by NDS Long-range Planning Division as part of the Department's 2025/2026 Work Plan.	Add language: “Critical slope requirements apply to project sites not subject to Erosion and Stormwater Management (ESM) Plans that include any portion of sloped area that has all of the following criteria:”
C.22		2.10.5 and 2.10.6	Moved to B.17	
C.23			Moved to B.17 and added to the setback issues.	
C.24			The 6' Min/Max determination for ground story is too limiting for the topography in this area leading to a need to break larger buildings into many modules which is very inefficient from a construction perspective Revert to the previous ground story definition of 50% of the floor above/below grade to define ground story or provide administrative alleviation for larger sites on hills Dan Bracey – Two Street Studio October 2025 2/10/26: PC believes the terrain of the City needs to be taken into consideration. Not a priority now, but moved to Tier 3 (Moved from G.18).	

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C.25			2/10/26: PC would like to do a deep study of “Nonconformity” (such as lots, uses, and buildings). To see what can really be achieved with our current built environment. Not a priority now, but in the future.	Clarify Nonconformities. Clarify Expansions (any addition) 7.1.2.c "Project Activity". What are BAR definitions- these should be stated. Additon (ok), façade modification, but nowhere is there 'Alteration', rehabilitation, maintenance and repair, restored (restoration)... Anything that is not subdivision, new construction, or change of use. Under 5.3.3.b.2- If the activity associated with a nonconforming structure is not a subdivision, new construction, or a change of use, per 7.1.2.c, is also a contributing structure in an ADC district, HC District or an IPP (remove double comma) then that structure is not required to meet any development standard that would require modifications to the existing structure to make it conforming, and that activity requires an approved CoA. <u>Part II of this</u> : Definitions are inconsistent. Ex: Renovation can be rehabilitation and vice versa. <u>Planning suggestion</u> : what you are working on must become conforming/must meet current standards. Suggests new section under nonconformities that addresses rehabilitation/restoration. Parallel w/ historic signage.
C.26				
C.27				
C.28				
C.29				
Architectural Design Control				
ADC.1	2-85 to 2-87	2.9.3.B-C.1	B.39 on the 2025 list (did not move forward). ~~Individually Protected Properties are represented as both a chart and an overlay on the official Zoning map. This creates issues as any change (adding an IPP or removing an IPP) requires both a Zoning Map amendment and a Zoning Text amendment~~ 2/10/26: No Comments from PC	~~Staff recommends removing the chart and only using the overlay on the official Zoning Map.~~ Update June 2026: Leave IPP chart in Code. (No change requested)
ADC.2	5-34	5.2.8.a.c.i	Under <i>Applicability for Corridor Review</i> , C. “Regardless of whether a building permit is required:”, i. “Site modifications;” with no noted exceptions could be interpreted to mean all properties where there are proposed site modifications (including residential less than 2 units) must be reviewed by design staff or the ERB.	Insert similar language as written under 5.2.8.a.c.iii “other than those on projects with up to 2 dwelling units.” Suggested change for 5.2.8.a.c.i - “Site modifications, excepting those for residential projects with 2 dwelling units or less per lot;”
ADC.3	4-82	4.11.3.a.2	<u>Current language</u> : For signs within an ADC District, HC District, Entrance Corridor, or an IPP, a Certificate of Appropriateness will be issued in lieu of a Sign Permit according to 5.2.6 Minor Historic Review, 5.2.7 Major Historic Review, and 5.2.8 Corridor Review. <u>Issue</u> : In practice, design review is accomplished as a review task within the sign permit workflow and issued by zoning.	Modify text to state a Sign Permit application is in lieu of CoA application and approval of the sign permit constitutes an approved CoA. Because a sign must meet the sign regs (zoning) elevating the CoA implies that it confers zoning approval, which we stress it does not for other CoA requests. Design staff only reviews an application after zoning determines it meets code. Resolve with 5.2.7.E
ADC.4	4-90	4.11.9.C	Table for <i>Maximum Sign Area</i> ; Issue #1) HC Districts & IPPs are not identified under <i>Overlay Districts</i> in the <i>Zoning Districts</i> column, nor is a Total Sign Area (max) assigned for HC Districts or IPPs.	Amend the row under <i>Overlay Districts</i> to include HC Districts and IPPs as having a maximum total sign area of 12 square feet. HC Districts and the majority of IPPs are within residential neighborhoods; the total sign area should therefore not exceed 12 SF.
ADC.5	4-90	4.11.9.C	Table for <i>Maximum Sign Area</i> ; Issue #2) Clarify max sign area where width of the building limits the size, regardless of the maximum size permitted.	Confer with zoning on possible language
ADC.6	4-86	4.11.5.F.1	Regarding signs in ADC Districts, HC Districts, Entrance Corridors, and IPPs, this section does not reference the applicable Design Guidelines (3 different sets) as adopted by Council.	Suggested revision: 4.11.5.F.1 “The character of all signs must be harmonious with the character of the structure on which they are to be placed. Among other things, consideration will be given to the following, including the applicable Design Guidelines: ” [begin list a.-e.]
ADC.7	5-3; 5-4	5.1.1	Table for Review Authority: 1) Sign Permit has no designation under BAR. 2) ZTA & ZMA have no designations under BAR. 3) SEP & SUP have no designations under BAR.	Amend the table to include BAR authority designations as appropriate: 1) “A” for Sign Permit; 2) “R” for ZTA & ZMA; 3) “R” for SEP & SUP.
ADC.8	2-112	2.10.5.C.3.a	Existing Setback Range- When the zoning district specifies the primary street setback as “Existing Range” the minimum and maximum primary street setback defining the build-to zone may be modified as follows: a) The required primary street setback may be met within the range of existing primary street setbacks, no closer than the smallest setback in the range and no further than the	Setbacks and summary of districts. Applies only in Residential, remedy is SEP or remove the building. On corners, this is especially problematic. Suggest BAR should be allowed to do its job in overlay districts regarding setbacks as each sub-area of a district is unique and should be addressed on a case-by-case basis. <u>Suggested language</u> : In ADC/HC/IPP design overlays,

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			largest setback in the range. <u>Issue:</u> As stated, this requirement conflicts with summary of districts and subareas.	minimum and maximum setbacks are determined by BAR review using the City's Design Guidelines per 2.10.9.3.a.3
ADC.9	2-84;2-90	2.9.2.C.3/ 2.9.3.B/ 2.9.4.E	Clarity is needed/redefine “contributing structures”.	1)Refer to maps in Design Guidelines 2) Add language: <i>Unless designated by Council no structure less than 50 years old shall be a contributing structure.</i> (This would alleviate BAR review for demolitions of recent/modern buildings within an ADC/HC/IPP districts.) 3. Alternately, work towards automatically identifying any building 100 years old as contributing (formerly the City’s process, especially for IPP designations).
ADC.10	5-32	5.2.7.E	Period of Validity, refine language; an update may be necessary regarding City Council’s or a court’s approval. (Is that approval a CoA, and does it have a period of validity?)	See language from City Attorney's Office; update pending.
ADC.11	5-34	5.2.8	There is no <i>Period of Validity</i> for Entrance Corridor CoAs.	See language from City Attorney's Office; insert new section as in 5.2.7.E
ADC.12	5-28	5.2.7.C	City Council may approve a CoA. There is no provision in this section.	Insert 5.2.7.C.3 <i>City Council Review</i> . Staff note: Also look at where "Must Approve" is mentioned.
ADC.13	2-85	2.9.3/2.9.2	Naming conventions: Individually Protected Properties (-IPP); Architectural Design Control District (-ADC). Within the IPP section there is no reference to the ADC District Design Guidelines.	Suggest referring to IPPs as <i>Minor ADC Districts</i> (and ADC Districts as <i>Major ADC Districts</i>), to imply application of the ADC District Design Guidelines under 2.9.3.D
ADC.14	2-85	2.9.3.B	Established Individually Protected Properties – the current table of IPPs should reflect recent updates.	1)Update IPP table to match City Council Adoption in 2023; 2)Update IPP table to include 801 West Street (pending CC ZTA/ZMA on CC Agenda July 20)
ADC.15	2-85	2.9.3	The current TMP and Zoning Map designations for the IPPs are missing important historical context; there should be definitions for what the overlay applies to. Example: where a “(portion)” of a parcel is being referenced within the IPP table.	Historic documents (deeds, plats, etc.) along with the CC Resolution of Adoption should be referenced as the definitive source of the IPP overlay. Methodologies and recordation technologies advance, therefore the Zoning Map Overlay layers evolve, especially when parcel data is updated. Defining the boundary as TMP on day of adoption (or similar), with reference to NDS archives (as primary source documentation) should alleviate questions and concerns when the Overlay and TMP do not exactly align, or where gaps or excluded portions exist.
ADC.16	2-125	2.10.9.A.3.a.ii	In Downtown Mixed Use (DX), where the BAR has authority, the maximum height is determined based on BAR review using their design guidelines. In areas outside of BAR authority, the maximum height is determined by the maximum number of stories and feet allowed by the zoning district. <u>Issue:</u> refine reference to the Design Guidelines; clarify intent.	Change “their design guidelines” to <u>City Council’s adopted ADC District Design Guidelines</u> . Building height: Areas outside of BAR authority. This was intended to state heights in an EC cannot be reduced by ERB. Is this intent clear?
ADC.17	5-7	5.1.5.B.5.c-d	Composition (BAR seats) c. 2 owners of businesses or commercial property...; 1 owner of residential property...	Is it necessary to clarify if these criteria include condominiums within a building?
ADC.18			The definition of expansions complicates development review applications for historic structures.	See Preservation & Design Planner notes regarding expansions and project activities.
ADC.19				
ADC.20				
ADC.21				
ADC.22				
Department of Utilities				
Util 1.		4.6.3.A	Refers to Standards and Design Manual (SADM) but should also reference the SADM “and Appendices.”	
Util 2.		4.6.3.C	Consider clearing up “public service line” to the “public portion of the utility extensions.”	
Util 3.		4.6.5	Add a statement like 4.6.3 A to this section that references SADM and Appendices, and easements for public stormwater systems as well.	
Util 4.		4.6.7	First sentence, add Sanitary Sewer and Storm Sewer. 4.6.7 C, add Sanitary Sewer and Storm Sewer. 4.6.7 E convey easements - Add the project developer must convey easements to #3 - the City for public utilities to serve subplot as defined in Dev Code - Add the project developer must convey easements to #4 - private property owners, and/or common interest communities being served.	

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Util 5.		6.1.2.B	- o Standards and Design Manual add “and Appendices” - o Utilities’ standard drawings should also be referenced.	
Util 6.		6.1.4	• Off-site improvement contributions (further legal review and discussion) - o As it reads, the developer pays the City to make the improvements, but there are issues with this precedence. This obligates City resources to make improvements for private development. There’s a timing issue with this too, if we go too early and the development fails, or the developer moves too quickly, and we can’t meet their timeline. Also, developer plans change too frequently to comport with City design, bidding, and contracting processes to complete work. ▪ SADM Appendix Part 3.01 A6 says offsite changes must be considered to serve the entire watershed of the subdivision or development. - o The developer should be responsible for the offsite improvements necessary, and the City can contribute to betterments, if we deem the betterments necessary. ▪ Sewer and Water Capacity models will be developed by the end of the year and will provide guidance when off-site improvement may be necessary to support the added demands. - o Further review of State Code ▪ § 15.2-2243. Payment by subdivider of the pro rata share of the cost of certain facilities. ▪ How the state code interacts with off-site requirements needs some more consideration and what obligations could be. ▪ We should have legal review of the State code as part of these discussions. - o Do we have any City ordinances already about offsite development and costs to the developer or City? ▪ Do we need develop an ordinance or can we write it in the code at this Tier level for code cleanup? Could these obligations require a public hearing over a code cleanup? - o Should gas be mentioned in this section. ▪ Developer would not install but would reimburse the City to install gas services if part of the development needs.	
Util 7.		6.1.5.B	• “sewerage system”, is inconsistent language with other areas. Please use Sanitary Sewer and Storm Sewer • What is a “public access street”, no definitions for this term?	
Util 8.		6.1.5.C	• Change Certificate to “<u>Certification</u>” of Completion (CoC) is for Utilities, what do streets use? • Consider rewording to reference Utilities only with the CoC	
Util 9.		6.2.1.B	• Permanent Access Easement also needs to include permanent water and sewer easement at the very least. This could create islands where the back lot wants to develop first but can’t get an easement sorted out with the lots in front and prevent access to water and sewer and future occupancy. This would render the lot undevelopable if water and sewer cannot be provided due to adjacent landowners that may not have been aware that their lot needed to provide someone with sewer and water access.	

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			Water and sewer easements are mentioned in 6.2.2 A 2, but it doesn't designate it as Permanent or requirement for the subplot.	
Util 10.		6.2.2.A	#1 add "whether immediately proposed or necessary for adequate service in the future" - Doesn't specify gas currently. Needs to add Gas Service to easements. - Does not currently specify public or private storm drainage facilities.	
Util 11.		6.2.2.B	Something to reflect access within the easement should be added	
Util 12.		6.6.1.A	"sewerage system", is inconsistent language with other areas. Please use Sanitary Sewer and Storm Sewer	
Util 13.		6.6.1.B	This should include Gas easements.	
Util 14.		6.6.1.B.3	- Our understanding is after the Subdivision Plat is complete there will not be a Final Plat. Currently, the deeds are being written along with the Subdivision Plat and recorded as part of site plan approval processes. - Do we expect to see Final Plats? How or when does this current language become applicable?	
Util 15.		6.6.1.C.1	This should be clarified to make the distinction between required "private" infrastructure and "public" infrastructure that is necessary to drain ROW and/or public property. The ownership and maintenance responsibility needs to be clarified in the easement language and noted on the plat.	
Util 16.		6.6.1.C.2	- We have not been recording easements along streams since I have been here. We like this requirement but are not sure how to implement, or to what extent along the stream the easement would/should cover. Consider further discussion with Dan Frisbee and Brennen Duncan. - This should be expanded to clarify ownership and maintenance responsibilities. The easement should be for city access, inspection and possible reconstruction. Long term day to day maintenance should be the property owner's responsibility. This and 6.6.1(C)(3) should be worded to be in line with each other. Ownership and maintenance are also referenced in 6.6.1(C)(6). All three should support each other.	
Util 17.		6.6.1.C.6	- Our understanding is after the Subdivision Plat is complete there will not be a Final Plat. Currently, the deeds are being written along with the Subdivision Plat and recorded as part of site plan approval processes. - Do we expect to see Final Plats? How or when does this current language become applicable?	
Util 18.		6.6.2	"Semipublic" is not a defined term. Please define or reword this.	
Util 19.		6.6.4	- Needs cleaned up. - Better reference to acceptance process. - Gas is not mentioned.	
Util 20.		6.7	- Plats and processes could use more direction. - Permit portal has 5 different types of plats that can be submitted.	
Planning Commission				
Number	Page	Section	Notes	Staff Notes
D.1.	4-18	4.4.5.A.3	Before the code was approved, I had asked James what happens if you can't fit the required greenscape and walk zones in the right of way, and my understanding was that the building setbacks would be moved back to allow for them to be installed. For example, if you have a maximum setback of 10', and due to site constraints, the streetscape can't fit, that maximum setback would be moved back enough to allow it to fit. That's how I interpret section 4.4.5.A.3. "When there is not enough room in the public right of way for the required streetscape, the clear walk zone and greenscape zone must be provided on-site as a permanent public access easement." Are we enforcing this? In preliminary discussions with applicants	After reviewing with staff and the code. This interpretation is correct and has been utilized by Planning staff. Other types of easements such as utilities is not contemplated in the code but is being addressed with this batch of amendments.

