

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** ~~developmer~~ 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 sublot 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 sublot 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 sublot 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

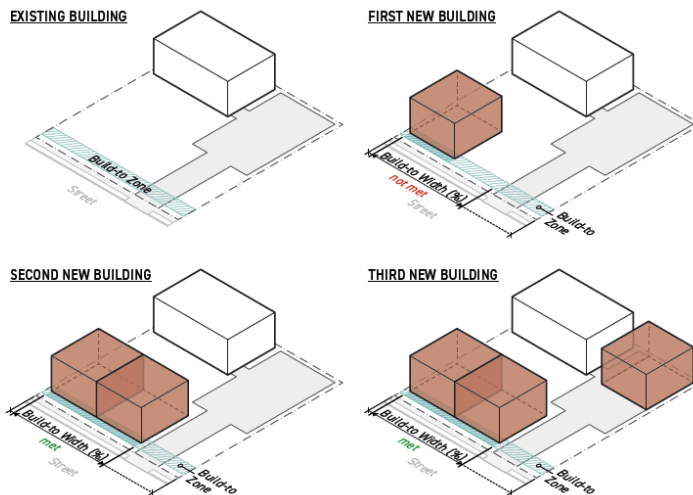
Amendment Log B.17

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.

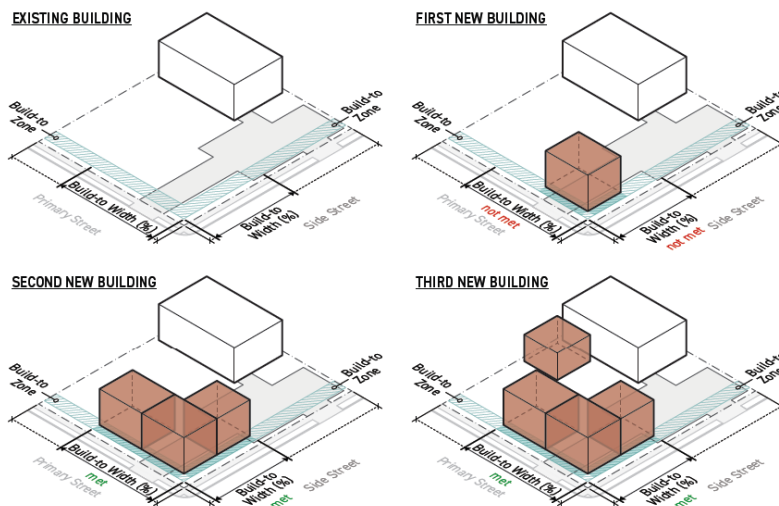
Graphics to be removed.

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

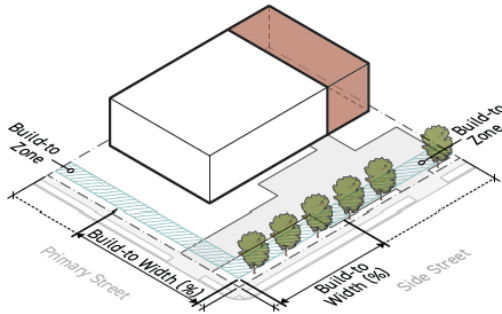
Additions to Primary Buildings on a Corner Lot

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.