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			to the BAR, we've had some say they spoke to staff and are unable to provide the required street trees because of the maximum setbacks.	
D.2.			Doors swinging over the ROW. The building code actually prohibits this, but there have been instances where it has been excused by our code officials because there's not life safety issue. Can we add to the zoning code that doors should not swing over the public sidewalk? 2/10/26: PC Chair would like this not to happen, but not a priority to the PC. No movement at this time.	
D.3.			Definition of an entry: I think you all are on this after the apartment project at 1609 Gordon Ave. Does an entrance have to open to an active space? Should it be allowed to go to a garage, internal courtyard, or exterior stair? We should add some clarity to the code on this.	2.10.13 Entrances (page 2-148) The Street-Facing Entry Spacing states "A maximum distance between street-facing doors providing access from the public realm to the interior of a building." For this project (RX-5) the code requires an "Entry Feature" and "A street facing entry every 40' or 60' depending on the type of street. This section of the code is very confusing and convoluted. It would need a lot of thought and work. <u>Alternate Viewpoint</u> : Can we discuss the intent of this provision? Why is this a requirement? Does an entrance have to open onto an empty space? It seems to add a layer of red tape, and is unnecessary aesthetically. Single use buildings have controlled access. We want to avoid false elements in design. Garden apartments should not have an entrance every x amount of feet... they are designed as a one entrance plaza.
D.4.			Active Depth – this seems to keep coming up as preventing buildings from providing internal parking. Is it too deep? Do we need to consider some exceptions or methods for providing internal parking?	
~~D.5.~~	2-132	2.10.10.A.5	~~2.10.10.A.5: Building Width Exception. "The depth of the open space must be at least equal to the width of the open space or 30', whichever is less." I propose reducing that minimum depth to 25'. A building built over a parking garage is 60' wide (1'+18'+22'+18'+1'). If you have a double-loaded corridor building above the parking garage, a 30' deep open space will cut into the corridor. The depth should be no deeper than an apartment depth.~~ 2/10/26: PC wants this on Tier 2. Moved to B.18.	
D.6.			Ground floor definitions seem to keep tripping people up on sloping sites. Are ours too strict?	
D.7.	4-31	4.5.3.D.1.a.vii	Driveway widths – there seem to be no regulations for driveway widths for single family and duplex lots. 4.5.3.D.1.vii seems to show maximum widths, but I understand that staff interprets the code as there being no maximum width for single family or duplex parcels.	Staff does enforce this requirement. The issue can arise from the fact that "parking" space are not defined for any lot with less than 6 spaces.
D.8.			Fences vs guardrails (I assume you all are already on this).	
D.9.			Existing buildings under BAR review – what changes are allowed: There seems to be a debate about the level to which contributing buildings in ADCDs are subject to the zoning code. Under the nonconformities section 5.3.3.B.2: "If the nonconforming structure to be expanded is also a contributing structure in an ADC District or HC District, or an Individually Protected Property, then that structure is not required to meet any development standard that would require modification of the structure itself, and the Board of Architectural Review must approve a Certificate of Appropriateness for the proposed expansion." I read that section as saying that if you add onto a contributing structure, the existing structure doesn't need to be modified to meet the zoning code. In a couple of cases, it appears that staff has interpreted that as saying that the existing building can also be modified in ways that are counter to the zoning code. This could be making it less compliant with transparency requirements by removing windows or removing required entry features for instance. Can we clarify exactly what is allowed to happen when a non-conforming contributing structure is modified and/or added onto?	Please let the BAR do their job. Nonconformities are linked in part to our comments under C.25... we believe this is more of a concern related to BAR and limited authority to address height in some locations. (And we have a mechanism for that with very clear instructions.)
D.10.			See B.1: Side lot line (min) 4' (R-A, RN-A, R-B, and R-C). This section is preventing single-family attached style housing on abutting Zoning lots. May 27, 2025, PC work session: PC does not like the Alternate Form approach and finds that it could be cumbersome. Staff will keep this in mind but is still focused on the Alternate Form as the best solution.	

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D.11.			See A.70: Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure. Moved by PC to Tire 2 (from Tire 3) at the May 27, 2025 Work Session. They want to use CodeStudio date of the code adoption as the preservation date.	Remove preservation from the document (substitute as existing structure retention bonus?) Utilize language consistent with the profession; NRHP guidance is at least 50 years of age.
D.12.			See B.6: Nothing in the new code provides details on a sight distance triangle. May 27, 2025 Planning Commission Work Session: This needs more study as PC would not want VDOT regs as it would create too large of a triangle.	
D.13.			See B.4: Lots with 1 dwelling unit do not have to provide street-facing entries. May 27, 2025, Planning Commission Work Session: PC does not see this as an issue and suggests something more in line with a street facing feature and not a entry.	Staff originally placed this on the list to highlight that “lots” with only one dwelling do not need a street-facing entry. This is regardless of Zoning District and a little ambiguous. Is this stating that a lot with a commercial building AND one dwelling unit would not need a street-facing entry? Staff may suggest: “Lots in the R-A, RN-A, R-B, and R-C Zoning Districts do not have to provide street-facing entries on a single unit residential dwelling provided no additional dwellings or uses are provided.”
D.14.			See B.13: Vehicle Access. May 27, 2025, Planning Commission Work Session: PC does not see an issue with what is in the Development Code, and it should not be changed to satisfy PWE or Fire.	
D.15.			See B.15: This section is only about Unit Bonus allowances in residential districts, but R-C also has a Height Bonus which is not detailed. May 27, 2025, Planning Commission Work Session: PC did not think the 50% AMI should apply and that this section is not in line with the intent of the code.	
D.16.			See B.27: Canopy set at 10 years May 27, 2025, Planning Commission Work Session: PC brought this up, but only acknowledged it was an issue with no more explanation.	
D.17.			See C.11: A Special Exception Permits may be granted for physical dimensional standards described in the following Division... needs revision to account for the determination that parking location and other potential locations are permitted modifications allowed under SEP. May 27, 2025, Planning Commission Work Session: PC did not feel removing or adjusting the SEP is appropriate at this time.	
D.18.			See B.14: Fence. A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas. A fence differs from a wall in not having a solid foundation along its entire length. May 27, 2025, Planning Commission Work Session: PC thinks we could exclude guardrails or measure fence from floor surface and allow 42-inch everywhere (should satisfy ABC). Also guardrail on a wall is exempt, use for elevated surfaces as well (café example, elevated deck). B.17- confusing. There seems to be some standard that needs to apply. B.21- Fence type x, think its about storage fencing? Or is this supposed to be landscape/transition requirement instead?	
D.19.			See B.17: Where existing streetscapes are determined to be in good condition by the Administrator, they may be used to comply with clear walk zone and greenscape zone requirements provided they comply with all standards in this Division. May 27, 2025, Planning Commission Work Session: PC found this language to be confusing and believes there needs to be a standard.	
D.20.			See B.21: Fence Type X May 27, 2025, Planning Commission Work Session: PC is not sure what this is for, fencing for storage, or for landscaping and transition requirements.	
D.21.			See B.26: No building located on a lot may be wider than the maximum building width allowed by the zoning district. May 27, 2025, Planning Commission Work Session: PC recommended requiring the owner to rezone the lots into one zoning designation.	
D.22.			See B.5: At the November 12, 2026 PC work session, the PC wanted to add this (allowing more primary buildings on a lot without first bringing it up to conformity in regards to Build-to) to a the list to look at in the future.	

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D.23.			11/12/25 PC Work Session: PC would like to look into this more as active space and active depth created a lot of conversation (with a lot of it around the term “hall”). For now PC is okay with staff language, but they would like to revisit the concept and where is should be used. (B.24)	
D.24.			1/12/26: PC Chair would like to look into more opportunities to find existing structures “in compliance” when it comes to build-to and setbacks. This came out of B.38 which states “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.” And “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.” The Chair would like to see this expanded to the Design Control Districts.	
D.25.			6/23/26: Evergreen Builders – Building width requirements can conflict with Build-to requirements.	
D.26.			6/23/26: Gennie Keller – Reminder that Historic Preservation is part of Development. R-B is confusing and scattered throughout the City and might not make sense.	
D.27.			6/23/26: Neil Williamson - Affordable units should be for 30-years and not 99-years. SWM regulations need to go from 6,000 SF to 10,000 SF.	
D.28.			6/23/26: Nicole Scro – Sublots should be allowed in the Corridor Districts (X) districts. Development review needs to be predictable. Need reasonable easement requirements for things like utilities (current requirements call for too large of easements). Front yard parking regulations should be relaxed.	
D.29.			6/23/26: Valerie Long – Development Plans should not require a CoA. That should come during Final Site Plan approval.	
D.30.				
D.31.				
D.32.				
D.33.				
D.34.				
D.35.				
D.36.				
D.37.				
D.38.				
Tree Commission				
Number	Page	Section	Notes	Staff Notes
E.1.			Incentives for Tree Preservation - Reevaluate the city's current incentive structure for tree preservation to reward developers who retain healthy, large trees on-site and to ensure that preservation of mature trees is seen not as an obstacle but as a shared value and goal. The current incentive structure—where existing trees are allowed to contribute 1.50-4x canopy area toward meeting minimum canopy requirements—is not effective at promoting overall tree canopy cover in the city. Consider, for example, an incentive structure to reduce or waive stormwater fees as an incentive to preserve mature trees.	
E.2.			Bonds for Existing Plantings - Expand circumstances for when a bond is required to cover existing trees indicated for preservation in site plans for 1 year after the completion of construction (see the cities of Falls Church, Fairfax, and Vienna for precedents).	
E.3.			Tree Preservation Plans - Further define the existing preservation plan requirements to include tree canopies, trunks, critical root zones, and tree protection measures drawn to scale (reference “Best Management Practices for Tree Preservation, Transplanting, Removal, and Replacement”). Support a second Urban Forester position focused on plan review and enforcement of preservation plans.	
E.4.				
E.5.				
E.6.				
E.7.				

Development Code Proposed Amendments Working and Tracking Document 2026 (Updated October 13, 2026)

EV Charging Plan				
Number	Page	Section	Notes	Staff Notes
F.1			What: The City can make several changes to the current zoning ordinance to streamline the EV charger permitting process. It can permit chargers as an allowable accessory use to parking lots in all zoning districts for both private and public charging. Why: Public charging stations are accessory use in most instances. However, land use and zoning codes often do not reference or properly categorize EVSE. Subjecting EV charger applications to a conditional or special use permit process requiring additional approvals can add significant staff time to projects and create delays. Explicit directives can increase efficiency to the process by which new EV charging infrastructure can be approved. Providing this information to the public will not only clarify whether a type of charger can be installed but also show that the City supports public EV charging. How: The City can amend Charlottesville Development Code Div. 3.5. Accessory Uses and Structures to establish requirements concerning the siting of EV charging systems for Level 1 and Level 2 charging. The City can codify in the zoning ordinance that EV charging stations are allowed by right in parking lots as an accessory use across residential, commercial, industrial, and other major zoning categories. For DCFC installations, the City may wish to adopt specific provisions, explicitly detailing when EV charging is considered a primary use. The City may require that EV charging in City historic districts, architectural control districts (Figure 41), and entrance corridors be conditional on a Certificate of Appropriateness to ensure that infrastructure additions, landscaping, and related elements will complement the existing area. Providing specific guidance about what types of charging installations the City permits in these zones and any project criteria will aid installation projects and preserve the character of protected areas.	See the CV Charging Plan and look at the City of Fairfax Link to what they are doing
F.2				
F.3				
F.4				
Builders and Developers				
Number	Page	Section	Notes	Staff Notes
G.1	2-101	2.10.1.F	Kevin Riddle: On a project at Cabell Avenue, we encountered a question about ground story interpretation. (See the attached PDF for a graphic.) A question arose about which building level should be classified as the ground level. The doors at the top of the metal stairs are too far above grade— over 6 feet— to count as the ground story. So I determined the level below— accessed from the terrace at the 994’ elevation— should be the ground story. Our architecture and civil engineering team debated this. Some people read the Code to say that the lowest allowable floor elevation in RX-5 is 0’ above <i>existing</i> grade. I argued that it should be interpreted as 0’ above <i>finished</i> grade, based on the language in Division 2.10.1.F.1.a and 2.10.1.F.1.b. (page 2-101). I think the confusion arose in part because the supporting graphic in this section refers to <i>existing</i> grade. It’s in a very small font, but it’s there, and it appears to conflict with the superseding language in the Code’s text. (As an aside, I realize that the use of finished grade to define ground story could conceivably allow a strange— and typically undesirable— scenario where finished grade at building face is very far below the adjacent right-of-way. I think, however, such a scenario is exceedingly unlikely, because almost no owner would gain anything by creating this condition... and the obvious downside of using existing grade at building face to define ground story in a hilly town like ours would be the far more common scenario of a parcel where grade rises from the street: if an owner modified existing grade down to make a front door accessible to a disabled resident, the ground floor would be out of compliance— more than 0’ below existing grade. To instead locate the ground floor elevation at 0’ or higher above existing grade would create the need to ramp up to the front door, which in many situations would be a significant burden, especially where a building face is very close to the sidewalk. Allowing residents to define ground stories based on modified— ie, finished— grades seems entirely reasonable.) Long story short, I assume the Code should be edited so the notes on the Ground Story graphic read <i>finished grade</i>. Dannan O’Connell was part of this discussion, if you want to check in with him for his take.	Staff believes this is a Tier 1 (grammatical issue and can be address with the current round of amendments or in the future). Staff believes the code is clear that words outweighs graphical information per section XXX

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			(by email) 6/16/2026: Moved to A.12 as a graphic update.	
G.2	2-132K	2.10.10.A.5	Kevin Riddle: We've studied several projects recently where new development is being considered on a parcel— or parcels-- that make up an entire block. In these cases, a single building may have streets on four sides, and all four sides are longer than the building width maximum. In such a case, should one open space exception (page 2-132) be allowed on each street face of the building rather just one exception for the entire building? With only one exception per building, as the Code currently prescribes, an owner would have to separate one building into multiple buildings. While there may be upsides to multiple buildings, it's not obvious that a single building with nice fenestration, massing, materials, etc... would be worse than multiple buildings... and wouldn't multiple open space exceptions safeguard against a perception of a building looking too massive? (by email)	Staff does not believe this is an issue and the intent of the code is to require developers to shrink their developments or to provide new streets or other elements to breakup large projects. More consideration may be warranted, but this would need to be a Tier 3 discussion.
G.3			Bicycle parking regulations need to be looked at. Currently the code calls for a lot of bicycle parking in areas that are not bike friendly (October 14, PC work session)	
G.4			BAR is an issue and does not work with by-right. Active depth is an issue as although parking is not required, it is needed due to financing. Administrative Modification need to be made larger (more than 10%). If you want more housing it needs to be as easy as possible and very standard. Developers need to know what they can do. Take away BAR authority and make as much as possible not go to PC or CC. (October 14, PC work session)	
G.5			The code is too complicated. We need to think more about what lots are left in the City for development. Stormwater regulations are an issue and the affordability regulations need to be looked at on a yearly basis so they can be adjusted based on real world changes. (October 14, PC work session)	
G.6			Max coverage regulations and max heights are an issue. Although parking is not required it is an issue for small lots as people (Habitat) will have cars. Think about bringing back allowing front facing garages. (October 14, PC work session) 2/10/26: More study is needed, but not at this time. Max coverage is an issue.	staff believes the max height issue will be resolved with the current round of amendments).
G.7			From a Historic Preservation perspective, make existing buildings in the Historic District conforming. This would help with preventing teardowns. (October 14, PC work session)	This could be something to look at. Staff is already proposing that if someone is using the "existing structure preservation" allowance, things like build-to and setbacks are "conforming". This could be looked at for something broader in the Historic districts.
G.8			Changing the zoning along West Main to CX-3. Remove the pay for affordable housing and provide affordable within student housing buildings. (October 14, PC work session)	
G.9			Up the amount of disturbed area for stormwater from 6,000 to 10,000. Change the major SD. Change the inclusionary requirements. What we have is not working. (October 14, PC work session) 2/10/26: This is being studied as part of Long Range Planning Environmental Study.	Under the current code we do not have major and minor SDs. We only have SDs and staff is recommending a new application for Sublots.
G.10			Look at adjusting the required AMI for affordable units and base it off the Zoning district and not uniformly across the City. (October 14, PC work session)	
G.11			Reevaluate the "activities" sections (i.e. New Construction, Addition, Site Modification...) to allow small changes to a site without going through full Development Review. (October 14, PC work session)	Staff is already proposing a process that will allow small changes (below the threshold of Minor Site Plans) to be exempt from Development Review through a code amendment to 34-5.2.9
G.12			The Building Code needs to be changed. When you do over 2 units it is now commercial and not residential. The Zoning code is no longer the issue, and it is the Building Code. (October 14, PC work session)	

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G.13			We are a hilly City and that is not reflected in the code. 40' requirement for entrances is an issue. Build-to requirement is for partial blocks and not a development that is taking up the full block. (October 14, PC work session)	
~~G.14~~			~~Build-to width is creating a lot of issues. Utility requirements is a big issue as it takes away from what can be done with sublots. (October 14, PC work session)~~ 2/10/26: This is creating a lot of issues, and we need to find a way to allow administrative relief. PC moved to Tier 3 (C.23).	
G.15		1.1.6.C Effect of Prior Code 1.1.7 Severability	In light of the issues with the ongoing lawsuit it seems like changing this section of the code to have a better fall back plan would be prudent. I recognize that the ab initio judgement would not have been alleviated by an improved version of this section, but it could help with issues in the future. Allow the prior code to exist as a fall back and/or provide an expedited path to a special use permit for projects that are under review and are impacted by judgements. If code readoption is required consider adopting on a district by district basis rather than all at once Dan Bracey – Two Street Studio October 2025	
G.16		2.10.6 / 2.10.7 Build-to & setbacks	Interactions with minimum primary street build-to widths and transition setbacks create undevelopable lots. For example in a NX lot which has an 85% primary street minimum build to width that has a Type B 15' transition that overlaps with the build to width, the minimum buildable site must have at least 100' of primary street frontage. Provide build-to width alleviation for sites where transition setback zones overlap with build-to width zones Dan Bracey – Two Street Studio October 2025	
G.17		2.10.6.5.c.ii Ped. outdoor amenity space	Meeting the 85% lot line or facade perimeter rule for pedestrian outdoor amenity space is very difficult on sites where the sidewalk and streetscape zone are within the lot boundary. Clarify or designate that the inner line of the required permanent public access easement for streetscape zones will be treated as the street lot line for zoning calculations. Dan Bracey – Two Street Studio October 2025	
G.18		2.10.9.4.a. Ground story definition	The 6' Min/Max determination for ground story is too limiting for the topography in this area leading to a need to break larger buildings into many modules which is very inefficient from a construction perspective Revert to the previous ground story definition of 50% of the floor above/below grade to define ground story or provide administrative alleviation for larger sites on hills Dan Bracey – Two Street Studio October 2025 2/10/26: PC believes the terrain of the City needs to be taken into consideration. Not a priority now, but moved to Tier 3 (C.24).	
G.19		2.10.10.A.3.b Building width	The intent of this section is to "promote fine-grained patterns of development and prevent long (should read "wide") buildings that are out of context...by breaking wide buildings into multiple, clearly distinguished building widths. The allowance for buildings to abut, but not share structure or components makes building cost and environmentally efficient multifamily buildings on large sites very difficult. 175' (RX-3/NX) accommodates only 5-6 units per street facing facade, severely limiting multifamily buildings on some large sites. 10-12 units per 275' street facing facade in RX-5 and CX is an improvement, but still very limiting on some lots. Eliminate or increase the width restriction in higher density zonings, provide a path for administrative waiver, or provide a path for longer buildings with mandated distinct facades Dan Bracey – Two Street Studio October 2025	
G.20		2.10.10.A.5 Open Space Exception	Active depth requirements still apply to the facade that is pushed back to meet the open space requirement which creates an issue in a multifamily building with a typical podium or deck wrap plan. Pushing the facade back ~30' would typically expose either a corridor or a parking structure. Do not apply the active depth requirements to the facade that is pushed back when using the open space exception. Dan Bracey – Two Street Studio October 2025	

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

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G.30			1. The less certainty, the less development. 2. Not all sites are equal. 3. We only know what we know until we know more. 4. Time kill deals. 5. Lawsuits are terrible for business. 6. Incentives work. 7. Markets always win out. Reference Jeff Levien Letter dated October 21, 2025	
G.31			Would like to see the idea of expanding Sublots to all Zoning Districts not just R and RN districts. Nicole Scro (in different meetings through 2025)	
G.32				
G.33				
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G.50				

Proposed Amendment Util.10 & 11 – Easements

Section 34-6.2.2

Page: 6-7 thru 6-8

Amendment Log Util.10 & 11

Existing Language:

6.2.2 Easements

- A. Platted easements and deeded easements must be provided in locations and dimensions required by the City in order to:
 - 1. Allow for adequate storm drainage facilities;
 - 2. Allow for proper installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;
 - 3. Allow for cross-access between properties;
 - 4. Allow for adequate pedestrian and bicycle access;
 - 5. Allow for adequate right-of-way for street types;
 - 6. Allow for adequate public access; and
 - 7. Allow for adequate slope for roadway construction.
- B. Easement widths are specified by the Standards and Design Manual as necessary to accommodate existing and future needs as well as construction and repair of facilities. For drainage easements, the widths must be sufficient to accommodate areas anticipated to be inundated by stormwater.

Proposed Language:

6.2.2 Easements

- A. Platted easements and deeded easements must **clearly identify easement type and ownership and** be provided in locations and dimensions required by the City in order to:
 - ~~1. Allow for adequate storm drainage facilities;~~
 - 2. Allow for proper installation **and maintenance** of water, **sanitary sewer, stormwater and gas facilities and sewer lines**, whether **existing**, immediately proposed or necessary for adequate service in the future;
 - 3. Allow for cross-access between properties;
 - 4. Allow for adequate pedestrian and bicycle access;
 - 5. Allow for adequate right-of-way for street types;
 - 6. Allow for adequate public access; and
 - 7. Allow for adequate slope for roadway construction.
- B. Easement widths are specified by the Standards and Design Manual **and its** ~~a~~**Appendices** as necessary to accommodate existing and future needs as well as **access for maintenance**, construction and repair of facilities. For drainage easements, the widths must be sufficient to accommodate **and provide access to** areas anticipated to be inundated by stormwater.

Proposed Amendment Util.10 & 11 – Easements

Analysis:

The current Development Code lacks clarity and direction on the purpose, uses, ownership and responsibility related to easements on subdivision plats. The proposed changes to 6.2.2.A provides additional guidance.

6.2.2.A subsections 1 & 2 are proposed to be combined for clarity, and include gas utilities that were formerly missing so that water, sanitary sewer, stormwater and gas are mentioned together for consistency with other proposed cleanup of the code.

6.2.2.B proposed language adds reference to the SADM appendices for utilities, and clarifies the need for access and mentions maintenance along with construction/repair.

Proposed Amendment
Util.12, 13, 15 & 19 – Fees & Dedications

Section 34-6.6

Page: 6-10 thru 6-12

Amendment Log Util.12, 13, 15 & 19

Existing Language:

6.6.1 Dedication of Infrastructure for Public Use

- A. A project developer must dedicate to the City for public use every easement and right-of-way located within the project, which has constructed or proposed to be constructed any public street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement dedicated for public use and to be maintained by the City or another public agency, as follows:
 - 1. The City Council is not required to compensate the project developer for any dedicated land or improvements.
 - 2. The land and improvements to be dedicated must be set apart on the Final Plat and must be identified by a note on the plat stating that the land is dedicated for public use.
 - 3. When a project abuts one side of an existing or platted street, the project developer must dedicate at least 1/2 of the right-of-way necessary to make the street comply with the minimum width required for the street as designated in the Standards and Design Manual.
- B. A project developer must dedicate to the City for public use all water and sewerage facilities designed, constructed and approved to be dedicated as public water and sewerage systems, and will require each project developer to establish an easement on the land for such facilities, extending to any abutting property owned by the project developer, if the facilities are required by this Development Code, as follows:
 - 1. The City Council is not required to compensate the project developer for the dedicated facilities or the establishment of any easement.
 - 2. The facilities to be dedicated and any easement to be established must be specifically identified and set apart on the Final Plat and must be identified by a note on the plat stating that the facilities are dedicated to, and the easement is established for, the City of Charlottesville.
 - 3. All Final Plats containing proposed public easements must expressly reference a declaration of the terms and conditions of such public easements recorded with the subdivision plat in the City's land records.
- C. A project developer must establish easements for facilities for stormwater management and drainage control, as follows:

Proposed Amendment
Util.12, 13, 15 & 19 – Fees & Dedications

1. An easement for all stormwater management facilities and drainage control improvements located on the property must be established whenever the improvement is designed and constructed beyond a street right-of-way or access easement and must extend from all drainage outfalls to an adequate channel that satisfies minimum standards established by the Virginia Department of Environmental Quality or the State Water Control Board, to the boundary of the property.
2. An easement must be established along every natural stream, natural drainage area to be preserved, and every man-made waterway located on the property.
3. The area of each required easement must be sufficient, as determined by the Subdivision Administrator, to: a.
 - a. Accommodate the facilities and the drainage characteristics from each drainage outfall from a drainage control;
 - b. Allow access to a natural stream or man-made waterway to allow widening, deepening, relocating, improving, or protecting the natural stream or man-made waterway for drainage purposes; and
 - c. Meet applicable standards and requirements set forth within Water Protection, Chapter 10 of the Code of the City of Charlottesville and the Standards and Design Manual.
4. Each required easement must include a right of ingress and egress for installation, maintenance, operation, repair and reconstruction of any improvement within the easement. The Subdivision Administrator may require that an easement be provided through abutting land under the same ownership as the project.
5. The City Council is not required to compensate the project developer for any easement or any improvements within the easement.
6. All Final Plats containing proposed public easements must expressly reference a declaration of the terms and conditions of such public easements recorded with the subdivision plat in the City's land records.
7. No easement will be considered part of any required street width.

6.6.2 Dedication of Land for Public Use

A project developer may dedicate to the City any land within the project that is suitable for parks, open space, stormwater management facilities and other public facilities, utilities and other public or semipublic uses, as follows:

Proposed Amendment
Util.12, 13, 15 & 19 – Fees & Dedications

- A. The City Council is not required to compensate the project developer for the land dedicated if the dedication is a gift, required by a proffer as part of a conditional rezoning, required as a condition of a special use permit, variance or other approval, or if the need for the land is substantially generated by the project. The determination of whether the need for land is substantially generated by the project will be made in the manner prescribed by 6.6.1. Dedication of Infrastructure for Public Use.
- B. Land dedicated under this Section must be set apart on the Final Plat and identified by a note on the plat stating that the land is dedicated for public use. The proposed dedication will be subject to review as to consistency with the City's Comprehensive Plan, as required by *Code of Virginia § 15.2- 2232*.
- C. A project developer's proposed dedication of a stormwater management facility must be reviewed and governed by the provisions of Water Protection, Chapter 10 of the Code of the City of Charlottesville. No such dedication will be accepted unless and until the City receives a financial guarantee, in the form of a bond or like surety, in an amount sufficient for and conditioned upon the construction of such stormwater management facilities in accordance with the standards and requirements set forth within Chapter 10 and the Standards and Design Manual.

6.6.3 Reservation of Land

A project developer may reserve for future dedication to the City a part of the property suitable for parks, schools, open space and other public facilities, utilities and other public or semipublic uses, as follows:

- A. The City Council is not required to compensate the project developer for the reservation of land if the dedication is a gift, required by a proffer as part of a conditional Zoning Map Amendment, required as a condition of a Special Use Permit, Variance, or other approval, or if the need for the land is substantially generated by the project. The determination of whether the need for land is substantially generated by the project will be made in the manner prescribed by 6.6.1. Dedication of Infrastructure for Public Use.
- B. Land reserved under this Section must be set apart on the Final Plat and identified by a note on the plat stating that the land is reserved for future dedication for public use.
- C. The project developer may petition the City Council to release a reservation if the land is not used for a public purpose, using the procedure set forth within Div. 6.7. Administration.
- D. Nothing in this Section precludes land being reserved for a public use which is not included in the Comprehensive Plan, provided the land is acceptable to the City for reservation.

Proposed Amendment
Util.12, 13, 15 & 19 – Fees & Dedications

6.6.4 Transfer of Land Ownership

The recording of an approved Final Plat and deed of dedication will transfer dedicated land and establish certain easements, as follows:

- A. Recordation will operate to transfer, in fee simple, to the City that portion of the land set apart on the plat and dedicated for public use.
- B. Recordation will operate to transfer to the City any easement set apart on the plat and dedicated to public use to create a public right of passage over the property.
- C. Recordation will operate to transfer to the City, in fee simple, the water and sewer facilities, and related easements, set apart on the plat and dedicated for public use.
- D. Recordation will operate to terminate and extinguish all rights-of-way, easements or other interests of the City in the property not shown on the plat, except that an interest acquired by the City by eminent domain, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of the *Code of Virginia § 15.2-2271 or 2272*.
- E. Recordation will not constitute acceptance of any improvement by the City.

Proposed Amendment
Util.12, 13, 15 & 19 – Fees & Dedications

Proposed Language:

6.6.1 Dedication of Infrastructure for Public Use

- A. A project developer must dedicate to the City for public use every easement and right-of-way located within the project, which has constructed or proposed to be constructed any public street, curb, gutter, sidewalk, bicycle trail, ~~drainage or sewerage system, waterline as part of a public system,~~ or other improvement dedicated for public use and to be maintained by the City or another public agency, as follows:
1. The City Council is not required to compensate the project developer for any dedicated land or improvements.
 2. The land, ~~easements,~~ and improvements to be dedicated must be set apart on the Final Plat and must be identified by a note on the plat stating that the ~~land, easement and/or improvement~~ is dedicated for public use.
 3. When a project abuts one side of an existing or platted street, the project developer must dedicate at least 1/2 of the right-of-way necessary to make the street comply with the minimum width required for the street as designated in the Standards and Design Manual ~~and Appendices.~~
- B. A project developer must dedicate to the City for public use all ~~water and sewerage facilities water, sanitary sewer, stormwater and gas facilities~~ designed, constructed and approved to be dedicated ~~for public ownership as public water and sewerage systems,~~ and will require each project developer to establish an easement on the land for such facilities, extending to any abutting property owned by the project developer, if the facilities are required by this Development Code, as follows:
1. The City Council is not required to compensate the project developer for the dedicated facilities or the establishment of any easement.
 2. The facilities to be dedicated and any easement to be established must be specifically identified and set apart on the Final Plat and must be identified by a note on the plat stating that the facilities are dedicated to, and the easement is established for, the City of Charlottesville.
 3. ~~Each required easement must include a right of ingress and egress for installation, maintenance, operation, repair and reconstruction of public utility facilities within the easement.~~
 4. All Final Plats containing proposed public easements must expressly reference a declaration of the terms and conditions of such public easements recorded with the subdivision plat in the City's land records.
 5. ~~A project developer's proposed dedication of public utility facilities for public ownership must be reviewed and governed by the provisions of Utilities, Chapter 31 of the Code of the City of Charlottesville. No such dedication will be accepted unless and until the City receives a financial guarantee, in the~~

Proposed Amendment Util.12, 13, 15 & 19 – Fees & Dedications

form of a bond or like surety, in an amount sufficient for and conditioned upon the construction of such public utility facilities in accordance with the standards and requirements set forth within Chapter 31 and the Standards and Design Manual and its ~~a~~Appendices.

- C. A project developer must establish easements for facilities for stormwater management and drainage control, as follows:

(add the following after subsection 7)

8. A project developer's proposed dedication of a stormwater management facility for public ownership must be reviewed and governed by the provisions of Water Protection, Chapter 10 of the Code of the City of Charlottesville. No such dedication will be accepted unless and until the City receives a financial guarantee, in the form of a bond or like surety, in an amount sufficient for and conditioned upon the construction of such stormwater management facilities in accordance with the standards and requirements set forth within Chapter 10 and the Standards and Design Manual and Appendices.

6.6.2 Dedication of Land for Public Use

A project developer may dedicate to the City any land within the project that is suitable for parks, open space, ~~utilities~~, stormwater management facilities, ~~and~~ other public facilities, ~~utilities~~ and other public or semipublic uses in a manner consistent with 6.6.1. *Dedication of Infrastructure for Public Use*, as follows:

- A. The City Council is not required to compensate the project developer for the land dedicated if the dedication is a gift, required by a proffer as part of a conditional rezoning, required as a condition of a special use permit, variance or other approval, or if the need for the land is substantially generated by the project. The determination of whether the need for land is substantially generated by the project will be made in the manner prescribed by 6.6.1. *Dedication of Infrastructure for Public Use*.
- B. Land dedicated under this Section must be set apart on the Final Plat and identified by a note on the plat stating that the land is dedicated for public use. The proposed dedication will be subject to review as to consistency with the City's Comprehensive Plan, as required by *Code of Virginia § 15.2- 2232*.

~~C. A project developer's proposed dedication of a stormwater management facility must be reviewed and governed by the provisions of Water Protection, Chapter 10 of the Code of the City of Charlottesville. No such dedication will be accepted unless and until the City receives a financial guarantee, in the form of a bond or like surety, in an amount sufficient for and conditioned upon the construction of such stormwater management facilities in accordance with the standards and requirements set forth within Chapter 10 and the Standards and Design Manual.~~

Proposed Amendment Util.12, 13, 15 & 19 – Fees & Dedications

6.6.3 Reservation of Land

A project developer may reserve for future dedication to the City a part of the property suitable for parks, schools, open space, **utilities, and** other public facilities, **utilities** and other public or semipublic uses **in a manner consistent with 6.6.1. Dedication of Infrastructure for Public Use**, as follows:

- A. The City Council is not required to compensate the project developer for the reservation of land if the dedication is a gift, required by a proffer as part of a conditional Zoning Map Amendment, required as a condition of a Special Use Permit, Variance, or other approval, or if the need for the land is substantially generated by the project. The determination of whether the need for land is substantially generated by the project will be made in the manner prescribed by 6.6.1. Dedication of Infrastructure for Public Use.
- B. Land reserved under this Section must be set apart on the Final Plat and identified by a note on the plat stating that the land is reserved for future dedication for public use.
- C. The project developer may petition the City Council to release a reservation if the land is not used for a public purpose, using the procedure set forth within Div. 6.7. Administration.
- D. Nothing in this Section precludes land being reserved for a public use which is not included in the Comprehensive Plan, provided the land is acceptable to the City for reservation.

6.6.4 Transfer of Land Ownership

The recording of an approved Final Plat and deed of dedication will transfer dedicated land and establish certain easements, as follows:

- A. Recordation will operate to transfer, in fee simple, to the City that portion of the land set apart on the plat and dedicated for public use.
- B. Recordation will operate to transfer to the City any easement set apart on the plat and dedicated to public use to create a public right of passage over the property.
- C. Recordation will operate to transfer to the City **any easement set apart on the plat for water, sanitary sewer, stormwater and gas facilities that are dedicated for public ownership**.
- D. Recordation will operate to terminate and extinguish all rights-of-way, easements or other interests of the City in the property not shown on the plat, except that an interest acquired by the City by eminent domain, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of the *Code of Virginia § 15.2-2271 or 2272*.
- E. Recordation will not constitute acceptance of any improvement by the City.

Proposed Amendment Util.12, 13, 15 & 19 – Fees & Dedications

Analysis:

The current Development Code is inconsistent in its references & requirements regarding public utility infrastructure (and other public uses/improvements) throughout this section:

In 6.6.1.A, references to utilities are removed since they are already covered in 6.6.1.B. In the subsequent terms, references to land, easements and improvements are updated for consistency throughout.

In 6.6.1.B, the specific types of public utilities are clarified and expanded to include stormwater and gas. In the subsequent terms, additions are made for (#3) describing the requirements of the utility easements is added as item 3, which mirrors 6.6.1.C.4, and (#5) outlining provisions for the dedication of public utility facilities referencing City Code, the SADM and its appendices.

In 6.6.1.C, the provisions for the dedication of stormwater management facilities is moved from 6.6.2.C (which concerns dedication of land) into this section (#8) which is more applicable (dedication of improvements).

In 6.6.2 and 6.6.3, the list of public uses is revised for clarity. Also, reference is made back to 6.6.1.

In 6.6.4, the proposed language clarifies that only the easements associated with utilities to be owned & operated by the City (and not the facilities that will be contained within those easements) are to be transferred to the City along with recordation of a plat, and removes the “fee simple” reference. This removes any potential contradiction with subsection E, which states that recordation of a plat does not constitute acceptance of any improvement by the City. The types of public utilities are also clarified and expanded to include stormwater and gas.

Proposed Amendment
Util.1 through 7 – Language

Section 34-All applicable sections

Page: All applicable pages

Amendment Log Util.1, 2, 3, 4, 5, 7,

General language and references to existing standards:

General language in Chapter 34 references the “**Standards and Design Manual**” forty-seven (47) times throughout the document. The SADM also includes important appendices that provide additional and important details and requirements, but it is frequently mentioned to review staff that outside consultants were unaware of these Appendices.

Proposed language and references to existing standards:

Update all forty-seven references to the “**Standards and Design Manual and Appendices**”.

Existing Language:

1.1.3 Purpose and Intent

(E) Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;

Proposed Language:

1.1.3 E Purpose and Intent

(E) Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, ~~sewerage system~~, **sanitary sewer, stormwater and gas facilities**, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;

Existing Language:

4.6.3 Sanitary Sewer and Water Supply

(C) Public water and sanitary sewer service must be provided to each lot within a project, consistent with the requirements of Chapter 31, Utilities of the Charlottesville City Code and the Standards and Design Manual. Such systems must be constructed by the project developer to the point at which they will join public service lines. When a project does not abut a public water or sanitary sewer system or main, the project developer is responsible for extending the public water or sewer system or main from the existing location to the project site, and dedicate the extension of the public service line to the City.

Proposed Amendment
Util.1 through 7 – Language

Proposed Language:

4.6.3 Sanitary Sewer and Water Supply

(C) Public water and sanitary sewer service must be provided to each lot within a project, consistent with the requirements of Chapter 31, Utilities of the Charlottesville City Code and the Standards and Design Manual **and Appendices**. Such systems must be constructed by the project developer to the point at which they will join ~~public-service-lines~~ **the public portion of the utility system**. When a project does not abut a public water or sanitary sewer system or main, the project developer is responsible for extending the public water or sewer system or main from the existing location to the project site, and dedicate the extension of the ~~public-service-lines~~ **public portion of the utility extensions** to the City.

Existing Language:

4.6.7 Underground Utilities

All utilities, including but not limited to wires, cables, pipes, conduits and appurtenant equipment for electricity, natural gas, water, sewer, telephone or similar service, must be located within a project as follows:

Proposed Language:

4.6.7 Underground Utilities

All utilities, including but not limited to wires, cables, pipes, conduits and appurtenant equipment for electricity, natural gas, water, **sanitary** sewer, **stormwater**, telephone or similar service, must be located within a project as follows:

Existing Language:

4.6.7 Underground Utilities

(C) No utility easements or facilities, other than those of City-owned and operated utilities, may be located within the right-of-way for any public street, except upon the approval by City Council of a franchise ordinance or public right-of-way use permit or encroachment agreement. If the project developer desires to construct in, on, under, or adjacent to any public streets located in the project any natural gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, they must present plans or specifications to the City for approval.

Proposed Language:

4.6.7 Underground Utilities

(C) No utility easements or facilities, other than those of City-owned and operated utilities, may be located within the right-of-way for any public street, except upon the approval by City Council of a franchise ordinance or public right-of-way use permit or encroachment

Proposed Amendment Util.1 through 7 – Language

agreement. If the project developer desires to construct in, on, under, or adjacent to any public streets located in the project any natural gas, water, **sanitary sewer, stormwater,** electric light or power works, pipes, wires, fixtures or systems, they must present plans or specifications to the City for approval.

Existing Language:

6.1.5 Construction Surety

(B) In either case, prior to issuance of any building permit, and prior to issuance of any permit authorizing any land disturbing activity within the project, the project developer must provide a financial performance guarantee for completion of the site-related improvements. Site-related improvements include any of the following: public street, curb, gutter sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement dedicated for public use and proposed to be maintained by the City or another public agency; and other improvements required by this Development Code, and to be financed by private funds, for: vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities.

Proposed Language:

6.1.5 Construction Surety

(B) In either case, prior to issuance of any building permit, and prior to issuance of any permit authorizing any land disturbing activity within the project, the project developer must provide a financial performance guarantee for completion of the site-related improvements. Site-related improvements include any of the following: ~~public:~~ street, curb, gutter sidewalk, bicycle trail, **water, sanitary sewer, stormwater, drainage or sewerage system, waterline as part of a public system,** or other improvement dedicated for public use and proposed to be maintained by the City or another public agency; and other improvements required by this Development Code, and to be financed by private funds, for: vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities.

Proposed Amendment
Util.1 through 7 – Language

Analysis:

The current Development Code lacks clarity and consistency with the language referring to certain utilities and applicable standards. These amendments assure more consistency and clear references to existing standards and requirements that are often overlooked due to lack of reference.

Proposed Amendment Tree Removal Permit

Section 34-5.2.10.A.1

Page: 5-41

Amendment Log A.1

Section 34-5.2.10.A.1

Existing Language:

Tree Removal Permit. Applies to all properties and is required prior to the removal of any tree with a diameter breast height (DBH) of 8 inches or more in accordance with 4.9.1. Tree Preservation and Replacement

- a. Trees of any size determined to be dead, dying, or hazardous by the Administrator do not require a permit for removal.

Proposed Language:

Tree Removal Permit. Applies to all **lots and parcels and** is required prior to the removal of any tree with a diameter breast height (DBH) of 8 inches or more in accordance with 4.9.1. Tree Preservation and Replacement

- a. Trees of any size determined to be dead, dying, or hazardous by the Administrator do not require a permit for removal.
- b. If a project is subject to Development Review, tree removal is reviewed within that process, and no Tree Removal Permit is required.**

Analysis:

The proposed amendment to Section 34-5.2.10.A.1 clarifies two important aspects of how tree removal is regulated within the Development Code. First, the update replaces the term “properties” with “lots and parcels,” which improves consistency with the terminology already used throughout the Development Code. The Code relies heavily on “lots,” “parcels,” and other defined land-unit terms when establishing applicability for development standards, review procedures, and submittal requirements. By making this change, the Tree Removal Permit section now aligns with the established language patterns of Chapter 34, reducing ambiguity and bringing the terminology into harmony with the rest of the Code.

The second change addresses situations where an applicant is already undergoing Development Review through a Development Plan or Final Site Plan. In current practice, planners review all proposed tree removals associated with those applications to ensure they comply with the applicable standards in Section 4.9.1, as well as any other relevant portions of the Development Code. Because those removals are already being evaluated within the Development Review process, requiring a separate Tree Removal Permit creates an unnecessary second application for the same action. The proposed amendment formally recognizes this by stating that when a project is subject to Development Review,

Proposed Amendment Tree Removal Permit

tree removal will be reviewed within that existing process, and no Tree Removal Permit is required. This change does not alter the substantive standards for tree removal; it only eliminates the redundant permit for projects that already undergo a comprehensive, code-based review.

All other projects that are not subject to Development Review will continue to be required to obtain a Tree Removal Permit before removing any tree eight inches DBH or greater. Those applicants must still provide the information necessary to demonstrate that the proposed removal complies with the applicable standards and exemptions described in the Development Code. This maintains the existing protections and review requirements for standalone tree removal while streamlining the process for projects already undergoing a more extensive review. Overall, the amendment improves clarity, reduces duplicative applications, and reinforces consistency in how land units and review processes are referenced throughout the Code.

Proposed Amendment Private Streets

Section 34-7.2

Page: 7-21

Amendment Log A.2

Section 34-7.2

Existing Language:

Street. A public or private way that is publicly accessible and affords a principal means of access to abutting property. Streets generally consist of roadways and streetscapes.

Proposed Language:

Street. A public or private way that ~~is publicly accessible and affords~~ provides a principal means of access to abutting property ~~and includes the roadway and associated streetscape elements. Streets generally consist of roadways and streetscapes.~~ Streets shall meet the following criteria:

Public Street: A street located entirely within a publicly dedicated and accepted right-of-way, under the ownership and maintenance of a governmental entity and design per the City's Standards and Design Manual.

Private Street: A street located on a separate, recorded lot or tract that is not part of any abutting property. Private streets shall not be established solely by easement across private property and must comply with the City's Standards and Design Manual and be bonded to the same standards as a Public Street during construction. Ownership and maintenance shall be the responsibility of a private entity such as a homeowners' association or other legally binding documents.

Analysis:

The proposed amendment to Section 34-7.2 ensures both private and public streets are established under the same standards. When private streets are permitted under easements without separation from other property, the establishment of street lot lines per Section 34-2.10.1.C is not clearly defined. Amending the definition of streets to ensure all streets are separated from private land ensures development adjacent to all streets is consistent and aligned with the purposes and intents of code sections regulating the form of development along street frontages.

Proposed Amendment
Administrator Review Authority

Section 34-5.1.6.B.2

Page: 5-9

Amendment Log A.5

Section 34-5.1.6.B.2

Existing Language:

2. Review Authority

The Administrator is responsible for review and recommendation regarding:

- a. Comprehensive Plan adoption and amendments;
- b. Review of Public Facilities;
- c. Text amendments to this Development Code;
- d. Map amendments to the official zoning map (rezoning);
- e. Certificates of Appropriateness under Major Historic Review;
- f. Variances;
- g. Floodplain Variances;
- h. Special Use Permits; and
- i. Critical Slope Special Exceptions.

Proposed Language:

2. Review Authority

The Administrator is responsible for review and recommendation regarding:

- a. Comprehensive Plan adoption and amendments;
- b. Review of Public Facilities;
- c. Text amendments to this Development Code;
- d. Map amendments to the official zoning map (rezoning);
- e. Certificates of Appropriateness under Major Historic Review;
- f. Variances;
- g. Floodplain Variances;
- h. Special Use Permits; ~~and~~
- i. **Special Exception Permits; and**
- ij. Critical Slope Special Exceptions.

Analysis:

Per the Summary of Review Authority in Section 34-5.1.1.1, the Administrator is responsible for review and recommendation of Special Exception Permits. However, this responsibility is not included in Section 34-5.1.6.B.2. Adding text to align Section 34-5.1.6.B.2 with Section 34-5.1.1. ensures consistency and clarity in the review process for Special Exception Permits.

Proposed Amendment
RN-A Reference in Streetscape Standards

Section 34-4.4.5.D.9.c

Page: 4-21

Amendment Log A.6

Section 34-5.1.6.B.2

Existing Language:

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 the 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.

Proposed Language:

In Residential (R-) **and 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** ~~developer~~ to contribute to the streetscape fund, maintained and administered by the City, an amount equivalent to the cost of the dedication of land for and the construction of the streetscape on the property.

Analysis:

While the RN-A Residential Core Neighborhood zoning district is categorized as a residential district under Article 34-2.2 along with R-A Residential A, R-B Residential B, and R-C Residential C, the district is not included in the exception criteria for existing streetscapes which are eligible for contribution to the streetscape fund in lieu of construction.

Proposed Amendment
State Changes to Planning Commission Authority

Section 34-6.7.1.A.2.a.iv

Page: 6-13

Amendment Log A.7

Section 34-5.1.6.B.2

Existing Language:

2. Authority

a. General

The functions and duties of the Subdivision Administrator under this Development Code include:

- i. Administration of provisions of this Development Code pertaining to the subdivision of land;
- ii. Delegation of any act authorized by this Development Code to be carried out by the Subdivision Administrator to an appropriate designee;
- iii. Enforcement of the provisions of this Development Code pertaining to the subdivision of land; and
- iv. Provision of expertise and technical assistance to the Planning Commission.

Proposed Language:

2. Authority

a. General

The functions and duties of the Subdivision Administrator under this Development Code include:

- i. Administration of provisions of this Development Code pertaining to the subdivision of land;
- ii. Delegation of any act authorized by this Development Code to be carried out by the Subdivision Administrator to an appropriate designee; **and**
- iii. Enforcement of the provisions of this Development Code pertaining to the subdivision of land; ~~and.~~
- ~~iv. Provision of expertise and technical assistance to the Planning Commission.~~

Analysis:

Virginia SB974 previously removed planning commission approval authority for the administrative review process for subdivision review and assigned such authority solely to a designated agent. The code amendment ensures the Development Code aligns with state requirements.

Proposed Amendment
State Regulations and RN-A Zoning

Section 34-2.2.1 and 34-2.2.3.A.2

Pages: 2-7 and 2-10

Amendment Log A.8

Section 34-2.2.1

Existing Language:

RN-A

25' or 40' lot width (min)

1 dwelling unit (max)

35' height (max)

40' building width (max)

Proposed Language:

RN-A

25' or 40' lot width (min)

2 dwelling unit (max)

35' height (max)

40' building width (max)

Section 34-2.2.3.A.2

Existing Language:

DENSITY	
Base	1
With bonus: Existing Structure Preservation	2
With bonus: Affordable Dwelling Unit	6

Proposed Language:

DENSITY	
Base	2
With bonus: Existing Structure Preservation	3
With bonus: Affordable Dwelling Unit	6

Analysis:

With Code of Virginia § 15.2-2292.3 now requiring all localities to permit an accessory dwelling unit by-right on any single-family residential lot, Charlottesville must ensure that every residential district—including RN-A—allows a principal dwelling and an additional

Proposed Amendment State Regulations and RN-A Zoning

unit without relying on discretionary bonuses. This new statewide mandate establishes a clear baseline expectation: every lot must be able to host one accessory unit in addition to the primary residence, and that allowance must be achievable by-right.

Under our current Development Code, the RN-A district provides only one dwelling unit by-right, and any additional unit must come through a bonus mechanism. The most common path is the existing structure preservation bonus, but that incentive applies only when a building was constructed and occupied before December 18, 2023 and retains its primary façade and envelope depth. On undeveloped RN-A lots, new subdivisions, or lots where new construction replaces older structures, no qualifying building exists, so the preservation bonus cannot be accessed. In those cases, the maximum by-right dwelling count remains one, and a property owner cannot add a second unit unless it qualifies for the Affordable Dwelling Unit bonus. Because the state law requires that every single-family lot accommodate an accessory unit without depending on bonuses, RN-A's one-unit base becomes incompatible with § 15.2-2292.3 once the requirement takes effect.

At the same time, our Development Code already uses the term “ADU” exclusively to mean “Affordable Dwelling Unit,” and introducing a second meaning for “Accessory Dwelling Unit” would create confusion, conflict with multiple code chapters, and complicate the administration of affordability programs. Rather than redefining terminology or restructuring the code's use framework, the most straightforward and least disruptive solution is to increase the RN-A base density from one unit to two. Doing so ensures that every lot—regardless of development history—can support a principal dwelling and an accessory unit as required by state law, while preserving the clarity of our existing vocabulary and avoiding unnecessary revisions elsewhere in the code.

To maintain the purpose and value of the preservation bonus, it must be adjusted as well. Increasing the preservation bonus from two units to three keeps it meaningful and continues to reward projects that retain eligible existing structures. Keeping the Affordable Dwelling Unit bonus at six units maintains the current affordability incentive structure without interfering with the new state requirement. Together, these changes preserve RN-A's intent, keep the bonus hierarchy coherent, avoid introducing a new definition for “ADU,” and ensure that all RN-A lots comply with § 15.2-2292.3 by allowing an accessory unit by-right.

Proposed Amendment
Existing Structure Preservation Bonus Clarification

Section 34-2.10.6.A.2.e

Page: 2-117

Amendment Log A.9

Section 34-2.10.6.A.2.e

Existing Language:

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.

Proposed Language:

e. When permitted by the Zoning District, a project **utilizing eligible for** the Existing Structure Preservation Bonus for density will be deemed to comply with the Build-To requirements.

Analysis:

The current wording of this section creates confusion regarding the applicability of Build-To requirements for developments with existing structures in a residential zoning district (R-A, RN-A, R-B, and R-C). The amendment clarifies that existing structures meeting the requirements of Section 34-4.2.1.C are deemed to comply with Build-to requirements regardless of the application of bonus allowances per Section 34-4.2.1.B.

Proposed Amendment Alignment of Approval Processes

Section 34-5.2.16.C.2

Page: 5-57

Amendment Log A.11

Section 34-5.2.16.C.2

Existing Language:

C. Review and Decision Process

1. 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.

2. Notice

Notice of the public meeting must be given in accordance with Code of Virginia § 15.2-2204.

3. Planning Commission Review

The Planning Commission will review the application and report its findings and recommendations to the City Council.

4. City Council Decision

- a. The City Council will conduct a public meeting on the application. The City Council may hold a joint public meeting with the Planning Commission.
- b. If the City Council grants a Critical Slopes Special Exception, the Council can set forth any reasonable conditions which apply to the approval granted.

Proposed Language:

C. Review and Decision Process

1. 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.

~~2. Notice~~

~~Notice of the public meeting must be given in accordance with Code of Virginia § 15.2-2204.~~

~~23. Planning Commission Review~~

The Planning Commission will review the application and report its findings and recommendations to the City Council.

~~34. City Council Decision~~

- a. The City Council will conduct a public meeting on the application. The City Council may hold a joint public meeting with the Planning Commission.

Proposed Amendment
Alignment of Approval Processes

b. If the City Council grants a Critical Slopes Special Exception, the Council can set forth any reasonable conditions which apply to the approval granted.

Analysis:

The current wording of this section aligns with approval processes such as Special Use Permits which require a public hearing and appropriate notice of public hearing(s). However, Critical Slopes Special Exception Permits require a public meeting but not a public hearing per Section 34-5.1.1. The code section recommended for removal creates confusion as the referenced public hearing requirements do not apply to the Critical Slopes Special Exception Permit. This removal aligns the Critical Slopes Special Exception Permit section with the Special Exception Permit section in Section 34-5.2.15, which also requires a public meeting but no public hearing.

Proposed Amendment Split Zoned Lots and Development Standards

Section 34-2.1.2.C

Page: 2-4

Amendment Log A.13

Section 34-2.1.2.C

Existing Language:

Where a Section is listed as applying, and the zoning district includes standards for that requirement, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions for each set of standards in *Div. 2.10. Rules for Zoning Districts*. Applicability may also be modified by *Div. 5.3. Nonconformities*.

Proposed Language:

Where a Section is listed as applying, and the zoning district includes standards for that requirement, all applicable standards must be met. **For split-zoned parcels (lots containing multiple base zoning districts, excluding overlay districts), the more restrictive district standards shall apply to the lot as a whole.** The applicable standards may be further modified by the applicability provisions for each set of standards in *Div. 2.10. Rules for Zoning Districts*. Applicability may also be modified by *Div. 5.3. Nonconformities*.

Proposed Language to be removed:

Section 34-2.10.10.A.3.a.i

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

Analysis:

The Development Code does not currently provide clear direction on how district standards apply to parcels that contain more than one base zoning district. While Section 34-2.10.10.A.3.a.i addresses Building Width for structures spanning multiple zoning districts, other critical standards—such as maximum building footprint, build-to requirements, height, and massing—remain unaddressed. This creates ambiguity for applicants and staff when interpreting which standards govern development on split-zoned parcels.

Because dimensional and form standards vary significantly between zoning districts, consistent application is essential to maintaining predictable outcomes and ensuring equitable administration of the Code. Establishing that the more restrictive district standard applies across the entirety of a split-zoned lot provides necessary clarity and avoids selective application of standards based solely on internal parcel boundaries. This approach also encourages applicants to resolve underlying split-zoning conditions through appropriate zoning actions rather than relying on fragmented standards during development review.

Proposed Amendment

Split Zoned Lots and Development Standards

This amendment applies only to district *standards* and does not alter how *uses* are regulated under Section 34-3.1. Each portion of a split-zoned lot may continue to accommodate uses permitted within its respective zoning district. By placing this general rule within Section 34-2.1.2.C, staff recommends removing Section 34-2.10.10.A.3.a.i, as its narrow language becomes redundant once a broader governing principle for split-zoned parcels is established.

Proposed Amendment

Revisions to an Approved Development Plan or Final Site Plan

Sections 34-5.2.9.E.2.c

Page: 5-40

Amendment Log A.16

Existing Language:

- 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.

Proposed Language:

- c. Revisions to an Approved Development Plan or Final Site Plan
 - i. Minor revisions to an approved Development Plan or Final Site Plan **during the period of validity** may be **granted** by the Administrator **after completion of the appropriate review. Minor revisions per this section do not constitute a waiver nor extend the period of validity of the plan.** 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;
 - d) Relocation of parking areas, internal driveways or structures where relocation occurs more than 100 feet from street or common lot lines; **and**
 - e) **additional unlisted minor revisions that do not substantially alter the vested plans as determined by the Administrator.**
 - ii. All other changes to an approved Development Plan or Final Site Plan must be resubmitted as a new application.

Analysis:

This amendment is intended to align the City's Development Code with Virginia Code § 15.2-2261(D), which governs the validity of approved plats and site plans and clarifies that minor modifications made during that validity period do not extend or waive any rights associated with the approved plan. Updating our local language to mirror these

Proposed Amendment

Revisions to an Approved Development Plan or Final Site Plan

requirements ensures legal consistency, reduces ambiguity for applicants, and strengthens our administrative practices.

The amendment also addresses a practical limitation in the current Code. While several specific thresholds define “minor revisions,” they do not encompass the broader range of small, non-material adjustments routinely needed as projects move from approval toward construction. Without a clear mechanism for approving these unlisted but truly minor changes, applicants can be forced into unnecessary resubmittals, creating delays and administrative inefficiencies. Granting the Administrator limited discretion to approve additional minor revisions—when they do not materially alter the approved plan—provides the flexibility needed to keep projects on track while maintaining appropriate safeguards.

This update is also forward-looking. The Development Code is still new, and staff are only beginning to see how applicants will navigate revisions once projects receive initial approvals. At this moment, we are receiving very few revision requests simply because most plans are still early in the development pipeline. However, as projects advance over the next one to two years, we anticipate a growing need for a predictable and streamlined path for minor adjustments prior to or during construction. Establishing this framework now positions the City to manage those future revisions efficiently and consistently.

Overall, the amendment strengthens legal compliance, improves administrative clarity, and prepares the City for the expected increase in minor modifications as newly approved projects progress toward construction.

Proposed Amendment

Sign Permits & Certificate of Appropriateness (CoA) Applications

Section 34-4.11.3.a.2

Page 4-82

Amendment Log ADC.3

Section 34-4.11.3.a.2

Existing Language:

For signs within an ADC District, HC District, Entrance Corridor, or an IPP, a Certificate of Appropriateness will be issued in lieu of a Sign Permit according to 5.2.6 Minor Historic Review, 5.2.7 Major Historic Review, and 5.2.8 Corridor Review.

Proposed Language:

For signs **located** within an ADC District, HC District, Entrance Corridor, or an IPP, **required design review shall be conducted as part of the sign permit process. In these overlay districts, the approved sign permit serves in lieu of a Certificate of Appropriateness for sign-related work.**

Analysis:

The current code language incorrectly states that a Certificate of Appropriateness (CoA) will be issued *in lieu of* a sign permit for signs within the ADC, HC, Entrance Corridor, or IPP overlay districts. In practice, this does not reflect how sign applications are reviewed or approved. Several problems arise from this mismatch between code language and real-world procedures, making revision necessary.

First, design review for signs is conducted within the sign permit workflow, not as a separate CoA process. Zoning staff determines whether a proposed sign meets the applicable sign regulations before design review staff evaluate its design. Only after zoning confirms compliance does design review occur, and its approval allows the sign permit to be issued. The existing language reverses this order by implying the CoA is the primary approval mechanism.

Second, issuing a CoA for a sign creates the false impression that the CoA itself confers zoning compliance, even though it does not. In all other contexts, a CoA addresses only

Proposed Amendment

Sign Permits & Certificate of Appropriateness (CoA) Applications

design considerations and never substitutes for zoning approval. Maintaining an exception for signs inadvertently elevates the CoA beyond its intended purpose and could mislead applicants or reviewers into believing that historic or corridor approval overrides the underlying zoning rules.

Third, the current code language does not acknowledge how integrated and interdependent zoning and design review are for sign approvals. Signs must meet both zoning regulations and design standards, and the existing wording disrupts that relationship by suggesting an alternate approval path that does not align with actual regulatory requirements or workflow sequencing.

Finally, revising the language restores consistency with both staff practice and regulatory intent. By clarifying that design review approval must occur before issuance of a sign permit, and that the sign permit serves in lieu of a CoA, the code better reflects established procedures. This helps eliminate confusion for applicants, ensures internal alignment between zoning and design review staff, and prevents misinterpretation that could lead to procedural errors or improper approvals.

In short, the revision is necessary to ensure the ordinance accurately describes the real approval pathway, maintains clear distinctions between zoning and design authority, and supports a coherent and predictable permitting process.

Proposed Amendment

Review and Approval Authority Table

Section 34-5.1.1

Page 5-3; 5-4

Amendment Log ADC.7

Section 34-5.1.1

Existing Language:

The following table summarizes the review and approval authority of various review bodies and officials that implement and administer this Development Code.

		REVIEW AND APPROVAL AUTHORITY				
		Administrator	Board of Architectural Review	Board of Zoning Appeals	Planning Commission	City Council
APPROVAL PROCESSES						
Comprehensive Plan Review						
Comprehensive Plan Adoption	Sec. 5.2.2	R			R-PH	D-PH
Comprehensive Plan Amendment	Sec. 5.2.3	R			R-PH	D-PH
Review of Public Facilities	Sec. 5.2.4	R			D	A
Zoning Amendment						
Zoning Text Amendment	Sec. 5.2.5	R			R-PH	D-PH
Zoning Map Amendment (Rezoning)						
1 to 25 parcels		R			R-PH	D-PH
More than 25 parcels		R			R-PH	D-PH
Historic Preservation and Design Review						
Minor Historic Review	Sec. 5.2.6	D	A			
Major Historic Review	Sec. 5.2.7	R	D			A
Corridor Review	Sec. 5.2.8	D			A	A
Development and Subdivision Review						
Development Review	Sec. 5.2.9	D			A	
Subdivision Review	see Sec. 6.7.3					
Permit Review						
Tree Removal Permit	Sec. 5.2.10	D		A-PH		
Floodplain Permit		D		A-PH		
Sign Permit		D		A-PH		
Temporary Use Permit		D		A-PH		

KEY: R = Review / Recommend D = Final Decision A = Appeal
-PH = Public Hearing -PM = Public Meeting

		REVIEW AND APPROVAL AUTHORITY				
		Administrator	Board of Architectural Review	Board of Zoning Appeals	Planning Commission	City Council
APPROVAL PROCESSES						
Relief						
Administrative Modification	Sec. 5.2.11	D		A-PH		
Variance	Sec. 5.2.12	R		D-PH		
Floodplain Variance	Sec. 5.2.13	R		D-PH		
Special Use Permit	Sec. 5.2.14	R			R-PH	D-PH
Special Exception Permit	Sec. 5.2.15	R			R-PM	D-PM
Critical Slopes Special Exception	Sec. 5.2.16	R			R-PM	D-PM

KEY: R = Review / Recommend D = Final Decision A = Appeal
-PH = Public Hearing -PM = Public Meeting

Proposed Amendment Review and Approval Authority Table

Proposed Language:

The following table summarizes the review and approval authority of various review bodies and officials that implement and administer this Development Code.

APPROVAL PROCESSES		REVIEW AND APPROVAL AUTHORITY				
		Administrator	Board of Architectural Review	Board of Zoning Appeals	Planning Commission	City Council
Comprehensive Plan Review						
Comprehensive Plan Adoption	Sec. 5.2.2.	R			R-PH	D-PH
Comprehensive Plan Amendment	Sec. 5.2.3.	R			R-PH	D-PH
Review of Public Facilities	Sec. 5.2.4.	R			D	A
Zoning Amendment						
Zoning Text Amendment	Sec. 5.2.5.	R	R		R-PH	D-PH
Zoning Map Amendment (Rezoning)			R			
1 to 25 parcels		R			R-PH	D-PH
More than 25 parcels		R			R-PH	D-PH
Historic Preservation and Design Review						
Minor Historic Review	Sec. 5.2.6.	D	A			
Major Historic Review	Sec. 5.2.7.	R	D			A
Corridor Review	Sec. 5.2.8.	D			A	A
Development and Subdivision Review						
Development Review	Sec. 5.2.9.	D			A	
Subdivision Review	see Sec. 6.7.3.					
Permit Review						
Tree Removal Permit	Sec. 5.2.10.	D		A-PH		
Floodplain Permit		D		A-PH		
Sign Permit		D	A	A-PH		
Temporary Use Permit		D		A-PH		

KEY: R = Review / Recommend D = Final Decision A = Appeal
-PH = Public Hearing -PM = Public Meeting

APPROVAL PROCESSES		REVIEW AND APPROVAL AUTHORITY				
		Administrator	Board of Architectural Review	Board of Zoning Appeals	Planning Commission	City Council
Relief						
Administrative Modification	Sec. 5.2.11.	D		A-PH		
Variance	Sec. 5.2.12.	R		D-PH		
Floodplain Variance	Sec. 5.2.13.	R		D-PH		
Special Use Permit	Sec. 5.2.14.	R	R		R-PH	D-PH
Special Exception Permit	Sec. 5.2.15.	R	R		R-PM	D-PM
Critical Slopes Special Exception	Sec. 5.2.16.	R			R-PM	D-PM

KEY: R = Review / Recommend D = Final Decision A = Appeal
-PH = Public Hearing -PM = Public Meeting

Proposed Amendment Review and Approval Authority Table

Analysis:

These corrections to the *Review and Approval Authority* table accurately reflect authorities of the Board of Architectural Review as provided within the text of the Development Code. Included below are the corresponding code sections for each proposed revision to the table.

Zoning Text Amendment and Zoning Map Amendment review authority, see 34-5.2.5.C.1.b:
When the property is within an ADC District, HC District, or an Individually Protected Property, the Administrator will refer the application to the BAR for review as to whether the proposed application will have an adverse impact on the district, and for recommendation as to reasonable conditions which, if imposed, would mitigate any such impacts. The BAR may submit a written report of its findings in support of its recommendation to the Planning Commission and City Council.

Sign Permit review authority, see 34-5.2.10.A.3.a:
Signs in an Architectural Design Control District, Historic Conservation District, or an Individual Protected Property are required to apply for a Certificate of Appropriateness according to 5.2.7. Major Historic Review or 5.2.7. Major Historic Review instead of review under this Section.

Special Use Permit review authority, see 34-5.2.14.C.1.b:
When the property is within an ADC District, HC District, or an Individually Protected Property, the Administrator will refer the application to the BAR for review as to whether the proposed application will have an adverse impact on the district, and for recommendation as to 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 City Council.

Special Exception Permit review authority, see 34-5.2.15.C.1.c:
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~~ (sic.) to 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.

Proposed Amendment

Established Individually Protected Properties

Section 34-2.9.3.B

Page 2-85

Amendment Log ADC.14

Section 34-2.9.3.B

Existing Language:

Following is a list of landmarks, buildings and structures outside the City's ADC Districts, which are deemed by City Council to be of special historic, cultural, or architectural value.

Street Number	Street Name	Tax Map Number	Parcel Number
759	Belmont Avenue	Tax Map 58	Parcel 172
123	Bollingwood Road	Tax Map 7	Parcel 22
1102	Carlton Avenue	Tax Map 56	Parcel 86, Lots 1, 2, 3
133—155	Carlton Road	Tax Map 57	Parcel 157 (portion)
907	Cottage Lane	Tax Map 2	Parcel 54.3
908	Cottage Lane	Tax Map 2	Parcel 25
909	Cottage Lane	Tax Map 2	Parcel 54.4
513	Dice Street	Tax Map 29	Parcel 63.1
402	Dice Street	Tax Map 29	Parcel 124
406	Dice Street	Tax Map 29	Parcel 122
410	Dice Street	Tax Map 29	Parcel 119
412	Dice Street	Tax Map 29	Parcel 118
210	Eighth Street, NE	Tax Map 53	Parcel 173.23

Street Number	Street Name	Tax Map Number	Parcel Number
901	Emmet Street	Tax Map 1	Parcel 1 (portion)
200	Fifteenth Street, N.W.	Tax Map 9	Parcel 71
205	Fifth Street, S.W.	Tax Map 29	Parcel 69
217	Fifth Street, S.W.	Tax Map 29	Parcel 66
301	Fifth Street, S.W.	Tax Map 29	Parcel 104
418	Fifth Street, S.W.	Tax Map 29	Parcel 161
201	Fourteenth Street, N.W.	Tax Map 9	Parcel 73
233	Fourth Street, N.W.	Tax Map 32	Parcel 89
223	Fourth Street, SW	Tax Map 29	Parcel 42
1602	Gordon Avenue	Tax Map 9	Parcel 13
946	Grady Avenue	Tax Map 31	Parcel 60 (portion)
1022	Grove Street (formerly 1212)	Tax Map 23	Parcel 38
700	Harris Street	Tax Map 35	Parcel 132
204	Hartman's Mill Road	Tax Map 26	Parcel 38
208	Hartman's Mill Road	Tax Map 36	Parcel 36
801	High Street, East	Tax Map 53	Parcel 194
1404	Jefferson Park Avenue	Tax Map 11	Parcel 112
2115	Jefferson Park Avenue	Tax Map 17	Parcel 88
1201	Jefferson Street, East	Tax Map 54	Parcel 212
800	Jefferson Street, East	Tax Map 53	Parcel 173.22
901	Jefferson Street, East	Tax Map 53	Parcel 261
1615	Keith Valley Road	Tax Map 41A	Parcel 46
114	Lankford Avenue	Tax Map 26	Parcel 10
214	Lankford Avenue	Tax Map 26	Parcel 1
459	Locust Avenue	Tax Map 53	Parcel 234 (portion)
810	Locust Avenue	Tax Map 51	Parcel 74

Proposed Amendment Established Individually Protected Properties

700	Lyons Avenue	Tax Map 52	Parcel 26
610	Lyons Court	Tax Map 52	Parcel 78
706	Lyons Court Lane	Tax Map 52	Parcel 77
1118	Market Street, East	Tax Map 54	Parcel 150
1512	Market Street, East	Tax Map 56	Parcel 40.4
1819	Market Street East	Tax Map 55A	Parcel 146
1901	Market Street, East	Tax Map 55A	Parcel 149
224	Ninth Street, SW	Tax Map 30	Parcel 65
501	Ninth Street, SW	Tax Map 30	Parcel 169
1105	Park Street	Tax Map 47	Parcel 7
1108	Park Street	Tax Map 47	Parcel 49
1112	Park Street	Tax Map 47	Parcel 50
608	Preston Avenue	Tax Map 32	Parcel 14
722	Preston Avenue	Tax Map 31	Parcel 38 (portion)

Street Number	Street Name	Tax Map Number	Parcel Number
1010	Preston Avenue	Tax Map 4	Parcel 41
605	Preston Place	Tax Map 5	Parcel 111
611	Preston Place	Tax Map 5	Parcel 112
620	Prospect Avenue (formerly 620 7½ Street)	Tax Map 25	Parcel 2
752	Ridge Street	Tax Map 25	Parcel 79
212	Rosser Avenue	Tax Map 3	Parcel 107
818	Ridge Street	Tax Map 25	Parcel 102
1328	Riverdale Drive	Tax Map 50	Parcel 5
202	Riverside Avenue	Tax Map 55A	Parcel 148
1204	Rugby Road	Tax Map 38	Parcel 134
1314	Rugby Road	Tax Map 38	Parcel 92
204	Seventh Street, SW	Tax Map 29	Parcel 73
208	Seventh Street, SW	Tax Map 29	Parcel 74
201	Sixth Street, NW	Tax Map 32	Parcel 124
327	Sixth Street, SW	Tax Map 29	Parcel 188
209—211	Sprigg Lane	Tax Map 8	Parcel 28
104	Stadium Road	Tax Map 16	Parcel 2
214	Stribling Avenue	Tax Map 18A	Parcel 33
134	Tenth Street, N.W.	Tax Map 31	Parcel 56
414 and 415-B	Tenth Street, N.W.	Tax Map 4	Parcel 46
309	Twelfth Street, NE	Tax Map 54	Parcel 211
1	University Court	Tax Map 9	Parcel 44
603	Watson Avenue	Tax Map 47	Parcel 43
212	Wine Street	Tax Map 33	Parcel 32

Proposed Language: (Revisions to the list of established Individually Protected Properties are shown in red.)

Street Number	Street Name	Tax Map Number	Parcel Number
901	Emmet Street N.	Tax Map 1	Parcel 1 (portion)

Street Number	Street Name	Tax Map Number	Parcel Number
209 and 211	Sprigg Lane	Tax Map 8	Parcel 28

Proposed Amendment
Established Individually Protected Properties

Street Number	Street Name	Tax Map Number	Parcel Number
~~1328~~	~~Riverdale Drive~~	~~Tax Map 50~~	~~Parcel 5~~

Street Number	Street Name	Tax Map Number	Parcel Number
~~104~~	~~Stadium Road~~	~~Tax Map 16~~	~~Parcel 2~~

Street Number	Street Name	Tax Map Number	Parcel Number
~~801~~	~~West Street~~	~~Tax Map 31~~	~~Parcel 42~~

Analysis:

The proposed corrections to the list of established Individually Protected Properties (IPPs) are necessary to improve address clarity, to remove demolished IPPs which were left on the list by error during adoption in December 2023, and to amend the table by adding the most recently designated property.

Proposed Amendment B.08 Bicycle Parking and Lodging

Section 34-4.5.2.C.1

Page: 4-27

Amendment Log B.08

Section 34-4.5.2.C.1

Existing Language:

Required Bicycle Parking

Bicycle parking must be provided in accordance with the following table:

Uses	Spaces Required (min)	
	Short-Term Spaces	Long-Term Spaces
Residential		
Household living	1 / 10 units, 2 min	1 / units
Group Living	1 / 6 beds, 2 min	1 / 3 beds
Public, Civic, and Institutional		
All uses	1 / 5,000 SF of gross floor area, 2 min	1 / 10,000 SF of gross floor area, 2 min
Commercial		
All uses	1 / 2,500 SF of gross floor area, 2 min	1 / 5,000 SF of gross floor area, 2 min
Industrial		
All uses	1 / 10,000 SF of gross floor area, 2 min	1 / 5,000 SF of gross floor area, 2 min

Proposed Language:

Update Commercial by adding a subcategory for “Lodging”

Uses	Spaces Required (min)	
	Short-Term Spaces	Long-Term Spaces
Commercial		
All uses	1 / 2,500 SF of gross floor area, 2 min	1 / 5,500 SF of gross floor area, 2 min
Lodging	1 / 2,500 SF of gross floor area not intended for lodging, 2 min	1 Space per 40 rooms, 2 min

Analysis:

The current Development Code requires all Commercial uses to provide bicycle parking according to a gross-floor-area formula. While this approach works for most commercial activity, lodging uses (such as hotels) are unique: they typically have very large building footprints but generate bicycle parking demand based on guests, employees, and the size of publicly accessible non-lodging spaces rather than the overall square footage. Applying the generic Commercial GFA ratios to lodging has resulted in bicycle parking requirements

Proposed Amendment

B.08 Bicycle Parking and Lodging

far exceeding real-world demand, creating outcomes that are disproportionate and inconsistent with multimodal best practices.

The proposed amendment uses two simple ratios: short-term spaces tied to non-lodging areas of the building, and long-term spaces tied to the number of guest rooms. This approach follows national guidance from the Association of Pedestrian and Bicycle Professionals (APBP), which emphasizes that bicycle parking should be assigned based on the nature of the users rather than total building size. APBP also distinguishes short-term and long-term demand, noting that visitor trips tend to cluster around publicly accessible spaces, while employees and overnight guests generate predictable long-term storage needs. Similarly, the NACTO Urban Bikeway Design Guide encourages cities to adopt context-sensitive ratios that respond to expected bicycle activity rather than applying uniform formulas across all uses.

Peer practice further reinforces this direction. Cities with modern multimodal standards, including Raleigh, use room-based ratios for hotel bicycle parking because room count strongly correlates with employee and guest demand, while short-term visitor demand aligns with the building's active public spaces. Industry-specific guidance for hotel design also supports this distinction, noting that secure long-term storage has become an essential amenity for employees and cycling travelers, but that demand remains modest and consistent across room counts rather than varying with building square footage.

The specific numbers selected for this amendment reflect these established patterns. The short-term standard applies the existing Commercial ratio only to the portion of the building that generates visitor trips, while the long-term standard uses a room-based ratio common in other cities and consistent with national guidance on lodging-use behavior. The minimum of two spaces for each type ensures that even small lodging uses provide basic bicycle access and maintains consistency with the minimums applied across other Commercial uses.

Proposed Amendment Food Trucks

Section 34-3.6.1 and 34-3.6.2.D

Page: 3-40 to 3-43

Amendment Log B.9

Section 34-3.6.1.B.7

Existing Language:

7. Only One Temporary use permit will be active on any lot or parcel at any time.

Proposed Language:

Remove line 7.

~~7. Only one temporary use permit will be active on any lot or parcel at any time.~~

8 7. All temporary uses and any appurtenant structures, signs, goods and other features must be set back from an adjacent right-of-way by at least 20 feet.

9 8. All activities to be conducted pursuant to a temporary use permit must be in compliance with:

- a. The standards set forth in this Division, as applicable; and
- b. All applicable city ordinances, permits and approvals, including, without limitation: Occupancy permits, peddler's licenses, sign permits, BAR certificates of appropriateness, etc.

10 9. Use of all buildings and structures must be in compliance with all applicable building code regulations.

11 10. A temporary use permit may be revoked by the Administrator at any time, due to the failure of the permit holder to comply with all requirements of this Chapter. Notice of revocation must be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.

Section 34-3.6.2.D

Existing Language:

Mobile Food Unit

A mobile food unit located on private property authorized by a temporary use permit is subject to the following regulations:

1. No mobile food unit may be operated on private property without the mobile food unit owner or their designee having first been issued a temporary use permit pursuant to this section.

2. A temporary use permit allows the permittee to operate at up to 10 different properties. An applicant may apply for more than one temporary use permit.

3. Applicants for a temporary use permit authorizing a mobile food unit to operate on private property must provide:

Proposed Amendment Food Trucks

- a. A City business license (or a statement from the commissioner of revenue that no City business license is required).
 - b. A valid health permit from the Virginia Health Department stating that the mobile food unit meets all applicable standards. A valid health permit must be maintained for the duration of the temporary use permit.
 - c. Written permission from the owner of the private properties upon which the permittee will operate.
 - d. A site diagram to be approved by the Administrator for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from property lines, garbage receptacles and any other feature associated with the mobile food unit.
4. A mobile food unit temporary use permit is valid for one year from the date of issuance.
5. A mobile food unit operator cannot:
- a. Sell anything other than food and non-alcoholic beverages and items incidental to the product and its consumption;
 - b. Set up more than one covered 10 × 10 table to provide condiments to patrons;
 - c. Play any music that is audible outside of the vehicle;
 - d. Place or utilize any sign that is not permanently affixed to the mobile food unit;
 - e. Fail to provide receptacles and properly dispose of all trash, refuse, compost and garbage that is generated by the use; and
 - f. Cause any liquid wastes to be discharged from the mobile food unit.

Proposed Language:

Mobile Food Unit

A mobile food unit located on private property authorized by a temporary use permit is subject to the following regulations:

- 1. No mobile food unit may be operated on private property without the mobile food unit owner or their designee having first been issued a temporary use permit pursuant to this section.
- 2. A temporary use permit allows the permittee to operate at up to 10 different properties. An applicant may apply for more than one temporary use permit.
- 3. Applicants for a temporary use permit authorizing a mobile food unit to operate on private property must provide:
 - a. A City business license (or a statement from the commissioner of revenue that no City business license is required).
 - b. A valid health permit from the Virginia Health Department stating that the mobile food unit meets all applicable standards. A valid health permit must be maintained for the duration of the temporary use permit.

Proposed Amendment Food Trucks

c. Written permission from the owner of the private properties upon which the permittee will operate.

d. A site diagram to be approved by the Administrator for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from property lines, garbage receptacles and any other feature associated with the mobile food unit.

e. Location of Mobile Food Unit when not in use

4. A mobile food unit temporary use permit is valid for one year from the date of issuance.

5. A mobile food unit operator cannot:

a. Sell anything other than food and non-alcoholic beverages and items incidental to the product and its consumption;

~~b. Set up more than one covered 10 × 10 table to provide condiments to patrons;~~

~~c. b.~~ Play any music that is audible outside of the vehicle;

~~d. c.~~ Place or utilize any sign that is not permanently affixed to the mobile food unit;

~~e. d.~~ Fail to provide receptacles and properly dispose of all trash, refuse, compost and garbage that is generated by the use; and

~~f. e.~~ Cause any liquid wastes to be discharged from the mobile food unit.

Analysis:

Mobile food units were previously regulated through a provisional use permit process that allowed operators to obtain annual authorization to operate from multiple private properties throughout the City. When the Development Code was adopted, mobile food units were incorporated into the Temporary Uses section with many of the same operational requirements. In doing so, a conflict was created between Section 34-3.6.1.B.6, which allows multiple temporary use permits to be issued for the same lot, and Section 34-3.6.1.B.7, which limits a property to only one active temporary use permit at a time. As a result, multiple food truck operators may obtain permits to operate from the same property, but only one may legally operate at any given time. This provision has created administrative challenges for staff, confusion for applicants, and limitations on commercial properties seeking to accommodate multiple food vendors as a temporary use.

During discussions regarding food truck regulations, staff, Planning Commissioners, and other City departments identified several provisions that warrant clarification or modification. The proposed amendment removes the restriction allowing only one active temporary use permit on a property at a time and eliminates the provision authorizing a covered 10-by-10-foot table for condiment service. Removal of the table provision reinforces the temporary nature of mobile food unit operations by eliminating an accessory feature that is not necessary for food truck operations and is inconsistent with the intent of

Proposed Amendment

Food Trucks

a temporary use. These changes provide additional flexibility for food truck operators while maintaining existing requirements related to licensing, health permits, site plans, signage, waste management, and other operational standards. The amendment does not establish regulations for food truck courts or permanent food truck facilities and does not alter the requirement that mobile food units operate pursuant to a temporary use permit.

The amendment also adds a requirement for applicants to identify the location of a mobile food unit when it is not in operation. This information will assist staff in administering permits and monitoring compliance with temporary use regulations by providing a clearer understanding of where mobile food units are stored between operating periods. Together, these revisions remove unnecessary regulatory conflicts, improve permit administration, and preserve the distinction between temporary mobile food unit operations and more permanent food service establishments while maintaining the City's ability to regulate these uses as temporary activities.

Proposed Amendment
Nonresidential Height in the R-A and R-B Districts

Sections 34-2.2.2.A.B.1 and 2.2.4.B.1

Page: 2-9 and 2-13

Amendment Log B.12

Sections 34-2.2.2.A.B.1 and 2.2.4.B.1

Existing Language:

No existing language for maximum height for nonresidential structures in the R-A and R-B, Zoning Districts.

Proposed Language:

34-2.2.2.A.B.1 and 2.2.4.B.1

A. Building height (feet)

1 unit **and nonresidential** 35'

B. Side wall height (max)

1 unit **and nonresidential** 28'

Analysis:

In the R-A and R-B Zoning Districts, the maximum allowable height is currently specified only for residential structures. However, these districts permit several nonresidential uses, such as religious assembly and day care facilities. While Section 34-2.8 (Alternate Forms) provides additional height and form options, it does not presently apply to the nonresidential uses allowed under Section 34-3.1. Should the Alternate Forms provisions be expanded in the future, further analysis will be needed to determine appropriate height and form standards for those uses.

To address the current gap in the code, staff recommends establishing maximum height and side wall height standards for nonresidential uses that match those of one-unit residential structures. This approach provides clarity, maintains consistency within the districts, and ensures reasonable development standards until a more comprehensive review can be conducted.

Proposed Amendment Special Exception Permits

Sections 34-5.2.15.A

Page: 5-54

Amendment Log B.14

Sections 34-5.2.15.A

Existing Language:

1. The City Council may grant a modification of any physical dimensional standard of this Development Code by Special Exception Permit.
2. A Special Exception Permits may be granted for physical dimensional standards described in the following Divisions:

Proposed Language:

34-2.2.2.A.B.1 and 2.2.4.B.1

1. The City Council may grant a modification of any physical dimensional **or numerical** standard of this Development Code by Special Exception Permit.
2. A Special Exception Permits may be granted for physical dimensional **or numerical** standards described in the following Divisions:

Analysis:

The current language in Section 34-5.2.15.A limits Special Exception Permits (SEPs) to modifications of physical dimensional standards. While this is appropriate for many provisions within the Development Code, it creates a gap for circumstances where relief from numerical standards is warranted to support feasibility, innovation, or site-specific constraints. For example, under the existing language, City Council could modify the physical dimensional requirements for short- or long-term bicycle storage but would not have the ability to adjust the number of required bicycle parking spaces.

Expanding SEP eligibility to include numerical standards provides a more complete and functional tool for addressing practical challenges encountered in development proposals. Allowing City Council to consider modifications to both physical dimensional and numerical standards ensure a more flexible, context-sensitive approach to evaluating unique project conditions, while still maintaining alignment with the broader objectives of the Development Code and the Comprehensive Plan. This change enhances the City's ability to support well-designed projects that meet community needs without imposing unnecessary barriers when strict application of numerical requirements may not be appropriate.

Proposed Amendment Sublot Access Clarification

Section 34-7.1.2.E.3.b

Page: 7-10

Amendment Log B.15

Section 34-7.1.2.E.3.b

Existing Language:

b. A subplot is not required to abut a primary street, side street, or alley but must abut a permanent access easement that meets the requirements of Article 6. Subdivision.

Proposed Language:

b. A subplot is not required to abut a primary street, side street, or alley but must abut a permanent access easement that meets the requirements of Article 6. Subdivision. **A permanent access easement through abutting zoning lots is permitted when the easement meets the requirements of Article 6. Subdivision.**

Analysis:

The current wording of this section does not clearly articulate access easements for sublots may be provided on adjacent zoning lots. The proposed amendment provides clarity for property owners and developers regarding the allowances for subplot creation.

Proposed Amendment

Active Depth

Section 34-2.10.10.B.2.b, 34-2.10.10.B.2.d, and 34-7.2

Page: 2-133 and 7-11

Amendment Log B.16

Section 34-2.10.10.B.2.b

Existing Language:

On primary streets, the active depth applies to all stories.

Proposed Language:

On primary streets, the active depth applies to **the first two stories.**

Section 34-2.10.10.B.2.d

Existing Language:

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.

Proposed Language:

Remove existing language.

~~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.~~

Section 34-7.2

Existing 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.

Proposed Language:

Active space. Any occupiable space designed and intended for human activity such as, working, commerce, sleeping, eating, or cooking as determined by the Administrator. Examples of active space include Residential Uses including Householding Living and Group Living. Vehicle uses related to Residential Uses are not considered active space. Other examples of nonactive space include nonresidential restrooms, closets, storage spaces, utility spaces, and similar spaces not intended for human activity.

Analysis:

These amendments refine how the Development Code regulates active depth and active space by addressing implementation challenges repeatedly encountered during site plan review, applicant consultations, and Planning Commission work sessions. The updates bring greater clarity and

Proposed Amendment Active Depth

flexibility while aligning Code language with the Planning Commission's stated priorities for the 2026 amendment cycle.

First, the revision to Section 34-2.10.10.B.2.b, limiting active depth applicability on Primary Streets to the first two stories, responds to concerns raised by both applicants and commissioners that requiring active depth on every story creates upper-story floorplates that are difficult or impractical to design—particularly in DX districts where the active depth requirement can reach 30 feet. During the July 9th Code Clean-up Subcommittee meeting and July 28th Work Session, commissioners emphasized that upper-story active depth does little to contribute to street activation and often results in unusable or excessively constrained interior spaces. This amendment preserves the pedestrian-oriented purpose of active depth at the street level while reducing unnecessary constraints on higher floors.

Second, with the update to the Active Space definition to clearly include residential units, section 34-2.10.10.B.2.d is redundant and can be removed. By removing this code section, the code will remain consistent and less prone to future consistence issues.

Finally, the amendment to Section 34-7.2 (Active Space definition) makes the most substantive change in this set by:

1. Removing “halls” from the list of excluded non-active spaces, consistent with PC feedback that hallways can serve important transitional or human-use functions and should not be categorically excluded.
2. Adding explicit examples of active space, including “Residential Uses including Householding Living and Group Living,” which clarifies that standard residential interior living areas meet the definition of active space.
3. Clarifying that vehicle-related areas associated with Residential Uses are not active space, ensuring garages and similar areas remain outside the definition without relying on a separate exception section.

These refinements directly respond to concerns raised in multiple subcommittee meetings that the previous phrasing of “hall” and other excluded spaces was creating confusion when applying active depth to multifamily layouts, especially where circulation spaces could qualify as active space depending on context. Incorporating examples strengthens administrative clarity and helps applicants more easily understand how their interior programming interacts with active depth requirements.

Together, these amendments improve predictability for applicants, clarify ambiguities uncovered during real-world code application, and refine the active depth and active space standards to better match the Planning Commission's policy direction. By focusing active depth on the building's street-facing lower stories, refining the single-unit exemption, and updating the definition of active space, these changes produce a more functional and context-appropriate regulatory framework—one that supports the city's goals for activated streetscapes while ensuring practical feasibility for residential and mixed-use development.

Proposed Amendment Nonconforming Buildings and Structures

Section 34-5.3.3.

Page: 5-62 to 5-66

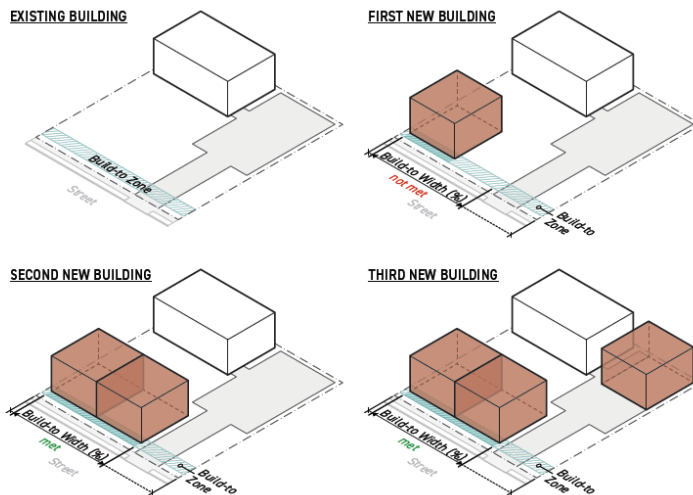
Amendment Log B.17

Section 34-5.3.3.C.1

Existing Language:

New Primary Buildings on an Interior Lot

All new primary buildings 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.



Proposed Language:

New Primary Buildings on an Interior Lot

New primary buildings and structures on interior lots are permitted as follows:

- Rear Yard:** New primary buildings and structures are permitted in the rear yard of the existing nonconforming primary building. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.
- Side Yard:** New primary buildings and structures are permitted in the side yard of the existing nonconforming primary building. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.
- Side Street Yard:** See New Primary Building on a Corner Lot.
- Front Yard:** All new front yard primary buildings must occupy the build-to zone until the build-to width requirement has been met. Once the build-to requirements have been met, a new front yard will be established based on the additional buildings. Prior to the build-to width requirements being satisfied, the front yard will remain all portions of the lot between the primary street lot line and the initial existing nonconforming building. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.

Proposed Amendment Nonconforming Buildings and Structures

Graphics to be removed.

Section 34-5.3.3.C.2.b

Additions on an Interior Lot

Existing Language:

- b. 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.

Proposed Language:

- b. Side additions of any size allowed. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.

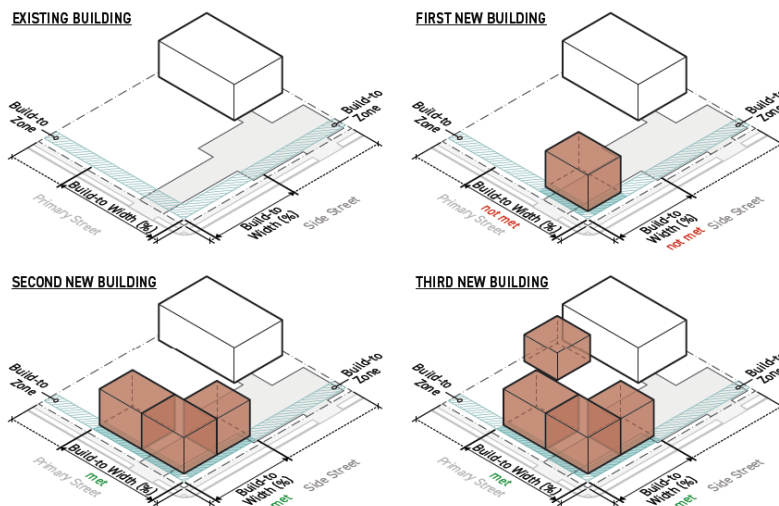
Graphics to be removed.

Section 34-5.3.3.C.3

New Primary Buildings on a Corner Lot

Existing Language:

- 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.



Proposed Language:

New Primary Buildings on a Corner Lot

New primary buildings and structures on a corner lots are permitted as follows:

Proposed Amendment Nonconforming Buildings and Structures

- a. Rear Yard: New primary buildings and structures are permitted in the rear yard of the existing nonconforming primary building. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.
- b. Side Yard: New primary buildings and structures are permitted in the side yard of the existing nonconforming primary building. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.
- c. Side Street Yard: All new side street yard primary buildings must occupy the build-to zone until the build-to width requirement has been met. Once the build-to requirements have been met, a new side street yard will be established based on the additional buildings. Prior to the build-to width requirements being satisfied, the side street yard will remain all portions of the lot between the side street lot line and the initial existing nonconforming building. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.
- d. Front Yard: All new front yard primary buildings must occupy the build-to zone until the build-to width requirement has been met. Once the build-to requirements have been met, a new front yard will be established based on the additional buildings. Prior to the build-to width requirements being satisfied, the front yard will remain all portions of the lot between the primary street lot line and the initial existing nonconforming building. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.

Graphics to be removed.

Section 34-5.3.3.C.4.b

Additions to Primary Buildings on a Corner Lot

Existing Language:

- 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.

Proposed Language:

- b. Side additions of any size allowed. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.

Graphics to be removed.

Section 34-5.3.3.C.4.c

Additions to Primary Buildings on a Corner Lot

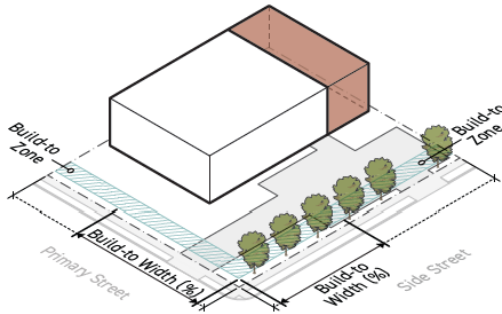
Existing Language:

- c. Rear additions of any size, located behind the build-to zone, are allowed provided:

Proposed Amendment

Nonconforming Buildings and Structures

- 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.



- 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:

- c. Rear additions of any size allowed. Transition setbacks may apply, see Div. 4.7 Transitions and Screening.

Graphics to be removed.

Analysis:

The proposed amendments to Section 34-5.3.3 of the Development Code respond to specific concerns raised by the Planning Commission regarding how the existing build-to requirements affect infill development, density goals, and the clarity of the nonconforming building provisions. Under current language, new primary buildings on interior and corner lots must first satisfy build-to width requirements before they may be constructed outside the build-to zone. While this requirement is intended to reinforce street-related urban form, the Planning Commission views it as unintentionally restrictive—particularly on lots containing nonconforming primary buildings where the City seeks to encourage additional units and site efficiency.

A significant source of confusion has been the distinction between rear additions to an existing nonconforming primary building—which are allowed without meeting build-to-width—and new primary buildings placed behind the existing structure, which are treated

Proposed Amendment

Nonconforming Buildings and Structures

differently. Several Commissioners have expressed that the Code creates a counterproductive incentive: an applicant may construct a large rear addition by-right, but if they instead choose a more flexible site layout that separates that volume into an additional building, the Code forces them to meet build-to requirements before doing so. This distinction, while technically consistent with the structure of the Code, is not intuitive and has been interpreted as contradictory to overall density and housing production objectives.

These amendments clarify and expand where new primary buildings and structures may be located on both interior and corner lots. By explicitly permitting new buildings in rear, side, and (for corner lots) side-street yards of an existing nonconforming building—subject only to transition setback requirements—the revisions provide a more intuitive and permissive framework for infill development. This supports the City’s goals by allowing additional units or structures without forcing every project to front-load density at the street edge before any other development can occur.

A key improvement in the proposed language is the clarification of yard establishment. Under the amendments, the front yard and street-facing yard remain unchanged until the build-to width requirement is fully met. No new front or side-street yard is established until compliance occurs. This prevents partial build-to situations—such as only half the frontage being built out—from inadvertently creating a new yard condition that could enable undesirable site layouts, including the possibility of placing parking or vehicular areas in locations the City intends to reserve for building frontage and pedestrian-oriented form. Maintaining the original yard definitions until full build-to compliance ensures consistency and protects the integrity of the street environment.

The amendments also remove percentage-based limits on side additions and eliminate graphics that attempted to illustrate placement and build-to rules. With clearer, more direct text, these graphics are no longer necessary and often caused interpretive confusion. Their removal streamlines the code and improves usability for applicants, staff, and the Planning Commission.

Overall, these revisions make Section 5.3.3 more permissive, clearer, and better aligned with the City’s density, housing production, and urban design objectives. By resolving ambiguities, supporting more flexible infill options, and ensuring yard conditions remain appropriately regulated until build-to requirements are met, the amendments strengthen the Development Code and reflect the Planning Commission’s policy direction.

Tier 2 Amendment

Section 34-4.12.3.D

Page: 4-105

Working Document reference: B.19

Existing language:

D. Flood Lights and Flood Lamps

All flood lighting must be activated only by motion-sensors, and must be on a timer limiting the illumination to a maximum of 15 minutes at a time.

Proposed language:

All flood lighting, **except athletic field lighting in the Civic (CV) and Campus (CM) districts,** must be activated only by motion-sensors, and must be on a timer limiting the illumination to a maximum of 15 minutes at a time.

Analysis:

Current timer provisions for flood lights do not in practice allow for athletic field lighting. Adding an exemption to field lighting in the CV and CM districts would permit athletic field lights within City parks, school grounds and the University of Virginia. These lights would still have to comply with mounting and shielding requirements, as well as color temperature and light trespass requirements which apply to all outdoor light fixtures.

Proposed Amendment Average Grade Clarification

Section 34-2.10.1.G

Page: 2-102

Amendment Log B.20

Section 34-2.10.1.G

Existing Language:

2. Full Building Method

For the full building method, a average grade is calculated by averaging the highest and lowest elevation of existing grade within 5 feet of the building perimeter.

3. Building Module Method

For the building module method, average grade is calculated independent for each building module by averaging the highest and lowest elevation of existing grade within 5 feet of the perimeter of each building module.

Proposed Language:

2. Full Building Method

For the full building method, ~~a~~ average grade is calculated by averaging the highest and lowest elevation of ~~existing~~ finished grade within 5 feet of the building perimeter.

3. Building Module Method

For the building module method, average grade is calculated independent for each building module by averaging the highest and lowest elevation of ~~existing~~ finished grade within 5 feet of the perimeter of each building module.

Analysis:

Per Section 34-7.2, the existing grade is the grade prior to any site modification.

Requirements such as building height per Section 34-2.10.9.A.4.b are measured from the average grade. Basing the average grade on existing grade requires a building's height to be measured from a grade which no longer exists due to site modification as a part of the project and creates an inconsistent pattern of development.